U. S. Congress.

UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 76th CONGRESS
THIRD SESSION

## VOLUME 86—PART 10

AUGUST 19, 1940, TO SEPTEMBER 6, 1940

(PAGES 10463 TO 11692)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1941

DEPOSITED BY THE
UNITED STATES OF AMERICA

MAY 15 '41

UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 76th CONGRESS, THIRD SESSION

## SENATE

### MONDAY, AUGUST 19, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., at the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Lord, our Heavenly Father, almighty and everlasting God, who hast safely brought us to the beginning of this day: Defend us in the same with Thy mighty power; and grant that this day we fall into no sin, neither run into any kind of danger; but that all our doings, being ordered by Thy governance, may be righteous in Thy sight. Through Jesus Christ our Lord. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, August 15, 1940, was dispensed with and the Journal was approved.

#### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Donahey | Johnson, Colo. | Russell |
| Andrews | Downey | King | Schwartz |
| Ashurst | Ellender | Lee | Schwellenbach |
| Austin | Frazier | Lodge | Sheppard |
| Barbour | George | Lundeen | Smathers |
| Barkley | Gerry | McCarran | Stewart |
| Bone | Gibson | McKellar | Taft |
| Bridges | Gillette | McNary | Thomas, Idaho |
| Bulow | Glass | Maloney | Thomas, Okla. |
| Burke | Green | Mead | Thomas, Utah |
| Byrd | Guffey | Miller | Townsend |
| Byrnes | Gurney | Minton | Truman |
| Capper | Hale | Murray | Tydings |
| Caraway | Harrison | Neely | Vandenberg |
| Chandler | Hatch | Norris | Van Nuys |
| Chavez | Hayden | Nye | Wagner |
| Clark, Idaho | Herring | Pepper | Walsh |
| Clark, Mo. | Hill | Pittman | Wheeler |
| Connally | Holt | Radcliffe | White |
| Danaher | Hughes | Reed | Wiley |
| Davis | Johnson, Calif. | Reynolds | |

Mr. MINTON. I announce that the Senator from Louisiana [Mr. OVERTON] is absent because of illness.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard and is therefore necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on official business.

The PRESIDENT pro tempore. Eighty-three Senators have answered to their names. A quorum is present.

#### MESSAGE FROM THE HOUSE DURING RECESS

Under authority of the order of the 15th instant,

A message from the House of Representatives was received by the Secretary of the Senate on July 16, 1940, announcing that the House had passed the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, with amendments, in which it requested the concurrence of the Senate.

#### REPORT OF A COMMITTEE DURING RECESS

Under authority of the order of the 15th instant,

Mr. GREEN, from the Committee on Foreign Relations, to which was referred the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, reported it with amendments and submitted a report (No. 2012) thereon.

#### REPORT ON ANDERSON RANCH RESERVOIR, BOISE PROJECT, IDAHO

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a report on the Anderson Ranch Reservoir, Boise project, Idaho, including the findings and authorization contemplated in section 9 of the Reclamation Project Act of 1939, which, with the accompanying report, was referred to the Committee on Irrigation and Reclamation.

#### ACTIVE SERVICE FOR THE NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

Mr. SHEPPARD. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SHEPPARD, Mr. REYNOLDS, Mr. THOMAS of Utah, Mr. MINTON, Mr. AUSTIN, Mr. BRIDGES, and Mr. GURNEY conferees on the part of the Senate.

#### PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of the American Legion, of Kings County, N. Y.,

favoring the establishment of a drydock within the Borough of Brooklyn, N. Y., sufficiently large to maintain battleships of 45,000 tons as well as large merchant vessels, which was referred to the Committee on Commerce.

He also laid before the Senate a resolution of the Ohio District Convention of the American Lutheran Church assembled at Marysville, Ohio, calling upon the Government to do all within its power to keep the Nation out of the European conflict, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of the Hawaii Equal Rights Commission, Honolulu, T. H., requesting that there be deleted from House bill 9654, to extend for an additional year the provisions of the Sugar Act of 1937, that portion of the so-called McCormack amendment placing a limitation of 29,616 short tons, raw value, on the amount of direct consumption of sugar from Hawaii, which was referred to the Committee on Finance.

He also laid before the Senate telegrams in the nature of petitions from William B. Nichols, of New York City, and George Debevoise, of Brooklyn, N. Y., praying that the United States promptly make available to Great Britain a number of outmoded or surplus American destroyers, which were referred to the Committee on Naval Affairs.

He also laid before the Senate a telegram in the nature of a memorial numerously signed by sundry citizens of Oakland, Calif., and vicinity, remonstrating against the enactment in peacetime of compulsory military training legislation, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from Virginia Updegraff Tonieth, of New York City, praying for the prompt enactment of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which was ordered to lie on the table.

Mr. HOLT presented a memorial of 293 citizens of Elgin, Ill., remonstrating against the enactment in peacetime of any form of compulsory military training legislation, which was ordered to lie on the table.

Mr. VANDENBERG presented petitions signed by 1,711 citizens of the State of Michigan, praying for peace, social security, and employment, and remonstrating against participation in war and the extension of credits to foreign nations at war, which were referred to the Committee on Foreign Relations.

Mr. WALSH presented petitions of sundry citizens of the State of Massachusetts, praying for the prompt enactment of legislation to transport refugee children from Great Britain in American ships, which were ordered to lie on the table.

He also presented a resolution of the nineteenth annual convention of Disabled American Veterans of the World War, held at Boston, Mass., favoring the enactment of legislation to exempt all aliens who served honorably in the World War from being registered and fingerprinted under the Alien Registration Act of 1940, which was referred to the Committee on Immigration.

Mr. BARKLEY. Mr. President, I ask consent to present a petition signed by some 5,000 or more citizens of the State of Kentucky, urging that the destroyers to assist Great Britain, about which there has been so much comment, be provided, or be sold, or loaned, or in some other manner be furnished to Great Britain. I do not ask that the petition be printed in the RECORD, but I request that it be filed and referred to the appropriate committee.

There being no objection, the petition was received and referred to the Committee on Naval Affairs.

POLICY OF JOHNS-MANVILLE CORPORATION IN THE WORLD CRISIS

Mr. BRIDGES. Mr. President, I have in my possession a letter written to employees of the Johns-Manville organization by Lewis H. Brown, president of that corporation. It is worthy of consideration as a fine definition of policy by a large corporation. I ask that the letter may be printed in the RECORD and lie on the table.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

AUGUST 15, 1940.

*To All Members of the Johns-Manville Organization:*

With war sweeping over our world and with warnings of danger to our Nation ringing in our ears, it is natural that most of us should be wondering what the policies of our company are regarding the present emergency. I am writing to you to express as clearly as I can the position of Johns-Manville in this world crisis.

The United States is not at war and we hope that it will never be at war; yet, as a land of freedom, in which the people possess more liberty and a higher standard of living than in any other country in the world, we are in danger. The end that has come to men, women, and children in all walks of life in so many countries that have been unprepared to defend themselves has proved that no free land today can be safe unless it can adequately defend itself.

America has determined to prepare itself and to bring about a national unity which can and will protect us from all danger. With this decision we agree, and Johns-Manville as an organization is at the service of its country.

Johns-Manville is not classed as part of a war industry. We do not manufacture munitions; yet, as a leading supplier of products to all of the industries that do make war materials, Johns-Manville is an essential industry in this Nation's first line of defense, and when the country calls upon us to do our duty we shall not fail.

To fulfill our duty in the present emergency, Johns-Manville has adopted definite policies:

1. It is Johns-Manville's policy to give preference to American citizens in the selection of new employees for employment in the United States, and to encourage and actively assist any alien employees already in our service to become American citizens.

2. It is Johns-Manville's policy to support national defense by full cooperation with the Army and Navy in the training of Reserve or inactive military or naval personnel.

(a) If an employee is called under the proposed Selective Service Act or under the National Guard training bill to serve his country for 1 year of training, it will be Johns-Manville's policy to reemploy such employee, without loss of continuity of service or other service benefits, at the time of his return from this training. During this peacetime training period Johns-Manville will keep up premium payments on such group life and group health and accident insurance as the employee may be carrying at the time he is called to service. We will do our best to return such employees to their same jobs at the same rate of pay, but because of our inability to predict the future state of our business we cannot make a definite promise in this regard.

(b) All Johns-Manville employees who are in the National Guard or in the Military or Naval Reserves have been encouraged to answer calls to temporary active duty in the regular summer training camps during their vacation periods. It is Johns-Manville's policy to see that employees taking this normal 2 to 3 weeks' training suffer no loss of pay. In these cases the company makes up the difference in pay between that received by the employee from the military or naval organization and the regular pay of the employee for a period not to exceed 3 weeks. This policy will not apply to those called for longer training such as that planned under the proposed National Guard bill or the Selective Service Act. The company will ask for and expect to obtain the full cooperation of all other employees in carrying on insofar as possible the duties of those temporarily absent on military service.

3. It is Johns-Manville's policy to assist the country in obtaining skilled labor by lending Johns-Manville supervisors for vocational training where their services as instructors may be required. At the same time Johns-Manville will encourage Johns-Manville employees to take training to become skilled workers.

4. It is Johns-Manville's policy to guard against damage to buildings and equipment or injury to employees by agents or sympathizers of governments seeking this country's downfall. Accordingly Johns-Manville closely supervises its watchmen and their facilities and takes all necessary precautions against the possibilities of sabotage.

Johns-Manville men and women have always been loyal and I know that all of us can be counted upon to do whatever task the Nation calls on us to perform. Being a typical American industry, our jobholders are from all races and creeds, but we are all Americans first.

We hear a lot these days about the "fifth column." In this connection I have but one thing to say. No so-called "fifth column" activities will be tolerated among Johns-Manville jobholders. We know Johns-Manville men and women to be loyal Americans; yet these are days when any case of disloyalty can cause great trouble, and, in view of this fact, Johns-Manville has already taken some steps to insure that no "fifth column" activities shall in any way interfere with our company's service to the Nation. We will ask all employees to cooperate in such systems of personal identification as may be required to help prevent "fifth columnists" from entering our plants and offices, as well as those of our customers.

We all have, as free Americans, our right to our own ideas and it is important that this right be preserved. But since the dictator nations are threatening the very freedom of speech and the rights of the individual which our democracy stands for, it is important that, while still maintaining the essentials of democracy, we demonstrate, by actions no dictator can overlook, that our democracy is not only a land of freedom but it is also unified and effective.

Those who do not care about seeing freedom preserved and who through loose conversation express a willingness for democracy to be put aside for some other system of government are not loyal. Johns-Manville is going to maintain an organization that is loyal to the United States of America.

In the final analysis, we must remember that, no matter whence our forefathers came, it is the American way to assume that any American is a good American—until he, himself, proves that he is not.

This is no time for hysteria. It is the time for calm deliberation to be ready for any and every call to duty which our Nation may issue. By unity of action and the complete cooperation of Government, industry, labor, agriculture, and finance, I have no doubt but that America can and will build a defense and national strength which no country in this world would dare to defy.

Sincerely yours,

LEWIS H. BROWN, *President.*

## REPORTS OF COMMITTEES

Mr. GIBSON, from the Committee on Claims, to which was referred the bill, S. 3729, for the relief of Hjalmar M. Seby, reported it with amendments and submitted a report (No. 2013) thereon.

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, 10 lists of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

## SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS—REPORT OF THE COMMITTEE ON APPROPRIATIONS

Mr. McKELLAR. From the Committee on Appropriations. I ask consent to report back with amendments the bill, H. R. 10263, making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, and I also submit a report (No. 2014) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

Mr. McKELLAR. I ask that the bill and the report be printed in the RECORD at this point as part of my remarks.

There being no objection, the bill and the report were ordered to be printed in the RECORD, as follows:

[Omit the part in brackets and insert the part printed in italic]

An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes

*Be it enacted, etc.,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

### TITLE I—WAR DEPARTMENT—MILITARY ACTIVITIES

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental, and in addition, to the appropriations under the same heads in the Military Appropriation Act, for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, and including under each appropriation the employment of persons and the procurement of supplies and services, printing and binding, and communication service, at the seat of government and elsewhere (the amount for personal services at the seat of government, other than for field-service employees, shall not exceed [for any bureau or office more than 10 percent of the amount heretofore appropriated therefor for personal services for the fiscal year 1941] *one-fourth of 1 percent of the total amount of cash appropriated for the Army by this Act*), as follows:

#### QUARTERMASTER CORPS

Regular supplies of the Army: For regular supplies of the Army, $4,685,122, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $3,280,000, for the purposes for which this appropriation is available.

Clothing and equipage, Army: For clothing and equipage, Army, $150,064,813, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $50,700,000, for the purposes for which this appropriation is available.

Army transportation: For Army transportation, $87,500,610, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles; or purchase or construction, alteration, operation, and repair of boats; and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $7,150,000, for the purposes for which this appropriation is available.

Horses, draft and pack animals, $241,000.

#### MILITARY POSTS

Construction of buildings, utilities, and appurtenances at military posts: For construction and installation of buildings, flying fields, and appurtenances thereto, [$70,001,915] *$73,001,915,* and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of [$12,000,000] *$14,000,000,* for the purposes for which this appropriation is available: *Provided, That of the foregoing cash appropriation and contract authorization $3,000,000 in cash and $2,000,000 in contract authorization shall be available for storage for aviation gasoline at various locations: Provided further,* That all construction for the Military Establishment which has been authorized, or may be authorized prior to July 1, 1942, may be prosecuted [with the approval by the Attorney General prior to his approval] *prior to the approval by the Attorney General* of title to the lands upon which such construction is to be placed, to such extent as may be deemed necessary or advantageous by the Secretary of War.

Acquisition of land: For the acquisition of land for military purposes, $7,600,885.

#### SIGNAL CORPS

Signal Service of the Army: For Signal Service of the Army, $60,646,752, and, in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $45,600,000, for the purposes for which this appropriation is available.

#### AIR CORPS

Air Corps Army: For Air Corps, Army, $520,802,304, and, in addition, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $1,002,600,000, for the purposes for which this appropriation is available.

#### MEDICAL DEPARTMENT

Medical and Hospital Department, Army: for Medical and Hospital Department, Army, $11,701,039, and, in addition, the Surgeon General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $3,900,000, for the purposes for which this appropriation is available.

#### CORPS OF ENGINEERS

Engineer Service, Army: For Engineer Service, Army, $17,796,200, and, in addition, the Chief of Engineers, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $24,500,000, for the purposes for which this appropriation is available.

#### ORDNANCE DEPARTMENT

Ordnance service and supplies, Army: For ordnance service and supplies, Army, $540,162,645, and, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $902,000,000, for the purposes for which this appropriation is available.

#### CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army: For Chemical Warfare Service, Army, $12,028,641, and, in addition, the Chief of Chemical Warfare Service, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $15,400,000, for the purposes for which this appropriation is available.

#### SEACOAST DEFENSES

Seacoast defenses, general, $16,533,491, of which $8,312,154 shall remain available until expended; and in addition, when authorized by the Secretary of War, contracts may be entered into prior to July 1, 1941, for the purposes authorized by this appropriation to an amount not in excess of $20,100,000.

#### EXPEDITING PRODUCTION

To enable the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, and without reference to section 3709, Revised Statutes, to expedite the production of equipment and supplies for the Army for emergency national-defense purposes, including all of the objects and purposes specified under each of the appropriations available to the War Department during the fiscal year 1941, for procurement or production of equipment or supplies, for erection of structures, or for acquisition of land; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel in connection with the production of equipment and material and the use and operation thereof; and for any other purposes which in the discretion of the Secretary of War are desirable in expediting production for military purposes and are recommended by the Advisory Commission of the Council of National Defense, and approved by the President, to be immediately available, $162,500,000, and, in addition, the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding $162,500,000: *Provided,* That an account shall be kept of all expenditures made or authorized hereunder and a report thereon shall be submitted to Congress on or before July 1, 1941: *Provided further,* That expenditures from funds appropriated under this head for the fiscal year 1941 shall not be subject to the provisions of section 1136, Revised Statutes, as amended (10 U. S. C. 1339).

CONTINGENT EXPENSES, WAR DEPARTMENT

Section 3709, Revised Statutes, shall not apply to any procurement under the appropriation "Contingent expenses, War Department, 1941", which does not exceed $100 in amount.

SEC. 101. This title may be cited as "Title III, Military Appropriation Act, 1941."

TITLE II—NAVY DEPARTMENT

For additional amounts for appropriations for the Navy Department and the naval service, fiscal year 1941, to be supplemental, and, in addition, to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except the limitations suspended by act approved June 28, 1940 (Public, No. 671, 76th Cong.), and except as otherwise provided herein, as follows:

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Miscellaneous expenses, [$50,000] *$136,000, including not to exceed $11,700 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), and not to exceed $2,167 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams.*

BUREAU OF NAVIGATION

Naval Reserve, including training for Reserve midshipmen, to be expended without regard to the limitations specified under this head in the Naval Appropriation Act for the fiscal year 1941, [$3,189,780] *$3,689,780.*

BUREAU OF SHIPS

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the act approved June 20, 1940 (Public, No. 644, 76th Cong.), $35,000,000, and, in addition, the Secretary of the Navy may enter into contracts prior to July 1, 1941, to an amount not in excess of $26,230,000, for the purposes for which this appropriation is available.

BUREAU OF ORDNANCE

Ordnance and ordnance stores, Navy, [$60,,293,000] *$67,293,000, and in addition, the Secretary of the Navy is authorized, prior to July 1, 1941, to enter into contracts to an amount not in excess of $15,000,000 for the purposes for which this appropriation is available.*

BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance, Bureau of Supplies and Accounts, $500,000.

*Bureau of Medicine and Surgery*

*Medical Department, $1,350,000.*

BUREAU OF YARDS AND DOCKS

*Maintenance, Bureau of Yards and Docks*

*For maintenance, Bureau of Yards and Docks, including the purchase of 12 motor busses at a cost not to exceed $4,500 each, $2,000,000: Provided, That the limitation fixed in the Naval Appropriation Act for the fiscal year 1941, approved June 11, 1940, for expenditures for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, etc., is increased during the fiscal year 1941 from $100,000 to $110,000.*

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Toward the following public-works and public-utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, [$37,750,000] *$48,315,000*, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Navy Yard, Boston, Mass.: Light shop activities building and accessories, $750,000; improvement of power plant, $174,000; improvement of distributing systems, $565,000.

Navy Yard, Charleston, S. C.: Outside power connection to public-utility company, $50,000; services to fitting-out pier, $35,000; *miscellaneous shipbuilding facilities, $465,000.*

Navy Yard, Mare Island, Calif.: Galvanizing shop building and accessories, $150,000; additional fitting-out crane on quay-wall, $150,000.

Navy Yard, New York, N. Y.: Weight-handling and transportation equipment, $200,000; improvement of power plant, $190,000; improvement of services to shipbuilding area, $450,000; boiler and compressor building and accessories, $100,000.

Navy Yard, Norfolk, Va.: Improvement of power plant, $430,000; improvement of distributing systems, $515,000.

Navy Yard, Pearl Harbor, T. H.: Completion of 25-ton floating derrick, YD69, $150,000; improvement and rearrangement of shop buildings, $200,000; extension of administration building and accessories, $270,000; 15- and 25-ton traveling cranes for repair basin, $200,000; automatic telephone system, $50,000; fire engine, $10,000; fleet landings and accessories, $55,000.

Navy Yard, Philadelphia, Pa.: Extension of structural assembly shop and accessories, $385,000; outside power connection to public-utility company, $50,000; lighting boundary fence, $60,000.

Navy Yard, Portsmouth, N. H.: Extension of fitting-out berth, $275,000; outside power connection to public-utility company, $50,000.

Navy Yard, Puget Sound, Wash.: Extension of shipfitters' shop, assembly bay, and accessories, $450,000; connecting tunnel, drydock No. 3 to drydock No. 1 pumphouse, $100,000; outside power connection to public-utility company, $35,000; completion of electric system on pier No. 6, $150,000; improvement of electric system on pier No. 4, $90,000; improvement of central power plant, $300,000.

Navy Yard, Washington, D. C.: Weight-handling and transportation equipment, $75,000; replacement of fire-alarm system, $40,000; extension of gun-assembly shop building, $700,000; extension of optical-shop building, $300,000; improvement of electric system, $200,000; improvement of electric-generating facilities, $250,000; extension of proof-shop building, $300,000.

Navy Yard, Washington (Alexandria, Va.), D. C.: Extension of torpedo-shop building, $145,000.

*Naval Academy, Annapolis, Md.: Additional facilities, $1,985,000.*

Naval station, Guam: Quarters and accessories and services for officers, $277,000.

Naval station, Key West, Fla.: Rehabilitation of submarine-base facilities and construction of marine railway, $1,250,000.

Naval station, Guantanamo, Cuba: Extension of medical storehouse and dispensary, $15,000.

Naval station, Tutuila, Samoa: Dispensary building and accessories, $180,000.

Fleet-operating base, Guantanamo, Cuba: Dredging and moorings, $2,000,000; shore facilities, including berthing, fleet landings, recreation facilities, power and service lines, $3,000,000.

Naval operating base, Norfolk, Va.: Storage for experimental-type boats and landing gear, $400,000; medical-supply storehouse and accessories, $275,000.

Submarine base, Charlotte Amalie, V. I.: Diesel-oil storage, $30,000; administration building and accessories, $60,000; bachelor officers' quarters and accessories, $75,000; dispensary building and accessories, $50,000; storehouse and accessories, $125,000; extension of tender pier, $60,000; bulkhead and piers, $200,000; miscellaneous small buildings and accessories, $71,000.

Submarine base, Norfolk, Va.: Replacement of finger piers, $300,000; rehabilitation of north breakwater, $135,000; dredging, $150,000; battery charging and electric service, $100,000; storage buildings and accessories, $65,000.

Submarine base, Pearl Harbor, T. H.: Addition to battery overhaul building, $45,000; addition to utility shop building, $55,000; extension of quay wall, $560,000; individual storehouse and accessories, $30,000; improvement of battery charging and electric distribution, $278,000.

Destroyer base, San Diego, Calif.: Brig and marine guard building and accessories, $80,000; barracks and mess hall building and accessories, $450,000; shop buildings, $220,000; cruiser graving drydock and accessories, $3,000,000; improvement of power plant and distributing systems, $130,000; *temporary storehouses, $500,000.*

Naval Observatory, Washington, D. C.: Instrument repair and storage building and accessories, $250,000.

Naval training station, Great Lakes, Ill.: Outside power connection to public-utility company, $25,000 *improvement of power plant, $450,000; improvement of sewage-disposal system, $125,000; and temporary construction and facilities for additional enlisted personnel, $1,750,000.*

*Naval Training Station, Newport, R. I.: Temporary construction and facilities for additional enlisted personnel, $800,000.*

*Naval Training Station, Norfolk, Va.: Temporary construction and facilities for additional enlisted personnel, $1,950,000.*

*Naval Training Station, San Diego, Calif.: Temporary construction and facilities for additional enlisted personnel, $1,250,000.*

Naval ammunition depot, Balboa, C. Z.: Road to ammunition depot, $85,000; quarters and accessories for married enlisted men, $190,000; quarters and accessories for officer, $14,500.

*Naval ammunition depot, Charleston, S. C.: Ammunition storage facilities, $1,500,000.*

Naval ordnance plant, Baldwin, N. Y.: Ammunition loading building, $53,000.

Naval proving ground, Dahlgren, Va.: Extension of garage, $20,000; extension of powerhouse, $75,000; locomotive crane shed, $20,000; small-boat harbor, Piney Point, $25,000; carpenter-shop building, $25,000; transfer tide bridge, $6,000; extension of service lines to hangar, $35,000; barracks building for marine guard, $25,000; quarters and accessories for officers, $75,000; quarters and accessories for married enlisted men, $90,000; purchase of land for spotting ranges, $12,000.

Naval ammunition depot, Fort Mifflin, Pa.: Improvement of fire protection, $36,000; projectile loading plant building, $45,000; extension of electric system, $40,000.

Naval ammunition depot, Hawthorne, Nev.: Mine filling plant buildings, $400,000; loading platform and siding, $150,000; torpedo storehouse and accessories, $90,000; quarters and accessories for officers, $20,000; quarters and accessories for married enlisted men and civilians, $150,000; alterations to quarters buildings, $22,000.

Naval powder factory, Indianhead, Md.: Marine barracks and accessories, $125,000; additional power-plant facilities, $300,000; D loading plant building and equipment, $300,000; quarters and accessories for officers, $30,000.

Naval ammunition depot, Iona Island, N. Y.: Extension of main wharf, $70,000; storage building, $150,000; sewage-disposal system, $34,000; extension of D loading plant, $60,000; outside power connection to public-utilities company, $30,000.

Naval torpedo station, Keyport, Wash.: Auxiliary electric-power facilities, $35,000; maintenance building and accessories, $100,000; extension of torpedo storehouse, $95,000; extension of garage, $25,000; torpedo-shop building and accessories, $275,000; paving and street lighting, $100,000.

Naval ammunition depot, Lake Denmark, N. J.: Equipment-storage building, $15,000; improvement of power plant, $62,000; improvement of steam-distribution system, $15,000.

Naval ammunition depot, Mare Island, Calif.: Mine-handling facilities, including assembly plant, $695,000; guardhouse and barracks, $100,000; pier, $525,000; fencing, $80,000.

Naval torpedo station, Newport, R. I.: Extension of fuze and primer building, $100,000; administration building, $280,000; extension of dispensary building, $20,000; extension of sea wall, $55,000; magazine buildings, $5,000; coal-handling equipment for power plant, $50,000; reconstruction of yardcraft building and improvement of water front, $105,000; alcohol and paint storehouse, $20,000; torpedo assembly plant and accessories, $750,000; *extension of administration building, $200,000; extension of barracks for school for torpedo men, $150,000.*

Naval ammunition depot, Oahu, T. H.: Storehouse for inert materials, $25,000.

Naval ammunition depot, Puget Sound, Wash.: Bag-filling house, $100,000; extension of railroad tracks, $50,000; marine-barracks building and accessories, $120,000; emergency power plant, $50,000; replacement of pier, $200,000; quarters and accessories for officer, $14,500.

Naval ammunition depot, Saint Juliens Creek, Va.: Fireproof ceilings for magazine building, $70,000; powder bag-filling house, $100,000; tracer loading building, $100,000; projectile and case loading facilities, $250,000; explosive-loading plant, $200,000; storage building, $125,000.

Naval mine depot, Yorktown, Va.: Roads and railroad barricades, $125,000; TNT reclamation plant, $100,000; mine-assembly building, $150,000; quarters and accessories for officers, $29,000.

Additional ordnance facilities at naval air stations, $1,697,000.

Naval air station, Alameda, Calif.: Seaplane ramp, $60,000; improvement of, and services for, outlying fields, $150,000.

Naval air station, Anacostia, D. C.: Paint and oil storehouse, $6,000; outside power connection to public-utility company, $10,000.

Naval air station, Cape May, N. J.: Improvement of water front, $350,000.

Naval air station, Coco Solo, C. Z.: Relocation of VJ hangar, building No. 123, $15,000; additional sea wall, filling, and grading, $225,000; seaplane hangar, $450,000; additional paving and services around hangar, $160,000; additional gasoline storage, $260,000; aircraft storehouse, $285,000; extension of railroad tracks, $75,000; barracks and messhall building, $900,000; aircraft operations building, $125,000; garage, $60,000; additional gasoline storage, $620,000.

Marine aviation facilities, Charlotte Amalie, V. I.: Gasoline storage, pump house, and supply lines, $60,000; recreation facilities, including buildings, $15,000; filling lagoon, $120,000; additional housing for naval personnel, $92,000; seaplane hangar, $250,000; bomb sight storehouse and shop building, $5,000.

Naval air station, Guantanamo, Cuba: Torpedo and bomb sight storehouse and shop, $25,000; extension of barracks building, $150,000; landplane hangars, McCalla Hill, $325,000; extension of runways, McCalla Hill, $75,000.

Naval air station, Jacksonville, Fla.: Additional gasoline storage, $260,000.

Naval air station, Kaneohe Bay, T. H.: Grading and surfacing landing mat, $563,000; additional gasoline storage, $1,400,000; purchase of land, $500,000.

Naval air station, Kodiak, Alaska: Seaplane ramp and taxiway, St. Paul Harbor, $250,000; additional gasoline storge, $255,000.

Naval air station, Midway Island: Additional gasoline storage, $100,000; clearing, grading, and surfacing landing field, $300,000.

Naval air station, Pearl Harbor, T. H.: Improvement of landing field, $250,000; connecting pier to mooring F–6, $130,000; extension and improvement of roads, $75,000; aircraft storehouse, $250,000; laundry building and equipment, $75,000; practice-bomb storage, $10,000; first-aid and decontamination station, $15,000; landplane hangars, $500,000; warming-up platform and parking area, $340,000; seaplane ramps and parking area, $1,054,000; recreation facilities, including buildings, $175,000; fleet-squadrons storehouse, $60,000.

Naval air station, Key West, Fla.: Purchase of land, $125,000.

Naval air station, Norfolk, Va.: Fleet-squadrons storehouse, $75,000; extension and improvement of engine-test building, $135,500.

Naval air station, Pensacola, Fla.: Extension of aircraft storehouse, $150,000; outside power connections to public utility company, $55,000.

Marine Corps Flying Field, Quantico, Va.: Extension of motor-test building, $70,000; extension of flying field northward, $110,000; guardhouse and accessories, $9,000; extension of aircraft storehouse, $175,000; barracks and mess hall, Brown Field, $325,000.

Naval air station, San Juan, Puerto Rico: Additional gasoline storage, $264,000; replacement of quarantine facilities, $375,000.

Naval air station, Seattle, Wash.: Grading and improvement of outlying fields, $150,000; additional gasoline storage, $100,000.

Naval air station, Sitka, Alaska: Extension of seaplane hangar, $500,000.

Reserve aviation base, Squantum, Mass.: Dredging for seaplane approaches, $117,000; dredging ship channel to present 18-foot channel, $94,000.

Naval aircraft factory, Philadelphia, Pa.: Improvement of water front and extension of flying field, $190,000.

Air activities, marine barracks, Parris Island, S. C.: Landplane hangar, $250,000; road from marine barracks to Page Field, $35,000.

Medical supply depot, Brooklyn, N. Y.: Extension of medical-supply storehouse, including purchase of land, $351,000.

Naval hospital, Great Lakes, Ill.: Additional ward buildings, $340,000.

Naval hospital, Guam: Isolation and tuberculosis wards, $75,000.

Naval hospital, Mare Island, Calif.: Administration and subsistence building, $475,000.

Naval hospital, Norfolk, Va.: Additional wards and hospital facilities, $669,000.

Naval hospital, Pearl Harbor, T. H.: Medical-supply storehouse, $275,000.

Naval hospital, Pensacola, Fla.: Additional ward buildings, $350,000; barracks and accessories for corpsmen, $75,000; quarters and accessories for nurses, $75,000.

Naval radio station, Annapolis, Md.: Additional facilities, including buildings, quarters, and services, $140,000.

Naval radio station, Bainbridge Island, Wash.: Radio facilities, including buildings and purchase of land, $75,000.

Naval radio station, Balboa, C. Z.: Radio-receiving station, including buildings and accessories, $650,000.

Naval radio station, Dutch Harbor, Alaska: Additional radio facilities, including buildings and accessories, $30,500.

Naval radio station, Eureka, Calif.: Quarters and accessories, $15,000.

Naval radio-direction-finder station, Folly Island, S. C.: Reconstruction of station at new location, $75,000.

Naval radio station, Gatun, C. Z.: Quarters and accessories, $40,000.

Naval radio station, Jupiter, Fla.: Barracks, compass house, and quarters building, $65,000.

Naval radio station, Point Arguello, Calif.: Quarters and accessories, $6,000; powerhouse, garage, and dormitory building, $27,000.

Naval radio station, Poyners Hill, N. C.: Barracks, compass house, and quarters building and services, $72,000.

Naval direction-finder station, Sandy Hook, N. J.: Radio buildings and facilities and services, $70,000.

Naval radio station, Summit, C. Z.: Quarters and accessories for operators, $72,000; extension of radio facilities, $196,000.

Naval Research Laboratory, Bellevue, D. C.: Extension of chemical laboratory building, $90,000; improvement of water front, $160,000.

Marine barracks, Parris Island, S. C.: Power and ice-plant building and accessories and equipment, $500,000; outside power connection to public-utility company, $10,000; magazines, $10,000; *repairs and replacements to make good storm damage of August 12, 1940, $1,750,000; additional construction for increase in Marine Corps personnel, $2,000,000.*

Marine Corps depot of supplies, Philadelphia, Pa.: Storage buildings and accessories, $1,300,000.

Marine barracks, Quantico, Va.: Barracks for school detachment, $100,000; outside power connection to public-utility company, $35,000; magazines, $10,000.

Marine Corps: Extension of training areas, $2,000,000.

Naval supply depot, Norfolk, Va.: Replacement of pier and accessories, $3,200,000.

Naval supply depot, San Diego, Calif.: Extension of pier and transit shed, $1,700,000.

Naval supply depot, Oakland, Calif.: Medical supply storehouse, $300,000.

Naval fuel depot, Pearl Harbor, T. H.: Additional development of underground fuel storage, $2,500,000.

Facilities for reserve midshipmen at such locations as the Secretary of the Navy, with the approval of the President, may select, [$750,000] *$250,000.*

Tenth naval district: Headquarters facilities, including administration building, quarters for officers and married enlisted men, and barracks building and accessories, $450,000.

Fourteenth naval district: Dredging of channels and harbors, $1,500,000; fleet moorings, $250,000.

Fifteenth naval district: Additional storage facilities, including buildings and accessories, $1,000,000; housing for naval personnel, including buildings and accessories, $1,527,000.

*Receiving barracks for crews of ships going into commission at various locations, $2,200,000.*

*Storage for aviation gasoline at various locations, $2,500,000.*

The provisions of section 4 of the act approved April 25, 1939 (53 Stat. 593–592), shall be applicable to all public-works and public-utilities projects provided in this title, regardless of location: *Provided,* That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above-mentioned act shall not exceed 6 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this act, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

BUREAU OF AERONAUTICS

Aviation, Navy, including plant expansions and facilities in private plants *and outfits for messes of aviation cadets and bachelor officers at air stations,* [$170,000,000] *$180,000,000: Provided,* That in addition to the amount herein appropriated, the Secretary of the Navy may prior to July 1, 1941, enter into contracts for production and purchase of new [airplanes] *aircraft* and equipment, spare parts, and accessories in an amount not

to exceed $375,000,000: *Provided further, That not to exceed $1,000,000 of the total amount herein appropriated and available for contractual obligation may be used for the procurement of nonrigid lighter-than-air craft: Provided further,* That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate $300,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy," and "Pay, Marine Corps," to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy," and "Pay, Marine Corps."

MARINE CORPS

General expenses, Marine Corps, $7,000,000.

ALTERATIONS TO NAVAL VESSELS

Alterations to naval vessels, including the acquisition and conversion of vessels for naval auxiliaries of all kinds, $75,000,000, to remain available until expended: *Provided,* That the Secretary of the Navy is authorized to exceed the statutory limit in conversion of vessels converted with these funds.

REPLACEMENT OF NAVAL VESSELS

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), for the necessary tools, equipment, and facilities in naval establishments or private plants for shipbuilding and for the commencement of 109,300 tons of combatant vessels authorized by the act of March 27, 1934 (48 Stat. 501), eight auxiliary vessels authorized by the act approved May 17, 1938 (52 Stat. 401-403), 75,000 tons of auxiliary vessels authorized by the act approved June 14, 1940 (Public, No. 629, 76th Cong. (H. R. 8026), and 1,325,000 tons of combatant vessels, 100,000 tons of auxiliary vessels and patrol craft, authorized by the act approved July 19, 1940 (Public, No. 757, 76th Cong.), $93,000,000, to remain available until expended.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and machinery," to remain available until expended, $90,000,000, including $68,000,000 for the necessary machine tools, equipment, land, and facilities for existing or additional naval establishments or private plants for the production of armor, armament, and ammunition, and, in addition, the Secretary of the Navy may enter into contracts not to exceed $47,000,000 for the same purposes.

The first paragraph of section 2 (b) and subdivision (1) of such section 2 (b) of the act approved June 28, 1940 (Public, No. 671, 76th Cong.), are hereby amended to read as follows:

"(b) After the date of approval of *the Second Supplemental National Defense Appropriation Act, 1941,* no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

"(1) to pay into the Treasury profit in excess of 8 percent (in lieu of the 10 percent specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;".

The first *and second provisos* in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), *are* hereby repealed.

NAVY DEPARTMENT

Salaries: For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, $20,000.

Office of the Chief of Naval Operations, $20,000.

Office of the Director of Naval Communications, $10,030.

Contingent expenses, $50,000.

Printing and binding, $50,000.

SEC. 201. This title may be cited as "Title IV of the Naval Appropriation Act for the fiscal year 1941."

TITLE III—GENERAL PROVISIONS

SEC. 301. That during the period of the national emergency declared by the President on September 8, 1939, to exist, so much of section 6 of the act approved May 6, 1939 (53 Stat. 683), as amended by section 2 of the act approved June 30, 1939 (53 Stat. 989), as requires the head of each executive department (other than the Post Office Department) to submit to the Postmaster General quarterly reports relating to mail matter which has been transmitted free of postage, is hereby suspended, insofar as the War and Navy Departments are concerned.

SEC. 302. This act may be cited as the "Second Supplemental National Defense Appropriation Act, 1941."

---

Mr. MCKELLAR, from the Committee on Appropriations, submitted the following report to accompany H. R. 10263:

The Committee on Appropriations, to whom was referred the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made.

| | |
|---|---|
| Amount of bill as passed House | $2,234,191,957 |
| Increase by Senate (net) | 34,507,320 |
| Amount of bill as reported to Senate | 2,268,699,277 |

The amount of contract authorizations recommended in addition to the direct appropriations is $2,754,470,000.

The total of obligations, therefore, which the bill will authorize to be entered into during the fiscal year 1941, combining the direct appropriations and contract authorizations, is $5,023,169,277.

The amounts recommended in this bill are based on supplemental estimates submitted to the Congress in House Documents Nos. 875 and 888, and Senate Document No. 267, as follows:

| Department | Cash appropriation | Contractual authority |
|---|---|---|
| War Department: | | |
| H. Doc. 875 | $1,662,265,417 | $2,249,730,000 |
| Navy Department: | | |
| H. Doc. 875 | 499,176,540 | 437,000,000 |
| H. Doc. 888 | 75,750,000 | 46,230,000 |
| S. Doc. 267 | 28,786,000 | 19,075,000 |
| | 2,265,977,957 | 2,752,035,000 |

To date the appropriations and contract authorizations for the War and Navy Departments for the fiscal year 1941 are as follows:

| | Appropriation | Contractual authority |
|---|---|---|
| Army | $2,320,460,369 | $577,406,397 |
| Navy | 1,867,451,208 | 311,755,612 |
| Total | 4,187,911,577 | 889,162,009 |
| | | 4,187,911,577 |
| Total, including contracts | | 5,077,073,586 |

The changes in the amounts of the House bill recommended by the committee are as follows:

INCREASES AND LIMITATIONS

War Department:

Employment of personal services in the District of Columbia:

It is recommended by the committee that the amount available for personal services in the District of Columbia shall not exceed ¼ of 1 percent of the total amount of cash appropriated for the Army by this act in lieu of the provision in the House bill limiting each bureau or office to not more than 10 percent of the amount heretofore appropriated therefor for personal services for the fiscal year 1941.

Quartermaster Corps:

Military posts:

Storage of aviation gasoline ..... $3,000,000

In addition the Secretary of War may enter into contracts in the amount of $2,000,000 for the same purposes.

Total increase ..... 3,000,000

Total, title I—War Department ..... 1,665,265,417

Navy Department:

Office of the Secretary:

Miscellaneous expenses ..... 86,000

Bureau of Navigation:

Naval Reserve ..... 500,000

Bureau of Ordnance:

For ordnance equipment including armor equipment, ammunition, bombs, pyrotechnics, etc., for aircraft ..... 7,000,000

In addition authority is granted to enter into contracts to the amount of $15,000,000 for the same purposes.

Bureau of Medicine and Surgery:

Medical Department ..... 1,350,000

(The estimate for this purpose was $1,450,000. The committee, however, eliminated an item of $100,000 for the maintenance of a 500-bed portable hospital in the Caribbean area.)

INCREASES AND LIMITATIONS—continued

| | |
|---|---|
| Navy Department—Continued. | |
| Bureau of Yards and Docks: | |
| Maintenance | $2,000,000 |
| Public works | 11,065,000 |
| Authority is given to commence construction on the following-named projects: | |
| Navy Yard, Charleston, S. C.: Miscellaneous shipbuilding facilities, $465,000. | |
| Naval Academy, Annapolis, Md.: Additional facilities, $1,985,000. Destroyer base, San Diego, Calif.: Temporary storehouses, $500,000. | |
| Naval training station, Great Lakes Ill.: Improvement of power plant, $450,000; improvement of sewage-disposal system, $125,000; and temporary construction and facilities for additional enlisted personnel, $1,750,000. | |
| Naval training station, Newport, R. I.: Temporary construction and facilities for additional enlisted personnel, $800,000. | |
| Naval training station, Norfolk, Va.: Temporary construction and facilities for additional enlisted personnel, $1,950,000. | |
| Naval training station, San Diego, Calif.: Temporary construction and facilities for additional enlisted personnel, $1,250,000. | |
| Naval ammunition depot, Charleston, S. C.: Ammunition storage facilities, $1,500,000. | |
| Naval torpedo station, Newport, R. I.: Extension of administration building, $200,000; extension of barracks for school for torpedo men, $150,000. | |
| Marine barracks, Parris Island, S. C.: Repairs and replacements to make good storm damage of Aug. 12, 1940, $1,750,000; additional construction for increase in Marine Corps personnel, $2,000,000. | |
| Receiving barracks for crews of ships going into commission at various locations, $2,200,000. | |
| Storage for aviation gasoline at various locations, $2,500,000. | |
| Total, Bureau of Yards and Docks | 13,065,000 |
| Bureau of Aeronautics: | |
| Aviation, Navy | 10,000,000 |
| It is recommended by the committee that not to exceed $1,000,000 of the total amount appropriated and made available for contractual obligation may be used for the procurement of nonrigid lighter-than-air craft. | |
| Navy Department, salaries: | |
| Office of the Secretary, clerical assistance to the Under Secretary | 6,320 |
| Total increase, Navy Department | 32,007,320 |

DECREASE

| | |
|---|---|
| Navy Department: | |
| Bureau of Yards and Docks: | |
| Public works: | |
| Facilities for Reserve midshipmen | 500,000 |
| The item "Naval Reserve," under the Bureau of Navigation has been increased by $500,000 to provide for rental of quarters for Reserve midshipmen making possible a reduction of $500,000 in this item. | |
| Net increase, Navy Department | 31,507,320 |
| Total, Title II—Navy Department | 603,433,860 |
| Increases: | |
| War Department | 3,000,000 |
| Navy Department (net) | 31,507,320 |
| Total increase | 34,507,320 |
| Bill as reported to Senate: | |
| War Department | 1,665,265,417 |
| Navy Department | 603,433,860 |
| Amount of bill as reported to the Senate | 2,268,699,277 |

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY:

S. 4278. A bill for the relief of Stephen C. Maillet; to the Committee on Claims.

By Mr. JOHNSON of Colorado:

S. 4279. A bill to amend the Motor Carrier Act of 1935, designated as part II of the act to regulate commerce, as amended; to the Committee on Interstate Commerce.

By Mr. GUFFEY:

S. 4280. A bill for the relief of Joseph Pasquarello; to the Committee on Military Affairs.

(Mr. HATCH introduced Senate bill 4281, which was referred to the Committee on Privileges and Elections, and appears under a separate heading.)

By Mr. KING:

S. 4282. A bill for the relief of Leo Meyer and his wife, Alize Kaethe Daniel Meyer;

S. 4283. A bill for the relief of Isidor Horoveanu and his wife, Martha Wurmbrand Horoveanu; and

S. 4284. A bill for the relief of Charles Bayor and Wilma Bayor, his wife; to the Committee on Immigration.

By Mr. ELLENDER:

S. J. Res. 290. Joint resolution acquiescing in the interpretation of a donation to the United States of America; to the Committee on Military Affairs.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

Mr. HATCH. Mr. President, I ask unanimous consent to introduce a bill and have it referred to the Committee on Privileges and Elections. I may say that the bill I am introducing contains certain amendments to the Political Activities Act passed at the last session of Congress which has been under discussion in the Senate during the present session.

There being no objection, the bill (S. 4281) to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended by the act approved July 19, 1940, was read twice by its title and referred to the Committee on Privileges and Elections.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. WAGNER submitted several amendments intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS

Mr. MILLER submitted the following notice in writing:

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

At the proper place in the bill insert the following new section:

"SEC. —. The Secretary of War may allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated. Funds thus transferred may be expended in the prosecution of said works, including the acquisition of lands therefor, in the same manner as funds regularly appropriated for maintenance and improvement of rivers and harbors, and the statutory authorities and rules and regulations applicable to the maintenance and improvement of rivers and harbors shall apply likewise to the construction works allocated to the Corps of Engineers pursuant to this section."

Mr. RUSSELL submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, the following amendment, namely:

On page 28, line 21, strike out "repealed" and insert in lieu thereof "amended to read as follows: '*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the

War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms.'"

Mr. RUSSELL also submitted an amendment intended to be proposed by him to House bill 10263, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. McKELLAR submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10263), making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, the following amendments, namely:

On page 4, line 7, insert the following: "*Provided further*, That the Secretary of War may, with respect to contracts for public works for the Military Establishment entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the fiscal year 1941, or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a)."

On page 6, after line 7, insert the following:

"RESERVE OFFICERS' TRAINING CORPS

"Funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be detailed for duty in connection with the Reserve Officers' Training Corps."

On page 7, after line 19, insert the following:

"SEC. 101. The first sentence of the seventh paragraph of section 127a, National Defense Act, as amended by section 20 of the act of June 15, 1933 (48 Stat. 161), is hereby amended to read as follows:

"'In time of war or national emergency determined by the President any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment.'"

On page 7, after line 19, insert the following:

"SEC. 102. The Secretary of War may allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated."

On page 7, after line 19, insert the following:

"SEC. 103. Section 1 (c) of the act of July 2, 1940 (Public, No. 703, 76th Cong.), is amended by deleting therefrom the words 'for supplies or construction,' and the words 'of such supplies or construction.'"

On page 8, line 14, insert the following:

": *Provided*, That the firse proviso under the appropriation 'Miscellaneous expenses, Office of the Secretary,' contained in title I of the act making appropriations for the Navy Department and the naval service for the fiscal year 1941, is hereby repealed."

On page 25, after line 15, insert the following:

"The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects mentioned in this act."

On page 28, after line 21, insert the following:

"There may be detailed to the Bureau of Navigation not to exceed at any one time 25 enlisted men of the Navy in lieu of the 7 enlisted men as authorized by the Naval Appropriation Act for the fiscal year 1941, and to the Bureau of Operations not to exceed at any one time 12 enlisted men of the Navy in addition to those detailed to Naval Communications and the Office of Naval Intelligence."

On page 29, after line 6, insert the following:

"SEC. 201. To the President for allocation to the War Department and the Navy Department for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps for housing persons engaged in national-defense activities under their direction, without regard to section 3709 of the Revised Statutes, in localities where the President determines that there is an acute shortage of housing which impedes the national-defense program and that the necessary housing would not otherwise be provided when needed, $100,000,000, to be immediately and continuously available until expended."

On page 29, after line 19, insert the following:

"SEC. 302. No insurance firm, corporation, or association, or individual insurer, shall be acceptable as an insurer for any contractor or subcontractor performing any contracts for the United States of America, or any department thereof, in connection with the national-defense program, unless such firm, corporation, association, or individual is licensed to do an insurance business in the State or Territory in which the contract is to be performed."

Mr. McKELLAR also submitted sundry amendments intended to be proposed by him to House bill 10263, supra, which were severally ordered to lie on the table and to be printed.

(For text of amendments referred to, see the foregoing notice.)

ACCEPTANCE ADDRESS BY WENDELL L. WILLKIE AND ADDRESSES BY HON. JOSEPH W. MARTIN AND REPRESENTATIVE HALLECK AT ELWOOD, IND.

[Mr. McNARY asked and obtained leave to have printed in the RECORD the speech of acceptance delivered by Wendell L. Willkie, Republican candidate for President, the notification address delivered by Hon. JOSEPH W. MARTIN, of Massachusetts, and the introductory address by Representative HALLECK, of Indiana, at Elwood, Ind., on Saturday, August 17, 1940, which appear in the Appendix.]

RADIO ADDRESS BY SENATOR BRIDGES—PRIVATE VERSUS PUBLIC OWNERSHIP OF ELECTRIC POWER

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD a radio address delivered by him on August 18, 1940, on the program of the American Forum of the Air in a debate on the subject Private Versus Public Ownership of Electric Power, which appears in the Appendix.]

ADDRESS BY SENATOR HILL AT UNVEILING OF BUST OF SENATOR NORRIS AT NORRIS DAM, TENN.

[Mr. HILL asked and obtained leave to have printed in the RECORD an address delivered by him on Labor Day, September 4, 1939, on the occasion of the unveiling of the bust of Senator GEORGE W. NORRIS at Norris Dam, Tenn., under the auspices of the Tennessee Valley Trades and Labor Council, which appears in the Appendix.]

CONSCRIPTION—RADIO ADDRESSES BY SENATOR LUNDEEN

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD two radio addresses delivered by him, one on July 28, 1940, and the other on August 10, 1940, on the subject Conscription, which appear in the Appendix.]

PREPARATION FOR DEFENSE—ADDRESS BY HON. WILLIAM C. BULLITT

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address on the subject Preparation for Defense, delivered by Hon. William C. Bullitt, Ambassador to France, at Philadelphia, Pa., on August 18, which appears in the Appendix.]

EDITORIALS FROM PHILADELPHIA RECORD ON WENDELL L. WILLKIE

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD three editorials from the Philadelphia Record of August 17, 18, and 19, 1940, which appear in the Appendix.]

WILLKIE AND UTILITIES—ARTICLE BY GEORGE SANFORD HOLMES

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD an article by George Sanford Holmes dealing with Mr. Willkie's acceptance speech, published in the Bridgeport (Conn.) Herald of August 18, 1940, which appears in the Appendix.]

ONE THOUSAND NINE HUNDRED THIRTY-SIX ALL OVER AGAIN—EDITORIAL FROM MONTGOMERY ADVERTISER

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial from the Mongomery (Ala.) Advertiser of Sunday, August 18, 1940, entitled "1936 All Over Again," which appears in the Appendix.]

ARTICLE BY RAYMOND CLAPPER ON THE ACCEPTANCE SPEECH OF MR. WILLKIE

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article under the heading "Sincere and Brave Words," by Raymond Clapper, published in the Washington (D. C.) Daily News of today, which appears in the Appendix.]

WENDELL L. WILLKIE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Record of August 19, 1940, entitled "The Man Who Would Be President," which appears in the Appendix.]

ADDRESS BY AMBASSADOR WILLIAM C. BULLITT—EDITORIAL FROM THE PHILADELPHIA RECORD

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Record of August 18 regarding an address by Ambassador Bullitt, which appears in the Appendix.]

ASSAYING THE NEW DEAL—EDITORIAL FROM WASHINGTON DAILY NEWS

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial under the heading "Assaying the New Deal," published in the Washington Daily News of August 19, 1940, which appears in the Appendix.]

CONSCRIPT ARMIES—STATEMENT BY FORMER REPRESENTATIVE PETTENGILL

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a statement by former Representative Samuel B. Pettengill, of Indiana, entitled "Conscript Armies," which appears in the Appendix.]

MEDDLESOME MATTIE—STATEMENT BY FORMER REPRESENTATIVE PETTENGILL

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a statement by former Representative Samuel B. Pettengill, of Indiana, entitled "Meddlesome Mattie—Chapter 2," which appears in the Appendix.]

EDITORIAL FROM WASHINGTON POST ON EXPORT-IMPORT BANK LEGISLATION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a recent editorial from the Washington Post on proposed Export-Import Bank legislation, which appears in the Appendix.]

EIRE'S STAND FOR NEUTRALITY—ARTICLE BY PETER LYNE

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an article on the neutrality of Eire, published in the Christian Science Monitor of August 12, which appears in the Appendix.]

EVACUATION OF CERTAIN REFUGEE CHILDREN

Mr. GREEN. Mr. President, there is on the calendar a bill I have reported from the Committee on Foreign Relations, House bill 10213, to permit American vessels to assist in the evacuation from the war zones of certain refugee children. I ask unanimous consent that the bill be now considered and put on its passage.

Mr. McNARY. Mr. President, there is a rule requiring that bills reported shall lie over one day, but I do not intend to invoke the rule. Therefore, so far as I am personally concerned, the Senate may proceed to the consideration of the bill. But I think the Senator should make a statement concerning the measure before asking unanimous consent for its present consideration, how it affects the present law, and its present form.

The PRESIDENT pro tempore. The bill was reported on the 16th of August, under the agreement that measures might be reported during the recess, and it is on the calendar.

Mr. McNARY. Very well. I understood that it was to be reported today. I did not know it came within the consent given on Thursday last.

Mr. NORRIS. Mr. President, I could not hear the request of the Senator from Rhode Island, and I am in some doubt as to what the bill is.

Mr. GREEN. I shall be glad to explain it.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

Mr. GREEN. Mr. President, this bill was carefully considered by the Committee on Foreign Relations, and it seemed desirable to the committee that there should be some clarifying amendments; that the bill was not drawn so clearly as it should have been, but left various important matters in doubt. The various amendments reported by a subcommittee of the Committee on Foreign Relations were all unanimously adopted by the full committee, and the full committee reported unanimously in favor of the passage of the bill with the clarifying amendments added. It is the bill in that form which I now ask unanimous consent to have considered.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. VANDENBERG. I should like to emphasize what the Senator has said about the attitude of the committee. We frequently have rather sharp division in the Committee on Foreign Relations upon some of the present-day problems. In this instance the committee was unanimous, completely and enthusiastically unanimous, in its agreement not only upon the bill but as to the Senator requesting that it should be put upon immediate passage.

Mr. ASHURST. Mr. President, will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. ASHURST. The fact that the Senate Committee on Foreign Relations have reported the bill is evidence that, so far as investigation and thought may be directed to a proposal, careful attention has been given to the bill. Any effort directed toward the rescue and subsistence of these helpless and innocent children appeals to every heart. I ask the Senator, Does the committee propose that the ships bringing these refugees shall have safe conduct?

Mr. GREEN. They cannot be brought without safe conduct being accorded.

Mr. ASHURST. Is there a man alive who in his heart believes that safe conduct granted or issued by Hitler is worth anything? Hitler has broken every promise he ever made. His word is worthless. I do not regard safe conduct offered by Hitler as of the slightest consequence or assurance, and I wish the RECORD to show my belief that the nation, the country, or the man depending upon Hitler's word has sweetbreads for brains. [Laughter.]

Mr. GREEN. Let me say, further, that the bill does not provide for vessels to bring the children from abroad to this country. It merely makes it possible that that shall be done if certain conditions are complied with.

Mr. ASHURST. Hitler is what we call a lycanthropist; that is, a man who imagines he is a werewolf. Hitler would sink these ships and send the children to be devoured by the monsters of the deep if he could advance himself or his views one inch.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, which had been reported from the Committee on Foreign Relations with amendments, on page 1, line 7, after the word "prohibit", to strike out "the transportation by vessels" and to insert "a vessel"; on line 8, after the word "convoy" and the comma, to strike out the word "of" and to insert "and transporting"; on line 9, after the word "zones" and the comma, to insert "or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose"; on page 2, line 9, after the word "statement", to insert "to the effect"; on line 10, after the word "registry" and the comma, to strike out "so that night or day there can be no mistake as to the identity of such vessels"; on line 12, after the word "that", to strike out "if any such child shall be brought into the United States that any person who sponsors such child and agrees to see that such child shall not become a public charge, shall be liable for the care and support of such child in the same manner as for the care and support of his or her own child in the State of his or her residence and that the statutes providing for such care and support shall be enforced against such sponsor," and to insert, "every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge", so as to make the bill read:

*Be it enacted, etc.*, That section 4, as amended, of the Neutrality Act of 1939 is amended by inserting "(a)" after "SEC. 4." and by adding at the end thereof the following new subsection:

"(b) The provisions of sections 2 (a) and 3 shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under 16 years of age, from war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe

conduct granted by all of the States named in the proclamations issued under the authority of section 1 (a), and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry: *Provided*, That every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time, was read the third time, and passed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. HILL obtained the floor.

Mr. GEORGE. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. GEORGE. I should like to ask whether the amendment offered by the senior Senator from Louisiana [Mr. OVERTON] is the pending question.

The PRESIDENT pro tempore. The amendment to which the Senator refers is the pending question.

Mr. GEORGE. Will the Senator from Alabama yield to me to make a brief statement?

Mr. HILL. I yield.

Mr. GEORGE. The author of the pending amendment, the senior Senator from Louisiana [Mr. OVERTON], is ill today, and he asked me to see that his amendment was presented, if it had not been presented.

I assume there is no objection to the amendment on the part of the chairman of the Committee on Military Affairs, because an identical amendment was inserted in the National Guard bill. It is an amendment which merely extends to all persons inducted into the land and naval forces under the pending bill, with certain minor exceptions, the benefits of the Civil Relief Act approved March 8, 1918.

Mr. SHEPPARD. Mr. President, the Senator from Georgia is correct, I have no objection to the amendment. The civil rights law enacted during the World War contained the provision, and it was attached to the National Guard bill recently passed.

Mr. GEORGE. I thank the Senator from Alabama for yielding.

Mr. KING subsequently said: Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. What disposition was made of the amendment referred to by the Senator from Georgia [Mr. GEORGE]?

The PRESIDENT pro tempore. No action was taken with respect to it.

Mr. KING. It seems to me that we should not take action on it pro forma, that it ought to be read and acted upon without haste.

Mr. VANDENBERG. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. VANDENBERG. I ask unanimous consent to have printed in the RECORD a telegram I have received from Edward Mooney, Archbishop of Detroit.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *August 16, 1940.*

ARTHUR VANDENBERG,
*Senate of the United States:*

Supporting the views set forth by Monsignor Ready in name of Catholic bishops at congressional hearing, I express the deep conviction of Detroit Catholics that pending military-training legislation, if enacted, should be amended to include definite and adequate provisions for unhampered continuance of religious work so necessary to sustain the morale of our people.

EDWARD MOONEY,
*Archbishop of Detroit.*

Mr. VANDENBERG. I also take this opportunity of reading two or three sentences from the Detroit News of August 15, as follows:

ARMY RECRUITING HERE SETS ALL-TIME RECORD

Detroit today registered its biggest day for voluntary Army recruiting in history.

Maj. Joseph L. Bachus, recruiting officer for Michigan, said the 61 men enlisted exceeded the total for any one day, even during the World War period. The record for volunteers then was 58 one day in May 1917.

Those enlisted today included 29 Negroes, the first Negroes to be enlisted for a combat unit here since 1920. They will be assigned to the Seventy-seventh Coast Artillery (antiaircraft) being formed at Fort Bragg, N. C.

Major Bachus said existing Negro Army units have had waiting lists for 14 years. A recent order authorized enlistment of Negroes for combat units.

In other words, the volunteer enlistments in my own State of Michigan are at a tempo equal to or exceeding that which we saw during the World War.

Mr. HILL. Mr. President, the Congress of the United States, recognizing the grave international situation that confronts our county, after consultation with the best military and naval experts of the country, has voted $14,000,000,000 for airplanes, tanks, guns, ships of war, and military and naval weapons and equipment of all kinds. But these weapons of defense are of no value without men trained and ready to operate them. Machines and matériel without manpower are worthless.

Your Committee on Military Affairs brings to the Senate the pending bill in order that our country may have the ready and trained manpower necessary for the national defense. The bill provides that any male person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist in the land or naval forces of the United States for training and service for 1 year. The amendment to the bill offered by the Senator from Oklahoma [Mr. LEE] and adopted on last Wednesday would raise the pay of enlisted personnel of the Army to a parity with the pay of the enlisted personnel of the Navy. It would increase the pay of the private from $21 per month to $30 per month. The bill implements the volunteer system by providing that all persons between the ages of 21 and 31 shall be registered, and that so many of them may be ordered into the service of the land or naval forces, under a selective-service system, as the Congress may determine.

The bill expressly provides that no person shall be ordered into the service until the Congress has expressly appropriated the money to provide for the training of the person.

If the bill be enacted into law by September 1 and the necessary funds be made available by September 15, the War Department plans to call into the service, on October 15, 75,000 trainees; on November 15, 115,000 trainees; on December 15, 110,000 trainees; and on December 30, 100,000 trainees, or a total of 400,000 trainees. The War Department plans to call in another 400,000 trainees beginning about April 1.

As has been previously stated in the debate, the selective-service system embodied in the bill was first proposed by George Washington himself in January 1790, in his recommendations to the Congress for a military establishment for our country. The implementation of the volunteer system with the selective-service system is absolutely necessary for the reason that the required number of men cannot be secured in the numbers and at the time needed by the volunteer system. General Marshall, Chief of Staff of the Army, made this clear to the Senate Committee on Military Affairs in his testimony before the committee some 2 weeks ago on July 30 last. General Marshall stated:

Answering your question, Senator HOLMAN, regarding the necessity for compulsory service, I would say that the experience of the War Department through its various war periods has been that there is a definite limit to the number of men that can be obtained by voluntary enlistments.

The men, however well conducted the recruiting service, are brought into the service much too slowly. They should come in in large numbers in order to be available immediately for training and in order that the training procedure may be carried out in a business-like fashion. Without some form of compulsory service and training, I am convinced we could not obtain the necessary 400,000 men we feel we now lack for the Regular Establishment and the National Guard.

I know that we cannot obtain them quick enough for we have the present measure of the rate of recruiting.

The recruiting procedure in the month of June proceeded ahead of its schedule but the net gain was 16,000 men.

But we would like to have had 50,000 men in June and 80,000 in July and at least a similar number in August.

Senator MINTON. You haven't any chance to get that number by enlistment just voluntarily?

General MARSHALL. Not the total—no; certainly not with that speed. If you take all enlistments per month and divide that into the numbers that we have to obtain then we think you are speculating on the security of this country. We have to have a great many men quickly and I cannot conceive of being able to obtain them on any voluntary basis.

General Adams, the Adjutant General of the Army, who is directly charged with the matter of recruiting, advises me speed and certaintly are what are needed. He says the need cannot be met by the volunteer system. He says it is out of the question; it is preposterous to think of doing the job by the volunteer system.

In July there was a net gain of 23,000 enlistments in the Army, and this was the largest number of enlistments in the peacetime history of our country. At the rate of 23,000 a month it would require over 13 months to secure the 400,000 men which the War Department advises are badly needed as quickly as possible. Furthermore, it is to be remembered that the Regular Army and the framework of the National Guard must continue to be maintained by voluntary enlistments, and this will require enlistments each month of between 12,000 and 15,000 men.

As General Marshall has stated, the volunteer system has always failed us when large numbers of men were needed in time of emergency. It failed during the Revolution, it failed during the War of 1812, it failed during the War between the States, and it failed during the Spanish War.

Shall we attempt a system which all the experience of the past shows will be a failure? In view of the situation that confronts our country at this hour, can we afford even to risk a failure? The main purpose and object of the bill is so efficiently and so effectively to organize and establish our national defense that no power or combination of powers would dare to attack us. If we were to rely solely on the volunteer system, and fail with that system, as we have always failed with it in the past, would this not cause the dictator nations of the world to believe that we lacked the will, the purpose, and the capacity to defend ourselves? Would it not be proof to their minds of the oft-repeated declarations that democracy is decadent and unable to defend itself? We of the United States, the richest prize of the earth, the land of gold, of oil, of food, of minerals, cannot afford to take risks at this time.

During the World War, under the selective-service system, we raised the largest Army in our history with an enthusiasm which was magnificent and with a minimum of disturbance to our national and industrial life. When a large number of men must be raised within a given time, the selective-service system has proven to be the only orderly, businesslike, efficient, and certain system. The voluntary system is at best uncertain, unreliable, and inefficient. Under it it is impossible to provide orderly organization and training of military units on a time schedule. The number of enlistments fluctuates from season to season, month to month, week to week, and even day to day. It is as if one were trying to run a school with the pupils matriculating every day and in varying and uncertain numbers. It invites the disruption of industry and agriculture. It is most liable to take away from the bench and the workshop patriotic, skilled workers, who could best serve by staying on the job, or take out of the fields farmers engaged in the production of necessary foodstuffs and other vital crops.

There is no compulsion more cruel or more unjust than that of a bally-hoo campaign for volunteers. Its slogan soon becomes "Be a went and not a sent." Young women, old women, old men unite to urge young men to volunteer, appealing to local and State pride. They enforce their appeal by social ostracism, by pinning white feathers on the coats of young men who do not enlist, and by epithets and outcries which drive into the ranks many who should not enlist. Under the volunteer system every young man who is not in uniform will be a suspect wherever he goes, since no one can tell by looking at a young man whether he is doing essential war work, or is married and has children, or is perhaps not in good health.

As Walter Lippmann said in his column in the Washington Post on Wednesday morning last:

The voluntary system is not voluntary. It is in practice the worst form of compulsion since the compulsion is not the legal and open and orderly action of the State but the indirect, undiscerning cruelty of private busy-bodies and self-appointed prosecuting patrioteers. It is a system badly designed to raise an Army but excellently designed to make young men unhappy.

Woodrow Wilson best described the selective-service system when he declared:

It is not a conscription of the unwilling but selection from a nation that has volunteered en masse.

It is the only fair system in time of emergency. It is the only system which distributes the primary duty of national defense upon every citizen and which distributes that duty so that each man may serve in the capacity in which he will be most effective. It places the burdens and sacrifices equally and recognizes that every citizen who enjoys the benefits and privileges under our democratic government is obligated to serve and defend that government in time of emergency. It is the only democratic system.

Under our volunteer system today we find some sections of our country exceeding their quotas of enlistments while other sections fall short of their quotas. The Fourth Corps Area and the Eighth Corps Area are ahead of their quotas, while other corps areas lag behind and fail to fill their quotas. Why should not all corps areas and all sections of the country make their fair contribution in manpower to the Nation's defense? This is exactly what the selective service system does. To adopt the volunteer system when large numbers of men are needed in time of emergency is to place a premium on slackerism and a penalty on patriotism.

Mr. LEE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LEE. The two corps areas which are ahead of their quotas represent the South and the Southwest, do they not?

Mr. HILL. They do.

There are those who express the fear that the selective-service system may be repugnant to our democratic system. On the contrary, the selective service system may be used to strengthen and fortify the democratic processes and to train and prepare men in the ideals and the faith of those processes. There is a vast difference between using this system solely to train men that they may play their part in the defense of our democratic ideals and our democratic institutions, and using the system to build up a great Regular Army dominated by a military caste and imbued with the idea of military conquest and the passion for aggression, offense, and imperialism.

The only democracy left in Europe today is the Republic of Switzerland. Napoleon made Switzerland a billet and a highway for his armies, and used her nationality as a pawn in his ruthless politics. For more than a hundred years Switzerland has had a selective service system under which every man in the Swiss Republic has served in the national defense. Because of this system, for the past hundred years Switzerland has been able to maintain the inviolability of her soil and her neutrality in spite of all the wars that have been fought in Europe.

Under the Swiss system the training for national defense is as much a part of the life of the Swiss citizen as is the training of the citizen in the public schools of the country. Every State in the United States has compulsory education in some form. The purpose of compulsory education is not merely to train and educate the individual for the benefit and

development of the individual, but rather to train and educate the individual for American citizenship.

The selective service bill is one more step in the training of our citizens for the duties and responsibilities of citizenship. As Theodore Roosevelt well said:

> I am not advocating Prussian militarism. I am advocating the kind of democratic preparedness which Switzerland has developed to her own great advantage socially and economically, and with the result of keeping war out of her borders. Let us profit by our own experience of the last year. Our training camps have been universities of applied Americanism. For every young man between the ages of 18 and 20 to have 6 months in such a camp, which would include, of course, some field service, would be of incalculable benefit to him, and of like benefit to the Nation. It would teach him self-reliance, self-respect, mutuality of respect between himself and others, the power to command and the power to obey; it would teach him habits of cleanliness and order and the power of cooperation, and above all, devotion to the flag, the ideal of country. It would make him a soldier immediately fit for defensive work, and readily to be turned into a soldier fit for offensive work if, as in the present war, offense proves the only method of real defense. Every such man, after his experience in the camp, would tend to be a better citizen and would tend to do his own work for himself and his family better and with more efficient result. His experience would help him in material matters and at the same time would teach him to put certain great spiritual ideals in the foremost place.

The young men of our country who may be called into the service to defend our country have a right to be properly trained and prepared for that service. As Grover Hall, the brilliant editor of the Montgomery Advertiser, well says:

> It is the right of our gallant, bright-eyed young men to demand of their country at a time when they may be called upon at a moment to make the supreme sacrifice, that our country train them to protect themselves in battle and train them also to give a good account of themselves in battle. They have a right to demand of their country that they may be spared the ordeal which young American soldiers faced in the World War, when thousands of them were needlessly slaughtered. These boys have a right to demand of their country that if it is to put them in the line of battle on some dark tomorrow, it begin now to prepare them as war technicians.

War is a tragedy; but a greater tragedy than war is to be forced into war and have to send our young men to their death in battle because they have not been properly trained and prepared for battle. Many a cross in Flanders fields marks the grave of a gallant young soldier shot down in the golden morning of his youth, and tells the story of a mother's broken heart because that young soldier had not been properly trained and made ready for battle. There can be no greater duty to the youth of America than to insure that they be properly trained and prepared if they are called upon to go to battle in defense of our country.

The opponents of the bill are, with few exceptions, those who through the years have opposed every effort to maintain a proper national defense for our country. They are the ones who, when we sought to build up our Navy some 2 years ago, sought to condemn the proposal by crying out that we were attempting to build a super-supernavy. They are the ones who opposed the legislation to give our Army the comparatively small number of 6,000 airplanes. They are the ones who, whenever any effort has been made to strengthen or fortify the national defense, have endeavored to defeat that effort by hurling the charge "warmonger." They have studiously and deliberately opposed all efforts for the national defense. There are none so blind as those who will not see; and yet we are told that "where there is no vision the people perish."

The scientific progress of man has made the world small. That progress turned to war by the dictator nations has placed the United States in peril. There is but one sure way to remove that peril and that is to pass the pending bill and to carry out with all possible speed the national-defense program. In the speedy realization of that program is to be found our best and probably our only hope to keep our country out of war, to keep our people at peace, and to prevent the destruction of all we cherish.

Dictator nations understand but one language and that is the language of force. They do not count the cost of victory but only the chances of victory.

The United States is faced today with a choice between two courses. There is no third alternative; there is no such thing as being half prepared. We will be prepared or we will not be.

Either we shall heed the rumblings of the storm and go forward as rapidly and effectively as possible with the defense program or we shall pursue the course followed by Albania, Belgium, Holland, Denmark, Norway, Poland, Czechoslovakia, France, and England, when they failed to realize that one supreme task confronted them and were all too short of vision to combine their strength while they were free people that they might continue free.

Either we will muddle down the road which may well lead us to the ruinous course of appeasement, inviting one surrender after another, with one disaster after another, or we will follow the wisdom of Washington, who won for us our liberty and who solemnly admonished us to maintain a respectable defensive posture—not one of offense but one of defense so strong that no combination of powers on this earth can fail to respect us or dare to attack us. Strength guarantees that we may continue to decide how we shall live and is our best and perhaps only guaranty of peace.

If we are to be strong, the pending bill must be passed without hesitation and without delay. In passing the bill and in carrying out the defense program we may have the firm assurance that He who gave freedom to our fathers will bless the efforts of their children to preserve it.

Mr. CAPPER. Mr. President, I am opposed to military conscription in peacetime. I am opposed to compulsory universal military training. I do not admit this country is at war; nor do I believe the danger of war is so imminent that it is necessary for us to resort to the selective draft to enlist the number of men required for national defense, or even for defense of the Western Hemisphere, under conditions as they now exist, or are likely to develop in the near future.

Therefore, I am opposed to enactment of the Burke-Wadsworth bill, the measure now pending before the Senate. I shall do my utmost to prevent the passage of this bill or any other measure which provides for compulsory military service or military training.

Before discussing the reasons for the position I have taken, I desire to say that I intend to support the substitute offered by the Senator from Connecticut [Mr. MALONEY]. The Maloney substitute at least offers the democratic process an opportunity to function before the United States adopts the compulsory military-service system of continental Europe. In passing I might comment that the only major European nation against which the forces of Hitler have been thrown that has not been overcome and overrun, is England, which was the last of the Nations Hitler has attacked to adopt compulsory military service.

I do not maintain that the nations of Europe, particularly the smaller continental nations of Europe, confronted with the history of centuries of one war after another, were not justified, indeed did not feel under the necessity, of requiring compulsory military service. But I am pointing out that it was not the lack of compulsory military service which caused the downfall of the nations of continental Europe when Hitler set his mechanized land troops, his airplane fleets, his parachute troops, and his "fifth columns" in action against them. I merely leave this thought with the Senate in passing: I recall that until last spring, when Hitler's land and air forces went around and through the famous Maginot line, France was supposed to have the best-trained, most efficient army in the world, according to the military critics. I believe Colonel Lindbergh tried to tell the British, and, I presume, also the French, that Germany had a great force, with tremendous striking power; but the critics there knew better. However, be that as it may, France had compulsory military training. It was not dependence upon voluntary enlistments in the French Army that made her an easy prey to Hitler. I will not discuss the economic and political policies of France. But from a military viewpoint, it is plain that it was the failure of France's high command to recognize the fact that airplanes are more than scouting and

auxiliary arms of the Army and the Navy that made Hitler's stunning victory so comparatively easy.

It was not lack of manpower that placed England in the danger spot she is in today; it was refusal of her military leaders to face the reality of the airplane. In all humility, but with all earnestness, I recommend to our own admirals and generals that they look abroad, and look upward, and give us an air force, instead of counting upon masses of conscripted manpower for the national defense.

The United States, for national defense, needs a navy of the air as well as a two-ocean Navy. It will not be so necessary to conscript men for the air service; the youth of America are eager to fly. We need flying squadrons more than we need marching men, in my humble opinion.

But, Mr. President, I really have digressed from the specific subject matter before the Senate. I return to the pending business, the Burke-Wadsworth bill, to conscript American youth for military service in peacetime, and in this connection I wish to make my position clear: I said a few moments ago that the United States is not at war; but I am not one of those who refuse to face the possibility that the United States may not be called upon to defend itself, and perhaps the Western Hemisphere, against attack by military forces, or against economic penetration, at some time in the future, perhaps the relatively near future.

In the face of conditions in Europe and in the Orient, it would be blind folly to maintain, or even to suggest, that the United States can remain at peace by talking peace; certainly it cannot remain at peace by talking war and failing to prepare for possible war.

But, Mr. President, I do not believe that the danger of invasion, either of the United States or the Western Hemisphere, is so imminent that we have to abandon our democracy, our traditions of 150 years, and, in peacetime, rush blindly into the war-conscription policy of military dictatorships, without orienting ourselves to the world in which we live and the times in which we live.

Do we need an army of 1,200,000 men; do we need an army of 2,000,000 men, to do the job that is ahead of us?

We are preparing to place a two-ocean navy on the seas. We are pointing toward 19,000 war planes in the air. I will not further discuss whether these planes are to be parts of the land and naval forces, or whether a considerable number of them are to form a navy of the air. I do not approve of Mr. Hitler and his works, but I will say that we might emulate him in realizing the possibilities of substituting bombing planes for artillery, and in coordinating air, land, and sea forces rather than subordinating air forces to the command of those who learned to think in terms of land and water only.

I am for adequate defense. I voted for the two-ocean navy. I voted funds for airplanes. I have voted for everything the administration has asked for national defense, except the National Guard bill.

Before we vote conscription upon our young men in peacetime, I say we should ask ourselves, First, what is the Army to do? Second, how large an army shall we raise? Third, shall we raise it by voluntary enlistment, or must we resort at this time to conscription?

I say that, upon the evidence of our own Army officers, it is not necessary in the next few months to raise an army by the draft, when sufficient facilities to train them will not really be available before next spring.

I say let us give voluntary enlistment a real trial in the next few months. The Senator from Connecticut [Mr. MALONEY] proposes to try the voluntary enlistment route until January 1. If by that time the necessary 400,000 enlistments have not been obtained, then apply conscription under the terms of his substitute to raise whatever number of men may be necessary. I hope that he will change the effective date of conscription to March 1. That will give the new Congress plenty of time, in my judgment, to determine whether the voluntary-enlistment program will work; time enough to repeal or amend the act to suit conditions as of April 1, when the War Department says it will require the second increment of trainees. By that time also the people will have weighed the issues, made up their minds, and will be able to speak through the newly-elected Members of the House and the newly elected one-third of the Members of the Senate.

I do not believe it is seriously questioned by anyone that the Army can be increased to 375,000 by October 15, especially if the basic rate of pay is increased from $21 to $30 a month, and if 1-year enlistments are authorized and allowed. The National Guard has a strength of 230,000—and these cannot be housed by October, if I read the testimony of the Army correctly.

In other words, Mr. President, we have, or can easily have within 6 weeks' time, an army of a half-million men in training; and it is my understanding that is more than we can have equipment and material for, to say nothing of arms and armament, before the first of the year.

Mr. President, I am aware that some of our people foresee, in the immediate future, great and imminent danger of an armed invasion of the United States. But I greatly fear that many of the advocates of this immense increase in the size of the Army—an increase so great and so immediately necessary that, it is said, resort must be had to conscription—visualize rather an expeditionary force to some other continent than the raising and equipping of an army for our defense.

There are many lessons to be learned from what is happening in Europe. I do not profess to be a military expert, or even an amateur military expert; but it seems to me that one of the lessons to be learned is that merely massing millions of men along our shores is not what it takes to make an efficient army. Training, ordinary equipment, and mechanized equipment, and qualified leadership count far more than mere millions neither equipped nor trained.

I was much interested in the testimony of Maj. George Fielding Eliot, retired, author of Ramparts We Watch, for whose military judgment I have a good deal of respect. Major Eliot agrees in principle with a program of universal military training. I am not ready for that, but, in discussing the measure we now have before us—and the changes made in committee do not affect the validity of Major Eliot's statements—Major Eliot warned:

> In the first place, the bill does not face the facts.

He then recited some of the lessons to be learned from the present European war. There is no use, he said, starting in now to train an army for the Civil War, or even for the last World War.

> I think we ought to concentrate first of all on raising our Regular Army to the strength which the War Department considers necessary.

Said Major Eliot.

> It is probable we could not now begin, with the Regular Army at the strength it is, to take in more than 350,000 additional men, which would give us about 600,000, and if we begin with that, we would be doing as well as we possibly can for the next year or so. There is no use trying to spread ourselves over any greater amount of territory than that.

Further in his statement Major Eliot said:

> I cannot see there is anything we can do now which will restore the situation in Europe, and I should be very much opposed to our raising a great army by conscription for the purpose of sending it overseas.

I am perfectly aware that Major Eliot does not believe in short-term enlistments. I know that he is in favor of a permanent policy of universal military training.

But I would call your attention to the fact, Mr. President, that the bill we have before us is not a bill providing for universal military service. This is a conscription bill, a bill providing for the selective draft to raise an army—conscription in peacetime, to provide an army of from 1,200,000 to 2,000,000 men, in addition to the Regular Army.

I am using Major Eliot's testimony at this time only with the purpose of getting into the record his judgment that a regular army of 600,000 men is all that we can reasonably expect to train properly in the next year or two. Passage of

the pending bill, he also warned the committee, would create an illusion in the public mind that we have a trained army of over a million, when we would have nothing of the sort.

In an article in the New York Herald Tribune of August 2, Major Eliot made another significant statement, and again I quote him, this time in reference to the statements made by Army officers that the real reason for passing a conscription bill is to strengthen the national morale by forcing a realization of the gravity of the situation. Says Major Eliot:

> There may be other ways of improving the national morale besides spending more than is necessary on an army which, if it passes the size needed for hemisphere missions, may well become an instrument useful only for overseas adventure—perhaps for a ghastly holocaust in Europe in case the British-German duel fights down to a standstill.
>
> Remember there is no certainty, either that Britain can stand off Germany or that Germany can successfully invade Britain. But if Britain makes a successful defense of her islands—as we all hope—she can hardly take the offensive again thereafter, for lack of manpower. We should be quite clear on that point—that we do not propose to provide the manpower for an invasion of the European continent. It will be much better not to create any instrument of war which can be useful for that purpose alone.

Before going into the question of conscription in peacetime from the viewpoint of its absolute negation of American tradition, American way of life, and the dangers inherent to democracy in such a program, I wish to quote another recognized military expert, Hanson W. Baldwin, of the New York Times, as to the necessity of raising an army of a million or more men for national defense.

Discussing the size of an Army needed for national defense please note that both Major Eliot and Mr. Hanson are discussing national defense, not expeditionary forces for carrying war to other continents. Mr. Hanson says:

> What are these requirements? The functions and responsibilities for our land force are several. First, our Regular Army must provide garrisons and defenses for Army, Navy, and air bases established, or to be established. This may require eventually 125,000 to 150,000 men, with the most heavily guarded points the Panama Canal, Hawaii, Puerto Rico, and several points in the Alaska-Aleutian area. Second, the Regular Army must provide the nucleus for coast defense and antiaircraft troops to make our continental bases within the United States secure; it must have 8 to 15 men per plane to operate its air force; it must provide officers and instructors for the National Guard and to form the skeletal structure upon which a large mass Army may be built in case of necessity after M-day. And under our broadened responsibilities of hemispheric defense it has another function of recent development. It must provide a field force, highly trained, fully equipped, instantly ready for transportation of an expeditionary force anywhere within the Western Hemisphere—to quell, with the help of the Navy and air force, alien-inspired revolutions, to seize an advanced base, to repel an attack or hold an area, until larger forces are transported, if necessary, to assist it.
>
> Such a force certainly need be no larger than 150,000 men—perhaps half that number—about the number with which Germany, only 100 miles away, seized Norway. Adding to this the numbers required for the Army's other functions, the Regular Army, even to fulfill its broadened responsibilities, need be no larger than 400,000 men, if that large. Our present enlisted strength is about 280,000; a further increase is needed, but it should not be hard to fill the necessary quota by voluntary recruiting.

General Marshall, Chief of Staff, also stated, at one point in his testimony before the Senate Military Affairs Committee, that a Regular Army of 500,000 would be a Regular Army at wartime strength. In my opinion, General Marshall believes, and the War Establishment generally believes, there is immediate need to bring the strength of the Regular Army up to 500,000 men, and the National Guard up to around 400,000 men, which would be a total of 900,000 men.

General Marshall told the committee he is strongly of the opinion that it would be impossible to fill these two components of the Army by January 1 through voluntary enlistments. I believe that opinion is general throughout Army circles. However, General Marshall's testimony, and that of other officers, was that so far the quotas set by them for voluntary enlistment had been more than met during the last few months.

On page 331 of the hearings before the Senate Committee on Military Affairs, in answer to a question from the Senator from Idaho [Mr. THOMAS], General Marshall said:

> We would make an allotment of men to the National Guard which would carry them up from about 230,000 to just a little short of 400,000; the allotment of men to the Regular Army would carry it up to about 500,000 men.

General Marshall also stated, as appears on pages 328 and 329, that to set up training camps for the men drafted into service, under present conditions, would be impracticable. If Congress enacted a compulsory military training bill with that in view, General Marshall made this statement as to the situation which would be created.

> Either we must mobilize the National Guard for the training of these men in the ranks, and also in the ranks of the Regular Army units, where we must have more men as quickly as possible, or we will have to emasculate the Regular Army and emasculate the National Guard, at this time, in order to provide the necessary training cadres to handle the new men in the manner that would be desirable. In other words, the training of young men in large training camps on the basis of compulsory training is something that we cannot manage at the present time. We do not have the trained officers and men—the instructors—to spare; also, we do not have the necessary matériel. We lack the special training set-up at the moment, and we cannot afford to create it.

In other words, Mr. President, the pending bill is not a universal military training bill, as it has been portrayed. I do not want to be misunderstood. I am not in favor of universal military training. I am opposed to universal military training. But in view of the fact that many people have been led to believe, through the wording of a question in a Nation-wide poll, that this legislation proposes to provide for universal military training, I think it should be understood that this is not a bill for universal military training. It does not provide that every able-bodied young American, as he reaches a certain age, or at some time within a certain age group, will be given military training.

As I see it, this is a military-conscription measure, peacetime military conscription. As shown plainly by the quotations just read, the bill has become a clever device by which the Army can reach into every American home where there is a young man between 21 and 31 years of age; into every school and college where there are young men of this age group; into every shop, farm, business place, and take its pick of the young manhood of the country to fill the ranks of the Regular Army and the National Guard.

No wonder officers of the Army are for the measure. I do not blame them. They naturally would prefer to be able to select from among the entire youth of the country, instead of just from the smaller number who offer themselves for Army service.

Now, this is not universal military training, Mr. President. This is selective draft for service in the Army. If it were universal training, at least there would be a degree of certainty about it. Every father, every mother, every boy, by the time he reached his teens, would know that at a certain point in his life he would be required to take military training for 1 year. The parents and the boy could arrange for it accordingly; could make definite plans for education, and so forth. But under the proposed conscription in peacetime bill, there is only uncertainty. The young man ready for his junior or senior year in college does not know whether he will be drafted or not; does not know whether to plan to complete his college course, or to plan for a year in the Regular Army or the National Guard. There is a difference also between military training and being drafted into the Army, and into an army which, according to many military experts, is larger than is needed for national defense, leading to the suspicion that it is being planned to use some of these boys and young men in an expeditionary force, perhaps to fight on some other continent.

As nearly as I can see it, this measure proposes to raise, in peacetime, by conscription, an army larger than is needed for national defense; an army large enough to get us into a war but not large enough to fight a major war. And it should not be overlooked that the bill recently passed, empowering the President to send the National Guard outside the limits of the United States, gives the President power to wage war without a declaration of war.

In the world-wide economic war, of which this militaristic war now raging over most of the Old World is but one phase, the massing of men by the millions in armies is going to be put one phase. But as it is the phase of world conflict that is before the Senate at this time, I shall try to confine myself to that.

What I have tried to develop so far is that, according to our own Army officials, a national-defense army, well trained and equipped, of somewhere between 500,000 and 900,000 men, is adequate to meet any probable military invasion in the near future. Others qualified to be classified as military experts place the figures a little lower.

The next question is, Can we raise and keep in condition for active service that large a body of men by voluntary enlistments, or must we resort to conscription?

Army officers give it as their opinion that we cannot raise the necessary force by voluntary enlistment. But they tell us, from experience, that they have been able to raise the quotas so far assigned to the recruiting service. They would prefer the selective draft. That is natural. Most of us would rather be able to take what we want than to have to ask for it, or argue for it, or even work for it.

I believe we can get the men by voluntary enlistment. I believe, at least, we owe it to the people of the United States to try that plan before going to conscription.

Mr. President, before we take this proposed step, and saddle military conscription in peacetime upon the people of this country, I believe we should try to trace some of its implications. We should ask ourselves some searching questions.

For one thing, in the light of history, and in the light of our knowledge of human nature, can we adopt and use compulsory military service in time of peace and long retain our democratic form of government? Will it not inevitably, in the course of time, in the course of a relatively brief time, lead us into a dictatorship?

Mr. President, I believe it will. I believe that is one inevitable result of compulsory military service in time of peace. By taking this one step, as I see it, we absolutely reverse the relationship of the individual and the Government. For more than 150 years we have held that the purpose of the Government is to serve the people—that we have a government of the people, by the people, for the people. Shall we reverse that conception, and go on the principle that we have people by the Government, of the Government, for the Government?

Shall parents measure the worth of a child by his potential value to the States? If a man child, shall the measure of his possibilities be his potential value as a soldier; if a woman child, by her potential value to breed soldiers for the next generation?

In the past few years we have heard much talk of the dangers of regimentation. What greater regimentation, I ask, can there be than regimentation of people into the Army and under the Army?

What will be the ambition of the normal boy, brought up with the idea that his principal aim in life is to be a soldier? Well, his ambition will be to become an officer, so that he may command instead of being commanded. Once that psychology is fixed in the public mind—and it would not take many generations under military conscription to do it—we become a militaristic nation.

Once a nation becomes military minded, its people inevitably look forward to war. They look forward to war with some other nation. As a preliminary to going to war, they must first learn to fear, and then to hate. How did Hitler prepare his German people for war? By teaching them to hate, and to hate with a deadly hatred. He also taught them to fear—to fear England, to fear France, to hate England, to hate France. Fear and hate; hate and fear—these are the twin emotions that are bred of militarism.

I much fear that conscription in peacetime will inevitably lead to militarism, and to dictatorship. In a militaristic nation the ruler must be a dictator. If the dictator's power is threatened, the easy way to keep it is to have a war; if he can conscript a percentage in peacetime, he can conscript all in wartime—and then opposition is treason.

I think the sequence of happenings is plainly logical. Conscription breeds militarism. Militarism breeds dictatorship. Dictatorship, to remain in power, must go to war. Ultimately, administrations can be changed only by revolution. Personally, I prefer a hot political campaign every 4 years to decide who will be the next President, even though the wrong people may sometimes be elected.

Mr. President, I think that compulsory military service in peacetime is a step toward dictatorship, a long step toward ending our representative form of government. I think it is also a step toward war, a step toward waging war for the sake of war. At the present time, it may turn out to be a step toward participating in a war that I still believe is not our war.

I do not say that I would under no consideration ever vote for compulsory military service. If this Nation finds it necessary to go to war to defend itself, its possessions, the Western Hemisphere, or the interests of the United States, I believe the only fair and equitable way to raise an army, and the only effective way to raise a large army, is by the selective draft. But today we are not confronted with any of these things to the extent that requires compulsory military training at this time.

Raise the pay of the Army private to $30 a month; allow 1-year enlistments; and let us see if that will not get the men. I believe it will.

Mr. President, conscription in peacetime is not the American way, but the Hitler way. It is the road to militarism, dictatorship, Hitlerism, and war.

Conscription in peacetime encourages the thought—I might say compels the thought—that we have to fight somebody.

Conscription in peacetime is another step toward making the United States a militaristic nation. We do not want that as a national ideal.

It is not necessary to Prussianize the young men of America. I am against such a program.

Mr. President, in closing let me summarize my opposition to military conscription in peacetime and at this time.

I am for an adequate national defense. I am doing everything I can to expedite our preparedness program. I want an Army and a Navy and an air force—and air force organized as an air force in addition to airplanes used by the Army and by the Navy to aid the Army on land and the Navy at sea—large enough, well enough equipped, well enough trained to fight off any aggression that may be attempted against the United States or against the Western Hemisphere. But we do not need the Hitler system of conscripting men for military service, for labor battalions, for public service of all kinds. We do not want the totalitarian state. Conscription may lead us into that position.

I say the people of the United States want this country to remain a democracy. I want this country to remain a democracy. I do not believe that by any stretch of the imagination it can be asserted that military conscription in peacetime is a democratic process.

Back of the pending proposal, which is to have a life of 5 years only, is a drive, as I see it, to make universal training for all our youth a permanent policy. That means establishment of a military caste of officers and another of noncommissioned officers to train the drafted youth.

I am against that program. It is un-American. It is unnecessary. I am for the American way of organizing our defense forces, not the Hitler way. I will vote for conscription of manpower and for conscription of wealth for national defense if and when this Nation goes to war to defend our own national interests. But conscription in peacetime is another thing entirely, and I am opposed to it and shall do what I can to prevent its being forced upon our people.

I recognize that under present conditions, with a large part of the world war-mad and with the dictators of Europe on their march of pillage and destruction, the United States is not adequately prepared to defend itself against all the forces that might conceivably be thrown against us.

A gigantic armament program is under way. Billions of dollars are being expended, or will be expended, for warships, airplanes, tanks, munitions, and other equipment and war supplies.

I realize, and I think everyone realizes, that the mere appropriation and expenditure of $15,000,000,000—or many times that amount—is not all that is necessary to provide an adequate national defense. Trained men, tried leadership, and a unified command—we need defense unity as well as national unity—must be provided.

But the fact that men are needed for our armed forces does not necessarily mean that military conscription is necessary.

If we can obtain the necessary men by voluntary enlistment for training—and I believe we can—I say that would be highly preferable to conscription.

There is no showing as yet that the Army cannot be recruited to necessary strength, even to a million men, through voluntary enlistments for 1 year at $30 a month instead of $21 a month for 3 years. That is the program I am supporting, and I hope the Congress will approve it.

Instead of taking it for granted, as the pending bill does, without any attempt at proof, that an army for training purposes cannot be raised by voluntary enlistment, why not make a real attempt to recruit the Army through voluntary enlistments for 1 year before taking the Hitler way of conscripting our boys and young men for military service?

It seems to me that is good, every day, American common horse sense.

Now there is another danger in this hurried attempt to force through conscrption and build up a larger army than is needed even for hemisphere defense—that is the danger that it may be used to furnish manpower for the war in Europe.

If we build up a big army, and in the meantime send our destroyers to aid Britain, I can see a very real prospect that our battleships, our airplanes, and our Army will follow the destroyers.

Is the purpose back of the pending measure merely to provide an army for adequate national defense—which all of us want, and for which we will make any needed sacrifice, willingly and promptly and cheerfully—or is it for the purpose of training a larger army which will be available for overseas service?

Is Congress being asked to pass a draft law to provide men for another American Expeditionary Force to fight in Europe's war?

I am most emphatically against that.

I say these are legitimate questions.

Those sponsoring this legislation should be required to show:

First. That the number of men intended to be drafted into service is necessary for national defense.

Second. That the required number cannot be recruited by voluntary enlistments.

I believe also they should make it plain and emphatic that all they want is an army, navy, and air force designed for national defense—not an oversized army for overseas service.

It would be criminal to take us into war at this time—into other people's wars at any time.

I say we should consider this whole proposition as calmly as the disturbed state of the world, and our own confused situation—including the exigencies of a general national election—will permit.

Political partisanship should play no part in our consideration of this problem.

It seems to me the fundamental questions involved include these:

Has it become necessary for the United States to abandon its traditional American policy of 150 years and raise a conscript army in peacetime?

Has it become necessary for the United States to declare that the individual is only a pawn to be used on the international chess board, without personal choice?

Has it become necessary to abandon—aye to destroy—personal freedom of our young men and adopt the Hitler policies of continental Europe and use autocratic military conscription?

I say it is up to the proponents of the legislation to show that the answer to all these questions is, "Yes."

As for me, I do not believe that.

I for one, will not vote for conscription for military service unless and until it is proved to me beyond all reasonable doubt that there is no other way of building up an adequate national defense.

Furthermore, as I have stated before, on the floor of the Senate and elsewhere, I will never vote to send American boys overseas to fight again in other people's wars.

I shall continue to do all in my power to keep this country out of foreign wars.

I say it would be criminal to take the United States into Europe's war at this time.

I close with a prayer in my heart that we may do the right thing on this gravely important issue.

Mr. FRAZIER obtained the floor.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Donahey | Johnson, Colo. | Russell |
| Andrews | Downey | King | Schwartz |
| Ashurst | Ellender | Lee | Schwellenbach |
| Austin | Frazier | Lodge | Sheppard |
| Barbour | George | Lundeen | Smathers |
| Barkley | Gerry | McCarran | Stewart |
| Bone | Gibson | McKellar | Taft |
| Bridges | Gillette | McNary | Thomas, Idaho |
| Bulow | Glass | Maloney | Thomas, Okla. |
| Burke | Green | Mead | Thomas, Utah |
| Byrd | Guffey | Miller | Townsend |
| Byrnes | Gurney | Minton | Truman |
| Capper | Hale | Murray | Tydings |
| Caraway | Harrison | Neely | Vandenberg |
| Chandler | Hatch | Norris | Van Nuys |
| Chavez | Hayden | Nye | Wagner |
| Clark, Idaho | Herring | Pepper | Walsh |
| Clark, Mo. | Hill | Pittman | Wheeler |
| Connally | Holt | Radcliffe | White |
| Danaher | Hughes | Reed | Wiley |
| Davis | Johnson, Calif. | Reynolds | |

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

Mr. FRAZIER. Mr. President——

Mr. CLARK of Idaho. Mr. President, will the Senator yield to me?

Mr. FRAZIER. I yield to the Senator from Idaho.

Mr. CLARK of Idaho. Am I correct in assuming that the Senator from North Dakota is about to address his remarks to a position which is against the pending measure, the Burke-Wadsworth bill?

Mr. FRAZIER. That is correct.

Mr. CLARK of Idaho. Has the Senator from North Dakota had occasion to read the address that was delivered by our present Ambassador to France, Mr. Bullitt, which purported to be an address for the purpose of passing the pending bill?

Mr. FRAZIER. Mr. President, I read the headlines, and that is all. I do not take much interest in what Mr. Bullitt generally says, and I did not think it was worth while to read the address.

Mr. CLARK of Idaho. The Senator is probably correct in that observation.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me?

Mr. FRAZIER. I yield.

Mr. CLARK of Missouri. If the utterances of Ambassador Bullitt carried as little weight around the world as they do in the United States, the observations of the Senator from North Dakota would be correct. Unfortunately, we are not aware what effect the commitments and addresses in favor of war, from time to time made by Ambassador Bullitt, may have had on foreign countries; so his address does become a matter of importance.

Mr. CLARK of Idaho. Mr. President, I was about to say substantially the same thing. Let me trespass upon the Senator's time simply to say that in my opinion the address

by Mr. Bullitt, coming from a man in his position, at this time, is very little short of treason. It is a demagogic appeal to the American people to go now into a foreign, unprovoked war, for which he says we are not prepared. Any ambassador who attempts in that way to lead his people into a war for which they are not prepared, and for which he says they are not prepared, comes very close to being false to the republic which placed him where he is.

In the second place, he says, and in not thinly veiled language, that we should set up a dictatorship in this country. He points out that France in attempting to protect the individual liberties of her citizens lost her national liberty, and he suggests that the United States may now, in attempting to protect the constitutional individual liberties of its citizens, lose its national liberty. Any man who proposes to set up a dictatorship in this country—the very thing for which we criticize Mr. Hitler and his ilk—comes very close to being false to the country which has nurtured him.

In the third place, he charges the Senate and the House of Representatives of the United States with being remiss in their efforts adequately to prepare this Nation for war, when he knows that the House and the Senate have during the period of the last 10 years voted for every single dime that has been requested by the Executive of the United States.

He undertakes to call Senators cheap politicians, by that name, and says that it is about time for them to forget the elections back home. He has been in France all these years supposedly for the purpose of advising the President on the efficiency of the German and French war machines, and now undertakes to lay at the door of the Congress any unpreparedness which may exist, when almost unanimously, with hardly a dissenting vote, we have given the President every dime he has asked for, in an amount exceeding $10,000,000,000 in this year alone. So I think my remarks, although possibly strong, are not too strong to cover a situation of this kind.

Mr. CLARK of Missouri and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. FRAZIER. I yield first to the Senator from Missouri.

Mr. CLARK of Missouri. I was about to suggest to my cousin from Idaho that he can be very certain that if Ambassador Bullitt should succeed in getting us into war, he will find a safe place for himself to hide out during the progress of the war. That is what he did during the last war. After the last war broke out, after shouting for war at the top of his lungs—he being 26 years of age at that time and unmarried—he found himself a safe "coffee-cooling" job in the State Department, where he remained during the progress of the war. That is the reason why Ambassador Bullitt views with greater equanimity than most of the men who saw service in the last war the prospect of the United States again engaging in bloody war. That is the reason he is so complacently in favor of drafting other men and other men's sons.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. ASHURST. Really, Mr. Bullitt is entitled to some sympathy. There are various sorts of tyrants in the world. There is the tyrant who imposes his will by the bayonet; the tyrant with the iron heel; but when a speech is "bottled up" in the breast of an Ambassador, a tyranny is generated which is very terrible. Mr. Bullitt, an Ambassador with this speech in his chest demanding expression, was fortunate that he could blow the speech out. He deserves some sympathy; an unexpressed speech is a cruel ruler.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. CLARK of Missouri. I suggest to my friend from Arizona that unfortunately Mr. Bullitt has not kept all his speeches bottled up in his bosom. He made speeches in France which he afterward denied. He said that he had been misquoted, notably the one at Bordeaux. However, an honored present member of the press gallery told me that he visited the embassy at 2 o'clock in the morning after Mr. Bullitt made the Bordeaux speech, and the explanation which Mr. Bullitt then gave was very different from the explanation which he made the next day.

So far as matters being bottled up in Mr. Bullitt's bosom are concerned, I should like to ask the Senator from Arizona whether or not he has thought of the possibility that the reason Mr. Bullitt is now roaming around the country pleading the cause of the Fascist and Nazi-controlled Petain government in France may be that he desires to keep commitments which he may have made, and remarks which he may have made in France, making material contribution to bringing about the war, from coming out in the war-guilt trials.

Mr. ASHURST. Mr. President, I have no information on that subject, but I do know what a torture is inflicted upon a person of oratorical temperament when the proper period of gestation of a speech has not quite been reached. I happen to know what a torture is imposed on an oratorical temperament by such a circumstance, and how difficult it is, especially for an Ambassador, to remain silent at the proper time. To imagine Bill Bullitt remaining silent would be to imagine a fat sylph, or an iron balloon. [Laughter.]

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. CLARK of Idaho. In conformity with the very able reasoning and pointed wit of the Senator from Arizona, I suggest that it is inconceivable that this speech was approved or inspired by the present administration, for this reason: We had an Ambassador to Canada, Mr. Cromwell, who undertook to make certain utterances which were censored by the State Department as being unbecoming to an Ambassador. Mr. Cudahy was practically recalled because he undertook to make some remarks complimentary to the behavior of the German soldiers in France. Now Mr. Bullitt comes out in this prepared masterpiece, which he obviously did not write, and which he obviously could not write, because it is a masterpiece [laughter] and undertakes to speak, I suppose, for the entire administration.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. WHEELER. I wish to call attention to a statement made by Mr. Bullitt. He said:

> In France much of the most terrible and traitorous work was done by the Fascists and Communists working together. Many honest French Democrats and Liberals had been snared by Communist propaganda and argued that, because the Communists called themselves a political party and pretended at the time to be in favor of democracy it would be undemocratic to deny to the Communists the right of any other political party.

Let me call the attention of the Senate to the fact that no man in this Government has more often referred to his friend Molotoff than our Ambassador, Mr. Bullitt. No man in the Government service of whom I know has been more friendly to the Russian Government. According to information which I have, which I think is very reliable, he represented that Molotoff was going to sign an agreement to come in on the side of France and Great Britain rather than on the side of Germany. He repeatedly referred to his friend Molotoff. According to reliable information which I have, no man in the United States has done more to try to get the United States into the war on the side of France, representing that France could hold out. The judgment of no man in the Government service has been more wrong than that of Mr. Bullitt with reference to the whole European situation. First, as I say, he predicted that his friend Molotoff would come in on the side of Britain and France. When talking to Daladier and others in France, he constantly talked about his friend Molotoff. He assured them that everything would be all right and that his friend Molotoff would sign the agreement. I do not know who the traitors in France were. They may have been Communists. Articles printed in some of the leading magazines indicate that the Fascist group in France were the real traitors, but

I think possibly they may have been Communists. They may have been either Communists or Fascists; but certainly no man has been closer to the Russian Government and to the Communists regime than this very same man, Mr. Bullitt.

Mr. REED. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. REED. I came into the Chamber a little late. Before the senior Senator from Montana resumes his seat, I ask him if this is not the same Bullitt who was appointed Ambassador to the Soviet Government because of his declared and generally known friendliness to the Communist Government of Russia?

Mr. HOLT. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. HOLT. In the city of Philadelphia in 1934 Mr. Bullitt, who is so worried about communism, delivered a great eulogy on communism, and spoke of Russia as being even more peaceful than the United States. I wish I had that speech with me, so that I might put it into the RECORD alongside his latest speech. Six years ago in Philadelphia Mr. Bullitt was praising communism and Russia, and even saying that in some respects Russia was better than the United States.

I wish to say also that Mr. Bullitt was quite worried before the fall of Renaud in France, because he thought Premier Renaud was about to make public the commitments Mr. Bullitt had made to Renaud, and pressure was brought on Mr. Renaud to have him keep quiet.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. CLARK of Missouri. I should like to ask the Senator from West Virginia a question. Is not this the same Bullitt who was utterly repudiated as a diplomatic agent by President Woodrow Wilson, because of his intimacy with and admiration for Lenin, Trotsky, and the bloody-handed murderers of the Communist revolution in Russia?

Mr. HOLT. Not only did Woodrow Wilson repudiate him, but the history of Woodrow Wilson shows that Wilson condemned him for attacking Wilson when he was in the thick of the fight and sick.

Mr. CLARK of Missouri. Is not this the same Bullitt who began to operate again before President Roosevelt was inaugurated in 1933, operating as a free-lance diplomat in Russia, to bring about recognition by the United States of the Russian Communist regime of Stalin?

Mr. HOLT. Oh, yes; Mr. Bullitt was probably the spokesman for communism in the diplomatic corps of the United States Government.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. CLARK of Idaho. He is the same Bullitt who said these words in his speech on last Saturday:

> When are we going to let legislators in Washington know that we don't want any more politicians who are afraid of the next election and scared to ask us to make the sacrifices that we know are necessary to preserve our liberties and our Declaration of Independence and our Constitution?

Never before has an ambassador of the United States, while holding public office, dared to refer to the Senate and the House of Representatives in such terms.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. FRAZIER. Mr. President, I do not want the Bullitt discussion to go on too far, but I yield to the Senator from New Mexico.

Mr. CHAVEZ. A short time ago Ambassador Cudahy referred to some hungry people in Belgium and elsewhere. I understand he was repudiated. I should like to know what has been done about Mr. Bullitt in this instance, in which he has made certain remarks. Does the Senator from North Dakota know anything about it?

Mr. FRAZIER. I do not know whether or not he has been reprimanded.

The Senator from Idaho [Mr. CLARK] remarked that Ambassador Bullitt had blamed the Congress for the unprepared state of our national defense. That seems to be a general complaint throughout the country. I do not know where it comes from, but it is hardly fair, to say the least. At each session of Congress representatives of the War and Navy Departments, apparently representing the head of the administration, come before the Appropriations Committees and ask for appropriations which they think necessary to run the Army, the Navy, the air force, and other elements of our national defense. Since I have been a Member of the Senate they have been granted practically what they asked for every time. It is now said that we have no more defense than we had when we started. I will admit that those big appropriations were made over my protest. During the past 6 years we have given the Army and Navy $1,000,000,000 a year; and yet it is said that we have no more defense now than we had before the big appropriations started. It seems strange to me. I think a few of the progressives voted right on the $1,000,000,000 appropriations when they voted against them, if the fact remains that the money has been squandered and we have no benefit from it. Yet we are criticized for not having an adequate defense.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. MINTON. Of course, it is true that the Senator from North Dakota has voted against all the defense measures. The Senator from North Dakota must be mistaken when he says that we have not received anything for the $6,000,000,000, when the Senator himself knows that over his protest we have added 132 ships to the Navy and increased the Army from 122,000 to almost 275,000. The Senator cannot say that we did not get anything for the $6,000,000,000 appropriated.

Mr. FRAZIER. My argument was that we have given the War Department and the Navy Department all they have asked for in the past 6 years. We have given them $1,000,000,000 a year.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. VANDENBERG. While I have some passing interest in the quotation from Mr. Bullitt criticizing Congress for interfering with the national-defense program, I doubt whether that is the function of an ambassador, who is supposed to have something else to attend to. I am still more interested in the alleged testimony of General Shedd before the House Military Affairs Committee in which, I understand, General Shedd stated that he had to postpone entirely his conscription program because Congress is wasting so much time on the bill, he having been reported as saying it when we had been debating just 4 days on a measure involving a departure from 150 years of American history and tradition. I should like, if the Senator will permit me in his time, to ask the able chairman of the Senate Military Affairs Committee [Mr. SHEPPARD]—I am sorry he is not present at the moment.

Mr. MINTON. I have sent for him, and he will be here shortly.

Mr. VANDENBERG. I simply wanted to ask him if he had undertaken to get General Shedd's testimony and whether or not he had been able to do so, because I would not want to criticize General Shedd without the facts. I hesitate to do so on the basis of a newspaper report, but if he said what he is reported to have said I think it is wholly without justification.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. FRAZIER. I am glad to yield.

Mr. BARKLEY. The present episode with reference to General Shedd emphasizes the unwisdom, at least, of accepting newspaper reports of what Army officials or what others say before committees. General Shedd on last Tuesday or Wednesday was quoted in some local newspapers as having stated that the entire program with respect to the administration of this bill would have to be postponed until January 1. I did not know General Shedd, but later I happened to meet him casually, and I frankly advised him that I was disturbed by

the statement, if it were accurate. He proceeded at once to state that it was not accurate; that what he said was that if this bill were passed the Army would begin the 15th of September to call increments of men for training and that by the 1st of January they would have 400,000 men ready for actual training. That is quite different from the suggestion that all the machinery of registration and the call would have to be postponed until January 1 and that men would be called as rapidly as the facilities were available for caring for them. So, I think it is a very dangerous procedure to quote from the newspapers what Army officials may say, and I am sure that General Shedd was accurate and sincere making to me privately the correction which he felt ought to be made in the statement which had been published.

Mr. VANDENBERG. I think the able Senator from Kentucky will agree with me that Congress has been cooperating completely in respect to the defense program, and that there has been no debate which has not been wholly legitimate in respect to every phase of it.

Mr. BARKLEY. With one or two exceptions, I agree to that statement, but, at the same time, it is not fair to the War Department or the Navy Department to make the statement here that in the last few weeks we have appropriated $6,000,000,000 for defense purposes, with the intimated or suggested assumption that all the facilities for which those $6,000,000,000, or $8,000,000,000, or whatever the amount may have been, were appropriated, ought to be ready now, and that we have nothing to show for the money which we have appropriated. Everyone knows that it takes time to build up a Navy. The Senator from Massachusetts [Mr. WALSH] the other day, in presenting one of the naval bills, stated that the program for which the appropriations were then asked and appropriated would not be consummated until 1946. We know that in the last 7 years more than 138 vessels of various kinds, including 10 battleships, have been laid down for construction, but it takes years to complete such vessels. I mention that only to show the unfairness of anybody who states that Congress within the last few months, and only within the last few months, has cooperated completely and has appropriated money, and that we have nothing to show for the money we have appropriated.

Mr. VANDENBERG. That, of course, is not the subject about which I rose to inquire. I rose solely to inquire about the testimony of General Shedd. I will say to the Senator again that I should not want to indict General Shedd on the basis of a newspaper report. I will also say to him that I tried to seek out the original testimony on last Friday, but I was unable to obtain it, and I should like to ask, if it is appropriate, the able chairman of the Senate Military Affairs Committee whether he did not seek the original testimony but was unable to get it?

Mr. SHEPPARD. No; I do not recall that I did.

Mr. VANDENBERG. I am sorry if I have been misinformed, and that the Senator has not seen General Shedd's original testimony before the House Military Affairs Committee on the question that the delay of Congress has been responsible for upsetting his conscription program.

Mr. SHEPPARD. The Senator refers to testimony before the House Military Affairs Committee?

Mr. VANDENBERG. Yes.

Mr. SHEPPARD. No; I had no occasion to see that.

Mr. CLARK of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. FRAZIER. I yield.

Mr. CLARK of Missouri. The Senator from Kentucky charged unfairness with regard to delay. I think the Senator from Kentucky and the Senator from Michigan were present, I know I was present, when we heard the great savior of mankind, the new Secretary of War, testify, in spite of the fact that Congress has now passed an appropriation bill—not an authorization but an appropriation bill—some 3 months ago authorizing the purchase of new airplanes for the defense of the United States, many thousands of them in pursuance of the President's recommendation that we acquire 50,000 planes, up to that date they had been only able to contract for 33 individual planes. That seems to me to be the kind of delay that the War Department might well concern itself about, instead of undertaking to lecture Congress for a 4-day debate on a proposal which reverses and repudiates the policy of the United States for 150 years.

Mr. BARKLEY. Mr. President, if the Senator from North Dakota will yield further——

Mr. FRAZIER. I yield.

Mr. BARKLEY. I will say to the Senator from Missouri I was not present at the joint session to which he referred.

Mr. CLARK of Missouri. If the Senator was not present, I withdraw the suggestion. I was present, and other members of the Finance Committee were present, and I assumed the Senator from Kentucky was.

Mr. BARKLEY. I had other appointments and was unable to meet with the joint committee.

Mr. CLARK of Missouri. I can assure the Senator, on my own responsibility and not on the basis of newspaper reports, that the Secretary made the statement.

Mr. BARKLEY. I am not questioning what the Senator understood the Secretary of War to say; I have not read his testimony and I am not undertaking to say what the Secretary of War said about that; but it is easy always to pick out isolated answers and questions in a running debate that occurred in that committee.

Mr. CLARK of Missouri. If the Senator will permit me, it was not a question of running-fire debate. It was the case of a prepared statement that Secretary Stimson had and inserted in the RECORD.

Mr. BARKLEY. The whole statement, I presume, will speak for itself; and not simply a sentence which he uttered.

Mr. SHEPPARD. Mr. President——

Mr. FRAZIER. I yield to the Senator from Texas.

Mr. SHEPPARD. I wish to say to the Senator from Michigan, on further thought about the matter, that while I did not see the original testimony of General Shedd, I did ask him to advise me what testimony he gave in reference to a certain point, namely, the plan the Army now has for the increments to be trained in September, October, November, and December. I shall be glad to furnish the Senator the statement General Shedd sent me.

Mr. VANDENBERG. I thank the Senator for his candor; that is of interest; but the fundamental thing of interest to me is to know whether or not high military officers of the Government have reached such a point of military freedom in this so-called democracy that they can challenge the good faith and motives of the Congress of the United States.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. FRAZIER. I yield.

Mr. CLARK of Idaho. I wish to say to the Senator from Missouri what he knows perfectly well, that the reason we have not got the planes is not because a considerable number of planes are not being manufactured but because they are being diverted from the United States Army and Navy and are not being put into the air here, but are being sent over to Europe.

Mr. FRAZIER. Mr. President, I should like to say in respect to what the Senator from Kentucky said about the $6,000,000,000 appropriated during the last 6 years that I did not mean to give the impression at all, and do not mean to do so now, that we have nothing to show for the $6,000,000,000. I have made the statement repeatedly from public platforms that such a statement was incorrect, for we have the largest Army and the largest Navy we have ever had in peacetime. So I do not mean that the money has been all squandered by any means. What I tried to say was that we have given the Army and Navy what they asked for, but now we are criticized because we have not given them enough.

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. FRAZIER. I yield.

Mr. REYNOLDS. In particular reference to the observations made in the form of an inquiry by the able senior Senator from Michigan and the general of whom he spoke a moment ago as having made certain remarks before a committee criticizing the Members of Congress for delaying the consideration of and the final vote upon the pending conscription bill, I wish to say that the general need not be alarmed at all. Before we conscript any men, as a matter of fact before we ask for any more volunteers, we must of necessity make provision for their shelter, their sleeping quarters, and their housing.

I am of the opinion—I may be wrong—that at the present time we are not in a position to maintain or house the volunteers who are coming forward by the hundreds. For instance, yesterday I was at Langley Field. I did not contact any of the high officers of that military organization; I merely introduced myself at the gate, and finally succeeded in getting into the grounds through the courtesy of a man connected with the military police. I told him that I was on my way to Washington, and I should like very much to have the opportunity of making a few brief observations as to that military reservation. He was very kind. He took me to the hangars and showed me some of the great bombing planes and scout planes and the quarters of those who were regularly stationed there. I was somewhat appalled when finally we motored by a great field upon which there had been set up hundreds of what I believe are called "pup" tents, and in those tents were men who had recently volunteered for service in the Army of the United States.

I inquired of him as to who was staying in those tents, in view of the fact that we had passed innumerable structures of wood in the form of barracks for the purpose of housing our soldiers. He told me that they were occupied by volunteers; that there was not sufficient space to accommodate in a comfortable manner the volunteers who were coming in.

Then he carried me down a boulevard; to the right I saw an immense hangar, and therein I observed a great many men and a great many cots over which there had been spread mosquito netting. I asked, "Who are the men who are sleeping here in these little cots in this airplane hangar?" He said, "They, too, are volunteers." "Well," I said, "let us stop; I should like to go in there and see them," having in mind the fact that there was a great hue and cry for the immediate passage of the conscription bill. So we stopped and got out. I walked into the building, and I dare say, without exaggeration, there were at least 100 cots in the hangar. I said, "Why are these men occasioned to sleep in a hangar on these cots, with mosquito netting over them and without any other conveniences?" I was told, "The volunteers are coming in very rapidly and we have no other quarters for them."

So I see no earthly reason for the general, of whom the Senator from Michigan spoke, being in such great haste about this matter when, as is so evident, at present we are not in a position to provide proper quarters in the form of shelter, at least, for the hundreds of volunteers who are submitting themselves for the service of their country today.

I thank the Senator very much for his kindness in permitting me to interrupt him.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Kentucky?

Mr. FRAZIER. I yield.

Mr. BARKLEY. I do not wish to prolong this more or less irrelevant discussion, but I think it ought to be observed that we have a right to rely upon the judgment of high military officers in the United States Army for the capacity and facilities with which they can take care of the men not only who volunteer in the Regular Army but who may be drawn for training under the bill which is now before the Senate if it shall become the law.

I doubt very seriously whether casual conversation with military police at some reservation can be taken as the last word as to the capacity of the United States Army to take care of those who come into it.

I do not know what General Shedd stated before the Committee on Military Affairs, but I do know that I made inquiry based upon a newspaper report of what he said, and he himself seemed to be impressed with the fact that the newspaper had not given his full testimony. I gathered from him that what they propose to do is somewhat as follows: If the pending bill becomes the law, they will call, say, 75,000 men by the middle of September and will continue to call them in increments of 75,000 or 100,000 men until they get the entire 400,000 which they contemplated they would obtain by the 1st day of January; and that they would be amply qualified to care for all those men as they came in.

It was not proposed to call 400,000 men on the same day, or not necessarily in the same month, but it was contemplated that by the time they got the first increment of 400,000, which has been mentioned in the debate here, looking forward to another 400,000 by the 1st of April, and so on, they would be amply qualified and equipped to take care of the 400,000 they would obtain by the 1st of January, calling them in increments of 75,000 and 100,000, beginning about the middle of September.

It seems to me there is no occasion for us to reflect upon the good faith, the ability, and the integrity of our Army officers. Everyone knows that if we are brought face to face with an emergency, or war overtakes us, we must rely upon these officers, who have been trained during their entire adult lives either at West Point or in the service, for the guidance of our military forces as well as for giving advice to Congress with respect to the facilities for taking care of the Nation.

I certainly feel that it is not in the interest of our country for Members of the Senate, or for anyone else, to cast reflections upon our Army officers, who are doing the best they can, or to cast aspersions upon them, to ridicule them, or to use sarcastic language with respect to them, when they are placed in a situation in which they are compelled to be restricted, as they may be, by whatever appropriation, or whatever authority Congress may see fit to enact in governing their conduct.

I do not know the circumstances under which General Shedd may have stated, or in reply to what question he may have stated that the delay in the enactment of the legislation would, of course, delay the department in carrying out the program for military training. Everyone knows, without the statement of any general, that the longer we delay consideration of the proposed legislation the longer we delay its administration. That is an obvious fact which no one need deny or grow excited about, because it is perfectly true, and no general, and no colonel, or any other officer need tell us that. It may have been in a casual reply made by General Shedd to some question propounded to him in the Committee on Military Affairs of the House of Representatives that he stated they could not begin the administration of the proposed act until Congress passed the measure, and that the longer we delayed enactment the longer they would be required to delay setting up the machinery necessary for its administration. That, I am sure, was not intended as any criticism of Congress, but was merely a statement of a fact which everyone will admit to be true.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. FRAZIER. I yield.

Mr. HILL. I did not hear the testimony before the Committee on Military Affairs of the House of Representatives, but I do know General Shedd, and, knowing him as I do, I am quite sure that the Senator from Kentucky has given the reason and the explanation for General Shedd's statement. I am sure that in his statement General Shedd was not attempting to aim any criticism at Congress.

The truth is that the pending bill was introduced on June 20, and this is now August 19. There has been practically 2 months of consideration of the bill, and the bill has not yet passed the Senate. I am not criticizing the Senate, and certainly, as a member of the Senate Committee on Military Affairs, I am not criticizing that committee. I think the bill should have had the most careful consideration by the Senate committee and should have careful consideration by this body; but the fact remains that 2 months have elapsed, and, necessarily, when time goes by and legislation is not passed, certain changes with respect to the War Department's plans are brought about. But the statement of General Shedd that the War Department had to change its plans due to the fact that the legislation had not passed, I do not think necessarily means at all that General Shedd had any motive or any purpose of launching any criticism or anything of that kind against the Congress.

Mr. VANDENBERG. Mr. President, it seems to me that the able Senator from Alabama leaves a somewhat unfair implication in his statement.

Mr. HILL. Certainly I did not intend to do so. What has the Senator in mind?

Mr. VANDENBERG. Let me tell the Senator what I have in mind. He refers to the fact that the bill was introduced June 20—was that the date?

Mr. HILL. Yes; June 20.

Mr. VANDENBERG. And he stated three or four times that that means it has been before Congress for 2 months. I am sure the Senator will agree that on June 20 there were not 10 men under the dome of the Capitol who remotely anticipated that there would be within human vision a real movement for peacetime conscription in the United States. The bill did not actually come to us, I am sure the Senator will agree, until well into the last of July or into the first of August. Is not that true?

Mr. HILL. I do not agree with the Senator. I may say to the Senator, as one Member of this body, that when the bill was introduced, in the very beginning, I for one felt that we would have to have a selective-service system without delay. The Senator knows that at that time the Germans had made their terrific drive through Flanders, and, unless I am mistaken, they were in the process of making their drive through France.

Mr. VANDENBERG. All I can judge by is the fact that I know that if anyone had suggested to the Committee on Resolutions, for instance, of the Republican National Convention that he even proposed peacetime conscription, he would have been laughed out of the place. I have heard the able Senator from Montana [Mr. WHEELER] say precisely the same thing about the attitude of the Democratic National Convention's committee on resolutions as late as July 20. Of course, I am not injecting a partisan thought; I am merely trying to identify the fact that even as late as July 20 there was no serious thought in the minds of very many people that we were certainly going to be rushed into peacetime conscription.

Therefore, it seems to me it is not quite fair to say that Congress has had this subject under consideration for 2 months, although literally that is true.

Mr. HILL. Let me say to the Senator that I have here the report of the hearings before the Senate Committee on Military Affairs on the pending bill, and I find that the first day of the hearings was as far back as Wednesday, July 3. The bill was introduced on June 20, and 13 days thereafter the Senate committee began hearings on the bill, and had its first witness before it on July 3. Today is August 19. That is to say, we began hearings over 6 weeks ago, and the bill has been under consideration by a committee of this body or before this body itself for that length of time.

Mr. VANDENBERG. Yet as late as August 5 we find Representative SABATH's testimony in the CONGRESSIONAL RECORD that the President of the United States himself said that the voluntary system should be tried to the maximum before proceeding to conscription. What I am trying to suggest is that this matter has not been definitely at issue until the last 3 weeks.

Mr. HILL. It has not been at issue, perhaps, in this body, but certainly it has been at issue before the Senate Committee on Military Affairs since Wednesday, July 3, because I was present at the first meeting, as a member of the committee, and I know the seriousness with which the committee began its hearings on the bill.

Mr. REED. Mr. President, will the Senator from North Dakota yield?

Mr. FRAZIER. I yield.

Mr. REED. Let me call the attention of the very able and distinguished Senator from Alabama, for whom I have a very warm personal affection, to the fact that his committee did not report the bill to the Senate until August 5.

Mr. HILL. The Senator is exactly correct. I stated in the beginning, and perhaps the Senator was not present and did not hear what I stated, that certainly, as a member of the committee, I was not criticizing the committee for taking the time it did take to hold the hearings and to consider the bill. I think it did exactly the right thing. But the fact is, without any criticism of the committee, without any idea or purpose of criticizing the committee, that these weeks and these days have gone by, and that, due to the fact that they have gone by, the War Department has had to change its plans. As I stated in the beginning, the fact that General Shedd said that, due to the fact that the legislation had not been passed, the War Department had been forced to change its plans, did not mean that General Shedd was criticizing Congress at all. He was merely stating the fact.

Mr. REED. I was not criticizing the committee. The last two men in the Senate who, from a personal point of view, I would criticize, would be the Senator from Alabama [Mr. HILL] and the chairman of the Committee on Military Affairs, the Senator from Texas [Mr. SHEPPARD].

I ask the Senator from Alabama in all candor if it was necessary for the committee to take the amount of time it did take. I have no question that it was; I am not criticizing the committee for taking the time; but when it does not report a bill to the Senate from the committee until the 5th day of August, why is not the Senate of the United States entitled to take as much time for consideration of the far-reaching changes which have been written into the bill, as the committee took in writing the bill, or more time?

Mr. HILL. I am sure the Senator did not hear my remarks, but I stated that both the Senate committee and the Senate itself were entitled to take whatever time was necessary to give the bill careful and thorough consideration. If the Senator thinks I am in any way criticizing the Senate for not moving with greater expedition in considering the bill, he is entirely wrong. The question arose about a statement General Shedd made, to wit, that because the bill had not been passed, the War Department had had to change its plans. That does not mean that General Shedd, it certainly does not mean that I, in any way criticize the Senate or the committee. I am a member of the committee and of this body, and I think that both the committee and the Senate should give the proposed legislation careful consideration.

Mr. REED. With that I agree.

Mr. President, before we get away from the Bullitt matter, I wish to say that I share in the strongest measure the statement that has been made on this floor regarding the bad taste of an Ambassador of the United States making the kind of a speech Ambassador Bullitt made, and I cannot escape the conviction that the speech would not have been made except with the open or the tacit approval of the President of the United States. From Who's Who I wish to read a little more about this man Bullitt. I wish to call attention to one or two facts which have not been brought out.

There happened to be a very distinguished newspaperman named John Reed, who went to Russia. He was so deeply in sympathy with the Communist government that he went there after the 1917 revolution and remained until he died,

and he is buried now in the Kremlin, where the great and the sacred of Russia are placed.

According to Who's Who, Mr. Bullitt, who already had indicated his sympathy with the Soviet Government, who was using all the influence he could muster to secure the recognition of the Soviet Government by the United States of America, and who was the first Ambassador to Russia, married the widow of John Reed. That is no reflection upon the lady. I wish to disclaim any thought of reflecting on her. I do not know anything about the matter, but let me read three or four lines about who Mr. Bullitt is, from Who's Who, volume 21, 1940–41.

Mr. THOMAS of Oklahoma. Mr. President, the Senator is not correct in his statement that John Reed is buried in the Kremlin. He is buried just outside. [Laughter.]

Mr. REED. If the distinguished Senator from Oklahoma speaks from knowledge, I accept his statement as correct. John Reed is dead and buried, and his widow married William Christian Bullitt, and this is what Who's Who says about him:

William Christian Bullitt. Diplomat. Born, Philadelphia, Pa., January 25, 1891. Son of William Christian and Louisa Gross Horwitz.

It then proceeds:

Married Anne Moen Louise Bryant Reed, 1923. Appointed Ambassador to Union of Soviet Socialist Republics, 1933.

That is all, Mr. President. I thank the Senator from North Dakota very much for yielding to me.

Mr. REYNOLDS. Mr. President, will the Senator from North Dakota yield?

Mr. FRAZIER. I yield.

Mr. REYNOLDS. I was in the Senate Chamber when the able Senator from Michigan [Mr. VANDENBERG] mentioned the statement that is alleged to have been uttered by General Shedd. The Senator from Michigan, according to my recollection, did not cast any reflection upon General Shedd whatsoever. His statement was in the form of an inquiry directed to the able chairman of the Committee on Military Affairs of the United States Senate, the Senator from Texas [Mr. SHEPPARD]. No one has attempted to criticize; no one, as a matter of fact, has reflected upon General Shedd or upon anyone else. The Senator from Michigan merely made an inquiry of the Senator from Texas, the chairman of the Committee on Military Affairs.

In the course of the argument in reference to our having lost and wasted a great deal of time, there came up the matter of being able to provide for the men who are to be called into the service. Incidentally I wish to mention that I was at Langley Field yesterday, and had the pleasure of meeting a private in the United States Army. I was not motored around by the commanders and the generals, the colonels, or the majors, or any of the other high moguls of the Army. Our able leader, the Senator from Kentucky, mentioned the fact that I was with some military police. I wish to say that I am just as willing and ready to believe a private in the Army of the United States as I am ready to believe any general in the Army of the United States.

The gentleman I was with, who, it is true, was nothing but a private drawing $21 a month, had no motive in misleading me in regard to the information he was providing in reference to there not being facilities sufficient to house the volunteers we have at the present time. I am rather inclined to believe that everything he told me was true, because the physical evidence was there to back up his statement.

As we rode along I saw a number of men marching along the highway, two by two, dressed in civilian clothes. They were not in uniform. I naturally supposed they had just come in, for certainly, if they had been there for a few months, they would have been in uniform. Therefore I was perfectly willing to believe that they were volunteers, as was stated by the private in the Army who accompanied me. I saw them walking along the highway, and shortly thereafter they turned into a field where were set up pup tents, and that evidence led me to believe that instead of going to barracks they were going to tents. As we came back, as I stated a moment ago, I saw 100 men on cots in a great hangar, and the private who was accompanying me said those men were volunteers. I was certainly willing to believe him, because those men wore civilian clothes. That is why I made the observation in reference to the matter which had been mentioned by the Senator from Michigan in connection with an inquiry directed by him to the chairman of the Senate Committee on Military Affairs.

I do not even remember the name of the private who accompanied me. I was not sufficiently interested in that phase. He was kind enough to get in my car and drive over the ground with me, and I asked questions here and questions there. In view of the fact that I was under the impression that we did not have facilities sufficient to house these men or to shelter them, I made the observation I did a moment ago in the Senate.

Mr. FRAZIER. Mr. President, it seems to me quite evident that some of these men are sleeping on cots in the hangars and others are sleeping in pup tents, because the Army does not have any better accommodations for them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. BARKLEY. I do not wish to add to the delay in the consideration of the pending bill by talking about the delays which have occurred, but I have here a statement breaking down what I set forth here a while ago with reference to the statement of General Shedd. Of course, we all realize that even after the bill is enacted there must be appropriations to carry out the purposes of the act, and that even the War Department cannot proceed with the administration of the act until the appropriations are made which are supposed to be authorized in the pending measure.

I may have misunderstood General Shedd when he said that it was proposed to call 75,000 men by the middle of September, but I have here a statement which I think is authoritative; that assuming that the pending legislation is enacted by the first day of September, and assuming that thereafter the necessary appropriations to carry it out are made, the following would be the result up to the first of January.

The 15th of October they would call 75,000 men. From November 5th to the 15th they would call 115,000 men. On December 15 they would call 112,000 men. Late in December or early in January they would call 98,000 men, making a total of 400,000 men who would be called for training by early in January.

Mr. President, I do not wish to comment on the furor which has been raised here today by reason of Ambassador Bullitt's speech. I have not read the speech, and therefore I am not qualified to pass upon anything he said. I turned on my radio yesterday at 6:30 thinking that that was the time he would begin, and I found he had begun at 6 o'clock, and he was just finishing when I turned on the radio to hear him. Therefore, I did not know what he said, although he sent me a copy of the address, which I received just before coming into the Senate Chamber.

Neither do I know whether any one read that speech before it was delivered. I certainly did not. I do not think anyone has any justification for stating that the President of the United States had read it or that he inspired it. I have no information upon that subject, and neither has anyone else in the United States Senate any information upon that subject.

We speak here frequently about freedom of speech. I think I have learned today perhaps the meaning of the Bible reference to the sin against the Holy Ghost. All my life I have wondered just what that was, but probably it means that sin against the Holy Ghost is the sin committed by anyone in the United States who expresses his views, unless he happens to be a Member of the United States Senate.

It may be that in his speech in Philadelphia Mr. Bullitt expressed his views rather vigorously. I do not know and will

not know until I read his speech. But certainly we cannot claim the right here of unlimited debate, the right to express our views, however bitter they may be, or however earnest they may be, and deny to other Americans, even though they may be in official position, the right to express their views upon the problems that beset the American people.

I apologize for taking so much time, and hope the Senator from North Dakota will be able to begin his speech.

Mr. HOLT. Mr. President, speaking about equipment, yesterday's New York newspapers carried statements showing that the Army which the President of the United States went to see did not have even enough equipment to put on a full-dress parade for the President. It simply did not have sufficient equipment. If anyone desires that information be placed in the RECORD, I shall be glad to do so. I do not have a copy of the New York Times with me. That would show that even our present Army does not have enough equipment to take care of itself.

Mr. FRAZIER. Mr. President, I saw in some of the newspapers that the men taking part in the present maneuvers used dump trucks in place of tanks in their sham battles. Perhaps the trucks answered the purpose as well for training the men, however.

Mr. President, I wish now to talk a little while on the subject of the bill which is now before the Senate and has been pending before it for several days.

Mr. President, we have heard much in the past 10 days on the pending question of compulsory peacetime conscription. In my opinion, the argument that peacetime conscription is unnecessary, unwise, undemocratic, and un-American is sound and not subject to dispute. I intend to discuss briefly another phase of the question, a phase which I believe has not yet been dealt with adequately. That is the question of building up a huge war machine in peacetime—a wartime economy which will undermine the entire American economy and drag it down eventually into a depression which will make the last depression look like prosperity.

I shall not discuss the abridgment of civil liberties which the Burke-Wadsworth bill will bring to our Nation still at peace, although we have been pleased to boast of our liberties guaranteed to us by the Constitution itself.

The real question before the Congress and before the Senate, as I see it, is not merely that of enacting peacetime conscription. It goes much deeper than that. The question, Mr. President, is whether we shall throw overboard the whole American system in this mad hysteria to get ready for something which no responsible or qualified authority has yet cared or dared to tell the country about. I ignore, of course, the shouting of professional propagandists or half-baked jingoists as irresponsible mouthings to which no American with common horse sense will listen. Nor am I inclined to pay serious attention to the statements of those whose record for 20 years has been one of agitation for war. The real question is, Shall we here in America establish a semipermanent system of militarism with all of militarism's attendant evils? For, mark you, neither the pending bill nor the so-called Maloney substitute proposes an emergency 1-year program. The Burke-Wadsworth bill has, in actuality, a life of 15 years, and long before that time, if it goes into operation, the evil effects of militarism will have become a cancer on the American body politic.

I have noted that during the argument here in recent days those who favor peacetime conscription have frequently excused the proposed program as not being militaristic, contending that it is merely a training program so that we may be ready for any eventuality. I ask, if it is really a training program, why does the bill propose to put at least 12,000,000 American men under the domination of the military powers? Why, if American civil life is to be protected, is not a simple training program proposed, under which men will receive the training which some people think is so necessary, but at the same time be left free from court martial and the regimented control of the military? Is there not something very strange about a program which, its proponents insist, is one of training, but which actually puts millions of men directly under the thumb of Army officers? Is that an American plan?

In the Senate where there are so many eminent constitutional attorneys, it may be needless to add that conscription, and especially peacetime conscription, is clearly unconstitutional—or so, at least, it has been held by so renowned a constitutional authority as Daniel Webster.

Of course, I do not prophesy what the present Supreme Court might hold on this question, but there is some comfort in knowing that in an earlier day in American history, when it was closer to the people, Congress, after lengthy debate, failed to enact a conscription law when conscription was proposed in the latter part of 1814. We were at war, and part of our land was occupied by foreign powers. Another mad dictator was running wild in Europe, and a power such as we now fear was already entrenched on American shores, and its forces were making raids on our territory. Conscription was defeated even under those conditions.

Listen to what Mr. Webster said then—

(At this point Mr. FRAZIER yielded to Mr. WHEELER and other Senators, and colloquies ensued, which appear at the conclusion of his remarks.)

Mr. FRAZIER. Mr. President, when I was interrupted I was beginning to read some excerpts from the speech of Daniel Webster, made in the House of Representatives in 1814, when our country was at war, and a conscription bill was before that body. I made the statement that at that time foreign countries had possessions in North America, that a dictator was running wild in Europe, and also that we were at war with England, or England was at war with us because she would not leave our Navy alone. A conscription bill was being asked for and was being debated at that time in Congress. I wish to quote from Daniel Webster's statement made at that time:

> It is time for the Congress to examine and decide for itself. It has taken things on trust long enough. It has followed Executive recommendation till there remains no hope of finding safety in that path. What is there, sir, that makes it the duty of this people now to grant new confidence to the administration, and to surrender their most important rights to its discretion? On what merits of its own does it rest this extraordinary claim? When it calls thus loudly for the treasure and the lives of the people, what pledge does it offer that it will not waste all in the same preposterous pursuits, which have hitherto engaged it? * * * What is there in our condition that bespeaks a wise or an able government? What is the evidence that the protection of the country is the object principally regarded?

Mr. President, those are not my words. They are the words of Daniel Webster, spoken in 1814 in the House of Representatives. One might think that he was talking about present-day conditions.

Let me continue to read what Mr. Webster had to say about the conscription bill:

> Conscription is chosen as the most promising instrument, both of overcoming reluctance to the service, and of subduing the difficulties which arise from the deficiencies of the Exchequer. The administration asserts the right to fill the ranks of the Regular Army by compulsion. * * * Persons thus taken by force, and put into the Army, may be compelled to serve there, during the war, or for life. They may be put on any service, at home or abroad, according to the will and pleasure of the Government. * * * This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to government at all times, in peace as well as in war, and is to be exercised under all circumstances, according to its mere discretion.

Mr. President, I again say that we might think that Mr. Webster was speaking about the Burke-Wadsworth bill.

Let me continue to quote his remarks. He is speaking about conscription, remember:

> Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir; indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased, at vast expense of their own treasure and blood, a magna carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of government may engage it? * * * Who will show me any constitutional injunction which makes it the duty of the

American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it? * * * In my opinion, sir, the sentiments of the free population of this country are greatly mistaken here. The Nation is not yet in a temper to submit to conscription. The people have too fresh and strong a feeling of the blessings of civil liberty to be willing thus to surrender it.

Mr. President, I want those present to listen to this next sentence spoken by Daniel Webster:

Those who cry out that the Union is in danger are themselves the authors of that danger. They put its existence to hazard by measures of violence, which it is not capable of enduring. They talk of dangerous designs against Government, when they are overthrowing the fabric from its foundations. They alone, sir, are friends to the Union of States, who endeavor to maintain the principles of civil liberty in this country and to preserve the spirit in which the Union was framed.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. FRAZIER. I yield.

Mr. BARKLEY. The Senator is quoting from a speech made, I believe, in 1814, by Daniel Webster, during the War of 1812, as we call it, with Great Britain, in which he denied the right to order compulsory service of Americans even in time of war.

Mr. FRAZIER. Yes.

Mr. BARKLEY. Does the Senator know whether that was before or after the British burned the Capitol in Washington?

Mr. FRAZIER. The Capitol was burned in the latter part of 1814, just before Webster's speech and the end of the war.

Mr. BARKLEY. As a matter of fact, is it not true that the conclusion of peace shortly thereafter is all that prevented Congress from enacting the legislation which would have required compulsory military service during the remainder of the War of 1812?

Mr. FRAZIER. No; not at all.

Mr. BARKLEY. It is a fact that Congress was in the midst of debating the question when peace was finally arrived at, and only the conclusion of the peace between the United States and England prevented the enactment of legislation which Mr. Webster was against at the time.

Mr. FRAZIER. No; I do not think that history will bear that out. As I recall—and I looked this matter up when preparing the speech—the Senate passed the conscription bill first. It went to the House and was passed there on December 9, and the peace did not come until December 24.

Mr. BARKLEY. That is not a long period.

Mr. FRAZIER. Some amendments were put on the Senate bill in the House, which the Senate objected to, and the encyclopedia to which I referred states that the amendments were placed in the measure undoubtedly because it was thought the Senate would object to them.

Mr. BARKLEY. The Senate had passed the bill, and it went to the House, and the House was debating it?

Mr. FRAZIER. No; the House had passed the bill on December 9.

Mr. BARKLEY. It was in the Senate?

Mr. FRAZIER. It came back to the Senate with amendments.

Mr. BARKLEY. The amendments were under debate, and all this occurred the 9th of December, and peace was entered into on the 21st?

Mr. FRAZIER. On the 24th.

Mr. BARKLEY. On the 24th of December, which was about 2 weeks later. So I am not very far wrong in saying that the conclusion of peace in the latter part of 1814 prevented the enactment of legislation which was then pending, and which had not been concluded, and then Andrew Jackson fought the Battle of New Orleans on the 8th of January, 2 or 3 weeks after peace had been concluded, but no one knew it at that time except the plenipotentiaries who were in Europe.

Mr. President, will the Senator yield further?

Mr. FRAZIER. I yield.

Mr. BARKLEY. I should like to ask the Senator another question. I do not want to consume too much of his time. The Senator is reading from a speech made 126 years ago by Daniel Webster, in the midst of a war in which he was opposing compulsory military service in time of war. That is true, is it not?

Mr. FRAZIER. Yes; and I made the remark that it applied accurately to the present situation. That is one reason why I read it.

Mr. BARKLEY. Does the Senator from North Dakota oppose compulsory military service in time of war?

Mr. FRAZIER. I do not think I should want to vote for compulsory military training even in time of war.

Mr. BARKLEY. So, what the Senator is saying expresses his opposition to compulsory military training or service not only in time of peace, but likewise in time of war. There is really no difference in the Senator's attitude, whether or not we are engaged in war.

Mr. FRAZIER. Of course, the bill under discussion provides for compulsory military service in peacetime. There is no question about that.

Mr. BARKLEY. I understand it is in peacetime, because we are not in war. We all hope we shall not get into war. However, as I understand the Senator, while he is using Mr. Webster's speech, made in time of war, against compulsory military service to support him in time of peace against a similar law, if we were now in the midst of war, the Senator would occupy the same position as that occupied by Webster?

Mr. FRAZIER. His argument, made in time of war, is still stronger in time of peace.

Mr. BARKLEY. I understand that Webster argued that under the Constitution we have no power to conscript men, even in time of war.

Mr. FRAZIER. That is correct.

Mr. BARKLEY. Since that time Mr. Webster has been overruled time and time again by the Supreme Court of the United States. So, under the Constitution we now can conscript men.

Mr. FRAZIER. We have had conscription in wartime.

Mr. BARKLEY. Whether or not the Senator from North Dakota favors it, the Senator will concede that under the Constitution Congress does have the power to conscript men?

Mr. FRAZIER. There is no power that I know of that gives us the right to conscript in peacetimes.

Mr. BARKLEY. We have never been required to do so, and that question has not been passed upon by the courts; but Mr. Webster, in that very speech, was arguing that Congress had the same power in time of peace that it had in time of war, and that war does not bring any additional power to Congress through the Constitution of the United States. So, if Mr. Webster was wrong about that——

Mr. FRAZIER. I am not granting that Mr. Webster was wrong about it at all.

Mr. BARKLEY. The Senator differs with the Court about that; and, of course, he has a perfect right to do so. I shall not pursue the thought further.

Mr. FRAZIER. Mr. President, I have digressed from my principal point because I am impressed with the remarkable argument made by Daniel Webster against conscription. To my mind Webster's address alone, if read by every Member of Congress, should defeat any such un-American proposal as peacetime conscription.

Let us consider what this vast Military Establishment would mean to America, and to America's future. We have spent or authorized to be spent nearly $18,000,000,000 for the building of our defenses. If those who favor this legislation have their way, we are about to put a million more men under arms each year for the next 5 years, and possibly for longer. The Army General Staff itself estimates the training cost each year at $1,000,000,000. Possibly another billion—perhaps much more—will be expended in providing for this conscript army. A million men or more will be engaged in producing the essentials for this army. A million men will be busy day and night feeding this colossal military

machine. Plants and factories, shipyards and steel mills, all are to run day and night turning out products for this frankenstein which we are creating. In a year, or perhaps two, a fair share of our national income will be represented by the expenditure for this vast war machine. And who will pay for all this? The Government? Who is the Government, but the people. Taxes have already risen too high. But today's taxes are only a fraction of what is in store for the American taxpayer if the pending bill becomes a law. Soon he will cry out, "Enough of this back-breaking load." What will the Government do then? Perhaps we can again borrow ourselves into prosperity.

Will the Government, after the "emergency" is over, suddenly junk the war machine it has created? Remember that the new war economy will have formed a major part of the whole American system. Millions of our people will be depending upon it for their bread and butter. To drop it suddenly would cause vast unemployment—a depression such as this country has not yet experienced. Will the Government reduce taxes and borrow, letting a future generation pay the debt? We already have done too much of that. The public debt is not far from $50,000,000,000 now. How much further will the financial powers let it go without calling a halt and bringing on panic and crisis?

Whichever way we turn the result is the same—a panic, depression, unemployment, hunger—and after that, what? Can the American form of government survive the future which unrolls before us—the inevitable climax to be found in the creation of every military economy in history?

Will Senators rise in this Chamber and tell us that America wants this—that the American people beg and plead for such a future? Much has been made of public-opinion polls which purport to show that two-thirds of the American people favor peacetime conscription. Ordinary common sense ought to tell us they are wrong. Even the most ordinary inspection shows that the most quoted of these polls is deliberately weighted. It has not asked the question whether or not the American people favor peacetime conscription. What it did ask is whether or not the people favor 1 year's service in the armed forces for young men of 21. Does that question sound like compulsory peacetime conscription? The same poll has made much of the fact that even North Dakota, the State I have the honor, in part, to represent, favors conscription. I am still trying to determine what North Dakota residents were interviewed in the poll. I can assure you that my mail on conscription from North Dakota citizens is at least 50 to 1 against it.

The course we have followed is now plain to see. It need occasion no surprise that the people of this country, although at peace, find themselves facing the prospect of peacetime conscription. Those who now run our Government and are responsible for its policies have left their footprints in the sands of time. They were there for all of us to read had we wanted to do so.

In 1918 a man who was then Assistant Secretary of the Navy declared:

> Our national defense must extend all over the Western Hemisphere, must go a thousand miles out to sea, must embrace the Philippines and over the seas wherever our commerce may be. * * * The people of the United States should adopt definitely the principle of national government service by every man and woman at some time in their lives.

In 1919 that same man said:

> I hope that there will be some kind of training or universal military service.

Yes, the path is clear for all to see—if they want to see.

Three years ago there were sent to the Congress three legislative proposals which, if enacted in the form transmitted to Congress, would have overnight changed our democratic republic into a tightly controlled dictatorship. I refer, of course, to the Supreme Court reorganization bill, the Government department reorganization bill, and the industrial mobilization bill. The first would have made a laughingstock of our judicial arm of the Government by making it completely subservient to the executive; the second would have destroyed the independence of the independent agencies of the Government, which, instead of being arms of the legislative, also would have fallen under the domination of the executive; and the third would have placed private industry under the thumb of an all-powerful executive government. It is significant to remember that this industrial mobilization proposal would have permitted the taking over of private industry not only in case of war but in the likelihood of war. It also provided for the conscription of our young men.

Few Americans apparently realized at the time the significance of this threefold attack on what we like to call the American way of life. I remind the Senate at this time, Mr. President, of that bold attempt 3 years ago because, to me, we are again witnessing a move to subvert traditional American institutions. Eternal vigilance is the price of liberty, it has been well said, and the founding fathers builded better than they knew when they created a government whose strength was to be derived from the equal balance between the legislative, judicial, and executive arms of government. I am exceedingly sorry to say we are getting away from that principle. Today we face a proposal to take over the manpower of the Nation—not in war but in an emergency—in the likelihood of war—a peacetime conscription bill for the free and independent American people who are proud to boast of the liberty guaranteed them by the Constitution. But if we should also propose, because the emergency we supposedly face is indeed so serious as to require the conscription of free men into a vast military machine, that we also should conscript wealth and property, shouts of horror would be heard. There is no such emergency as would require the taking over of capital, we would be told.

We are told that it is perfectly democratic to conscript our young men, but that to conscript property is rank socialism and communism.

Mr. President, when the discussion on the pending bill was first started in the explanation of the bill it was pointed out that an attempt was being made to retain jobs for the boys after they had served a year in the military forces; that when they came back their jobs would be waiting for them. A question was raised by the senior Senator from Nebraska, and others, who said that such a provision would undoubtedly be unconstitutional and could not be enforced. Mr. President, if the Congress has the power, the right, and the authority to conscript boys to serve a year in the military service, it will be very difficult to explain to the same boys why the same Congress does not have the same right to conscript their jobs and hold them for them when they come back after serving a year in the military forces of the country.

Pass this conscription bill, Mr. President, and we will have forged the first link in the chain which will drag down America to the same militaristic level of communistic Russia, fascist Italy, and nazi Germany.

Is that what we want here—conscription, draft, military regimentation—in peacetime in our own beloved America? God forbid.

During the delivery of Mr. FRAZIER's speech, after numerous interruptions had occurred, Mr. FRAZIER said:

Mr. President, I ask unanimous consent that my remarks be printed consecutively in the RECORD, and that the interruptions be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The interruptions and colloquies occurring during the delivery of Mr. FRAZIER's speech.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. WHEELER. If I correctly understood the Senator, he was talking about the conscription bill of 1814.

Mr. FRAZIER. Yes.

Mr. WHEELER. I was about to say that in looking over the record I find that the present chairman of the Military Affairs Committee of the Senate, the gentleman from Texas [Mr. SHEPPARD], and my friend the distinguished Senator

from Tennessee [Mr. McKELLAR] brought in a minority report against the conscription bill of 1917, and the Senator from Tennessee made a speech against it. In 1920, when a conscription bill was brought in by Senator WADSWORTH, who is now Representative WADSWORTH, again the present chairman of the Military Affairs Committee and my distinguished friend from Tennessee brought in a minority report. I find also that one of our distinguished leaders, the Senator from South Carolina [Mr. BYRNES], who was then a Member of the House in 1917, made a very brilliant speech against conscription.

Mr. McKELLAR. Mr. President, we all learn from experience. It is probably the best teacher in the world. At any rate, I think it is the best teacher I have ever had.

A very short time after I came to the Senate, in 1917, I very vigorously supported the volunteer process of obtaining an army; but it soon developed that that process would not obtain the kind of army we had to have at that time, and the result showed that we had to have compulsory service.

Although many others are now claiming credit for it, it will be remembered that General Crowder was the Judge Advocate General of the Army at the time, and it was through his influence that what is known as the local selection of soldiers took place. In my judgment, it was one of the most successful plans for raising an army that was ever devised in this country or any other country. It was fair to the boys. It was fair to the Army. It was fair to the country. I will say to my friend that I was convinced by experience, by a real experience. I took exactly the same view then that he now takes, but by experience I learned that the fairest and most just way of procuring an army was along the lines of the selective draft as administered by General Crowder. That plan will be followed this time. The only difference is that then we waited until after we went to war before we introduced compulsory service. This time it will be done in advance.

I recall furthermore that we took practically no steps to prepare for that war in advance. The winter of 1917–18 came on—the coldest winter I have ever experienced. The thermometer went down to 5 or 10 degrees below zero, even in Washington. It was below zero in my section of the country; it was cold everywhere; and it developed, at a hearing before the Military Affairs Committee, of which I was a member at the time, that there were more than 100,000 soldiers in camp without sufficient clothing and bedding. I made up my mind that if trouble should come again I would take no chances with clothing the men after they were selected, and no chance of our not having an Army for the purpose of defense.

I know that no Member of the Senate is more opposed to going to war than I am.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. WHEELER. The Senator from Tennessee was convinced by the process of 1917 and 1918; and yet we find that the RECORD shows that in 1920, after he had been convinced, he still opposed conscription.

Mr. McKELLAR. Turning my mind back to history, it will be remembered that in 1920 we thought we were about to enter into an agreement with the other nations of the world that there was to be no more war.

Mr. WHEELER. Not in 1920.

Mr. McKELLAR. Oh, yes. We were debating it in this body. At that time a majority of this body was in favor of having no more war. That fact influenced my position at that time.

I regret more than I can say that we must have compulsory service. The new conditions of war call for new weapons, such as enormous tanks, and airplanes. They must be manned by men of experience. I think it would be almost criminal to expect men without training to use great tanks, modern artillery, and airplanes. I think the conditions of modern warfare are such that it is absolutely necessary for us to have compulsory training in order to be fair to everyone in the country.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. WHEELER. The Senator from Tennessee says that he was convinced by what took place in 1917 and 1918; and yet we find that in 1920 the Senator opposed the Wadsworth bill on the floor of the Senate. He talked about Prussianizing the United States by setting up peacetime military conscription at that particular time.

Mr. President, if I believed, as do some Senators—and perhaps they have a right to believe it—that we are about to get into war, if I followed Ambassador Bullitt's plea, and if I wanted to follow the philosophy behind what some Senators have advocated on the floor of the Senate—that we get into the war, or that we are in the war—my position would be different. Rear Admiral Standley said the other night, "What is the use of talking about it? Why camouflage it? We are in the war now." Of course, if we are in the war, or if we are going to war after election, or if we are going to war in January, then I should say we ought to have conscription, and we ought to give the boys training. But I do not believe the American people are ready or willing to go to war or will permit this country to get into war at this time unless we are attacked. [Manifestations of applause from the galleries.]

Mr. President, every great newspaper in the United States is talking about doing everything we can short of war. I agree with what Admiral Standley said the other night. He said, "Let us throw away this pretense. Let us go ahead and declare war now, and not do it by indirection." I say I agree with him. I agree with him in his frankness, because if we are to go to war, let us be men enough, and let us have courage enough to stand up and declare it. But let us not do it by indirection, as Mr. Bullitt would have us do. I have not the slightest doubt that Mr. Bullitt's speech was approved by the State Department. Otherwise he would not have dared to send it out. Let us see what he says:

> Why are we sleeping, Americans? When are we going to wake up? When are we going to tell our Government that we want to defend our homes and our children and our liberties, whatever the cost in money or blood?

What does that mean? That means that Mr. Bullitt is making a plea for this country to enter the war now. It means that he feels that our first line of defense is Great Britain. That is what it means, and nothing else. Of course, if I believed as Mr. Bullitt believes, I should say, "Let us train all these men, let us build camps, let us turn the Government into a military camp." But I do not subscribe to that philosophy; and I say to the Senate, as I have said before, that I cannot follow this administration, and I will not follow any administration, whether it be Republican or Democratic, which tries to get us into the war, when we remember what the cost of the last war was to the people of the United States. We ought to stop and think what it cost us. It cost us, in money, $40,000,000,000. We filled up the hospitals—and they are still filled—with maimed soldiers, lying in their cots, row on row. We filled the insane asylums. That is what Bullitt would have us do all over again. That is what Rear Admiral Standley advocated the other night. He said, "Let us have a declaration of war." Of course, Bullitt will not have to go to the front-line trenches. Admiral Standley is too old. The publisher of the New York Times will not have to go. Stimson will not have to go. The bones and the flesh of American boys are still fertilizing the fields of France, and yet we are going to get into another war. I say that the man who advocates our getting into this war is worse than a "fifth columnist." To me he is a traitor to his Government. I do not believe that is the kind of thing in which the American people believe.

I do not want to see American boys go onto the battlefield untrained any more than does the Senator from Tennessee. I know the Senator from Tennessee feels as keenly about these matters as I do; I know he is as peace-minded as I am. I know he is as much opposed to our country getting into this war as I am, but we are being taken down this road step by step. I think it was General Foch, as the story goes, who

said he wanted merely a regiment of American soldiers to march into Paris so as to build up the morale of the French people. Then, afterwards, he said that he knew that if he got that one regiment of soldiers he would have us all in the war. So England knows that if she obtains 50 American destroyers, she will have the whole American fleet over there for good, and she will have us in the war.

It is time, as Bullitt says, for the American people to wake up; it is time that they realize where they are going, and to ask themselves, Do we want to place another $40,000,000,000 debt on this country? Do we want another inflation? Do we want another deflation? Do we want the flower of the youth of this country fertilizing the fields of some foreign country?

Mr. McKELLAR. Mr. President, will the Senator from North Dakota yield to me?

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. FRAZIER. I yield.

Mr. McKELLAR. Mr. President, I am as much opposed to war as any man possibly can be. I am opposed to our country getting into the present European war. The Senator from Montana referred to a speech which was made by a gentleman who has been, and I believe still is, one of our Ambassadors to a foreign country. I read that speech with many misgivings.

After the present war shall have ended, I am inclined to think this country could well afford to abolish all its Ambassadors and ministers. The Secretary of State and the President could better manage our foreign affairs over the long-distance telephone. Many of these Ambassadors seem to be largely troublemakers. I believe they act on their own volition, without regard to the Department of State or the administration, oftentimes act not as the administration desires but in spite of what the administration desires. Some of them, I know, do things in spite of the wishes of the administration. I feel that criticism of American officials serving in foreign countries who seem to have nothing else to do except to cause trouble by injudicious talking is entirely proper. These foreign representatives soon become representatives of the governments to which they are assigned, and get out of touch and out of sympathy with their Government back home. They do entirely too much talking.

At the same time I do not agree with the Senator from Montana about our present preparation being a step toward war. On the contrary, I think it is a step against war. I have voted, the Senator from Montana has voted, and nearly every other Senator on this floor has voted for the most gigantic appropriations in order to prepare to defend our country. I think such preparation, under present conditions in our country and in the other countries of the world is necessary.

Mr. WHEELER. I agree with what the Senator says about preparation.

Mr. McKELLAR. I am sure the Senator agrees with me. I think that we should thoroughly prepare, and to show how strongly I feel that way I have today reported to the Senate from the Appropriations Committee a bill appropriating between four and five billion dollars. What for? For the preparation for the defense of our country. The Senator from Montana will vote for it; I doubt not that all other Senators will vote for it; it ought to be voted for, because, in the present situation in the world, it is my humble opinion that America must take no chances, and that this great democracy of ours must be held intact. It takes generally two things for a proper defense. One is munitions and the other equipment of war, for which we have provided in no uncertain terms in various bills. The other, the training of men who are to employ these unusual machines.

There was a time in our history when a man who could shoot a gun straight, who could walk straight, who could fight with courage needed no particular training; but in modern conditions, with enormous tanks and smaller tanks, with air bombers, pursuit planes, and all other kinds of war planes, and with a marvelous artillery developed to shoot scores of miles, it is necessary that the boys called upon to use such equipment and instruments of warfare be trained in their use. It would be criminal on our part to send untrained boys to war. I favor adequate preparation not for the purpose of making war, for I have very grave doubt whether I would vote for war for any reason except in case of actual attack upon us or upon our institutions, but I believe that when we prepare as we are now preparing—and I say that we are really preparing and those of us who happen to be on the Appropriations Committee know what steps have been taken in preparing for the defense of this Republic—we are taking the proper steps; we know that we are going to be well prepared, and whenever we come to be well prepared, which I think will be in the next 5 or 6 months, no nation will attempt to attack us. The best possible preventive of war is to have on hand modern instruments of war; and when we manufacture such instruments and when we train the men to use them it is perfectly apparent that no nation, neither Germany nor Japan nor Italy nor any other nation, will attack us.

But what will happen if we do not prepare? The same thing will happen to us that happened to poor Austria. She was not prepared. Czechoslovakia was not prepared; Norway was not prepared; Poland was not prepared; Belgium was not prepared; Holland was not prepared. France was prepared but she had so many "fifth columnists" in her midst that they betrayed her. Only a few weeks, indeed a few days, before France withdrew from the war, it was said that she was the strongest military power on the face of the earth; but one thing France lacked. Like the rich young man who is spoken of in the New Testament, it could be said of France, "One thing thou lackest." What was that? It was the courage, the will to fight for the protection of French institutions. The "fifth columnists" had become too powerful in her government and among her people. I think there was much double dealing. But in this country it is different. We have the courage in this country, but we have got to have the same modern machines with which to fight that other nations might bring against us. We have got to have the same trained man-force.

I wish to say, Mr. President, that, so far as I am concerned, I do not believe in war; I do not believe war is the proper method of adjusting disputes. I voted for the League of Nations, in the hope that we might adjust disputes peacefully. I have always been on the side of peace; I am on the side of peace now; but I believe in preparing ourselves for any attack that may be made upon us, and that in so preparing we are preserving the peace of our country, and not putting our country on the road to war.

Heaven knows that I pray my God that we may never be attacked, and that I never may be one of those who will vote to put our country into any war; I am for peace just as much as is the Senator from Montana, or my distinguished and beloved friend, the Senator from North Dakota, for both of whom I have the highest respect, admiration, and esteem; but I want to say to them that if we fail properly to prepare, trouble may come to us, whereas if we get ready to protect ourselves no trouble, in my judgment, will come to us.

I thank the Senator from North Dakota for yielding to me, and will say to him that I regret very much having taken so much of his time. I am willing that he transpose what I have said in the RECORD, and I know the Senator from Montana is likewise willing, for I do not desire to break the continuity of his speech. I thank him for having yielded to me.

Mr. WHEELER. Mr. President, will the Senator from North Dakota yield to me for a word?

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Montana?

Mr. FRAZIER. I yield.

Mr. WHEELER. There is no Member of the Senate of whom I know who does not agree with everything the Senator from Tennessee has said about preparedness. However, we are talking about preparedness, although we can get all the volunteers we want, a sufficient number to fill the quotas at the present time, as the Senator from North Carolina [Mr. REYNOLDS] pointed out, and as everyone knows, we are not prepared at the present time to take care of the voluntary enlistments we are now getting. I happen to know a young man in my neighborhood who enlisted in the Army for a certain service. He was told that they had no equipment for him. The Army has not the guns; it has not the tanks, and other things, such as airplanes, in sufficient quantities to train the men obtained by voluntary enlistment. It has not the beds for them; it has not the clothes for them; it has not anything else for them. So, under such conditions, when we have not the machines and equipment with which to train the men who may be enrolled, why should we be talking about conscription?

Mr. FRAZIER. Mr. President, I want to say in regard to what the Senator from Tennessee said about being prepared, and with regard to the mighty Army of France, that the great trouble with the French Army was that the soldiers were conscripted; they were not voluntarily enlisted. So they did not have their heart in the fighting, and the result showed it. That is the kind of result which might be expected from conscription.

Mr. McKELLAR. We had a very good Army in 1917, 1918, and 1919. I just put my hand on the shoulder of one of the finest officers there was in that Army. I refer to the Senator from Maryland [Mr. TYDINGS]. I do know that he went in under the draft, but he had many draft soldiers with him, and no army under the sun ever made a finer record than the American Army had on the fields of France in 1917 and 1918.

Mr. WHEELER. The Senator from Maryland volunteered, and that is the reason he made such an excellent officer.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. TYDINGS. I have not been in France during the recent war, but I have heard a great many remarks here recently to the effect that the French soldiers did not fight with courage and that they were not equal, in many respects, to carrying on in soldier fashion.

I am no defender of the French soldier, because I was not in France during this war, but I should like to say that it is pretty apparent that one of the reasons why France collapsed was that she did not have airplanes, and air supremacy was one of the big factors in the French defeat; she did not have tanks, and she did not have antiaircraft guns. Her collapse was not due to lack of fighting ability on the part of her troops. The Germans had such weapons in great abundance. I think it is rather unfair to draw the invidious conclusion—though I know it is meant in good faith, and was said hastily—that the French soldier was not brave. I know that in the World War the French soldier, considering he had been through 3 or 4 years of warfare, was a very brave soldier, as was the German soldier. As a matter of fact, I think that the soldiers of practically all nationalities showed up very well in that war, with one or two exceptions, perhaps. But I do think an injustice is done to the French soldier, who did die in many cases, and who was wounded in many cases, when it is said he did not fight with courage. In my humble judgment, the French lost the war because they did not have the modern equipment in sufficient quantity, or the men trained to fight with that equipment in sufficient numbers, to meet the efficient and well-equipped Army of Germany.

Mr. President, I simply rose because I knew that Senators would not want to leave the impression that they thought the French soldier had failed in the recent war to demonstrate bravery and courage.

Mr. FRAZIER. There is no question about the French having the best-trained army in the world at that time.

Mr. TYDINGS. That is correct.

Mr. FRAZIER. The trouble was that they were not up to date, and that is the trouble with us right now; we are not up to date, either.

Mr. McKELLAR. We are getting to that point very fast.

Mr. FRAZIER. We have made appropriations of eighteen or twenty billion dollars to prepare for what we think may be coming, and in another 5 or 6 years we will probably be just as far behind the times as we are now. That is the trouble in this situation.

Mr. TYDINGS. I am not a military expert, but we all know that the French plan was one of defense, primarily, and not of offense. They relied on the Maginot line and other defenses they had, feeling that they could hold an enemy out with that fine, fortified line—and it was a splendid line; no doubt, it was a marvelous defensive operation. But, relying on that, they had neglected to keep abreast of the times in other lines of warfare, particularly in the air. The French Army went into the last war, which drew to a close in France a few days ago, with almost no air equipment, compared with Germany. Germany had 30,000 planes, the French had only a very few.

Mr. FRAZIER. The Senator must not forget that they came to the United States and got the latest type planes we had.

Mr. TYDINGS. That is correct, but they did not get them in sufficient quantity. It takes about 18 months to make a good military aviator, as any Army or Navy man will tell us.

I did not wish to get into the debate, except that I felt that in fairness to the French soldier a statement should not be made on the floor, no matter how impulsive we grow, reflecting on him, when, as a matter of fact, one of the chief reasons why France was defeated was that she did not have sufficient modern equipment, and a sufficient number of men to fight with that modern equipment, to withstand the equipment and the men to fight that equipment that Germany had. I believe that if the French had been better equipped, perhaps the tale might have been a different one.

I simply rose as an act of fair play to many dead and wounded Frenchmen who did their utmost in the last struggle in France to say that I feel that those Senators who have made statements about the French soldier have made them impulsively, and not with any real desire to reflect on the character of the French soldier.

Mr. McKELLAR. Mr. President, if the Senator from North Dakota will yield, I wish to say that, of course, my statement was made in the course of a debate which arose on the floor of the Senate unexpectedly, and Senators know what such a situation brings about. I gave expression to what was in my mind.

I wish to state to the distinguished Senator from Maryland, for whom I have the warmest regard and the greatest admiration and respect, that I would rather trust his judgment about the situation than to trust my own, for the reason that I did not fight in France in 1917, 1918, and 1919, as the distinguished Senator from Maryland did. He is much better acquainted with the French people, and especially French soldiers, than I am, and he may be entirely correct. I wish to make this statement in modification of what I stated a while ago. I do not desire to be unfair to any nation which has felt the effect of a dictator's mailed fist.

Mr. FRAZIER. Mr. President, in connection with what the Senator from Tennessee has said, to the effect that if we were properly prepared there would be no nation that would attack us, I remember a statement made by the Honorable William Jennings Bryan, who, a few years ago, many Members of Congress thought was about the last word when it came to forming a judgment on almost any question. After he resigned as Secretary of State, at the beginning of the World War, he said that the nation that was best prepared was always the first one to get into war. He said, too, that he thought that if the United States had been well prepared at the time the World War started, as a good many people who advocated big armies and big navies desired, we would have been in the war right from the start. I believe he was correct.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. McKELLAR. I knew Mr. Bryan very intimately. I was one of his warmest friends, and voted for him nearly half a lifetime; and I do not regret any of my votes. He was truly a great man, an intense peace advocate, as I was, and as I have always been. But that did not mean that he was always right in regard to military questions.

Mr. FRAZIER. He himself was a distinguished officer in the Army.

Mr. McKELLAR. I know he was, and it is remarkable to relate that, although he was opposed to war; although he was probably the leading exponent of opposition to war all his life, yet when he came to die he requested that he be buried in Arlington Cemetery, where officers and soldiers are buried, and where, as an officer of the Army during the Spanish-American War, he had a right to be buried. I happened to be one of the pallbearers selected to officiate at his funeral. Remembering his attitude in regard to war, it struck me as peculiar that he wanted to be buried in a military cemetery. That shows the peculiar turns of a man's mind. He had been known as an advocate of peace all his life, yet he wanted to be buried in a military cemetery, with military ceremonies; and that was all right. I yield to no man in my admiration for Mr. Bryan. I think he was one of the greatest men our country ever produced. But that does not mean we had to agree with him at all times.

The Senator from Montana a few minutes ago referred to the volunteer system, and I wish to say that I was an advocate of the volunteer system in 1917, when I first came to the Senate, and I made a speech for it at that time. But conditions at the time of our entrance into the first World War opened my eyes to two facts. One was that we could not get a sufficiently large army by the volunteer system, and the other was that under the selective draft system, as it was known, where local officials—not Army officers, but local civilian officials—selected those who were to go into the service, the result was just and equitable and fair.

Situated as we are, I feel it is our duty to adopt that system at this time. I believe it is the best possible preventive of war, which is what the Senator from North Dakota wants, what I want, and I imagine what every other Senator wants.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. TYDINGS. The Senator from North Dakota is a very sincere man, and I respect his views very greatly, and I know that for a long time he has held to the views he now entertains. I should like to point out, however, the difference between the military situation today and the military situations which existed at the time of other wars.

The Senator knows that during the Civil War, for example, or even during the Spanish-American War, and at the beginning of the World War, the main reliance in warfare was on the infantry soldier, the rifle, and the bayonet. Artillery was more or less incidental, though important, of course. In the early wars there were no such things as airplanes and no such things as tanks; the amount of artillery was small and it was of a very inefficient character compared with the artillery of today.

Today there is an entirely different kind of warfare. It strikes me that many people are assuming that if, when we blow a whistle, two or three million men shall come out with rifles in their hands, they ipso facto would become pretty good fighting men. That might have been true 40 or 50 years ago, but it is not true today. It takes 18 months to make a good aviator; it takes quite a long time to make a good artilleryman, or a machine gunner, or a one-pounder shooter. It takes a long time to get acquainted with those arms.

Let me illustrate. Let us take the average machine gun of today. A machine gun has to be shot in the black of the night as well as in the light of day. There are several things which may cause a gun to jam—the cartridge may not be quite of sufficient length, or have quite the necessary thickness, or perhaps may not have the uniform amount of powder in it. If that gun jams at night, the gunner has to know from the position of the handle, as he can know, what causes the jam and how to correct it; and he has to correct it when it is so dark that he cannot see his hand before him.

If the spring in the lock of an artillery piece, or in the lock of a machine gun, breaks, the gunner has to know how, in the pitch black of night, to take his screwdriver or other tool and take the lock apart, put the pieces down on the ground, put a new spring in, fit the lock together again, and get it back in his gun so that he can shoot the gun. Just that little phase of the matter cannot be learned in 1 or 2 or 3 days. It takes weeks of training, blindfolded, to learn how to do those things.

While I am no lover of conscription, and while I am for the voluntary system as much as anyone is, if we really want defense, we should go in for defense. If we do not want defense, that is an entirely different matter. We cannot be for defense and against defense at the same time. As for myself, I would rather have more defense than I needed and not have need for it than to have less defense than I needed and have need for it. We would better overdo on the side of preparedness than underdo, if I may so express it. Certainly it would be a travesty to appropriate great sums of money to make large quantities of arms and then not have the men trained to shoot them. Men cannot be trained in 60 or 90 days to be efficient soldiers. Even when they become expert in the use of their own particular arm, they have to learn how to work with men of every other arm. Men in the heavy artillery, light artillery, infantry, and machine-gun battalions all must learn to work together, and unless they have the necessary degree of training we shall be in the same position that other countries were in that did not have men who were properly trained.

I submit to the Senator from North Dakota in all good faith, not as an advocate of violating our democratic principles but as a practical matter, that we cannot have an army which is efficient and capable of defending our country without having enough men who have been trained long enough to do their particular jobs. We cannot buy national defense. We must sacrifice for it.

I am somewhat ashamed of my country that the desire today seems to be to buy preparedness rather than to sacrifice for preparedness, that the old pioneer spirit is dying or dead, and that everyone wants to evade responsibility. I would rather see a nation of people who welcome the opportunity to give something to their country, and not to have a continual parade of people who are willing to evade service, which only means that some other poor devil must step into the breach. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. LEE in the chair). Let the Chair say to the occupants of the galleries that it is strictly against the rules of the Senate for them to demonstrate their feelings on one side or the other of any question. Therefore the Chair trusts that no more demonstrations will come from the galleries.

Mr. FRAZIER. Mr. President, perhaps our forefathers were all wrong when they wrote the Declaration of Independence and the Constitution, and that the guaranty of liberty did not mean anything, but I am not one of those who agree to that at all, and I do not think the Senator from Maryland will agree to it either.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. FRAZIER. I yield.

Mr. TYDINGS. I do not like to depart from anything that our forefathers have done, but if the Senator feels that what he said represents adequate defense, I suggest to him that he have 10,000 copies of his statement printed, and send one to every soldier in an invading army, and tell the soldiers that it is against the Constitution for them to attack us, and see how far it will go.

Mr. FRAZIER. I do not know that there is any provision in the Constitution to that effect, but we still have a Constitution which we are supposed to follow, and most of us are proud to do so.

INCREASE IN NUMBER OF AVIATORS IN THE NAVY AND MARINE CORPS

During the delivery of Mr. FRAZIER's speech,

Mr. WALSH. Mr. President, will the Senator from North Dakota yield to me?

Mr. FRAZIER. I yield.

Mr. WALSH. Mr. President, there is on the desk a message from the House which I would like to have acted upon at once. Action upon the matter will take but a few minutes.

The PRESIDING OFFICER (Mr. SMATHERS in the chair) laid before the Senate a message from the House of Representatives, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,
*August 15, 1940.*

*Resolved*, That the House agree to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, and 21 to the bill (H. R. 10030) increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes, and concur therein; and

That the House disagree to the amendment of the Senate numbered 14 to said bill.

Mr. WALSH. I move that the Senate recede from its amendment numbered 14, so that the bill may be passed.

The motion was agreed to.

INCREASE IN NUMBER OF MIDSHIPMEN

Mr. WALSH. Mr. President, there are two important bills that will take only a few moments to act upon. I should like to have the Senate consider them at this time. The reason I ask for present consideration is that the measures are of pressing importance, and also because of the fact that I shall be absent from the Senate tomorrow.

From the Committee on Naval Affairs I report back with amendments, Senate bill 4271, to increase the number of midshipmen at the United States Naval Academy, and I submit a report—No. 2015—thereon.

Briefly, this bill provides that young men who took the examination for entrance to the Naval Academy this year and also in the year 1939, who did not succeed in getting appointments, but did pass the examination as first alternates or second alternates, shall be admitted to the Naval Academy in the school year that begins on September 15 and also for admission of candidates from the reserves and Presidential appointments.

I ask for immediate consideration of the measure.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KING. I assume that the persons who are embraced in this list, in their examinations showed their competency?

Mr. WALSH. Yes. They not only have passed the scholastic test, but also have passed the physical test, and they must also be under the age requirement, 20 years of age.

The reason for the request for immediate consideration of this measure is that these young men must be notified and must enter the Academy before the 15th day of September, in order to begin the scholastic work of the year.

It is estimated the number of these competitive candidates and alternates for midshipmen would be as follows:

| | |
|---|---|
| In 1939: | |
| Presidential list | 3 |
| District of Columbia | 1 |
| Congressional | 61 |
| In 1940: | |
| Presidential list | 4 |
| Naval Reserve | 14 |
| Congressional | 186 |
| Canal Zone | 1 |
| Total | 270 |

Mr. HILL. As I understand, these young men have met every requirement for admission to the academy. The only reason they have not been admitted is because they were alternates. The principals were admitted, and therefore there were no vacancies. There was no opportunity for them to be admitted.

Mr. WALSH. That is correct.

Mr. HILL. What is proposed is to admit to the academy the alternates, who have met all the requirements, and who would have been admitted had their principals failed to be admitted.

Mr. WALSH. The Senator has stated the situation exactly.

Mr. McNARY. Mr. President, I understand that the bill has not reached the calendar. An emergency exists in the unavoidable absence tomorrow of the able Senator from Massachusetts. Under those circumstances I have no objection to the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 4271) to increase the number of midshipmen at the United States Naval Academy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments, on page 1, line 3, after "until", to strike out "September 1" and insert "September 14"; and, in line 6, after "calendar", to strike out "year" and insert "years 1939 and", so as to make the bill read:

*Be it enacted, etc.*, That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the naval academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this act but were not accepted for reasons other than physical disqualification.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRAINING OF NAVAL RESERVE OFFICERS

Mr. WALSH. Mr. President, from the Committee on Naval Affairs I report back, without amendment, Senate bill 4272, to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended, and submit a report No. 2016 thereon.

This bill is similar in character to Senate bill 4271. Both this bill and the previous bill were recommended by the Navy Department. The purpose of the bill is to authorize an increase in the number of students in naval reserve officers' training corps units from 2,400 to 7,200. We now have naval units in 11 colleges and universities throughout the country. The bill, if enacted, would permit an increase of 16 units, in 16 colleges or universities, and would give the Navy an opportunity, at the commencement of the school year, to provide the equipment and paraphernalia and start at once training such units in our colleges and universities. I ask unanimous consent for the immediate consideration of the bill.

Mr. McNARY. Mr. President, the Senator has asked for immediate consideration. I wish to propound one question to the able Senator. Does the bill have the unanimous approval of the committee?

Mr. WALSH. Yes.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill, S. 4272, to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like to ask the Senator a question. What provisions are made for compensating the colleges for the teaching or training of students?

Mr. WALSH. That is a very appropriate and timely question. The colleges are not compensated at all. A college makes application to be considered for the establishment of a naval unit at the college. A certain number of students must be enrolled in the college before such a unit is established. The number of individuals in a unit is approximately 250 in each college. The cost of training the young men to be Reserve officers is between $900 and $1,000 a year. The cost of training a young man at the Naval Academy for 4 years is $14,000. So, from the standpoint of economy, the

bill represents a great saving to the country. The college has no expense to bear and no contribution is made by the college. After 4 years of training in college as a member of one of these units they are then given the rank of ensign in the Naval Reserve and are subject to call in time of war, and may also be transferred to the active service at any time.

Mr. KING. I assume that naval officers are sent to the various colleges for the purpose of instruction.

Mr. WALSH. That is correct.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes" (43 Stat. 1276; U. S. C., title 34, sec. 821), as amended by the act approved August 6, 1927 (50 Stat. 563; U. S. C., supp. V, title 34, sec. 821), is hereby further amended by deleting the words "twenty-four hundred" in the last line of the section and by inserting in lieu thereof the words "seventy-two hundred."

After the conclusion of Mr. FRAZIER's address,

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery;

S. 2686. An act authorizing the reenlistment of John Mudry in the United States Army;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes; and

S. 4137. An act relating to transportation of foreign mail by aircraft.

The message also announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. HARTER of Ohio, Mr. ANDREWS, and Mr. SHORT were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 40) creating a special joint committee to investigate the matter of losses resulting from the Mediterranean fruitfly eradication campaign in Florida in 1929 and 1930.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 5403. An act to provide for the deposit of certain collections for overtime immigrating services to the credit of the appropriation chargeable with the payment for such services, and for other purposes;

H. R. 5640. An act to admit Richard Paul Rehn permanently to the United States;

H. R. 5641. An act to admit Johann Rudolf Hueneberg permanently to the United States; and

H. R. 10065. An act to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Louisiana [Mr. OVERTON].

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. HAYDEN. Mr. President, will the Senator from Connecticut yield to me?

Mr. DANAHER. I understand the Senator from Arizona has an amendment which he desires to present very briefly?

Mr. HAYDEN. I have an amendment to the bill relating to printing. On page 28 there is a provision which in substance authorizes the War Department to have such printing done as may be required anywhere in the United States.

Mr. DANAHER. I yield to the Senator.

Mr. HAYDEN. The amendment for the present consideration of which I ask unanimous consent has been agreed to by the chairman of the Committee on Military Affairs, approved by the War and Navy Departments, by the General Accounting Office and by the Public Printer.

The PRESIDING OFFICER. Is there objection to the presentation of the amendment at this time? The Chair hears none, and the clerk will state the amendment.

The LEGISLATIVE CLERK. On page 28 it is proposed to strike out paragraph 5, line 7 to 12, inclusive, and insert in lieu thereof the following:

(5) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended by the act of July 8, 1935 (49 Stat. 475), and to obtain such office equipment, as he may deem necessary to carry out the provisions of this act, with or without advertising or formal contract; and

Mr. HAYDEN. Mr. President, my understanding is that in connection with the calling of men for selective military service there will be 62 different forms to be printed. For example, if 12,000,000 men between the ages of 21 and 31 shall be registered there will have to be 24,000,000 blanks printed to record in duplicate the facts pertaining to each man. There is another item requiring some 18,000,000 blanks. The printing of such a very large number of blanks would necessarily have to be done in each of the States before the registration is completed. Any printing that relates to the operation of the local draft boards, about which there is no need for haste, can very well be done at the Government Printing Office.

The amendment I am offering means that such work as properly can be done at the Government Printing Office will not be sent to private printing plants and thereby bring about very material savings to the Federal Treasury.

Mr. CLARK of Missouri. Mr. President, will the Senator tell us how many of those blanks have already been printed at the Government Printing Office? I have been informed by people who ought to know that even before the proposed act has passed one body of Congress the Government Printing Office has been working overtime printing the blanks.

Mr. HAYDEN. I am sure that the Senator is entirely mistaken.

Mr. CLARK of Missouri. That may be, but I got the information from very reputable newspapermen.

Mr. HAYDEN. My information is that all that has actually occurred is that certain blank forms relating to the selective draft have been submitted to the Public Printer to determine whether or not the printing could best be done at the Government Printing Office or elsewhere. It is true that a considerable amount of other printing has been done for the War Department in connection with the procurement of supplies but not as indicated by the Senator from Missouri.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. When was the questionnaire printed which was reproduced by the New York Herald Tribune in the latter part of July which purported to be a reproduction of the complete draft general questionnaire.

Mr. HAYDEN. That was a sample questionnaire, a comparatively few of which were printed at the request of the War Department about 10 years ago, but no large number of them have been printed because nobody now knows how many will be necessary. For example, if the proposal made by the Senator from Massachusetts [Mr. LODGE] that instead of drafting men from 21 to 31 the Congress, in its wisdom, should provide that only men from 21 to 25 should be registered, then only 10,000,000 blanks would have to be printed for the 5,000,000 in that lower-age group. Nobody can tell what the actual number to be registered will be until Congress finally determines that question. I think it was very wise that the War Department asked that some few of these blanks be printed so that they could be sent to the adjutants general of the several States to enable them to make inquiries of private printing establishments as to the cost of printing whatever number may eventually be needed in each State. This procedure is a measure of preparedness so that the private printers may know what may be expected of them in case of a sudden call for bids on that kind of work. All of that undoubtedly has been done, but there has been no actual printing of a material quantity of such blanks up to this time. I am positive of that.

Mr. VANDENBERG. The sample printed in the New York Herald Tribune was labeled as a questionnaire which was to be used in the pending conscription. It said in the instructions to the man who received the questionnaire, "You are now in war and must be guided accordingly."

Is that line still on the blank for which the Senator is trying to provide?

Mr. HAYDEN. I myself have not seen the blanks. The blanks were prepared, as the original Burke-Wadsworth bill was prepared, by the War Department about 10 years ago, anticipating that the Nation might be at some future time in a state of war. I want to say to the Senate that the adoption of this amendment will not only save the Government money but will also expedite the public business.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Arizona to the amendment reported by the committee is agreed to.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Clark, Mo. | Harrison | Mead |
| Andrews | Connally | Hatch | Miller |
| Ashurst | Danaher | Hayden | Minton |
| Austin | Davis | Herring | Murray |
| Barbour | Donahey | Hill | Neely |
| Barkley | Downey | Holt | Norris |
| Bone | Ellender | Hughes | Nye |
| Bridges | Frazier | Johnson, Calif. | Pepper |
| Bulow | George | Johnson, Colo. | Pittman |
| Burke | Gerry | King | Radcliffe |
| Byrd | Gibson | Lee | Reed |
| Byrnes | Gillette | Lodge | Reynolds |
| Capper | Glass | Lundeen | Russell |
| Caraway | Green | McCarran | Schwartz |
| Chandler | Guffey | McKellar | Schwellenbach |
| Chavez | Gurney | McNary | Sheppard |
| Clark, Idaho | Hale | Maloney | Smathers |
| Stewart | Thomas, Utah | Vandenberg | Wheeler |
| Taft | Townsend | Van Nuys | White |
| Thomas, Idaho | Truman | Wagner | Wiley |
| Thomas, Okla. | Tydings | Walsh | |

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present. The Senator from Connecticut [Mr. DANAHER] has the floor.

PRINTING AND DISTRIBUTION OF STAMPS

Mr. DANAHER. Mr. President, I intend to offer a resolution, but before doing so and before asking for its reference to the Committee on Post Offices and Post Roads, it would seem appropriate that I explain the general purpose and intendment of the language used in the resolution. The best way to put the matter before the Senate, I think, is to read the pertinent portions of the resolution:

*Resolved*, That the Committee on Post Offices and Post Roads is hereby authorized to take testimony, investigate, and report to the Senate: (a) Whether any person or corporation has violated the laws of the United States by procuring from the Bureau of Engraving and Printing United States stamps except in the form in which the stamp is available to the public over the counter, or (b) whether the laws of the United States have been and are being fully, adequately, and impartially administered with reference to the distribution of United States stamps, or (c) whether certain persons by virtue of official position or otherwise have received or are receiving special privileges with reference to the acquisition of United States stamps in such manner, or did receive United States stamps so specifically treated, as unjustly and inequitably to enrich themselves.

Mr. President, my concern in this particular is by no means something that is purely and simply personal to me.

I have discussed this matter with many of my colleagues on the floor of the Senate. As a result, I have investigated, insofar as lay within my own power, to ascertain the authenticity of the background of the matter. In the light of the facts which have become apparent, it has seemed best to bring the matter to the attention of the Senate, to the end that the proper committee of the Senate may investigate further and fully into the whole situation.

A bit of history is not out of order. In 1933 a stamp called the Newburgh stamp was run off by the Post Office, through the Bureau of Engraving and Printing, and certain special forms of that stamp were purchased by the then Postmaster General, a most distinguished gentleman, let me say, who, with forethought, felt that the country's leading stamp collector would be interested in that particular stamp, and he purchased it. Presently there was a new issue called a Mother's Day commemoration. That stamp was run off by the Bureau of Engraving and Printing as an imperforate stamp. It was not gummed. But some collectors over the United States were shocked to discover that these particular issues were reaching certain hands, and when a collector in Norfolk, Va., offered a sheet of those stamps for the then unheard of price of $30,000, the entire Congress unquestionably was shocked. I know that there was much discussion at the time, and that the House of Representatives considered the situation and, as a result, the Post Office Department issued orders dealing with such matters and of course intended, and I have not the slightest question expected, that in future those orders would be obeyed.

The Post Office Department, on March 15, 1935, announced that all of the commemorative issues, including the National Parks series, which had been given away in complimentary sheets, would be reissued in an unlimited quantity and placed on public sale. Those stamps, as thus placed in sheet form and made available to the public, were sold through the Philatelic Agency, and within a year collectors had paid over $1,663,000 for the imperforate and ungummed stamps of the National Parks series.

Mr. President, for a long time there had been rumors in the stamp-collectors' field that some of those stamps had not been disposed of in that fashion, that some of the stamps in fact had been specially treated by the Bureau of Engraving and printing; had been gummed. The mere fact that a special stamp is issued and then given special treatment gives to that stamp an unusual value. The rumors which had pervaded the field for some years have now been shown and proven to have a basis in fact.

In May of this year the chancellor of New York University, Mr. Harry Woodburn Chase, as chairman of a committee in charge of relief agencies, wrote to the present Secretary of the Interior, Mr. Harold L. Ickes, who is a noted philatelist, and asked Mr. Ickes if he had any stamps which could be turned over to Mr. Chase to be sold for the benefit of the fund he was collecting. Mr. Ickes replied, and I will read Mr. Ickes' letter to Mr. Chase.

MY DEAR MR. CHASE: In reply to your letter of May 31, I enclose some stamps for the philatelic auction for refugee relief that you are promoting.

The series of blocks of four imperforate Park stamps are the so-called Farleys, but with a difference that will be noted.

Every stamp collector knows that when the regular issues of Park commemoratives were printed there were also printed a small number of imperforate stamps upon the same dies. I bought two complete sets of these imperforates that were gummed. I still have one complete set of these gummed imperforates, but the other set I have cut into to some extent in order to send to my stamp-collecting friends.

Notice, Mr. President, the Post Office Department had previously said that there were no gummed stamps of that issue, but the Secretary of the Interior, as the head of the National Park Service, had, he says in his own letter, several of these sheets which were gummed. He even had the ability, as a philatelist, to forecast to himself, as he did to Mr. Chase, the singular value that attached to those special stamps because they were gummed, and he noted the fact, as I have indicated.

I continue the reading from the letter:

Some of these have gone through the mails. For instance, I have used these stamps as postage in letters sent to President Roosevelt for his collection, and I have a similar set of my own. So far as I know, none of these stamps has ever been sold. The ones that I gave away were—

Note, that is not my word—

The ones that I gave away was with the provision that they be not sold. There is probably one exception to this. I traded some of these stamps for others that I wanted, but my information is that even the ones so traded have not been sold. Accordingly, it will be seen that there were only 200 of each of these gummed imperforates issued. I still have in my possession probably 150 of each denomination.

I am also sending you a miscellaneous assortment of other stamps without even stopping to check on their value. If you can use any of these, well and good; if not, I would appreciate it if you would have them returned to me.

Sincerely yours,

HAROLD L. ICKES.

Mr. President, those stamps have been reaching the public, those stamps have been submitted to collectors for sale, and by offering them to the public at auction, the philatelic auction, for which they are now being transmitted and have been transmitted to Mr. Chase, it is perfectly apparent that there is being created a market for the 150 remaining stamps which the author of the letter says himself he still has.

What does that mean? It means, Mr. President, that at the collectors' prices at which those stamps are being sold, or can be sold, 150 stamps remaining in the possession of this gentleman are worth now $187,500.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. McKELLAR. Who was the author of the letter the Senator has read?

Mr. DANAHER. Mr. Harold L. Ickes, Secretary of the Interior. Let me say also to the Senator from Tennessee that, as he doubtless knows, Mr. Ickes is also the head of the National Park Service, in commemoration of which Service these very stamps were issued.

Mr. BARKLEY. What was the date of the letter the Senator just read?

Mr. DANAHER. The date of the letter was May 31, 1940.

Let me point this up with one observation, that these stamps cost that noted collector $82.50. So that the net profit to a Cabinet officer, who was able to get the Post Office Department, or the Bureau of Engraving and Printing, to gum these particular special-issue stamps for him, would be, if he disposed of them on this basis, $187,417.50, the net profit. In view of the fact that his salary over the past 8 years has been only $120,000, it is not a bad job.

Mr. McKELLAR. Mr. President, I had not heard of the matter until the Senator mentioned it to me, I believe on Saturday, and I know nothing about it, but as chairman of the Committee on Post Offices and Post Roads I shall certainly examine into it.

Mr. DANAHER. I know that, and I thank the Senator from Tennessee for his cordial cooperation. We had but a very brief chat about it, and without going further into our conversation let me say that I prepared the resolution, which I will presently offer, and the matter will go to the Committee on Post Offices and Post Roads, of which the Senator from Tennessee is chairman; and I hope and expect that a complete investigation will be had.

Mr. President, let me proceed with this just briefly. When Mr. Phelps Adams, of the Washington bureau of the New York Sun, investigated into this matter pursuant to the letter from Mr. Ickes to Mr. Chase, as I myself or as anyone would have felt, he was not satisfied merely with an unconfirmed statement, and he took the matter up with the Mr. Ickes. He wanted to know what the facts were. Mr. Ickes was reached on the telephone, or in person, I do not know which, but I think on the telephone, and Mr. Ickes said:

As I recall the matter, I went down to the Bureau of Printing and Engraving with Mr. Farley and a number of others to see the first sheets of the National Parks series come from the presses. I bought some of these sheets. Then I noticed that they were ungummed and imperforate. I asked the Post Office Department if I could have my set gummed, and they said "yes." So I sent a check and the sheets over to the Department the next day and the sheets were gummed and returned to me.

Mr. President, some of these stamps were submitted to dealers in New York, who refused to handle them, on the ground that they should never have been available to the public at all, for the reason that stamps when imperforate, unless they are put out over the counter so that all the public can have equal opportunity to get the same kind of stamps, are not regarded as salable merchandise, and the collectors therefore do not wish to handle them, for they lack the authenticity which would otherwise attach to them.

Mr. President, one of the ablest of the philatelists of this country is Mr. William M. Stuart, who writes for the Washington Post, and in the Post of yesterday, August 18, in his column, there is a complete review of the facts as Mr. Stuart believes them to be. Let me read exactly what Mr. Stuart says:

Many collectors regard these gummed varieties as illegitimate stamps for they were not issued in accordance with official announcements. While it is unquestioned that if these stamps are finally placed at auction, large prices will be secured for any sort of an error, legitimate or otherwise, will find a ready purchaser. Then there are many collectors who are of the opinion that the varieties not being authorized should not be placed on sale anywhere. The issue will be sharply drawn from now on.

That is what Mr. Stuart predicted, and that is exactly the way I feel about it, that the issue should be sharply drawn, and I believe that everyone of those stamps should be returned to the Bureau of Engraving and Printing and that they should not be opened to the market, that there should not be created a special value for them, either in the market in New York, under the auspices of Mr. Chase, or anywhere else. Yet there are some 50 of them, at least, and note that the collector I mention still retains 150.

I submit that the facts should become known and should be considered, and that the resolution concerning which I am seeking action should receive prompt action, and I have no doubt, from the words of the Senator from Tennessee, that that will be the fact.

The New York Sun pointed out that New York City collectors and dealers today disclosed at length the revelation that Secretary of the Interior Harold L. Ickes had used his official influence to create for himself a third variety of the already notorious so-called Farley stamp issues—the imperforated sheets of the National Parks issues in gummed condition, to be such an action that the article actually uses the one word in quotes "illegitimate," and attaches to this entire transaction that particular characterization.

Mr. President, I do not know enough about the stamp collecting business, or philately generally, to know whether

it can properly be said that this particular transaction in fact is illegitimate. I do not say that. I do not know. I do say that the newspaper so describes it. In the language of the resolution I have submitted, I ask that the committee ascertain whether or not the laws of the United States have been and are being fully, adequately, and impartially administered with reference to the distribution of United States stamps, for if the laws are not being impartially administered, and if, by virtue of his position, any person can have accredited to him the possibilities of such an enormous bonanza as a gain of $187,000 plus, I am certain that no one in the Senate Chamber would defend such a course.

Mr. President, I think that all the evidence presently at hand should be submitted at this time. I would first ask unanimous consent that the resolution which I send to the desk be printed in the RECORD as part of my remarks, and in due course be referred to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Does the Senator also ask unanimous consent to submit the resolution at this time out of order?

Mr. DANAHER. I wish to ask unanimous consent to submit the resolution at this time, that it be printed in the RECORD, and referred to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Without objection, the resolution will be received and referred to the Committee on Post Offices and Post Roads.

The resolution (S. Res. 296) is as follows:

*Resolved*, That the Committee on Post Offices and Post Roads is hereby authorized to take testimony, investigate, and report to the Senate: (a) whether any person or corporation has violated the laws of the United States by procuring from the Bureau of Engraving and Printing United States stamps except in the form in which the stamp is available to the public over the counter, or (b) whether the laws of the United States have been and are being fully, adequately, and impartially administered with reference to the distribution of United States stamps, or (c) whether certain persons by virtue of official position or otherwise have received or are receiving special privileges with reference to the acquisition of United States stamps in such manner, or did receive United States stamps so specially treated, as unjustly and inequitably to enrich themselves.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate, to employ such assistance, to require by subpena or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed $2,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. DANAHER. I next submit an article from the New York Sun of August 10, 1940, entitled "Ickes Bobs Up as Possessor of Only Set of a United States Stamp."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Sun of August 10, 1940]

ICKES BOBS UP AS POSSESSOR OF ONLY SET OF A UNITED STATES STAMP—IT'S GUMMED, IMPERFORATE NATIONAL-PARKS VARIETY—HIS THE "ONLY 200 ISSUED"—POST OFFICE HAD DENIED THEIR EXISTENCE

The long-rumored existence of fully gummed and imperforate postage stamps of the so-called Farley's follies issues, a few of which have allegedly been offered for sale in the philatelic marts, has at last been verified. They are held by no less famous a collector of postage stamps than Harold L. Ickes, Secretary of the Interior.

It will be recalled that when Postmaster General Farley, on April 11, 1933, presided at the first printing run of the 3-cent Newburgh stamp, issued to commemorate the one hundred and fiftieth anniversary of the proclamation of peace at Newburgh, N. Y., on April 19, 1783, he took one of the first sheets, before it had been perforated and gummed, and, with the comment that the President was a collector, purchased it for "the Chief." This friendly custom on the part of Mr. Farley continued as subsequent commemorative issues of United States postage appeared in increasing numbers.

Then a sheet of the Mother's Day commemoratives, imperforate and ungummed, appeared for sale in Norfolk, Va., with the dealer asking $30,000 for this "rarity." And the philatelic world woke up to the realization that Mr. Farley's generosity had broad potentialities in the stamp market.

The hue and cry became too persistent to be ignored and, after apologies from Mr. Farley, the Post Office Department announced that on March 15, 1935, all of the commemorative issues, including the national-park series, which had been given away in complimentary sheets, would be reissued in unlimited quantity and placed on public sale. Within the next year collectors had paid into the coffers of the Philatelic Agency a total of $1,663,717 for these "Farley's follies," imperforate and ungummed. Consequently, all of the privately held sets lost practically all philatelic value.

That was that. A wrong had been done. Mr. Farley's explanation was that "It was all a mistake." The wrong had been righted.

A LETTER FROM ICKES

Then came rumors that these imperforate special issues were in existence with full gum. The Post Office Department vigorously denied, as late as yesterday, that this was so.

However, Mr. Ickes had verified the fact and revealed just what happened.

On May 31 of this year Chancellor Harry Woodburn Chase, of New York University, as chairman of the committee in charge of the benefit stamp auctions for Europe's war refugees, wrote Mr. Ickes, as a well-known philatelist, asking for a contribution of stamps for the auction. Mr. Ickes' letter, which emphasizes the matter of "gum," follows:

"MY DEAR DR. CHASE: In reply to your letter of May 31, I inclose some stamps for the philatelic auction for refugee relief that you are promoting.

"The series of blocks of four imperforate Park stamps are the so-called Farleys, but with a difference that will be noted.

"Every stamp collector knows that when the regular issues of Park commemoratives were printed there were also printed a small number of imperforate stamps upon the same dies. I bought two complete sets of these imperforates that were gummed. I still have one complete set of these gummed imperforates, but the other set I have cut into to some extent in order to send to my stamp-collecting friends.

"Some of these have gone through the mails. For instance, I have used these stamps as postage in letters sent to President Roosevelt for his collection, and I have a similar set of my own. So far as I know, none of these stamps has ever been sold. The ones that I gave away was with the provision that they be not sold. There is probably one exception to this. I traded some of these stamps for others that I wanted but my information is that even the ones so traded have not been sold. Accordingly, it will be seen that there were only 200 of each of these gummed imperforates issued. I still have in my possession probably 150 of each denomination.

"I am also sending you a miscellaneous assortment of other stamps without even stopping to check on their value. If you can use any of these, well and good; if not, I would appreciate it if you would have them returned to me.

"Sincerely yours,

"HAROLD L. ICKES."

POST-OFFICE DENIAL

When it became known that this third variety of the national-parks stamps to be made at the Bureau of Printing and Engraving was to be placed on public sale in New York in November when the benefit auction will be held, the Sun asked the Post Office Department to verify their existence.

The official office of information of the Department promptly replied that "so far as the Post Office Department is concerned, there have never been any imperforate stamps issued that have been gummed."

Assistant Postmaster General Roy North declared that so far as he knew, there have never been any gummed imperforates released by the Department. The head of the Division of Stamps of the Department echoed this statement with the declaration that none such have ever been sold.

Mr. Ickes, however, acknowledged the entire incident when reached late yesterday at his week-end home near Washington.

"As I recall the matter," he said, "I went down to the Bureau of Printing and Engraving with Mr. Farley and a number of others to see the first sheets of the national-parks series come from the presses. I bought some of these sheets. Then I noticed that they were ungummed and imperforate. I asked the Post Office Department if I could have my set gummed, and they said 'Yes.' So I sent a check and the sheets over to the Department the next day and the sheets were gummed and returned to me."

When asked who in "the Post Office Department" had authorized the gumming of the imperforate sheets, Mr. Ickes said: "I don't recall—Jim Farley was there, and somebody else, I can't remember, but it might have been a man by the name of Black."

Third Assistant Postmaster General Ramsey S. Black is in charge of the Division of Stamps which handles all philatelic matters at the Department. He could not be reached, being absent from Washington, in Pennsylvania where he is a Guffey political lieutenant.

SOME GOT TO MARKET

That some of the stamps from these specially gummed sheets found their way into the philatelic market places seems now to be pretty well confirmed. A complete set was purchased by George Ewing, noted collector and specialist in United States issues, from the New York dealer, Philip B. Ward. Mr. Ward sold them to Mr. Ewing as such, but either could not or would not certify that they had been gummed at the bureau.

Mr. Ewing had a chemical analysis of the gum made and compared with the gum used for the regular parks issue. But the findings were inconclusive. For this reason, Mr. Ewing told the Sun yesterday, he had never mounted and included the set in his collection, believing them to be of questionable authenticity since the Government bureau emphatically denied having ever issued such a sheet.

Later, another set appeared for sale in a well-known New York stamp auction house. Suspicious of their source and genuineness, the bidders at this sale "laid off" this lot.

Just what value these gummed imperforate issues of the national parks commemorative stamps may have to collectors is problematical. Now that their existence has been officially verified by Mr. Ickes, who also claims to have in his possession all but 50 copies of each denomination, the picture may change. If a possessor of such a set were able to trace, prove, and certify that his set came from these sheets obtained by Mr. Ickes from the Bureau of Engraving and Printing, they may develop a real and high philatelic worth.

Something of this value may be judged from the fact that the first of the ungummed variety of these sheets discovered was held by a dealer for $30,000.

Mr. DANAHER. Next, Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, an article from the New York Sun of August 12, 1940, entitled "Ickes Has Bonanza in Stamps—Potential Value of $187,500 Is Placed on His National Park Items."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Sun, of August 12, 1940]

ICKES HAS BONANZA IN STAMPS—POTENTIAL VALUE OF $187,500 IS PLACED ON HIS NATIONAL PARK ITEMS

WASHINGTON, August 12.—As Secretary of the Interior Harold L. Ickes will earn a total of $120,000 for his 8 years of service in the New Deal cabinet, but as a stamp-collecting Secretary of the Interior he has stamps with a potential value of $187,500, stamp dealers estimated here today.

In his capacity as head of the National Park Service, he was invited to attend ceremonies at the Bureau of Printing and Engraving some years ago, when the first national-park stamps were run from the presses, and in accordance with the custom that prevailed in those days, he, with other dignitaries present, purchased two souvenir sheets of each of the 10 denominations of this issue, ungummed and imperforate.

While the other dignitaries were quite content apparently with their purchases, Mr. Ickes, an enthusiastic philatelist with a sense of the value of rarities, asked if his sheets might be gummed. The Bureau of Engraving complied with the request, and Mr. Ickes sent a check to the Post Office Department paying the face value of the stamps.

Since that time he has given about 50 of each series away to friends or traded them with other collectors for stamps that he desired. But the 150 stamps which he retains today of each issue are said by dealers to possess the fabulous value of $187,500.

The stamps cost the Secretary $82.50. His profit—if he ever realizes on it—would, therefore, be $187,417.50.

PHILATELISTS INCENSED

This estimate was based by dealers here on the actual prices paid by collectors for other freak stamps, such as imperforate or partly perforate issues which have brought about $100 apiece, or $500 for a block of four, in the open market.

Opinion in philatelic circles has been deeply outraged by the action of Mr. Ickes in having these stamps especially gummed for his own collection and for the benefit of his friends.

William M. Stuart, one of the best-known collectors in Washington and stamp editor of the Washington Post, told the Sun today that he regarded these stamps as "illegitimate" and without value among reputable dealers and collectors beyond their face value. In a forthcoming stamp column he planned, he said, to protest vigorously against the sale of these stamps at auction by New York University.

Mr. Ickes has given one block of 4 stamps of each of the 10 denominations to the university, to be put up at auction for the benefit of refugee relief, but whatever price they may bring at that auction will serve naturally to place a similar basic value upon the 150 stamps of each denomination which Mr. Ickes retains in his possession.

REISSUE NOT CONTEMPLATED

One reputable Washington dealer likewise told the Sun today that he regarded these stamps as without premium value and in a category apart from other stamp rarities, because they were not regularly issued.

On two occasions, he declared, these fully gummed imperforate "Farley follies" had been offered to him for sale, and he had refused on both occasions to handle them. He declined to say from what source the offer had come.

Post-office officials, meanwhile, said that they had given no thought to the possible reissuance of these national-park stamps in gummed, imperforate form in keeping with the policy of the Department fixed at the time the first scandal surrounding the "Farley follies" stirred the philatelic world. At that time, on February 2, 1935, to be exact—Postmaster General Farley issued a statement which read, in part:

"Orders have been issued that hereafter no sheets of any stamp will be allowed outside of the Bureau of Engraving and Printing except in the form in which the stamp is available to the public over the counter."

To destroy the "fictitious and unwarranted value" of the souvenir sheets already issued at the Bureau of Engraving and Printing, of course, Mr. Farley arranged to have complete sets of the ungummed imperforates offered to the public at their face value.

Unless similar procedure is followed in the case of the Ickes specials—or unless collectors as a group boycott the issue as fraudulent and without value as a rarity—Mr. Ickes stands to make the largest profit on record out of a penny's worth of glue.

COLLECTORS HERE CRITICAL

New York City collectors and dealers today disclosed at length the revelation that Secretary of the Interior Harold L. Ickes had used his official influence to create for himself a third variety of the already notorious so-called Farley stamp issues—the imperforated sheets of the national-parks issues in gummed condition.

None would hazard a guess as to the value of these blocks of four of each of the 10 denominations, 1 to 10 cents, which Mr. Ickes gave to Dr. Harry Woodburn Chase, chancellor of New York University, for sale in the benefit auction for the European war refugee fund.

The collectors almost unanimously condemned the existence of these stamps and were outspoken in their criticism of the No. 2 philatelist in the New Deal Cabinet.

All expressed the conviction that Mr. Ickes was particularly culpable, because as a collector of long experience he knew the potential value of the varieties.

One or two collectors and most of the dealers interviewed felt that this issue should not receive any special recognition but pointed out that should two or three collectors of means, at the proposed auction, show any desire for them and run the price up, a false, but nevertheless cash value would be recorded. Some specialists in United States stamps of the twentieth century, it was pointed out, might feel that this first sale would be the best opportunity to get this variety and, feeling uncertain of what might happen to their value in the future, wish to get them while the getting was good—and not too difficult.

AGAINST ANY REISSUANCE

Another angle widely discussed in stamp circles today was the possibility of the Post Office Department reissuing these imperforate Farley issues in officially gummed condition, thus creating duplicates of those held by Mr. Ickes, and placing them on public sale from the Philatelic Agency at face value. This was done in the case of the imperforate, ungummed sheets and it proved quite a profitable issue for the agency—collectors in 1935 and 1936 having purchased an aggregate of $1,663,717 worth.

Another item which might have a bearing on the situation is whether or not this Ickes issue will obtain recognition in the Standard Postage Stamp Catalog, published by the Scott Stamp & Coin Co., and recognized as the arbiter of value and authenticity of all stamp issues in this country. The Scott Co. would make no statement at the moment but several members of the committee which advises with it on United States issues, none of whom would be quoted, all said they would vigorously oppose recognizing the issue. The attitude of collectors and dealers was unanimous on three points—refusal to be quoted, condemnation of the creation of the issue, and an admitted resolve to watch closely the bidding on this lot at the auction sale in November.

Mr. DANAHER. I also ask unanimous consent to have inserted in the RECORD at this point as a part of my remarks an editorial from the New York Sun of August 12, 1940, entitled "Harold the Philatelist."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HAROLD THE PHILATELIST

Every collector, whether his hobby be the acquisition of first editions, pewter mugs, or postage stamps, will sympathize with the tendency to boastfulness over a profitable "deal" that led Harold L. Ickes, Secretary of the Interior and No. 2 philatelist of the New Deal high command, to reveal himself as the sire, by special privilege, of the gummed variety of the imperforate national-parks commemorative series of United States postage known to collectors as the "Farley follies."

In giving a set of this variety of this postage-stamp issue to the committee in charge of conducting a series of philatelic auction sales for the benefit of European war refugees, Mr. Ickes could not refrain from emphasizing their unique value. Every hobbyist will recognize, in the smug complacency with which Mr. Ickes called to the attention of the recipient the fact that only 200 copies of each denomination of this series of 10 stamps exist, a type of collector that is found, at least one of him, at almost every philatelic gathering or exhibition. But this familiarity will not lessen the indignation with which collectors generally will read Mr. Ickes' amazing letter of gift, no matter how worthy the cause.

The implication of the rarity of these philatelic items ("there were only 200 each of these gummed imperforates issued"); the shrewd comment that "I still have one complete set * * * the other set I have cut into to some extent in order to send [copies] to my stamp-collecting friends"; the philatelic wisdom displayed by his

revelation that "some of these have gone through the mails. For instance, I have used these stamps on letters sent to President Roosevelt for his collection"; the naive addendum, "I have a similar set of my own"; the indication of cautiousness in the statement that "The ones that I gave away was [sic] with the provision that they be not sold"; and, finally, the frank recognition of their commercial value in the admission, "I traded some of these stamps for others that I wanted"—these words by the Secretary of the Interior, as a stamp collector, will hardly soften the sense of outrage felt by other and less fortunate philatelists.

Mr. DANAHER. I also ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, the article by Mr. William M. Stuart, published in the Washington Post of August 18, 1940, entitled "Stamps."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAMPS

Gummed varieties of the special printing of United States postage stamps issued March 15, 1935, without gum, have finally been offered for sale.

It will be recalled that after the episode of a collector trying to dispose of a sheet of the Mother's Day commemorative, imperforated and without gum, for $30,000, a lively debate in the House took place and finally, in order to give all collectors an opportunity to secure the stamps, Postmaster General James A. Farley ordered that the entire series be issued imperforate and without gum. The stamps were issued in full sheets and in blocks of four.

Soon after the stamps appeared rumors were current that the variety of these special printings were being used without gum. Now, it is reported by Secretary of the Interior Harold L. Ickes that he has had these stamps gummed and that he has donated a large lot of such stamps to be sold at auction in New York the coming fall.

For years strong denials were always made when mention was made of any of these varieties being used with gum. The standard catalog clearly states that the special printings of the entire series were without gum and that was the intention of the Department. But, according to Secretary Ickes, in his letter to Chancelor Harry Woodburn Chase, of New York University, who will supervise the auction sale, the following appears:

"Every stamp collector knows that when the regular issues of park commemoratives were printed there were also printed a small number of imperforate stamps upon the same dies. I bought two complete sets of these imperforates that were gummed. I still have one complete set of these gummed imperforates, but the other set I have cut into to some extent in order to send to my stamp-collecting friends."

Post Office Department officials were greatly concerned when the fact became known that some of the gummed varieties were to be sold at auction for refugee benefits. All officials agree that when the special printing was ordered of all of the varieties, including national parks as well as commemoratives, that none were to be gummed.

So it appears that somebody passed along the word that Mr. Ickes could have some of his sheets gummed. Official releases ordered by Postmaster General Farley were all very explicit in stating that the sheets of all stamps were imperforate and ungummed. But during the year rumors that gummed varieties had been issued and even used in the mails persisted. Now the fact of gummed varieties has been confirmed by Mr. Ickes.

Many collectors regard these gummed varieties as illegitimate stamps for they were not issued in accordance with official announcements. While it is unquestioned that if these stamps are finally placed at auction, large prices will be secured for any sort of an error, legitimate or otherwise, will find a ready purchaser. Then there are many collectors who are of the opinion that the varieties not being authorized should not be placed on sale anywhere. The issue will be sharply drawn from now on.

The Department declares that "so far as the Post Office Department is concerned, there have never been any imperforate stamps issued that have been gummed." This is an undisputed fact.

On February 6, 1935, in order to clarify some misrepresentations which have been made to the issuance of United States postage stamps, and in order to leave no possible question in the mind of the public, as to the policy of the Post Office Department, the following statement was made:

1. Collectors of stamps do not recognize varieties of stamps such as imperforate varieties, inverted center varieties, and so forth, unless these varieties have been sold to the public. Sometimes in the history of the Department these have been sold over the post-office counters by mistake on the part of the Bureau of Engraving and Printing. Where this happens the stamp becomes a collector's "find" and often attains great value. In the case of several recent issues, a number of sheets in imperforate condition were struck off as samples but were not sold to the public. This being so, they have no value from the collector's point of view because they do not fall under the general rule any more than proof copies, essays, or stamps marked "specimen."

2. Because question has been raised, however, in regard to these sheets, which were not sold to the public, and because of the possibility that in the future some of these sheets might find their way into the hands of the public and be given a fictitious and unwarranted value, the Postoffice Department has decided to take the one step possible to eliminate this for all time. The department will place on sale, through the philatelic agency in Washington, imperforate sheets of all the issues of which imperforate specimen or souvenir sheets have already been run, and these will be printed in sufficient numbers to meet the request of all collectors. Normally such imperforate stamps should not be available for postage, but it is, of course, impossible for every postmaster to check up on every stamp which passes through his office and they will, therefore, be available for postage.

3. Orders have been issued that hereafter no sheets of any stamp will be allowed outside of the Bureau of Engraving and Printing except in the form in which the stamp is available to the public over the counter.

From this it will be seen that no stamps of the imperforate variety should have been gummed for any purpose whatsoever.

The imperforate sheets were on sale at the philatelic agency from March 15 to June 15, 1935. There were 20 varieties sold, both in blocks of 4 and in full sheets, for which the Department received $1,663,717.66. Of this sum, there were sold 184,347 full sheets, valued at $1,467,972.70, while there were 936,262 stamps in blocks of 4 sold, valued at $195,744.96. In this entire lot there were no blocks or sheets sold that were gummed.

Mr. DANAHER. Mr. President, before I conclude I wish to call to the attention of Senators, who obviously are much interested in this remarkable situation, the exact language of the editorial to which reference has already been made:

Every collector, whether his hobby be the acquisition of first editions, pewter mugs, or postage stamps, will sympathize with the tendency to boastfulness over a profitable "deal" that led Harold L. Ickes, Secretary of the Interior, and No. 2 philatelist of the New Deal high command, to reveal himself as the sire, by special privilege, of the gummed variety of the imperforate national-parks commemorative series of United States postage known to collectors as the "Farley follies."

In giving a set of this variety of this postage-stamp issue to the committee in charge of conducting a series of philatelic auction sales for the benefit of European war refugees, Mr. Ickes could not refrain from emphasizing their unique value. Every hobbyist will recognize, in the smug complacency with which Mr. Ickes called to the attention of the recipient the fact that only 200 copies of each denomination of this series of 10 stamps exist, a type of collector that is found, at least one of them, at almost every philatelic gathering or exhibition. But this familiarity will not lessen the indignation with which collectors generally will read Mr. Ickes' amazing letter of gift, no matter how worthy the cause.

The implication of the rarity of these philatelic items—"there were only 200 each of these gummed imperforates issued"—the shrewd comment that "I still have one complete set * * * the other set I have cut into to some extent in order to send (copies) to my stamp-collecting friends"; the philatelic wisdom displayed by his revelation that "some of these have gone through the mails. For instance, I have used these stamps on letters sent to President Roosevelt for his collection"; the naive addendum, "I have a similar set of my own"; the indication of cautiousness in the statement that "the ones that I gave away was (sic) with the provision that they be not sold"; and, finally, the frank recognition of their commercial value in the admission, "I traded some of these stamps for others that I wanted"—these words by the Secretary of the Interior, as a stamp collector, will hardly soften the sense of outrage felt by other and less fortunate philatelists.

When Mr. Farley ascertained, so far as he was concerned, what was going on in this stamp situation back in 1935, he took prompt steps, and issued an order—and there is a standing order—to the Post Office Department to guard against this very thing, and, so far as the evidence at hand now shows, the Post Office Department did not know, and at least has repeatedly denied, that these stamps, imperforates, were issued gummed.

Under the circumstances, Mr. President, it seems to me no more than right and fair that that statement be made in behalf of the Postmaster General, whose illustrious record has been an inspiration to all.

Mr. BYRNES. Mr. President, the incident to which the Senator has referred occurred in 1933, 7 years ago, and the statement about the stamps has appeared in newspapers time and again during the last 7 years. I do not think anyone would even intimate or hint that the matter is brought up at this time because of the fact that tonight, at 8:30 o'clock, over the radio, the Secretary of the Interior is to deliver a speech, making some few remarks about the Republican candidate for President. No one would suspect that. [Laughter in the galleries.] It would be unworthy of one to suspect it.

The fact is that all there is to this attack by the Republican press, now presented by the Senator from Connecticut, is

that Postmaster General Farley in 1933, shortly after he became Postmaster General, invited quite a number of gentlemen to attend a little ceremony at the time of the printing of these stamps. The Secretary of the Interior, among those present, bought some of the stamps—my recollection is about $80 worth of the stamps. At least that is the amount referred to in the editorials of the New York Sun cited by the Senator from Connecticut. The Secretary of the Interior turned to someone present and asked about having the stamps gummed. Some gum was put on them and they were sent to the Secretary.

As the New York Sun says, the Secretary of the Interior has never sold one of the stamps which he then purchased. He said he did trade some of them for certain stamps that he wanted in a collection, and the person to whom he traded his stamps did not have any more judgment about the matter than the editor of the New York Sun or the Senator from Connecticut, and tried to sell them at an auction, and could not get a bid.

Boiled down, and to bring it home, the Senator says that the Secretary of the Interior has in his possession some of these stamps. He has. The Senator says they are worth $187,500. I have the authority of the Secretary of the Interior to say to the Senator now that if he thinks that is true, if he will pay the Secretary this afternoon what Mr. Ickes paid for those stamps—which would amount to but a few dollars—he will turn them over to the Senator this afternoon upon delivery of the money, and the Senator can make $187,418 at least. [Laughter.]

The PRESIDING OFFICER. The occupants of the galleries will refrain from demonstrations.

Mr. DANAHER. Mr. President, up to half an hour ago those stamps were worth $187,500 in the collectors' market. Now they are not worth the $82.50 they cost Mr. Ickes. In saying that the stamps were issued in 1933 the Senator from South Carolina is in error, I think. They were issued on March 15, 1935. The purported conversation which the Senator from South Carolina has undertaken to reveal is the result of a prompt inquiry of the Secretary of the Interior. If the Senator from South Carolina has any authority to speak for the Secretary of the Interior, I hope he will also make a generous offer to return these stamps to the Bureau of Engraving and Printing this afternoon.

Mr. President, the fact is, however, and the collectors will so state, and the evidence will so show if the Committee on Post Offices and Post Roads investigates these matters, that the stamps are being offered to collectors, that they have been offered to collectors, that there are collectors in Washington who would come before the committee and testify as to who offered them, and from what department the offer came.

Mr. President, is it not a curious coincidence that the only stamps known in the whole world to have been of that particular issue found their way into the hands of the Secretary of the Interior, so that if any such imperforate gummed stamps had been offered, they had to come from his collection? If he traded those stamps for stamps which he could not get otherwise, if he traded those stamps for other stamps which he lacked, and they were worth while, and the bargain was made, they had value.

Mr. President, the very fact that they are being offered at all, that is, at auction, is on the theory that they are going to aid a relief fund in New York. That was the reason they were sent to Mr. Chase, so he could try to raise money for refugees. Does Mr. Ickes understand, and does his representative in the Senate, the Senator from South Carolina [Mr. BYRNES] understand, that he has sent a lot of worthless stamps up to Mr. Chase? If so, where is his philanthrophy and his big-heartedness in behalf of the refugees?

To contend that the stamps have no great value is perfectly ridiculous on the face of it. There was only one reason for the whole performance, and that was to increase the value of the stamps which the Secretary retained, and which he himself expressly said he retained, and it was perfectly obvious that they were gummed at his personal request.

When the facts are ascertained it will be seen that the resolution is well founded in fact.

If it be that Mr. Ickes is going to speak on the air tonight with reference to the Republican candidate for President, I know that he can say nothing but good about him. I know that the Republican candidate for President has long stated that when he comes into office he and everyone else in his official family will place everything on the blanket, and let it be counted. So I believe Mr. Willkie can stand up under Mr. Ickes' remarks.

Mr. BYRNES. Mr. President, the Senator says that a half hour ago these stamps were worth $187,500, and that now they are worth only a few dollars. Nothing has occurred since then except the Senator's speech. If he can destroy $187,500 of value in stamps in the short time he has spoken, he is a very serious menace to people who have things they deem of value. [Laughter.]

The Senator makes the statement in all seriousness that the stamps were worth $187,500 a few hours ago. I made the statement that the Secretary of the Interior this afternoon would turn those stamps over to the Senator. If he wants to take them and turn them in to the Bureau of Engraving and Printing for $87.50, or whatever is the face value of the stamps, all right. However, the Senator can make all that money; and, because he would not want to retain it himself, he can take the $187,543.62 and turn it over to the Republican campaign committee, which will need it before it gets through. [Laughter.]

Mr. DANAHER. Will the Senator from South Carolina tell me and tell the Senate how he knows that Mr. Ickes is willing to turn in the stamps?

Mr. BYRNES. Because I spoke to Mr. Ickes.

Mr. DANAHER. When?

Mr. BYRNES. I asked him what the story on the stamps was. He said, "That old story? They used that in the 1936 campaign. Are they pulling it out in 1940?" [Laughter.] I said, "Yes; the Senator from Connecticut has pulled it out." He said, "I authorize you to say to him that if he will give me the face-value of my stamps this afternoon I will turn them over to him." I said, "May I tell him that?" He said, "Yes."

The Senator from Michigan [Mr. VANDENBERG] and the Senator from Massachusetts [Mr. LODGE] are offering suggestions to the Senator from Connecticut. I shall be glad to answer the question which the two of them have requested the Senator to ask.

Mr. DANAHER. Both the Senator from Michigan and the Senator from Massachusetts are well able to ask their own questions.

Mr. BYRNES. I thought so. That is why I wondered why they were suggesting questions to the Senator.

Mr. DANAHER. I shall ask my own questions.

Let me ask the Senator from South Carolina if he went to the telephone and called up Mr. Ickes?

Mr. BYRNES. I certainly did.

Mr. DANAHER. I take it the Senator from South Carolina did so in order to let Mr. Ickes know of the pending resolution?

Mr. BYRNES. I did so because I knew that Secretary Ickes is to speak tonight. Whenever the Senator from Connecticut arises I know it is for political purposes, and when I heard the resolution read I asked, "What are the facts with reference to this matter?" The Secretary told me all the facts, and I have told the Senator. I thought I would be helpful to the Senator and let him make all this money this afternoon. Instead of being grateful and appreciative, the Senator shows some disposition to be quarrelsome about it, instead of being good-natured and agreeable toward me. [Laughter.]

The Senator says that as of half an hour ago the value of the stamps was some $187,500. Let the transfer be made as of that time. If the Senator believes they were worth that much, the Secretary will turn them over to the Senator, and

if the Senator will pay me the $187,500 I shall be very grateful to him. I shall not quarrel with him, as he seems to want to quarrel with me.

Mr. DANAHER. Will the Senator from South Carolina tell me whether or not Mr. Ickes is willing to turn back the 50 stamps he originally got, plus the 150 now on hand?

Mr. BYRNES. The Secretary told me only that he has stamps of a certain face value, and that if the Senator will pay the face value this afternoon he will give them to the Senator for the face value, instead of $187,500. He does not want 1 cent premium.

Mr. DANAHER. Will he also turn back for the same price the stamps he received in trade for those he has released? Did he say anything about those?

Mr. BYRNES. The Senator is not getting away from the $187,500, is he? [Laughter.]

Mr. DANAHER. Mr. President, I always enjoy listening to the Senator from South Carolina. Obviously, he would have everyone think that the matter is so trivial that he can banter about it, when the plain fact is that until Mr. Ickes sought to make a market by auctioning off stamps which, according to the Senator from South Carolina, are valueless, he had in his possession stamps which, as the dealers describe them, were illegitimate.

Mr. President, if that is not the fact, will Mr. Ickes tell the Senator from South Carolina or anybody else what the facts are in that particular; and will he, in the course of the investigation by the Committee on Post Offices and Post Roads, explain why he offers the stamps at public auction if they are worth nothing? He is a collector, and he knows what they are worth.

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON] to the amendment reported by the committee.

Mr. CLARK of Missouri. Mr. President, may the amendment be stated again?

The PRESIDING OFFICER. The amendment to the amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of the bill, it is proposed to insert the following new section:

SEC. —. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this act, and, except as hereinafter provided, the provisions of such act of March 8, 1918, shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603;

(2) the term "persons in military service", when used in such act, shall be deemed to mean persons inducted into the land or naval forces under this act;

(3) the term "period of military service", when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is inducted into such land or naval forces under this act for any period of training and service and ending 60 days after the date on which such period of training and service terminates.

Mr. McNARY. Mr. President, I note the absence of the chairman of the committee and of the sponsor of the amendment. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Bulow | Clark, Idaho | Frazier |
| Andrews | Burke | Clark, Mo. | George |
| Ashurst | Byrd | Connally | Gerry |
| Austin | Byrnes | Danaher | Gibson |
| Barbour | Capper | Davis | Gillette |
| Barkley | Caraway | Donahey | Glass |
| Bone | Chandler | Downey | Green |
| Bridges | Chavez | Ellender | Guffey |
| Gurney | Lodge | Pepper | Thomas, Okla. |
| Hale | Lundeen | Pittman | Thomas, Utah |
| Harrison | McCarran | Radcliffe | Townsend |
| Hatch | McKellar | Reed | Truman |
| Hayden | McNary | Reynolds | Tydings |
| Herring | Maloney | Russell | Vandenberg |
| Hill | Mead | Schwartz | Van Nuys |
| Holt | Miller | Schwellenbach | Wagner |
| Hughes | Minton | Sheppard | Walsh |
| Johnson, Calif. | Murray | Smathers | Wheeler |
| Johnson, Colo. | Neely | Stewart | White |
| King | Norris | Taft | Wiley |
| Lee | Nye | Thomas, Idaho | |

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

Mr. SHEPPARD. Mr. President, I was detained from the Chamber by the conference on the National Guard bill which is now in progress. The Overton amendment is acceptable to me, for the reason that it is the civil-rights bill which we adopted during the World War to take care of the soldier's legal rights while he was away from his home, to prevent him from being imposed on and discriminated against. The same amendment was offered to the National Guard bill and adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. GUFFEY. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania to the amendment reported by the committee will be stated.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert the following:

That the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, shall be exempt from the selective draft herein prescribed.

Mr. GUFFEY. Mr. President, this is the same provision which was included in the Selective Draft Act of 1917. I think in times like this it is necessary to protect the church as much as any other activity.

In order that the Senate may have some idea as to the time of study required for divinity students of various denominations, I wish to read the requirements of the various churches.

Baptist institutions require a minimum of 2 years following completion of a college course.

Episcopal institutions require 3 years of study for a bachelor of divinity. A prerequisite is a B. A. degree.

Presbyterian theological schools require 3 years for a bachelor of divinity degree and 4 years for a master's degree, following completion of the usual college course.

Episcopalian institutions require at least 3 years for a bachelor of divinity degree. Prerequisite is a B. A. degree.

Disciples of Christ require 4 years for a B. A. in religion and 1 additional year for a bachelor of divinity.

Lutheran seminaries require 3 years' study for a bachelor of divinity and a college course as requisite for admission.

Jewish theological seminaries require from 4 to 5 years' residence, according to classifications. For admission a college degree is required.

Catholic seminaries require a minimum of 6 years' residence. Prerequisite is at least 2 years of college studies. An additional year, known as a novitiate, spent in prayer and meditation, is required of candidates for religious orders. Preparation for ordination in some orders is more lengthy. For example, the Jesuit order interrupts the period of formal theological study to give its candidates experience in teaching.

I think the amendment is necessary, and I hope the chairman of the committee will accept it.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. MEAD. I ask the distinguished Senator from Pennsylvania if his amendment would exempt all divinity students in the various years of their progress from the beginning to the end?

Mr. GUFFEY. It would.

Mr. MEAD. It does not merely exempt those in their last year of training?

Mr. GUFFEY. It does not.

Mr. MEAD. I wish to commend the Senator. I think it is very helpful to extend and encourage religion in this country.

Mr. SHEPPARD. Mr. President, during the World War an amendment similar to that presented by the Senator from Pennsylvania was adopted and I see no objection to it at this time.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. DAVIS. I ask my colleague whether or not he would object to adding, in line 5, after the word "students", the words "and seminarians."

Mr. GUFFEY. I accept that modification.

Mr. BARKLEY. Mr. President, I should like to find out what the modification means. The language in the amendment seems to me to be broad enough to cover any student who at the time of the approval of the act is preparing for the ministry in a recognized theological or divinity school. I do not know just what the Senator means by "seminarians."

Mr. DAVIS. I mean students in seminaries who are studying for various activities within the church.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. HILL. Mr. President, I have a fear, which I think is also in the mind of the Senator from Kentucky, that if those words are added to the amendment they will limit the effect of the amendment. I think the students whom the senior Senator from Pennsylvania [Mr. DAVIS] has in mind are already covered by the amendment. But if there is put in the amendment the language he suggests, the effect may be to cut out other students.

Mr. DAVIS. Those to whom I submitted the amendment would like to have the words "and seminarians" put in after the word "students."

Mr. BARKLEY. Mr. President, the language of the amendment of the Senator from Pennsylvania was in the Selective Service Act during the World War. This is practically copied from it.

Mr. DAVIS. But, under that, questions relating to seminarians depended entirely upon the ruling of the boards.

Mr. BARKLEY. There cannot be any doubt about what a theological or a divinity school is. Call it whatever you want to, if it is a theological or a divinity school, it comes within the definition of the amendment.

Mr. DAVIS. I understand seminaries are not referred to as being divinity schools.

Mr. BARKLEY. If they are divinity schools, it does not matter what they are called.

Mr. HILL. They are covered by the amendment.

Mr. BARKLEY. Yes; they are covered by the amendment.

Mr. HILL. What is a seminary?

Mr. DAVIS. A seminary is where young men are prepared not only for the ministry but for other work in connection with churches, such as missionaries and specialists of one kind or another.

Mr. GUFFEY. Mr. President, there are several seminaries in Pennsylvania which give degrees, and after students have taken the course there they usually go to some other college and prepare themselves along special lines in mathematics, for instance, or get doctors' degrees, and become teachers. They are not, as I understand, institutions where students are preparing themselves for church work, but they are preparing themselves for teaching. I think the amendment suggested by my colleague makes the exemption too broad and covers too much ground.

Mr. HILL. Mr. President, as I understand the language of the amendment of the Senator from Pennsylvania is verbatim the same as that of the Selective Service Act of 1917. Is that correct?

Mr. GUFFEY. That is correct.

Mr. SHEPPARD. Mr. President, the amendment——

The PRESIDING OFFICER. The senior Senator from Pennsylvania has the floor.

Mr. GUFFEY. I yield to the Senator from Texas.

Mr. SHEPPARD. The amendment of the Senator from Pennsylvania really ought to come in on page 20, line 13, following the words "Ministers of religion engaged in the regular discharge of their ministerial duties."

Mr. GUFFEY. That is all right. I ask that the amendment be inserted in the proper place in the bill.

Mr. SHEPPARD. That would be the proper place in the bill, after the words "ministerial duties" to insert the words

> Students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools.

I will ask the clerk to state that amendment, to come in on line 13 on page 20.

The PRESIDING OFFICER. The clerk will read as requested.

The LEGISLATIVE CLERK. On page 20, line 13, after the words "ministerial duties," it is proposed to insert the words "That the Vice President of the United States, the officers, legislative, executive——"

Mr. SHEPPARD. No, Mr. President; that language is already in another section of the bill. The amendment offered by the Senator from Pennsylvania [Mr. GUFFEY] should read as follows:

> And students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools.

Add those words after the word "duties" in line 13, and the amendment will be in the proper place.

The PRESIDING OFFICER. Let the Chair ask the Senator from Texas a question. The amendment of the Senator from Pennsylvania includes language which is already in the bill, as the Chair understands.

Mr. SHEPPARD. Therefore only the part of the language which is new should be inserted.

The PRESIDING OFFICER. What the Senator from Texas is suggesting is that the Senator from Pennsylvania modify his amendment as suggested only to include the words—

> And students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools.

Mr. SHEPPARD. Yes; after the word "duties", on page 12, line 13, those words should be inserted.

Mr. GUFFEY. In line 13 or line 16?

Mr. SHEPPARD. In line 13.

Mr. GUFFEY. Very well.

The PRESIDING OFFICER. The Chair will ask the Senator from Pennsylvania whether he is willing so to modify his amendment?

Mr. GUFFEY. I modify my amendment in the manner suggested by the chairman of the committee.

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. GUFFEY. I yield.

Mr. JOHNSON of Colorado. The Senator from Massachusetts [Mr. WALSH] and the Senator from Colorado submitted amendments dealing with this particular subject. The Senator from Massachusetts is not present at the moment. My amendment was worked out after consulting with those who are very much interested in this subject. I have no pride of authorship; I do not care about having my amendment adopted verbatim; but I should like to have the substance of it included in the Senator's amendment. I know the Senator from Pennsylvania has done much work on this matter. The amendment, or at least one amendment pertaining to this subject, was sent to the Military Affairs Committee by him and that committee considered it.

Mr. CHANDLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. JOHNSON of Colorado. I will be through in a moment. So I think the Senator from Pennsylvania is entitled to all the credit there is to be had in connection with the amendment, and I want him to have it. He was the first to submit the proposal, and is entitled to credit for having tried

to work out this proposition. However, the Senator from Massachusetts is not present. He is very much interested in this particular amendment, as I am interested in my amendment. I should like to ask the Senator from Pennsylvania if he would let this amendment go over until tomorrow so that it may be further considered?

Mr. BARKLEY. Mr. President, if the Senator from Pennsylvania will yield, let me say that I think the Senator from Massachusetts will not be here today. Earlier in the day the Senator from Massachusetts got consent to pass two small naval bills because he had to leave the city, and would not be here tomorrow. I am not certain whether the Senator from Massachusetts has left at this hour. He announced here today that he would not be here tomorrow. So it probably will not be wise to let this matter go over, because the Senator from Massachusetts will not be here anyway. Of course, I may say that if this amendment is agreed to, and the Senator from Massachusetts returns and desires to have it modified in some way, I am satisfied it will be possible to work it out without any difficulty.

Mr. GUFFEY. I should like to say to the Senator from Colorado that I expect to be out of town tomorrow and Wednesday, and I am anxious to have this matter concluded tonight. If when the Senator from Massachusetts returns he finds this amendment conflicts in any way with the one he has in view, I am satisfied that the matter can be worked out to the satisfaction of all parties concerned.

Mr. JOHNSON of Colorado. With that statement and understanding, I shall have no objection to the amendment. But an amendment so important as this ought to have very careful consideration. The amendment I propose went to the reference bureau and they harmonized it with all the other provisions of the bill. That is exactly what should be done with every amendment to this bill; it ought to be harmonized with all the other language of the other provisions of the bill. The only way that can be done is by submitting it to the reference bureau.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from California?

Mr. GUFFEY. I yield to the Senator from California.

Mr. JOHNSON of California. I thank the Senator.

I was curious to know, and propounded the query a moment ago, as to whether the language now sought to be inserted conformed to the language of the selective draft law in the last war. At that time there was a similar provision in the law. I am assured by the Senator from Texas and by the Democratic leader [Mr. BARKLEY] that the language now proposed does conform to the language in the World War act. That was all I was interested in. I queried the Senator from Texas the other day when we first took up the bill. He investigated, as I did, and found that such a provision was inserted in the original bill of twenty-odd years ago, and this language, he tells me, will accomplish practically what that language accomplished.

Mr. GUFFEY. I, too, am so advised by the legislative reference bureau.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Pennsylvania to the amendment reported by the committee.

Mr. CHANDLER. Mr. President, the Senator from Pennsylvania has been very active in his support of this amendment. He came personally before the Committee on Military Affairs and first asked it to consider this amendment.

I notice the Senator from Massachusetts has returned to the Chamber and, inasmuch as reference has been made to him, I should like to give him an opportunity to speak with respect to this amendment.

Mr. WALSH. Mr. President, I am very much interested in the objective of this amendment. I have been in communication with representatives of various religious bodies with respect to this subject. I myself offered an amendment relating to this subject, and I know the distinguished Senator from Pennsylvania and others have also offered amendments. I think I ought to say, however, to the Senate that the consensus of opinions expressed to me is that the amendment drafted by the Senator from Colorado [Mr. JOHNSON] is the most acceptable. I say that notwithstanding the fact that I myself drafted an amendment after talking with the representatives of various religious bodies. However, all now are of the opinion that the amendment of the Senator from Colorado covers the situation most satisfactorily.

The difficulty with an amendment of this kind, assuming we all agree to the principle that ministers of the gospel should be exempted, is where the line should be drawn between clergymen who are temporarily engaged as clergymen and religious students who are only part-time students. So far as I am concerned and so far as the representatives of religion who have conferred with me are concerned, we are very strongly of the opinion that the amendment should have no loopholes in it, and that only ministers of the gospel and actual students who are engaged in giving all their time in preparation for religious work should be exempted.

The regulations of the War Department which were promulgated in 1917 were in every way satisfactory to these religious groups; and I think the Senator from Colorado, in drafting his amendment, had in mind the language that was used in the law of 1917 and had in mind the expectations that the War Department would promulgate the same regulations if the pending bill should be enacted.

As I understand, there was in the committee unanimity of opinion in favor of exempting actual ministers of the gospel who are actually performing ministerial and religious duties.

The church of which I am a member ordains to the priesthood about 900 young men a year. The number required is several hundred more. The Army and Navy have asked that church to supply them at once, or very shortly, with more than 500 chaplains. It can be seen that that will be a very serious loss to the church in providing for its own existing needs. The deaths approximate almost the number who are each year ordained.

But a more serious situation exists than in exempting ordained ministers, and that is, the likelihood of young men, who are religious minded, and who have vocations for the ministry, being denied the opportunity to study in theological schools. Nearly all these young men are between the ages of 21 and 31.

Unless we exempt these young men there would be the likelihood of preventing a continuation of the number ordained to the ministry to take the places of those who die or become inactive by old age.

In the college from which I graduated the system of training men for the faculty and later for the ministry consists of 17 years of study. A college course is required which is provided by the seminaries themselves, after which they must complete a course in philosophy. When the young men are approximately 23 or 24 years of age they are sent into the colleges of their own religious denomination to teach. So that in every college of the Catholic religion there are young men who are not yet ordained, but who are later to be given a further religious and theological training, and who are required, as part of their training, to teach for 3 years and then go back and take their course of 5 years in theology.

It would be a very serious handicap to these colleges should these young men be drafted, and therefore cause these colleges to be confronted with a constant reduction of their teaching staffs. Thus religious leaders are very keen and anxious that bona fide students actually engaged in religious work be exempted.

Mr. DAVIS. Mr. President, do I understand the Senator to say now that the amendment offered by my colleague covers those who are in seminaries?

Mr. WALSH. All the amendments have been studied, including my own. Naturally I have a pride in my own amendment, and I thought I embraced everything that could be legitimately asked; yet, with the realization that there should be no loopholes in any amendment, and in order to prevent any young man escaping conscription by stating that he was studying for the ministry, it is the unanimous opinion of those

with whom I have conferred that the amendment of the Senator from Colorado is the most acceptable and satisfactory of all that have been proposed.

I do not mean to say that the amendment offered by the Senator from Pennsylvania may not be satisfactory, or that my own or others proposed not be satisfactory, but my own purpose was to support the amendment of the Senator from Colorado because I thought it was the best amendment. While I do not want the Senator from Pennsylvania to be deprived of credit for his interest in this problem, which has been marked from the beginning, I do believe that the results sought would best be served by the adoption of the amendment offered by the Senator from Colorado.

Mr. GREEN. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH. I yield.

Mr. GREEN. The same reason the Senator from Massachusetts is now urging leads me to support the amendment offered by the Senator from Colorado.

Mr. WALSH. Mr. President, there is another group of young men who should be exempted, it seems to me; that is, the young men of some of the religious denominations, including my own, who do not enter the ministry, but who consecrate themselves to religious teaching. I think there are such young men among the Adventists, the Lutherans, and the Episcopalians. I know there are some among the Roman Catholics. They teach in high schools of various religious denominations. They live in community life. They live under vows of perpetual poverty, and their whole life without compensation is devoted to religious work.

The amendment of the Senator from Colorado I understand does not permit the exemption to go beyond the period of actual engagement in religious work. In other words, if they should resign, or should leave, or should be dismissed, from a divinity school or leave religious work, they would immediately become subject to the law.

I cannot impress too strongly the importance of not interfering with religious and educational work, especially at this time when our country is at peace. It seems to me that the preservation of religion, the teaching of religion, the teaching of morality—and we all recall what George Washington said about the importance of religion and morality—is, by and large, even of greater importance to our national defense than providing our Government with soldiers. It certainly is on a par with military service and should not be subordinated to it. It has been well said, "no service to the Nation, even in peacetime, according to this bill, is comparable to the lowest form of military training."

If I may say so to the Senator from Pennsylvania, I hope that he himself will move as a substitute for his amendment the Johnson amendment, which I think would be most acceptable to all those with whom I have had an opportunity to confer.

Mr. GUFFEY. Mr. President, I should like to say to the senior Senator from Massachusetts that the amendment I have offered was suggested to me and drafted by Monsignor Ready, one of the hierarchy in the church in this community, and by his eminence Cardinal Daugherty, of Philadelphia. If these gentlemen have approved the amendment of the Senator from Colorado, I have not been informed of it. If that amendment is satisfactory to them and satisfactory to the chairman of the Committee on Military Affairs, I am perfectly willing to accept it. All I have been trying to do is to exempt divinity students of all forms of religion, students in theological seminaries and divinity schools.

Mr. WALSH. I am fully aware of the deep interest the Senator from Pennsylvania has taken in this question and I do not desire in any way or manner to detract in the slightest from his earnestness and his support of this proposal. I myself may say to him that the amendment which I have offered was submitted to the chairman of the Catholic welfare organization in this city and he approved it. But it was necessary to get unanimity to negotiate with various other religious bodies. It is not merely an amendment which applies to the religion of which I happen to be a member, but, as I understand it, the Johnson amendment seems to be most satisfactory to all groups of religious leaders interested in this problem.

Mr. HILL. Mr. President, will the Senator from Pennsylvania yield?

Mr. GUFFEY. I yield.

Mr. HILL. As I read the two amendments, I note two differences between them. The amendment of the Senator from Pennsylvania [Mr. GUFFEY] would exempt all students in any religious institution at the time of the approval of the act, whereas the amendment proposed by the Senator from Colorado [Mr. JOHNSON] would not only exempt students in religious institutions at the time of the approval of the act, but would also exempt any student who might enter one of these institutions after the act had been approved and became law.

Mr. SHEPPARD. The Senator means students for the ministry, does he not?

Mr. HILL. I mean students for the ministry; yes. Both amendments are limited in their application to students for the ministry.

Mr. SHEPPARD. But the Senator from Massachusetts had the idea that the Johnson amendment also extended to students who might not become ministers but would engage in some moral work.

Mr. WALSH. I should say that, in my opinion, the amendment of the Senator from Pennsylvania would not go as far as is wished by ecclesiastical authorities, in the fact that it makes no mention at all of religious teaching staffs in the schools. The men to whom I refer are not divinity students; they are men who feel that the vocation of the ministry is solemn, serious, and grave and have a feeling that they are not worthy of it, but they sometimes make even greater sacrifices than clergymen in devoting their lives to teaching and instructing religion and morality in the schoolroom.

The value of the Johnson amendment is that it follows the law of 1897, and that there are already regulations under that law that the ecclesiastical authorities of all the religions agree are satisfactory, after being in conference with the Army officials. That is why I believe there is some preference to be given to the Johnson amendment. Am I correct about what I have stated?

Mr. JOHNSON of Colorado. That is the way I understand it.

Mr. WALSH. In other words, the amendment of the Senator from Pennsylvania and the Senator from Rhode Island and my amendment would require the promulgation of some new regulations by the Army, but the amendment offered by the Senator from Colorado would not require such regulations because they are already existent, and everyone knows what they are and believes they will be adopted and enforced as they were in the World War.

Mr. HILL. I do not agree with the Senator at all, with all deference to him. Let me read the language of the Johnson amendment, and then I will read the language of the Guffey amendment. This is the language of the Johnson amendment:

> (c) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

In other words, as I read that language, students who are preparing for the ministry in a theological or divinity school which school has been recognized as such a school for more than 1 year prior to the date of the enactment of the law, shall be exempt from service.

Now let me read the language of the Guffey amendment:

> That the regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools * * * shall be exempt from the selective draft herein prescribed.

There are two differences, as I read the amendment. Under the Guffey amendment all students who are in one of these schools at the time the act is approved would be exempted.

Under the Johnson amendment, students in the schools at the time the act is approved would be exempted, as well as students who would enter one of the schools after the act was approved.

There is also this other difference. The Johnson amendment requires that the schools be recognized as such schools for more than 1 year prior to the date of the enactment of the law, and the Guffey amendment imposes no such requirement upon the schools.

Mr. WALSH. I ask in a rhetorical vein, if I may, rather than to have it directly answered: Since this bill is to be the law for 5 years, why should not a young man who wants next year to go to a divinity school be exempt?

Mr. HILL. It may be that such a young man should be exempted.

Mr. WALSH. If all the divinity students who desire to go to religious or theological schools in the next 5 years are drafted, what is to become of religion?

Mr. HILL. The Senator may be right. I was just pointing out what I thought was the difference between the two amendments. I have stated the main difference. One exempts those who are in school at the time of the approval of the act. The other exempts those in school at the time of the approval of the act and also those who may enter after the enactment of the law.

Mr. WALSH. I appreciate that. What I want to impress upon the Senator is that we are not dealing with exemptions for 1 year. We are closing the door, possibly, to any young man who is of draft age and physically fit ever going to a divinity school in the next 5 years. In other words, we are locking the doors of the divinity schools. And who knows that it will end in 5 years? It may become a permanent policy of the Government.

Because the Johnson amendment is of the same nature and character and language as the religious-exemption law we have tried out, and which has been satisfactory, I am in favor of the Johnson amendment.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BURKE. As the sponsor of the pending measure, I wish to say that I appreciate very deeply what the Senator from Massachusetts has said about the necessity for this particular amendment, and the imperative necessity of having it drawn carefully so as to leave no loopholes, and yet do the full job that ought to be done. A few days after I introduced the bill my attention was called to the fact that it did not contain any exemption for divinity students. It was the senior Senator from Rhode Island [Mr. GERRY] who called that matter to my attention, and I then took the matter up with Bishop Ryan, now the Bishop of Omaha, Nebr., and formerly one of the most highly respected residents of the District of Columbia, and he presented the matter in just the same way that the Senator from Massachusetts has today.

I myself drew an amendment and offered it to the committee while the committee was considering the matter, and at that time the junior Senator from Pennsylvania [Mr. GUFFEY] presented his amendment and urged it, so that I did not press the matter further, knowing that the matter would be brought up for consideration on the floor of the Senate.

I am very hopeful, in the light of the highly intelligent presentation which the Senator from Massachusetts has made, that the amendment which we now call the Johnson amendment will be adopted, as it seems to me to cover the matter better than any other.

Mr. WALSH. I appreciate that statement, Mr. President, and the support of the Senator from Nebraska is and will be gratifying to all the religious bodies of the country.

Mr. MCNARY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. MCNARY. I have in my hand the substitute amendment offered by the junior Senator from Connecticut [Mr. MALONEY]. I do not know whether the Senator from Massachusetts is familiar with the language.

Mr. WALSH. I am.

Mr. MCNARY. If the Senator were not, I should ask that the amendment be read at the desk, and we could see whether it does not cover the situation better than the suggestion made now by the Senator from Massachusetts.

Mr. WALSH. Mr. President, the information I have received from those deeply interested in this matter is that the Johnson amendment is the best of all the amendments which have been proposed. I say that in spite of the fact that I have an amendment, and in drawing my amendment I received very valuable assistance and ideas from the amendment offered by the Senator from Connecticut [Mr. MALONEY], and my amendment follows the language with some slight amplification. So far as I can speak for those who conferred with me, I come back again to the proposition that the Johnson amendment seems to me to meet the situation most satisfactorily.

Mr. MCNARY. Then the Senator from Massachusetts prefers the Johnson amendment rather than the Maloney amendment contained in the substitute?

Mr. WALSH. I do.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BARKLEY. I understood that the Senator from Massachusetts, in his colloquy with the Senator from Pennsylvania, said that he feared that under the language of the amendment of the Senator from Pennsylvania divinity students will be frozen at the number existing when the measure becomes effective. It would not apply during the 5-year life of the bill. So that future divinity students who may come in would likewise be treated in the same way.

I am informed that the Senator from Pennsylvania is willing to consent to modification of his amendment carrying out the theory contained in the Johnson amendment, so that there will be practically no difference.

Mr. GUFFEY. I am willing to consent to that.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. MALONEY. In an endeavor to explain the question in the mind of the distinguished Senator from Oregon [Mr. MCNARY], I should like to say that I have today asked that my proposal in connection with this amendment, and also in connection with the amendment offered by the Senator from Oklahoma [Mr. LEE], dealing with pay for veterans, be revised. I have been in consultation with churchmen, and I find that the amendment offered by the Senator from Colorado [Mr. JOHNSON] seems to be quite in keeping with their wishes and their intentions, and it is much the same language I had hoped to incorporate in my redraft of the substitute. So, I think that, insofar as the church is concerned, and insofar as I have been able to learn after consulting with members of various denominations, as of today, that is about what they want.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BARBOUR. The senior Senator from Massachusetts, Mr. WALSH, will recall, I am sure, that I spoke to him about my amendment in this important connection several days ago. My amendment is based on the advice and help, which I sought, of the leaders of the Roman Catholic and other churches in the State of New Jersey. No better amendment in this connection has, I honestly believe, been suggested by anyone but I have no pride of authorship in respect to my amendment simply because it happens to be mine. All that I want, no matter who gets the credit for it, is that these necessary and justifiable exemptions be made. The Senator will, I know, confirm the fact that as a matter of fact I suggested we should get together in respect to all these amendments, and decide on one amendment that will be satisfactory to the several other Senators and myself, who have introduced amendments. Apparently various individual Senators are attempting to get the credit for this undoubtedly justifiable, necessary, and important amendment. I am not trying to do that, but I feel that it is only fair that as one who has been most faithful in this matter

and introduced my amendment among the earliest, or possibly before any other, I should be included in whatever is done. Of course, the most important consideration of all is that this matter be worked out and, as a matter of fact, I think there is very little difference between these several different suggested amendments.

Mr. WALSH. Mr. President, I wish to emphasize again that I think the advantage of the amendment proposed by the Senator from Colorado is that rules and regulations have been drafted under it in 1918, and they have been examined, and that the representatives of different religious organizations agree that they are fair and just, and that the Army will in all probability readopt them if this bill should pass. I think that is the factor that has led to perhaps a slight preference for the Johnson amendment.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. GUFFEY. I am perfectly willing to accept the spirit and language of the Johnson amendment. I accept that amendment, and offer it as my amendment.

Mr. WALSH. I think that is the proper course for the Senator from Pennsylvania to follow because of his support of this principle. The Senator offers as a substitute for his amendment the text of the Johnson amendment.

Mr. GUFFEY. That is correct.

Mr. WALSH. I think that is the way to proceed to get the results we all seek.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. CHANDLER. I wish to ask the Senator from Massachusetts a question, and I should like to have the attention of the Senator from Rhode Island and the Senator from Iowa. There are three Trappist monasteries in the United States that I know of. Would the language of the amendment be broad enough to cover lay brothers in those institutions?

Mr. WALSH. Exactly. While they are not named specifically in the amendment, under the regulations of the Army, which the Army has promulgated under similar language in the Conscription Act of the World War, they would be covered.

Mr. CHANDLER. I thank the Senator.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. ELLENDER. Mr. President, I desire to state that on August 1 I introduced several amendments to the pending bill, which were referred to the Committee on Military Affairs of the Senate. One of the amendments I offered not only related to ministerial students but also to duly ordained ministers of religion, engaged in the regular discharge of their duties. The committee saw fit to adopt that part of my amendment, which affected ministers but took no affirmative stand with respect to ministerial students.

This morning I had a conference with a Mr. Butler, assistant chief counsel, National Catholic Welfare Council, who stated to me that he represented most of the religious groups, and who declared to me that the amendment of the Senator from Colorado [Mr. JOHNSON] was agreeable to all parties concerned, and for that reason I will not press my amendment but will ask to withdraw it, and I propose to support the Johnson amendment. I hope the Senate will adopt that amendment as written.

Mr. President, while I am on my feet I wish to state further that another of my amendments, the one dealing with students enrolled in the Reserve Officers' Training Corps of the Army or the Navy, has been adopted, in a modified form, by the Military Affairs Committee of the Senate. I will accept the amendment as modified and will not further press my amendment in its original form.

Mr. WALSH. I was informed that the Senator from Louisiana had consulted religious authorities, and that the information given him was that the Johnson amendment was preferable.

I wish to say a word about the comment of the Senator from Kentucky [Mr. CHANDLER]. He has pointed out a group of religious men who are not ministers, and who would be covered by the Johnson amendment, at least by the regulations under the Johnson amendment.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BARBOUR. I am sure the Senator from Massachusetts will not misunderstand me when I make an observation in regard to his statement with respect to the Senator from Pennsylvania [Mr. GUFFEY], when the latter said he was willing to take the Johnson amendment and accept it, and offer it as his own. I could have asked to do the same thing. And it seems to me that the fair thing to do is to accept the Johnson amendment, if that is the one that is acceptable to the Senator from Massachusetts and other Senators and let it go at that—not simply let the Senator from Pennsylvania or any other individual Senator get the credit for this most important change in the pending bill.

But, after all, the main thing is to see to it that these exemptions are made, and I am both proud and glad to have played the part I did in bringing this about.

Mr. WALSH. Mr. President, I seek no credit for my part. I have merely done my duty to my country by seeking to remove any barriers to religion that this bill unamended would cause. If the Johnson amendment had been proposed at the outset I was not going to say a word other than give it my support. I want no credit for my part. I was merely brought into the debate by reason of the fact that I knew that the Johnson amendment was the better and more acceptable.

Mr. BARBOUR. I am sure of that.

Mr. WALSH. I was convinced that the amendment of the Senator from Colorado [Mr. JOHNSON] met with more unanimity and favor than any other.

Mr. GUFFEY. I accepted it because the Senator from Colorado [Mr. JOHNSON] asked me to do so.

Mr. WALSH. Let us have a vote now.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. CONNALLY. The bill exempts all ministers actively engaged in their duties. Is that correct?

Mr. WALSH. Yes.

Mr. CONNALLY. What does the amendment do in addition to that?

Mr. WALSH. It exempts students.

Mr. GUFFEY. Divinity students.

Mr. CONNALLY. Does it exempt medical students and law students and other students? I thought we were going to pass a bill here that would draft everyone.

Mr. GUFFEY. Everyone except divinity students.

Mr. CONNALLY. Why should they be exempt? We need such men and their example.

Mr. GUFFEY. After the war is over.

Mr. CONNALLY. I suppose there is no use to make any point about it, but frankly I do not see why they should be exempt. If your boy is in a medical school he is not exempt. Why cannot this matter be left to local boards? All others are left to local boards. Who is there in this country that is entitled to be above a local board? If a student is in such circumstances that the local board thinks he ought to be exempt, fine. But I am not in sympathy at all with any blanket exemption of anybody.

If there is any obligation to fight in this country, the obligation rests upon everybody to fight. If we are going to have a democratic system here, let the boards pass on the matter.

I have the highest respect for all branches of the church, and every kind of church, but I do not believe that the members of the church have any less duties than anyone else when it comes to civil and political affairs. There was One who said many years ago:

> Render unto Caesar the things that are Caesar's.

And this is Caesar knocking at our door now, and I am in favor of rendering unto Caesar the things that are Caesar's, as well as to God the things that are God's.

Mr. President, I see no reason to exempt anybody because he believes in a certain faith or a certain something else. All

are entitled to the same coverage. If one is engaged in the duty of serving his flock, all right. The bill takes care of that. We put in the Army a boy who is studying medicine. That is a holy calling to my mind. He gives his life to alleviate the sufferings of others and goes through sacrifice and storm and stress, and spends his money to become educated to become a doctor. That man must go. But forsooth, someone studying for the ministry does not have to go. I am in favor of leaving this matter with the local boards.

Whenever they find a boy who ought to be exempted because of his circumstances, his economic condition, or his dependents, let him be exempted. If we are to make this a democratic bill, if we are to say that everybody is entitled to serve, I should rather think that students would scorn an exemption. It is a matter of patriotism and a matter of universal service. It is for the Government to say what a man's duty is, rather than for him to say what his duty is. [Manifestations of applause from the galleries.]

Mr. WALSH. Mr. President, I do not believe any of the divinity students are asking to be exempted.

Mr. CONNALLY. Statements have been made repeatedly as to what the church wanted, and what the church had worked out.

Mr. WALSH. The request is coming from their superiors, who wish to preserve the continuity of religious instruction and religious services through the years to come, and who feel that the nonexemption of religious students would be a curtailment of the expansion and growth of religion among the people. To many, religion is the only solace and comfort in life. To millions religion is the one influence that strengthens and ennobles the spiritual forces that lead humanity to right living and to high ideals.

Mr. CONNALLY. Please do not misunderstand the Senator from Texas. I am not trying to minimize or decrease religious instruction. I think we need it, and we need to practice more religion than we are practicing. However, the draft bill is not a religious matter. It relates to civil matters. It relates to civic responsibility. It refers to military duty; and I do not believe we ought to make any particular classification for any particular group.

Let them come before the draft board. If the board exempts them, all right; but we ought not to exempt them. We are telling the country that we intend to pass a draft law. I am for it, because it is supposed to be democratic. I am for it on the theory that every citizen owes the same duty to serve. His duty to serve is as strong as his right to claim his privileges. I am for it because I do not believe any man ought to be required to pass upon his own responsibility, and ought not to be urged and wheedled into entering the service. The Government ought to say to him "This is your duty." The selective process is the way to create an army. That is the reason I am voting for it, and I do not like to make an exemption the very first time we touch it.

Mr. WALSH. Mr. President, all I can say in reply to the distinguished and able Senator from Texas is, that if his ideas should be carried out, his speech would give much comfort to those who are opposed to the conscription bill. Of course, this is not a new idea. Nearly every country exempts clergymen from military service. Apparently the Senator from Texas recognizes no rights of the individual in his conscientious relationship to the Supreme Being.

Mr. CONNALLY. That is true.

Mr. WALSH. And our own Government has always done so in the past. The proposal is not novel. Let me say that in the amendment to be offered by the Senator from Connecticut [Mr. MALONEY] there is a provision exempting students who are not divinity students.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. MALONEY. I wish to say that my substitute proposal does not exempt undergraduate students in exactly that way. It defers their call, assuming that the bill is passed, until their graduation from college, or until they are 24 years of age.

Mr. CONNALLY. I am against that, too.

Mr. WALSH. I unhappily used the word "exempt" instead of "defer." The amendment of the Senator from Connecticut does exempt them, for a time at least, from the exacting provisions of the conscription bill.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. GUFFEY] modifies his amendment by substituting therefor the amendment of the Senator from Colorado [Mr. JOHNSON]. The amendment, as modified, will be stated.

The CHIEF CLERK. On page 20, between lines 2 and 3, it is proposed to insert the following:

(c) Regular or duly ordained ministers of religion and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

On page 20, line 3, it is proposed to strike out "(c)" and insert in lieu thereof "(d)".

On page 20, line 9, beginning with the word "interest", it is proposed to strike out all down to and including "duties" in line 13, and insert in lieu thereof "interests".

On page 20, lines 15 and 16, it is proposed to strike out "except in the case of regular or duly ordained ministers".

And on page 21, line 3, it is proposed to strike out "(d)" and insert in lieu thereof "(e)".

Mr. CONNALLY. Mr. President, the Senator from Massachusetts [Mr. WALSH], for whom I have the highest respect, just adverted to the fact that the Senator from Connecticut has an amendment to exempt all students. Who is to defend this country? Are we to exempt everybody who can read and write? Are we to exempt everybody who is still in school?

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. MALONEY. I do not know that this will make any difference to the Senator, but my proposal does not exempt students. It defers their call, assuming that the bill is passed.

Mr. CONNALLY. Yes.

Mr. MALONEY. I remind the Senator that we are not at war and I call his attention, for whatever he feels it may be worth, to the fact that the Commander in Chief of the Army, within the past few days, admonished students to remain in college and not enlist in the Army.

Mr. CONNALLY. The Commander in Chief admonished them to go ahead until the bill is passed, and then they will find out where they stand. I pray God there will not be any war; but everybody who knows anything about the bill knows that the reason we are passing the bill is the possibility of war and the hope that its passage will raise such an army that we shall not have any war.

It is said that the amendment of the Senator from Connecticut exempts undergraduates. It does not exempt them but defers their call until their college course is completed.

Mr. MALONEY. Let me correct the Senator again.

Mr. CONNALLY. Yes.

Mr. MALONEY. Or until a boy reaches the age of 24.

Mr. CONNALLY. All right. He is 21 now. He is not exempted. His service is deferred until 1945, when either the war will be over or everybody in Europe will have starved to death.

Mr. MALONEY. Is the Senator afraid that we will not get into the war?

Mr. CONNALLY. I am afraid we will. That is the reason I am voting for these defense measures. I am afraid that if we do not prepare we will get into the war.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CHANDLER. The Senate Committee on Military Affairs gave very careful consideration to some plan either to defer or delay the training of a boy in college who will probably finish in the next year or two and who is at the present time taking some form of military training. I do not believe that we could do a more cruel or mean thing than to take a young fellow out of college when he has a chance to finish, take him away from his training, which is good training, and

which will equip him in the future to have a chance to make a living for himself. I do not believe we could do a meaner thing than to take that boy out of school and train him for a year. Then if we do not have an acute emergency and no war comes and the boy is trained for a year, he will be sent back home with no job and no chance to go to school. I do not believe we could do a meaner thing to him. He will have a year's training, with nothing to do, and he will be out of place all around. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The Chair admonishes the occupants of the galleries that applause in the galleries is not permitted. The rule of the Senate must be obeyed by those who are the guests of the Senate.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. MALONEY. I am very grateful to the Senator for permitting me to intrude upon his time. As soon as I have an opportunity after the Senate convenes tomorrow I shall attempt to call up the so-called Maloney amendment. I make the announcement now, because a number of Senators have asked me if I knew when it might come before the Senate.

I thank the Senator from Texas.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I am very much disturbed in my own mind about the matter of exempting college students.

Mr. CONNALLY. The bill does not exempt them.

Mr. BARKLEY. No; it does not. I mean deferring the calling of college students. No man appreciates more than I do the necessity and the desirability of education; but I am wondering what sort of discrimination will be created between the boy whose father has money enough to send him to college and the same kind of a boy whose father has not money enough to send him to college.

Mr. CONNALLY. The Senator has beaten me to my speech.

Mr. BARKLEY. I do not want to vote for any law which will require the bulk of our Army to be raised from those who are poor and cannot go to college, whereas those who have the money with which to go to college may be deferred or exempted. [Manifestations of applause from the galleries.]

Mr. President, I insist that the occupants of the galleries observe the rules of the Senate, which have been announced to them over and over again today. We are glad to have guests in the galleries, but certainly they ought to respect the rules of the Senate by not making any demonstration of their approval or disapproval of what any Senator says in debate.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I have had three very sharp, incisive questions plunged into the anatomy of my speech without any opportunity to reply to them. Will the Senator bear with me a moment?

Mr. CLARK of Missouri. I shall be very glad to defer my question.

The PRESIDING OFFICER. Will the Senator suspend to permit the Chair to make an announcement?

Mr. CONNALLY. I beg the Chair's pardon.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. MALONEY] announced a few minutes ago that it was his intention to bring up tomorrow his amendment, which is in the nature of a substitute.

Immediately thereafter the parliamentarian informed the present occupant of the chair that there are a number of other amendments pending which have been introduced by various Members of the Senate, and that under the rules of the Senate it will not be possible to consider the amendment in the nature of a substitute until all the other amendments shall have been disposed of. I think the Chair ought to give that notice to the Senator from Connecticut and other Senators.

Mr. MALONEY. Mr. President, may I make a brief statement?

Mr. CONNALLY. I yield.

Mr. MALONEY. I had felt that that might be the situation; but so many Senators have asked me about it that I wanted to serve notice that as quickly as it became possible I would call up the amendment.

I thank the Chair and the parliamentarian for the information.

Mr. CONNALLY. We will put the Senator's amendment in a deferred classification and get to it later. [Laughter.]

Mr. President, let me reply to the junior Senator from Kentucky. The Senator from Kentucky says it would be a mean and cruel thing to call a boy to training while he is in college, and then not have a war.

Mr. CHANDLER. No; the Senator is mistaken.

Mr. CONNALLY. I have not finished.

Mr. CHANDLER. We are not at war.

Mr. CONNALLY. I know it.

Mr. CHANDLER. The Senator and I agree about that.

Mr. CONNALLY. I am trying to state the Senator's question; but go ahead. I yield.

Mr. CHANDLER. I referred to a boy who was in college and who was receiving training. There are boys in college today who are receiving military training.

Mr. CONNALLY. Of a kind.

Mr. CHANDLER. I make the assertion that it is as good training as they will receive under the proposed system.

Mr. CONNALLY. The Senator is mistaken in that statement. If the boys we are to draft are not to receive any better training than an hour or so a week we might as well not pass the bill.

Mr. CHANDLER. The Senator is mistaken. The boys in the R. O. T. C. units qualify and are made officers immediately upon the conclusion of the course of training.

Mr. CONNALLY. How long does it take?

Mr. CHANDLER. It is a 4-year course.

Mr. CONNALLY. Of course.

Mr. CHANDLER. In answer to the statement made by my colleague, that we would so arrange the program that the boys who are not in college would have to fight the war, in the Committee on Military Affairs we undertook to make the provisions of the bill apply to all boys of a certain age; and if we set the age at 22, almost every one of them in college would be taken. They could finish their college course and qualify to be officers in the Army of the United States. If we do not give them a chance to do so, we give them a year's training and turn them back to their several communities with nothing to do, and no opportunity to go back to school again.

If the Senator will indulge me, I should like to ask him, Why should we penalize the boy who has the opportunity, take it away from him, and make such provision that he may never have it again, because some other fellow was born—many of us were—far away from such opportunity?

> Full many a gem of purest ray serene
> The dark unfathom'd caves of ocean bear;
> Full many a flower is born to blush unseen,
> And waste its sweetness on the desert air.

God knows there are plenty of those, but why penalize the boy who has an opportunity because some other boy does not have it?

I am as anxious as is my colleague or the Senator from Texas to have this proposed law apply to everybody, so far as possible, but when we seek equality we look for something that is very elusive and is rarely found, even in high places.

As a practical matter, many of these students, even if exempted, will go into the service; they will not take the exemption; but if it were not for the fact that we have had people throughout the ages keeping books, reciting prayers, and maintaining the light of religion burning, we would be poorer, indeed, not only here but all over the world. We cannot escape the fact that this emergency may pass away; and if it does, we will be poor, indeed, if we destroy the opportunities of this generation.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. CONNALLY. Will the Senator let me say about three words in answer to the Senator from Kentucky? Then I will yield. I think in class 1 is the Senator from Missouri; the Senator from Connecticut is in class 2. Let me answer the Senator from Kentucky.

Nobody wants to be hard on any young man under this bill. God knows I wish we did not have to pass a bill such as this. Nobody wants to put hardships upon anyone else; but we are going to put hardships under this bill upon untold thousands of boys. The Senator says that if a boy is in college, if he is fortunate enough to be able to go to college, he should not have to answer his country's call until he finishes his college career at the age of 24.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. CONNALLY. Yes.

Mr. CHANDLER. It is not merely the fortunate who go to college. Even boys from the country, some of them, go with $5 bills and red sweaters. Some of them have enough courage and determination to go to college even though they may be hungry while they are there. Most of the boys who go to American colleges are not rich, but here is a boy who has nerve and spunk enough to try it, and we ought not to limit his opportunities if he has the courage to try to secure a college education.

Mr. CONNALLY. Of course, we ought not to limit anybody's opportunities; we ought not to do anything which is displeasing to anybody; we ought not to call on anybody to do anything he does not want to do; we ought not to make anybody pay taxes he does not want to pay. But, Mr. President, those are the things with which it is our cruel and relentless duty to deal. We have assumed the responsibility of administering the affairs of this Government. If we need an army, we need it upon a basis of equality and democracy. I am not in favor of drafting a boy who has not had an opportunity to go to college—perhaps it is because he has not wanted it; perhaps it is because he has not striven enough—and putting him in a military camp or in the front line, perhaps, of battle and exempting boys who have the privilege of going to college, whether their fathers are wealthy or whether through their own efforts. It is not right; it is not fair; it is not just.

Mr. CHANDLER. Mr. President——

Mr. CONNALLY. When I answer the Senator's question I will let him ask me another. Let me answer this one first. Go back and read the history of the War between the States. What happened then? The colleges of this country, North and South, provided some of the finest and bravest soldiers, and the students of colleges and universities who served in the respective armies and who survived the war—many of them laid down their lives on the field of battle—returned and finished their education.

That is particularly true of the North, which had more resources than did the South, which was so impoverished that few of them could return to college, though those in the South who returned to college and law school afterward became ornaments in their professions in public service and in the business and industrial life of our great section, as I know was the case in the North.

God knows I am not against education, we all need it, I am still trying to get a little education as I go along, but, at the same time, we cannot afford in a measure such as the one pending before us, which we tell the country is based upon equality of service, upon the universality of every man who claims privileges under the flag, who claims the great constitutional guaranties, to let some men say, "they are mine and I will wrap myself in them, but when it comes to service, obligation and duty and fighting and sacrifice, I have got to be set apart in a preferred class, because I am going to college." He ought to thank God that he has had an opportunity to go to college even if his course is interrupted, because the poor devil who has not had an opportunity to go to college has not only been denied that privilege but under the theory of some of those advocating this exemption the poor devil may never go to college, but must go to a training camp, and then, possibly, to the battlefield.

I now yield to the Senator from Kentucky.

Mr. CHANDLER. The Senator mistakes the view we are taking. It is not exemption; it is deferment.

Mr. CONNALLY. Oh, well——

Mr. CHANDLER. And deferment is quite different from exemption. We ask for deferment because we think the time he is deferred, assuming we are not faced with an acute emergency—for if the emergency is acute, then everything is off and everybody goes—will give him a chance to get a training which some of us believe is equal or superior to the training which will be afforded under the provisions of this bill.

So I wish the Senator, when he quotes my position, would not say "exempted" but would say "deferred."

Mr. CONNALLY. I will try to be fair; I want to be fair; let us say "deferred"; but so long as he is deferred he is not going to be put in the front line.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. CONNALLY. I will yield in a moment. Let me answer one at a time. He is deferred. Deferred for how long? Until he gets through college or until he becomes 24 years of age?

Mr. CHANDLER. Mr. President, will the Senator yield there?

Mr. CONNALLY. Yes.

Mr. CHANDLER. I have a captain's commission in the Reserve Corps of the Army of the United States, subject to call, but because I am a Member of the Senate, I can be deferred if I want to be. I intend to be deferred until the emergency becomes more acute than it now is. If it becomes acute, I intend to take my place; but I do not think any American who sincerely wants to defend the United States of America when it is in danger ought to be criticized if he takes deferment when there is no acute emergency that requires him to do something else. I intend to stay here so long as the people of Kentucky will permit me, and not to be a captain in the Army of the United States; but if the emergency becomes acute and my services are needed I expect to leave the Senate of the United States and become a captain in the Army of the United States.

Mr. CONNALLY. The place for the Senator is right here. He has been elected a Senator of the United States, and he is exempt from the draft law, whether such a provision is put in the law or not, because the executive department cannot draft members of the legislative department. If so, there would be the possibility of dictatorship. The draft law cannot draft Members of the House of Representatives and Senators. Of course not. I do not care what is put in the law, members of the judiciary of the United States cannot be drafted. That is a separate branch of the Government. The Senator ought not to join the Army. He ought to stay right here. This is the office to which the people elected him, and I want to say that there is very serious doubt that if a Senator or a Member of the House joins the Reserve forces of the Army he vacates his seat in the Senate or the House of Representatives.

During the World War I did not draw a cent's pay until the House of Representatives of the United States adopted a resolution passing on the question and instructing the clerk to put the names of Members back on the House roll.

Mr. CLARK of Missouri. Mr. President, if the Senator will yield, if a Member has vacated his seat, he cannot resume it by the action of Congress. It is necessary for the people to reelect him.

Mr. CONNALLY. The Constitution gives the House of Representatives and the Senate, respectively—if the Senator has read the Constitution lately—the authority to determine the qualifications, elections, and tenures of their Members.

Mr. CLARK of Missouri. If the Senator will yield at that point, if the Senator will read the Constitution again, he will discover that it does not give the Congress of the United States any authority to fill vacancies. It gives each branch of the Congress power to pass on the qualifications of its own Members.

Mr. CONNALLY. That is correct.

Mr. CLARK of Missouri. In asking the Senator the question, I did not mean to imply that it was not very much to the credit of the Senator himself when, while a Member of the House of Representatives, he went into the armed forces of the United States because it was greatly to his credit. I merely disagreed with him about vacating his seat. The resolution of the House to which he refers merely amounted to a determination by the House of Representatives that he had not vacated his seat, because if he had vacated his seat, then the House of Representatives would not have been able to fill the vacancy. And I think the Senator will find that to be correct, if he will read the Constitution.

Mr. CONNALLY. I regret the Senator from Missouri adverted to my own personal affairs in respect to that matter. All I said was that there was a very serious legal question, and there is a very serious legal question, and I will say to the Senator from Missouri, since he has brought the matter up—although I dislike to have to refer to it—that when I joined the Army in 1918, in my own mind I regarded myself as leaving Congress and vacating my seat, and I undertook to perform none of the duties of a Member of Congress.

I did not draw a single dime from the Treasury as my pay as a Member of Congress, but drew my Army pay. Later on Mr. Mann, of Illinois, rose in the House of Representatives and had passed a resolution declaring that the clerk should put back on the roll of Members all those Members who had been Members, and were then in the armed forces or had been in the armed forces. When that action was taken, I did afterward renew my duties in the House of Representatives. But I had always regarded it as settled that I had vacated the seat. However, I consoled myself with the thought that under the Constitution the House of Representatives had a right to decide upon the qualifications and tenure of the Members of the House, and that the resolution to which I have referred, being an exercise of their power, was valid, even though it was wrong. The House of Representatives has a right to do things which are wrong, just as the Senate has. [Laughter.]

The Senator has first said we could not fill vacancies. The Senator will remember that in the case of the junior Senator from West Virginia [Mr. HOLT] I made a contention that the Senate could not fill the vacancy in the Senatorship of West Virginia, and the Senator from Missouri, if he was here, voted that we could fill the vacancy.

Mr. CLARK of Missouri. I did, and I am glad I did, and I would do the same thing again.

Mr. CONNALLY. That is all right. There is nothing personal in this, I may say to the Senator from West Virginia; it was a purely legal question, he will understand. So I throw back to the Senator from Missouri that if there is a vacancy, the House can fill it, just as well as the Senate can fill a vacancy.

Mr. CLARK of Missouri. If the Senator will permit me, the Senator and I differed very materially on the legal question involved, as to whether there was a vacancy. It was my contention that there was no vacancy, that the Senator from West Virginia having been duly elected, he could appear whenever he was qualified to take the oath, and be sworn in; and that was the view of an overwhelming majority of the Senate.

Mr. CONNALLY. That is correct.

Mr. CLARK of Missouri. The Senator from Texas made a very able and ingenious argument, that there had been a vacancy created; but the Senate decided that there was no vacancy. So I decline to take that as a precedent for the contention that the Senate cannot fill a vacancy.

Mr. CONNALLY. Very well. It is immaterial. The Senator agrees that the facts were as I have stated them. I think I have concluded.

Mr. CLARK of Missouri. Mr. President, I wish to ask the Senator a question. I agree very largely with what the Senator from Kentucky and the Senator from Texas have said as to the question of exempting boys merely because they are enjoying the opportunity of going to school. I certainly agree with what the Senator from Kentucky said, that he would not under any conditions want it understood that the Army was not to be made up of all classes.

I want to ask the Senator from Texas what he thinks of the expression of the President of the United States a few days ago at his press conference—and I assume it was substantially correct, because it was carried in identical terms in the newspapers and the press association accounts—when he said that the boys should not be taken out of the colleges and schools, that it was their patriotic duty to go on and finish their courses, and that nothing should be done to interfere with that.

It seems to me that the Senator from Kentucky and the Senator from Texas are getting crosswise with the Commander in Chief in this.

Mr. CONNALLY. We are not as far crosswise with the Commander in Chief as is the Senator from Missouri.

Mr. CLARK of Missouri. I will say that I do not intend to vote for the bill at all, because I am opposed to it in principle, but if I were going to vote for the bill on the ground that the President of the United States had recommended it, then I would take the recommendation of the President instead of quibbling about part of it.

Mr. CONNALLY. The Senator from Missouri knows that the Senator from Texas is not voting for the bill because the President of the United States told him to do so. The Senator from Texas voted for the draft act of 1917 while the present President was over in the Navy Department. So the Senator from Texas, in this instance, is not responding to a command of the Commander in Chief. No one in the world is the commander in chief of the junior Senator from Texas except the people he represents, and when he understands their commands, he tries to vote them if consistent with his sense of duty. He may not always succeed in that.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. Not just now; I want a little indulgence myself.

I read what the President said. I read the headline, and I think the Senator from Missouri must have read the headline.

Mr. CLARK of Missouri. I did, and I read the article, too. [Laughter.] It was put in the RECORD.

Mr. CONNALLY. I wish to congratulate the Senator from Missouri on being a man of wide reading, if he read both the headline and the article. [Laughter.]

The PRESIDING OFFICER (Mr. KING in the chair). The Chair must admonish the occupants of the galleries that it is against the rules of the Senate to express approval or disapproval. Unless the occupants of the galleries maintain order, the Chair will order the galleries cleared.

Mr. CONNALLY. I read the article referred to, and, as I remember it, the President said that he admonished young men not to quit their studies now and join the armed forces. The way I construed the article, he meant that they should go on in their normal courses if and until they were called under the law. If he said anything else, I do not agree with him. That is the way I construed it, and is what I think he intended it to mean. If he meant anything else, I do not agree.

I said to a boy yesterday, "Go ahead with whatever you have in mind, with your normal pursuits, until the bill is passed, and then, when it is passed, you wait until they call you." That is the theory of the measure. The boy says to his Government, "Here I am. Come and get me when you are ready for me." He is not slipping around and saying, "Put me in a deferred class, one whose call is to be deferred until after the training and the war and the danger are over, and after the school years are over, and after I am 21 or 24 years old, and get married, and settle down." I am not for that. I am for making this bill a universal bill, if we are to have a universal bill.

The local boards will make many mistakes. They will send some boys to the training camps who should remain at home,

perhaps, and they will exempt some who should go. But we cannot help that. All we can do is to act as best we can.

I yield to the Senator from Connecticut.

Mr. MALONEY. I will take the floor in my own time.

Mr. CONNALLY. I do not wish to be discourteous to the Senator. I hope the Senator is not offended.

Mr. MALONEY. I very much appreciate the Senator's final willingness to yield.

Mr. CONNALLY. I hope the Senator is not offended.

Mr. MALONEY. I am not.

Mr. CONNALLY. I have tried to be courteous to the Senator. I am going to suffer about as much through this measure as some of the boys who will be called in the draft itself.

Mr. President, I merely rose to express my dissent from the theory advanced by the Senator from Connecticut that boys in college should be deferred. I do not think they should be deferred.

The bill is based upon the theory that rich or poor, educated or ignorant, high on the social ladder or down on the level with the rest of us—everyone is subject to call, not when he says he wants to go, but when the Government, to whom he owes a duty to serve, says it is time for him to go. We are legislating here for a nation. We are here as Senators of the United States. Our service is to the country as a whole, not to individuals. The individual has to submerge himself. The welfare and the sovereignty and the power of the Nation are the things we are trying to conserve; and in saying that we should go back to the basic principle of absolute equality, of absolute uniformity, of absolute universality of the duty to serve and the universality of call when the Nation needs its sons to defend it.

### TRANSPORTATION OF CONVICT-MADE GOODS

Mr. CLARK of Missouri. Mr. President, I wish to advert for just a moment to another subject, inasmuch as I should like to ask a question of the junior Senator from Nevada [Mr. McCARRAN].

On March 9, 1940, the distinguished Senator from Arizona [Mr. ASHURST], the chairman of the Committee on the Judiciary, introduced a bill known as Senate bill 3550, a bill having to do with the transportation in interstate commerce of convict-made goods.

The Committee on the Judiciary referred the bill to a subcommittee consisting of the Senator from Nevada [Mr. McCARRAN], the Senator from West Virginia [Mr. NEELY], and the Senator from Nebraska [Mr. NORRIS].

The bill was reported favorably to the Senate with some amendments. It remained on the Senate calendar for 75 days. Finally, on June 22, 1940, on a motion made by myself it was passed by the Senate.

A companion bill to the original Senate bill was introduced in the House by the chairman of the Judiciary Committee of that body. That committee finally reported the Senate bill. The House amended the reported bill, thus adopting the Senate bill, S. 3550.

Conferees were appointed by the Senate as long ago as July 5, 1940, and by the House as long ago as July 8, 1940.

The Senate appointed Senators McCARRAN, NEELY, and NORRIS; the House appointed Representatives SUMNERS, HOBBS, SATTERFIELD, GUYER of Kansas, and HANCOCK.

On July 9, 1940, the conferees met. A majority of the Senate committee insisted, so I am informed by the public press, upon the bill as passed by the Senate. The House conferees divided evenly, two to two, one of their members being absent, no agreement being arrived at.

On July 31, 1940, the conferees again met, agreed upon clarifying language, but could not agree on the House-adopted amendment exempting from the provisions of the bill the manufacture and sale of farm machinery and binder twine.

On August 14, 1940, they met for the third time, and again no agreement was arrived at, and if the reports of the public press are to be believed, the House conferees actually took the position of refusing, by a majority vote, even to vote upon a proposition which had been submitted to them by the Senate conferees.

Mr. President, this bill is one of three or a series intended to prevent competition of confined criminals with free labor and free capital. At the present time, as we are informed by Federal forces, there are some 10,000,000 American citizens out of employment.

Of the 48 States of the Union, only 8 have failed to respond in some degree to Federal legislation to correct an evil which has long been complained of by both free labor and by private capital, and I am very much ashamed to say that the great State which I represent in part on the floor of the Senate is one of the 8 States of the Union which has failed to conform to this trend of humanitarian legislation. In view of the fact, however, that our present Governor will soon be succeeded by one who will devote his time and attention to the business of the State, rather than to roaming over the country trying to advertise himself, I am hopeful that this serious deficiency on the part of my native State will soon be corrected.

This bill has received the undivided support of all the labor organizations in the country. The American Federation of Labor, the C. I. O., the railroad brotherhoods, and all the industries, manufacturers, and dealers without exception.

Now, it is particularly important, Mr. President, that the present session of the Congress should complete this legislation, if it is to be completed at all, so that notice will be given to States which have not complied with the previously enacted Federal regulatory measures so that it may be under consideration at the coming sessions of the respective legislatures in January.

There has been some discussion in connection with the bill, Mr. President, about the disposition that is to be made of the time and employment of prisoners in the penitentiaries. Some fear that idleness and unemployment may militate against the discipline of those prisoners. A very complete answer to that has been worked out some 10 or 12 years ago by what was called the Federal and State use system, in which Federal prisoners and State prisoners might be employed on products used by the Federal Government and State governments. This has worked very successfully both in Federal prisons and State prisons where the system has been adopted.

Labor organizations and business organizations understand it and have agreed to it. There may be some recalcitrant States which have not given this subject the study it deserves, but it is entirely wrong that a few States should break the wage scales of labor all over the country and reduce the selling price of free products to a destructive degree.

Mr. President, we hear much in both branches of Congress about protecting American labor from peasant labor in countries abroad, and pauper labor in countries abroad. Yet by our failure to enact proper legislation we are permitting free American labor and free American enterprise to be brought into competition with the most dangerous kind of pauper labor, namely, prison labor in the penitentiaries.

I say that free labor in this country is entitled to an opportunity to compete without being compelled to compete with the prison labor of felons locked up in penitentiaries.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. GILLETTE. In connection with the matter the Senator has discussed, I believe the Senator would be interested, and I am sure all the Members of the Senate would be interested, in information which came to me recently, and which I have verified by telephone conversation with the Commissioner of Prisons. At the present time they are establishing schools in the Federal prisons for the purpose of training mechanics, with the view of using these airplane mechanics in the airplane factories as well as in the munitions factories of the Nation. I should be the last one to interfere with the teaching of a trade that would help rehabilitate a prisoner, but it seems to me that it is a serious matter, when we are establishing training schools for mechanics in these penitentiaries, to take them out and put them into our

munitions and armaments factories and airplane factories under the conditions as they exist at the present time.

I thought that situation might be interesting in connection with what the Senator from Missouri was discussing.

Mr. CLARK of Missouri. Mr. President, I thank the Senator from Iowa very much, indeed, for calling that matter to the attention of the whole Senate, as well as to myself. Like the Senator from Iowa, I should be the last to object to teaching men in the penitentiary a trade, so that they could make a living when they come out, but I cannot imagine any greater opportunity for sabotage and for "fifth column" activities than to have a lot of convicted felons taken out of the State and Federal penitentiaries of this country and put to work in the most vital manufacturing industry connected with the defense program.

It seems to me to be inviting sabotage, and it is an outrage, with the number of unemployed there are in this country, to employ convicts in an industry which holds out opportunities for such rapid development and is of such vital necessity to the people of the United States; it is an outrage to take men out of the penitentiaries and fill up these opportunities for employment in the only rapidly expanding industry in the country with that kind of labor.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. In order that the Senator from Missouri may be enlightened, I will say that his recital of what actually took place with the conference committee is practically correct, in keeping with my memory. We have had three meetings of the committee, as I recall. At one of the meetings, the first meeting, there were one or two absentees among the House Members. At the other meetings the various matters were discussed, but no agreement arrived at. The committee is in agreement on every point of difference between the House and the Senate, save and except as to two, the making and transportation of binder twine and farm machinery across State lines, when binder twines and farm machinery are manufactured in penal institutions.

At the last meeting of the committee we sought to have a vote taken, because it was very apparent that a majority of both committees favored the rejection of the House amendments as to those two items.

I say without any fear of contradiction that the senior Senator from West Virginia and the chairman of the conferees, the junior Senator from Nevada, were opposed to accepting the House amendment. The senior Senator from Nebraska was in favor of accepting the House amendment on those two items. The majority of the House conferees was against the House amendment, but a motion was made by the senior Senator from West Virginia, as a member of the conference committee, that the conferees proceed to vote. The Chair put that motion, and it was voted down, the majority of the House conferees—I think all except one—voting against the motion of the Senator from West Virginia, and the Senator from West Virginia and the junior Senator from Nevada voting in favor of proceeding to vote.

That is the status of the conference at this time. I do not believe I have omitted any item.

So far as I know the conferees are not precluded from meeting again, and it is my intention, as chairman of the Senate conferees, to call the conference together again within the next 2 or 3 days.

Mr. CLARK of Missouri. Mr. President, I thank the Senator from Nevada very much for his very frank and explicit statement. Let me say that I never had the faintest doubt as to the attitude which has been manifested by the Senator from Nevada and the senior Senator from West Virginia about this matter from the beginning. I brought the matter to the attention of the Senate because it seems to me to be a matter of outright discourtesy between the two Houses for the House conferees to refuse even to vote on a matter of this magnitude and importance. It puts the Senate in a position in which, in order to secure legislation which has been agreed upon in principle almost unanimously by both Houses of the Congress, it may be necessary to offer the bill as an amendment to some other important bill which will require consideration in the House. I simply bring the matter to the attention of the Senate, Mr. President, for the purpose of fastening public attention upon what has been going on in the conference. As I say, I have not the slightest doubt as to the attitude of the Senate conferees.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HATCH. The Senator spoke of a possible lack of courtesy on the part of House Members toward the Senate. I do not look at the situation from that standpoint. I am thinking of the entire Congress.

Mr. CLARK of Missouri. I am thinking of the entire Congress. I think that when a measure has substantially unanimously passed both Houses in principle, and a conference has been ordered considerably more than a month ago, Congress as a whole and the American people are entitled to action by the conference. I know that the Senator from Nevada has been doing everything he can to bring about action.

With regard to the items of binder twine and agricultural machinery, so far as I am concerned, there is nothing I would not do to relieve the burdens on the farmers of the country because I think they have been more crucified than any other element of our citizenry. Whatever advantage accrues to the farmer from buying convict-made goods is so small that it cannot be detected. But, Mr. President, the principle of this bill is a principle with which helping the farmer has nothing to do.

This is a bill the vital principle of which, the only justification of which, the only thing that makes it constitutional, is the principle of freeing free labor and free capital from the unfair competition of prison labor. If we say that we want binder twine exempted because one State makes binder twine, or if we want agricultural machinery exempted because another State makes agricultural machinery, and there may be some slight benefit to the farmers, some other State may say, "We have a big furniture factory in our penitentiary which cost us half a million dollars." Some other State may say, "We have a shoe factory in our penitentiary which cost us three-quarters of a million dollars." Another State may say, "We manufacture clothes in our State penitentiary which we sell on the market. We manufacture work shirts and overalls which we sell on the market, and we do not want to scrap our machinery. We want all of them exempted or we will not play ball."

When we go into exempting a particular industry in a particular penitentiary, and exempting the product of a particular penitentiary, we destroy the vital principle of the bill, which is freeing free labor, free capital, and free enterprise from the disastrous competition of Government-supported penitentiary labor—the most ruinous, the most humiliating, the most unfair competition in the world—worse than the competition of slave labor, worse than the competition of peasant labor, worse even than the competition of pauper labor. If this measure is defeated through chicanery in conference, the responsibility will be upon those conferees who bring about the continuation of these disgraceful conditions.

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. LEE. Mr. President, with respect to the pending amendment, the proposal to exempt ministerial and divinity students was voted down twice in the Military Affairs Committee. I voted against it each time. I see no more reason for exempting a man who is studying for the ministry or the priesthood than for exempting a man who is studying

dentistry, medicine, surgery, chemistry, or law, or studying to become a teacher, or to enter any of the many other professions.

I would not say that a year's military training would damage a student preparing for the ministry any more than it would damage a student preparing to be a lawyer or a teacher. The way the amendment is drawn, it would not exempt many Protestant students who are studying for the ministry. Many boys who are studying for the ministry are not attending either theological seminaries or divinity schools. At the University of Oklahoma, where I taught for 17 years, there were many students studying for the ministry. I went to school at the Baptist University, which is a denominational school, but not a theological school. Theology is taught there, but the university is not classed strictly as a theological school or a divinity school.

Many students who are preparing for the ministry attend various schools throughout the land, including State schools, denominational schools, and private schools, which would not be classed either as divinity schools or theological seminaries.

I am opposed to the amendment on the ground that it is undemocratic. I cannot for the life of me see how it would be any more injurious to a man who is studying for the ministry to rub shoulders with the other boys in a year of military training than it would be to a man who is studying to be an engineer, or a man who is studying to be a doctor. Those are important professions, and we need them.

It is in the discretion of the local boards to put different men in different classifications. Let me give a personal example. I was very much worried when the World War came on. I was teaching school. My father was dead. I was supporting the family, but I had the patriotic urge which comes to every young fellow. I was worried for fear I was not doing my patriotic duty. I wanted to enter the service immediately. I talked to the local board member. Incidentally, the local board members in the World War did a great service. They were not all perfect, of course, but this man was chosen because the people had confidence in him, and because he knew the community and the boys in the community. I talked to him and told him the situation. He talked to me like a father. He said, "JOSH, you go ahead and finish your school. It will be out this spring. We will put you on the list to be called immediately after your school is over."

That allayed my worry, and that is another argument in favor of a selective system. They selected me. He said to me, "When Uncle Sam needs you, he will call you, but if you rush in and many others of you rush in before you are needed, you will just clog the machinery." When he talked to me like that I went back and finished out the term at school. Within a week afterward I went to the training school and was inducted in. I felt I had done my duty as Uncle Sam had said to me he wanted it done, as President Wilson said we should do it. I did not feel that it was so much a draft as that the draft was a selective method of mass enlistment.

Mr. President, if a boy is about to graduate, it is within the knowledge of the local board, and in their discretion to act accordingly, and to put the boy on a deferred list so that he can be called after he has graduated, if the circumstances surrounding him are such as to make that advisable. Therefore I believe that we begin to weaken our own arguments and weaken the bill when we chisel off a little here and a little there and say, "This fellow is going to be a preacher, and we need more preachers." Certainly we do, but we find another man who is going to be a doctor, and we need more doctors, and another who is to be an engineer, and of all the professional men we need engineers the worst. We might add engineers to the deferred classification. Then there are chemistry students, and those studying in all of the professions.

For the reasons I have stated, I think the amendment should be defeated, and if it is not defeated, I must offer an amendment which would strike out, commencing in line 3, after the word "ministry", down to the word "act", in line 5, striking out the language "in theological or divinity schools recognized as such for more than 1 year prior to the date of the enactment of this act", so that the effect would be to exempt all students who are preparing for the ministry. If a student in a State university is preparing for the ministry, he has as much right to deferment as one at a theological institute. I do not know what percentage of the boys in the Baptist University in Oklahoma are students for the ministry, but I would risk the guess that from one-third to one-half and perhaps more are there preparing for the ministry. I do not believe that school would be embraced in the language of the amendment.

I am not offering an amendment, but if the amendment is adopted as it is, I shall ask for a reconsideration of the vote, and offer an amendment to the amendment. I am opposed to the whole amendment.

Mr. BARKLEY. Mr. President, it is obvious we cannot conclude the consideration of the amendment today. I had hoped we might vote on the Guffey amendment, as modified, but it is obvious that amendments will be offered and that it will be further discussed, and that we cannot conclude the consideration of it today.

### NATIONAL AVIATION DAY

Mr. MEAD. Mr. President, the President of the United States by proclamation has designated August 19 as National Aviation Day.

It is particularly fitting and proper, due to the condition of world affairs, that we in this country observe this day with appropriate ceremonies.

August 19 is the birthday of Dr. Orville Wright, the first man to fly a heavier-than-air power machine. It was through the imaginative genius of Dr. Wright, and his brother, Wilbur, that man is today able to traverse the skyways at incredible speeds and altitudes.

It is difficult to realize the remarkable progress made in the development of aviation in the United States since that memorable day at Kitty Hawk, N. C., when, on December 17, 1903, Dr. Orville Wright accomplished the fulfillment of his dreams by a sustained flight of 120 feet.

Today, without question, we have the finest air-transport system in the world. Within the borders of the United States the air transportation schedules are linked to every State and to our neighbors—Central and South America and the West Indies. Our planes span the Atlantic Ocean to Europe, the Pacific and South Pacific Oceans to the Hawaiian Islands, Guam, the Philippines, China, and to New Zealand.

We have air transportation facilities within the Hawaiian Islands, within Alaska, and from the mainland of the United States—Seattle, Wash.—to Alaskan points.

We in this country today should pay tribute to those men of vision and foresight through whose tireless efforts aviation is a vital force in the commerce and defense of our Nation.

Countless ceremonies in recognition of National Aviation Day are now being held throughout the entire country by civic organizations, private and public officials, and by the everyday American citizen. This is a very important day in the lives of all Americans. We should, therefore, pause with calm reflection on our present achievements, and on this occasion every American should firmly resolve that the development and expansion of aviation must continue in order that our country may at all times be adequately prepared and ready to face the future for whatever that future may hold.

### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nominations withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Edward Dana Durand, of Minnesota, to be a member of the United States Tariff Commission for the term expiring June 16, 1946 (reappointment).

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

UNITED STATES HOUSING AUTHORITY

The legislative clerk read the nomination of William P. Seaver to be Assistant Administrator.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, August 20, 1940, at 11 o'clock a. m.

## NOMINATIONS

*Executive nominations received by the Senate August 19 (legislative day of August 5), 1940*

SECRETARY OF AGRICULTURE

Claude R. Wickard, of Indiana, to be Secretary of Agriculture.

UNDER SECRETARY OF AGRICULTURE

Paul H. Appleby, of Maryland, to be Under Secretary of Agriculture.

PROMOTIONS IN THE REGULAR ARMY

*To be lieutenant colonels with rank from July 26, 1940*

Maj. Edward Henry Taliaferro, Jr., Coast Artillery Corps.
Maj. John Daniel Cook, Philippine Scouts.
Maj. Walter Bender, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Aubrey Haines Baldwin, Quartermaster Corps.
Maj. Fred George Miller, Signal Corps.
Maj. James Jacob Firestone, Quartermaster Corps.
Maj. George Corbett Pilkington, Quartermaster Corps.
Maj. James Kirker Campbell, Infantry.
Maj. Robert Lee Wright, Infantry.
Maj. Joseph Louis Bachus, Infantry.
Maj. Clyde Clarkson Way, Infantry.
Maj. Valentine Pearsall Foster, Coast Artillery Corps.
Maj. Richard Ernest Dupuy, Field Artillery.
Maj. Robert Neville Mackin, Coast Artillery Corps.
Maj. Harold Dean Woolley, Infantry.
Maj. John Henry Ball, Field Artillery.
Maj. Russell Baker, Infantry.
Maj. Everett Ernest Brown, Infantry.
Maj. Fay Ross, Infantry.
Maj. Harry LeRoy Branson, Cavalry.
Maj. Nels Louis Soderholm, Infantry.
Maj. Cyril Branston Spicer, Infantry.
Maj. Frank Gilson Chaddock, Field Artillery.
Maj. Carl Marcus Ulsaker, Infantry.
Maj. Arthur Henry Rogers, Infantry.
Maj. Clinton William Ball, Corps of Engineers.
Maj. Harry Allen Austin, Infantry, subject to examination required by law.
Maj. Kenneth George Althaus, Infantry, subject to examination required by law.
Maj. Malcolm Byrne, Cavalry.
Maj. William Alexander Ellis, Infantry.
Maj. Sydney Clyde Fergason, Infantry.
Maj. Severne Spence MacLaughlin, Infantry.
Maj. Burton Francis Hood, Infantry.
Maj. Josiah Ara Wallace, Field Artillery.
Maj. Patrick Eugene Shea, Field Artillery.
Maj. Charles Perfect, Quartermaster Corps.
Maj. James Truman Menzie, Adjutant General's Department.
Maj. Eugene Martin Foster, Finance Department.
Maj. Glenn Alonzo Ross, Quartermaster Corps, subject to examination required by law.
Maj. Albert Michael Guidera, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Mark Vinton Brunson, Quartermaster Corps.
Maj. Elbridge Gerry Chapman, Jr., Infantry.
Maj. John James Harvey, Infantry.
Maj. Norman Doud Finley, Infantry.
Maj. Philip Theodore Fry, Infantry.
Maj. Calvin Halcombe Burkhead, Signal Corps.
Maj. James Francis Doherty, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Edgar Joseph Tulley, Infantry.
Maj. Wilmer Micajah Flinn, Quartermaster Corps.
Maj. Samuel Robert Kimble, Ordnance Department.
Maj. Bernard Smith, Corps of Engineers.
Maj. Donald Buckingham Greenwood, Coast Artillery Corps.
Maj. Lewis Charles Beebe, Infantry.
Maj. Alexander Seymour Ackerman, Corps of Engineers.
Maj. Howard McClymonds Yost, Corps of Engineers.
Maj. William Van Dyke Ochs, Cavalry.
Maj. Coburn Lee Berry, Coast Artillery Corps.
Maj. Edward Henry Besse, Quartermaster Corps.
Maj. Rufo McAmis Fitzpatrick, Infantry.
Maj. Lynwood Benjamin Jacobs, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. George Roscoe Hedge, Infantry.
Maj. Ernest Russ Barrows, Coast Artillery Corps.
Maj. Vernon Webster Hall, Coast Artillery Corps.
Maj. Burritt Havilah Hinman, Joseph Advocate General's Department.
Maj. William Moore Carter, Infantry.
Maj. Rolla Valentine Ladd, Coast Artillery Corps.
Maj. Walter James Gilbert, Coast Artillery Corps.
Maj. Frederic Webster Cook, Coast Artillery Corps.
Maj. Harold Street Wilkins, Ordnance Department.
Maj. Albert Leon Tuttle, Infantry.
Maj. Franklin Eugene Edgecomb, Coast Artillery Corps.
Maj. Louis James Bowler, Coast Artillery Corps.
Maj. Dan Maynard Ellis, Infantry.
Maj. Frank Wilbur Wright, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. George Blaney, Coast Artillery Corps.
Maj. Elmer Theodore Foss, Quartermaster Corps.
Maj. George David Condren, Infantry, subject to examination required by law.
Maj. Douglass Newman McMillin, Infantry.
Maj. Thomas Raymond Parker, Coast Artillery Corps.
Maj. Elmer Gustave Lindroth, Infantry.
Maj. Gersum Cronander, Cavalry, subject to examination required by law.
Maj. Harry Burgie Smith, Quartermaster Corps.
Maj. Jewett DeWitt Matthews, Field Artillery.
Maj. Harold Borden Bliss, Quartermaster Corps.
Maj. Andrew Jackson Powell, Infantry.
Maj. Don Richman Norris, Coast Artillery Corps.
Maj. Stuart McLeod, Field Artillery.
Maj. Nathaniel Ernest Callen, Infantry, subject to examination required by law.

Maj. Ernest Coolidge Goding, Infantry.
Maj. Lawrence Stanley Woods, Quartermaster Corps.
Maj. George Irvin Smith, Cavalry.
Maj. Joseph Vincent Coughlin, Infantry.
Maj. Macey Lillard Dill, Infantry.
Maj. Edgar Peter Sorensen, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Edward Julius Renth, Infantry.
Maj. James Richard Townsend, Coast Artillery Corps.
Maj. John Henry Harrington, Coast Artillery Corps.
Maj. Francis Firmin Fainter, Infantry.
Maj. Peter Girardeau Marshall, Jr., Infantry.
Maj. Robert Olds, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Karol Bronislaw Kozlowski, Philippine Scouts.

*To be lieutenant colonels with rank from August 7, 1940*

Maj. Eugene John Heller, Quartermaster Corps.
Maj. Thomas Harry Chambers, Finance Department.
Maj. Floyd Duren Jones, Quartermaster Corps.
Maj. Franklin Miller Cochran, Infantry, subject to examination required by law.
Maj. Elmer Conrad Goebert, Ordnance Department.
Maj. Edward Brigham McKinley, Quartermaster Corps.
Maj. Gilbert Livingston Thompson, Signal Corps.
Maj. William Arthur Worley, Quartermaster Corps.
Maj. Joseph Pemberton Glandon, Quartermaster Corps.
Maj. Claude Mitchell Adams, Infantry, subject to examination required by law.
Maj. Walter Patrick O'Brien, Infantry.
Maj. Carl Hugo Jabelonsky, Quartermaster Corps.
Maj. Calvin Sutton Richards, Field Artillery.
Maj. Alexander Mitchell Owens, Quartermaster Corps.
Maj. Clifford Debray Cuny, Signal Corps.
Maj. Ira Harry Treest, Signal Corps.
Maj. Frank Brevard Hayne, Infantry, subject to examination required by law.
Maj. Lloyd Chandler Parsons, Signal Corps.
Maj. Theodore Edward Thomas Haley, Field Artillery.
Maj. Ralph Richard Guthrie, Signal Corps.
Maj. Harry Bernard Allen, Field Artillery.
Maj. Arthur Pickens, Infantry.
Maj. Martin Clinton Walton, Jr., Field Artillery, subject to examination required by law.
Maj. Samuel Charles Harrison, Infantry, subject to examination required by law.
Maj. Charles Robert Hall, Quartermaster Corps.
Maj. Lewis Evans Reigner, Field Artillery.
Maj. Oscar Nelson Schjerven, Field Artillery.
Maj. William Archibald Campbell, Field Artillery.
Maj. James Clark Hughes, Field Artillery.
Maj. Fred Ordway Wickham, Infantry, subject to examination required by law.
Maj. William Gregory Brey, Coast Artillery Corps.
Maj. William Henry Sadler, Quartermaster Corps.
Maj. Frederick Sidney Doll, Infantry.
Maj. Lawrence Gibson Forsythe, Cavalry.
Maj. Humphrey Swygart Evans, Quartermaster Corps.
Maj. Lewis Frederick Kosch, Field Artillery.
Maj. Allender Swift, Infantry.
Maj. William Richard Maris, Coast Artillery Corps.
Maj. Marion Lyman Young, Field Artillery.
Maj. Earle Howard Malone, Infantry.
Maj. Roy Samuel Gibson, Infantry.
Maj. John Gerak Cook, Field Artillery, subject to examination required by law.
Maj. Everard Franklin Olsen, Adjutant General's Department.
Maj. Melvin Earl Gillette, Signal Corps.
Maj. Tom Christopher Rives, Signal Corps.
Maj. Andrew Raymond Reeves, Field Artillery, subject to examination required by law.
Maj. Lewis Blaine Hershey, Field Artillery.
Maj. William Frederic Marquat, Coast Artillery Corps.
Maj. Willis Aubrey Hedden, Infantry.
Maj. Allison Ware Jones, Coast Artillery Corps.
Maj. Howard Herndon Davis, Infantry.
Maj. George Eitle Hartman, Quartermaster Corps.
Maj. Philip Frederick Biehl, Coast Artillery Corps.
Maj. James Gasper Devine, Coast Artillery Corps.
Maj. Richard Bocock Willis, Field Artillery.
Maj. Howard Nathaniel Frissell, Infantry.
Maj. Henry Vaughn Dexter, Infantry.
Maj. Hans Kloepfer, Cavalry.
Maj. Edward Allen Everitt, Jr., Cavalry.
Maj. Ted Harold Cawthorne, Infantry.
Maj. Henry Barton Dawson, Field Artillery.
Maj. Robert Hughes Lord, Infantry.
Maj. Archibald Ross MacKechnie, Infantry.
Maj. John Paul Ratay, Field Artillery, subject to examination required by law.
Maj. Mose Kent, Infantry.
Maj. Harry William Maas, Cavalry.
Maj. Fenton Gay Epling, Coast Artillery Corps.
Maj. Herbert Gray Esden, Infantry.
Maj. Francis Henry Boucher, Field Artillery.
Maj. William Henry Sweet, Coast Artillery Corps.
Maj. Louis Cansler, Signal Corps.
Maj. Ross Gordon Hoyt, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. William Bentley Mayer, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Harold Kernan, Field Artillery.
Maj. Hubert Augustine McMorrow, Coast Artillery Corps.
Maj. Dwight Hughes, Jr., Cavalry.
Maj. William Robert Stickman, Cavalry.
Maj. Maximilian Clay, Infantry.
Maj. Calvert Hinton Arnold, Signal Corps.
Maj. Lloyd William Biggs, Cavalry.
Maj. Wilkie Collins Burt, Cavalry.
Maj. Ralph Emerson Bower, Infantry.
Maj. George Leland Eberle, Infantry.
Maj. Rufus Stanley Ramey, Cavalry.
Maj. Marcus Brenneman Bell, Infantry.

*To be first lieutenants with rank from September 20, 1940*

Second Lt. Allan A. Blatherwick, Corps of Engineers.
Second Lt. William George Van Allen, Corps of Engineers.
Second Lt. Jack Alban Gibbs, Air Corps.
Second Lt. Ernest Cortland Adams, Corps of Engineers.
Second Lt. Lavonne Edwin Cox, Corps of Engineers.
Second Lt. Charles V. Ruzek, Jr., Corps of Engineers.
Second Lt. Holmes Fielding Troutman, Corps of Engineers.
Second Lt. Ward Hamilton Van Atta, Corps of Engineers.
Second Lt. Henry Cottrell Rowland, Jr., Corps of Engineers.
Second Lt. Erland Alfred Tillman, Corps of Engineers.
Second Lt. Joseph Anthony Smedile, Corps of Engineers.
Second Lt. William Davis Murphy, Corps of Engineers.
Second Lt. John Allan Morrison, Corps of Engineers.
Second Lt. Walter Orville Peale, Jr., Corps of Engineers.
Second Lt. John Andrew Allgair, Corps of Engineers.

*To be first lieutenant with rank from September 22, 1940*

Second Lt. John Dean Holm, Corps of Engineers.

*To be first lieutenant with rank from September 29, 1940*

Second Lt. Paul Henry Lanphier, Corps of Engineers.

*To be first lieutenant with rank from October 8, 1940*

Second Lt. Earl Harrison Williams, Corps of Engineers.

MEDICAL CORPS

*To be captains*

First Lt. Norman Everett Peatfield, Medical Corps, from September 21, 1940.
First Lt. Marion Fielding Green, Medical Corps, from September 22, 1940.

DENTAL CORPS

*To be captains*

First Lt. Carlos Francis Schuessler, Dental Corps, from September 3, 1940.

First Lt. James Shira Pegg, Dental Corps, from September 17, 1940.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ORDNANCE DEPARTMENT

First Lt. James Oscar Baker, Coast Artillery Corps, with rank from June 12, 1937.

First Lt. Edgar Haskell Kibler, Jr., Coast Artillery Corps, with rank from June 13, 1936.

TO AIR CORPS

Second Lt. Byron Benjiman Webb, Field Artillery, with rank from July 1, 1939, effective August 30, 1940.

POSTMASTERS

ALABAMA

Lonnie Hargrove Gregory to be postmaster at Fairfield, Ala., in place of W. H. Gandy. Incumbent's commission expired June 25, 1940.

ARKANSAS

Jewell Coxsey (Mr.) to be postmaster at Alpena Pass, Ark., in place of M. C. Porter. Incumbent's commission expired July 1, 1940.

Robert C. Grubbs to be postmaster at Eudora, Ark., in place of H. H. Parr, resigned.

COLORADO

Anthony J. Ricci to be postmaster at Georgetown, Colo., in place of A. J. Ricci. Incumbent's commission expired May 19, 1940.

Gertrude R. Noland to be postmaster at Mancos, Colo., in place of J. M. Brown, retired.

FLORIDA

Nancy L. Dickens to be postmaster at Deerfield Beach, Fla., in place of N. L. Dickens. Incumbent's commission expired July 1, 1940.

Nelson S. Jackson to be postmaster at Pierson, Fla., in place of A. J. V. Johnson. Incumbent's commission expired February 18, 1939.

GEORGIA

Dorothy Latimer Trimble to be postmaster at Hogansville, Ga., in place of C. T. Hightower, deceased.

Wilmer W. Turner to be postmaster at McDonough, Ga., in place of H. C. Hightower. Incumbent's commission expired April 1, 1940.

IDAHO

Louise M. Pratt to be postmaster at Weippe, Idaho, in place of M. E. Roos. Incumbent's commission expired July 1, 1939.

ILLINOIS

Roy I. Kufalk to be postmaster at Antioch, Ill., in place of J. F. Horan. Incumbent's commission expired August 26, 1939.

INDIANA

Ralph Spitzmesser to be postmaster at Fairmount, Ind., in place of I. W. Lewis, resigned.

Pauline Anna Tannehill to be postmaster at San Pierre, Ind., in place of J. F. Boyle, deceased.

MINNESOTA

Victor M. Weller, to be postmaster at Chaska, Minn., in place of C. H. Gibson. Incumbent's commission expired June 1, 1940.

NEW YORK

Anna M. Brewster to be postmaster at East Islip, N. Y., in place of J. C. Zuklin. Incumbent's commission expired January 31, 1938.

Clayton P. Snook to be postmaster at Gloversville, N. Y., in place of Van Angus, resigned.

Doris D. Smith to be postmaster at Hemlock, N. Y. Office became Presidential July 1, 1938.

NORTH DAKOTA

Fred Hollingsworth to be postmaster at Killdeer, N. Dak., in place of O. H. A. Larson, deceased.

OKLAHOMA

Clark Moss to be postmaster at Wagoner, Okla., in place of C. F. Rogers. Incumbent's commission expired May 22, 1938.

OREGON

William P. McKenna to be postmaster at Marshfield, Oreg., in place of G. W. Leslie, deceased.

PENNSYLVANIA

Wilberta T. Johnson to be postmaster at Primos, Pa., in place of Eva Leedom. Incumbent's commission expired February 1, 1938.

VIRGINIA

W. George Cleek to be postmaster at Warm Springs, Va., in place of R. C. Wilkinson, removed.

WEST VIRGINIA

Marlin S. Eckerd to be postmaster at Martinsburg, W. Va., in place of W. C. Faulkner, resigned.

Doyle Phillips to be postmaster at Philippi, W. Va., in place of L. E. Poling, resigned.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 19 (legislative day of August 5), 1940*

UNITED STATES HOUSING AUTHORITY

William P. Seaver to be Assistant Administrator in charge of Project Management, United States Housing Authority, Federal Works Agency.

POSTMASTERS

FLORIDA

Mary B. McCormick, La Belle.

LOUISIANA

Herman E. Hebert, Berwick.
Ella A. McDowell, Hodge.
J. Clyde Arceneaux, Rayne.
Murphy A. Tannehill, Urania.

MASSACHUSETTS

Francis B. Larkin, Harwich.
Elizabeth A. Norris, Sagamore.
Roy H. Amstein, Shelburne Falls.
Everett W. Bailey, South Lancaster.

MISSISSIPPI

Robert E. Rushing, Crosby.
Leo A. White, Webb.

NEVADA

Edwin M. Byrne, Winnemucca.

## WITHDRAWAL

*Executive nomination withdrawn from the Senate August 19 (legislative day of August 5), 1940*

POSTMASTER

PENNSYLVANIA

Mrs. Katherine McT. Gregg to be postmaster at Greensburg, in the State of Pennsylvania.

# HOUSE OF REPRESENTATIVES

## MONDAY, AUGUST 19, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O unerring Guide of our lives, Thou hast brought us to a new day. May there be no feeling of uncertainty and fear in our hearts as we turn toward its duties, for divine resources are ours to ask for and appropriate.

We pray that our minds may be the sanctuaries of Thy light and truth. Give us a vision of the eternal values. As

life is a capacity for the highest, so may we have faith and courage to make it a pursuit of the noblest and best.

Grant that we may be wise in judgment and calm in spirit. May we be kept free from selfish and sordid ambitions. Inspire us so to live that we may be as beacon lights to distressed and despairing souls. May we never lose heart but firmly believe that Thy kingdom is emerging out of the welter of passion and confusion in which we labor. Help us to manifest to the world an increasing likeness to the Christ in whose name we pray. Amen.

The Journal of the proceedings of Thursday, August 15, 1940, was read and approved.

TRANSPORTATION OF FOREIGN MAIL BY AIRCRAFT

Mr. BURCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4137) relating to transportation of foreign mail by aircraft, for immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MASON. Mr. Speaker, reserving the right to object—and I shall not object, because this Senate bill was voted out of our Committee on the Post Office and Post Roads unanimously—I do believe the gentleman should explain briefly what the bill covers.

Mr. BURCH. Mr. Speaker, this is simply a change in the procedure of settling the accounts of the Post Office Department of this country with foreign nations. As the law now stands, any amounts that may be due by the Post Office Department of this country to foreign countries are transmitted to those countries, and then any balance that may be due the air-mail carrier is at their pleasure paid to the carrier. There are often long delays running from 6 or 8 months to a year. At this time there is something like $1,000,000 due the air-mail carrier of foreign mails. This bill simply provides that accounts shall be expedited and balanced, and no money shall be paid to the foreign countries until this indebtedness to this country and the air-mail carrier is paid.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in all cases where, pursuant to the provisions of subsection (i) (2) of section 405 of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973; U. S. C., 1934 ed., supp. V, title 49, sec. 401, and the following), the Postmaster General shall have heretofore fixed and put into effect, or shall hereafter fix and put into effect, the rates of compensation to be charged foreign countries for the transportation of their mail by air carriers and where the collections from such foreign countries of the amounts owing by them for such transportation are required by such subsection to be made by the United States for the account of such air carriers, the Postmaster General may simplify and expedite the settlement of accounts for such carriage by offsetting against any balance due a foreign country resulting from the transaction of international money-order business or otherwise, such amounts as may be then due from such country to the United States and to the United States for the account of such carriers; and the Postmaster General and the General Accounting Office shall thereupon give the foreign country involved the appropriate credit for such payment by offset, paying to the carrier that portion of the amount so charged as may be owing to the carrier for its services in transporting the mail of such foreign country and depositing as miscellaneous postal receipts that portion of the amount so charged as may be due the United States on its own account: *Provided*, That no adjustment of accounts authorized by this act shall apply to appropriations for fiscal years prior to the fiscal year 1940: *Provided further*, That any adjustments made under the authority of this section shall be subject to the right of the United States to deduct from any sums due or thereafter becoming due to a carrier such amounts as may have been paid it on account of foreign countries which amounts, for any reason, the United States shall have been unable to collect, either by offset or otherwise, from the debtor country.

SEC. 2. In any case where collections are to be made by the United States from a foreign country for the transportation of mails of such countries for the account of an air carrier pursuant to section 405 (i) (2) of the Civil Aeronautics Act, whether such transportation occurred before or after the passage of this act, the Postmaster General, taking into consideration the state of the balance carried in the appropriation, in his discretion, is hereby authorized to make advances to such air carrier out of sums appropriated for balances due foreign countries, upon determination by the Postmaster General from time to time of the amounts due from any such foreign countries for transportation, and thereafter such amounts shall be collected by the United States from foreign countries by set-off, or otherwise, in the manner hereinbefore provided, and the appropriation for payment of balances due foreign countries shall be reimbursed by collections so made by the United States: *Provided, however*, That if the United States shall fail to collect any such amount or any part of such amount from such foreign country owing same within 12 months after the United States has paid such amount to the carrier, the United States may deduct such uncollected amounts from any sums owing by it to the carrier.

SEC. 3. The General Accounting Office shall make the necessary credits and debits in the respective appropriations and accounts involved and adopt such procedure as may be necessary to conform to and effect the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. PACE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

[Mr. PACE addressed the House. His remarks appear in the Appendix of the RECORD.]

NATIONAL-DEFENSE FUNDS

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ELLIS. Mr. Speaker, late Friday the War Department announced the signing of a $25,000,000 contract with the Hercules Powder Co. for the construction of a Government-owned smokeless-powder plant at Radford, Va. I begrudge Virginia nothing, certainly, for I love the State, but already Virginia has received out of these defense appropriations $272,481,750, while my State of Arkansas and six other States have received not a penny.

If the emergency demands these palpable discriminations, well and good; but we had been assured that it would be strategically advisable to locate these new production plants in invulnerable positions inland. We of the Middle West would like to see some propitious manifestation of the sincerity of this assurance and a more equitable distribution of the funds—and soon. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Thursday of this week at the conclusion of the legislative program of the day and following any special orders heretofore entered I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program of today and following any special orders heretofore entered I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a letter written by Edward E. Clark answering Frothingham's attack on the S. E. C.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANNOUNCEMENT

Mr. SECCOMBE. Mr. Speaker, I was absent on roll call 184 on the so-called National Guard bill. Had I been present I would have voted "yea."

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. ANDERSON of California addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein the letter from Mr. John L. Lewis and my reply thereto, together with an editorial from the Monterey Peninsula Herald.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain resolutions adopted by the Veterans of the Second Volunteer Infantry of the Spanish War.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include quotations from the Detroit Free Press on the question of conscription.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by Mr. Archibald Rutledge, of South Carolina, which was published as an editorial in the State paper.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech by Ambassador Joseph S. Choate, made in 1913, and another speech by Nicholas Murray Butler, delivered in 1934.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include therein certain quotations from the press and a short article on undermining America.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, on December 31, 1932, there were 568,345 Government employees; on December 31, 1939, 932,305 Government employees; and on June 30, 1940, 1,011,066 Government employees or more Government employees by almost 100 percent than were employed in December 1932, after the President made the statement that he would consolidate departments and cut down Government expenditures by 25 percent. The very opposite has happened. We are going through a period now of preparing for national defense. It seems to me now is the time to cut out a lot more Government agencies that are of no more use than wheels on a balloon. We should cut down these expenses and do what the President promised in 1932. America will never go forward until we economize in the operation of government. We should cut down on this great army of employees who are only warming chairs and drawing salaries. All jobs that are not necessary for our people's welfare should be abolished at once. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing therein an editorial in the Montgomery Advertiser of yesterday relating to public affairs, domestic and foreign.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PATRICK. Mr. Speaker, regardless of what either side thinks of the speaker in his speech of last Saturday the nominee of the Republican Party challenged the President of the United States to debate with him on the platform all over the country for 2½ months. Now, let us all get together on this, Democrat and Republican. We have continued Congress here when many wish to adjourn and there is much business to be attended. The crisis in the affairs of our Nation was perhaps never greater, and let us Democrats and Republicans join in prevailing on the President now not to go off for 2½ months, neglect the business of 130,000,000 people to run around over the Nation to help draw crowds for Wendell Willkie. Incidentally, we may imagine how much likelihood there is of the President's accepting. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Ambassador Bullitt last evening.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Creston (Iowa) News-Advertiser.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that I be permitted to extend my remarks in the RECORD by printing the address delivered last Saturday in Elwood, Ind., by Mr. Wendell Willkie.

The SPEAKER. Is there objection?

There was no objection.

APPROPRIATIONS FOR FEDERAL BUREAU OF INVESTIGATION

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, since this session of Congress began the Congress has appropriated upward of $10,000,000 to J. Edgar Hoover, of the F. B. I., to follow up subversive activities. The other day the President allocated out of the defense moneys, out of the $200,000,000 carried in the war bill, $1,600,000 to the Federal Communications Commission, and they have set up a duplicating detective agency under Mr. David Lloyd, formerly chief counsel of the La Follette civil liberty committee, to follow up "fifth columnists" in radio. Mr. Edgar Hoover is doing that job; he has written

about it in the American magazine for August. It is perfectly ridiculous that the President cannot cooperate with the Congress and keep faith on national defense and stop wasting the money in that way.

The SPEAKER. The time of the gentleman from New York has expired.

EXTENSION OF REMARKS

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a copy of a letter which I am about to send to the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address delivered by the gentleman from Massachusetts [Mr. MARTIN] at Elwood, Ind., Saturday last.

The SPEAKER. Is there objection?

There was no objection.

Mr. MICHENER. Also, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Jackson (Mich.) Citizen-Patriot.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an address delivered at Elwood, Ind., Saturday last by the gentleman from Indiana [Mr. HALLECK].

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks and to include some brief quotations.

The SPEAKER. Is there objection?

There was no objection.

DEFENSE MEASURES

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENDER. Mr. Speaker, the gentleman from Georgia [Mr. PACE] this morning referred to the speech delivered last evening by Ambassador Bullitt. He referred to the lack of speed on the part of the Government in connection with our defense program. Certainly, if there is any lack of speed, it is not the fault of this House. It is entirely the fault of the administration. The Congress has responded to every request that the administration has made for appropriations for defense. We have even appropriated millions for measures that have been represented as defense measures that were questionable measures. The responsibility for the lack of speed rests entirely with the President. Now he is inspecting our defense forces, which he should have inspected years and months ago. It is altogether fitting that we call the attention of the country to the responsibility for the lack of proper defense and place the blame where it belongs, and that is with the administration.

No other President in all our history has had as much authority as has Franklin Roosevelt. For almost 8 years he has had a "rubber stamp" Congress that responded to his every whim. The administration now moans about our lack of preparedness. New dealers are responsible for unemployment, for unpreparedness, and for bankrupting the Nation.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in connection with the remarks just made by the gentleman from Ohio [Mr. BENDER], I call attention to the fact that on every defense measure in the Committee of the Whole motions have been made by the Republican side to try to cut down the appropriations. Motions to recommit have been made for that purpose, mainly supported by the Republicans, who have been voting one way and talking another way. That is what they have been doing for the last 2 years—voting one way and talking another. Let us be frank. Last year, when an appropriation was under consideration for 5,500 airplanes, a motion was made to reduce it to 4,200-plus planes; practically every Member of the Republican Party voted for that motion. Every Republican Member from New England voted for it, and if that motion had carried we would not have had the Chicopee air base now being constructed in New England. They not only voted to reduce the appropriation from 5,500 to 4,200-plus but, by their vote in favor of that amendment, they voted to strike out the Chicopee air base. What the Republicans have been doing is "talking one way and voting another."

The SPEAKER. The time of the gentleman from Massachusetts has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include them in the Appendix.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, in answer to the gentleman from Massachusetts [Mr. MCCORMACK] who charges the minority has opposed appropriations let me say the difficulty has been that when we voted money for one purpose the administration used it for something else. When we voted you money to buy food, clothing, and shelter you bought votes with it. When we voted you money for national defense, the administration immediately began using it to elect the President to a third term. Why should we have any confidence in you? Why should the taxpayers' money be used as it has been and is being used to elect a President who wants to be a dictator to a third term? [Applause.]

[Here the gavel fell.]

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. PITTENGER. Mr. Speaker, as far as I am concerned I challenge every statement that the distinguished and amiable gentleman from Massachusetts [Mr. MCCORMACK] made just a few moments ago. He knows that there is a great deal of leeway in that statement which he made. However, I did not rise for the purpose of pointing out his error. I rose to congratulate the distinguished gentleman from Arkansas [Mr. ELLIS] upon the very potent remarks that he made in connection with our national-defense program. He pointed out and proved that the policy of the administration is to spend money that has been appropriated for national defense purposes on the Atlantic seaboard and leave the Midwest without any orders for war materials or without any part in the building up of the necessary national defense in which the Midwest should have its share and its opportunity.

Mr. Speaker, for some weeks Members of Congress from the Midwestern States have pointed out to the administration the desirability of manufacturing some war materials in the Midwestern States.

In the early part of July, I took up with the national-defense officials this very question and pointed out that the Midwest should produce its share of materials needed in the national-defense program. Attention was directed to the fact that if the factories in the eastern sections were to expand and were to have all of the contracts which the Government would award and were to manufacture all of the war materials, that this would have a disastrous effect on the Midwest. Such a program would keep already idle factories in disuse and would contribute to the problem of unemployment which is faced by many midwestern cities.

Further, the natural tendency if the East is to manufacture all of these orders would be to transfer equipment and skilled mechanics from the Midwest to eastern centers.

This situation only needs to be pointed out in order to draw the conclusion that such a program would leave the central portion of the United States in bad shape.

Opposition to this policy has increased steadily and more and more the people affected are beginning to realize that defense factories should be built or subsidized with Government funds in the interior section of the United States.

Senators and Members of the House of Representatives have contacted the various Government agencies and have made a complete and fair statement regarding this situation. They have not done it with reference to political expediency, and I do not believe that anyone has suggested that politics should play any part in the efforts to procure fair treatment for the Midwest. Anyone who places political considerations ahead of national-defense development, should be severely condemned.

It was, therefore, with a great deal of surprise that I read a headline in one of the local papers the other day which said that the race is on to grab defense-work plums. This news item is wholly misleading and is unfair to the civic groups. Then I read an editorial in one of the local Washington papers which charges that Members of Congress may attempt to hold up the preparedness program unless that program is shaped by political considerations. I submit that this editorial is incorrect and that it charges improper motives to Members of Congress and to civic organizations which point out the importance of a defense program which does not overlook the Midwestern States.

We have given support to all national-defense measures and expect to continue to do so, but we do not intend for eastern newspapers and eastern interests to play politics with the national-defense developments in an effort to have eastern localities benefit at the expense of the rest of the country to serve purely eastern aims. [Applause.]

EXTENSION OF REMARKS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Herald-Citizen, of Milwaukee.

The SPEAKER. Is there objection?

There was no objection.

AMBASSADOR WILLIAM C. BULLITT

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, last evening there was delivered over the radio by a man named Bullitt, who is supposed to be representing this Government in France, a most amazing radio address. I understand he was at the State Department while he delivered it, which makes it official.

He said in part:

> When are we going to let the legislators in Washington know that we don't want any more politicians who are afraid of the next election and scared to ask us to make the sacrifices that we know are necessary to preserve our liberties and our Declaration of Independence and our Constitution.

I want to call to the attention of this man, who is more of a publicity seeker than he is a diplomat, that in the other body there are 69 Democrats, 23 Republicans, 2 Farmer-Laborites, 1 Progressive, and 1 Independent. In the House there are 260 Democrats, 168 Republicans, 2 Progressives, 1 Farmer-Laborite, and 1 American-Laborite. If Congress has been remiss, why does this man not suggest that the American people call it to the attention of the President, because Congress for 8 long years has been blindly following the President, obeying his every whim. [Applause.]

[Here the gavel fell.]

EXPENDITURES FOR DEFENSE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ENGEL. Mr. Speaker, just to keep the RECORD straight, if the gentleman from Massachusetts will examine the RECORD of the debate on the War Department appropriation bill, on June 21, 1939, he will find the reason why the minority group on that subcommittee opposed the construction of those planes. He will find that according to the testimony of General Arnold, Chief of the Army Air Corps, given at the hearings, we were from 3 to 5 years behind Germany in research and development; he will find—and I am referring to General Arnold's testimony, and quoting General Arnold, Chief of the Air Corps—that we were far behind Europe in the development of these planes, both in speed and performance; that as far as Germany was concerned the type of plane we were then building would not come within 60 miles an hour in speed of the pursuit planes that Germany was building. He will find, according to the testimony of General Arnold, that the Army had, on June 21, 1939, either contractual authority or funds which had been available from 17 to 19 months to construct 906 airplanes. They had the money or authority on June 21, 1939, to construct 906 planes which they had not constructed out of the 1938 appropriations because they were waiting for improvements to be made on those planes. They frankly confessed in the testimony that these planes would be obsolete before they were built, and I so stated in my speech on the floor on June 21, 1939, in opposing the construction of these obsolete planes. The fact remains that not one of these planes was built or delivered to the Government. They were the planes that were turned over to France and England, released by the Army on the ground that they were obsolete.

General Arnold testified before the Senate hearings this year that the armored plane and the self-sealing gasoline tank have made our fighting planes obsolete, that it would be suicide to send our planes against modern planes so equipped.

My colleague on the committee the gentleman from New Jersey [Mr. POWERS] and myself fought consistently on that committee for money for research and development and largely as a result of our efforts we were able to get sufficient money appropriated by Congress to make possible a program of research and development which has resulted in the 400-mile-an-hour plane we have today.

NATIONAL DEFENSE EXPENDITURES

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, our multimillionaire New Deal, international, un-Christian, warmonger Ambassador Bullitt is loose in America today. Our New Deal Fuehrer, President Roosevelt, has crooned over the radio and chattered during his fireside chats about the "fifth column," although he and his wire-tapping Gestapo have not apprehended or indicted a single "fifth columnist." I suggest that they get hold of Mr. Bullitt and lock him up right away.

Mr. Speaker, it has been said that money appropriated for national defense has not been expended. I think much of it has for the offense and defense of Democratic New Deal politicians. The August 13, 1940, Washington Star Capitol Parade by Alsop and Kintner indicates that although the New Deal has not expended very much of the money appropriated for national defense, for our Navy, that they have expended sufficient so that Mr. "Chip" (fixer) Robert, secretary of the Democratic New Deal National Campaign Committee, the notorious fixer and shake-down artist has already got his hands on $1,000,000 of that defense money in the form of fee contracts. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include

therein a brief article entitled "Pity the Poor Besieged Congressman," which was recently published in the Syracuse Post Standard.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks by including a resolution adopted by an organization in my district protesting against the absorption of Lithuania by the Soviet Union, together with an editorial appearing in a Boston paper relating to the same subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### DEFENSE PROGRAM AND THE ELECTION

Mr. SABATH. Mr. Speaker, it is regrettable that whenever anybody at any time says something warning the country of impending and potential dangers, especially from "fifth columnists," the gentleman from Wisconsin [Mr. SCHAFER] resents it, accuses him, abuses him. I hope that, in view of present mercurial conditions, he will desist; that he will show himself to be really patriotic, and try to cooperate with the rest of us who are endeavoring to enact as speedily as practicable an imperative and adequate defense program.

Mr. Speaker, I did not object, but was pleased, when the gentleman from Massachusetts [Mr. MARTIN] asked unanimous consent to print in the CONGRESSIONAL RECORD the acceptance speech of the Republican candidate. I hope that all the candidate said will appear in the CONGRESSIONAL RECORD, where it will be indeed amazing to those who really understand conditions in this country.

He challenged the President to publicly debate with him when he knew, as does every other thoughtful person, that his followers in Congress are insistently demanding that the Congress remain in session; when he knew, as does every other thoughtful person, that the President must of necessity remain in Washington during these troubled times. It is indeed fortunate for Mr. Willkie that the President is unable to avail himself of the enviable opportunity to meet Mr. Willkie on the public forums of the country.

The country will readily understand that this invitation is purely a political gesture. This is not a time for speechmaking, but a time for enlightened and constructive action.

Why say more.

[Here the gavel fell.]

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendments of the House to the joint resolution (S. J. Res. 286) entitled "Joint resolution to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHEPPARD, Mr. REYNOLDS, Mr. THOMAS of Utah, Mr. MINTON, Mr. AUSTIN, Mr. BRIDGES, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

The message also announced that the President pro tempore had appointed Mr. BARKLEY and Mr. TOBEY members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of the Interior.
3. United States Civil Service Commission.
4. Federal Works Agency.

### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the calendar.

### PASSAMAQUODDY BAY

The Clerk called the first business, Senate Joint Resolution 57, authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

### BRIDGE ACROSS MISSOURI RIVER AT FLORENCE STATION, OMAHA, NEBR.

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### TO AMEND THE CROP-LOAN LAW

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### SPECIAL ASSISTANTS TO THE ATTORNEY GENERAL IN THE DOHENY CASE

The Clerk called the next bill, H. R. 4366, to authorize the payment of additional compensation to special assistants to the Attorney General in the case of the United States against Doheny executors.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### CHANGING TIME OF APPOINTMENT OF PRESIDENTIAL ELECTORS, ETC.

The Clerk called the next bill, H. R. 8700, to change the time of the appointment of Presidential electors and the election of Senators and Representatives in Congress.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### SPEECHES AND WRITINGS OF EDMUND BURKE

The Clerk called the next business, House Joint Resolution 307, to provide for the printing of the speeches and writings of Edmund Burke as a House document.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### BIOGRAPHICAL CONGRESSIONAL DIRECTORY

The Clerk called the next business, House Concurrent Resolution 54, authorizing the printing of a revised edition of the

Biographical Directory of the American Congress up to and including the Seventy-sixth Congress.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DESIGNATING PERSON TO ACT AS PRESIDENT UNDER CERTAIN CIRCUMSTANCES

The Clerk called the next bill, H. R. 9462, designating the person who shall act as President if a President shall not have been chosen before the time fixed for the beginning of his term or when neither a President-elect nor a Vice-President-elect shall have qualified.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CARRYING OUT CERTAIN OBLIGATIONS TO ENROLLED INDIANS

The Clerk called the next bill, H. R. 5944, to carry out certain obligations to certain enrolled Indians under tribal agreement.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

CREATION OF MOUNTAIN DISTRICT IN STATE OF TENNESSEE

The Clerk called the next bill, S. 1681, to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. KEAN]?

There was no objection.

CESSION BY STATE OF WASHINGTON OF JURISDICTION OVER LANDS IN OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 6559, to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, and to insert at this point in the RECORD a letter from the Attorney General of the State of Washington, dated August 14, 1940, setting forth the reasons for my request.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SMITH]?

There was no objection.

The letter referred to follows:

OLYMPIA, *August 14, 1940.*

Hon. MARTIN F. SMITH,
*Member of Congress, Washington, D. C.*

MY DEAR CONGRESSMAN: We conferred with MON C. WALLGREN with respect to H. R. 6559, as we advised you in our telegram of this date. At that time we submitted to him the amendment to section 12, which in our opinion should be made to that bill.

After giving full consideration to the interests of the State of Washington and private owners, it is our opinion that said section 12 should be amended to read as follows:

"SEC. 12. That the Secretary of the Interior is hereby authorized and empowered, and, upon the reasonable request of the Governor of the State of Washington showing the necessity therefor, directed to grant the use of rights-of-way for the movement of valuable materials, minerals, or other products, and for communication or other public-utility purposes, across any lands now or hereafter owned or acquired by the United States under and in accordance with the provisions of section 1 of this act.

"The use of such rights-of-way shall be subject to such reasonable rules and regulations as may be approved and promulgated by the Secretary of the Interior."

After we explained our position in the matter to Mr. WALLGREN he agreed to present the foregoing amendment at the earliest possible date, but he does not plan to return to Washington, D. C., until the early part of the coming week and as a consequence will not be there when H. R. 6559 is next called up on the calendar, on August 19. Under such circumstances he authorized us to notify you that he joins in our request that the said bill be passed over or continued to a later date in order that he may have time within which to properly present the proposed amendment.

We are principally concerned with the matter of protecting the rights of the State of Washington and private owners, as well as to have access—that is, ingress and egress—to lands not a part of the Olympic National Park but which will be virtually cut off entirely by reason of the boundaries and limitations of the park area.

We also deem it necessary that the Governor of this State have the authority to make reasonable requests in cases where the necessity exists, directed to the Secretary of the Interior, to grant rights-of-way. The need for the proposed amendment is particularly acute with respect to the lands now being acquired by the Federal Government, commonly known as the Queets Corridor and the Ocean Strip, where, in the event no reservation of rights-of-way is obtained, access to adjacent lands will be entirely cut off.

It will be appreciated if you will keep us advised concerning H. R. 6559, so that we may properly protect the interests of the State of Washington.

Respectfully,

SMITH TROY, *Attorney General.*

TORT CLAIMS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 7236, to provide for the adjustment of certain claims against the United States and to confer jurisdiction in respect thereto on the Court of Claims and the district courts of the United States, and for other purposes.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

FRED B. WOODARD

The Clerk called the next bill, H. R. 9432, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

RELIEF OF CERTAIN FORMER DISBURSING OFFICERS OF CIVIL WORKS ADMINISTRATION AND FEDERAL EMERGENCY RELIEF ADMINISTRATION

The Clerk called the next bill, H. R. 9514, for the relief of certain former disbursing officers of the Civil Works Administration and the Federal Emergency Relief Administration.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

PLACES OF CONFINEMENT OF PERSONS CONVICTED OF A FEDERAL OFFENSE

The Clerk called the next bill, H. R. 9954, to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f), relating to places of confinement and transfers of persons convicted of an offense against the United States.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

ERECTION OF A MONUMENT TO GEN. ANDREW PICKENS

The Clerk called the next business, House Joint Resolution 369, to provide for the erection of a shrine or monument to the memory of Gen. Andrew Pickens.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

AUTHORIZING SECRETARY OF INTERIOR TO FURNISH MATS

The Clerk called the next bill, S. 769, authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

AUTHORIZING SPECIAL AGENTS OF DEPARTMENT OF THE INTERIOR TO ADMINISTER OATHS

The Clerk called the next bill, S. 2627, to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

Mr. ROBINSON of Utah. Mr. Speaker, reserving the right to object, will the gentleman withhold his request in order that I may explain the bill?

Mr. TABER. I withhold it temporarily; yes.

Mr. ROBINSON of Utah. The only purpose of this bill is to make it possible for investigators in the Department of the Interior to administer oaths the same as is done in other departments. The lack of this power is seriously interfering with the work of the range administration in this Department.

Mr. TABER. The bill relates not only to special agents but to all the clerks and everyone else, and that is entirely improper. On top of that, we have been getting all sorts of complaints about these special agents of the different departments of the Government chasing around and annoying people. I believe it is rather questionable that any such power should be given any of them.

Mr. ROBINSON of Utah. May I say to the gentleman that if we are going to stop special agents of all the departments from administering oaths we should take up that matter in some general legislation; but it does not seem fair, inasmuch as other departments already have this right, that you should deprive the Secretary of the Interior of that right. If there is any question about the language of the bill including employees other than special agents, we have no objection to amending the bill to comply with the gentleman's request in that particular, but I do believe the bill should be considered.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does not the gentleman feel that if we are going to have any legislation granting this power to certain persons it ought to be uniform, so we should not permit the Department of the Interior to have any more power than is absolutely necessary? I recall a bill that was here a few weeks ago under which the Department of the Interior just because the Department of Agriculture had the right to give certain things to certain people out of the Treasury of the United States, asked for the same right. We ought to watch the Department of the Interior on that.

The SPEAKER. Is there objection to the request of the gentleman from New York that the bill be passed over without prejudice?

There was no objection.

KELLEY HOMESTEAD, ELK RIVER, MINN.

The Clerk called the joint resolution (H. J. Res. 376) authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley homestead near Elk River, Minn., and providing for its development and maintenance.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BEQUEST OF THE LATE JUSTICE OLIVER WENDELL HOLMES

The Clerk called the joint resolution (H. J. Res. 550) to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ALASKA GAME LAW

The Clerk called the next bill, H. R. 8474, to further amend the Alaska game law.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 10 of the act entitled "An act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", approved January 13, 1925, as amended, is further amended to read as follows:

"SEC. 10. Regulations: That the Secretary of the Interior, upon consultation with or recommendation from the Commission, is hereby authorized and directed from time to time to determine when, to what extent if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat, or black bears if and when declared to be game animals by the Secretary of the Interior under authority of section 2 of this act, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any airplane, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sailboat, or to procure for serving or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in need of food and other sufficient food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the Migratory Bird Treaty Act and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, boat, vessel, sled, dog, or dog team, paraphernalia, or equipment, building, or other improvement or property of the United States used by the Commission in the administration and/or enforcement of the provisions of this act, or as a notice to the public concerning the provisions of this act or any regulation adopted pursuant thereto, or as a marker of the boundary of any area closed to hunting, trapping, or other special use under the provisions of this act, or to destroy, remove, tamper with, or imitate any metal seal or seals issued by the Commission and attached to any skin, portion, or specimen of a wild animal or bird or other article for purposes of identification under its authority, in accordance with the provisions of this act or any regulation thereunder."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHANGES IN THE ADMINISTRATION OF THE NATIONAL GUARD

The Clerk called the next bill, S. 3619, relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be recommitted to the Committee on Military Affairs.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. COCHRAN. Mr. Speaker, under reservation of objection, I desire to call attention to a proviso in this bill on page 3 commencing with line 16, down to and including the language on page 4, line 2.

According to the Comptroller General, this proposed action is unprecedented.

It ratifies and validates all expenditures of disbursing officers of the National Guard heretofore made which now stands disallowed, or would hereafter be disallowed but for this act, leaving it to the Secretary of War to determine.

The Secretary of War, as shown by his report, does not want this authority, and the Comptroller General urges that it not be granted.

The question of final audit of Government expenditures is left to the Comptroller General under the Budget and Accounting Act of 1921. He is the representative of the Congress to see that the money is properly spent. If you are going to relieve him of the duties and provide that when the Secretary of War says so he must allow credits, then why not save money by doing away with the General Accounting Office?

I say this bill is not going to pass with such a proviso if I can prevent it. If it ever comes back, this feature should be eliminated.

Let us not start such a practice. Rather it is our duty to pledge to the taxpayers that money allocated for national-defense purposes is properly spent and that we propose to see that it is spent for the purpose for which it was appropriated.

There are other features of the bill that can be assailed. I do not know where it originated, but it did not originate in the War Department. There are parts of the bill that might be necessary and are needed. Those I will support. I say to the committee, bring in the good and leave out the bad.

The gentleman from California [Mr. COSTELLO] is doing a public service in sending this bill back to the committee, and I withdraw my reservation of objection. [Applause.]

Mr. COSTELLO. Mr. Speaker, that is the reason I submitted my request that the bill be recommitted to the Committee on Military Affairs.

Mr. COCHRAN. Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent to extend my remarks at this point in the RECORD and include therein a letter from the General Accounting Office on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The letter referred to follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
*Washington, August 17, 1940.*

HON. JOHN J. COCHRAN,
*Chairman, Committee on Expenditures in the Executive Departments, House of Representatives.*

MY DEAR MR. CHAIRMAN: I have your letter of August 15, 1940, requesting a report on a proviso in S. 3619, on page 3, commencing with line 16, as follows:

"*And provided further*, That payments heretofore made which now stand disallowed or would hereafter be disallowed but for this act are hereby ratified and validated as to the disbursing officers making the same, in such amounts as the Secretary of War may determine have been actually expended in the administration, supply, maintenance, and training of the National Guard, and the determination of the Secretary of War shall be final and conclusive; and the Comptroller General of the United States is hereby directed to allow credit in the accounts of said disbursing officers for and on account of such payments in said amounts."

This language would require that this office allow credit—regardless of any inaccuracies, illegalities, fraud, etc.—for all expenditures of the National Guard up to the time of its enactment, except as the Secretary of War might determine that the expenditures had not been made in the administration, supply, maintenance, and training of the National Guard. It is not conceivable why the duties of this Office in the audit of these particular accounts should be transferred to the Secretary of War with much more limited authority to question payments than has this Office, leaving to this Office the statement of accounts for this particular class of expenditures only as the Secretary of War shall direct. Not only that, but if the expenditures were made directly contrary to law, but for the purposes named, the items necessarily must be passed to credit by the Secretary of War. For example, the act of April 26, 1939, Public, No. 44, Seventy-sixth Congress, making appropriations for the Military Establishments for the fiscal year 1940, on page 22 (53 Stat. 611), under the heading "National Guard," subheading, "Arming, equipping, and training the National Guard," contains a provision for the hire of automobiles at camps "(at a rate not to exceed $1 per diem)" and other limitations, as follows:

"That not to exceed $25,000 of this appropriation shall be available for the settlement of claims (not exceeding $500) for damages to or loss of private property incident to the operation of camps of instruction, either during the stay of National Guard units in such camps or while thereto or therefrom en route: * * * That not to exceed $500,000 of this appropriation shall be available for construction at concurrent camps.

* * * * * * *

"No part of the appropriations made in this act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a Federally recognized status without pay under this act.

* * * * * * *

"No appropriation contained in this act shall be available for any expense for or on account of a larger number of mounted units and wagon companies of the National Guard than were in existence on June 30, 1932."

These specific limitations fixed in the statute, if the expenditures were otherwise for "the administration, supply, maintenance, and training of the National Guard," would be of no effect—the Secretary of War could not, under the terms of this bill, confine the expenditures within the limits fixed by the Congress in the specific appropriations made for the National Guard; also, there are numerous prohibitory and limiting permanent statutes applicable to the expenditures of public moneys, none of which would limit or control the Secretary of War if the expenditure were for "the administration, supply, maintenance, and training of the National Guard." In other words, the terms of this provision would in effect give to the disbursing officers of the National Guard, with respect to transactions up to the date of its enactment, authority to expend appropriations, made by the Congress with cautious limitations, for any purpose so long as it was for the administration, supply, maintenance, or training of the National Guard, and to receive credit for all such expenditures theretofore made.

It will be observed in the letter of the Secretary of War, dated May 14, 1940, published in the reports of both the Senate and the House committees, that the Secretary of War recommended against inclusion of this provision; see page 5 of Senate Report No. 1788 and page 3 of House Report No. 2814, where the Secretary of War made reference to this provision, as follows:

"The War Department, however, is opposed to the second proviso, beginning in line 20 of page 3. That proviso in effect transfers from the General Accounting Office to the Secretary of War the important duty of determining whether or not appropriations from which disbursements have been made were available for such disbursements and it authorizes the Secretary of War, even though such funds may not have been legally available, to validate all or any part of such disbursements in such amounts as he may determine have been actually expended in the administration, supply, maintenance, and training of the National Guard. Such transfer of functions seems to be in conflict with Presidential and congressional policies respecting the reorganization of Government departments and agencies, and is not favored by the Department. However, should the proviso be favorably considered by the committee, it is recommended that the language be amended, in line 21, by inserting immediately after the word 'made' the words 'for said caretakers and clerks.' As now written, the proviso is so all-inclusive in its terms that the Secretary of War would have to examine into all disbursements heretofore made in the administration, supply, maintenance, and training of the National Guard, if such disbursements have been or are in the future disallowed. The War Department is not prepared to carry out any such task."

The amendment suggested by the Secretary of War to limit the all-inclusive nature of this provision was not made in the Senate—nor apparently in the House Committee on Military Affairs.

Under existing law, when there are equities in favor of a disbursing officer who has made illegal or unauthorized expenditures, the matter is submitted to the scrutiny of the appropriate committees of the Congress where the equities alleged in favor of the disbursing officer can be weighed before relief is granted. No reason is apparent why a different procedure should be authorized with respect to expenditures from National Guard appropriations; also, no reason is advanced why passed expenditures of National Guard disbursing officers should be selected out for this unusual treatment—otherwise possibly a provision might be suggested with appropriate limits which would provide for the joint action of the Secretary of War and the Comptroller General on matters falling within the class that might be selected for validation.

It is hardly conceivable that the Congress would want to validate all passed expenditures for the National Guard without knowing their nature, or the character of the illegality; nor whether the disbursing or other officer of the National Guard, or of the State, participated in or benefited from the illegal expenditure, even though made in the administration, supply, maintenance, or training of the National Guard.

It may be remarked that the amount appropriated for the administration, supply, maintenance, and training of the National Guard for the fiscal year 1940, as supplemented by the act of February 12, 1940, amounted to over $56,000,000, and this and all prior appropriations, together with expenditures made during the fiscal year 1941

up to the date of the enactment of the bill, would be validated by this proviso, subject only to the determination of the Secretary of War that the expenditure was made for the administration, supply, maintenance, or training of the National Guard. To so completely abandon all audit of expenditures as is proposed with respect to this particular activity is unprecedented.

Sincerely yours,

R. N. ELLIOTT,
*Acting Comptroller General of the United States.*

The SPEAKER. Is there objection to the request of the gentleman from California that the bill be recommitted to the Committee on Military Affairs?

There was no objection.

CENTRAL VALLEY PROJECT, CALIFORNIA

The Clerk called the next bill bill, H. R. 10247, to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be used for any and all purposes in connection with the Central Valley project in California, as authorized by the acts of April 8, 1935 (49 Stat. 115), and August 26, 1937 (50 Stat. 850), the following-described land situated in the county of Madera, State of California:

The north half of the southeast quarter and lots 2 and 3 of section 33, township 10 south, range 21 east, Mount Diablo meridian, containing one hundred and forty and eighty-six one-hundredths acres.

SEC. 2. That all right, title, and interest of the Indians, or any of them, to such land is hereby terminated.

SEC. 3. That since said land was originally acquired by the United States for the use of Indians in California in accordance with the act of June 21, 1906 (34 Stat. 325, 333), there is hereby made available for expenditure by the Secretary of the Interior, from moneys now or hereafter available for the construction of the Central Valley project, the sum of $2,800 for the purpose of other lands or interests in lands for the same uses and purposes as authorized by said act of June 21, 1906.

SEC. 4. The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as may be deemed necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARLINGTON FARM, VIRGINIA

The Clerk called the next bill, S. 4107, to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

STONY POINT LIGHT STATION RESERVATION

The Clerk called the next bill, H. R. 10246, to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act of July 30, 1937 (50 Stat. 549), as amended, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission, is hereby further amended by adding at the end thereof a new section reading as follows:

"SEC. 3. Upon the acceptance thereof by the State of New York, all jurisdiction heretofore conferred on the United States of America by act of March 23, 1826, of the Legislature of the State of New York, chapter 84, laws of 1826, State of New York, over that portion of the Stony Point Light Station Reservation which is conveyed by the United States of America to the Palisades Interstate Park Commission pursuant to the authority contained in this act be, and is hereby, ceded and forever relinquished to the State of New York. Nothing contained in this section shall be construed as affecting the jurisdiction of the United States of America over that portion of the Stony Point Light Station Reservation which is not conveyed to the Palisades Interstate Park Commission."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATER SUPPLY OF PETERSBURG, ALASKA

The Clerk called the next bill, H. R. 9173, for the protection of the water supply of the town of Petersburg, Alaska.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.*, That the tract of public land hereinafter described, situated in the Territory of Alaska, is hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water supply reserve for the use and benefit of the people of the town of Petersburg, a municipal corporation of the Territory of Alaska, as follows, to wit: Commencing at corner numbered 1 the central quarter corner of section 2, township 59, range 79 east, Copper River meridian, a point on the ridge on the west side of the unnamed creek from which the town of Petersburg, Alaska, draws its domestic water supply; thence following the drainage divide of said ridge approximately south 14 degrees east one and fifty-four one-hundredths miles to corner numbered 2, where a side ridge intercepts main ridge; thence following main ridge approximately south fifty-two degrees east one and seventeen one-hundredths miles to corner numbered 3, the top of a prominent unnamed peak. This peak bears north nineteen degrees east thirty one-hundredths mile from southeast corner of section 14, township 59 south, range 79 east; thence down ridge making east drainage divide of water supply creek approximately north fifty degrees east forty-three one-hundredths mile to corner numbered 4 at junction of side ridge; thence along same drainage divide approximately north thirteen degrees east two miles to corner numbered 5 a point on the ridge directly above the intake dam; thence due west sixty one-hundredths mile to intake dam and continuing on same bearing an additional seventy-three one-hundredths mile to corner numbered 1, the place of beginning, containing approximately one thousand six hundred and twenty-three acres.

SEC. 2. The public lands hereinbefore described and reserved for municipal water-supply purposes, not a part of the Tongass National Forest, shall be administered by the Secretary of the Interior, and those within the Tongass National Forest shall be administered by the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the said water supply and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of the Interior and the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes: *Provided*, That the merchantable timber on the land to be used by the said municipality which is under the jurisdiction of the Secretary of the Interior may be sold by the said Secretary under rules and regulations to be prescribed by him, and the merchantable timber on the land to be used by said municipality which is under the jurisdiction of the Secretary of Agriculture may be sold by said Secretary under rules and regulations to be prescribed by him: *And provided further*, That the right to the use by the town of Petersburg of the lands reserved by this Act shall terminate upon the abandonment of the use by such municipality in accordance with the terms of this Act, and upon a finding of such nonuse or abandonment, for a period of two years, by the head of the Department having jurisdiction over the land involved, whereupon the reservation created by this Act shall terminate to the extent of such lands involved.

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to prescribe and enforce such regulations as may be found necessary to carry out the purpose of this Act, including the right to forbid persons other than those authorized by them and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be a misdemeanor and shall be punishable as is provided for in section 5050, compiled Laws of Alaska, 1933.

SEC. 4. Nothing herein contained shall affect any valid right or claim to any part of said lands heretofore acquired under any law of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the tract of land hereinafter described, situated in the Tongass National Forest in the Territory of Alaska, is hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the people of the town of Petersburg, a municipal corporation of the Territory of Alaska, as follows, to wit: Beginning at corner numbered 1, from which the quarter section corner between sections 2 and 3, township 59 south, range 79 east, Copper River meridian, bears west forty chains; thence along the top of a divide south fourteen degrees west one hundred and twenty-three and twenty one-hundredths chains to corner numbered 2, at the place where a side ridge intersects the main divide; thence along the top of the main divide south fifty-two degrees east ninety-three and sixty one-hundredths chains to corner numbered 3, located on top of a prominent unnamed peak from which the southeast corner of section 14, township 59 south, range 79 east, bears south nineteen degrees west twenty-four chains; thence along top of divide north fifty degrees east thirty-two chains to corner num-

bered 4 at junction of ridge, extending northeasterly; thence along top of ridge north thirteen degrees east one hundred and sixty chains to corner numbered 5; thence west forty-eight chains to intake dam on unnamed creek, from which the town of Petersburg draws its domestic water supply; thence west fifty-eight and forty one-hundredths chains to the place of beginning, containing one thousand six hundred and twenty-seven acres.

"SEC. 2. The lands hereinbefore described and reserved for municipal water-supply purposes, which are within the Tongass National Forest, shall be administered by the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the said water supply and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes: *Provided*, That the merchantable timber on the land to be used by the said municipality may be sold by the Secretary of Agriculture under rules and regulations to be prescribed by him: *And provided further*, That the right to the use by the town of Petersburg of the lands reserved by this act shall terminate upon the abandonment of the use by such municipality in accordance with the terms of this act, and upon a finding of such nonuse or abandonment for a period of 2 years by the Secretary of Agriculture, whereupon the reservation created by this act shall terminate to the extent of such lands involved.

"SEC. 3. The Secretary of Agriculture is hereby authorized to prescribe and enforce such regulations as may be found necessary to carry out the purpose of this act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be a misdemeanor and shall be punishable as is provided for in section 5050, Compiled Laws of Alaska, 1933.

"SEC. 4. Nothing herein contained shall affect any valid right or claim to any part of said lands heretofore acquired under any law of the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF CERTAIN BOOKS TO BEAUFORT LIBRARY, BEAUFORT, S. C.

The Clerk called the next bill, H. R. 10004, to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library, of Beaufort, S. C.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in order to replace the books taken in 1862 by the order of an officer of the United States from the library of the Beaufort Library Society of Beaufort, S. C., which books were subsequently destroyed by a fire in the Smithsonian Institution where they had been stored for safekeeping pending the termination of the War Between the States, the Librarian of the Library of Congress is authorized and directed to transfer to the Beaufort Library of Beaufort, S. C., books of the same value as those which were so taken and destroyed. The books transferred under the provisions of this act shall be from duplicates owned by the Library of Congress and shall not exceed in value, in the aggregate, the value of the books so taken and destroyed, such values to be fixed by the Librarian of the Library of Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANT OF EASEMENT BY VETERANS' ADMINISTRATION FACILITY, LOS ANGELES, CALIF., TO THE COUNTY OF LOS ANGELES, CALIF., FOR SIDEWALK PURPOSES

The Clerk called the next bill, H. R. 10267, to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to grant an easement for sidewalk purposes to the county of Los Angeles, State of California, in the following-described property located at Veterans' Administration facility, Los Angeles, Calif.: The southerly 10 feet of lot 1, block 23, of the subdivision of Rancho San Jose de Buenos Ayres, as shown on map recorder in book 26, pages 19 and the following, of Miscellaneous Records of the County of Los Angeles, this property being a strip of land 10 feet in width abutting the north line of Wilshire Boulevard and extending between the east street line of Veteran Avenue and the west street line of Gayley Avenue.

The easement authorized by this act shall contain the express reservation that should the land cease to be used for sidewalk purposes then all right, title, and interest therein shall immediately revert to and revest in the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

The Clerk called the next bill, H. R. 10205, to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 4 (f) of the Communications Act of 1934, as amended (49 Stat. 1093), is hereby further amended by inserting after the letter "(f)" the figure "(1)" and by adding after section 4 (f) as so amended the following additional paragraph:

"(2) The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III of this act, on the basis of one-half day's additional pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed 2½ days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and 2 additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided*, That the amounts of such collections received by the said collector of customs or his representative shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further*, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PREFERENCE PURCHASE RIGHT TO CERTAIN PUBLIC LANDS IN FLORIDA

The Clerk called the next bill, S. 3975, granting to certain claimants the preference right to purchase certain public lands in the State of Florida.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior, in his discretion, is hereby authorized to sell, in the manner hereinafter provided, lots 3, 4, and 5, section 10, lots 3, 4, 5, and 6, section 11, lots 1 and 2, section 14, township 3 south, range 17 west, Tallahassee meridian, Florida, which lands were omitted from the original survey due to the erroneous meanders of the Gulf of Mexico and shown upon the official plat of the original survey as a water-covered area.

SEC. 2. Any owner in good faith of land in sections 10, 11, and 14, township 3 south, range 17 west, shown by the official plat of the original survey approved May 22, 1849, to be bounded by the Gulf of Mexico, but which in fact is bounded by the omitted area as shown by plat of survey accepted March 6, 1939, and who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this act, placed valuable

improvements upon or reduced to cultivation any of the lands subject to the operation of this act, shall have a preferred right to purchase the erroneously omitted land lying adjacent to his privately owned land, or to purchase the land thus improved by him, respectively, at any time within 90 days from the date of the passage of this act. Every application to purchase must be filed in the General Land Office and must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws. The term "citizen" as herein used shall include any association of citizens, and a corporation organized under the laws of any State and authorized to engage in business in the State of Florida. In event that any such applicant shall have contracted to convey or attempted to convey title to any of the above-described lands with covenants of warranty, express or implied, he may be allowed to make such purchase and to obtain patent in trust for the persons holding under such contract or conveyance, as their interests may appear.

SEC. 3. Upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof by the applicant or his predecessor in interest.

SEC. 4. An applicant to purchase under the provisions of this act, in order to be entitled to a patent, must, within 3 months from receipt of notice of appraisal, pay to the Commissioner of the General Land Office the appraised value of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds from such sales shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 5. The Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

SEC. 6. All purchases made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DETROIT ARSENAL GROUNDS SUBDIVISION, WAYNE COUNTY, MICH.

The Clerk called the next bill, H. R. 7346, to vest absolute, in the city of Dearborn, the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the title of the city of Dearborn, Wayne County, Mich., to land described in the act of Congress, approved January 14, 1894, recorded in chapter 106, volume 28, page 93, be, and is hereby, confirmed and made absolute in the said city of Dearborn freed from the conditions therein imposed that said land revert to the United States if the same shall be used for any purpose other than that set forth in said act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That upon payment of the sum of $250, the Commissioner of the General Land Office shall, in behalf of the United States, relinquish all right, title, and interest to the city of Dearborn, Wayne County, Mich. in and to lot 19, Detroit Arsenal grounds subdivision, Wayne County, Mich. free from the conditions and limitations of the act of Congress approved June 14, 1894, recorded in chapter 106, volume 28, page 93."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCES RESPECTING RIGHT-OF-WAY, CITY OF TRACY, CALIF.

The Clerk called the bill (H. R. 8818) validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the conveyances hereinafter particularly described and heretofore executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interests therein, in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, and forming a part of the right-of-way of said Central Pacific Railway Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes', approved July 1, 1862" (13 Stat. L. 356), are hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyances by the corporations making the same under absolute fee-simple title.

The conveyances, recorded in the office of county recorder of San Joaquin County, Calif., in book of official records, which are hereby legalized, validated, and confirmed, are as follows:

1. February 13, 1940: Margaret Gieseke; volume 669, page 473.
2. February 13, 1940: John B. Coughlan; volume 676, page 277.
3. February 13, 1940: Frank Ward; volume 669, page 474.
4. February 13, 1940: Henry Meiburg and Erna Meiburg; volume 669, page 476.
5. February 13, 1940: Frank Penny; volume 676, page 275.

The conveyance, recorded in the office of the county recorder of Sacramento County, Calif., which is hereby legalized, validated, and confirmed, is as follows:

March 17, 1931: Nellie M. Kearns; volume 340, page 465: *Provided*, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than 50 feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established and maintained: *Provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Co. and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO.

The Clerk called the bill (H. R. 10124), to provide for a grant to the Richmond, Fredericksburg & Potomac Railroad Co. of a right-of-way across certain land owned by the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior shall grant to the Richmond, Fredericksburg & Potomac Railroad Co. (hereinafter referred to as the railroad) a right-of-way across land owned by the United States and forming part of the right-of-way of the Mount Vernon Memorial Highway, for the pipe line which is now maintained by the railroad under the terms of the revocable license executed by Oscar L. Chapman, Assistant Secretary of the Interior, on December 1, 1939, and for the purpose of maintaining, repairing, and replacing said pipe line. The right-of-way granted hereunder shall be in lieu of said revocable license, shall be of no greater width than that described in said license, and shall be at the location described in an agreement between the railroad and the United States recorded in the land records of the city of Alexandria, Va., at liber 159, folio 256.

SEC. 2. The right-of-way granted hereunder shall be upon the following conditions (and such other conditions as the Secretary of the Interior may deem reasonably necessary):

(1) That the railroad shall be responsible for any damage, or injury, to property owned by the United States, resulting from the railroad's use and occupancy of such right-of-way, and shall make good the same upon demand;

(2) That the railroad shall promptly remedy, at its own expense and under the general supervision of the Secretary of the Interior, any interference with, or disturbance of, facilities maintained by the United States, resulting from the railroad's use and occupancy of such right-of-way;

(3) That the railroad's use and occupancy of such right-of-way shall be subject to such rules and regulations as the Secretary of the Interior may prescribe from time to time for the proper use, development, and protection of property owned, or facilities maintained, by the United States.

(4) That if the railroad shall cease to use such pipe line for a period of 1 year, the rights granted hereunder shall cease and determine; and in that event, the railroad, or its successors in interest, shall remove all structures owned by it from such right-of-way, and shall restore the soil as nearly as possible to its original condition.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

ADVERSE POSSESSION OF CERTAIN LANDS IN MONROE COUNTY, MICH.

The Clerk called the bill (H. R. 10176) authorizing the Secretary of the Interior to issue patents for lands held under color of title.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That if within 5 years after passage of this act it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in Monroe County in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years prior to the approval of this act under claim or color of title, and that improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary shall, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof: *Provided further*, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RETIREMENT OF DISABLED NURSES BY ARMY AND NAVY

The Clerk called the bill (H. R. 8613) to amend the act to provide for the retirement of disabled nurses of the Army and Navy.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That Public Law No. 401 (71st Cong.) (46 Stat. 790), dated June 20, 1930, be amended by adding thereto the following proviso: *Provided*, That any person who served as a member of the Army Nurse Corps or of the Navy Nurse Corps during the World War and continuously thereafter until May 13, 1926, and who was, prior to June 20, 1930, separated from said corps by reason of physical disability incurred in line of duty, shall, upon her application therefor, be entitled to be placed upon the retired list of the Nurse Corps of which she was a member, as provided in this act, her retired pay hereunder becoming effective on the date of receipt by the Secretary of War or the Secretary of the Navy, as the case may be, of such application or the date of enactment of this amendment whichever is the later.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CUSTOMS ADMINISTRATIVE ACT

The Clerk called the bill (H. R. 10181) to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., supp. IV, sec. 1001, par. 1529 (a)).

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object. I think this bill carries the unanimous report from the Committee on Ways and Means.

Mr. McCORMACK. Yes. This is a bill that was reported out before, to which an amendment was attached in the Senate. The President vetoed the bill because the Senate amendment had no relationship to the subject matter of this bill, but related to another subject matter. The President said that he would approve this bill as originally reported out by the Committee on Ways and Means. I reintroduced the bill and the committee reported it out unanimously.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That paragraph 1529 (a) of the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., supp. IV, title 19, sec. 1001, par. 1529 (a)), is hereby further amended by inserting "1022" after the figure "1006."

This act shall take effect on the day following its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CONTRACT BETWEEN THE UNITED STATES AND STRAWBERRY WATER USERS' ASSOCIATION, PAYSON, UTAH

The Clerk called the bill (H. R. 10069) to authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. Let us have some explanation of the bill.

Mr. ROBINSON of Utah. Mr. Speaker, this relates to a contract entered into between the Strawberry Water Users' and the Government. For a period of 6 years they have been trying to adjust affairs, and this is the final agreement between the Government and the users as to what the contract actually is.

Mr. RICH. In what way does that affect the original contract made between these water users and the Government?

Mr. ROBINSON of Utah. In very minor particulars. It is only for the purpose of adjusting some land taken into this project that should not have been taken in.

Mr. RICH. Is the Government going to get its rental for the use of the water?

Mr. ROBINSON of Utah. Yes. This rental is all up to date, this project is right up to date.

Mr. RICH. And there are no rebates by the Federal Government to these water users for water consumed?

Mr. ROBINSON of Utah. No; as I understand it.

Mr. RICH. And the Government gets 100 percent of the original intent and purpose of the act?

Mr. ROBINSON of Utah. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4011, a similar bill, be substituted for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.*, That in connection with any amendment heretofore or hereafter made to the repayment contract between the Strawberry Water Users' Association of Payson, Utah, and the United States, dated September 28, 1926, as amended, to pay construction charges under the provisions of the Federal reclamation laws providing for payment annually of an amount as is determined by the Secretary each year to be sufficient to cover the Strawberry Valley project's equitable portion of the expense of the Chief Engineer's office, the field legal office, and the other detached offices of the Bureau of Reclamation, the Secretary of the Interior is authorized, subsequent to the effective date of such an amendment, to accept in full satisfaction for all flat overhead charges owing or allocable to the period up to the effective date of the amendment under the contract provisions in effect prior to such amendment a sum determined at the rate of $400 for each year.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 10069) was laid on the table.

AUTHORIZING THE PRESIDENT TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS AND RETIRED PERSONNEL OF THE REGULAR ARMY INTO ACTIVE MILITARY SERVICE

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service, insist upon the amendments of the House, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. TABER. Reserving the right to object, Mr. Speaker, what do the amendments of the Senate do to this bill?

Mr. MAY. The House took up the Senate joint resolution and passed it the other day with about 19 different amendments. The Senate has now disagreed to our amendments and appointed conferees, and we are asking to appoint conferees here, too.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. MAY. I yield.

Mr. JENKINS of Ohio. Will the gentleman state just what is the parliamentary situation on this important piece of legislation?

Mr. MAY. The parliamentary situation is that the House Military Affairs Committee considered the Senate joint resolution with certain Senate amendments as passed by the Senate, and we amended it in several particulars. Then we brought it to the floor of the House, and after debate for some time and consideration by the House, there were about 19 amendments placed on the resolution. It went back to the Senate, and the Senate has appointed conferees, and we are now asking to insist on the House amendments and to agree to the conference asked by the Senate.

Mr. JENKINS of Ohio. As I understand it, then, you are not asking for anything more than we voted on the other day?

Mr. MAY. That is right.

Mr. JENKINS of Ohio. And as far as we know, you expect to go to conference and insist on those amendments as your committee reported them out?

Mr. MAY. That is just what I said.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. MAY, Mr. THOMASON, Mr. HARTER of Ohio, Mr. ANDREWS, and Mr. SHORT.

## CONSENT CALENDAR

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

### MEDITERRANEAN FRUITFLY ERADICATION

The Clerk called the next business, Senate Concurrent Resolution 40, relating to losses resulting from Mediterranean fruitfly-eradication campaign in Florida.

There being no objection, the Clerk read the Senate concurrent resolution as follows:

Whereas, pursuant to Senate Joint Resolution 177, Seventy-sixth Congress, first session, a subcommittee of the Committee on Claims of the Senate has held a hearing with respect to the losses sustained by certain persons in the State of Florida as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida by the United States Government; and

Whereas in the opinion of such subcommittee a satisfactory showing has been made to justify and require an accurate and dependable determination of the actual losses sustained as a result of such campaign, the nature and character of such losses, and the persons by whom such losses were sustained: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That there is hereby created a special joint congressional committee to be composed of three members of the Committee on Claims of the Senate, to be appointed by the chairman thereof, and three members of the Committee on Claims of the House of Representatives, to be appointed by the chairman of such committee. It shall be the duty of such special committee to make a full and complete investigation with respect to the losses sustained as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida in 1929 and 1930 by the United States Government, with a view to determining, among other things, the nature, character, and amount of such losses, the circumstances under which such losses occurred, and the persons by whom such losses were sustained. The committee shall report to the Congress at the earliest practicable date the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this concurrent resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved by the chairman of the committee.

The Senate concurrent resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House resolution (H. Con. Res. 568) was laid on the table.

### FISH HATCHERIES AT GRAND COULEE DAM

The Clerk called the next bill, H. R. 9921, to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to have this bill explained. Why do they want to turn this Government-owned fish hatchery over to the State of Washington?

Mr. BLAND. Will the gentleman yield?

Mr. RICH. I yield.

Mr. BLAND. It is not to turn it over to the State of Washington, but the purpose is to complete an arrangement whereby the State of Washington will help in the operation and pay the expenses connected with this, in order to carry the matter on speedily. The operation and maintenance by the Federal Government is already covered by law. All that we do by this is probably save something if the State of Washington will do a part of it.

Mr. RICH. Who is operating it now?

Mr. LEAVY. If I may be permitted to state——

Mr. RICH. I yield to the gentleman from Washington.

Mr. LEAVY. This particular hatchery is not completed. The migratory food-fish hatchery is completed and operated by the Federal Government, and will be so operated. The hatchery that would be affected by this bill deals with migratory game fish, and the State is willing to assume the cost and expense incident to its operation and save the Government from such cost, because it fits in with the present policy of the State in operating numerous other game-fish hatcheries.

Mr. RICH. The gentleman from Virginia [Mr. BLAND] stated that this was being constructed under the law. Who is constructing this fish hatchery?

Mr. LEAVY. The fish hatchery will be constructed by the Reclamation Service under the direction of the Bureau of Fisheries, and provision was made when the Coulee Dam appropriations were made.

Mr. RICH. I would like to ask the gentleman from Virginia [Mr. BLAND] if the Reclamation Service is constructing the fish hatchery, how that complies with the law? I thought the Bureau of Fisheries had charge of building fish hatcheries and that the Federal Government had charge of looking after that. How did the Reclamation Service get into this?

Mr. BLAND. The gentleman is right, and I have insisted all the time on the Bureau of Fisheries controlling and operating fish hatcheries, but in this particular case where the dam is stopping the fish and it is a part of an authorized project, it was considered that it was well to have it done by the Reclamation Service.

Mr. RICH. Well, who considered that? That is just the point I want to make. When we get to the point where the Reclamation Service is building fish hatcheries, and you take it away from the Bureau of Fisheries, it is adding something to one department and taking it away from another. It certainly is not good business. It is not sound. It never should have happened.

Mr. BLAND. I agree with the gentleman, but this was a part of the establishment of the Grand Coulee project.

Mr. RICH. Now, let us go back to the fish in the Grand Coulee and Columbia River. When they built the Bonneville Dam and when you built the Grand Coulee Dam they said

they were going to build fish ladders so that the fish could get up over those dams. You have destroyed the natural fishing stream.

Mr. Ickes has not had much success with his fish ladders on the Columbia River, has he? That has all been poppycock, has it not? You have destroyed I say the national resources of the Columbia River.

Mr. BLAND. I think not. I have been to Bonneville and seen the operation there. It is fairly successful.

As to the Grand Coulee Dam, which is above Bonneville, the Federal Government has to incur considerably more expenditure of money unless we make this arrangement with the State of Washington.

Mr. RICH. In other words, by building the Grand Coulee Dam we have destroyed the salmon-fishing industry in the Columbia River unless the Federal Government goes to further expense and puts up this fish hatchery.

Mr. BLAND. That is already provided for.

Mr. RICH. It may have been provided for but the taxpayers have not paid for it yet. That is what I am interested in now. Why do you not think of these things when you put the Government into business? It was wrong to do that unless you were to go ahead and spend more of the taxpayers' money to take care of the salmon-fishing industry in the Columbia River.

Mr. BLAND. That matter was gone into very fully.

Mr. RICH. I would like to know from the gentleman from Washington why it is desired to turn over to the State of Washington this fish hatchery to be built by the Reclamation Service? Why not turn it over to the Bureau of Fisheries where it belongs? Will the State of Washington get all the fish from the hatchery?

Mr. BLAND. If the gentleman will yield further, I will answer that. This does not turn over anything. The Federal Government under the terms of this bill would simply enter into a contract with the State of Washington whereby the State of Washington can pay some of the expense that otherwise would all be borne by the Federal Government.

Mr. RICH. Under what jurisdiction is this fish hatchery at the present time?

Mr. BLAND. The entire operation, I think, is under the jurisdiction of the Bureau of Fisheries. I am not sure about that.

Mr. LEAVY. The Bureau of Fisheries is cooperating with the Bureau of Reclamation in connection with all fish hatcheries. Both are bureaus of the Interior Department. The construction of the fish hatchery contemplated by this bill and the operation of the migratory food-fish hatchery now built is under the direct supervision and control of the Bureau of Fisheries.

Mr. RICH. Then why did the Reclamation Department go ahead and construct this fish hatchery?

Mr. BLAND. Because they were authorized to under the law, and the construction was with the cooperation and assistance of the Bureau of Fisheries.

Mr. RICH. Who passed that law?

Mr. BLAND. This Congress did.

Mr. RICH. When?

Mr. BLAND. At the time we authorized the Grand Coulee Dam. This is part of that legislation.

Mr. RICH. Does not the gentleman believe it was poor business and poor legislation for the Federal Government to pass a law such as that?

Mr. BLAND. Ordinarily, I would say "Yes," but under the circumstances it is all part of the one project of reclamation. I think it was entirely wise, because it is a reclamation of an existing fishing industry and a conservation measure as well.

Mr. RICH. Conserving fish? This fish hatchery is now under the jurisdiction of the Department of the Interior, Bureau of Reclamation. It should be in the Department of Fisheries.

Mr. BLAND. All fish hatcheries of the Federal Government are under the jurisdiction of the Interior Department.

Mr. RICH. But if this bill passes, jurisdiction over this fish hatchery will be taken by officials of the State of Washington.

Mr. BLAND. It will not. The bill simply authorizes a contract to be made with the State of Washington whereby the State of Washington will contribute toward a part of the expense, because the State of Washington thinks that there is something that can be done to help conserve the fish and it is willing to bear a part of the expense that is now being borne by the Federal Government. It is an economy proposition, if anything.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. SCHAFER of Wisconsin. Has this proposition been approved by the New Deal ace hatchet man, Mr. Ickes, who is going after Mr. Willkie in a few days and endeavor to stop him from moving into the White House next year?

Mr. BLAND. I think Mr. Willkie has demonstrated that he can take care of himself, and we all know Ickes can.

Mr. RICH. I want to know, if this bill goes through, will the State of Washington get all the fish? Why should not other States in the Northwest get some of the benefit of this hatchery—for instance, Oregon, Idaho, Montana, and so forth?

Mr. LEAVY. Before Coulee Dam was built the State of Washington had the benefit of all migrating fish that spawned in the waters about the dam. The construction of Coulee Dam results in a great loss of game fish to the State; therefore the building of this hatchery is required to partially compensate for that loss and the fish produced in this hatchery will be placed in waters of the State, but in turn the State must bear the whole burden of operating the hatchery. This is really a saving to the Federal Government. I hope I have made this clear and that the gentleman will not object to the passage of this bill. The States of Oregon, Idaho, and Montana are not objecting.

The regular order was demanded.

The SPEAKER. The regular order has been demanded. The question is——

Mr. RICH. Mr. Speaker, I should like to find out why——

The SPEAKER. The gentleman cannot find out. The regular order has been demanded.

Mr. RICH. I should like to find out whether the Federal Government is going to put more money of my constituents——

The SPEAKER. The regular order has been demanded. The gentleman cannot proceed further. The regular order is, Is there objection to the present consideration of the bill?

The Chair hears none. The Clerk will read the bill.

Mr. RICH. Oh, Mr. Speaker, the Chair asked if there was objection. I object.

The SPEAKER. The Chair asked if there was objection, and the Chair heard no objection.

Mr. RAMSPECK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RAMSPECK. Mr. Speaker, I make the point of order that the objection comes too late.

The SPEAKER. The Chair sustains the point of order.

CALL OF THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Ninety-four Members are present, not a quorum.

Mr. COSTELLO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 185]

| | | | |
|---|---|---|---|
| Alexander | Barry | Bradley, Pa. | Burgin |
| Allen, Pa. | Barton, N. Y. | Brewster | Byron |
| Andrews | Bates, Mass. | Buckler, Minn. | Caldwell |
| Arnold | Bell | Buckley, N. Y. | Cannon, Fla. |
| Ball | Bolton | Bulwinkle | Celler |
| Barden, N. C. | Bradley, Mich. | Burdick | Chapman |

| | | | |
|---|---|---|---|
| Clark | Gavagan | Lewis, Ohio | Sacks |
| Claypool | Geyer, Calif. | Lynch | Sandager |
| Cluett | Gifford | McArdle | Satterfield |
| Connery | Grant, Ala. | McDowell | Schaefer, Ill. |
| Cooley | Grant, Ind. | McGranery | Schiffler |
| Courtney | Green | McLean | Schulte |
| Cox | Hall, Edwin A. | McLeod | Schwert |
| Culkin | Hall, Leonard W. | Mahon | Secrest |
| Cullen | Halleck | Magnuson | Seger |
| Curtis | Hare | Marcantonio | Shafer, Mich. |
| Darrow | Harness | Marshall | Shanley |
| Delaney | Hess | Martin, Ill. | Sheridan |
| Dempsey | Hinshaw | Merritt | Simpson |
| Dickstein | Holmes | Mitchell | Smith, Conn. |
| Dies | Hook | Monkiewicz | Smith, Ill. |
| Dirksen | Jarman | Myers | Smith, Va. |
| Ditter | Jarrett | Norton | Smith, W. Va. |
| Dondero | Johnson, Ind. | O'Day | Somers, N. Y. |
| Douglas | Jones, Ohio | O'Leary | Sparkman |
| Drewry | Kee | O'Neal | Sullivan |
| Eberharter | Keefe | Osmers | Sweeney |
| Elston | Keller | O'Toole | Tenerowicz |
| Englebright | Kennedy, Martin | Parsons | Tinkham |
| Evans | Keogh | Pfeifer | Tolan |
| Ferguson | Kilburn | Plumley | Treadway |
| Fernandez | Kirwan | Reece, Tenn. | Vreeland |
| Fish | Kleberg | Richards | Wadsworth |
| Fitzpatrick | Kocialkowski | Risk | Wallgren |
| Flaherty | Kunkel | Rockefeller | Warren |
| Flannery | Lambertson | Rodgers, Pa. | White, Ohio |
| Folger | Landis | Rogers, Okla. | Wigglesworth |
| Ford, Miss. | Lea | Rutherford | Wood |
| Garrett | Lemke | Ryan | |

The SPEAKER. On this roll call 276 Members have answered to their names. A quorum is present.

On motion of Mr. COSTELLO, further proceedings under the call were dispensed with.

CONSENT CALENDAR

MAINTENANCE AND OPERATION OF FISH HATCHERIES IN CONNECTION WITH GRAND COULEE DAM PROJECT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, after the word "authorized", strike out the remainder of line 6 and all of line 7 and the words "and operation" in line 8, and insert "to contract with the State of Washington for the maintenance and operation of any of them at the expense of said State."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VESSELS FOR STATE NAUTICAL SCHOOLS

The Clerk called the next bill, H. R. 10315, to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes.

The SPEAKER. Is there obection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, this bill carries an authorization of $10,000,000. Ten million dollars at this time is too much to be agreed to by unanimous consent, and I therefore ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there obection to the request of the gentleman from New Jersey [Mr. KEAN]?

Mr. BLAND. Mr. Speaker, reserving the right to object, I realize that there is a great deal of merit in what the gentleman says, yet the circumstances with reference to these nautical-school ships are such that this bill should be passed. They have been generally recognized throughout the country as being important, and I would ask the gentleman to waive that rule at this time. There are four vessels that are involved, which train officers for the merchant-marine service. They could be used in connection with our naval defense. The Pennsylvania ship has already been condemned and must remain at the dock. The Massachusetts ship is 63 years old. The California ship is 20 years old. We should carry on this program, and it has been generally recognized as being very valuable. The men who are trained get their positions; there has been no question about that. The unions with whom it might be supposed they would come in conflict would be the engineers and the officers, the licensed personnel, and they are 100 percent for the proposal.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. BLAND. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Is it not true that these ships are an adjunct of our national defense?

Mr. BLAND. They are decidedly so, and for that reason the Director of the Budget changed his view that a similar bill introduced by you was against the fiscal program of the President and recommended that the bill be passed.

Mr. KEAN. I would suggest that the gentleman talk to the Rules Committee and get a rule.

Mr. BLAND. I will do that, but I would like to get the bill through today if possible.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. KEAN] that the bill be passed over without prejudice?

Mr. BLAND. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I object.

ACTIVE DUTY OF COAST GUARD RETIRED COMMISSIONED AND WARRANT OFFICERS

The Clerk called the next bill, H. R. 10337, to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the paragraph of the act of July 1, 1918, appearing at page 717 of the Fortieth Statutes at Large, as amended (U. S. C., title 14, sec. 164, and title 34, sec. 423), authorizing the Secretary of the Navy in time of war or national emergency declared by the President to exist to order commissioned and warrant officers of the Navy, Marine Corps, and Coast Guard of the United States on the retired list to active duty, is hereby amended by inserting immediately prior to the semicolon in line 5 thereof the following proviso: ": *Provided*, That in time of national emergency declared by the President to exist when the Coast Guard is not operating as a part of the Navy, the authority herein provided for ordering commissioned and warrant officers of the Coast Guard on the retired list to active duty shall be exercised by the Secretary of the Treasury."

SEC. 2. Any commissioned or warrant officer of the Coast Guard on the retired list may at any time with his consent, in the discretion of the Secretary of the Treasury, be ordered to active duty.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That any commissioned or warrant officer of the Coast Guard on the retired list may at any time, with his consent, in the discretion of the Secretary of the Treasury, be ordered to active duty.

"SEC. 2. That wherever, during a national emergency declared by the President to exist, discretion and authority are vested in the Secretary of the Navy with reference to any commissioned or warrant officers of the Coast Guard on the retired list, the Secretary of the Treasury shall exercise such discretion and authority during such period of national emergency as the Coast Guard is not operating as a part of the Navy."

Mr. BLAND. Mr. Speaker, I offer an amendment to section 2 of the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND to the committee amendment: On page 2, beginning in line 16, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That all authority or discretion vested in the Secretary of the Navy to order commissioned and warrant officers of the Coast Guard on the retired list to active duty while the Coast Guard is not operating as a part of the Navy is hereby transferred to and vested in the Secretary of the Treasury."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATERIALS FOR THE NATIONAL DEFENSE

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10339) to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, this bill was on the Consent Calendar but under the rule would not ordinarily be reached today. I have not had occasion to study the bill until this morning. I was inclined to believe the bill was all right until I did study it, when I found that the bill is very far-reaching and that it changes in many respects the existing law in respect to the purchase of supplies, and so forth. Inasmuch as it has been suggested that it is the duty of the minority to encourage debate on important measures, I am constrained to object to the present consideration of the bill.

Mr. MAY. Mr. Speaker, will the gentleman withhold his objection and allow me to make a statement about the bill? I believe the gentleman will agree with me when he hears my statement.

Mr. WOLCOTT. I can assure the gentleman I shall not agree to the present consideration of the bill by unanimous consent.

Mr. MAY. Then what is the use of my taking the time of the House to make a statement about it, if that is the attitude of the gentleman?

Mr. WOLCOTT. I am sure I do not know.

Mr. MAY. I wish to say to the gentleman, however, that delay in the enactment of this bill will prevent the removal of one of the worst bottlenecks that can be found in the national-defense program.

Mr. WOLCOTT. If the gentleman can explain that to the satisfaction of the Committee on Rules, we can have a rule out here tomorrow for the consideration of this bill.

Mr. MAY. Perhaps the gentleman cannot speak for the Committee on Rules.

Mr. WOLCOTT. I cannot; but if this is so important an adjunct of our national defense, then the gentleman, speaking for his committee, can speak to the Committee on Rules.

I wish to advise the gentleman that I am advised that the Committee on Rules will be in session until 2 o'clock this afternoon. I am sure the chairman of that committee would be glad to have the gentleman appear before them, and we will have ample discussion of this bill tomorrow if the gentleman can get a rule.

Mr. MAY. Very well.

The SPEAKER. Does the gentleman from Michigan object to the present consideration of the bill?

Mr. WOLCOTT. I object, Mr. Speaker.

### PHOTOGRAPHS OF NATIONAL PARK SCENERY

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to return to Calendar No. 864, the bill (S. 769) authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national park scenery for immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to have prepared mats which may be used for the reproduction in magazines and newspapers of photographs of such of the scenery in the national parks as, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. Any such mats may be furnished, without charge and under such regulations as the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications which may carry photographic reproductions.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1941, the sum of $3,000 for the purpose of carrying out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### DIVISION OF INVESTIGATIONS, DEPARTMENT OF THE INTERIOR

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 865, the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties.

The Clerk read the title of the bill.

Mr. TABER. Reserving the right to object, Mr. Speaker——

Mr. ROBINSON of Utah. I may say to the gentleman that I shall ask to have this bill amended in accordance with the gentleman's suggestion.

Mr. TABER. To strike out the words with relation to other people?

Mr. ROBINSON of Utah. To strike out the words "and such other employees."

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That special agents, and such other employees of the Division of Investigations, Department of the Interior of the United States, as are designated by the Secretary of the Interior for that purpose, are authorized and empowered to administer to or take from any person an oath, affirmation, affidavit, or deposition whenever necessary in the performance of their official duties. Any such oath, affirmation, affidavit, or deposition administered or taken by or before a special agent or such other employee of the Division of Investigations, Department of the Interior, designated by the Secretary of the Interior, when certified under his hand, shall have like force and effect as if administered or taken before an officer having a seal.

Mr. ROBINSON of Utah. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Utah: On page 1, in line 3, after the word "agents", strike out the comma and the words "and such other employees."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "To empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties."

The SPEAKER. This concludes the call of the Consent Calendar.

### PRIVATE CALENDAR

The SPEAKER. Under special order heretofore made, the Clerk will call the first individual bill on the Private Calendar.

### JOHN MUDRY

The Clerk called the first individual bill on the Private Calendar (S. 2686) authorizing the reenlistment of John Mudry in the United States Army.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions of section 1118 of the Revised Statutes, as amended, the Secretary of War is authorized and directed to permit John Mudry to reenlist in the United States Army.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### RALPH W. DAGGETT

The Clerk called the next bill, H. R. 8333, for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Lt. Ralph W. Daggett, formerly of the Quartermaster Corps, United States Army, on account of the loss of public funds for which he was responsible, amounting to $707.44, and which represents a shortage which is apparently unexplained according to the inspectors; and further, that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph W. Daggett, $275.10, the same being the amount of final pay and which was withheld from him; also $14, the amount of travel pay from New York to Washington, D. C., also withheld; and $20 paid to Comptroller General McCarl by post-office money order to apply on the account.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 2, in line 3, after the words "from him" strike out all down to the words "and $20" in line 5, and insert in lieu thereof the words "and $14."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUSTAF E. LAMBERT

The Clerk called the next bill, H. R. 5874, to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever," approved February 28, 1929, by including therein the name of Gustaf E. Lambert.

Mr. HANCOCK, Mr. COLE of New York, and Mr. SCHAFER of Wisconsin objected and, under the rule, the bill was recommitted to the Committee on Military Affairs.

W. J. HANCE

The clerk called the next bill, H. R. 532, for the relief of W. J. Hance.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. J. Hance, of Coolidge, Tex., the sum of $271.61 for personal injuries sustained by him and damages to his automobile in a collision, occasioned by the negligent driving and operation of a United States Army truck at the intersection of Bell and Second Streets, Coolidge, Tex., on October 13, 1937.

With the following committee amendments:

Page 1, line 6, strike out "$271.61" and insert "$180 in full settlement of all claims against the United States."

At the end of the bill change the period to a colon and insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BARBARA HEALY

The Clerk called the next bill, H. R. 716, for the relief of Barbara Healy.

Mr. COSTELLO and Mr. HANCOCK objected; and, under the rule, the bill was recommitted to the Committee on Claims.

ALFRED BATRACK

The Clerk called the next bill, H. R. 1912, for the relief of the estate of Alfred Batrack.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Alfred Batrack, the sum of $5,000. Such sum shall be in full settlement of all claims against the United States for damages sustained by it on account of the death of Alfred Batrack, who was fatally injured on May 26, 1937, when he was struck on the back by a falling scaffold used on a Works Progress Administration project in painting the ceiling of the Seattle Public Library, Seattle, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Line 5, after the word "to", insert "Dawson B. Taylor, as administrator of."

Line 6, after the name "Batrack", insert a comma and the language "formerly of Seattle, Washington."

Line 6, strike out the language "$5,000. Such sum shall be" and insert in lieu thereof "$1,034.95."

Line 8, strike out "it" and insert in lieu thereof "said estate."

Line 9, strike out the number "26" and insert "27."

Page 2, beginning with the word "*Provided*" in line 1, strike out the remaining language of the bill and insert in lieu thereof: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAULINE JENKINS AND MABEL DAUGHERTY

The Clerk called the next bill, H. R. 2262, for the relief of Pauline Jenkins and Mabel Daugherty.

Mr. HANCOCK and Mr. COLE of New York objected; and, under the rule, the bill was recommitted to the Committee on Claims.

NATHAN AND AMELIA RICE

The Clerk called the next bill, H. R. 3787, for the relief of Nathan and Amelia Rice.

Mr. HANCOCK and Mr. COLE of New York objected; and, under the rule, the bill was recommitted to the Committee on Claims.

ELEANOR GOLDFARB

The Clerk called the next bill, H. R. 4441, for the relief of Eleanor Goldfarb.

There being no objection, the Clerk read the bill, as follows:

Whereas on the 23d day of August 1936, about 7 o'clock p. m., Eleanor Goldfarb was a passenger in an automobile truck which was being driven in an easterly direction along the Deep Creek Great Bridge Boulevard in the county of Norfolk, State of Virginia, and on said date, traveling in a westerly direction, a truck owned and in use by the National Park Service of the Department of the Interior, Camp Wirth, Manteo, N. C., had in tow another truck in use by the National Park Service, which latter truck was without lights and was suddenly caused to swing across the road and come in contact with the truck in which Eleanor Goldfarb was a passenger, causing her to suffer serious injuries; and

Whereas the United States of America should be primarily responsible for this tort, yet no action can be brought against the United States of America for a tort of this nature without its consent, which consent has not been given: Therefore

*Be it enacted, etc.*, That there be, and is hereby, appropriated the sum of $1,000, payable to Eleanor Goldfarb for injuries and for the payment by her of doctors' and hospital bills incurred as the result of the accident related herewith.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to the legal guardian of Alex Silberstein, a minor, and the sum of $50 each to the legal guardians of each of the following: Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, all minors, in full settlement of all claims against the United States on account of personal injuries sustained by the said minors on August 23, 1936, when the automobile truck in which they were riding was struck by a Department of the Interior truck on the Deep Creek-Great Bridge Boulevard, in the county of Norfolk, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors."

LA VERA HAMPTON

The Clerk called the next bill, H. R. 4571, for the relief of LaVera Hampton.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to LaVera Hampton, Huntsville, Ala., the sum of $25,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said LaVera Hampton as a result of the death of her husband, W. P. Hampton, on or about April 1, 1933, as a result of a gunshot wound inflicted by a Federal prohibition agent in the vicinity of Hillsboro, Ala.

With the following committee amendments:

Page 1, line 6, strike out "$25,000. The payment of such sum shall be", and insert "$5,000."

At the end of the bill, in line 1, change the period to a colon and insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED WALTER

The Clerk called the bill (H. R. 5053) for the relief of Fred Walter.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Walter, of Richmond, Jefferson County, Ohio, the sum of $7,500, in full payment of all claims against the United States for injuries received on November 21, 1937, when his truck was in collision with a United States Department of the Interior truck No. 6458, assigned to the Civilian Conservation Corps Company 580, Camp SP–9, Broadacre, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Verdie Barker, of Bloomingdale, Jefferson County, Ohio, the sum of $5,000, and to Fred Walter, of Richmond, Jefferson County, Ohio, the sum of $500, in full settlement of all claims against the United States for personal injuries sustained by them on November 21, 1937, when the truck in which they were riding was struck by a United States Department of Interior truck, No. 6458, assigned to Civilian Conservation Corps Company 580, Camp SP–9, Broadacre, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of Verdie Barker and Fred Walter."

MAJ. CLARENCE H. GREENE, UNITED STATES ARMY

The Clerk called the bill (H. R. 5264) for the relief of Maj. Clarence H. Greene, United States Army, retired.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence H. Greene, major in the United States Army, retired, such portion of $15,068.85 as the Comptroller General finds that the said Clarence H. Greene has paid to the United States on account of the claim of the United States against him arising out of a loss of public funds at Mitchel Field, N. Y., brought about by the payment of fraudulent vouchers, none of which, however, were paid by the said claimant. The said Clarence H. Greene is hereby released from any and all liability to the United States arising out of said loss.

With the following committee amendments:

Line 5, after the name "Greene", insert "of Providence, R. I."

Line 6, after the word "retired", insert "in full settlement of all claims against the United States."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN P. HART

The Clerk called the bill (H. R. 6060) for the relief of John P. Hart.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Hart the sum of $7,000 deposited as bail for the following defendants in the case of the United States against Fred Sering, Carl Anderson, John Meyer, Elmer Knapp, John Smidt, Floyd Milford, and John Becker. Such sum represents amounts covered into the United States Treasury by reason of the forfeiture and sale of collateral deposited for the appearance of the said defendants who were charged with violations of the National Prohibition Act, and the informations against whom were dismissed on authority of the Attorney General on July 31, 1933.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to John P. Hart, of Chicago, Ill., the sum of $1,000, in full settlement of all claims against the United States for refund of value of Liberty bond deposited as bail for one Fred Sering, who was arrested for violation of the National Prohibition Act on January 9, 1926, the said John P. Hart having secured an order of the court directing the clerk of the court to pay to him the sum of $1,486.55, representing the face value of the bond, plus the premium and interest realized from the sale of said bond and others, with which order the clerk was not able to comply as the money had been covered into the Treasury of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

F. W. HEATON

The Clerk called the bill (H. R. 6512) for the relief of F. W. Heaton.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. W. Heaton, of Albuquerque, N. Mex., the sum of $2,334.50, in full settlement of all claims against the United States, on account of the loss of an eye and other permanent physical disabilities resulting from injuries received while working at the Mescalero Indian Agency, N. Mex., and while in private employ on Government property: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in

connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Line 6, page 1, strike out "$2,334.50" and insert "$1,834.50."
Line 9, page 1, after the word "received", insert "on July 29, 1938."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD WORKMAN

The Clerk called the bill (H. R. 428) for the relief of Edward Workman.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Workman, father of Robert Workman, about 3 years of age, the sum of $5,000 in full satisfaction of his claim against the United States for the death of said minor, caused by having been struck and run over by a Civilian Conservation Corps truck, at or near the Wawasee State Fish Hatchery in the State of Indiana, on September 2, 1936.

With the following committee amendments.

Line 6, strike out the language "about 3 years of age."
Line 7, strike out the language "$5,000 in full satisfaction of his claim" and insert in lieu thereof "$3,000 in full settlement of all claims."
At the end of the bill add:
"*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EUEL CALDWELL

The Clerk called the bill (H. R. 1174) for the relief of Euel Caldwell.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Euel Caldwell, for personal injuries resulting from an accident involving a Government truck operated in connection with the Civilian Conservation Corps, on United States Highway No. 271, near Poteau, Okla., on April 27, 1935.

With the following committee amendments:

Lines 5 and 6, strike out the language "and in full settlement against the Government."
Line 6, strike out the sign and figures "$5,000" and insert in lieu thereof "$3,000 in full settlement of all claims against the United States."
Line 6, after the name "Caldwell", insert a comma, and add "of Poteau, Okla."
At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALLIE MOTOR CO.

The Clerk called the next bill, H. R. 6457, for the relief of the Wallie Motor Co.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Wallie Motor Co., Ashland, Wis., the sum of $1,352.09. The payment of such sum shall be in full settlement of all claims against the United States by such company arising out of the motor vehicles and automobile supplies furnished the Works Progress Administration, Ashland County, Wis., for use in connection with official project No. 65–53–25 during the period from September 3, 1936, to March 31, 1937. Such vehicles and supplies were furnished on the requisition of the conservation engineer, Works Project Administration District No. 7, but payment has been denied on the grounds that such requisitions were issued without proper procedure or authority.

With the following committee amendments:

Line 3, strike out the word "is" and insert in lieu thereof "be, and he is hereby,".
Line 8, after the word "the", insert "furnishing of certain."
Line 9, strike out the word "furnished" and insert "to."
At the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

C. M. KISER

The Clerk called the next bill, H. R. 7131, for the relief of C. M. Kiser.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. M. Kiser, Kiser Funeral Home, Greeneville, Tenn., the sum $245, in full payment for services rendered the Veterans' Administration in the burial of three veterans: Fred D. Morris, Lacy L. Shackelford, and Jesse F. Myers, for which claims were not filed within the time limit prescribed by law.

With the following committee amendments:

Page 1, line 6, after the word "sum", insert "of."
Page 1, line 7, after the word "full", strike out the word "payment" and insert "settlement of all claims against the United States";
Page 1, line 11, after the word "law", change the period to a colon and insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOE L. M'QUEEN

The Clerk called the next bill, H. R. 7139, for the relief of Joe L. McQueen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe L. McQueen, of Biloxi, Miss., the sum of $500 in full and final settlement of any and all claims against the United States for injuries received when he was struck by an Army truck on Mississippi State Highway No. 55, 12 miles north of Biloxi, Miss., on August 8, 1938: *Provided*, That no part of the amount appropriated by this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 9, after the word "numbered", strike out "55" and insert "57."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on tne table.

BOSTON & MAINE RAILROAD

The Clerk called the next bill, H. R. 7815, for the relief of Boston & Maine Railroad.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury, not otherwise appropriated, the sum of $1,727.70 to Boston & Maine Railroad, a corporation existing under the laws of the Commonwealth of Massachusetts and having a usual place of business in Boston in said Commonwealth, in full settlement of all claims against the Government of the United States for damage to property sustained by the said Boston & Maine Railroad caused by the explosion of the acetylene-producing building in the Boston Navy Yard on November 13, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$1,727.70" and insert "$1,698.63."

Page 2, line 2, after the word *"Provided"* strike out all down to and including line 14, and insert: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIRST NATIONAL STEAMSHIP CO. ET AL.

The Clerk called the next bill, H. R. 10141, for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to this bill. I will reserve the objection.

The SPEAKER. Under the rule the gentleman cannot reserve the objection.

Mr. SCHAFER of Wisconsin. Then I object to the consideration of the bill, Mr. Speaker.

The SPEAKER. Only one objection is heard. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and determine in any suits instituted within 1 year from the date of the enactment of this act, jointly or severally, by the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., the claims of such companies on account of (1) certain sums deposited by them with the United States Shipping Board in 1920; (2) certain disbursements made by them, for and on behalf of the United States, in 1920, for other than physical operation costs, in connection with the vessels *Independence*, *Hoxie*, and *Scottsburg*, owned by the United States; and (3) certain improvements and equipment placed aboard said vessels and not removed therefrom by said companies, in 1920; and if the court shall determine that there was no sale of, or valid contract to sell, said vessels to said companies, and that the payment made to said companies on October 7, 1935, was not in full payment of the just claims of said companies existing on that date, to enter such decrees or judgments against the United States as will provide full reimbursement and just compensation to such companies on account of said claims, notwithstanding any statute of limitations.

With the following committee amendments:

Page 2, at the beginning of line 1, insert the word "allegedly."

Page 2, line 2, after the word "disbursements", insert the word "allegedly."

Page 2, line 7, after the word "equipment", insert the word "allegedly."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 16, strike out the period following the word "limitations" and insert in lieu thereof a colon and the following: "*Provided*, That such compensation shall not be in excess of 3 percent per annum of the total of the payments made and ordered to be made for the period that any moneys were withheld from claimants."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF ROBERT E. NEWTON

The Clerk called the next bill, S. 3308, authorizing the Comptroller General of the United States to settle and adjust the claim of Robert E. Newton.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. COLE of New York objected, and the bill, under the rule, was recommitted to the Committee on Claims.

NANNIE E. TEAL

The Clerk called the next bill, S. 3354, for the relief of Nannie E. Teal.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government of the United States, the sum of $1,000 to Nannie E. Teal, of Hopeville, Ga., in full settlement of all claims against the United States for personal injuries received as the result of a fall on a Works Progress Administration project at Brookhaven, Ga., on January 8, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, at the beginning of the line, insert "of all claims." Line 7, strike out "$1,000" and insert "$3,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LYLE L. BRESSLER

The Clerk called the next bill, S. 2384, for the relief of Lyle L. Bressler.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. COLE of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

WADE CRAWFORD

The Clerk called the next bill, S. 2758, for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and is hereby, authorized and directed to allow credit to Wade Crawford, former superintendent and special disbursing agent for the Klamath Indian Agency, Klamath Agency, Oreg., and in the accounts of G. F. Allen, chief disbursing officer, for payments made on voucher 20–19776, April 1936; and voucher 20–42306, April 1937.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to refund to Wade Crawford the sum of $354.68, said refund to be made from the appropriations credited with such sum as a result of the application of moneys held to the credit of said Wade Crawford in the retirement fund to satisfy disallowances made by the General Accounting Office.

With the following committee amendment:

Page 2, line 5, at the end of the bill, change the period to a colon and insert *"Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty

of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREENLEE COUNTY BOARD OF SUPERVISORS

The Clerk called the next bill, S. 2997, for the relief of the Greenlee County Board of Supervisors.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Greenlee County Board of Supervisors at Clifton, Ariz., the sum of $1,700 in full satisfaction of the claim of said board of supervisors against the United States arising out of damage to the Greenlee County Fair Grounds at Duncan, Ariz., caused by employees of the Soil Conservation Service between July 23, 1934, and March 25, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH C. HARDY ET AL.

The Clerk called the next bill, S. 3003, for the relief of Ralph C. Hardy, William W. Addis, C. H. Seaman, R. J. Polk, and E. F. Goudelock.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOTT and Mr. COLE of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

CAPT. ROBERT W. EVANS

The Clerk called the next bill, S. 3400, for the relief of Capt. Robert W. Evans.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $77 to Capt. Robert W. Evans, commanding Headquarters Company 878, Civilian Conservation Corps, Work Camp SCS–37–T, as a refund of amount paid by him to make good a shortage resulting from robbery of safe in said camp on the night of June 30, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 8, strike out the words "as a" and insert in lieu thereof the words "in full settlement of all claims against the United States for the."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN L. PENNINGTON

The Clerk called the next bill, S. 3581, for the relief of John L. Pennington.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John L. Pennington, of Seattle, Wash., the sum of $168.40, in full satisfaction of his claim against the United States for reimbursement of expenses incident to official travel during period of employment as field agent, Railroad Retirement Board: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF CERTAIN PERSONNEL OF NAVY AND MARINE CORPS

The Clerk called the next bill, S. 3594, to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum not to exceed $31, as may be required by the Secretary of the Navy to reimburse Maj. Curtis W. LeGette, United States Marine Corps, under such regulations as he may prescribe, pursuant to the provisions of Private Law No. 56, Seventy-sixth Congress, approved June 19, 1939, for the loss of reasonable and necessary personal property resulting from the fire which occurred at the Marine Barracks, Quantico, Va., on June 19, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES H. HEARON

The Clerk called the next bill, S. 3710, for the relief of James H. Hearon.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James H. Hearon the sum of $322.51 in full settlement of all claims arising out of his civilian hospital and medical treatment from August 27 to October 1, 1938, which treatment resulted from a disability incurred while Hearon was in an active-duty status with headquarters, One Hundred and Fifty-sixth Cavalry Brigade, San Antonio, Tex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after the word "claims", insert "against the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES P. MADSEN

The Clerk called the next bill, S. 3741, for the relief of Charles P. Madsen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles P. Madsen, of Washington, D. C., the sum of $3,528.36, in full satisfaction of his claim against the United States for payment of medical and hospital expenses and for compensation for personal injuries and property damage sustained by him as the result of being struck by a United States mail truck while walking on the sidewalk along the west side of the city post office in Washington, D. C., on December 26, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE W. COON

The Clerk called the next bill, S. 3866, for the relief of George W. Coon.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended and supplemented, are hereby waived in the case of George W. Coon, of Stidham, Okla.; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed with the Commission, within 1 year after the date of enactment of this act, by the said George W. Coon for compensation or other benefits under the provisions of such act of September 7, 1916, as amended and supplemented, for disability due to injuries alleged to have been sustained by him on or about July 25, 1938, in the performance of his duties as an employee of the Works Progress Administration.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUIS PUCCINELLI BAIL BOND CO.

The Clerk called the next bill, S. 3962, for the relief of the Louis Puccinelli Bail Bond Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOTT and Mr. COLE of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

REIMBURSEMENT OF CERTAIN PERSONNEL OF COAST AND GEODETIC SURVEY

The Clerk called the next bill, H. R. 9073, to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. Francis L. Gallen, the sum of $196.55; to Lieut. Edward B. Brown, Jr., the sum of $135.75; to Anton J. Small, boatswain, the sum of $105.50; to James D. Walter, assistant to engineer, the sum of $49.25; to Marvin C. Jenkins, chief writer, the sum of $18.55; to William D. Bennett, quartermaster, first class, the sum of $42.80; to John C. Philipps, seaman, able-bodied, the sum of $36.75; to Robert W. Larmour, seaman, able-bodied, the sum of $20; to Lester D. Jenkins, seaman, able-bodied, the sum of $60; to Elton E. Mooney, seaman, able-bodied, the sum of $82; and to Isaac R. Jones, ship's cook, first class, the sum of $84, all claimants being members of the United States Coast and Geodetic Survey; said sums, in all, $831.15, to be in full settlement of all claims against the Government for loss, damage, or destruction of personal effects caused by an explosion and fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939.

With the following committee amendments:

Line 6, after the word "Lieutenant", insert "(junior grade)."

Line 8, strike out the name "Anton" and insert in lieu thereof "Anon."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM M. IRVINE

The Clerk called the next bill, H. R. 10155, for the relief of William M. Irvine.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the audit of the accounts of the postmaster at Los Angeles, Calif., the Comptroller General of the United States be, and he is hereby, authorized and directed to waive the citizenship requirements of section 5 of the act of March 28, 1938 (52 Stat. 148), as to compensation earned by William M. Irvine during the period July 1 to August 25, 1938, inclusive, as a postal clerk at Los Angeles, Calif.

SEC. 2. The postmaster at Los Angeles, Calif., is hereby authorized and directed to pay William M. Irvine, under the applicable appropriation of the Postal Service, such part of $304.05 as has not been paid to him, or, having heretofore been paid to him, has been refunded by the payee, such sum representing the net amount of compensation earned by him during the period July 1 to August 25, 1938, inclusive, as a postal clerk at Los Angeles, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ANTHONY BORSELLINO

The Clerk called the next bill, H. R. 10191, for the relief of Anthony Borsellino.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That there is hereby authorized and directed to be appropriated, from funds to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, the sum of $3,500, to be paid to Anthony Borsellino, of Washington, D. C., in full settlement of all claims against the United States and the municipal government of the District of Columbia, on account of the death of his minor son, Joseph Borsellino, as a result of injuries received through the negligent operation of a truck belonging to the District of Columbia National Guard, on June 23, 1933, at Third Street and Maine Avenue, Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUKE A. WESTENBERGER

The Clerk called the next bill, S. 419, for the relief of Luke A. Westenberger.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as extended and limited by the acts of February 15, 1934 (48 Stat. 351), and June 22, 1936 (49 Stat. 1608), the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider the claim of Luke A. Westenberger, of Gettysburg, Pa., for loss of his left eye as the result of an injury on May 27, 1936, allegedly sustained in the performance of his duties at Gettysburg College, Pennsylvania, while a recipient of student aid under the National Youth Administration: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act.

With the following committee amendment:

Page 2, line 3, after the word "Administration", insert "notwithstanding the date of his alleged injury."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID A. WILLIAMS, JR., A MINOR

The Clerk called the next bill, H. R. 5814, for the relief of R. Madge Williams.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. Madge Williams, Sharpsville, Pa., the sum of $421.50. Such sum represents hospital, medical, and funeral expenses incurred and property damage sustained by the said R. Madge Williams on account of the death of her husband, David J. Williams, the personal injury of her son, David J. Williams, Jr., and the demolition of an automobile, as the result of an accident on April 17, 1933, on the Sharon-Greenville Road, Pennsylvania, involving a truck in the service of the Civilian Conservation Corps and an automobile driven by the said David J. Williams, in which the said David J. Williams, Jr., was a passenger. Payment under this act shall be in full settlement of all claims against the United States on account of such accident.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $300 to R. Madge Williams, Sharpsville, Pa., as legal guardian of David J. Williams, Jr., a minor, in full settlement of all claims against the United States for injuries sustained by the said David J. Williams, Jr., as the result of an accident on April 17, 1938, on the Sharon-Greenville Road, Pennsylvania, involving a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read "A bill for the relief of David A. Williams, Jr., a minor."

SAMUEL ROBERTS

The Clerk called the next bill, H. R. 6091, for the relief of Samuel Roberts.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel Roberts, Somerville, Mass., the sum of $1,919.25, upon either the making of an assignment of all rights under, or upon the filing of a discharge and satisfaction of, a judgment and execution for a like sum rendered in the district court of Somerville against the operator of a United States mail truck in favor of the said Samuel Roberts, for damages sustained by him as the result of personal injuries received on January 6, 1937, when he was struck on Massachusetts Avenue, Somerville, Mass., by the said mail truck. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as the result of such injuries:

With the following committee amendment:

Page 2, line 4, after the word "injuries", change the period to a colon and insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES MURPHY, SR.

The Clerk called the next bill, H. R. 6230, for the relief of James Murphy, Sr.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the requirements of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in the case of James Murphy, Sr., of New Rochelle, N. Y., formerly employed in the Civilian Conservation Corps, and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed by him under the provisions of such act, as amended, within 6 months after the date of enactment of this act for compensation for disability alleged to have resulted from injury sustained on September 28, 1934, in the performance of his duties as an enrollee in the Civilian Conservation Corps: *Provided*, That compensation, if any, shall be paid from and after date of enactment of this act.

With the following committee amendments:

Page 1, line 12, after the word "him", insert "within 6 months after the date of enactment of this."

Page 2, line 2, strike out "within 6 months after the date of enactment of this act" and insert "applicable to enrollees of the Civilian Conservation Corps."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ISSUE TO HENRY W. SHURLDS AND KATE SHURLDS WHITE A PATENT TO CERTAIN LANDS IN THE STATE OF MISSISSIPPI

The Clerk called the next bill, H. R. 9942, authorizing the Secretary of the Interior to issue to Henry W. Shurlds and Kate Shurlds White a patent to certain lands in the State of Mississippi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Henry W. Shurlds and Kate Shurlds White a patent in fee to the following described lands, to wit: Lots 5, 6, 7, 8, 13, 14, 15, 16; lot 12, less 12 acres in the form of a parallelogram off of the east side of said lot 12, and lot 17, less 13 acres in the form of a parallelogram off of the east side of said lot 17, all in section 19, township 15 north, range 1 east, Choctaw meridian, Holmes County, Miss., containing 378.80 acres, more or less.

With following committee amendments:

Page 1, line 5, strike out "Kate Shurlds" and insert "W. H."

Page 3, line 3, change the period to a colon and insert the following: "*Provided, however*, That the issuance of such patent shall operate only as a conveyance of all the right, title, and interest of the United States in and to the lands described herein, but shall not affect any valid adverse rights of third parties should any such rights exist."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi."

AUTHORIZING SECRETARY OF THE INTERIOR TO ISSUE TO RUTH GAINEY BRANSCOME A PATENT TO CERTAIN LANDS IN THE STATE OF MISSISSIPPI

The Clerk called the next bill, H. R. 9943, authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Ruth Gainey Branscome a patent in fee to the following-described lands, to wit: Lots 3, 4, 9, 10, 11, and 18, and 12 acres in the form of a parallelogram off of the east side of lot 12, and 13 acres in the form of a parallelogram off of the east side of lots 17, all of said land being in section 19, township 15 north, range 1 east, Choctaw meridian, Holmes County, Miss., containing two hundred and sixty-seven and twenty-eight one-hundredths acres, more or less.

With the following committee amendments:

Page 1, line 8, strike out the word "lots" and insert the word "lot."

Page 2, after line 1, change the period to a colon and add the following: "*Provided, however*, That the issuance of such patent shall operate only as a conveyance of all the right, title, and interest of the United States in and to the lands described herein, but shall not affect any valid adverse rights of third parties should any such rights exist."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE MENDEZ (ANTHONY SAYER)

The Clerk called the next bill, H. R. 10149, for the relief of Jose Mendez (Anthony Sayer).

Mr. COLE of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

ELLA B. CRIDER

The Clerk called the next bill, H. R. 7956, granting a pension to Ella B. Crider.

Mr. TABER and Mr. MOSER objected, and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

The SPEAKER. This concludes the call of the Private Calendar.

LAMBORN & CO.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill

(H. R. 5937) to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I want to give these claimants an opportunity to have their day in court, but I shall not grant consent for consideration and the passage of this bill while we retain in it section 2, which divests the Government of the United States of the major part of its defense. Will the gentleman accept an amendment to strike out section 2, so that the bill as amended will merely give the claimants the right to have their day in court?

Mr. KENNEDY of Maryland. That is all we desire, and I shall be very pleased to accept such an amendment.

Mr. SCHAFER of Wisconsin. In view of that statement, I shall not object to the consideration of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim, together with interest thereon, of Lamborn & Co. against the United States for loss and damage suffered by the said Lamborn & Co., and which arises out of certain transactions involving the purchase of 2,000 tons of sugar in the Republic of Argentina on and between May 25, 1920, and June 15, 1920, and the importation of the said sugar into the United States, pursuant to the representations and requests of the Department of Justice of the United States; and to enter decree or judgment against the United States for such loss and damage.

SEC. 2. In the proceedings upon such claim before the Court of Claims, the United States shall not avail itself of the defense that the Department of Justice of the United States acted without legal authority in making representations or requests or issuing directions or fixing restrictions with regard to the purchase, importation, or disposition of such sugar.

SEC. 3. Suit upon such claim may be instituted at any time within 6 months after the date of enactment of this act, notwithstanding the lapse of time, laches, or any statute of limitations. Proceedings for the determination of such claim and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

With the following committee amendments:

Page 1, line 6, after "for", insert "alleged."

Page 2, line 3, after "enter", insert "such."

Page 2, line 4, after "damage", insert "as equity and justice shall require."

Page 2, line 9, after "States", insert "or its officers or employees."

Page 2, after line 12, insert a new section, as follows:

"SEC. 3. Any record, report, testimony, or document made, given, or filed in connection with any proceeding or hearing of any committee or subcommittee of Congress relative to the claim of Lamborn & Co., or relative to the claims of others arising from similar purchases and importations of sugar during 1920, may be introduced before the Court of Claims with the full force of depositions, subject to objections as to materiality and relevancy."

Page 2, line 21, strike out "3" and insert "4."

The committee amendments were agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 2, strike out all of section 2.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID JACOBSON

Mr. FADDIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10086) for the relief of David Jacobson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. TABER. Reserving the right to object, Mr. Speaker, may the bill be reported?

The Clerk read the bill as follows:

*Be it enacted, etc.*, That in the administration of the immigration and naturalization laws, the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of David Jacobson, and that he shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted to the United States as an immigrant for permanent residence as of April 12, 1940. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Latvian quota of the first year that the Latvian quota is available.

Mr. TABER. Reserving the right to object, Mr. Speaker, what is the reason the bill is coming up in this way and not on the Private Calendar, as the other bills did?

Mr. FADDIS. Mr. Speaker, the bill comes up this way because it was objected to the other day by mistake. The objectors did not know the circumstances. The circumstances surrounding this bill are that this man came to the United States from Latvia when he was 13 years of age. He enlisted in the United States Army in 1890 and went to the Philippines. He served two enlistments in the Philippine Islands, and then was one of the men who was asked by the Army to remain thereafter. He has two honorable discharges from the Army. After leaving the Army he went into business. He has never applied for or accepted a pension, although he is entitled by law to a pension. He is a successful businessman. He now wants to become a citizen of the United States. The only way he can do so is to be allowed to enter this country as a permanent resident and then apply for his citizenship. He is here at the present time on a visitor's visa.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. This gentleman lost his citizenship by reason of the Immigration Act of 1924. All he asks now is to have that citizenship restored to him.

Mr. FADDIS. That is true. This is a very worthy case. The man has two honorable discharges from the United States Army. It is a perfectly meritorious case, inasmuch as he has never even asked for a pension.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article. I further ask unanimous consent to extend my own remarks in the RECORD and include therein a short resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Big Timber Pioneer in Montana.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KELLER, for 1 week, on account of the death of Mrs. Keller.

UNITED STATES DE SOTO EXPOSITION COMMISSION

Mr. COLMER. Mr. Speaker, I call up House Resolution 526.

The Clerk read the resolution, as follows:

House Resolution 526

*Resolved*, That immediately upon the adoption of this resolution the bill H. R. 9751, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that all Senate amendments be, and the same are hereby, agreed to.

CALL OF THE HOUSE

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. COSTELLO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 186]

| | | | |
|---|---|---|---|
| Alexander | Dirksen | Keefe | Rockefeller |
| Allen, Pa. | Ditter | Keller | Rodgers, Pa. |
| Andresen, A. H. | Dondero | Kennedy, Martin | Rutherford |
| Andrews | Douglas | Keogh | Ryan |
| Arnold | Drewry | Kilburn | Sabath |
| Ball | Eberharter | Kinzer | Sacks |
| Barden, N. C. | Elston | Kleberg | Sandager |
| Barry | Evans | Kocialkowski | Satterfield |
| Barton, N. Y. | Ferguson | Kunkel | Schaefer, Ill. |
| Bates, Mass. | Fernandez | Lambertson | Schuetz |
| Bolton | Fish | Landis | Schulte |
| Bradley, Mich. | Fitzpatrick | Lemke | Schwert |
| Bradley, Pa. | Flaherty | Lesinski | Secrest |
| Brewster | Flannery | Lewis, Ohio | Seger |
| Buck | Folger | Lynch | Shafer, Mich. |
| Buckler, Minn. | Ford, Leland M. | McAndrews | Shanley |
| Buckley, N. Y. | Ford, Miss. | McArdle | Sheridan |
| Bulwinkle | Garrett | McDowell | Simpson |
| Burdick | Gavagan | McGranery | Smith, Conn. |
| Burgin | Geyer, Calif. | McLean | Smith, Ill. |
| Byron | Gifford | McLeod | Smith, Va. |
| Caldwell | Gillie | Maciejewski | Smith, Wash. |
| Celler | Grant, Ala. | Magnuson | Smith, W. Va. |
| Chapman | Grant, Ind. | Mahon | Snyder |
| Clark | Green | Marcantonio | Somers, N. Y. |
| Claypool | Guyer, Kans. | Marshall | Sparkman |
| Clevenger | Gwynne | Merritt | Stearns, N. H. |
| Cluett | Hall, Edwin A. | Mitchell | Sullivan |
| Cole, Md. | Hall, Leonard W. | Monkiewicz | Sutphin |
| Connery | Halleck | Mouton | Sweeney |
| Cooley | Hare | Myers | Tenerowicz |
| Courtney | Harness | Norton | Tolan |
| Culkin | Hart | O'Day | Treadway |
| Cullen | Hess | O'Leary | Vreeland |
| Cummings | Hinshaw | O'Neal | Wadsworth |
| Curtis | Holmes | Osmers | Wallgren |
| Darden, Va. | Hook | O'Toole | Warren |
| Darrow | Jarman | Pace | Weaver |
| Delaney | Jarrett | Parsons | White, Idaho |
| Dempsey | Jensen | Pfeifer | White, Ohio |
| DeRouen | Johns | Plumley | Wigglesworth |
| Dickstein | Johnson, Ind. | Reece, Tenn. | Wood |
| Dies | Jones, Ohio | Richards | Zimmerman |
| Dingell | Kee | Risk | |

The SPEAKER. On this roll call 255 Members have answered to their names, a quorum.

On motion of Mr. COLMER, further proceedings under the call were dispensed with.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs of the House may be permitted to sit during sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

UNITED STATES DE SOTO EXPOSITION COMMISSION

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and at this time, Mr. Speaker, I yield 15 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. RANKIN. Yes.

Mr. HOFFMAN. Mr. Speaker, would it be in order, there being no copies of the bill available, to have this read?

Mr. RANKIN. I will ask for that.

Mr. Speaker, I ask unanimous consent that the Clerk may at this time read the amendment.

Mr. HOFFMAN. Is the gentleman going to tell us what the bill is?

Mr. RANKIN. I am. The bill is on the desk.

The SPEAKER. Without objection, the Clerk will read the Senate amendment to the House bill.

There being no objection, the Clerk read as follows:

Senate amendment:

Page 3, after line 23, insert:

"(b) Any exposition or celebration to be held pursuant to this act may, if deemed advisable by the Commission and the Secretary of the Interior, take the form of a conservation exposition for the purpose of dramatizing all conservation activities of the Federal and State Governments and, for the purposes of this subsection, expositions may be held at such places in the Mississippi Valley as the said Commission shall determine."

Page 3, line 24, strike out "(b)" and insert "(c)".

Page 4, line 6, strike out "(c)" and insert "(d)."

Page 4, line 12, strike out "(d)" and insert "(e)".

HERNANDO DE SOTO

Mr. RANKIN. Mr. Speaker, this measure has passed both the House and the Senate. The Senate adopted the amendments that have just been read. This resolution provides for concurring in those amendments.

This resolution provides for the celebration of the four-hundredth anniversary of the expedition of Hernando De Soto, the most dramatic and most daring expedition ever made into the wilds of the New World.

It also provides for the celebration on the battlefield of Ackia of the two-hundred-and-fifth anniversary of the battle between the Chickasaw Indians and the French under Bienville in 1736.

I have here before me a map—the oldest map of America extant—the De Soto map, which was published in Spain in 1543. It shows that at about the point where Ackia is located De Soto visited a town called Alibamo. There we found the Chickasaw Indians when the white people invaded that country a hundred and fifty or two hundred years later. It was on that soil that the Chickasaws repulsed the invasion of the French in 1736, which probably saved the western half of this continent for the English-speaking people of America.

These celebrations are to be held at such other places as are desired along the line of De Soto's march. This provision was added in the Senate in order that the people along the Mississippi River might also include the subject of conservation in order to emphasize the development of conservation in the Mississippi Valley. It will not cost any more to hold celebrations than it would to hold the celebrations provided for in the original measure.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Minnesota.

Mr. PITTENGER. When this resolution passed there was no particular objection, either in the House or in the Senate.

Mr. RANKIN. I do not think so. There were probably one or two votes against it, but it passed practically unanimously.

Now, Mr. Speaker, this, as I said, is the four hundredth anniversary of the expedition of De-Soto, which was a great historic event. I believe I have read something of the life of practically every important man who ever touched our shores in those early days, and I say without hesitation that in my humble judgment Hernando De-Soto stands among the first. He was undoubtedly the most intrepid knight, the most adventurous explorer, and the greatest soldier that Spain ever sent to the New World. He came here with men who were the pick and flower of Europe's young manhood to explore the territory of Florida. That is what they called America at that time. He landed at what he called the Bay of Honda, which is now Tampa Bay, with about 620 men, more than 300 horses, a large number of hogs, and all the equipment necessary. The men who accompanied him were the hidalgos of Portugal and the cavaliers of Spain. They were the best blood of Europe. Claiborne, in his history of Mississippi, says that they had shivered lances with the knights of the Old World, followed Cortez in Mexico and Pizarro in Peru, and with their swords had placed the cross of Christianity upon the bloody altars of the Montezumas and in the golden temple of the Incas.

He came with the expectation of finding gold and of establishing a colony. He penetrated farther into the wilds of America than any other adventurer ever had up to that time. He reached the homes of the Indians in many instances when they were not expecting him. He found them in their original habitats, and the three descriptions written by men who accompanied that expedition give the greatest insight into the lives of the aborigines of America than any other publication I have ever found.

There was Ranjel, De Soto's secretary, and Biedma, the King's factor, both of whom wrote their own reports of the expedition. There was a man in that expedition who called

himself the gentleman from Elvas. He was a Portuguese gentleman. He wrote the finest report I have ever read of any expedition, at any time, anywhere. By taking these three reports and this map, it is possible to trace De Soto's expedition from the time he left Florida until the remnants of his decimated followers reached Mexico after his death.

He came up into what is now the Carolinas, struck the upper stretches of the Tennessee River, followed it down to the present site of Guntersville, and turned south to what is now Tuscaloosa, where he fought the Battle of Mobile or Meviller. Here he found that many of his men were dissatisfied. He turned back north to keep them from deserting him when he reached the coast. He came into the Chickasaw territory, crossed the Tombigbee River, and spent the winter. He had a misunderstanding with the Chickasaws, and they almost destroyed him. He proceeded then to the Mississippi River, where he discovered that great stream, passed on beyond it, and probably went into the State of Texas or beyond. He returned to the river and died somewhere about the mouth of the Arkansas. They took his body out at night and buried it in the waters of the Mississippi River, and there his remains rest to this day. The rest of his men constructed boats and fought their way down to the Gulf of Mexico and finally around to the east coast of what is now the Republic of Mexico, where they found men who could speak their language. There they disembarked and knelt and kissed the ground in gratitude for their deliverance.

This four hundredth anniversary of that expedition is now on. De Soto spent the winter among the Chickasaws in 1540–41. The next spring he discovered the Mississippi River. He died, I believe, in the spring of 1542. His men landed back in Mexico some time during that year or the next year, and in 1543 this map was published, the oldest map of America in existence. A map had been published prior to that time, and we are told that De Soto had access to it, but it was lost or destroyed, and therefore this is the only one we have to go by, of the country as they saw it at that day.

This amendment was added by the Senate in order to give those people an opportunity to carry out the provisions of the Senate bill, which had been introduced and had passed the Senate. It did not meet with the approval of the Members of the House who had been working on this proposition for years. You gentlemen may not remember it but I had a preliminary commission appointed to make an investigation and make a report preliminary to this very celebration. So when we sent this bill to the Senate, the Senate added this amendment, which merely gives them the right, instead of holding their celebrations as originally intended, we will say, for instance, at Memphis, or Greenville, or Natchez or other places along the Mississippi River to also embody in them conservation exhibitions, dedicated to the proposition of conserving the natural resources along that great stream. This will not add a dollar to the cost so far as I can tell. I cannot understand why anybody should be opposed to this provision.

If I had the time I would like to go back and take up the life of De Soto, and give you an insight into the activities of this great man before he ever touched the shores of North America. He was one of the outstanding figures of his day and generation.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. MURDOCK of Arizona. Mr. Speaker, no one in this Chamber is better fitted to indicate to us the significance of the Spanish imprint upon our southeastern corner. I am very glad to corroborate what the gentleman has said. I recall that when I came here 4 years ago, he and I had several conversations with regard to the proper celebration of the coming of the Spaniards into the whole southern part of our country as early as 1539. I do hope that we can put this celebration on in the southeastern corner of our country just as we are doing this year in the southwestern corner of the United States. It is a very worthy effort.



Mr. RANKIN. Mr. Speaker, I thank the gentleman from Arizona.

I am going to call attention to one historical event that has been overlooked. Napoleon once said that history is a fable agreed upon. I am inclined to agree with him. We have been taught in our schools that Pocahontas saved the life of Capt. John Smith. It has been written into our school books, painted all over the country, and carved on the wall of the rotunda of this Capitol.

Here is what happened. I am giving you history as it was written in those days. Capt. John Smith went back to England in 1609 and wrote a history of his exploits in America and never mentioned the incident. Pocahontas visited England and John Smith called on her, and neither of them mentioned the incident. When De Soto landed in Florida he heard that there was a young white man in the country. He found him with a tribe of Indians. This young man's name was Juan Ortiz. He had been with the Panfilo de Narvaez 10 years before, and he and two other Spaniards were captured by the Indians. The other two were killed, because De Narvaez in his cruelty had thrown the mother of the chief to the dogs and cut the chief's nose off. So when this chief captured these men he killed the other two in a most cruel manner. He then made a rack and bound young Oritz on it for the purpose of burning him. An old Indian woman went and begged the chief's daughter to intercede for him, and she did. Her name was Ulele. She went to the chief and begged him to spare this young man for the time being. He finally agreed, and the young fellow was spared temporarily. This girl helped him to escape to another tribe of Indians to whose chief she was engaged to be married. He remained with this chief for 10 years, until the arrival of De Soto. He became De Soto's interpreter.

That story is given in this history written by the gentleman from Elvas. It went back to Spain and was published shortly after De Soto died. After John Smith had published the first edition of his history, Hakluyt, the British historian, went to Spain, got this Elvas story, translated into English, and published it in England in 1611. John Smith had never mentioned this story, and, as I said, Pocahontas had visited in England, and John Smith had called on her, and historians say that the incident was not mentioned between them.

Yet about 15 years after Pocahontas died, John Smith wrote his second book and for the first time wrote the story of Pocahontas having saved his life. He evidently got it from this story of the saving of the life of Juan Ortiz by this Indian girl, Ulele, in Florida back in 1528 or 1529. Thus, Pocahontas gets credit in history for an incident of which she never heard, while this noble heroine goes down to the tongueless silence of oblivion unwept, unhonored, and unsung.

This is just one of the many interesting incidents connected with this great expedition. If we pass it up this time and fail to give these people an opportunity to find these locations and mark them, another hundred years will pass and probably nobody will pay any attention to it. For that reason I have worked for years to get this resolution passed in order that we may hold these celebrations now.

I wish I had time to give you an account of some of the exploits of De Soto. He was no ordinary man. He was one of the outstanding leaders of his day, and, as I stated, the boldest explorer, the most intrepid knight, and the greatest soldier that Spain ever sent to the New World. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I think the House may be interested in the story of this bill. It was on the Consent Calendar and as it was reached, feeling that we were having too much of the show business these days in connection with the situation we were up against, when we needed to conserve every bit of energy and every bit of strength that we have for national defense, I objected. The gentleman from Mississippi [Mr. RANKIN] came to me and begged me to let it go through. After reading it and seeing that it was confined to operations around the territory where De-Soto happened to

be, I finally agreed to let it go through. Without any notice to me or to the House as the bill was read, the gentleman from Mississippi [Mr. RANKIN], offered an amendment to put the Government into the show business all over the Mississippi Valley.

Mr. RANKIN. Will the gentleman yield there?

Mr. TABER. Yes; I yield.

Mr. RANKIN. That amendment was put on in the Senate.

Mr. TABER. Oh, but I have the RECORD before me of June 3 in the House, on pages 7411 and 7412. I made a point of order against the amendment that it was not germane to the bill. Then somebody in the Senate, whether collaborating with the gentleman from Mississippi or not I do not know, offered that amendment, putting the Government into the show business all over the Mississippi Valley.

Now, I am not going to object to the part of the bill that was passed in the House, but there is absolutely no reason under heaven why the House should concur in the Senate amendment, putting the Government into the show business and dramatizing almost anything under heaven all over the whole Mississippi Valley, which means perhaps one-half the area of the whole United States.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes; I yield.

Mr. COLMER. I must confess I am not too familiar with this bill; but, as I understand it, it does not cost the Government anything; and if that is true, what objection is there?

Mr. TABER. That is not the situation. If the Government goes into the show business all over the Mississippi Valley it will cost $25,000,000 beyond question.

I have no objection to their going on with the money that they had, which was a moderate amount, and having this exposition in the way provided by the bill as it passed the House. Another thing I do not like is the procedure, the way in which this bill has been handled. There is not here available for the membership, unless they get the RECORDS of June 3 and 6 containing the proceedings of the handling of the bill in the House and the Senate, there is not available this amendment that we are voting on for the Members to see.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. COLMER. For my own information and the information of other interested parties, would the gentleman tell us just what it does cover?

Mr. TABER. No one can tell anything. I am going to read the Senate amendment.

Mr. COLMER. Will the gentleman explain why it would be objectionable to have the exposition in more than one place when he does not object to its being held at one place?

Mr. TABER. An exposition in one place would be a minor item. That could be arranged. Under this amendment the Secretary is authorized to dramatize all conservation activities of the Federal and State Governments, and for the purpose of this subsection expositions may be held at such places in the Mississippi Valley as the Commission may determine. They can have a show on every night in a hundred and fifty different places. It is absolutely ridiculous for the House to pass any such bill.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. RANKIN. They could do the same thing whether this amendment were adopted or not. This amendment does not add any different places.

Mr. TABER. It is perfectly apparent that the Speaker of the House would not have ruled the amendment out as not germane if they could do the same thing without the amendment that they could with it.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. When they brought this resolution in should it not have been accompanied by a report so the Members would know what the change did, how the amendment read? As it stands the resolution simply reads that the bill is taken from the Speaker's table to the end that all Senate amendments be and the same are hereby agreed to. Does any Member of the House here present know what the Senate amendments are?

Mr. TABER. Except as I have told them, for the purpose of putting the Government into the show business all over the whole Mississippi Valley; and it can cost as high as $25,000,000. It is perfectly ridiculous. If the gentleman would go along and keep faith with the House and stick to his own bill as it was passed by the House and disagree to the Senate amendment we would all be glad to go along with him and let him have his exposition. But the idea of running a show all over the entire Mississippi Valley at big expense is just so ridiculous it does not seem possible that anyone could be for it.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes; I yield to the gentleman.

Mr. RANKIN. I call the gentleman's attention to the wording of the bill as it passed both the House and the Senate. It is for the purpose of commemorating De Soto's expedition in North America, the expositions to be held at such places as the commission shall determine. They can hold these expositions at just as many places as they want to, whether this amendment is adopted or not.

Mr. TABER. But they cannot put on a show. That is the trouble, and that seems to be what is trying to be sneaked in under the tent. Do the Members know what it is? It is not printed and available for the Members. I think it is high time that the sponsors of the bill kept faith and not bring the House any such thing as this. I hope the gentleman will show a little sign of religion. I hope he will withdraw this attempt to concur in the Senate amendment. I hope he will stick to his own original bill.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. RANKIN. This proposition did not come from me. The amendment I offered and to which the gentleman referred was to insert a provision of the Senate bill, a bill that had already passed the Senate and was pending in the House. But it did not provide for these other places where we know De Soto went. Senator LUNDEEN, Senator MCKELLER, and other Senators were interested in this proposition, probably the Senators from Mississippi, Georgia, and Arkansas, too; these Senators put this amendment in the bill. Even if we did not adopt the amendment they could hold these celebrations at just as many places whether conservation is mentioned or not.

Mr. TABER. There will be very little attempt to hold these expositions outside of the territory particularly interested unless we get into the show business. That is something entirely foreign to De Soto.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. EATON. In the general fog that surrounds this great issue I should like to inquire, What is the relationship between De Soto 400 years ago and the conservation program of the present administration?

Mr. TABER. I do not know; I cannot understand.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. BOLLES. The bill mentions the Mississippi Valley. Does it really mean the Mississippi Valley or would it take in the T. V. A., the Tennessee Valley, as a part of the Mississippi Valley?

Mr. TABER. I do not know; I presume so. But I do feel that it is absolutely ridiculous for us to attempt to put the Government into the show business. The original purpose of the celebration would restrict the activities of the Commission to a small territory.

Mr. EATON. Does not the gentleman know that the Government has been in the show business for 7 years?

Mr. TABER. Why, yes.

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, the gentleman from New York [Mr. TABER] explained to you that the passage of this

bill would put the Government in the show business throughout the Mississippi Valley. Underneath it all we can see another drive to obtain money which will be spent to publicize the New Deal—propaganda to make the people believe that we should have more wasteful spending.

Perhaps this bill will give us another version of some of the shows put on by the W. P. A., and which Congress, when the odor became too strong, ordered discontinued. Do you remember those shows of the W. P. A., engineered largely by its communistic members? Do you recall that title of one of them, "Up in Mabel's Room," and other titles of similar import?

This morning the gentleman from Massachusetts [Mr. McCORMACK] criticized the minority because, as he said, we refused appropriations, and we always wanted to cut down appropriations. When we have a President going up and down the country, clear up to the Canadian border, telling us that we must prepare, although someone said he had spent some $60,000,000,000 in the last 7 or 8 years, and no adequate preparedness yet, and telling us it would be only a short time until Hitler's planes would be coming up here through Mexico, after leaving South America, and bombing Omaha, it would seem we should save our money for essential things.

When you come in here knowing the country is bankrupt, and the very enthusiastic gentleman from Mississippi, not satisfied with his T. V. A. billions, wants us to put on a show, I think it is time to stop. It may be all right, as the gentleman from New York said, to start with a little celebration down there to celebrate De Soto's arrival. But, on the other hand, maybe we had better wait, if what the President says is true. Maybe we had better celebrate Hitler's arrival in another way. You keep telling us he is coming over here. Maybe we had better wait and get something real. Instead of celebrating with firecrackers, skyrockets, and pinwheels, it might be well for us to save our money so that we may purchase cannon and tanks and airplanes. A man might just as well spend his last 10 cents for a drink as for a Nation in the condition we are in to go into the show business instead of using our money for national-defense purposes.

Do you wonder why we on the minority side do not want to vote for these appropriations all the time? It is because, as I said in answer to the gentleman from Massachusetts [Mr. McCORMACK] this morning, every time we vote for an appropriation, you take part of that money and not only waste it but you use it extravagantly and, as a Senate committee found, a Democratic committee, you used it to buy votes, as you did down in Kentucky.

How much of this defense money that has been appropriated are you going to use to put factories where it will do you the most good politically? How much of that money are you going to use to reelect the President for a third term? The President said he is indispensable. Hitler thinks he is indispensable. Mussolini thinks he is indispensable. So does Stalin. Now, along comes a Roosevelt and he says he is indispensable. Maybe you think so. If you want to hold your jobs and continue to ride in on his coattails, that may be true, but, as a matter of fact, he is not indispensable to the country. A man who thinks he is indispensable is quite apt to think he is a dictator. Think of the conceit of this man who says he is a candidate because no other man can do the job so well.

Why do you ask us to vote money for a thing like this, the putting on of celebrations, of shows, when on other days, yes, day after day, you tell us we must have munitions, battleships, airplanes, and tanks?

Mr. RANKIN. Will the gentleman yield?

Mr. HOFFMAN. Not now. Why not confine your requests to a request for appropriations for things that are necessary and let the funny business and the monkey business and the show business and the matter of entertainment go until we find out whether we have anything left to celebrate? If you do that we will go along with you, but do not ask us to vote the taxpayers' money for third-term campaign expenses. [Applause.]

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. NORRELL].

Mr. NORRELL. Mr. Speaker, I believe I speak the sentiments of most of the young Members of Congress when I say that there ought to be a bill sometime, somewhere that could be called up for consideration on the floor of the House when politics would not be injected into it May I say to some of our Members on the right and to some on the left, especially the older brethren, that I fear that in connection with every bill called up you begin to look around to see if you can find a bogeyman under the bed somewhere. May I say, and if I am incorrect, I ask someone to correct me, that there is not a dollar authorized or appropriated in this amendment.

Mr. TABER. Will the gentleman yield?

Mr. NORRELL. I yield to the gentleman from New York.

Mr. TABER. If this bill goes through many dollars are appropriated. Section 6 is a general authorization to provide any money for it, and if this amendment is adopted there is no limit to the amount that can be appropriated.

Mr. NORRELL. There is not a dollar of money appropriated in this amendment.

Mr. TABER. But it is authorized to be appropriated.

Mr. NORRELL. Not in this amendment. The bill is water over the dam.

Mr. TABER. The bill is not passed until the resolution goes through and is signed by the President.

Mr. NORRELL. Is there a dollar appropriated in this amendment?

Mr. TABER. No; but it is authorized to be appropriated and that is what you are asking us to do.

Mr. RANKIN. Will the gentleman yield?

Mr. NORRELL. I yield to the gentleman from Mississippi.

Mr. RANKIN. The bill has already passed, and provides for a commission to serve without pay. The Secretary of the Interior may pay the traveling expenses of that Commission. But this amendment not only does not provide a single dollar but it does not authorize a single dollar.

Mr. NORRELL. There is not a nickel either authorized or appropriated in this amendment.

Mr. RICH. Will the gentleman yield for a question?

Mr. NORRELL. Later on.

Mr. Speaker, my interest in this bill comes about because when De Soto was looking for the Fountain of Youth he found that Fountain of Youth at Hot Springs, Ark., and, by the way, it made a new man of him. They tell me when he left Hot Springs he was a fine, wholesome fellow, of a sweet and kindly disposition; and I ask some of the Members here today to come down to Hot Springs and follow the great example set by De Soto; and if it does not make the gentleman from New York [Mr. TABER] a fine fellow, of sweet disposition, then I apologize.

Mr. REED of New York. What was the age of De Soto at the time he was made a new man?

Mr. NORRELL. Well, it made him a new man.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NORRELL. Just as soon as I get through with my statement, I shall be glad to give the gentleman from Pennsylvania a chance to enlighten me.

We are now talking exclusively about the amendment of the Senate. Whatever the bill did has been done, and the gentleman from New York, Brother TABER, agreed to it. We are now discussing the Senate amendment. This amendment broadens the bill a little. It puts a little different aspect upon the celebration. Do we in this country think more of celebrating something that one man may have done 400 years ago than we do of celebrating the blessings, not of this administration, but the blessings God has given us?

The question of the bill is out of the way. The bill has been passed by the House and the Senate. The amendment here adds nothing to the bill at all in the way of money, either by authorization or appropriation. The question here is, Shall we include generally the discovery of the Mississippi River?

What is the thing we ought to think about in connection with the Mississippi River? It is the world's greatest river.

It was discovered 400 years ago by De Soto. It is the most useful river in the entire United States. It serves 40 percent of the area of the Nation and serves as drainage for 31 States. It serves as drainage for two-thirds of the United States.

Mr. Speaker, I believe we ought to think about the great assets of this river, and next year, in place of continuing, as we have in the past, the question of robbing the resources of the Mississippi River, we should study something about the wise use and the proper development of this river, so that in the years to come we may conserve some of the natural resources of this great river. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, the resolution we have before us this afternoon is an amendment to a bill that passed this Congress about 2 months ago, providing for the creation of a commission to commemorate the four-hundredth anniversary of the discovery of the Mississippi River by De Soto. In other words, it provides for an exposition to be held on that account. This afternoon we are considering an amendment that says, among other things, that any exposition or celebration may be held in pursuance to this act, if deemed advisable by the Secretary of the Interior, and shall take the form of a conservation exposition for the purpose of dramatizing all conservation activities of the Federal and State governments, and may be held in such places in the Mississippi Valley as the Commission may determine.

Let us look at the bill just for a moment. It says, among other things, that the Commission shall prepare plans and programs, subject to the approval of the Secretary of the Interior. It also provides that the Commission may employ, without regard to our civil-service laws, such persons as may be deemed necessary for the purposes of this act. And now look at section 6:

> And is hereby authorized to be appropriated such sums as the Commission shall determine, for expenditure in such manner as the Secretary of the Interior shall deem to be advisable in carrying out the purposes of this act.

Let me call to your attention right here that no limit is provided in the amount of this authorization.

Mr. Speaker, let me say at the outset that I have the highest regard for the gentlemen who have spoken on behalf of this resolution. I would call your attention to the fact, however, that they have spent their time lauding the great character and achievements of that great man, De Soto. Nobody disagrees with their statements in this respect. But let us get down to brass tacks. Here we are, 400 years after De Soto has gone, bringing to the floor of the House a measure that provides for the expenditure of money to celebrate that event. I dare say there are not a dozen Members on the floor of the House this afternoon who have read this bill carefully, and I ask a half dozen of you to raise your hands and tell me if you have ever read the bill with the amendments thereto.

The original bill was enough. It appears to have provided for one exposition. We let that go through, hardly knowing what was being done. But today you open the gate wide for the authorization for the expenditure of money in an amount that is not even limited by the provisions of the bill. They tell us on the floor of the House this afternoon that the bill does not provide for the appropriation of money.

Mr. NORRELL. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. Not now; I want to talk about this bill. You know how legislation is carried on. First we have bills to authorize the spending of money. Then later we appropriate the funds on the ground, it is claimed, that Congress authorized the proposition.

I am in favor of celebrations of all kinds. No doubt but that this celebration would be worth while. But I am not in favor of authorizing a celebration that may provide for the spending of hundreds of thousands—and even millions—of dollars at a time when your Government and mine is in debt some $48,000,000,000; and with plans before us that are going to require and need the spending of billions more, in order to have an adequate defense program. In a few days, there will be brought to the floor of the House bills to make the tax burden still heavier upon the people of this country. Instead of authorizing the expenditure of more money, we ought to eliminate unnecessary authorizations and expenditures.

Mr. Speaker, this authorization is a fine chance for a pork barrel for the entire Mississippi Valley—and I live in that valley. Look at this amendment for a minute; you are using the Department of the Interior's conservation program to celebrate the De Soto discovery 400 years ago. I do not know how in the world you are going to connect them up, but it seems to give you an excuse for it. You give the Secretary of the Interior the right, along with the Commission, to approve the places where the money may be spent, and in the next bill you say: "Well, Congress authorized it. Congress approved it." Then what do you do? Why, you go ahead and spend it.

So, this afternoon we are creating a great pork barrel for the Mississippi Valley, because if one town is going to have a celebration out of this money, another community is going to do the same thing. Nobody has spoken in favor of this amendment except about three or four Members who live right in the vicinity where the money, in all probability, would be spent. Very few seem to care about it. But let me call your attention to one thing—that there is no demand for this authorization on the part of the people of your community or mine. Stop and think a minute. Is there anyone in your district, or your State, or any group of people whom you think, after giving this matter careful study, would want you to vote for a measure of this kind?

Have you had any requests from the Grange, the Farm Bureau, or the Farmers' Union, or any other farm organization, who want this kind of legislation? Have any labor groups asked for it? As a matter of fact, do your constituents even know that you are authorizing the expenditure of their money for a proposal of this kind?

Here we are, on this August day in 1940—when this country is in the deepest trouble it has known for years and years, when this Congress and the people are faced with momentous decisions—talking about spending money that the taxpayers do not have to celebrate an event that occurred 400 years ago. I realize this bill is going to pass, largely because little attention has been paid to it. We ought to set an example right now, and vote this thing down. Your good common sense and mine tell us that it is not a good thing to pass this kind of legislation at this time. It is not a political question—and you and I know it.

So, I hope the gentlemen sitting to the right of the Speaker, as well as those to his left, will have the courage of their convictions and set this legislation aside until sometime—at least when your Government and mine is in better shape to afford the authorization of this expenditure.

Again, let me pay my respects to the distinguished gentleman from Mississippi, who probably knows more American history, and knows more about the great men who have served our country, than any other Member of this House. I have the highest respect for what he has to say about the great De Soto. I want to agree, too, with the gentleman from Arkansas that he represents a wonderful State and a wonderful district—but, Mr. Speaker, neither of these arguments persuades me that this is a time or place when we should permit the enactment of this legislation. Let us vote it down. [Applause.]

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Speaker, we Anglo-Americans are too narrow in our conception of American history. I think that is because we have been brought up on the Plymouth Rock-Jamestown variety of American history. We overlook in our textbooks and in our schools the fact that for a hundred years before the English forebears of ours came to this continent the men of Spain were doing great things here. This proposed celebration is only a part of that which we have been carrying on in the Southwest for the last 2 or 3 years, especially this year.

I am interested in this part of it, because you have already authorized us to carry on a similar celebration out in the southwestern part of the country, holding in mind that the men of Spain, 400 years ago, occupied this vast territory from Florida to California, the whole southern portion of our country.

Now, Latin Americans are a proud and spirited people. They have made a great contribution to American cultural life. Right now we want to appeal to them, all of them, from the place where I live clear to the tip end of South America—Cape Horn—we want to appeal to all Spanish-Americans. Heretofore we have not got along any too well together—the Saxon and the Latin—but from now on we must get along together, and that will mean an understanding and appreciation one for the other and not a calling of names of each other as we have been accustomed to do.

I appeal to you in the name of a more friendly relation between us and our Latin American neighbors to the south that we understand, study, and appreciate their part in our history. For that reason I strongly favor this legislation, and I want to help in every way I can the great celebration of the coming of De Soto.

A colleague just preceding me, in lighter vein, indicated that the Spaniards found the Fountain of Youth at Hot Springs in his State. In all seriousness it may be pointed out that the Fountain of Youth, consisting of hot, mineralized waters, may be found in numerous places in that great belt crossing the southern half of the United States from the Atlantic to the Pacific, in which the Spaniards played their dramatic part 4 centuries ago. I could name half a dozen hot springs in the State of Arizona alone, having actually the curative and recuperative power which Spaniards attached to the much-sought Fountain of Youth. The health-giving waters of this mythical fountain, which many Spaniards sought, were less mythical and more actual than the mythical land of gold which those same Spaniards sought, and the mythical regions of gold turned out eventually to be no myths at all. The men of Spain sometimes acted on "hunches," but we now know that some of their "hunches" were not so bad—not nearly so bad as our historians have been wont to paint them.

While I know too little about this dramatic and courageous volume of America's history I have been guided far enough into it by the teachings of Dr. Herbert Bolton and his school of historians to know that no more thrilling adventures in human annals can be found than the marvelous exploits of Spanish conquistadores opening up the mysteries of this continent to the knowledge of white men. Whether it be Coronado penetrating the northern mystery, out of Mexico across Arizona to the Seven Cities of Gold, or whether it be De Soto threading the forests of the lower Mississippi Valley to find at last a watery grave in our greatest continental river, or whether it be Juan B. Anza leaving the precidio at Tubac, Ariz., to wend his way along the El Camino del Diablo to Yuma and beyond across the California sand wastes to found a Spanish settlement at the Golden Gate, called San Francisco, or whether it be the lonely travels of a padre, such as Father Garces, these exploits outshine any in Old World history.

The travels of Marco Polo, or the march of Xenophon and his Ten Thousand, or the efforts of Alexander the Great, or the far conquests of Attila, cannot surpass the daring or the persistency of the Spaniards in their adventuring on this continent 400 years ago.

Surely we Anglo-Americans do not know how much of a contribution has come with Spain to our shores. Spain taught us how to conquer the desert and to make it blossom like a garden. Many of our social and legal customs, as well as a distinctive type of architecture, were introduced by Spaniards into our land. If we are going to win the respect and affection of the Spanish-American people occupying the other part of the Western Hemisphere, we must first respect and appreciate the people of the same racial strain who are loyal citizens of our own country. A way to do this is to know more of their wonderful past, to get acquainted with their customs, to have a larger percent of our people understand and speak their language, and be good neighbors not only in a commercial but a social sense.

The great Spanish leaders of Latin America drew their inspiration from our own leaders; Bolivar was a friend and follower of Thomas Jefferson. The language of the Declaration of Independence was as much an inspiration to the Spanish republics to the south of us as it was to the founders of our own Republic. When these facts are generally recognized, the two Americas will be in better condition to trade with mutual advantage, to cooperate in hemisphere defense, and to maintain in the Western World an international peace which has never yet been possible in the Old World.

With every move which we make toward better understanding of the Spaniards and of Spanish-American descendants, both within our own borders and those living to the south of us, we shall come just that much nearer the fulfillment of the dreams of Cordell Hull. By all means let us celebrate the exploits of De Soto and his fellow adventurers. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, this bill is one of very serious implications. While it carries no language appropriating money, yet it implies strongly that much money will be spent, for it authorizes unlimited appropriations. It involves propositions that we ought not to laugh about, because they are serious. I am really surprised, and I presume this has slipped past the eagle eye of the Speaker and our beloved majority floor leader, because in these serious times they are just as anxious as anybody else in their desire to keep down the expenditure of money. Today we are about to do something that is very unwise and very unnecessary, and what is it that we are about to do? Someone has said that we have already passed the bill. Let us make no mistake about that. We have not passed this bill yet. It does not pass until we vote, and here is a very peculiar parliamentary situation that hardly ever happens. Usually we are called upon to vote for a rule, then we vote for the bill. But this is different. When we pass this resolution we are through. The bill does not come up then for consideration after the rule is adopted, as is usually the case, but when you adopt this rule you are through. It will then be too late to offer excuses.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Yes; I yield for a question.

Mr. GROSS. Does not the gentleman think there is danger, if we boost that lower Mississippi Valley where the "Arkies" all left because they could not exist there, we might attract a lot of them back and also attract a lot of other people in there who would finally starve and their blood rise up against us?

Mr. JENKINS of Ohio. I am sorry that I cannot answer the gentleman's question. But anyhow, let us get back now to a serious consideration of this proposition. What do we do by this resolution? We are going to make it possible for the calling of any number of celebrations. These may be called in many places and the number is unlimited. The expense may be commensurately unlimited.

I should like to call to the attention of some of the older Members of this House the fact that this bill leaves the old principles that we have usually employed in passing resolutions. Formerly resolutions of this kind always carried with them a definite appropriation. We knew how much it was going to cost. These resolutions provided for the appointment of a commission and we stipulated how much their authority cost. We provided a system to determine how much it would cost, but in this measure the language is terrifically wide. Here is what it says:

> There is hereby authorized to be appropriated such sums as the Congress shall determine for expenditure in such manner as the Secretary of the Interior—

And so forth. Now, if, when this law goes into effect and this commission functions, we have then a man given to extravagance and showmanship, he can determine how much

will be spent and for what it will be spent, because here is what it says:

For expenditure in such manner as the Secretary of the Interior shall deem to be advisable in carrying out the purposes of this act and such sum, when appropriated, shall remain available—

And so forth. Let me call your attention to another new departure in this bill. I have never noticed it in similar bills before. There may have been such bills passed in this House, but I dare say they are very unusual. This bill gives this Commission authority to collect money all over the United States or anywhere else and provides that when collected that that money shall go into the Treasury of the United States. What kind of financing is that? Frequently school children or other similar popular groups are asked to collect money for public projects of different kinds. Are we going to pass a law that will provide such a plan as will send out the school children or any such group to collect money for these projects? And, mind you, friends—and this is the important thing—then deposit that money in the Treasury of the United States to be used later to have a celebration in memory of De Soto. It is a queer, unusual situation. Did any of you ever hear of collecting money in this way and depositing it in the United States Treasury? The proper and sensible course is to vote down the resolution, and let the distinguished gentleman from Mississippi [Mr. RANKIN] bring back a bill providing for a celebration in memory of De Soto with a definite fixed expenditure of five or ten thousand dollars, or some other reasonable amount, and I will vote for it. But when he comes forward with something that may cost millions and may run on for years, then I cannot go along. He says it was done in the Senate. I am not surprised at that, because nothing like that would ever be done here in the House. They have patched this thing together, and they have provided that they can have a celebration anywhere and everywhere in the Mississippi Valley. Anybody can have a celebration, if the Secretary of the Interior approves of it, and if they send out a bunch of Boy Scouts or a bunch of school children to collect money for that purpose, it will go into the Treasury of the United States. In other words, this is child play—this is little short of foolish.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Yes. I am glad to yield to my distinguished friend from New York, and if I have time I shall most assuredly yield to my equally distinguished friend from Pennsylvania [Mr. RICH].

Mr. REED of New York. Does not the gentleman think that it is time for the House to stop and reflect? We have passed more than 10 tax bills calling on the taxpayers for more and more money all the time, and there is one now pending and another one coming in January, with a debt of $49,000,000,000 and $14,000,000,000 going for national defense, is it not time to stop and think?

Mr. JENKINS of Ohio. Mr. Speaker, I most assuredly think so. The gentleman has pronounced a profound truth, which ought to hold us all in our proper places. We should vote a most emphatic "No" on this resolution. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

AMENDED BILL FOR THE DE SOTO EXPOSITION IN HOUSE OF REPRESENTATIVES, AUGUST 19, 1940

Mr. CASE of South Dakota. Mr. Speaker, I propose to speak about the bill by reading a little bit about what we are doing. The resolution on which we are about to vote yes or no reads as follows:

*Resolved*, That immediately upon the adoption of this resolution the bill, H. R. 9751, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that all Senate amendments be, and the same are hereby, agreed to.

In other words, a vote on this resolution is a vote yes or no on the Senate amendment. The Senate amendment provides:

Any exposition or celebration to be held pursuant to this act may, if deemed advisable by the Commission and the Secretary of the Interior, take the form of a conservation exposition for the purpose of dramatizing all conservation activities of the Federal and State Governments, and for the purposes of this subsection, expositions may be held at such places in the Mississippi Valley as the said Commission shall determine.

In other words, if you vote for the adoption of this resolution, you are opening wide a flood of expositions throughout the Mississippi Valley for the dramatization of all conservation activities of the Federal and State Governments. What are you doing in that authorization? I read from the bill, paragraph (c) of section 4:

The Commission is authorized to enter into contracts with private publishers for such printing and binding as may be deemed advisable in carrying out the purposes of this act. The Commission is authorized to purchase without competitive bidding in quantities not to exceed $100 in cost.

That means that this Commission will have carte blanche power to enter into contracts for all printing and binding that the Commission may desire throughout the Mississippi Valley for the dramatizing of any conservation activity of either the Federal or the State Governments.

Not long ago Members of Congress received this beautiful album from the Government of Puerto Rico, dramatizing the conservation activities of the government of Puerto Rico. There are many colored pictures in it, and page after page of large engravings. I know the reaction of most Members was the same as mine, that a book like that could not have been produced, even in large quantities, at a cost of less than $25, possibly $50, per copy, depending on the quantity printed.

This resolution will extend to the Commission created the authority to print such books, for it gives them authority to enter into contracts with private publishers for such printing and binding as may be deemed advisable for the dramatization of all conservation activities throughout the Mississippi Valley. The only limitation is that if the costs exceed $100 there must be competitive bidding—but there is no limitation on total amounts to be spent.

Let me go further. Jobs will be unlimited. I read from the bill—this is not my opinion:

(d) The Commission is authorized to employ, without regard to civil-service laws and the Classification Act, such persons as may be deemed necessary for the purposes of this act.

Gentlemen are mistaken when they say that this bill does not increase the authorization for appropriations of money. Mr. Speaker, if you give the Commission carte blanche to employ without regard to civil-service laws, such persons as it deems necessary for the dramatization of all conservation activities throughout the Mississippi Valley, conservation activities of State and Federal Governments, and gentlemen contend that no authorization to spend is given, just what does authorization mean? How can you authorize the Commission to employ them without the expenditure of money?

The gentleman from Mississippi and the gentleman from Arkansas and the gentleman from New Mexico have painted splendid historical pictures. I do not quarrel with them about that. I favor their historical celebrations. But I think I will be within the phraseology of Democratic speech if I say to you that while they have painted a beautiful dog with words, they are proposing by this resolution to tie onto that dog a tail that was appended in another body, and that tail will wag the dog.

Mr. RANKIN. Will the gentleman yield?

Mr. CASE of South Dakota. Yes; I yield.

Mr. RANKIN. Every Member who has spoken against this proposition——

Mr. CASE of South Dakota. I yielded only for a question.

Mr. RANKIN. I will ask the gentleman if he had read section 2, which provides that all this commission is required to do is to prepare plans and programs, subject to the Secretary of the Interior, to supervise the commemoration, not to put on a celebration, and this authorization is not for that purpose?

Mr. CASE of South Dakota. I yielded for a question, and I will answer the gentleman by saying that if he will reread the language appended by the Senate amendment he will see there is a clear authorization for this commission to dramatize by expositions all conservation activities throughout the Mississippi Valley, to purchase printing, and to employ people without restriction. I urge you not to pin on the dog a tail that will wag the whole proposition. Stand by the bill as the House passed it, and I will support you.

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield the balance of the time to the gentleman from Mississippi [Mr. WHITTINGTON].

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. WHITTINGTON. Mr. Speaker, it strikes me that this discussion has gone rather far afield. This is a simple measure. It authorizes the celebration of the discovery of the Mississippi River by De Soto, by appointing a commission of five members who are to serve without compensation. It provides that their traveling expenses shall be paid. It provides that they can have some literature published, and if the gentleman from South Dakota had concluded the reading of paragraph (c) he would have been reminded that that printing would have been rather modest, because it reads:

> The commission is authorized to purchase without competitive bidding in quantities not to exceed $100.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. WHITTINGTON. Now, just a moment. With all deference, I think it is fair to say that this bill would contemplate a modest appropriation. When I say "a modest appropriation" I mean a few thousand dollars.

Let me remind you there has been an appropriation for the Ackia Monument of around $1,000 or $2,000, as I recall, and this bill continues that appropriation.

What does this commission do? First, it provides for a celebration at Memphis, Tenn., near where De Soto is said to have discovered the Mississippi River.

Secondly, it is to provide for a celebration where the battle with the Chickasaw Indians is said to have occurred.

Thirdly, it is to supervise other features of De Soto's expedition to be held at such places as the commission may determine.

The amendment inserted by the Senate does not provide for a single additional "show," to use the word of the gentleman from New York [Mr. TABER].

Mr. TABER. Will the gentleman yield?

Mr. WHITTINGTON. In just a moment. Let me conclude my statement. It does not provide for the holding of a single exhibition at a single place that is not provided in the original bill. I call your attention to the language of the amendment of the Senate. It reads, and I quote substantially:

> Any exposition or celebration to be held pursuant to this act, if the Secretary and the Commission deem advisable, shall dramatize the conservation advantages of the States and the Federal Government.

In other words, the places at which the celebrations are to be held, the occasions on which they are to be held, are to dramatize the national resources of the States in the Mississippi Valley. Is there anything strange about that? We celebrated the Centennial Exposition in Philadelphia in 1876—the one-hundredth anniversary of the adoption of the Declaration of Independence. At that time we dramatized the industrial progress of our country.

Just a few years ago we celebrated a great exposition at St. Louis; at Chicago a great exposition—the discovery of America; yet we undertook there to dramatize the industrial, agricultural, and general progress and advancement that our country had made.

There has been much ado about nothing in the arguments against this bill. The Senate amendment does not provide for any show at all. It says that the celebrations and places that are provided for in the act that we have passed may dramatize the conservation facilities and advantages of the Mississippi Valley, extending from Lake Itasco to the Gulf of Mexico.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. WHITTINGTON. Gladly, if I have time. I conclude as I began, by saying that this bill, which does not provide for any expenditure at all except for the actual traveling expenses of this commission, and a modest appropriation for the purpose of providing plans and celebrations, authorizes this commission, if the people in the Mississippi Valley want to contribute, to receive funds and to protect the donors and contributors. It provides that those funds shall be paid into the Federal Treasury and may only be disbursed when approved by the chairman of the commission. Instead of promoting a show, it provides for the legitimate celebration of one of the great events in the history of the United States, at a very modest cost.

The bill states that the unexpended balance, if any, for the Ackia Monument shall be utilized for the purposes of this bill. It provides for modest celebrations at practically no great expense to the people of the United States. The voluntary contributions that are made for this purpose are conserved and protected. [Applause.]

In extending, in view of the repeated arguments that the pending bill is a show bill, that it is to advertise the T. V. A., or that it is to dramatize President Roosevelt, I repeat that the bill provides for a commission to commemorate the four hundredth anniversary of the discovery of the Mississippi River by DeSoto, and for the appointment of a commission to serve without compensation and with no reimbursement except for necessary travel expenses. The commission is to prepare plans and programs and is to supervise, first, the celebration at Memphis; secondly, the celebration in the Chickasaw territory in North Mississippi; and third, other features of DeSoto's expedition to North America to be held at such places as the commission shall determine.

The Commission is authorized to receive funds from public or private sources; they are safeguarded by being required to be paid into the Treasury. Proper departments are authorized to detail personnel to assist the Commission. Such persons as are necessary are authorized to be employed.

The Commission is authorized to have printing and binding done and as an evidence that only modest expenditures will be made, subsection (c) of section 3 authorizes the Commission to purchase without competitive bid in quantities not exceeding $100. I mentioned this matter previously to show, when I referred to the figures $100, that only modest appropriations are contemplated and only modest public expenditures will be made.

Congress, as I recall, has previously authorized and appropriated a small amount of something like a thousand or two thousand dollars for a national monument on the Ackia Battlefield. Moneys appropriated under that authorization will be available for the Chickasaw National Monument.

The Secretary of the Interior may erect a memorial to commemorate the accomplishments of the Chickasaw Nation.

The bill does authorize the expenditures for the purposes mentioned. Personally I wish there had been a maximum amount designated. I favor protecting the Public Treasury, but a reading of the context of the bill and the Senate amendment shows that only small expenditures and appropriations are contemplated.

There are those who criticize in one breath because appropriations are contemplated and in another because voluntary subscriptions are provided. It is difficult to please all. The amount of money expended will be largely under the control of the Secretary of the Interior. He is appointed by the President, no matter who is President. Congress still has control over the appropriations. Surely no commission would enter into contracts for printing and binding or make any other contracts in excess of the amounts appropriated by Congress or voluntarily subscribed.

The small amount heretofore appropriated for the Ackia Battlefield Monument is indicative that the amounts of appropriations contemplated are small and modest.

I again refer to the repeated criticism of the gentleman from New York [Mr. TABER], that the Senate amendment will provide for shows. A careful consideration of the bill and an analysis of the amendment will convince the most careless thinker that no additional places and no additional celebrations are provided by the Senate amendment. Only such expositions and celebrations as are contemplated by subsection (3) of section 2 are covered by the Senate amendment. I quote the Senate amendment:

> Any exposition or celebration to be held pursuant to this act may, if deemed advisable by the Commission and the Secretary of the Interior, take the form of a conservation exposition for the purpose of dramatizing all conservation advantages of the Federal and State Governments, and for the purposes of this subsection, the expositions may be held at such places in the Mississippi Valley as the Secretary of the Interior and the Commission may determine.

The Senate amendment begins by referring to expositions and celebrations authorized. They are only authorized by subsection (3) of section 2. No additional celebrations or authorizations are contemplated. The gentleman from New York [Mr. TABER], referred to these celebrations as shows. There is no occasion for such a characterization. The expositions will celebrate a great historic event.

It is only a civilized and an enlightened people that can provide for celebrations in honor of great public events. We are proud of our Fourth of July; we celebrate George Washington's birthday. The Indian and the uncivilized have no such celebrations. Such celebrations contribute to the progress of the people and of the country.

The Mississippi River is the longest and the largest navigable river in the world. The conservation advantages of the Mississippi Valley are unsurpassed. In celebrating the discovery of the river these advantages could be dramatized just as we dramatized the resources of the United States in celebrating the Louisiana Purchase at St. Louis in 1904, just as we dramatized and emphasized the marvelous growth and development of the United States at Chicago in 1892 and 1894 in celebrating the discovery of America.

The arguments against the Senate amendment are without merit. Instead of providing for more celebrations and more exhibitions and instead of dramatizing all of the splendid advantages of the Mississippi Valley, the Senate amendment really limits the dramatization to the conservation advantages.

[Here the gavel fell.]

The SPEAKER. The time of the gentleman from Mississippi has expired; all time has expired.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution to its passage or rejection.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. TABER. Mr. Speaker, I ask for a division.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 53, noes 61.

Mr. RANKIN. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and make the point of order that a quorum is not present.

The SPEAKER. Obviously there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 142, nays 105, not voting 183, as follows:

[Roll No. 187]

YEAS—142

| | | | |
|---|---|---|---|
| Allen, La. | Cannon, Mo. | Doxey | Havenner |
| Barnes | Cartwright | Duncan | Healey |
| Bates, Ky. | Cochran | Dunn | Hendricks |
| Beam | Coffee, Wash | Durham | Hennings |
| Beckworth | Collins | Edmiston | Hill |
| Bell | Colmer | Elliott | Hobbs |
| Bland | Cooper | Ellis | Houston |
| Bloom | Courtney | Faddis | Hunter |
| Boren | Cox | Flannagan | Izac |
| Brooks | Cravens | Ford, Thomas F. | Johnson, Luther A. |
| Brown, Ga. | Creal | Fries | Johnson, Lyndon |
| Bryson | Crowe | Fulmer | Johnson, Okla. |
| Buckler, Minn. | Darden, Va. | Gathings | Jones, Tex. |
| Byrne, N. Y. | Davis | Gore | Kefauver |
| Byrns, Tenn. | DeRouen | Gossett | Kelly |
| Camp | Dingell | Gregory | Kennedy, Md. |
| Cannon, Fla. | Doughton | Griffith | Kerr |
| Kilday | Mills, La. | Ramspeck | Sumners, Tex. |
| Kitchens | Monroney | Randolph | Sutphin |
| Lanham | Moser | Rankin | Terry |
| Larrabee | Mouton | Rayburn | Thomas, Tex. |
| Lea | Murdock, Ariz. | Robertson | Vincent, Ky. |
| Leavy | Nelson | Romjue | Vinson, Ga. |
| Lesinski | Norrell | Sabath | Voorhis, Calif. |
| Lewis, Colo. | O'Connor | Sasscer | Walter |
| McAndrews | Pace | Schuetz | Ward |
| McCormack | Patman | Schulte | Welch |
| McGehee | Patrick | Scrugham | West |
| McKeough | Patton | Shannon | Whelchel |
| McLaughlin | Pearson | Sheppard | White, Idaho |
| McMillan, Clara | Peterson, Fla. | Smith, Wash. | Whittington |
| Maciejewski | Peterson, Ga. | Snyder | Williams, Mo. |
| Maloney | Pierce | South | Wood |
| Martin, Ill. | Pittenger | Spence | Zimmerman |
| Massingale | Poage | Starnes, Ala. | |
| Mills, Ark. | Rabaut | Steagall | |

NAYS—105

| | | | |
|---|---|---|---|
| Allen, Ill. | Gamble | Kinzer | Short |
| Andersen, H. Carl | Gearhart | Knutson | Smith, Maine |
| Anderson, Calif. | Gehrmann | Kramer | Smith, Ohio |
| Angell | Gerlach | LeCompte | Springer |
| Arends | Gilchrist | Luce | Stearns, N. H. |
| Austin | Gillie | McGregor | Stefan |
| Bender | Goodwin | Maas | Sumner, Ill. |
| Blackney | Graham | Martin, Iowa | Sweet |
| Bolles | Grant, Ind. | Martin, Mass. | Taber |
| Brown, Ohio | Gross | Mason | Talle |
| Carlson | Guyer, Kans. | Michener | Thill |
| Carter | Gwynne | Miller | Thomas, N. J. |
| Case, S. Dak. | Hancock | Mott | Thorkelson |
| Chiperfield | Harter, N. Y. | Mundt | Tibbott |
| Church | Hartley | Murray | Tinkham |
| Clason | Hawks | O'Brien | Van Zandt |
| Coffee, Nebr. | Hoffman | Oliver | Vorys, Ohio |
| Cole, N. Y. | Horton | Powers | Wheat |
| Corbett | Hull | Reed, Ill. | Williams, Del. |
| Costello | Jenkins, Ohio | Reed, N. Y. | Wolcott |
| Crawford | Jenks, N. H. | Rees, Kans. | Wolfenden, Pa. |
| Crowther | Jennings | Rich | Woodruff, Mich. |
| Dworshak | Jensen | Robsion, Ky. | Woodrum, Va. |
| Eaton | Johnson, Ill. | Rogers, Mass. | Youngdahl |
| Engel | Johnson, W. Va. | Routzohn | |
| Englebright | Jonkman | Schafer, Wis. | |
| Fenton | Kean | Seccombe | |

NOT VOTING—183

| | | | |
|---|---|---|---|
| Alexander | Dies | Johnson, Ind. | Polk |
| Allen, Pa. | Dirksen | Jones, Ohio | Reece, Tenn. |
| Anderson, Mo. | Disney | Kee | Richards |
| Andresen, A. H. | Ditter | Keefe | Risk |
| Andrews | Dondero | Keller | Robinson, Utah |
| Arnold | Douglas | Kennedy, Martin | Rockefeller |
| Ball | Drewry | Kennedy, Michael | Rodgers, Pa. |
| Barden, N. C. | Eberharter | Keogh | Rogers, Okla. |
| Barry | Edelstein | Kilburn | Rutherford |
| Barton, N. Y. | Elston | Kirwan | Ryan |
| Bates, Mass. | Evans | Kleberg | Sacks |
| Boehne | Fay | Kocialkowski | Sandager |
| Boland | Ferguson | Kunkel | Satterfield |
| Bolton | Fernandez | Lambertson | Schaefer, Ill. |
| Boykin | Fish | Landis | Schiffler |
| Bradley, Mich. | Fitzpatrick | Lemke | Schwert |
| Bradley, Pa. | Flaherty | Lewis, Ohio | Secrest |
| Brewster | Flannery | Ludlow | Seger |
| Buck | Folger | Lynch | Shafer, Mich. |
| Buckley, N. Y. | Ford, Leland M. | McArdle | Shanley |
| Bulwinkle | Ford, Miss. | McDowell | Sheridan |
| Burch | Garrett | McGranery | Simpson |
| Burdick | Gartner | McLean | Smith, Conn. |
| Burgin | Gavagan | McLeod | Smith, Ill. |
| Byron | Geyer, Calif. | McMillan, John L. | Smith, Va. |
| Caldwell | Gifford | Magnuson | Smith, W. Va. |
| Casey, Mass. | Grant, Ala. | Mahon | Somers, N. Y. |
| Celler | Green | Mansfield | Sparkman |
| Chapman | Hall, Edwin A. | Marcantonio | Sullivan |
| Clark | Hall, Leonard W. | Marshall | Sweeney |
| Claypool | Halleck | May | Tarver |
| Clevenger | Hare | Merritt | Taylor |
| Cluett | Harness | Mitchell | Tenerowicz |
| Cole, Md. | Harrington | Monkiewicz | Thomason |
| Connery | Hart | Murdock, Utah | Tolan |
| Cooley | Harter, Ohio | Myers | Treadway |
| Crosser | Hess | Nichols | Vreeland |
| Culkin | Hinshaw | Norton | Wadsworth |
| Cullen | Holmes | O'Day | Wallgren |
| Cummings | Hook | O'Leary | Warren |
| Curtis | Hope | O'Neal | Weaver |
| D'Alesandro | Jacobsen | Osmers | White, Ohio |
| Darrow | Jarman | O'Toole | Wigglesworth |
| Delaney | Jarrett | Parsons | Winter |
| Dempsey | Jeffries | Pfeifer | Wolverton, N. J. |
| Dickstein | Johns | Plumley | |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cullen (for) with Mr. Ball (against).
Mr. Ford of Mississippi (for) with Mr. Dondero (against).
Mr. Boykin (for) with Mr. Kilburn (against).
Mr. Chapman (for) with Mr. Monkiewicz (against).

Mr. Fay (for) with Mr. Elston (against).
Mr. Folger (for) with Mr. Lambertson (against).
Mr. Gavagan (for) with Mr. Hess (against).
Mr. Arnold (for) with Mr. August H. Andresen (against).
Mr. Clark (for) with Mr. Lewis of Ohio (against).
Mr. Dies (for) with Mr. Hope (against).
Mr. Grant of Alabama (for) with Mr. Marshall (against).
Mr. Barden of North Carolina (for) with Mr. Osmers (against).
Mr. Cooley (for) with Mr. Jones of Ohio (against).
Mr. Harter of Ohio (for) with Mr. Schiffler (against).
Mr. Martin J. Kennedy (for) with Mr. Barton of New York (against).
Mr. Boland (for) with Mr. Clevenger (against).
Mr. Drewry (for) with Mr. Bolton (against).
Mr. Hook (for) with Mr. Dirksen (against).
Mr. Keogh (for) with Mr. Gartner (against).
Mr. Bulwinkle (for) with Mr. Edwin A. Hall (against).
Mr. Fitzpatrick (for) with Mr. Ditter (against).
Mr. Michael J. Kennedy (for) with Mr. Gifford (against).
Mr. Lynch (for) with Mr. Jeffries (against).
Mr. Burgin (for) with Mr. Douglas (against).
Mr. O'Leary (for) with Mr. Halleck (against).
Mr. Allen of Louisiana (for) with Mr. Seger (against).
Mr. Garrett (for) with Mr. Johnson of Indiana (against).
Mr. Sparkman (for) with Mr. Keefe (against).
Mr. O'Toole (for) with Mr. McLeod (against).
Mr. Weaver (for) with Mr. Plumley (against).
Mr. Pfeifer (for) with Mr. Rockefeller (against).
Mr. Parsons (for) with Mr. Simpson (against).
Mr. Sullivan (for) with Mr. Treadway (against).
Mr. Warren (for) with Mr. Rutherford (against).
Mr. Schwert (for) with Mr. Vreeland (against).
Mr. Richards (for) with Mr. Leonard W. Hall (against).
Mr. John L. McMillan (for) with Mr. Johns (against).

Until further notice:

Mr. Hare with Mr. Cluett.
Mr. Thomason with Mr. McDowell.
Mr. Polk with Mr. Risk.
Mr. Mahon with Mr. Alexander.
Mr. Jarman with Mr. Reece of Tennessee.
Mr. Magnuson with Mr. Andrews.
Mr. Wallgren with Mr. Shafer of Michigan.
Mr. Ferguson with Mr. Fish.
Mr. Satterfield with Mr. Culkin.
Mr. Cummings with Mr. Bates of Massachusetts.
Mr. Burch with Mr. Harness.
Mr. Schaefer of Illinois with Mr. Brewster.
Mr. Smith of Virginia with Mr. White of Ohio.
Mr. Connery with Mr. Rodgers of Pennsylvania.
Mr. Dempsey with Mr. McLean.
Mr. Fernandez with Mr. Leland M. Ford.
Mr. Kleberg with Mr. Darrow.
Mr. Anderson of Missouri with Mr. Bradley of Michigan.
Mr. Celler with Mr. Holmes.
Mr. Barry with Mr. Curtis.
Mr. Mansfield with Mr. Burdick.
Mr. Robinson of Utah with Mr. Wolverton of New Jersey.
Mr. Tarver with Mr. Landis.
Mr. Boehne with Mr. Marcantonio.
Mr. Kirwan with Mr. Wadsworth.
Mr. Byron with Mr. Jarrett.
Mr. Crosser with Mr. Winter.
Mr. Buck with Mr. Lemke.
Mr. Buckley of New York with Mr. Wigglesworth.
Mr. Harrington with Mr. Kunkel.
Mr. Kee with Mr. Hinshaw.
Mr. Somers of New York with Mr. Sandager.

Mr. KELLY changed his vote from "present" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas and Mr. KINZER asked and were given permission to revise and extend their own remarks.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article of criticism and fact about the Bank of England.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. I also ask, Mr. Speaker, unanimous consent to extend my own remarks in the RECORD and to include therein an address entitled "My Country" delivered by the senior professor of the Department of Oriental Languages and Literature of the University of Chicago.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain data from the National Economic Council.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include some charts taken from the 1938 Foreign Bondholders' Protective Council relating to foreign debts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The Chair cannot recognize the gentleman at this point for that purpose as there are special orders pending.

The SPEAKER. Under the special order of the House heretofore entered, the gentleman from California is recognized for 15 minutes.

WHEN IS A NATION BANKRUPT?

Mr. VOORHIS of California. Mr. Speaker, I am going to ask today, if I may, to be permitted to proceed without interruption for a period of time.

Mr. Speaker, frequently in recent weeks we have heard the charge made that the Nation is about to go bankrupt, and I want to speak on that point today. There are only two circumstances under which it is possible for our Nation to go bankrupt. The first of these is if the Nation consistently and over a long period of time consumes more than it produces. In that way you can go bankrupt. The second is when people who ought to know better and who are responsible for the destiny of their Nation just decide they want to go bankrupt.

The first of these situations is practically impossible in America. We are capable of a production of about $120,000,000,000 a year of real wealth and I think it is beyond possibility, except in the extreme case of a very long and protracted war that we could possibly go bankrupt by that route.

The second situation is the one we need to worry about. We can go bankrupt if we just decide we want to, and we are going to decide whether we do or not right in the Congress. We are going to decide whether the money and national credit of the American people is going to be created privately and bought at interest by the Government to finance our defense efforts or whether the Congress is going to do its constitutional duty and coin and regulate the value of the money of the American people. If we ever needed a constitutional monetary system, we need it now.

GOLD—THEN AND NOW

When I was a boy I was taught that if you had a 5-percent gold reserve behind money it meant that the money was sound and the reserve was ample. But today we talk about national bankruptcy when we have $20,000,000,000 of gold, enough on the old gold-standard basis to back $400,000,000,000 worth of credit or currency. It is true that the great financial powers of this Nation and the world do not want to lose the privileges they have enjoyed so long so our Government is forced to give the banks claims against that gold in the form of gold certificates which constitute a sort of paper barrier against the national constructive use of that metal as a backing for national credit or currency. The same people who once said that gold must back money now say it must not do so and the reason is it once belonged to the banks, but now, thanks to this administration, it belongs to the people.

I do not believe for a single moment that either gold or any other type of backing is necessary to give the money of a great nation a stable value. The value of money depends simply upon the relationship between the volume of money

in circulation and the velocity of its turnover compared to the output of real goods and services. Nevertheless, there are still a good many people who feel that to back money with gold or silver makes it safer and sounder. We who believe in monetary reform can today meet those people on their own ground, for we have ample reserve of the metals in our possession. We have $1,682,000,000 or so of silver seigniorage, some $280,000,000 of free gold, and a stabilization fund of $1,800,000,000 which we are told we are keeping "until we come to an emergency." With but slight changes in the law, we could replace all outstanding gold certificates with United States currency, which is really all the gold certificates amount to anyway, since the gold which belongs by law to the United States cannot be used for their redemption. Then on the basis of a 40-percent gold backing we could have available a credit or monetary base for many billions of dollars with which to finance our defense program and other necessary expenditures.

That is to say, if, instead of requiring 100-percent gold backing, as now required behind gold certificates, we only required 40-percent gold backing, as is now required behind Federal Reserve notes, there would be available and entirely free of any semblance of a claim against it 60 percent of the gold now buried in Kentucky. As I said before, we can only go bankrupt if we consume more than we produce, or if we deliberately choose to bankrupt the Nation by bookkeeping devices in order to protect a private money-creating privilege. We could stop borrowing today if we would start making a constructive use of this gold for which the American people have actually paid so handsome a price. I have suggested one way in which this could be done. I shall presently come to another way it could be done.

Mr. PATMAN. Will the gentleman yield?

Mr. VOORHIS of California. If I will not be asked to yield again, I yield to the gentleman.

Mr. PATMAN. Is it not a fact that if we were to adopt the gentleman's plan we could easily save $1,100,000,000 a year in interest payments?

Mr. VOORHIS of California. That is right. Not only that, but we could save a good deal of the psychological concern of people about the public debt. Most of it, in my judgment, is a debt which was contracted only because we chose to borrow the credit of America from the banks instead of using that credit directly for the public welfare.

THE MYSTERY OF MONEY

America cannot go bankrupt financially unless we first go bankrupt intellectually. We have the greatest store of natural resources, the most skillful hard-working people, the finest governmental structure, and the greatest national tradition of any nation in the world. We have a Constitution which says "Congress shall coin money and regulate its value." We also have over $20,000,000,000 of gold which our people have bought and paid for but which lies idle and useless in the Kentucky hills, while the Bureau of Engraving and Printing continues to grind out interest-bearing bonds on the same presses that could be turning out noninterest-bearing currency backed by the most ample reserve any nation has ever had in all the world's history.

But if, under these circumstances, Congress exercised the sovereign right of the Nation to create its own money, then the mystery of money would disappear, and no longer would the financial pundits be able to deceive the people into thinking that fiat credit created by banks is sound money while national currency created by the people's Government is not.

PROPOSAL FOR REAL SECURITY

Now, Mr. Speaker, there are four problems that we hear a great deal about. The first is the increased debt and the cost of the national-defense program. The second is the gold problem. The third is the problem of providing a market for our own farm products and also providing a market to the extent we can for the products of Latin America. The fourth problem is that of securing an adequate reserve supply of critical materials and nonperishable food against a time of national need. The importance of the last of these will impress everyone, I am sure, whether the others do or not.

In this connection I want to present here as briefly as I can a proposal which I cannot claim credit for except to say that I think it is a very important proposal, made by a man by the name of Benjamin Graham. I present it here to show how wisdom and understanding can stand effectively in the way of any danger of bankruptcy if only we will employ the wisdom and the understanding. In brief, his proposal is that a National Materials Board be set up, the aim of which shall be the creation of liberal supplies of all essential raw material.

In the second place, he proposes that all restrictions on production should be relaxed or abolished, that the raw materials acquired by this board from our own producers or from Latin America should be counted as a part of our monetary reserve, and that we decide what quantity of 30 or 40 of the basic commodities should be deemed to be worth a dollar, just as we have decided that so many grains of gold are worth a dollar. He proposes that as we accumulate the supplies of critical materials, essential commodities, and so forth, we recognize them as a monetary base for the money of the United States. Each dollar so issued could be exchanged for a certain amount of these 30 or 40 commodities. Under these circumstances it would be possible, insofar as the trade of Latin America is concerned, to see gold flowing to those nations and to see commodities flow into the reservoir of the United States and the American people against any possible exigencies in the future. And the whole transaction would cost us nothing. It would simply mean a partial replacement of gold by commodities as a "reserve" behind our money. It would mean a new market for our farm commodities, which is a matter of even greater importance.

Mr. PATMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. VOORHIS of California. I yield to the gentleman from Texas.

Mr. PATMAN. The Export-Import Bank bill will be up tomorrow or the next day, and that will carry out the suggestion the gentleman has made.

Mr. VOORHIS of California. Perhaps to some degree, but this proposal is that we recognize the commodities people use for the real necessities of life as a more secure base for money than gold. To the extent that we actually need, for security, a reserve supply of food and critical materials, I cannot see anything wrong with so using them, and I am sure such a reserve would remove us very far as a Nation from this bankruptcy we are hearing about.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is not the whole Federal Reserve System based on the proposition that we are dealing with the natural wealth of the country represented by paper?

Mr. VOORHIS of California. In a certain sense that is true, but the Federal Reserve System is a private banking system, and every dollar of credit it puts in circulation is based on someone's debt, and I am not talking about that kind of a system.

Mr. Speaker, I ask unanimous consent to include at the end of my remarks this article by Mr. Benjamin Graham on this commodity-reserve program. I think it merits the study of every Member. I do not take responsibility for all Mr. Graham says, but his proposal has definitely challenged my thinking.

The SPEAKER pro tempore (Mr. PATRICK). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, our peace depends in part, certainly, upon our defense program. It also depends on our enabling our own people to consume in proportion to their power to produce; in other words, it depends on our having a home market which will be as great as our home production of goods needs to be. This is our basic hope of peace in the long run. America will give all she has to give to defend her freedom, but she could and should be free of the necessity of fighting over foreign trade. This implies a

sound monetary system, and it implies, among other things, an old-age pension.

Mr. Speaker, I ask unanimous consent, in substantiation of the statement I have just made, to include a quotation in my speech here from Mr. Thorwald Siegfried, of Los Angeles, Calif.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Here is what Mr. Siegfried has to say about this foreign-trade proposition. I am sure it is worth studying.

The old "mercantile theory" taught that the nation which shipped out the most goods and got in the most silver and gold would rule the world. So long as one nation pursued it, it seemed to work. When the practice became general it defeated itself. Like slavery, it enslaved those whom it regarded as masters. Mercantilism has been repudiated in theory only; its practice has been persistent, threatening the ruin of the world.

Foreign trade formerly accounted for from 5 to 10 percent of American business. If you believed what you read you were convinced that the continuity of all business depended on that small overseas fraction. You were told that goods would back up and clog domestic commerce if the foreign outlets were blocked. The reason for it was never stated in its final form, which is that Americans cannot buy all the goods made in America.

When we discover whether that impotence is permanent, we shall also find that war is not nearly so inevitable as it has seemed to be.

Why should a national boundary have the magical effect of making it impossible for the people within that line to buy all of the goods which they make for sale? Would the effect be the same if the boundary were extended so as to include all the world? Or would producer-consumer balance be more feasible in a smaller area than in a larger one? The answer is that the extent of the national boundary has nothing to do with economic balance; that a small area could have balance resting on a sound economic organization, and neither a small one nor a large one can have it without that basic requisite, balance between goods made and goods sold.

AN ESSENTIAL FACTOR IN NATIONAL DEFENSE

The central principle for which I am contending today, as I have been contending for so long, is that the active money supply of the Nation must be increased as production increases and that this money or credit must be put into circulation originally by Government and must be kept in circulation by means of a sound tax program. For by such means do we get that balance between goods produced and goods sold which is so vitally necessary to full production and hence to national financial strength.

We are confronted now with the necessity of a gigantic national-defense program for this Nation. All of us are for it, all of us know it must be done, and all of us desire to see it done in the best and most expeditious manner. Now is the time, we believe, to provide the means of defense. If so, then we should provide the monetary as well as the material means of defense should we ever have to use them, which God forbid. I have introduced two bills that I call the National Credit for Defense Acts. One of them is H. R. 8080. Very briefly I should like to read the first section of that bill. It is as follows:

SECTION 1. (a) Whenever a state of war shall exist between the United States and any other nation then the Secretary of the Treasury is hereby authorized and directed to issue United States currency notes to the amount of such appropriations for the Military and Naval Establishments of the United States as may be enacted by Congress during the duration of such state of war, minus such net increases in revenue as may be realized after the provisions of title II of this act have become effective.

Title II of the act states as a policy the provision of taxes which will be in accord with the national need and the national effort being put forth should our country ever be forced to defend itself by force of arms.

If an interest-bearing debt based upon bonds can be supported by the production of the Nation plus the power of the Government to tax, which is the only thing that supports it, then obviously a non-interest-bearing debt can be supported in exactly the same way, except that it can be done far more easily and with greater justice.

ABRAHAM LINCOLN ON MONEY

Abraham Lincoln has been widely quoted by many people, but there is one quotation of Abraham Lincoln you do not very often see in print. I want to give it to the House this afternoon. He said:

Money is the creature of law and the creation of the original issue of money should be maintained as an exclusive monopoly of national government.

The privilege of creating and issuing money is not only the supreme prerogative of government, but it is the government's greatest creative opportunity.

There are those who believe that it was fearless statements like this which led to the assassination of President Lincoln.

So I say today that particularly in this time of national need and crisis whatever advantages are going to derive from the original creation of any volume of the exchange medium, whether it be by coinage, printing, or the creation of deposits on the banks' books, should always accrue to the people generally and never to any privileged group.

APPLICATION OF THE PRINCIPLE

Right now it is a function of the Federal Reserve Board to expand the monetary supply when the needs of business and industry require it. This it does primarily by using a device known as an open-market operation, whereby bonds outstanding in the hands of banks mostly, and sometimes individuals, are purchased by the Federal Reserve Board with credit on their books. The credit on the books of the Federal Reserve banks is the credit of the American people and their Government, there is no question about that. But when this transaction takes place, mind you, it takes place—or at any rate it should take place—because of the increased production of wealth, because the inventors of America, the executives of America, the workers of America, the farmers of America, have increased production and exchange of real goods and services. When that takes place, nevertheless, the purchase of those bonds by the Board does not result in a decrease in the public debt.

On the contrary, the public debt remains right where it was, and all that happens is the transfer of those bonds from the portfolio of a member bank to the portfolio of the central Federal Reserve banks and the Board. I believe that is wrong. If these Federal Reserve banks belonged to the people of the United States, as they ought to, and as they could with the expenditure of some $132,000,000 for the purchase of their capital stock—as the gentleman from Texas [Mr. PATMAN] and I and some other people have been contending for many years—then every time the people of America expanded their production of wealth and there was need and justification for expansion of money in circulation, the Board would then buy bonds with national credit exactly as it does now. The transaction would not need to be changed a single bit. But when that transaction was made by the Board of a central bank belonging to the people, which the Federal Reserve central banks would then be, then those bonds would be in the hands of a Government agency and as a matter of fact, the public debt would be decreased, the bonds retired, and the interest on them saved to the taxpayers. If it is not a principle of justice that the people of America by their industry should be able to earn their way out of debt, I do not know what is a principle of justice. If this Congress made that one thing possible, you would give more hope to the people of America than any one thing I know; if they realized that, as their production of wealth increased and as they could thus justify economically an expansion of the monetary supply, they would thereby decrease their public debt, a lot of the concern and worry of the people would be removed.

CERTAIN EFFECTS OF MONETARY EXPANSION

And now, simply to illustrate briefly the power and influence of money in our economy, I want to show that even under present circumstances the pursuit of a policy of expansion by the Federal Reserve Board can have beneficial effects.

In August and September of last year the Federal Reserve Board embarked upon a policy of purchasing Government bonds, and in their annual report there is a brief paragraph that says that the aggregate amount of securities purchased

by the system from August 28 to September 25 was $473,000,000; that is, $473,000,000 of Government bonds purchased by the Federal Reserve Board. They were purchased in order to support the Government bond market, but their action had other results as well. For I have also here a statement from the United States Department of Labor, Bureau of Labor Statistics, which shows that between August 19 and September 23 the index of purchasing power of the dollar declined from $1.34 on August 19, to $1.25 on September 23, and that is reckoning the dollar at the 1926 level. Dollars were becoming less valuable, and all other wealth more valuable in terms of dollars.

[Here the gavel fell.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore (Mr. PATRICK). The gentleman from Oregon [Mr. PIERCE] has 15 minutes.

Mr. VOORHIS of California. Mr. Speaker, I do not see the gentleman here, and I still ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. This decline in the purchasing power of the dollar meant that the price level of basic commodities went up, and I would remind the House once more of something I have said many times, that the price level of basic farm commodities responds quicker to monetary influences than any other kind of prices. Another result of the dollar decline was that whereas in August of 1939 a daily average of 700,000 shares of stock had been traded on the New York Stock Exchange, and the total value of all stocks listed had been $41,000,000,000, in September a daily average of 2,500,000 shares were traded, and the total value of all stocks listed was $47,000,000,000.

I would also like to point out that under circumstances of this kind, with dollars declining and real wealth increasing in relative value, people who have been hoarding deposits—and there are about $15,000,000,000 of hoarded deposits in this country today—will almost certainly use those deposits for investment in productive enterprise and put them to work for the benefit of the unemployed people and for the benefit of the Nation generally. And that, too, is a matter of great importance, if, as I have said, production is the ultimate guaranty against bankruptcy.

OBJECTION ANSWERED

A Member of another body recently wrote a letter of inquiry to the Treasury and asked what the objection was to having the Government use its power to create the medium of exchange of this Nation interest-free on the basis of its gold, instead of issuing interest-bearing bonds. Here is a portion of the reply from the Under Secretary of the Treasury, and I quote:

> One important objection to issuing money in order to pay for expenditures in excess of receipts is that bank reserves would have further increased. Currency in excess of what the public chooses to hold for cash transactions is usually deposited in banks, but deposit of such currency increases reserves which are available for the multiple expansion of bank credits.

I want to answer that in order to show the vicious circle that must, I am sure, be broken.

Of course, what the Under Secretary says is true; but, in effect, he is saying that we must not let the Government or the people of America create the money that is needed by the country and justified by its business activities for the reason that we have already, in violation of the Constitution, given the banks that privilege. It is like saying that because we have sold the Nation's birthright it must stay sold. Everybody realizes that if national money is put into circulation or national credit extended, then that money would soon find its way to the banks and be eligible as reserves and the banks would enjoy the opportunity for a multiple expansion. But this only reinforces my argument, and the point made by President Lincoln in the quotation just given, for it brings into bold relief the fact that what we ought to have is a banking system which would lend real money instead of fiat credit and where private institutions did not create money on their own account. Therefore the answer to this objection is that by gradually increasing the reserve requirements as you put Government money into circulation, you would not only answer the objection made, but you would also put your country in a position where no bank in this country could possibly fail, because every demand deposit would be backed, dollar for dollar, with real money. There could never be another run on the banks of America.

I have tried to cover, in a few minutes, a good deal of territory here this afternoon, but I feel very deeply about this matter.

I have heard people say we need not worry about the cost of the defense program, because some day in the future we can get rid of the debt one way or another; repudiate or inflate. I think that attitude is indefensible. Along that road lies trouble for the United States that I do not like to contemplate. My plea is that we face now and courageously these issues and honestly deal with them. The national-defense program is going to cost a lot of money. We are going to have to spend it. At the same time our own people are going to have needs that ought to be met now more than ever because of the sacrifices that will be asked of them.

If we can only realize that the basis of American peace lies not only in the defense program but also in enabling the people within our own boundary to consume as much as they are capable of producing, so as to render us no longer dependent upon foreign trade; if we could only understand that it is only wealth that actually backs money; if we could only understand that it is production of wealth that gives money its value; if we could realize the principle that no nation ought to have to go into debt in order to bring into circulation the medium of exchange which is justified on the basis of the expansion of its commerce; if those things were clear to us we would need have no fear that in the future or now, our country could ever go bankrupt. No great nation with the power to produce that the American people have, can ever go bankrupt unless it deliberately decides it wants to.

I have tried to show that we can forever forestall any danger of bankruptcy if we will either employ our vast metal stocks as base for national money and credit, or use reserves of essential commodities as reserves behind monetary issues, or—simplest and most direct of all—buy the stock of the 12 central Federal Reserve banks and make them a real bank of issue of this Nation, employing national credit for a reduction instead of an increase in public debt.

The ability of the American people to produce twice the wealth they are now producing is our guaranty against bankruptcy. All I ask is that our national bookkeeping should reflect that fact.

That is the burden of my speech today. [Applause.]

Mr. Speaker, in order to get the record perfectly straight, I ask unanimous consent to include with my remarks a few paragraphs from an article by Thorwald Siegfried and, also, an article by Benjamin Graham, entitled "Guns and Butter," in which he sets forth the plan for commodity reserve that I spoke about.

The SPEAKER pro tempore (Mr. PATRICK). Without objection, it is so ordered.

There was no objection.

GUNS AND BUTTER—MOBILIZING BASIC COMMODITIES FOR DEFENSE

(By Benjamin Graham)

Defense measures, authorized or contemplated, already make appropriations of some $14,000,000,000. These enormous sums are to be spent in the hope that they will keep us out of war, but with the determination that if war comes we shall be thoroughly prepared. Expert thought is being given to our requirements in terms of personnel, munitions, and mechanized equipment. We see emerging a detailed, carefully coordinated scheme for developing our Army, Navy, and air forces.

Of virtually equal importance with munitions in military preparedness is an ample supply of basic raw materials. War has always meant scarcity and privation. Supplies of essential commodities which may seem burdensome by peacetime standards have always proved insufficient under the challenge of military needs. In the field of our own raw-material supply there are also many plans and much activity. Yet the overshadowing factor is the

absence of any consistent, carefully coordinated plan for dealing with our commodity resources and potential needs. What we see today is an extraordinary mixture of unrelated and even contradictory policies. We are still afraid of commodity surpluses and still following methods of crop restriction and other curtailment, although we well realize that in time of war we shall soon be suffering from shortages.

A review of the situation as it has developed to date, and a study of the underlying causes of its inconsistencies, may lead to the proposal of an intelligent and effective plan for coordinating commodity preparedness with military preparedness.

On the side of building up commodity supplies we have the following defense measures in operation:

1. Designation of 30 strategic and essential materials (two groups), ample supplies of which are to be encouraged.
2. Acquisition of certain raw materials by the Government.
3. Plans to manufacture synthetic substitutes for imported materials, notably rubber.
4. Licensing—i. e., potential embargo—of shipments of petroleum products and scrap metals as materials essential to national defense.
5. Plans to assist Latin America to carry her commodity surpluses, chiefly to counteract German economic influence.

Nevertheless we have in operation at the very same time a number of devices which are intended to reduce our supplies of essential raw materials. These include the following:

1. The A. A. A. program of bonuses to farmers, dependent on limiting the acreage planted.
2. Payment of Federal subsidies on exports of various commodities.
3. Drastic reduction of oil output by State proration orders.
4. Restriction of copper production by gentlemen's agreements among leading producers.

The Government's crop-loan policy combines elements of both programs, contradictory as they are, since on the one hand it serves to accumulate stocks of necessary materials, but on the other hand it requires curtailment of further production.

Viewing the matter from the angle of the major raw materials involved, the working out of the above policies may be scheduled as follows (major raw materials are here defined as those for which United States production or consumption exceeds $40,000,000 annually):

Products now being accumulated by the Government: Rubber, tin, wheat, corn, cotton, and wool.

Latin-American products subject to proposed surplus loans: Corn, coffee, wheat, meat, hides, etc.

Products subject to export license or embargo: Petroleum, scrap iron, and steel.

Products subject to restricted production in United States: Corn, wheat, cotton, rice, tobacco, milk, petroleum, and copper. (Copper generally understood to be subject to unannounced restrictions on output.)

Products subject to restricted production outside of the United States: Coffee, tin, rubber, and cocoa.

Products on which export subsidies are being paid: Wheat, flour, corn, and cotton.

The contradictions implied in the above schedule hardly require comment. It is interesting to note, as a matter of coincidence, that the Federal Government is now taking title to loan corn for purposes of exporting it under subsidy, at the very time that Argentina has prohibited export of old-crop wheat because of scant supplies. Also that, despite our determination to acquire large stocks of rubber and tin, it is still necessary for the far eastern producers of both staples to operate under cartel-limited output or sales.

It is natural to ask why we have this vacillating and contradictory policy in the field of raw materials, as contrasted with our full-speed-ahead activity in munitions and even in conscription. If we ponder the question, the answer should be clear enough. Raw materials are items of commerce. Excessive supply breaks the price structure and demoralizes our entire economy. Large defense stocks, while of inestimable value in the event of war, appear to have corresponding power to ruin business if peacetime conditions return and find us with these burdensome holdings on our hands. We are impelled, therefore, to keep one eye on war and another on peace. The result is a cross-eyed, cross-purpose policy or set of policies. We are still almost as fearful of surplus as we are of scarcity.

In the field of munitions, no such dilemma confronts us. It may turn out we have more than we need; but the sole penalty is the extra cost—which we willingly charge to insurance expense. Because munitions are noncommercial, an oversupply does not threaten market prices and business stability. Paradoxically enough, therefore, it is the very usefulness of primary raw materials which turns them into a threat to our future prosperity. We think we must go gingerly about acquiring them; whereas we can splurge to the hilt in laying up our blessedly noncommercial store of munitions and armament.

If the above analysis correctly reveals the cause of our inconsistent attitude toward basic commodities, then we face an imperative need for a prompt change in our habits of thought and our technique of action. We must accommodate these to the demands of the hour, and not vice versa. We cannot botch our job of provisionment through subjection to old-fashioned and absurd fetishes. The anomaly of poverty caused by plenty has licked us now for many years; but under the stress of supreme necessity we must turn upon it and subdue it.

How can this be done? The writer makes bold to suggest a concrete, articulated policy which will deal adequately with the present emergency—including the Latin American problem—and also provide a basis for a permanent, peacetime solution of the problem of recurrent surplus.

A. ACQUISITION OF DEFENSE STOCKS

1. A National Raw Materials Board should be set up to coordinate our program in the field of raw-materials supplies. Its aim should be the creation of liberal supplies of all the essential raw materials, with the view to preventing a possible wartime shortage such as afflicted us in 1917–18. In general, the projected supplies of essential commodities should correspond in abundance with those of munitions of war. (The Board might well be constituted as a part of the National Advisory Committee on Defense and represent an extension of Mr. Stettinius' present sphere of activity.)
2. As part of the program of acquisition, present restrictions on production should doubtless be relaxed or abolished.
3. Our assistance to Latin America should include the acquisition of their surplus raw materials, both as a welcome addition to our defense stocks and as a most effective contribution to hemispheric solidarity.

B. FINANCING OF RAW-MATERIALS SUPPLIES

4. Our national-defense stocks of raw materials should be added to our stock of gold to form a composite physical backing for our money. The raw materials should count in our monetary reserves on the same terms as gold.
5. Raw materials acquired from Latin America should be paid for by delivery of gold, and the raw materials should take the place of the outgoing gold in our monetary reserve.
6. If the commodities in the monetary reserve are needed for national defense, they will be drawn on in the same way as our gold holdings would be drawn upon to pay for a war.
7. If, as we hope, the world situation will ultimately right itself without involvement on our part and without the need for consuming our commodity reserves, then we may proceed to transform these reserves into a true reservoir, the objects of which shall be the mobilizing of surplus, the stabilizing of the price level and general business, and the steady improvement of our living standards. The mechanics of this commodity reservoir—basically as simple as the operation of the automatic gold standard—will be explained below.

The seven-point program above summarized has both an immediate and an ultimate objective. For the present emergency it aims, first, to acquire a national supply of all essential raw materials sufficient to meet the demands of possible war; second, to take over as part of this supply such of the Latin-American products as may best complete our commodity reserves and alleviate our neighbors' problem of surplus; third, to finance these acquisitions without increase in debt or interest charges; and fourth, to improve our basic monetary situation by distributing part of our excessive gold holdings and supplementing them by a raw-materials reserve.

Each of these objectives should recommend itself to thoughtful citizens. The need for ample supplies is obvious. Our plan will both provide these and avoid their attendant disadvantage, namely, the threat of price collapse if we turn out to have more than we need. If commodity holdings are made an integral part of our monetary reserve they need not press upon the open market, any more than the huge gold and silver holdings behind our paper dollars consitute a drag upon the market for gold and silver.

Some years ago Dr. Paul Einzig, the eminent British economist, remarked:

"The admission of the principle that nonperishable staple commodities can be included in currency reserves to a limited extent would go a long way toward solving the world's monetary problems and also the present problem of surplus stocks." (Monetary Reform in Theory and Practice, p. 209. See the detailed discussion of this whole subject by the present writer in Storage and Stability—A Modern Ever-Normal Granary, McGraw Hill Book Co., 1937.)

The time has come now to put this policy into effect. An exchange of gold for basic raw materials—within the framework of our monetary reserves—will help us as much through redistributing our gold as it will by increasing our commodity strength. We are all aware that the concentration of gold in our hands carries a threat of ultimate repudiation of gold by the rest of the world. Adherents of gold affect to pooh-pooh this possibility. But the issue can be clearly stated. If gold is valuable in its own right, then we can ignore what other nations say and glory in our golden avalanche. But if the value of gold depends mainly on international acceptance, then there is real danger that other nations will refuse to create a value for something we possess and they do not. The very fact that we need to reassure ourselves that other countries will always want gold is a simple proof that the first statement is wrong and that we must beware of the threat in the second.

Any step by which we can put some of our gold in the hands of other nations—for value received—will be most helpful to the cause of gold, which is chiefly our own cause. Latin America can use this gold to buttress its monetary systems; by exchanging surplus commodities for it, they also strengthen their commercial position. On our side we are equally benefited by having a lower percentage of the total gold supply and by having more commodities in soundly mobilized form. It is a perfect exchange.

There are many who are convinced that financial assistance to Latin America, in the form of buying up its raw-material surpluses, is a primary and pressing step in our diplomatic strategy. If

national defense requires that this hemisphere be kept clear of Nazi domination at any point, then we must offer Latin America what the Nazis can offer them—a market for their surplus commodities. Many are prepared to do this even if it costs us huge sums and if the surpluses acquired add to our present commercial problems. The method here suggested will accomplish the diplomatic aim in view without financial cost to us, without interfering with or threatening our commercial markets, and with a consequent addition to both our military and our monetary strength.

For the longer pull and for peacetime conditions, the program above outlined looks to a common-sense relationship between commodity policy and monetary policy. At this juncture we face two possibilities with respect to the commodity reserves now being established. These may conceivably be drawn upon in actual warfare. We hope this will not happen; we must be ready for it if it does. Should war come the commodity reserves will prove invaluable. What gold formerly could achieve indirectly (but may no longer be relied upon to provide) these commodity stocks will give us directly—namely, the wherewithal to wage war and maintain our population without great hardship.

If in time of war the commodities reserves behind our money must be consumed and replaced by Government I O U's the soundness of our money system must invariably suffer, but the same would be true if we drew out gold to pay the costs of war, as England is doing. (Note, however, that this course is possible for England only because we are willing to give goods for her gold. If our time should come, can we be sure that other nations will do the same for us?) At bottom it is military necessity which has always controlled and must control financial policy when war supervenes. The commodity reserves would then fulfill a higher purpose than the mere backing for money, they will be available for consumption when our national existence may depend upon them.

But if, as we fervently hope, the emergency will pass with our defense stocks remaining intact, then we shall be in a position to use the commodity reserves as the basis for a permanent and constructive monetary policy. This policy should envisage a commodity reservoir as a great automatic stabilizing mechanism—to absorb and mobilize surplus, to maintain a stable price level for basic commodities as a group, and to supply the physical means for a steady rise in living standards.

Our gold policy has given us just such a reservoir which is extraordinarily efficacious within a narrow field. It has stabilized the price of gold, supplied us with enough of the metal to meet every conceivable need, assured prosperity for gold producers throughout the world—all without costing us a single cent in principal and interest charges. The gold reservoir has been self-financing and self-stabilizing, and it would be self-liquidating if we wished to distribute the gold among our citizens and correspondingly reduce our existing paper currency and deposits.

The sole weakness of the gold reservoir is the question of the ultimate utility of the metal itself. If we could be as sure of gold's value as once we were, or if instead of gold the reservoir contained products of unquestioned utility, then the mechanism would be as sound as it is effective.

The identical technique which has worked so well in the limited sphere of gold should now be applied to the general field of basic raw materials. These are at once the major source of our wealth and prosperity and the major cause of devastating depression. By giving them a monetary status—on a composite basis—the essential raw materials can be handled as effectively as we have handled gold and to the much greater benefit of the Nation. In fact, all the concrete advantages which we derive from our water reservoirs—defense against both flood and drought, dependable supply for power and fertility—will be duplicated if we establish an analogous reservoir system for basic commodities.

The mechanism is simplicity itself. Define the dollar as equivalent to and physically interchangeable with a composite unit of basic raw materials. There would be about 25 or 30 of these in the unit, in amounts proportionate to relative production or consumption during a base period. This definition of the dollar will establish a fixed price level for the "market basket" of commodities as a whole, in the same way as the definition of the dollar as 23.22 grains of gold formerly fixed the price of gold at $20.67 per ounce.

If the value of the dollar unit in the open market tends to fall below a dollar, it will be profitable to buy commodities on the various exchanges and "coin them" into paper money. Conversely, if prices advance and the unit is worth a little more than a dollar when broken up, it will be profitable to exchange paper money for commodities and sell them out on the various exchanges. Through this mechanism—entirely automatic and impersonal—the price level is kept stable by the passing of commodities into and out of the reservoir. Precisely the same sort of mechanism for decades kept the value of the pound between $4.84 and $4.88 by the transfer of funds between England and America.

The details of this proposal—including storage methods and costs—have been discussed at length elsewhere (in the writer's Storage and Stability). It was originally conceived as an effective means of dealing rationally with surplus (and preventing serious depressions) by stabilizing the general level of raw-material prices, in particular those for farm products. The program now takes on an added stature because it is ideally suited to meet the exigencies of our present situation. We are free, if we wish, to apply it only in its emergency aspects—comprising the acquisition of adequate defense stocks, the relief of the Latin American surplus problem, and the addition of these commodities to our monetary reserve. But its ultimate implications are worth weighing with care—especially since we are faced with the challenge of a Nazi empire which boasts that the money of the future will rest not on gold but on work and goods.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

COMMITTEE ON RULES

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may have until 12 o'clock tonight to file a special report on the bill H. R. 10361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HOFFMAN] may have 10 minutes after the regular business of the day and other special orders to address the House on Wednesday next.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order the Chair recognizes the gentleman from Wisconsin [Mr. MURRAY] for 5 minutes.

FACTS FOR FARMERS

Mr. MURRAY. Mr. Speaker, usually at election time professional politicians make every effort they can to tell farmers why they should vote for them. They also tell the farmers how much they have done for them. The political agriculturists are interested in agriculture only from a political standpoint, which is the number of votes they can corral on election day. The election this fall evidently will be no exception.

The following figures obtained from the Farm Credit Administration show the number of farm loans and the number of farms acquired by the Farm Credit Administration since 1933 in the United States:

*Federal Land Bank and Federal Farm Mortgage Corporation real-estate acquirements*

| Year | Number acquired | Percentage of estimated number of borrowers |
|---|---|---|
| 1933 [1] | 5,836 | 1.9 |
| 1934 | 5,877 | 1.3 |
| 1935 | 13,279 | 1.8 |
| 1936 | 17,232 | 2.1 |
| 1937 | 14,002 | 1.7 |
| 1938 | 13,774 | 1.7 |
| 1939 | 16,804 | 2.1 |
| 1940 [2] | 4,331 | .25 |
| Total number of farms (foreclosed) acquired by New Deal | | 91,135 |
| Average amount of each loan | | $2,800 |
| Average yearly interest per loan | | $98 to $112 |

[1] January and February 1933 figures deducted.
[2] Figures are for first 6 months.

This second table shows the number of housing units constructed by the United States Housing Authority under the New Deal:

| | |
|---|---|
| Number of localities | 134 |
| Amount of Federal moneys appropriated | $800,000,000 |
| Number of units to be subsidized | 145,126 |
| Number of units constructed and under construction Aug. 1, 1940 | 90,436 |
| Average cost per unit | $4,359 |
| Amount of subsidy per year | $28,000,000 |
| Total amount of subsidy for 60-year period | $1,680,000,000 |
| Average amount per unit of Federal subsidy per year for 60-year period ($28,000,000 ÷ 145,126 units) | $193 |

The picture I wish to present today to my colleagues is the unvarnished fact that the New Deal-Progressive program of the present administration has been following a procedure that is unfair and unjust to the farm people of this country.

From the foregoing tables you can readily see that the New Deal-Progressive program of the United States Housing Authority has, up to August 1, 1940, constructed 90,436 units under the United States Housing Authority housing program at an average cost of $4,359 per unit.

During the existence of the New Deal the present administration has acquired 91,135 farms and has driven these farmers onto the W. P. A. and the relief rolls of the country, while

at the same time they were building the 90,436 homes for their city cousins with the aid of a Federal subsidy. If this is the kind of legislation which the leaders of the New Deal Senators and Congressmen from Wisconsin have supported in Congress, it is well that the farmers of Wisconsin really see the kind of legislation their representatives have promoted.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. MURRAY. Sorry, but I have not the time.

HAVE YOU THE ANSWERS TO THE FOLLOWING QUESTIONS?

First. If the New Deal-Progressive bloc has voted millions to build 145,126 housing units for the city people, why has the New Deal-Progressive bloc allowed the New Deal to take 91,135 farm homes away from the farmers of this country?

Second. When the New Deal took these homes did not they also take the farmer's method of making a living from him? Where did the great humanitarian part come in? Is not this typical New Deal philosophy of government, where one group is helped at the expense of the many?

Third. If the New Deal-Progressives have voted for a housing program which calls for an annual subsidy of $28,000,000 from the Federal Treasury for a 60-year period, does not this mean an annual subsidy of $193 each year to every family which moves into these housing units?

Fourth. Why should the New Deal-Progressives be so anxious to give a city dweller or any individual a subsidy of $193 a year when at the same time the farmer could have retained his home for $98 to $112, which would be the interest on the average farm mortgage foreclosed?—$2,800 average mortgage times 3½ to 4 percent equals $98 to $112.

Fifth. If the New Deal-Progressives had been interested in saving the farm homes, they could have saved these with an annual subsidy of less than $9,000,000, which would have been the total interest per annum, could they not? It seems that the New Deal-Progressive bloc was more willing to spend money for what they called the "more abundant life" than they were in using common sense and common justice for the farm people of this country.

Sixth. Do you think that the New Deal-Progressives can give the farmers of this Nation, who have lost their farms in great numbers due wholly to adverse weather conditions, an explanation of why they have driven them from their farm homes of $2,800 average mortgage value, including the farm itself, when they have been building $4,359 homes for another group of people?

Seventh. Do you think that the New Deal-Progressives can give the dispossessed farmers of this Nation a satisfactory reason why they subsidized one group of people at an average of $190 per man per year when the dispossessed farmer could have held his home with a $98 to $112 subsidy per year? This is just one more example of the cross purposes of the New Deal. This procedure is fake humanitarianism.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield in order to keep the record straight?

Mr. MURRAY. I yield.

Mr. SCHAFER of Wisconsin. The gentleman refers to the New Deal-Progressives. Is that because in Wisconsin the New Deal political army has two divisions, one composed of progressive politicians who run under the banner of the Progressive Party in Wisconsin, and the other composed of a division of Democratic politicians who run under the banner of the Democratic Party? Whether the voters vote for the Progressive candidates or the Democratic candidates in Wisconsin they vote for new dealers. The anti new dealers therefore have no alternative except to vote for candidates on the Republican ticket.

Mr. MURRAY. That is so.

Eighth. If the farm foreclosures had been halted when they should have been, 91,135 farm families would have had homes. More farm families lost their homes than were built for others by the New Deal.

Ninth. If the present administration was sanely humanitarian, should they not have been willing to have left these farmers on their farms with a $98 to $112 annual subsidy in the form of interest rather than drive them onto the W. P. A. and relief rolls where they cost the Federal Government hundreds of dollars annually? Is not this one of the alleged "social gains" of the present administration?

The New Deal-Progressives tell the farmers at election time how they are fighting for them, but the fact is that they do not do anything for them. I am happy to think that I have at least been able to equalize and reduce the interest burden of the farmers of this country to an extent that it means the saving of tens of thousands of dollars a year to the farmers of my district and an annual savings of millions of dollars a year to the farmers of the Nation.

Common sense and common justice make statesmanship and the farmers of America are justified in expecting both some common sense in Government and common justice in the execution of the legislation of the land. [Applause.]

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a copy of my August 14, 1940, letter to Most Rev. Moses E. Kiley, S. T. D., president of the Catholic Herald Citizen, and a copy of the editorial entitled "The First Attack on Religion" mentioned therein.

The SPEAKER pro tempore. Is there objection?

There was no objection.

HOME GUARD FOR LOCAL HOME DEFENSE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, the Congress is about to set its stamp of approval on legislation which grants authority for calling the National Guard into service. A bill providing for compulsory military training is being considered by both the House and Senate. Just as vitally important is the subject of a well-trained and efficient home defense guard. So far our military authorities seem to have largely overlooked this very essential part of the preparedness program. Modern warfare, as demonstrated by Hitler, convinces us that protection of strategic home areas and the care of the civilian population is just as important as the work of the combat troops. Congress should give this matter immediate attention.

The gentleman from California, Congressman COSTELLO, and I have introduced bills, H. R. 10071 and 10072, which provide a basis for organizing and training a home guard for local home defense. No particular pride of authorship is involved, simply a desire to develop a plan of procedure that will be effective. The following principles are proposed as essential to the efficient and economical organization of a home guard:

First. Its duty should be essentially limited to local home defense, for which its obligations should be specified. All defense problems requiring mobility over broad areas or requiring equipment, vehicles, or concentration of supplies for larger combat activity should be the function of Regular Army, National Guard, or drafted troops trained for such combat-defense purposes.

Second. The home guard should operate under a plan—

(a) That is easy of organization through civilian sources, among which are men of World War experience and subsequent executive experience who are capable of undertaking this task if authoritatively assigned to them;

(b) That entails a minimum of expense to the Federal Government or to the State, requiring a minimum of equipment, arms, supplies, and vehicles.

(c) That is capable of expansion or contraction, according to the local defensive needs of the community or locality, according to the geographical location, nature of industries, composition of population, and so forth, of the locality.

(d) That is capable of immediate mobilization in whole or in part to assume its duties actively.

(e) That would enlist in its service as volunteers the substantial and dependable men of the community who would in all probability be exempted from military duty because of age, dependents, employment in key industries, and so forth.

(f) That could be trained and educated in its various duties without disrupting the ordinary economic life of the community; and that, when on active service in the community, would cause the least disruption of the economic life of its territory.

(g) That would require the minimum of training and supervision by Regular or Reserve Army officers who cannot be spared for this purpose. There are plenty of men qualified by military and executive experience for this training and command, who are at present barred from the Reserves because of their age.

Third. The duties of a home guard should be as follows, depending, of course, upon the vulnerability of the territory in which it is formed:

(a) Its members should be fully informed and educated as to all strategic points within their respective home-defense districts, such as oil and gas supplies, water works, manufacturing establishments, bridges, docks, airports, tunnels; and be organized and trained to protect and defend such points from sabotage or enemy infiltration;

(b) Its members should be fully informed and educated regarding all roads, trails, railroads, and other lines of communication within their districts;

(c) Its units should be fully informed as to the topography of the respective home-defense districts, together with the significance thereof in relation to military tactics;

(d) Special units should be formed to provide for and assist in the hospitalization and the evacuation of civilian population in their respective districts, according to a well conceived plan;

(e) It should cooperate with the intelligence section of the Regular Army and/or the F. B. I., with which it is in a position to cooperate effectively, due to the knowledge of its members of the people and pursuits of the people in its own district;

(f) It should be prepared to assume duties in connection with the conscription of manpower in time of national emergency if called upon;

(g) It should train and arm a sufficient force to act as infantry or as automobile infantry in emergency to defend their respective home-defense districts against any preliminary enemy activity or if called upon by the peace officers in the event of domestic disturbances during a war emergency;

(h) It should have units prepared to provide preliminary, elementary drill, and education of conscripts if called upon to do so;

(i) It should be ready to perform such other duties in connection with home defense and to cooperate with the Regular Army or National Guard in such manner and furnish the armed forces with such information with respect to their respective home-defense districts as the War Department General Staff may prescribe;

(j) It should be trained, according to the vulnerability of its district, to direct the civilian population to bomb shelters and places of safety, and so forth, in the event of surprise attacks.

A sound home-defense plan for a local home guard must be flexible enough to fulfill the functions that might be required in each locality; and therefore its tables of organization should provide for such flexibility.

The size and the number and variety of home-guard units would depend upon the vulnerability of the State and the districts to be protected. It is obvious therefore that the coastal States and border regions would require larger and more specialized organizations than most of the interior States. Some of the latter might require very little organization. It is obvious also that industrial areas would require far more organization than semi-industrial and agricultural regions. It is wasteful of energy and funds to provide more organization than is required according to the realistic needs of each area; but obviously the realistic needs of each area must be specifically served.

The home guard must, in order to be effective, enroll men of high caliber and should, therefore, be organized by the most responsible elements of the community. It is then capable of rapid enrollment and efficient operation, and will be free either of political influence or of internal subversive activities. Its formation by well-informed and responsible men of each community means that it would be an organization entirely alert to the conditions within that community. It could, therefore, render effective aid to the intelligence service.

There is little need for drilling activities in the training of those units that are not proposed to function as the infantry of the local home-defense district. Men should be fitted to the jobs they are most capable of fulfilling efficiently. This will eliminate a lot of unnecessary and irksome training except where it is required.

Young men, under the draft age, should not be incorporated in these units. Home-defense activities should be in the hands of more stable and responsible persons who do not require the discipline that would have to be enforced with youths. The youths would be rapidly moving into the draft ages anyhow, or the draft might be reduced to include young men not above the age of 40 to form responsible and effective organizations, dependents, responsible positions, and so forth.

It is most advisable that these units be organized as a special component of the Organized Reserves of the United States Army. That would result in the volunteering of a better quality of men than under any other sponsorship.

Tests of the readiness of these organizations could be easily and economically conducted by calling a condition of "alert" at any time in any community for inspection by the proper military authorities.

A home guard of this type would prevent the dispersal of Regular Army, National Guard, or drafted forces for guard work or local protection. Moreover, a home guard of this type would be more effective and more acceptable to local populations, as it would be made up of men who knew the territory, the people, the customs and habits, and so forth. This is essential if a home guard is to fulfill its functions.

In order to have enrollment of men qualified for these various functions, it is imperative that the system should be based on local home defense, and that these forces should not be shifted from base to base. This also is a matter of great economy. Under this system there would be no occasion for an elaborate service of supply, for armories, for expensive establishments, or for Government vehicles except in exceptional circumstances. The motorized infantry of such a home guard would use its own automobiles, private cars. There would be no need to equip such an organization except with uniforms to be worn only when on duty and with surplus arms. For training and educational purposes, public-school buildings, gymnasiums, public parks, and so forth, could be used.

Organization of geographical areas in a plan of this nature is suggested in House of Representatives bills 10071 and 10072.

In addition to its military and semimilitary functions, the organization of a home guard along the lines proposed above would also have the following results:

First. It would serve in educating each community in the obligations of citizenship and would have a serious and desirable effect upon the less stable citizens and on aliens. In this respect it would serve the process of Americanization;

Second. It would have a stabilizing influence in each community. People would feel assured that their local situation was well in hand. There would be less occasion for hysteria, which is a potential threat where populations have been shown to be as mercurial as they have been in some parts of the country—Man from Mars incident in New Jersey, and so forth. It would distinctly lessen the possibility of domestic disorders. It would add to assurance.

Third. It would indicate the seriousness of responsible citizens in supporting the defense program of the Nation and would stimulate interest in and a greater knowledge of the Military Establishment.

With the foregoing thoughts in mind, I commend this subject to the serious consideration of the Congress and the military authorities in the War Department.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. MAHON (at the request of Mr. THOMASON) for 2 days on account of death in family.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5403. An act to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes;

H. R. 5640. An act to admit Richard Paul Rehn permanently to the United States;

H. R. 5641. An act to admit Johann Rudolf Hueneberg permanently to the United States; and

H. R. 10065. An act to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, August 16, 1940, present to the President, for his approval, bills of the House of the following titles:

H. R. 7173. An act for the relief of Walter Chwalek;

H. R. 7826. An act for the relief of R. F. Brazelton; and

H. R. 9158. An act to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes.

ADJOURNMENT

Mr. PATMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Tuesday, August 20, 1940, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1914. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill to repeal sections 4588 and 4591 of the Revised Statutes of the United States (46 U. S. C. 686, 687); to the Committee on Merchant Marine and Fisheries.

1915. A letter from the Secretary of War, transmitting a report of designs, aircraft parts, and aeronautical accessories purchased by the War Department pursuant to section 10 of said act during the fiscal year ended June 30, 1939, the prices therefor and the reason for the award in each case; to the Committee on Expenditures in the Executive Departments.

1916. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated August 7, 1940, submitting a report, together with accompanying papers and an illustration, on review of reports on Wild Cat Shoals Reservoir and Table Rock Reservoir on White River, Ark. and Mo., requested by resolution of the Committee on Flood Control, House of Representatives, adopted May 11, 1938, and authorized by section 7 of the Flood Control Act approved June 22, 1936 (H. Doc. No. 917); to the Committee on Flood Control and ordered to be printed with an illustration.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 10221. A bill to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes; with amendment (Rept. No. 2857). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2858. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2859. Report on the disposition of records by the Department of the Navy; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2860. Report on the disposition of records by the Department of Commerce; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2861. Report on the disposition of records by the Department of Commerce; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2862. Report on the disposition of records by the Department of Labor; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2863. Report on the disposition of records by the Department of Labor; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2864. Report on the disposition of records by the Federal Security Agency and Social Security Board; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2865. Report on the disposition of records by the Federal Works Agency and Work Projects Administration; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2866. Report on the disposition of records by the Federal Works Agency and Public Building Administration; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2867. Report on the disposition of records by the Federal Works Agency and Work Projects Administration; without amendment. Ordered to be printed.

Mr. DIMOND: Committee on Mines and Mining. H. R. 2747. A bill relative to annual labor on mineral claims in the Territory of Alaska; with amendment (Rept. No. 2868). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 570. Resolution granting consideration to H. R. 10361, a bill to exercise the lending authority of the Export-Import Bank, and for other purposes; without amendment (Rept. No. 2869). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOTT:

H. R. 10370. A bill to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTON:

H. R. 10371 (by request). A bill to authorize construction of a Government munitions plant at Rusk, Tex.; to the Committee on Military Affairs.

By Mr. DIRKSEN:

H. R. 10372. A bill to make the birthday of Abraham Lincoln a legal public holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LARRABEE:

H. R. 10373. A bill to give persons honorably separated from the military and naval forces and the Coast Guard

preference in appointments to civil-service positions concerned with the national defense; to the Committee on the Civil Service.

By Mr. SUMNERS of Texas:

H. R. 10374. A bill to provide for the appointment of one additional United States district judge for the eastern district of Missouri; to the Committee on the Judiciary.

H. R. 10375. A bill to provide for the appointment of one additional United States district judge for the northern district of Ohio; to the Committee on the Judiciary.

By Mr. VINSON of Georgia:

H. R. 10376. A bill to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended; to the Committee on Naval Affairs.

By Mr. MALONEY:

H. J. Res. 594. Joint resolution acquiescing in the interpretation of a donation to the United States of America; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 10377. A bill for the relief of Anna H. Kaye; to the Committee on Claims.

By Mr. DEMPSEY:

H. R. 10378. A bill for the relief of Emiliano Lopez and Eliza R. Lopez; to the Committee on Claims.

By Mr. GREEN:

H. R. 10379. A bill for the relief of Evanell Durrance; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9181. By Mr. BOLLES: Resolution of the Wisconsin State Employees Association, protesting against the enactment of the Burke-Wadsworth bill; to the Committee on Military Affairs.

9182. Also, petition of sundry citizens of Beloit, Wis., protesting against the Burke-Wadsworth bill providing peacetime conscription; to the Committee on Military Affairs.

9183. By Mr. GOSSETT: Telegram from W. R. Duke advising unanimous endorsement by meeting of Wichita Falls Post of Veterans of Foreign Wars of conscription and tendering their services in any possible capacity; to the Committee on Military Affairs.

9184. By Mr. GREGORY: Petition of Dr. S. B. Pulliam and others of Paducah, Ky., requesting all possible aid for England; to the Committee on Military Affairs.

9185. By Mr. LAMBERTSON: Petition of Mrs. Henry Rieder and 14 other citizens of Bern, Kans., urging Congress to defeat any conscription act at this time; to the Committee on Military Affairs.

9186. Also, petition of Mrs. Seeberger and 200 other citizens of Hanover, Kans., urging the President and Congress of the United States to think of peace and to speak of peace and to avoid all commitments which would involve us in war; to the Committee on Military Affairs.

9187. By Mr. REED of Illinois: Petition of Mrs. L. L. Kumlien, of Dundee, Ill., and 450 other signers, opposing the sending of American soldiers to war on foreign soils; to the Committee on Military Affairs.

9188. By the SPEAKER: Petition of the New York State Police Conference, held at New York City, N. Y., petitioning consideration of their resolution with reference to preparedness; to the Committee on Military Affairs.

9189. By Mr. LAMBERTSON: Petition of Josie A. Morford and 11 other citizens of Jackson County, Kans., urging Congress to defeat any measure proposed to force compulsory military training upon the youth of America; to the Committee on Military Affairs.

9190. By Mr. FULMER: Resolution submitted by Messrs. Henry Busbee and F. R. Trowbridge and adopted by the Aiken County Post, No. 26, the American Legion, Department of South Carolina, at its meeting held on August 14, 1940, endorsing the Burke-Wadsworth conscription bill; to the Committee on Military Affairs.

9191. Also, telegram from W. M. Richardson, Jr., president Orangeburg Junior Chamber of Commerce, Orangeburg, S. C., expressing faith in our future and confidence in the willingness of our young men to make any sacrifices necessary, we tender to the Nation the services of our members and organization in the establishment of adequate national defense; to the Committee on Military Affairs.

9192. Also, resolution submitted by J. L. McInnes, post adjutant, and passed by Robert O. Purdy, Jr., Post, No. 3034, Sumter, S. C., Veterans of Foreign Wars of the United States, at its last meeting August 12, 1940, of 3,034 veterans of foreign wars, urgently request our Senators and Representatives in Congress to do their utmost to make it possible for the immediate transfer of 50 or more destroyers to the British Army; to the Committee on Military Affairs.

9193. By the SPEAKER: Petition of the Hawaiian-Japanese Civic Association, Territory of Hawaii, Judge Clarence Y. Shimamura, petitioning consideration of their resolution with reference to American democracy; to the Committee on the Territories.

# SENATE

## TUESDAY, AUGUST 20, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, the fountain of wisdom, whose statutes are good and gracious, and whose law is truth: We beseech Thee so to guide and bless the Senate of the United States that it may ordain for our governance only such things as please Thee, to the glory of Thy name and the welfare of all the people of this Nation. Through Jesus Christ, Thy Son, our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, August 19, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Donahey | King | Schwellenbach |
| Andrews | Downey | La Follette | Sheppard |
| Ashurst | Ellender | Lee | Shipstead |
| Austin | Frazier | Lodge | Smathers |
| Bankhead | George | Lundeen | Stewart |
| Barbour | Gerry | McCarran | Taft |
| Barkley | Gibson | McKellar | Thomas, Idaho |
| Bone | Gillette | McNary | Thomas, Okla. |
| Bridges | Glass | Maloney | Thomas, Utah |
| Bulow | Green | Mead | Tobey |
| Burke | Guffey | Miller | Townsend |
| Byrd | Gurney | Minton | Truman |
| Byrnes | Hale | Neely | Tydings |
| Capper | Harrison | Norris | Vandenberg |
| Caraway | Hatch | Nye | Van Nuys |
| Chandler | Hayden | Pepper | Wagner |
| Chavez | Herring | Pittman | Walsh |
| Clark, Idaho | Hill | Radcliffe | Wheeler |
| Clark, Mo. | Holt | Reed | White |
| Connally | Hughes | Reynolds | Wiley |
| Danaher | Johnson, Calif. | Russell | |
| Davis | Johnson, Colo. | Schwartz | |

Mr. MINTON. I announce that the Senator from Louisiana [Mr. OVERTON] is absent because of illness.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard and is therefore necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Montana [Mr. MURRAY],

the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on official business.

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present.

TREATMENT OF IMPORTED NARCISSUS BULBS

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of Agriculture, in response to Senate Resolution 280 (submitted by Mr. SCHWELLENBACH and agreed to June 22, 1940), requesting the Secretary of Agriculture to issue an order concerning the treatment of imported narcissus bulbs, which was referred to the Committee on Agriculture and Forestry.

SEAMEN'S PROTECTION CERTIFICATES

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to repeal sections 4588 and 4591 of the Revised Statutes of the United States, relating to seamen's protection certificates, which, with the accompanying paper, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of Local 1–6, Warehouse Union, San Jose (Calif.) Unit, favoring the enactment of legislation granting full voting rights to citizens engaged in military service regardless as to where the place of duty may be located, which was referred to the Committee on Privileges and Elections.

He also laid before the Senate a resolution of Lodge No. 4310, International Workers' Order, in the State of California, protesting against the enactment of compulsory military training legislation, which was ordered to lie on the table.

He also laid before the Senate a resolution of Local 1–6, Warehouse Union, San Jose (Calif.) Unit, protesting against the enactment of compulsory military training legislation, and also against the employment of forced labor in industry, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. CLARK of Missouri, from the Committee on Commerce, to which was referred the bill (S. 3612) to authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes, reported it with amendments and submitted a report (No. 2017) thereon.

Mr. BYRD, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9636) authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Va., reported it without amendment and submitted a report (No. 2018) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4207) to provide uniformity in temporary promotions in the Army of the United States in time of emergency, reported it with an amendment and submitted a report (No. 2019) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 16, 1940, that committee presented to the President of the United States the enrolled bill (S. 3954) relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

S. 4285. A bill for the relief of Michael Littlestone; to the Committee on Naval Affairs.

(Mr. CLARK of Missouri introduced Senate bill 4286, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. CLARK of Missouri:

S. 4287. A bill for the relief of Charles S. Ladinsky and Moe Kanner; to the Committee on Claims.

By Mr. NYE:

S. 4288. A bill for the relief of T. T. Landa; to the Committee on Claims.

WILLIAM LENDRUM MITCHELL

Mr. CLARK of Missouri. Mr. President, I ask consent to introduce a bill for reference to the Committee on Military Affairs, and, inasmuch as it is very brief, I request unanimous consent that it may be read for information.

There being no objection, the bill (S. 4286) relating to the military record of William Lendrum Mitchell was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

*Be it enacted, etc.*, That the President is authorized to issue posthumously to the late William Lendrum Mitchell, formerly a colonel, United States Army, a commission as a major general, United States Army, with the date and rank as of —, 1936.

SEC. 2. The Secretary of War is authorized and requested to amend the records of the War Department so as to show that the said William Lendrum Mitchell was a major general, United States Army, at the time of his death in 1936.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. BARBOUR submitted an amendment, and Mr. MALONEY submitted an amendment in the nature of a substitute, intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

Mr. LODGE. Mr. President, I submit an amendment intended to be proposed by me to the pending bill (S. 4164), which I ask to have printed and lie on the table. I shall discuss the amendment later. It limits the age range from 21 to 25 years.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS—AMENDMENTS

Mr. BARBOUR submitted two amendments intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which were ordered to lie on the table and to be printed, as follows:

On page 12, after line 12, to insert the following:

"Naval Supply Depot, Bayonne, N. J., area: Fleet supply facilities, including buildings and accessories, and acquisition of land, $5,000,000."

On page 24, after line 10, to insert the following:

"Third Naval District: Graving dry dock and accessory construction, New York Harbor, $7,000,000."

Mr. MEAD submitted two amendments intended to be proposed by him to House bill 10263, supra, which were ordered to lie on the table and to be printed, as follows:

On page 10, line 5 (under the heading "Naval Establishment—Public Works, Bureau of Yards and Docks"), to strike out "$48,315,000", as proposed by the Senate Committee on Appropriations, and in lieu thereof to insert "$53,315,000."

On page 24, after line 10, to insert the following:

"Third Naval District: Graving dry dock and accessory construction, New York Harbor, participation with the Port of New York Authority, $10,000,000."

MARY BROWN

Mr. TYDINGS submitted the following resolution (S. Res. 297), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mary Brown, sister of Herbert C. Francis, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SALE OR TRANSFER OF NAVAL VESSELS

Mr. WALSH. Mr. President, in view of the discussion as to the legality of the sale or transfer of naval vessels, I request to have printed in the CONGRESSIONAL RECORD a letter and accompanying memorandum of Herbert W. Briggs, professor of international law at Cornell University.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

CORNELL UNIVERSITY,
*Ithaca, N. Y., August 17, 1940.*

Hon. DAVID I. WALSH,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR WALSH: The assertions made in the Senate on August 15 (CONGRESSIONAL RECORD, p. 15896 ff.) that the sale of United States destroyers to England could be legally accomplished without the approval of Congress appear to be based exclusively on the letter published on August 11 in the New York Times by Messrs. Burlingham, Thacher, Rublee, and Acheson, and reprinted in the CONGRESSIONAL RECORD of August 12 by Senator PEPPER (p. 15604 ff.).

Probably because of the eminence of these men no one has publicly subjected their legal brief to the searching examination it requires.

I am enclosing, for whatever use you may care to make of it, an analysis of their argument. I find the methods by which they reached their result quite shocking, involving as they do suppression of pertinent evidence, misrepresentation of facts, and distorted and strained interpretations.

It is altogether possible that this important issue will not be settled on its legal merits. I do not, however, like to see the legal argument go by default, and I cannot agree with Senator LEE that there is more than one proper interpretation of the laws in question.

With apologies for troubling you again on this matter, I am,

Very truly yours,

HERBERT W. BRIGGS.

MEMORANDUM FOR A REPLY TO BURLINGHAM LETTER

It is somewhat shocking to find four distinguished members of the bar (Burlingham, Thacher, Rublee, Acheson letter, New York Times, August 11, 1940) preparing a brief to facilitate the sale of part of the United States Navy to a foreign power without congressional approval. They fail to prove that any law authorizes such a sale. Ostensibly they prove only that there is a loophole in the law through which the United States destroyers could be slipped to Britain. Their conclusion is reached by the suppression of pertinent information (par. (c) of sec. 14 of the act of June 28, 1940, H. R. 9822, Public, No. 671; the full text of rule 1 of the Treaty of Washington of 1871; and Hague Convention XIII, sec. 6); by misrepresenting the purpose of sec. 14 of the act of June 28, 1940, and of sec. 7 of the naval act of July 19, 1940 (H. R. 10100, Public, No. 757); by obfuscating the legal issue through an irrelevant discussion of a ruling of the Attorney General of June 24, 1940; and by distorting the plain meaning of section 3 of title V of the act of June 15, 1917 (U. S. C., title 18, sec. 33). Unfortunately for their efforts, no such alleged loophole exists, and the proposed sale would be illegal.

The purpose of section 14 of the act of June 28, 1940, and of section 7 of the act of July 19, 1940, was not to facilitate the transfer of ships from our Navy to a foreign power, but to restrain the Chief Executive from such action. The administration had been caught red-handed in a scheme to release torpedo boats to Britain (through private intermediaries) on the ground that the vessels were "surplus" or "obsolete," although none of the boats had as yet been delivered. Congress decided to establish as a prerequisite that the technical heads of the Army and Navy might veto such transfers, and for fear the President, as Commander in Chief, might order his subordinates to approve the relase of vessels as "not essential to the defense of the United States" (cf. CONGRESSIONAL RECORD, 76th Cong., 3d sess., June 21, 1940, p. 13319) Congress required, in section 14 (b), that its appropriate committees be informed of proposed exchanges of military or naval equipment, with the possibility of adequate publicity on the issue. (Cf. CONGRESSIONAL RECORD, 76th Cong., 3d sess., June 21, 1940, pp. 13319–13321, 13370–13371; June 22, p. 13498; July 10, p. 14237; July 11, p. 14378.)

Section 14 (c) of the act of June 28 (which was omitted in the Burlingham letter) provides that "nothing herein shall be construed to repeal or modify sections 3 and 6, title V, of the act approved June 15, 1917 (40 Stat. 222; U. S. C., title 18, secs. 33 and 36)."

Section 3 of the act of June 15, 1917, reads as follows:

"During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States."

The penalty section (sec. 6) for a violation of this law reads that whoever "shall take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

This is the nub of the legal issue. The Burlingham letter professes to regard this law as forbidding only the sending out of the jurisdiction of the United States for the use of a belligerent of vessels built, etc., for a belligerent. This result they obtain by improperly reading section 2 into section 3. Section 2 provides that armed vessels or vessels "manifestly built for warlike purposes," whether domestic or foreign (with one exception irrelevant here) may be detained from leaving United States jurisdiction until, inter alia, the President is satisfied that such vessel will not be used by the owners, master, or persons in charge for belligerent purposes against any state with which the United States is at peace and that "the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them within the jurisdiction of the United States, or having left that jurisdiction, upon the high seas."

Now, manifestly, section 3, which provides that when the United States is neutral "it shall be unlawful to send out of the jurisdiction of the United States (for belligerent use) any vessel built, armed, or equipped as a vessel of war" closes any possible gap in section 2. Section 3 states furthermore that it is the sending out (not the building or delivery in the United States) "with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States" which is unlawful.

Section 3 is based on the first rule of the Treaty of Washington of 1871 which provides an obligation not only to use due diligence to prevent the fitting out for belligerent use, but also "to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within the jurisdiction, to warlike use." The Burlingham letter suppresses this vital clause of rule 1 in order to prove its point. There is no excuse for this sort of deception.

Finally, the Burlingham letter fails to mention article 6 of the Hague Convention XIII of 1907 (36 U. S. Stat. L. 2415) which provides that "the supply, in any manner, directly or indirectly, by a neutral power to a belligerent, of warships, ammunition, or war matériel of any kind whatever, is forbidden." During the present war this Thirteenth Hague Convention was cited as international law (in the *City of Flint* case) by the United States, Germany, Russia, and Norway. In the *Altmark* case, it was cited as international law by Great Britain, Germany, and Norway. In his public utterances Secretary of State Cordell Hull has seldom failed to pledge the United States anew to the observance of international law. Even if acts of Congress are repealed, the destroyers cannot be transferred to Britain without a violation of international law. Do we, in the United States, want our country to adopt Hitler's and Stalin's tactics of tearing up treaties like scraps of paper?

HERBERT W. BRIGGS,
*Professor of International Law, Cornell University.*

STATEMENT BY SENATOR CHAVEZ ON HIS PRESIDENTIAL PREFERENCE

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD a statement by him under the heading "Why I will vote for Roosevelt," which appears in the Appendix.]

NEWSPAPER ARTICLES IN OPPOSITION TO THIRD PRESIDENTIAL TERM

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD three articles from the New York Herald Tribune and one article from the Pittsburgh Post-Gazette showing opposition to third Presidential term, which appear in the Appendix.]

SALE OR DISPOSAL OF DESTROYERS—EDITORIAL FROM ST. LOUIS POST-DISPATCH

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD two editorials from the St. Louis Post-Dispatch, one of August 17, 1940, entitled "Dangers of the Destroyer Deal," and the other of August 15, 1940, entitled "Chairman Walsh Against Admiral Stirling," which appear in the Appendix.]

EMBARGO AGAINST JAPAN IN 1918—ARTICLE BY HENRY H. DOUGLAS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article by Henry H. Douglas entitled "A Bit of American History—Successful Embargo Against Japan in 1918," which appears in the Appendix.]

ATTITUDE OF RAILROAD BROTHERHOODS TOWARD CONSCRIPTION

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a letter signed by the heads of the five railroad brotherhoods setting forth their attitude on conscription, which appears in the Appendix.]

AIR ROUTE FROM NORFOLK TO CINCINNATI

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "May the board

so see it," published in the Daily Advance, Elizabeth City, N. C., issue of August 10, 1940, which appears in the Appendix.]

ASIA FOR THE ASIATICS—UNCLE SAM'S LETTERGRAM

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "Asia for the Asiatics," published in the New York Daily News, and an article from the September 1940 issue of the American Vindicator entitled "Uncle Sam's Lettergram," which appear in the Appendix.]

EDITORIAL FROM THE WILMINGTON (N. C.) STAR—"THOSE 'FROZEN' FUNDS"

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "Those 'frozen' funds," published in the Wilmington (N. C.) Star of the 10th instant, which appears in the Appendix.]

EDITORIAL FROM WALLACES' FARMER

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD several editorials from Wallaces' Farmer, which appear in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. THOMAS of Utah. Mr. President, yesterday, August 19, was named by act of Congress "National Aviation Day." I mention this fact because I wish to point out that the celebrations carried on in the various cities of our country, to which our attention was called yesterday by the junior Senator from New York [Mr. MEAD], were in complete conformity with ideals and hopes and aspirations for the development of aviation in the United States.

I call attention to that fact, too, in opening my discussion today, because aviation day is celebrated to bring about an appreciation of the worth to our country of this great branch of industry.

Aviation, too, is brought to our attention that we may appreciate what has taken place in the world in regard to the character, the planning, and the strategy of war.

I also refer to Aviation Day because I want the Senate, if it can, to catch the spirit of the remarks I am about to make by my directing attention to the fact that in 1935 I introduced in the Senate a measure, which became a law, the Army air base bill. It is upon the Army air base bill that the evolution not only of our Army expansion in regard to aviation has been built but also the theory behind our Civil Aeronautics Authority. When I mention the Civil Aeronautics Authority, I am proud to be able to say that Utah has contributed her part toward the success of this Authority in the person of Robert Hinckley.

Then, too, a little after that time I introduced and helped to carry through the Senate the helium control bill. That bill made a Government monopoly of this gas, which will be extremely necessary in case we should ever turn to lighter-than-air craft for protection, and it gave over to the Government of the United States the complete control of this essential material.

In connection with the Neutrality Act, in connection with the helium control bill, in connection with another important bill, the strategic materials bill, which I had the honor to introduce and to guide through the Senate, there was set up and established the Munitions Control Board, through which the Government keeps track of the exportation of all war materials. In speaking about the Munitions Control Board, I wish to emphasize the fact that the extremely long-range measure under which this Board was created, a measure looking to the future, had in it also the element of developing and bringing the resources of our Nation to the use of the people of the United States not only in wartime but in peacetime.

If, therefore, my mind runs to defense of the pending bill, it will be found that my argument will be based almost entirely upon intimate knowledge of the evolutionary steps which our Government has taken in the legal aspects of preparation for possible war by building basically proper legislation so that if and when the emergency shall come we will find ourselves better prepared than we were at the time of the last great emergency.

I should call attention also to the fact that after the National Defense Act of 1916, on which were based the preparedness program initiated by President Wilson, and, too, all of the acts which related to military and naval expansion during the World War, came into existence just before the World War, there was passed by the Congress of the United States the Defense Act of 1920, on which is based every piece of legislation which has come into existence since that time along defense lines.

In other words, then, I wish to support the pending measure by showing that it consistently has a place in the growth and development of our defense program as it has been worked out through the years. There is nothing startlingly new about it. The National Defense Act of 1920 had in it the conscription theory, which was rejected at that time, probably properly rejected, because I believe in building legislation on two bases; first, that we may be properly prepared so that we can expand to meet any type of eventuality; secondly, not to use all types, imagining that they are necessary at all times.

In 1922 the Army and the Navy together consistently sponsored the Military Pay Act, which is an act it is well to keep in mind when we consider the proposed legislation which is before us. A few days ago the National Guard and Reserve bill was passed by this body, and is now in conference, and will become law.

If we review these acts step by step it will be seen that there has been a natural continuity leading up to the pending measure, and if we have accepted the theory behind all of these past acts, plus the theories which we have accepted behind the various appropriation bills for the increase of our Army and our Navy, we can see that that which we are doing is a culmination of an orderly process, and that which we will do under the Selective Draft Act will be the completion of an orderly process carried on in an orderly way.

Mr. President, I am sure the one thought that is in the minds of all the Members of Congress in connection with the legislation which has to do with the increase of matériel and material, and legislation which has to do with the increase of our Army and Navy, the thing which is consciously in the minds of all of us is that which can be summed up in one paragraph, which has constantly been on my mind, and which impressed me the first time I read it, years ago. The paragraph I take from a book by Ernest W. Young, The Wilson Administration and the Great War. I read from page 122, where Mr. Young quotes General Pershing:

> General Pershing, in his preliminary report of November 20, 1918, said:
>
> "Among our most important deficiencies in materials were artillery, aviation, and tanks."

General Pershing, in referring to tanks in his report, points out a deficiency which could not have been anticipated, of course, when the war opened, because the tank was definitely an evolution of the war itself or brought about as a result of changed conditions in the war.

Continuing, General Pershing said:

> We accepted the offer of the French Government to provide us with the necessary equipment of 3-inch and 6-inch guns for 30 divisions. There were no guns of the caliber mentioned manufactured in America on our front at the date the armistice was signed. * * * In aviation we were in the same situation. We obtained from the French the necessary planes for training our personnel, and they have provided us with a total of 2,676 pursuit, observation, and bombing planes.
>
> From the French side Andre Tardieu, an army officer and a member of the Chamber of Deputies, says:
>
> "On the day of the armistice, of the United States Army's war material then in line, France had manufactured 100 percent of the .75's, 100 percent of the .155's, howitzers, 100 percent of the tanks, 81 percent of the airplanes, 75 percent of the long guns. All of the 65,000,000 rounds of .75 and .155 shells used by the American artillery came from French factories.

Mr. President, we are all conscious of that situation. We are also conscious of the situation which then faced us with regard to men. But before I go into the matter of selective

draft I wish to take up some of the arguments that are being mentioned in regard to the pending bill, and use an actual argument, which has been sent to me, to show how completely uninformed—or I had better say how ill-informed well-informed persons are, because the letter from which I shall quote is well written, it shows that it comes from a cultured person who must be well informed on most things generally, but these are the statements that are made in the letter:

I want to go on record as opposing the proposed conscription bill for the following reasons: France proved it was no solution to an adequate defense.

France's downfall proved nothing in regard to conscription. If, for example, conscription was the cause of France's downfall, conscription also may be credited with being the reason for Germany's success. In each case, of course, the statement is improper and invalid.

I continue to quote:

Taking 12,000,000 men out of private industry with loss of pay will be economically disastrous, for it will cut down the consumer buying power to an enormous extent. This, with the increase in the taxes which are already felt in entire living costs, will lead further to widespread depression.

Mr. President, there is no provision in the bill for calling 12,000,000 men to the colors. The Army and the United States Government do not want even to conceive of that scale of increase in the Army.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WHEELER. There is no limitation on the number of men that may be called under the bill, is there?

Mr. THOMAS of Utah. No limitation at all.

Mr. WHEELER. Very well.

Mr. CONNALLY. Except the limitation that appropriations must first be made; and that limitation is still in the bill.

Mr. WHEELER. I understand that, but I asked the Senator from Utah if there is any limitation in the bill as to the number of men the President could call provided the appropriations for them are made. There is nothing in the bill which would limit the number of men the President could call; I mean he could call for the number provided in the bill, and then ask Congress for an appropriation for that number of men, could he not? He could call out a million or two million men by issuing a proclamation calling out a million men or two million men, and then after he had issued the proclamation and called out that number of men, would it not be the duty of the Congress practically to endorse the President's proclamation and provide the necessary money?

Mr. THOMAS of Utah. He could not by the provisions of the pending measure call out 20,000,000 men.

Mr. WHEELER. I did not say 20,000,000 men. I said 2,000,000 men.

Mr. THOMAS of Utah. We are talking about 12,000,000 men.

Mr. WHEELER. I said 2,000,000 men.

Mr. THOMAS of Utah. He could call 2,000,000 men, yes.

Mr. WHEELER. Why could he not call 12,000,000 men?

Mr. THOMAS of Utah. He could not call 12,000,00 men into service for the simple reason that only 12,000,000 men will be registered.

Mr. WHEELER. But under the bill he could call all the men who were registered, and who were fit for service, could he not?

Mr. THOMAS of Utah. But that would not be 12,000,000 men.

Mr. WHEELER. Why quibble over it—whether the number is 12,000,000 or 10,000,000 or 8,000,000?

Mr. THOMAS of Utah. Because there is a great difference between 12,000,000 men and 400,000 men.

Mr. WHEELER. But the measure does not limit to 400,000 the number of men the President may call out.

Mr. THOMAS of Utah. The people of the United States assume that registration is to be made of 12,000,000 men, and the point I am trying to make is that the registration of 12,000,000 persons does not mean that 12,000,000 persons will be called to service under the draft.

Mr. WHEELER. But under the bill the President could call any number of persons he wanted from the number registered.

Mr. THOMAS of Utah. Provided Congress would grant the necessary money.

Mr. WHEELER. Yes; provided that Congress would appropriate the necessary money after the men had been called to service.

Mr. THOMAS of Utah. No; the President could not even do that, if the Senator from Montana will permit me to answer him, for the simple reason that the maximum number of men who may be registered under the provisions of the pending measure is 12,000,000. Every man who is registered will be furnished with a questionnaire. In that questionnaire every man's conditions will be made to appear. There will be 6, or probably more causes for deferment as the result of individual conditions. So when someone assumes that 12,000,000 men will be called to the colors under the provisions of the bill, limited as it is as to registrations to particular groups, he does not face the facts of the registration theory.

It might be well to carry this particular discussion a little further. We have history to fall back on. In 1917, when the men were called to register, nine million some five hundred thousand between the ages of 21 and 30, registered. We know exactly how many men we got out of that group even in wartime. We know exactly how many men were called even when the registration was practically unlimited. We are not dealing with great unknowns because we have factual history on which to base our conclusions. If the President of the United States did not call in time of war great numbers under the original draft, would it not be rather vain for us to assume that the President of the United States in time of peace would call great numbers?

Of course, I could go further into a discussion of this question, and I shall do so if it is necessary.

Mr. WHEELER. Will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WHEELER. The Senator has not answered my question at all. I do not care whether we are dealing with 12,000,000 men or a lesser number. I assume, of course, that if 12,000,000 men are registered there would not be a possibility of taking the 12,000,000 men into the Army, because, as the Senator rightly says, there will be deferments, and so forth, and they would not all be called for service. Nevertheless, the President could call for service all the men who are not in the deferred list if he wanted to call them for service, and he could change the deferred list so that he could call others for service. Is there any question about that?

Mr. THOMAS of Utah. How does the Senator interpret section 6? Let us turn to that.

Mr. WHEELER. Very well.

Mr. THOMAS of Utah. Section 6 reads:

The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

Could a prohibition in law be made any stronger than that, unless definite figures were stated? By stating definite figures it could be made stronger, and we could say what the President may do, but is not the language I just read as strong as language the Congress of the United States ever uses in the matter of limiting the President's discretion?

Mr. WHEELER. Yes; but I wish to remind the Senator that whenever the President of the United States has said he needed so many men, and so much by way of appropriation, his request has been granted. I have seen Congress, willy-nilly, jump through the hoop and, under any circumstances, vote for anything the President wants.

Mr. THOMAS of Utah. I have not seen the same thing.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. THOMAS of Utah. I yield.

Mr. CONNALLY. Let me answer the question of the Senator from Montana. He says he has seen Congress, willy-nilly, do this and that.

Mr. WHEELER. I have not seen the Senator from Texas do it.

Mr. CONNALLY. Very well; but if Congress did it, the Congress did it, and the Congress represents the people. Now, if the Congress is acting willy-nilly, and is not doing what the Senator from Montana wants it to do, that is because he is not able to influence the Congress. The Senator's position repudiates the whole constitutional theory of representative government. Congress is given the power to raise and support armies, and if we do it we are representing the people, whether we do it willy or whether we do it nilly, or whether we do not do it at all.

I do not see how we can make any plainer than it is in the pending measure that the President of the United States cannot induct a single man into the Army until the Congress of the United States first appropriates the money to pay him. If the Senator from Montana can make the language any plainer, very well. He wants to limit; he wants to make it hard for the President to call the men. He wants to make it as difficult as he can for the Government to get an army. Which is more important—having too many men or too few men? Which is more important, having just enough men to get licked, or having enough men and some to spare to do the job?

Mr. WHEELER. Mr. President, will the Senator yield to me so I may answer the Senator's question?

Mr. THOMAS of Utah. I shall be glad to yield, but I think it is apparent already, if the Senator from Montana will permit me to say so, that the argument which he puts forth is probably a stimulus for further discussion, though I do not think it is based on truth, or on facts, or on the provisions of the pending measure.

Mr. WHEELER. Let me answer the Senator from Texas. He said that the Senator from Montana wanted to make it as difficult for us to get an army as he possibly could. That is not a fair statement of the position of the Senator from Montana, and the Senator from Texas knows it.

Mr. CONNALLY. Wait——

Mr. WHEELER. No; I will not wait.

Mr. CONNALLY. The Senator from Utah has the floor.

Mr. WHEELER. The Senator from Utah has yielded to me.

Mr. CONNALLY. I will take my own time to answer.

Mr. WHEELER. Very well.

Mr. CONNALLY. I am tired of the Senator from Montana imputing motives to other Senators, and setting himself up as a censor of other Senators, and taking the time of another Senator to do it.

Mr. WHEELER. I am not imputing motives to anyone in this body, but when the Senator made the statement that I was trying to do all I could to make it as hard as possible for the President to get an army, I say the Senator made a statement which is not fair to me, for the Senator, if he knows anything about it, knows that I have always been perfectly willing to vote to raise an Army by enlistment to the point where the Army officers say they want it for the Regular Army, as well as to call out the 400,000 Reserves. That was the testimony before the Military Affairs Committee, and I think it was brought out by the Senator from Utah and by the Senator from North Carolina.

Mr. LODGE and Mr. CONNALLY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah yield, and if so to whom?

Mr. THOMAS of Utah. I yield first to the Senator from Massachusetts, and then I will yield to the Senator from Texas.

Mr. LODGE. Mr. President, in this connection I should like to point out to the Senator that the total number of men to be raised under the bill could be limited more than it is in the bill as it now stands, and I have offered an amendment, which is now pending, to limit the number of men which can be raised under the terms of the bill to the figure which is stated by the War Department in the majority report of the committee.

I should like to point out to the Senator from Utah, and ask him to correct me if I am wrong, that the Army has to set its own limit on the number of men it will induct, for it must know how many boots and shoes, and how many cantonments it must have for them. The Congress has to set its own limit insofar as funds which it appropriates are concerned. What is the motive or the purpose in departing from the practice which has obtained ever since the World War of stating definitely in the legislative bill the number of men desired to be called?

May I have an answer to the question as to what the reason is for not having a limit in the bill, when in all other bills relating to the strength of the Army we have always had a limit?

Mr. THOMAS of Utah. I do not think we have always had a limit on the strength of the Army in the past. I think, during times of impending emergency, and during times of emergency, the limit has very wisely been left out. However, in times like this, when we are attempting to test the real efficiency of the Army as it has expanded since 1919 and 1920, I think it would be very unwise to establish a top limit. I think we should do as the bill itself suggests. From time to time requests should be made of the Congress, and the Army should be increased in accordance with the exigencies.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. CONNALLY. The Senator from Montana says that I made an unfair statement. If he feels that to be true, I withdraw the statement. I have no disposition to wound the feelings of any Senator. I believe in the utmost freedom of debate on the floor of the Senate. I think every Senator ought to be permitted to say what he thinks.

On the other hand, last week I heard the Senator from Montana read a prepared speech in which he reflected on the motives of many persons who are supporting the bill. His statements could not have been made in the heat of debate. I do not reflect on his motives. I withdraw the statement. All I can say is that his opposition to a great portion of the bill made it appear to me that he was not very anxious about getting men in the Army. He wants to wait until they volunteer, and he does not want the President to call three men when the Senator thinks he ought to call only two. That was the reason for my statement. However, I do not wish to be unfair, and if the Senator thinks I did not make a correct statement about his position, I withdraw the statement and apologize to the Senator from Montana.

Mr. WHEELER. I thank the Senator.

Mr. CONNALLY. I know of no other Senator who is as free in reflecting upon the motives of others as is the Senator from Montana.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. WHEELER. I thank the Senator for his statement with reference to my position; but I should like to have him point to any statement of mine reflecting upon any Member of this body.

Mr. CONNALLY. Not by name.

Mr. WHEELER. By name or in any other way. On the contrary, I have said repeatedly on the floor of the Senate in debate that I think we have before us one of the greatest issues ever to come before the Senate. I have repeatedly said that people may honestly differ with reference to this question, and that there is room for honest difference of opinion. There is room for honest difference of opinion as to whether or not this country is to be attacked. I am one of those who do not believe that this country is to be attacked.

I am one of those who do not believe that our first line of defense is in Great Britain. I am one of those who do not believe that the British Navy has been the protection to the Government of the United States which some persons say it is. I am one of those who believe that the United States is strong enough and able enough to protect itself, as it has in the past, not only against Germany, but against

Great Britain and every other country in the world. So far we have never lost a war; and I do not think we are about to lose one now. I am one of those who believe in preparedness; I believe we ought to have preparedness; but I do not want to go back of the traditions which have been developed in the United States for 150 years, and have peacetime conscription in the United States. When I take that position, I am taking the position which was taken by Great Britain for many years. It was written into the Magna Carta. I am taking the position taken by Thomas Jefferson and John Adams. I am taking the position which Daniel Webster took; and I am taking the position which the Congress of the United States has taken at all times when the question of peacetime conscription has been before Congress.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. ASHURST. I do not wish to inject myself into this debate between the two Jupiters of debate, the Senator from Montana and the Senator from Texas.

Mr. BARKLEY. The Senator does not mean Jupiter Pluvius? [Laughter.]

Mr. ASHURST. They are probably among the best debaters who ever sat in the Senate. Each is able to give the other a Roland for his Oliver at any time.

Mr. President, I make no insinuations. I rise to make a charge, not an insinuation. I do not make insinuations.

It has been stated that this Senator or that Senator, this Representative or that Representative, has delayed preparations. I charge the War Department with a lack of frankness, and with disingenuousness in enforcing a law of a patriotic Congress. More than 20 years ago, on June 4, 1920, Congress enacted a law which was signed by the President, and which is now the existing law, permitting enlistments in the Army of the United States for 1 year or 3 years, at the option of the soldier—not at the option of the War Department. However, the War Department sedately, deliberately, and willfully, through the recruiting stations, gave false information to young men who sought to enlist. At two recruiting offices—in Washington, D. C., and in Upper Darby, Pa., which is in Delaware County—recruiting officers told young men, "You may not enlist for a year. The law does not permit it. You must enlist for 3 years." If there has been slackness and remissness on the part of the young men in enlisting, the blame rests with the War Department.

The War Department does not pretend to answer the charge that it has been remiss in enforcing the law. We may pass good laws or bad laws. Being human, I imagine that now and then we slip and make a mistake; but surely after Congress has enacted a law it is the business of the departments, under our Constitution, to execute the law with fidelity and fairness. I shall not use the word "foul"; it is too strong. However, it was unfair and unjust on the part of the War Department to turn young men aside when they sought to enlist for a year and to say to them, "You must enlist for 3 years. You may not enlist for 1 year." I repeat, I make no insinuations. I make a charge.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. BURKE. Coming back to the matter which seems to me to be of greater importance than the question whether or not enlistments for 1 year are discouraged, I should like to say that I appreciate the sincerity of the Senator from Montana in his attitude toward the bill. From the start he has been opposed, and has expressed himself as opposed, to anything in the nature of compulsion during time of peace. There is only one thing which might cause me to question the complete sincerity of the Senator from Montana. If I should find later, when we approach the question of the Maloney amendment—adopting the principle of conscription but postponing it for a time—that one holding the view of the Senator from Montana should support such an amendment, I should have to reexamine his entire attitude in reference to the whole proposal. However, I am sure we shall not have to face that condition.

Mr. WALSH. Mr. President, will the Senator permit me to make an observation about the period of enlistment?

Mr. THOMAS of Utah. I yield.

Mr. WALSH. Mr. President, I protest vigorously against the action taken by the Navy Department within a year to increase the period of enlistment from 4 to 6 years. It is only fair to say that the purpose of the Department in doing so is to maintain a continuity in the naval service of trained and experienced men. I can see and appreciate the point of view of the Department; but to my mind it is undemocratic and unfair to the youth of the country. Why? Many, very many, of the young men who enlist in the Army or Navy do so between the ages of 18 and 20, after they have left school and unable to find employment. Many of them are discouraged and disheartened, and rather than be a burden to their families they enlist in the Navy or the Army, actuated by economic necessity and by a spirit of service to their country. The Navy says to such a boy, "You will have to stay in the Navy for 6 of the best years of your life. You cannot get out, even to follow a life of domestic happiness for yourself, or to enter an occupation or business, or even further to pursue your education. The 6 years of service is your obligation to your country."

In my opinion, the period ought to be not more than 3 years. The number of reenlistments would not change very greatly, but I think it is indefensible to close every avenue of progress and hope to young men of tender years before they have reached maturity, and to bind them to 6 years' service to their country.

I am saying what I have said to naval officers; I regret very much that the Navy Department took such a course. I was not consulted, indeed it was not required, in reference to the regulation, but I vigorously oppose it. It takes advantage of boys driven by necessity, away from their homes, and deprived of education. It does not recognize the changes which afterward come in life. I have known of instances where after enlistment some relative died, and a boy had an opportunity to go to college. He could not go because of the 6-year contract. In my opinion there is considerable reformation to be done in the matter of the period of enlistment in both the Army and the Navy before we come to the conscription of 1,000,000 men. I wish that both the Army and the Navy would think of our democracy and our boys as well as their own objectives, praiseworthy as they are. The folly of it all is that with a period of enlistment of 3 years the present Reserves would be doubled, because after a period of 3 years every boy would become a member of the Reserve, and could be called in time of war.

I beg the Senator's pardon. I really ought not to have interrupted his speech, but this matter has been on my mind, and has given me considerable concern. I feel very deeply about it. I feel that it is unfair to the American boy to compel him to be bound to such a long and exacting period of service at the early and formulative years of life.

I thank the Senator.

Mr. THOMAS of Utah. I thank the Senator from Massachusetts. If he will follow rather closely the philosophy of the bill, which I am trying to explain in my own way, he will discover that the things which he has said furnish some of the dominating influences which came to my mind, which have come out of my own experience, and which cause me to stand as firmly as I know how to stand for the report of the committee on the bill. I hope to be able to bring out in my own way the ideas which the Senator from Massachusetts has mentioned.

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. THOMAS of Utah. I yield.

Mr. ASHURST. I feel like apologizing for intruding further. I wish to say, not by way of mere compliment to the Senator, that I always listen with respect and attention to everything the able Senator from Utah says. I believe him to be an authentic scholar. After he has investigated a subject and made his pronouncement I am much inclined to adopt his view on almost any question.

Mr. President, the Senator from Massachusetts [Mr. WALSH] descanted eloquently upon the injustice perpetrated by the Navy Department. In 1920 the very arguments and suggestions now made by the able Senator from Massachusetts were in the minds of Members of Congress when we passed a law permitting a young man to enlist for 1 year, at the option, I repeat, of the soldier, and not at the option of the War Department. How does the Senator view the action of the War Department, which has practiced deception in that it has permitted the recruiting officers in some recruiting stations falsely to say to young men, "You may not under the law enlist for a year; you must enlist for 3 years," although the Congress, considering the very argument the Senator from Massachusetts brought forth enacted that law, and it is still the law. Does the Senator view with equanimity a department that can willfully and deliberately deceive the country to that extent? Does the Senator approve that?

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. ASHURST. I asked permission of the Senator from Utah to ask a question.

The PRESIDENT pro tempore. The Senator from Utah has no right to yield the floor to another Senator.

Mr. ASHURST. I should like to have the Senator from Massachusetts answer the question, if he will.

Mr. WALSH. No. I most heartily agree with the Senator. Let me say to the Senator that he knows the militaristic spirit that exists in military circles. I do not say that offensively against the Army and Navy officers; they are high-class and able men, but their minds are militaristic. The reason we have the form of government we have, and not the form of government prevailing in Germany and totalitarian states, is that there is in this country some civic check upon the extreme militarism of the Army and Navy that otherwise might be likely to develop a different form of government and lessen our theory of individual liberty curtailed by the least possible interference by the state.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I am glad to yield.

Mr. ASHURST. The Senator from Massachusetts has read the Constitution as diligently as I have, and he knows that the Constitution lays upon Congress, not upon the War Department, the power to raise and support armies; he likewise knows that the Constitution lays upon Congress, not upon the Navy Department, the duty of providing and maintaining a navy. Those Departments are to carry out the laws which Congress enacts.

Mr. WALSH. In the pending conscription bill there is an option for a young man about to be conscripted to join the Army for a year. I made inquiries from the Army to find out whether or not that provision would be respected. Does the Senator think it will be, in view of the record that now there are only about 200 men who have entered the Army under a 1-year enlistment, and those 200 asked to enlist in the Army for the purpose of taking training to enable them to go to West Point? Otherwise, there is not a single soldier in the Army under the 1-year enlistment law which Congress passed and which Congress intended should become operative. In my opinion, the clause in this bill is misleading and will not be enforced if past practices prevail.

Mr. ASHURST. Mr. President, if I may answer the question——

Mr. THOMAS of Utah. I yield.

Mr. ASHURST. If the past is an indication of what will be done in the future, we may look with suspicion and distrust upon a department which has already violated the law and deceived, as I might say, wayfaring young men who wish to enlist and who would have enlisted had they been permitted to avail themselves of the privilege of enlisting for 1 year which the Congress gave to them. I have no way of judging the future except by the past, and I say it is no wonder enlistments are not obtained.

The Senator from Massachusetts referred to militarism. I have a high opinion of our military officers. As a rule, they are not only men of ability but of high character; I am proud of their character, and the same statement applies with equal force to officers of the Navy; but, Mr. President, I may say here again power and alcohol operate the same on all persons at all times. Give an individual, benign and educated, great power and he wishes more power. When he is asked, How much power do you want? He says, "All there is", and he becomes power drunk. I repeat, it is worthy the consideration of biologists and psychoanalysts to see such an influence acting upon human nature. Alcohol and power are two things that, down through the centuries, have acted upon all races in all climates and on both sexes alike, and the more power an individual gets the more he wants, and enough power is all there is.

Mr. THOMAS of Utah. I trust what the Senator from Arizona has said about power will not tempt someone to rise and make a Willkie speech at this time, although it might be a good thing, and would probably be in order.

Mr. ASHURST. I did not hear the compliment the Senator paid me.

Mr. THOMAS of Utah. I merely said that since the Senator from Arizona had thrown the word "power" into the discussion, it might be interpreted in another way, and might form a stimulus for someone to rise and make a Willkie speech. I trust that will not occur.

Mr. ASHURST. Surely my speech was not that bad. I beg the Senator to rescue me from that implication.

Mr. THOMAS of Utah. I am very glad to welcome these discussions. It seems to me that a discussion such as that which has taken place between the Senator from Massachusetts and the Senator from Arizona must give to every thoughtful person who hears them the idea that probably a revitalization of the armed forces of the United States is very essential and important. I am going so far as to say if the selective-draft bill shall become a law, and is lived up to in accordance with the spirit of the committee amendments, if the Army and Navy take advantage of that which is given them by the bill, if they understand the Americanism which is behind the amendments, they will welcome it as a great forward step, consistent with the other steps I have indicated, to improve the morale and the spirit and the personnel of the Army and Navy of the United States.

Mr. President, I cannot refrain from making one more statement which grows out of the various discussions which have taken place, a statement which the people of the United States should understand and which I am sure they will understand. When the Senator from Texas and the Senator from Montana were in the midst of their discussion, I was reminded of another time in this body when those two great Senators seemed to be extremely worked up over the argument which they were making to each other, and, incidentally, to all appearances worked up against one another. That, however, does not happen in the Senate of the United States, and a most reassuring incident may be mentioned here. In the heat of the discussion of the Senator from Texas when he was "going after"—and I use those words advisedly—the Senator from Montana as hard as I ever heard one man go after another, he wanted to use the name of a park in the State of the Senator from Montana; so he tapped the Senator from Montana on the shoulder and said, "Bert, what is the name of that old park in your State, anyway?" That is the way these debates are underneath; and probably no greater compliment can be paid to the American representative system, especially when it is contrasted with the tempestuousness of party divisions in other parliamentary governments, than the good fellowship which here exists at all times. We cannot ever become angry at a fellow Senator; I do not know a Senator who could be angry at his fellow. Therefore I am most pleased to have these discussions.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. THOMAS of Utah. The Senator from Arizona has another inspiration, and I yield.

Mr. ASHURST. I am very glad that the scholarly Senator from Utah—and both the Senators from Utah are scholarly men—referred to the heat of debate that takes place in the Senate. Mr. President [the President pro tempore in the chair], presiding as you do always with dignity and fairness, let us assume that you have come here from another planet, and that you are seeking to know what governments are free; you wish to know what governments on this planet are peopled by free men? Philosophical student as you are, Mr. President, you would not look to the Army and Navy; you would visit the parliament, and you would know the quality of freedom, you would know the measure of liberty of the citizens of a particular country by the freedom of debate in their parliament.

One of the surest and most authentic signs of a free people is that they themselves feel free to criticize their parliament. Those two indicia, those two signs—freedom of debate in the people's forum and the absolute freedom with which the people criticize their parliament—betoken liberty and a free government.

The other day there was in the Senate a charming yet heated riposte between the able Senator from Indiana and the able Senator from West Virginia, and some newspapers said, "Is it not too bad to have such heated remarks in the Senate?" Scarcely had such remarks fallen from the lips of the observers until in the British Parliament, the mother of parliaments, the parliament established in 1265 by Simon de Montfort, "let their hair down," and applied to each other in the very forum of conservative thought and speech, epithets such as are never used here. Instead of feeling ashamed, I was proud and glad that freedom was there manifesting herself in a forum of the people.

I thank the Senator from Utah. He has done a splendid service in pointing out that these debates, heated as they are, heated as they should be, betoken a free people; they indicate that the people's representatives are not bound by any tradition or by any secret thought, and the Senator from Utah has disclosed that he is a profound philosopher in discovering that truth.

Mr. THOMAS of Utah. It did not take much research, Mr. President, for me to discover that the citizens of the United States criticize their representatives. I am a living witness to that fact.

To return to the bill, Mr. President, I attempted to say that the measure we have before us is altogether consistent with the long-range endeavors which the Congress of the United States has made in the past to bring about better training and a better personnel in preparation for war. I may say that the genesis of this bill is in the idea of training; its end will be training. I do not care how great a war may become or how intense an individual soldier may become on the battlefield, most of the soldier's life is spent in training.

Therefore the bill consistently starts with the fundamental understanding of the fact that the training is the primary thing, and that in the training and from the training will come that sort of army which America would be glad to have in case of an emergency.

Let me say, too, in connection with this subject, that if we can bring about in the Army of the United States a yearly training period, we will guarantee the democracy of the Army of the United States not only as to men but also as to officers. I wish Senators would think back to what has happened to our Army in the last 20 years, and when I make a comparison of 1940 with 1917, I wish my colleagues would constantly keep in mind not only the influence which training the officers has had upon the trainees throughout our country but the influence which the people of the United States and the institutions of the United States has had upon those officers in their training.

In contrasting the 1917 draft with the ideals presented in the pending bill, we must take into consideration the fact that there is no way of getting an even contrast at all. The conditions in this country with respect to the Army of the United States are so different from what they were in 1917 that there is no comparison at all.

By 1917 we did have some officers' training camps. The Defense Act of 1916 had gone into effect. The training camps grew up in a rather emotional and a rather spasmodic way. There were not officers to properly train the trainees. Every institution we had had in the Army found itself in a position of inability to carry on as it should carry on.

Today if the draft goes into effect and if we start drafting as the result of registration, we build upon an entirely different condition. For example, we have had 20 years' experience with the federalization of the National Guard, we have had 20 years' experience with the Army instruction of the National Guard, and the National Guard has developed its units around the fundamental theory of Army organization.

Then, too, there are in existence today 120,000 Reserve officers. With the officers in the Army of the United States to the number of 14,000, with 15,000 officers in the National Guard of the United States, and 120,000 officers recognized and active as Reserve officers, we have an officer personnel of more than 140,000 individuals. There are enough officers ready, therefore, to take care of an army of almost 2,000,000 individuals.

Mr. President, I bring that point to the attention of my colleagues to show that the spirit of the Army today would be extremely different from what it was in 1917 so far as the selective-draft theory is concerned. There is no need for turning out ill-prepared officers; there is no need for rushing and taking great chances with the men who will have charge of the training of other men because we have conducted, if not well, certainly fairly well, the training of our officer personnel for the Army of the United States, which consists of the Reserve Corps, the National Guard, and the Regular Army.

We learned in 1920, after the World War, that the task of training must be a constant one, and it has been a constant one since that time. We tried a mobilization day in 1923, I think it was, and I emphasize that because we learned much from that day. We discovered that emotionally America could still rise almost overnight and present the persons of a powerful army, in uniform if need be. But it was just an emotional gesture, and to the officers who had been lax in their training it was heartbreaking, because in the period from 1919 to 1923, nearly 4 years, the old uniforms were such that they would not reach around the new waists. There was a living demonstration, which came into the mind of every man who responded to the mobilization call in 1923, that that was not the way to do things.

Those who are familiar with what took place in 1917 and who observed the orderly way in which the mobilization of 300,000 C. C. C. boys took place, with the creation of the camps, the transportation of the men, and the care that was given them, realize what a vast improvement the Army of the United States had made in a generation. It is true that not all things were perfect in that mobilization, any more than they had been in other mobilizations. The Army gained, and gained tremendously, from the experience which it had in taking care of these 300,000 boys, building camps for them, transporting them across the country, feeding them, starting them in the first elements of proper personal hygiene and proper social living. The Army learned much from the mobilization of the C. C. C. boys, and the Army stands today much better prepared to go on with the selective draft if the bill becomes a law.

Mr. President, it would be unfair not to digress just a moment and make historical facts a part of our thinking in relation to the pending measure, because I have heard arguments made in favor of the Draft Act on the ground that we have to hurry. I have heard arguments made that we need not hurry; that we might delay; that we can try the voluntary system first and see if that will work.

Much has been said about October the first, and it was useless to mention that date. Now something has been said about January the first as the date for calling in the first contingent. We may do very much better than we did in 1917,

but there is still the time element present, and there will still be the lag, and with the registration of 13,000,000 people we cannot handle the mechanical part any faster than the mechanical part of the registering of nearly 9,000,000 persons was handled before.

These are the dates, and if we keep them in mind we will realize that much which might be said about when the proposed law should become operative depends upon what actually happened in 1917. In 1917 Congress was called into special session to meet on April 16. President Wilson advanced the date 2 weeks to April 2, and after the declaration in regard to war had been made, a start was made upon a study of the selective-draft system. The act which controlled in 1917 became a law on May 18, 1917. It took Congress more than a month, working under the stress of actual war and under the stress of an actual demand, to produce the law. Many things took place during that time which we hope will not take place if we start the draft system again.

The registration was held, and on June 5 we were able to register some 9,500,000 persons. It took the full day. It was practically a day out for the whole of America. There were some complications, but not many. From the standpoint of Washington—those in the head offices—it seemed like a smoothly running machine. There were difficulties out where the people had charge of the actual registration, because there was much misinformation. I think it will be found that there were something like 167,000 persons in the United States who, either innocently or willfully, avoided the 2 registrations in 1917.

The first registration took place June 5. We worked as hard as men could work. We were not ready until July 20 to begin making the selections under the draft, the drawing of the lots. On July 20 the numbers were drawn, and, as I remember, the numbers were arranged in such a way, running from 1 to 10,500, that the number drawn would take care of the numbers in any registration district in the whole country, so that when the first number came out, that number would hold for every person with that number in the 4,000 or 5,000 registration districts in the United States.

The first number drawn was 248, and it is in connection with this number that I wish to emphasize the crudity, the cruelty, the downright wickedness, of some of the people of our country and the press of our country, in not being able to understand what the selective draft meant, and the evolution from the voluntary system to the selective system brought about many difficulties, many misunderstandings, many heartaches.

For example, there was one contingent in the United States which wanted to volunteer en masse, up to 300,000, and they were not allowed to do so. There was an actual stopping of volunteering during the period in anticipation of the draft and during the period in anticipation of the registration. The volunteer system had been interfered with, was interfered with, and when I contrast the volunteer system with the selective system I hope to make the point that the latter is very much fairer, and make my point right out of actual history.

Let me show what happened in a case of one boy who drew No. 248. He happened to be home on a vacation. He was in his senior year in a medical school. As soon as the numbers came out, the newspaper reporters, of course, rushed pell-mell to find the boys who represented the numbers drawn. I remember well three names. The boy to whom I refer was found most easily because he happened to be in quick access to the papers. He was asked by a reporter in an innocent way, "What are you going to do?" He said, "I do not know what I am going to do because before I left school the Army of the United States tried to discover how many prospective dentists they might depend upon, and I put my name down as a member of the prospective dental reserve."

The next morning the papers came out with pictures of this man, and the statement that he was going to try to dodge the draft, that he was going to try to get away from the responsibility of the draft, and that he was hiding behind the notion that he was a senior in a dental school and was therefore wanted for dental work.

Mr. President, when we start the proposed registration, and when we carry on the registration and gather together the loose ends, we are going to find that in the assembling of an army of any consequence and any size the two persons the Government of the United States is going to lack the most are doctors and dentists, and in the gathering together of these men into the service we are going to create a hardship upon the whole country because we have not prepared a sufficient number of men for military exigencies; in fact, there is a dearth of both doctors and dentists in our country.

At this point, Mr. President, I cannot refrain from saying that those of us who have introduced bills dealing with matters of health and had them passed in the Senate, those of us who have presented hospital bills and had them passed in the Senate, those of us who are seeking all the time to increase the training and education of doctors and of dentists, and to give to the people of our country more of an opportunity for the right kind of treatment and the right kind of medical care, are acting in accordance with the firmest, the soundest, and the finest notions in relation to national defense that anyone can have.

It is a regret above all other regrets that some persons in their zeal to stand for national defense do not understand its meaning. Today it means a country prepared for any eventuality. Today it means a country undertaking total defense. Today it means not only the conscription of a few to serve in the country's military forces but it means a complete understanding of personal economic considerations—the complete organization of our country.

Mr. President, in the assembling of great numbers of men together the risks are not simply military risks. Undouotedly, in the World War, more American soldiers died as the result of faulty preparation, as the result of not having the right kind of medical treatment, as the result of not having the right kind of clothing, as the result of not having proper housing facilities, and because of lack of foresight on the part of those who were providing for their training of these men than were killed by German bullets.

Mr. President, it is because of experiences of this kind that those of us who were responsible for the training of great units now see the need of building the personnel of our national defense on the basis of training, training, and everlasting training, and then, when the time comes for actual warfare, there will be no doubt about the outcome.

It was not until September 1917 that the first draftees were called in. Therefore keep in mind those days because we cannot do any better, we cannot work any faster, and we should not work any faster unless we are faced by some acute peril.

There were two registrations in 1917, the first on June 5 for men between the ages of 21 and 30, and the second on August 31 for those between the ages of 18 and 45. From the various drafts there was a total number of persons who registered running up to 23,908,596. I give these figures because it is only from a study of them that we may obtain a comparison of what actually took place then with what will undoubtedly take place in the next mobilization.

In the first draft there were 9,500,000. From both drafts, during the whole period of the war, when we had in the neighborhood of 4,000,000 men under the colors, but 2,787,000 men came in as the result of registration and draft. Therefore in the wartime 1,300,000 men came under the colors under the old voluntary system. It is upon those basic facts that I think we ought to study the actual effect of the present draft measure and see how it will work out.

The entire concept of mobilization has changed since the World War, and even before, and I think that as the result of the success of Hitler's mobilization probably the concept will change once more. One would not go back before the Franco-Prussian War of 1870 for ideas of modern mobilization. We find with respect to the theories in regard to mobilization in the late war, that ideas changed with circumstances, and, of course, that will always be the case.

Most persons have a notion that war is a static thing. If there is anything that is not static it is war. Most persons have the idea that governments go forth and fight without change. If there is anything that brings about changes in government, even the best organized and the most stable, it is, of course, the exigencies of war.

Since 1919 we have known of this theory in regard to total mobilization, and it is to an extent upon this theory that the Selective Draft Act has been built. The necessity of understanding the people, the necessity of weighing the responsibility in regard to the carrying on of war, the necessity of knowing what the worth of an organized nation is to any army at the front—these are the things which have produced the modern theory in regard to mobilization.

Mr. President, I do not have the time now and I do not have the inclination to discuss the history of mobilization in various countries since the World War. It must have been done by our Army. I wish our Army had sent down its own bill in regard to mobilization at this time, and also in regard to conscription, instead of having the bill come to us in the way it came. I wish we might have had knowledge of the War Department's experience, because the matters involved are important, and all the information which we should have has not come out of the experiences of any one of the countries that have had to mobilize in one way or another.

There is much that France can contribute. There is much that England can contribute. England went on a conscription basis in 1916, but in 1917 we discovered that one method had to be used in that country and another method in France. In France the method had to be used of calling the men back from the colors, and reintroducing them into industry, while another method had to be used in England, because there were differing conditions in the two countries.

Our own scheme will be American, wholly American, and when someone says that we must not do this and we must not do that because it is an imitation of what is done in some other country, it will be found that nothing will be done in America which is an imitation of what is done in another country.

Some persons say the pending proposal is democratic; some say it is militaristic. Some make one argument and some make another. I am now going to make a most startling statement to the Senate. Probably there has never been an army in the whole history of armies, in the whole history of the world, that is quite so democratic as the army of Hitler today. The techniques, the agencies, the instrumentalities which are used by that army have nothing to do with the basis of democracy in relation to an army, and the way in which it is gathered together, and the way in which it is trained. Never in the history of the world have men of low grade, noncommissioned grade, and even privates been left so completely to their own discretion with so much matériel, with so much responsibility, and never have we completely understood the fact of the complete independence of officers and men as it has grown up in the German Army. That has come about as the result of a lesson of necessity.

Once before 1919 the world imposed upon a country restrictions in regard to its armed personnel, and one would think that the same mistake would not be made in 1919, but it was made, and as the result of its having been made the evolution, the growth, the development, the democratization, the total nation behind the modern army of Hitler, have followed.

I think I need not say more about the theory of mobilization, for I am sure that serious students who are actually studying and want to know what we are doing will go into that history and will realize that, while probably the same technique of conscription may be used in Russia, and the gathering together of the men for the Army and the Navy may be on the same basis as it is in America; while probably the same technique of conscription is used in France in the gathering together of the men for the army and the navy, and their training, and while the same thing may hold true with regard to England, yet the respective armies reflect the fundamental ideas of the countries they represent, and the techniques used are modified to be consistent with those fundamental ideas.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. THOMAS of Utah. I yield.

Mr. BONE. Can the Senator from Utah say what process was employed by the German Government in mobilizing its forces for war with respect to the production of war material and the general mobilization employed with respect to so-called private business in Germany? I think perhaps we are overlooking many of those elements in this discussion. I wonder what technique Hitler employed in handling private business operations in Germany, for certainly they were involved in a mobilization scheme or set-up for war.

Mr. THOMAS of Utah. I can answer in this way: Private businesses which were to contribute to the building up of the defense of the country became literally and actually public businesses.

Mr. BONE. In other words, then, Hitler has prescribed for his total war a course diametrically opposite to that which we would attempt to pursue in this country?

Mr. THOMAS of Utah. I hope so.

Mr. BONE. Well, whether it be a desirable or an undesirable course, he has taken precisely the opposite course, and apparently with great success, as marked in terms of military conquest, but he has certainly produced an efficient military machine. Now are we to derive from that any conclusions as to the efficacy of our own plan?

I am tempted to ask that question because the other day I understand in the other House they struck out the last limit on profits in our war program, and I am wondering what effect that will have on the pending program, because already the per unit cost of war materials is going up, right along, and I am wondering what effect the impingement of that upon our war plans will ultimately produce, if the Senator cares to express an opinion about it.

Mr. THOMAS of Utah. If the situation becomes very unreasonable, and the things in question become very necessary, the Government has a way to respond very quickly to any exigency of that kind, and were our country in peril and in an emergency we would respond quite as quickly as any other government, with one exception. It will be found that the idea of force will not predominate the things which we will do.

Mr. BONE. I understand that, but I assume that there is some peril, there is some necessity that confronts us of a grave character, or we would not be proposing conscription at this time. Is that peril to be reflected only in the conscription of young men, or are we to give it reflection in our attitude toward the problem of profits and preparations for war, or is it to be merely a one-sided thing until the whole economic scheme is threatened with some sort of collapse on account of war costs? That is the reason I ask the question.

Mr. THOMAS of Utah. I can answer only by stating what has taken place in other great emergencies. I know that the Senator has in the back of his mind the idea, Are we faced by a peril? Are we faced by the great uncertainty to which the people are calling our attention? Of course, no man knows, because no man knows what tomorrow may bring. But there are, comparatively speaking, two dominating uncertainties facing the world today, which must be basic to the thinking of every man. There have been great wars in the past, but never has the world been in such a complete revolution as it is in today. Revolution generally means uncertainty and peril. What will be the result of that revolution? No man knows.

There is another great fact which must be kept in mind. Since the end of the sixteenth century there has been one controlling influence on the high seas of the world. That controlling influence can be expressed in a very short and easy way. The high seas of the world have been controlled

by control of Gibraltar, Suez, Singapore, and the Panama Canal. Are those controls to remain as they have been in the past? That is a question which I cannot answer, which no one can answer, but which brings a great uncertainty into that about which we are talking and thinking.

Another thing which I can say—and it is said in the spirit of proved prophecy—is this: It has been pointed out time and time again in the debates in the past that if the great Government of the United States, which stood on the principle of the freedom of the seas, especially since 1856, should refuse to fight for that principle, some day it would have to be a party to fighting for the control of the high seas. That has happened. I do not care to go into a discussion of that question, but those are the facts.

The responsibility for maintaining freedom of the seas was not lived up to, and today a greater responsibility rests upon the shoulders of the countries of the world which have been in control of the high seas, to fortify and to plan for the control of the high seas. If there is any judgment wherein we have been faulty, perhaps it has been in our judgment in regard to that great principle. But I do not wish to criticize. I do not wish to go afield. The bill has to do with only one thing, and that is a proper and necessary increase in the personnel of the Army and Navy of the United States.

I had planned to argue quite fully—and I may have to do it before we get through—by bringing in the story of conscription, the technique, and the theories related to it. Conscription may be defined as merely exaction by the state of military service. That is the sense in which it is used. It has been used in society from the most primitive time down to the present. It has been a technique which has been used for the evolution and development of a state, really growing around the notion of militarism; and there is no use dodging that principle. However, only one state built its state theory upon the principle of militarism in and of itself, and that was Prussia. Probably the same can be said of the Empire of Germany, which inherited its ideas from Prussia. To make a great contrast, the concept or theory of conscription brought about a tremendous democratization of the people in Japan. So those who argue that this technique will do this or do that must go further in their argument and say where it will do it, how it will do it, and when it will do it, because the history of conscription furnishes examples of practically everything.

The theory of the conscription notion is interpreted by some as the most democratic way to carry on. I myself would not use that kind of argument, because it immediately leads into difficulties. In the first place, the democracy or democratic idea is not defined. But the theory, as it is accepted in the bill, is probably something like this: There is in the conscription system a leveling, a community of citizenship, which arises from the basic conception that military service should rest not upon ardor, upon the mercenary motive, upon caste, or feudal obligation, but simply upon the duties of membership in the political association, for the maintenance and defense of which an army is organized. I believe that that definition will fit the ideas and the ideals of conscription as it has been resorted to in our country; and if it is resorted to again it will be the dominating and underlying principle.

Mr. BONE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. BONE. I think I understand the tenor and purport of the Senator's argument, and I am familiar with the orthodox arguments for conscription, for the service which a man must yield to his country as a member under the social contract. But it seems odd to me—and I cannot bring myself to believe that I am merely in a class by myself in reaching the conclusion which I reach—that none of these arguments carries the implication that a correlative duty rests upon property. I am assured that my son and the sons of other men must give military service, and die if need be, to preserve the thing we have erected. But I find in this argument in the Senate no single suggestion—or at least it is so subdued that it is not apparent—that property should be subjected to some comparable sacrifice. If some of my worthy brethren say that I am going afield in this argument, let me call attention to the platform declarations of both parties, which have gone much further than the suggestion I now make, because they have been much more blunt. Let me give a practical illustration. I do not wish to intrude too long on the Senator's time, for the floor is his, but let me give an illustration of what I mean—and it is one of perhaps hundreds.

Take a boy who has gone through college, perhaps at the great sacrifice of his parents. All his capital is wrapped up in his body. He has a healthy body and a sound mind. He is employed, making perhaps $200 to $500 a month if he is a fairly successful young fellow. His capital is his body and his ability to render a service which permits him to make $3,000 to $5,000 a year. He is drafted and taken into the Army. In case of war 100 percent of his capital, his body, may be used, the draft being a 100-percent draft. He may not come home at all; or if he does, he may be insane, or sans legs, arms, or eyes. The Government in drafting him has taken not only all his body, which is everything worth while to him, but it has also taken his $200 a month or $500 a month, and the assurance is given to us that that is a perfectly proper, democratic, loyal, and patriotic proceeding.

As a Member of this body I have heard businessmen come before the committee of which I am a member and say to me that they cannot render the right kind of service unless they are guaranteed a certain amount of profit, or unless all ceilings on profit are removed so that they may make any amount of money. Then we attempt to satisfy the needs of the country by some sort of a tax scheme which may take 50 percent of their excess profits over and above the normal profits of several years, which means that they are allowed a very large margin of profit.

There is no attempt to put upon businessmen or business groups of the country any sacrifice comparable to that of the young man. If conscription is democratic, then why is it that all the emphasis is laid upon the necessity of sacrifice by young men who give their entire capital, which is their bodies? Is that to be the American concept? Every newspaper article I have read recently, coming from some of the most noted publicists in the country, says, in effect, that every element, every factor, every segment of society in the country, is now called upon to make great sacrifices. That does not mean that business has any justification in demanding unusual profits, which is what it is now doing. The publicists who are interested in aiding the conscription bill through Congress tell us that all groups must make sacrifices, and yet the Congress, including the Senator and me, knows that no such sacrifice is being exacted from business. I now bluntly make that assertion. I might find it in my heart to have no quarrel against asking young men to go into the service of their country, but as an American I resent the fact that when I or other Senators stand on this floor and suggest that a comparable sacrifice be made by business, we are told that such a thing would hurt our economic system and drag the country down.

A sacrifice ought not to be imposed on merely one segment of our population. There is nothing democratic in that. It seems to me that the whole argument for democracy falls flat, it becomes stale, tedious, and unprofitable, when only one group is called upon to make the sacrifice. If our system and our civilization are worth saving, then are not businessmen prepared to make some sacrifice to save their own system?

That is the question which arises constantly in my mind as a great question. It will not down. When I ask this question on the floor I am only asking, in the form of a question, that which has been asserted by the party of the Senator from Utah and myself. I have in my file the blunt promise of my party and of the Republican Party that if war or the threat of war comes, and we draft men, we will draft property exactly as we draft men.

What kind of a picture are we presenting to the country when we argue that conscription rests solely upon the theory

that the boys must be drafted, but that we must not draft business or capital?

I speak with some warmth, because I feel very deeply about the matter. If I, as a Member of Congress, am to order the boys into service, and take everything they have, why should not I order the Du Ponts into service in the same fashion? I wish the Senator from Utah would tell me upon what sound theory conscription can rest unless we also conscript profits. I am not talking about conscripting property. I wish to make that distinction very clear. I am now talking about conscripting profits, which does not mean taking the corpus of the property. It merely means the taking of enough of the net profits—all of them if need be—to preserve the country in time of peril. What is wrong with that? If we take a boy's life and butcher him, and merely content ourselves with taking the net profits of the Du Pont Powder Co., what is wrong about that? If there is any distinction I think it ought to be made plain to the people of America before we conscript the boys.

Yet we will go through this whole program and not make that plain to the people of America. We are going to default on that program, although the Democratic platform makes a solemn pledge to do it, and the Republican Party made the same solemn pledge. It made such a pledge in Philadelphia the other day, and the Democratic Party made the same pledge in Chicago; but I do not think the parties will carry out one-tenth of their pledges. No wonder Americans look at our political set-up with caustic and critical eyes. How can they view it otherwise when the parties default in their solemn engagements and pledges to the American people?

If we are going to conscript boys, I want some of the argument in the Senate to take another slant so that at the same time there may be some discussion about the conscription of profits in America. If it is democratic to conscript boys, it is democratic to conscript profits. That is my philosophy, and I believe it to be a correct one. Perhaps the American people do not agree with it. If they do not, it is their own tragedy and not mine.

Mr. THOMAS of Utah. Mr. President, I started out with the simple desire to explain the pending bill which has to do with increasing the personnel of the armed forces of the United States. The Senator brings up questions which, of course, are not germane to this bill. They are germane to the theory of government, but I know of no way, considering the manner in which the Senate of the United States is organized, for the Military Affairs Committee to report a tax or revenue bill. I think that function belongs to someone else. Suggestions such as have been made—and similar suggestions have been made in the past—may be good, and, perhaps, we should resolve that we are faced with a great peril and turn the Senate of the United States into a committee of the whole and pass all-embracing legislation, but, when we do that, we break down the whole theory of committee responsibility, which in the organization of the Senate of the United States is quite as much a part of the theory of representation as is representation in government.

Mr. President, starting out as I did, I have been forced by interruptions not to talk about the theories of conscription and mobilization. My chief task, my chief hope, is that I may be able, in a very brief way, to outline those portions of the pending bill which are so different from the measure as first introduced, representing, as it does, the will or wishes and the study of the committee.

Mr. BONE. Mr. President, will the Senator yield once more? Then I will not interrupt further.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. THOMAS of Utah. I will be glad to yield, but I have been on the floor since 11 o'clock, and in the past I have been trained in such a way that I usually think I should stop in 50 minutes. I am one of those men who spent 20 years delivering 50-minute lectures, and the moment I go over that time I begin to get nervous, irritable, worked up, and to wonder why others besides Senators of the United States do not walk out.

Mr. BONE. I have never known the Senator from Utah to be irritable; he has always been very generous.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. THOMAS of Utah. I yield.

Mr. BONE. I raised the question about a tax on profits because only a short time ago I offered in this body an amendment to a then pending tax bill to capture profits during war. That amendment was sidetracked, and a less drastic amendment offered by the Senator from Texas [Mr. CONNALLY] was adopted. It went into conference between the two Houses and was incontinently thrown into the ashcan. This body only a short time ago put the stamp of approval on a repudiation of the doctrine that we ought to capture most of the profits during wartime. I raised that question the other day. In speaking of young men going into the Army, a prominent newspaper in the East said that if we raised the pay of soldiers to $30 a month it would cause a vast rush of fortune hunters into the Army, that all the fortune hunters would go into the service for $30 a month.

Mr. THOMAS of Utah. Mr. President, the Senator from Texas, the Chairman of the Committee on Military Affairs, gave a very minute outline of the bill. I do not desire to duplicate that which he said on the opening day of the debate, but the chairman of the committee did not discuss the last amendment to the bill which proposes a change in title. It is on that amendment that I wish to place emphasis. The new title, if the amendment shall be adopted, will read not as it read in the original bill but as follows:

A bill to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

Mr. President, we have spent our time—profitably perhaps—discussing almost every other subject under the sun than the one which is set out in the title of the bill. The purpose of the bill is a simple one; it has to do with merely the one end set forth.

In going over the changes proposed in the bill, Mr. President, there are some things that are extremely important to my mind, and they give the bill quite a different interpretation from the ordinary interpretation which is placed upon it in the public mind, as I showed from the argument presented in the beginning of my remarks.

New reasons for the bill are stated in this way:

That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

That brings us to what is probably one of the most important of the committee amendments, the amendment which provides for continuation of the voluntary system. The Army of the United States can never be an army built entirely upon the selective compulsory service. The officer personnel will always remain in a voluntary class, and we cannot shut down the enlistments of men who want to make service in the Regular Army their life's work. In those aspects the voluntary system must be continued; but it is important to note that 1 year's training privilege has been extended in a voluntary way to those boys who want to undertake a year's training.

I would say, in answer to what the Senator from Massachusetts and the Senator from Arizona said earlier in the day, there has never been in the practice of the Army of the United States a chance for the Army to take into the service for a year's training men who desire to go into the service primarily for training. That concept is brought into existence by this bill. At present 3-year enlistments are for the Regular Army; 1-year enlistments, under present circumstances, are for men training to do something else than serve in the ranks of the Army. There has been put into

this bill the theory that it is primarily a training bill, and that training shall be open to the youth of the country on a voluntary basis for a period of 1 year. That will go hand-in-hand with the selective system. I have been told by officers of the Army, who will administer this proposed act, that the minute it becomes a law the advertising, if they use advertising—and I hope they will not do very much—will emphasize and every recruiting officer will be instructed to emphasize this training provision. I am sure, in the light of past history whenever boys of America have been given the opportunity for the right kind of training under the proper sort of officers, they have volunteered in greater abundance than the trainers have been able to take care of them. So we may see, as a result of the passage of this bill, something very interesting happening in our country. We may see men start to take their training of a year in military service of the Government; they may choose their time as it fits in with the individual opportunities, and, instead of waiting for selection under the draft, they may offer themselves when it is to their best advantage. This theory must always be kept in mind, because it is a theory completely consistent with the way in which our Government has developed. The compulsory feature, when it involves the idea of training, is not offensive to any thoughtful person. When we realize that in the mobilization and gathering together of the C. C. C. boys there have always been more applicants for enrollment than the organization has been able to take, and when once the idea has gone forth to the Nation that the Army will live up to its part, that it will not take a trainee until they have the right kind of clothing for him, that it will not take a trainee until the right kind of housing facilities are available, that it will not call the trainees until the right kind of trainers are at hand, there is nothing to keep our boys from taking advantage of this great privilege, for it is a privilege and not an obligation. This bill gives to the youth of America another privilege which all know is exceedingly worth while if it is lived up to properly.

In the mobilization of 1917 we did call men when we did not have sufficient housing for them; we did call men when we did not have blankets for them; we did call men when we did not have shoes for them; we called men by the thousands, yea, by the hundreds of thousands, when we did not have proper trainers to command them. This bill gives us a chance to emphasize the fact that in the traditional manner voluntary enlistment and voluntary training go hand in hand with the selective theory.

I desire to refer to the provision on page 16 embraced in the first three lines, which are very important, and emphasize the fact that there has been great forethought in the wording of the bill:

> The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

If that means anything, it means that we will not cheat a boy out of his military service by giving him a supposed training some place away from camps. The concentration points will be large concentration points, because the weakness of officer personnel and rank and file of our Army is that they have not the chance or opportunity to train in large units. The provision I have read should give to the people of the country the guaranty that we will not turn educational institutions, for example, into military camps; that we will not interfere with the ordinary processes; but that a boy who goes into the Army for a year's training will get training in a great camp. We know how to build camps and we know how to conduct camps. We did splendidly in the World War with regard to this particular activity. We built in all 31 great concentration centers, and after 6 or 8 months' time those centers were centers of great and worth-while training.

The quotas which are to be called for this training will be determined—and this, too, is important—on a State-wide basis, so that an injustice under the selective-draft theory will not be imposed upon a State which has already furnished more than its quota by the voluntary method. In making the selection and ordering the men to the colors, this will be considered at all times.

I should say that the handling, classification, and ordering into service will be done as a result of the activity of local units, who will not be military men but civilians, acting in their civilian capacity, as they did during the last war.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield for a question.

Mr. RUSSELL. My question will be brief. Does the Senator from Utah understand the bill to provide that the number of those who have volunteered for service shall be counted in before the quota of those to be chosen under the selective system is arrived at?

Mr. THOMAS of Utah. That is the way I understand it will work, under the quota system outlined in the bill.

Mr. RUSSELL. Does the Senator know what date will be taken to start the computation?

Mr. THOMAS of Utah. That, of course, would depend upon the administration. I am assuming that the Army itself would be first classified, and then those who have volunteered under the present system would be considered and counted in, and then the new volunteers who will start with a year's training after the measure becomes an act.

Mr. RUSSELL. All the categories enumerated by the Senator would be deducted from the quota of those who would be chosen by the selective system?

Mr. THOMAS of Utah. I assume that would be the case.

Mr. JOHNSON of Colorado. That is the way the witnesses from the War Department testified it would be handled, not only as to the volunteers under the pending bill, but the enlisted men now in the service.

Mr. THOMAS of Utah. And the National Guard.

Mr. JOHNSON of Colorado. That is true; all of them.

Mr. RUSSELL. I have had a number of inquiries from my State on that particular point, and therefore I was very much interested in hearing the discussion of the able Senator from Utah.

Mr. JOHNSON of Colorado. Only the National Guard enlisted men who have been ordered into the Federal service will be counted, however.

Mr. THOMAS of Utah. Those who remain in State service will not be counted, because this is entirely a Federal proposition.

Another point is that the theory of deferment under the bill is based upon individuals and not based upon groups. There is but one exemption in the bill, which I will discuss later. It is an exemption which has to do with a person's occupation or a person's service in life.

All those who are now contributing to the training in the service of the Army and Navy of the United States, of course, are exempt from the registration. In conformity with an amendment offered in the committee by the junior Senator from Kentucky [Mr. CHANDLER], who is now presiding over the Senate, we very wisely, I think, accepted the idea that cadets of the advance course in the senior division of the Reserve Officers' Training Corps should also be exempt from registration. The theory behind that is simply a military theory. The boy who has gotten into the advance course of an officers' training corps is merely one step removed from a second lieutenancy. It would be unwise military policy to mar or to make ineffective the training of a commissioned officer for the sake of giving him a place in the ordinary training under the draft scheme.

In all other particulars groups are not recognized as groups, and each Senator should take into consideration the fact that wherever the committee had offered to it an amendment providing that a group as a group was to be made exempt, it did not accept the amendment, on the theory that the draft should act upon individuals, and each individual's condition should be taken into consideration, in spite of the fact that he belonged to a certain occupational group or to a certain scientific or professional group.

There is, of course, a single exception, the exception made for ministers of the gospel. It was assumed that the Army should not dip into the ranks of recognized, organized, and certified ministers of the gospel. Duly ordained ministers, therefore, may be spoken of as the only occupational group exempted, if I may speak of them as an occupational group.

Mr. President, I now come to what to my mind is one of the most important features of the bill, the attempt of the committee to make secure persons' jobs after the year's service, to make secure the insurance privileges they might have gained in their jobs, to make secure their seniority, and to make secure all of the relations they had gained as a result of working.

It was hard to draft this particular legislation, and the committee did try several expedients before it adopted the wording of the bill as it is before the Senate. Since in the discussion of the bill two great and worthy Senators questioned the constitutionality of this provision, it is necessary for me to go in rather a formal way into an attempt to show that the provision is constitutional. It would have seemed strange to me if we had the power, under the Constitution of the United States, to take a man and call him to service, but had not the power to guarantee his job after the service was over. I realize that is not law, that is merely sentiment, and since this is a government of law, perhaps it will be necessary to argue this subject sometime from the legal standpoint.

I should like to present now, in a rather formal way, what I think was the legal approach which the committee took when it adopted these very important amendments, and these amendments more than anything else will make the trainee provisions of the act successful from a national-defense standpoint.

The constitutionality of these provisions rests on the following basis:

First, the Constitution authorizes the Congress to make all laws which are necessary and proper for carrying into execution the powers vested by the Constitution in the Federal Government.

Second, the provisions in question are in their application to any case necessary and proper for carrying into execution the power to raise and support armies and to provide and maintain a navy and are, in the application to some cases, necessary and proper for carrying into execution the power to regulate interstate commerce.

Third, there is no provision in the Constitution which prohibits the exercise of these powers in this manner and for this purpose.

It will be noted that the employer is not required to restore the employee to his former position if the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

REMEDY UNDER THE NATIONAL LABOR RELATIONS ACT

The provisions of section 8 (d) of the bill provide that the failure or refusal of any private employer to comply with the reemployment provisions quoted shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act. That act, like this provision of the pending bill, defines unfair labor practices in such a manner as to include practices engaged in by any employer, whether or not he is engaged in interstate commerce. But the procedures provided by that act for the prevention of unfair labor practices can, by the terms of that act, be availed of to prevent any person from engaging in unfair labor practices which affect commerce. Therefore, the remedy provided in that act for the prevention of the unfair labor practice established under the pending bill will be available only in those cases where such practice is engaged in in interstate or foreign commerce, or where the practice burdens or obstructs such commerce, or has led to or tends to lead to a labor dispute burdening or obstructing such commerce. Where such a showing can be made, it is obvious, in view of the many recent decisions upholding the validity of the National Labor Relations Act and the power under that act to order the reinstatement of employees, that the application of the provisions of the bill now under discussion can be upheld as an exercise of the commerce power. The rest of this discussion is, therefore, devoted to the broader grounds on which the application of the reemployment provisions in the bill can be upheld in any case.

REMEDY IN THE COURTS

The provisions of section 8 (e) of the pending bill provide that in any case in which no remedy is available under the National Labor Relations Act to require compliance by any private employer with the reemployment provisions quoted, the district court of the United States for any district in which such employer maintains a place of business shall have power, upon the filing of appropriate pleadings, to specifically require such employer to comply with such provisions.

This provision has no connection with the commerce clause. The question presented is whether the Congress has power, apart from the commerce clause, to require employers to restore employees to their former positions under the circumstances indicated above.

POWER TO RAISE ARMIES

The Constitution, article I, section 8, provides that the Congress shall have power to raise and support Armies and to provide and maintain a Navy. The Constitution does not specifically provide that the Congress shall have power to require employers to reinstate employees who have served in the Army, but, like many other powers which have long been exercised by the Congress, it is a power which may be exercised in order to make possible the most beneficial exercise of a power expressly granted.

DOCTRINE OF IMPLIED POWERS

The Constitution, article I, section 8, provides that the Congress shall have power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof." The broad extent of the powers which may be exercised by virtue of this provision, often called implied powers, has been long recognized. The application of this provision to new circumstances, or its application in support of acts somewhat different from any of the precedents, is essential to the orderly functioning of our Government under the new conditions which it must face from time to time. A brief reference to some of the familiar statements concerning this provision will be sufficient to indicate that it may properly be invoked to support the provisions of the bill now under consideration.

In the exercise of the general power given by this provision Congress may use any means appearing to it most eligible and appropriate which are adapted to the end to be accomplished, and are consistent with the letter and spirit of the Constitution—*Logan* v. *United States* (Tex. 1892), 144 U. S. 282.

The word "necessary" does not limit the right to pass laws for the execution of the granted powers to such as are indispensable, and without which the power would be nugatory.

> In ascertaining the sense in which the word "necessary" is used in this clause of the Constitution, we may derive some aid from that with which it is associated. * * * Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

That, of course, is from the famous old controlling case of McCulloch against Maryland.

Mr. President, since the last citation is from the McCulloch case, and since the spirit of the Constitution is mentioned in it, and since the Senator from Montana [Mr. WHEELER] has taken part in the discussion earlier in the day, I cannot refrain from a response to these two stimuli which came to my mind as I read them, because my mind went back to a great discussion carried on by the late lamented Senator from Kentucky, Mr. Logan, and the Senator from Montana with respect to whether or not there is a spirit to the Constitution of the United States.

Mr. President, John Marshall recognized the existence of the spirit of the Constitution of the United States. Every boy who has ever been taught the glory or the destiny of his Government recognizes and feels its spirit. Every man who knows in a comparative and intellectual way, as the result of a study of what that great document has done to so many millions of people, not only in this country but throughout the world, realizes that it is a spirit above all other things. I may say here that if the Constitution of the United States is figuratively brought over into the sphere of a living being, made up of mind, spirit, and body, he who mars the spirit may quite as well destroy the whole body as he who argues only for the letter, the jot, the tittle in an ordinary legalistic discussion.

I may also say that it is the spirit of the draft measure to see that American boys shall not be imposed upon in any way; to see that so far as it is possible their ordinary individual course in working out their own ordinary individual lives shall not be interfered with. It is the spirit of the draft measure that I hope will be administered and will be obeyed.

Let me say at this point that on page 29 of the committee amendment there is provided instruction to the director of the Selective Draft Act, and on page 27 in section 3 there is provision for the appointment of the Director under the authority of the President, the Director to be confirmed by the Senate.

I may further say that I hope when the President of the United States selects the man who is to administer this law he will look outside the range of the ordinary militarily trained individuals. It is in the spirit of the Government of the United States that we want to go into the administration of the law, and I hope that the President will choose a man who understands the worth of American institutions, not only to the country as a whole, not only to the armed forces, but to every individual citizen, and above all he should remember and keep in mind, especially at times when he is entering into contests with other lands, when armies are being raised, when they are marshaled, that there is no other land in the whole world quite like the United States. I say that because there is no other government in existence which does not administer its affairs in the spirit of doing the best thing for the government. But the primary theory of the American Government is that the governmental affairs shall be administered in the spirit of doing the best thing for the individual person within that Government.

That is what I mean by spirit so far as the proposed law is concerned.

By the settled construction and the only reasonable interpretation of this clause, the words "necessary and proper" are not limited to such measures as are absolutely and indispensably necessary, without which the powers granted must fail of execution, but they include all appropriate means which are conducive or adapted to the end to be accomplished, and which in the judgment of Congress will most advantageously effect it—*Legal Tender Case* (N. Y. 1884) (110 U. S. 440).

SOLDIERS AND SAILORS' CIVIL RELIEF ACT OF 1918

The Soldiers and Sailors' Civil Relief Act of March 8, 1918 (40 Stat. 440), is analogous to the reemployment provisions of the present bill. That act provided, among other things, for the stay of actions brought in the State or Federal courts against persons in the military or naval forces, for a stay of evictions in certain cases where the families of such persons failed to pay rent, and for the postponement of the payment of taxes payable by such persons. It is important to note that that act imposed substantial burdens upon—and, incidentally, this is in answer to the Senator from Washington, who asked me about property—and substantially interfered with private rights of individuals in order to afford protection to persons in the military and naval forces.

At the time of its enactment the question of its constitutionality was considered, and the reasons which led the Congress to believe that act to be constitutional are equally applicable to sustain the validity of the reemployment provisions of the present bill. The basis on which the Congress acted at that time is indicated by the following excerpt from the committee report in the House of Representatives—55 CONGRESSIONAL RECORD, 7791:

Without burdening this report with citations, a single quotation from a well-considered decision of the Supreme Court in *Stewart* v. *Kahn* (11 Wall. 493, 1870) is of value not only as of general application, but as bearing directly upon the provisions of this bill.

In that case there was presented to the Supreme Court the question of the constitutionality of the Civil War Limitation Act of 1864, which provided that whenever, after an action should have accrued, the defendant could not, by reason of the interruption of the ordinary course of judicial proceedings, be arrested or served with process, "the time during which such persons shall be beyond the reach of legal process shall not be deemed or taken as any part of the time limited by law for the commencement of such action." The language of the Supreme Court in rejecting this contention is a direct application to the problem before us.

"Congress is authorized to make all laws necessary and proper to carry into effect the granted powers. The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution.

"In the latter case the power is not limited to victories in the field and the dispersion of the insurgent forces. It carries with in inherently the power to guard against the immediate renewal of the conflict and to remedy the evils which have arisen from its rise and progress. This act falls within the latter category. The power to pass it is necessarily implied from the powers to make war and suppress insurrections. It is a beneficent exercise of this authority. It only applies coercively the principle of law of nations, which ought to work the same results in the courts of all the rebellious States without the intervention of this enactment. It promotes justice and honesty, and has nothing penal or in the nature of confiscation in its character."

This law, it is to be noted, was held to apply not only to the Federal but to the State courts. As thus construed the decision was affirmed in 1884, in *Mayfield* v. *Richards* (115 U. S. 137, p. 142), where the Court said:

"The question thus raised was expressly decided by this Court in the case of *Stewart* v. *Kahn* (11 Wall. 493), where it was held that the act applied to cases in the courts of the State as well as those of the United States, and that thus construed the act was constitutional. We are satisfied with the judgment of the Court in that case and are unwilling to question or reexamine it."

The question before us, therefore, is, Is the proposed act appropriate or plainly adapted to the great end of the conduct of war and the support of an army? Does it or does it not present a direct effort to remedy the evils which have arisen and will continue to arise from its progress? If so, and no prohibition of the act can be found, it must be sustained. The question, therefore, very largely lies in a consideration of the purpose and scope of the law itself.

NECESSITY FOR REEMPLOYMENT PROVISIONS

To paraphrase the last paragraph of the excerpt quoted above: The present question is, therefore, whether the reemployment provisions of the bill S. 4164 are appropriate or plainly adapted to the support of an army. Do they or do they not present a direct effort to remedy the evils which have arisen and which will continue to arise whenever it is necessary to require large numbers of persons to serve in the armed forces. If so, and no prohibition of the provisions can be found, they must be sustained. The question, therefore, very largely lies in a consideration of the purposes and scope of the provisions themselves.

It would seem to be obvious that if the Congress has power to raise an army that power can be effectively exercised only if the Congress can take such measures as are necessary to make it an efficient army and to prevent undue hardships upon the persons who constitute the army. If there is any one factor in military science which is of all-embracing importance, it is the morale of the men who make up the fighting forces; and no one can deny that if we guarantee their jobs when their military service is completed we have taken a long step in providing the Army and Navy with patriotic men who are willing and anxious to serve their country. If it is constitutional to require a man to serve in the Army and Navy—and no one denies that power—it is not unreasonable to require the employers of such men to rehire them upon completion of their service, since the lives and property of the employers, as well as the lives and property of everyone else in the United States are defended by such service.

I am sorry that the Senator from Washington [Mr. BONE] is not present to hear this argument, because he will realize

that in the drafting of this measure we did have some thought as to property, we did have some thought as to responsibility, and we did not merely have in mind the narrow notion of taking a boy's life and using it for the Government's purposes.

CONSTITUTIONAL PROHIBITION

It does not seem likely that it will be seriously contended that the reemployment provisions of this bill contravene any of the prohibitions in the Constitution, unless it be the fifth amendment. It is well recognized and readily admitted that all the war powers conferred by the Constitution are subject to the fifth amendment. However, it is well established under the National Labor Relations Act that it is not a violation of the fifth amendment to require an employer to reinstate employees in appropriate cases. This bill by its terms does not require reinstatement in any case where it is unreasonable or impossible. If the Congress in the exercise of one of its great powers can require reinstatement of employees where it is necessary for the effective exercise of that power, it can likewise in the exercise of another of its great powers require the reinstatement of employees when it is necessary for the effective exercise of such other power. If the Congress can require an employer to reinstate employees so that interstate commerce will not be burdened, it can require an employer to reinstate employees whenever such requirement is reasonably necessary in the interest of the common defense.

Mr. REYNOLDS. Mr. President——

Mr. McNARY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am very happy to yield to the leader of the minority.

Mr. THOMAS of Utah. Mr. President, since I have been interrupted so many times, and since I have come to the end of what has been a rather formal presentation, I should like to conclude what I have to say——

Mr. REYNOLDS. I am glad to yield to the Senator from Utah.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The Senator from Utah [Mr. THOMAS] has the floor.

Mr. REYNOLDS. I understood the Senator from Utah to take his seat, unless there is something wrong with my eyes. I beg the Senator's pardon. I thought he had concluded.

Mr. THOMAS of Utah. The Senator from Utah had not taken his seat.

Mr. REYNOLDS. I assumed that the leader of the minority thought the Senator had concluded. That is why the leader of the minority requested that I yield; but I am always happy to accommodate my colleague, and I am glad to yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. THOMAS of Utah. Mr. President, I am wondering whether or not the Senator from North Carolina would be glad to listen further.

Mr. REYNOLDS. The Senator from North Carolina would be delighted, because the Senator from Utah always talks most interestingly and delightfully. His words are better than music to my ears.

Mr. THOMAS of Utah. No ending I could make would be any finer than that, Mr. President. I desist.

Mr. REYNOLDS obtained the floor.

Mr. McNARY. Mr. President——

Mr. REYNOLDS. I am glad to yield to the leader of the minority.

Mr. McNARY. I thought the program was being followed, and that the Senator from Connecticut [Mr. MALONEY] was to speak next. I was about to suggest the absence of a quorum. Is it the desire and purpose of the able Senator from North Carolina to address the Senate?

Mr. REYNOLDS. Merely for the purpose of making comment upon a memorandum handed me a moment ago in the dining room, after which, of course, I would not think of interfering with the Senator from Connecticut.

Mr. McNARY. Very well.

UN-AMERICAN ACTIVITIES

Mr. REYNOLDS. Mr. President, when I was in the dining room a moment ago a man handed me a memorandum. It is appropriate at this time, in view of the fact that we are talking about national defense. According to my belief, national defense means to defend ourselves from within as well as from without. I think our first duty is to get rid of the enemies in our midst. When we get rid of them we shall have lifted a great burden from our shoulders and considerable concern from the minds of the American people.

The memorandum reads:

DEAR SENATOR REYNOLDS: This man Bridges—

He is speaking of Harry Bridges—

ignored and rebuked our Senate, and especially our great and noble United States Senator Royal Copeland, chairman of the Committee on Commerce, and now he is rebuking the F. B. I.

If we had a few more aliens like him in the United States and with his certain energies no doubt in a very few years our United States and interior would be as helpless as France, when the Germans of late marched right in and took it without maximum resistance.

The House passed the deportation bill—

Referring to the bill for the deportation of Harry Bridges—

by a great majority. Why does not the Senate pass it? It would be such a great rejoicing to dear Senator Copeland, if he could only know the Senate passed it, and that deportation bill became a law, because Bridges tried to tear down the merchant marine as fast as Senator Copeland tried to build it up.

Mr. President, I am sure that if the late Senator Copeland were here today he likewise would be interested in the deportation of Harry Bridges, America's enemy No. 1.

Attached to the memorandum is a newspaper clipping reading as follows:

BRIDGES ATTACKS G-MEN

DENVER, August 9.—Harry Bridges, west-coast labor leader, charged last night that the Federal Bureau of Investigation was "too busy chasing unionists to ferret out spies and Nazi agents." He said he referred to Pacific coast airplane factories where organized labor had called attention to subversive activities 2 years ago.

Mr. President, while I am on my feet, and without presuming upon the time of my friend from Connecticut, I wish to bring to the attention of this body an article concerning the subject of alien enemies, saboteurs, spies, and so forth. I wish to read it. I think it is worth the while of this body and of readers of the CONGRESSIONAL RECORD. I clipped the article from this morning's issue of the Washington Times-Herald. It reads as follows:

DIES TO PRESS MOVIE PROBE—WILL ASK CONGRESS FOR $50,000 MORE

LOS ANGELES, August 17.—Representative MARTIN DIES, chairman of the congressional committee on un-American activities, said last night his committee had uncovered sufficient evidence of subversive influences in the motion-picture and aircraft industries in southern California to warrant a "real investigation."

DIES said he would ask Congress immediately to appropriate an additional $50,000 to complete the committee's study of un-American activities on the Pacific coast.

I digress, Mr. President, to say that I hope that if the Dies committee requests an additional $50,000, the request will be granted without hesitation, because Mr. DIES and the members of his committee have done a marvelous work for the American people.

Continuing with the article:

"No more serious situation with relation to subversive influences is to be found in the country than on the west coast and particularly in southern California," DIES said. "The motion-picture industry offers unusual opportunity for subversive propaganda, the aircraft industry is a center of sabotage activities, and there have been reports of Japanese espionage work."

DIES boarded a train for San Francisco last night after 2 days of secret testimony by screen actors, Fredric March and Humphrey Bogart, writer, Frank Scully, nine members of the aircraft industry, and several others who appeared before the committee.

I think it worth while that the committee continue its investigation of activities participated in by enemies of the American Government. I dare say we do not hear as much about such activities as we should. I have heard that sabotage was taking place in the aircraft industry in southern California. No doubt many Members of the Senate have heard the same thing. The other day I heard that at Langley Field within 28 days there were 26 accidents, and that every one of the 26 accidents was caused by a defective landing gear. There must have been sabotage if the story

is true, because 26 accidents in 28 days would not have been occasioned by 26 defective landing gears.

Furthermore, I have heard it rumored that in the construction of ships on one occasion a certain very important bolt which aided in holding the gun to the deck of the ship was left out and that the place for the bolt was filled with an acid, so that within a short time the acid would destroy the foundation to the extent that when the gun was fired it would react backward instead of retaining its emplacement.

Those are merely two instances of which I have heard. I believe we may assume, from all we read in the newspapers—which is very little—and from what we hear, that investigations pertaining to such matters should be carried on very thoroughly, because our imminent danger is from the enemies within.

I apologize to my friend for having intruded upon his time.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 419. An act for the relief of Luke A. Westenberger;

S. 2758. An act for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency;

S. 3400. An act for the relief of Capt. Robert W. Evans; and

S. 3710. An act for the relief of James H. Hearon.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 2627. An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties; and

S. 3354. An act for the relief of Nannie E. Teal.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9751) for the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 428. An act for the relief of Edward Workman;

H. R. 532. An act for the relief of W. J. Hance;

H. R. 1174. An act for the relief of Euel Caldwell;

H. R. 1912. An act for the relief of the estate of Alfred Batrack;

H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;

H. R. 4571. An act for the relief of LaVera Hampton;

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 6060. An act for the relief of John P. Hart;

H. R. 6091. An act for the relief of Samuel Roberts;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6457. An act for the relief of the Wallie Motor Co.;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 7131. An act for the relief of C. M. Kiser;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7346. An act to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army;

H. R. 8474. An act to further amend the Alaska game law;

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy;

H. R. 8818. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939;

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.;

H. R. 10086. An act for the relief of David Jacobson;

H. R. 10124. An act to provide for a grant to the Richmond, Fredericksburg & Potomac Railroad Co. of a right-of-way across certain land owned by the United States;

H. R. 10141. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.;

H. R. 10155. An act for the relief of William M. Irvine;

H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 10181. An act to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., Supp. IV, title 19, sec. 1001, par. 1529 (a));

H. R. 10191. An act for the relief of Anthony Borsellino;

H. R. 10205. An act to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission;

H. R. 10247. An act to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes;

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; and

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 428. An act for the relief of Edward Workman;

H. R. 532. An act for the relief of W. J. Hance;

H. R. 1174. An act for the relief of Euel Caldwell;

H. R. 1912. An act for the relief of the estate of Alfred Batrack;

H. R. 4441. An act for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors;

H. R. 4571. An act for the relief of LaVera Hampton;

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5264. An act for the relief of Maj. Clarence H. Greene, United States Army, retired;

H. R. 5814. An act for the relief of David J. Williams, Jr., a minor;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 6060. An act for the relief of John P. Hart;

H. R. 6091. An act for the relief of Samuel Roberts;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6457. An act for the relief of the Wallie Motor Co.;

H. R. 6512. An act for the relief of F. W. Heaton;

H. R. 7131. An act for the relief of C. M. Kiser;

H. R. 7139. An act for the relief of Joe L. McQueen;

H. R. 7815. An act for the relief of Boston & Maine Railroad;

H. R. 9073. An act to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe* at Norfolk, Va., on October 27, 1939; and

H. R. 10155. An act for the relief of William M. Irvine; to the Committee on Claims.

H. R. 7346. An act to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.;

H. R. 8818. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

H. R. 9173. An act for the protection of the water supply of the town of Petersburg, Alaska;

H. R. 9942. An act authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi;

H. R. 9943. An act authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi;

H. R. 10124. An act to provide for a grant to the Richmond, Fredericksburg and Potomac Railroad Co. of a right-of-way across certain land owned by the United States;

H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title; and

H. R. 10247. An act to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 8333. An act for the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army; and

H. R. 8613. An act to amend the act to provide for the retirement of disabled nurses of the Army and the Navy; to the Committee on Military Affairs.

H. R. 8474. An act to further amend the Alaska game law; to the Committee on Territories and Insular Affairs.

H. R. 9921. An act to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project;

H. R. 10246. An act to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission; and

H. R. 10337. An act to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes; to the Committee on Commerce.

H. R. 10086. An act for the relief of David Jacobson; to the Committee on Immigration.

H. R. 10191. An act for the relief of Anthony Borsellino; to the Committee on the District of Columbia.

H. R. 10205. An act to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission; to the Committee on Interstate Commerce.

H. R. 10181. An act to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., supp. IV, title 19, sec. 1001, par. 1529 (a)); and

H. R. 10267. An act to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; to the Committee on Finance.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. MALONEY obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. MALONEY. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Donahey | King | Schwellenbach |
| Andrews | Downey | La Follette | Sheppard |
| Ashurst | Ellender | Lee | Shipstead |
| Austin | Frazier | Lodge | Smathers |
| Bankhead | George | Lundeen | Stewart |
| Barbour | Gerry | McCarran | Taft |
| Barkley | Gibson | McKellar | Thomas, Idaho |
| Bone | Gillette | McNary | Thomas, Okla. |
| Bridges | Glass | Maloney | Thomas, Utah |
| Bulow | Green | Mead | Tobey |
| Burke | Guffey | Miller | Townsend |
| Byrd | Gurney | Minton | Truman |
| Byrnes | Hale | Neely | Tydings |
| Capper | Harrison | Norris | Vandenberg |
| Caraway | Hatch | Nye | Van Nuys |
| Chandler | Hayden | Pepper | Wagner |
| Chavez | Herring | Pittman | Walsh |
| Clark, Idaho | Hill | Radcliffe | Wheeler |
| Clark, Mo. | Holt | Reed | White |
| Connally | Hughes | Reynolds | Wiley |
| Danaher | Johnson, Calif. | Russell | |
| Davis | Johnson, Colo. | Schwartz | |

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. MALONEY. Mr. President, as I arise to make an explanation of my proposed substitute for the so-called Burke-Wadsworth bill I want first to set aside a few misunderstandings which I find now exist. First, I want to insist that in whatever form the bill may finally pass—and I hope and am confident that it will pass—it is a peace measure. It is intended and designed to keep the United States from the horror of war. That we can avoid war I am confident—but I am confident only because I am certain that we are now well on our way toward a national preparedness that will destroy any possible plan that any foreign power may have to attack our

country. The passage of this bill may be most important among the factors of our preparedness and national defense.

To set aside another misunderstanding I want to point out that this is not what is frequently referred to as an administration bill. I am informed that it was drafted under the direction and leadership of Mr. Grenville Clark, of the Military Training Camps Association, a New York attorney, who had come closely in touch with the activities which resulted in the building up and training of our military forces prior to and during the last war. I have heard—but am not certain about it—that Mr. Clark is a member of the Republican Party. The bill was thereafter—at the suggestion of Mr. Clark and his associates—submitted to the House of Representatives by Representative JAMES W. WADSWORTH, of New York—a prominent and very able member of the Republican Party, and a former Member of the United States Senate. It came to the Senate through our distinguished colleague—the junior Senator from Nebraska [Mr. BURKE]. I have been advised that the Senator from Nebraska was asked to sponsor the bill in this body to avoid any thought or charge that it be regarded as the handiwork of a political party or group—and to make as certain as possible that it be considered free from any partisan atmosphere. Since that time the Senator from Nebraska has announced that he is taking a political vacation and has temporarily left the homestead of his long-time political kinsmen. I say this with no intention of facetiousness—and with complete respect—but with the purpose of removing the thought which prevails in the minds of some people that this is a bill originating and sponsored by President Roosevelt or his administration. In truth it is a bi-partisan and non-partisan effort, properly to prepare our country and its young men against the possible danger of attack or invasion.

I know and respect Mr. Clark, and have served with Representative WADSWORTH and the Senator from Nebraska [Mr. BURKE], and I am entirely convinced that they have been motivated by the highest ideals of purpose and patriotism. Insofar as a means of preparing our country against an aggressor is concerned—and assuming no other consideration was involved—I could applaud their effort and their proposal. But there are other considerations, and other conditions, and views, which must be taken into account as the Congress of the United States studies a bill which is new to our way of life while we are at peace—and which would reach into almost every home, palatial and humble, and might vitally affect every one of them.

Mr. President, I do not now—and have not heretofore—associated myself with the views and statements of those conscientious men who are opposed to a selective-service bill under any circumstances. I respect them—and their right to their opinion—but those who see no potential danger to our national life and way of living—and can visualize no emergency or possible threat—excite my sympathy for what I regard as their poor judgment, and a weakness in their power of perception. If these men have called the turn wrong, and their wishes prevail, God help our country.

Perhaps there is no danger—and possibly no real threat. It may be true that we are invulnerable and that we are not threatened with attack or invasion. It is quite possible that no foreign nation or leader has designs upon our land or our fortunes—or has a thought of robbing us of our commerce or the peace we have earned by right living as a nation. It may be true that they are now or soon will be gorged with their conquests and captures—but the Senator from Connecticut has no such faith in the benevolence of tyrants.

I choose to look upon the international situation from the worst conceivable viewpoint—rather than from the standpoint of the most comforting case that can be made. My judgment and conscience—and my love of my country, and my family, and my fellow Americans—compel me to take the position that we prepare for the worst and pray for the best. I have an undying faith in God's goodness—but have learned out of my childhood training and His admonition, that we are to work out our own salvation—and that to enable us to do so He has endowed all men with an irrevocable free will.

The people of our country are more aroused and bewildered and excited by the war conditions about us—and over our action on this bill, and the defense program, than they have been before in the life of the Republic. None of us may ever have proof that our vote on this measure will have been the right vote—but we are bound by our oath and our sacred trust to forget all else but our solemn duty to seek to find a clear light and sound guidance as we make this momentous decision.

If I felt that war for us was a certainty—or likely—I would now tear up what is referred to as the Maloney amendment, and I would vote for the strongest selective service or conscription bill that the Congress could compose, to be effective this very day. But I do not think war is a certainty, or likely, at this time. War today, Mr. President, is only a possibility. Consequently I will not now tear up my substitute—nor will I tear up the teachings and traditions and practices more than a century and a half old. If it was clear to me that war for this country was imminent I would regard myself a traitor and a coward if I invited our young men to volunteer and gave to others, the less loyal, the privilege of waiting for a later compulsory call to service which might be tragically late.

I want all young men in our country treated exactly alike. Whether or not a sufficient number of young men will offer their services to this country in a peacetime emergency I do not know. There is no earlier experience on which to base an opinion and this would be the first time it was seriously attempted. I do know, however, Mr. President, that millions of our people think that there would be enough volunteers. I do know that the number of volunteers up to now has equalled our desire—and that the number of young men who have presented themselves for service has surpassed our declared needs.

My proposal takes into consideration the possibility of a failure to get the required number of soldiers. The call to arms by selective conscription is to be sounded only if our traditional peacetime voluntary system, in which we have long had pride, should not provide us with a needed Army. Perhaps those holding to this view are in the minority—and I am willing to concede for the sake of argument that they are. Who here is actually willing to ride roughshod over the opinions they hold—which are born of the love of their children and neighbors—and of the system of government we all cherish.

For many exciting and trying months I have been exerting what energy and talents I possess, to a strengthening of our national unity—both in the Senate and outside. I insist that without this national unity the Republic cannot endure. Consequently, if without danger to our country's security we can provide a reasonable period within which the enlistment process can be tried, and at the same time give adequate assurance that when the time comes a sufficient army may be put on the field, through the selective-service process, then we can preserve and maintain a unity among the American people. Neither extremists can then complain. Those favoring volunteers will have had ample opportunity to justify their belief. Those favoring conscription will have assurances that within a reasonable time the necessary armed forces will be forthcoming.

None but Members of Congress can completely appreciate how heated are the passions and excited the emotions of our countrymen, or how fixed and divided are their views on this issue. We hear from them every day—while those not in Congress are limited in their opportunity to feel the pulse and catch the heartbeats of the people over the land—from Broadway to Main Street, and in the humble homes on the hills and in the valleys and on the plains.

For all of these reasons, and for many more, Senators, I have sought to find a meeting place of the minds of our people. Ours is a heterogeneous Nation—and among us are rich and poor and all of those in between. They will not and they cannot think alike—because they live in localities of different viewpoint, and with some differences of social and economic practice.

These people are confused by the expression of opinions in Congress—and by the conflicting testimony of the high ranking officers of our armed forces, and by those without official connection who, with good intention, and possibly in rare instances with evil intention, tell us what should or should not be done. We here do know—on the basis of testimony by officers of the Army and Navy—that up to this day and hour the voluntary enlistments have exceeded the desires and demands of both the Army and the Navy. We know as well that young men in great numbers are constantly being rejected because of some such slight physical handicap as defective teeth—when they might be accepted, and given the chance at the kind of career or life to which they aspire—and at the same time be afforded assistance in correcting a minor defect which their financial circumstances puts temporarily beyond their reach.

In the small city of Meriden, in which I live, the American Legion has undertaken to assist in the national defense program by conducting classes in aviation. Approximately 200 young men enrolled for the training some time ago—but it was not until a few days ago—and after much pleading and effort—that the necessary papers were made available to undertake the work. In this instance the public—in its desire to move toward the perfection of our defense program—was ahead of officialdom. I now understand—as the result of a recent change—this delay is a thing of the past, but I mention this instance as evidence of the fact that so far as the peacetime volunteer system has been tried, it has not failed.

Keep in mind if you will that the volunteer plan is made at least slightly more attractive by provisions of my substitute proposal. I would give young men the opportunity to enlist for 1 year, rather than 3, but would thereafter have them in reserve for a period of years, and thus make their service less binding in period of time if their experience in Army life did not measure up to their expectations. Keep in mind if you will that I have proposed an increase in pay which, although in my judgment not yet sufficient, is at least more inviting than the $21 a month now paid to these young men.

I should like to say here, in parentheses, in answer to those few people who have written to tell me that the pay increase proposal cannot be justified because "patriotism cannot be bought," that I am out of sympathy with their argument, although in accord with their statement that patriotism cannot be bought. Patriotism, though not purchasable, can be dimmed, however, by a disregard for men's needs. I did not propose the increase solely to attract men to the Army, but rather to give them a compensation more nearly in keeping with Federal payments to other young men, and for the purpose of pointing toward a proper payment, more in keeping with their wants, and more nearly proper for what they give to their country. I want to lift up the standards of the Army as best we can in this hour of hurried emergency—and I should like to say that had I been assigned to the task of directing our military forces I feel that I should have approached the undertaking in a manner differing greatly from that which has prevailed—particularly during this period of world turmoil.

Let me say again that I admit the probability of great danger. Let me say—and I say it with a heavy and an aching heart—that I fear the courageous British may fail. I dislike to say it—and I pray my fears are entirely wrong—but I say it because my conscience is compelling on the question of frankly expressing my opinion and feeling to those whom I represent and those with whom I serve.

Admitting this danger I insist that with my substitute we avoid the added risk of prolonging the hysteria among some of our people—and of stimulating their emotions in the wrong direction. I want to bring all of them back—as I always have—to a nation united in purpose. They are not without the patriotism—or the courage—or the will to sacrifice—but the shock of this proposal has been severe—as we might expect—and our duty here, as I see it—cannot be considered well done until we have given a leadership to those who have given us their trust, and who have placed in our hands—and in the hands of President Roosevelt—the guardianship of their lives and their fortunes and their future happiness—and in a time like this the lives of their children.

May I be permitted to say at this time that, in my humble judgment, no leader of our Nation—not excluding Washington or Lincoln or Wilson—has been confronted with a period of service more vexatious or trying than the great humanitarian and statesman who now leads our people—and who has maintained the trust and confidence of his countrymen through panic and world strife, the like of which until our time had not befallen America. As he meets the continuing and aggravating changes in a world of chaos and crisis, I pray that he may have Divine guidance. I also most earnestly pray that those who see no emergency or occasion for decisive action may have a clearer vision of our national peril and our solemn duty.

I say again that the emotions of our people are stirred to a fever pitch—and I say sadly that they are divided. Every Senator has received mail charging Congress with a needless delay and mail pointing to what the authors describe as the horrible example of the politicians of Europe. Despite all of this Senators know that the rate of speed necessary to satisfy some of them could be brought about only by the abdication or abolition of Congress—and God knows that is not what we want.

Because I happen to be the individual who sought to find a place where we might nearly agree, I have received more mail and messages than some other Senators, and have had the better chance to know the passions of the feelings and the positiveness of peoples' views. I doubt that I have escaped a single one of the charges that the rest of you know—and I need not remind you that there is little immediate applause for the man who seeks to find an "in between" solution to a great legislative problem. There might have been an easier path than the one I selected, but in this exalted body every Member is called upon to give the limit of his time and energy and talents to his country—and permit me to add that for as little or for how long a time as I stay here I shall endeavor to do it.

I was once accused by a few people who disapproved of my votes to build up the Army and Navy of being a militarist. Since then, as a member of the appropriations subcommittees handling the Army and Navy appropriations, I have at times found myself impatient with what seemed to me to be the impaired vision of certain officers, as on occasion I found them lagging behind my desire to go more deeply and heavily and quickly into the program of national defense. All of this was before the march into the Low Countries of Europe. After that march some of those who as long as 8 years ago publicly charged that I was not concerned with the matter of world peace, proceeded to scold me for having contributed to "our delay and deficiency" in the matter of national defense. I make these personal references because I want the record to be clear, and that our observant and interested countrymen may have the opportunity to know the problem with which we are confronted—and why I have offered the substitute which I will soon explain.

I insist that my proposal has not until now delayed the Senate 10 minutes, and I insist that it would not delay the desire and need to strengthen our Army. I firmly believe that it would accelerate our national-defense effort because it would tend to solidify and strengthen the spirit of America. It would do this by giving proof of one kind or another to those who are intense in their feeling—some of whom charge that the immediate adoption of peacetime conscription abruptly violates our practices and traditions without fair trial—and at the same time disrupts our economic and social life. I do not insist that my proposal will prove the contention of the latter group, but it will give them the chance first to find out if they are right—and next to adjust themselves to the new practice should they be in error.

I ask my colleagues to please note that I am endeavoring to be completely frank. Before I have concluded I shall try even more frankly to explain how I feel about what is happening—in order that you here may know, and those who

come after us may know, that I am not trying to hedge on my position, but am trying, feebly perhaps, to bring order out of confusion, at a time when we should not only be of stout heart—but also of clear mind.

Perhaps I should stop here to give expression to how I feel about what goes on across the seas. I am partially prompted to do this by messages which I have received, asking if I lacked an understanding of what was happening abroad, or if I sought for political purpose to appease any of those who might be without sympathy for the Allied cause.

Let me say—with as much clarity of language as I possess—that I want to help England—but let me add that we cannot help her by smashing our own morale. I want to give refuge to the terrorized and helpless children of the Old World, by sending mercy ships to bring them to places of safety. I want to give Great Britain every assistance properly possible—and will only insist that we keep within the bounds of international law as interpreted by our State Department—and only to the extent (and I intend this to be taken in a broad sense) that our own defense is not impaired. I do not want to declare war or become involved in war, and I will not vote to send our soldiers to participate in a foreign conflict, but I will not be blind to the fact, or try to hide the fact, that our fortunes are to no little extent bound up in the fortunes of the stout-hearted and sturdy British people who are fighting with their backs to a wall. The admiration I feel for the people of Britain is beyond my gift of expression, and in their terribly sad adventure they carry my hopes and my prayers.

A man and woman in my State sent me a telegram a few days ago stating that it was time to end the ancient Irish-English feud, and go to the help of the British people. God knows no ancient animosities have affected me. The same suggestion was injected—without evil intent—in our discussion of the neutrality resolution of last year. Will you bear with me while I briefly read from a statement which I made at that time? I said:

> During the days just behind us I have listened to Senators tell of the black marks on the record of the British Government. Theirs was not a new story to me. All my life I have heard of Britain's persecution of God-fearing and God-loving people. Almost by heart I know the whole story of those subjected to the violent dictation of England's might. My abhorrence of the dark shadows which British leaders have cast upon decent governmental practice has been as violent as England's rule; but I am not so blind as not to know that the English people were not to blame.

That is the end of the quotation. Let me add a further word now. This may be of no importance to anyone but me, but I want to say it for my own sake. I not only admire, but have a great affection for the English people, and I never knew one of them whom I did not like. I pray for their successes—and their liberation from the living hell which they are these days compelled to endure—and I pray that through the British Empire may come a returned freedom for the once free men of Czechoslovakia, and the men and women who lived under the flag of democracy in proud Poland. I share these prayers for the people of peace-practicing Norway—and those who were crushed in Denmark and Holland and Belgium and in Austria—who also loved peace more than all else save God and liberty and honor.

No less a fraction of hope do I have for the martyred people of the recently powerful nation and good people of France—and lest I yet be misunderstood, let me add that I do not now or ever want the support of those who are in disagreement with my feeling for those whose homes have been burned—whose children and loved ones have been destroyed—and whose liberties have been taken away. I have naught but scorn for those who see in my proposal, or my actions here, a bid for political profit. No greater public honor can come to a man than a place in this body, but the distinction is not worth the destruction of an innocent child in Europe, or a single man who wears the uniform of an American soldier. After having said that—let me emphasize that I want to help those who are searching for the high road to peace—and—let me repeat that we must keep peace among ourselves if we are to help bring peace to others.

I want to see the godless philosophy now rampant in the Old World completely destroyed. I do not want to see the peoples of any nation crushed, but I want to see the torn and oppressed nations liberated, and restored to their rightful standing and opportunity, and I hope to live to see the shackles removed from the good peoples of the totalitarian states—who first suffered from a moral and an intellectual kidnaping, and were then molded into a hateful war machine. As surely as the sun rises that machine—now bringing death and destruction to other people, will one day destroy the philosophy which drives it, and will leave long lasting scars on the drivers. The long painful climb of civilized man—and the glorious record of religious civilization, compel our faith in the eventual death of tyranny.

Mr. President, I have perhaps delayed too long in coming to an explanation of my proposal, but I have done so to attempt to make clear what has prompted it—and how I feel. I have not, and do not, and will not, condemn the Burke-Wadsworth bill. I only point out—again with a desire to emphasize—that it is not an administration bill—or even an Army bill. I tell you, what so many if not all of you know, that a great many millions of our people do not yet want this bill in its present form. Some of them may never want it, but in a darker hour I think most of them would demand it.

It has been said that my proposal is really an anesthetic for the conscription operation. I should prefer it be referred to as a possible cushion against a shock to our national life—or to the body politic. There is still an even better explanation which I doubt that I would have used if it were not so conveniently put at my disposal. I found it in an article written by Ernest Lindley—a prominent reporter and author, who is held in high esteem. In his newspaper column of August 16, a copy of which I have, he wrote in part:

> One reason why conscription for military service is encountering an uphill struggle is the feeling that business is not being called upon for corresponding sacrifices.

I shall not now read all of the article, but further on it says:

> The Anti-Trust Division of the Department of Justice has pending several suits involving industries of importance to the national defense. But it is feeling the pressure to "lay off," lest it make the industries involved non-cooperative with the defense program.
>
> It already has run into difficulty in its suit against a number of the large oil companies. This was to have been filed almost 3 weeks ago. It was not regarded with open hostility by the oil companies, because it was a civil suit. It covered various questions which had been raised already in criminal suits and which would be raised eventually in additional suits, if this over-all civil suit were not carried through.

I beg the attention of Senators while I read the next quotation from Mr. Lindley:

> The filing of the suit, however, was deferred on representations from the Defense Commission that it might impair the psychological attitude of the oil company officials toward the national defense program.

I shall not read further, Mr. President, but that seems to me to make a case for my proposal. I am concerned with the psychological effect on the many more millions of people—who are even more vitally affected—perhaps one day even to the point of offering their lives—by our defense program. How they feel—and what their attitude is, is of importance to me, and to our defense program—and to national unity, and to our country.

Mr. President, I am not now defending, approving or condemning, the Anti-Trust Division of the Department of Justice—nor do I care at this moment to associate myself with what else Mr. Lindley has written—but I think I might find logic in what seems to be referred to as the view of the Defense Commission. As a matter of fact I think the Defense Commission and its leadership is earning our approval and gratitude—but if they have taken this attitude and position they could not with consistency reject my suggestion—and I doubt that they would. I am concerned with industry's attitude—and want to protect industry's position, but I am at the moment—and I am sure I always will be—as much or more concerned with the attitude and feelings of those who have no others to intercede for them, or present their case, than I am with the attitude of those whom they elected.

I ask unanimous consent that Mr. Lindley's article—so that it may be fully understood—be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Without objection, it is so ordered.

The article is as follows:

NECESSARY SACRIFICES—IS BUSINESS TO BE PAMPERED?

(By Ernest K. Lindley)

One reason why conscription for military service is encountering an uphill struggle is the feeling that business is not being called upon for corresponding sacrifices. There are multiplying signs that the national policy with regard to business enterprise in its relation to national defense is to become one of extreme solicitude, bordering on pampering.

On one side it is proposed to compel men to bear arms. At least, they will have to take a year of military training. At most, they will be called upon to sacrifice their lives.

On the other side, it is not proposed to apply in any way the principle of compulsion to the industrial mechanism which must provide the weapons for these men, or to any other sector of the American economic system. Instead, to some who are dubious about the conscription of manpower, the official approach to business enterprise seems to be a compound of cajolery and bounties.

The two chief exhibits of the present approach to business are (1) taxation and (2) the efforts to throttle certain suits under the antitrust laws.

The tax question falls into two parts: Depreciation and the taxation of profits. It is generally conceded that if private capital is to be induced to invest in new buildings and new tools for the manufacture of munitions, it must be given reasonable assurance of recovering the investment within the period that the orders for munitions probably will occur. Accordingly, the Defense Commission obtained an agreement among all Government agencies that companies making these special investments, useful only for military purposes, should be allowed to write them off in 5 years. This means that they can deduct 20 percent for depreciation each year for 5 years as an item of cost in calculating the profit on which they may be taxed. The understanding is that if orders for military-defense purposes do not continue over a 5-year period, these companies can come back and obtain a further readjustment of taxes in their favor.

Until this arrangement is set up by law through Congress, the defense program on the manufacturing side is held up.

This liberal allowance for depreciation supposes, however, that the industries receiving it will make very small profits. Since industries, understandably, do not want to shoulder the risk of loss through failure of Government orders to continue long enough to justify the new investment, they are not entitled to a counterbalancing reward for taking the risk.

When it comes to taxing profits, however, the policy seems to be "go easy." In the view of several influential Members of Congress, the Government tax policy with regard to national defense is, for business, a "heads I win, tails you lose" proposition.

The Anti-Trust Division of the Department of Justice has pending several suits involving industries of importance to the national defense. But it is feeling the pressure to "lay off" lest it make the industries involved noncooperate with the defense program.

It already has run into difficulty in its suit against a number of the large oil companies. This was to have been filed almost 3 weeks ago. It was not regarded with open hostility by the oil companies, because it was a civil suit. It covered various questions which had been raised already in criminal suits and which would be raised eventually in additional suits, if this over-all civil suit were not carried through.

The filing of the suit, however, was deferred on representations from the Defense Commission that it might impair the psychological attitude of the oil company officials toward the national-defense program. Thurman Arnold, Assistant Attorney General in charge of antitrust work, has taken the reasonable position that he will not prosecute any practice, otherwise in contravention of the antitrust laws, which is essential to the national defense. But he balks at being asked to discontinue a suit, otherwise justified, on the ground that it might instill in the leaders of a particular industry a noncooperative psychology.

When the Defense Commission has completed its study of the specific hearing of the case on national defense, it may agree with Mr. Arnold. It may have to pass similarly on four or five other impending suits.

It seems clear enough that if a specific business practice, otherwise illegal, is valuable for national-defense purposes, it should be openly sanctioned during the period of the emergency.

But the contrast between the wary solicitude for the "psychological" attitude of business and the approach to the problem of obtaining men to bear arms is griping some of the administration's sturdiest supporters in Congress. It may lead shortly to a real political explosion.

Mr. MALONEY. Mr. President, there are many underlying reasons for the thousands of pleading and sorrowful and pitiful, and sometimes violent messages, that Members of Congress have received in connection with the pending bill. The leadership of the great labor organizations of the country—the American Federation of Labor, and the Congress of Industrial Organizations—have publicly opposed it, and have notified their members of the opposition. Many church groups are opposed to it. I noted in the press the other day that the W. C. T. U. had announced its opposition to a draft measure. Millions of individuals over the country—for many varying reasons—are hopeful that an immediate selective draft bill will not be passed by Congress.

The grandfathers and the fathers of many young Americans long ago left their native lands to run away from compulsory military service. They not only abandoned the places of their birth, and for the last time looked upon their humble homesteads—but in countless instances looked for the last time upon their own mothers—as they hastened by steerage passage to a land of freedom. They had developed a hatred of conscription and compulsory service, and I presume over the years they have time and time again told their children of that hate—not only of war and war machines—but of compulsory army service. I do not know that they were always right, nor am I at all satisfied that good has come out of the recollections that they have passed on to their children—but I do know, Mr. President, that the seed sown over these years has blossomed, and it cannot be immediately and quickly taken from the minds of these young men. I hasten to add that the situation confronting them now is not at all like the situation confronting their parents and grandparents, but actually is the horrid and hateful and bitter result of these earlier conscriptions in lands across the sea. We have come to the time of our lives when we may be compelled to fight fire with fire, and certainly to a period in our lives when we must meet the situation from which men of another day fled—but from which, Mr. President, we cannot now flee. I mention this only because I want to show a need that we be realistic.

Right or wrong, the views, wishes, and opinions of these groups and these individuals certainly must be considered; and while I cannot go all of the way with them—or even very far—I want to meet them some place on the road—and try as best I can to provide a substitute that is in every way sufficient for our need and tries to meet the country's composite view.

Earlier in my statement I admitted the potential danger, and even the possibility of attack, but I am sure that the time has not yet arrived to distribute gas masks, to plow up golf courses, and to build bomb shelters. I am confident that there is at least yet a little while for an orderly and calm procedure. I believe that we will enlist men under my plan just as fast as the Army can digest them, although I want to insert here my belief that it is not necessary to wait until there is equipment and a rifle for every soldier before he be permitted to undergo training. I realize that much can be done to train men without all the equipment that they will finally need, but that is not by itself a sufficient reason for calling away from their professions, and their business—and their families—young men who are in peacetime at least not quite ready to make the change.

Were we in the midst of a war—or were war at our door—we would have to go further than the Burke-Wadsworth bill would go. But as all Senators know, any kind of a draft—so long as we are at peace—should be approached cautiously, even if not reluctantly. There are some men who would even draft industry and capital—but I want to say here for the record, that I would be opposed to such a program. The next step after the conscription of capital and industry would be a conscription of labor, and I would just as bitterly oppose that. A conscription of either would lead to the conscription of the other and at that point we would have thrust upon us the way of life against which democracy is fighting. I know that should war come to America, industry and capital and labor would be called upon to make sacrifices—and would make them I am sure—but do not let us rush into the business of compulsion and conscription too quickly and blindly. I do not mean that we want to ease into it, either; but let us have a sufficient breathing spell to adjust ourselves to a necessary intrusion upon our orderly and present way of life. If we do it I am confident that we

will better prepare ourselves for any emergency, and give a greater strength to America and American arms than if we made a headlong dash into a situation that we do not yet fully understand.

During the past several days the newspapers have printed thousands of columns on the subject which we are debating. Radio commentators, other men in public life, and patriotic spirited citizens on either side of the issue, have discussed this proposal. There is speculation one way and the other as to how President Roosevelt feels about the Burke-Wadsworth bill, and how the man opposing him in the coming election feels about it. I do not know how either of them feels, but, on the basis of the statements they have made, I am able to believe that they are not in disagreement with my suggestion. I know that in my own State there is a strong feeling concerning the danger with which we may be confronted—but I know as well that there is a strong support for the suggestion that I have made. The Governor of my State, who in his capacity as chief executive of our Commonwealth is endeavoring to contribute to the national-defense program, has taken no position on this bill, or on my proposal—although on many other matters considered here I have had an expression of his views by wire and by mail. It so happens that I am a candidate for reelection this fall; and it also so happens—and perhaps it is not strange—that there is more than one man seeking the nomination in the other party. None of them has offered a word of criticism to the suggestion I have submitted, and I am assuming, in the absence of an expression of opinion by them; that they may be in accord with my view. I think that my State as a whole is in agreement with me—although I confess that I have no very definite proof of it—and I can judge only from my personal experience, and from what I have heard and read—that an overwhelming majority of my constituents feel that the matter can best be left to the deliberation and judgment and decision of Congress.

I do know, Mr. President, that three of the leading newspapers of Connecticut have printed editorials which express sympathy with my effort, or suggest that the idea is deserving of the most careful consideration.

I shall not read the editorials, but I ask unanimous consent that there may be printed in the RECORD at this point an editorial from the Hartford Times dated August 13, 1940, entitled "Make Haste Slowly."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford (Conn.) Times, August 13, 1940]

MAKE HASTE SLOWLY

The only issue involved in the conscription bill, to all intents and purposes, is as to the immediate necessity for resorting to the draft process to increase the armed forces of the country.

Some few persons might object to conscription under any circumstances, even if the Nation were faced inescapably by a defensive war. Such persons must be few in number indeed. Most reasonable-minded persons accept conscription as an inevitable concomitant of actual war.

The basis of objection to the Burke-Wadsworth bill is first of all a denial that war actually impends. If the danger of war were plainly great, practically all the objection to conscription would vanish overnight.

In the face of conditions it is not at all surprising that doubt exists. The idea that Hitler might attack the United States seems fantastic, in spite of all that has happened abroad. Even those who are enthusiastic for the conscription bill do not believe such an invasion will take place. They would merely safeguard the country against the possibility.

Nor is there any conclusive agreement that the need for such safeguarding calls for immediate conscription. For almost every authoritative opinion favoring conscription there is an equally authoritative one that the necessity for conscription is not clearly indicated. If some of the votes on amendments to the National Guard bill afford criterion, at least a third of the Senate will be found unconvinced as to conscription.

Despite the Gallup poll as reported yesterday it is patent that there is a large division in public opinion.

Regardless of Senator BARKLEY'S attempt to brush aside as unimportant the proposed substitute bill offered by Senator MALONEY, that plan furnishes a large degree of answer to the problems raised by the issue. The Senator is not an anticonscriptionist. He realizes that it would be the only fair and probably the only practical method of raising an army in the event of war. But he is unconvinced that the situation is such that the Nation must resort to it now.

The Maloney bill contemplates first an attempt to obtain the necessary number of men for the Army and the Navy by voluntary enlistment, under a plan by which the pay in these services would be rendered more attractive.

If this has not achieved its purpose by December 1, then the Maloney bill would authorize the President to obtain by draft process the number of men needed to bring the Services to the required figure. Such a law would answer many objections to the Burke-Wadsworth bill. It would provide for a system of selective draft whenever needed, provide a waiting period before the country commits itself to that.

In such waiting period the events of the future may more clearly indicate themselves. The bill would give the voluntary enlistment plan a thorough test under conditions more favorable to its successful use than those which now prevail.

Something of the order of the Maloney plan would appear to be wiser legislation than forcing through the Burke-Wadsworth bill now in the face of a largely hostile public sentiment. Happenings of the next 3 months are more likely to clarify the situation as to our own immediate military needs than to create any danger arising out of our delay. Pressing all our preparations in producing material, we can afford to await a second thought and a clearer view before going into conscription.

Mr. MALONEY. I ask unanimous consent, also, Mr. President, that there may be printed in the RECORD at this point an editorial from the Hartford Courant dated August 16, 1940, entitled "The Possibility of Enlistments." This latter is not an approval of my substitute, but contains an interesting comment upon the matter of giving a further trial to the volunteer system.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant of August 16, 1940]

THE POSSIBILITY OF ENLISTMENTS

If sentiment is growing in the Senate for amending the conscription bill along the lines proposed by Mr. MALONEY, of Connecticut, who believes that conscription ought not to be resorted to until voluntary enlistments have been proved to be insufficient for the present needs of the armed forces, the reason probably is to be found in the effectiveness of the debate that has been carried on in the Senate in recent days. Although it started off in the worst possible manner with the personal exchanges between Mr. MINTON and Mr. HOLT, the debate has now reached the plane where facts are being developed and theories are being tested by them.

The speech of Mr. WHEELER, of Montana, was particularly noteworthy for the light that it shed on the question of how many men are needed for the defense of the Nation at the present time. First of all, Mr. WHEELER cited the opinions of several outstanding military authorities—Mr. Hanson W. Baldwin, Maj. George Fielding Eliot, Col. Frederick W. Palmer, and Mr. Basil C. Walker. Three of the four—Mr. Baldwin, Colonel Palmer, and Mr. Walker—have expressed the opinion that the situation calls for an army of not more than 400,000 men, while in the judgment of Major Eliot the proposed Army should not exceed 600,000 men. Such estimates contrast sharply with the one made by the Assistant Secretary of War, Mr. Patterson, who in a recent broadcast declared that forces numbering 1,300,000 men were necessary. Yet it was the judgment of the lay authorities, not of the Assistant Secretary of War, that was upheld by the Chief of Staff of the Army in his testimony before the Military Affairs Committee of the Senate when he said that 500,000 men should be regarded as the war strength of the Regular Army.

How many men, then, are needed to bring the armed forces up to war strength? At present the strength of the Army is supposed to be about 255,000, with enlistments coming in daily. The National Guard now has a strength of 230,000 men, which the Chief of Staff would like to see increased to 400,000. The upshot is that in order to bring the armed forces up to the strength that the Chief of Staff believes to be necessary new men to the number of 415,000 must be raised, about a third of the whole number that would be put into training under the conscription bill as originally planned, whereby 400,000 men would be called to service in October, another 400,000 in January, and still another 400,000 in April.

Is conscription necessary to raise 415,000 men? Mr. Baldwin does not think so. The Chief of Staff and Major Eliot, among others, do, but the point to be noted is that they appear to favor conscription only because the system of enlistment would not raise the desired number of men in the period of time that they believe is essential. In the hearings before the Military Affairs Committee the Chief of Staff expressed the opinion that 335,000 men could be raised under the present system of voluntary enlistments, but we cannot get them rapidly enough. At the same time, he testified that in June, when the Army had to pursue a cautious policy because of a shortage of funds, it enlisted 18,000 men, 3,000 over its quota, out of 27,000 applicants. The figures for July are not complete, but the indications are that the rate set in June is being maintained, if not exceeded.

At the rate of even 20,000 enlistments a month, some 20 months would be required to fill the quotas that the Chief of Staff has set. But the point is to be noted that the enlistments thus far have been made under what General Marshall called a cautious policy. What are the possibilities of improving the rate of enlistment by making enlistment more attractive? One step has already been

taken in the Senate by increasing the pay of the soldier from $21 to $30 a month, a change that, according to information received by Mr. David Lawrence, would make enlistment more attractive than it now is to boys discharged from the C. C. C. Furthermore, a reduction of the term of enlistment to the same period as is proposed for the training of the conscripts might increase enlistments to a point where conscription would cease to be necessary.

Perhaps when all the facts are in, the weight of the evidence will indicate that conscription is still necessary, although almost certainly on a smaller scale than is envisaged by the bill as it now stands.

Mr. MALONEY. I ask unanimous consent, also, Mr. President, that there may be printed in the RECORD at this point an editorial from the Day of New London entitled "Conscription Modified."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New London (Conn.) Day]

CONSCRIPTION MODIFIED

The plan proposed by Connecticut's senior Senator, FRANCIS T. MALONEY, to modify the Burke-Wadsworth bill, which would conscript the men of this Nation and train them in military sciences, has much to recommend it. There is, in fact, mounting doubt that the provisions of the conscription bill are needed to obtain an adequate defensive force of soldiers if the rate of pay offered in the Army is increased by some reasonable figure and if the term of enlistment is lowered to 1 year.

One high Army executive told a congressional committee, in fact, that he believed sufficient enlistments to fill the Army's needs could be obtained if these conditions were changed. Others have disagreed, but there seems to be no doubt that a sharp increase in enlistments would follow a boost in the soldier's pay, a decrease in the length of time for which he is "signing up," etc.

There is also the official admission in Washington that if large numbers of conscripts are called out, almost at once after passage of the measure, the Army won't have the equipment and facilities to handle them. This unpleasant fact isn't going to change, of course, whether the men needed enlist or are drafted; one might as well recognize that fact, of course. But a volunteer system of enlarging the Regular Army still seems preferable to a conscription system if it will obtain the men needed just as readily. Conscription, in fact, has never before been resorted to in peacetime in this Nation, and as a fundamental theory doesn't appeal to many citizens in this instance, if it can be avoided, without loss of efficiency and speed in building up the defensive force needed.

Brig. Gen. William E. Shedd, Assistant Chief of Staff, admitted the other day that the Army would be unable to absorb a full quota of conscripts before December at the earliest. Senator MALONEY'S compromise suggestion is that the Government require young men between the ages of 21 and 31 to register immediately, but delay until 1941 the calling of the first class of conscripts for training. Meanwhile Army officials have revealed that the service has been obtaining new recruits without too much difficulty under a "cautious policy" dictated by lack of funds. It enlisted 18,000 men out of 27,000 applying, and was thus 3,000 men over its assigned quota in one recent period alone, the month of June. There is ample reason to believe that with a higher scale of pay, a shorter term of enlistment (a factor that has an important bearing on the decision of young men who want to try life in the Army but hesitate to agree to serve 3 years when not certain they will like it), and an abandonment of the "cautious policy," the Army could obtain a much larger number of volunteer recruits. Whether it could obtain all that are needed remains to be seen, since it isn't going to be ready to receive men in large numbers until well along toward the first of the new year, if not after that, it certainly wouldn't do any harm to find out how new conditions of enlistment and pay appeal to young men. This may show that all of the debate about conscription was unnecessary. It may not be such a spectacular way of preparing this Nation to defend itself, but it seems likely to offer a saner course nevertheless.

Mr. MALONEY. These editorials are from three great newspapers, Mr. President, and represent honest and candid expressions of opinions.

Now Mr. President, I should like to explain a few—although important—differences between my proposal and that submitted by the Committee on Military Affairs.

I have heretofore spoken briefly on the matter of a pay increase. The suggestion was contained in the original draft of my substitute, which I submitted to the Senate on the day that the Burke-Wadsworth bill was reported by the Committee on Military Affairs. Several other Senators at about that time, or since that time, have submitted somewhat similar amendments, and other amendments dealing with other subjects, somewhat like those included in my proposal.

The pay increase amendment was accepted by the Senate several days ago after having been submitted by the junior Senator from Oklahoma [Mr. LEE]. I said then, and I now repeat, that I think that it could be improved upon, and because I explained at that time in what way I felt that it might be improved, I shall not dwell longer upon this item of the bill. I think the suggestion I make is an improvement over the one accepted last week.

My proposal also makes provision—and I think that this is extremely important—for an exemption from draft for regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of the enactment of this act. This in my judgment is extremely important to our country, and to our way of life, and to the civilization of the world.

Mr. LEE. Mr. President, will the Senator yield?

Mr. MALONEY. Mr. President, since becoming a Member of this body, and while I have been a Member of Congress, I have never refused to yield promptly; but I prefer to complete my statement, and then I shall be pleased to yield for any question the Senator may desire to ask.

Mr. LEE. I wish to direct an inquiry to the very point which the Senator is discussing.

Mr. MALONEY. I shall be pleased to try to answer the inquiry at the conclusion of my statement.

The PRESIDING OFFICER. The Senator declines to yield at this time.

Mr. MALONEY. Mr. President, a large part of the reason why the world is sad, and ablaze, and at war, is due to the fact that men in some countries abandoned religion and the teachings of God. There can be no happiness where there is godlessness, or no success worth while where men are not conscious and proud of their relationship with God. If the leaders of the foreign totalitarian states had mobilized their people in the legions of the Redeemer, and had taught their children to walk in His path, there would have been no bloodshed, no terror, and no strife. Some day these peoples will come back to the teachings of the gentle Galilean, but, until they do, those parts of the world which have neglected Him will continue to be an inferno, and the flames will reach out to cast devastation upon defenseless states—and may well threaten the powerful if they be not vigilant.

No country or no individual can have too much religion. Give a country enough religion and it will acquire such other treasures and happiness as are necessary.

And so in connection with the consideration of this bill, let us make certain that we do not lessen the extent of God's teachings—and that we strengthen His legions—and give force to His ministers regardless of the religion they profess and practice. We cannot weaken our moral fiber by taking off the armor of the church. We know that what successes we have had have come out of God's goodness—and I want to—by way of this section of my proposal—make certain that as we build our military forces we strengthen our spiritual armament.

In addition to an exemption for the men who are anxious to devote their entire lives to the work of God and their fellow men, my proposal would temporarily exempt from compulsory service young men enrolled as students in any recognized college or university and who were so enrolled during the year 1939–40. These young men would not be permanently exempt from conscription—if conscription becomes effective—but would be granted deferment until their year of graduation, or, in any event, until they became 24 years of age.

I have attempted to provide that the President be authorized to organize and maintain training units at any college or university, for the purpose of providing military training, or such other training as he may deem to be necessary in the national interest, for students who are enrolled in and are regularly attending such college or university, and to furnish officers, instructors, and equipment for such units. The President would be authorized to fix the terms and conditions of service in such units and to induct into such units students who volunteer for such service. Under my proposal such students would receive compensation at the rate of $5 per month while they are in service and in college.

I can say almost as much for this provision of my substitute as I can for the one to which I have just earlier referred. Our Nation is great and powerful largely because of our splendid educational system. We are further advanced than other countries because from the earliest days we have recognized that the best way to store up national wealth was to deposit learning in the minds of our children, and in our young men, and young women. We have made those deposits regularly, and up to a certain age have made them on a compulsory basis, and we have to a very great degree reaped a rich harvest in culture and every other kind of success. They have made us the richest and most powerful Nation in the world. To disrupt this part of our national life, and to interrupt the studies of young men in the midst of their college careers—in time of peace—would not only give a disappointing set-back to the young men themselves—but would rob our country of that wealth of knowledge and learning that may be much more needed in the days ahead, than it has been necessary in the days behind us. If war should one day come I would abolish the exemption—but we must not have a moratorium on intelligence.

To strengthen my argument for the approval of this section of my proposal I am able to call a great witness. On August 14 I read in the newspapers a statement announcing that President Roosevelt, the Commander in Chief of the Army and Navy, had advised college students that "it is their patriotic duty to continue their education rather than to enroll in the Army or Navy or to find employment in strategic industries."

I think other Americans share the feeling and opinion of our President, and I do not believe that the Senate is in disagreement.

I should like to point out now, Mr. President, that several days ago the able Senator from Nebraska [Mr. BURKE], cosponsor of this bill, made the statement in the Senate that he approved of the sections or parts of my substitute proposal that I have just discussed. He told me earlier, and privately, that they were not only acceptable to him, but that they had his approval, and that he hoped that they would be incorporated in "his" bill, or any bill that was passed. I have not discussed the matter with the chairman of the Committee on Military Affairs, but I hope that he may find himself in accord with the views of the gentleman who sponsored this legislation, and I hope that the Members of the Senate may come to a like conclusion.

And, now, Mr. President, I come to the section of the substitute which is more controversial. It is simple—and can be very briefly explained. I would provide that, after registration, we try the volunteer system, as we seek to obtain such numbers of soldiers as the President feels are immediately necessary. After the President had issued a proclamation calling for a limited number of men, my plan would delay the draft provisions until January 1, 1941—or, as it now appears, for a period of about 4 months. If it was at that time found that the number of qualified men who had volunteered was less than the number called for in the President's proclamation, he would be authorized to immediately induct into the land and naval forces such additional men as were required to make up the necessary quota. That is a brief and quite simple explanation of my proposal. The only difference between what I offer, and what is offered by the Military Affairs Committee, is that under the committee's proposal the President would be authorized to immediately put into effect the selective service and compulsory plan.

I have given you all my reasons why I thought it best, for our country's sake, to delay the compulsory feature until the volunteer plan is tried. I make no prediction as to whether or not the plan will work—and insofar as time and preparation are concerned I insist that it will make no difference whether or not it works. On the basis of past experience—including the experience of these last several months—we did get enough volunteers to meet the Army's demands, and the Army's ability to digest or assimilate them. Countless people would go as far or farther in one direction than the Burke-Wadsworth bill. Another countless group of people would go as far or farther in the opposite direction. I have tried to find an acceptable middle ground, and, for the reasons which I have given in this statement, which I make under the pressure of the heavy work with which all of us have been confronted.

None of you here have escaped criticism for your attitude or decision on this subject. Regardless of what we do we will be criticized. People will become impatient with us for what they regard as delay—even though we hurry—and others will be just as harshly critical, and equally impatient, and charge that we go too fast.

Mr. President, I am just about old enough to remember very clearly the World War—and its sad as well as questionably romantic side. I can still see the tear-stained faces of mothers and sisters and sweethearts say goodbye to their sons and their brothers and their sweethearts. I know that their feelings were a mixture of pride and sorrow, and I know as well that the overwhelming majority—if not every last one of them—gave their sons with a patriotic and "willing" reluctance—a reluctance born of parental love—and yet a willingness born of a deep patriotism—fused in a spirit of national unity. We were then a united people, and the country knew that President Wilson had come to the historic decision, only after all else had failed but war. Let me repeat we were then a united people.

We will again be a united people, Mr. President, but we must convince our fellow Americans—that we, their chosen representatives, share their horror and hatred of war—and that we delay the calling of their sons and their sweethearts and their brothers only for so long as it can be done with safety.

The service flags in my neighborhood were up early in the World War—as they were in so many other neighborhoods over this far-flung country—and they will be again should the country call. Some people cannot yet see our danger as clearly as others. We must help those who fail to sense the possible peril to the Nation, by keeping their confidence, and by trying to preserve their trust in us—and in our judgment. We must make them aware that we can be calm—though we are compelled to hurry.

I want to give no comfort to any potential foreign foes. I am hateful of their philosophy and practices, and I am in accord with the foreign policy of the President of the United States. I believe that for our country our beloved President would burn at the stake—and I believe that for their country, every man, if the need came again, would make every sacrifice necessary. To all of us here liberty is sweeter than life itself, but to all of us it should be clear that at this moment we can preserve the true and complete spirit of liberty by giving our countrymen a chance to make up their minds, and a chance to demonstrate their patriotism.

The last thing we want in America is a dictated unity. The totalitarian powers have complete unity—but of the false and temporary and dictated kind. Probably there will come a day—and in the not distant future—when we may be compelled to impose restraint and restriction upon our normal desires and practices—and it is with that thought in mind that I approach this great question. I have tried to avoid delay in the consideration of every national-defense matter that has come before the Congress—but sometimes careful deliberation makes haste. I think that this subject has been as carefully considered and debated as the vicissitudes of the hour permit. I have faith in our people—and complete faith in the judgment of my colleagues—and on that faith I submit this suggestion and this substitute. I ask that we enact into law "the middle way"—which offers to those in favor of conscription, and to those who desire enlistment only, a common basis for reconciling our democratic traditions, and our pressing need to be strong. By this law we can help to vindicate our democratic process, and by a demonstration of national unity proclaim to the world that we stand ready to meet the awful challenge of those whose announced destiny is the destruction of the democracies. Our way—the hard way—will confound them—and our people will rejoice in a rebirth of freedom.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Vermont?

Mr. MALONEY. I yield.

Mr. AUSTIN. It has been a privilege to listen to practically every word of the patriotic and spiritual address of the distinguished Senator from Connecticut. The few interrogatories I desire to propound I wish him to understand are in search of truth with respect to the differences and the likenesses between the original bill and the amendment which he proposes in the nature of a substitute. I will not weary him with many questions.

In the first place, I want to ask if he understands that his amendment imposes exactly the same liability on all young men between the ages of 21 and 31 which the original bill imposes?

Mr. MALONEY. Yes, with the exception which I noted in my statement.

Mr. AUSTIN. That is to say, every male citizen of the United States and every male alien residing in the United States who has declared his intention to become such citizen between the ages of 21 and 31, other than those excepted from registration under section 5 (a), shall be liable for training and service, and so forth.

That is identical language, is it not, in both the substitute and the original bill?

Mr. MALONEY. That was my intention, I will say to the Senator.

Mr. AUSTIN. The striking difference, if there is a difference, in effect, occurs in the language following that in the proposed amendment. The Senator's proposal provides that the President shall have authority to issue prior to December 1, 1940, a proclamation calling for volunteers, whereas the original bill provides:

> That any person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces of the United States for the training and service prescribed in subsection (b), if he is acceptable to the land or naval forces for such training and service.

I should like to ask the Senator's opinion as to the difference between those two provisions? Does the Senator consider that there is a difference?

Mr. MALONEY. Yes, I do consider that there is a difference, I will say, as I understand the bill of the committee. It seems to me my amendment very definitely imposes a restriction insofar as the selective service feature is concerned; that is, under the committee draft of the bill as submitted to the Senate there is a provision that the President may issue a call for volunteers, and they may be accepted, but, at the same time, as I understand the committee bill, he is authorized to put into effect the compulsory military plan, whereas I would defer it under any and all circumstances until January 1, 1941.

Mr. AUSTIN. I apprehend that is the construction almost anyone would put upon the language. The essential difference, then, is the difference in the time when the compulsory selective training service goes into effect?

Mr. MALONEY. So far as that feature is concerned, that is the only difference.

Mr. AUSTIN. Then I wish to have the Senator's opinion on another point. If his amendment should become law, and the voluntary plan should go into operation, and many more volunteered than were necessary, does the Senator understand that the same selective element which exists in the original bill exists under his amendment as to volunteers?

Mr. MALONEY. I have not attempted to go beyond the purposes and the language of the bill of the committee after January 1, 1941.

Mr. AUSTIN. Very well. Let us assume that under the original bill many volunteers, many more than are necessary, come forward; in other words, assume that the conduct of young men in the United States would cause them to take the same action under one law as under the other, and an ample number, more than necessary, volunteer, it is my understanding that the original bill then puts into effect the selective plan and those who are entitled to deferment for one cause or another, those who are not qualified because of physical defects are searched out and a selection is made from which induction follows. What I am trying to find out is, Does the Senator understand that his amendment would do the same thing in the same way?

Mr. MALONEY. The Senator is quite necessarily making his question somewhat long, but I think I follow him. I understand that it is physically possible to do about the same thing, but I find, if I may use the word, it is hardly conceivable.

Mr. AUSTIN. I notice on page 3 of the amendment the following language, beginning in line 9:

> The President is authorized to induct into such forces—

That is, the land and naval forces of the United States—

> for such training and service so many of the men who volunteer pursuant to any such proclamation as are not in excess of the number called for by such proclamation. If the President finds that upon January 1, 1941, the number of qualified men who have volunteered pursuant to such proclamations is less than the number of men called for in such proclamations, he is authorized to induct into the land and naval forces for training and service under this act such number of men—

Note this language—

> selected in accordance with section 4 (a).

And so forth. I will not read the entire section.

It seems to me that language contains a provision for exactly the same type of selective method that is contained in the original bill, even when the law is operated on the volunteer basis, under either the original bill or the amendment. I should like to have the Senator's opinion on that point.

Mr. MALONEY. I should wish to review the language again carefully, in view of the opinion of the distinguished Senator and very able lawyer from Vermont. I endeavored to point out a moment ago as best I could, in the statement which I made, that I was vitally concerned, for reasons which I gave, with the period between now and January 1, and perhaps I have not carefully scrutinized and examined the other possible conflict or agreement between the original and my substitute.

Mr. AUSTIN. I do not regard it as a conflict, and I am not pointing it out with that in mind. I am trying to bring out whether it is true that, so far as the voluntary element contained in the amendment goes, it is in effect, and in its application it would be, similar to what is provided in the original bill.

Mr. MALONEY. I think that is true.

Mr. AUSTIN. My theory is that under the original bill, assuming the premise that is assumed for the amendment, we would arrive at exactly the same result; that is, assume that the patriotic fervor of the 12,000,000 young men who would be registered under both measures would bring to the colors enough volunteers then the quota features of both the original and the amendment proposed by the Senator from Connecticut would result in this, that no one would be taken and no one could be taken except a volunteer. Does the Senator understand that?

Mr. MALONEY. It is physically possible; we might get 500,000 volunteers tomorrow, and the Senator is entirely correct, if his statement is taken literally; but I myself seriously doubt, although I say it regretfully, that such would be the case.

Mr. AUSTIN. Will the Senator yield for one other question?

Mr. MALONEY. Certainly.

Mr. AUSTIN. I observe in the Senator's proposal something which is entirely absent from the original bill. It is on page 10, and it is section 6, which grants the President power to organize and maintain training units in any college or university for the purpose of providing military training, and so forth. Briefly, I ask the Senator, does he not recognize that the principle of compulsory military training is at least 75 years old in the United States?

Mr. MALONEY. Except as to isolated wartime instances, the Senator in my judgment is in error.

Mr. AUSTIN. That is not what I referred to.

Mr. MALONEY. Does the Senator refer to land-grant colleges?

Mr. AUSTIN. Yes; I refer to the Morrill Land Grant College Act and the statute creating the Reserve Officers' Training Corps, both of which are upon conditions that the States which receive the benefits of military officers, equipment, and grants of various kinds receive them upon conditions that military training shall be afforded; and when we speak of the Land Grant College Act we know it includes at least one university or college in a State.

Mr. MALONEY. If I might interrupt the Senator at that point, I should like to say that it seems to me that is a very frail degree of compulsory training.

Mr. AUSTIN. It has been so strong that only a few States of the Union have been able to break it down. In addition to the land-grant colleges, of which there are 51, there are high schools or secondary colleges which also have compulsory military training.

The idea is this: I assume that in putting that element into his amendment the Senator recognized an historical fact, that compulsory military training is democratic, has been in actual practice in the United States for a long time, and has been voluntarily sought by the several States of the Union.

Mr. MALONEY. I should like to say to the Senator at that point, if I may, that he is only partially correct, and he does not go very far. It is not literally compulsory military training. In the first place, a boy is not compelled to go to a land-grant colleges or to a high school which may make available military training. So that they have a complete choice. I quite understand the law, but I think it does not go so far as some of the listeners or some of those who hear the Senator might assume from his statement.

Mr. AUSTIN. Very well.

Mr. NYE. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. NYE. I should like to suggest that in at least three States it has been demonstrated that the compulsory military training, so called, provided for under the act to which the Senator from Vermont has referred, does not involve any degree of compulsion whatsoever. In those three States training is not compulsory, and the aid from the Federal Government is continuing to the institutions concerned.

Mr. MALONEY. I think one of them is the Senator's own State, is it not?

Mr. NYE. That applies to North Dakota, Minnesota, and Wisconsin, I believe.

Mr. AUSTIN. Mr. President, I want the Senator to understand that I am not trying to emphasize the legal effect of the Land Grant College Act or the R. O. T. C. Act, which depend entirely upon compulsory training. I am asking the question whether the Senator first introduced that spirit, that thought, into his own amendment, by section 6 of it. That is what my question amounts to.

Mr. MALONEY. No. I will have to say "no," and then give an explanation. The only excuse I would care to make at the moment for the inclusion of section 6 would be the deferred status my amendment would give to certain undergraduates under another part of the measure.

Mr. AUSTIN. That is, the Senator in another part of the amendment gives the right to a boy who is in college, taking, we will say, his sophomore year, to be deferred?

Mr. MALONEY. That is correct.

Mr. AUSTIN. Which the original does not do.

Mr. MALONEY. Until the time of his graduation, or until he is 24 years of age. In order that such a boy will not be denied the opportunity for training, this section was included; and it had no other purpose.

Mr. AUSTIN. That is exactly what I suspected. So, really the patriotic purpose, and I think the wise and constructive purpose, of the Senator from Connecticut in this matter, is to educate our citizens. The purpose is not to create a big standing army, but to have our citizens so educated in military training that they will be competent to perform whatever duty they may be called upon to perform.

Mr. MALONEY. I do not mind saying to the Senator that sometimes, in the excitement of conditions around us in the world, I have thought it might be wise as well as necessary to have universal military training—and applicable only while this great emergency lasts—for boys of a certain age, probably 18 or 19, for 1 year, and under such a condition I think probably I would have a reasonably large, but not too large, highly-skilled, well-paid standing army, to train those boys in the event such an emergency became acute.

Mr. AUSTIN. Mr. President, I thank the Senator for having answered the questions I had to propound.

Mr. MALONEY. I thank the Senator from Vermont.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. MALONEY. I yield.

Mr. WALSH. Mr. President, I will take the floor in my own right, if the Senator does not object. I intend at a later date to give my views on this important question, but first of all I wish to compliment the Senator from Connecticut for the intelligent and able manner in which he has presented his views. I am sure we are all indebted to him for the evidence he has displayed of much study, careful analysis, and sincere disposition on this important subject.

Mr. President, as I view the two measures we are now considering—and I am withholding final judgment—there is very little difference between the committee bill and the substitute proposed, the main difference being as to the date when conscription would take effect. One bill provides that upon its enactment conscription will be immediately applicable under the terms defined in the measure. The bill presented by the distinguished Senator from Connecticut in the nature of a substitute makes conscription applicable approximately January 1, in case the voluntary-enlistment provisions are not met.

I intend to present a bill, and to have a test vote in the Senate, which will do everything both the measures before us provide for, registration, set up all the possible necessary machinery for conscription but postpone its operation to the day, if that day ever comes, when the Congress declares the existence of a state of war.

Thus we will have three alternatives—at least three different points of view—to decide between and to act upon.

I shall not discuss this matter at length, but I want to say at this time that my conception of requirements for our national defense is, first, as I have said repeatedly upon this floor, that we should have a powerful, strong, invincible navy. Every lesson I have been taught by naval officers and experts on the subject of the national defense of this country up to this day has impressed upon me two things. First, the importance and the necessity of a strong navy, because any attack upon us must come across one ocean or another. We are vulnerable only from the water. The same experts have minimized to me, until recent events have happened in Europe, up to within 2 or 3 months, the necessity of a large standing army in this country. I wish to be fair in that statement. I think they have perhaps modified or changed their viewpoint by reason of what has happened in Europe in recent weeks.

The next step in our national defense, in my judgment, is the acquisition of a multiplicity of airplanes and particularly bombers, which will supplement our Navy and provide for our defense against air attacks.

I have not seen such a program on an extensive scale yet proposed by those who now urge conscription of the youth of the country. I challenge anyone to say that there is in existence or even on order the combat aircraft which, as a result of the lessons of the European war, we have learned must be provided.

Thirdly, I believe that the land ought to be dotted from one end to the other with antiaircraft guns, and with men to man them. Where are they? Are they even in the blueprint stage? And yet before taking those steps it is proposed to conscript the young manhood of the country. Before a pro-

fessional army has been built up—and that is what we must have today, and not a conscript army—we must have an army of mechanics, men who can get upon these death-dealing machines and man them and control them—men trained for months and years in handling the new powerful weapons of attack and defense. Where are they? Where are the plans for such Army equipment? If we have a strong navy and these secondary defenses, no enemy can invade the land, no enemy soldier can attack us here, because if they get by the Navy they will be stopped by the secondary defenses.

Of course, the next step is the building up of an army, and I have referred to that as a truly professional army, comparatively small in numbers but of the highest proficiency, an army composed of men who have the long and exacting training that is required of pilots or those who operate and man mechanized ground weapons. Where are the pilots to man the vast number of airships needed? Why not draft men now for training as pilots? We do not need to, because if we provide the airplanes for which we have made appropriations, and provide the compensation for pilots as provided by law, we will have the enlistment officers crowded with men eager and anxious to defend and serve our country in the air.

If one lesson has come out of the present world war, so far as I read it, it is this, that not large numbers of soldiers are so necessary as a limited number of highly skilled and highly trained and highly developed men who are making a profession of war, of the defenses in war, of the means and methods of waging war as against the old form and the old system.

With respect to the question of whether or not we are able to get the necessary numbers of enlistments, I have only this to say. I know the Navy has no such complaint. The Navy is obtaining today all the enlisted men it needs on a voluntary basis. I have some figures in respect to that which I shall present later. It has all the men that it has ships in which to place them. It has a waiting list of thousands of accepted recruits. But here is the difference between the Army and the Navy—esprit de corps. I do not say that offensively. There is a relationship in this country between the naval officer and the enlisted man which does not exist in the Army. There is a mutual understanding of the relation of one to the other, a fraternal spirit, a cooperative spirit, not the spirit of an officer and a rookie, but the spirit of enlisted men and officers respecting each other in their spheres and occupations, and jointly fighting and training for the best interests of their country.

I shall say nothing in criticism of the Army, but in my opinion that condition does not exist in the Army to the degree and to the extent that it does in the Navy. The situation that exists may be because of the necessities of the two services.

The other day, while at my home in Massachusetts, I picked up a newspaper clipping. It reads as follows:

> During the month of July 70 men applied at one marine enlisting station in Boston, and 9 were accepted.

Nine were accepted! Think about that! If that is a fair representation of the young manhood of this country and if present requirements are not relaxed it will take a conscription, a draft of 10,000,000 men, in order to get a million who are admitted to training. In my opinion the requirements are extreme.

Why should not the Army and Navy apply the physical conditions that they will make applicable to those conscripted at once to those voluntarily enlisting? It is conceivable it would settle the whole question.

Furthermore I think—and I have seen it in the Marine Corps—that there is not opportunity for advancement and opportunity for promotion in both the Army and the Marine Corps, has a very deterring effect upon enlistments and reenlistments. When I was visiting a naval vessel within a week, one of the enlisted men approached Secretary Knox and myself, who were together at the time. The enlisted man said, "I am from your home town." I asked, "How long have you been in the Navy?" The enlisted man said, "Seven years." "What is your pay?" The enlisted man said, "$96 per month."

That man enlisted as a gob. He showed industry. He showed capacity. He applied himself, and he has advanced in 7 years to $96 a month besides his rations, of course.

I have met other men in the Navy who received $125 and up to $150 a month. Where is there similar opportunity in the Army? But the opportunity is here now, because the same kind of skill and training and mechanical knowledge will be just as necessary under modern warfare in the Army as is necessary in the Navy.

I would revise the qualifications, the terms of service, and increase the scale of compensation before applying conscription. Someone called my attention to the fact that Assistant Secretary of War Patterson announced within a day or two that there were 1,000 young men in this country applying for enlistments in the Army every day. In 300 days that would mean 300,000 men enlisted. Of course, a good many of those who apply are unfit and unsuited for service, but there ought to be a revision, in the light of the fact that we are proposing to depart from a great American policy and principle which we have retained during all these years, before we resort to the draft.

Mr. President, I am ready to conscript if we really need to do so, but I want proof first that there is an actual need for it, and I want removed from my mind and the minds of the American youth that enlistment in the Army today may mean participating in a foreign war rather than in the defense of America.

I have confidence in the youth of America. They are patriotic. The very fact that they are presenting themselves for enlistment in such large numbers, despite the strict and poorly paid Army requirements, satisfies me that America never needs to go beyond showing its actual military needs and asking the youth of the country to respond to the defense of America.

Mr. President, in my judgment it is unfair to require of any man a public service in the armed forces at trifling compensation while his fellowmen, whether of his own age, younger or older, each are paid much more in private employment and at the same time enjoy the blessings of home life and the contentment, happiness, and opportunities of position and advancement that provides him and his family with at least the meager comforts of life.

Until voluntary enlistments on a fair basis have been tried and there is evidence of a real need, I am not disposed to embrace, in peacetime, the power of the Government to conscript. The power to conscript, levy, and maintain armies are the prerogatives of a dictator. We may have to come to that in this country, but I am not convinced that the time has arrived to do so until the voluntary plan has had a fair trial.

We have 1,000,000 civilian employees on the pay roll of the Federal Government, and the pay of each is commensurate with pay in private employment; yet we deny the same measure of compensation to our well-trained and patriotic enlisted men in the Army, Navy, and air force. Let us make their pay commensurate before we conscript those who have no particular desire to enter the military service, to whom the life may not be attractive, and which may exact sacrifices that are not defendable in peacetime.

Furthermore, it is incumbent on the proponents of this measure to prove that it is necessary and to prove that the equipment and facilities essential to the Army are provided and manned before conscription is resorted to.

When I rose, Mr. President, I intended only to ask several questions of the distinguished Senator from Connecticut [Mr. MALONEY], but I was prompted to present these views, and to call attention to the fact that before this debate is over I hope to have an opportunity to present a bill which will do everything these bills do, but prevent fixing a day or a time or an hour when the iron hand of the law takes away from homes the young men of this country in the very best years of their lives.

The PRESIDING OFFICER. The question is on the modified amendment of the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. BARKLEY. Mr. President, I rise simply to ask if we should not have a vote on the pending amendment. We have been here nearly 5 hours today and no one has mentioned the question which is now pending. All the time has been taken on an amendment which has not been offered. It seems to me that we might vote on the pending amendment, to which everyone is in practical agreement, and we can then proceed with further discussion.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. So far as I am concerned I have no objection to that. I simply wanted recognition for about a minute to give notice of what I had in mind.

Mr. BARKLEY. I have no objection to that. But several Senators have been waiting to vote on the pending amendment.

Mr. CONNALLY. Mr. President, I wish to compliment and congratulate the eminent Senator from Connecticut [Mr. MALONEY] for his very able and illuminating address in support of his amendment to the bill. I also enjoyed very much the remarks of the able Senator from Massachusetts [Mr. WALSH] in which he approved some aspects of the Maloney amendment.

However, I wish to say that I disagree so strongly with some of the features of the amendment that tomorrow, as soon as I can get recognition, if at all, I hope to address the Senate in opposition to the main Maloney amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. BONE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BONE. What is the amendment of the Senator from Pennsylvania?

Mr. BARKLEY. Mr. President, the pending amendment is the amendment which exempts ministers of the gospel and students for the ministry.

Mr. BONE. There have been so many such amendments offered that I had forgotten which it was.

Mr. CONNALLY. Mr. President, the bill exempts ministers so long as they are working at their calling, but the amendment exempts everybody who hopes to be a minister, no matter when; and I understand that it permits young men to become ministerial students even after the law has been enacted.

Mr. GUFFEY. Mr. President, I can read the amendment if the Senator from Texas so desires.

Mr. CONNALLY. I know what is in it.

Mr. BANKHEAD. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. In the committee amendment, page 20, between lines 2 and 3, it is proposed to insert the following:

(c) Regular or duly ordained ministers of religion and students, who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

On page 20, line 3, it is proposed to strike out "(c)" and insert in lieu thereof "(d)."

On page 20, line 9, beginning with the word "interest", it is proposed to strike out all down to and including "duties" in line 13, and insert in lieu thereof "interests."

On page 20, lines 15 and 16, it is proposed to strike out "except in the case of regular or duly ordained ministers."

And on page 21, line 3, it is proposed to strike out "(d)" and insert in lieu thereof "(e)."

Mr. LA FOLLETTE. Mr. President, I wish briefly to register my support of the pending amendment. I should like to point out that even during the World War a similar exemption was provided. It seems to me absolutely indefensible to deny such an exemption or deferment at a time when the country is at peace.

In this connection, and as a part of my remarks, I ask that there be inserted in the RECORD at this point an editorial from the Catholic Herald-Citizen, published at Milwaukee, Wis.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Catholic Herald-Citizen of August 10, 1940]

THE FIRST ATTACK ON RELIGION

No American citizen should fail properly to evaluate some of the proposals for national defense that certain well-meaning individuals are sponsoring. Such, for instance, is the Burke-Wadsworth conscription bill as now drawn, which, to a certain degree, undermines one of the pillars of our democratic form of government—freedom of religion.

The enactment of such a law would deprive citizens of the United States of a right guaranteed them by the Constitution. The Constitution in guaranteeing this right, likewise necessarily guaranteed the means necessary effectively to exercise this right, namely, that there be available at all times ministers of religion to care for their spiritual needs. Depriving persons of the means necessary to exercise a right that is theirs is equivalent to depriving them of that right, since a right without the means to exercise it is valueless.

In 1917 the Congress of the United States recognized this right and exempted all ministers of religion and divinity students from military service. The present proposed law is a leaf out of the book of the dictators and is alien to the spirit of a democratic nation. No one denies the necessity of training men for the defense of the nation, but it is likewise necessary to train students for the ministry and the priesthood in order that the citizens of the nations may have ministers of religion available to care for their spiritual needs, which right the Constitution guarantees them. The citizens in the land and naval forces of the United States like all others need the spiritual care that ministers of religion alone can give them. At no time in the history of the Nation have the various religious denominations failed to provide chaplains for the men in the service of the Nation. Seeing that the Constitution of the United States is nowise changed in this respect, the right that was recognized in 1917 should be recognized in 1940.

The Selective Draft Act of 1917 also exempted all Brothers who had taken solemn vows to dedicate their lives to the service of God. This too was in perfect accord with the spirit and intention of the founders of the Nation, as manifested in the Declaration of Independence. These brave, noble men, whose thoughts scanned the whole fabric of God's creation in the world in which we dwell, studied the laws of Nature, and of Nature's God; appealed to the Supreme Judge of the world to bear witness to the rectitude of their intentions; and proclaimed their firm reliance on the protection of Divine Providence.

To enact now a law contrary to the principles enunciated in the Declaration of Independence and the Constitution would be to go backward; would be a return to the tyranny of a government that refused to recognize that "all men are endowed by their Creator with certain inalienable rights," which the founders of the Nation declared "to be self-evident;" would be to jettison all for which these patriots lived, labored, and sacrificed.

In order to preserve for himself and posterity the free exercise of the inalienable rights the patriots who established the Nation secured for him, every religious American should request his Senators and his Congressmen jealously to safeguard the rights of his constituents, by seeing that exemption is granted to all ministers of religion, to all students for the ministry and the priesthood, and likewise to those others, who by solemn vows have dedicated their lives to the service of that God, to whom, as the Supreme Judge of the world, the illustrious Father of the Nation appealed to bear witness to the rectitude of their intention, and on the protection of whose providence they proclaimed their reliance. That posterity might never forget all this they caused to be impressed on the currency of the land, "In God we trust."

By doing this you will stop this first subtle attack on religious freedom, the cornerstone of democracy, and without which no democratic nation can endure. Let your Representatives know that on this point you stand with Washington and the other patriots of '76, and not with some of the modern sages, who seem to think that the Nation no longer has any need of "the protection of Divine Providence," on which the founders of the Nation relied.

Mr. BONE obtained the floor.

Mr. NEELY. Mr. President, will the Senator yield to me for the purpose of propounding an inquiry to the distinguished statesman from Pennsylvania [Mr. GUFFEY]?

Mr. BONE. I yield for that purpose.

Mr. NEELY. As I understand, we are about to vote on the so-called Guffey amendment. Is that correct?

The PRESIDING OFFICER. The Guffey amendment as modified.

Mr. NEELY. I ask the Senator from Pennsylvania whether or not his amendment is sufficiently broad to include the substance of an amendment which I offered on the 14th of August in the following words:

On page 20, line 13, after the word "duties", insert a comma and the following: "and students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools."

Mr. GUFFEY. It is broad enough to cover that language.

Mr. NEELY. Mr. President, in the circumstances, instead of insisting on my own amendment, I shall support the amendment proposed by the Senator from Pennsylvania [Mr. GUFFEY.]

Mr. LEE. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. LEE. I wish to ask the sponsor of the amendment, the Senator from Pennsylvania, if, in his opinion, the amendment would defer the training of ministerial students attending State universities, private schools, teachers' colleges, and other such institutions not embraced in the language "theological or divinity schools"?

Mr. GUFFEY. I do not think it would.

Mr. LEE. Let me ask the Senator why he wants to exempt only ministerial students attending theological or divinity schools, and not those attending other institutions?

Mr. GUFFEY. I think such a provision would be too broad and make the exemption too wide.

Mr. LODGE. Mr. President, will the Senator yield so that I may ask the Senator from Pennsylvania a question?

Mr. BONE. I yield.

Mr. LODGE. Does the amendment of the Senator from Pennsylvania cover religious brothers?

Mr. GUFFEY. Yes.

Mr. BONE. Mr. President, in order to expedite the business at hand, I defer my remarks until the pending amendment shall have been disposed of.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Pennsylvania [Mr. GUFFEY] to the amendment reported by the committee.

Mr. HOLT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONNALLY. Mr. President, I dislike again to address the Senate with additional remarks on this amendment. I wish to remind the Senators who are urging the amendment that they are making a great mistake. I do not believe that young men who are intending to give their lives to the service of God and country want to be put in a preferred class. They have not been consulted. What Senator has the right to speak for the hundreds of young men who expect to embrace the ministry and devote their lives to it? I challenge the spokesmen. Who has the right to speak for those young men? I should rather believe that they would scorn to ask the advantage of an exemption when they have not yet entered into the ministry. The bill exempts all those who are actively engaged in the ministry. I do not believe that ministerial students want to be exempted.

Mr. President, we are in danger. Our security is threatened by political philosophies and concepts of totalitarian government which are wholly at variance with the constitutional concepts of America.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. GUFFEY. There is nothing in the bill which would prevent divinity students from volunteering if they so desire.

Mr. CONNALLY. Yes; that is true. However, I am not in favor of saying to the brave, courageous, and heroic, "Go ahead and volunteer. You do the fighting, and let the other man, situated as you may be situated, stay at home and enjoy the rewards of peace." To use the language of the street, I am not in favor of putting such a man "on the spot" by the volunteer system. I have some letters which I intend to read tomorrow. One is from a heroic young college boy who wants to go and is ready to go. Another is from another college boy, claiming the right to stay at home, finish his education, and get a job. The volunteer system would send the bold one and let him fight for both of them.

Mr. President, I was diverted. We are assailed by totalitarian concepts. What do the totalitarian powers care about religion? What do they care about divinity students? What does Russia care about religion? Religion as we know it has been banished from the boundaries of all the Russias and all the territories which have been absorbed and gathered under the sovereignty of Russia. What does Hitler care for certain types of religion? He has lashed and whipped those who devote themselves to religion. We are fighting against that very thing. Are the holy men of America, who claim the right of freedom of religion, and who want to live under a government which protects religion, alone of all our citizens not to be entitled to stand upon the same plane of equality as the humble worshiper in the pew? In this time of national emergency and need the miter ought to be laid down by the side of the implement of toil, and the holy vestments placed alongside the vestments of the laborer who takes off his work shirt to put on the uniform of his country. I do not believe we ought to set up gradations of privilege and preference.

Let me read some of the privileges which our citizens claim. The first amendment to the Constitution says that:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I stand for that. Our forefathers stood for it. It is in the Constitution because our forefathers poured out their blood upon the battlefield. We are fighting against powers which would abolish freedom of worship; and yet Senators want to exempt from fighting for the most priceless privilege a human being can claim those who intend to follow a lifetime service to religion, whether they worship in a humble tenement amidst the trees which nature has built or under the vaulted dome of some vast cathedral. Such men ought to be willing, with other citizens of the Republic, to fight for such a privilege. Yet we want to exempt not only the active ministers but those who are going to be ministers some day from possibly fighting nations which challenge all that freedom of religion means. They are to be the only ones to say to their country: "No; you must give us a preferred status. We are not going to serve. We do not want to serve. We have friends in the Senate who are going to see that we do not serve."

Another priceless privilege guaranteed by the Constitution is freedom of speech. Congress may not abridge freedom of speech. I am for it. The Nation is for it. Nations which threaten our sovereignty and our strength are against it. We want to maintain freedom of speech; and yet we propose to say to those who claim the right to speak their mind about the form of their faith, their creed, and their belief in religion, whatever it may be, "You do not have to fight for it. We will go out and fight and die. We will send other boys out to do your fighting and your service, to protect you is the most priceless privilege a human being can claim."

Ah! Mr. President, the right of freedom of worship applies to every citizen in the Republic. Those who claim it ought to be willing to observe universality of service and to serve their country when they claim the same privilege which is granted to every citizen. The right of free speech is granted to every citizen, whether he be a minister or whether he be an agnostic; whether he be a rich man or a poor man; whether he be a black man or a white man; whether he be an humble man or a mighty man. Every American has the right to claim freedom of speech. If he does, he ought also to have the duty, like every other citizen, to serve his country when he is needed.

Mr. President, I might go down the list of this brilliant catalog of rights guaranteed to our citizenship, and point out that everyone is a preference, everyone is a privilege, everyone is a guaranty, not to some of our citizens but to all our citizens—to the page yonder, who walks around and carries our messages, to the presiding officer yonder, to all the Senators who sit about us, and to every man and woman and child under the American flag. When we destroy that conception of equality of service and equality of privilege, we are

doing as much harm to American institutions, so far as such action goes, as those who may assail the American concept in its basic and fundamental principles.

Mr. President, I remember when I was a schoolboy having read of an incident that occurred in the Shenandoah Valley during the War of the American Revolution at a little village—I forget its name—between Winchester and New Market—Woodstock, Va., I remember the poem about the minister who stood in the pulpit, Muhlenberg, of Pennsylvania, a Dutch minister in the Valley of Virginia, when the old Liberty Bell rang out. I do not remember the details; the years have clouded my memory, for so many more things have happened all about me it is not as clear as it was when I read that story, but the essentials of it remain. On a Sabbath day Muhlenberg was in his pulpit preaching to his flock, leading them along the ways of rectitude and righteousness and inspiring and instilling into them the spirit of Christianity. Finally, at a dramatic moment, the old Liberty Bell rang out, when he tore off the vestments of the priesthood and revealed himself in the uniform of a continental colonel. Muhlenberg revealed himself in the uniform of a colonel of the Continental Army.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. I call the Senator's attention to the fact when the State of Pennsylvania put Muhlenberg's statue in Statuary Hall they depicted him in his uniform and not in his vestments.

Mr. CONNALLY. Well, he was serving his country in the Army, and, of course, that is where he gained his eminence, more so, probably, than he did in the pulpit.

Mr. ASHURST and Mr. McKELLAR addressed the Chair.

Mr. CONNALLY. I yield to the eminent Senator from Arizona; then I will yield to the distinguished Senator from Tennessee; and then to any other distinguished Senators who desire me to yield. [Laughter in the galleries.]

Mr. ASHURST. I wish to observe that the Senator, in his modesty, seems to take a little bit to heart a slip of the tongue he made. I am able to vouch for the fact that the Senator from Texas is one of the most nearly authentic historians of the Senate. On many occasions I have listened with pleasure and delight and instruction to what he had to say on historical episodes not only of our own country but of other countries. The Senator may well say, as we all may say, not one of us ever knows it all.

Mr. McKELLAR. Mr. President——

Mr. CONNALLY. Let me reply to the Senator from Arizona. I thank the eminent Senator from Arizona for his very extravagant and fulsome tribute, but the reason the Senator from Texas is accurate about any historical matter—if he is accurate—is that the Senator from Texas is familiar with so few of them that he knows them well. [Laughter.] I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, speaking of historical allusions, I wish to call the Senate's attention to another one.

Mr. CONNALLY. Does the Senator refer to Bishop Polk, of the Confederate Army?

Mr. McKELLAR. No; I am not referring to him now.

Mr. CONNALLY. The Senator might well do so.

Mr. McKELLAR. Yes, indeed; I might well do so. He was a very great bishop of his church, and became one of the greatest soldiers in the Confederate Army, but I had in mind particularly another man of probably just as great fame as was Bishop Leonidas Polk. I refer to the strange case of perhaps the greatest and most outstanding soldier in the World War of 1917 and 1918.

I think it will be conceded by all that the record of Sgt. Alvin York overtopped and overreached the record of any other plain soldier who went into the American Army. Sergeant York was a lay minister. At the time the draft was put into operation he was urged by his friends, he was urged by his own conscience, by his own belief in peace, and by his own horror of war to ask for an exemption from the Army because he was a minister in a church. After careful consideration, he concluded not to ask for exemption, but to follow the flag of his country and to go into the Army when he was drafted. So he went, and no man in the Army ever made a greater reputation than did Sergeant York, who was an humble minister in one of the denominations of my State of Tennessee. No man in the Senate or elsewhere is prouder of the record of a fellow countrymen than I am of the record of this man, who was a minister in his church and who went forth and defended his country as perhaps no other soldier ever did in the history of time. I wanted to call the Senator's attention to the case of Sgt. Alvin York.

Mr. CONNALLY. I thank the Senator very much, indeed. I had, of course, been aware of the outstanding exploits of Sergeant York, but I was not so familiar with his ministerial inclinations and practices as no doubt is the Senator from Tennessee, as Sergeant York is one of the Senator's constituents.

Mr. President, I was referring to Muhlenberg in the Valley of Virginia. Muhlenberg did not ask to be put in a special class. He rather put himself in a special class when he stepped down out of the pulpit and took up the sword of his country.

I recall that during the War between the States, Leonidas Polk—and he probably was merely a symbol of many others—Leonidas Polk was a bishop in the Episcopal Church. He laid aside the robes of his high sacerdotal office, stepped out, and became a general in the Confederate service. I doubt not that throughout both the North and the South there were many young men who were in the preparatory stages of the ministry who volunteered and served in one or the other or both of the armies.

This amendment is so drawn, according to the Senator from Oklahoma [Mr. LEE], that it only applies to those students who are in divinity schools; it does not apply to a man who may be in a university and may have the intention later of becoming a minister. It does not exempt a man in any other school who may be studying to become a minister in later years.

Mr. LEE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. CONNALLY. I yield.

Mr. LEE. It does not apply to ministerial students who are attending any other schools except theological or divinity schools. It does not apply to teachers' colleges.

Mr. CONNALLY. The exemption only applies to those who are attending divinity schools. That is what I am talking about.

Mr. LEE. That is correct. All the other ministerial students who are attending teachers' colleges throughout the land and State universities and other schools are not covered by the language "theological or divinity schools." Although they are ministerial students, although they may be likened to preachers, they are not deferred unless they are in divinity or theological schools. That seems to me to be unfair and unconstitutional, in that it does not take in all those of the class designated as ministerial students.

Mr. CONNALLY. I thank the Senator from Oklahoma.

Mr. President, when I was a boy none of the preachers whom I ever heard preach could have taken the benefit of that exemption. Many good old cornfield preachers who gathered their flocks around an open Bible on Sunday morning or gathered their flocks in camp meeting in the summertime, and got more converts during those 2 weeks than they got all the year, because next year they would get all those converts over again and then some new ones, never saw a divinity school. They never were in a seminary; but they walked with their God out yonder amidst the forests and plains; they read His book at night by kerosene lamp or tallow candle. Under the amendment that type of preacher would not be exempt; he would have to train, he would have to fight, he would have to sacrifice, he would have to suffer. However, if he were able to go to some divinity school, and be a student in such a school, he would be exempt and would not have to serve.

Mr. President, I did not finish cataloging some of the privileges about which we are always shouting when Fourth of July comes around and forgetting when it costs us some trouble and some sweat and maybe some blood to observe them.

Mr. NEELY. And some votes.

Mr. CONNALLY. The Senator from West Virginia suggests "votes", and I thank the Senator. A man who can get elected Senator or Governor or notary public or to any other office whenever he gets ready, I believe knows much about elections and about votes, and I thank him.

Mr. NEELY. I hope the Senator will let me assure him that I have never run for notary public. [Laughter.]

Mr. CONNALLY. Notary public is not an elective office.

Mr. NEELY. That is quite true, and I could not fully enjoy an office that did not require running against opposition in order to obtain it. [Laughter.]

Mr. CONNALLY. I thank the Senator, but my statement was made only in the spirit of contrast. What I meant was that if he wanted to be United States Senator he could have the office; if he wanted to be notary public he could have that office; if he wants to be Governor he can have it, or if he wants to hold both of them at the same time he can have them; and that is what he is doing now, and I am for him. I do not know anybody I hate to see leave the Senate more than I do the Senator from West Virginia. [Laughter.]

I have a private list of those I would not mind seeing go. [Laughter.] But I am not giving it out.

Mr. NEELY. Mr. President, will the Senator permit me to thank him sincerely for not having put my name on his private list of undesirables? As the words in my own vocabulary are not sufficiently vigorous to express my gratitude to the eminent Senator from Texas for what he has so graciously said about me, I appeal to the celestial muse of the great Italian poet, Virgil, to supply my deficiency of language and enable me to tell the beloved Texas statesman what I think of him.

Mr. CONNALLY. If it is parliamentary.

Mr. NEELY. It is, indeed, parliamentary, pertinent, and proper.

Mr. CONNALLY. I would not want the Senator to violate the rules.

Mr. NEELY. Mr. President, now let me address myself directly to my distinguished and eloquent friend from Texas:

> In you this age is happy, and this earth
> And parents more than mortal gave you birth;
> While rolling rivers into seas shall run
> And round the space of heaven the glorious sun,
> While trees the mountain tops with shade supply,
> Your honor, name, and praise shall never die.

[Laughter.]

Mr. CONNALLY. I thank the Senator very much.

I had left off where the Constitution mentions the freedom of the press. There sit the members of the press in the gallery.

> Congress shall make no law * * * abridging the freedom of speech.

Congress cannot interfere with it. Congress cannot stay the hand of any reporter who wants to write an article. Congress cannot stop the printing presses downtown from turning out the daily papers. Congress cannot interfere with the editor who sits in his sanctum and frequently writes wisely about something of which he knows nothing. [Laughter.] But that is freedom of the press. It applies to every reporter in the gallery. It applies to everyone connected with the press—all of them, not some of them. It applies to those who are the sons of rich men as well as to those who are sons of poor men. Freedom of the press does not obtain simply with those who belong to the social "400," and is denied to those who move in more humble circles. Freedom of the press belongs to every citizen in the Republic.

If that is true, and the citizens of this Republic claim that privilege, why does not every citizen of this Republic owe a duty to serve and, if necessary, to die to defend the Government which gives him that sort of protection? Yet we hear it said, "Oh, no; you must not touch this particular class. We are going to anoint them; we are going to bless them; we are going to set them apart over here, the great class that is impeccable and untouchable."

I do not subscribe to that, whether a man belongs to the Christian Church, or the Baptist Church, or the Methodist Church, or the Jewish Church, or the Mormon Church, or the Catholic Church, or the Dutch Reformed Church, or the Presbyterian Church, or the Episcopal Church, or any other church. No matter what church a man belongs to or what his faith, I stand for his right to enjoy that faith.

One of the reasons why I am in the Senate is that many years ago, when a wild madness swept over this country, preaching prejudice against Jews and against colored people and against Catholics and against the foreign-born—all of my colleagues know what I am talking about—when that mania spread over the United States of America, in my State I dared to deny its philosophy, and the reason why I am in the Senate now is that I stood against that doctrine and for freedom of religion, a free press, free speech, and all the fundamental principles of America. I believe in them, and we should not now set up another official classification.

Let the local boards decide these questions. They will know more about it than we know. The men live in the little communities, where all the whispers will go around and will keep the board informed, and tell them "not to mention my name, but——." They will find out all about an applicant, and the local boards will be better equipped and prepared to pass upon the question as to whether men should serve in the training camps or whether they should serve somewhere else.

Mr. President, I have not stated all the privileges about which we beat our breasts on the Fourth of July. What else do we find? We claim the right peaceably to assemble. Every agitator in the United States, every flannel-mouthed Communist, comes up and says that he is strong for the right of petition and assembly; and he has the right and I do not want to take it away from him. But when it becomes necessary for men to serve or perhaps to fight to maintain the right and the privilege of peaceably assembling, I think some of these folks who are so strong for peaceable assembly should be willing to serve, and not ask for a separate classification.

> A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

That applies to everyone. Each citizen has a right to claim the advantages of that amendment, and if he has, he owes the same right to serve his government when that government needs his service to live, to survive, to be able to say that that amendment shall be enforced.

> No soldier shall, in time of peace, be quartered in any house.

The Constitution makers put in the power to draft when they provided that the Congress shall have power "to raise and support armies." Did they say that Congress shall have the right to raise and support armies in time of war only? George Washington, who presided at the convention, did not say so. Mr. Madison, who sat there and wrote down the transactions from day to day, does not recall that anyone wanted to say that Congress could raise armies only in time of war. Congress shall have the power to raise and support armies at any time, in peacetime, for training purposes, for any purpose on earth, that the wisdom and the patriotism of the Congress of the United States shall sanction.

There are many other guaranties. We are strong for claiming these guaranties, but there is a suggestion of invidious classifications when it comes to defending the power and the right to make vital and vivid and life-giving these privileges which the Constitution guarantees:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

We have heard people all over this Republic prate about their rights under that clause. This right belongs to everyone. If it does, the obligation and the duty to maintain it and the obligation and duty to maintain and support the Government

which gives life to that Constitution rests upon every citizen who may claim its privileges.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or an indictment of a grand jury, except in cases arising in the land or naval forces.

Away off yonder in Russia, under their totalitarian concept, where is the poor citizen, where is the poor peasant who can go into a court and say, "I demand the right of a trial by jury," and get it? They do not have it. Where in Germany, under the regime of the blood purge, where they went out and shot down prominent citizens without any trial—where is there any constitutional guaranty of the right of trial by jury? Yet when this Republic is threatened and its security is shadowed by these totalitarian concepts which would destroy these constitutional provisions, where is the man who claims his right under this provision who is not also obligated to serve in order to make vital and life-giving that provision of the Constitution regarding jury trials?

Mr. President, we are forgetting the basic and the fundamental concepts of America when we set up any artificial distinction whatever in this legislation.

Nor shall any person be subject for the same offence to be twice put in jeopardy.

I might make the same observation about that.

Nor shall be compelled in any criminal case to be a witness against himself.

That is a great privilege, that is a priceless possession, which has come down to us under the Constitution of the United States from good old Anglo-Saxon days. Yet that Constitution under which we claim these privileges has to be maintained. If this Government shall fall, there will be no Constitution like this. There will be a Constitution written in blood, with the point of a sword, and enforced by the iron heel of a master, instead of the wisdom and the counsel of a constitutional convention.

If these things be true, Mr. President, why is not every citizen of this Republic bound under his duty to serve—and God forbid that he may have to do it—and if necessary to fight for the preservation of this Republic, and for the preservation of a Government able to enforce and able to defend and able to secure these priceless privileges which we claim as American citizens?

Mr. President, let us vote down this amendment, and say to all citizens of the United States, "We make no request of you that we do not make of every other citizen. We do not ask you to serve ahead of or behind your brother and your friend. We set up a standard of service. The Government will call you when your own neighbors, passing upon the facts of your case, fit you into your particular bracket under the standardization plan of this act. That is not unfair to anybody. You are not particularly favored. We are not going to set you aside and not call you into service.

Let me say one more word. I have heard many men on this floor urge that we resort only to the volunteer system. In this hour we owe a duty to this Republic, but we also owe a duty to every citizen of the Republic. One of our duties is to the individual who is willing to volunteer. Let us take the case of a young man who is willing to serve, willing to fight, and, if need be, willing to die. Do we not owe him an obligation? And is not a part of that obligation the compelling duty on our shoulders to see that he does not fight alone, but that other boys and other men similarly situated share his burden, share the sacrifice which his impulsive nature might cause him to embrace when he should perhaps not be swayed by such an impulse? We owe a duty to every citizen to see that he does not perform all the obligations and all the duties, that he does not contribute all the sacrifices. And going along with that is the duty to see that every other man situated like he is shall render the same kind of service to the Government which protects and shields him, wraps him all about with the priceless privileges that as Americans we claim.

The PRESIDING OFFICER. The question is on the modified amendment of the Senator from Pennsylvania [Mr. GUFFEY] to the committee amendment. The yeas and nays have been ordered.

Mr. RUSSELL. Mr. President, I regret very much that the Senator from Pennsylvania [Mr. GUFFEY] has seen fit to abandon his original amendment. The original amendment allowed exemption to divinity students. The proposal with which we are now confronted exempts theological or divinity schools. I was perfectly willing to support the proposition which would have exempted those who are now students of divinity, but I am unwilling to vote for the pending proposal, which merely provides a place of refuge for those who hereafter may wish to enroll in specific schools that are purely divinity and theological institutions, and does not afford the same exemption to those who may be preparing themselves for the ministry in schools which have broader enrollment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from Virginia [Mr. BYRD] and will vote. I vote "yea."

Mr. McKELLAR (when his name was called). I have a general pair with the Senator from Delaware [Mr. TOWNSEND]. Not knowing how he would vote if present, I withhold my vote.

Mr. McNARY (when his name was called). I transfer my general pair with the Senator from Mississippi [Mr. HARRISON], who is necessarily absent, to the Senator from Ohio [Mr. TAFT]. The Senator from Ohio, if present, would vote "yea." I vote "yea."

Mr. STEWART (when his name was called). On this vote I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I therefore withhold my vote.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS], whom I am informed would vote "nay" if present. If I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. SCHWARTZ. I announce that my colleague [Mr. O'MAHONEY] is unavoidably detained from the Senate. If present he would vote "yea."

Mr. ELLENDER. I announce that my colleague [Mr. OVERTON] is detained because of illness.

Mr. MINTON. Mr. President, I announce that the Senator from Virginia [Mr. BYRD], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. MURRAY] are unavoidably detained. I am advised that if present and voting they would vote "yea."

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard. If present he would vote "yea."

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Idaho [Mr. CLARK], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. HATCH], the Senator from Iowa [Mr. HERRING], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. PITTMAN], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

The Senator from Kansas [Mr. REED] and the Senator from Delaware [Mr. HUGHES] have a general pair.

The result was announced—yeas 60, nays 10, as follows:

YEAS—60

| | | | |
|---|---|---|---|
| Adams | Danaher | Johnson, Calif. | Radcliffe |
| Andrews | Davis | Johnson, Colo. | Reynolds |
| Ashurst | Donahey | King | Schwartz |
| Bankhead | Downey | La Follette | Schwellenbach |
| Barbour | Ellender | Lodge | Smathers |
| Barkley | Frazier | Lundeen | Thomas, Idaho |
| Bone | George | McCarran | Tobey |
| Bridges | Gerry | McNary | Tydings |
| Bulow | Gibson | Maloney | Vandenberg |
| Burke | Gillette | Mead | Van Nuys |
| Byrnes | Green | Miller | Wagner |
| Capper | Guffey | Minton | Walsh |
| Caraway | Hayden | Neely | Wheeler |
| Chandler | Hill | Nye | White |
| Chavez | Holt | Pepper | Wiley |

NAYS—10

| | | | |
|---|---|---|---|
| Austin | Gurney | Russell | Thomas, Okla. |
| Clark, Mo. | Lee | Sheppard | Thomas, Utah |
| Connally | Norris | | |

NOT VOTING—26

| | | | |
|---|---|---|---|
| Bailey | Harrison | Murray | Smith |
| Bilbo | Hatch | O'Mahoney | Stewart |
| Brown | Herring | Overton | Taft |
| Byrd | Holman | Pittman | Townsend |
| Clark, Idaho | Hughes | Reed | Truman |
| Glass | Lucas | Shipstead | |
| Hale | McKellar | Slattery | |

So Mr. GUFFEY's amendment, as modified, to the committee amendment, was agreed to.

Mr. DAVIS. Mr. President, I was called from the Chamber about a minute or two before the vote was called for.

Mr. LEE. Mr. President——

The PRESIDING OFFICER. The Chair has recognized the Senator from Pennsylvania for the purpose of making a motion. If the Senator from Oklahoma will wait a minute the Chair will recognize him.

Mr. LEE. A motion can take the whole afternoon.

The PRESIDING OFFICER. The Chair has recognized the Senator from Pennsylvania.

Mr. DAVIS. I was called from the Chamber a minute before the call for the vote. I thought it was a quorum call, and did not understand that the Senate had agreed to vote upon the pending amendment at that time. I desire to offer an amendment to the amendment which was just acted upon, because, as I understand, the amendment which my colleague accepted yesterday does not contain the language of my amendment. Therefore I ask unanimous consent——

Mr. LEE. Mr. President, will the Senator from Pennsylvania yield long enough for me to propound a parliamentary inquiry? Did I understand the Presiding Officer to say that he recognized the Senator from Pennsylvania for the purpose of making a motion to reconsider, or to offer an amendment to the amendment?

The PRESIDING OFFICER. If the Senator from Oklahoma will wait a minute the Chair will find out what motion the Senator from Pennsylvania proposes to make.

Mr. LEE. Was I not on the list to be recognized next?

The PRESIDING OFFICER. Yes; and the Chair is doing the best he can to help Senators and facilitate the argument and debate on the pending legislation, but oftentimes Senators intrude themselves upon the Chair and upon the time of other Senators, and the Senator from Oklahoma will have to be patient, and the Chair will be patient also. The Chair has recognized the Senator from Pennsylvania.

Mr. LEE. I was on the list yesterday.

The PRESIDING OFFICER. That is true. The Senator from Pennsylvania is recognized.

Mr. DAVIS. As I was about to point out, the amendment offered by my colleague received hearty approval, and I desire at this time to ask unanimous consent, if I may obtain it, for reconsideration of the vote by which the amendment was adopted, in order that I may offer an amendment to the amendment, because I do not think I will have another opportunity to present my amendment during the present session of the Congress.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the vote by which the amendment of his colleague [Mr. GUFFEY] was agreed to be reconsidered. Is there objection?

Mr. BARKLEY. Reserving the right to object, what is the amendment that the Senator from Pennsylvania says he was deprived of the opportunity to offer, and which he claims was agreed to?

Mr. DAVIS. I wish to offer an amendment to the amendment of my colleague [Mr. GUFFEY], as modified, to the committee amendment, as follows:

After the words "date of enactment of this act" and before the comma, I propose to insert the words "and seminarians at such schools or at seminaries."

Mr. BARKLEY. My recollection is that the Senator——

Mr. DAVIS. Wait a minute, please. My colleague accepted that language.

Mr. BARKLEY. I do not so understand.

Mr. DAVIS. I do so understand, because he accepted it.

Mr. GUFFEY. No, Mr. President, I did not accept it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania [Mr. DAVIS]?

Mr. GUFFEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

Mr. CLARK of Missouri. The Senator does not need unanimous consent. He can make a motion.

Mr. DAVIS. I move now that the Senate reconsider the vote by which the amendment of my colleague [Mr. GUFFEY], as modified, was agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. DAVIS] to reconsider the vote just taken.

Mr. BARKLEY. I do not care to interfere with the Senator from Pennsylvania, but I distinctly recall that the junior Senator from Pennsylvania [Mr. GUFFEY] did not accept the amendment suggested by the senior Senator from Pennsylvania, and my recollection is that the matter was abandoned. Certainly the amendment in question has been under discussion ever since yesterday. It was discussed all day today, and almost all of yesterday afternoon.

The Senator could during that time have offered his amendment to the amendment. It seems to me a little unusual immediately after a vote to move to reconsider the vote by which the amendment was adopted overwhelmingly, in order to offer an amendment of the sort proposed, to the amendment which was adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania [Mr. DAVIS].

Mr. WALSH. Mr. President, I will say to the Senator from Pennsylvania that, according to my information on the subject, in my opinion the objective he has in mind is fully taken care of, and has been acted upon favorably by the Senate. There is no need of his amendment, and I shall vote against reconsideration.

Mr. DAVIS. Mr. President, my colleague said he did not accept my modification of his amendment. I read from page 10501 of the CONGRESSIONAL RECORD. Using his own language, my colleague said:

> I accept that modification.

Mr. BARKLEY. Mr. President, if the Senator will read further in the RECORD he will find that the junior Senator from Pennsylvania [Mr. GUFFEY] later stated that he could not accept it. There was further discussion of it.

Mr. DAVIS. I know he accepted the amendment at the time I presented it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania [Mr. DAVIS].

The motion to reconsider was rejected.

### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery;

S. 2686. An act authorizing the reenlistment of John Mudry in the United States Army;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine

Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved July 19, 1939;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes;

S. 4137. An act relating to transportation of foreign mail by aircraft; and

H. R. 9751. An act for the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes.

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. LEE. Mr. President, I offer an amendment which I send to the desk and ask to have stated. The amendment has to do with drafting capital in time of war.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new title:

TITLE II

It is hereby declared to be the policy of Congress that in case of a national emergency which calls for the draft of manpower the financial resources of the country shall be mobilized for national defense by drafting capital.

Mr. LEE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with, and that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. Mr. President, I should like to have the amendment read.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. I ask that the clerk read it not too rapidly, so that it may be understood.

The PRESIDING OFFICER. The clerk will resume the reading.

The Chief Clerk read as follows:

SEC. 201. Whenever war or the imminence of war creates an emergency which in the judgment of the President is sufficiently serious to necessitate an increase in the Military Establishment by the drafting of manpower, the President is authorized and directed to cause to be taken a census of the net wealth and income of every citizen of the United States, every resident alien, and every nonresident alien having any wealth in the United States. Upon the completion of such census, the President shall cause to be computed each person's ability to lend to the Government and shall classify all persons accordingly.

Mr. LEE. Mr. President, I renew my unanimous consent request that the further reading of the amendment be dispensed with. If any Senator desires a copy of the amendment, it is printed, and I have a few copies on my desk. I intend to explain it.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the further reading of the amendment be dispensed with.

Mr. WHEELER. Mr. President, I should like to have the amendment read.

The PRESIDING OFFICER. The Senator from Montana objects. The clerk will resume the reading.

The Chief Clerk read as follows:

SEC. 202. (a) Whenever it becomes necessary for the Government to borrow money for the prosecution of war or to provide for such expenditures for national defense as may be necessary to meet any emergency which in the judgment of the President necessitates an increase in the Military Establishment by the drafting of manpower, the Secretary of the Treasury shall, from time to time, determine the sums which are necessary for such expenditures and shall issue bonds in convenient size and denominations for such sums. Such bonds shall not be transferable, shall bear interest at a rate not in excess of 1 percent per annum, and shall not be tax exempt either as to principal or interest.

(b) The President shall prorate among the persons covered by any census taken pursuant to this act the sums which such persons are required to invest in each separate issue of such bonds. Such proration shall be on a graduated scale similar to that of the graduated income tax, so that each person shall be required to invest according to his ability. This proration shall be repeated from time to time as long as it is necessary for the Government to borrow money to meet the emergency which necessitates an increase in the Military Establishment by the drafting of manpower.

Mr. ASHURST. Mr. President, I ask the Senator from Oklahoma if he will yield to me for a question?

Mr. LEE. I yield.

Mr. ASHURST. For some time—more than a year to my knowledge—the able Senator from Oklahoma has been urging that if there is to be a draft of men there should be a draft of property. It is a singular circumstance, and one worthy of comment, that very few of the advocates of drafting men ever use those words. They use the euphemistic term "selective service." They shy away from draft as a horse would shy away from a Navajo blanket. They do not like the word "conscription." They soften it down with a great deal of euphemy. Even a distinguished candidate for President did not use the word "draft" or the word "conscription." I am not blaming him. He is a politician. Politicians are the only ones who are ever elected. [Laughter.] I call attention to the fact now only because a test is coming, and I earnestly hope that the Senator from Oklahoma will ask for the yeas and nays on his amendment.

Mr. LEE. I thank the Senator. I shall do so.

Mr. ASHURST. It is perfectly constitutional to draft wealth, just as it is constitutional to draft men. I have heard some of the very able lawyers of the Senate say, "We cannot draft men except in time of war." I do not agree with them. We can draft men in time of peace if we choose to do so as a matter of policy. It has been demonstrated, and I believe lawyers throughout the country generally recognize, that the Congress has the power to prevent the further issuance of tax-exempt securities. Congress has the power to pass retroactive legislation—not ex post facto legislation—levying an income tax on bonds heretofore issued, although the bonds on their face may state that they are not taxable. Congress has that right.

Therefore it seems to me that the Senator from Oklahoma is on fairly safe ground. His proposal is constitutional. It will be interesting to see how many Senators wish to draft blood but pause and shrink when it comes to drafting money. I realize that Joseph Addison said that the most cowardly thing in the world is money—not men who have money, but money. It shrinks under the slightest touch or pressure. As a memorial to the courage of the Senate I shall preserve the roll call indicating those who are willing to draft blood but who shy away from drafting money and refuse to do it.

I ask the Senator to explain the amendment a little further. Is it the bill he has been urging for about a year, which proposes to draft wealth as well as men?

Mr. LEE. It is.

Mr. ASHURST. Very good. I shall take pleasure in supporting it.

Mr. LEE. I thank the Senator.

The PRESIDING OFFICER. The clerk will resume reading.

The Chief Clerk read as follows:

(c) Each such person shall purchase such bonds in the amounts so allotted and within the time so prescribed.

(d) The borrowing power of the United States under this act shall not be exercised after the termination of the emergency which brought such power into existence.

Mr. ASHURST. Mr. President, I am a man who believes in private property. I think it is the duty of citizens to acquire private property. I have no envy toward a man because he has a million dollars or $10,000,000. I do not ask how much he has, but how he got it. That is all the American Government has the right to ask. We do not care how much he has, but how did he get it? Is he making his proper contribution to the Government?

Some years ago many persons believed that Russia was a great experiment, a great government. Mr. President, Russia was doomed to fall and fail the day she started, for the reason that the Russian scheme transcended and violated certain inviolable, ineradicable instincts of human kind. In every race there are three yearnings which cannot be eradicated by any human law:

First, someone for whom to care—someone to love, if you please. The Russian Government tried to eradicate that.

Second, something in which to believe. The Russian Government tried to uproot that.

Third, something to possess. The Russian Government tried to obliterate that.

So, Mr. President, it cannot be said that I wish to take away private property from men. I welcome the citizen sedulously and daily engaged in the effort to acquire more property; but if the time has come to lay the long hand of the law, the long arm of the power of Government, on the sons of the Republic and march them to a bloody death, surely we are sportsmen enough also to draft the wealth to pay for the same war.

I thank the Senator.

Mr. LEE. I thank the Senator from Arizona.

The PRESIDING OFFICER. The clerk will resume reading.

The Chief Clerk read as follows:

SEC. 203. (a) The President is authorized, in his discretion, to provide, under such rules and regulations as he may prescribe, for the acceptance by the United States of property or services which are valuable for the prosecution of war or the improvement of national defense in payment for the bonds provided for by section 202 of this act. Such rules and regulations shall provide for the method of valuation of any such property or services.

(b) The President is further authorized to provide, under such rules and regulations as he may prescribe, for the acceptance from any person, in payment for the bonds authorized by section 202 of this act, of notes or other obligations of such person, bearing interest at a rate not to exceed 5 percent per annum and adequately secured by liens upon specified property.

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. LEE. I yield.

The PRESIDING OFFICER (Mr. MINTON in the chair). The clerk has the floor.

Mr. ASHURST. I do not wish to interrupt the clerk. He has served in this body longer than I have. [Laughter.] I should rather hear his voice than hear my own; but I crave permission to make an amplification of my statement.

In using the words "draft property" I am in favor, if necessary, of drafting the corpus of the estate, the body of the property itself. However, I hope the able Senator from Oklahoma will give consideration also to a provision for drafting income. There is quite a distinction between the income from an estate and its corpus. I hope the Senator will give some attention to the question of drafting the income first, because the corpus which produces the income would probably last longer. Therefore, while I am perfectly content to vote for the amendment as I understand it, drafting the corpus, as a matter of conservatism, as a matter of justice, and as a matter of getting revenue, it might be well to provide in the amendment for the drafting of the income. I think the Senator gathers my meaning.

Mr. LEE. I shall deal with that question when I have the opportunity. I tried to have the further reading dispensed with, but twice Senators objected, and rightly so.

Mr. ASHURST. I hope Senators will manifest no irritation because the amendment is being read. I doubt very much if the country would excuse us for voting on the amendment without having it read. I am wholly in favor of having the amendment read before we vote upon it.

The PRESIDING OFFICER. The clerk will resume reading.

The Chief Clerk read as follows:

SEC. 204. (a) The President is authorized to establish such boards, agencies, and tribunals and to promulgate such rules and regulations as may be necessary for carrying out the purposes of this act.

(b) The President is authorized to employ such officials and employees and to make such expenditures as may be necessary to carry out the provisions of this act.

SEC. 205. (a) Whoever shall knowingly violate any rule or regulation of the President under this act, on the conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 2 years, or both.

(b) Whoever shall willfully refuse or fail to purchase the principal amount of bonds which he is required to purchase under this act shall, upon the conviction thereof, be fined not more than $10,000 or imprisoned not more than 5 years, or both.

SEC. 206. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

It is also proposed to amend the title so as to read:

A bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service and to mobilize the financial resources for national defense by a draft of money according to ability to lend.

Mr. LEE. Mr. President, there is perhaps more misunderstanding about this proposal than any other proposal which has been made, judging from the statements I find——

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. LEE. I yield.

Mr. ELLENDER. I desire to make a point of order, that the amendment of the Senator from Oklahoma is not in order for the reason that the amendment is in contravention of section 7, article I, of the Constitution, which reads:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Mr. LEE. Mr. President, I believe that is a point of order on which the Senate itself must pass, and therefore I shall proceed to explain the amendment.

There are many people who propose to support a thing as long as it is in general or abstract terms, but once it is put into a specific bill they say, "Oh, I favor the general proposition, but I do not favor this specific bill." There will be a number of Senators who will also undertake to hide behind a parliamentary technicality, that this is not an appropriate time or place to vote on this amendment.

I wish to explain the amendment, and then if the Senate, which has the authority, decides it is not appropriate at this place, of course, that decision will be the decision of the Senate.

In the first place, let me say a few things the amendment does not provide. It does not provide for the seizure of property, as some have stated it does. It is not a tax measure. It does not provide for any tax at all. It provides rules and regulations for the mandatory sale of bonds for the purpose of financing either defense, as in the present situation, or for financing the prosecution of war, if war should come.

It is to take effect upon two eventualities; first, in case an emergency is such that it calls for the drafting of manpower; and secondly, in case it is necessary to borrow funds for the purpose of financing defense.

Today we have our tax measures. This is not a tax measure. But we have voted $14,000,000,000 to finance our defense program. How are we to get that $14,000,000,000? The contracts will soon be ready. We do not have the money in the Treasury. Where are we to get the money to meet those contracts? We are going to borrow the money. How did we borrow money for the prosecution of the World War? We sold war bonds on a voluntary basis.

My proposal does not provide for seizing anyone's money. It provides for the mandatory sale of bonds in proportion to

ability to lend, just as we raise taxes in proportion to ability to pay.

Today we are confronted with a crisis. We are considering a method of mobilizing manpower. We have a Council of National Defense, organized for the purpose of mobilizing industry, of which Mr. Knudsen is a member. I propose in this amendment to provide means of mobilizing the financial resources of the country.

Under this proposal the President would cause to be taken a financial census, or a census of the net wealth and income of the people of the United States, and then citizens would be classified in a manner similar to the classification under the graduated income-tax law, so that the man most able to lend could lend in proportion to his ability.

The selective draft of men is supposed to take men in proportion to their availability. A graduated income tax requires people to pay in accordance with their ability to pay. This proposal is a method of borrowing money in proportion to people's ability to lend.

When the Treasury Department undertakes to sell the $4,000,000,000 worth of bonds, which will be the first to be sold, how will it get people to buy them? Either by making the bonds attractive on the ground of being profitable to the purchaser, or because of pressure put on the purchasers. Neither of those methods is a fair criterion for determining the amount of bonds a person can buy. Every proposal should be considered in the light of the alternative. What is the alternative to this proposal? The alternative is a begging campaign, begging the people of the United States to buy enough bonds to pay for the materials used by the boys we are drafting by compulsory measures.

Mr. BONE. Are we not rather begging them to volunteer their money instead of conscripting it?

Mr. LEE. Exactly.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WHEELER. The distinguished Senator from Arizona [Mr. ASHURST] a moment ago made the statement that it was perfectly constitutional to draft men in peacetime. I would say to the Senator that there is a serious doubt in my mind whether or not a peacetime draft would be constitutional, and I wish to call attention to the fact that the Supreme Court of the United States, when it upheld the selective-service draft law, specifically stated, through Justice Cardozo, that in wartimes the Government had a right to have a draft. He expressly eliminated the question as to whether or not peacetime draft would be constitutional.

I call attention to the fact also that Daniel Webster, who was looked upon as probably one of the greatest constitutional lawyers of all time, made a speech on the floor of the Senate, a copy of which I have, in which he said that peacetime conscription was unconstitutional. He said that conscription of property was unconstitutional, but stated there was far more justification, under the Constitution of the United States, for drafting property, or for the Government taking over property, than taking over the life of a man. He made a great speech on the floor of the Senate on the subject.

In the course of a few days I expect to present to the Senate a brief, written by some of the best lawyers in this country, in which they have contended that a peacetime draft is unconstitutional. They review the history of peacetime draft from the time of Magna Carta down to the present. It is a very convincing brief upon the whole subject.

I agree fully with the Senator from Oklahoma that if we are to have a peacetime draft of men there can be no reason under the sun why we should not have a peacetime conscription of property.

I also agree with the Senator from Arizona. I want to see the men who stand on this floor and advocate peacetime conscription of soldiers vote on conscription of property. I want to see some of the great and influential New York lawyers who are advocating peacetime conscription squirm when we talk about conscripting property. They would never vote for and they would never advocate peacetime conscription of property. Nor would any of the great newspapers which are now advocating peacetime conscription of men dare to carry editorials in their papers advocating peacetime conscription of property.

Mr. LEE. Oh, no. They hold me up as a hairbrained, wild lunatic because I merely advocate it.

Mr. WHEELER. Of course. The Senator is to be commended when he advocates peacetime conscription of men, but he is a hairbrained lunatic, to use his own language——

Mr. LEE. That is their language, not mine. [Laughter.]

Mr. WHEELER. I mean the language the Senator said they used about him.

Mr. ASHURST. Mr. President, I should be lacking in frankness if I failed now to say that I agree with the Senator from Montana [Mr. WHEELER] that there is doubt as to the validity of peacetime conscription. The Senator and I agree that we do not need conscription now. Therefore we will not quarrel about the constitutionality of such a measure. I happen to believe, after some investigation, that it would be constitutional.

Mr. President, many things may be constitutional that are not necessary, that are not needed. I agree with the Senator from Montana that Mr. Justice Cardozo did say that the question of the validity of peacetime draft was specifically reserved. Is that correct?

Mr. WHEELER. Yes.

Mr. ASHURST. Therefore it may be considered an open question, but my opinion is—and it is of no more validity than that of any other lawyer in the Chamber—that it would not be unconstitutional. I was speaking purely as a matter of policy.

Mr. President, more than 300 years ago there was a man who uttered the statement—and I have been trying for a year to find out who he was—

> Whenever it is not necessary to do a thing it becomes necessary not to do it.

Whoever uttered that I do not know, but it is worthy of remembrance—

> Whenever it is not necessary to do a thing it becomes necessary not to do it.

That statement is worthy of consideration by statesmen, by those engaged in the practice of medicine and by men in other activities of life.

So I say that, of course, those who advocate a draft of the wealth of the country will be very much traduced by the coupon clippers, and the coupon clippers will be invincible in peace and invisible in war.

If our Nation is in peril, of course, I shall vote for the draft. I voted for the draft in 1917. I have no apologies to offer for having done so.

Mr. LEE. Mr. President, it is so appropriate and in point that I wish to read what the two major political parties have said with reference to this proposition.

Mr. ASHURST. To draft property?

Mr. LEE. To draft property. In 1924 the Democratic platform included this statement:

> War is a relic of barbarism, and it is justifiable only as a means of defense.
>
> In the event of war in which the manpower of the Nation is drafted, all other resources should likewise be drafted. This will tend to discourage war by depriving it of its profits.

Mr. ASHURST. Is that quotation from the Democratic platform?

Mr. LEE. That was in the Democratic platform of 1924. I now read an excerpt from the Republican platform of the same year.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WHEELER. Has the Senator the Democratic platform of 1920?

Mr. LEE. I do not have it here.

Mr. WHEELER. I was going to say that the Democratic platform of 1920 went on record against peacetime conscription. I may also say to the Senator that I have in my office a quotation from Woodrow Wilson, whom the distinguished

Senator from Florida [Mr. PEPPER] the other day very rightfully praised. Woodrow Wilson also went on record against peacetime conscription. Our former President made a very strong comment upon that subject.

Mr. PEPPER. When was that statement made by President Wilson?

Mr. WHEELER. I have it in my office. I cannot say offhand, but as I recall it was a year or so before we entered the war. I am not sure of the exact date.

Mr. LEE. Let me read what the Republican platform of 1924 said:

> We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United Sates ever again be called upon to defend itself by arms the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities, whether utilized in actual warfare or private activity.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. PEPPER. Perhaps I missed it, but has the Senator referred to the declaration of the American Legion on the subject?

Mr. LEE. I was just coming to that, and since the Senator brought it up, let me quote from that declaration. The American Legion made its first declaration in 1922. So definite were the ex-service men in announcing their desire for such legislation, that Reprcsentative Royal C. Johnson, of South Dakota, who introduced the bill in Congress which created the American Legion, also introduced on September 21, 1922, a proposed amendment to the Constitution of the United States on the theory that it was not constitutional to draft capital. I think it is definitely constitutional, but for fear it was not, the following proposed enabling act was introduced by Representative Royal C. Johnson:

> That in the event of a declaration of war by the United States of America against any foreign government or other common enemy the Congress shall provide for the conscription of every citizen and of all money, industries, and property of whatsoever nature necessary to the prosecution thereof, and shall limit the profit for the use of such moneys, industries, and property.

That was the first effort to secure legislation to draft money in case of war. It was adopted by the American Legion convention in New Orleans October 16, 1922. From that time until 1930, Representative Royal C. Johnson continued to reintroduce it.

The senior Senator from Kansas [Mr. CAPPER] introduced a similar bill in the Senate. The bill was originated by those who first organized the American Legion, and its language is very plain. It says:

> The Congress shall provide for the conscription of every citizen and of all money.

That was in the proposed enabling act, which never was passed. I think that provision was entirely unnecessary. The Constitution says:

> The Congress shall have power * * * to raise and support armies.

The phrase "and support" is just as much a part of the Constitution as the phrase "to raise." If Congress has power to call men to the colors by mandate, it has constitutional power to enact legislation to raise the means of supporting the Army, for later in the same section the Constitution provides:

> To pass all laws which shall be necessary and proper for carrying into execution the foregoing powers.

The amendment I am offering would come under that authorization of the Constitution—

> To pass all laws which shall be necessary and proper for carrying into execution the foregoing powers.

What powers? To raise and to support an army. There are two constitutional powers. One is to raise an army; the other is to support that army. What good is an army without food, transportation, and arms? Therefore it is necessary for the Congress to have the same power to support the Army as it has to raise the Army.

We call men to the colors by mandate, and yet we go forth and beg for enough money to pay for the beans they eat before they are shot. We raise an army of men by force, and we support that army by grace.

Mr. ASHURST. Mr. President, I really feel that I should not mar the Senator's speech——

Mr. LEE. I am glad to have the Senator's contribution.

Mr. ASHURST. But I remember something to the effect that the Senator was called "a wild"—what was the phrase?

Mr. LEE. I do not want to emphasize it or call attention to it.

Mr. ASHURST. Mr. President, I have known men of physical courage who could face the cold pistol barrel of an opponent and never flinch. That is a degree of courage I am proud of in other men. I myself do not have it, but I am proud to see it in other men. Yet a man who could face a cold pistol barrel might literally shrink and wither under ridicule.

Mr. President, if a man is to be a statesman he does not need to have the courage required to face the cold pistol of an opponent; but if he is to be a statesman of any utility he must face, without shrinking, with good nature, and apparently with a liking for it, ridicule which would blister the paint on this desk. If the Senator expects to get anywhere—and I believe he will travel far, because he is young and able—he must be able, I repeat, to face ridicule which would blister the paint on this desk.

Take Dr. Townsend's plan for old-age pensions. When he proclaimed his plan a wave of ridicule went over the country. Now it has successfully passed beyond the stage of ridicule; it has survived ridicule and has now reached the stage of argument. It will survive the stage of argument, and as soon as Congress is ready will come to the stage of enactment. So it is with the proposal of the Senator that if we are to draft men we should also draft the income or the corpus of estates—preferably the income. If the Senator can stand the ridicule, he will have advanced one step forward in a great reform. Then if he can survive the stage of argument, he will pass on to the stage of enactment.

Here is my able friend from my neighbor State of New Mexico [Mr. HATCH], quiet, unobtrusive, and a very able citizen. He introduced a bill which met with ridicule from the Republican Party, and even greater ridicule from his own party. Quietly, unobtrusively, serenely, and ably, without trying to do too much the first year and thereby dying of indigestion, he attempted, step by step, to put through a great reform. When we are gone and people read from musty tomes what some of us have said, the Senator from New Mexico will be gratefully remembered by posterity as a man who helped to clean politics in America. Suppose he had fallen at the first fire of ridicule? He would have demonstrated that he was not a great statesman, because he would have lacked the moral fiber which drives through great reforms.

Here is my very eloquent friend the Senator from Florida [Mr. PEPPER]. I do not agree with some of his conclusions, but it must be the judgment of the country and of the Senate that he has, with courage and ability, urged and advocated the things in which he believes with respect to certain features of world affairs. He is exempt from ridicule. He is exempt from criticism because of the courageous and brave way in which he has proceeded with his arguments.

Here is my able friend from North Carolina [Mr. REYNOLDS]. When he first began to talk about deporting criminal and unauthorized aliens, Senators would say, "Oh, BOB REYNOLDS is talking again about deporting aliens. Let us go to lunch." [Laughter.] But he kept at it. He did not wither under the first fire. If a vote were now taken, the criminal and unauthorized aliens who are here undermining our Government would be deported. The Senator had the moral courage and fiber to stand up for his principles. That is what makes a man a statesman. It is not mellifluous talk, scholarship, and all that. People like those things, but they do not advance one very far. It is the ability to go far with great problems which makes a statesman.

Here is the able Senator from Texas [Mr. SHEPPARD], my friend for more than 30 years. I do not agree with his bill. I shall vote against it. But surely there cannot be a man so lost to statesmanship or good will that he would refuse to pay the senior Senator from Texas a tribute for his courage, his moderation, and his scholarship in driving through, or attempting to drive through, a bill which I think is not a good bill.

Mr. SHEPPARD. Mr. President, I should like to express my appreciation of what the Senator from Arizona has said regarding myself. I deeply appreciate it.

Mr. BARKLEY. Mr. President, does the Senator from Oklahoma desire to conclude his remarks today, or does he prefer to suspend for the day at this point?

Mr. LEE. I should prefer to resume tomorrow, if I may be recognized.

The PRESIDING OFFICER. The Senator will be recognized if the present occupant of the chair is in the chair when the Senate convenes tomorrow.

Mr. BARKLEY. With that understanding, I shall ask the Senate to suspend because we have been in session for 6½ hours.

### VOYAGE OF S. S. "AMERICAN LEGION"

Mr. BONE. Mr. President, because what I am about to say is now timely, and because unhappily for the country it may not be timely by way of protest within an hour from now, I rise to utter a protest against the actions of the State Department in connection with the movement of the Army transport *American Legion* from Petsamo to the United States.

Today in the Washington News appears an article by Mr. Raymond Clapper, which I think is one of the most timely observations I have been privileged to read since I have been a Member of the Senate. He exemplifies in the article one of the difficulties implicit in the whole business of establishing foreign relations which are understandable to Members of Congress.

Under our Government, one man—for obviously it must be one man, either the Secretary of State or the President—has the power, and has exercised the power, to drive this vessel, the *American Legion*, with 900 human beings aboard, through a mine field where it may be sunk. By the simple, sane, wholesome, horse-sense operation of permitting the vessel to go a few miles out of that course, she might avoid the horrible dangers which, at the very moment I am standing on this floor, threaten the vessel and the lives of 900 people.

We talk about the powers exercised by the rulers of totalitarian governments; and yet under our flag one man in this city, by his ipse dixit, can order a vessel through the most dangerous seas on this earth, where she may at any moment be sunk, thereby producing the most inflammatory incident that has yet occurred in the war. Is there a Senator who does not appreciate what it would mean if the word should come that the ship had been blown up? Yet the stubbornness—I think I am choosing a very mild word to characterize that kind of an act—the stubbornness of one man sends 900 human beings into a zone where they may be blown skyward at any moment; and this body of 96 United States Senators has not a word to say about it.

We talk about totalitarian government. Will some Senator rise and tell me that he has some right to protest, and, if so, how much good it would do? Such is the power which our State Department, or the President of the United States, has.

Mr. President, at the conclusion of my remarks I shall ask that the article by Mr. Raymond Clapper be printed in the RECORD as a part of my remarks. He said:

> We need particularly to know why the Government has insisted upon sending her through dangerous mine fields at the risk of plunging the United States into war with Germany.

We may need to know why, but shall we know why? A resolution ought to be introduced in the Senate and passed by unanimous consent, demanding of the State Department why it elected to send the vessel through mine fields when, by the simple expedient of changing her course by a few miles, she could have escaped that danger.

Mr. President, the ship may, by the grace of God, escape any trouble; and 130,000,000 Americans ought to get on their knees tonight, even though they be heathens, and pray to Almighty God that the ship will come safely through those waters, because if, by some terrible catastrophe, she is blown out of the water because of striking a mine, the charge will be made in this body that she was torpedoed by a German submarine, and no one will know the truth. We shall never know the truth. It will be obscured and shrouded.

Yet such an incident would be an inflammatory and provocative thing which might precipitate this country into war within a week.

Mr. President, the hair-trigger and supersensitive emotional nature of Americans at this moment—made so in no small part by the argument going on in this body—is like a great box of TNT, ready to explode. Yet the State Department says, "No; we are going to have that ship go through a mine field." I wonder upon whose soul would rest the moral obloquy which would attach to the death of innocent people if the ship should strike a mine when it could find a safe course.

It is time for the Congress to ascertain whether or not it performs some other function than merely declaring war after some fellow has delivered war to us as a fait accompli. That is the way wars will be made from now on. We talk about dictators making wars. God bless your souls! The kind of war we shall have in the future will be made by some official, not a Member of Congress. We shall merely go through the outward form of declaring war after some of our servants whom we ought to chastise have delivered war to us as an accomplished fact. We shall be in war before we know it, under the doctrine of reprisal, which was discussed on the floor the other day by the able Senator from Utah in response to my inquiry as to why the American Fleet bombarded Vera Cruz, Mexico. The Senator said that was done under the doctrine of international law which we know as reprisal.

Suppose the *American Legion* should be sunk, and the President should assume that it was a deliberate act of Germany. The vessel might be sunk by a mine, but who would know? If it were accomplished in the dark, who would know? Under the doctrine of reprisal the President of the United States might decide to send the fleet over to blast Hamburg. Apparently there is ample authority for it in the precedents we have established in our own undeclared wars, such as our undeclared war on Mexico and our undeclared war on Nicaragua. We are not coming into court with utterly clean hands in the matter of undeclared wars.

Another moment and I shall be through. This is something so overwhelming in its possibilities of supreme tragedy for 130,000,000 people that I should feel recreant in my duty as an American if I did not rise now, before it may be too late. Pray God that I may be wrong in even voicing the fear. I hope the fear is utterly misplaced; but I rise to point out that if anything should happen to the *American Legion* none of the moral responsibility would attach to Members of Congress. It would attach to a man who ought to be made to answer to us for that kind of business.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. PEPPER. If the Senator wishes to measure very nice moral values for the course of the executive department, I wonder if the words he is now uttering are likely to cause greater danger to the ship?

Mr. BONE. I do not know how anything I utter here in the Senate Chamber can affect a ship 3,000 miles away in mined waters. If the able Senator from Florida can explain how it could, I wish he would do so now.

Mr. PEPPER. I say that the words of the Senator are giving aid and comfort to an enemy that might want to sink it.

Mr. BONE. O merciful Heaven! I have heard many funny arguments in this body, but I did not think we would get around to that type of humor when dealing with this sort of matter. I am fed up with the idea of somebody aiding enemies because his statements disagree with the

views of the Senator from Florida, who wants the country to go into war, and said as much on this floor.

Mr. PEPPER. The Senator——

Mr. BONE. I do not yield.

Mr. PEPPER. The Senator tells a falsehood when he makes that statement.

Mr. BONE. I am not yielding to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. BONE. I am not interested in his bellicose views. If he does not like what I am saying, there are a number of exits from this Chamber.

Mr. Raymond Clapper, who is not unfriendly toward the present administration, who has been something of an admirer of it, says:

> But what about the 900 refugees aboard the *American Legion?* Why are their lives being risked in a bull-necked gesture of defiance? Defiance against what? Defiance of floating mines, with the idea that if we have bad luck we'll blame it on Germany.

I do not know who would be responsible for the sinking of that ship if it should sink. I know, and I now say to the Senate, and if anyone cannot understand this simple presentation, then I do not know how to use my mother tongue, the State Department, according to the record, said to the captain of this vessel, "Go through certain areas." Those areas are mined. The vessel by going on a slightly circuitous route could have avoided the mine field. If the vessel is destroyed, then America will flame up. We have kept our ships out of danger zones under the Neutrality Act, and thus far, according to very responsible authorities in this country, we have escaped the most inflammatory situations such as those that arose during the World War.

We can pose to ourselves now the question, Why does the State Department assume the attitude it takes?

I ask that the entire article written by Mr. Clapper be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, of August 20, 1940]

DANGEROUS DEFIANCE

(By Raymond Clapper)

We need some light from the Government upon the perilous voyage of the Army transport *American Legion*. We need particularly to know why the Government has insisted upon sending her through dangerous mine fields at the risk of plunging the United States into war with Germany.

As this dispatch is written the German Embassy here has just stated that the American Army transport is in grave danger and will be for the next 12 hours because it has persisted in taking a course through mine-infested waters north of Scotland. The United States Government doesn't deny the danger, but seeks to blame Germany for the consequences if the worst should happen.

The Army transport is returning from a rescue mission, bearing 900 refugees, mostly Americans, bound from Finland to New York. Among the civilian passengers is Mrs. J. Borden Harriman, United States Minister to Norway, and the wife and children of Frederick A. Sterling, American Minister to Sweden.

At this moment, one can only pray that the transport with her cargo of unoffending refugees will come safely through the mine fields. She is conspicuously marked, is brightly lighted at night, and probably has nothing to fear from airplanes or submarines. The danger is that she will hit a mine. Peace possibly hangs just now on the luck of the transport *American Legion*.

There is a good deal of mystery as to why the Army transport on its return from its rescue mission has been ordered to take such a dangerous route and why this Government has refused to alter that route when warned of the mine fields in the path.

The present course of the *American Legion* lies farther south than the direct route to New York. When asked why the *American Legion* was not routed farther north, State Department spokesmen called attention to the fact that a few weeks ago the Navy Department warned mariners that the waters around Iceland and the Faroe Islands were unsafe. Presumably the British had mined them. Meantime, British waters have been mined under the new German attempt to blockade England, and the *American Legion* was heading into that danger zone when Germany suggested that the course be changed. It may be that no safer course can be found. Acting Secretary of State Sumner Welles said that the route chosen by the Army and Navy was considered the safest one.

The controversy is being carried on through exchanges of diplomatic notes between Washington and Berlin, and side exchanges through press conferences by both parties. Each side is trying to fix responsibility upon the other and is making a record for use if the tragedy should occur.

> But what about the 900 refugees aboard the *American Legion?* Why are their lives being risked in a bull-necked gesture of defiance? Defiance against what? Defiance of floating mines, with the idea that if we have bad luck we'll blame it on Germany?
>
> Perhaps under the present cover of secrecy there are reasons to justify this reckless flirtation with disaster and war. Congressional committees should find out whether such justification exists.

Mr. HATCH. Mr. President, in recent days debate has at different times taken on a personal turn. We do not know how heated the debate may become in the days which lie ahead. I rise to read into the RECORD section 2 of rule XIX of the Senate Rules:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. PEPPER. Mr. President, when one says he speaks as clearly as the English language would allow him, I do not know why other Senators might not be accorded the same privilege, and their utterances given the same respect. Because I have advocated on this floor, and because I intend to continue to advocate as long as I am here, and wherever else I happen to be, a policy which I believe is best adapted to the defense of the United States of America, thinking only about the United States of America, intending at no time to send any soldier, sailor, airman, or citizen to fight in any foreign country or foreign war, there are certain Senators who have availed themselves of every possible opportunity to charge, in spite of repeated and reiterated declarations to the contrary, which I have made here, that I wanted to take this country into war.

I hope the Senator from Washington will forgive me if, out of a feeling of some depth on this subject, I spoke more harshly a moment ago, when the Senator undertook to ask me a question, than perhaps the proprieties of the Senate and my own inclinations would have deemed desirable. To that extent I wish to retract the statement I made in addressing the Senator from Washington, who is a very able and devoted friend of mine.

I beg to advise the Senator that his assumption that I want this country to go to war is contrary to my reiterated declarations on that subject; contrary to both my intentions and my desire.

I think that Senators might also recall that when they endeavor to place upon the President of the United States a charge as serious and solemn—and which I conscientiously think is unjustified—as the charge which has just been made by the very able Senator from Washington, the proprieties of the Senate likewise counsel caution and restraint in these troublous times on the part of us all. Insofar as I have been delinquent in observing that obligation, I am sorry, and I hope I shall not again offend.

Mr. BONE. Mr. President, I hope my good friend from Florida does not assume that I think that he is wholly wrong in many things, because I am so much in agreement with him in most of his views, and particularly his economic views, that I find it a little difficult to disagree with him on some of the issues which are immediately before us.

I have felt rather deeply about the situation in which this vessel finds itself, because it makes no difference whether it is the President of the United States or the Secretary of State or who it is, the point I raised was that by the vessel going a few miles out of her way she would avoid trouble.

That is only the horse-sense thing to do. We have no hesitancy in this body in sitting in judgment upon the views of our brethren. I know of no rule that makes the President of the United States or the Secretary of State sacrosanct. If we have reached such a point in our American life that one cannot criticize the judgment of the President, then we have reached a very peculiar stage in our development. We are going to criticize not only the President in the coming campaign but the man who is running against him. We are going to sit in judgment on his every act. The people have a right to do it; they have a right to sit in judgment on me, and, if I do not protest against some things I think wrong, the people will rise and rebuke me.

I disagree with the Senator from Florida without losing one iota of my respect for him, for I admire him very much

as an individual and as a fine, purposeful human being. We all here, in the heat of debate, are prone sometimes not to be just as sweet as we should be, and for that I ask the indulgence of my brethren. I hope they will be tolerant of me. I certainly bear no ill will to anyone for disagreeing with me, and I want the Senator from Florida to understand that if I have said anything to wound him, I am sorry, and I am sorry if I have wounded the feelings of any of the other of my brethren.

MEDITERRANEAN FRUITFLY ERADICATION

Mr. BURKE. Mr. President, yesterday the House adopted Senate Concurrent Resolution 40, which was agreed to by the Senate on April 17, and which provides for the creation of a special joint congressional committee to make a full and complete investigation with reference to the losses sustained as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida in 1929 and 1930.

The concurrent resolution provides that the joint congressional committee shall be composed of three members of the Committee on Claims of the Senate, to be appointed by the chairman thereof, and three Members of the House. As chairman of the Senate Committee on Claims I wish to announce the appointment of the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wisconsin [Mr. WILEY], as the members of the joint committee on the part of the Senate.

FIRST NATIONAL STEAMSHIP CO. AND OTHERS

Mr. BURKE. Mr. President, the House yesterday passed House bill 10141, for the relief of the First National Steamship Co. and others, conferring jurisdiction on the Court of Claims to hear and determine a certain suit. My reason for the request I am about to make that the matter be taken up is that on the 28th of May the junior Senator from Michigan [Mr. BROWN], speaking for the Senate Committee on Claims, offered the identical bill which passed the House yesterday as an amendment to House bill 4031, it was adopted by the Senate, and the bill was passed with that amendment on it. But the House preferred to handle the matter in separate legislation, and they have therefore passed and sent to the Senate House bill 10141. I ask unanimous consent for the present consideration of the House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 10141) for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., was read the first time by title and the second time at length, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and determine in any suits instituted within 1 year from the date of the enactment of this act, jointly or severally, by the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co., the claims of such companies on account of (1) certain sums allegedly deposited by them with the United States Shipping Board in 1920; (2) certain disbursements allegedly made by them, for and on behalf of the United States, in 1920, for other than physical operation costs, in connection with the vessels *Independence, Hoxie,* and *Scottsburg,* owned by the United States; and (3) certain improvements and equipment allegedly placed aboard said vessels and not removed therefrom by said companies, in 1920; and if the court shall determine that there was no sale of, or valid contract to sell, said vessels to said companies, and that the payment made to said companies on October 7, 1935, was not in full payment of the just claims of said companies existing on that date, to enter such decrees or judgments against the United States as will provide full reimbursement and just compensation to such companies on account of said claims, notwithstanding any statute of limitations: *Provided,* That such compensation shall not be in excess of 3 percent per annum of the total of the payments made and ordered to be made for the period that any moneys were withheld from the claimants.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

WADE CRAWFORD

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2758) for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency, which was, on page 2, line 5, after the word "Office", to insert a colon and the following proviso:

*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. THOMAS of Oklahoma. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CAPT. ROBERT W. EVANS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3400) for the relief of Capt. Robert W. Evans, which was, on page 1, line 8, to strike out "as a" and insert "in full settlement of all claims against the United States for the."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for promotion in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

ARMY NOMINATIONS

Mr. SHEPPARD. I ask unanimous consent that the large number of routine Army nominations reported by me earlier in the day be confirmed.

The PRESIDING OFFICER (Mr. MINTON in the chair). Without objection, the nominations are confirmed.

Mr. SHEPPARD. I ask unanimous consent that the President be immediately notified of the confirmation of the Army nominations, and, in order to save unnecessary expense, I ask that they be not printed in the RECORD of today's proceedings but reference be made to the page of the RECORD in which they were transmitted to the Senate by the President.

The PRESIDING OFFICER. Without objection, the President will be notified, and, in accordance with the Senator's request, the nominations will not be printed in the RECORD.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of Edward Dana Durand, of Minnesota, to be member of the United States Tariff Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, August 21, 1940, at 11 o'clock a. m.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate, August 20 (legislative day of August 5), 1940*

UNITED STATES TARIFF COMMISSION

Edward Dana Durand to be a member of the United States Tariff Commission.

PROMOTIONS AND TRANSFERS IN THE REGULAR ARMY

(NOTE.—The nominations of persons named for promotion or transfer in the Regular Army, which were received on the 19th instant, were confirmed en bloc today. The names of the persons confirmed will be found in the CONGRESSIONAL RECORD of August 19, 1940, beginning on p. 10513, under the caption "Nominations.")

POSTMASTERS

KANSAS

Orval D. Allis, Virgil.

WISCONSIN

Frank S. Dhooge, Ashland.
William Wright, Kewaunee.
Fred W. Krohn, Mount Hope.
Joseph C. Harland, Mukwonago.
Exilda L. Grendahl, Sheldon.
Samuel Dewar, Westfield.

# HOUSE OF REPRESENTATIVES

## TUESDAY, AUGUST 20, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Eternal God, who art the light of all that is true and the glory of all that is beautiful, may this be a day of unclouded vision. Grant that our vision of truth and justice, of righteousness and peace may be so clear and commanding that we shall rise up and follow it with all our mind, heart, soul, and strength.

May we daily give evidence, as citizens of the heavenly kingdom, that we are men of invincible good will, seeking to hasten the coming of that day when love shall be gloriously triumphant.

We pray that Thou wilt mingle all the nations of the earth in an alchemy of friendship. Transform and transfigure the heart of man with the touch of Thy spirit. Let our groping humanity out of chaos into that blessedness when heaven and earth shall be linked in every soul. To Thy name, through Christ, shall be all the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy; and

S. 4272. An act to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended.

The message also announced that the Senate recedes from its amendment No. 14 to the bill (H. R. 10030) entitled "An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes."

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial which appeared in the Texarkana Gazette on August 18 last.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MACIEJEWSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD with reference to refugee children.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Hugh Russell Frazier, The Propaganda for the Draft Is in Full Swing.

The SPEAKER. Is there objection to the request of the gentleman from Ohio.

There was no objection.

Mr. SWEENEY. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include therein an article entitled "From Benedict Arnold to the Government of Uncle Shylock."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Richard L. Neuberger of the Portland Oregonian setting forth the possibilities of the Columbia River Basin in the Pacific Northwest.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. DICKSTEIN addressed the House. His remarks appear in the Appendix of the RECORD.]

THE MIDWEST AND THE DEFENSE PROGRAM

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLIS. Mr. Speaker, on yesterday within 2 hours after I had registered in this House what I thought to be a legitimate complaint by Members of the Middle West because our section has not as yet been selected as a location for any defense industry, I was told by a high-ranking Government official that a principal reason why we are getting no recognition is the fact that we have no power in that section.

Within 2 hours after I had registered my protest, by a strange coincidence, there was delivered to this House by the Speaker a report of the Army engineers and the Secretary of War recommending as a part of the flood-control program the construction on the White River in Arkansas and Missouri of two huge dual-purpose dams that would produce a total of 330,000 kilowatts annually.

Last May there was laid before the Flood Control Committee of this House a recommendation by the Secretary of War and the Chief of Engineers to the effect that power be included in the Norfolk Dam, also on the White River, which in itself would give us 48,000 kilowatts of electrical energy annually. Nothing has been done toward acting favorably on the recommendation.

Why should not the National Defense Council and the War Department then help us get the industries for these invulnerable areas by first recommending to this Congress the immediate construction of one or more of these dams, as it did the construction of the dam on the Tennessee? [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an editorial from the Los Angeles Times entitled "Enough Investigation in Connection With Harry Bridges."

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LELAND M. FORD]?

There was no objection.

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LELAND M. FORD]?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I am having inserted in the RECORD today an editorial from the Los Angeles Times in connection with Harry Bridges entitled "Enough Investigation."

I wonder if the Members of the House and the people of the country know that this man Bridges has never been tried by a regular judge? He has never been tried in a regular court. He was tried by Mr. Landis. They might just as well have picked a taxicab driver, real-estate broker, merchant, newsboy, or any other layman to try him. The people of the country should realize that this man has never been tried in a court of law. There must be a reason why our Federal officials, Mme. Perkins and Mr. Jackson, do not want to try this man in a real Federal court, because in a Federal court you usually get justice.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech that I made in my district before a large farm group Saturday afternoon in which I dealt with agriculture, the New Deal, and the third term.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. GROSS]?

There was no objection.

SAFE PASSAGE OF THE "AMERICAN LEGION"

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I believe there is not a Member on the floor today who is not praying for the safe passage of the *American Legion* which carries over 900 American citizens as passengers, and of course the transport is manned by Americans. Germany has stated that the waters where the ship is supposed to pass are mined. I telephoned the State Department Sunday vigorously protesting and asking that the course of the *American Legion* be changed in order that it might go outside the waters that Germany has claimed are mined. Hitler should not have mined those waters, having assured the United States it would not molest the *American Legion*, nevertheless the present administration should see that no chance is taken with our American citizens and with our ships. There can be no possible excuse for such action. We are informed that the British have mined waters farther north. It looks very much as if the administration decided that it was better to have the ship blown up by Hitler rather than Great Britain, but the passengers' death would be just as tragic whether they were blown up by the British or by the Nazis, the crime just as great.

Mr. Speaker, we legislated in order to prevent our ships going into combat and dangerous zones. Now we should see that this legislation is carried out. I believe that there is another course that could have been taken which would be fraught with far less danger. From the moment I knew of the hazardous passage of the *American Legion* I have done everything in my power to have the course changed. I should feel guilty if I had not done so and I could not let that guilt be upon my shoulders to any degree. If the *American Legion* should be sunk it would be a very great tragedy and how far reaching the effects of that tragedy would be no one knows. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a telegram that I received this morning.

The SPEAKER. Is there objection to the request of the gentleman from Arizona [Mr. MURDOCK]?

There was no objection.

INCREASE IN LENDING AUTHORITY OF EXPORT-IMPORT BANK OF WASHINGTON

Mr. SABATH. Mr. Speaker, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution as follows:

House Resolution 570

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 10361, a bill to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. SABATH. Mr. Speaker, I presume the gentleman from Michigan [Mr. MICHENER] desires time on the rule. If so, I shall yield him 30 minutes.

The rule has just been read, and I know the Members are satisfied that this again is a liberal rule. It provides for 4 hours' general debate, although I hope all of this time will not be used. I feel that even 1 hour will not be taken on this resolution.

After the debate on the rule, the bill will be taken up and considered under the 5-minute rule.

Most, if not all, of you remember that only a few months ago we extended the life of the Export-Import Bank to 1947. Up to the present time $200,000,000 has been appropriated for use of this bank under proper safeguards. In view of present conditions, it is felt that there should be an increase from $200,000,000 to $700,000,000 for this bank, which is the purpose of the bill. In other words, the bank would by this bill be authorized to make additional loans in the amount of $500,000,000.

I think this will be made clearer by reading a provision of the bill. It says:

(1) To assist in the development of the resources, the stabilization of the economies, and the orderly marketing of the products of the countries of the Western Hemisphere by supplying funds, not to exceed $500,000,000 outstanding at any one time, to the Export-Import Bank of Washington, through loans to, or by subscriptions to preferred stock of, such bank, to enable such bank, to make loans to any governments, their central banks, or any other acceptable banking institutions and, when guaranteed by any such government, a central bank, or any other acceptable banking institution, to a political subdivision, agency, or national of any such government, notwithstanding any other provisions of law insofar as they may restrict or prohibit loans or other extensions of credit to, or other transactions with, the governments of the countries of the Western Hemisphere or their agencies or nationals. Upon the written request of the Federal Loan Administrator, with the approval of the President, the bank is authorized, subject to such conditions and limitations as may be set forth in such request or

approval, to exercise the powers and perform the functions herein set forth. Such loans may be made and administered in such manner and upon such terms and conditions as the bank may determine.

Nothing I could say would more impress the country than a resolution adopted by the National Foreign Trade Council at its convention in San Francisco, July 29–31, 1940, which resolution reads in part, as follows:

THE NEUTRALITY ACT

The convention urges modification or repeal of those provisions of the Neutrality Act which constitute unnecessary restraints on American trade, shipping, and finance.

THE JOHNSON ACT

The convention recommends prompt repeal of the Johnson Act.

INTER-AMERICAN TRADE

The convention recommends that the Government, in cooperation with the governments of Latin America, provide adequate financial assistance in support of their efforts to overcome exchange difficulties due to decline of their normal trade with European countries.

The convention approves of the lending of United States Government funds for the development of Latin American natural resources and stimulation of their exports and marketing of surpluses.

EXPORT TRADE ACT

The convention recommends continued encouragement and assistance to associations of exporters operating under the Export Trade Act, and recommends that the administration of the act be transferred to the Department of Commerce.

EXPORT-IMPORT BANK

The convention recommends removal of present limitation of $20,000,000 additional accommodation to any country, and favors an increase in the aggregate credit capacity available to the Export-Import Bank by $500,000,000. It further recommends that the functions of the bank be extended to provide to our foreign traders Government guaranties of credits and exchange risks on bases equal to those available to foreign competitors.

Inasmuch as this bill is recommended by the President, the State Department, and by an almost unanimous report of the Committee on Banking and Currency, which committee has given it serious consideration during a period of about 2 weeks, I do not now wish to take further time of the House; and I yield to the gentleman from Michigan [Mr. MICHENER] 30 minutes, reserving to myself the remainder of my time. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a story which appeared in the New York Times on Friday, August 16, by Russell B. Porter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may include as a part of my remarks the recommendations for this legislation by various organizations.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CALL OF THE HOUSE

Mr. BENDER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Ninety-seven Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 188]

| | | | |
|---|---|---|---|
| Alexander | Bradley, Mich. | Casey, Mass. | Darden, Va. |
| Allen, Ill. | Bradley, Pa. | Celler | Darrow |
| Allen, Pa. | Brewster | Chapman | Delaney |
| Anderson, Mo. | Buck | Clark | Dempsey |
| Arnold | Buckley, N. Y. | Claypool | Dies |
| Ball | Bulwinkle | Clevenger | Dirksen |
| Barden, N. C. | Burgin | Cluett | Dondero |
| Barry | Byrne, N. Y. | Collins | Douglas |
| Bates, Ky. | Byron | Cooley | Drewry |
| Bates, Mass. | Caldwell | Crowther | Eberharter |
| Bell | Carter | Culkin | Edelstein |
| Boren | Case, S. Dak. | Curtis | Elliott |
| Elston | Hook | McLean | Schuetz |
| Englebright | Houston | McMillan, John L. | Schulte |
| Evans | Jarman | Magnuson | Secrest |
| Fay | Jarrett | Marcantonio | Seger |
| Ferguson | Jeffries | Marshall | Shafer, Mich. |
| Fernandez | Johns | Merritt | Shanley |
| Fish | Johnson, Ind. | Mitchell | Sheridan |
| Fitzpatrick | Johnson, W. Va. | Monkiewicz | Smith, W. Va. |
| Flaherty | Jones, Ohio | Myers | Snyder |
| Flannery | Keefe | Nelson | Somers, N. Y. |
| Folger | Keller | O'Leary | Sparkman |
| Ford, Miss. | Kennedy, Martin | Osmers | Sullivan |
| Ford, Thomas F. | Kennedy, Michael | O'Toole | Taber |
| Garrett | Keogh | Parsons | Taylor |
| Gavagan | Kilburn | Pfeifer | Tinkham |
| Geyer, Calif. | Kirwan | Plumley | Tolan |
| Grant, Ala. | Kleberg | Reece, Tenn. | Vreeland |
| Grant, Ind. | Kocialkowski | Richards | Wallgren |
| Green | Kunkel | Risk | Warren |
| Hall, Edwin A. | Lambertson | Rockefeller | White, Idaho |
| Halleck | Landis | Rodgers, Pa. | White, Ohio |
| Hancock | Lemke | Romjue | Wigglesworth |
| Hare | Ludlow | Ryan | Wood |
| Harness | McArdle | Sacks | Woodrum, Va. |
| Hart | McDowell | Sandager | |
| Hess | McGranery | Schaefer, Ill. | |

The SPEAKER. Two hundred and eighty Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article which appeared recently in the Tribune, a newspaper published in my district, written by Harold Putnam and entitled "Insurance That Really Insures."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INCREASING LENDING AUTHORITY OF EXPORT-IMPORT BANK OF WASHINGTON

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, on yesterday three or four members of the Committee on Rules, of whom I was one, in a moment of weakness reported the rule to make in order the consideration of the bill it is hoped will be brought up in the House this morning. The committee probably reported the rule in order to save the face of the Committee on Banking and Currency, for which we all have a very great affection. That committee probably reported this bill in order to save the face of the State Department.

I then had and I now have no objection whatever to the consideration of the proposal, but I say to you in every confidence that if you adopt this bill you will do so because you know nothing about it and out of a disposition to follow the leadership, for, in my opinion, it is the most expensive and most dangerous venture upon which it has ever been proposed that the Government enter.

We had representatives of the Committee on Banking and Currency before us. They were of a disposition, of course, to be fully communicative and tell us all they knew about it. After the hearing was over, and, of course, in a spirit of fun, I inquired of one of the members if he had seen the moving picture called Maryland. He said he had not. I told him to go see it, and the next time he saw me to tell me what he thought of Shadrach, because the witnesses appearing made me think of him.

I wonder if you have any idea whatever as to what you are urged to do. You are called on to set up $500,000,000 to implement the agreement growing out of the Habana conference, in which we were taken for a ride. The gentlemen from the Committee on Banking and Currency were unable to tell us with any certainty just what are the purposes underlying this proposal. It was contended on the one hand that the money was intended to be used to industrialize the South American republics; in other words, you would take this half billion dollars as the first payment on a commitment that would probably run over many years, and you would industrialize South America to compete with the industrial plants in this country.

Then the thought was suggested that the money will not, after all, be used to increase industrialization but will be used to expand the agricultural production of these benevolent dictatorships. So I say to you who represent agricultural sections, if you have any real concern in the welfare of the farmers of this Nation, you will condemn and will forever oppose the expenditure of billions of dollars on the part of your Government to create further competition for your farmers.

Then the witnesses ran away from that and finally said that the purpose is to take this money and buy up the surplus products of these dictatorships; in other words, it is proposed to take your money and go down into these so-called South American republics in an effort to solve their economic problems before you solve the problem which now rests in our own laps.

There is another thought that enters into it. They say that we are in need of the continued friendship, or at least the friendship, of these republics, so the proposal grew out of the Habana Conference that we set up one-half billion dollars to pay for the glad hand. Well, it was brought out before our committee that none of these dictatorships has asked us for this money or for any loans, but, mind you, as a result of the conference as between this country and the 21 so-called republics, there comes to us this proposal that we set up a fund of one-half billion dollars and tell these countries to come get it. Can you think of such a thing? If it be necessary now to buy the glad hand of these republics, will it not be necessary to buy them again when this half billion dollars has been exhausted? Why, responsible gentlemen from the committee said to us this half billion dollars is only a fraction on the first installment that this country will be called upon to pay for an indefinite period of time. Think of it, my friends. Think of it. Just how much money is it proposed shall be wrung from the workers of this country and poured into the laps of these dictatorships as the price of their doing business with us.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes; I yield to my friend.

Mr. MAY. The gentleman understands, of course, that the South American countries produce four major products that we produce, corn, wheat, and livestock or beef products. As I understand the purpose of this legislation, it is to make it possible that we can get the benefits of their business in South America in our commercial transactions and at the same time prevent foreign influences from reaching their tentacles into that country and dragging them away from us.

Mr. COX. Oh, I know it is contended that national defense enters into the picture.

Mr. MAY. Mr. Speaker, will the gentleman yield further?

Mr. COX. Yes.

Mr. MAY. The point I am trying to make and what I would like to have the gentleman discuss further is whether or not we might in that attempt to hold the commerce of that country stifle the disposition of the products that we produce in their competition in this country.

Mr. COX. If we industrialize these republics, what do we do? We destroy the markets that we now enjoy.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. COX. I dislike to take this position. I know it is a disappointment to my colleague the chairman of my committee, who probably yielded to me upon the assumption that I was going to support this rule. I am willing to vote for the rule, but I do wish to declare to you gentlemen again that nothing more expensive or more dangerous was ever proposed and I urge upon you, in an effort to inform yourselves, to read the bill, if nothing more. It is a dangerous and it is a foolish proposal to bring here. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, the majority leader [Mr. RAYBURN]. [Applause.]

Mr. RAYBURN. Mr. Speaker, there is not a man in the House of Representatives, and there has not been a man in the House of Representatives in the more than a quarter of a century that I have served, for whom I have a deeper affection than I have for the gentleman from Georgia [Mr. COX], and he knows that, and he will not misunderstand me when I say that of all the amazing speeches I have heard in this House during that time, I think the speech that my friend just made is one of the most amazing.

Mr. COX. Mr. Speaker, will the gentleman yield to me there? If the gentleman had been present at the hearing before the Rules Committee on yesterday he, I am sure, would make a more amazing speech.

Mr. RAYBURN. Well, of course, I never allow anyone who appears before the Rules Committee or other places to make my speeches for me. I have been studying this bill for quite a while.

When I stand here and think of the conditions throughout this earth, terrible and, in my opinion, becoming more terrible every day, I realize if the republics of Central and South America are not republics indeed, or if they are not democracies, then there is a great chance that we will soon be the only democracy left on the face of the earth. These are serious and these are terrible times for the United States, as well, and to a greater degree, with those countries that are being ground to death under the heel of dictatorships. In the months that lie ahead of us the United States of America is going to need some friends somewhere upon the face of this earth. [Applause.] If we cannot have them in the Western Hemisphere we may not have them at all, because the people in other sections of the earth who want to be our friends may be in a condition whereby their friendship will not be worth much to us.

We must in the United States of America, as the greatest country in this hemisphere, take the leadership of the Western Hemisphere, and we must protect, preserve, and maintain the integrity and the freedom of the countries of this whole hemisphere. [Applause.] So, if we can help in the development of these American republics—help them to develop so that if the time ever comes when we need the manpower of the countries of the Western Hemisphere to help us, not only to protect them but ourselves—we should help them materially to enhance their ability to defend themselves and help us defend them and ourselves; not to buy such friendship but to be a good neighbor; not to be a big brother with a club in our hands but to be a kindly big brother of these struggling republics in the Western Hemisphere just to the south of us. If it should cost $500,000,000—and it will not—to put these people in that situation to help defend themselves and help defend us, I think it will be money well spent. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield myself 5 minutes. I think I know just as much about this bill as most of the Members of the House, including the gentleman from Texas [Mr. RAYBURN], the majority leader, who just addressed us; that is, the members of the Banking and Currency Committee are the only ones among us who have had an opportunity to learn anything about this bill.

If there ever was a time in the history of the Congress when we should avoid a hysteria complex it is now. If there ever was a time in the history of the Congress when important legislation of this type should have consideration in keeping with its importance it is now. This bill is an innovation in our foreign policy. It shatters all precedent. It would finance foreign countries at the expense of a debt-ridden domestic economy.

I note this bill was introduced on the 14th day of August—just the other day. The next day, the 15th, it was reported favorably by a majority of the committee. There is no minority report. Yesterday a rule was granted.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes; to the chairman of the Banking and Currency Committee.

Mr. STEAGALL. I am sure the gentleman would not consciously leave a false impression on the House.

Mr. MICHENER. No; not knowingly.

Mr. STEAGALL. The gentleman knows the usual parliamentary procedure in reporting bills. The fact is that this bill was considered by the Banking and Currency Committee

for something like 2 weeks, not every day, but many days, and the committee was finally authorized to report the amended bill.

Mr. MICHENER. I accept the correction. I was relying entirely upon the dates printed on the bill, H. R. 10361, now before us, and copy of which I hold in my hand. This shows that the bill was introduced on August 14 and reported on the 15th. I accept the statement of the chairman, however, that other consideration was given to the subject before the bill was finally formulated. The Committee on Rules was asked for, and granted a hearing yesterday. Of course, that committee knew nothing about the bill, as suggested by the gentleman from Georgia [Mr. Cox], and only heard members of the Banking and Currency Committee. We were advised that the committee hearings were not printed and would not be available until today. I have not as yet had time to get a copy of the hearings. I hope the hearings have been printed, and that they are available, and that those Members who want to know something about the bill will be in a position where they may read the hearings; otherwise a vote for this bill is a vote for "a pig in a poke." It is a rubber-stamp vote. One or two things stood out in the hearings before the Committee on Rules—not the technical things in connection with the bill, but first this: That the President of the United States a year or two ago made what was known as his Canadian-Western Hemisphere speech; that later on—a few weeks ago—the Congress reaffirmed, amplified, and extended that which has already been considered as the proper interpretation of the Monroe Doctrine, thereby in a way implementing that speech; implementing that resolution, the Habana Conference was held; that in that Habana Conference certain agreements were entered into, subject, however, to ratification of three-fourths of the countries attending the conference.

In other words, that conference accomplished little unless what it did is ratified by the several countries, and three-fourths must ratify before the agreement becomes binding. It is my understanding—and I could not help but get the impression—that this bill has something to do with that conference; that the only reason for speed here is, that if this bill is not enacted, it may decide whether or not some of these southern republics ratify the Habana Conference. If that is true, that may be the necessity or excuse for this hasty action. Our committee was told by those members of the Committee on Banking and Currency urging this legislation that they did not know of a single country that was going to ask to borrow any of this money; that they did not know where they were going to use this $500,000,000. If that is the situation, why the speed, why the hurry up? Why should not this matter go back to the Banking and Currency Committee, where time and consideration may be given to it? This is not claimed to be a national-defense matter. The distinguished majority leader, the gentleman from Texas [Mr. RAYBURN], indicated that authorizing the loaning of this $500,000,000 to the southern republics is an effort to induce them to be our good neighbors. I have always found that you never make a friend out of a neighbor by loaning him money, especially when you have every reason at the time you loan the money to believe that he can never repay it.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I am sorry; I cannot yield. Again, the kind of friendship that you buy with American dollars through diplomatic channels is not the type of friendship that stands the American people in good stead when the time comes for defending the American form of government and the American way of life. Dollar diplomacy is not the American way so far as the United States is concerned.

Now there seems to be definite uncertainty as to just what this money is to be used for. It was stated to the Rules Committee that it would be used to take care of surplus crops produced in the Western Hemisphere, or that it would be used to industrialize South America. Before any such loans are authorized, should we not give some attention to the surpluses from the farms and ranges in our own country? Should we not think twice about the ten million still unemployed in our own country before we tax these same people to raise money to loan to South America, the effect of which will be to open up factories in South America, where labor is cheap and hours are long, to compete with those producing under the American standard of living?

This country has spent billions of dollars during the last several years in an effort to secure cost of production for our farmers. We have paid subsidies; we have loaned on corn and wheat and cotton until our warehouses are elevators, and our corncribs are full to overflowing. For all practical purposes, this surplus on which these loans have been made by our Government belongs to the Government. In addition, we have been paying our farmers not to produce. This whole policy is inconsistent. It meets itself coming back.

Now we contemplate loaning South America $500,000,000 as a starter, one object of which is an attempt to stabilize prices in South America along the same line which has proved so disastrous in our own country. We have already bitten off more than we can chew in this subsidy and stabilizing business. Why take on another continent? Carried to its final conclusion, would this legislation mean bankruptcy or inflation?

The chairman of the Banking and Currency Committee also admitted on yesterday that this bill will repeal certain parts of the neutrality law, so far as the Western Hemisphere is concerned. This proposed law will apply to any country within the Western Hemisphere, regardless of where it is. As a practical matter, therefore, it does not apply to South America alone. It would apply to Canada. I cite this instance to bring home the point that this bill does repeal part of the neutrality law.

Inasmuch as it is not claimed that this legislation is necessary as a part of our national defense, and inasmuch as none of the countries to whom the money is to be loaned have yet made application for any loans or expressed a desire to receive this aid, it seems but the part of wisdom that this matter be referred back to the Committee on Banking and Currency for due consideration and deliberation.

Three factors have stood out prominently in the enactment of questionable, unsound legislation during the last 7 years: (1) Emergency; (2) national defense; (3) Jesse Jones, last but not least. Each time a bill like this comes before the Congress, where there is every reasonable doubt as to the soundness and advisability of a law making a loan, it has become a custom to take refuge behind Jesse Jones, Administrator of the R. F. C. Yes; Mr. Jones is a good businessman, and he has done a good job, generally speaking, so far as the R. F. C. is concerned. Yet the Congress has some responsibilities here and our constituents expect us to assume those responsibilities. It is not good legislation to pass ill-considered measures in the hope that a sound administrator will make the law work to the advantage of our country. This bill should not pass the House without further committee consideration.

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Speaker, my views on this legislation are in accord with the gentleman from Georgia [Mr. Cox]. I am positive that if we enact this legislation as proposed by the Banking and Currency Committee history will prove that every statement he made was correct. To me it is preposterous. In fact, I was worried that we were going to pass this bill without proper consideration and debate. There were cloakroom rumors and current gossip on the floor that there was little or no opposition to this bill. Whether there is opposition or not certainly we should analyze it.

Mr. Speaker, I ask in all seriousness, does anyone believe we can buy the friendship and unity of pan-American countries for $500,000,000? During the past few months press releases and statements have been emanating from officials high in this administration favoring a cartel for control of the surplus of Western Hemisphere products. It was proposed by this group of new dealers and theorists that our Government finance a cartel or trading corporation with which to purchase all surplus commodities of pan-American

countries. This corporation was to buy these commodities at prices above world levels and then sell or trade them for what we could get. It was estimated that this cartel would cost us at least $2,000,000,000 the first year. If the South American countries increase this production, it would cost considerably more.

Evidently this scheme was too fantastic for some congressional leaders so today we are urged to vote $500,000,000 to be used by the Export-Import Bank for the purpose of loans and stabilizing the prices of competitive commodities in South America. In other words, instead of a direct cartel our first move will be to advance commodity loans to these countries, which is but the beginning of the cartel or greatly increased loans. Anyone who has studied this must realize that it will mean great financial losses and in the end failure. If our Government has millions of dollars to aid the wheat and cotton farmers, the livestock producers, the oil interests, and the sugar producers of South America, why not use some of it to bring farm commodity prices in the United States up to parity. [Applause.] Wheat is selling at 50 cents per bushel on the Kansas farm. The parity price is $1.13 per bushel. Every bushel of wheat sold by Kansas farmers is sold for less than half of parity. In other words, it takes over 2 bushels of a farmer's wheat to trade on an equality with commercial and industrial products. The greatest dormant purchasing power in the United States is in the agricultural sections. There are 9,000,000 farm families, comprising about a fourth of our population, who are unable to buy badly needed commodities because of economic disparity.

Our first duty should be to the American farmer and producer. We are now told that if the United States will lend money to other nations our foreign trade will grow by leaps and bounds. During the past 15 years this program has been tried with results that are very discouraging and our present enormous national debt represents in part loans that were made to other nations and never repaid.

Following is a table which shows the amount of new loans for the purpose of increasing the sale of goods by the United States to Latin-American countries for the years 1925 to 1929:

| | New loans | Increase in exports |
|---|---|---|
| 1925 | $76,415,000 | $74,711,000 |
| 1926 | 215,771,000 | 24,705,000 |
| 1927 | 242,989,000 | 11,182,000 |
| 1928 | 346,143,000 | 6,462,000 |
| 1929 | 60,500,000 | 49,336,000 |

This table shows that in none of these years did the borrowers buy as much from the United States as they borrowed, and in many cases they failed to spend the money which we loaned them, and also failed to pay the original loan. We failed to stimulate export business, we lost the larger portion of the money loaned, and in many cases we did not secure repayment of the principal. It seems most unfortunate to me that we will not profit by past mistakes.

Our Nation is facing some real trade problems in the world and in the Western Hemisphere. They will not be solved by orations and editorials on the good-neighbor policy. In my opinion, they will be solved when we as a nation meet with other nations and approach this subject in a businesslike way. It is only natural for nations in the Western Hemisphere to take advantage of our generosity as long as we are willing to furnish them with unlimited loans and grants. Everyone realizes this cannot continue forever, and therefore the issues should be met fairly and squarely. South American countries produce wheat, beef, cotton, copper, oil, hides, sugar, and wool. Every one of these commodities is produced in this country. Central Europe, Italy, and Japan are the nations that need these commodities. Regardless of our generosity to South American countries, everyone must realize that these countries are going to trade with the countries that need their commodities. Their loans and production costs are such that they can undersell us in these markets. Under these circumstances our export for farm commodities must be subsidized; and, if this is to be done, why not spend our own taxpayers' money for the citizens of this country. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. GIFFORD].

The SPEAKER. The gentleman from Massachusetts is recognized for 16 minutes.

Mr. GIFFORD. Mr. Speaker, why so much worry about not understanding the bill? It is very short—$500,000,000 to be borrowed from the American people at 1½ percent, perhaps, and loaned at 4 percent, with the possibility of the difference wiping out the losses, the same happy process to be continued but borrowed from the bankers. More inflation, more debt money created. We should keep this in mind. I quote from the bill: "Development of the resources; stabilization of the economies; the orderly marketing of the products of the countries of the Western Hemisphere." This is to be done with more borrowed money. We increase the assets of this institution by $500,000,000. We also increase the borrowing power of the R. F. C. $1,500,000,000. The R. F. C. finds they need a huge amount of money to loan for national defense; that the Army and Navy have but $100,000,000 available for plant expense and loans. The Reconstruction Finance Corporation must carry the great burden of making loans that should be made by the banks. Legislation might be passed affording greater protection to the banks, but for some reason it is not recommended.

"We are living in terrible times." "We must have the friendship of the South American peoples or else we will be the only democracy left." Where have I heard those words before? Methinks I heard them just a few minutes ago ringing over this Chamber. Is that the sort of argument that appeals and stampedes us to vote for a business proposition without careful consideration. Read the hearings. Mr. Jones tried to tell the committee that practically all of this fund was to be loaned for industrial uses and practically all the money remain in this country; that he would loan money to South America to pay for goods exported. The bill does not read that way.

That has been the theory of the Export-Import Bank, to lend to help our people sell them goods, to assist our exporters. You will find these intentions on one page of the hearings, but on other pages something entirely different.

But "these are terrible times!" We should lend these defaulting nations more money because the more we lend them the more they love us—especially when we try to collect. [Laughter.] I think that suggestion applies here extremely well. I look for great affection, do not you?

This bill provides lending to banking institutions of South America, or for the purchase of the preferred stock of those banks. When do they expect to collect on preferred stock? But on practically every question that was asked of Mr. Jones in the hearings, which I have tried to read carefully, he parried when the real purposes of the bill were presented. He attempted to argue that they would be strict business loans. The gentleman from Tennessee [Mr. GORE] hit the nail on the head—describing them as diplomatic loans. Of course they are. These conversations held at Habana, and these conversations held with the Canadian Minister are diplomatic preludes to actual commitment. We are coming to the defense of Canada; Canada is at war; we now join her and then we will be at war also. What other interpretation can be made? To what end does this administration lead us?

I am willing to vote to carry out any commitment brought to this Congress as a result of any treaty that may have been ratified by the United States Senate and to which we are committed but I am much frightened by these conversations which may lead to most serious consequences and without taking our people into complete confidence in what is transpiring. Eight of the 21 countries made reservations. All our people are interested to know the promises made.

What bait was offered these nations to get them to join in even that very general agreement? We may well subscribe to the conversations respecting Canada of a day or two ago.

These are terrible times we are living in, therefore it is necessary to get into all the mess we can; and Congress, the President says, does not need to be consulted as there is at present no need of congressional action. These are simple beginnings and diplomacy has the right of way. Diplomacy will probably go so far that there will be nothing left for Congress to do but to be "rubber stamps" and carry out the commitments of an administration so anxious, so anxious to involve us. This $500,000,000 is bait to purchase the friendship of those defaulting nations for the orderly marketing of their products. Mr. Jones says there has been as yet no application to borrow any of this money. We are to lend it to banks and to governments and, of course, if these governments want to lend it to their farmers to take off the surplus, that will be a legitimate use.

"Mr. Jones, are you going to take security in foodstuffs?" "Yes, I suppose so."

So by the route of the loan we may finally own quantities of foodstuffs, of which we have such a vast supply. "Give us the authority and let the bank do exactly as it wants in the way of security and in the way of loans." We are told, in the politest terms possible, that it is none of our business how they do it. Trust Mr. Jones. Mr. Jones has been doing so well borrowing money at one-half of 1 percent or 1 percent and putting it out at 4 and 4½ percent. He says he will not lose much money, but these are going to be long-time loans. He said in the hearings that we would not send the Navy down there to collect them. The South American countries will probably politely say, "We do not find it convenient to pay," and we will not do anything about collection. These loans will probably not be fully paid, even though Mr. Jones suggested that he would demand quarterly or monthly payments. He was most reassuring, but I fail to catch his enthusiasm. But, Mr. Speaker, we should not be fooled about the bill. It is too simple. We know the risk and the real purposes, and it is the duty of the minority to lay bare these purposes.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Gladly.

Mr. SCHAFER of Wisconsin. Was there any other witness before the committee other than Mr. Jones? I ask this question because I have a letter from Mr. Morgenthau indicating that the notorious Wall Street racketeer Earl Bailie, of J. and W. Seligman & Co., international bankers who robbed the American investors of many millions of dollars in Tri-Continental Corporation stock manipulations, is on the United States Government pay roll in Mr. Morgenthau's office, directing this South American program, as a dollar-a-year man. This notorious racketeer, Earl Bailie, as shown by the Securities and Exchange Commission's hearings on the Tri-Continental stock swindle and by pages 189 and 190 of the daily CONGRESSIONAL RECORD of January 8, 1934.

Mr. GIFFORD. I regret that I was not able to be present at the hearings, but I have fortified myself by reading them, and I am informed that Mr. Jones was the only witness present.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. WOLCOTT. I might say to the gentleman that the minority made every effort possible to have representatives of the State Department, the Commerce Department, and the Treasury Department, come before the committee and present their views when the motion was made to close the hearings; and, unfortunately, they had the votes to carry it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield further?

Mr. GIFFORD. I yield.

Mr. SCHAFER of Wisconsin. The Government record of hearings in an investigation conducted by the Securities and Exchange Commission shows that Earl Bailie, that notorious Wall Street international banker and stock peddler, robbed the American investors of many millions of dollars in Tri-Continental Corporation stock manipulations. He is directing this New Deal South American dictatorship Santa Claus program as a dollar-a-year man in the Treasury Department under Mr. Morgenthau.

Mr. GIFFORD. I am not informed about that. I am talking about $500,000,000 with which to buy friendships. Our leader talked about "the terrible times we are in." Who got us into these terrible times? Who is saying to this Nation that we Congressmen are dilatory and that we cannot have national defense because Congress hesitates? This administration wants blanket authority from us to do anything it wishes to do. We are supposed to be rubber stamps. We quickly voted the money for defense, but we desire to protect our people against the whims of a war-minded administration. When you go home you are to find that the minds of the people have been influenced by your President, by the Secretary of the Navy, and by the Secretary of War. They say the Army is awake to our danger; that the President is awake to it; Bullitt and other diplomats are awake to it; but Congress is dumb, politically minded, and hesitates.

Mr. RICH. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Pennsylvania.

Mr. RICH. Can the gentleman tell us where we are going to get this $500,000,000?

Mr. GIFFORD. We are to borrow it from the banks. We are to create more debt money that will be floating around with no place for investment. You know where that leads. It leads to that beautiful land called inflation. Why do they not sell these bonds to the public for cash? If our people are so frightened, are they not ready to pay cash for defense bonds?

Why have more debt-created money? It is so easy, as long as the banks will lend the Government money for one-half of 1 percent or 1 percent. That is the politician's paradise. I am glad I am not in the majority party that must take the full responsibility for the debacle that is sure to follow.

If my time has not expired, does not someone want to ask me a question? I have not time to go into another phase of the argument.

Mr. MICHENER. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. MICHENER. I notice the committee report says:

> The authority conferred by the bill may be exercised insofar as the countries of the Western Hemisphere are concerned without regard to existing statutory restrictions on loans by the banks.

Mr. GIFFORD. Yes; you cannot lend them at present over $20,000,000.

Mr. MICHENER. On yesterday, when the chairman of the Banking and Currency Committee was before the Rules Committee, I understood him to say that this removed all limitation so far as loans by the R. F. C. or the Export-Import Bank within the Western Hemisphere were concerned. Am I correct?

Mr. GIFFORD. I think so. Why do they not lend it all to Canada to buy armaments with? Think of what they can do when you give them this authority. None of this might go to South America. It might go to Canada and they use it for armament.

Mr. O'CONNOR. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Montana.

Mr. O'CONNOR. I notice in Mr. Jones' testimony, on page 31, he stated:

> It is not the intention, indeed we would not have the authority under the act, to buy anything. We would have authority to lend, and probably would lend, if requested on some of their surpluses.

Was anything tangible presented to the committee showing upon what surpluses these loans were going to be made?

Mr. GIFFORD. No; but they asked many questions, such as, "Would it be the surpluses of which we have more than we now want?" Possibly. There is nothing in the bill to prevent such action. If they get this authority, they can lend that money in many, many ways.

Mr. O'CONNOR. I am looking for information. Was any plan presented to the committee by Mr. Jones as to how this money was going to be used when made available?

Mr. GIFFORD. He said he did not know, he had not had a single application yet.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Under the language of this bill, is it not a fact that the Export-Import Bank would be authorized to make loans to any nation on earth so long as the loan would be for the benefit of the countries of the Western Hemisphere?

Mr. GIFFORD. Yes, but Mr. Jones must O. K. the loan. He has asked for this authority because the President desires it, as stated in his recent message to Congress.

Mr. SMITH of Ohio. Is that not a fact under this bill?

Mr. GIFFORD. Of course.

Mr. MICHENER. I want to be real clear about this. As I understand the bill, it repeals a part of the Neutrality Act so far as loans are concerned; that is, as those loans affect the Western Hemisphere, regardless of whether or not those countries in the Western Hemisphere are belligerents in the war?

Mr. GIFFORD. I so understand it.

Mr. MICHENER. Well, Canada is a belligerent. Canada has declared war. Therefore this bill will permit loans in Canada or any other country in the Western Hemisphere, the same as in Latin America.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I regret exceedingly that so many misrepresentations have been made in opposition to the proposed legislation.

I think that the Committee on Banking and Currency has been unjustly and unfairly criticized by the gentleman from Georgia [Mr. Cox] and the gentleman from Michigan [Mr. MICHENER].

For the information of the House let me state that Mr. STEAGALL, the chairman of the Committee on Banking and Currency, Mr. WILLIAMS, of Missouri, and Mr. CRAWFORD, of Michigan, appeared before the Rules Committee and clearly and intelligently explained the provisions of the bill and the need for this proposed legislation. Therefore, the allegation of the gentleman from Georgia [Mr. Cox] and the gentleman from Michigan [Mr. MICHENER] that they did not know anything about the bill is, I repeat, manifestly and grossly unfair.

Mr. CRAWFORD. Mr. WOLCOTT also appeared before the Rules Committee.

Mr. SABATH. Yes; that is true. He is the ranking minority member of the Committee on Banking and Currency and he has opposed every rule requested by his committee. Really, though, I discount his opposition because I honestly believe that at heart he feels that this proposed legislation is pointed in the right direction, since his State, perhaps more than any other, would be benefited by this bill in its large exportation of automobiles.

I am amazed by the violent attack of the gentleman from Massachusetts [Mr. GIFFORD] against this bill on the floor, just as I was amazed by the same sort of attack by the gentleman from Michigan [Mr. WOLCOTT] before the Committee on Rules, inasmuch as his State, too, would greatly benefit by the bill in its ever-increasing exportation of shoes. No doubt his opposition to the bill was uttered to make a little political capital.

I was indeed surprised by the attack of my colleague, a member of the Rules Committee, the gentleman from Georgia [Mr. Cox] to whom I had just yielded 10 minutes, upon this altogether important piece of legislation. I was not only surprised, but amazed at his remarks, this because at the hearings before the Rules Committee during the testimony of the gentleman from Alabama [Mr. STEAGALL], the gentleman from Missouri [Mr. WILLIAMS], and the gentleman from Michigan [Mr. CRAWFORD] I got the impression that they had satisfied his fears.

Evidently the gentleman from Georgia has failed to take into consideration the fact that though this loan has been in effect 5 years, not a single default or loss has resulted. This is the time of all times that we should make an effort to obtain and keep the good will of these Latin American countries. For 5 years certain European nations have been carrying on a propaganda against the United States to win South American trade, and they have expended millions upon millions in their efforts. To defeat this measure is to give comfort to our country's enemies. It is also an unfortunate attack on the excellent work accomplished at the Habana Conference by our Secretary of State, Cordell Hull. I know the gentleman from Georgia is just as patriotic as any other Member of the House, which makes it all the more difficult for me to understand his attitude.

The Committee on Banking and Currency gave intelligent and thorough attention to this bill over a period of about 2 weeks. The final bill was reported only the day before yesterday, but that was due to the fact that the committee did not wish to report a bill with many amendments, preferring to introduce a new bill.

The gentleman from Kansas [Mr. CARLSON] who addressed the House a little while ago sought to show that the pending bill not not inure to the benefit of farmers and that we had not increased our Latin American exports. He deliberately quoted the years during a Republican Administration, from 1922 to 1928. He, it is regretted, did not give the House export figures covering the period since 1933. An examination of ever-increasing exports to South America during the last 4 or 5 years will show his remarks are not accurate, and they were made to create prejudice among our American farmers against such a proposal.

Let me say to all that this bill is not intended to aid agriculture in Latin America that is in competition with American agriculture. It will aid our trade with those countries in connection with commodities which they produce but we do not.

I think the membership of the House is too intelligent to fail to appreciate that we have increased our exports to South America. I and others, when a related bill was before the House last March, called attention to the efforts of European nations to get nearly all, if not all, the trade there. This bill will enable us to continue to increase American exports in the general interests of our country, in the interest of our manufacturers, in the interest of our workers; and this no one can deny. I know of the money that is being spent and that has been spent in the past by European countries to obtain the trade of South America, the trade that we must look forward to, and that we must not fail to hold and increase. It is the only avenue that is open to us now for disposal of our surpluses. It will favorably affect agriculture.

Only one who is not thoroughly informed or who is deliberately misrepresenting can make such allegations as many of us have heard against this bill. We need from those countries commodities that we do not produce in America. We need rubber, tin, manganese, nitrates, and a great many other things; and we need them badly. There are certain foodstuffs that we do not grow, including the important items of coffee and bananas. The fact that these South American countries also grow wheat and corn, as we do, surely should not discourage us in trying to sell them things they do not grow. They do not manufacture many of the things they need. I should like to see my country rather than Germany, Italy, or any other European country, get that business; and that is the aim of this bill.

So far $158,000,000 has been loaned to those countries under existing law, and thus far there is no default or loss. I do not fear that any appreciable loans will be unpaid or any appreciable losses suffered under the careful management of our lending agency, which is headed by a very capable, experienced, and careful gentleman, Mr. Jesse Jones, with whom I do not see eye to eye at all times, but who is, without doubt, a safe and sound businessman.

It was said before the Rules Committee that all would be well only so long as Mr. Jones remained in charge. I say in reply that if, unfortunately, the country should be deprived of Mr. Jones' services, we will still have the chairman of the Reconstruction Finance Corporation, Mr. Emil Schram, concerning whom we do not hear much, but who is exceptionally capable and a careful and sound business administrator, who will in every way protect the best interests of the country in the administration of this law.

Mr. Speaker, I repeat, in the general interest of our country, involving all groups of our population, and to continue

friendship with Latin America, having in mind our especial responsibilities there, we need and must pass this important proposed legislation. [Applause.]

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. STEAGALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10361, with Mr. MURDOCK of Utah in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Alabama, under the rule, is recognized for 2 hours, and the gentleman from Michigan [Mr. WOLCOTT] is recognized for 2 hours.

Mr. STEAGALL. Mr. Chairman, in order that Members may understand what is under consideration, I desire to state what is involved in this bill. The bill would enlarge the lending powers of the Export-Import Bank in the sum of $500,000,000, such loans to be made for extending our trade relationships with the peoples of the Western Hemisphere. The bill also extends the lending life of the bank to 1947, and increases the borrowing authority of the Reconstruction Finance Corporation by $1,500,000,000 to enable the Corporation to carry out the purposes of this bill and to supply funds necessary to carry out the mandate of Congress and aid the program of national defense.

The Export-Import Bank was established originally under Executive order. Its capital was supplied first in the sum of $1,000,000 out of funds available to the Chief Executive of the Nation. An additional sum was then supplied by the purchase of $10,000,000 of the capital stock of the bank by the Reconstruction Finance Corporation. Later, the lending authority of the Export-Import Bank was limited by legislative enactment to the sum of $100,000,000 of loans outstanding at any one time. Subsequently the limit was increased to $200,000,000. The bank is under the joint management of the Departments of State, Treasury, Agriculture, and Commerce, and the Reconstruction Finance Corporation.

The entire funds now available to the bank are loaned or committed. Up to this time every loan that has been made by the bank is current. There has not been a dollar of loss. Neither have I ever heard any complaint or criticism of any loan that has been made nor any prediction of any loss to the bank or to the Government of the United States.

This bill enlarges the lending powers of the bank by making credits available in the amount of $500,000,000. It removes some of the limitations that exist under the present law and imposes some restrictions.

Under existing law, total loans to any one country or its nationals are limited to $20,000,000. This restriction is removed. There is also a provision that no loan may be made to a country which had obligations to the United States Government which were in default on April 13, 1934.

There was also a provision that no loan could be made in violation of our neutrality laws or to finance the purchase of arms, ammunition, or implements of war. The present bill removes those limitations insofar as they relate to the peoples of the Western Hemisphere.

Now, what is the situation? This is the first time that I have heard expressed on this floor such fears as to the competency and the ability of the officials responsible for the administration of the Export-Import Bank. As to the $500,000,000 that will be made available under this bill, no loan can be made except upon the request of the Federal Loan Administrator, with the approval of the President of the United States. In that respect we have added safeguards and limitations that do not exist in the administration of the law as it stands at this time. Also, we have the management of responsible representatives of the Departments of State, of the Treasury, of Agriculture, of Commerce, and of the Reconstruction Finance Corporation. The President of the Export-Import Bank, Mr. Pierson, is himself a most experienced and a most dependable executive, with years and years of experience in connection with responsible Government positions and many years of experience and training in matters of international trade and international commerce and relationships.

In addition to those primarily responsible for the management of the Export-Import Bank, under this bill no loan can be made except with the further requirement that it be requested by the Federal Loan Administrator with the approval of the President of the United States. I submit that this bill is more carefully safeguarded in the matter of its management and administration than any similar piece of legislation ever enacted by the Congress of the United States in the history of this country. We have the experience of the Reconstruction Finance Corporation.

After all the enormous loans that have been made and investments that have been authorized, and the great service that has been rendered to the people of this country by the Reconstruction Finance Corporation under the management of the present Federal Loan Administrator and his able assistants who now constitute the Board of the Reconstruction Finance Corporation, that corporation has operated with a showing of approximately $300,000,000 of surplus as a protection to the Treasury of the United States. If we cannot trust the intelligent management of the Export-Import Bank in the light of the requirements and limitations of this bill, and in the light of our knowledge of the trusted ability and competency of those who are to be responsible for its management, including the President of the United States, and on down through the chief departments of this Government; if we cannot trust the management of this institution under the conditions and limitations that exist under this bill, we ought to repeal every law that has been passed which entrusts anybody with the administration of a fund supplied out of the people's Treasury.

It is true that no applications for loans are ready for final action in this institution under the provisions of this bill. We do not know what demands will be made. Certain it is that applications for loans will not be forthcoming until there is somewhere to go and somebody authorized to make loans and supplied with funds with which to make them. In one breath we are told here today that we are about to throw away $500,000,000, and in the next breath complaint is made that we are establishing an available fund of $500,000,000, when there is no demand for it.

I would not venture to predict just what will occur in the course of a year under the operations of this bill. We live at a time when nobody can predict with any degree of certainty what is going to happen here or anywhere else, but so far as we can see now and so far as any knowledge we have or can judge or gain by experience, there is no likelihood that the $500,000,000 made available here will be exhausted any time soon.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Mr. Chairman, I would like to ask the chairman of our committee if he agrees with me on this approach to the bill. Recently, or within recent weeks or months, we have more or less channeled our action parallel with Britain insofar as opposing the totalitarian nations of Europe is concerned. Does the chairman agree with me that we have done that to a more or less extent?

Mr. STEAGALL. Certainly, we have.

Mr. CRAWFORD. And that, perhaps, still more recently we have come alongside Britain, we will say, in helping to promote the blockade and in more recent weeks we have got along with Britain more or less in helping Britain to support the blockade with reference to food supplies; in

other words, we are not doing anything to prevent Britain's blockade, are we?

Mr. STEAGALL. I do not think we should.

Mr. CRAWFORD. I am not in disagreement with that policy. Now, here is the situation that comes up from the Latin-American countries in the interim, we will say, and in my opinion the Latin American countries have not been placed in position to initiate the calling for loans under a measure of this kind because of the recent occurrences that I have just mentioned, plus the recent Habana Conference, plus the speed at which things are moving today, and I want to ask the chairman if, in his opinion, that is not about what we face insofar as the absence of application for loans at the present time is concerned.

Mr. STEAGALL. Absolutely, that is true.

Now, the South American countries are our next-door neighbors. Whatever may be the view of any individual as to the policy of isolation from the Old World, I cannot see how the most ardent isolationist would for a moment question the wisdom and desirability of a closer relationship all along the line between this Republic and all of the peoples of the Western Hemisphere. Such a thing seems to me to be indisputably desirable from a commercial and selfish business standpoint, and that is the first purpose of this bill. It is to advance the economic, selfish, commercial interests of the people of the United States, by stimulating our trade, enlarging our business with these neighboring countries. Of course, it is true to some extent with us as we extend our business relationships, we enlarge our political contacts and influences. That is true of any nation. It is peculiarly true of the totalitarian nations of Europe. Wherever they go with their trade they undertake to follow with their policies and their views of government and those principles with which we disagree and to which they are devoted and which they are undertaking to impose on the world at the point of the sword. I deny that it is of benefit to this great productive nation with our vast resources and teeming millions of population to pursue a policy that tends to restrict the development of the resources of great neighboring peoples, to restrict their purchasing power, or to lower their standards of living, or their ability to share along with us in the production and distribution of things that are essential to their happiness and ours and to the advancement of the civilization of the world.

Such a contention is cruel, barbarous, un-American. It is unworthy of utterance on this floor. This Nation has never stood for such a policy as that. What we need in this country and in our neighboring republics is a leadership that will make possible the fullest development of the resources so lavishly bestowed by a beneficent Providence, a better method of distribution for the products of our fields, our farms, and factories, that we may reach a higher standard of living and a greater measure of human happiness. The best way to achieve that is by a policy of helpfulness, of cooperation, of good neighborliness. Somebody said that we are going to build factories down there in competition with ours. My reply is that every time you open a factory, you elevate the standard of living and enlarge the consuming power of the people and mark a forward step in civilization, but these loans will be used to purchase and consume the output of our factories and our industries. Somebody said that we are going to undertake to assist their farmers, when we should be looking after our own. What is the matter with the surplus-producing farmers of the United States today? The trouble is competition from the outside world, products that come from the hands of underpaid labor, living upon a lower standard, that come into competition with us and drive us from world markets.

Mr. CARLSON. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. In a moment. Take the cotton farmers of the South as an instance. We have all come to realize the important part the cotton farmers of the country play in the economic life of the Nation, and we are undertaking at least to some extent to protect them against the sacrifice of their crops at prices that mean an underfed and underclothed population in our cotton-farming sections. There has never been a time when some of the cotton farmers of the cotton-producing sections of the country were not in position to store their cotton and hold it at will and sell it only when the market offered a price that would repay the cost of production and leave something to buy the necessaries of life for those who toil to produce those crops. But there has always been a poorer class, a more or less defenseless class of cotton farmers and tenants who always in the absence of protection are forced to sell their cotton by dumping it on the market at one short period of the year, the farmer going to town and asking the purchaser what he would give for his cotton and saying, "Here it is, take it," regardless of the cost of production, regardless of whether he was able from the proceeds to take home any of the necessaries of life required for his family. That situation brought about the necessity for Government aid to the cotton farmers in the marketing of their crops, and so it will be with our neighbors to whom loans can be made under this bill. Suppose some loans are made to assist the orderly marketing of crops that come into competition with the crops produced by the farmers of the United States.

Is there anything foolish about that? Is it not to our advantage, losing our markets, as we are already, because of world conditions beyond our control and because of surplus supplies from other sections of the world? Is it to our interest to sit by while these producing countries, having crops that come in competition with ours, are left helpless in their marketing of their products and forced to dump their crops on the markets of the world in competition with us, without regard to whether they are getting sufficient return or not? Nothing could be more narrow or foolish or destructive to the farmers of the United States than such a policy.

Mr. O'CONNOR. Will the gentleman yield?

Mr. STEAGALL. Yes; I yield to the gentleman.

Mr. O'CONNOR. I want to compliment the gentleman on the very forceful and clear argument he is making in support of this bill. In principle the purpose is laudable. There is not any argument about that. But we must not forget, with relation to making loans on farm surpluses that come in competition with the American farmer, that the American farmer and stock grower cannot compete with the farmer in those southern countries, because their land is cheaper, our taxes are higher in this country, and their labor is cheaper than it is here and our standard of living is higher.

Now, in connection with making loans to those southern producers, we must not forget this fact, that the American farmer and stock grower, the man who has property that the assessor and tax collector can find, is going to be called upon to pay his share of the taxes that will be heaped onto this country by reason of our national-defense program, which I say is absolutely necessary to incur today. We must not forget that we must not drive that man from his home by helping to create a surplus against his crops which he cannot compete with, because after all he is the man who is going to have to pay a large part of this tax bill in the end. He cannot escape the tax collector. My thought is that if this money, or part of it, could be used for the development of the noncompetitive undeveloped resources of those countries and the encouragement of tourist travel from this country into those countries, that it would be a much better use for the money than encouraging heavy farm surpluses to compete with our own farm products and in this way we would accomplish the end sought, namely: To weld the Americas together.

Mr. STEAGALL. Let me say I have not stated that the purpose of this bill is to make loans on the surplus crops of other countries. That is not the purpose of the bill and no one has the right to say that is what is going to be done.

Mr. O'CONNOR. I hope it will not be done.

Mr. STEAGALL. I want to be very frank and candid about the matter if I understand what will probably be the policy that will govern the administration of the bank in

making these loans. Some loans will probably be made to banking institutions in neighboring countries that will inure to the benefit of producers of crops and to their protection against sacrificing their crops in markets that will not afford a decent return. I have no doubt some things like that will happen, but it is not the purpose of this bill to devote this fund to financing surplus crops of other countries.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. CRAWFORD. I want to ask the chairman this question in all seriousness for my own benefit and for the benefit of those who are on the floor who may speak hereafter on the bill.

Mr. STEAGALL. I am glad to yield to the gentleman from Michigan, who is a most industrious and intelligent student of this legislation and who is helpful in the preparation of these bills in the committee and on the floor. I have a profound respect for his judgment. The only question in my mind about yielding is the doubt that I can enlighten him in any particular with reference to this bill, but I am glad to yield.

Mr. CRAWFORD. I think the chairman can enlighten us on this——

Mr. CHURCH. Mr. Chairman, I make the point of order that there is no quorum present. I think the entire membership should be enlightened on this bill. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 189]

| | | | |
|---|---|---|---|
| Alexander | DeRouen | Kennedy, Martin | Risk |
| Allen, Ill. | Dies | Kennedy, Michael | Robinson, Utah |
| Allen, Pa. | Dirksen | Keogh | Rockefeller |
| Anderson, Mo. | Douglas | Kilburn | Rodgers, Pa. |
| Arnold | Drewry | Kirwan | Rogers, Okla. |
| Ball | Eberharter | Kleberg | Romjue |
| Barden, N. C. | Edelstein | Kocialkowski | Rutherford |
| Barry | Edmiston | Kunkel | Ryan |
| Bates, Mass. | Elston | Lambertson | Sacks |
| Bell | Evans | Landis | Sandager |
| Bolles | Faddis | Lea | Schaefer, Ill. |
| Boren | Fay | Lemke | Schuetz |
| Bradley, Mich. | Ferguson | Ludlow | Schulte |
| Bradley, Pa. | Fernandez | Lynch | Secrest |
| Brewster | Fish | McAndrews | Seger |
| Buck | Fitzpatrick | McArdle | Shafer, Mich. |
| Buckley, N. Y. | Flaherty | McDowell | Shanley |
| Bulwinkle | Flannery | McGranery | Sheridan |
| Burdick | Ford, Miss. | McLean | Smith, Conn. |
| Burgin | Garrett | McMillan, John L. | Smith, Va. |
| Byrne, N. Y. | Gavagan | Magnuson | Smith, W. Va. |
| Byron | Grant, Ala. | Marcantonio | Snyder |
| Caldwell | Grant, Ind. | Mason | Somers, N. Y. |
| Cannon, Mo. | Green | Merritt | Sparkman |
| Cartwright | Halleck | Miller | Sullivan |
| Case, S. Dak. | Hare | Mitchell | Taber |
| Casey, Mass. | Harness | Mouton | Tarver |
| Celler | Hart | Murdock, Ariz. | Tolan |
| Chapman | Harter, Ohio | Myers | Vreeland |
| Clark | Hess | Nichols | Wadsworth |
| Claypool | Hook | O'Day | Wallgren |
| Cluett | Jacobsen | O'Leary | Warren |
| Cochran | Jarman | Osmers | White, Idaho |
| Cooley | Jarrett | O'Toole | White, Ohio |
| Crosser | Jeffries | Parsons | Wigglesworth |
| Culkin | Johns | Pfeifer | Winter |
| Curtis | Johnson, Ind. | Pierce | Wood |
| Darden, Va. | Johnson, W. Va. | Plumley | Woodrum, Va. |
| Darrow | Jones, Ohio | Reece, Tenn. | |
| Delaney | Keefe | Rich | |
| Dempsey | Keller | Richards | |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURDOCK of Utah, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having under consideration the bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, finding itself without a quorum, he had directed the roll to be called, when 269 Members answered to their names, disclosing that a quorum was present, and he submitted herewith the names of absentees to be spread upon the Journal.

The SPEAKER. The names of the absentees will be spread upon the Journal, pursuant to the rule, and the Committee will resume its sitting.

The CHAIRMAN (Mr. MURDOCK of Utah). The Committee will resume consideration of the bill H. R. 10361. The gentleman from Alabama [Mr. STEAGALL] is recognized.

Mr. STEAGALL. Mr. Chairman, in connection with the discussion of our trade relationships with our neighboring republics, I want to call attention to the record for the years 1938, 1939, and the first 6 months of 1940.

In 1938 our exports amounted to $299,000,000 plus. Our imports for that period were $262,000,000.

In 1939 our exports were $320,000,000 and our imports $317,000,000.

For the first 6 months of 1940 our exports were $239,000,000 and our imports $190,000,000.

Just here I want to read a letter from the Federal Loan Administrator:

FEDERAL LOAN AGENCY,
*Washington, August 20, 1940.*

DEAR CHAIRMAN STEAGALL: For fear that some Members of Congress may not have had time to read the testimony and the discussions in the committee about H. R. 10361, I summarize in short what I regard as the purposes of the bill. They are:

1. To put the bank in a position to continue to finance exports from this country, principally to the Latin American countries;

2. To assist some of these countries in their economic problems which have been made acute by the European war, cutting off or greatly reducing their exports;

3. That the bank may, through modest loans carefully made, assist some of the countries in increasing the production of things that we import and that we do not grow and must import. While it is not contemplated that loans would be made on surplus agricultural commodities, appropriate consideration would be given to applications from some of the governments or their central banks for loans in reasonable amounts that might enable the government or its banks to assist their nationals in the carrying and orderly marketing of some of their agricultural surpluses, with a view to avoiding demoralized prices that would affect our own farmers. No such loan would be considered that appeared to the officers and directors of the bank to be inimical to our own agricultural interests;

4. That we may be of some assistance in helping to improve their industrial situation, making them less dependent upon other countries.

With respect to the increased borrowing authority provided for in the bill as reported, I give you a summary of commitments by the R. F. C. made under section 5d of our act passed by Congress in June of this year:

| | |
|---|---|
| Commitments for the purchase of a reserve supply of crude rubber | $145,000,000 |
| For a reserve supply of tin (This amount will be increased.) | 105,000,000 |
| For manganese and other materials, something over (This amount will be increased.) | 30,000,000 |
| Formal and informal commitments for plant construction and machinery and equipment in connection with the manufacture of airplanes and airplane engines, in excess of | 200,000,000 |

These and other informal commitments and discussions aggregate more than $600,000,000.

New situations arise almost daily in which we are called upon to make loans or buy equipment and strategic and critical materials in aid of the national-defense program. We make these defense loans and purchases in cooperation with the Defense Commission.

Sincerely yours,

JESSE H. JONES, *Administrator.*

HON. HENRY B. STEAGALL,
*Chairman, Committee on Banking and Currency, House of Representatives, Washington, D. C.*

The increased borrowing authority referred to in the letter relates to that provision of the law which permits the Reconstruction Finance Corporation to aid in carrying out the program of national defense, funds therefor to be supplied from the general funds of the Corporation.

This letter bears upon suggestions made by one gentleman today with regard to the increased borrowing authority of the Reconstruction Finance Corporation. The bill before us permits the enlargement of the borrowing power of the Corporation in the amount of $1,500,000,000. Five hundred million dollars of this would be required in case the total sum mentioned in the bill should be employed to carry out its purposes

for loans to countries in the Western Hemisphere. Six hundred million dollars is needed already to reimburse the Corporation for loans made and closed or for commitments in connection with aid to the national-defense program by the Corporation. It is probable that additional loans to be made by the Corporation in carrying out the defense program and the purposes of this bill will absorb the entire amount provided for in this bill.

In connection with this letter from the Federal Loan Administrator let me say this: It has been said that we use the name of Jesse Jones to conjure with in this House. It is a name to conjure with, because no man in connection with important administrative affairs of this Government has excelled the record made by Jesse Jones in his handling of the tremendous sums and of the stupendous responsibilities that have fallen to him as Chairman of the Reconstruction Finance Corporation and as Federal Loan Administrator. [Applause.] I confess that any recommendation he makes in connection with a lending policy of this Government commands my unqualified respect and consideration, and I am sure I bespeak the views of the thoughtful membership of this House in making that statement.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Georgia.

Mr. PACE. As I understand the situation, none of the funds can be employed in loans to South American countries unless Mr. Jones himself makes a request for them.

Mr. STEAGALL. They can be made only upon the request of the Federal Loan Administrator with the approval of the President. In addition to that the Export-Import Bank is under the joint management of the State Department, the Treasury Department, the Commerce Department, the Department of Agriculture, and the Reconstruction Finance Corporation. I said once before that no lending activity this Government has ever undertaken has been so safeguarded in management as is that to be engaged in under the provisions of this bill.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. I understand that to date the Export-Import Bank has sustained no losses in its operations.

Mr. STEAGALL. I have called attention to the fact that all the bank's loans are current; that there have not been any losses under the administration of the Export-Import Bank down to this time, or any suggestion or criticism of mismanagement. I also call attention to the fact that the Reconstruction Finance Corporation, with all its stupendous operations, activities, loans, and investments has operated at a large profit to the Government.

In connection with my remarks I shall place in the RECORD communications from the President, the Secretary of State, the Departments of the Treasury, of Agriculture, and of Commerce in support of this legislation.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING A REQUEST THAT CONGRESS GIVE PROMPT CONSIDERATION TO INCREASING THE CAPITAL AND LENDING POWER OF THE EXPORT-IMPORT BANK OF WASHINGTON BY $500,000,000

*To the Congress of the United States:*

As a result of the war in Europe, far-reaching changes in world affairs have occurred, which necessarily have repercussions on the economic life both of the United States and of the other American republics. All American republics in some degree make a practice of selling, and should sell, surplus products to other parts of the world, and we in the United States export many items that are also exported by other countries of the Western Hemisphere.

The course of the war, the resultant blockades and counter blockades, and the inevitable disorganization, is preventing the flow of these surplus products to their normal markets. Necessarily this has caused distress in various parts of the New World, and will continue to cause distress until foreign trade can be resumed on a normal basis and the seller of these surpluses is in a position to protect himself in disposing of his products. Until liberal commercial policies are restored, and fair trading on a commercial plane is reopened distress may be continued.

I therefore request that the Congress give prompt consideration to increasing the capital and lending power of the Export-Import Bank of Washington by $500,000,000, and removing some of the restrictions on its operations to the end that the bank may be of greater assistance to our neighbors south of the Rio Grande, including financing the handling and orderly marketing of some part of their surpluses.

It is to be hoped that before another year world trade can be reestablished; but, pending this adjustment, we in the United States should join with the peoples of the other republics of the Western Hemisphere in meeting their problems. I call the attention of Congress to the fact that by helping our neighbors we will be helping ourselves. It is in the interests of the producers of our country, as well as in the interests of producers of other American countries, that there shall not be a disorganized or cutthroat market in those commodities which we all export.

No sensible person would advocate an attempt to prevent the normal exchange of commodities between other continents and the Americas, but what can and should be done is to prevent excessive fluctuations caused by distressed selling resulting from temporary interruption in the flow of trade, or the fact that there has not yet been reestablished a system of free exchange. Unless exporting countries are able to assist their nationals, they will be forced to bargain as best they can.

As has heretofore been made clear to the Congress, the Export-Import Bank is operated by Directors representing the Departments of State, Treasury, Agriculture, and Commerce, and the Reconstruction Finance Corporation, and is under the supervision of the Federal Loan Administrator, so that all interested branches of our Government participate in any loans that are authorized, and the Directors of the Bank should have a free hand as to the purposes for which loans are authorized and the terms and conditions upon which they are made.

I therefore request passage of appropriate legislation to this end.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 22, 1940.*

---

WHITE SULPHUR SPRINGS,
*August 5, 1940.*

Hon. H. B. STEAGALL,
*House of Representatives, Washington, D. C.:*

At Habana the American nations agreed that in view of the disruption in the channels of international commerce and the curtailment of markets for certain products of the Americas, the American nations must do everything in their power to strengthen their own economic position; to improve further mutually beneficial trade and other economic relations between and among themselves; and to devise and apply appropriate means of effective action to cope with the difficulties, disadvantages, and dangers arising from the present disturbed and dislocated world conditions. I consider the enactment of the proposed legislation expanding the powers and operations of the Export Import Bank essential in order to put the United States in a position to cooperate fully with the other American republics in meeting these urgent needs of economic defense in the face of the possibilities of serious threats to the peace, security, and welfare of this hemisphere resulting from sinister developments elsewhere in the world. The 21 American republics have agreed on a practical program of defensive action of which economic defense is an indispensable part. The enactment of the legislation now pending before your committee will enable the United States to make its appropriate economic contribution to the carrying out of that program which is necessary to the safeguarding of the vital interests of the United States in a situation of unprecedented seriousness and danger.

CORDELL HULL.

---

TREASURY DEPARTMENT,
*Washington, August 8, 1940.*

MY DEAR MR. CHAIRMAN: Reference is made to the request of August 6, 1940, from your committee for an expression of the Treasury Department's opinion as to the merits of H. R. 10212, a bill to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

In order to assist in the development of the resources, the stabilization of the economies, and the orderly marketing of products of the countries of the Western Hemisphere, section 1 of H. R. 10212 would amend section 5d of the Reconstruction Finance Corporation Act, as amended, to authorize the Export-Import Bank of Washington, upon the written request of the Federal Loan Administrator with the approval of the President, to make loans to any governments and their central banks and, when guaranteed by such governments or their central banks, to political subdivisions, agencies, and nationals of any such governments, notwithstanding any other provisions of law insofar as they may restrict or prohibit loans or other extensions of credit to or other transactions with, the governments of the countries of the Western Hemisphere or their agents or nationals. The Reconstruction Finance Corporation would be authorized to supply the bank with funds for such purposes, not to exceed $500,000,000 outstanding at any one time, through loans to or by subscriptions to the preferred stock of the bank.

Section 2 would amend section 5d of the Reconstruction Finance Corporation Act, as amended, to authorize the Reconstruction Finance Corporation to issue and have outstanding additional notes, bonds, debentures, and other obligations sufficient for the participation of the Reconstruction Finance Corporation in the national-defense program as provided in that section of the Reconstruction Finance Corporation Act, as amended. (The act of June 25, 1940, defense program as provided in that section of the Reconstruction

Finance Corporation Act, as amended, for the purpose, among others, of authorizing the Corporation to make loans to, or purchase the capital stock of, corporations for the purpose of producing, acquiring, and carrying strategic and critical materials and for plant construction, expansion, and equipment, and working capital, to be used by corporations in the manufacture of equipment and supplies necessary to the national defense.)

Section 3 would amend section 9 of the act of January 31, 1935, as amended (U. S. C., Supp. V, title 15, sec. 713b), to continue the existence of the Export-Import Bank of Washington until January 22, 1947, and to increase the amount of loans or other obligations which the bank may have outstanding at any one time from $200,000,000 to $700,000,000.

It is assumed that it is the present intention of Congress to continue the existing procedure under which capital is supplied by the Reconstruction Finance Corporation to the Export-Import Bank of Washington, namely, that such capital is supplied by the Reconstruction Finance Corporation when requested by the Secretary of the Treasury with the approval of the President (U. S. C., Sup. V, title 15, sec. 713b). However, in order that there may be no doubt in that respect, it is suggested that section 1 of the proposed legislation be amended by inserting after the word "supplying" on line 1 of page 2 the following: ", when requested by the Secretary of the Treasury with the approval of the President,".

The Treasury Department is strongly of the opinion that the proposed legislation is necessary in view of the existing national emergency, and recommends that H. R. 10212 with the minor amendment suggested above be enacted.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

D. W. BELL,
*Acting Secretary of the Treasury.*

Hon. HENRY B. STEAGALL,
*Chairman, Committee on Banking and Currency, House of Representatives.*

---

DEPARTMENT OF AGRICULTURE,
*Washington, August 7, 1940.*

Hon. HENRY B. STEAGALL,
*Chairman, Committee on Banking and Currency, House of Representatives.*

DEAR MR. STEAGALL: This is in response to your telephone request that we forward you, as promptly as possible, an expression of the views of this Department concerning H. R. 10212, a bill "to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes," now pending before your committee.

Section 1 of the bill amends section 5 (d) of the Reconstruction Finance Corporation Act, as amended, by adding a new subsection. Under such new subsection, the Export-Import Bank would be authorized to make such loans to the governments and central banks, agencies, or nationals of countries of the Western Hemisphere which the Federal Loan Administrator, with the approval of the President, finds will assist in the development of the resources, the stabilization of the economies, and the orderly marketing of products of such countries. Section 1 also authorizes the Reconstruction Finance Corporation to provide the Export-Import Bank of Washington with funds for such loans, either through loans to it or subscriptions to its preferred stock, up to $500,000,000.

Section 2 also amends section 5 (d) of the Reconstruction Finance Act, as amended, by adding a new paragraph which would increase the amount of notes, bonds, debentures, and other obligations which the Reconstruction Finance Corporation may issue and have outstanding at any one time by such amount as is necessary for the purposes of this bill, as well as its participation in the national-defense program as previously authorized by the Congress.

Section 3 would increase the lending powers of the Export-Import Bank of Washington from $200,000,000 to $700,000,000, and would extend the period for the exercise of its functions from June 30, 1941, to January 22, 1947.

This Department feels that legislation of this character is desirable, and in view of the possible necessity of the United States furnishing some financial assistance under such programs as may be adopted for promoting solidarity along economic, political, and military lines among the nations of the Western Hemisphere, we recommend that such legislation be enacted by the Congress.

This bill differs only in form from S. 4240, recently reported favorably by the Senate Banking and Currency Committee. Either the House or the Senate bill would appear to be equally satisfactory.

Sincerely yours,

CLAUDE R. WICKARD,
*Acting Secretary.*

---

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
*Washington, August 8, 1940.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of August 6, 1940, in which you enclosed a copy of H. R. 10212, a bill "To provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes," and requested an expression of this Department's views with respect to the bill.

The stated purpose of this bill is "to assist in the development of the resources, the stabilization of the economies, and the orderly marketing of products of the countries of the Western Hemisphere." To accomplish this purpose the bill authorizes the Export-Import Bank to make loans to any governments and their central banks, and when guaranteed by such governments or central banks, to political subdivisions, agencies, and nationals of such governments. In order to provide the bank with funds for such purposes, the Reconstruction Finance Corporation is authorized to supply the Export-Import Bank with such funds in an amount not to exceed $500,000,000 outstanding at any one time.

The authorization of the Export-Import Bank to make such loans is conditioned on the written request of the Federal Loan Administrator, with the approval of the President, and is subject to such conditions and limitations as they may set forth. The bill provides that the loans may be made and administered in such manner and upon such terms and conditions as the bank may determine.

It is believed that H. R. 10212 will accomplish the purpose set forth in the President's message to the Congress of July 22, in that it would increase "the capital and lending power of the Export-Import Bank of Washington by $500,000,000 and remove some of the restrictions on its operations to the end that the bank may be of greater assistance to our neighbors south of the Rio Grande including financing the handling and orderly marketing of some part of their surpluses."

The expansion of the activities of the bank as proposed by H. R. 10212 would make it possible to have certain expedient foreign-exchange needs met and would, therefore, facilitate United States trade with certain Latin American countries. This bill is a part of a program of total national defense. It reflects recognition that our economic relations with the other countries of this hemisphere and economic conditions in such countries are vital factors in our ability to defend ourselves against attack.

The rather general statement of purpose embodied in H. R. 10212 indicates that loans would presumably be made by the bank against surplus commodities such as Brazilian coffee or Argentinian beef. The likelihood of loss through loan defaults cannot be ignored or minimized but this possibility is inherent in the broad policy of which the bill is merely a single element.

In view of the above considerations, the Department of Commerce perceives no objection to the enactment of the proposed legislation. A copy of this letter has been submitted to the Bureau of the Budget in accordance with established procedure. However, time has not permitted a statement from that Bureau with respect to its contents.

Very sincerely yours,

SOUTH TRIMBLE, JR.,
*Acting Secretary of Commerce.*

Hon. HENRY B. STEAGALL,
*Chairman, Committee on Banking and Currency, House of Representatives, Washington, D. C.*

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. STEFAN. I am tremendously interested in the gentleman's discussion and explanation of this bill. I have never heard any criticism so far as Mr. Jones is concerned. All of the comments I have heard about Mr. Jones have been highly commendable.

I wonder if the gentleman will repeat the statement he made in connection with how he thought some of this money might be distributed. A very important statement was made by the distinguished chairman of the Committee on Banking and Currency. If I understood him correctly, he said it is, perhaps, possible that some of this money may be lent to banks in Central America and South America.

Mr. STEAGALL. Yes.

Mr. STEFAN. The gentleman knows, I am sure, that those who feel like opposing this bill are worried about its effect on agriculture, that possibly some of the agricultural produce of Central America and South America may come into the United States in competition with the production of our own farmers. That is the thing that is bothering a lot of us who have an open mind. But there is a very important question I want to ask the distinguished chairman in view of the possibility that some of this money may be lent to banks in Central America and South America and in view of the fact that today we are endeavoring to compete with foreign countries in order to preserve our position in the Western Hemisphere. Foreign countries are buying not thousands, but millions of acres of land in Central America and South America; and in Brazil alone, which is at least as large as the United States if not larger, millions of acres of land are being purchased by foreign countries which perhaps tomorrow may become our potential enemies. I ask the distinguished gentle-

man who so ably represents the Banking and Currency Committee whether it may be possible that some of this money we are using to attain an objective may reach the hands of potential enemies and foreigners with whom we are competing today?

Mr. STEAGALL. If the gentleman will permit, first, may I say that the products of the farms of these countries are of necessity in competition with the products of our farms already and will always be, because we export to European countries a portion of the surplus of our crops on this side of the water. I suggest to the gentleman that that competition will be far less injurious under a friendly cooperative relationship between the countries of the Western Hemisphere than it would be if we are to run riot with ruthless, senseless competition under a system by which they would sell regardless of cost of production and dump their commodities on the markets regardless of price.

The gentleman spoke of loans to banks. I want to call attention to the fact that it is not intended, in the first place, that loans under the bill will be made directly to the countries of the Western Hemisphere. I do not mean to say no such loan will ever be made, but it is contemplated these loans will be made ordinarily to the central banks or where they do not have central banks as provided in the bill, the loan will be made to any acceptable banking institution. So that loans will have all the aspects of normal business transactions between business corporations with the right to sue and to enforce their claims in the courts and with all the safeguards involved in transactions between private institutions. Of course, the endorsement of a government would not be injurious or harmful, even though not efficacious in assuring repayment of a loan.

I will say to the gentleman that the primary purpose of this bill is to prevent the spread in our neighboring countries on the part of certain powers in the Old World of activities and practices such as mentioned that are inimical to the interests of the people of the United States.

May I say frankly that the purposes of the bill are not limited to business considerations alone. I think it is well worthy of consideration and that its enactment would be most constructive and desirable from the standpoint of the selfish business interests of the people of the United States alone. But that is not all that is involved. I now have in mind conditions to which the gentleman refers. The export trade of this country and of our neighboring republics has been practically wiped out under the horrible developments of recent months in the Old World. Now is the time, under these conditions, for the people on this side of the water to begin to take stock and to hold common counsel, looking to the mutual interest of all the people of the Western Hemisphere. [Applause.] That is desirable as a matter of selfish interest in trade and commerce but there are other considerations which in my judgment are much higher than any possible financial gain.

I want to say right here that in my judgment the conference held in Habana accomplished immeasurable good. This conference was held under the guidance of a statesman who towers high among the great statesmen of the world. I regard his labors there as marking a high spot in the diplomacies of mankind. The labors of Cordell Hull represent a great achievement for the advancement of trade and economic betterment and the promotion of the peace, commerce, and progress of mankind, and the enlargement of the lives and happiness of all the people of the Western Hemisphere. [Applause.] This bill evidences our good faith in all the professions of friendship that we have made to our neighbors of the Western Hemisphere. The Bible tells us that where your treasure is, there will your heart be also. Our professions of friendship and good will toward our neighboring republics will never be challenged when we open our purse to assist in cooperative policies that make for the benefit of all—and that is the purpose of the pending bill.

Mr. STEFAN. Will the gentleman yield further?

Mr. STEAGALL. I yield to the gentleman from Nebraska.

Mr. STEFAN. With the great confidence the House has in the ability, the prudence, and common sense of Mr. Jesse Jones, I hope the question I asked of the distinguished chairman of the Committee on Banking and Currency and the answer thereto will be transmitted to those who are to make these loans and that we make them under the old-fashioned Yankee program.

Mr. STEAGALL. They will be made conservatively, prudently and sensibly, by a man who is competent to sit across the table from any businessman in the world. Nobody ever swapped horses with him and sent him home afoot.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. We have been told repeatedly about the South American and Central American republics. Will the gentleman put into the RECORD just how many of these South American countries are republics and just how many of them are ruthless dictatorships?

Mr. STEAGALL. I do not think any of them meet the latter description.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. The gentleman from Nebraska inquired about loans to banks in South America. I wonder if the gentleman would not like to point out to the gentleman from Nebraska that the lending program on grain in the Argentine Republic is arranged somewhat differently from the United States. As the gentleman knows, our grain loans are made through the agency of the Commodity Credit Corporation while there the loans are made by the National Bank of the Republic and they are authorized at present to lend to what amounts to 15 cents a bushel on corn, which is ear corn.

Mr. STEAGALL. I am sure your statement is correct, though I am not informed as to that.

Mr. KEAN. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from New Jersey.

Mr. KEAN. Can the gentleman inform me whether the State Department is in favor of amending the Neutrality Act in the way that this bill does?

Mr. STEAGALL. The Secretary of State has sent a letter and a telegram to me endorsing the bill and urging its passage, with the full knowledge of everything it contains.

Mr. COFFEE of Nebraska. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Nebraska.

Mr. COFFEE of Nebraska. May I ask the gentleman what the total authorizations are that may be used for all foreign loans in this hemisphere, in view of the increased authorization to the R. F. C. and the Export-Import Bank?

Mr. STEAGALL. There cannot now be any more loans by the Export-Import Bank except those within the limits of the amount provided by this bill, because the bank has exhausted the funds available under existing law.

Mr. COFFEE of Nebraska. How much of this increased authorization for the Reconstruction Finance Corporation may be used for this same purpose?

Mr. STEAGALL. The increased authorization for the Reconstruction Finance Corporation is for all lending demands, but the purpose is to permit loans under this bill, which cannot be more than $500,000,000, and to provide funds for loans and advances that may be made under the direction of the Congress by the Reconstruction Finance Corporation to aid in the national defense program. The corporation has already made commitments in the amount of $600,000,000 for that purpose and it is contemplated there will be additional commitments and loans which, together with those made possible by this bill, will absorb the total of $1,500,000,000.

Mr. COFFEE of Nebraska. Is it not possible to do by indirection under this bill what was proposed to do directly under the cartel proposal?

Mr. STEAGALL. This bill does not have anything to do with any cartel program. Anything like that which may be undertaken will be for future consideration.

Now I must conclude.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Tennessee.

Mr. GORE. As a member of the committee, I am proud and delighted with the great statesmanlike speech that our chairman has made, and I hope he will not unduly limit himself. [Applause.]

Mr. STEAGALL. I thank the gentleman, but I must conclude in order that time may be allowed for others to discuss the bill.

Let us be frank about this measure. Of course, it has its political and its diplomatic aspects. I am not an alarmist. No man has heard me stand on this floor and make statements and arguments addressed to anybody's fears or anybody's feeling of alarm, but all of us must recognize the disturbed conditions that exist in the world today. So many things that some of us thought we knew have turned out not to be so that we do not know what to expect.

The dangers that threaten the civilization of the world have never been so imminent as they are today. They are without precedent in all human history. This Congress stands committed to a recognition of the dangers that threaten the accumulated treasures of the old world and that may endanger the free institutions of the people of America. This country is committed irrevocably to a policy of defense of the Monroe Doctrine. It is in recognition of our adherence to that great, traditional policy of this Republic that we have voted appropriations for national defense that have no parallel in the history of this Nation. There can be no other excuse for it, there can be no other reason for it. Did we mean it, or are we just going along blindly because somebody said so? Are we throwing away these billions of dollars of the people's money for some frivolous reason, or were we in earnest when we said it was our determination to preserve for our children and our children's children the liberties that were handed down to us in this Republic and in our neighboring republics in the western world? Did we mean it?

I do not see how any Member of this House could have been sincere in casting a vote for the bills we have recently passed for the purpose of defending the Western Hemisphere and then stand here and make alarmist speeches and predictions of imaginary harm to come from this effort to unite and solidify the people of the Western Hemisphere, commercially, economically, and politically, that we may stand as one people in case the necessity unhappily arises that calls us to defend this free Republic and our neighbor republics of the western world. [Applause.]

Nothing that has been done, nothing that has been proposed, nothing that anybody has voted for is more consistent with our policy of national defense than the step proposed by this bill, under which we propose to implement our convention at Habana, under which we propose to evidence our good faith and our professions of friendship and good will toward our neighboring republics, and under which we propose in some measure to carry out our obligations and committals for their protection and for the preservation of our own freedom. This is the best defense measure that has been proposed in this House during this session of Congress, and it ought to have a unanimous vote of approval. [Applause.]

Mr. REED of New York. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. BARNES). The Chair will count. [After counting.] Sixty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 190]

| | | | |
|---|---|---|---|
| Alexander | Barry | Bradley, Pa. | Burgin |
| Allen, Ill. | Bates, Ky. | Brewster | Byron |
| Allen, Pa. | Bates, Mass. | Buck | Caldwell |
| Andrews | Bell | Buckler, Minn. | Case, S. Dak. |
| Arnold | Bland | Buckley, N. Y. | Casey, Mass. |
| Ball | Bolles | Bulwinkle | Celler |
| Barden, N. C. | Bradley, Mich. | Burdick | Chapman |
| Clark | Flaherty | Kleberg | Rockefeller |
| Claypool | Flannery | Kocialkowski | Rodgers, Pa. |
| Cluett | Folger | Kunkel | Rogers, Okla. |
| Cochran | Ford, Miss. | Lambertson | Romjue |
| Collins | Ford, Leland M. | Landis | Rutherford |
| Colmer | Garrett | Lemke | Sacks |
| Cooley | Gavagan | Lesinski | Sandager |
| Costello | Grant, Ala. | Lynch | Schaefer, Ill. |
| Curtis | Grant, Ind. | McArdle | Schulte |
| Darden, Va. | Green | McDowell | Secrest |
| Darrow | Hall, Edwin A. | McGranery | Seger |
| Delaney | Halleck | McLean | Shanley |
| Dempsey | Hare | McMillan, John L. | Sheppard |
| DeRouen | Harness | Magnuson | Sheridan |
| Dickstein | Hart | Marcantonio | Smith, Conn. |
| Dies | Harter, Ohio | Mason | Smith, W. Va. |
| Dirksen | Hendricks | May | Somers, N. Y. |
| Dondero | Hess | Merritt | Sparkman |
| Douglas | Hook | Mitchell | Sullivan |
| Drewry | Jarman | Myers | Taylor |
| Eaton | Jarrett | Nichols | Tolan |
| Eberharter | Jeffries | O'Brien | Vinson, Ga. |
| Edelstein | Johns | O'Day | Vreeland |
| Edmiston | Johnson, Ind. | O'Leary | Wadsworth |
| Elliott | Johnson, W. Va. | Osmers | Wallgren |
| Elston | Jones, Ohio | O'Toole | Warren |
| Evans | Keefe | Parsons | White, Idaho |
| Faddis | Keller | Pfeifer | White, Ohio |
| Fay | Kennedy, Martin | Plumley | Wigglesworth |
| Ferguson | Kennedy, Michael | Reece, Tenn. | Winter |
| Fernandez | Keogh | Richards | Woodrum, Va. |
| Fish | Kilburn | Risk | |
| Fitzpatrick | Kirwan | Robinson, Utah | |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURDOCK of Utah, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill H. R. 10361, and finding itself without a quorum, he had directed the roll to be called, when 272 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. WOLCOTT. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I do not know when I have felt so keenly about any piece of legislation that has been presented to us for consideration as I have this bill. I think there is probably more misunderstanding among those high in executive office concerning the purposes of the bill than usual.

We have all been very much interested in what has been said about the bill both by the esteemed gentleman from Texas, the majority leader, and the esteemed gentleman from Alabama, the chairman of the committee, but it seemed to me that their talks lacked one important thing, and that was a justification of this bill. They were not in a position, neither the gentleman from Texas [Mr. RAYBURN] nor the gentleman from Alabama [Mr. STEAGALL], to outline any program in respect of these loans. They were not in position to tell the House or this committee how the loans were to be made, and upon what security. One remark which the gentleman from Texas [Mr. RAYBURN] made I think is as good an argument against this bill as he intended it to be for it. He said, "These are serious and terrible times for the United States," and this is a serious and a terrible bill [laughter and applause], so serious and so terrible that if it is enacted into law the repercussions all over the world might make it impossible for this country for generations to come to do business on a peaceable basis with the nations of the world. So it is a serious proposition, it is a serious question, but it is serious in that it affects our own economy, and not that in it we find any possibility of stabilizing the economies of South America.

The gentleman from Texas [Mr. RAYBURN] said we want to be careful, or after this war we will find ourselves without any friends. Well, somebody said years ago, "Neither a borrower nor a lender be," predicated upon the idea, I believe, that if you borrow money you learn to hate the lender, and if you lend money, the borrower learns to hate you.

Mr. WOODRUFF of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. Yes. I yield to my esteemed colleague.

Mr. WOODRUFF of Michigan. Did the gentleman from Michigan undertake to secure from the gentleman from Texas the name of any country in the world today that may be considered our friend, our unselfish friend?

Mr. WOLCOTT. No. We have all felt that when this war is over we will have to remake our friendships, we will have to remake our economy, we will have to remake the markets for our agricultural and manufactured products, and I do not like to see this Congress do anything in the meantime that is going to destroy those markets for our workers and our farmers. I think there is grave danger that in the enactment of this bill we will destroy the markets which will surely be ours after this holocaust in Europe and Asia ceases.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. Yes; I yield to my friend from Minnesota.

Mr. KNUTSON. As I understand the program, the aim is to use this $500,000,000 in buying up competitive products of South American countries by the United States Government, or by a Government agency. We are having trouble disposing of our own surplus, and if we fail to solve the surplus problem at home, how can we hope to go to South America and solve their surplus problem?

Mr. WOLCOTT. The gentleman is correct, if we assume with the President of the United States that the purpose of this legislation is to take the surplus of South America off the market. Of course, there is equal danger in the policy enunciated by Federal Loan Administrator Jesse Jones in which he states in substance that the primary purpose of this bill is to industrialize South America. South America at the present time imports many of its manufactured products from the United States, and that is what I have in mind when I deplore the fact that this Congress might by the enactment of this bill destroy one of our largest markets for manufactured goods, by taking our taxpayers' money to industrialize practically the only market we may have left after the wars in Europe and Asia are a matter of history.

Mr. KNUTSON. Of course, if South America is industrialized it will be done by American industralists who want to get away from all of the labor legislation that has been passed for the benefit of the American workingmen. They would take their factories from the United States into Latin America, where they probably would work their employees 10 or 12 hours a day at a fraction of the pay they are compelled to pay in this country to American workingmen.

Mr. WOLCOTT. The fear that I have is that we will be called upon to do one of two things, either lower our standard of living to that of the South American peon, or fail after the expenditure of over $2,000,000,000 to raise their standard of living up to ours.

Mr. KNUTSON. How can we hope to compete with the class of labor whose wardrobe consists principally of a breechclout.

Mr. WOLCOTT. We cannot do so.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. PATMAN. I understood the gentleman to say that Jesse Jones said the principal purpose of the bill is to industrialize South America. I did not hear Mr. Jones say that, but on page 39 of the hearings he said:

> I think the principal purpose of this bill is in aid of our export.

Mr. WOLCOTT. Very well. I shall cover the purposes of the bill.

Mr. HINSHAW. Was it not the letter that the chairman of the committee, the gentleman from Alabama [Mr. STEAGALL], read from Mr. Jesse Jones a few moments ago that said that that was the object or the prime purpose of the bill?

Mr. WOLCOTT. As I understood the chairman of the committee, when he read that letter, No. 4 of the purposes listed by Mr. Jones was, in effect, that this money was to be used to assist the industrial situation in South America.

Mr. JENKINS of Ohio. Is not this the truth—and I have listened to a lot of this debate—that nobody has yet said definitely what is going to be done with this $500,000,000.

Mr. WOLCOTT. That is correct, and I would like to go ahead and cover those points.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. Yes; I yield to the distinguished gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I assume that the administration has the votes on the floor to pass this measure. Does not the gentleman feel it would be greatly improved if the bill provided that someone from the Export Bank should be appointed on every board of directors of the banks to whom the loans are made? In that way you would at least somewhat insure that the money would be wisely spent. I understand that Great Britain always sees to it that someone from Great Britain is on the board of directors of the South American banks when she loans them money. Would the gentleman accept an amendment of that sort?

Mr. WOLCOTT. As far as I am concerned, I would accept any amendment to this bill which would tie it up in any manner. [Laughter and applause.]

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Miss SUMNER of Illinois. Administrator Jones, when asked by me in the committee, said he preferred not to have any such amendment in the bill.

Mr. WOLCOTT. I think I must disagree with my very fine friend, the gentlewoman from Massachusetts [Mrs. ROGERS], when she infers that the majority has enough votes to pass this bill, because I have always given the majority of this House credit for having more good common horse sense than to bite on as juicy a morsel as this in the name of national defense, and to the prejudice of our cotton industry, our wheat growers, our corn growers, our meat producers, our laboring men, and our manufacturers.

Mr. MICHENER. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MICHENER. As far as the majority of the House is concerned, there have been two quorum calls since noon time in an effort to get the Members here to hear about the bill, about which they know absolutely nothing if they are not members of the Banking and Currency Committee, but evidently the majority has made up its mind how it is going to vote, because they will not stay here and listen to have the bill explained.

Mr. WOLCOTT. I hope that the leadership will not meet them in the Speaker's lobby and tell them how to vote and I am sure that on a bill of this importance the membership on both sides is going to find out what the bill is about before they vote on it.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. LUCE. Has the gentleman ever known any bill from the Banking and Currency Committee to attract any interest?

Mr. MICHENER. Oh, yes. I regret that the gentleman holds his committee in such low esteem. As a rule, the House is very careful to consider matters coming from the Banking and Currency Committee and as a rule when the Banking and Currency Committee has a clean, square bill they have the hearings printed in sufficient time so that the House might know about the bill, and then they ask their own Members to remain on the floor and listen to the explanation of the bill.

Mr. LUCE. Did they stay?

Mr. MICHENER. I do not want to reflect on the majority.

Mr. WOLCOTT. Mr. Chairman, I am sorry I cannot yield further. I have some notes here which I think are of importance and I would like to go ahead with my statement. Then if there is time, and I hope there will be, I will be glad to discuss it with any of the Members on either side. I hope there will be time after I make my remarks which I have outlined.

I said there was some controversy concerning the purposes of this bill. The purposes are expressed in the bill in section 1, as follows:

> To assist in the development of the resources, the stabilization of the economies, and the orderly marketing of the products of the countries of the Western Hemisphere by supplying funds—

And so forth. We are told in the report of the committee, on page 1 of the report, that the provisions of this bill in respect to the authority of the Export-Import Bank are to effectuate the request in the President's message of July 22,

The President's message of July 22 said nothing whatsoever in respect to many of the things which have been discussed on the floor. He confined it almost wholly to taking the surpluses of South America off the market. He said:

The course of the world, resultant blockades—

And I will touch upon the resultant blockades later, if I may—

and counterblockades and inevitable disorganization is preventing the flow of these surplus products to their normal markets. The seller of these surpluses is in a position to protect himself in disposing of his products. I therefore request that the Congress give prompt consideration to increasing the capital and lending power of the Export-Import Bank of Washington by $500,000,000, and removing some of the restrictions on its operation, to the end that the bank may be of greater assistance to our neighbors south of the Rio Grande, including financing the handling and orderly marketing of some part of their surpluses. It is to be hoped that before another year world trade can be reestablished, but pending this adjustment we in the United States should join with the peoples of the other republics of the Western Hemisphere in meeting their problems.

Now, what are their problems that this emergency has caused? What is the emergency in respect to their problems? Of course, we are given to understand by the whole import of the President's message that it is their surpluses which are bothering them, and nothing else. Surely it cannot be their industries, because I cannot conceive of the President of the United States, if he is solicitous of maintaining the markets for our manufactured products, sending a message to Congress asking us to finance the erection of industrial plants in South America to compete with our manufactured goods which are exported from the United States to South America.

What are the surpluses of South America? With the exception of a very few, such as rubber and coffee, they are the things which our farmers grow: Wheat, corn, cotton, which we are expected under this bill to authorize the Export-Import Bank to take off the market.

Now, this bill, of course, will result not in the solution of any problem for South America. It will accentuate their problem because it encourages surpluses.

If they know they have a ready market through the Export-Import Bank for all the surplus which they can grow down there they will go into intensive farming. What Representative from a wheat-growing district can justify, with our farmers in the condition they are today, the investment of hundreds of millions of dollars in South American wheat or other agricultural products? What Representative who is sent here to help solve the problem of his corn and hog producers can justify a vote to take the money these corn and hog producers pay into the Treasury of the United States and send it to South America? And it has been suggested that it is sent to South America to stimulate production. What Representative of beef producers can justify taking money which the beef people of the United States pay into the Federal Treasury and sending it to the Argentine to take the surplus of Argentine beef off the market before he has solved the problem of his own beef producers? [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield myself 10 additional minutes.

And so on down the line. But in particular how can a Representative of a cotton-producing State take the pennies and the dollars of those who are sweating in the sun of the South today to raise a crop which the taxpayers must take off their hands, to send to South America to buy the surplus crop of South America which would come in competition with this crop of ours this year? [Applause.]

Why, Mr. Chairman, as was said on this floor within the last 2 weeks, before the program for 1940 is completed we shall have in the warehouses of the United States over 12,300,000 bales of cotton, or more than 1 year's domestic production of cotton on which loans have been made to the extent that it has been virtually bought by the Federal Government; and now we are launching another program whereby we expect to do the same thing for South America.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a question on the cotton subject?

Mr. WOLCOTT. I yield.

Mr. SCHAFER of Wisconsin. Is it not a fact that the statistics from our Federal Government show that since the advent of the New Deal 7 years ago our American cotton export market has been decreasing by many millions of bales each year, whereas the cotton export market of Brazil, one of the countries which is going to be helped by this bill from our almost bankrupt Federal Treasury, has been increasing by millions of bales?

Mr. WOLCOTT. I believe the gentleman is correct.

Mr. SCHAFER of Wisconsin. Brazil has a large cotton surplus now. A vote of a Representative from a cotton district in favor of this legislation, under which Uncle Sam is to play Santa Claus to the South American and Central American dictators in a big way, is a vote to double-cross and sell the cotton farmers of the United States down the river and load one-half billion dollars of additional taxes on our own overburdened taxpayers.

Mr. WOLCOTT. The gentleman is absolutely correct because the last figures I have were to the effect that as the world consumption of cotton was increasing the export of cotton from the United States to these world markets was constantly decreasing, indicating, of course, that this cotton was being grown in other countries—notably, so far as this bill is concerned, South America. Notwithstanding that, we are expected to send our money to South America.

Mr. Jones gave us some very interesting testimony on the purposes of this bill, and, if you will bear with me, I would like to read you some of them and comment upon them. Mr. Jones, as shown by page 129 of the hearings, said:

I do not believe that they would be doing the same thing.

There he is speaking with respect to this inter-American bank that has been set up. I continue to quote from his statement:

The Export-Import Bank will be making loans largely to our own exporters.

How in the name of common sense are you going to relieve South America of its surpluses by financing our exporters? Either Jesse Jones is wrong in that premise or the purposes of this bill are not stated in the bill itself or in the President's message to which the report refers.

I asked him:

How are we going to take any of the surplus commodities of the South American countries off the market by lending to our exporters?

And Mr. Jones replied:

We do not contemplate taking their commodities.

Just what does the President mean in his message and what do we mean in this report from our committee when we say that this bill is to effectuate the purposes expressed in the President's message by helping them finance their surplus?

Do you know what this bill is about?

Let us go a little further and throw a little more light on the subject. On page 130 of the hearings Mr. Jones goes on further to say:

I have no opinion that we are going to attempt to finance or handle or orderly market their commodities—

In direct contradiction of what the President said in his message.

But if we lend a country down there some money, it is their job to do their own home work.

That answers the gentlewoman from Massachusetts in respect to the intention concerning the sending of a member of the Export-Import Bank or an employee of the Export-Import Bank to their board of directors—we are going to let them do their own home work after we give them money.

The reason Mr. Jones said what he did was because he had been pinned down to one of the purposes of this bill; that is, to industrialize South America to the prejudice of our manufacturing plants; and I might say to the gentleman from Illinois [Mr. SABATH], if he is here—and he was so gravely concerned about the automobile industry of Michigan if we did not extend this aid to South America—that at the present time we have some trade with South America and we do sell some cars, trucks, and parts to South America.

We have been able to compete somewhat with foreign-made automobiles and trucks up to the present time; but if this bill is passed and we industrialize South America it means that henceforth the automobiles sold in South America are going to be made with American taxpayers' capital by peon labor in South America and sold at such prices we cannot compete with them. The danger of this bill therefore is not only to the taxpayers directly but to the manufacturing plants of this Nation and the jobs of the men working in these manufacturing plants. Men will be put out of jobs by the use of this capital in the establishment of competing plants in perhaps the only market we shall have left after this war is over.

I asked Mr. Jones as appears on page 132 of the hearings:

That specific purpose refers to the establishment of manufacturing plants in South America to compete with our manufacturing plants?

Mr. Jones replied:

That may be.

I have not time to go through all of this testimony.

Some time ago we heard something about the so-called cartel plan. It was suggested by someone at the other end of the Avenue, and, I understand, was taken up at a press conference at the White House the following day. At least encouragement was given to this plan which contemplated taking all of the surpluses from South America annually to stabilize their economy. Yet we are told today that this is no part or parcel of the so-called cartel plan. I do not know what the word "cartel" means, but I am given to understand it is some arrangement whereby we finance the surpluses of South America. It is a significant fact that the $500,000,000 which we are asked to give the Export-Import Bank to finance the surpluses of South America is about the equivalent of the dollar value of all the exports from South America to Europe annually.

Mr. KNUTSON. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The cartel plan, as I understand it, means heads they win and tails we lose.

Mr. WOLCOTT. That is probably a better definition of it than has been given yet.

Now, is that economically sound? If it is, then let us understand that is what we are doing. But there is another very significant thing in this bill which you perhaps have overlooked, and that is we remove the restrictions in connection with these loans, and these are the restrictions which we remove: The $20,000,000 limitation on all loans. That does not apply only to loans within the Western Hemisphere. That refers to all loans made by the Export-Import Bank. So far as the Western Hemisphere is concerned, we say that the Johnson Act does not apply, and I doubt whether it applies anyway, because I think the Export-Import Bank is exempt from the provisions of the Johnson Act.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, this exempts these loans from the operation of the Neutrality Act. This exempts these loans from the limitation that none of this money shall be used for the purchase of arms, munitions, and implements of war. So that henceforth in the Western Hemisphere we may lend at least $500,000,000, not only to the so-called South American republics, but to the Dominion of Canada, in defiance of the Neutrality Act for the purchase of or to finance the purchase of arms, munitions, and implements of war. That authorizes an act so immediately short of war that it would be difficult to contend that we were not actually a belligerent.

What are we doing in South America if we lend money to buy arms, munitions, and implements of war in South America? Let us find out how serious this situation is. We are told on very good authority that today Great Britain is paying the price for furnishing the credit by which Germany rearmed. Their justification for that, according to the reports, was that in Germany they were building up a buffer state against the spread of communism, but the irony of it is that Germany, having rearmed, perhaps with British capital, is now in a position where she may compel Great Britain to fall under the dominance of those machines paid for with British capital.

Are we being asked to do a comparable thing in the Western Hemisphere? Are we being asked to take our taxpayers' money and send it to South America to buy arms, munitions, and implements of war to create a buffer state against the spread of fascism, nazi-ism, or communism? If so, let us understand just what we are doing and assume the responsibility that those arms which they buy in South America and those munitions and implements of war which this money buys for South America will never be used against the bodies and the property of United States citizens. Unless you are positively and unequivocally convinced that this money is not going to be used for that purpose, you have no right as the representatives of an American citizenry, a peaceful people, to lend their money for the purchase of arms, munitions, and implements of war which might come back to slap them and slap them hard in the future. I wish you would think and think seriously about this before you do it. Mr. Jones has told us that some of this money at least was to be used to finance the purchase of arms, munitions, and implements of war in South America. What assurances have we that in financing the purchase of arms, munitions, and implements of war in South America that South America is not becoming merely the broker by which we furnish credit to buy arms for Nazi Germany? [Applause.]

Go back to your homes, if you will, and justify the fact that you voted credit to arm Germany against America. To vote intelligently and patriotically on this bill, you must convince yourselves that no part of the credit of this Export-Import Bank is going to be used to arm any belligerent. I know your sympathies are with Great Britain. My sympathies are with Great Britain. We all want to do everything we can for Great Britain. That is the sentiment of our people today; it is the sentiment of this House; but it looks to me as if we must be mighty careful or we will be doing a very incongruous thing here in possibly providing the arms and implements of war by which Germany might destroy Great Britain.

Mr. Chairman, because of all this uncertainty, because of the record which the so-called South American republics have for not paying their debts, the best thing for us to do is to defeat this bill and defeat it so hard that no foreign power will be able to say that any action in this respect in the American Congress is a step just short of war. [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield myself 1 additional minute.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. The gentleman knows there are hundreds of factories in this Nation that have made applications for loans to the Reconstruction Finance Corporation so that they could be financed and continue in operation in order to provide work for American labor. Does the gentleman believe that legislation of this kind, which purports to help new industry in South and Central America, is fair toward American industries which are now trying to get loans, when this bill proposes to make virtually gifts to these South American industries?

Mr. WOLCOTT. No; but I can tell you one thing this bill does do. It gives the Reconstruction Finance Corporation a billion dollars to allow the Secretary of the Navy to take over the manufacturing plants of this Nation if he is not satisfied that they are living up to their contracts.

Mr. AUGUST H. ANDRESEN. That is dictatorship. [Applause.]

[Here the gavel fell.]

Mr. WILLIAMS. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. PATMAN].

NOT PRINCIPAL PURPOSE OF EXPORT-IMPORT BANK BILL TO INDUSTRIALIZE SOUTH AMERICA

Mr. PATMAN. Mr. Chairman, the gentleman from Michigan stated that one of the principal purposes of this bill is

to industrialize South America. I heard the testimony before the committee and I thought I heard every question that was asked and every answer that was given, but I did not hear Mr. Jesse Jones make that statement. I did ask him a question and in reply to that question—and you will find it on page 39 of the hearings—he stated:

I think the principal purpose of this bill is in aid of our exports.

WILL HELP COTTON FARMERS

Much has been said about how this will be against the interest of the cotton farmers. I do not agree that the passage of this bill will be detrimental to the cotton farmers. The country of Brazil has been producing cotton, it is true, a great deal of cotton. The amount has been increasing each year. If we can have a program with Brazil and the other South American countries whereby they will cooperate with us to the mutual advantage of both and we will assist them in producing more of what they naturally and normally produce and they will assist us in producing more of what we naturally and normally produce, I do not see how that will be injurious to the cotton farmers. The cotton farmers in our country have been restricting their production, and much has been said in the way of criticism that Brazil has not reduced her production but has increased it. If we can make loans to Brazil and thereby encourage her to stay in the coffee business, the rubber business, and other lines of business in which she should be engaged, help her develop her natural resources, and leave the cotton business more to us, where it is normally produced, doubtless it would be helpful to this country.

EXPORTS HELPED

Regarding exports, I do not see how anyone who represents people who are interested in exports, either the worker or the owner of the factory, can afford to vote against this bill. I was in Mexico about 18 months ago; in fact, less time than that, just before this war commenced. In Old Mexico—and I am sure the same situation applies to Central American and South American countries—the Germans were making a special effort to sell all the machines and machinery they possibly could. They were underselling our American manufacturers. Why? They would admit to you the reason. The reason is that they wanted the Mexican people to do business with Germany. If they could place all German machines in Mexico, then if the Mexicans needed parts, accessories, supplies, and replacements, they would have to get them from Germany. They could not get them from the United States because we do not produce them. Therefore, the Germans would have a great advantage over our American manufacturers and at the same time greatly increase her trade.

This bill, as Mr. Jones says, is principally in aid of the export trade. I do not believe for a moment that Mr. Jones or the President of the United States, who must approve each one of these loans before it is made, will ever permit any large amount of money to be used in South America to build plants that will produce commodities, equipment, or machinery in competition with American manufacturers. I just do not believe it will be done by Mr. Jones or the President of the United States.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Tennessee.

Mr. GORE. Does not the record show that as other countries have industrialized they have become increasingly better customers of the United States?

Mr. PATMAN. I believe that is true. I think the gentleman is correct.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. THOMAS F. FORD. Is this not a case of the tail wagging the dog? We have $500,000,000 in this bill for regular commercial and industrial loans. We have a straight $1,000,000,000 in it for national defense. If you put them together, one complements the other.

Mr. PATMAN. I believe the gentleman has correctly stated it.

ANSWER TO QUESTION "THERE ARE NO APPLICATIONS FOR SUCH LOANS"

Much has been said to the effect that there is no program for these loans, that no one has applied for the loans. Before we passed a bill to authorize tenants to purchase homes through the use of Government funds we had no applications from tenants desiring to purchase homes because the money was not available. Before we made money available through the Farm Security Administration for different purposes the farmers had not applied for that money. There was no use applying for it because the money was not available. Before we passed laws for housing, setting up the U. S. H. A., the Federal Housing Administration, the Federal Home Loan Bank Board, or any of the other agencies, no one had made application for money to build houses because it was useless and unnecessary to do it. Therefore, it is certainly not unusual for the South American countries not to apply for these loans before the money is available for that purpose. There is no money available now.

It is true that this is just an extension of existing powers. The additions to the present bill mean very little except the additional authorization of $500,000,000. This is just authorizing more money to carry out the original purpose of the Export-Import Bank loans, that is, to carry out the regulation that was adopted by the President creating the Export-Import Bank.

IMPORTANCE OF HELPING LATIN AMERICAN COUNTRIES

Let me explain to you, if I may, how important it is that we do something for the South American countries. Our country has an area of 2,973,776 square miles. The 20 Latin-American countries have a combined area that is equal to more than two and one-half times the size of the United States, or over 8,000,000 square miles.

SIZE AND POPULATION OF LATIN AMERICAN COUNTRIES

From Government sources, the following information has been obtained relative to the names, size, and population of the Latin American countries that we are dealing with in this legislation:

TABLE 1.—*Latin America: Area, population, and density of population*

| Country | Area in square miles | Latest census | | Latest estimates | | |
|---|---|---|---|---|---|---|
| | | Date | Population | Date | Population | Inhabitants per square mile |
| South America: | | | | | | |
| Argentina | 1,079,965 | 1914 | 7,885,000 | 1937 | 12,762,000 | 11.8 |
| Bolivia | 506,792 | 1900 | 1,816,000 | 1936 | 3,000,000 | 5.9 |
| Brazil | 3,275,510 | 1920 | 30,636,000 | 1936 | 42,395,000 | 12.9 |
| Chile | 296,717 | 1930 | 4,288,000 | 1937 | 4,597,000 | 15.5 |
| Colombia | 448,794 | 1928 | 7,851,000 | 1938 | [1] 9,033,000 | 20.1 |
| Ecuador | 275,936 | | | 1936 | [1] 3,000,000 | 10.9 |
| Paraguay | [2] 161,647 | 1899 | 656,000 | 1936 | 950,000 | 5.9 |
| Peru | 482,133 | 1876 | 2,699,000 | 1936 | 7,000,000 | 14.5 |
| Uruguay | 72,153 | 1908 | 1,043,000 | 1937 | 2,093,000 | 29.0 |
| Venezuela | 352,051 | 1936 | 3,428,000 | 1936 | 3,428,000 | 9.7 |
| Total, South America | 6,951,698 | | | | 88,258,000 | 12.7 |
| Central America: | | | | | | |
| Costa Rica | 23,000 | 1927 | 472,000 | 1937 | 607,000 | 26.4 |
| El Salvador | 13,176 | 1930 | 1,438,000 | 1937 | 1,665,000 | 126.8 |
| Guatemala | 45,452 | 1921 | 2,005,000 | 1937 | [1] 2,466,000 | 54.3 |
| Honduras | 44,275 | 1930 | 854,000 | 1936 | 1,000,000 | 22.6 |
| Nicaragua | 60,000 | 1920 | 638,000 | 1936 | [1] 850,000 | 14.2 |
| Panama | 32,380 | 1930 | 467,000 | 1936 | 535,000 | 16.5 |
| Total, Central America | 218,283 | | | | 7,123,000 | 32.6 |
| Mexico | 763,944 | 1930 | 16,553,000 | 1937 | 19,154,000 | 25.1 |
| West Indies: | | | | | | |
| Cuba | 44,164 | 1931 | 3,962,000 | 1936 | 4,370,000 | 98.9 |
| Dominican Republic | 19,332 | 1935 | 1,480,000 | 1936 | 1,520,000 | 78.6 |
| Haiti | 10,204 | 1918 | 1,631,000 | 1936 | [1] 2,600,000 | 254.8 |
| Total, West Indies | 73,700 | | | | 8,490,000 | 115.2 |
| Total, 20 Latin American countries | 8,007,625 | | | | 123,025,000 | 15.4 |

[1] Uncertain or conjectural.

[2] Including the Chaco region, of about 100,000 square miles, ownership of which is disputed with Bolivia.

Source: Compiled from Statistical Year Book of the League of Nations, 1937-38, and Statesman's Year Book, 1938.

The country of Brazil in South America is much larger than the United States. The country of Argentina is half as large as the United States, and there are six other large countries in South America and either one of them is larger than the State of Texas, and the State of Texas is quite a large State. It has 262,398 square miles. So there are eight South American countries larger than the State of Texas, one larger than the entire United States and one half as large as the United States. So we are dealing with an area that is two and a half times as large as our own are and with a number of people that is almost equal to the number of people in this country.

WE SHOULD HAVE LATIN AMERICAN MARKET

Now, whom do you want to have that South American market? Would you feel very comfortable if Germany were to go over there and through barter agreements and underselling and by other methods, get control of that market? Would you feel better about that than you would if our own country were to make arrangements to get control of that market? I feel that we have a lot in common. Suppose Germany gets control of that market in South America and that enormous area that can produce everything that we produce here in the United States. Everything that we produce here can be produced there. Would you feel that you were working in the public interest if you were to do something to encourage Germany to get control of those countries and then encourage South America to produce all the cotton that they need, to encourage South America to produce all the wheat that they need and all the corn that they need and all the other agricultural and meat products that they need to supply all the countries of the world without having to secure anything from us? Would you feel like we were doing what we should do in the interest of this country if we were to create a situation whereby Germany would be encouraged to do that very thing?

IN INTEREST OF THE FARMERS AND WORKERS

I say to you that this bill is very much in the interest of the exporter first, and how anyone who is interested in exporting machinery or automobiles or shoes or anything else can vote against this bill I cannot possibly understand.

Next, it is certainly in the interest of the farmer, including the cotton farmer, the wheat farmer, the corn farmer, and all the rest of the farmers, because we will be not in a partnership with South America, but we will have a working arrangement with them. We will coordinate our efforts and our activities in production and thereby encourage South America to produce what South America should produce and permit our own people to produce what we can best produce and what we are accustomed to produce here in the United States.

MONEY LOANED ON GOOD SECURITY

And do not overlook this fact. This money is not going to be given away. It is going to be loaned on good security. I believe that the most successful organization in this Government in collecting money back is the R. F. C. or now the Federal Loan Agency. I believe they have administered their affairs just about as well as the best of them and have had just a little better luck in collecting back the money that they let other people have than any other one lending agency that I know of in this Government, and I do not believe for a moment that Mr. Jones is going to make loans that will be detrimental to the interest of the people of this Nation, and if he is mistaken about one, and I do not anticipate that he will be, there is a veto power in the President of the United States who can say, "No; this loan will not be made." So both Mr. Jones and the President must pass upon these loans.

GOLD

There is another question that enters into this thing, and that is the question of gold. We have a large part of the gold of the entire world. I presume we have at least 65 or 70 percent of all the gold on earth that is used for commercial purposes. Much of this gold has been accumulated here in recent years. Germany has not been using gold. You wonder how in the world Germany can spend hundreds of millions of dollars in preparing for national defense and for an aggressive warfare and yet use no gold. Well, the answer is that you do not need gold in your domestic affairs. You can carry on the business of this country just as well without gold as you can with it, but in our international dealings and relationships, gold is indispensable. Now, suppose that Germany should be successful in this war that she is waging, and suppose she should get control of the countries that she is now endeaving to obtain control of that she has not already gained possession of, and suppose that we are the only ones that have the gold.

We will be in the unhappy position of having something we could sell only to the dentists or the jeweler, and it probably would not be worth very much; but if we can build up our foreign trade with South America, an area that is two and a half times as large as our own area, an area that has as many people as we have in the United States, and 20 countries, at that, I think we can assure ourselves that our gold will be protected, and it will not become valueless overnight in the event Hitler wins. What are you going to do with this gold unless you use it for some worthy purpose like that? I do not know of a much better way to use it when it is stimulating export trade and helping our farmers and cultivating good will with our neighbors. I see no reason why we should not use it in that way. I shall read to you now two or three reasons Mr. Jesse Jones said existed for this bill, in addition to what I have already read.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WILLIAMS of Missouri. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. PATMAN. Mr. Jones said:

The increased lending capacity will place the bank in a position to assist in the good-neighbor policy and at the same time aid American manufacturers and exporters who will meet ever-increasing competition from other parts of the world, particularly when the war is over. Other countries assist, and if we can assist ours through lending under what appear to be reasonably sound practices, we will aid our own general economy.

Mr. Jones further testified:

The legislation will place the bank in a position to continue financing exports from the United States on a somewhat broader scale, particularly to the Latin American countries, and, where possible, to assist these countries to develop their natural resources, to produce more of the things we import from them and which are not competitive with our own products. Examples which may be mentioned include rubber, tin, tungsten, chrome, manganese, iron ore, drying oils, carnauba wax, certain types of starch, cocoa, quinine, mercury, tanning bark, medicines, insecticides, and off-season fresh fruits from Chile and Argentina, which do not conflict with our own.

That is the purpose of this bill.

If we can help the Latin American countries to produce more of these and other articles that do not compete with our own, we will be rendering them a genuine service and without loss to ourselves.

Can you conceive of a more worthy object than that? Can you conceive of anything that would be more helpful to our country at this time than what Mr. Jones says is the object of this bill? He says further:

We might in some instances lend for the carrying and orderly marketing of their surplus agricultural products in order to avoid the necessity of selling at sacrifice prices.

Will not that help the cotton farmer and the wheat farmer and the corn farmer and the meat producer? Why, certainly, it will. To quote further from what Mr. Jones said:

Some South American products, particularly wheat, corn, meat, and cotton, come in direct competition in world markets with products of the United States, and it is in the interest of American producers that cutthroat export markets be avoided where possible.

WHAT SECRETARY HULL SAYS ABOUT BILL

The Honorable Cordell Hull, Secretary of State, had the following to say about this bill in a telegram to the chairman of the Committee on Banking and Currency of the House, the Honorable H. B. STEAGALL, August 5, 1940:

At Habana the American nations agreed that in view of the disruption in the channels of international commerce and the curtailment of markets for certain products of the Americas the

American nations must do everything in their power to strengthen their own economic position to improve further mutually beneficial trade and other economic relations between and among themselves and to devise and apply appropriate means of effective action to cope with the difficulties, disadvantages, and dangers arising from the present disturbed and dislocated world conditions.

In this part of the telegram, he dealt with the necessity of the passage of the bill, in view of the present disturbed world conditions.

The following part of Mr. Hull's telegram also gives good reasons for its enactment:

I consider the enactment of the proposed legislation expanding the powers and operations of the Export-Import Bank essential in order to put the United States in a position to cooperate fully with the other American republics in meeting these urgent needs of economic defense in the face of the possibilities of serious threats to the peace, security, and welfare of this hemisphere resulting from sinister developments elsewhere in the world. The 21 American republics have agreed on a practical program of defensive action of which economic defense is an indispensible part. The enactment of the legislation now pending before your committee will enable the United States to make its appropriate economic contribution to the carrying out of that program which is necessary to the safeguarding of the vital interests of the United States in a situation of unprecedented seriousness and danger.

PRESIDENT ROOSEVELT'S VIEWS ON THE BILL

The President of the United States, July 22, 1940, in a message to Congress, stated:

It is to be hoped that before another year world trade can be reestablished; but, pending this adjustment, we in the United States should join with the peoples of the other republics of the Western Hemisphere in meeting their problems. I call the attention of Congress to the fact that by helping our neighbors we will be helping ourselves. It is in the interests of the producers of our country, as well as in the interests of producers of other American countries, that there shall not be a disorganized or cutthroat market in those commodities which we all export.

As evidence of the fact that the President is anxious to cultivate the good will of the 20 Latin American countries and at the same time help labor, the farmers and all persons who are interested in export trade, the following paragraph in his message is referred to:

No sensible person would advocate an attempt to prevent the normal exchange of commodities between other continents and the Americas, but what can and should be done is to prevent excessive fluctuations caused by distressed selling resulting from temporary interruption in the flow of trade, or the fact that there has not yet been reestablished a system of free exchange. Unless exporting countries are able to assist their nationals, they will be forced to bargain as best they can.

The authorization of the Export-Import Bank to make such loans as are authorized under this bill is conditioned on the written request of the Federal Loan Administrator, with the approval of the President. In other words, in order for a mistake to be made, it will have to be made by both the Honorable Jesse Jones, Administrator of the Federal Loan Agency, and by the President of the United States, the Honorable Franklin D. Roosevelt.

DEPARTMENT OF COMMERCE VIEWS

The Acting Secretary of Commerce, the Honorable South Trimble, Jr., in a letter to our committee, on August 8, 1940, stated:

The expansion of the activities of the bank as proposed by H. R. 10212 would make it possible to have certain expedient foreign-exchange needs met and would, therefore, facilitate United States trade with certain Latin American countries. This bill is a part of a program of total national defense. It reflects recognition that our economic relations with the other countries of this hemisphere and economic conditions in such countries are vital factors in our ability to defend ourselves against attack.

DEPARTMENT OF AGRICULTURE VIEWS

The Acting Secretary of Agriculture, the Honorable Claude R. Wickard, in a letter to the chairman of our committee on August 7, 1940, in discussing this bill, stated:

This Department feels that legislation of this character is desirable, and in view of the possible necessity of the United States furnishing some financial assistance under such programs as may be adopted for promoting solidarity along economic, political, and military lines among the nations of the Western Hemisphere, we recommend that such legislation be enacted by the Congress.

ADMINISTRATOR JONES' TESTIMONY

The Honorable Jesse Jones stated further before the committee:

Temporary aid in carrying such surpluses will contribute to orderly marketing and lessen the necessity of barter arrangements which, once undertaken, are difficult to stop.

As the President indicates in his message, there will be no effort to interfere with the normal flow of trade, whether to Europe or elsewhere. The fact is, however, that there are very few foreign markets open to Latin America at the present time. This necessarily causes hardships which will become increasingly severe, and which may have a tendency to bring about political instability.

This can be avoided to some extent through increased trading between countries of North and South America. Each country should seek to produce the things that its neighbors import. This cannot be accomplished in a day, or a month, or a year, but there must be a beginning, and with intelligent cooperation much can be accomplished in the general interest of all the American countries.

If standards of living are not to suffer, every country must export its products at living prices, and countries competing for the same markets would do well to cooperate as far as practicable in supplying those markets.

It must be borne in mind, too, that exports from Latin America to continental Europe have been almost entirely cut off by the blockade, and exports to England are limited and are being paid for in blocked sterling (which can only be spent in England), and as a result of the war imports from England are greatly restricted.

BILL WILL AID EXPORTS

The following testimony taken from the hearings and which shows that the principal purposes of the bill is an aid of our exports is self-explanatory:

Mr. PATMAN. If the authority is granted, Mr. Jones, and you make loans to South American countries, you will require the purchases to be made from people in America, would you not? In other words, the purchases that are made through the use of the money that you furnish would be made from America, from our country, the United States.

Mr. JONES. To the extent it can reasonably be done.

Mr. PATMAN. I understand possibly there will be exceptions, but you will expect that?

Mr. JONES. Generally speaking; yes.

Mr. PATMAN. You expect to help promote trade with South America with this money?

Mr. JONES. Yes.

Mr. PATMAN. I am glad you said that, because just before the war broke out in Europe I was in Mexico. I discovered that the German manufacturers were making especial efforts to sell all the machinery and equipment they could in Mexico and I understand the same situation existed in the South American countries. For this reason, for building trade with Germany. If they could place road machinery and dredging machinery or any other type of machinery used in cities if they need parts or extra equipment they have to get them from Germany. They could not get them from the United States. And if we do not do something to counteract that, Germany, with the additional power that she will have after acquiring all those other countries, they will undersell us in those South American countries and get control of the trade there. I can see it is a great weapon when they sell machinery and replacements and the supplies for this machinery and the parts all have got to be bought from Germany. That places our manufacturers at a great disadvantage. I hope that it will be used for the purpose of encouraging trade with South America.

Mr. JONES. I think we have been very shortsighted as a country in developing relationships with the other countries of this hemisphere.

Mr. PATMAN. And one other suggestion, Mr. Jones. Suppose that Germany puts out a certain type automobile and they begin to sell automobiles down in Mexico and South America and they need parts? Why, they have got to go to Germany to get those parts, don't they? That might seriously affect the Michigan automobile industry as well if it should be enlarged or expanded to that extent.

Mr. JONES. I would like to add that I think the principal purpose of this bill is in aid of our exports.

It is easy to criticize a bill. It is easy to point out possibilities, but these possibilities should not be considered if the legislation will serve a worthy and constructive purpose, unless some of them are at least probabilities.

FINE OPPORTUNITY FOR UNITED STATES

It is unfortunate that the war is going on in Europe. However, it is a fine opportunity for our country to secure the good will and trade of the Latin American countries. Were it not for the fact that the war is going on, we would have strong competition by both Germany and Italy, as well as England. The time is now ideal for our country to take advantage of a situation which it did not cause to gain a fair and legitimate advantage.

I submit to you that this bill is in the public interest. There should not be even one vote against it. The vote should be unanimous. It is in the interest of the country, it is not a partisan question, and how anyone who has the interest of the export market in mind and the interest of the farmers and workers at heart can vote against it, I cannot understand.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. VOORHIS of California. I wish the gentleman would discuss very briefly in the time that he has what in his opinion, on the basis of the hearings, or any other evidence that he has, will be the reaction of the Latin American countries to the passage of this bill. How will they regard it?

Mr. PATMAN. We will cultivate good will with those countries. It will cultivate that neighborly feeling we should have. We want them to be our friends. We are not going to lose the money because we are lending it to them. We are going to extend these loans on good security. Not only will they be guaranteed by the respective governments where the loan is made——

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I cannot yield; I have not the time. It will be guaranteed by the central banks and the industries in those countries obtaining the loans, and if they are not paid the Export-Import Bank, like any individual or corporation anywhere, can go into that country and take charge of its collateral security. I submit, my friends, the bill should be passed unanimously. [Applause.]

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Does the gentleman make the point of order that a quorum is not present?

Mr. GROSS. I will withdraw the point, Mr. Chairman.

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. KEAN].

Mr. KEAN. Mr. Chairman, the administration would not take the members of the Banking and Currency Committee into their confidence as to why they wanted this bill. They would not tell us where they are going to use the money. Jesse Jones testified he did not know how he was going to use it.

What the new dealers want is to have the authority to play with this gigantic sum of money in any way they see fit.

It is an extraordinary thing that we are asked to do in this bill—to give them a blank check to use a sum of money as great as the entire expenses of the United States when Theodore Roosevelt was President.

This bill provides that the money may be used "to assist in the development of resources, the stabilization of the economies, and the orderly marketing of the products of the countries of the Western Hemisphere." This covers everything. The sky is the limit.

Mr. Chairman, this is a political and diplomatic bill—not a financial measure.

In answer to my question, "Would you, as a trustee, lend this money as a purely business proposition?", Mr. Jones would not answer directly, but said:

> If I had the entire responsibility I would make the loans. I would make the loans largely in the interest of our country, in the interest of national defense, and in the interest of economic defense.

It is possible that I might favor this bill if I had the information as to how it would aid in national or economic defense. With this thought in mind, I made every effort to be properly informed.

I asked the chairman of the committee to call Secretary Welles—in executive session, if he thought necessary. The gentleman from Michigan [Mr. WOLCOTT] also urged that a representative from the State Department appear before us; but our request for information as to the need for this legislation was refused and the hearings were cut short by a strict party vote. As a result of this "gag" rule by the majority, there was absolutely no case made for this bill in committee.

The hearings proved that it is not justified as a business proposition. Evidently the New Deal leaders think that the Members of Congress also are—as Harry Hopkins once described the common people—"just too dumb to understand."

I will be glad to support section 2 of the bill, which increases the funds available for the Reconstruction Finance Corporation to loan for defense purposes, even though I am opposed in principle to selling further guaranteed bonds and feel that there is no reason why this money for defense purposes should not be obtained by the sale of direct Treasury obligations, except the continued desire of the administration to fool the people as to the size of the national debt.

However, as this money is necessary for national defense, and the important thing is that this money be put to work and put to work quickly, I will support this portion of the bill.

As the administration wishes us to look at this entire matter as a business proposition, let us consider it as such.

There are some common misapprehensions with reference to South America. The majority leader, in his speech on the rule, made reference to maintaining these South American countries as republics, but in fact very few of these countries are either republics or democracies.

How many of these countries have had elections in the last few years where succession has changed through the democratic process? The one in authority either has himself elected for two, then three, and then for four or five terms, until he either dies or retires and appoints his successor, or is turned out by bullets.

The New Deal doctrine of the indispensable man is in full flower in South America. [Applause.] This is natural for, except for the Argentine, a very large part of the population is of Indian and mixed blood; they are not educated according to American standards, and it is a well-known fact that a democracy can function satisfactorily only when the individual citizen is intelligent enough to understand its ideals and privileges and subordinates himself for the good of society.

Another common misapprehension is the use of the word "neighbors." Now this, of course, is true with reference to those countries around the Caribbean, and close relationship with these nations is essential—not only for our defense but also owing to the fact that their proximity makes it natural for them to trade with us. These countries also are highly tropical and produce products which we cannot grow in the United States.

However, when we consider the countries farther to the south, conditions are very different. For instance, the distance from New York to Buenos Aires is 6,761 miles—600 miles farther than it is from New York to Odessa in Russia. Rio de Janeiro, Brazil, is 5,493 miles from New York—800 miles farther than is Danzig. And, on the west coast, Valparaiso, Chile, is 5,419 miles from San Francisco, or 700 miles farther than the distance from San Francisco to Yokohama.

Certainly proximity does not make these countries our natural trade areas, but distance is no barrier to trade if they have the goods that we want. But how can we be expected to trade with these southernmost countries when their principal exports are the same as those of which we have a surplus.

Let us consider the leading export products of the four southernmost countries, supplied by the Department of Agriculture and put into the Senate hearings.

Argentina: Grain, wheat, flaxseed, beef, wool, and hides.

Brazil: Coffee, cotton, hides, cocoa, beef.

Chile: Nitrate, copper, wool, vegetables.

Uruguay: Wool, hides, beef, mutton.

Certainly these countries cannot be considered a natural trade area for the United States.

Their culture, their economy, their chief interests, their language, are all European. Can we change this with half a billion dollars?

I believe that we should do everything possible to cultivate their friendship and trade, but we cannot gain this friendship by buying it. The ruling classes in all these countries are a proud people, and all we will achieve is their contempt if we try to do it.

Of course the fact that the debt of the United States will be increased by another half a billion dollars through the sale by the Reconstruction Finance Corporation of more guaranteed bonds means nothing, I suppose, in these days.

I think I remember the President a few short years ago quoting one of those mysterious, anonymous capitalists who call on him occasionally just to be quoted, saying that this country could stand $50,000,000,000 of debt. By the end of this year this debt will be scraping sixty billions.

Of course the administration's answer will be that these are but loans, that they will be paid off, and that the Reconstruction Finance Corporation has lent over $100,000,000 to South America in the last 3 years, all of which is current.

But let me remind you of the figures I read in this House last winter. Of $1,610,000,000 of Latin American bonds bought by investors in this country, on December 31, 1939, there were $1,243,000,000, or over 77 percent, in default. I wonder if the record on future loans will be any better.

Of course these countries will continue paying as long as they see more loans coming. The record of payment after the first few years of private bond purchases was also perfect, but when the well dried up and they found it difficult to get dollar exchange, they stopped paying.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. KEAN. I yield.

Mr. WOLCOTT. On the subject of defalcation, may I call attention to the fact that the Bondholders Protective Committee, which was set up by the President of the United States and Secretary Woodin when he was Secretary of the Treasury; Cordell Hull, Secretary of State, and Charles H. Marsh, Chairman of the Federal Trade Commission, found, according to a member of the board of directors, who, speaking editorially in the American Journal of International Law, after commenting upon the fact that 85.1 percent of the South American and Latin American bonds were in default, had this to say:

> Speaking generally, the defaulting debtors on dollar bonds are defaulting not because they are unable to pay all or a good part of their debt service, but simply because they do not have the will to pay.

As proof of the fact that they had the money, the report goes on further to say that the moneys which had been used in servicing these bonds were used to buy some of the bonds at a much depreciated value in the American market, to the prejudice of the value of those bonds.

Mr. KEAN. That has been done, especially in the case of Chile, where they have been buying bonds in at $140 per bond, which money they should have used in paying the interest on the bonds.

Mr. Chairman, the loan of this money as a business transaction is indefensible.

If there is a question of national defense in this bill, someone in authority should have explained it to us. They should tell us what we will get in exchange for this enormous sum of money.

Are we to have a united military front, a united economic front, or are we going to be allowed to develop needed military bases?

I quote from an article in the Saturday Evening Post by William R. Castle, former Under Secretary of State: "The good-neighbor policy," he said, "has become a one-way policy, is all giving and no taking. We have turned the other cheek so often that both are inflamed."

If we are easy marks we will gain only the contempt of the Latin American nations.

Let us be good neighbors, but to be a good neighbor you must have the respect of those who are your neighors. [Applause.]

I have not said anything here about the portion of the bill that repeals the Neutrality Act as far as the Western Hemisphere is concerned. I am not referring here to the merits of that question, but I do say that if we are going to amend the Neutrality Act as far as the Western Hemisphere is concerned, certainly that matter should be carefully considered by the State Department and by the proper committee in the House of Representatives, the Committee on Foreign Affairs, and should not be brought out as an amendment in a bill from the Committee on Banking and Currency. [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SIMPSON].

Mr. SIMPSON. Mr. Chairman, the question was raised some time ago as to what of profit it was hoped we would get from the South American countries as a result of this proposed legislation. In reply it was suggested that we would make friendships of value to us at a time when the world is in the turmoil that prevails today. I would add to that answer in my own words that we are evidently foolish enough to believe that we will get from this bill $500,000,000 worth of friendship, no more and no less. We put a monetary value upon the term "friendship." We think that we are the rich big brother, that we can buy friendship, and that that friendship will be a lasting friendship which will stick to us through days in the future which we have reason to believe may be dark and dismal.

I would suggest that friendship founded upon nothing but money is apt to be very thin and last no longer than the source of the money lasts.

I would like to know, too, the connection, if any, which exists between the proposal for this $500,000,000 and the Habana Conference. I would like to know whether we are here paying an obligation, in part, for the debt resulting from the agreement we reached with the South American countries at that conference. I would like to know whether or not the entire consideration for that agreement rests upon the promises which this country made of financial aid and assistance to those countries in the south.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield.

Mr. VORYS of Ohio. Did any other witness than Jesse Jones appear before the committee?

Mr. SIMPSON. It was our desire to have other witnesses, particularly witnesses from the Department of State, whom we hoped would give us information regarding the point I have just raised; but the committee, incidentally by a partisan vote, refused the request that someone from the Department of State come before us.

The President, the Secretary of Agriculture, the Secretary of Commerce, and others high in the administration in very general agreement have indicated, it has been pointed out, that the purpose of this legislation is to assist in the economic conditions, the economic welfare, the marketing of surpluses, and so on, of the South American countries. There was a definite reaction in the public press against such a proposal to which I attribute the fact that when Mr. Jones, the only witness appearing before the committee, came before the committee he there indicated quite forcibly that he would have substantial charge of these loans, and that the vast majority of them would be made to bring about a bettering of the export business of the United States. He said, in effect, that but a small portion of the $500,000,000 would be available for any marketing agreements or on any basis which involved the taking off of the world market of the surpluses of the South American countries.

I suggest to the committee that when the President and his associates high in the administration take one position, and Mr. Jones, appearing before the committee, takes a position diametrically opposed, it is at least fair to infer that either Mr. Jones will take orders and do as the President and the others have indicated the intent of the bill is, or Mr. Jones will not continue to serve in the important capacity he now so properly does. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. WILLIAMS].

Mr. WILLIAMS of Missouri. Mr. Chairman, I suggest that the gentleman from Michigan use some time. He has more time remaining than we.

Mr. WOLCOTT. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Michigan has 1 hour and 7 minutes remaining. The gentleman from Alabama has 45 minutes remaining.

Mr. WOLCOTT. Mr. Chairman, I am in the position of having assured certain gentlemen who wanted to speak on the bill that they would not be reached this afternoon, because I was informed that the Committee would rise about 5 o'clock and I assumed the other side would use more of their time.

Mr. CRAWFORD. Mr. Chairman, I make the point of order that a quorum is not present. There is no good of going ahead and discussing this bill when nobody is present but the members of the committee. I would far rather forfeit my time than to get up here and shadow-box.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAWFORD] makes the point of order that a quorum is not present. The Chair will count.

Mr. CRAWFORD. Mr. Chairman, I withdraw my point of order.

Mr. WILLIAMS of Missouri. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURDOCK of Utah, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, had come to no resolution thereon.

### MILITARY AFFAIRS COMMITTEE—NATIONAL GUARD BILL

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. MAY] may have until midnight tonight to file a conference report on the so-called National Guard bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### CALENDAR WEDNESDAY

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business in order on tomorrow, Calendar Wednesday, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

### ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of business of the Committee on the District of Columbia, it may be in order to call up the omnibus-claims bills. There are two of them.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, will the majority leader tell us what the program will be for Monday?

Mr. RAYBURN. That is all I know anything about. I may say to the gentleman from Michigan that I consulted with the gentleman from Massachusetts [Mr. MARTIN] before I made this request.

### EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a report of the committee on unemployment and civil service of the Veterans of Foreign Wars.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the National Youth Administration.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CONNERY]?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in committee this afternoon and to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. PATMAN]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address delivered by me last evening.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. MILLS of Louisiana asked and was given permission to extend his own remarks in the RECORD.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief address delivered by Mr. Raymond Geist, Chief of the Division of Commercial Affairs of the State Department.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. STEFAN]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from the Imperial Fascist League of London.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from The Pamphleteer by Mr. John J. Whiteford.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. BENDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from this morning's Cleveland Plain Dealer.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BENDER]?

There was no objection.

### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

S. 4272. An act to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended; to the Committee on Naval Affairs.

### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 9751. An act for the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national park scenery;

S. 2686. An act authorizing the reenlistment of John Mudry in the United States Army;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled, "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938", approved June 19, 1939;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes; and

S. 4137. An act relating to transportation of foreign mail by aircraft.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 5403. An act to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes;

H. R. 5640. An act to admit Richard Paul Rehn permanently to the United States;

H. R. 5641. An act to admit Johann Rudolph Hueneberg permanently to the United States; and

H. R. 10065. An act to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 21, 1940, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

1917. Under clause 2 of rule XXIV a letter from the Administrator, Veterans' Administration, transmitting information in connection with the claim of John Lively, deceased, identified in this Administration by the number W. C. 1614091, Private Act No. 112, Seventieth Congress (act of May 3, 1928), was taken from the Speaker's table and referred to the Committee on Invalid Pensions.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior, without amendment (Rept. No. 2870). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 2617. An act to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma; with amendment (Rept. No. 2871). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 10012. A bill to amend the act of June 25, 1938, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes; with amendment (Rept. No. 2872). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 2603. A bill conferring jurisdiction upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana who are organized and incorporated as the Miami Nation of Indians of Indiana may have against the United States, and for other purposes; with amendment (Rept. No. 2873). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee of conference on the disagreeing votes of the two Houses. Senate Joint Resolution 286. Joint resolution to strengthen the Regular Army and call the National Guard; without amendment (Rept. No. 2874). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 10380. A bill to expedite national defense, by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H. R. 10381. A bill to repeal sections 4588 and 4591 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYKIN:

H. R. 10382. A bill granting permanent total disability rating to veterans suffering service-connected tuberculosis disability if such disease remains active after 2 years' hospitalization; to the Committee on World War Veterans' Legislation.

By Mr. PETERSON of Florida:

H. R. 10383. A bill to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended; to the Committee on Naval Affairs.

By Mr. McCORMACK:

H. R. 10384. A bill to extend the coverage of the Social Security Act to certain employed persons formerly excluded, to amend the Internal Revenue Code by changing the definition of employment for employment taxes, to provide for a variable basis for Federal grants to States for old-age assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. MURDOCK of Utah:

H. R. 10385. A bill providing for tenure during good behavior and for retirement salary for judges of the police court, the municipal court, and the juvenile court of the District of Columbia; to the Committee on the Judiciary.

By Mr. TENEROWICZ:

H. Res. 571. Resolution providing for the consideration of H. R. 10323, a bill to provide a temporary haven from the dangers or effects of war for European children under the age of 16; to the Committee on Rules.

By Mr. KRAMER:

H. Res. 572. Resolution providing for a conference of Governors in Washington for the purpose of securing uniform action by the States a prohibition against the appearance of the Communist Party and the names of its candidates on the ballots in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTIN J. KENNEDY:

H. Res. 573. Resolution for the investigation of air-line passenger service; to the Committee on Rules.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHNSON of Indiana:

H. R. 10386. A bill granting an increase of pension to Harley Hesler; to the Committee on Invalid Pensions.

H. R. 10387. A bill granting an increase of pension to Harry G. Ross; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky:

H. R. 10388. A bill for the relief of the estate of Opal June Lindsay, Luck A. Lindsay, Thelma Louis Lindsay, and Laura Kathleen Lindsay; to the Committee on Claims.

By Mr. TINKHAM:

H. R. 10389 (by request). A bill for the relief of Gerald M. Pollack; to the Committee on Immigration and Naturalization.

---

### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9194. By Mr. GREGORY: Petition of B. L. Trevathan, secretary of the Young Men's Progress Club of Benton, Ky., requesting all possible aid to the Allies; to the Committee on Military Affairs.

9195. By Mr. MICHAEL J. KENNEDY: Petition of the Cafeteria Employees Union, Local No. 302, American Federation of Labor, on behalf of its 10,000 members relative to the proposed conscription bill; to the Committee on Military Affairs.

9196. Also, petition of Michael J. Quill, international president of the Transport Workers Union of America, representing 70,000 members, favoring Federal mine inspection bill; to the Committee on Mines and Mining.

9197. Also, petition of the New York State Industrial Union Council, favoring Federal mine inspection bill; to the Committee on Mines and Mining.

9198. Also, petition of the Chelsea Clinton Peace Council of New York, relative to the proposed conscription bill; to the Committee on Military Affairs.

9199. Also, petition of the International Ladies Garment Workers Union, urging enactment of legislation to sell the over-aged destroyers to the British Government; to the Committee on Foreign Affairs.

9200. By Mr. KEOGH: Petition of the American Legion, Kings County, Department of New York, urging passage of legislation now before both Houses of Congress providing for the construction of a drydock sufficiently large to accommodate the new 45,000-ton battleships, etc., such drydock to be constructed in the Borough of Brooklyn, county of Kings, city of New York, which is particularly adapted as the location, and further, because of the existence of the New York Navy Yard there; to the Committee on Naval Affairs.

9201. By Mr. SUTPHIN: Petition of the Ladies' Auxiliary, Jewish War Veterans of the United States, Tri-County Post, No. 126, Camden, N. J., that Congress pass legislation licensing the sale of all firearms and compel registration of all firearms, and that such legislation provide adequate penalties insuring its enforcement; to the Committee on the Judiciary.

9202. By Mr. VAN ZANDT: Petition of the Veterans of Foreign Wars, Post No. 100, Cristobal, C. Z., advocating the establishment in the Canal Zone of a program of aviation instruction under the direction of the Civil Aeronautics Authority; to the Committee on Interstate and Foreign Commerce.

9203. Also, petition of the Veterans of Foreign Wars, Post No. 100, Cristobal, C. Z., expressing the opinion that should it be necessary that the United States establish a selective draft of its citizens for military or naval service that the Panama Canal Zone not be exempted territory; to the Committee on Military Affairs.

9204. By the SPEAKER: Petition of the International Workers Order, Lodge 4310, in regular meeting assembled, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

## SENATE

### WEDNESDAY, AUGUST 21, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Most gracious God, we humbly beseech Thee, as for the people of these United States in general, so especially for their Senate and Representatives in Congress assembled, that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors upon the best and surest foundations, that peace and happiness, truth and justice may be established among us for all generations. Through Jesus Christ, our Lord and Saviour. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, August 20, 1940, was dispensed with and the Journal was approved.

#### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | King | Schwartz |
| Andrews | Donahey | La Follette | Schwellenbach |
| Ashurst | Downey | Lee | Sheppard |
| Austin | Ellender | Lodge | Shipstead |
| Bankhead | George | Lundeen | Slattery |
| Barbour | Gerry | McCarran | Smathers |
| Barkley | Gibson | McKellar | Stewart |
| Bone | Gillette | McNary | Taft |
| Bridges | Glass | Maloney | Thomas, Idaho |
| Brown | Green | Mead | Thomas, Okla. |
| Bulow | Guffey | Miller | Thomas, Utah |
| Burke | Gurney | Minton | Tobey |
| Byrd | Hale | Neely | Truman |
| Byrnes | Harrison | Norris | Tydings |
| Capper | Hatch | Nye | Vandenberg |
| Caraway | Hayden | Overton | Van Nuys |
| Chandler | Herring | Pepper | Wagner |
| Chavez | Hill | Pittman | Walsh |
| Clark, Idaho | Holt | Radcliffe | Wheeler |
| Clark, Mo. | Hughes | Reed | White |
| Connally | Johnson, Calif. | Reynolds | Wiley |
| Danaher | Johnson, Colo. | Russell | |

Mr. MINTON. I announce that the Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard and is therefore necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on official business.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

#### JAMES H. HEARON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3710) for the relief of James H. Hearon, which was, on page 1, line 6, after the word "claims", to insert "against the United States".

Mr. HAYDEN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### NANNIE E. TEAL

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3354) for the relief of Nannie E. Teal, which were, on page 1, line 5, after the word "settlement", to insert

"of all claims", and on the same page, line 7, to strike out "$1,000" and insert "$3,000."

Mr. GEORGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ADMINISTRATION OF OATHS BY SPECIAL AGENTS OF DIVISION OF INVESTIGATIONS, INTERIOR DEPARTMENT

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, which were, on page 1, line 3, to strike out "and such other employees", and to amend the title so as to read: "An act to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties."

Mr. ADAMS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. WALSH presented a resolution of Lotta M. Crabtree Post No. 3178, Veterans of Foreign Wars, of Boston, Mass., pledging support to the Government in the world crisis and offering the unselfish services and experience of its members to the United States, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of pending compulsory military-training legislation, which were ordered to lie on the table.

Mr. VANDENBERG presented memorials of sundry citizens of the State of Michigan, remonstrating against the enactment of compulsory military-training legislation, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. WILEY, from the Committee on Claims, to which was referred the bill (H. R. 7283) for the relief of Frank Hall, reported it with an amendment and submitted a report (No. 2026) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 5365. A bill for the relief of John J. Murphy (Rept. No. 2027);

H. R. 5771. A bill for the relief of Louis St. Jacques (Rept. No. 2028);

H. R. 5776. A bill for the relief of Albert DePonti (Rept. No. 2029); and

H. R. 6605. A bill for the relief of Louis A. Charland (Rept. No. 2030).

Mr. SCHWELLENBACH, from the Committee on Immigration, to which was referred the bill (H. R. 9766) to direct the deportation of Harry Renton Bridges, reported it with amendments and submitted a report (No. 2031) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 297) to pay a gratuity to Mary Brown, reported it without amendment.

Mr. WALSH. Mr. President, from the Committee on Naval Affairs, I ask consent to submit several favorable reports on bills and a joint resolution, and I request unanimous consent that a brief explanation in connection therewith may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the reports will be received and the bills and resolution will be placed on the calendar; and the statement presented by the Senator from Massachusetts will be printed in the RECORD.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 4246) to provide for the appointment of certain persons as commissioned or warrant officers in the Naval Service, and for other purposes, reported it with amendments and submitted a report (No. 2020) thereon.

He also, from the same committee, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

S. 4245. A bill to authorize the Secretary of the Navy to establish certain naval hospitals (Rept. No. 2021);

S. 4247. A bill to repeal the first proviso to the appropriations for "Miscellaneous expenses," as contained in title I of the Naval Appropriations Act for the fiscal year ending June 30, 1941 (Public, No. 588, 76th Cong., 3d sess.) (Rept. No. 2022);

H. R. 9688. A bill to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938 (Rept. No. 2023);

H. R. 9854. A bill to authorize certain officers and enlisted men of the United States Navy, the United States Marine Corps, the Naval Reserve, and the Marine Corps Reserve to accept such medals, orders, decorations, and presents as have been tendered them by foreign governments (Rept. No. 2024); and

S. J. Res. 253. Joint resolution providing for the celebration in 1945 of the one hundredth anniversary of the founding of the United States Naval Academy, Annapolis, Md. (Rept. No. 2025).

The statement presented by Mr. WALSH is as follows:

Senator WALSH favorably reported to the Senate today from the Committee on Naval Affairs the following bills and joint resolution:

1. A bill authorizing the appointment of certain persons as commissioned or warrant officers, now serving as enlisted men in the Regular Navy, to commissioned status in the Naval Reserve.

This would permit certain competent and outstanding warrant officers and enlisted men to be given commissions in the Regular Navy during wartime.

2. A bill to authorize the Secretary of the Navy to establish Naval hospitals at the naval air stations at Jacksonville, Fla. and San Juan, P. R.; the submarine base, Coco Solo, C. Z.; the naval station, Guantanamo Bay, Cuba; and the marine barracks, Quantico, Va.

At these stations there are now dispensaries and it is proposed to substitute hospitals therefor. Estimated cost, $265,900.

3. A bill to repeal restrictions of the General Naval Appropriations Act which prevents the Secretary of the Navy from assigning an officer as commandant of a naval district unless he should be ordered to command a navy yard, naval training station, or naval operating base.

If enacted into law this bill will relieve district commandants of detailed work of administering the naval plants on shore and permit them to give their whole time to coastal patrol, convoy regulations, and other actual naval activities at sea and the naval establishments which they have heretofore supervised would be assigned to another commandant.

4. A bill to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the act of June 23, 1938. This will affect only one marine officer.

5. A bill to authorize certain officers and enlisted men to accept decorations that have been tendered them by foreign governments for some services rendered.

6. A joint resolution to provide for the celebration in 1945 of the one hundredth anniversary of the founding of the United States Naval Academy, Annapolis, Md.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERTON:

S. 4289. A bill for the relief of Hiller & Wilbur, Inc.; to the Committee on Claims.

By Mr. PITTMAN:

S. 4290. A bill providing that a lessee of certain mining property shall not be considered an employee of the mine owner or other lessor under the Fair Labor Standards Act; to the Committee on Education and Labor.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENT

Mr. WHITE submitted an amendment intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which was ordered to lie on the table and to be printed.

SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS—AMENDMENT

Mr. SMATHERS submitted an amendment intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

On page 23, after line 21, to insert the following:
"Naval supply depot, Bayonne, N. J. area: Fleet supply facilities, including buildings and accessories, and acquisition of land, $5,000,000."

MARY BROWN

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 297, which was reported favorably today without amendment by the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 297) (submitted by Mr. TYDINGS on the 20th instant), which was read and agreed to, as follows:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mary Brown, sister of Herbert C. Francis, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PEACETIME CONSCRIPTION—ADDRESS BY SENATOR WHEELER

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a radio address delivered by him on August 15, 1940, on the subject Peacetime Conscription, which appears in the Appendix.]

ADDRESS BY SENATOR WHEELER IN OPPOSITION TO WAR

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a radio address delivered by him on August 20, 1940, on the subject Let's Go to War Now—An Answer, which appears in the Appendix.]

ADDRESS BY SENATOR WALSH ON RELIGION—AMERICA'S INDISPENSABLE ALLY

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by him on August 20, 1940, through the public telephone address system to the delegates of the national convention of the Knights of Columbus at Indianapolis, Ind., on the subject Religion—America's Indispensable Ally, which appears in the Appendix.]

ADDRESS BY SENATOR BURKE ON ADVANTAGES OF MILITARY TRAINING PROGRAM

[Mr. BURKE asked and obtained leave to have printed in the RECORD a radio address delivered by him on August 20, 1940, on the subject The Advantages of a Selective Compulsory Training Program Over the Volunteer System, which appears in the Appendix.]

EDITORIAL ON AMBASSADOR BULLITT FROM ST. LOUIS POST-DISPATCH

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Post-Dispatch of August 19, 1940, entitled " 'Orson Welles' Bullitt," which appears in the Appendix.]

PROFITS ABOVE PATRIOTISM—ARTICLE FROM THE NATION

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article from the Nation of August 17, 1940, entitled "Profits Above Patriotism," which appears in the Appendix.]

AVIATION'S SIT-DOWN STRIKE—ARTICLE FROM THE NATION

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article from the Nation of August 17, 1940, entitled "Aviation's Sit-Down Strike," which appears in the Appendix.]

EDITORIAL FROM ROCKY MOUNTAIN NEWS ON PROPOSED DEPARTMENT OF NATIONAL DEFENSE

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the Rocky Mountain News of August 19, 1940, entitled "Examine This Plan," which appears in the Appendix.]

EDITORIALS ON FOREIGN AFFAIRS

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD several editorials relating to foreign affairs, which appear in the Appendix.]

DELAY IN NATIONAL DEFENSE—ARTICLE FROM NEW YORK TIMES

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an article by Arthur Krock, published in the New York Times of August 21, 1940, on the subject of Delay in National Defense, which appears in the Appendix.]

LAST FRONTIER—ARTICLE BY RICHARD L. NEUBERGER

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an article by Richard L. Neuberger, entitled "Last Frontier," published in Free America for August 1940 which appears in the Appendix.]

HITLER'S POWER ON THE SEAS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Times-Herald under the heading, "Hitler may conquer on land, but he never will on the seas," which appears in the Appendix.]

THE THIRD TERM—NEWSPAPER ARTICLES

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD several newspaper articles on the subject of the third term, which appear in the Appendix.]

WENDELL L. WILLKIE—EDITORIAL FROM CLEVELAND PLAIN DEALER

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an editorial from the Cleveland Plain Dealer of August 20, 1940, entitled, "The Plain Dealer Supports Willkie," which appears in the Appendix.]

AMBASSADOR BULLITT'S SPEECH

[Mr. LEE asked and obtained leave to have printed in the RECORD an article under the heading, "We the people—Bullitt's speech is praised as message of truth to set America free," by Jay Franklin, published in the Evening Star, Washington, D. C., of today, which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDENT pro tempore. Yesterday the junior Senator from Louisiana [Mr. ELLENDER] made a point of order against the pending amendment on the ground that it contravened section 7 of article I of the Constitution, which reads:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

That character of point of order, under the precedents of the Senate, must be submitted to the Senate for its determination. Therefore the Chair now submits the point of order to the Senate, and recognizes the Senator from Oklahoma.

Mr. CAPPER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. LEE. I yield.

Mr. CAPPER. Mr. President, on August 30 the chambers of commerce of nine midcontinent States will meet in Kansas City to consider the part the Midwest can and should take in the national-defense program. Of course, the paramount interest at this time is in developing, and developing as speedily and efficiently as possible, an impregnable national defense. I realize this, and I know that those who called the meeting of the Midwest chambers of commerce realize it also.

However, it also seems to me that a national-defense program which tends to destroy still further the balance between agriculture and industry, and between the interior of the Nation and the coastal regions, is likely in the long run to defeat its purpose by seriously weakening the national economic structure, and, after all, a sound economic structure is the real foundation upon which an adequate and impregnable defense must rest.

I believe that too heavy a concentration of industry in the already congested centers along the Atlantic coast is not a healthy thing for the Nation as a whole, and the same statement applies to concentration carried too far on the Pacific coast. President Roosevelt realizes this, and early announced that as much as possible new industries built up to meet national-defense needs should be located in the interior. The members of the National Defense Commission have assure me, singly and together, that this is their purpose. But the fact remains that so far, instead of having industries located in the interior, we in the midcontinent region see our communities being drained of skilled mechanics and young apprentices.

We realize that there is an emergency; that the speedy way to get the program is to use existing industries, and we have no objection to that. However, I do desire to call attention of the Senate to the fact that our people in the midcontinent areas feel that where feasible definite steps should be taken to locate industries in the territory between the Mississippi and the Rockies, and that there are many existing industries in this area which should be given contracts for supplies that must come from this region anyway.

Mr. President, I hold it would be a serious disservice to the Nation, as well as to the midcontinent area, to allow the national-defense program to set back or to hamper a healthy industrial expansion in the Midwest. I sincerely trust that the industrial expansion through the operations of the national-defense program will result in the location of new industries and plants in this region.

Unless this is done, Mr. President, unless the Midwest is developed to some considerable extent industrially, unless some considerable proportion of our most enterprising and vigorous young men are encouraged to remain in this area, the Nation faces the danger of having a vast interior of backward people, so to speak; probably also of impoverished people.

In this connection I ask unanimous consent to have printed in the RECORD, as part of my remarks, a copy of the statement on this subject of decentralization of industry as a part of the national-defense program adopted by the Midwest Chamber of Commerce Conference, furnished me by Mr. Richard Robins, chairman.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ADOPTED BY MIDWEST CHAMBER OF COMMERCE CONFERENCE, KANSAS CITY, MO.

Representatives of nine States representing the principal cities of the Midwest assembled in Kansas City, Mo., July 26, 1940, make the following declarations:

Our territory fully supports the objectives of our Government in making these United States impregnable to attack. We recognize these two fundamental facts:

1. The money for defense must be spent efficiently.
2. Speed is essential. Existing plants must be used to their fullest capacity.

On the long-range program, however, which entails the location and building of additional plants to produce strategic war materials, the nine Midwestern States have many advantages which should be brought to the attention of the proper officials of our Government. These major facilities are:

1. Invulnerability against any conceivable foreign attack.
2. An adequate supply of raw materials.
3. Sufficient native-born trained labor. Farm boys who run farm machinery rapidly develop into skilled mechanics.
4. Speedy transportation to the east coast, west coast, Gulf coast, and Great Lakes area.
5. The cheap food needed to support any increased population.
6. Adequate low-cost housing already existing for industrial workers.
7. An abundance of fuel and power at low cost.

These nine Midwestern States have suffered severely in the past, as the 1940 census population figures reveal, because of the fact that they have been depending too much on agriculture alone. The opening of the Panama Canal tended to drain industries from the center of the country to the rim. This was particularly accentuated by the industrial expansion during and following the last World War. A strong national economy depends upon a proper balance between industry and agriculture.

The nine States participating in this conference fear that if this new expansion of defense industry is largely concentrated in the already congested industrial areas, then there will be another further severe dislocation of population.

The present trend is:

1. To take our able-bodied young men into the materially enlarged Army and Navy.
2. To drain our highly trained, skilled workers and surplus farm labor from this area to the coastal regions.
3. To draw our raw materials away from the point of production to the already congested manufacturing areas, thus adding undue costs by the transportation of these materials.

In view of these facts, we strongly recommend:

1. That all plants now existing in the Middle West which now manufacture or can be adapted to the manufacture of war materials be utilized by the War and Navy Departments.
2. We emphasize the recommendations of President Roosevelt that when additional plants are to be built, they be located between the Alleghenies and the Rocky Mountains. We urge that a rightful share be located in this nine-State area where the agricultural problem is now acute because of the loss of our export markets.
3. We believe that in the interest of economy the existing army posts and training schools be utilized to capacity before any additional camps or posts are constructed.

*Resolved*, That it is the unanimous opinion of this conference that our views thus expressed be conveyed in the most forceful manner to the President of the United States, members of the National Defense Council, to the Senators and Representatives from our area.

*Resolved*, That the National Defense Commission be requested to appoint an outstanding businessman in each of the nine Midwestern States represented here today to serve with Federal authority, at $1 per year to assist in placing defense production throughout each of those States.

To effectuate this we recommend that not less than 100 representatives from this area assemble in Kansas City, Mo., at an early date for a conference with our Senators and Representatives in order that our views may be presented most advantageously.

We further recommend that a temporary organization be formed composed of not less than one representative from each of the States of North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Missouri, Oklahoma, and Arkansas to carry out this program.

Mr. CAPPER. Also, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement on the same subject issued by the Kansas State Chamber of Commerce, including a letter from John A. Fenimore, of Pittsburg, Kans., president of the Kansas chamber, to President Franklin D. Roosevelt; also an editorial from the Kansas City Star, and another from the Kansas City Times, bearing on this subject, which I send to the desk.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

STATEMENT ISSUED BY THE KANSAS STATE CHAMBER OF COMMERCE

TOPEKA, KANS.—If every garage, machine shop, and sewing machine in Kansas and other midcontinent States was producing required defense material, John A. Fenimore, Pittsburg, president of the Kansas State Chamber of Commerce, believes that no new or old strategy of war by land or air or sea could cripple such an organization of supply. He also believes it would help cushion the economic shock that the food-producing States will face if the United States and the other western nations are forced to compete with a totalitarian Europe. These and other convictions are expressed by the State chamber president in a letter to President Roosevelt.

The State chamber long has been concerned with the declining population trend in Kansas and has vigorously sponsored industrial development for this State. When the Federal-defense program was announced the industrial committee of the State chamber had an industrial survey of the State well under way. The survey is being used by both the Kansas State Planning Board and the Kansas Industrial Development Commission to compile a buyer's guide and furnish Federal agencies with up-to-date information on the production capacity of Kansas plants and workshops in connection with the manufacture of defense materials.

The Fenimore letter follows:

Hon. FRANKLIN D. ROOSEVELT,
*President of the United States, Washington D. C.*

DEAR MR. PRESIDENT: The Kansas State Chamber of Commerce is greatly concerned about the threat and promise arising from the defense program. Kansans already see large numbers of young men leaving for jobs on the west coast, and in the industrial areas of the East. Even though this puts a great penalty on this region, I am confident our people would not actively oppose it, if they believed it was essential to the best interests of the Nation at present, or in the future; but we doubt it and do not believe that our doubts arise from self-interest.

We believe that this national emergency can and should be capitalized by taking steps which will serve present military needs better, and provide the foundation for a balanced national economy when the time comes to turn to thinking in terms of peace. We believe that this is a real opportunity for the exercise of ingenuity in a sound plan and conscious policy of industrial decentralization.

The economic and social advantages of this need no argument. It has been the dream of some of the greatest industrialists and

theorists for many years. It has only lacked a timeliness and a leadership which would put it in motion. Now is the time.

I am not suggesting that the defense program be delayed by an attempt to transplant great industries from established industrial areas into the Wheat and Corn Belt. If this were done, there would be no national gain in moving population congestions from one region to another. Rather, I am urging that effort be made to place required additional productive capacity in the midcontinent area, and to put it here in the form of a multitude of small enterprises, the majority of them being mere expansions of the large and tiny plants which we already have, bringing industrial production and food production closer together. The ideal would be every garage, machine shop, and every sewing machine making something required.

You have voiced the desire to get plants into the interior for military reasons. I am only adding to your expressed thought the suggestion that this addition be in the form of true decentralization. Insofar as it is possible, I would have parts production going on in a multitude of small towns, with a lesser but yet large number of assembly points. It would seem that no new or old strategy or war by land or air or sea could cripple such an organization of supply. Then when the peace and security for which we all pray came again, the economic shock of demobilizing the war plant would be spread so that the affected workers would have the best possible chance to make their needed adjustments.

Let me emphasize that I am urging this plan only as regards the added production capacity required. I certainly would not disturb the economy of industrial areas by taking anything away from them. Again, I realize that the practical measure of possibilities of such a plan can be determined only by detailed studies by experienced production engineers, though I would want to believe that the engineers assigned to it were not so experienced as to think only in terms of the traditional pattern of industrial production, disregarding the other factors involved.

If a policy contrary to the foregoing and contrary to your expressed wish of a few weeks ago is allowed to develop, it portends circumstances in the raw-material and food-producing area of the United States, on which I do not wish to dwell. It is only natural that the lure of new jobs elsewhere will take heavy toll of our youngest and our best workers. If we were confident that the impact of this new and incredible world would stop even at that, we would be less disturbed than we are, but there is another possibility, if not probability, which I need only suggest.

You are taking steps to prepare this country and the Western Hemisphere for competition with a totalitarian Europe. In whatever measure this preparation succeeds, it will have to be a pooling of the productive capacities of the western nations. In this pooling, the food-producing States will have to share their markets to a much greater degree than will the industrial States, for the western nations are all characteristically raw material and food producing, rather than industrial. We in this part of the United States must and will submerge our regional selfishness as far as we can, but anything which will cushion the economic shock should not be overlooked if we are expected, in the future, always to think in terms of national interest.

I have suggested that industrial production engineers can determine the extent to which decentralization can be effected. Before doing that, or while doing it, there should be assembled all available information bearing on the broader aspects of the claim that such a decentralization program would contribute to the welfare of the Nation now and in the future. The basic policy should be established beyond successful challenge.

What are the resources of these Midwestern States which would contribute to such a program? What are the handicaps and limitations? What States, or region, should have special attention from the standpoints of economic and population stabilization? These and a hundred other questions should be answered.

The Kansas State Chamber of Commerce could file a brief. I suppose similar organizations in other Midwestern States could and would do the same. Rather than that, I respectfully urge your immediate consideration of another approach which I think will bring faster and more satisfactory results. I urge that two specific steps be taken, together with whatever other action seems to you to be appropriate.

Direct the National Resources Planning Board, which is attached to your office, to immediately undertake a study of all the circumstances bearing on this proposal. As a result of its work in years past, this Board must have at hand more of the data required than does any other agency of government, and will be able to make such an investigation in much less time than could be done otherwise. As you know, this Board will have the assistance and cooperation of the Kansas State Planning Board, and similar State agencies throughout the Nation.

Ask the Defense Commission to accept responsibility of immediately undertaking to devise a plan of decentralized war material production, which will make it possible in the near future to assign into this pattern a definite part of the defense program.

Mr. President, I express the hope that the considerations which I have recited may not seem unimportant in the competition of grave issues demanding your attention. I venture the opinion that with positive action on such matters, our country, when it comes out of the present shadow, will have lost nothing worth while, and will have gained much.

Very sincerely yours,

J. A. FENIMORE, *President.*

[From the Kansas City Star of August 8, 1940]

GET THE INDUSTRIES

This section of the Middle West cannot acquiesce in any proposal that would mean an easing up in its demand for proper recognition in the distribution of national-defense industries.

It is not a selfish position that has been taken by this area, specifically by the nine States that have moved to hold a defense industrial conference in Kansas City on August 30. The plain purpose is to lay before Members of Congress and other leaders from the region the compelling facts as to the need of a balanced economic development in this part of the country.

That is a question directly related to national defense and to the future well-being of the area itself. This section positively is unwilling to see a further and intensified draining off of its raw materials and its manpower for the further building up of areas that already are highly developed industrially. That is not good for this region nor is it good for the others.

It is generally agreed that the principle of balancing up agriculture with industry is sound and that this region has a valid claim to a share of the defense expenditure. But it is argued that as a matter of convenience defense industrial plants should be located where similar plants already are to be found, meaning principally Ohio, Indiana, and other industrial centers hundreds of miles to the east of Missouri, Kansas, Nebraska, Arkansas, and other States.

Here indeed would be moving defense industries into the interior but with no benefits to the nine-State area. And lest political controversy arise, it is suggested that this area lay its case quietly before the Defense Commission in Washington. But it isn't a political issue that is involved. It is a legitimate claim of a considerable section of the country, deliberately framed and firmly to be urged.

In no other way will this section ever get the attention it requires for its economic security. It must go straight ahead with its program.

---

[From the Kansas City Times of August 10, 1940]

ON THE JOB FOR THE MIDWEST

In all the years since building of the Panama Canal, sections of the Middle West have been keenly aware of the handicaps they suffered in competition with industrial areas on or near the coasts.

These other areas had the advantage of being more highly industrialized because of transportation conditions, and then on top of that were given the further advantage of lower water rates because of the Canal—which the Middle West helped to pay for.

This region endeavored through waterway development and pleas for more favorable rail rates to balance up the transportation situation thus created. The movement had but partial success and this inland territory still was left with its handicaps in drawing new industries to match in a reasonable way its preponderant economy of agriculture.

Now another blow is threatened in the proposed expenditure of hundreds of millions of dollars of public funds on defense industries—new plants and old—that would be located outside this area.

Naturally the nine-State area of which Kansas City is the geographical center has been aroused. It must continue to be aroused. Its request for a fair share of the defense industries is legitimate. It must be urged until a hearing is obtained on it.

From the Washington point of view the easy thing would be to let defense contracts in sections where industries already were concentrated and to encourage the building of more plants in those same localities.

But there is also a middle western point of view. The Defense Commission, the administration, and Members of Congress should be enabled to see it. They cannot see it in a way that will produce results until the facts about this region and its need of a balanced economy are laid before them. That will be the purpose of the representative delegation to go to Washington from this area early next week.

That will be the start. The Middle West must go on from there and keep hammering at the job until its claims are given just attention.

Mr. LEE. Mr. President, when I suspended yesterday in order that we might close the session I was discussing the attitude of the American Legion and ex-service men generally with respect to a draft of capital in case of war. I wish to continue that thought.

In 1929 the American Legion Convention met at Louisville, Ky., and adopted the following resolution:

Whereas the American Legion has, since its first caucus in 1919, advocated universal conscription in time of war of all of the resources of the Nation, including capital, etc.: Therefore be it *Resolved*, * * *.

Let me emphasize the language of the resolution. Notice the phrase "including capital." The American Legion favors "universal conscription in time of war of all of the resources of the Nation, including capital."

Again, at the national convention which met at Miami, Fla., in 1934, the American Legion adopted the following resolution:

Whereas constantly since its organization the American Legion has presented to the Congress of the United States a plan providing for the universal draft and conscription of capital, industry, and manpower in the event of war, etc.: Therefore be it
*Resolved*, * * *.

Let me read again the language of the resolution. The American Legion favors "a plan providing for the universal draft and conscription of capital." No one can misunderstand that language.

In 1936 the American Legion met at Cleveland, Ohio, and adopted the following resolution:

Whereas the American Legion has continuously since its organization advocated a universal service act providing for the draft of capital, industry, etc.: Therefore be it
*Resolved*, * * *.

Here again I call attention to the unmistakable language of the resolution adopted by the American Legion in its national convention favoring draft of capital in case of war. In all the other national conventions of the Legion similar resolutions have been adopted. Therefore the American Legion as an organization is unequivocally committed to the proposition of drafting money in case of war.

Other ex-service organizations favor the drafting of wealth. At the 1936 encampment of the Veterans of Foreign Wars, they adopted the following resolution:

*Resolved*, That the Thirty-seventh National Encampment, Veterans of Foreign Wars of the United States, demand a universal conscription law to be enacted by Congress as a preventive of war which shall draft wealth and industry without profit and on the same basis as manpower in the event of war; and be it further
*Resolved by this encampment*, That the Veterans of Foreign Wars of the United States continue to demand a policy of "profit for none" in connection with this Nation's possible future participation in war.

Then, at the last national encampment of the Veterans of Foreign Wars, a resolution was adopted calling for legislation which in case of war would draft money as well as men. I wish to read the resolution:

Whereas in the event of unwanted war the wealth of the Nation should be just as much subject to conscription and mobilization as manpower; and
Whereas under the provision of S. 2911, introduced by the Honorable JOSH LEE, a graduated proportionate part of the wealth of every resident would, in the event of war, be subject to conscription, by requiring the purchase of taxable Government bonds paying interest of not more than 1 percent per annum, which would effectively and equitably draft the use of money and credit, thus speeding up the successful prosecution of any such war: Now, therefore, be it
*Resolved by this Thirty-eighth National Encampment of the Veterans of Foreign Wars of the United States*, That we vigorously advocate and press for the enactment of S. 2911, effectively to provide for the conscription of wealth in the event of war.

I may say that the amendment which is pending is the very same as Senate bill 2911, with some slight modifications in order to shorten it.

It is evident from these resolutions that the ex-service man favors raising money for financing a war by methods which are as equally compulsory as those used to raise an army of men.

President Roosevelt, in a message to Congress on January 28, 1938, recommended legislation—

Aimed at the prevention of profiteering in time of war and the equalization of the burdens of possible war.

President Coolidge, speaking of legislation of this kind, said:

The laying of taxes is, of course, in itself a conscription of whatever is necessary of the wealth of the country for national defense, but taxation does not meet the full requirements of the situation.

Mr. President, the men who know war best favor legislation to draft capital. If it is a matter of medicine, you consult a doctor. If it is a matter of law, you ask a lawyer about it. Since this is a matter of war, why not ask the warrior? There is complete unanimity among the men who know war best in their desire for legislation which will draft capital in case of war or in case of any emergency that calls for the drafting of our manpower.

My amendment is bottomed on two propositions. First, whenever the situation is such that it calls for the increase of the Military Establishment by the draft of manpower; and, second, whenever there is a need for funds which calls for Government borrowing.

I wish to read a part of an article which appeared in yesterday's Washington Daily News. The heading is, "Limit on profits delays orders."

The article continues:

The Army and Navy recently possessed funds for 5,725 airplanes and guns for 28 destroyers but could not contract for the vital equipment because manufacturers objected to Federal profit limitations, testimony before a Senate committee revealed today.

Publication of the testimony given by high Army and Navy officers at secret hearings on the new $5,008,000,000 defense appropriation bill showed some committee members voiced the opinion that the Government ought to "conscript" private industry.

TOO MANY UNCERTAINTIES

Maj. Gen. H. H. Arnold, Air Corps Chief, was disclosed to have testified August 8 that the War Department had money available for 4,247 planes, but could make no contracts because manufacturers felt there were too many uncertainties arising from Congress' action reducing from 12 to 8 percent the profit permitted under the Vinson-Trammell Act.

(The committee, in approving the appropriations bill Thursday, recommended restoration of the 12-percent profit limit.)

August 13, Admiral John H. Towers, Chief of Naval Aeronautics, testified that contracts for 1,478 naval planes, for which funds were available, were being held up because manufacturers "will not accept them until they know where they stand."

TWELVE-PERCENT PROFIT LIMIT

Admiral Towers told the committee 1 contract for 300 planes was "being held up entirely on this profit limitation," and that it could be awarded "immediately" if the profit were restored to 12 percent. Other manufacturers, he said, were hesitant because they were uncertain what kind of plant-depreciation allowances would be granted them under the excess-profits tax bill pending before the House Ways and Means Committee.

The defense-contract log jam was broken partially last week when the Army signed contracts for 856 combat, bombing, and training planes.

Rear Admiral W. R. Furlong, Chief of Ordnance, stirred the committee on August 14 with a story of a contract for 144 5-inch antiaircraft guns for 28 destroyers which was never completed. The guns were to have cost $10,000,000 and the Goss Printing Press Co., of Chicago, was to have been the main contractor, Admiral Furlong testified.

OTHER WORK TO DO

"Just a week ago," he said, "I received word from them that they cannot go ahead on it because they have received telegraphic information from five or six subcontractors saying that they cannot go ahead on it. The reason is that there is much more business in the country that they can take on without being subjected to the Vinson-Trammell (profit) Act provisions."

Admiral Furlong testified that some subcontractors are diverting their capacities to "other purposes." "For instance," he said, "there's a long list of requests from the British purchasing commission and naturally they will go ahead and do the work that will not bind them by profit limitations."

Profit limitations are not applied to purchases of guns by the Army, Admiral Furlong told the committee, and this lack of restrictions, coupled with heavy foreign orders, "has caused business from the Navy to be unattractive."

Mr. President, I ask unanimous consent to have the remainder of the article printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

A QUESTION OF PROFITS

"So it is a question then of profits," said Senator RICHARD B. RUSSELL (Democrat, Georgia). "They can get more profits by dealing with the British purchasing commission and the Army than they can by dealing with the Navy?"

"That is right," Admiral Furlong replied.

"We are getting ready to vote on a conscription bill which will take the boys," Senator RUSSELL added, "and it is very unfortunate that these people are so much interested in profits that they will not take any contracts with the Navy. I guess we will have to conscript business, too."

Senator RUSSELL and Senator KENNETH D. MCKELLAR (Democrat, Tennessee) suggested restoration of a proposal, knocked out of an earlier bill, to empower the President to commandeer private plants for Government construction.

"I think that we had better use a little force," Senator MCKELLAR said.

CONTRACTORS PROTEST

Without mentioning names, Admiral Furlong read several telegrams from subcontractors to the Goss firm in connection with the Navy's attempt to get antiaircraft guns. One, from a gear works company in Philadelphia, said in part: "We protest the small margin of profit allowed * * *."

Another, from a gun-mount welding firm in Milwaukee, said: "We protest terms permitted under Vinson Act."

A bearing company in South Bend, Ind., wired: "We prefer not to operate under Vinson Act."

ON CONDITION

Admiral Furlong also testified that the United States Steel Corporation was perfectly willing to spend $4,000,000 to build a special plant to handle increased naval orders, but that they do not want to spend $4,000,000 and then be taxed over a long period of years, as long as that mill is there, whereas it ought to be amortized in about 5 years.

"They are anxious and willing to go ahead," he said.

"Provided it is profitable?" asked Committee Chairman ALVA B. ADAMS (Democrat, Colorado).

"Provided there is some way of amortizing it," Admiral Furlong replied.

BOYS TO HAVE NO CHOICE

"Some of these gentlemen at the committee table," Senator ADAMS said, "are going to vote in favor of a bill which is going to make a lot of boys go in the Army and put their whole life in there, and the boys are not going to be given a chance to say, 'I am not going in because I do not like the wages, and I do not like the quarters,' and some of these people are going to run up against that."

Senator JAMES F. BYRNES (Democrat, South Carolina), a leading administration spokesman in Congress, commented that most corporations apparently were waiting to see the provisions of the excess-profits tax bill before going ahead with restricted defense orders. He added:

"When we are going in for a universal service bill, we ought to have a universal tax bill, too, and put them all on the same basis."

Mr. LEE. Mr. President, I took time to read from that article because it shows, in my opinion, a very unpatriotic attitude on the part of leaders of industry in the United States. Some of the same leaders of industry who are encouraging and supporting the bill to draft the manpower of the country are at the same time delaying action on contracts until they know what the profits are going to be—or until the profits are raised to 12 percent.

Mr. President, what would be done to a soldier if he refused to obey the orders of his commander until his pay was raised? He would be court-martialed, of course. The trouble with some of the captains of industry is that they are the kind of patriots who want to give my life for their country. They are perfectly willing that the boys be drafted and placed in the Army at a dollar a day, and, if war comes, a chance to die, but their precious dollars are too sacred to be drafted.

Mr. President, I cannot imagine a more unpatriotic attitude than that which has been taken by the leaders of industry in this country. They have put their patriotism on a cash dollar-and-cents basis, and yet they are expecting the Congress to pass legislation to draft the manpower of the country in order to protect their wealth.

The wealth of these men is not going to be worth much unless they are willing to cooperate with the Government in a national-defense program. There were wealthy men in France, many of them, and one of the reasons why France caved in was because she was betrayed from within. There were "fifth columnists" in France who kept telling the people of France, "We do not need any more airplanes. Our airplanes are adequate." They preached that until many people in France believed it, because these men found that their wealth could make more money when invested somewhere else. But where is the wealth of these men today?

I wish to read part of an article which I have before me. It is headed:

Rothschild stripped of wealth. His name and that of Louis-Dreyfus on Petain's list.

The article contains the names of a number of wealthy men in France who, since the surrender of the French Army, have been stripped of every dollar of their wealth. What good is the wealth of our industrial leaders going to be to them if the country is unable to defend that wealth? Do Senators think that Mr. Hitler intends to lay the tax burden of paying for the war on the backs of the German people? Certainly not. He intends to make the conquered countries pay for the war. He is already stripping the wealth from the people of France. That much has already come to the attention of the public press. How much more is being done we do not know.

Mr. President, I ask unanimous consent to have the article to which I have just referred printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROTHSCHILD STRIPPED OF WEALTH—HIS NAME AND THAT OF LOUIS-DREYFUS ON PETAIN'S LIST

(By Ralph Heinzen, United Press Staff Correspondent)

VICHY, FRANCE, August 3.—The French Government of Marshal Henri Philippe Petain has ordered confiscation of the wealth and private estates of Baron Edouard de Rothschild and Louis Louis-Dreyfus, who hold two of the five great fortunes of France.

The names of Baron de Rothschild and Louis Louis-Dreyfus were included in the first unofficial list of Frenchmen prominent in finance, journalism, and commerce who are to be stripped of their wealth under the Petain regime's recent decree punishing those who fled abroad at the time of France's collapse.

Those named in the list—many of them have fled to the United States—will lose not only their fortunes and property but their French citizenship as well unless they appear and provide "good reasons" for their flight, it was stated.

(The Baron de Rothschild and the Baroness de Rothschild, carrying a bag of jewels valued at $1,000,000 and accompanied by their daughter, Bethsabee, arrived in New York on July 10 aboard the *Yankee Clipper* from Lisbon after fleeing from the German occupation of Paris.)

Both the Baron de Rothschild, head of the French branch of the famous international banking house, and Louis-Dreyfus, former member of the Chamber of Deputies and importer of South American wheat, were prominent bankers.

JOURNALISTS ON LIST

The unofficial list of fortunes and private estates to be confiscated contains these five newspaper writers and editorialists: Mme. Genevieve Tabouis (now in the United States); Andre Geraud, whose signature "Pertinax" is known all over the world (he also fled to the United States); M. Lazareff of the Paris Soir; Emile Bure, editor of L'Ordre; Henri de Kerillis, editor of L'Epoque (who fled to Canada); Joseph Kessel, and Elie Joseph Bois of the Petit Parisien.

Among the industrialists named in the list is Louis Rosengart, maker of France's "baby Ford" automobiles; France's biggest manufacturer of furniture and radios, M. Levitan; and the country's biggest hat maker, M. Solenski, whose trade name is "Sools."

Deputy Edouard Jonas, a leading antique dealer, also was named.

Premier Marshal Henri Philippe Petain's authoritarian government tentatively has set the second fortnight in August for the beginning of trial designed to establish war guilt of prominent French military and political personages.

Cases will be tried before a new supreme court of justice which will have jurisdiction in all cases such as those which since 1876 had been tried by the Senate.

OFFICIALS TO BE TRIED

One of the first duties of the court will be to hear evidence and determine the war responsibilities of Gen. Maurice Gamelin, former Premiers Edouard Daladier, Paul Reynaud, and Leon Blum and other government personalities of the past 5 years.

Meanwhile, refugee trains resumed travel this week from unoccupied France into the French territory held by German forces. Train service was reestablished to Paris.

(Resumption of railroad travel between the occupied and unoccupied zones followed a period in which the German military had tightened control over a wide area of northern France, including the Channel coast, giving rise to speculation that troops were being massed for an offensive against Britain.)

It was reported unofficially at Grenoble, France, that French Vice Premier Pierre Laval soon would go to Paris to arrange an interview between Premier Petain and Adolf Hitler. Unofficial reports said Hitler recently indicated his willingness to talk personally with Petain as the supreme chief of the French State. Petain did not take the initiative in seeking a meeting with Hitler, it was said.

Mr. LEE. Now, as to the ability to finance a war on the basis of income, I have this to say. No government has ever yet been able to finance a major war of long duration from income. It is impossible to pay as you go if you have to go very far. Already England's system of financing is breaking down, because the British Government was sold on the idea of financing war from income only. It followed Keynes in that view.

I wish to read a part of an article published in the Washington Times-Herald of Monday, August 12, 1940.

PROBLEM OF FINANCING WAR STILL UNSOLVED BY BRITISH—COSTLIEST CONFLICT IN HISTORY RAISES PERILS OF DEFLATION AND COLLAPSE

This article is by Larry Rue.

LONDON, August 12.—A week of parliamentary discussions on the Government's plans to mobilize Britain's economic and financial resources left business and political circles here convinced the problem of paying for the costliest war in history without risking the disaster of inflation and collapse of the fiscal system still is unsolved.

So far tax revenues and specific war borrowing have failed to keep pace with the national expenditure and the Government has had to bridge the gap by borrowing direct from banks and expanding its credit.

Mr. President, if the Congress should pass an excess war profits tax, or an excess-profits tax, if the Congress should increase the income tax up to 42 percent, as England did, we still would be unable to raise enough money to have enough ready cash in the Treasury to pay the contracts we are asking industry to take.

Therefore, we must borrow more money. That problem is now on our doorstep. We have already raised the debt limit by $4,000,000,000, which means that we have authorized the Secretary of the Treasury to borrow $4,000,000,000. It was testified yesterday before the House Ways and Means Committee that it will be necessary in the near future to raise the debt limit by an additional $5,000,000,000, which will make a total of $9,000,000,000 which we must borrow in the very near future in order to carry out contracts for the national defense.

The question which confronts us is, How are we to sell the bonds? Are we to sell them as we sold them during the World War, under a high-pressure, haphazard, hit-and-miss, catch-as-catch-can method of selling to the public on the voluntary basis? Or shall we systematically say to each person, "Your quota of bonds will be based on your ability to lend," just as we lay a tax on a man in proportion to his ability to pay, and then require that person by law to subscribe to that amount of bonds, as we require the boys to enlist in the Army according to their availability? In other words, are we to establish a system, or shall we depend on the old voluntary method for raising finances?

Finances have been called the sinews of war. Two things are necessary to win a war—men and money. If we are able to supply one of those but not the other, we are still defenseless.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. STEWART. The Senator has studied this question extensively. For information, I should like to inquire whether or not he knows of any occasion on which the Government was unable to raise money on its bonds in war or peace time.

Mr. LEE. I know of no occasion as yet on which the Government was unable to raise money on its bonds; but the Senator will recall that we were in the World War only a short time, and that victory was never in doubt. I wish to call the attention of the Senator to the fact that even in that situation it became increasingly more difficult for us to raise money. High-pressure Liberty Loan committees reported that it became increasingly difficult to sell the bonds, and continually we had to increase the interest rate on each successive issue. The first issue bore 3½ percent; the second, 4 percent; the third, 4¼ percent; and the last issue, 4¾ percent. If the war had been long, and the outcome doubtful, we should have reached the point England is now reaching, where we could no longer have sold the bonds. At the same time that was happening, it was costing twice as much to sell each successive bond issue as it cost to sell the previous one. The total cost to the United States of selling those bonds was $45,848,000, in order to beg people to furnish enough money to pay for the beans the boys ate before they were shot; and we were fast approaching the point where we could no longer have raised money by the voluntary method.

The Senator will remember how difficult it was, and what methods we had to resort to in order to sell the bonds. The Senator will recall that we had "kangaroo" courts in some States—I shall read evidence to show that fact—in order to club people into buying what was guessed by the committee to be their share of the bonds. During the Civil War the people of the South had property, but they had no system for reaching that property, and the Confederacy issued worthless currency during the Civil War. Abraham Lincoln could no longer raise money, and he issued greenbacks. Although they were backed by the Federal Government, they began to depreciate; and had the war not ended he would have reached the point where they would have been entirely depreciated.

So we are confronted with the problem of raising money. Shall we depend on the voluntary system of raising money, which is so necessary to war, while at the same time we are drafting men by force? Certainly we have raised money. And I wish to say further to the Senator that every one of those bond issues was oversubscribed. The best argument which those who favor the old voluntary method can make in support of voluntary ways of raising money is that every one of the issues was oversubscribed. That is true, but it is very misleading. I wish to state the extent of the oversubscription, because it tells a story in itself.

The first bond issue was oversubscribed 52 percent; the next bond issue 54 percent; the next bond issue 39 percent; the next bond issue 16½ percent; and the last bond issue 16⅔ percent. With all the ballyhoo we could bring to bear on the people, with all the salesmanship, with the voluntary services of Four-Minute Men, Liberty Girls, Boy Scouts, and wounded soldiers, and with carloads of paraphernalia from the battlefields, the oversubscription slumped from a high of 54 percent to a low of 16⅔ percent; yet we were in the war only a short time as compared to other nations.

England has already come to the point where she is having trouble in raising money. I want a system which will make available the financial resources of this country on the same basis as manpower. I realize that the Secretary of the Treasury assures us that it is now easy to sell bonds. That may be true, because the banks are bursting with money; but let the war come closer, and we shall see that money begin to hide out. Whereas we can now obtain money at less than 2 percent, as the war draws closer we shall see the interest rate begin to climb. It will be necessary to make the loans more and more attractive in order to coax enough money out of hiding to pay for the bombs the boys are using.

I do not want that condition to come. I do not think it is right. I do not think it is just. I do not think it is smart. I know it is inefficient. Why should we fight two wars, one at home and one abroad, as we did in the last war?

We printed one piece of literature for each man, woman, and child in the United States in order to advertise bond sales. Everywhere one turned Uncle Sam pointed his finger at him, saying "Buy bonds!" Pictures of the Statue of Liberty said "Buy bonds!" Colored posters of broken soldiers begged us to buy bonds; and heart-breaking pictures of half-starved children pleaded with us to buy bonds. Everywhere we turned we saw the statement, "Bonds will win the war!" Everywhere committees were going to people's homes and to their places of business, estimating how many bonds they ought to buy. The people were told they had to buy them, and some very good extralegal methods were used in forcing the purchase of the bonds.

Why should we, the richest Nation on the face of the earth, depend upon the voluntary system of supporting soldiers? We command the men, yet we beg for money. We order men to the colors by the majesty of law. We order them to go and take their places. We tell them, "Quit your jobs, boys, at $5 a day, and go into the service and serve for a dollar a day and the chance to die." Then we say to the rich man, "Please, sir, we will give you 4¾ percent interest. We will guarantee you against taxation. Please lend us enough money to pay for the clothes the boys are going to wear."

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. ASHURST. The Senator from Oklahoma is on safe ground in arguing that if we are to conscript men in peacetime we should also conscript money. I do not perceive how we could justly vote to conscript men into the armed forces and at the same time refuse to conscript the money with which to pay for the war.

The Senator described with particularity some of the methods employed in the World War to compel the purchase of bonds. In many instances some unworthy practices were adopted to force persons to buy Government bonds. Methods not wholly commendable were sometimes used. Along with that, Mr. President, it should be remembered—I believe it has been adverted to by the Senator from Oklahoma—that during the World War 23,000 men each made more than $1,000,000. In other words, during and as a result of the World War, 23,000 men became millionaires. That is human nature, Mr. President.

I am quite concerned, however, as to the form of the amendment of the Senator from Oklahoma. I wish to vote for the amendment. It must be perceived—to use an illustration which has been suggested by the able Senator from Maryland [Mr. TYDINGS]—Congress wants milk from the cow, not beef. If we kill the milk cow, we no longer get milk. Therefore, while I am prepared, with equanimity, to vote for an amendment drafting the corpus, the body of wealth, I beg the Senator, who is an able lawyer, to look to his amendment and see to it that the income may be drafted, before attention is given to drafting the corpus, because if the corpus, or body, be taken, there will be no more cow, from which to get milk, no more income. I believe in the conscription of wealth to pay for war. As I said yesterday, if the country is in peril, I shall vote for a draft. I voted for the draft in 1917 and I have no apologies to offer therefor. If we were engaged in a war, I believe a bill for a draft of men would pass the Senate almost unanimously.

As to the constitutionality of drafting income and corpus, Mr. President, in my judgment Congress has the power to do so. Many persons dislike millionaires as such. If they have made their money legitimately, and are willing to make their pro rata contribution for the support of the country, they should be exempt from prejudice. It is no evidence that a man is bad simply because he has earned and saved his money.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ASHURST. Perhaps the Senator from Oklahoma will permit the Senator from Maryland to ask a question.

Mr. LEE. Yes; but I should like to answer the Senator's question before it gets cold.

Mr. TYDINGS. I think the Senator has raised a very interesting point, that the first duty of the Government, of course, is to live on income.

Mr. LEE. If the Senator will give me a chance, I will discuss that question.

Mr. TYDINGS. Let me finish the question, please. I repeat, the first duty of the Government is to live on income; that is, to take from the income the people of the Nation create sufficient to take care of the cost of government. If the income provided is insufficient in times of emergency to take care of the interests of the Government, obviously the interests of all can only be served by then taking the corpus of the estate. But the Senator's illustration, I think, is apt. If a cow is giving milk, it would be foolish to kill the cow so long as the milk will sustain the family.

Mr. ASHURST. That is well said.

Mr. LEE. But, they might give a mortgage on the cow.

Mr. TYDINGS. When there is no more milk in the cow, and the family has to eat, obviously the only place to turn is the cow, and then it is justifiable. But the point the Senator from Arizona makes is that when the corpus of the estate is taken the source of income is dried up, and, therefore, it ought not to be done until the other avenue, income, is exhausted.

I shall conclude with the statement that during the last war not only did the people in America buy bonds but men who were in the front-line trenches bought them. There were certain men in every division, as the Senator probably recalls, who went around among the soldiers asking them to buy bonds, and out of the small pay they received many soldiers allotted a monthly amount to buy one or two bonds. Many of them bought bonds until they had practically no money left. We used to sing an old song, "One dollar goes to the company for this, and one dollar goes for that"; and the Senator will recall it wound up, "We have not a damn cent left." Of course, they sang it in the spirit of humor; but the men in the front-line trenches bought bonds. No Senator, in my judgment, would object to the conscription of wealth if that were necessary for the preservation of the country, and the Government could not obtain sufficient money from the current income of the country to keep its financial defense sound.

Mr. LEE. Mr. President, I shall use the same illustration the Senator from Arizona and the Senator from Maryland have used of the cow and milk. In my opinion, it would be very much of a mistake to kill the cow, even though the milk is not adequate. But my plan provides for taking as much of the milk as can be spared, then putting a mortgage on the cow, and borrowing as against the cow, thus giving commercial paper that has an earmarked piece of property back of it. In other words, under this plan we simply say to people with property which is nonliquid, "We wish to borrow the use of that property to use as the backlog of credit with which to finance the war without taking the property." It does not provide, as I have said over and over again, for the Government seizure of property.

Let me illustrate how it would work. Here is a man worth $100,000. He has a factory which is busy, necessary and useful, but he has no ready cash. Would the Senator say to me that a man worth $100,000 should not buy any Government bonds simply because he has no liquid cash, though he is worth $100,000? Certainly he would not say so. A man worth $100,000 should buy some bonds. We are agreed on that. Then, how much should he buy? Should we leave the amount he buys to his patriotism? That is not a good criterion. Should we leave it to the pressure of Liberty Loan committees? That is not a good criterion. Should we leave the amount he loans to his desire for profits on high interest-bearing tax-exempt bonds? That is not a good criterion. Those were the incentives that determined the amount purchased in the World War. Why not fix the amount he shall pay on the basis of his ability to lend as determined by his net wealth as compared with that of all the other citizens of the country, on a schedule according to ability to lend on the same basis that we tax a man according to his ability to pay?

In taxing a man according to his ability to pay, liquid income, of course, is the essence of it, because he must dig that up. If the man says, "I have not the ready cash; I cannot buy a $1,000 bond; I need the little cash I have for operating my business," the amendment provides that if he cannot borrow a thousand dollars at the bank or somewhere else—and it is almost ridiculous to say that a man worth $100,000 net cannot borrow a thousand dollars or two thousand dollars—he may give the Government his note.

In the World War we did not even have such a provision. By pressure people who did not have liquid money were forced to go to the banks and borrow. They borrowed from the banks and paid high interest rates.

Mr. TYDINGS. Mr. President——

Mr. LEE. I will yield in a moment. Then they bought what was said to be their part of the bonds. After they bought the bonds which they were not able to buy they were unable to keep those bonds, therefore what did they do? They discounted them in some instances as much as 20 cents on the dollar, and those bonds went into the hands of big bankers, and the big banker made that profit of 20 cents on each dollar's worth of bonds. The man least able to stand the loss lost that 20 cents.

What does the amendment provide? It provides in case a man worth $100,000 does not have the cash with which to buy a $1,000 bond, and cannot borrow the money, he may apply

to the Government to take his note, bearing a commercial rate of interest, and that he must attach to the note sufficient identified property to make it a good note, to make it a commercial note. In return for that note and that mortgage he gets a Government bond bearing 1-percent interest. His credit has not been hurt, because when a man puts a Government bond in his strong box his credit has not been hurt.

The Government, on the other hand, can take the note secured by that bond and either sell it to a banker or put it in a Federal Reserve bank or some other bank and issue credit against it, without issuing one single dollar that has not back of it a dollar's worth of earmarked property. In my opinion, the Government would never reach the point where it would take any part of that man's factory.

Suppose the worst should happen, and the note went "sour," that the man was unable to meet the interest or to meet the note; if he could not meet the note, it could be extended; if he could not meet the interest, which would be very unreasonable to believe, and the Government had to take steps toward collecting the note, the first thing it would do would be to cancel the Government bond, which would cancel the principal of the note. Then the only difference the man would owe would be the difference between the commercial rate of interest and the 1-percent interest the Government bond bore. The whole idea is to borrow that man's property as a backlog of credit to use to finance the war. It is intended that these loans shall be paid back out of money collected from taxes. In other words sell enough of the cow's milk to pay off the mortgage on the cow; that is, by taxes take enough from the stream of income to retire the bonds.

In normal times when the Government undertakes to tax it taxes liquid income, but if it has to fight a war the expenses cannot be paid out of income. The national income today is $70,000,000,000, it is said. When there is subtracted from that amount those who are in such low income brackets that to take any more from them than we are taking would be very injurious to them, there is not enough left from the income stream to finance a major war. Therefore, when the Government undertakes to finance a major war, it must either dig into savings or else borrow—one or both.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. LEE. Let me first yield to the Senator from Maryland, who has waited a while; then I will yield to the Senator from Colorado.

Mr. TYDINGS. I had almost decided not to press the inquiry. But I should like to say that there is nobody here, I think, if the country really needs the private wealth of the United States to survive in time of war or in time of peace who would hesitate to vote for such a measure as would, of course, perpetuate our system of government. The difference between the conscription of men and the conscription of property in times of peace is that it is not necessary to train property; it is inanimate; it is something that exists today and tomorrow; it is always there; but the Government cannot take men and make soldiers of them in a month, though it can reach out and grab property in a day.

Mr. LEE. Is the Senator saying we should wait until a crisis to pass such a law as I suggest?

Mr. TYDINGS. I do not believe in passing laws that are revolutionary before the need arises for them.

Mr. LEE. I would not say my proposal is any more revolutionary than to conscript boys when we are not at war. I think both are on the same basis.

Mr. TYDINGS. The Senator is perfectly right in his equity; but the difference between the two propositions is that in this case we have to prepare men if they are to be used for defense. We cannot call them out tomorrow morning and have a trained army; but the day after war is declared we can reach out along the lines the Senator suggests, or in some other way, and get all the property we want.

Mr. LEE. We could do so, but we will not do so. We did not do so in the World War, although we had to do everything we could to raise the money we raised at that time.

Mr. TYDINGS. We will not do so unless it is necessary, just as we will not pass a conscription bill unless it is necessary.

Mr. LEE. We wait until it is necessary, and then our Government, instead of doing it, turns to the printing presses, as every other government has done that has not had a better system than a voluntary system of raising money.

Mr. TYDINGS. But in the last war the Senator knows that we did not turn to the printing presses.

Mr. LEE. No; we were not in the war long enough, and the future was not dark enough, but we were fast approaching the point where we would have done so.

Mr. TYDINGS. Mr. President, in my opinion, all things considered, the future of America at this moment from the standpoint of defense expenditures is not so dark as it was in 1917–18. Why do I say that? I am not talking about the financial condition of the Government; I am talking about the cost of defense. We were fighting a war in France, 3,000 miles away from the east shore of this country. We had an army of four or five million men. We had all the equipment and everything to get ready for that army, as well as for the Navy, and so forth.

In this particular instance, however, there is up to this time no sure indication that we are going to war. The amount of money that we are now appropriating is large, I admit.

Mr. LEE. We are going to have to borrow it, are we not?

Mr. TYDINGS. Just a minute. The Senator from Maryland stood here for four successive Monday mornings and tried to show, I thought by overwhelming evidence, from the Treasury Department itself, that we could raise more money—in other words, get more milk from the cow than we were getting; and we ought to get it. We ought to take it from the rich; we ought, in my judgment, to lower the brackets down to the average income of the citizen of this country. If the average income is $1,500 a year, for illustration, certainly all persons who make more than $1,500 a year ought to contribute something, because they are above the average. The Senator from Oklahoma will not take issue with me on that point.

Mr. LEE. No; I do not take issue with the Senator on that point; but the Senator does not believe we can finance the defense program of $9,000,000,000 that is now coming up on even that tax program; does he?

Mr. TYDINGS. Yes; I do believe it.

Mr. LEE. Without borrowing money?

Mr. TYDINGS. Yes, sir.

Mr. LEE. Does the Senator think that within a year we could put $9,000,000,000 additional in the Treasury of the United States?

Mr. TYDINGS. Oh, no; of course not.

Mr. LEE. That is what we shall have to do when we face the necessity of meeting these contracts.

Mr. TYDINGS. Let me answer the Senator. We have been going on for 8 years in time of peace and borrowing money; have we not?

Mr. LEE. Yes; but the closer we get to war the more difficult it is to borrow and the higher the interest rates are. That is the point I am making; and we have not, in the past 8 years, borrowed $9,000,000,000 in one lump sum.

Mr. TYDINGS. I do not mean to maintain that we can pay for our entire defense expenditures out of this year's income.

Mr. LEE. Then we shall have to borrow.

Mr. TYDINGS. Just a minute. What I do mean to say is that we can set up a system of taxation which will amortize the defense program over a period of years and pay for our entire peacetime Government at the same time. It can be done.

Mr. LEE. I think it can be done.

Mr. TYDINGS. Yes; but just let me finish.

Mr. LEE. There would be no conflict between that plan and this one. The Senator's program would simply amortize the bonds that were sold under this plan.

Mr. TYDINGS. No.

Mr. LEE. Why would it not?

Mr. TYDINGS. I do not care whether we do it by bonds or whether we do it by some other form of indebtedness. The

point I am making is that before we attempt to confiscate or conscript property we ought first to set up a system of taxation which shows that conscription of property is necessary. We ought not to take from people the corpus of their estates until we have taken all of the income which can be justifiably taken, because when we start to conscript property we shall very shortly afterward conscript labor, and we shall set up a dictatorship in this country. Whenever we start to walk the road of conscription, even of men, we start down the road of dictatorship to some length. It may be necessary to go part of the way, but each additional bit of conscription means good-bye to our democratic processes of government.

Mr. LEE. I now yield to the Senator from Colorado.

Mr. ADAMS. Mr. President, I wanted to ask the Senator a question about the illustration he used. I was a little disturbed by it.

As I understood, the Senator pictured a man with a $100,000 plant but without ready money, and the Government took his note to secure the amount of bonds he bought. Then the Senator said that if the man was not able to pay the note the Government could cancel the bonds against the note. My difficulty is that when the Government takes his note it does not buy any cannon or any ammunition unless the Government realizes money upon the note. In other words, the Government must sell the note to get the money, so it would not have the note to cancel the bonds against.

Mr. LEE. Of course, if that should happen all over the country with every note—which is too great a stretch for my imagination to conceive—it would put the United States in a rather embarrassing position; but that was the most extreme case I could think of.

Suppose the manufacturer is manufacturing guns. The Government takes his note and buys some of his own guns with his own note. Give us those "plasters," give us those mortgages attached to notes bearing a commercial rate of interest, and we can finance a war, and there will not be any bad paper left, if every one of them is backed by some physical property which exists in this country.

With respect to what the Senator from Maryland has said, I do not disagree with the Senator from Maryland on a tax program. I favor a tax program that will amortize the loans as fast as we possibly can do so; but, even so, we still are going to have the loans. If the emergency is such that it calls for drafting men, it certainly is enough to call for drafting money. We have to look forward not to the most happy situation but to the worst situation. "In fair weather, prepare for storm." Of course, there are some persons who are like the man who would not shingle his house when it was not raining because he did not need a tight roof then, and when it was raining he could not shingle it. There are persons who are like that; but I believe there are more who are like Napoleon, who did not wait until Austerlitz in order to mold his cannon balls.

We see this thing coming. We see it to the extent that we are drafting the boys and asking them to quit their jobs, to quit their plans for life, and give us their time at a dollar a day, and, if war comes, a chance to die; but when we come to drafting dollars, their precious dollars are too sacred to be taken in the same mandatory method.

We are told now to do that by the voluntary method, to continue to pay high interest rates, to continue to get more and more wealth in the storm cellar of tax exemption.

The reason why we cannot raise any more money than we are raising by income taxes and other forms of taxes is because $55,000,000,000 of wealth in the United States is now in tax-exempt storm cellars. That is why we are having trouble with our taxes and our revenues. That is why revenue decreases on the basis of what it is supposed to raise every year—because more and more wealth goes into tax-exempt storm cellars. Of course we have to sell bonds during peacetime.

Why should anyone be allowed to profit out of war? A man normally gets 2 percent or less for his money; but along comes war, and the Government issues this invitation: "Come on in, boys, and profiteer. We are going to double your interest rates and guarantee you exemption from taxation. You big boys, go ahead. Jingo up the war spirit, if you can, because you will have a chance to buy discounted bonds."

Nobody worried, in the last war, about the poor farmers who did not have the ready cash to buy bonds. The pressure was put upon them to make it appear that they were not patriotic if they did not go into town and pay 10 percent interest for a loan in order to buy a bond; and as soon as they paid for the bond they discounted it, because they were not able to keep it.

Under the plan proposed here, the bonds would be nontransferable. That means, in the first place, that a man would not be required to buy a bond unless he was able to buy the bond; and if he was able to buy the bond, he would not be able to transfer the bond. What would that mean? Let us see what it meant in the World War. When the Government paid off those bonds, where were they?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. Let me finish this point.

When the Government paid off those bonds, where were they? Were they in the hands of the little fellows who bought them? Certainly not. They had sold them. They wound up on Wall Street. That is where the bonds were, in the hands of the bankers. So, when the bonds came due and the Government began paying them off, where did the money go? Did it go out to the crossroads and the forks of the creek? Certainly not. It went to the financial centers, and added to our depression by the concentration of wealth in the hands of a few.

Under the plan I am proposing, if some fellow bought a $1,000 bond out at Podunk, or Possum Trot, or Clabber Flats, when the pay-off came the money would go back to Podunk, or Possum Trot, or Clabber Flats, and that would help absorb the shock of after-war depression. Instead of adding to the depression, it would result in more money going into circulation, it would take money out to the forks of the creek, and thereby prevent an after-war slump instead of adding to it.

I yield to the Senator from Maryland.

Mr. TYDINGS. Let me point out to the able Senator from Oklahoma a possible condition. Let us assume there are a number of young men in a little town or a big city, and the draft comes along and takes 10 percent of them, 10 percent we will say, or 20 percent of the men between 21 and 31, and the other 80 or 90 percent remain home. The latter will make 7 or 8 or 9 or 10 or 12 or 15 dollars a day. If this thing is to be conducted from the standpoint of equity, why should not labor be drafted? Why take one man and let him serve his country, and perhaps lose his life——

Mr. LEE. That is the Senator's question. Let him answer it. [Laughter.]

Mr. TYDINGS. And then leave another man at home who is making ten or twelve dollars a day?

Mr. LEE. Why should they?

Mr. TYDINGS. Fairness would require giving the man who goes into the Army $12 or $15 a day, and giving the fellow who does not risk his life the dollar a day.

Mr. LEE. If my proposal is adopted, does that change the Senator's proposition any?

Mr. TYDINGS. No, but I am merely showing the Senator that we cannot take exact justice and fit it into the human equation.

Mr. LEE. I am not trying to solve all the injustices of the world; I am merely trying to solve one, and I will take them one at a time.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. The Senator will admit that in the illustration I have given the high pay should go to the man who is snatched out of his job and wears a uniform and goes out to die for his country, perhaps. The Senator will admit that. If that proposition is applicable, why should we not conscript the man who only makes the supplies for the man who is going to use those supplies on the battlefield?

Mr. LEE. Why should we not? I ask the Senator.

Mr. TYDINGS. I say there is no reason at all why we should not.

Mr. LEE. But that is another proposition, is it not?

Mr. TYDINGS. No; it is not. Let me illustrate. During the last World War, when the Germans were driving toward Chateau Thierry about June or July, 1918, when they were driving everything in front of them, when it looked as if the Allied cause was going to suffer defeat, when there were already about a million American soldiers in France, there was printed in the English editions of the European papers the intelligence that in several parts of this country, where men were working 8 hours a day and getting $12 and $15 a day, particularly in some of the shipyards, an enormous strike was taking place. Here were a million men 3,000 miles from home who were soon going into that holocaust to die, and while they were going forward they read that men at home making $12 and $15 a day were going on a strike. Does the Senator think that was supporting them?

Mr. LEE. It does not change one iota the injustice of them reading in the same paper that 22,000 millionaires were made in the United States profiteering from financing the war. Because the Senator points out one injustice it does not change another injustice I am trying to correct, and having every stick and obstacle possible thrown in front of me that can be thrown there.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. I am not defending the 23,000 millionaires or the 23,000 billionaires.

Mr. LEE. The Senator is objecting to a method of correcting that condition.

Mr. TYDINGS. The Senator certainly wants to conduct the debate so that I may have some say. Let me say to the Senator that I was one of those men in France when the 23,000 millionaires were being made.

Mr. LEE. And I was another one of them.

Mr. TYDINGS. That is correct. What I would do is what I am trying to induce the Senator to do now. I would not allow those 23,000 millionaires to be made out of war profits, and we would not have to confiscate the property of anyone.

Mr. LEE. I do not propose to confiscate any property.

Mr. TYDINGS. I would take from them and I would take from labor their excess profits while men were serving for a dollar a day on the battlefields in defense of their country.

Mr. LEE. Then the Senator would violate the contract of the Government, which said that the interest on those bonds was tax exempt. How can we take by taxation any profits that are made on tax-exempt bonds?

Mr. TYDINGS. I am not talking about them.

Mr. LEE. I am.

Mr. TYDINGS. I voted to make the bonds nontax exempt.

Mr. LEE. But they were tax exempt.

Mr. TYDINGS. That is all right——

Mr. LEE. I do not think it is all right; what I am talking about——

Mr. TYDINGS. What I am talking about is that, whether a man is rich or poor, when his country is at war he is getting all he can get out of the prosperity which then exists, while the country reaches out and takes two or three million youth and sends them forward to die at a dollar a day on the battlefields of the Nation. I say it is not right, and if the Senator is going into field, let us go all the way and give the soldier who actually goes out and carries a musket a square deal.

Mr. LEE. I am for that. Let the Senator bring his proposal forward. I have mine here now and am trying to get action on it.

Mr. TYDINGS. But the Senator has not such a proposal. There is not a line in his bill that would prevent the 23,000 millionaires from being made all over again.

Mr. LEE. The Senator is mistaken about that. When these fellows have to buy bonds at 1 percent instead of 4¾ percent, does not the Senator think that is going to stop it? Up to 1934 we paid $12,000,000,000 interest on the war bonds alone, and we cannot tax that return because it is tax exempt. Does the Senator think that is not war profits? How much do we get in peacetime? Less than 2 percent. But we double it for war purposes and pay as high as 4¾ percent, and the Senator says that is not war profits.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. We were paying 4 percent on bonds in 1926, 1927, and 1928, and we were not then at war. What I am attempting to bring out to the Senator is not an argument in favor of tax-exempt bonds, because I am opposed to them. I am not in favor of the war millionaires. I am opposed to them. What I am attempting to point out is that the Senator is not going to the meat of the problem, which is to have a tax law which will not permit people to make profits at the expense of the blood of the men going on the battlefield, and all his proposition does is to provide that they must invest the money in Government bonds. I do not want them to make money out of war materials to invest. They would not have any profits out of war materials if I could write a law to prevent it.

Mr. LEE. The Senator has been here longer than I have. What has kept him from doing it?

Mr. CONNALLY. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I yield.

Mr. CONNALLY. I may say to the Senator from Maryland that I had pending, and the Senate adopted some time back, a war taxation bill which would have taken away all the profits, but the House of Representatives in the conference, with the assistance of some of the Senate conferees, ditched it.

Mr. TYDINGS. I voted for the Senator's bill.

Mr. CONNALLY. I know the Senator did.

Mr. TYDINGS. And before he offered his proposal I stood here for four solid Monday mornings and tried to arouse some sentiment to prevent these profits in the high brackets going to people who make high profits during war. I do not believe that it is just to the men who go out in the uniform of their country, men taken from their jobs at all kinds of sacrifice, to pay big prices for the supplies those men have to have so that a small number may become rich overnight. I shall support every reasonable proposal which will reduce those profits. I am not in favor of confiscating property in times of peace.

Mr. LEE. Nor am I.

Mr. TYDINGS. We cannot take men any time we want them. It takes time to train an army.

Mr. LEE. I am not in favor of the confiscation of property, and my proposal does not provide for that. But if a soldier has a position which pays him $5 a day, and we take him away and give him $1 a day, he loses $4 of his income. If that is not confiscation, what is it?

There is no argument between the Senator and me about what the Senator's proposal is. So far it is only a verbal proposal. But the Senator is objecting to me taking one phase of this and trying to correct it, because I cannot correct all of the injustices in the whole thing.

Mr. TYDINGS. I do not think the Senator is correcting it. I say he is compounding it.

Mr. LEE. Very well. Let us see what the Senator is defending. The Senator is defending the old system of selling bonds on the voluntary basis. I want to deal with some of the things the Senator is defending.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WALSH. First of all, I wish to say that I am in general sympathy with the objective the Senator has in mind, namely, the levying of taxes to meet the cost of preparedness for war. I have not had an opportunity to study his amendment in detail, but I feel it should be debated and accordingly I shall vote against sustaining the point of order that has been raised. May I take this occasion to make an observation on this general subject.

The Committee on Naval Affairs, when they undertook to enact legislation to expand the Navy by authorizing the production of a large number of naval vessels and airplanes—and in this the Senator from Maryland took a deep interest, and I am sure he is in accord with the views I am about to express——

Mr. LEE. Is the Senator addressing himself to the question I am discussing?

Mr. WALSH. Yes; I am giving the Senator an illustration to show why his amendment or some similar one may be desirable.

We found that since 1934 the law limited profits of shipbuilders to 10 percent and the profits of airplane manufacturers to 12 percent upon Government contracts. The Committee on Naval Affairs, with the cooperation and support of the distinguished Senator from Maryland [Mr. TYDINGS], concluded that, in view of the possibility of conscripting later the manpower of the country, we should not permit unchanged to remain the possibility of profits of 10 and 12 percent, which are peacetime profits and profits which are fixed upon competitive bidding by the shipbuilders and by the airplane manufacturers, especially in view of the fact that we were changing from competitive bidding to negotiated bidding, where, of course, there is no risk. So we said that 7 percent and 8 percent should be fixed, asking a slight profit sacrifice from the industries that are to receive tremendous contracts—millions and billions of dollars of contracts from the Government. Mind you, they received under the negotiated contract every dollar of their costs plus 8 percent profit.

What happened? These contractors, or rather the National Defense Committee, are now knocking at the door of the Committee on Appropriations, and a bill is pending which provides for restoring the profits to 10 percent and 12 percent. Think of that! How can anyone vote to conscript the manpower of the country when the manufacturers of ships and airplanes who have contracts with the Government insist that they receive the same profits they received in peacetime, and when they take no risk as they did under competitive bidding?

The incident particularly to which I wish to call the attention of the Senator from Oklahoma I shall now speak. Certain airplane manufacturers interested the Defense Council, most all the members of which are reputable businessmen and of high standing in the community, to take up their case and fight it before our Senate Naval Committee, where we resisted the demand, and then they brought their case to the Committee on Appropriations, where they apparently succeeded in their objective.

An airplane manufacturer consulted me. What did he say to me? He said:

> The Government cannot get the planes it wants built because the builders will not take contracts for the United States of America.

That is the question before us. What do the contractors say? Plainly and simply, one airplane manufacturer said to me, "We have to buy from 500 subcontractors who furnish the parts to us. Because of foreign contracts for planes, they are receiving more than 18-percent profit, and they will not manufacture the parts we need at 8- and 10-percent profit, and therefore no American planes are being contracted for."

Here we are rushing through a conscription bill, and I think the story is that not a single contract has been made for airplanes. Why? Because these businessmen have folded their arms and said:

> We are out for profit first, and our profits are 18 percent, and we are getting them because of the great emergency in the world and because of the demand in Europe for planes and plane parts.

I proposed in the committee that the President of the United States be given the authority to take over these plants if we have a real emergency, if we need planes more than anything else, and to see that America's interests are protected and conserved.



The committee thought that perhaps it was not opportune to take that drastic action now but to delay the proposal to a later date.

Now, let me add, who in authority dealing with our national-defense needs never disclosed the real reason for the delay in airplane contracts? Instead, they have attempted to give the country the impression that Congress is to blame.

The point I make is this: The Senator is advocating a principle that must go hand in hand with the conscription of the man who has no property to give to his Government, who has nothing to give but his heart's blood, his life, his future, and all that he holds dear in life, and I am with the Senator 100 percent to strip these contractors of their excess profits and demand that they make some sacrifices—not in blood and life but in dollars and cents. I wish to commend the objective the Senator has in view.

I hope the Senator will pardon me for having taken so much of his time, but I thought that what I presented was particularly important at this time, for it pertains very strongly and very directly to the issue before us now.

Mr. LEE. Mr. President, I thank the Senator from Massachusetts. I referred to the matter he discussed in the first part of my address.

I think the time has come when Mr. Knudsen should crack his whip, and, if he does not have enough power, ask the Congress for sweeping power, to give him power enough to require the same patriotism of industry that we are expecting of the boys of the land.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. NORRIS. The Senator from Oklahoma has spoken of the merits of his amendment, and other Senators who have joined in the discussion have directed their remarks to the merits of the amendment, which I am in favor of myself, yet I wish to call the Senator's attention to what I believe to be the practical situation before us now. I may be wrong, but, as I understand, the question now before the Senate is whether the Senator's amendment is subject to the point of order which has been made against it. I should hope to be convinced otherwise, but it seems plain to me that the Senator's amendment is subject to that point of order, under the constitutional provision which provides that all bills raising revenue must originate in the House of Representatives. Is not that the question which is pending?

Mr. LEE. That is the question which is pending.

Mr. NORRIS. I do not know whether Senators really understand that situation.

Mr. LEE. The bill does not provide for any tax at all.

Mr. NORRIS. It is not a question of tax, as I remember the provision of the Constitution. It is a question of raising revenue.

Mr. LEE. It regulates the issuance of bonds. We have passed on the question of loans in bills reported from the Committee on Banking and Currency in connection with regulating the Export-Import Bank. The way we determine where a bill of this kind shall originate, as I understand, is by determining what is the major import or purpose of it. The major purpose of the bill to draft men is military. Therefore it comes from the Committee on Military Affairs instead of the Committee on Education and Labor. The major purpose of this measure is military.

Mr. NORRIS. Will the Senator let me proceed for just a moment to what I believe would be the practical result if we adopted the Senator's amendment? We have done such things in the past. I do not remember now any particular instance, but the RECORD will show a number of instances, I believe, where we have infringed on that constitutional provision, in the judgment of the House of Representatives, which, after all, is going to be the final judge.

When such a bill gets to the House of Representatives the House simply refuses to consider it, and sends it back to the Senate, which is helpless.

I ask the Senator from Oklahoma if he does not feel that the House of Representatives would be justified in taking

that action if we were to agree to the Senator's amendment? It seems to me that practically all of us would like to have the action suggested by the Senator, but we cannot do it in the way suggested by him in view of the constitutional provision which prohibits us from having jurisdiction.

Mr. LEE. Does the Senator from Nebraska think if we did that, there would be any harm if the House sent the matter back to the Senate?

Mr. NORRIS. If that happened it would stop the legislation. If that happened the Senate would have to eliminate that part of the legislation.

Mr. HATCH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. The point of order I raise is that there is no order in the Chamber. Some of us are very much interested in the discussion that is going on. We would like to hear it.

The PRESIDING OFFICER. The point of order is well taken. The Chair wishes to admonish Senators who must indulge in conversation, to do so outside the Senate Chamber, so the discussion now taking place on the floor may be heard by Senators.

The Chair would also wish respectfully to admonish the occupants of the galleries to be as quiet as possible, particularly in entering and leaving the gallery.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. I am not going to interrupt the Senator from Oklahoma more than to make a brief observation, because I am sure that what he wants to do and what I want to do are not far apart.

I simply wanted to leave this thought, so that what I said might not be misinterpreted. We picked out certain industries, such as the airplane companies and the steamship companies and others, and we placed a limitation on their profits. Certain companies make steel. Others sell coal or lumber or wool or cotton or most anything else. All those products go into the cost of making these war supplies, and I believe if we will think the thing through that it might be worthy of our consideration to make the law uniform with respect to profits, because there is hardly a business which does not get some share of the increased demand for materials as the result of preparedness in any case.

I think it would be wise if we can find some formula to level off profits generally when they are related to war preparedness, and I know that would be what the Senator and I would both like to do. I believe it is what the country would like to have done, and I believe it is what the Congress would like to have done. But to pick out one or two, while scores of others may make all kinds of materials, seems to me not to be equitable. The law ought to be pretty general wherever the preparedness complexion of a matter can be ascertained.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. HILL. I agree thoroughly with what the Senator from Maryland has said, and I want to call his attention to this fact—that we have followed the very thought that he has suggested in the matter of labor legislation. For instance, the provisions of the Walsh-Healey Act apply to subcontractors as well as to the contractors. We have gone down, as I recall, to all subcontractors where a contract involves $5,000 or perhaps as little as $2,500. There is no reason why, as the Senator from Maryland has suggested, this limitation should not apply all the way down the line.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. LEE. I yield to the Senator from Oregon.

Mr. McNARY. I wish briefly to supplement the observation made by the able Senator from Nebraska [Mr. NORRIS]. I do this in the interest of orderly procedure and from a desire to come to some understanding concerning the question now before the Senate.

I think there can be no question that the amendment is subject to a point of order. I submit to the Senator that that matter should first be determined before we discuss the merits of the case which we have been doing for about 2 hours.

According to the RECORD of yesterday the able Senator from Louisiana [Mr. ELLENDER] raised the point of order; and in my opinion there can be no question that the point of order should be sustained. However, in conformity with the practice and most of the precedents, a matter of that kind is usually submitted to the Members of the Senate for their consideration and decision. I think the Presiding Officer would not hesitate for a moment to sustain the point of order; but inasmuch as a constitutional question is involved in the point it is the unbroken precedent that the matter should be referred to the Senate.

There is no use in repeating the constitutional provision in section 7 of article I of the Constitution. Section 7 says that:

All bills for raising revenue shall originate in the House of Representatives.

That is, of course, known to every Senator, and to most young people in college.

Secondly, the amendment itself contains language which surely affects revenue. I call the attention of the Senator—in no sense of rebuke, but to submit the matter to his good judgment—to subsection (a) of section 202, on page 2 of the amendment, which reads as follows:

SEC. 202. (a) Whenever it becomes necessary for the Government to borrow money for the prosecution of war or to provide for such expenditures for national defense as may be necessary to meet any emergency which in the judgment of the President necessitates an increase in the Military Establishment by the drafting of manpower, the Secretary of the Treasury shall, from time to time, determine the sums which are necessary for such expenditures and shall issue bonds in convenient size and denominations for such sums. Such bonds shall not be transferable, shall bear interest at a rate not in excess of 1 percent per annum, and shall not be tax exempt either as to principal or interest.

I call the Senator's attention to the repetition of the same general thought in subsections (b), (c), and (d).

Mr. President, I emphasize the futility of proceeding to vote on the amendment. If the amendment should be incorporated in the bill, of course, the House would return it to us, and we should have a delay of probably a week or more. I suggest to the Senator, with the most sympathetic feeling for his attitude, and in laudation of the excellent speech he has made, that he let the Senate, as a jury, pass on the question, Does it fly in the face of the Constitution? If so, that disposes of his proposal. If it does not, then we may continue our argument and debate the merits. I offer that suggestion only in the most kindly way.

Mr. LEE. Mr. President, the Senator is so kind and so persuasive that I am almost persuaded to yield to his view.

When I came out of the war I was convinced of one thing above everything else so far as war is concerned, and that is that to the extent we could take the profit out of it, to that extent we could stop war. I went on the platform, and spoke to the American Legion. Then when I campaigned for the Senate I told the people of my State that I would do everything humanly possible, toward the passage of a law to draft capital when we draft men.

We are now considering a bill to draft men. I cannot think of any more appropriate time to call the attention of Senators and of the people of the country to the fairness of drafting capital when we draft men.

At Camp Dix, N. J., where we were stationed just before we went over, I was on a firing squad. Every morning we marched down to the little station and fired a salute over the flag-draped body of one of our buddies who died of the flu, before we shipped the body home. We drilled at that camp in raincoats which leaked almost as badly as mosquito netting—not that badly, of course, but they did leak. We drilled in the rain. We had a colonel who was not a "lily finger." In fact, I did not meet any soft-hearted colonels. He said, "Drill them, blankety-blank"; and the sergeant drilled us in the rain. Many a night I came in soaked to the skin. The flu hit Camp Dix, and the boys died like flies. Every morning our firing squad marched down and stood at attention and fired a salute over the flag-draped body of one of our buddies.

I had a buddy, a lad from Colorado. I drilled with him. One night he came in with a telltale rattle in this throat; he

had drilled all day in the rain in one of those flimsy raincoats. I reported him, and he was taken to the hospital. A day or two later he was taken to the morgue. When I stood there to fire the salute over the flag-draped body of my buddy, I then and there took a vow in my heart. I said, "So long, Buddy. I will make my next war on the war profiteers when my chance comes." And, by the Eternal, this is the chance, and I am going to make the fight. I am going to make it while we are drafting men. I am going to call to the attention of the world, if possible, the injustice and inequality of taking men when we will not draft dollars.

That is my answer, and I say it most kindly.

Mr. ASHURST. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. LEE. I yield.

Mr. ASHURST. No doubt the Senator is correct in his description of what took place in camp; but will the Senator permit me to be so presumptuous as to correct one sentence which he uttered about 10 minutes ago?

Mr. LEE. Certainly.

Mr. ASHURST. The Senator said that 22,000 millionaires were created in the World War. The number was 23,000, not 22,000. [Laughter.]

Mr. LEE. I thank the Senator for the thousand additional arguments for my amendment.

Mr. President, I realize the unanswerable truth of what the Senator from Nebraska and the Senator from Oregon have said; but, after all, we are now considering legislation to draft men. Aside from a technicality which binds us, could there be any more appropriate time to consider a measure to draft capital? If we are in an emergency for one, then we are in an emergency for the other. We are not at war. We do not need the men in the front lines now. I think we need to get them ready and train them. I likewise think we need to establish machinery for reaching the financial resources of the country in a sane and systematic manner, just as we need machinery set up to reach the manpower of the country.

Those who want to keep the voluntary system should consider some of the injustices and inequities of that system. Remember, everyone who opposes this plan is indirectly supporting the old plan. So I fasten on those who oppose my plan responsibility for all the injustices and inequities which accompany the old plan.

In the first place, when the Liberty Loan committees went out, there was no system or method by which the ability of a person to lend was determined. The amount each person was supposed to lend was determined by the haphazard guesswork of the committee. The man who owned physical property which could be seen often had an allotment given to him out of proportion to that given the wealthier citizen, who had his wealth in intangible securities which could not be so easily seen. There was no system to determine the question.

Again, patriotism was used as a method of pressure. Patriotism is not a fair criterion, because it appeals to the emotional and the soft-hearted. Usually a man's bank account is large in proportion to his sales resistance. Usually the man with the most money has the most sales resistance, and he has his patriotism under better control. Therefore, when we go out to get money, the emotional and the tender-hearted buy bonds out of proportion to their ability, while the businessman who has steeled himself to resist emotional appeal does not buy in proportion to his ability. Yet that was the method of raising money which some are indirectly supporting by opposing a systematic method of raising money.

For instance, take the old farmer who has two sons in the Army. Does anyone think he is in the same position to resist the pressure of a bond salesman as is the banker who has no sons in the front-line trenches? Certainly not. He buys out of proportion to his ability. He buys bonds which he is unable to keep, and when he sells them he takes his loss on them. He sells them at a discount, and they wind up in the hands of the fellow with the most money. In other words, the old voluntary system makes the rich richer and the poor poorer, and carries out the Biblical statement:

> Unto everycne that hath shall be given; but from him that hath not, even that which he hath shall be taken away from him.

It takes from the poor and adds to the rich, and aggravates the evil of the concentration of wealth in the hands of a few.

The romantic little stenographer who did not own a dollar's worth of property, seeing her lover going to war, would subscribe for bonds far out of proportion to her fair share as compared to her employer who by his training was accustomed to discounting all emotional and patriotic appeals and making every decision on a cold-blooded business basis.

I wish to quote from page 133 of Mr. Nathaniel R. Whitney's book, The Sale of War Bonds in Iowa:

> The New York Consumers' League investigated women's wages and living costs in New York and Brooklyn and found considerable fault with the indiscriminate exertion of pressure on employees to subscribe for bonds. One girl, who was getting $12 a week in a department store and lived in one of the subsidized homes of the city in order to make her wage suffice, was threatened with discharge if she refused to subscribe for a bond. She purchased a bond and in order to meet the payments on it had to supplement her earnings by sewing in the evenings, working until 12 and 1 o'clock at night after standing all day at her counter. Another girl paid a dollar a week from her $8 wage for a bond. In order to do so she lived in a cheap quarter of the city in a room costing $1.50 a week.

Multiply these by thousands of instances like them and it must be concluded that such a method of raising money is unfair.

Any method of raising money which depends upon pressure, profit, haphazard guess, prejudiced estimate, or other arbitrary methods of determining the amount that each individual should lend is inequitable and therefore unjust.

Fifth, I indict the old voluntary system of financing war because it results in a violation of civil liberties.

It encourages the use of extra-legal, coercive, and dictatorial methods in order to force the sale of bonds. Threats, coercion, and intimidation were frequently used in order to sell bonds during the World War. Kangaroo courts were established and strong arm committees used extra-legal methods to force people to buy bonds in amounts which had been arbitrarily determined.

There were many instances of employers announcing to their employees that they were expected to do their duty and their duty was the quota prescribed by a committee. This, of course, was an indirect threat of the loss of employment.

The passions of the people were so inflamed that a rumor of pro-German sympathy, even though it may have been untrue, caused them to resort to extreme methods to force the purchase of bonds.

According to a writer in the Atlantic Monthly, this pressure became so severe in Wisconsin as to merit the term "Prussianization."

In Iowa, the editor of the Iowa Homestead spoke of the campaign period as a "reign of terror." On a later date the New Republic described the means of pressure used in Iowa under the title, "Borrowing With a Club."

Kangaroo court methods were even worse. Quoting again from Mr. Whitney's book, page 134, where he says:

> A good idea of the organization and methods of these courts can be obtained from a speech entitled "Recruiting" made by Emmet Tinley in 1918. Mr. Tinley described the court at Council Bluffs of which he was a member. It was composed of 10 men. * * * A special form of summons was made use of and, according to Mr. Tinley, out of 400 summoned not 1 failed to appear.
>
> Those who were summoned were ordered to bring with them a statement of all property and debts. The members of this court asserted complete and final jurisdiction, though they relied to a large extent upon persuasion and explanation. Mr. Tinley described the methods in the following words:
>
> "For instance, you may have before you a slacker engaged in mercantile business and enjoying real prosperity. He perhaps may be defiant and arbitrarily contend that the purchase of $200 of bonds is his full share when you feel he should have taken 10 times that amount. Just show him the picture of a real patriot; a widow whose only son is in the Army and who now washes for a

living in order that she may use the allotment she receives to help pay for $500 of her Government's bonds. Then ask his permission to take his picture and the picture of his store and his automobiles and his home in order that you may present the contrast at the next patriotic meeting, by throwing the pictures of the two characters on the screen with appropriate inscriptions. It is surprising how quickly he will see the light."

In addition to kangaroo-court methods of forcing the sale of bonds, the committees resorted to the use of the boycott. Quoting again from Mr. Whitney's book, page 140, he says:

James M. Pierce described an incident which occurred in a northern Iowa town where a family which had refused to subscribe for bonds was said to have been boycotted. Cattle they had ready to ship were driven out of the local stockyards and scattered throughout the country. Local banks in which they were stockholders forced them to sell their shares. A yellow monument was erected in the center of the town with the names of all the members of the family inscribed on it. Threats were said to have been made to burn their house and barn.

It is unnecessary to accumulate further evidence to prove that the old method of financing war allows of extralegal, coercive, and dictatorial methods and therefore encourages the violation of civil liberties.

Sixth. I indict the old method of financing war, because it is inefficient.

It depends upon high-pressure methods of salesmanship. It is not a system but a hit-and-miss method of raising money by ballyhoo.

Using the World War as an example, there was great duplication of effort, overlapping of territory, and lack of concentrated energies. In most cases, the Liberty Loan committees depended upon voluntary help which was sporadic and unreliable.

If it were possible to total up the entire cost of the Liberty Loan campaigns, it would be a staggering amount, but that is impossible because much of the work and money was donated. Not only did the people of the United States respond to the call to purchase Liberty bonds in a most patriotic manner but those who served on the Liberty Loan committees gave generously of their time and money to the campaign. Most of them contributed to the point of sacrifice in order to make the campaign successful, but in spite of the fact that it was a noble accomplishment, it does not change the fact that it was accomplished at great waste and loss of energy, not because of the men and women who gave their services but for the want of a system.

Under the direction of men and women of lesser courage, patriotism and ability, it could not have been accomplished at all because it is a disjointed, unsystematic, illogical method of raising money.

In addition to all the time and energy and materials and services and money donated by the millions of patriots in order to sell the bonds, let us consider some of the concrete expenses which were not absorbed by donation.

For example, during the third loan drive, 7 tons of mail matter advertising the Liberty Loan were sent out daily, including Sundays, for distribution in the Seventh Federal Reserve district alone—7 tons daily, including Sunday, for the Seventh Federal Reserve district alone.

More than one piece of Liberty Loan advertising matter for every man, woman, and child in the United States was sent out during the campaign.

Eight and a half million dollars was spent for advertising alone and the total expenditures for the five Liberty Loan campaigns was $45,878,000 which appears to be very modest when you consider the task which was accomplished. But I want to center attention on the fact that the voluntary system of financing war requires a considerable outlay of money in addition to a vast amount of lost motion and duplication of effort. Therefore such a system is clumsy, wasteful, and inefficient.

Seventh. I indict the old voluntary method of financing war because it breaks down when it is most needed.

The most important objective is to win the war. Everything else must be of secondary consideration to that objective. When a nation goes to war, it proceeds on the general assumption that if it loses the war, it loses everything. Therefore the war must be won at all costs.

Two things are necessary to win a war—men and money. If you are able to provide the men but unable to provide the money, you cannot win the war.

For example, China has the largest population in the world and from the standpoint of manpower could mobilize the greatest army in the world, but she is unable, for the lack of money, to arm and equip that army. Therefore she is at the utter mercy of a smaller nation.

The power to commandeer men, money, and materials is written into our Constitution in order that the Government may "provide for the common defense."

This means that the Government has power to utilize every dollar of the Nation's wealth for national defense, if necessary.

We learned a long time ago that the voluntary method of raising an army was inefficient, unreliable, and altogether unsatisfactory but most important of all, we learned that the voluntary system of raising an army did not supply the Government with a constant stream of men as they were needed. It resulted in too many part of the time and not enough part of the time.

Therefore the United States abandoned the voluntary method of raising an army and adopted the better method of a selective draft.

The experience of the World War showed beyond any reasonable argument that the selective draft method is superior to the voluntary method of raising an army.

The voluntary method of raising money is unreliable because it depends upon emotional appeal for its success.

It would be just as reasonable to argue that we should raise taxes by a voluntary method as it is to argue that we should finance war by a voluntary method.

This seems to me to be an exact parallel. The Government could not afford to leave to each individual's decision the amount of taxes he should pay. In the first place, no tax which does not apply equally to everybody in the same class is constitutional.

The Government could not afford to leave to the volition of each taxpayer whether or not he should pay any taxes.

Neither could the Government allow each taxpayer to determine the amount which he would pay, because such a system would be unjust and would not yield enough revenue.

Neither can the Government depend upon a method of financing war which leaves to each individual the decision whether or not he will lend to the Government for that purpose. Nor can the Government depend on a method of financing war which leaves the amount of money that each individual lends to be determined by patriotism, pressure, or profit.

It is well known that as a general rule the richer a man is the less he is affected by emotional appeal. Whether it is the cause or the effect makes no difference, but the fact remains as a general rule that a man's sales resistance increases in direct ratio to his bank account.

During a war a government can no more afford to depend upon the voluntary system of loans than it could depend upon a voluntary system of taxation, because governments which have depended upon the voluntary system of financing have found that the voluntary system breaks down right when money is most needed.

The governments then turn to the printing presses for money, with the disastrous results which always follow the issuance of fiat money.

This has been done in nations where the financial resources had not been exhausted but had simply hidden out, as they always do in time of war. History is replete with the stories of governments which have broken down within before the armies gave way on the front.

The worthless Confederate currency of the South and the depreciated "greenbacks" of the North are ample evidence of the desperate efforts which those two Governments made in order to continue fighting after the voluntary system of financing had broken down.

In spite of the fact that the United States was not in the World War very long, yet our voluntary system of financing was breaking down. It became increasingly more difficult to

raise money, as the committees who put on the Liberty bond drives will testify.

Also the expense of each succeeding campaign was greater than the previous one. For example, the cost of advertising ran as follows:

| | |
|---|---|
| First Liberty Loan | $274,000 |
| Second Liberty Loan | 536,000 |
| Third Liberty Loan | 1,698,000 |
| Fourth Liberty Loan | 2,449,000 |
| Fifth Victory Loan | 3,593,000 |

Therefore it is evident that the difficulty of selling the bonds increased with every loan campaign. But we are now told by those who defend the old voluntary system that the bond issues were oversubscribed, which statement is correct but very misleading. These issues were oversubscribed but not altogether from a voluntary standpoint.

The oversubscription was due to the effective efforts of the Liberty Loan committees. In every nook and corner of the United States we had these high-pressure committees going into people's places of business, going to their homes, going to public meetings, and using all of the modern methods of salesmanship in order to sell their quota of bonds. We had strong-arm committees and kangaroo courts, threatening and intimidating people to force them to buy what was said to be their quota of bonds.

The Government spent a total of $45,848,000 in order to sell those bonds. The most colossal campaign of propaganda that was ever launched in the history of the world was launched in order to sell those bonds. Millions of colorful billboards were plastered all over the United States. Heartbreaking scenes appeared everywhere you turned. Uncle Sam pointed his finger toward you no matter where you looked. The Statue of Liberty with blazing eyes shouted at you to buy bonds. Pictures of broken and bleeding soldiers plead with you to buy bonds. Pictures of babies with tiny uplifted hands plead for you to buy bonds.

A captured submarine was brought into different ports of the United States and trainloads of captured war paraphernalia made tours all over the United States in order to dramatize that campaign.

Boy Scouts, Four Minute speakers, beautiful girls, torchlight parades and bonfires were all used to create enthusiasm in order to sell those bonds.

Wounded and disabled soldiers returned from the front and made tours through the country pleading with people to buy bonds.

In other words, after staging the most gigantic selling campaign in the history of the world, we were able to oversubscribe the Liberty Loans.

Now, let us look at the amount of oversubscription, because I believe those figures will tell their own story.

The first Liberty Loan was oversubscribed 52 percent, the second 54 percent, the third 39 percent, the fourth 16½ percent, and the fifth Victory Loan was oversubscribed 16⅔ percent.

In other words, with all of the pressure and emotional appeal which the genius of America could create, the oversubscription slumped from 52 percent to 16⅔ percent.

How much longer do you think we could have kept up that high-pressure campaign? Yet, even with that pressure, the oversubscription decreased from 52 percent to 16⅔ percent.

But that is only half of the story. Now let us look at the rising interest rates which it was necessary for the Government to pay in order to coax enough money out of hiding to continue the war. The first bond issue bore 3½ percent interest, the next 4 percent, the next 4½ percent, and the last 4¾ percent, and if the war had continued long enough, judging from history, we would have reached the point where the Government could not have borrowed money at any rate of interest.

Then we would have turned to the printing presses and destroyed ourselves, all for the lack of an efficient system for reaching the wealth which is in this country.

Financial resources have been referred to as the "sinews of war." At least, we know that two things are essential to winning a war. They are men and money. If we are able to supply the one but not the other, we are still defenseless.

In case of war, the United States should be able to supply these two essentials of war in a constant, unending stream.

Although the stream of men flowing into the Army was not diminished as the war proceeded, yet it was very evident from the facts which I have just submitted that the voluntary method of raising money was breaking down.

Seventh, I indict the old voluntary method of financing war as being inconsistent with a system of drafting men.

The Constitution says, I quote:

> Congress shall have power * * * to raise and support an army * * *.

Here are two grants of authority connected by a conjunction. One says Congress has power to raise an army; the other says Congress has power to support an army. They are coexistent. The grant of authority is equal in force.

During the last war the Government raised an army of men by compulsory draft laws and supported that army by appeals for voluntary subscriptions.

It raised an army by force and supported it by volition.

It raised an army by command and supported it by entreaty.

It raised an army by law and supported it by grace.

The Government drafted men and begged for money.

It is unthinkable that Congress has the power to raise an army of men by compulsion and does not have the power to raise finances by the same compulsion. The power to raise an army and the power to support an army are, in my opinion, coexistent. The one cannot exist without the other. Of what effect is an army without ammunition? Without guns? Without hand grenades? Without transportation? Without food?

But, in the last war, we raised an army by command and supported it by solicitation. What an inconsistency!

The power to equip, feed, clothe, and support an army and the power to raise an army are inseparable ingredients of war, and the power to feed, clothe, and equip an army means the power to raise money in a manner as equally mandatory as the manner used to call men to the colors.

To me it is almost unthinkable that a government which has power to draft a man and send him to his death in the front-line trenches must stage a flamboyant circus at home in order to raise enough money to buy the gun he uses.

During the darkest days of the Civil War, Abraham Lincoln went to New York to raise more money to feed and clothe and arm the soldiers. He saw that the bankers were holding out for better terms. He stood up with the fire flashing from his eyes. He said:

> I can draft a widow's only son. I can take her only means of support from between the plow handles and place him at the front of the battle where his life will not last 6 minutes. But I cannot lay my hands on enough money to pay for the food he eats before he is shot.

It was true in the Civil War; it was true in the World War; and unless we do something about it now, it would be true in case of another war.

HISTORY OF PLAN TO DRAFT USE OF CAPITAL IN CASE OF WAR

For 20 years the ex-service men through their organizations have been asking Congress for legislation that would draft capital in case of war, just as the Government drafted men for the World War.

Let me give you just one example of the resolutions passed by the American Legion. This is the one passed at the National Convention in Cleveland, Ohio, in 1936. I quote:

> Whereas the American Legion has continuously since its organization advocated a universal service act providing for the draft of capital. * * * Therefore be it
> *Resolved*, * * *.

Now let me give an example of the resolutions passed by the Veterans of Foreign Wars. This one was passed at the 1936 National Encampment in Buffalo, N. Y. I quote:

> Whereas in the event of unwanted war, the wealth of the Nation should be just as much subject to conscription and mobilization as its manpower, * * * Therefore be it
> *Resolved*, * * *.

On the point of constitutionality, Mr. President, I have not heard any good lawyer argue that the Government does not have the constitutional power to take property if it is needed. For example, the thirteenth amendment of the Constitution says that slavery or involuntary servitude shall not exist in the United States. Yet during the World War, in the draft-resisting cases, the Supreme Court held that the Government has power to draft men because of the emergency. Some argue that the Government would not have the power to draft capital at 1-percent interest, because that would be a violation of the fifth amendment, which provides that a man's property shall not be taken without just compensation, but the courts have held—I believe it was in the case of German Alliance against the United States—that where a building stands in the pathway of a fire, if it is believed that the destruction of that building would prevent the spread of the fire, in the interest of the general welfare the building can be destroyed by proper authority without any compensation at all. Certainly, then, the same Court would not hold that in an emergency which called for drafting men the Government could not in a similar manner lay its hands upon the wealth of the country.

I do not believe it is unconstitutional. I believe that if we can temporarily suspend many of the constitutional guaranties of liberty for the boy, we can do the same thing for the money of the country.

For instance, we take a boy for the Army, and he has no right of contract. He has no right to say how much pay he shall receive. He has no right to say what he shall do, how much money he shall get, or how many hours he shall work. He has no right of contract at all. Then we temporarily suspend his right of free speech. We put him in the Army, where he has no right of free speech. We censor his mail.

He has no right of free press. We limit his liberty. We put him in the Army, and he cannot go anywhere except when he is given temporary permission to go to town, for example. We suspend his right of liberty. Often he is ordered to the charge, where he is shot, and he surrenders his life. If we do that, if we can temporarily suspend all these human rights, will any lawyer argue with me that we cannot in a similar manner lay our hands upon the financial resources of the country? Have we come to the point where dollars are worth more than men? It would seem so.

I believe that if we can take men, we can take money. If we can take one man's services, we can take another man's property. If we can conscript one man's liberty, we can conscript another man's credit. If we can take one man's blood, we can take another man's gold. I do not believe any Supreme Court would say that the Government would not have a right to lay its hands upon the financial resources of the country in a systematic manner, as provided in this measure, if at the same time the Government decides that the emergency is of such a nature as to require it to lay its hands upon the youth of the country.

Mr. President, I thank the Senate for its indulgence. I have finished what I have to say at this time. I ask for a yea-and-nay vote on the point of order. This is a technicality, and I want the Senate to vote on it. I should like to have a vote on the amendment.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. DAVIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Chandler | Gurney | Lundeen |
| Andrews | Chavez | Hale | McCarran |
| Ashurst | Clark, Idaho | Harrison | McKellar |
| Austin | Clark, Mo. | Hatch | McNary |
| Bankhead | Connally | Hayden | Maloney |
| Barbour | Danaher | Hill | Miller |
| Barkley | Davis | Holt | Minton |
| Bridges | Downey | Hughes | Neely |
| Brown | Ellender | Johnson, Calif. | Norris |
| Bulow | George | Johnson, Colo. | Nye |
| Burke | Gerry | King | Overton |
| Byrd | Gibson | La Follette | Pepper |
| Byrnes | Gillette | Lee | Pittman |
| Capper | Green | Lodge | Radcliffe |
| Reed | Shipstead | Thomas, Okla. | Walsh |
| Reynolds | Slattery | Tobey | Wheeler |
| Russell | Smathers | Truman | White |
| Schwartz | Stewart | Vandenberg | Wiley |
| Schwellenbach | Taft | Van Nuys | |
| Sheppard | Thomas, Idaho | Wagner | |

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Seventy-seven Senators having answered to their names, a quorum is present.

The Chair would like to state the parliamentary situation. The question before the Senate is, Shall the point of order made by the Senator from Louisiana [Mr. ELLENDER] be sustained? Yesterday the Senator from Oklahoma [Mr. LEE] offered an amendment to the pending bill. The Senator from Louisiana has interposed a point of order on the ground that the amendment contravenes section 7 of article 1 of the Constitution of the United States.

Under the uniform precedents of the Senate, when the constitutionality of an amendment is attacked, the Presiding Officer of the Senate has no authority to make the decision, but refers the question directly to the Senate.

The yeas and nays have been requested by the Senator from Oklahoma.

Mr. McNARY. Mr. President, I spoke on the proposal a moment ago, and I have no doubt that the amendment is in contravention of the Constitution. On this point the precedents are numerous that automatically the yeas and nays must be ordered by the Presiding Officer. But I have no objection to going through the formality.

The PRESIDING OFFICER. The Chair is of opinion that the Senator from Oregon is in error.

Mr. McNARY. I am strongly of the opinion that I am right about it.

The PRESIDING OFFICER. Is the demand sufficiently seconded?

The yeas and nays were ordered.

Mr. CLARK of Missouri. Mr. President, I do not desire to detain the Senate on the point of order further than to say that it seems to me the question of the constitutionality of an act of Congress is a question to be decided by the courts, and should not be the subject of a point of order. Congress has repeatedly passed measures which have been declared to be unconstitutional by the courts. So far as I am concerned, I do not think the amendment is any more subject to a point of order than the whole bill is subject to a point of order. It seems to me that the Senate should take a vote on the amendment, and that the country is entitled to know how men stand on the question of whether we are to conscript the manpower and the blood and the brawn of the country, and allow the wealth of the country and the property of the country to go absolutely scot free.

The Senate may dodge this vote today by sustaining the point of order, but a bill will be here within a week or so, a revenue bill, to which the amendment undoubtedly may be properly attached, and Senators who attempt to dodge today by voting to sustain the point of order will be put on record within a few days, in any event.

Mr. BARKLEY. Mr. President, so far as I am personally concerned, I am not afraid to express my views on the amendment, and to cast my vote on it whenever it shall come before us in a proper way. I have done so heretofore, and I am not afraid to do so hereafter.

Undoubtedly the Senate should sustain the point of order which has been made by the Senator from Louisiana. The Constitution provides that all revenue-raising measures shall originate in the House of Representatives, but that the Senate may amend revenue-raising measures which have come over from the House.

The bill now under consideration is not a revenue-raising measure. There is no stretch of the imagination which can make it a revenue-raising measure. We all know, and we might as well understand when we vote on this point of order, that if we send this amendment over to the House of Representatives on the pending bill, a measure providing for military training, the House of Representatives will not even receive it. They would send it back to the Senate, as

they have done heretofore in the case of measures of this character.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McNARY. Even more conclusive as to that, they would treat it as they did the silver bill of the Senator from Delaware [Mr. TOWNSEND] within the last 3 months—pocket it for good.

Mr. BARKLEY. That is true. We might as well understand that situation. It is no dodge of the issue, by any stretch of the imagination, for a Senator to vote that the amendment, which is a revenue-raising proposal, has no place on this military-training bill.

There is not a better parliamentarian in the United States Senate than the senior Senator from Missouri [Mr. CLARK]. He served in the House of Representatives for many years under his distinguished father as parliamentary clerk of the House. There is not a more sincere or earnest advocate and stickler for obeying the Constitution of the United States than is the Senator from Missouri. The Senator from Missouri knows that the pending bill is not a revenue-raising bill. The Senator from Missouri knows, as we all know, that revenue-raising bills must originate in the House of Representatives, although we have a right to amend such bills. But we have no right, under the Constitution, to attach a revenue-raising amendment to a non-revenue-raising bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I do not understand the principle on which this amendment is said to be a revenue-raising measure. As I read it, it seems to be a borrowing amendment. We have not hesitated to consider bills in the Senate from the Banking and Currency Committee providing for borrowing money, such as the Export-Import borrowing bill, or the spending-lending bill of last year, as I remember.

Mr. BARKLEY. The Senator from Ohio knows that when we have before us in the Senate even a borrowing bill, authorizing the issue of bonds by the United States Government, it must originate in the House of Representatives. Such bills have always originated in the House.

Mr. TAFT. How does the bill on the calendar presented by the Senator from Virginia, authorizing the Export-Import Bank to borrow $500,000,000 from the R. F. C. and the R. F. C. to borrow from the public, differ from this?

Mr. BARKLEY. The Senator from Ohio knows we are not considering a bill on the calendar with respect to the Export-Import Bank, and I do not suppose even the able Senator from Ohio would contend that the bill we are now considering is a revenue-raising bill, or a borrowing bill, or a taxing bill, or a bill to raise revenue by any method whatever.

Mr. TAFT. What I question is whether a bill merely authorizing the borrowing of money is a revenue-raising measure. I wondered if the Senator had any authority for that position.

Mr. BARKLEY. I never made the statement that a bill providing for the issue of bonds and raising revenue was not a revenue bill. That question is not before us, and I never even mentioned it. I am talking about the bill now under consideration, which is not a revenue-raising bill, which is not a borrowing bill, which in no sense can be interpreted, under the Constitution, as a bill to raise revenue. Therefore the amendment is out of order, it is unconstitutional, and the fact that we vote that it is unconstitutional and has no right here is not to be interpreted as a dodging of the issue on the question raised by the amendment.

Mr. ADAMS. Mr. President, I call the attention of the Senator to the fact that the Export-Import bill is a lending bill and not a borrowing bill.

Mr. BARKLEY. I do not care anything about what the Export-Import bill provides, whether it is a borrowing or lending measure; it is not now under consideration by the Senate. The amendment offered by my good friend the Senator from Oklahoma is not offered to the Export-Import Bank bill, whatever term we may desire to use regarding it.

Mr. TAFT. As I understand, the point of order is that the Lee amendment is a revenue-raising measure which would have to originate in the House of Representatives.

Mr. BARKLEY. The point of order made by the Senator from Louisiana is that the amendment offered by the Senator from Oklahoma is essentially a revenue-raising amendment and is not in order on a non-revenue-raising bill. That is the point of order; and the contention is that the bill to which it is offered as an amendment is not in any sense a revenue-raising bill, and that, therefore, it cannot be considered by the Senate.

Mr. TAFT. I call the Senator's attention to the fact that the spending-lending bill last year was a bill to borrow money, just exactly as this is to borrow money, on the credit of the United States, and it originated in this body, it went to the House of Representatives, the House of Representatives did not decline to receive it, and did not consider it to be a revenue-raising measure.

Mr. BARKLEY. Mr. President, that is a technical, moot question, that has no place in this debate at all.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CLARK of Missouri. The whole point of order is a technical question. The point raised by the Senator from Ohio [Mr. TAFT] is extremely well taken, that this is an amendment providing for borrowing on the credit of the United States, and that the Senate has repeatedly considered measures for borrowing on the credit of the United States, and that the House has never failed to receive and consider such a bill.

Mr. BARKLEY. Does the Senator from Missouri contend that a bill providing for universal compulsory training is a revenue measure?

Mr. CLARK of Missouri. No; I do not contend that the bill itself is a revenue bill, but I do contend that the amendment of the Senator from Oklahoma [Mr. LEE] providing simply for borrowing on the credit of the United States is not a revenue measure.

Mr. BARKLEY. Then the Senator from Missouri does not agree with the Senator from Ohio?

Mr. CLARK of Missouri. Well, I frequently disagree with the Senator from Ohio, but I do not on this particular proposition, because I merely restated in almost exactly the same words the proposition that the Senator from Ohio just stated.

Mr. BARKLEY. Mr. President, I do not care to detain the Senate longer in taking a vote on this matter. I think all Senators present realize that the bill we are now considering is not a revenue measure in any sense of the word. The point of order may be technical, but if the point of order is technical, then the Constitution is technical.

Mr. LEE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEE. Senators who wish to vote in favor of drafting capital along with men would vote "nay" on this proposition; is that correct?

The PRESIDING OFFICER. The Chair will state the situation. Those who wish to sustain the point of order made by the Senator from Louisiana [Mr. ELLENDER] will vote "yea," and those who do not wish to sustain the point of order will vote "nay."

Mr. ELLENDER. Mr. President, the American people are anxiously awaiting a vote on the pending bill. We have been discussing the issues involved for nearly 2 weeks, and I doubt if anything new on the subject can be presented by any member of the Senate. Certainly every Senator has made up his mind as to how he is going to cast his vote, and I can see no reason for further debate. Speaking for myself, I have been awaiting the opportunity to cast my vote in favor of the bill. I am convinced that the only American and democratic way to raise an army is to draft men for the service. It is unfair to let the patriotic and those out of work carry the burden. Besides, under the selective draft, better men can be made available. We are

now spending billions for preparedness and it is incumbent on us to devise some way to raise an army at once that can be trained to operate our modern weapons of war. We need trained men now; tomorrow may be too late. It is my firm conviction that if our country is well and adequately prepared we need not fear an attack from any quarter.

Mr. President, it is not my purpose to detain the Senate much longer in order that I may discuss the point of order made by me on yesterday. I believe the pending question has been thoroughly debated. There can be no doubt that the amendment of the Senator from Oklahoma is a revenue measure. Permit me to read a few paragraphs from the printed amendment:

SEC. 202. (a) Whenever it becomes necessary for the Government to borrow money for the prosecution of war or to provide for such expenditures for national defense as may be necessary to meet any emergency which in the judgment of the President necessitates an increase in the Military Establishment by the drafting of manpower, the Secretary of the Treasury shall, from time to time, determine the sums which are necessary for such expenditures and shall issue bonds in convenient size and denominations for such sums. Such bonds shall not be transferable, shall bear interest at a rate not in excess of 1 percent per annum, and shall not be tax exempt either as to principal or interest.

(b) The President shall prorate among the persons covered by any census taken pursuant to this act the sums which such persons are required to invest in each separate issue of such bonds. Such proration shall be on a graduated scale similar to that of the graduated income tax, so that each person shall be required to invest according to his ability. This proration shall be repeated from time to time as long as it is necessary for the Government to borrow money to meet the emergency which necessitates an increase in the Military Establishment by the drafting of manpower.

(c) Each such person shall purchase such bonds in the amounts so allotted and within the time so prescribed.

(d) The borrowing power of the United States under this act shall not be exercised after the termination of the emergency which brought such power into existence.

It is clear that if this amendment were to be agreed to, the Government could raise revenues to prosecute an entire war. The pending bill has originated in the Senate. Section 7 of article I of the Constitution provides:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Mr. President, there cannot be any question with respect to this matter and I ask that the Senate maintain the point of order now before it.

Mr. CHAVEZ. Mr. President, I wish to clear this question in my own mind at least. I do not agree with the Senator from Oklahoma that anyone who votes for the point of order will be against the proposition submitted by the Senator from Oklahoma. It appears to me that if it is a technical matter, if it is a constitutional question, then it is up to the Senate to decide. If the amendment is subject to the point of order, according to the technical rules announced by some Members of the body, then the Senator from Kentucky [Mr. CHANDLER] who is so ably presiding, would be able to decide the question, but, instead, the Senate is going to decide the question.

I may have my own feelings with respect to the amendment submitted by the Senator from Oklahoma. I may vote against it or I may vote for it. Whether or not I believe in drafting wealth along with the drafting of human beings is a separate matter than the pending question. I still feel that I can, with complete justification, vote against the point of order, and at the same time, if I get the opportunity in this body, I may vote against the amendment of the Senator from Oklahoma. It is my purpose to vote against the point of order.

The PRESIDING OFFICER. The question is on the point of order made by the Senator from Louisiana [Mr. ELLENDER] to the amendment of the Senator from Oklahoma [Mr. LEE] to the committee amendment.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND]. I am informed that if he were present he would vote as I intend to vote. Therefore I am at liberty to vote. I vote "yea."

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I understand that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. STEWART (when his name was called). On this question I have a pair with the Senator from Oregon [Mr. HOLMAN]. I do not know how he would vote if he were present. I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and will vote. I vote "yea."

The roll call was concluded.

Mr. SCHWARTZ. I announce that my colleague [Mr. O'MAHONEY] is unavoidably detained from the Senate.

Mr. WAGNER. I announce that my colleague [Mr. MEAD] is absent on official business.

Mr. MINTON. Mr. President, I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are necessarily absent.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard.

The Senator from Washington [Mr. BONE] is detained in one of the Government departments. I am advised that, if present and voting, he would vote "nay."

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Delaware [Mr. TOWNSEND] and the Senator from North Dakota [Mr. FRAZIER] are necessarily absent.

The result was announced—yeas 54, nays 23, as follows:

YEAS—54

| | | | |
|---|---|---|---|
| Adams | Ellender | Lodge | Schwartz |
| Austin | George | McCarran | Schwellenbach |
| Bankhead | Gerry | McKellar | Sheppard |
| Barbour | Gibson | McNary | Slattery |
| Barkley | Gillette | Maloney | Smathers |
| Bridges | Green | Miller | Stewart |
| Brown | Gurney | Minton | Tobey |
| Burke | Hale | Neely | Truman |
| Byrd | Harrison | Norris | Vandenberg |
| Byrnes | Hatch | Overton | Van Nuys |
| Chandler | Hayden | Pittman | Wagner |
| Connally | Hill | Radcliffe | White |
| Danaher | Hughes | Reed | |
| Davis | King | Reynolds | |

NAYS—23

| | | | |
|---|---|---|---|
| Andrews | Clark, Mo. | Lundeen | Thomas, Idaho |
| Ashurst | Downey | Nye | Thomas, Okla. |
| Bulow | Holt | Pepper | Walsh |
| Capper | Johnson, Calif. | Russell | Wheeler |
| Chavez | La Follette | Shipstead | Wiley |
| Clark, Idaho | Lee | Taft | |

NOT VOTING—19

| | | | |
|---|---|---|---|
| Bailey | Frazier | Johnson, Colo. | Smith |
| Bilbo | Glass | Lucas | Thomas, Utah |
| Bone | Guffey | Mead | Townsend |
| Caraway | Herring | Murray | Tydings |
| Donahey | Holman | O'Mahoney | |

So the Senate sustained the point of order raised by Mr. ELLENDER.

Mr. LODGE. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Massachusetts to the amendment reported by the committee will be stated.

The CHIEF CLERK. On page 15, line 18, after the word "men", it is proposed to insert "not to exceed 800,000."

Mr. LODGE. Mr. President, I wish to make a brief explanation of the reasons for my amendment, the terms of which are self-explanatory. It would limit the total number of men to be raised under the terms of the bill to 800,000. That would enable the Army to maintain a constant strength of 400,000. The reason for placing the figure at 800,000 is so

that when the first increment of 400,000 reaches the expiration of its term the War Department, a few months before that date, may induct another increment, thereby keeping the strength constantly at 400,000.

I wish to point out for the record that on page 8 of the committee report the following statement is made:

> The War Department plans if this bill is enacted to induct for military training and service approximately 400,000 men this autumn and about 400,000 in April 1941. In addition, calls will be made for certain miscellaneous purposes. The total number which it is planned to induct for military training service during the present fiscal year will be between 800,000 and 900,000. These individuals, after the completion of 12 months' training, will take their place in the Reserve forces of the Nation.

It is also noteworthy that on page 8 of the Senate hearings on the second supplemental national-defense appropriation bill for 1941, which is the most recent official word on the subject, these figures are restated under date of August 5.

Mr. President, I think it is obvious that a limit on the number of men to be procured under the bill should be definitely stated in its terms. It is, of course, correct, as has been pointed out, that a provision already exists in the bill which would limit the number of men by virtue of the appropriation. It is true that the Appropriations Committee, by its power of withholding funds, will determine how many men are to be raised under the terms of the bill. It is also true that the Army, in making its own plans, must set a limit, and has set a limit, so that it may know how many pairs of shoes and how many uniforms it must order, how much food it must buy, how much shelter it must provide, and so forth. By putting a limit into the bill we in no wise hamper the efficient operation of the Army. We in no wise deter or obstruct the national defense. On the contrary, I believe that the incorporation of a provision of this kind will go far to reassure the people of the country that the bill does not contemplate a regimentation of the entire population.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. AUSTIN. I observe that the Senator relies upon the testimony and the hearings with respect to the number.

Mr. LODGE. And on the report of the committee.

Mr. AUSTIN. And on the report of the committee. My question is, Would the Senator be willing to conform his amendment to the report and to the testimony and hearings by adding the words "prior to April 1, 1941"? The limit would then be in accordance with the report and the testimony, and we should not be blocked in case of war. The text of the bill to which the amendment is offered includes time of war, as follows:

> The President is authorized, whether or not a state of war exists—

Those are the words which make the bill apply to a state of war. My theory is that I could vote to support the amendment of the Senator from Massachusetts provided it did not foreclose us completely. If there were a limitation of 800,000 to take care of the situation up to April 1, 1941, it would cover the two increments of October and January, and would fix the matter now; that is, Congress would now fix the limitation at which the Senator aims. So my question is, Would the Senator be willing to perfect his amendment by putting a time element in it, to the effect that not more than 800,000 men shall be inducted prior to April 1, 1941?

Mr. LODGE. Mr. President, I shall be glad to take that suggestion under advisement and to confer with the Senator from Vermont in a few moments. At first blush, the reasoning of the Senator is not entirely clear to me, and I shall be glad to confer with him about it.

I should like to revert to what I said about the importance of having some kind of a limit in the bill. I wish to make it reasonable, and I wish to make it workable. I wish to have a limit for two reasons: First, because I think it would carry a tremendous reassurance to the American people that the bill does not contemplate regimentation of the entire population——

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. I do not know just what the Senator means by "regimentation." As I understand, his amendment does not have any effect on the registration of all those between the ages of 21 and 31.

Mr. LODGE. That is correct.

Mr. BARKLEY. They would all register just the same.

Mr. LODGE. That is correct.

Mr. BARKLEY. So, as I understand the amendment offered by the Senator, at no time during the entire 5 years of the life of the act could the President call more than 800,000 men into training and service.

Unless Congress should see fit to change the total, which it has seen fit to do several times. Congress may at any time authorize the President to raise any number of men without the bill. According to its terms the bill is intended to register a number of men estimated to be about 12,000,000. I do not know whether or not the Senator means that registration is regimentation, but inasmuch as he is not offering any amendment to propose that the 12,000,000 men should not register on a certain date, I assume that he does not mean registration when he speaks of regimentation. What he means by regimentation is that from the 12,000,000 men who register the President shall not regiment, by calling into service and training, more than 800,000. That is a definite limit for the entire period. The Senator does not say 800,000 a year. He says 800,000 out of the entire 12,000,000, whether we are at war or at peace. That would be all the President could call.

It strikes me that the suggestion of the Senator from Vermont is worthy of the very earnest consideration of the Senator from Massachusetts. I am not committing myself to the suggestion of the Senator from Vermont, but it certainly is worthy of consideration, because it would provide that between now and the 1st of next April, not more than 800,000 men shall be called for training, whereas the Senator's amendment says, in effect, that of the entire 12,000,000 men who are to be registered on a certain date, even if we are at war, the President may not call more than 800,000 men as a total to be trained for service.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield.

Mr. AUSTIN. I should like to perfect, in a way, the suggestion I made by adding to the words I suggested the words "unless a state of war exists." I should have included those words in the proposal which I made.

Mr. BARKLEY. Mr. President, I think the Senator from Massachusetts ought to give serious consideration to the suggestion. We are here providing for the registration of, we will say, 12,000,000 men. I notice in the reports of the newspapers this morning that the House committee has restored the provision of the original bill introduced in the Senate for the registration of men between the ages of 18 and 64, which would mean, as I recall, the registration of 42,000,000 men. Nobody knows what the number will be when the legislation is finally enacted or what the age limit will be.

The Senator from Massachusetts, I am sure, when he reflects on the matter will not desire to say that although there may be registered in the United States under this bill 12,000,000 men between the ages of 21 and 31, even though war is forced upon us and we are in the midst of war, the President may not call more than 800,000 men unless Congress specifically authorizes him to do so by an amendment either to this proposed act or by an independent act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. TAFT. Is the Senator aware of the fact that the draft bill in 1917, in the midst of the war, imposed a limitation—and always imposed a limitation—on the number of men the President could call? If that was so in the World

War, I see no reason why the Congress should not retain the same right under present conditions.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arizona?

Mr. LODGE. I yield.

Mr. HAYDEN. Let me say, that if I understand the proposal of the Senator from Massachusetts, it limits the number of men to whom the proposed act can apply to the number of men the Army say they can use within a year?

Mr. LODGE. That is correct; and the Senator from Arizona will note that the statement on page 8 of the report furnishes a complete basis in fact for that figure.

Mr. HAYDEN. I was going to state that it was developed before the Appropriations Committee that the Army could not possibly find use for more than 400,000 men during the year 1940, but that they hope to have uniforms and equipment for another 400,000 men in the spring of 1941. I am inclined to agree with the Senator. We appropriate money annually for the size of the Army, and why should there be a different rule in appropriating money than in appropriating men.

Mr. LODGE. That is exactly it. Of course, we have already at the present session once changed the legislative size of the Army, and we could do it again if we had to.

Mr. HAYDEN. We can assume that another Congress which will succeed us will possess the same wisdom we possess and will also possess the knowledge of the conditions which may be developed during the next 6 months which we do not now have and, therefore, can exercise a judgment superior to our own.

Mr. LODGE. That is the merit of having annual sessions of Congress.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. LODGE. I yield.

Mr. BARKLEY. In reply to the suggestion of the Senator from Arizona, I assume that everybody concedes that the Army cannot induct and train between now and the first of next April more than 800,000 men. But this bill is to be under its terms in force and effect for 5 years. According to the amendment of the Senator from Massachusetts, the President could not during the entire 5 years call more than 800,000 men. Whether there will be called four hundred thousand by January 1 and four hundred thousand more by April 1, is a matter about which, of course, we cannot give expert advice; we have to accept the suggestions of the War Department. If, however, the amendment of the Senator from Massachusetts is adopted, it will mean that, although we are providing a bill to last for a period of 5 years, the President cannot raise at any one time, entirely and in the aggregate, more than 800,000 men. If we are going to limit the President to raising 800,000 men out of the 12,000,000, why should we make it a 5-year bill and why should we provide that the President during the 5 years cannot have these men trained? If all he can do under the amendment of the Senator from Massachusetts is to induct 800,000 men at any time and all times, and they are to be brought into the service by the 1st of next April, why do we extend this act over 5 years and not limit its operation to the 1st of April?

Mr. HAYDEN. I do not know why it should not be limited. I want to say that the President will be under no greater handicap in obtaining additional men than he is in obtaining additional money to provide for the men, for the Constitution itself states that there can be no appropriation for military purposes for more than 2 years.

Mr. BARKLEY. That is true, but if the amendment of the Senator from Massachusetts shall be adopted as he has offered it, no matter what may happen, the Appropriations Committee cannot provide appropriations for more than 800,000 men, because that is all the President will be authorized to raise, no matter how many more may be needed. If he is authorized, as the bill provides, to raise an indefinite number as exigencies may require, it yet depends on appropriations provided by Congress as to how many men he can raise and equip.

Mr. HAYDEN. I think it is the part of wisdom, so far as both the Senate and House are concerned, to leave to the Committees on Military Affairs of the respective bodies the power to fix the number of men that are to remain in the Army, to authorize them as they may be needed, and then let the Appropriations Committee make the appropriations for the number of men authorized.

By the method proposed we are taking away from the policy-making committees of the House and Senate the determination of the size of the Army and transferring it to the Appropriations Committees, because they will control it not according to a specific number set out in the law but by the amount of money appropriated.

Mr. BARKLEY. Of course, the Senator knows that the Appropriations Committee appropriates for all agencies of the Government, and it is proper that they should whittle the appropriations down in accordance with the needs and circumstances; but it seems to me, in the present emergency, under the present situation, we can more wisely leave it to the discretion and wisdom of the appropriating committees, because the President cannot induct any more or train any more or build any more facilities for training these men than the money appropriated by Congress permits.

Mr. HAYDEN. The bill does not allow any one to be drafted until Congress has made necessary appropriations.

Mr. BARKLEY. There is that limitation.

Mr. HAYDEN. But when this bill becomes a law, then, the Army will come back and ask for another billion dollars.

Mr. BARKLEY. They will have to show that the money is needed. I think we can rely always, as we have done in the past, on the wisdom of the Appropriations Committee, of which the great Senator from Arizona is a member, not to appropriate the money unless the Army shows that it is needed.

Mr. HAYDEN. I doubt that I contribute any great amount of greatness, but let me say to the Senator that I cannot see any difference in principle between appropriating men and appropriating money for a year. Congress is perfectly competent to do it; Congress has heretofore done it, and I think the next Congress will be willing to do it.

Mr. LODGE. Mr. President, I think there is a difference in outlook here. This bill, as the Senator from Vermont very correctly states, seeks to lay down a 5-year policy. In my judgment, that is a very difficult if not an impossible thing to do. In my judgment, we should seek to build up our Army as quickly as we can at the present time with the equipment and the facilities that are now available. The thought I have had on this subject, in the proposed legislation I have introduced, and in the few remarks I have made has been toward developing an army rapidly and not undertaking to be the architect of the whole future, because it seems to me it is an impossibility to do that. It is not as if Congress were going to adjourn for 5 years and that the act we now pass would be the only organic military act with which we would have to live. We are not confronting such a situation as that. We can meet every year. One of the reasons for the constitutional provisions requiring Congress to meet every year is that it is wisely recognized that it is impossible to be clairvoyant, it is impossible to foresee the future, and it is necessary for a legislative body to meet frequently in order to take cognizance of new developments. How impossible it would have been last year, before any of these tremendous changes in the military art had taken place, to draft a bill which would have met this particular situation. I ask Senators to reflect on that for a moment. Any piece of legislation we might have enacted then, attempting to foresee all the ramifications and all the things which the European war has developed, could not possibly have met the situation.

To my mind, if this summer we pass a bill geared correctly to the supplies we have, a bill which is intimately related to our facilities for shelter, for clothing, for equipment and training, we shall be doing all that anybody can

ask of us; and we certainly cannot be criticized because we have failed to legislate for some contingency that may arise 4 years from now. That is why I am reluctant to modify my amendment because of my conviction, which is as much a certainty as is the fact that the sun will rise tomorrow, that Congress will be here and will be able to make changes in this proposed law as the situation may require.

I have taken the figure which is incontestably the proper figure at the present time. I should like to say as I started to say several times, that it will carry a tremendous assurance to the American people to have a definite limit written into this bill.

The Senator from Kentucky asked me what I meant by "regimentation." This is what I mean: When the original Burke-Wadsworth bill was first introduced the press carried the statement about the registration of every man between the ages of 18 and 64, aggregating 42,000,000 men, and, rightly or wrongly—of course, there was some error and the statement did not correspond to the facts—but, rightly or wrongly, people became frightened; they thought that this was not a simple military bill designed to bring our Army up to a strength commensurate with our weapons program, but many got the idea that we sought to remake the whole face of nature. I realize that that was not true.

Mr. BURKE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I yield.

Mr. BURKE. I agree with the statement of the Senator from Massachusetts that when the bill was originally introduced a great many people throughout the country were frightened by some of its provisions, and I merely wanted to comment that they were aided very greatly in reaching their state of fright by some things that were said in and out of Congress, though not by the Senator from Massachusetts. I say very frankly that I think his position in regard to it has been very helpful.

While I am on my feet, I should like to join the Senator from Vermont in urging that the Senator from Massachusetts give serious consideration to the modification which he has suggested in the amendment as now offered. If that modification may be accepted, I should be very glad to join heartily in writing into the bill the provision which the Senator from Massachusetts is now urging.

Mr. LODGE. I am obliged to the Senator for his contribution. I simply would like to suggest to Members of the Senate the thought that if we write into the bill a limit of this type, it will become apparent to the whole country that, of all the men between the ages of 21 and 31 in the United States, only 1 in 30 will be taken. That will be a reassurance; the idea that everybody will be taken and put into the Army will at once disappear; and it will help the cause of true preparedness.

Furthermore, in conclusion, I wish to say that when we undertake so far reaching a step as compulsory service, which means a tremendous dislocation of the lives of the American people, I believe we should be absolutely definite in the extent to which we are going to undertake it. I believe that as a matter of principle, and not merely as a matter of expediency, in promoting the cause of national defense.

I have not the slightest desire to limit our national-defense establishment and make it incapable of meeting any emergency which might arise. I do not think my amendment would have such an effect. If we should face a terrible emergency, if the awful contingency of war should face us next spring, there is not a Senator here who does not feel perfectly sure that the necessary authority to increase the Army would be forthcoming at once.

Mr. HAYDEN. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Massachusetts yield to the Senator from Arizona?

Mr. LODGE. I yield.

Mr. HAYDEN. It is recognized that the greatest service the National Guard can render at this time is in providing a place where the men, either volunteers or drafted, may receive training by association with trained soldiers, and under competent officers. But it is proposed that the National Guard shall render that service for only one year. The National Guard has been called out, and we know that within one year that force of some 200,000 men will be sent back home. We are not going to keep the National Guard permanently in the service of the United States unless we become involved in war. They are to be used only because that is the sole practical way of giving training to some 400,000 men it is proposed to call into the service. Therefore Congress at the next session, in order to meet that condition, must enact legislation to provide some means of training men in the future without having the National Guard permanently in the service of the United States. Such legislation is as sure to be considered as that Congress is to be in session next January. We cannot escape it. That, then, will be the time to determine what we are to do for the future, because of the great gap we will have in our national defense the moment the National Guard goes home. I think that that will be the time to say we need more men, and the question will be, how many? What equipment will we have for them to take care of them?

I feel just as the Senator does. If I believed that his amendment would in any way impair the national defense, I would of course oppose it; but it would not do so. It would permit us at this session of Congress to do our duty now to the full extent to which we can exercise judgment in the light of the facts.

Mr. LODGE. I am much obliged to the Senator.

Mr. TYDINGS. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. TYDINGS. As I understand the Senator's amendment, the number of men to be inducted would be limited to 800,000 between now and the 1st of next April. Is that correct?

Mr. LODGE. My amendment merely says 800,000.

Mr. TYDINGS. What I had in mind——

Mr. LODGE. I do not believe the Senator understood my reply. My amendment limits the number of men to be raised under the bill to 800,000. There is no date fixed.

Mr. TYDINGS. I understand the Senator now, and I wanted to leave this thought with him. Under the Senator's amendment, 800,000 men could be inducted into the service between now and April 1, as is now contemplated.

Mr. LODGE. That is correct.

Mr. TYDINGS. The Senator's position is that after we come back in January, or if we remain in session, with the 800,000 men we now have in prospect, if there is no war likely to come, we could stop where we are, but if there were a war likely to come, and we thought we wanted to go further with preparedness, we would then have a chance before April 1 to increase the number of men. Is that correct?

Mr. LODGE. That is entirely correct.

Mr. TYDINGS. As the Senator's amendment is drawn, I am not certain, but it seems to me there is a question as to whether or not it would apply up to April 1. I suggest to the Senator that he give thought to amending the amendment by inserting the words "prior to April 1, 1941," in which event, if we were not confronted with a war, which we all hope will be the case, the Senator's position as he now states it, would obtain. On the other hand, if after April 1, 1941, it looked as if more troops were necessary, legislation could be provided between January and April to acquire additional men should that become wise. Does the Senator see the point?

Mr. LODGE. I do not think I grasp the last suggestion completely.

Mr. TYDINGS. The Senator has provided for only 800,000 men.

Mr. LODGE. That is correct.

Mr. TYDINGS. That means this year, next year, and the year after next.

Mr. LODGE. The total at any one time.

Mr. TYDINGS. Suppose the Senator were to limit the 800,000 men with such wording as "prior to April 1, 1941." Then there could be no more than 800,000 men inducted into the service. If when we return in January war should be closer than it is today, or it should look as if we are facing an emergency greater than that which exists today, and we wanted to go further in the program, of course we would have to have new legislation in order to do it. But as the Senator's amendment now reads, it would mean that we would never have more than 800,000 men without an act of Congress. I should like to see the Senator offer the same amendment with the provision that there should not be more than 800,000 men inducted prior to April 1, 1941.

Mr. ADAMS. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. ADAMS. I hope the Senator will not accept the suggestion of the Senator from Maryland because it would destroy the whole purpose and virtue of his amendment. The bill, as it stands, gives to the President absolutely unlimited power to induct any number of men into the Army. The only limitation in the bill is that imposed by the appropriation provision. The Senator very properly says that the imposing of this limitation upon the President's power will have a great tendency to assure the country that every man who is registered will not be put into the Army. I sincerely hope the Senator will not accede to the request now. The provision as to appropriations furnishes one limitation. A man cannot be put into the Army without an appropriation. It is just as easy to increase the 800,000 when the time comes as it is to make the appropriation, and it seems to me there is a double check.

There are some of us who think that 800,000 is an excessive number. We would probably like, if there is a change, to reduce the number rather than increase it. I think it would be a great mistake, in view of the position of those who are interested in the enactment of the bill, to accept the suggestion.

Mr. LODGE. I am obliged to the Senator from Colorado.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. TYDINGS. I think all 3 of us are arguing for the same thing. Perhaps I did not make myself clear. Let me ask the Senator a question. If his amendment shall be agreed to, will it be possible to induct 800,000 men into the service between now and April 1, 1941?

Mr. LODGE. It certainly will be.

Mr. TYDINGS. That is all I want to know. My suggestion was that there should not be more than that number inducted, and that is what the Senator from Colorado wants, and that is what the Senator from Massachusetts wants, and that is what the Senator from Maryland was suggesting. The point is that in either case, whether it is fixed by a limitation directly up to April 1 or merely fixed at an outside figure of 800,000, there could not be more than 800,000 prior to April 1 without an additional act of Congress.

Mr. LODGE. That is correct.

Mr. TYDINGS. If the Senator's amendment is in that shape, it is already in the form I have suggested. What I was attempting to do was to provide that if we are to have the bill enacted and the Senator is to offer his amendment as he has now stated it, it should not bar conscription, if we are to have it, prior to April 1, 1941.

Mr. LODGE. It would do no such thing. I am glad to assure the Senator of that, and I particularly desire to thank the Senator from Colorado for what he has said of the need for a limitation. As a member of the Committee on Appropriations who has served with the Senator from Colorado with a great deal of admiration for the very capable and distinguished work he does on that committee, I know the difficulty which confronts the members of the committee when they have brought before them a proposition of recommending appropriations in pursuance of some legislative act when the legislative intent is not definitely clear. It is only fair to the members of that committee to adopt some kind of a limit, and I think it is only fair to the country.

I should also like to dwell for a moment on what the Senator from Arizona [Mr. HAYDEN] said about the inevitability that next spring we will have to legislate again on the question of manpower for the Army. As he has said—and there is no one here who is more familiar with the legislative procedure and the workings of our Government than the Senator from Arizona—it is inevitable that we will have to deal with the question of manpower next year. Next year we will know so much more about the condition of the world, we will know so much more about the progress of our industrial program, we will know so much more about all the factors which go into the development of an army, that I submit it would be most unfortunate if we were to tie our hands this far ahead.

Mr. DANAHER. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. DANAHER. I have listened with great interest to the Senator's amendment and his discussion, and have often talked with him about his general objective. I notice, as he has spoken, and also as the Senator from Maryland and the Senator from Colorado have spoken, that they have referred only to the induction of the men into the service, whereas as I understand the provision on page 15, commencing in line 15, there are two possibilities, one of which is for the President to select for training and service, and the other to induct into the land and naval forces of the United States a certain number of men. Specifically, let me ask the Senator from Massachusetts whether he expects and wishes that the limitation of 800,000 shall apply as a ceiling or total as to each of those possible uses of the men?

Mr. LODGE. I think the words "such number of men" in the bill now apply to both, and, of course, my amendment is a modification of that.

Mr. DANAHER. So that it would be a ceiling on both.

Mr. LODGE. Yes.

Mr. DANAHER. There really is in prospect a plan to take men for more than one purpose; that is, men can be selected for training and service on the one hand, and yet other men can be inducted into the land and naval forces independent of the training and service. Is not that so?

Mr. LODGE. I am not an authority on that language, and I would rather have that question answered by one of the members of the committee. I did not draft the language, and I would rather have some member of the committee expatiate on that.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. There are two different propositions. A man may appear before a draft board and for some reason never be inducted into the service. I think the limitation as proposed by the Senator from Massachusetts is ample, and covers the whole case.

Mr. ADAMS. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. ADAMS. As I understand the bill and this particular clause, training and service shall both be required of those who pass a draft board. That, in fact, is the fundamental objection I have to the bill. I have no objection to the training not only of 800,000 but of 8,000,000 young men. I think military training is proper. I think induction into the service should not be coupled with it. I think that the trained men should be subject to service if they are needed. That is my fundamental objection to the bill—that there are coupled all through the bill the fact that if we train men, then of necessity we induct them into the service.

Mr. DANAHER. Mr. President, will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. DANAHER. The Senator from Colorado has very aptly diagnosed what I was getting at with reference to that language. The Senator from Massachusetts, I think, incor-

rectly found implicit in my question an answer to the very question I propounded, and I certainly did not intend that. I think quite distinctively it is apparent from this language that there may be a selection of men for training and service, but in addition there may be an induction into the service of such men. I wanted to know whether or not we were dealing with two categories as to which a limitation would be placed, by way of ceiling, as a maximum, in the language of the amendment offered by the Senator from Massachusetts. I think that if he inquires further in his own mind into that very language, he, too, will find that there is more than one classification involved.

If we are to have universal military service, for instance, so that every boy achieving the age of 16 if he be in high school, or 18 if he be in college, or there be any other basis, I do not care how it is established, shall undergo a sort of training, I do not care for how long or how short a period, there may be selection of individuals for that purpose, but, Mr. President, inducting those men into the military or naval forces, as the language appears to provide, is a very different thing.

Mr. LODGE. I quite agree with the Senator from Connecticut.

Mr. DANAHER. With those thoughts in mind, I ask the Senator from Massachusetts if he does not realize or feel that his amendment would place a limit on both classifications?

Mr. LODGE. I think it does on both. What I am particularly interested in is placing a limit on them. I am satisfied the amendment does that.

Mr. President, on this amendment, which I think is important, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILEY. Mr. President, I wish to say that I have tried my best for some time to get the attention of the Chair, and I now wish to give notice, first, that I shall tomorrow call up my amendment, which reads as follows: On page 22, line 15, before the period, I propose to insert a semicolon and the following:

> And shall have no authority to induct persons into such forces under the provisions of this act, except pursuant to voluntary enlistment, until the Congress shall hereafter declare that an emergency exists which necessitates the compulsory induction of persons into such forces.

Mr. President, the bill, as it is introduced, contemplates conscription, of course, but there is a provision that it will not be put into effect until the Congress appropriates the necessary money. My amendment, if it should become law, would provide that the Congress shall have to find that there is an emergency existing before putting into effect the machinery which the bill creates.

Mr. President, I did not rise today to speak on that subject. I had intended to speak on the merits of the Lee amendment. I wanted to discuss the implications of that amendment on our economy. I want to discuss some fundamental laws. But in view of the fact that that amendment, apparently for the time being, was put out of the window, I shall refrain from speaking on that subject.

SECRETARY ICKES' REPLY TO WENDELL WILLKIE

I am now going to say a few words about a gentleman in the Cabinet by the name of Mr. Ickes. I read in the morning Post, of Washington, this statement:

> Since the conscription bill came up for debate in the Senate, mud slinging has been kept fairly well under control. But now Secretary Ickes has set the ether waves aquiver with a scurrilous reply to Wendell Willkie's acceptance address. Slurs, epithets, and crude innuendo were crowded into his radio address on Monday night with reckless unconcern for either accuracy or fair play.

The same newspaper comments in relation to Mr. Willkie's speech, as follows:

> Taking the Willkie speech as a whole, however, it was a penetrating analysis of issues rather than personalities. The Republican candidate began his campaign with few personal charges and much illuminating discussion of grave national issues. His thoughtful challenge deserved a better reply than Mr. Ickes' twaddle about weasels, Samuel Insull, and "barefoot Wall Street lawyers."
>
> In one respect the fact that the Secretary of the Interior resorted to such tactics is a compliment to Mr. Willkie. Demagogues who find it difficult to meet their opponents' arguments usually resort to the smearing process. Mr. Ickes' address is disturbing—

Note this, please —

> chiefly because it shows the preference of an administration leader for peanut politics when issues that may gravely affect the future of the Nation are at stake.

Mr. President, that statement, saying that a member of the Cabinet of the President of the United States preferred peanut politics, preferred smearing tactics, called to my attention the sacred saying:

> If the blind lead the blind, both shall fall into the ditch.

Perhaps this kind of tactics is an indication of why our country has not "gone to town" for the last 7½ years.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. VANDENBERG. There is another ancient maxim which might be applied:

> Whom the gods would destroy they first make mad.

Mr. WILEY. I thank the Senator from Michigan. I suggest that perhaps the gentleman is not even mad. He has gone temporarily blind. I suggest that in a position of leadership blindness leads to the same thing that happens when a man goes blind while driving an automobile.

Mr. President, a great American spoke at Elwood last Saturday, a man who believes in the destiny of America—I repeat, a man who believes in the destiny of America—a man who has faith that America will retain opportunity for high achievement, who has faith that America will be free from hate and class distinction, and not be isolated from the world, but be conscious of the world's sufferings and willing to help others and do everything to defend American democracy.

The other night Mr. Ickes spoke over the radio, and his speech reflected a fear of the great American who spoke at Elwood. Mr. Ickes' speech, I am so informed, passed the censor at the White House, and perhaps was written by the gentleman who writes a great many of the speeches, Mr. Michaelson.

That speech and the tactics resorted to reverted to the smearing tactics of 1932, aye, more, the maligning tactics that covered the former President of the United States, Herbert Hoover, with the filth of their own dastardly muckraking. We had hoped—Wendell Willkie had hoped—that such tactics were done with forever. But now a Member of the Cabinet of the United States starts the ball rolling, and we can expect that from now on the atmosphere will be thick with smear and muck.

Why was this done? Why was a Member of the Cabinet permitted to do this thing? Was it because they wanted America to forget that the job that was promised to be done has not been done?

Back in Elwood Mr. Willkie said:

> I cannot follow the President in his conduct of foreign affairs in this critical time. Mr. Roosevelt has dabbled in inflammatory statements and manufactured panics. The President's attacks on foreign powers have been useless and dangerous. He has secretly meddled in the affairs of Europe, and he has even unscrupulously encouraged other countries to hope for more help than we are able to give.

Did Mr. Ickes answer that? Not at all. Did he disprove one of those statements? Not at all. He, Ickes, followed the tactics of a barroom lawyer of 50 years ago, when the rule was "If you do not have a case of your own, damn the other fellow." He followed that particular method. But did it "get by"? Not at all. Even the great Democratic newspapers of the country did not approve. I am grateful that there was discernment, that there was the spirit of fair play, and that there was within the men who wrote the editorials a perception of the fact that this was not leadership coming from Mr. Ickes—that it was blindness.

Think what the statements were that Mr. Willkie made. This was Mr. Ickes' reply:

> The country knows Mr. Willkie is a holding-company executive. The opportunity that he has given to free enterprise has consisted in cutting the throats of small independent power companies.

Every word of that was untrue. No wonder when Mr. Willkie read that particular statement, and the remainder of the speech, he said, "Please waste no money in buying radio time to answer."

Mr. Willkie in his letter, which was published, said further:

I am not surprised that Mr. Ickes would stoop to such levels, but I am astonished that the President of the United States would authorize such a speech.

I pause to have the Senate reflect on that. I quote further from Mr. Willkie:

The statement of Mr. Ickes that I am or ever was a member of Tammany Hall, and his implications that I ever approved of the activities of Samuel Insull, or that I have any business connections today are plain and simple falsehoods.

If you or I told a lie about another, if we were in a position of trust and smeared someone with falsehoods, we would be sports enough to come out and deny what we said, or rather say that we were mistaken. Has anything like that been forthcoming?

I continue to quote Mr. Willkie's statement which he gave to the newspapers.

As a matter of fact I specifically opposed Insull and voted for Mayor LaGuardia. The only truthful reference to me in the whole speech is that I rent a small apartment at 1010 Fifth Avenue, about a mile from Mr. Roosevelt's town house, which is off Park Avenue.

I call attention, Mr. President, that not one of the statements attributed by Mr. Ickes to Mr. Willkie is true, except that Mr. Willkie had an office a short distance from the home of the President, near Wall Street. Therefore, what was the purpose of the statement? The purpose was to put blinders on the American people and to cause them not to see straight.

Talk about a weasel mind—and that is the phrase that Mr. Willkie used. Mr. Ickes knows that the insinuations or statements made by him were untrue. What are the facts?

There was a debilitated bankrupt power company with a capitalization of a billion dollars. Understand the significance of it. There was a struggling, hard-working young virile man from Indiana who was put in charge of that company. What did he do? He made that billion-dollar company solvent, and made it pay. Did he do it by increasing rates? No. By cutting the rates in two. He rebuilt it. How? By making the consumer pay more? No; by making the consumer pay one-half of what he paid before. By cutting rates he made it possible for the little low and the farmer to receive the benefit of real management.

Mr. President, Mr. Willkie made the company pay by decent, clean, businesslike methods. He satisfied the consumer. He satisfied the investor. That is, he made values worth something. He satisfied the stockholder, and he satisfied labor. He did this with the result—and this is important—that he created wealth. That is the kind of management we need in the Nation. We need the intellect and character of men who can create wealth instead of destroying wealth.

In taking over the company, which needed brains and common sense, he made it pay, and he satisfied labor, management, the investor, and the consumer. He satisfied everyone by doing the constructive thing, resulting in an economic rehabilitation not only of the company, but of the countryside, the community in which he lived.

What does America need now? What kind of leadership does it need now? Does it need honeyed words? Does it need more sonorous phrases, or does it need men who can do things? Is there any such example in Government of rehabilitating government?

The Ickes speech, delivered with venom, speaks of the fact that Mr. Willkie, while in New York, was a member of Tammany. I have already shown that Mr. Willkie has said that that statement is false. Mr. Willkie claims that there is nothing to it.

Mr. President, we believe that the speech of a Cabinet member is the opening gun of a "smear" campaign, the purpose of which will be to divert the attention of the American people from the fact that the job which the Democrats promised in 1932 and 1936 would be done has not been done. The suggestion that Mr. Willkie would "teach the farmer how to water the stock and shear the sheep," which Mr. Ickes quotes from a Wisconsin Progressive newspaper, is another instance to prove that kindred minds run in the same sewer. The facts show that it was Willkie's industry and ability which brought back values into a bankrupt corporation, not by raising rates, but by cutting them in half; not by creating dissensions, but by begetting harmony; not by wrecking values, but by building them; not by talk, but by work.

America needs those qualities of leadership today. I sincerely trust that the "smear" campaign is not on; but if it is, the American people, after 7½ years, will be able to see behind it. They were not so wise in 1932. They are now asking for proofs.

The distinguished Secretary asks what Mr. Willkie would do to accomplish what Roosevelt has not accomplished? I rather think that Mr. Willkie has the answer, and that the American people have the answer.

Practical men are required to handle practical affairs. Men with common sense, and men who know the value of a dollar because they sweat for it, are required to handle the great business of a nation. Men with level heads, who graduated in the university of hard knocks, are required to sense and apply the rules governing a trustee. That is what a public official is. He is a trustee, not only of the property of the Nation, but of the public's values. Men of courage, vision, and foresight, men who do not hate, men who can coordinate all forces into one united front, are required to run the business of the Nation. We require unselfish men, men who do not seek always public acclaim and the spotlight of publicity.

In 7½ years of trial the leadership of this Nation has failed to bring into one united front, labor, management, the farmer, and the businessman. Why? The answer must be because of the lack of confidence and the realization that there is no real cohesive leadership. There is a camouflage leadership—a leadership of experimentation; a leadership of waste and extravagance; a leadership which does not build on strong foundations. It is a leadership which is pleasant, affable, genial, and seductive, but after 7½ years it has not done the job.

Someone may ask, What is the job? We can easily answer that question. We go back to the Democratic platform of 1932. What was the job? This is the way it was analyzed:

(a) A drastic reduction of governmental expenditures by abolishing useless commissions and offices, eliminating extravagances.
(b) A Federal Budget annually balanced.
(c) A fact-finding Tariff Commission free from Executive interference.
(d) The restoration of agriculture.
(e) The removal of Government from our fields of private enterprise, except where necessary to develop public works and natural resources.
(f) No interference in the internal affairs of other nations.
(g) Condemnation of improper and excessive use of money in political affairs.
(h) Create jobs for the unemployed.

That was the job, Mr. President.

I remember that some years ago in the Middle West there was a football team which was not winning any games. It had wonderful punters and sprinters. It had men who could throw the ball the length of the field, and men who could catch it. It had men in every position who were great individual players. But they could not win a game. Why? They played the game as individuals. So the university secured a new coach. The coach did not get his name in the newspapers every day, but he showed the boys the need of cooperating in their efforts to play the game together. What was more, he demonstrated by his own sincerity of purpose and by his fairness to each and every one of the players, not only that they could play the game, but that their alma mater required that they do it. The coach trained 11 men to play as 1 man instead of playing as 11 individuals; and before long they were winning games. The coach did not get his

name into the newspapers every day. He did not publicize every move. He did the job which he was employed to do. He unified the whole team so that it played together rather than as individuals; and it won games, which was what the university wanted.

That is what America needs. America needs someone who can unify labor, management, the farmer, the businessman, the unemployed, and the youth of our Nation—everyone on the team in America—and shoot them through with a confidence in their own ability to go places, show them the road to travel, get away from the petty individual qualities which have made division, and bring them into one unit, with one purpose, one effort—to rebuild the economy, the spirit, and the morale of America.

Under such leadership we can go places; but we cannot do it if we are to split the team into favorite sons, if we are to pat one on the back and slap the other in the face. We cannot do it if we are to depreciate management. We cannot do it if we are to throw capital out the window, so that no one will trust any investment, and only fear will prevail throughout the land.

Mr. President, as I look at the speech of Mr. Ickes I can almost understand why this administration has "missed the boat." Look at the speech. Now we can understand why the coach has not unified all the elements in the Nation. The leadership has set individuals aside. Now a leader in the Cabinet spews forth the venom once more to create division. When this Nation has men in high office who will stoop to such misrepresentations, who will reflect in their words and in their tones so much hate—which I say is the result of fear—I realize that no ship of state can be safely piloted into port under such guidance. No such team could ever win a game under such guidance. Hate is blindness. A high official in the Government in this hour makes such statements as these:

> Mr. Willkie's current party includes the men who think they can ward off social reforms by calling the reformers "reds"; it includes men who think that big business should be allowed to capitalize a grave national crisis for its own private profit. What has Mr. Willkie's party to offer America but more Munichs, more appeasement abroad, and more reaction at home?

That means that once more the lust for office has blinded men. It means that the planners are not thinking of America, because they would even now once more divide America as they have been doing for years. They would split the team into individual players without winning a game. It means that they want to continue to hold the reins of government. American tradition, or even the Constitution itself, must not stand in the way. They want power for the sake of power.

## AMENDMENT TO AGRICULTURAL MARKETING AGREEMENT ACT

Mr. SCHWELLENBACH. Mr. President, on the calendar is a bill introduced by the Senator from Iowa [Mr. GILLETTE], Senate bill 3426, which I understand is to be considered by the Senate at the conclusion of the consideration of the pending measure.

I happen to have held hearings on the bill. In order that there may be an understanding of the bill, I ask unanimous consent that there be printed at this point in the RECORD an explanation of Senate bill 3426.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM EXPLAINING THE GILLETTE BILL (S. 3426) TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT, THE NEED FOR THE AMENDMENTS, AND THE SIGNIFICANCE OF THE MARKETING PROGRAM

To state the reasons why the Gillette bill, S. 3426, should be enacted it is necessary to understand why previous legislation, which the bill is designed to amend, was passed by Congress.

The depression days of 1932 hit all of agriculture with stunning force. Dairy farmers were among those rendered prostrate. A legislative program was regarded as vital to alleviate chaotic and demoralized market conditions, both foreign and domestic, which confronted the American agricultural producer.

In search of ways and means, Secretary Wallace, in 1933, summoned a conference of farm leaders. Out of this evolved the broad principles of the first A. A. A. legislation. Among other programs the act permitted the development of marketing agreements and the issuance of licenses for all agricultural commodities as a means of restoring normal economic conditions in the marketing of such commodities. This permission was couched in general language. It was in effect the embodiment of the old Food Administration powers of price determination and market regulation in the comprehensive Triple A program.

Administrative and operating experience under the very general authority of the 1933 legislation revealed the plan to be ineffective. Problems and controversies concerning the character agreements and licenses should take, problems of enforcement, and the question of the Secretary's authority to go beyond producer prices and establish resale prices contributed to the administrative difficulties. Furthermore, marketing agreements were purely voluntary. Minority groups could block effective action and it became apparent that if producers were to benefit by the program the Secretary should have the power to issue licenses independent of marketing agreements.

In addition, early in the administration of the first A. A. A. legislation, as was the case with a contemporary measure, the National Industrial Recovery Act, litigation sprang up wherein the processing tax and certain other features of the law were attacked as unconstitutional.

Consequently, the knowledge gained from administrative experience plus the effect of the Schechter decision which invalidated the N. I. R. A., precipitated the passage of the 1935 Agricultural Adjustment Act, even though the marketing agreement and license provisions were not the direct subject of legal contention.

In this legislation sponsors, dairy and farm leaders who collaborated, attempted to guard against the constitutional defects which laid prone the N. I. R. A. They spelled out in meticulous detail the manner and method of administering the authority conferred by the law on the Secretary of Agriculture. Among other provisions the law contained definite authority to prescribe prices to producers, but confined the authority to milk and milk products, whereas the orderly marketing provisions were made applicable to a select group of commodities, including milk, citrus fruits, tobacco, nuts, and vegetables, primarily in fresh form.

One very significant provision incorporated into the new law required a determination, before a marketing order could be made effective, that the issuance of the order was approved or favored by two-thirds of the producers by number or volume who produced the commodity the subject matter of the order, and requiring likewise the termination of an order when approved or favored by a majority of the producers. Further, the authority to issue an order (formerly license under the 1933 act) was made independent of the voluntary marketing agreement provided it was approved by the President and producers favored its issuance in the proportion stated.

When, in 1936 and 1933 the Triple A Act was declared unconstitutional by the Supreme Court, it was deemed advisable to reenact the marketing agreement and order provisions of the 1935 act notwithstanding that they were not involved in litigation. This reenactment took the form of the 1937 Agricultural Marketing Act—the act which the Gillette bill amends.

By pronouncement of the United States Supreme Court in June 1939, the act has been held constitutional, as applied to orders covering the marketing of milk in the New York and Boston markets.

### GENERAL EXPLANATION OF S. 3426

The purpose of the Gillette bill, S. 3426, is to amend the Agricultural Marketing Agreement Act in the following ways:

1. To clarify the administrative processes of the act in such manner as to remove the possibility of unnecessary controversy and litigation in the development and enforcement of marketing agreement and order programs.

2. To spell out with greater particularity terms which may be incorporated in orders for milk and its products and in this connection again to clarify administrative procedure.

3. To broaden the application of the orderly marketing provisions (not the price-fixing provisions which are left solely applicable to milk and its products) so that producers of any agricultural commodity may by initiative and referendum secure the advantages of the act. The sole exception to this is apples grown elsewhere than in the Pacific Northwest.

4. To improve the standards which serve as a guide to the Secretary in his determination of what constitutes a real producer's cooperative association which may, under the existing law, cast the vote of its members in the producer referenda.

5. To remove the special requirements regarding the issuance of orders covering California citrus fruits by placing the issuance of such orders on the same basis as is required for other agricultural commodities (at present the law requires three-fourths of the producers of California citrus to approve the order, whereas the requirement for other commodities is two-thirds of the producers).

6. In addition, the bill contains several miscellaneous provisions designed to clarify administrative procedure. Typical of these is one changing the base period to the post-war span of years, 1919–29, because of inadequate statistics covering the present prescribed base period, 1909–14.

These amendments are proposed as a result of the experience both of the officers charged with the administration and enforcement of the act and the interested producer-groups who have lived under the 1937 act and the forerunner 1935 and 1933 measures. They take into consideration problems which have arisen in the practical application of the law to a particular commodity, which have arisen in litigation, and the compelling needs of producers of commodities who may not now take advantage of the orderly marketing machinery provided by the law.

SIGNIFICANCE OF THE ACT

An examination of the Agricultural Marketing Agreement Act will disclose that any number of combinations of activities may be put together to suit the needs of particular commodities and communities. Acting as a governor over all, however, is the power of initiative and referendum which rests with producers. They control the initiation of an order; they control the termination of an order. By virtue of the referendum provisions, they vote it in or out as they choose to do. Consequently, the act represents a workable compromise between the necessary regulatory powers of the Federal Government and the preservation of community autonomy.

The program where now in effect has met with widespread approval by the farmers who have actually marketed their products under this orderly marketing system.

The advantages of the program are presently available to producers of a limited number of commodities, such as milk, tobacco, citrus fruits, nuts, fresh fruits and vegetables, and naval stores. The most spectacular activity has centered around marketing agreements and orders for milk and its products. Today there are 26 milk markets in the United States operating under the program. In addition, such other commodities as Florida citrus fruits, California deciduous-tree fruits, walnuts, onions, prunes, hops, pears, grapes, Colorado peaches and pears, and California and Arizona citrus fruits, are now enjoying the orderly marketing features of the act.

In all of these markets farmers are assured that they will not be the victims of the many unfair trade practices that often prevail in marketing activities.

NEED FOR GILLETTE BILL

With the experimental period over and the need for further assistance to agriculture made more impressive by virtue of the increasing constriction on exports and the accumulation of surpluses, extension of the orderly marketing provisions of the act to other commodities seems justifiable. This is true not only as a matter of right to all farmers confronted with chaotic marketing conditions, but as a useful extension of an excellent mechanism for meeting emergencies of this character.

Administrative experience, the effects of harassing suspensions and stalemates brought about by drawn-out and expensive litigation, experimentation to forecast future needs have resulted in extended studies both by cooperative and other farm leaders and Government experts, with the result that the amendments proposed in the Gillette bill represent the present conception of additional needed legislation.

From the standpoint of major changes in existing law the Gillette bill—

1. Broadens the coverage of the act to include all agricultural commodities, but retaining producer initiative and referendum.
2. Eliminates the three-fourths producer approval requirement in the case of California citrus fruit and places the commodity on the same two-thirds producer approval basis as is established for other commodities.

In addition the bill contains vital and necessary amendments—

1. Correcting administrative procedure in an effort to avoid costly controversy and litigation.
2. Setting forth standards for the Secretary's determination of what is a real producer's cooperative.
3. Clarifying the Secretary's authority to allow market-service differentials in milk orders for services rendered to the market as a part of the orderly marketing program.
4. Reiterating congressional attitude of many years' standing, namely, that of fostering producer-owned and producer-controlled cooperative associations.
5. Clarifying the administrative processes involved in the suspension and reinstatement of marketing orders.
6. Changing the present prescribed base period from 1909–14 to 1919–29, and supplementing requirements for reports by handlers in order to facilitate effective administration and enforcement.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

THE BETRAYAL OF FRANCE

Mr. VANDENBERG. Mr. President, there has been much discussion and speculation as to what happened in France in her recent debacle. I think one of the most significant analyses of that problem was contributed by the well-known writer, Mr. Hartley W. Barclay, in the magazine Mill and Factory. Mr. Barclay happens to be a recognized expert in industrial relationship, and he has found in his study of the French situation what I believe to be the correct answer to the dissipation of French strength. I therefore ask that his article be printed in the Appendix of the RECORD; and in the same connection I ask that Mr. Barclay's conclusions, found on the second page of the article, be printed at this point in my remarks.

The PRESIDING OFFICER. Without objection, the article will be printed in the Appendix of the RECORD, and the portion of the article referred to by the Senator from Michigan will be printed at this point.

The conclusions are as follows:

CONCLUSIONS

The complete history of subsequent political and military events cannot be reviewed in this brief article. It is sufficient to draw the obvious conclusions generally accepted by economists familiar with the planned sabotage of national defense in France by social reformists.

1. The French popular front promoted centralized planned economy.
2. It assumed that prosperity could be achieved by heavy governmental expenditures.
3. It harassed and restricted private enterprise and nationalized many varieties of production.
4. It introduced control of prices.
5. It reduced working hours and increased wages excessively.
6. It unbalanced the budget—kept it unbalanced; financed Government works by excessive borrowing, and piled up a hopeless governmental deficit.
7. It revalued the currency and depreciated it.
8. It brought about a lowered standard of living.
9. It destroyed the morale of industry and science.
10. It made adequate national defense impossible of attainment and paved the way for Hitler's success.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. HOLT obtained the floor.

Mr. DAVIS. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. HOLT. No. There is a baseball game going on this afternoon, so I ask the Senator not to bother.

Mr. REYNOLDS. Mr. President, I wonder if the Senator will be good enough to yield for just a moment?

Mr. HOLT. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I desire to bring to the attention of the Senate remarks made by the senior Senator from Arizona [Mr. ASHURST] yesterday. I seek this privilege for at the time the Senator from Arizona made these observations there were a number of Members not present. I quote from the RECORD of yesterday:

Mr. ASHURST. I feel like apologizing for intruding further. I wish to say, not by way of mere compliment to the Senator, that I always listen with respect and attention to everything the able Senator from Utah says. I believe him to be an authentic scholar. After he has investigated a subject and made his pronouncement, I am much inclined to adopt his view on almost any question.

Mr. President, the Senator from Massachusetts [Mr. WALSH] descanted eloquently upon the injustice perpetrated by the Navy Department. In 1920 the very arguments and suggestions now made by the able Senator from Massachusetts were in the minds of Members of Congress when we passed a law permitting a young man to enlist for 1 year, at the option, I repeat, of the soldier, and not at the option of the War Department. How does the Senator view the action of the War Department, which has practiced deception in that it has permitted the recruiting officers in some recruiting stations falsely to say to young men, "You may not under the law enlist for a year; you must enlist for 3 years," although the Congress, considering the very argument the Senator from Massachusetts brought forth, enacted that law, and it is still the law? Does the Senator view with equanimity a department that can willfully and deliberately deceive the country to that extent? Does the Senator approve that?

That was an inquiry directed by the able senior Senator from Arizona to the able senior Senator from Massachusetts.

In that connection, Mr. President——

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. Pardon me a moment. There has been considerable said on the floor of the Senate to the effect that it was believed by many that we could secure men sufficient to fill up the ranks of the Army by a volunteer system, and at least, some of us are desirous of ascertaining whether or not that can be done before resorting to the conscription system.

In this connection, let me say that last evening about 8:30 o'clock, walking from the Capitol to the Willard Hotel, I was on the right-hand side of the street, and as I was approaching a corner a sergeant of the United States Army emerged from

a building in which there is a recruiting station. No doubt many Senators have observed the station there. I introduced myself to the sergeant and said, "How are you getting along with recruiting? Are you getting any volunteers?" He replied, "We are getting all we want; just about all we can handle." I asked, "Well, do you take any volunteers for a year?" He answered, "Oh, we do not want them; we do not need any men for a year. We will give them a physical examination, and give them a mental test, and then, if they insist on 1 year, we will not take them until we communicate with the Adjutant General. We do not want them at all; we do not encourage them." I said, "Do you not think that you could get enough men if you would encourage them to enlist for 1 year, particularly in view of the fact that hereafter, I trust, they will receive $30 a month instead of $21. That should be some inducement." He replied, "Well, we are getting just about all the men we can handle at the present time."

I was somewhat surprised to know that the War Department is not encouraging 1-year enlistments. It is my understanding that 20 years ago Congress enacted a law making it mandatory on the part of the War Department to accept enlistments for 1 year. Everywhere I have heard that they will not take such enlistments, and so last night, when I was talking with the sergeant—and he had no reason to deceive me, and was perfectly frank—I made inquiries in order that I might ascertain whether or not the Army is encouraging 1-year enlistments; and he said "No." I asked, "Why do you not want them?" He said, "We do not want them because it costs just as much to train a man for 1 year as for 3 years." I said, "If the conscription bill is enacted the men are only going to be in the ranks or in camp for a period and duration of 1 year; so why not accept them for 1 year?" He said, "We examine them, if they insist upon it, and then we communicate with The Adjutant General in Washington at the War Department."

In pursuance of the subject I said, "Suppose you were the recruiting officer at Seattle, Wash., and I came and wanted to enlist for a period of only 1 year, what would you do?"

He answered, "Well, Senator, before we would take you we would write to The Adjutant General in Washington, because we have plenty of men without taking them for a year. We do not want them; for"—as I have already said—"it costs just as much to train a man for 1 year as for 3." I said, "It is in the regulations that they may be enlisted for 1 year." He said, "That is in the book, but we are not encouraged to do it."

Mr. WALSH. Mr. President——

Mr. REYNOLDS. I have not the floor. I am indebted to the Senator from West Virginia.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. HOLT. I yield.

Mr. WALSH. It is my information that the less than 200 who have been accepted for 1-year enlistments, are those who have education and influence and desire to go to a preparatory school in the Army so as to qualify for the Military Academy at West Point.

The serious consequence of the failure of the Army to accept 1-year enlistments is that they would get many young men who do not want to commit themselves for 3 years, but, who, if accepted for 1 year, would in many cases reenlist and make the Army a career if they came to like the life. Therefore the Army is really breaking down and putting up barriers against the possible expansion of the Army.

In my opinion, and I think the Senator from Arizona and the Senator from North Carolina will agree with me, the first thing we ought to do is to have a revision of the enlistment systems and of wages and of promotion grades in the Army and Navy.

The Senator from North Carolina did not hear my remarks yesterday——

Mr. REYNOLDS. I listened to the Senator.

Mr. WALSH. In regard to the Navy increasing the enlistment period to 6 years, it distresses me to think that a young man 18 years of age who is discouraged because he cannot get employment and who says, "I have a patriotic duty to perform," and will enlist in the Navy, should be informed that he will have to enlist for 6 years, and no matter what the conditions may be thereafter, no matter what new opportunities may open up to him to pursue a different career, he is bound for 6 years. It is wrong, it is undemocratic; it is simply disregard of the opportunities of young men in a democracy such as ours. It is the old world spirit of militarism, and the sooner we break down that system the better.

I am glad to know that we have the voice and power and influence of the Senator from North Carolina in the effort to have provision made, especially now when we are urging the drafting of young men to enter the service, which will enable them to enlist for a shorter period than the 6 years now required by the Navy and the 3 years required by the Army.

Mr. REYNOLDS. As I understand the Senator, if now a young man desires to enlist for a period of 1 year, it is really necessary for him to be possessed of some outside influence?

Mr. WALSH. It is, in my opinion. I understand the only exception made is as to those who desire to join the Army preparatory schools which prepare them for West Point. I think if the Senator and myself should request that some college boy or some other boy with proper qualifications and education be admitted to the Army for 1 year, he would be permitted to enlist for that period, but in no other case. What assurance have we, if the conscription bill passes and a boy wants to enlist for 1 year, that the Army will take him? We have none.

Mr. REYNOLDS. We have none. As a matter of fact, we should make inquiry of the War Department as to why—I suppose they have a right to pursue such a course—they are not encouraging 1-year enlistments. General Marshall is here every other day saying we ought to have an Army of 2,000,000 men. I read in this morning's newspaper an item in which it is stated that he now insists upon an Army of 4,000,000 men in order to defend the Western Hemisphere, which means from the North Pole to the South Pole. If we need that number of men now, I should like to know why when young Americans out of employment in good health and with fine minds, want to get into the service and are willing to enlist for 1 year, the Army will not accept them.

Mr. WALSH. It is because of the spirit of militarism. It is undemocratic and ought to be discarded. In this bill there should be a mandatory provision that would require the Army to accept 1-year enlistments.

Mr. REYNOLDS. As I understand, under the law it is mandatory for the Army to accept enlistments for 1 year?

Mr. WALSH. That is my understanding.

Mr. REYNOLDS. But, regardless of that, the Army officers are not paying any attention to it, and are discouraging young men from enlisting in the service of their country. I think we ought to know why those at the head of the Army are discouraging our young men from going into the Army when every other day they are up here urging us to conscript them into the Army.

Mr. WALSH. And at the same time they are asking us to pass this conscription bill and saying that we need 2,000,000 men, when they have not now the 375,000 men authorized for the Army, and they cannot equip them; they cannot train them in what is essential and primary for an army, namely, in such a way as to provide a mobile force accustomed to the use of the new mechanized instruments of warfare which have been developed. They are not and cannot now be trained in the mechanized method of warfare; the Army has not the equipment, but it is misleading and deceiving the public in asking for 2,000,000 men, most of whom could do nothing but go through some form of elementary training because of the lack of the necessary equipment.

Let the Army begin by giving positive proof that they intend to build up the kind of an army we need, an army that is equipped with the instruments of modern warfare and not with those of the old warfare, one that is equipped

with modern guns and artillery and tanks and the other equipment that is required today.

The airplane is our second line of defense. I said yesterday that, in my opinion, next to our Navy the air force was our second line of defense, and the third line of defense was antiaircraft guns and tanks, and the fourth was the land forces of the Army.

Let me add that before I accept conscription, it is essential to have the money to meet the cost of arms and training, the money must come from the men of property and the men of wealth. Then, I will go to conscription, but I shall not jump over every other prior necessity for our defense and every other step and put the hand of government upon the shoulder of young men and say, "You follow me; here is your gun; you are conscripted and drafted for a year."

I dislike to have to say this, and to make criticism of the Army, but the fact is that we are woefully—there is hardly language capable of expressing it—unprepared in our Army. It is not a case of men. The Army has the men already. It is the mechanism that is needed to train the men the Army now has.

We have just passed a bill providing for the calling out of the National Guard. How are they going to be trained if there are not equipment and other military facilities for them?

Mr. VANDENBERG. Mr. President, let me give the Senator a figure at that point.

The PRESIDING OFFICER. Does the Senator from West Virginia yield, and, if so, to whom?

Mr. HOLT. I yield to the one who can talk the loudest. [Laughter.]

Mr. VANDENBERG. That's me.

Let me give the Senator this figure bearing upon the matter he is now submitting to the Senate. Mr. Knudsen, chairman of the Advisory Defense Council, told the joint Senate Finance Committee and the House Ways and Means Committee last week that it would be 1942 before we could completely equip 750,000 men for combat, and that it would be 1944 before we could equip 2,000,000 men for combat. When would we be able to equip General Marshall's 4,000,000 men?

Mr. WALSH. God only knows.

Mr. VANDENBERG. I ask the Senator this question: How many men have we got equipped today for combat? Can the Senator answer the question, or can any other Senator here do so?

Mr. WALSH. No; and I would hesitate to venture an opinion.

Yet no one is urging it, no one is putting pressure upon us to do this fundamental thing with what we already have. But they are here asking us to conscript this large number of men.

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. HOLT. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I cannot understand why we are in such a great hurry to get these conscripts when we have not equipment for them. I made the observation on the floor of the Senate yesterday that I had been down to Langley Field, where I saw hundreds of men, volunteers, in pup tents, out in a swampy field, and in addition to that I stated that I had seen about a hundred little canvas cots in an airplane hangar. The Army did not have any equipment for those men, and all of them were in civilian clothes, marching along two by two. There are no uniforms for them.

Let us see about equipment. I went over to a little theater last night called the Trans-Lux, where short-reel subjects are shown, and they showed some pictures there of the military maneuvers in northern New York. They showed trucks used as tanks, and they had great placards on the sides of the trucks marked "tank." The boys in the field who were supposed to be using machine guns were acting with stovepipes. No doubt a number of my colleagues saw the same pictures. We are lacking in equipment, and I cannot see what the great hurry is.

Another thing I cannot understand is why, if General Marshall says that we need 4,000,000 men right now, not tomorrow, but tonight, he does not encourage enlistments in the Army for a limited duration for 1 year, rather than discourage them.

Mr. WALSH. Does the Senator have the information that those who are familiar with the military results of the war in Europe say that approximately 50,000 trained Germans, other than the reserved forces, in modern warfare, with modern tanks and other machines, sent back to their homes in France 2,000,000 conscripted men? It is a tragedy that we have to stand on this floor and teach the Army what is our first defense and what is our secondary defense and what is our last defense needs. Our first is the Navy, as I am sure the Senator from North Carolina will agree. The second is our air force, innumerable planes, bombers, with men ready to fly them, men who know how to fly planes and to fire guns. Have we those? No. Third, we need antiaircraft guns in great numbers and a mechanized, equipped, trained, professional Army. Fourth, before we come to conscription of manpower, we should conscript the money of the men of property to pay for training these men for service. The last step in this whole procedure should be the conscripting of the manpower of the country. I, for one, insist, before I take the blood and the life of men for training in a conscripted or drafted Army, that the man of money and of property have his possessions drafted to whatever extent is needed. He cannot give life, he cannot give blood, but he can give some of the dollars he has accumulated because of the prosperity, because of the wealth, because of the profits he has received through the free institutions of our country and the opportunity for accumulating riches here.

What a tragedy to have us here without these steps being taken, demanding that we go down into the homes—of whom? Senators know, and I know. Into the homes of the poor boys, the masses of the people, where we would take the strong, healthy boy. When the Government knocks at the door of a family where there are 4 boys in the family between 21 and 31 years of age, who will be the one taken? It will be the strongest, the healthiest, the soundest, the best of the breadwinners. He will be taken for the service of his country. I want all to know what it is to serve their country and to be willing to serve their country; and if they cannot serve because of their age or because they are not physically strong, I want some of their money, some of their property, to have them put into some other line of service to their country, if they cannot man a mechanized tank.

I thank the Senator from West Virginia for permitting me to digress, I feel so deeply and so strongly on this question of the attitude of our officials, of our Army particularly, and our Navy, in increasing the period of enlistment from 4 to 6 years. I think it is in complete disregard of our theory of government to say to a young man, "You cannot voluntarily serve your country unless you agree to go in for 6 years," and then take them at 16 or 18 years, forced by economic conditions, by poverty in the home, in order to lessen the burdens of their father and mother who are out of employment. The young man is told, "Here is your contract." The young man may say, "My father, who has not had a job for 2 years, is now working, and I want to go home." They will say, "Here is your contract. You stay in for 6 years."

Is that democracy? Is that the spirit of America? That is the spirit of Germany and of the other totalitarian states, and God help us and God help America if we have to resort to that system. War and the consequences of war might be preferable to the surrender of these fundamental free rights, the right of a boy to live, to be free, to follow his ambition in life, to make a career for himself, to marry and raise a family, to toil, to look for advancement, to learn a trade. The prospect of that freedom has brought the oppressed of all the world here as to a haven of rest and of hope. If that is not one of the greatest blessings of our country, then I do not know America.

Mr. REYNOLDS. Mr. President, I thank the Senator from West Virginia for granting me some of his time.

Mr. HOLT. I yield to the Senator, then I will yield to the Senator from Minnesota.

Mr. REYNOLDS. I do wish to say, finally, that I think we should give an opportunity to the volunteer system, if we can get a sufficient number of men by that method. If we cannot, we will have a resort to conscription, and perhaps, after all, as General Marshall said, we will have to conscript 4,000,000 men in order to eject Harry Bridges from the United States.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BANKHEAD. I wish to ask the Senator from Massachusetts, the chairman of the Committee on Naval Affairs, a question.

Mr. HOLT. I yield.

Mr. BANKHEAD. The Senator has made reference to the increase in the term of enlistment in the Navy from 4 to 6 years. I should like to ascertain whether that increase was provided for by act of Congress, or by the Navy.

Mr. WALSH. It was provided by naval regulations, and though I am chairman of the Committee on Naval Affairs of the Senate, I did not know of it until months after it had happened. The committees of the Congress were not consulted, nor was anyone else in Congress. I stated yesterday, and I wish to say again, that that is why, thank God, we have a democracy. Our theory of government is that Congress should be a check upon the natural human ambitions of military organizations to extend and grow and to exercise to unnecessary limits militaristic power.

Mr. CLARK of Missouri. Mr. President, will the Senator from West Virginia yield?

Mr. HOLT. I yield.

Mr. CLARK of Missouri. I should like to ask the chairman of the Committee on Naval Affairs whether or not it is true, as was carried in the public press just a few days ago in what purported to be a release from the Navy Department—I did not see the release, and all I know is what I read in the public press—that the Navy Department is now prepared to ask Congress for authority to hold all their men in thei service as long as they desired to, irrespective of the term for which they have enlisted.

Mr. WALSH. I am sorry to say that that proposal has been made, that notwithstanding the fact that a boy has served 6 years and his contract is finished, there is a bill pending here providing that the Navy can hold him or conscript him to remain as long as they want to hold him, so long as there is an emergency. But I assure the Senator that it will not get a favorable report from my committee. I refused to even introduce it. I will say further that in discussing the matter with the present Secretary of the Navy, he expressed dissatisfaction and disapproval with the measure.

Mr. CLARK of Missouri. I am very happy to hear that.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Massachusetts a question.

Mr. HOLT. I yield.

Mr. BARKLEY. In the Senator's remarks in respect to the propriety and wisdom of increasing the term of enlistment from 4 to 6 years in the Navy, he did not mean to leave the impression that under the law enacted by Congress the Navy had no authority to do that?

Mr. WALSH. Oh, not at all. They are perfectly within their rights.

Mr. BARKLEY. They have carried out the authority Congress conferred upon them?

Mr. WALSH. Yes. As I stated yesterday, and as is undoubtedly true, they acted on the belief that continuity of service is better for the Navy, less expensive, and that they will have by longer terms of service more trained and equipped men. My point was that they were thinking of their own machine and their own organization, which they have a right to do, and not so much of the American boy and his welfare and his opportunity in life. I also pointed out yesterday that with a shorter term they would have probably more men trained for the service of the country, because these boys would become Reservists after their terms expired, and would be subject to call in time of war immediately, but would be subject to call voluntarily during peacetime for years to come.

The Senator is absolutely correct—there is no criticism whatever to be made except one of policy of the Navy. I even give the Navy credit for its purpose and desire to build up the Navy to a higher and better standard. But I say—and this is why I think we are fortunate in being a democracy—that the action indicated some thoughtlessness as to the rights of an American boy not to be obliged by voluntary enlistment to give too much of his life to the military service.

Mr. BARKLEY. I appreciate that. I thought that the Senator's remarks might, without the statement he has now made, leave the impression that the Navy had done this in violation of law.

Mr. WALSH. I am very much pleased that the Senator has given me an opportunity to explain.

Mr. BARKLEY. It might also be said that when Congress authorizes them to do it, of course it recognizes that they might do it some time.

Mr. WALSH. I suppose that Congress could put a limitation in the law. But though we put an enlistment period limitation in the Army bill, it does not appear to have been respected.

Mr. BARKLEY. That was due to the fact that the Army's persuasion of a boy who applied for enlistment has been sufficient probably to overpower or outweigh the original intention of the boy himself. There are no statistics, there is no accurate information, so far as I recall, with respect to that matter. It has been stated during the debate that at two recruiting stations in the United States, which were named, out of the number which exists all over the country, there has been a refusal on the part of some recruiting officers to allow American boys to enlist for 1 year instead of 3.

Mr. WALSH. I beg the Senator's pardon. I have a letter in my office, which I will present later, in which I asked the Army the direct question as to how many young men had been received in the last fiscal year, from July to July, on a 1-year enlistment basis. I cannot recall the exact number, but it was less than 200. I know from my own information as to the Army—and I have tried to get the same information from the Navy—that most of those regulations are designed to permit college boys or other educated youths to attend preparatory schools or to go to West Point.

Let me state another contrast. No boy can go to a preparatory school of the Navy for admission to Annapolis who does not sign for 6 years. Some of the finest young men ever raised in America have come to me and said, "I have no political influence. My Senator has no vacancy this year. I will be 20 years old next year. How can I get to Annapolis?" The Navy says to them, "Go and enlist for 6 years." I myself have tried to suggest 1-year enlistment for that type of young men, who could go through a year of experience in the Navy into the Naval Academy, but I have not been successful.

"Suppose I were to fail in the eye test; suppose I were to fail physically; suppose I do not pass the examination. I am then held for 6 years?" This is the reaction and reply of these fine American youths.

Yes; they are held for 6 years. Mr. President, there is no escape from it. I wish to say that perhaps I have been too critical of the Army, but I think I ought to say that the Army is not entirely to blame. The Army has been allowed to drag along on a small appropriation, and I do not think we have realized until very recently our obligation and responsibility to it.

Mr. BARKLEY. The Army has not only been allowed to drag along but has been forced to drag along on a small appropriation.

Mr. WALSH. I now urge the Army to arouse itself and as speedily as possible develop our second line of defense—airplanes, bombers, and antiaircraft. This is the real job of the Army at the moment.

Mr. HOLT. Mr. President, before going into the background of the conscription bill, I want to comment briefly on some things that have been said this afternoon. I notice a story in this afternoon's edition of the Washington Daily News headed:

What, no shirts?

The article deals with the Camp Beauregard, La., Army and National Guard activities, and it says:

CAMP BEAUREGARD, LA., August 21.—Regular Army and National Guard officers blamed one another today for lack of discipline, lack of cooperation, untidiness, and inefficiency at the war games here.

The complaints, which cropped out at a critique session of the 2,400 Army and National Guard officers last night, included a blistering one by Maj. Gen. Herbert J. Brees, of Fort Sam Houston, Tex., commander of the Army Eighth Corps Area, that National Guard commanders had let their men maneuver without their shirts, and sometimes with no clothes except shorts.

I do not know whether they had uniforms or not, but the article said they were allowed to maneuver without their shirts and sometimes with no clothing except shorts. Most of the people of this country have had their shirts taken off their backs.

I proceed with the article:

Major General Brees said one "prime example of lack of discipline" occurred when a National Guard truck ran over a soldier sleeping on a road.

I do not know whether he did not have a cot, a matter that was spoken of by the Senator from North Carolina [Mr. REYNOLDS]. The article states who the man was. Then it proceeds:

Maj. Gen. Walter B. Krueger, commander of the "red" Army in the war games, said equipment furnished guardsmen was "pitifully obsolete," that some of the guardsmen were "ill fed," and that the Army needed better communication systems.

And all the time it is said that we should draft men immediately, even though we do not have enough clothing or enough equipment for them. The article continues:

He said that "there were plenty of stomach disorders because of unsanitary conditions of camps and cook tents.

Mr. President, that situation exists at the present time, with the present Army and the National Guard; yet General Marshall and General Shedd and others are demanding that we proceed immediately to pass conscription, when the generals in charge of the maneuvering troops say that we do not even have enough equipment for the present Army.

Perhaps the reason why we do not have enough equipment is contained in another article written by Maj. Al Williams in the Washington Daily News of August 20, 1940. This is what he says:

Despite the shortage of aircraft and engines, it is interesting to learn that Treasury Secretary Henry Morgenthau—

Affectionately called by the President "Henry the Morgue"—

has been supplied with a new Lockheed "Lodestar" fully equipped with all instruments, and cabin appointed with an ice box.

I do not know what the ice box is for. But, nevertheless, here is this plane for private use being built by the United States Government for the Secretary of the Treasury, when we do not have enough planes even to train the boys who want to go into the air force.

Major Williams says further:

The total job billed in round figures at about $85,000.

USED FOR WEEK ENDS

This plane, which has a crew of three—pilot, copilot, and mechanic—bears the markings of the United States Coast Guard (which is under the Treasury Secretary during peacetime). It meets Mr. Morgenthau at the Washington Airport and carries him and friends to week-end destinations.

Probably on inspection. The article continues:

Another vital preparation measure is to be found in an amazing Navy contract of recent date in which there was an order for $250,000 worth of table silver, engraved.

They are going to meet Mr. Hitler's forces with table knives and forks.

He continues:

In this order one item called for 5,000 silver finger bowls—engraved.

It is claimed that we do not have enough equipment for the men already in the service. Yet out of the defense fund purchases are being made, and one order is given for 5,000 silver finger bowls. Of course, I realize that is very important, because when Mr. Hitler comes over here each soldier can grab a finger bowl and drown one of the invading soldiers in it.

So it is that the money that is being spent at the present time, and I simply wanted to comment on that matter briefly in the time given to me, since there has been some comment on the subject.

Another thing I wanted to say, before going into the matter of the conscription bill, was to make this statement: That it is my honest opinion that Mr. Bill Bullitt was brought back to this country for no other purpose than—what? For no other purpose than to incite a wave of hysteria—to get America into war. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Chair must remind the occupants of the galleries that they are guests, and are welcome guests, of the Senate, but, under the rules, manifestations of approval or disapproval of what occurs on the floor of the Senate are not permitted.

Mr. HOLT. Mr. President, speaking about Mr. Bullitt, Mr. Raymond Moley in his book published sometime ago spoke about how Mr. Bullitt was brought back after the conference at Munich, and how there was a conference at the State Department, and there it was planned to start an educational campaign—that is what it was called by those present—an educational campaign to do something practical to stop the dictators, and he said that Mr. Bullitt and Mr. Kennedy were called back from Florida hurriedly and in supposed secrecy—that kind that incites doubt but is known—in order to promote fear in this country, and then Mr. Moley makes this statement:

Observers recognized in these dramatic maneuverings signs of a State Department campaign to "educate" the American public to the need for a "stronger" foreign policy.

That is why Mr. Bullitt is here in the United States. Never before in the history of the world have we needed more men on the job in Europe than we need right now. We have only one or two or perhaps three full-fledged ambassadors over there. The rest of them are back here in this country at the present time. Mr. Bullitt is back here trying to generate a war spirit.

Mr. Welles said the reason why he did not condemn Mr. Bullitt was that he wanted the people to be educated. Now let us tell the truth. The reason why Mr. Welles did not condemn Mr. Bullitt is that Mr. Welles knows who his boss is. Mr. Bullitt is above Mr. Welles in the President's favor; he dare not condemn him. Mr. Bullitt was in control, and, of course, Mr. Welles would not condemn his boss. That is the real reason.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. CLARK of Missouri. Is the Senator aware of the fact that, according to unimpeachable sources, Mr. Bullitt's speech was given out as an official release by the State Department, upon State Department stationery, printed by the State Department mimeograph? In other words, it is an official release of the State Department. If so, I call the Senator's attention to certain language in Mr. Bullitt's speech:

Then here, in this square—

And so forth—

I ask you and all other Americans who hear my voice tonight to join in the fight to keep our country free.

Write and telegraph—

Here is an American Ambassador who ought to be in Europe, attending to the business for which he is being paid,

back here building a fire under the Congress of the United States and trying to foster propaganda for war.

Write and telegraph to your Senators and Representatives. Write to your newspapers. Demand the privilege of being called into the service of the Nation.

Mr. Bullitt did not demand the privilege of being called into any military service in the last war. He hid out in a safe civilian job.

Tell them that we want conscription. Tell them that we back up General Pershing.

If you belong to great patriotic organizations, make them act.

Let me say in passing that if Mr. Bullitt belongs to any great patriotic organizations he belongs by inheritance, and by nothing that he has ever done himself to achieve qualification for membership in any great patriotic organization. I may say that he is not eligible to membership in such great patriotic organizations as the American Legion, the Veterans of Foreign Wars or the Disabled Veterans, the Military Order of the World War, or any other great patriotic organizations, membership in which depends on personal service to the country. That great patriotic organization, the American Legion, fought out the issue of conscription in time of peace immediately after the last war, at Minneapolis in 1919, and overwhelmingly decided against it. It does not lie in Mr. Bullitt's mouth to tell patriotic organizations how to coerce Congress.

Mr. Bullitt further said:

If you belong to great patriotic organizations, make them act. If you want to make your will felt but do not know how to make it felt, write to me.

That is one of his duties as Ambassador to France.

If you want to make your will felt but do not know how to make it felt—

In other words, if you do not know how to go about building a fire under Congress to respond to the propaganda that I am putting out—

write to me and I shall try personally to put you in touch with the men and women who know how you can help most effectively in your own home towns and villages.

Mr. President, the putting out of such propaganda as that, as an official release from the State Department is a disgrace to all concerned in it and it is done right in the teeth of, and in violation in terms of section 201 of the Criminal Code of the United States, which with the Senator's permission I shall proceed to read:

No part of the money appropriated by any act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service—

And, of course, that means salary, including the salary of an Ambassador accredited to France but now wandering over the face of the earth—

advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Any officer or employee of the United States." I assume that this statute does not exempt Mr. Sumner Welles or any other official of the State Department who authorized the putting out of Mr. Bullitt's propaganda speech as a State Department release, at the expense of the United States Government.

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than 1 year, or both.

Mr. President, I submit that the very reading of the speech of Ambassador Bullitt shows conclusively that this action falls specifically within the direct language and penalties of the statute, and I commend these facts to the attention of the Attorney General of the United States.

Mr. President, will the Senator further yield?

Mr. HOLT. I am glad to yield to the Senator.

Mr. CLARK of Missouri. In today's Washington Star appears a column written by "Little Joe" Alsop, the James Boswell of Mr. Tommy Corcoran, and one of the most obsequious lickspittles of all the administration's corps of kept columnists, a man who claims to be so intimate with the President of the United States that he writes books telling what color pajamas the President wears at 3 o'clock in the morning when Bullitt calls him on the telephone from Paris. He says:

William C. Bullitt's speech before the American Philosophical Society at Philadelphia was no blundering indiscretion, in the manner of James H. R. Cromwell or John Cudahy.

Evidently he has not found out that Cudahy is the uncle-in-law of Secretary Ickes, as apparently Mr. Welles had not at the time of his just reprimand to Mr. Cudahy, which was afterward revoked when the relationship was discovered.

It was not only passed by the State Department, as was reported at the time; it also was discussed at length with the President, both in the early and final stages of composition, and was approved in detail by him. It must be taken, therefore, as an exact expression of the President's own views.

Regarded in this light, the Bullitt speech is unquestionably the most significant utterance on foreign affairs to come from any administration source, including the President himself, since the outbreak of the second World War.

Mr. President, if that be true, if Bullitt spoke with the authority of the President of the United States—and unless he is rebuked or fired that conclusion is inescapable—I undertake to say that this is the first time in the long history of the United States when the executive department has openly, flagrantly, and brazenly attempted to coerce the Congress of the United States into a particular action. We all know that patronage has been used at various times. We all know that the telephone has been used by this administration and others. We all know that many times under this administration and previous administrations official pressure has been brought to bear upon Members of Congress to influence them in their votes; but this is the first time in the history of this country when, by an official release from the State Department bearing the approval at least of the Acting Secretary of State, Sumner Welles, as was shown by his interview yesterday, the executive department has actually undertaken publicly to coerce Members of Congress by saying, in effect, "If you do not know how to make your influence felt; if you do not know how to build a fire under Congress in favor of giving away the United States Navy to some foreign power and in favor of drafting the youth of the country, write to me, Ambassador to France, representative of the State Department, acting under an official release of the State Department. Write to me. I will show you how to build a fire under these miscreants in the House and Senate. They ought to be abolished anyhow. We really ought to have a dictatorship. I am the official propagandist of the State Department, and my voice is for war and conscription and dictatorship. Write to me, and I will show you how to relegate the American Congress to the status of the old German Reichstag and the old Russian duma and the old French assembly. I aspire to be the Dr. Goebbels of the new era."

Mr. HOLT. Mr. President, I wish to say to the Senator from Missouri that he should not blame Mr. Alsop, because, frankly, it takes a good boy to stand Groton and get away with it. It ruins many boys, and naturally some cannot stand it.

Mr. LEE. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Oklahoma.

Mr. LEE. The Senator from West Virginia has been very generous with his time. I do not wish to engage in an argument. I merely wish to make a record of my opinion, lest my silence be taken for acquiescence.

I heard the address of Ambassador Bullitt. I think it was a magnificent address, and I think he would have been derelict in his duty to America if, knowing first hand what happened in France, he had not come back and warned the people of America as to the danger of the situation over there. I respect the opinions of every other Senator, and every other person. I do not expect everyone to agree with me; but I wish to state my opinion for the RECORD.

I believe that Mr. Bullitt did his patriotic duty. In these dangerous times, if he had not done what he did, in the light of what he knew about the facts—not his opinion, but his knowledge—he would not be the patriot I take him to be.

As for being over there representing us, what good would it do to have ambassadors in those states which have already come under the power of the Nazi government, in addition to an ambassador representing us in Germany? Those other countries all reflect the opinion of the conqueror. As we know, France today is nothing more than a vassal of the great Nazi regime. I say it with sorrow and regret. I hail Bill Bullitt for having enough courage to do what he thought he should do in order to protect America.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. CLARK of Missouri. According to the argument of the Senator from Oklahoma, if there is no function for the American Ambassador in France to perform in the country to which he is accredited either he ought to resign or he ought to be recalled and the office left vacant until there is something for an Ambassador to do. Certainly there is no justification for charging the American people with the salary and expenses of an Ambassador to represent the United States in France when, in fact, he is operating in the United States, making inflammatory speeches and trying to build a fire under Congress.

Mr. President, I have trespassed unduly on the time of the Senator from West Virginia, but I ask him if he will further yield?

Mr. HOLT. I yield.

Mr. CLARK of Missouri. Yesterday I read in the public press a statement wherein I was taken to task by Mr. R. Sturgis Ingersoll, of Philadelphia, who was Mr. Bullitt's host and the gentleman who arranged for the meeting. He is co-chairman of William Allen White's Get Us Into War Committee, or whatever it is called. I have forgotten what it calls itself, but that is the purpose of it. He is co-chairman in Philadelphia of that committee.

In his remarks Mr. Ingersoll undertook to take me to task for remarking on the fact that Mr. Bullitt had hidden out during the last war, instead of going into the Army, when he was only 26 years of age and unmarried. He did not deny the fact, but he undertook to justify it by saying that Bullitt was on a highly secret mission.

In the course of his remarks Mr. Ingersoll undertook to attack what I had said by more or less trying to belittle my father. I took the trouble to look up something about Mr. Ingersoll's family and their patriotic activities. I discovered that in August 1862, while the United States was engaged in perhaps the greatest war in which it ever was engaged, Mr. Charles Ingersoll, granduncle of Sturgis Ingersoll, was arrested by the provost marshal in Philadelphia for high treason for uttering treasonable language. I quote from the Scharf and Wescott History of Philadelphia. This is what Mr. Ingersoll said at a very critical time, when the Twenty-fifth Massachusetts and the One Hundred and Eleventh and One Hundred and Seventeenth New York Regiments were passing through the city on their way to the front. Mr. Ingersoll, in addressing a mob, said:

> The despotisms of the Old World can furnish no parallel to the corruptions of the administration of Abraham Lincoln. They can imprison us as they like for the exercise of the right of free speech, as in the case of a citizen of the twelfth ward, but what does that amount to if they have to feed, clothe, and lodge us? And in these hard times that is quite a consideration.

I call attention to the fact that this was right at the crisis of the Civil War.

A little later Mr. Edward Ingersoll, a brother of Charles, and also a great-uncle of Mr. Sturgis Ingersoll, was attacked by a crowd of citizens in Philadelphia for using extremely offensive language against the United States in time of war. Mr. Ingersoll drew a gun in his own defense and was with great difficulty rescued from an angry mob of citizens who were intent upon lynching him. He was arrested, and his brother Charles, the one to whom I have just referred, undertook to go his bail, but the charge being changed to treason this was unavailing. Inasmuch as the charge was one of high treason Mr. Ingersoll was not admitted to bail. The citizens of Philadelphia were so aroused that on leaving court the Ingersolls were attacked by a group of citizens, and Mr. Edward Ingersoll was immured in Moyamensing Prison.

It seems to me that a gentleman with such skeletons in his family closet ought to be extremely careful about attacking the patriotism of anyone.

Mr. HOLT. Mr. President, the Senator from Oklahoma [Mr. LEE] said that we need no ambassador in France in order to know what the French Government is. I wish to quote Mr. Bullitt on that question. I am sorry to use Mr. Bullitt as a witness against the Senator from Oklahoma, who is trying to defend him. This is from a speech delivered by Mr. Bullitt in Philadelphia on the 19th day of January 1934:

> One aspect of our recognition of the Soviet Government has been overlooked generally by the press, but to me it is of primary importance. Taken in connection with the address of the President before the Woodrow Wilson Foundation, our establishment of normal relations with the Soviet Union marks a return by the Government of the United States to our traditional policy of not attempting to judge the domestic institutions of other countries. Henry Clay defined that traditional policy in 1818, when he said:
>
> "Whatever form of government any society or people adopts, whomever they acknowledge as their sovereign, we consider that government, or that sovereignty, as the one to be acknowledged by us. * * * As soon as stability and order are maintained, no matter by whom, we have always considered and ought to consider the actual as the true government."

Mr. Bullitt himself says that the Petain government is the actual recognized government of France, and he is drawing his salary in America when he is paid to be in France as a representative to that government.

Mr. Bullitt delivered another speech in Philadelphia, and it, too, was published by the State Department. Remember, in his speech last Sunday, how he feared communism? The Communists have bored from within, he said. Let us see what Mr. Bullitt said about communism in the other speech printed by the Department of State:

> The Government of the Soviet Union has gone even further than we have gone in showing its desire for peace.

Is that what Poland thought? Is that what all the small countries around the Baltic thought? This is Mr. Bullitt, who knows so much about foreign affairs:

> The Government of the Soviet Union has gone even further than we have gone in showing its desire for peace.

Mr. LEE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. LEE. That was in 1934, was it not?

Mr. HOLT. Yes. It is the same Government. It is the same system. It is the same group, except that it was not quite as powerful in 1934.

Mr. LEE. A person can learn much in 6 years.

Mr. HOLT. I admit that. I hope I have learned quite a little in 6 years. I have learned that Mr. Bullitt is the same Mr. Bullitt who has been for communism all the way through, when it pays to be.

Let us proceed and see what Mr. Bullitt said about communism. It is the system about which he is talking and not the government alone.

> It has offered nonaggression pacts to all neighboring nations and has signed such pacts with many of its neighbors.

This is Mr. Bullitt speaking:

> If there is one impression among the many with which I returned from Moscow that stands out above the others, it is the impression that the Soviet Government today desires peace with the deepest sincerity.

That is Mr. Bullitt, on Russia and communism, about which he now complains.

Let me continue:

The Soviet Union is just beginning the great task of internal reconstruction. Industry and agriculture have been reorganized. Life is going ahead. But the new Russian economic life is a young tree. It is strong and vigorous. It will grow straight into immense stature unless it is stunted and twisted by war.

This Russian Government is going to grow straight and strong, according to Mr. Bullitt.

The primary object of the Soviet Government today is to see to it that the growth of its new life shall not be distorted by war. It is clear to anyone who has studied with care the world political situation and the attitude of the Soviet Government toward peace that the Soviet Union today does not intend to engage in any war except in self-defense.

So was the war against Poland, so was the annexation of Latvia, so was the war against Finland in self-defense; Mr. Bullitt says that the Soviet Union would not encourage any war except one in self-defense—

If war comes between the Soviet Union and any of its neighbors, it is not likely that the initiative will have been taken by or be attributable to it.

Is Mr. Bullitt any more accurate today than he was in 1934, when he said that the Soviet Union wanted peace even more than the United States did? Then he goes on to say:

Until we established diplomatic relations with the Soviet Union, it was impossible for the two nations to work together intimately for the preservation of peace. We can now work together and shall work together for the preservation of peace, and the cooperation of our nations will be a potent force in preserving peace.

The desire of the Soviet Union to cooperate in the most friendly manner with the United States at the present time is no doubt based primarily on the conviction that the Untied States desires world peace as sincerely as the Soviet Union desires peace.

Oh, no; not that the Soviet Union wants peace because of the United States, but that we should have an agreement with Soviet Russia because Soviet Russia wants peace and we should follow likewise. So the speech of Mr. Bullitt continues.

But today when there is a Communist scare over the country he comes back to oppose the idea of communism and "reds" boring from within. These are the same Communists who were here in 1934 when Mr. Bullitt had an opportunity to see them. They are the same Communists who were in France in 1934 when he endorsed them. Now we find that the situation has changed only because Mr. Bullitt desires the United States to get into this war and the Communist scare will help do the job.

I do not make that statement idly. The Senate may know that the French newspapers have stated in their editorial columns that Mr. William Bullitt was trying to drag France into a war. That was in 1936 and 1937. I have sent to try to get copies of the newspapers which were printed in Paris and in which our Ambassador was charged by the French newspapers with trying to drag France into war on the Polish issue. That is exactly how France did go into war. Why was all the nervousness felt on the part of Mr. Bullittt when it was known through diplomatic circles that Premier Reynaud might tell what Mr. Bullittt told him preceding the war, that France should stand up and fight the conquering of Poland and America would come to their aid.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. HOLT. I yield.

Mr. BARKLEY. The Senator may not know it, but it is true that Mr. Bullitt specifically and categorically denied ever making any such statement or holding out any such hope to Mr. Reynaud or to any other French Premier or French official. That has been done. The Senator may not be aware of that fact; but if he were aware of it, I am sure he would not at least object to having it stated.

Mr. HOLT. I do not object to having the facts stated.

Mr. BARKLEY. Mr. Bullitt denied that categorically.

Mr. HOLT. He also denied categorically that he was going to resign as Ambassador to Russia when he came back. I wish I had my files on Mr. Bullitt and his categorical denials. Oh, yes; whenever Mr. Bullitt gets ready he can issue a categorical denial without question; but I say that history will prove that Mr. Bullitt did make that statement to Reynaud and there was pressure brought upon the Premier to keep it from being made public when Reynaud was about to fall. Oh, yes; he will deny it now and will deny it in the future, but history will prove it.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. HOLT. I yield.

Mr. BARKLEY. Does the Senator contend that Reynaud was Premier of France when Germany invaded Poland?

Mr. HOLT. No; I do not; but he and Mr. Mandel were active in the group to stop Germany when the other groups were not. Mr. Bullitt put pressure on both Mr. Mandel and Mr. Reynaud, who represented the anti-German feeling, and tried to have them take the position they did take.

Mr. BARKLEY. Mr. Reynaud, as I understand, occupied no official position at that time in the French Government.

Mr. HOLT. That is correct.

Mr. BARKLEY. He did not become Premier of France until long after Poland was invaded. Daladier, as I recall, was the Premier of France at the time of the invasion of Poland.

Mr. HOLT. That is correct.

Mr. BARKLEY. I got the impression, though I may not have understood the Senator correctly, that what he claimed was that Mr. Bullitt gave assurances to Mr. Reynaud as Premier of France.

Mr. HOLT. No; the RECORD will not show that I said as Premier but as an individual in France who was interested in the same thing in which Mr. Bullitt was interested.

Mr. BARKLEY. Does the Senator contend that Mr. Bullitt ever gave any assurances or held out any hope to the officials of France, including Daladier or President Lebrun or any of the other authorized officials of France that the United States would go to their rescue in the event Poland was invaded?

Mr. HOLT. I do not know; but I do not doubt it.

Mr. BARKLEY. I can say to the Senator from West Virginia that he may not give Mr. Bullitt the credit of being worthy of being believed as to anything he might say, and I imagine from his attitude that that is the way the Senator feels about it, but Mr. Bullitt has stated that not only did he not hold out any such hope as that to citizens of France, but specifically told them that in no situation would the United States send an army to Europe to join France in a war, even though Poland were invaded by Germany.

Mr. HOLT. As to believing Mr. Bullitt, I hold the same opinion about him that Mr. Woodrow Wilson held during the treaty fight when Mr. Woodrow Wilson told the truth about Mr. Bullitt. Mr. Bullitt was trying to attack Mr. Wilson with Mr. Lansing. Mr. Bullitt was trying to get a position in the Department of State and Mr. Moley so states in his book that the record was held against Mr. Bullitt that he had betrayed the man who had placed him in office.

Mr. BARKLEY. The Senator realizes that whatever differences existed between President Wilson and Mr. Bullitt at that time grew out of the fact that Mr. Bullitt, although he sat at the side of the American delegation to the peace conference in Paris during the Versailles deliberations, did not endorse all the terms of the Versailles Treaty. He said that if the Versailles Treaty were adopted, and agreed to as it was demanded to be adopted, and agreed to by the French and English and even the Italians, it would result in almost what has happened during the last year. And because of that view of his, there was a difference of opinion between him and President Wilson at that time which I think resulted in his withdrawal later from any advisory capacity with respect to the Versailles Treaty.

It is well known that Mr. Bullitt has never retracted his opinion since that time that the Versailles Treaty, as written,

was a mistake and it might result in what has happened in the world. The Senator ought to give Mr. Bullitt credit for being sincere and honest in his opinion at that time, although it differed very materially from the opinion held then by a majority of the American people.

Mr. HOLT. I am not discussing whether he was right or wrong, but I do say that Mr. Wilson said that Mr. Bullitt could not be believed. On that I do not desire to comment, except to say I want to quote Mr. Moley about that and show that he had the same idea about it. He tells about a conference that Felix Frankfurter had with Mr. Bullitt and Mr. Moley. I will read a quotation from Mr. Moley's book.

I had, by this time, clearly made out the values and the limitations of Bullitt. He was pleasant, keen-minded, idealistic, and widely informed. On the other hand, he had a deep and somewhat disturbing strain of romanticism in him. Foreign affairs were, to his imaginative mind, full of lights and shadows, plots and counterplots, villains and a few heroes—a state of mind that seemed to me dangerous, if not constantly subjected to the quieting influence of some controlling authority.

And this footnote:

This trait disturbed others who had known him in the war days 15 years before. For example, when Bill met Felix Frankfurter in my room in April, Felix asked him, "Well, Bill, have you learned to keep your shirt on yet?" "Absolutely," answered Bill, "it is nailed down this time."

In that vein Mr. Moley continues to discuss Mr. Bullitt and give the background of that time. I am not discussing the period of 1917 to 1919, but I am saying that Mr. Bullitt was brought back to this country now in an educational campaign to get America into this war. I make that statement without any qualification and I will leave it to history to decide who is stating the truth. Let history tell.

In the conference at Versailles, I may say, Mr. Bullitt met a man who has been quite active these days with him. Whom did he have conferences with?

Mr. Philip Kerr—and the record will so show—Mr. Philip Kerr was secretary to Lloyd George. Mr. Kerr is now the Marquis of Lothian and is the English Ambassador at Washington. Lord Lothian and Mr. Bullitt had their first understanding and their first dealing back in those days 20 years ago, and they today have the same thought they had at that time and have the same idea of having America and England have a parallel policy. When I say that I do not discuss his viewpoint after the World War, but I do say that his record shows that for the very same things he is now giving out he was put in the ice box 15 years ago. Yet he is now brought out as the great authority on international affairs.

Mr. Bullitt made his speech at the request of the State Department; it was published by the State Department; approved by the Under Secretary of State, Mr. Welles, and it will be found, as history will be written—not today but it will be found when history is written—that it all goes back to the meeting that took place in the White House after Munich, in order to educate America in favor of a stronger foreign policy—and that means war.

I wanted to discuss the background of the conscription group, but before doing so I want to show the Senate a half-page advertisement in the New York Herald Tribune—an open telegram to the Honorable Wendell L. Willkie, which reads as follows:

AN OPEN TELEGRAM

The Honorable WENDELL L. WILLKIE,
*Elwood, Ind.:*

A growing wave of dissatisfaction is spreading throughout our land over delay in aiding Britain to save America. Your demand for immediate release of 50 destroyers to Britain will maintain a moral principle and will insure an act for the defense of America.

The country looks to you to help save our civilization in this desperate crisis.

Respectfully yours,

CHARLES HILAND HALL,
*Greenwich, Conn.*
THAYER LINDSLEY,
*Hancock, N. H.*

When one reads that he might think those signing it are merely poor, innocent Americans interested in selling our destroyers to Great Britain for our defense. I cannot find in the directory of Greenwich anything about Mr. Charles Hiland Hall, but I did find in Moody's Directory of Directors the name "Thayer Lindsley." Here is what I found:

Thayer Lindsley (born 1882, Japan; Harvard University, 1904)—

When they have the words "Harvard University" connected with them, we had better check them. We know where this drive came from—the Harvard Club—

president, and director, Ventures, Ltd.—

Not of New Hampshire, but of—

25 King Street, West Toronto, Ontario, Canada.

Here are the directorates of Mr. Lindsley:

Falconbridge Nickel Mines, Ltd., vice president and director.
Coniaurum Mines, Ltd., president and director.
Sherritt Gordon Mines, Ltd., vice president and director—

Note that they are all "limited." That means that they are in companies of a belligerent nation today.

Sudbury Basin Mines, Ltd., director.
Consolidated Mining & Smelting Co. of Canada, Ltd., director.
Opemiska Copper Mines, Ltd., president.
Matachewan Consolidated Mines, Ltd., president.

So it cannot be said that he was just a fellow who was not interested at all in the outcome of the war. Mr. Lindsley is a director of these corporations which are situated in a belligerent country that wants our destroyers or wants them sent to England.

It will not be found, as we go down the list, that everyone who is for conscription has financial interest, and I do not say that. I know that some conscientious, sincere men believe in it. But I do say that in this group which wants conscription is the greatest band of public scoundrels this country has seen in the last quarter of a century.

When I say that, do not misunderstand me, and I hope no Senator will take any personal offense from my statement. I include only those individuals who I say are in this group who have investments abroad and want America to defend them by sending boys across, and those who expect to profit by the war.

Speaking of Philadelphia, I wish to read something to the Senate. I discussed the background of this group at the Harvard Club in New York. Senators saw their names, and I intend to discuss the list a little later. But men also met in Philadelphia to put over the conscription drive, and they wrote a letter, and in this letter, a copy of which I have, they said:

There is an acute danger that the bill may not be passed unless those who are aware of the need of greatly augmenting our military forces give expression to their belief.

Put the heat on Congress. As Mr. Ickes said, these are six "poor barefooted Wall Street boys." Who are these six men? Was a single one of them an official of a labor union? No. Was a single one of them an educator? No. Was a single one of them connected with a calling that would be listed in the religious group? No. Who were they? Let me give their names.

First, there is Charles J. Biddle. We have heard that name before, have we not? I will tell his connections in a moment.

Orville H. Bullitt. Who is Orville H. Bullitt? I understand he is a brother of Mr. William Christian Bullitt.

William J. Clothier, Fredric C. Wheeler, David E. Williams, Jr. I left this one to the last—Effingham P. Morris, Jr. A man named "Effingham" would not be much of a military man. [Laughter.]

Effingham P. Morris, Jr.

Those are the six men who met in Philadelphia to put across this conscription drive. Let me read what the paper said about it. I feel sorry for these poor boys who are to be drafted. I notice the youngest one is 46. [Laughter.] This is what the paper says about them:

All are socially prominent and all are bankers except Biddle who is an attorney. Morris is vice president of the Girard Trust Co. Wheeler holds the same position with the Fidelity Philadelphia Trust Co. Williams is assistant to the president of the Corn Exchange National Bank & Trust Co. Bullitt is an investment banker and brother of Ambassador William C. Bullitt, associated

with W. H. Newbold Sons & Co. Clothier is a one-time tennis star, well-known banker, and club man.

Those are the six poor boys who met in Philadelphia to put heat on Congress to pass the conscription bill, and they wrote 1,600 prominent Philadelphians to put the heat on the senior Senator from Pennsylvania [Mr. DAVIS], and the junior Senator from Pennsylvania [Mr. GUFFEY]. They wanted to put the heat on the Senators so that they would vote right. They ought to have their background known, and I have found out their background and their connections and their directorships.

Mr. President, I ask that at this point in my remarks the names of the companies of which these men are directors may be inserted in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Orville H. Bullitt: Kansas, Oklahoma & Gulf Railroad; Muskogee Co.; Virginia Coal & Iron Co.; Osage Railroad Co.; Beaver Coal Co.

Fredric Wheeler: Fidelty Philadelphia Trust Co., vice president and director.

David Evans Williams, Jr.: Corn Exchange National Bank & Trust Co., director; Cambria Mining & Manufacturing Co., director; Forge Coal Mining Co., director; Buck Mountain Coal Mining Co., vice president and director; Union Improvement Co., director; Philadelphia Savings Fund Society, manager; Highland Coal Co., director; Big Black Creek Improvement Co., director; Stonega Coke & Coal Co., director; Lumbermen's Insurance Co., director; Philadelphia National Insurance Co., director; Pennsylvania Water & Power Co., director; Virginia Coal & Iron Co., director; Westmoreland Coal Co., director; Westmoreland, Inc., director.

William J. Clothier: President-director, Boone County Coal Corporation.

Effingham B. Morris, Jr.: Vice president, Girard Trust Co., Cambria Iron Co., First National Bank of Philadelphia, Lehigh Valley Railroad, Union Traction Co., Philadelphia Saving Fund Society, Rittenhouse Square Corporation.

Mr. HOLT. Mr. Biddle is one of these men. We have one Ambassador by the name of Biddle, who is back in the United States, too, I think. We notice that these Ambassadors, like Haile Selassie, get out of the war zones. Mr. Biddle got out so fast he lost his clothing. The name Biddle, is I recall, is associated with a person who paid the highest price for the Democratic campaign book in 1936. A price of $20,000 was paid for it. Of course, that had nothing to do with the ambassadorship. Do not take that in a wrong way. But for one of the campaign books now selling down the street for 6 cents a price of $20,000 was paid.

Let us see who this Mr. Biddle is. His firm, Drinker, Biddle & Reath, is counsel for Drexel & Co. Let me identify. That is a subsidiary of J. Pierpont Morgan & Co. It is completely controlled by J. Pierpont Morgan & Co. He insisted on the boys being drafted.

Then there is the Edward G. Budd Manufacturing Co. I ask any Senator to check the profits of the Budd Manufacturing Co. for the first 6 months of this year as compared with the first 6 months of last year.

Mr. Biddle's firm is also attorney for the Cunard White Star Line, Ltd., that corporation that leads the English merchant marine.

He is counsel for the Eastern Pennsylvania Group Investment Bankers Association of America. He is also attorney for many concerns, the names of all of which I ask consent to place in the RECORD at this point.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Counsel for: Drexel & Co.; Philadelphia Savings Fund Society; Edward G. Budd Manufacturing Co.; American Surety Co.; Sharp & Dohme, Inc.; Philadelphia Clearing House Association; Cunard-White Star, Ltd.; Corn Exchange National Bank & Trust Co.; Tradesmen's National Bank & Trust Co.; Keystone Watch Case Co.; Eastern Pennsylvania Group Investment Bankers Association of America; Brown Bros. Harriman & Co.; Brown, Harriman & Co., Inc.; Jeddo-Highland Coal Co.; University of Pennsylvania; Cassatt & Co.; Graham Parsons & Co.; Philadelphia Contributionship for the Insurance of Houses from Loss by Fire; Quaker Hosiery Co.

Mr. HOLT. Mr. President, my point is that I do not say that every man who is for conscription is in that group, not at all, but I do say that if you show me a man making a profit out of the war I will show you his name on either the William Allen White committee or some of the other lists. Look at the fellows who are behind these organizations. I shall refer to one of them, Col. Henry Breckenridge. He spoke here in Washington, and he is a leader on the William Allen White Committee to Defend America by Aiding the Allies.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. Is that the famous colonel who declared war one night recently when we were having a national broadcasting debate on aiding the Allies?

Mr. HOLT. Oh, yes.

Mr. LUNDEEN. He wanted war declared that night.

Mr. HOLT. But he did not have a trench helmet on, did he?

Mr. LUNDEEN. I did not see any. He now wants everybody conscripted from the cradle to the grave, 18 to 65, with the munificent pay of $5 per month. Grand, is he not? All these pro-British gentlemen who are so neutral they want Great Britain to win. That would not be so bad if they did not demand that we die for Britain on every continent under the sun—everywhere on this great earth where flies the flag of His Britannic Majesty.

Mr. HOLT. I will quote Colonel Breckenridge. This is what he is quoted as saying:

I would rather fight Hitler from the air over Berlin than over New York That is just what we ought to be doing now.

When he made that statement he did not tell the people of his financial connections in the aircraft industry; and let me give them.

He was a founder and director of Aeronautical Securities, Inc., and the Aeronautical Securities, Inc., has stock in Bendix, Fairchild Aviation Corporation, Grumann Aircraft Engineering, Lockheed, Sperry Corporation, and Curtiss-Wright. This is what Moody's Manual says about Aeronautical Securities, Inc.:

Formed for purpose of offering to investors an opportunity to participate in aviation industry through investment primarily in securities of companies engaged in aircraft manufacturing.

This might interest Senators. Colonel Breckenridge, who is a director and stockholder of Aeronautical Securities, in which he is interested from the standpoint of profits, wants us to go to war now, wants planes over Berlin. For the 9 months between September 1938 and July 1, 1939, this Aeronautical Associates Co., of which Mr. Breckenridge's corporation owns stock, had a net profit of $62,929. But for the 9 months between September 1939 and July 1, 1940, or during the war, it did not have a profit of only $62,929, but a profit of $215,735. It increased its profits by over 325 percent. Why is not Colonel Breckenridge telling the country of that, instead of saying he is only interested in defending America?

Let us see as to some other stock Colonel Breckenridge's corporation has. He has holdings in the Ex-Cell-O Corporation. For the first 6 months of 1939 that corporation had a profit of only $336,000, but for the first 6 months of the war the company had a profit of $1,412,000.

We find that the Douglas Aircraft increased its profit from $1,396,000 to $3,388,000 in the same period of time, in 1 year. They have stock in it.

We find that the Glenn L. Martin Co. increased its profit from $967,000 to $4,291,000.

One may continue to show the financial background of many of these individuals who are for conscription.

There was set up a committee known as the National Emergency Committee of the Military Training Camps Association, and the Senator from Ohio placed information as to their request for donations in the RECORD.

May I say now, Mr. Adler said that he was not connected with any foreign corporation, in a reply to my statement. I charge that he is a director in a corporation which is now a belligerent at war. I refer to Mr. Julius Ochs Adler, of the New York Times.

Mr. Grenville Clark also took me to task. Mr. Grenville Clark did not tell that he was on the executive committee of a group that is trying to fight excess profits tax legislation, which would stop the excess war profits. He says to draft the boys at once, but to study the excess profits. The

boys are needed at once. What about the money to finance it? Mr. Grenville Clark loves the soldier so much that he was against the bonus. We can find Mr. Grenville Clark's record all the way through, and his connections also will be found to be opposed to regimentation of capital but not opposed to regimentation of boys.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. Is that the Grenville Clark, Wall Street lawyer, who drafted the Burke-Wadsworth bill, which provides for drafting everyone from the cradle to the grave, from 18 to 64, at $5 a month? He is another of those pro-British gentlemen who have the insolence to demand that we aid the British Empire with all our resources and manpower. We must protect the King's Empire on which the sun never sets. Britannia must rule the waves; and if she cannot rule the waves, she must waive the rules.

Mr. HOLT. That is correct. He is the man who actually wrote the bill. He is the man who did the drafting, one of these "poor boys."

Let us see who these individuals are and see their background, these individuals who are in this military training camps association. I do not say that they are not patriotic, but I do say the people of the United States have a right to know their financial connections. When these individuals come out into the public and try to force through conscription by putting the heat on Congress and spending a quarter of a million dollars for publicity as their first effort, America has a right to know who they are and where they have their money invested and of what corporations they are directors. Let us find who they are. I checked their names with the Directory of Directors.

We find first Maj. Gen. James G. Harbord. He is treasurer. He is going to keep the money. Let us see who he is and what his connections are. He is another one of the "poor boys" for conscription.

He is chairman of the board of Radio Corporation of America. He is a director of the Bankers Trust Co. He is a director of the National Broadcasting Co. You know, that is where we hear the impartial, the very impartial, comments of Mr. Kaltenborn and others. He is chairman of the board of R. C. A. Communications. He is a director of Radio-Keith-Orpheum Corporation, R. K. O. Radio Pictures, and Pathé News. I do not want my hearers to think these companies are interested. Go down and see the pictures, and see the background. He is a director of the Marconi Telegraph & Cable Co. He is a director of the New York Life Insurance Co. He is also a director of railroads and other concerns. He is a member of the executive committee of the Employers' Liability Insurance Co., Ltd., of London, England. The record shows the following:

Chairman of the board, Radio Corporation of America; Bankers Trust Co., director; National Broadcasting Co., director; R. C. A. Communications, Inc., chairman of the board; R. C. A. Manufacturing Co., director; R. C. A. Institutes, Inc., chairman of the board; Radio-Keith Orpheum Corporation, director; R. K. O. Radio Pictures, Inc., director; Pathé News, Inc., director; Marconi Telegraph Cable Co., director; New York Life Insurance Co., member executive committee, director; Colprovia Roads, Inc., director; Atchison, Topeka & Santa Fe Railroad, executive committee, director; Western Railroad, member of committee of directors; Employers Liability Assurance Co., Ltd., of London England, member of executive committee.

Who else?

Mr. Allen L. Lindley is chairman of the finance committee. I do not know Mr. Lindley, but I do know that when there was an investigation of the New York Stock Exchange, when Mr. Whitney went to Sing Sing, his assistant was a Mr. Allen L. Lindley. I do not know the individual at all, but let us see who these individuals are. I do not know the individual at all.

Jul us Ochs Adler. It is said that Mr. Adler loves militarism so much that when he approaches, his chauffeur has to salute him. I do not say that. That is quoted from the book Lords of the Press, I think it is.

I ask that his directorship may be placed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

New York Times, general manager, director; Chattanooga Times, president-publisher; Times Printing Co., director; Wide World Photos, vice president-treasurer, director; Spruce Falls Power & Paper (Ontario), director.

Mr. HOLT. We find Mr. Karl Behr. Who is he? He is executive officer of Dillon, Reed & Co., the firm which sold the famous Krueger-Toll bonds in this country, and which also has extensive investments in South America.

We find that Mr. Behr is director of the Behr-Manning Corporation. He is also a director in another corporation, a chemical corporation. Get that, a chemical corporation.

He is also director of the General Cable Corporation. The profits of the cable companies have grown overnight.

He is also a director of the Transwestern Oil Co. I shall not detain the Senate by naming the other companies.

Who else do we find? We find Mr. Henry Breckenridge. I have discussed him enough at this time.

Who else do we find? We find Kenneth P. Budd. He is director of William Iselin & Co. What else? He is director of the North British & Mercantile Ins. Co., Ltd. Ltd.—limited.

Who else do we find? We find John W. Farley, Lee Jahncke, and Robert H. Jamison—Harvard.

Mr. President, it is a surprising thing to see how many of them are from Harvard. I shall put all these names in the RECORD.

Who else do we find? We find Mr. Robert Lehman, of Lehman Bros.

Of what organizations is Mr. Lehman a director? He is a director of a dye works. He is a director of the Pan-American Airways, of the Lehman Corporation, and of Consolidated Aircraft Corporation, and many other corporations.

I wish some Senators in their spare time would get Moody's Banks and Finance, and see the holdings of Lehman Bros. in airplane companies. What we do find that they own? They own 76,000 shares of Aviation & Transportation; 6,000 shares of Bell Aircraft; 5,300 shares of Consolidated Aircraft; 4,700 shares of Lockheed Aircraft; 3,400 shares of Glenn L. Martin Aircraft Corporation; 12,490 shares of Pan-American Airways; 17,700 shares of United Aircraft; 10,000 shares of United Airlines, and stock in chemical companies are also found in the list of corporations. I do not want to take the time of the Senate to read the list at this time. I shall place it in the RECORD. It follows:

Robert Lehman: (Born 1892, New York City; Yale University 1913.) Partner, Lehman Bros., 1 William Street, New York City. (Residence): Wampage Lane, Sands Point, Long Island, N. Y. Gimbel Brothers, director; General Cigar Co., director; General American Investors Co., vice president, member executive committee, and director; United Piece Dye Works, director; May Department Stores, director; Duplan Silk Co., director; Associated Dry Goods Corporation, director; Pan-American Airways, director; Lehman Corporation, vice president and director; General Foods Corporation, director; Sylvania Industrial Corporation, director; Selznic International, director; New York Stock Exchange, member; Consolidated Aircraft Corporation, director; General Realty & Utilities Corporation, director.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. The Senator has been reading statements about wealthy individuals and corporations of New York who are in favor of conscription.

Mr. HOLT. That is correct.

Mr. LUNDEEN. I wonder if the Senator has in that list any committees from Minnesota or the great Northwest or the Mississippi Valley; have you any statements from committees of farmers and farm organizations which are in favor of this conscription bill or great labor organizations that are in favor of peacetime conscription?

Mr. HOLT. No; I do not. I do not think the Senator will find them anywhere in this particular group because they do not take that position. I hope to, but I will not have time tonight, to discuss the individuals who were behind

the same sort of a drive preceding the World War. I will do so at a later time.

Whom else do we find on this committee? Mr. Frank L. Polk, of the law firm that represents J. P. Morgan & Co. in New York City. Whom else do we find? Elihu Root, Jr., of the proletarian law firm of Root, Clark, Buckner & Ballantine, and director of these corporations:

Elihu Root, Jr.: Partner, Root, Clark, Buckner & Ballantine; Teachers Insurance and Annuity Association, director; Mutual Life Insurance Co. of New York, director; Fiduciary Trust Co. of New York, director; All American Cables, Inc., director; American Telephone & Telegraph Co., director.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. The J. Pierpont Morgan firm—is that the firm which I understand is the fiscal agent for the British Government?

Mr. HOLT. At one time they were; I cannot answer whether they are today or not.

Mr. LUNDEEN. I could not say. I was wondering if they were now. I know they used to be fiscal agents for the British Government back in 1917. When they spoke in foreign affairs the British King spoke to America. Our fellow citizens ought to remember that in this great peacetime-conscription debate.

Mr. HOLT. Mr. President, we find that the same group—even some of the same individuals who are urging this today were urging it in 1916. I had hoped today, but I have yielded many minutes of my time, to discuss the background, starting in 1913, with Gen. Leonard Wood, and bringing it up clear through to the World War period, and after the World War, and name the individuals behind the drive, and the background of conscription. Let me say that the drive for peacetime conscription did not come from Main Street, as I said before, but the drive for peacetime conscription came from Wall Street and the Army. I hardly believe that the proponents of conscription can think that they can draft manpower in America without the Government finally and ultimately coming to complete control of business. If we take the first step we are almost sure to take the second step, according to many people in this country, and we are going to face that issue, and they are not going to get away with drafting boys without money also being drafted, regardless of what they may say.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WALSH. I am sure the Senator and the people in the galleries who honor us with their presence, cannot listen to this story of pressure to get us into war from men of wealth and foreign financial interests without having the depths of their souls stirred.

There is a popular song in America—

God Bless America.

Longfellow said in his poem Evangeline—

Patient endurance is God-like.

All I can say is that the patient endurance of the plain people of America, in view of such intrigues and selfish desires upon the part of the groups referred to by the Senator, is God-like.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WHEELER. Earlier in the debate the question was raised about the Army not trying to get enlistments. My attention has just been called to a letter which states:

Why did the War Department order the sheet containing pages 13 and 14 to be removed from 27,000 copies of the August 1940 Recruiting News?

I have a copy of that magazine. Out of the magazine two pages have been taken, and those were the pages that I am told contained the recruiting news showing that the recruiting was going ahead, and giving the numbers that were taken in.

The letter goes on to say:

Pages 13 and 14 of the Recruiting News contained a congratulatory letter-telegram from General Marshall lauding the recruiting service because voluntary enlistments for the Army were exceeding the quota. When the Recruiting News was submitted to the War Department, as it was, for approval, Secretary Stimson ordered distribution suspended until pages 13 and 14 were removed from every copy. Sentries were posted so that copies did not get out until pages 13 and 14 were removed from every copy. Recruiting on the voluntary-enlistment basis is a success now, but General Marshall has been gagged, and the rest of the Army has been ordered to keep its collective mouth shut.

I had a check-up made of this matter, and I found that what the writer of the letter said with reference to pages 13 and 14 being ordered cut out of every one of the 27,000 copies is correct.

Mr. President, I think we ought to have a report from the War Department giving us a copy of what they cut out, and telling us why it was cut out.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. Did I understand that that was in Germany or America?

Mr. WHEELER. That was in America.

I thank the Senator from West Virginia for yielding to me.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. DANAHER. It seems to me there is another point in connection with what the Senator from Montana has just brought out, which couples with remarks made at the very outset of the address by the Senator from West Virginia. I should like very much to point a question, by directing the Senator's attention first to an article in this morning's Baltimore Sun, by a very capable writer, Mr. J. Fred Essary.

Before I read that let me ask the Senator if he knew, before the remarks of Mr. Churchill in the British Parliament the day before yesterday, that sales of munitions, by the United States Government, or at least munitions that had been in the ownership and possession of the United States Government, had reached the vast total of $37,000,000? Did the Senator know that until Mr. Churchill told it to the world?

Mr. HOLT. Frankly, I think America would be shocked if it knew what was going on behind the scenes in connection with these transactions. We do not know anything of the secret dealings in America. We are not supposed to know. We are simply Members of the United States Senate.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. HOLT. I yield.

Mr. DANAHER. Let me say that that points the question which the remarks of the Senator from Montana would really indicate. What do we really know as to the truth of what is going on, when we learn from Mr. Churchill's address in Parliament that sales of American-owned munitions—not those made by American manufacturers, understand, and sold privately—no, no, war stocks of the United States Government, to the total of $37,000,000, have reached Great Britain since the war began?

Mr. HOLT. I wish to say to the Senator that today airplane bodies are on the factory floors in America—that are to be used for training American soldiers, while the engines for those airplanes have been sent across the ocean in the war. Yet American boys are waiting to be trained to be pilots.

Mr. DANAHER. Mr. President, the Senator perhaps had not had this item of information.

Mr. HOLT. I did not.

Mr. DANAHER. Therefore I wish to read from Mr. Essary's very able article.

These Army supplies—

Include 600,000 Lee-Enfield rifles, more than 500 World War 75-millimeter field guns, a large number of machine guns, and an undisclosed amount of ammunition.

It is carefully explained in official quarters, however, that these sales—

Note this, please—

unlike that of destroyers—do not deprive the United States of any essential weapon of war. It is true that many of the soldiers

now in the current maneuvers are inadequately equipped with arms. This is particularly true of rifles.

That is the end of the quotation. But in the light of the remarks of the Senator from West Virginia, and his tale of the inadequacy of the equipment of American soldiers——

Mr. HOLT. Was the Senator present when I said we had bought a goodly supply of finger bowls for the admirals to dip their fingers in? They have completed the purchase of 4,000 of them.

Mr. DANAHER. None are on order, are they?

Mr. HOLT. No; they are not on order. They have been delivered.

Mr. LUNDEEN. Mr. President, will the distinguished Senator from West Virginia yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. When the able Senator speaks of the 600,000 Lee-Enfield rifles, I wish to refer to the press which reported that there were 800,000 Lee-Enfield rifles sent over. I have no means of knowing which figure is correct. The figure that has been given now is 600,000, but the press reported at one time that 800,000 rifles were sent over there, but some of our boys are drilling with broomsticks and stovepipes. I believe the stovepipes were referred to today as being used in place of miniature cannon. Speaking of cannon, a picture appeared I believe in the Washington Star, showing great transports going over with the decks loaded with 3-inch fieldpieces. Several thousand are said to have been shipped over there. Also 132 carloads of TNT. I do not believe we have any powder to keep dry, as the old adage goes, because our powder was sent over there.

So far as bombers are concerned, there are no bombers available for training, because the King got the bombers. We are so concerned about the British Empire that we can not sleep nights for fear that it will not get enough of our supplies. Meanwhile a great shout goes up everywhere that we are inadequately prepared, and that we have not the necessary equipment for our troops. I ask, Where is this equipment? In the past 50 years we have appropriated and authorized more than $50,000,000,000, more than $1,000,000,000 a year for 50 years, and yet they say there is no preparedness. Why? What became of the $50,000,000,000? Perhaps some well-informed Senator will be good enough to inform the country.

I thank the able Senator for enlightening us on this most important question. Peacetime conscription for foreign service will prove a curse to America. It is industrial slavery and nothing else. I am a bitter opponent of this rank importation from the battlefields of Europe.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WHEELER. In connection with what was said earlier about enlistments of boys in the Army, a great many honest, sincere people in the country feel that if we are not in favor of conscription we are not in favor of defense. They feel that way because of the fact that they are being misled by the propaganda which is being put out. I think that the propaganda which is being put out in reference to enlistments is one of the most dastardly things that has ever happened in the United States to mislead the American people. Let me say to those who are disseminating such propaganda that the reaction and the repercussions from misleading the people will have an extremely bad effect upon our whole governmental action. For that reason, if for no other, I think it is extremely unfortunate because of the fact that it will bring distrust of our governmental agencies.

I cannot understand why the Army, in trying to cover up the amount of enlistments, should cut two pages out of the Recruiting News. The writer of the letter which I have received says that there is no question that the information which he has furnished me is absolutely correct.

Mr. HOLT. I will say to the Senator that it is correct, because I also have three or four copies.

Mr. WHEELER. I had a check made in the Department, and found that it was true that 2 pages were deleted before the 27,000 copies were sent out.

Senators are in favor of defense. I think there is no one in the United States who is not in favor of an adequate defense for this country. Everybody is in favor of it. If there is a Member of the Senate who is not in favor of it, I do not know him. But when we can raise an army by voluntary enlistments, and apparently the Army, as has been pointed out, is doing everything it can to stop enlistments for 1 year, when it resorts to the methods used in cutting two pages out of the Recruiting News, if we pass a bill saying that we will leave it up to the Army to see whether or not it can obtain the necessary enlistments by January 1, how can anybody have confidence that a bona fide effort will be made to do so? In view of the accumulating evidence which has been brought to my attention, I have no hesitation in saying that I do not think the Army would make a bona fide effort to obtain the necessary enlistments. I hate to say it, but all the evidence which has been given to the Senate points absolutely in that direction. People are writing in and saying, "I want to have some training for my boy." However, I do not think it is necessary to take the boy by the back of the neck and say, "You must do this, regardless of what your circumstances are, or whether or not you want to do it." That is the point at which those who are for conscription and those who are for training divide. However, we are all agreed that there ought to be training, and that there ought to be national defense. I think the Army owes it to the Congress to send to us the pages which it cut out.

Mr. NYE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. NYE. Is there any indication that the information which was cut out of the magazine in question might have been in error? Was the Army possibly destroying some erroneous information.

Mr. WHEELER. The story which comes to me is that pages 13 and 14 of the Recruiting News contained a congratulatory letter or telegram from General Marshall lauding the recruiting service because voluntary enlistments for the Army were exceeding the quotas. Can anyone imagine any reason why that should be cut out of the Recruiting News?

Mr. BONE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BONE. What period of time does the statement cover?

Mr. WHEELER. I do not know that.

Mr. BONE. Does it refer to current recruiting?

Mr. WHEELER. It refers to current recruiting. I have a copy of the magazine before me. Pages 13 and 14 are cut out. As I say, I had a careful check made, and I am told that those pages were cut out of 27,000 copies. Certainly no one would contend that a congratulatory letter from General Marshall was a "fifth column" activity, and that for that reason it ought to be cut out, or that it was pro-German, pro-Hitler, or anything of the kind.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Massachusetts.

Mr. WALSH. Something has been said about lack of frankness on the part of the Army. I confess that it is disheartening and discouraging to think that that question should even be mentioned.

I am also very much disturbed by the attempts made by bureaus and departments of the Government to blame the Congress for everything. I wish to call attention to a specific instance about which I know. The Senator from Washington [Mr. BONE] and the Senator from Maryland [Mr. TYDINGS] and other members of the Naval Affairs Committee know about it.

The Naval Affairs Committees of the Senate and the House were asked to expand the Navy and to cut down the profits of airplane manufacturers and shipbuilders from 10 and 12 percent to 7 and 8 percent. The contracts now by our emergency laws are negotiated contracts, with no loss whatever. There is no competitive bidding. The representatives of the companies and of the Government sit down together, and the representatives of the companies are asked, "How much will you build these vessels for? We will guarantee every dollar of cost, and, in the case of ships, you will have a profit of

7 percent. In the case of airplanes, you will have a profit of 8 percent above all your costs. You will be asked to take no chances."

What happened? The National Defense Council and the Army now and for weeks have been asking to have that law repealed, and are about to have it repealed, because the Army appropriation bill seeks to repeal it. What reason have we heard in the press for such a request? Was it because the manufacturers could not make profits? No. The reason given was that it was difficult to obtain information from the Treasury Department as to just what their income tax would be—incidentally the same as other corporations. Furthermore, it was said that to reduce the profits would upset business. That is the statement from the National Defense Council, composed of businessmen, and from the Army officials.

What is the real fact, which not one member of the general public knows? This was told me by a public-spirited airplane manufacturer. He said that the manufacturers were satisfied with the profit fixed, but that they had to deal with subcontractors, who furnish everything down to nails, and that the boom in the airplane business was so great, because of foreign contracts, that the subcontractors were making more than 18 percent, and that when they were asked to furnish supplies under subcontracts they declined to do so. Consequently, not a single contract has been made for an Army plane, because of the strike for more profits of subcontractors.

I speak of this not so much to relate this incident, but to ask Senators what official of the National Defense Council or what Army official has told us what the real facts are? What official has told us that there is a strike among subcontractors against the contractors because of their demands for excessive profits? How long must we continue with this deception, fraud, and misrepresentation; and how long must Congress continue to be blamed for such things? I vigorously protest. I know of no better incident to show how the public is being misled and deceived. No representative of any Government department has stated before our committees that the real reason is that the subcontractors are making so much money and are so busy with other contracts that they refuse to accept contracts on Government work which limit them to a profit of 8 percent.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WHEELER. I wish to add one thing further. What I said a moment ago with reference to misrepresentations in connection with enlistments, and with reference to stirring up radicalism in this country, is far more true of the things which the Senator from Massachusetts has disclosed. To me it is shocking, and the repercussions upon the masses of the people of the country will be shocking. It is difficult for me or anybody else to see where such things may lead.

The Senator from Kentucky [Mr. BARKLEY] asked me to identify the magazine to which I referred, and I should have done so in my statement. On the cover of the magazine is the following:

Recruiting News. United States Army, War Department, Recruiting Publicity Bureau, United States Army, Governors Island, N. Y. Official business. Penalty for private use to avoid payment of postage, $300. Published by direction of The Adjutant General. August 1940. Volume 22, No. 8. In this issue: Secretary of War Henry L. Stimson; A. E. F. Commander Ballou; First Army Maneuvers.

So it is an official publication of the United States Army. In this official publication the facts and figures with reference to enlistments were cut out. My informant says that the information furnished to him is absolutely reliable. As he says, a telegram or letter of congratulations from General Marshall lauding the recruiting service because the voluntary enlistments for the Army were exceeding the quotas was eliminated. If that is not trying to deceive the American people and the Congress of the United States, let some of the great patriotic newspapers which are howling and shouting and trying to drive through the Congress a conscription bill which the people do not want, publish the facts, if they are honest and patriotic and if they really believe in democracy and in the principles of the Government of the United States.

Let some of the Anglophile columnists who are doing everything they can through their columns to get this country into war, and who are publishing nothing but misinformation, publish the facts. They do not dare to publish the facts and see to it that the American people get them, because they know that if the American people understood the truth and the facts there would be such an avalanche of telegrams, letters, and representations to the Congress of the United States that no Member of Congress would dare to vote for peacetime conscription in this country at this particular time. It is time the people knew the facts; and before the thing is over they will know the truth.

I wish to congratulate the Senator from West Virginia for the study and research he has made in bringing out some of the facts which have been brought out, and which ought to be known to the general public, but which will not be given out through the news columns or the columns of the columnists.

Mr. CLARK of Missouri. Or the radio.

Mr. WHEELER. Or the radio.

Mr. HOLT. I thank the Senator from Montana.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Kentucky.

Mr. BARKLEY. I do not want to take the Senator's time, because I know he is anxious to conclude——

Mr. HOLT. For a while.

Mr. BARKLEY. At least, I hope he is. I do not know anything about this publication. I do not take it, nobody sends it to me, I have not seen it, I do not know what was cut out of it, and I do not know how material what was cut out of it was, but it ought to be said in this connection that, although we quite a while ago authorized the recruiting of an Army of 375,000 men on yesterday or the day before or within the last few days, we had reached only 280,000 of the 375,000 in the Army at its maximum strength, which shows that we are now 95,000 men short of the 375,000, which the War Department is supposed to recruit to make the maximum strength of the Army 375,000. So, whatever bearing this publication may have on that and whatever bearing the elimination of two pages, may have—and I have no information about it and do not know what those pages were, why they were eliminated, and there may be a legitimate explanation for their elimination by the publishers of the magazine or periodical—the fact remains that we have not reached up to now nearer than 95,000 of the maximum strength of the Regular Army which we authorized 2 or 3 months ago.

Mr. HOLT. I think the Senator will find that there has been a deliberate effort to stop recruiting. I have letters in my office, from I do not know how many different individuals, who say, for instance, a certain person asked to enlist; he went to the Army recruiting office to enlist and they made the excuse that the quota was filled. I find that in my correspondence.

Mr. BARKLEY. The Senator will understand that it is entirely possible that the quotas of certain recruiting offices may have been filled, whereas others may have been widely short of the requirement. I have not seen any evidence of any deliberate effort on that part of the War Department to stop recruiting, because at every recruiting station I have seen—not many, but four or five—in the last few weeks, in Washington, in my State, in Chicago, and in other places, there is a very attractive and alluring poster in front of the recruiting station, which is located generally close to the post office, calculated, if anything is calculated, to induce young men of vim and vigor to go into the Army of the United States.

Mr. HOLT. But if a young boy goes into a recruiting office and says, "I should like to enlist as the law allows me to do for 1 year" and he is told, "You cannot do that, you must enlist for 3 years," of course, that is a definite effort to stop enlistments.

Mr. BARKLEY. The proof, so far as I know and so far as any Senator has submitted it in the Senate, shows that at two recruiting stations in the United States that sort of situation has existed, but there are scores and scores of them all over the country. Can the Senator state that the same situation exists everywhere?

Mr. HOLT. I cannot say so, but I think the record itself will show how many have enlisted for 1 year and disprove the Senator's statement, because there have been practically none.

Mr. BARKLEY. I am not makng any statement as to the number who have enlisted for 1 year, because I do not know. Some Senator—perhaps it was the Senator from Massachusetts—stated that the number who had enlisted for a year was 200 or 250.

Mr. WALSH. I made it.

Mr. BARKLEY. That shows that they have at least accepted 200 one-year enlistments. When Army officers and the War Department itself have a leeway of from 1 to 3 years, on the assumption that it takes about a year to train a boy and that after he is trained he ought to stay in the Army sufficiently long to render some service, I can readily understand why probably they would discourage 1-year enlistments, and we might all do the same thing if we were in charge of the recruiting of the Army, anxious to get men in the Army not only simply to train them but to have them serve after they had been trained. I can understand that short enlistments might be discouraged, but that does not mean, as I understand it, that all the recruiting stations of the United States are refusing enlistments of 1 year if men are permitted to enlist for 1 year.

Mr. WALSH. Mr. President——

Mr. HOLT. I think the Senator from Massachusetts has something that will amplify the subject, and I yield to him.

Mr. WALSH. While this discussion was going on, I sent to my office for a letter I wrote on August 8. I wrote one to the Army and a similar one to the Navy, setting forth a series of questions in regard to enlistments. I received 3 days later a letter from the Navy Department, but I waited one solid week without receiving any reply from the Army. I do not desire to be suspicious; I wish to be generous. I then wrote to the Secretary of War and called attention to the fact that my letter had not been answered, that it was related to information that we ought to have in the Senate in connection with the conscription bill, and would he, please, give me an explanation of why it was not answered and when I could expect an answer. I wrote the first letter a week ago Friday, and last Friday I wrote the second letter. When I returned on Monday morning of this week from my home in Massachusetts I found the letter I requested.

I have before me the answers to the letter I sent to the Army. I have not my letter, which propounded a series of nine questions.

The letter from the War Department is dated August 16.

MY DEAR MR. WALSH: Receipt is acknowledged of your letter of August 8, 1940, requesting the following information:

1. It is a fact that very few are accepted for 1-year terms of enlistment in the Army.

That confirms what was said in this debate.

2. The quota for enlistments set by the Army for the month of June was filled about June 25, 1940.

I asked questions as to how many were recruited for this month and how many for that month. The answer to the last question shows that the quota for enlistments for the Army for the month of June was filled about June 25, 1940, 5 days before the quota needed to be filled.

Third question:

a.—

Evidently my questions were subdivided—

The number of applications received for enlistment in the Army at the various recruiting stations during the month of July was—

What?—

34,058.

Multiply that by 12, and the result is over 400,000 persons in 1 year would make application at the recruiting stations of the Army.

b. The number of applicants accepted—

Of the 34,058 who applied—

was 23,432.

If that continues, we will have, speaking roughly, over 300,000 in a year.

Mr. NYE. Mr. President, I should like to ask the Senator in connection with that particular matter, if the response by volunteers is not on the basis of a 3-year enlistment?

Mr. WALSH. Exactly. The number accepted was 23,432.

c. The number of applicants rejected was 10,626.

d. This filled the quota for July.

The quota for June was filled, and the quota for July was filled after 10,626 were rejected.

e. The estimated number of enlisted men in service in the Army on August 15, 1940, was 280,000 men.

f. Under existing appropriations the Army is authorized by law to enlist 375,000 men.

They fixed a quota for every month. They have not, on the face of this letter, failed to meet the quota up to this hour, and the quotas are fixed for convenience in handling the men and equipping them and sending them to whatever stations are equipped to receive them.

6. Only applicants between the ages of 18 and 35 are accepted for original enlistment. I am enclosing a pamphlet on the physical requirements of applicants for enlistment in the Army under existing regulations.

I have the pamphlet here, but I have not had a chance to examine it.

7. During the fiscal year ending June 30, 1940, 231,690 men applied for enlistment; 159,403 men were accepted and 72,287 men were rejected.

Of course, during most of that year there was no special drive being made to enroll men in the Army, and there was no action taken by Congress for enlistments.

I repeat:

During the fiscal year ending June 30, 1940, 231,690 men applied for enlistment; 159,403 men were accepted and 72,287 men were rejected.

8. (a) At the present time there are 166 one-year enlistments in the Army.

So I was wrong in stating the number was about 200. At the present time there are 166 one-year enlistments in the Army. I think my question was, "Are not most of these enlistments of young men who want to go to preparatory school for West Point?"

(b) On August 15, 1940, there were approximately 279,834 three-year enlistments in the Army.

9. On July 31, 1940, there were 28,756 men in the Regular Army Reserve, and on June 30, 1939, there were 3,054 men in the Enlisted Reserve Corps.

Sincerely yours,

HENRY L. STIMSON.

Let me comment that I think that is a great reflection on the Army, or the spirit of the boys who go into the Army. The Naval Reserve is very much larger, and, of course, it does not have nearly that number of men.

Mr. HOLT. I think it should be emphasized there were only 166 1-year enlistments as compared with some thousand enlisted men as a whole.

Mr. WALSH. Yes; but I am speaking of Reserves. After all his years of Army service, if a boy has the Army spirit, he should want to go into the Reserve. I have a similar letter from the Navy Department, which I will present at another time. What impressed me in these figures was that the Reserves of the Army did not number what they should. I do not know what the explanation is. When a boy has served his period of enlistment he should say, "I have served my country and I will go into the Reserves, so that if the country wants me it can call me." I was shocked at the small number. What is the conclusion any man must draw from this letter?

Mr. BURKE. Mr. President, will the Senator from West Virginia yield so that I may ask the Senator from Massachusetts a question?

Mr. HOLT. I yield.

Mr. BURKE. I understood the Senator from Massachusetts to say that the total enlistments for the year ending June 30, 1940, were 158,875. I believe that is the figure.

Mr. WALSH. During the fiscal year ending June 30, 1940, 231,690 men applied for enlistment, 159,403 men were accepted, and 72,287 men were rejected.

Mr. BURKE. I did not hear all of the Senator's statement. Did he point out that that was the gross enlistment, that of that number, 159,403, 41,915 were reenlistments, and there was a loss of 44,090 from other causes, so that the total net gain in the Army during the year ending June 30, 1940, was not 159,403 but 72,870, about 6,000 a month for the year?

Mr. WALSH. I am glad to have the information. I do not think my questions were framed so that information as to the net increase in the growth would have been brought out. Let us be fair about it. Without any special effort until the last 2 months to build up enlistments in the Army, the fact is that the Army in the month of June and the month of July filled its entire quota and enlisted in the Army every man they expected. Can anyone dispute that in view of this letter?

Mr. BURKE. Mr. President, the net gain in the enlistments in the Army in June was 16,177 and in July 23,234, which was the high-water mark. But the Chief of Staff and all others in a position to speak with authority say that we need 800,000 additional trainees in the period between September 1 this year and April 1, 1941. That would mean, not 6,000 a month, which was the average for the last year, not 23,000 a month, which was the net gain for July, but 114,000 a month for 7 consecutive months, in order to bring into training camps the number of men we need.

Mr. WALSH. I appreciate the information. I do not dispute the figures. But I now ask anyone to challenge the statement that at the beginning of the month of June and the beginning of the month of July the Army fixed a quota. Does anyone here deny that? They knew what they wanted; they knew how many they could handle; they knew what a quota meant. Does anyone here deny that on their own statement they met their quota in June and met their quota in July? Is that denied?

Mr. LUNDEEN. Mr. President, will the able Senator from West Virginia yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. I should like to say, if I may be permitted, that was probably all the men the Army could handle. There was no equipment for more—nothing to train them, no supplies for camp and field.

Mr. WALSH. I assume the quota includes that.

Mr. LUNDEEN. I agree with the able Senator from Massachusetts in that. That is all the Army could handle. They did not have tents enough and blankets enough and weapons enough or facilities sufficient for training any more. That is why they fixed those quotas. The American volunteer came right up to the mark and passed the mark.

Mr. BARKLEY. Mr. President——

Mr. WALSH. Before the Senator from Kentucky speaks, I should say that I am not talking about whether they want more or whether they should have more, I am talking about what they asked for and whether they got that number or not.

Mr. BARKLEY. Mr. President, will the Senator from West Virginia yield?

Mr. HOLT. I yield.

Mr. BARKLEY. It should be stated that the June quota was fixed on the basis of the Army before we increased it to 375,000 men, because we had not on the 1st day of June passed the necessary legislation.

Mr. WALSH. How was the July quota fixed?

Mr. BARKLEY. It was probably fixed upon the basis of the increased number.

Mr. WALSH. They got the July quota. I am not going into the other domain, whether they should have asked for more or not.

Mr. BARKLEY. Of course, we all know that the Army, under the appropriations of Congress, does not provide for more facilities than are necessary for the men they have in the Army. Congress itself would criticize the War Department if it went out and built a lot of houses it did not need.

Mr. WALSH. The Navy has several thousand men in line waiting to be assigned, and, of course, they cannot receive them.

Mr. BARKLEY. We have appropriated the money necessary to enable the War Department and the Navy Department to increase their facilities to take care of their personnel. Congress cannot go out and watch the development of the houses and, like an overseer, see that it is done this way or that way. We are bound to trust the departments to increase the facilities to care for the men as they call them.

We would not tolerate any other program. So that the increase in the number of men taken in in July over the number of men taken in in June is bound to presuppose that the June quota was based on the smaller army and that the July quota was based upon the enlarged army, and it is to the credit of the American people that those two quotas were filled. But if that be true, and the figures given by the Senator from the letter of the Secretary say that as of the 15th of August the Army numbered 280,000 men, which, as I stated a while ago, is 95,000 men short of the 375,000 which we have provided—at the rate of 23,000, which was the net increase for the month of July, it will take practically 4 months for us to enlist 375,000 men in the Army, to say nothing about the 400,000 or the 800,000 men who will be called for under either the bill as it is drawn here or under any form of substitute that has been offered, either by draft or by voluntary enlistments.

So that the fact that we got 23,000 men in July and they get 23,000 men every month until the 375,000 men have been gotten, it seems to me does not offer any assurance that we could get 400,000 or 800,000 men by the first of next April by the same process. I realize that honest and perfectly sincere Senators disagree with me on that.

Mr. WALSH. The Senator understands that we are in a few days, if the President so wishes, to give them the entire National Guard.

I ask that the letter from Secretary Stimson be placed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WAR DEPARTMENT,
*Washington, August 16, 1940.*

Hon. DAVID I. WALSH,
*United States Senate.*

MY DEAR MR. WALSH: Receipt is acknowledged of your letter of August 8, 1940, requesting the following information:

1. It is a fact that very few are accepted for 1-year term of enlistment in the Army.

2. The quota for enlistments set by the Army for the month of June was filled about June 25, 1940.

3. a. The number of applications received for enlistment in the Army at the various recruiting stations during the month of July was 34,058.

b. The number of applicants accepted was 23,432.

c. The number of applicants rejected was 10,626.

d. This filled the quota for July.

4. The estimated number of enlisted men in service in the Army on August 15, 1940, was 280,000 men.

5. Under existing appropriations the Army is authorized by law to enlist 375,000.

6. Only applicants between the ages of 18 and 35 are accepted for original enlistment. I am enclosing a pamphlet on the physical requirements of applicants for enlistment in the Army under existing regulations.

7. During the fiscal year ending June 30, 1940, 231,690 men applied for enlistment, 159,403 men were accepted, and 72,287 men were rejected.

8. (a) At the present time there are 166 one-year enlistments in the Army.

(b) On August 15, 1940, there were approximately 279,834 three-year enlistments in the Army.

9. On July 31, 1940, there were 28,756 men in the Regular Army Reserve, and on June 30, 1939, there were 3,054 men in the Enlisted Reserve Corps.

Sincerely yours,

HENRY L. STIMSON,
*Secretary of War.*

Mr. HOLT. Mr. President, the Senator from North Carolina desired to ask a question of the Senator from Massachusetts. I yield to him for that purpose.

Mr. REYNOLDS. Mr. President, the Senator stated a moment ago, according to my recollection, that of the 250,000 or 200,000 men in the United States Army today, only 161 had enlisted for a period of 1 year. How does the Senator account for the fact that only 161 men out of an Army of 250,000, or whatever the number is, enlisted for the period of 1 year?

Mr. WALSH. The Senator and I know what the law is concerning enlistments. If the law permits enlistments for 1 year or 3 years, evidently it was the desire of Congress to give the young men an option. The Army has pursued a policy of enlisting no one for 1 year, except this 161—except, as I understand, the young men that you and I may write a letter about, and give good reasons why they, being good material, should go to the Military Academy at West Point.

There is no such law in the Navy. The men in the Navy have to go to the school for 6 years. Outside of that I doubt if there is a single, solitary American boy who has been permitted since this policy was adopted, and the regulations under it adopted, that has been admitted for 1 year in any service. I think it is very unfortunate and against the policy and desire of the Senate that such enlistments be permitted.

I am really disturbed and disheartened at the situation that exists in reference to trying to have our military organizations think of the human side in connection with enlistments—not to diminish the strength and force of our Army, but to think of the human element.

I wish to say, as I have said before, that that does not justify the Army's attitude of ignoring that law, but we have not given the Army the money, and until 3 months ago I was, like all others, of the impression that for national defense we did not need any army at all—practically that; that the only need for an army was in the event of an invasion. We believed we could prevent invasion by means of the Navy. I think that has been generally accepted as the policy, and that is why we devoted so little consideration to the Army.

I say again in my opinion there is need of some driving force in the Army to get airplanes and bombers if we are on the verge of war, as has been claimed, and to have all over the country many, many antiaircraft guns, and the men to man them. I think by doing that we would be doing a greater service for America than talking about drafting men for whom we do not know whether we shall ever have any need.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BURKE. In relation to the 161 1-year enlistments, it is true undoubtedly, as the Senator from Massachusetts says, that during the last year, when we had 158,875 enlistments, only 161 were for a 1-year period. It is also true that the Army is not in favor of 1-year enlistments. They think they can do a much better job with a 3-year enlistment. But I think it is not fair to place this odium of discouraging 1-year enlistments entirely upon the Army, for the record shows that in the House Appropriations Committee and in the Senate Appropriations Committee, when this matter has been under discussion during recent years, the members of the Appropriations Committees of both House and Senate have gone along fully with the Army and have insisted that the 1-year enlistments should not be discouraged because the cost resulting from the turn-over is very much greater. So if Senators will examine the record of the hearings of the subcommittees of the Appropriations Committees of the House and of the Senate for the past several years they will find that every effort has been made there, in making appropriations, to see that the number of 1-year enlistments was held down to the lowest possible minimum in order that the taxpayers of the country might be saved from the additional expense which would be involved if we had a great many 1-year enlistments.

While I agree fully that the Army has gone beyond what the law permits in discouraging 1-year enlistments, I think the Members of the Senate and of the House have to bear their fair share of the blame.

Mr. WALSH. Mr. President, that is true; but even with this emergency, the dark clouds hanging over us, this specter of a war—even up to this day and hour, they have refused to accept 1-year enlistments.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. REYNOLDS. At least the Senator from Massachusetts has proven to this body that every single soldier that was asked for by the Army authorities was secured without any difficulty whatsoever.

With the kind indulgence of the Senator from West Virginia, I simply wish to make an observation. I am in the dark. I am troubled. Frankly I do not know how to vote on this matter. That is why I have been listening so attentively. One day I think we ought to have conscription; the next day I think we do not need it.

But I am rather like the Senator from Massachusetts [Mr. LODGE]. I do not want to take any chance, and in these circumstances I think probably we ought to look in a sense upon the dark side.

I am rather of the opinion that if the Army of the United States—the officers—the generals and colonels—will spend more of their time in trying to get enlistments, instead of trying to put fire under our feet, and will tell the boys of the country that they can get into a good service for a year only, and will receive $30 a month, $9 more than they received before, and that they get shedding—that is to say, roofing—and clothes, and laundry service, and all the incidentals, I believe we would get perhaps 300,000 or 400,000 enlistments without any trouble, as partially evidenced by the able Senator from Massachusetts.

Mr. WALSH. Mr. President, there is something more than that. If they were going to keep up what I call a professional army, there ought to be an inducement during their 3 years to receive more pay, and there ought to be an inducement when they get to be expert mechanics, to receive more pay.

Mr. REYNOLDS. There should be a rearrangement of pay, as suggested by the Senator from Massachusetts a moment ago.

Mr. WALSH. That is one of the reasons for the strength of the Navy. In my opinion that is why the Navy has little trouble in obtaining enlistments. It is because of the proper scaling of wages that it is a more attractive organization. Yesterday here in the Senate I told about a young man from my home town who came up to me when visiting a naval vessel.

I asked him, "How long have you been in the Navy?" He said, "Six years." I asked him, "What pay are you receiving?" He said, "$96." He started with $21. The Navy offers such opportunities to the right men with the right spirit. It should be so in the Army. The men who repair planes, and mechanics who are highly trained in the Army, ought to be given compensation comparable with that of civilians. There are 1,000,000 persons on the Federal pay roll as civilian employees. Will the Senator give me any reason why a naval or Army enlisted man, who is protecting the rights and property of the Government, should not receive pay comparable to that of other Government employees?

Mr. REYNOLDS. He should receive at least as much as is being received by those in similar capacities in the employ of the Government.

Mr. President, it is perfectly evident to my mind that the volunteer system has provided for the Army all that the Army could possibly utilize. Otherwise, the Army would have increased the quotas. It is further perfectly evident to my mind that the quota selected was not any larger for the reason that the Army did not have the barracks in which to put the

men, the clothes with which to clothe them, or anything else with which to equip them. Yesterday I made some observations about seeing volunteers at Langley Field marching around in civilian clothes and sleeping on cots in hangars.

Mr. President, frankly I am afraid not to vote for conscription. I wish to be perfectly honest about it. I do not wish to do so because I believe we can obtain enough men by the volunteer system. But if we were to have a vote on conscription today because we are desirous of obtaining from two million to four million men, and should vote against it, and a month from now we should find ourselves in war, my constituents and the American people would say, "If you had voted for conscription we should have the men ready now. We are in war." Secondly, I wish to be on the safe side. I do not know but we will be in war.

Let me refer to a matter mentioned yesterday by the Senator from Washington [Mr. BONE]. We sent the transport *American Legion* from the United States to Finland for the purpose of bringing back some 900 American refugees. When the transport *American Legion* was empty it went from the United States to Finland through waters which were absolutely safe, and where there was no danger. We are told that the ship was loaded down with men, women, and children, American refugees. I hope that is true, because most of the ships are coming over filled with foreign refugees, and the American refugees are being left over there. At any rate, it was loaded down, it is said, with American refugees, and we are informed by the newspapers—and it is not denied by the State Department—that the ship came back through waters which were infested with floating instruments of war of all sorts designed for the destruction of vessels.

Mr. HOLT. I understand that the ship is to circle around England two or three times more to see if it cannot hit the mines.

Mr. REYNOLDS. It missed them, thank God!

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Will the Senator permit me to finish this one thought? I was informed by the State Department that the ship was out of danger about 11 o'clock this morning. I called up to find out whether or not it was still afloat, and I learned that it was. If last night or this morning the transport *American Legion* had by accident run into a floating mine and had been sunk, and the lives of those on board lost, in the hysterical and frenzied condition in which we are today, the ship being named the *American Legion*, we should be at war 24 hours from now.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. CLARK of Missouri. A moment ago the Senator said that if he were to vote against conscription at this time, and conscription were to be defeated, and a month afterward we should get into war, his constituents would say, "If you had not defeated that bill, we should have had an army at this time." If anyone should say anything like that to the Senator from North Carolina, he can refer him to General Shedd, who testified before the House Military Affairs Committee the other day that even if the bill is passed at this time the War Department will find some excuse to postpone putting the draft into effect until after election. He mentioned January, but, of course, that means after the election.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Mr. President, I wish to conclude my statement.

Mr. BARKLEY. The Senator from West Virginia has the floor.

Mr. REYNOLDS. The Senator from West Virginia has said that I may finish.

While I am on my feet, let me say that, as I see it, under present circumstances, one of the strongest features about the conscription bill which is being discussed is the physical-culture feature. By that I mean this: There are millions of young men in this country who need very badly dental attention or medical attention. If we should send 1,000,000 or 2,000,000 young men to camps, and should provide them with dental treatment, medical care, a certain hour to go to bed, a certain hour to rise, and certain hours for exercising, with three good wholesome meals every day, proper housing, clothing, and care, the probability is that the excess power derived as a result of that physical development over a period of a year or two would be worth several billion dollars to the Nation.

Mr. President, I am very much obliged to the Senator. I have listened to him with much interest and I appreciate the information he has so ably presented this afternoon.

Mr. HOLT. I thank the Senator.

Mr. BARKLEY. Mr. President, I am informed by the Senator from West Virginia that he had hoped to conclude his remarks this afternoon.

Mr. HOLT. Early this afternoon.

Mr. BARKLEY. Early this afternoon. However, he has not occupied the floor due to his generosity to his colleagues. I have received from him "grapevine" information to the effect that he cannot conclude this evening. Is that correct?

Mr. HOLT. Not in the early part of the night. [Laughter.]

Mr. BARKLEY. In view of that fact, I think we should suspend at this point.

Mr. HOLT. I will say to the Senator that I do not want it said that I have delayed the proceedings, as the RECORD will show. I have certainly tried not to do so, and I have tried to conclude, as the Senator knows.

Mr. BARKLEY. I do not doubt that at all. However, I wish to call the attention of the Senator and of other Senators to the fact that under the rules of the Senate—which none of us invokes—Senators are permitted to yield to their colleagues for questions. I doubt the wisdom of the policy of any Senator who has the floor yielding indefinitely for other Senators to make speeches within his time. The result is what we have witnessed today. The Senator has been on his feet for about 3 hours. He wished to conclude within an hour. Now he cannot conclude today. I do not say that in criticism, but I do say that I believe the time is approaching in the consideration of the bill when the American people expect us to pass on it one way or the other.

The debate on the bill has been legitimate for the most part; with very rare exceptions, it has been very interesting, and it has been educating. But we have been nearly 2 weeks discussing the bill, and it had been my hope, and the hope of everyone, even those opposed to the bill, that we could get a vote on it this week. For that reason we have been meeting at 11 o'clock every day, and we will continue to do so as long as the Senate will support my motion to that effect.

I hope we may conclude the consideration of the bill by Friday, but I feel that I should say to the Senate that in view of the time we are taking upon it—and I am not saying it in complaint, but because we should bring it to a conclusion, considering the legitimate discussion of every feature—I believe the American people want us to bring it to a conclusion, and unless we can conclude the consideration of the bill by Friday we shall be forced to hold a session on Saturday in order to make progress.

Mr. President, if the Senator from West Virginia will yield, I wish to say something on another subject. Mention has been made of the steamship *American Legion*. Yesterday afternoon the Senator from Washington [Mr. BONE] made some remarks in regard to that ship, in which the State Department was taken rather severely to task because of its part in bringing the ship across the ocean from Finland with American refugees gathered together in Europe. I did not have the information at the time the Senator made his remarks, and I could not leave the floor to inquire about it, but today I have obtained from the State Department the facts with respect to the ship.

The *American Legion* is a ship which belongs to the Army. It is an American transport, so that its operations are under the control of the War Department. It was desired to bring back from Europe a number of American

refugees, and before the 9th day of August there was a conference between the War Department, the Navy Department, and the State Department concerning the feasibility and the propriety of bringing the ship across the ocean with these Americans who wanted to get back home, and regarding the route which it should take in the event they decided it should come.

In these conferences the question of the route it should take was left to the Navy Department, because they controlled the matter of navigation. The actual operation of the ship is in the control of the War Department, under the Transport Division. The State Department came into the picture because they had to send notices to all the belligerents that the ship was going to sail, and the State Department was the proper department of the Government to do that.

On the 9th of August the State Department notified all seven of the belligerent governments in Europe that on the 16th day of August the ship would sail from Finland with these American refugees aboard. All seven of the belligerents, including Germany, accepted that notification and agreed to it. But within 24 hours before the date on which the ship was to sail the German Government advised the Government of the United States that on account of the fact that there might be fog in that part of the seas to be traversed at the time the boat would sail through them it might be difficult for their airplanes to distinguish between the *American Legion* and other ships, and thereby they might be in danger with respect to bombs from the air. But in none of the communications did the German Government claim that the route which the boat was to take was more dangerous, so far as mines were concerned, than other routes the ship might take, or as dangerous.

In view of the suggestion that was made that the ship might find a safer route on a northern course, skirting around through the seas south of Iceland, the State Department was notified that that part of the sea had been mined, and was even more dangerous than the course which the Navy Department originally charted for the ship.

It should be stated that the ship is now some 900 miles west of the British Isles, and is out of danger, on its way home.

Mr. HOLT. I am glad to hear that.

Mr. BARKLEY. For that we are all very thankful. I thought that certainly no criticism could justly be leveled at any of the officials of our Government, considering the joint responsibility for deciding the route which the ship should take, the precautions taken by the State Department to notify all of the governments in Europe which are belligerent, and the agreement to that program by all of them, until almost on the last day the German Government did suggest that if the clouds were thick their airplanes might not be able to distinguish the ship.

Mr. HOLT. For information, I should like to ask the Senator from Kentucky whether, after the officials had been notified, and before the ship got into the mined area, it would not have been possible to have radioed the ship and told them that both areas were dangerous, and for it to take one entirely different course? I am not saying that in a critical spirit, but am asking for information.

Mr. BARKLEY. I am not able to state this unequivocally, but I doubt very seriously whether there was any route from Finland through these waters to the United States that was not to some extent dangerous. I am not suggesting that as a fact, because I do not know. However, I got the impression that among all the routes suggested, after the Navy Department picked this one—and Admiral Stark sat in on the conferences—this was the route they thought was the safest and the one they recommended, and the one through which, I am happy to say, the ship has come safely.

Mr. HOLT. I want the Senate to take a recess at this time, too, but I think the Senator from Washington deserves recognition, because he discussed the matter yesterday.

Mr. BARKLEY. I am glad the Senator from Washington is here. I had told him previously I was going to mention the matter.

Mr. BONE. Mr. President, I have no desire to further explore this problem, since by good fortune the *American Legion* is still floating, and is not on the bottom of the Atlantic Ocean. If that ship had been sunk, 96 Senators today would not be discussing the bill before us in the way they are discussing it. They probably would be considering the imminent possibility of a declaration of war, because of the fear engendered. I think we can all agree on that.

My attitude, as expressed in my remarks yesterday, was one of fear engendered by the only reports available to a Senator, and those were the ones issued by responsible public officials of the United States. If the Senate is to be better informed, then we should have an official statement from the State Department and the White House direct to us. But, unfortunately, we are not so favored. I learn of pronouncements by the State Department by reading the Washington daily press. The Senate is not dignified by having them transmitted directly to us, although I, as a Senator, would be compelled to vote on a proposed declaration of war.

I can sum up my own attitude in almost one brief paragraph, that if I were called upon to elect a course of conduct, were I in charge of such a critical thing as the route of the ship in the waters concerned, I would move the course of that ship not a few miles, but many miles, to escape the possible tragedy of striking a mine. I would go anywhere to save 985 lives. That was the whole purpose of my argument. But the official pronouncement was, "We have elected that course, and we are going to pursue it." It was that attitude of mind to which I objected. Perhaps the course was safe. I was not raising that point. It was the attitude that, "We have elected a course for the ship, and we are not going to change it."

If I were advising a client as a lawyer, as many of the Members of the Senate have done, I would advise him to stay out of trouble. That is much safer than trying to get him out of trouble after he is in trouble. My whole purpose was to show that the duty of our officials is to keep this country out of trouble, rather than force upon Senators and Representatives the terrifying duty of extricating us after we are in serious trouble. I would rather the *American Legion* had gone 500 or 1,000 miles out of her way.* Why have pride about a matter of that kind, with 985 lives at stake, and, further than that, the possibility of the matter going to a point where we might be tempted to make it a cause of war. That was the thing which horrified me.

I am glad to have the explanation of the Senator from Kentucky, but it did not remove my fears. I can say to my good friend the Senator from Kentucky that they are just as real now in retrospect as they were when I uttered my words yesterday. I was literally frightened to death, not only for the human beings on that boat but because of the possibility of the result of that incident to my country and the peace of the Nation.

Mr. HOLT. Mr. President, I wish to say that I saw a letter from an English official, sent some weeks after the *Athenia* was sunk, in which he stated, "I suppose it would take the sinking of another *Athenia* to get you in." A letter came to the United States to that effect.

Mr. LUNDEEN. Mr. President, will the able Senator from West Virginia yield ?

Mr. HOLT. I yield.

Mr. LUNDEEN. Having talked with Vilhjalmur Stefansson about the northern waters a good deal when I proposed that we should take over Iceland and Greenland and various other island bases some time ago I should like to venture the statement that the channel between Iceland and Greenland is a perfectly safe channel. It has been so stated to me by this greatest of living Arctic explorers, and the *American Legion* could easily have taken that channel, which was not mined, so far as I have been able to learn.

Mr. BONE. This vessel is going not very far from the coast of Scotland, as I understand from the press reports.

Mr. REYNOLDS. South of Iceland was the route it took, and it could have proceeded westward, north of Ireland, as suggested by the Senator.

Mr. BONE. Whatever route it took, I had only the desire to have the ship go a thousand miles out of the way, if necessary, to prevent another sinking.

Mr. LUNDEEN. Mr. President, as to the equipment of these troops and how many troops we could use—in today's Daily News an article appears which is headed "What, no shirts?"

Mr. HOLT. I put that article in the RECORD.

Mr. LUNDEEN. If the able Senator had not put it in the RECORD I should have done so myself, because it speaks of obsolete, pitiful equipment, and that men were drilling without shirts. I do not want to go into the details of the matter, because it is rather embarrassing, but the equipment of these troops was disgraceful to the great American Army. I am wondering if we have been shipping our shirts across the sea. Does the British Empire demand everything we have in equipment and supplies? Let Americans pause before our unneutral citizens carry us too far toward the precipice of war.

Mr. HOLT. They will take our shirts away from us also, I am afraid.

Mr. BARKLEY. Where does the training take place by men without shirts?

Mr. HOLT. Down in Louisiana.

Mr. BARKLEY. I do not know what the circumstances are, but it seems to me that in August it would be a pleasure to train without shirts in Louisiana.

Mr. HOLT. It would be for the first day, but wait until the sun gets you the next.

Mr. BARKLEY. There is a lot of unguentine in the country.

Mr. HOLT. Is it the purpose of the Senator now to move a recess?

Mr. BARKLEY. Yes; if the Senator will permit.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Marine Corps.

He also, from the same committee, reported favorably the nomination of Dale H. Heely, a citizen of Virginia, to be a second lieutenant in the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 22, 1940, at 11 o'clock a. m.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 21 (legislative day of August 5), 1940*

POSTMASTERS

FLORIDA

Mell J. Barnett, Fern Park.

NEW YORK

George John Bassakalis, Ghent.

OREGON

William P. McKenna, Marshfield.

# HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 21, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty and ever-blessed God, reverently we unite our hearts in the fellowship of prayer, each praying for all and all for each, seeking together those blessings which none can ever find or enjoy alone.

We pray that Thou wilt draw us nearer to Thyself, for then only shall we be one in spirit and one in every high and holy aspiration and endeavor. May we earnestly strive to remove all the barriers that separate us from Thee and from one another.

Humbly we confess that our lives are so low-vaulted. We allow the windows of our souls to become opaque, and there is no clear discernment of that which is worth while and eternal.

Grant that as men and nations we may not be content to live on the lowlands of materialism where we contend with one another and fall hopelessly apart but help us to climb to those spiritual heights where we shall meet in amity and peace. In the name of the Prince of Peace we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10141. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2758. An act for the relief of Wade Crawford, formerly Superintendent of the Klamath Indian Agency; and

S. 3400. An act for the relief of Capt. Robert W. Evans.

The message also announced that Mr. BURKE, of Nebraska, chairman of the Committee on Claims of the Senate, had appointed Mr. SCHWARTZ, of Wyoming, Mr. ELLENDER, of Louisiana, and Mr. WILEY, of Wisconsin, as members on the part of the Senate to the special joint committee to investigate the matter of losses resulting from the Mediterranean fruitfly eradication campaign in Florida in 1929 and 1930, pursuant to Senate Concurrent Resolution No. 40, agreed to August 19, 1940.

REFUGEE CHILDREN

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill, H. R. 10213, to permit American vessels to assist in evacuation from the war zones of certain refugee children, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "the transportation by vessels" and insert "a vessel."

Page 1, line 8, strike out "of" and insert "and transporting."

Page 1, line 9, after "zones", insert "or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose."

Page 2, line 7, after "statement", insert "to the effect."

Page 2, lines 9 and 10, strike out ", so that night or day there can be no mistake as to the identity of such vessels."

Page 2, line 10, strike out all after "That", down to and including "sponsor", in line 18, and insert "every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, are the members of the minority on the committee agreeable to this?

Mr. BLOOM. Yes. I have spoken to the minority members, and I may say also that I have spoken to the gentleman from New York [Mr. TABER] with reference to his amendment, and the amendment is satisfactory to him. This in no way changes the original idea of the bill. There are merely a few clarifying amendments, that is all.

Mr. MICHENER. This is one of the most important bills, possibly, that we have enacted, and many implications are involved. I believe the gentleman ought to explain in detail any changes made in the bill in the Senate.

Mr. BLOOM. I shall be pleased to try to explain.

On page 1, line 7, the words "the transportation by vessels" are changed to read "a vessel."

The next amendment is, in line 8, where the word "of" is changed to "and transporting."

The next amendment is, in line 9, where after the word "zones", there is inserted "or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose."

Mr. MICHENER. Just what change does that make?

Mr. BLOOM. I will read it to the gentleman. It reads this way:

And transporting refugee children, under 16 years of age, from war zones, or combat areas.

That is the only difference. It refers to war zones or combat areas. The proclamation of the President refers to combat areas. The bill stated "war zones." The bill now reads—

From war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose.

The purpose is outlined in the bill. This is merely a clarifying amendment, which perfects the bill.

The next amendment is on page 2, line 9, to strike out—

So that night or day there can be no mistake as to the identity of such vessels.

That is, the vessel has electric lights and American flags and other distinguishing marks, and this Senate amendment merely strikes out the clause indicating the purpose that there can be no mistake as to the identity of the vessel.

The last Senate amendment relates to the amendment offered in the House by the gentleman from New York [Mr. TABER], and clarifies the Taber amendment. The gentleman from New York read over the Senate amendment this morning, and he agrees to the Senate amendment.

Mr. MICHENER. Will either the gentleman from New York [Mr. TABER] or the gentleman from New York [Mr. BLOOM] state what changes are made in the Taber amendment?

Mr. BLOOM. There is no change in it at all. I shall be very glad to read it, but I thought I would conserve time. I will read the Taber amendment, and then I shall read the Senate amendment.

Mr. MICHENER. There is no need of reading the amendments, if the gentleman states there is absolutely no change. If amendments are made they are made either for purposes of change or clarification.

Mr. BLOOM. The Taber amendment merely guarantees that before any of these children come over here there shall be some positive proof shown that they will not become public charges and that they are going to the right kind of people. That is all there is to it. That is done with the Senate amendment just the same as it is done with the Taber amendment. Shall I read the amendment to the gentleman?

Mr. MICHENER. No; not with that explanation.

Mr. BLOOM. I thank the gentleman. Is any further explanation desired?

Mrs. ROGERS of Massachusetts. Reserving the right to object, Mr. Speaker, why was the change made in the bill?

Mr. BLOOM. Just for clarification.

Mr. HENNINGS. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Missouri, the author of the bill.

Mr. HENNINGS. The change in the Taber amendment simply provides—

Every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge.

The amendment offered by the gentleman from New York [Mr. TABER] had as its purpose assurance as to the responsibility of the individuals to whom children brought to the United States might be given for care and keeping.

Mrs. ROGERS of Massachusetts. It went a good deal further in insisting that the children receive proper care than the Senate amendment?

Mr. HENNINGS. The Senate relaxed that provision because of grave doubt of the enforceability of any provision undertaking to establish these children upon a basis tantamount to adoption. The Taber amendment would have provided in effect that the children would have care commensurate with the care and support given to one's own children in the State of residence of the adopting party.

Mrs. ROGERS of Massachusetts. Is the gentleman, as author of the bill, convinced that this provision amply protects the children and also the United States?

Mr. HENNINGS. I am satisfied that it offers ample protection, and also makes it not difficult of enforcement, as the Taber amendment might have done.

Mrs. ROGERS of Massachusetts. I may say to the gentleman, the author of the bill did a fine piece of work in accomplishing the passage of his legislation. He is greatly to be congratulated. The little refugees owe him a debt of gratitude.

Mr. HENNINGS. I thank the gentlewoman from Massachusetts, and may also add that she has been in the forefront of the proponents of this humane effort. Her assistance and interest as a distinguished member of the Committee on Foreign Affairs was an important factor in the speedy consideration of this measure, which reflects such credit upon the humanity and good judgment of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

### EXTENSION OF REMARKS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter appearing in the Brooklyn Tablet written by the Right Reverend John B. Gorman, rector of St. Teresa's Church, Brooklyn, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DELANEY. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include therein an article appearing in PM magazine written by Ralph Ingersoll, editor of that magazine.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLANNAGAN asked and was granted permission to revise and extend his own remarks in the RECORD.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

### SUPERHIGHWAYS ACROSS THE UNITED STATES

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER. Mr. Speaker, on February 14, 1938, I had the privilege of addressing the House for 40 minutes on superhighways across the Nation and in those remarks I made the following statement:

> There would be no wires and the lighting system would be at either side. They would be lighted up like Main Street at night, and our airplanes would be flying over a main street from coast to coast. The roads would be divided into sections, and if an airplane should get in trouble he could radio down to a control point and say that he will land in section 17 or 18 or whatever it might be and in a very few minutes he could land safely in that section because traffic would be cleared.

Mr. Speaker, in Pennsylvania we have built such a superhighway, running from Pittsburgh to Harrisburg, 120 miles. It is about completed and will be dedicated sometime in November, and I find in the Uniontown Genius, as of yesterday, as reported by the Associated Press, a statement to the effect that the first airplane landed on the new superhighway in Pennsylvania close to Bedford. From the Genius I quote:

> Mr. Max Heppenstall, chief engineer of the Heppenstall Co., of Pittsburgh, brought his craft down on the new superhighway last night (6 p. m. E. S. T.) about 2 miles from the Allegheny tunnel, 10 miles west of here.

They got in trouble and the ceiling was so low they had to make a landing some place and they came down on this superhighway quite safely and they comment very favorably upon it. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an excerpt and an editorial from the Washington Evening Star.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUISITION OF CERTAIN ARTICLES AND MATERIALS FOR USE OF THE UNITED STATES

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following resolution, which was referred to the House Calendar and ordered to be printed.

House Resolution 574

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 10339, a bill to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

EXTENSION OF REMARKS

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a poem entitled "America's Prayer."

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE LATE JAMES P. GOODRICH

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SPRINGER. Mr. Speaker, it is with a sad heart that I arise to report to this body the very sudden and untimely death of Hon. James P. Goodrich, former Governor of the State of Indiana, which occurred at his home, in Winchester, Ind., on the 15th day of August 1940. Governor Goodrich was in his seventy-sixth year at the time of his passing. He had resided for many years in the Tenth Congressional District of Indiana, that being the district I now have the honor to represent in this honorable body.

His early ambition was to enter the Naval Academy, but that ambition was thwarted by reason of a physical injury he sustained. He then turned his attention to the law, and he engaged in the practice of that profession for many years. He was highly successful as a lawyer. In his professional career he became interested in business, and in the later years of his life he devoted his attention to the management of the many business concerns with which he was connected. He was highly successful in every business venture with which he was associated.

James P. Goodrich was elected Governor of Indiana, and he served as the chief executive of my State from 1917 to 1921. He was Indiana's war Governor during the period of the last World War. His administration of the affairs of state were both wise and economical; he brought into his administration of the affairs of state his sound business policies, which reacted to the benefit of the people. He was one of Indiana's outstanding Governors. His contribution to the statehood of Indiana was great.

In all worth-while civic enterprises he was very active and liberal in his contributions; in very recent years he has made large bequests to colleges and institutions of learning. He was kind and generous to his fellow men. He was highly patriotic and he was an outstanding American.

In the passing of Governor Goodrich, Indiana has lost an illustrious son, a fine citizen, a great statesman, a patriot, and a thorough American. His life will stand as an inspiration to others who follow after him.

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two particulars and to include therein two items from the Los Angeles Times, one "Fifth Column Murders and Wrecking Plots in Plane Plants Reported" and the other "Legion Hails Plea To Oust Harry Bridges."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I would like to call the attention of the House to certain things that are going on in California, where "fifth column" murders and wrecking plots in plane plants are reported. In some instances the murders were committed, I am told, where certain persons refused to carry out instructions from abroad. The second is that the American Legion now advocates throwing Harry Bridges out by force and putting him on a boat.

I might suggest that if things continue as they are and our officials refuse to do their duty, we might put Mme. Perkins and Attorney General Jackson on the same boat [laughter], because they are becoming a part of this program by their refusal to act and by their refusal to do their sworn duty to the 140,000,000 people of the United States. [Applause.]

[Here the gavel fell.]

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask the gentleman from California [Mr. LELAND M. FORD] to listen to what I have to say. I am very anxious that people here do not believe that we in southern California, and particularly our American Legion, of which I am a member, are advocating

taking the law in our own hands and carrying on our vigilante actions regardless of what the offense might be. One would think, from the remarks of the gentleman from California [Mr. LELAND M. FORD] just made, that that is what we propose to do. It certainly is not. We are law-abiding citizens, and we believe the law should take its course. I am surprised that the gentleman, who is a great advocate of a better southern California and who is a firm believer in the principles of the chamber of commerce, should give to our southern California such advertising as he has given. I do not believe he means what he said.

I hope when he answers this be will not go off on a tangent and talk about the case of Harry Bridges itself, but about the threat which he infers exists for citizens to take the law in their own hands. I hope he will show us in his answer that he really believes in the real principles of Americanism, which I am sure he does, by making it plain that should any group of people advocate such action as he has described that he will be among the first to stand here in the Well of this House and denounce vigilante action as contrary to our American system of government. Again I say the people of southern California are law-abiding citizens, and that we may have no fear that the American Legion will lead a group of citizens as a mob to become a law unto themselves. The Legion does not operate that way nor do the fine citizens desire to be so led.

Mr. LELAND M. FORD. Mr. Speaker, will the gentleman yield?

Mr. GEYER of California. I now yield to the gentleman to make an apology.

The SPEAKER. The time of the gentleman from California has expired.

THE CONDITION OF THE TREASURY

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, there came to my desk again this morning the United States Treasury statement of August 15, showing the Federal Treasury has expended $552,947,714.67 more than it has received in the last 45 days. You are always in the red and getting redder every day. We have made appropriations away beyond what this Nation is able to stand. This deficit is only for the natural running expenses of the Government, as it has been going on for the last 7 years. Wait until we get the cost of the program we are now undertaking for the building of national defense. When we get those expenditures and those contractual obligations this statement will look like a piker. You had 1 tax bill, and it will take 10 like it to equal your past spending. This you will not and cannot do. Then, next year, when the Republican administration has to bear the burden that has been brought upon this Government by the New Deal, it will be a terrible obligation and responsibility for any party. It certainly will require the best brains, the best business judgment that this Nation affords if we can set our house in order.

When the appropriations that will be required of the Treasurer to pay next year our deficits will increase by leaps and bounds, and it will all be blamed on emergency national defense; to be sure that will aid in making the deficit larger. The great reason for our deficit is inefficiency in Government, bureau added to bureau the past 7 years, employees added to the Government by about 100 percent until we have more Government employees on the pay roll of our Government than we have ever had in our history. The war hysteria is causing the Members of Congress and the country to be panicky. A year ago we were for peace; all we hear today is war. What war? Whose war? Where? Is it the third-term-candidate propaganda to keep in power? America, you cannot go any longer with great deficits. It will swamp and wreck you. Where are you going to get the money? Let me say to you, 4 years more like the past 8 and America is in bondage, bankruptcy, and dictatorship.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a statement made by Senator BRIDGES on August 20.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, yesterday I was granted leave to extend my remarks by the inclusion in the RECORD of a short article from the Imperial Fascist League, of London. I have been informed by the Public Printer that this exceeds the two-page limit, together with an estimate of the cost. I ask unanimous consent that the article may be included in my extension.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article from the Sioux City Tribune.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include three editorials.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARNES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article by Hamilton Treadway.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

[Mr. DICKSTEIN addressed the House. His remarks appear in the Appendix of the RECORD.]

CALL OF THE HOUSE

Mr. RAYBURN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is no quorum present.

Mr. COCHRAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 191]

| | | | |
|---|---|---|---|
| Allen, Pa. | Dies | Kilburn | Rodgers, Pa. |
| Andresen, A. H. | Dirksen | Kleberg | Romjue |
| Arnold | Dondero | Lambertson | Sacks |
| Ball | Douglas | Lemke | Schaefer, Ill. |
| Barry | Drewry | McArdle | Seccombe |
| Bates, Mass. | Eberharter | McDowell | Secrest |
| Beam | Evans | McLean | Shafer, Mich. |
| Blackney | Ferguson | McMillan, John L. | Shanley |
| Bradley, Pa. | Fernandez | Marcantonio | Sheridan |
| Brewster | Fish | Martin, Ill. | Smith, Ill. |
| Buckley, N. Y. | Fitzpatrick | Merritt | Smith, Va. |
| Bulwinkle | Folger | Mitchell | Smith, W. Va. |
| Burdick | Garrett | Myers | Sparkman |
| Byron | Gavagan | Nelson | Sullivan |
| Caldwell | Grant, Ala. | O'Day | Sumners, Tex. |
| Casey, Mass. | Green | O'Leary | Tolan |
| Celler | Halleck | Osmers | Vreeland |
| Chapman | Hook | O'Toole | Wallgren |
| Cluett | Jarman | Parsons | Warren |
| Courtney | Jarrett | Pfeifer | White, Ohio |
| Curtis | Johns | Plumley | Williams, Del. |
| Darden, Va. | Keller | Richards | |
| Darrow | Kelly | Risk | |
| Dempsey | Kennedy, Martin J. | Rockefeller | |

The SPEAKER. Three hundred and thirty-seven Members are present, a quorum.

Mr. COCHRAN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein certain statistical data on three counties in my district.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a newspaper editorial on trade barriers.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an editorial from Yankee Doings, the official publication of the Yankee Division Veterans' Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. McKEOUGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered on Monday night over the radio by Hon. Harold Ickes, Secretary of the Interior, on What Mr. Willkie Did Not Say.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HEALEY. Mr. Speaker, I ask unanimous consent that after the legislative program and any other special orders that may have been entered, I may be permitted to address the House for 15 minutes tomorrow.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. CRAVENS. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an editorial from the Southwest American, of Fort Smith, Ark.

The SPEAKER. Is there objection?

There was no objection.

CONGRESS MUST NOT ADJOURN

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, it is reported in this morning's press that there is a movement on to adjourn this Congress the fore part of September. The people of this Nation are looking to this Congress to keep this country out of war. Indications in the last few weeks are that this country is approaching a grave international crisis. We are at the present time immediately short of active participation in this war, and I deplore the fact that any Member on this floor or in the other body would give any consideration to adjourning this integral part of our Government during this crisis. [Applause.]

[Here the gavel fell.]

INCREASE IN LENDING AUTHORITY OF EXPORT-IMPORT BANK OF WASHINGTON

Mr. STEAGALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10361, with Mr. MURDOCK of Utah in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I suggest that the gentleman from Michigan use some of his time.

Mr. WOLCOTT. Mr. Chairman, may we be advised as to how the time stands?

The CHAIRMAN. The gentleman from Alabama [Mr. STEAGALL] has consumed 1 hour and 19 minutes. The gentleman from Michigan [Mr. WOLCOTT] has consumed 53 minutes.

Mr. WOLCOTT. I understand, then, that the gentleman from Alabama has remaining 41 minutes and I have remaining 67 minutes.

The CHAIRMAN. The gentleman is correct.

Mr. WOLCOTT. Mr. Chairman, I yield 12 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. RAYBURN. Mr. Chairman, I make the point of order that the House is not in order. I think the Members owe it to the distinguished gentleman from Massachusetts to maintain order while he speaks, for he always sheds much light on any subject on which he addresses us.

The CHAIRMAN. The gentleman from Massachusetts is entitled to order. He never addresses us unless he has something to say which is of very material benefit on the question. The Chair hopes the House will maintain order out of respect to the gentleman from Massachusetts.

Mr. LUCE. Mr. Chairman, for the text of my remarks I shall take an old couplet:

> For forms of government let fools contest;
> What'ere is best administer'd is best.

Yesterday we debated at length and shall continue to debate today. A careful reading of the remarks of yesterday discloses nothing but criticism of detail. I do not like to call it captious for I recognize the right of every man to make suggestions, but one place for those suggestions is the committee, and in the committee to the best of my recollection not a single amendment was proposed. The minority on this bill does not even present minority views.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. LUCE. I yield gladly to the gentleman from Michigan.

Mr. WOLCOTT. I call the gentleman's attention to the fact that I offered amendments to strike out sections 1 and 3 of the bill. Several other amendments were offered by minority Members with reference to the neutrality features of the bill.

Mr. LUCE. In that respect, then, I am in error.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield at that point?

Mr. LUCE. I yield.

Mr. STEAGALL. It should be said that the only effect of adopting those amendments would be the same as an adverse vote on the bill.

Mr. LUCE. No question was, to the best of my knowledge, raised about the one obstacle here that is disturbing so many minds—at any rate, no objection was pressed—and that is the obstacle found in the danger of our sharing in sending to this country from Latin-American states their products in competition with our products, agricultural products. If you will look through the hearings, you will find a long statement, taking several pages, covering the loans that have been made.

"By their fruits ye shall know them."

For 6 years the Export-Import Bank has been functioning and I find in this table, several pages long, just 3 instances out of 119 loans approved, 3 instances where the word "agricultural" is used, and in those 3 instances the word "agricultural" was coupled with the word "industrial"; so it is impossible to say how much was given in this direction and how much in the other. Let us look at that report for a minute and see what the Export-Import Bank has done for more than 6 years and what I presume it will continue to do. I will read to you a few of the things on which money was lent, and I shall omit none from what part I may read, a part taken at random. I may not, of course, burden the House with the whole 119.

Here they are: Railway equipment, motortrucks, construction and oil-refining equipment, locomotives, steel boxcars, railway equipment, locomotives. Here is one: Agricultural and industrial products. Proceeding: Cotton-gin machinery, locomotives, freight cars, railway cars, machine tools, printing press.

I will not read the whole list. It would, of course, be useless. It shows, however, that the purpose of this law has been carried out to the exclusion of anything dangerous to American activities unless it be a danger for us to enable a foreign

country to develop its own resources and for us to sell machinery.

Here we come to the principle argued in yesterday's debate. There are two schools of thought: One to the effect that any gain to a foreign country is an injury to the United States; the other to the effect that commerce is a good thing for this country and for all other countries. Commerce! I come from a region, sir, that 125 years ago enriched its people by commerce. It sent its ships all over the world, ships captained by young men, by men of enterprise. Commerce! Commerce, the very basis of our civilization! Who will rise today and say that it is unwise to foster commerce, that it is unwise for us to engage in trade, that it is unwise for us to sell the machinery necessary to produce goods?

Think for a moment what that word "goods" means.

A few days ago in turning over the pages of a current magazine I saw an ocean depicted with rolling waves. My curiosity led me to read the article and I found it was an advertisement by the B. F. Goodrich Co., an advertisement giving the facts about this transaction: Off the coast of Chile is a coal mine 2 miles out. They were obliged to transport the coal through 2 miles of billows. They found that the cost was expensive for them to get their coal from England, 5,000 miles away.

Somebody conceived the idea that the coal might be transported from mine to shore by a belt. It was found there was no belt available that would not quickly wear out. An ingenious American conceived the idea of making a rubber belt so soaked with rubber and so treated that it could convey the coal without quick destruction. With this belt the coal could be taken from that ocean bed 2 miles away and pulled safely to the shore. The expense of getting that coal was lessened by that operation. Now they can handle four times as much coal as they could before.

Who will rise here and say that it is a bad thing for mankind that somebody thought of that device, that it was a bad thing for this country that the belt was made in this country? The belt was made in part from cotton. Was it a bad thing that the material for a belt more than 2 miles long should be grown in our country, that the belt should be made here, that our people should be employed, that we should profit by the transaction? No. That is against common sense. It is against the history of thought. It is against the development of mankind.

Mr. Chairman, always this world has prospered by an interchange of goods. Here we have built up a small trade with these other American countries. We have indeed not done very much of the business as yet by using the Export-Import Bank. Only something like 65 of these loans have been perfected. Yet we haggle over extending this idea.

There is not a proposal here that it is unwise to leave to our administrators. Remember that all these loans are to be passed upon by the Secretary of State, by the Secretary of the Treasury, by the Secretary of War, by the Secretary of Agriculture, and by the President.

In the last war 20 years ago we learned that politics should end at the ocean's edge. We learned that we should as a people be together in all of our great war endeavors, that we should have union of thought, union of action. Here is a proposal to extend the resources at the command of industry that will lessen the chance of war, that will enable us to cooperate with our southern neighbors, that will make possible one step at least toward a union of the Western republics, or the Western dictatorships, if you choose to call them that. Here is a chance for joint action in war through these instrumentalities of peace. Because of that I pray this bill may receive your most serious consideration, a consideration it did not receive yesterday when but a handful of men were here to listen to arguments that did not go to the essence, arguments that did not apply to the principle involved, arguments that did not warrant disturbance in the parliamentary mind.

I have believed that we are too meticulous in our attempt to harness our administrators. I have believed that this country cannot survive if it cannot trust its administrators. Sir, there is no politics in this measure, there is no partisanship in this measure. It is a proposal that we confide in the administrators who hold some of our most important offices. Who will conceive that the Secretary of Agriculture will connive at any transaction that will endanger agricultural crops? Who will believe that our Secretary of Commerce will connive at anything that gives an undue and improper advantage to one party in a business transaction? Who will believe that our Secretary of State will connive at any action that will endanger our international relations and that will lead us to what we all want to avoid—war? Who will believe that our Secretary of the Treasury will connive at any action that will endanger the resources and money of the United States?

Sir, this proposal for lending money has an interesting history. Back in the World War we created a War Finance Corporation, and it came through that war credibly and honorably, without a stain on its record. Then, if you will recall once more that fateful day in October of 1931, when some of us, 30 in number, representing both parties, were called to the White House to confer with President Hoover.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LUCE. Mr. Chairman, there was then no thought of politics. The President laid before us four proposals necessary to save the day. Already he had saved the day before. Now, once again he was threatened. He told us that within 2 weeks every bank in the United States would close its doors unless we joined in the enactment of four legislative proposals. Every man there, Republican and Democrat, gave his word that we should act when Congress convened. Every man there pledged his honor to that course of action. One of those four things was creation of the lending agency that developed into the R. F. C., and who will say its record has not been honorable?

The R. F. C. is now under a man who, in my opinion, is the most intelligent, fairest, and honorable man in the Government. I refer to Jesse Jones. [Applause.] Under the R. F. C. we made good progress in lessening the hardships of the recession that took place. The R. F. C. has made money. As a whole it has not lost money. It has, of course, had some losses.

We shall not lend to South and Central America without loss. There will be losses. We grant you there will be losses, but, sir, if the lending agency to which I now refer, the Export-Import Bank, can continue to do what it has done in the last 6 years and more, then it will have made money for the Government. Perhaps it is an unfortunate thing to bring in here the profit factor, yet it is sometimes necessary to look at the advantages as well as the disadvantages of a transaction. If in this case we can make money by lending to South America without injury to ourselves, we shall have so much more money at our own command to go through the hard years that are to come.

Why do you hesitate? Why do you deplore? Why do you carp? Why do you criticize in minor details when the main thing is, are you willing to trust Jesse Jones, are you willing to trust the Secretary of the Treasury, are you willing to trust the Secretary of State, are you willing to trust the Secretary of Agriculture, are you willing to trust the Secretary of Commerce, and the President himself? We have no proof that any one of these men would deliberately do injury to any interest in this country or the interest of the country itself. They are honorable men, they are patriotic men, they love their country as much as you and I love our country. We can trust them, I believe, in this exigency to do that which is for the best interests of our country and the world itself. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Georgia.

Mr. COX. For what purpose is it proposed that this money shall be loaned?

Mr. LUCE. I have read from a list of the things for which money has been loaned, and I understand new loans will be of the same character.

Mr. COX. How much of this $500,000,000 is to go to Brazil to develop a steel plant?

Mr. LUCE. It is to be lent chiefly for machinery, as I have shown that it has been, and for transportation purposes.

Mr. COX. The gentleman has given the history of the loans heretofore made but he has not informed the House as to the purposes for which this half billion dollars is to be loaned.

Mr. LUCE. Precisely the same purposes that are at present reaching completion by the use of the Export-Import Bank.

Mr. COX. Is the gentleman prepared to advise the committee as to the amount that is proposed to be loaned to Brazil to construct a steel plant?

Mr. LUCE. I know nothing about that and care nothing about that. I trust the men who are to pass judgment as to the wisdom of each particular loan. [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, in the brief time I have I wish to explore somewhat around the edges of this bill and then perhaps become more specific toward the end of my remarks.

For 50 years there has been in operation what is known as the Pan American Union, which is an international organization maintained by the 21 countries of the Western Hemisphere, meaning the United States and the Latin-American countries, to which this bill more or less applies. In the 4 or 5 years just passed three exceedingly important conferences have taken place, one at Lima, one at Panama, and one in Cuba only last month, bringing us down to the provisions and contents of this bill.

When the representatives of these countries met in Cuba the other day they faced two primary problems, one, what is to be done with the island possessions owned by the European countries, and the second, what is to be done with the surplus agricultural commodities of the 21 nations involved, which includes the United States. All countries which sat around that table agreed with reference to problem No. 1, that is, the island possessions of the European countries. This bill has to do with the working out of the agreement with reference to problem No. 2, What shall we do with the agricultural surpluses?

Prior to the Cuban Conference there was a discussion throughout the country here, and particularly in Government circles, which had to do with what was termed a cartel arrangement, which would have led, perhaps, to the promotion of a great corporation, a great holding company, to acquire ownership of surplus agricultural commodities and to dispose of them at sometime in the future somewhere on some kind of a basis. The cartel idea was circumvented or set aside, we will say, by the proposition of an amendment to the Export-Import Bank Act, which is now before you in the form of this proposal.

I have satisfied myself through limited but diligent research that this money is not to finance a cartel, because the machinery is not being created. I have also satisfied myself in connection with the hearings—and you will find the categorical and specific answers on page 116 of the hearings—that loans applied for under this bill may be used to facilitate or implement subsections (c) and (g) of the economic provisions of the Habana Convention, to which we have agreed. Mr. Jones answered my questions very specifically, as shown on page 116.

We face this situation, and you cannot duck it. I am now addressing my remarks to Republicans and Democrats alike. There is no escape. Let me support that statement for just a moment. I hold here the Sunday Star statement of the speech of Mr. Willkie, who is the recognized leader, insofar as I am concerned, of the Republican Party of the United States. Mr. Willkie said:

> The President of the United States recently said: "We will extend to the opponents of force the material resources of this Nation, and at the same time we will harness the use of those resources in order that we ourselves, in the Americas, may have equipment and training equal to the task of any emergency and every defense."

Mr. Willkie went on to say:

> I should like to state that I am in agreement with these two principles as I understand them—and I don't understand them as implying military involvement in the present hostilities. As an American citizen I am glad to pledge my wholehearted support to the President in whatever action he may take in accordance with these principles.

He was there discussing the Americas—North America, Central America, and South America. You cannot duck that language.

In addition, Mr. Willkie made these remarks:

> In the foreign policy of the United States, as in its domestic policy, I would do everything to defend American democracy, and I would refrain from doing anything that would injure it.

Mr. Willkie goes on to say—

> I promise, by returning to those same American principles that overcame German autocracy once before, both in business and in war, to outdistance Hitler in any contest he chooses in 1940 or after. And I promise that when we beat him, we shall beat him on our own terms, in our own American way.

I do not think there is a Member in this House who would deny a statement I am going to make as a statement of fact to the effect that the resources of this country are being channeled parallel with those of Great Britain in forming a blockade against the movement of foodstuffs, fats, and fibers to the western European countries known as the dictatorships of Europe. Every breath that we breathe, whether we like it or not, is in parallel direction with Britain in winning this war.

You will vote on the conscription bill. You take your morning's paper and see the statements of General Marshall, where he speaks of an army of three or four million people. For what? For the defense of the Americas in connection with our involvement and our obligations which we have assumed in the Western Hemisphere. That is what he is talking about.

Every move this Congress is making in connection with the ten or twelve or fourteen billion dollars of defense, or whatever it may be, is in connection with hemispherical defense, and that does not mean north of the Equator, it means to Cape Horn at least.

Mexico is Latin America, and when those countries met down in Cuba the other day they knew that their raw-material market was in Europe, not in North America. They know that the industrial have-not countries of Europe, including Japan, are starving today for the field and pastoral products of these American states, but you know and I know that our policy is to proceed with a blockade against the movement of those products to Europe until this fight is over. If anybody takes a position in opposition to that, I hope he will get up, under the 5-minute rule, and let us talk this thing out, and I certainly hope the leadership of the House will be patient with us and let us discuss this bill until 12 o'clock midnight tonight or all day tomorrow, if necessary, and let us find out what this approach is before we vote this bill down. Let us find out where we are going.

We do a lot of things very hurriedly. The Military Affairs Committee, the Appropriations Committee, the Banking and Currency Committee, the State Department, and all the other departments of the Government move hurriedly these days and I think we should move, perhaps, a little more diligently and we should move more diligently in connection with this bill. It is argued here, and I could take either side of this bill or maybe either one of the three or four sides, and demagogue just as well as anybody else on it. I am trying to explore here. We are dealing with the question, according to the testimony of Mr. Jones, of advancing loans in connection with the financing of surplus goods. Any man who will take this recent study of what is going on in connection with the foreign trade of the Latin Americas, which has just been released, and take the 30 commodity studies which have just come out of the Tariff Commission—and here is one of them on cotton—and study what is happening to the Americas, you will see that if you are going to parallel action with

Britain on blockades you had better do some fast thinking and you may have to do some fast financing.

Nowhere in the record have I found anything that convinces me that this money will be used for the purpose of bringing into the United States South American goods competitive with what we grow in this country. [Applause.]

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, proceeding with the thought which I was developing, I have not found anything in the testimony anywhere that convinces me—and I do not believe anyone else can convince himself if he will look at this thing from an unbiased standpoint—that those goods are to be brought here, but I do find plenty in the hearings and in a study of this proposition to convince me that this is the initial step, we will say, for the financing up on the shelf of Latin-American agricultural and pastoral goods, meaning grown in the pasture, if you please, until this question of boycott has been decided; and let me ask Republicans and let me ask Democrats, Are you in favor of our action on the boycott with England? If you are, you better consider this bill and consider the proposition of going along with it. If you are opposed to that policy, vote down this bill, and then go home and demagogue on it all you please and get out of it the best you can and come back to Congress, if you can. You have to take a position on this question of sharing in the consideration of this bill; otherwise you miss the whole proposition.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I am sorry, I cannot yield.

Mr. WHITE of Idaho. I understood the gentleman to say that he wanted to discuss this bill.

Mr. CRAWFORD. Here sits the United States with 130,000,000 people, and in these 20 countries to the south of us there are about 129,000,000 people, according to the last figures of the Industrial Conference Board. Take everything north of the Equator to the northern tip of South America and what have you got? You have many kinds of mixed breeds and no leadership. Go south of the southern part of Brazil, and what have you? You have a group of so-called 60 families in control, and those families are subject to being controlled by any dominant power which enters into that area. Do you propose to go along here and attempt to carry out a hemispherical defense program with the territory south of the Equator under the domination of totalitarian governments? If that is your proposal, I am in disagreement with it; and, as I said before the Rules Committee, this bill, in my opinion, does not go far enough insofar as hemispherical defense is concerned, and I can understand why it does not go that far. I can understand how this particular bill came into operation. There was a division of thought—shall we go the cartel way or shall we go the Export-Import Bank way? Here is the Export-Import Bank bill way, in a half-baked proposition, which we could work out constructively if we wanted to take the time. Do you want to delay this side of the hemispherical defense any more than you want to delay some other side of the hemispherical defense?

Just one word on this question of exporting goods. Do you want to send your manufactured goods to the other parts of the world in order to equip new plants to be built which in turn will operate on a mass-production basis? If you do not, then why in the world have you been exporting your machinery for the last 15 to 20 years? If you do not want to send machinery subject to being tied into a completed plant in Latin America, then stop your export of machinery to all parts of the world. Otherwise its product will come back some day and help lick you in the Western Hemisphere. That is language you can understand, I think. When you break down the operations of man with reference to the production of goods you make it possible to apply automatic machinery to anybody's and everybody's hands, and under enforced labor and under freemen you are going to produce goods throughout the world; and when Mr. Willkie says that we will beat Hitler in our own way in 1940 and thereafter, I assume that he meant with men who would work under free institutions, and if you will let free institutions operate in the United States, I am convinced that we can produce and sell goods anywhere on God's green earth in competition with enforced labor, and if I did not have that confidence in the United States I am convinced that we can produce government. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Mr. Chairman, all that I fear is that gentlemen may become so panic-stricken that they will reach for straws that cost half a billion dollars without stoping to inquire into the complicated circumstances which will make clear whether or not this straw might not be a will-o'-the-wisp. Back in 1812, 2,000,000 people lived in these United States. They got along with this "glittering generality" that they were not going to permit themselves to be taxed to support any country in which they had no representation. A further proposition upon which they determined was that they would go along on their own ingenuity, regardless of what might happen to the British Empire or regardless of what Napoleon might do, because it is dangerous to try to be the tail to somebody else's kite. And so we have here a bill proposing to authorize $500,000,000 to be spent in South America. You can analyze these hearings, and you cannot say to yourself or to your constituents that you know what is going to be done with the money.

You will have to decide whether you want to vote for this stupendous sum automatically, as if this were the Reichstag, or whether you prefer to operate like those brave men in the British Parliament, with enemy bombers hovering in the sky above them, who, nevertheless, sit there deliberating and considering and sometimes opposing bills, even though they are presented by the administration.

The only witness before our committee admitted, on page 107 of the hearings, that he has not promised to use this money in any particular way, except that it would be for what he considered for the best interests of the United States. What is our best interest is a question upon which opinions may reasonably differ, as shown by the fact that the last $100,000,000 which you appropriated over the protests of some of us who are protesting today, not so long ago would today all be in the hands of Nazi Germany if Nazi Germany had not taken over the Scandinavian countries about a week too soon; so that the Nazis now have control of only part of it. That is this money that they tell you is never lost. [Laughter and applause.]

Maybe we cut a big dash down there at Habana. Maybe we did not. South Americans, as I have known them, are a suave and polite people, but I venture to say there were some people there whispering in the ears of the South Americans, "Look at old Uncle Sam, this big braggart down here boasting about his wealth, who cannot even pay his own running expenses, who is up to his ears in debt. [Laughter and applause.] He acts like a spendthrift who has inherited money that he has not brains enough to keep, much less earn." [Applause.]

As the gentleman from Georgia suggested, remember that character in the cinema who gambled away every cent that he could beg, borrow, or steal, Uncle Shadrach. [Laughter and applause.]

In the Presidential message recommending the bill it was said that the purpose of this money was to "finance orderly handling and marketing of surpluses" in South American countries. To those of us who believe that farm welfare and income is the only basis upon which depends the welfare, directly or indirectly, of every citizen in the United States, that was a signal indicating danger.

We asked the witness, "What about lending this money on surpluses?" How are we going to control their production? We knew that Argentine corn competes with our American corn. We knew that the production of Brazilian

cotton has increased tremendously since 1933 because of our boycott against our trade with Germany. Brazilian cotton has replaced cotton formerly sent to Germany by our Southern States, for which Germany has nobody to thank but herself, because they might have known that the people in America would resent the persecution of Jews and Catholics and would do something about it.

We asked the Administrator how he proposed to limit production in those countries that compete with us in South America. We knew that there was no way we could limit production in some other country. We therefore asked, "How much, eventually, is this program going to cost?" because South Americans will surely increase their production, knowing our taxpayers are guaranteeing their cost of production.

Mr. SCHAFER of Wisconsin. Will the gentlewoman yield?

Miss SUMNER of Illinois. I yield.

Mr. SCHAFER of Wisconsin. The gentlewoman mentioned the boycott against Germany. The New Deal administration boycotted Germany. That does not indicate that the American people have boycotted Germany. The same New Deal administration recently entered into a reciprocal-trade agreement with the bloody red, ungodly, un-Christian butchers in Moscow, Soviet Russia, who diabolically murdered more than 10,000,000 Christians, including nuns, ministers, and priests in order to chain and shackle the people of Russia in bonds of political and economic slavery. The New Deal negotiated this Soviet Russian trade treaty shortly after the "red" Russian serpent swallowed Estonia, Latvia, Lithuania, and a large part of Finland.

Miss SUMNER of Illinois. As Mr. Willkie said, "The question of reciprocal-trade agreement has become academic." [Laughter.] So because we thought the South American farmers would be encouraged to increase their production at the expense of our farmers and our laborers, we asked what the cost of such a plan would amount to eventually—$20,000,000? $30,000,000? This sum to be loaned, $500,000,000, will acquire a peculiar significance if you will observe that the sum is approximately the present value of all the annual exports of South America to Europe. We therefore asked if this was a measure, short of war, to assist the British blockade, in preventing any food going to Germany from South America? If so, it is apparent that Germany, threatened with starvation, is likely to offer bigger and bigger prices to get that South American grain, and what is that going to cost us? To all of our questions this witness was like the girl in the song we sang a few years ago, " 'He' Wouldn't Say Yes and 'He' Wouldn't Say No." [Laughter.] It seems they are all acquiring the administration technique of coyness, which is a cross between a sphinx and Cleopatra. [Laughter.] I have no reason to doubt that the witness spoke the truth, when he said, as you will notice on the last page of the hearings, that he does not know of any plan behind this bill and he did not know of any witness that we could get over there who would know what the plan was.

I will tell you why I think he does not. You have noticed that some members of our committee, all of us, perhaps, have almost childlike faith in the Administrator, Mr. Jesse Jones. Everybody in the Administration knows we have that faith. I am suspicious that the smart little boys, whoever they were, who had this plan that our farmers and laborers may object to tremendously when they find out about it, if it is the plan I think it is, were very careful, perhaps, to keep that plan from Mr. Jesse Jones in case he might disapprove of it and perhaps be a rather unenthusiastic witness before our committee, as he has been, you will remember, on certain occasions in the past.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield.

Mr. AUGUST H. ANDRESEN. Is there any information to indicate that Mr. Hull may have had to offer $500,000,000 in loans to the South American republics before they would agree to the pacts that were negotiated down there?

Miss SUMNER of Illinois. I think all he needed to do was to go down there and look rich. [Laughter and applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield the gentlewoman from Illinois 2 additional minutes.

Miss SUMNER of Illinois. I have some facts to tell you about South America. I cannot do it in 2 minutes. I will wait until the bill is read under the 5-minute rule.

Mr. CRAWFORD. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield.

Mr. CRAWFORD. Does the gentlewoman agree with me that this is a part of a blockade program?

Miss SUMNER of Illinois. I will try to answer the gentleman. Lacking any finite guidance, some of us have to resort for guidance to documents such as the reports of the Foreign Policy Association and other authentic data. These are the facts: After the World War there was an economic war such as they are now talking about. There was a wild scramble by all the countries to get the South American trade, and in this scramble, by the way, American investors lost more than $1,243,000,000 in securities. Great Britain led the way. She sent her Empire salesman down there, the present Duke of Windsor. It has been said that civilization turned west because Paul went west instead of east. Sometimes I think western civilization will be lost because Wally went to England instead of Germany. [Laughter and applause.]

Americans met conditions in the traditional American way. Because of our characteristics, we do not like to adapt ourselves to the customs of other countries, we do not bother to learn Portuguese or Spanish, we do not like to use the metric system, we do not like to have to extend long-term credit. We like to make money quickly when we are doing business.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield 1 additional minute to the gentlewoman from Illinois.

Miss SUMNER of Illinois. We like to make money quickly when we are doing business, not beat around the bush for a couple of years and then maybe have to give a limousine or some other gratuity to some Government official in order to secure a fair contract. But Americans still managed to do a tremendous business in the so-called machinery-goods line, including automobiles and other manufactured articles, for reasons which are apparent to anyone who has ever compared those products with their foreign competitors. Germany, before the war of 1914, had shown an aptitude for penetrating South America. Germans settled in South America and they married into the ruling families. The Germans established themselves as officers in the armies and teachers in the schools. After the World War of 1914 the Germans were too broken to take part successfully in this competition, but between 1933 and 1940 the records show that Germany again began to make strides. But this is important: It was not American trade they displaced, except temporarily; it was Great Britain's trade. A break-down of South American trade by percentages shows that in 1939, just before the war started, America had the same percentage of the South American trade, that is, exports into South America, that she had in 1929. [Applause.]

I regret that I have not enough time to finish the remarks I intended to make.

[Here the gavel fell.]

Mr. SPENCE. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, I have listened most carefully throughout the entire debate to the arguments for and against this bill. In general, it seems to me that behind all the opposition to this legislation is the spirit of fear. They are afraid we are going to put South America into competition with this country. They are afraid that if we say to the world we will extend help to South America in case they are attacked by aggressor nations that we might offend the dictators on the other side of the world. They are afraid that the men who are to administer this law will wreck the Treasury of the United States by their lack of judgment, by their desire for power, by their desire to take from South America surplus commodities that will compete with our own.

I say that when we are fortunate enough to have a man who, I believe, is the greatest banker in the world today, Mr. Jesse Jones, we should give him something to work with besides marbles and chalk.

There is nothing new in this Export-Import Bank idea; it has been functioning for 6 years and has been functioning successfully. Loans have been made that have resulted in increased trade and good will in South America, and now at a time when South America is faced with the greatest economic crisis of her history we are asked to extend and enlarge this Export-Import Bank. In writing legislation to establish a bank you cannot say what customers the bank shall have. A lot of criticism has been directed at this bill because it does not go into great detail saying to whom and under what conditions we shall endeavor to make these loans. It would be absolutely impossible to fashion any legislation that would cover the exigencies this bank will face after it comes into this general operation. One way to judge this bank is by its past record.

THE BANK'S RECORD

The best way to judge this bank is to look at the loans they have made. Two hundred and seventy million dollars' worth of loans have been committed by the Export-Import Bank; and of these $270,000,000, $62,000,000 worth of the loans were made. Of this number, $41,000,000 have been repaid. I say that is a record the Export-Import Bank can be justly proud of.

Look at the things for which this money was loaned. This is a list of the active loans to Brazil, for instance: Freight cars, railroad equipment, locomotives, machinery, dollar exchange—exclusively to meet claims of United States exporters, locomotives, machinery, electrical equipment to another Brazilian railroad, steel rails, materials, equipment, and steel. Out of the $28,679,000 in loans made to Brazil, only $17,744,000 is yet outstanding and collections are current.

I am ready to admit to any Member of the House that there will be losses in connection with some of these loans, but may I say that there will not be anything like the losses in future business that this country will have unless it does make the loans now.

Mr. CRAWFORD. Will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Michigan.

Mr. CRAWFORD. May I submit this practical question: Suppose we go along on the proposition of assisting in this blockade and the first year we put up a half billion dollars and take care of the first crop, the second year we put up $900,000,000 and take out the second crop, the third year we put up a billion and a quarter dollars and take care of that crop, and in that way we keep the blockade in operation. That closes the war in Europe by enforcing the blockade. At the end we have three and a half or four billion dollars' worth of goods on hand in Latin America and three or four billion dollars under commodity credits in this country. You proceed to liquidate and you lose $3,000,000,000. That is the cost of war, that is the cost of defense, is it not?

Mr. MONRONEY. The gentleman raises an interesting point with which I do not agree. I do not go along with him in believing that this is a part of the blockade. I think the British Navy is adequately taking care of that part of the work. These South American countries are the victims of the war, and they are a market this country is entitled to. It is high time that this country encourage trade with South America. A friend in need is certainly a friend indeed, and we can build up economic ties that will last for generations if we go in now with intelligent loans in a sensible way and try to cultivate this South American market and do things that will help both North and South America.

Mr. CRAWFORD. May I ask this further question? Does the gentleman believe it is possible for us to work out over a period of time through this kind of machinery an exchange of goods between South and Latin America and Central America and the United States to take care of ourselves and make ourselves self-sufficient?

Mr. MONRONEY. Not entirely so, but largely so. I think it is our logical market.

Mr. CRAWFORD. I do not believe that at all, as to our taking their goods from their fields and pastures.

Mr. MONRONEY. Well, we disagree on that.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I have listened to this debate, as have all Members, with a great deal of interest. We are particularly interested in what the gentleman from Oklahoma is now saying. The membership of the House did not have the opportunity, of course, of attending the hearings, taking part in the hearings, and listening to the witnesses, a privilege which the gentleman from Oklahoma did have. It seems to me that there are two basic inquiries which are in the mind of every Member of Congress and which go to the heart of this whole situation. The first is the question of the security which we will have for the $500,000,000 involved in this bill, and the second is the question of whether or not we are financing other countries in South America to put them in competition with our country, particularly in an agricultural way. I should like very much if the gentleman will address himself to those two questions.

Mr. MONRONEY. I appreciate the gentleman's interest in those two points. I would like to talk first about the second question, which is the matter of agricultural competition. We can sit here and not make any loans to South America, if we desire, but if we do that we are saying to South America that "Your only recourse is to grow more cotton, grow more wheat, to be a greater competitor of ours," because they need money for industrial development. Without loans farming is the only line of activity that they can expand. If we can help South America to develop industrially in a small way so that South America may use some of its abundant surpluses in its own population, they themselves will take up a large part of their surplus.

Mr. O'CONNOR. Will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Montana.

Mr. O'CONNOR. Suppose this country makes loans to those people engaged in the production of livestock and competitive agricultural products with us in this country, what means have we or will we have to control the extent of the operations of the producers in that country as opposed to the producers in our country?

Mr. MONRONEY. I am glad the gentleman from Montana asked that question. Frankly, there has been a great fog or fear that has been raised over this bill that we will go in and directly deal with the producers of these commodities in South America. That is not the case at all. The plan is that we will support that part of the financial structure on foreign exchange with the banks of Latin America and loan them the small amount of money they will need to meet their export bills. We do not make loans to any foreign agricultural producers.

Mr. O'CONNOR. At that point, if the gentleman will permit, these banks in turn, of course, will lend to the producers I am talking about; in other words, to build up a competitive business to our farmers and stock growers in this country on whom we must rely in the end to pay this war debt when it comes due. I hope this money will be used to assist those countries in developing noncompetitive resources. For instance, also we have a great number of our people going to Europe every year to see the sights; encourage that tourist trade to go to South America instead, then that would help them and not hurt our own tourist trade.

Mr. MONRONEY. Of course, we would do all possible to stimulate noncompetitive business. Competitive agricultural loans would be absolutely taboo. We would be going against our own national interests in case we made loans for that purpose. After all, these loans have to be approved not only by the Export-Import Bank and by Mr. Jesse Jones but by Mr. Cordell Hull and the other members of the executive board of that bank. I cannot see why there is danger, with their administration in any kind of competitive financing.

[Here the gavel fell.]

Mr. SPENCE. Mr. Chairman, I yield 5 additional minutes to the gentleman from Oklahoma.

Mr. MONRONEY. The security on these loans, that the gentleman has mentioned, is about the best kind of security you can possibly get in international trade.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Kentucky.

Mr. SPENCE. Is there not another point that should be considered, that of acquiring the good will of the South American republics? The outstanding foreign policy of the United States is the maintenance of the Monroe Doctrine. Cannot we very much more easily maintain that doctrine if we have kindly, good-feeling neighbors down there who will cooperate with us, rather than people who are hostile to us?

Mr. MONRONEY. Certainly; and I thank the gentleman for his valuable contribution.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. In the question I asked and which the gentleman is now in process of answering I took as the basis for my observations the very point that has been brought out by the gentleman from Kentucky; in other words, is not the justification for this bill in large part the encouragement of cordial relations between ourselves and our sister countries in this hemisphere?

Mr. MONRONEY. I would say that is an important consideration in the bill, but I also say that this bill is economic. We have lost most of our foreign markets. South America has lost all of her foreign markets. Now, the question arises, will we both sit here with our hands folded and make no effort to get together economically, or will we follow a wise and judicious policy of granting adequate finances for the interchange of the commodities of these countries?

Mr. McLAUGHLIN. Taking that as a premise, we were discussing security and competition. The gentleman has now come to the point of security, I take it?

Mr. MONRONEY. Yes; I have come to the point of security. The loan has the security of the national government of the country to which the loan is made, inasmuch as that government endorses the note. The loan also has the additional security of the central bank or, if the country does not have a central bank, the loan has the security of the endorsement of the leading bank of that country. The reason is obvious. In case something should happen to upset the government of a country below the Rio Grande, the central bank always goes on. With that security, I believe we can say that the interests of this country are amply protected.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. Is it not highly desirable that we get the increase in trade we expect to get from South America now, while the European countries are at war?

Mr. MONRONEY. Certainly. It is an opportunity for this country and South America to mutually profit through an increase in inter-American trade, about which we have been talking for a generation.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Tennessee.

Mr. GORE. Some ugly remarks have been made to the effect that this is an effort to purchase the friendship of South America. Does not the gentleman agree that this is an effort to create economic ties between this Nation and the South American countries, and that such economic ties are the basis of friendship between any two nations?

Mr. MONRONEY. Certainly. Unless we have business flowing both ways, it is not a good deal for either party.

AGAINST TRADE APPEASEMENT

I should like to point out that foreign trade is always an adventurous trade. Timid souls do not go into foreign trade. This is the reason you find Americans all over the world, in the most hazardous trades—gold mining, oil prospecting, and activities of that nature. But somehow or other the opponents of this measure would have us reverse this great American policy and become a Nation of timid souls. I say it is time this country reasserted its courage. We cannot afford to retreat from a market that rightfully belongs to us and adopt a policy of appeasement of the dictator nations simply because we are afraid to risk our dollars in competition with their barter system.

What are they going to use most of this money for in South America? I venture to say that a majority of the money that goes down there will be used to finance the purchase of heavy industrial goods, principally railroad equipment, rails, and some heavy machinery for the fabrication of materials in South America to help them get out of their economic morass. You have to help build a neighboring market if you expect to have trade exist in that market. I say to you that if we sell our railroad equipment, if we put air lines in South America, we will return to this country far more than will be lost in this deal.

SOURCE OF NEEDED DEFENSE MATERIAL

Someone has said there is nothing that can come from South America that we can possibly use that is not in competition with the products we have. In the committee Mr. Jones testified as to the need in this country of such products as rubber, tin, tungsten, chrome, manganese, iron ore, drying oils, carnauba wax, certain types of starch, cocoa, quinine, mercury, tanning bark, medicines, insecticides, and off-season fruits, and many other noncompetitive products.

Every one of these items are critical items in national defense. We need to further develop American supplies for our defense program.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. SCHIFFLER].

Mr. SCHIFFLER. Mr. Chairman, I shall not support the bill to authorize an increase in the lending authority of the Export-Import Bank of Washington because I believe that it inaugurates a policy that is unsound and unwise and most emphatically at variance with the best interests of the people of America.

This bill proposes to increase the lending authority of the Export-Import Bank of Washington and for the specific purpose of aiding in bolstering the now unsound economies of the American republics. I say the unsound economies for the reason that 16 of the so-called American republics have defaulted not only in the payment of their dollar bonds but also in the payment of current interest. In addition thereto, a number of the state provincial or departmental bond issues of such republics have been defaulted, either as to principal, interest, or both. The total defaults of these 16 South American republics are approximately $825,000,000.

We propose by this bill to provide additional funds to aid in sustaining the economies of these nations without first looking to the primary duty of establishing and sustaining the economy of the United States of America and solving the numerous perplexing problems incident to such solution. The money with which we expect to make such loans is to come directly from the taxpayers of this Nation. It is money that is now in deposit in our banks and savings institutions. The R. F. C. proposes to borrow from such banks and savings institutions at least $500,000,000, which in turn is to be loaned by the R. F. C. to the Export-Import Bank of Washington. The Export-Import Bank of Washington in turn is to loan this money to the central governments or banks of American republics. Such loans are to be guaranteed by such central governments or republics.

Are these guaranties any better than the solemn covenants entered into in the past to make full and punctual payment of both principal and interest and which have been violated by at least 16 of the so-called South American republics that have been proven bad credit risks? That their economies have been disturbed by the wars and other causes throughout the world is distressing, and our cooperation in a sensible manner ought to be forthcoming to them. To attempt to purchase their friendship, however, with American dollars is

unsound, fallacious, and a violation of our trust and obligation to the people of our own Nation—the people to whom we owe a primary duty of aiding by legislation in the solution of our disturbing problems. This, alone, is sufficient to require every Member to vote against the proposed bill.

In addition thereto, there are other equally substantial reasons why this bill should be voted down. In my opinion, the making of some of these loans would violate the neutrality laws of the United States. I believe every American who is worthy of the name is vitally interested in preserving peace for the United States and in preventing the United States from becoming involved in foreign wars. Repeated violations of our neutrality laws are certainly going to lead to such involvement. What such involvement may cost in loss of life, suffering, and American principles no person can foretell. The effect of such involvement is ghastly to even contemplate. I advise that we proceed slowly and very cautiously, carefully weighing our every word and act. We are in a most dangerous period, and a false step can lead to the complete destruction of all that we value.

It is also quite unique and unusual that we propose to increase, by indirect methods, our national debt, for such increased lending capacity with the providing of the necessary funds involves a Government guaranty. For the purpose of aiding other nations it matters not how close they may be related to us in promoting their export business, it logically follows they must find markets in the United States of America. These markets must be created by such republics for agriculture, industrial, as well as mining and petroleum products; all of this, notwithstanding that one of our major problems, and I believe the most important is the protection of American markets against imports.

To provide the funds to industrialize the South American countries, as well as to permit them to subsidize cotton, corn, wheat, cattle, petroleum, and other products, and thereby permit them to become direct competitors with American products, is equally unsound and a dangerous policy.

I sincerely hope that the membership of the House will give to this bill the serious attention that it justly requires; study its implications; get a clear idea of the policy that it inaugurates and weigh these factors in the light of our own requirements, and vote the bill down. I have respect and friendship for all republics and for all countries. My greater love, however, is for my own country and it is the desire to do something for my own country that is first in my mind. Unemployment is widespread. It is the first problem to be solved by this Congress and by our Government. Until substantial progress has been made in its solution, I believe it improper to direct our attention to other parts of the world in attempting to solve their problems first, and before we have righted our own ship of state. [Applause.]

Mr. WOLCOTT. Mr. Chairman, I yield 5½ minutes to the gentleman from Connecticut [Mr. MILLER].

Mr. MILLER. Mr. Chairman, my confidence is always restored when I find myself in agreement with the distinguished gentleman from Massachusetts [Mr. LUCE]. I have been very much interested in the possibilities and the opportunity for foreign trade in South America for certainly the past 22 years. I well remember one evening in the fall of 1918 sitting down with a couple of fellows, as we were wont to do at that period, and discussing what we were going to do when the war was over. We decided that night that we were going back to the United States, and then we were going to South America, as we felt that was a country that was bound to grow, and that there was bound to be prosperity and opportunity in South America.

I am not particularly alarmed because of some of the fears that have been expressed by those who are not supporting this legislation.

I believe the record shows, as pointed out by the gentleman from Massachusetts [Mr. LUCE], that the Export-Import Bank has stimulated trade between the United States and South America. Whether $500,000,000 is necessary to carry on that program I am not prepared to say, but I do believe that the program should be continued.

Very little has been said during this debate, at least during the time I have been on the floor, about section 2 of this bill, and I think section 2 is important. Mr. Jones told the Banking and Currency Committee that he had either made loans or made commitments for loans amounting to about $800,000,000 as part of the national-defense program—loans to private industry for plant expansion.

I was one of the minority who voted to report this bill out to the House and give the House an opportunity to consider it, but I did so with the reservation of the right to offer an amendment to the bill on the floor, and at the proper time I propose to offer as an amendment a new section appearing at the end of the present bill, and the amendment will read as follows:

No provision of this act shall be construed to authorize loans to any government, or central bank thereof, which loan would otherwise be prohibited by the Neutrality Act.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield at that point?

Mr. MILLER. I yield.

Mr. BROWN of Georgia. Is that the amendment that Mr. Jones did not object to?

Mr. MILLER. That is correct. I may say for the information of the committee that I offered the amendment in the closing minutes of the hearing when the members of the committee were anxious to report the bill out and come over to the floor and I had the feeling then that many members of the committee did not realize the necessity of the amendment, and, perhaps, did not even hear Mr. Jones say that he had no objection to the amendment; in fact, I understood him to say that he favored the amendment. I think it is essential that this amendment be offered because of the language found on page 2 of the bill, where we find this language:

Notwithstanding any other provisions of law insofar as they may restrict or prohibit loans or other extensions of credit to, or other transactions with, the governments of the countries of the Western Hemisphere.

I think we all recognize the fact that Canada is a part of the Western Hemisphere, that Canada is a belligerent nation, and that a loan to Canada would be in violation of the Neutrality Act. I do not believe that Mr. Jones, or any other official charged with the responsibility of carrying out the provisions of this law would make such a loan, but I do not believe we should legislate with the thought in mind that a particularly fine gentleman is going to administer the law, but write the law as we want to have it carried out. I hope that when we consider the bill under the 5-minute rule the members of the Banking and Currency Committee will agree to accept the amendment. With that amendment in the bill I believe it is a measure which we can and should support. [Applause.]

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Chairman, I am not one of those who likes to put himself in opposition to any part of the program for preparation for national defense, and were the bill we have under consideration composed wholly of section 2, to permit the R. F. C. to loan money to industries for the production of materials for national defense, I should unhesitatingly support it. However, when there is coupled with that authorization for loans another proposition to lend to South America $500,000,000, I come from that section of the country which feels that this bill is dangerous to our best interests.

We have been lending money to South America for a good many years. We have loaned down there now about $1,600,000,000, of which $1,250,000,000 is in default. Back in the dark days of 1933, when many banks were closing out in the Middle West, there was scarcely any bank anywhere in our State or in the adjoining States that closed and went into the hands of a receiver that did not have a lot of South American bonds which were utterly worthless so far as marketability was concerned. So I feel that we have dealt very generously with South America, and while at this time they may be laboring under serious difficulties, so is also the Middle West and the millions of farmers there who have difficulties just as great as those of South America.

Now, we have a farm plan in operation in this country. I am not saying that I am wholly in accord with that plan. I have differed with many of its provisions here on the floor and elsewhere, but under that plan we have set up the Commodity Credit Corporation with the idea of restricting production, making loans on surpluses and in that way bringing the standard of American agriculture to a higher level.

This bill, however, discriminates against that program. It discriminates against the farmers who are laboring under that program by providing a method whereby South America may set up its own farm loan board, or its own commodity credit corporation, without the restrictions surrounding our own program, and build up great and greater surpluses which are now in competition and in fact are likely to go into greater competition with products from the Middle Western States.

I have not the time to go into a discussion of the competition with South America, especially Argentina, with the farm sections of the Middle West. I call attention to this fact that in almost any midwestern agricultural State there is a larger purchase, even in these difficult times, of products of American industry than in Argentina. I call further attention to the fact that this competition with Argentina is here now and that competition with Brizil is now here. Our reciprocal-trade treaty with Brazil in particular has added to the difficulties of the dairy farmers of the Northwest by the importation of vegetable oils used in the manufacture of oleomargarine. But Argentina offers the most serious competition with the midwestern farmers. It has an area of practically the same size as the United States east of the Mississippi River, and furthermore, it has a low cost of agricultural production which the farmers in the Midwest cannot successfully meet. It has a great area of corn land, for instance, a larger Corn Belt area really than we have in Iowa, Illinois, and Missouri. It has millions of acres especially adapted to the growing of corn, as well as the production of meats and meat products. We have a fear of that competition because we know what it is.

We witnessed the large importation of corn from Argentina in 1935 and in 1937. Corn can be produced on the rich lands of Argentina with the lost cost of 10 cents per bushel. Certainly farmers of our own Corn Belt are fearful of any increase of that competition. Farm labor in Argentina is paid from $30 to $50 per annum. The Middle West farmers do not want to lower their standards of living to that level.

Corn is only one of many crops and products which are bringing stronger competition to the American farmers. Dairy products, poultry, particularly turkeys, canned meats, and numerous other commodities produced in Argentina constitute a threat which we of the Middle West resent.

Brazil has greatly increased cotton and corn production in recent years. The reciprocal-trade treaty with that country has brought some of its products in competition with our own production. It is in the very beginning of its agricultural development. Loaning money to forward that development is merely subsidizing further competition with our own agriculture whose deplorable situation is in large part responsible for the long-continued national depression.

Nobody knows nor can state how much of the half billion dollars provided in this bill for loans to South America may be devoted to a holding program for its agriculture. Nobody can advise what its effect may be toward increasing the production of farm products in its various countries. I have mentioned only Argentina and Brazil, but from nearly every country in the Southern Hemisphere come products which displace some of our own products and serve to lower prices in our markets. Certainly not at this time, when so much money is needed for our own purposes, should we add a half billion dollars of good money of the United States in loans to countries which are now heavily indebted to us.

Certainly, also, if our Treasury has a half billion dollars to loan to anybody, it might better use it in refinancing the mortgage debts of more than 100,000 of our own farmers now endangered by threatened foreclosures.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KUNKEL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KUNKEL] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-six Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 192]

| | | | |
|---|---|---|---|
| Allen, Pa. | Dirksen | Johns | Richards |
| Arnold | Dondero | Keller | Risk |
| Ball | Douglas | Kelly | Rockefeller |
| Barry | Drewry | Kennedy, Martin | Rodgers, Pa. |
| Bates, Ky. | Eberharter | Kilburn | Romjue |
| Bates, Mass. | Evans | Kleberg | Sacks |
| Beam | Faddis | Lambertson | Schaefer, Ill. |
| Blackney | Ferguson | Lemke | Schulte |
| Bradley, Pa. | Fernandez | McArdle | Seccombe |
| Brewster | Fish | McDowell | Secrest |
| Buck | Fitzpatrick | McMillan, John L. | Shafer, Mich. |
| Buckley, N. Y. | Flaherty | Maas | Sheridan |
| Bulwinkle | Folger | Marcantonio | Smith, W. Va. |
| Byron | Ford, Leland M. | Martin, Ill. | Sparkman |
| Caldwell | Ford, Miss. | Merritt | Sullivan |
| Celler | Garrett | Mitchell | Thorkelson |
| Chapman | Gavagan | Mouton | Tolan |
| Cluett | Grant, Ala. | O'Day | Vreeland |
| Cooley | Green | O'Leary | Wallgren |
| Courtney | Halleck | Osmers | Warren |
| Curtis | Hook | O'Toole | West |
| Darden, Va. | Horton | Parsons | White, Ohio |
| Darrow | Jarman | Pfeifer | Williams, Del. |
| Dempsey | Jarrett | Plumley | |
| Dies | Jeffries | Reece, Tenn. | |

The Committee rose; and the Speaker having resumed the chair, Mr. MURDOCK of Utah, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10361, and finding itself without a quorum, he caused the roll to be called, when 334 Members answered to their names, a quorum, and he handed in the names of the absentees for printing in the Journal.

The Committee resumed its sitting.

Mr. WOLCOTT. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. BARTON].

Mr. BARTON of New York. Mr. Chairman, I have listened for 2 days to the debate on this bill and have heard a number of different explanations as to the origin of the bill and the purpose of it. If the explanation given by the gentleman from Michigan [Mr. CRAWFORD], a member of the committee, is the true explanation, namely, that it is a bill to modify the Neutrality Act and to engage the United States in helping Great Britain to enforce the blockade, then it seems obvious that the bill should be recommitted to the Committee on Banking and Currency with instructions to send it to the Committee on Foreign Affairs. It seems to me that a bill of this importance in our foreign relations ought to follow that procedure, anyway. I understand that in the hearings the minority members repeatedly requested that somebody from the State Department should appear to testify, and that this very reasonable request was voted down by the majority members of the committee.

I shall make just three or four common-sense observations about this whole South American picture.

First, our Latin American neighbors are notoriously poor pay. They owe American investors a great many million dollars, and they have been deliberately encouraged by the present administration to erase those debts from their books and their minds. This is a procedure not calculated to make them take very seriously any future promise to pay.

Second, we persist in deluding ourselves by referring to these neighboring countries as "republics" or "democracies." As a matter of cold fact, you could take all the democracy that there is south of the Rio Grande and put it in a woman's powder box and it would rattle around. These countries are dictatorships or family possessions or feudal oligarchies. They are not even as much demccracies as Chicago or Jersey City. [Laughter.]

Third, what will be the situation of these countries at the close of the European war? They will have immense piled-up surpluses of beef, coffee, cotton, wheat, and wool. Across the ocean in Europe millions of hungry men, discharged from armies into factories, will be working at a few cents an hour to produce every conceivable sort of product that can be manufactured from metal, wood, plastics, or glass. That will be the situation—great surpluses of food, cotton, and wool in the hands of men needing manufactured products—great stores of manufactured products in the hands of men hungry for food and destitute of clothes. Does any sensible man suppose that by any little strategem of ours, backed by whatever amount of millions or billions, we can keep these two vast needs from mutual satisfaction? You might just as well adopt a resolution here to prevent the sexes from getting together; you might just as effectively pass an act ordering Niagara Falls to turn around and run the other way.

Fourth, the natural customers of South America are the countries of Europe. This is not something that arose out of the planning of man; it is an act of God. Europe needs what South America produces; South America needs what Europe makes. The trade routes of the world do not run north and south and never will; they run east and west, following the sun. Our own trade with South America will never amount to very much, no matter what we do or how piously we talk. Whatever else the South Americans may be, they are not dumb. They will attend our conferences, take our money, sign our little pacts and papers, but they won't do anything to alienate their best customers. Neither would we in their place.

Finally, this present proposal is, I understand, the $500,000,000 tail of what started out to be a $2,000,000,000 dog. Born suddenly one afternoon from the nimble brain of a young new dealer, it was flashed before the admiring eyes of the newspaper correspondents at next morning's Presidential press conference as a splendid example of economic planning. We were to set up a $2,000,000,000 cartel. We were to police all South America, as we are so successfully policing the United States, telling each farmer just what he should grow and how much, and agreeing to take his production off his hands at the expense of the American taxpayer. It was a beautiful production, and it lasted just 24 hours. Then the storm of protest broke from all over the country, and the President ran for cover. No more was heard of the two billion cartel. Instead, we have a nice five-hundred-million something-or-other, a scheme so nebulous and so frail that I am told Mr. Hull did not even take the trouble to mention it at Habana.

We have had the opportunity of reading the testimony of Mr. Jesse Jones on this new brain child before the committees of Congress. I am fond of Mr. Jones. He is an able businessman, a banker, and a fine executive. But when he appears before a committee to defend one of these New Deal brainstorms, his performance is something to write home about. He does not know just what the plan is, what the money is for, or how it can be used; but he is sure that all is well in the best of all possible worlds. I venture to say that if any borrower seeking a hundred dollars were to come into Mr. Jones' bank and put up so vague and illusory an argument Mr. Jones would show him the door in short order. [Applause.]

Mr. Chairman, there are men in the United States who know a great deal about South America, men whose companies have done business there for many years. I have talked with some of them. Their opinion is that this amount of money, if voted, cannot be loaned with any reasonable assurance that it will ever be paid back. What we have before us, therefore, is one more New Deal scheme to delude the public and plunder the taxpayer. It will no doubt pass. These are hot days, and a dying administration is reaching out wildly in all directions for new schemes with which to cover up the failure of the old. So here goes another half billion. But not with my vote.

I agree with those who say that the best defense of the Panama Canal is to have friendly nations on each side of the Canal. I am heartily in favor of a long-term good-neighbor policy. But it must be a realistic policy, and a two-way policy. If the United States is to do all the giving and South America all the taking, then the program is bound to end in mutual unhappiness and resentment.

We have in the United States an abundance of technical brains and a surplus of capital goods. We are in a position, over a period of 25 or 50 years, to aid South America in establishing new sources of wealth by which she will be in a position to increase her foreign commerce with us as well as with the rest of the world. We could well afford, as part of this program, to make some advance purchases of her products, such as nitrates and wool, for example, in order to help her over the crisis that will come with the next harvest. But just pouring out millions under the pretense that they are loaned is not going to get us anywhere, or South America, either. Such a course is not facing the facts but dodging the facts. It is the same sort of makeshift which has strewn our own land with the skeletons of dead panaceas and left us with the menace of an unpayable public debt. [Applause.]

Mr. STEAGALL. Mr. Chairman, we have only one other speaker on this side. I suggest the gentleman from Michigan use some more of his time.

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. REED]. [Applause.]

Mr. REED of New York. Mr. Chairman, it is proposed under the terms of this bill to authorize this Government to lend money to Latin American governments. I recall that the administration vigorously condemned private citizens for lending their private funds to these same governments. I had assumed that the administration took this position because of the large volume of these private loans in default.

The administration knows that these private loans, made to South American governments, are a source of irritation and embarrassment to this Government. Now it is proposed to take $500,000,000 of the taxpayers' money and pour it into a hole with the millions of private loans now in default. This is bad enough, but the proposal to buy up South American farm surpluses to further glut our markets is the ne plus ultra of political and economic stupidity.

This plan, if authorized by the Congress, will be an inducement to encourage greater South American production of farm products to compete in our markets, domestic and foreign.

I should think that after the loss of our cotton market to the cotton growers of South America that this disastrous venture would be a warning to our cattle men, hog producers, corn growers, and our fruit men not to embark on this ruinous program.

To attempt to build up "good will" by loaning money, to the injury of our own citizens, is futile and fantastic.

Just remember that on December 31, 1938, there was owing to individuals in this country the sum of $1,728,000,000 from Latin American countries, and the records show that of this $1,277,000,000 was in default as to interest.

The idea has become fixed in the minds of our foreign neighbors that the United States never attempts to enforce payment of its loans. Is it to be expected that the Latin American countries, in the face of our past policy of loaning without attempting to collect, will expect the United States Government to be less considerate to them than to European countries? Is Uncle Sam to become Uncle Shylock to the South American countries, if and when he suggests payment?

Regardless of all this, I feel that the farmers have suffered enough from imports under the log-rolling low-tariff trade agreements, without further increasing their distress by buying up and dumping the competitive farm surpluses of South America into our domestic market.

Now then, let me single out just one of the 21 South American republics for discussion. Take Argentina. It holds the position of the leading commercial nation of South America. Wool and mutton are two of the leading exports; wool alone, sent to the United States, brought over $100,000,000 in a single year. Fresh meat has become one of the chief exports of Argentina. The meat that has heretofore gone to Europe

will be one of the surplus products to be purchased for distribution here, under the program presented by this bill.

The past few years have seen the rapid growth of the dairy business in Argentina. The introduction of alfalfa a few years ago has accomplished wonders in the cattle industry. This crop now provides fodder for 10 times as many cattle as formerly grazed there. The record shows that more than 20,000,000 acres are now yielding 5 or 6 crops of alfalfa annually.

I would have those who are interested in the American farmer remember that the area under cultivation in Argentina is equal to two or three of our best agricultural States. I remind my colleagues also that the amount of grain exported from Argentina in normal times is greater than is exported from the United States. Argentina is one of the granaries of the world, and it is today the greatest surplus-food producer among the nations. How can this be true? It is because no other nation produces so much food in proportion to its own consumption.

Argentina has a population of 11,000,000 people, and they have been exporting more grain than we have and more meat products.

Argentina is only one of the 21 South American republics whose surplus-farm products this bill seeks to purchase. Keep in mind that 98 percent of the usual exports of Argentina comprise wheat, corn, flaxseed, wool, meat, hides, and skins.

The trade-agreement policy was to partly open the back door of our market to these products, but here you propose to open the door wide and admit these surplus competitive farm products and pay for them besides. Is it reasonable to suppose that there will be any advantage to the United States to sacrifice the purchasing power of our 30,000,000 farm population for the purchasing power of Argentina?

Examine the economic facts relating to each of the other 20 South American republics, and you will realize that this bill is the key that will unlock Pandora's box. The farmers of our country will be the victims of the evils you will release by the enactment of this legislation.

Talk about solving the problem of surpluses for South America! Did not this administration dole out more than $500,000,000 a year in a campaign to withdraw 50,000,000 acres from cultivation in an effort to solve our own surplus problem? It was to solve the domestic-surplus problem, as evidenced by low prices, that 6,000,000 hogs were killed, 1,307,000 cattle, 2,191,000 sheep, and 248,347 goats were slaughtered. How can it help our farmers to buy the surplus live cattle, dressed beef, pork and hams, butter, corn, wheat, rye, flaxseed, molasses, and cotton from South America? Are you ardent new dealers, as so many of you are, going to add to the troubles of the South by voting $500,000,000 to encourage further production of South American cotton by buying the foreign surplus? How long do you figure it will take to solve the domestic-surplus problem if the United States engages in buying and importing the surplus crops and cattle of competing nations?

I have heard, in connection with the discussion of this bill, that through a system of loans to be made by our Government to South America, the industrial resources are to be developed. Our financial and industrial internationalists, not finding stability in the totalitarian nations of Europe, now seek to establish themselves in South America, where labor is cheap and where the United States can act as an overlord and protector to their investments.

To secure the enactment of this legislation requires only well-organized propaganda, war or otherwise, to blind the people to the real purpose for which huge expenditures are to be made. Thus, it is here proposed to make an initial loan of $500,000,000 to build up in the Latin American countries surpluses in agriculture and in industry and to purchase these surplus products to add to our own stock of undisposed of excess productions.

I may say to you Members, right in this bill, you follow the facts as they develop—Brazil has the greatest iron-ore deposit of any country in the entire world, running into billions of tons of iron ore of the Bessemer quality. So, we are to be the overlord and protect those interests and build up those steel plants in competition with labor in America. If you do not know it, consider the facts. They are a matter of record. You are simply being made the cat's-paw of those interests, those internationalists who propose to use, not this $500,000,000, but billions more to be poured into these industries that this bill proposes to foster down there. Does such a policy make for a higher standard of living or will such a policy make it impossible to even retain our present level of living?

I have before me some 10 tax bills put on the books, taxing the people of this country, but in the meantime have you paid the running expenses of the Government? Oh, no; not at all. You have borrowed more than $23,000,000,000, and every single penny of this $500,000,000 in this bill will be borrowed from the taxpayers of this country. You would not dare come in here with a tax bill that would even start to pay the running expenses of this Government, or that would even start to whittle down its national debt. Are you going home and say you have appropriated $500,000,000 more to support a program in South America to compete with our industries which have been flat for 10 years, at a time when we have 10,000,000 unemployed in this country? No. It is absolute folly. I look to the good sense on the Democratic side of this House, not to destroy your crops in the South; not to destroy your own industries that are springing up in the South. But that is what this bill will do, and it is all directed from certain sources in the city of New York that have no interest in your local interests or my local interests.

I hope to see this bill defeated, and defeated emphatically in the interest of our domestic industrial structure which must survive and must profit if we are going on this national defense problem. Somebody has to pay the bill and it will be the people of this country who will have to pay it. [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. ROBSION].

The CHAIRMAN. The gentleman from Kentucky is recognized for 4 minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, ladies, and gentlemen, I agree with my friend the good Democrat from Georgia [Mr. COX] that the bill before us is one of the most amazing as well as one of the most vicious proposals that has been brought before the Congress during my years of service here. All of its provisions will be hurtful to the people of the United States.

There is little dispute as to the language of this bill. It proposes to take $500,000,000 of the taxpayers' money of this country and hand it to foreign countries, foreign banks, political subdivisions of those countries and individuals, especially the Latin American countries, Mexico, Cuba, and other West Indies nations, Central America and South America.

It says:

(a) To assist in the development of the resources,
(b) the stabilization of the economies, and
(c) the orderly marketing of the products of the countries of the Western Hemisphere.

What constitutional right has the Congress to take the taxpayers' money of this country and lend it to develop the resources, stabilize the economies, or provide for the orderly marketing of the products of the nations of the Western Hemisphere? Who is to make these loans? The Export-Import Bank of Washington, a New Deal agency set-up. On what terms? The bill provides:

Such loans may be made and administered in such manner and upon such terms and conditions as the bank may determine.

If we pass this bill, it means that this Government must borrow this money and turn it over to this agency, with unlimited power to loan in amounts and to nations and subdivisions and individuals and for such purposes as the bank may desire. It is admitted by the administration that we will have a deficit this year of approximately $6,000,000,000. The deficit will greatly exceed this sum. The first question arises, What chance do we have of ever getting the money

back? We have a very poor chance if we judge the future by the past. These Latin American governments have from time to time issued bonds and sold these bonds to American citizens. A million American citizens now hold these bonds. One billion two hundred million dollars of these bonds held by our citizens are now in default on principal and interest and have been in default, some of them for as long as 30 years. Among the leading Latin American countries that are in default I invite your attention to the following: Brazil, over $357,000,000; Mexico, over $273,000,000; Chile, over $216,000,000; Colombia, over $143,000,000; Peru, over $85,000,000; Cuba, over $40,000,000; and so on to the end of the list, 13 in all.

Now we propose to take $500,000,000 of the taxpayers' money of this country and pour it into those holes. It will never come back. Our taxpayers will be left holding the bag in the future as in the past.

And what use will these borrowers make of this money? To assist in the development of their resources—developing their farms, increasing their production of wheat, beef, hides, wool, cotton, fruits, and oil in direct competition with American producers of these farm products, fruits, and oil. This competition from the Latin American countries is very serious to American producers. Their land is cheap, their taxes are lower, they employ peon labor, in many instances for as little as 10 cents a day. In the name of high heaven, why should we tax American farmers, fruit growers, and oil producers to furnish money to create stronger competition for these same American taxpayers?

And the bill also provides loans for the stabilization of the economies of these Latin American countries. What does this mean? It simply means that they can loan this money to people in Latin American countries to develop their iron-ore mines and their oil properties, build factories, shops, and mills, and operate their mines, and this means the construction of many steel mills and other industries in South America. These industries will use cheap labor, and these cheaply produced industrial products will find their way into our American markets and compete with us in the world markets. We shall again use our taxpayers' money to help build up competition to them in these Latin American countries.

The bill also provides that this money can be loaned to these nations and their political subdivisions and individuals to take care of the surplus products of these Latin American countries. In other words, we will take the taxpayers' money of this country to enable these Latin American peoples to buy up the surplus products of those countries. To do these things, they will use the free money of the taxpayers of the United States—money that will never come back to us.

What do they mean about buying up the surplus products and orderly marketing? That is the plan the New Deal put on in this country. For instance, they loan a much larger sum on cotton, corn, and wheat than the market value of these products, and then the Government takes them over. Of course, our Government has lost hundreds and hundreds of millions of dollars on this program. We justified it on the ground that we were helping American farmers; but on what ground can we justify requiring American farmers and other citizens to pay taxes to raise the money to carry on this same program for the people of Mexico, the West Indies, Central America and South America? There is no answer to it—it just simply is not right and does not make sense. It can mean nothing but disaster to the American people. We have made a mess of handling our own surplus products. At the end of this year our Government will have more than 12,000,000 bales of cotton, cribs are bursting with corn, and granaries filled to overflowing with wheat taken over by the Government. We cannot handle American surpluses successfully. We will make a greater failure in handling the surplus commodities of the West Indies, Mexico, Central America and South America.

This money, if it does anything, will stimulate greater production in those countries, and we hear it intimated that this $500,000,000 is but an opening wedge to billions that will be demanded for this same purpose.

This whole proposal is nothing less than a monstrosity, and it is a real threat to the prosperity of American farmers, American industries, and American workers.

We spent billions in our own country to destroy our pigs, hogs, cattle, and sheep, and to take millions of acres of productive land out of production, because we claim there was a great surplus. We have spent other huge sums in loans on commodities in excess of their market value and had to take over great quantities of cotton, corn, and wheat. Now we are proposing to take from the American taxpayers half a billion dollars to do two inconsistent things in Latin America—to assist in the development of the resources, and thus increase the production of corn, wheat, cotton, fruits, beef, hides, sheep, wool, and so forth, and it certainly is contemplated that there will be a surplus because this money can also be used to take up the surplus, and provide for the orderly marketing of the products of the countries of the Western Hemisphere. This is in keeping with the same crazy policy carried on in this country—with one hand we hand out money to increase production and with the other hand we hand out money to take care of the surplus. The whole thing sounds cockeyed to me. This is in line with the policy of this administration that we can tax and squander and borrow and spend ourselves into prosperity. There can be but one end to this policy—bankruptcy, inflation, and finally repudiation.

### HIDDEN PURPOSES

This bill repeals a part of the Neutrality Act and by this repeal we are drawn closer to actual intervention in the European-Asiatic-African war.

We all recall a few weeks ago the conference held at Habana, Cuba, by the representatives of these Latin American nations and the United States. Mr. Roosevelt's administration had a certain program. He desired to get the approval of these Latin American countries to this program. It is said that the South American countries were very cool towards this proposition and on the side these representatives were given to understand that loans would be made available to them totaling $500,000,000. It was provided that these agreements must be ratified by three-fourths of the nations of this Western Hemisphere. It is generally understood that this $500,000,000 loan contained in this bill is the juicy plum hung up before these countries to secure and hasten their ratification of these agreements. We can see evidence on every hand that this bill is being pushed with great vigor and determination by the administration and its leaders in the House. They seem to be in a great hurry to get this bill through and make this huge sum of money available. We had a provision in our law that limited the loan to any nation to $20,000,000. This bill repeals that salutary provision, and under the provisions of this bill this Export-Import Bank could lend this entire sum to one country, or could split it up among these Latin American countries in any way the bank might desire.

It seems that the administration is using the same methods to get the votes of South American nations as it has followed in garnering votes in the elections in the United States—liberal use of the taxpayers' money.

### INCREASING AND UNCEASING DEMANDS

It is insisted that even though we do not get any of this money back that we ought to do it to cultivate the friendship of the Latin American countries. We have been trying to cultivate their friendship with a liberal use of money and help in other respects for a hundred years. I have pointed out that they owe our citizens over a billion and two hundred millions in bonds issued by these governments together with accrued interest, ranging from 1 year to 30 years.

Under this administration we have paid Mexico, the Central American and South American countries hundreds of millions of dollars in subsidies on silver and gold. This administration has entered into reciprocal trade agreements with these countries whereby the protection of American farmers, industries, and workers have been taken away from them, and the rich American markets have been made available to these nations to the great hurt and injury of the farm-

ers, the oil producers, the fruit growers, industries, and workers of our own country.

We must not overlook the fact that our business people were invited to Mexico, Ecuador, and other Latin American countries and urged to invest their capital in developing oil and other properties. Our "good neighbors," Mexico and Ecuador, confiscated these American properties representing hundreds of millions of dollars.

We have pledged for the protection of these Latin American countries our Navy, Army, and resources. A few days ago the Congress passed a bill authorizing the President to call into the national service the National Guard. Many sincere and earnest Members of the House and Senate tried to limit the use of this National Guard to continental United States and possessions and the Panama Canal, but the administration defeated the amendment that sought to accomplish this purpose, and the bill as passed gives the President the authority to send the National Guard to defend Mexico, Cuba, and these Central and South American countries, and they will be sent.

We are told now that we must conscript from three to four million American boys, furnish them equipment and quarters. A majority of this great number is made necessary in order for us to defend these Latin American countries. Furthermore, we are building a two-ocean Navy which is costing the American taxpayers billions of dollars. This great Navy is to help defend the Latin American countries. Yet, with all of this consideration and help to these nations and their peoples it is now urged that we must take from the taxpayers another half-billion dollars more to hold their good will and friendship. There is very little activity, or none, on the part of these Latin American countries to build navies or to conscript their boys for their own defense.

DEBTS AND TAXES ALREADY OPPRESSIVE

The direct and indirect debts and obligations of our Government today exceed $50,000,000,000. Within a year they will be more than sixty billions. About 2 months ago or less we passed a tax bill placing an additional billion dollars on the backs of the taxpayers of this Nation. Within the next 2 or 3 weeks another tax bill will be passed putting another billion dollars or more on the already overburdened taxpayers of this country, yet with all these increased taxes we will have a deficit in this fiscal year of $6,000,000,000 or more. Under these conditions we are called upon today to embark upon this unprofitable and dangerous venture and put up as the first installment a half billion dollars.

Now, my friends of the House, if you desire to build up agriculture, the industries, and take care of the surplus crops in Mexico, the West Indies, and Central America and South America in direct competition with American farmers, American industries, and American workers, you should vote for this bill; but if you desire today to do something to protect American taxpayers, the American farmers, American industries, and keep our own country from bankruptcy you could not cast a better vote than to vote against this bill. [Applause.]

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. WILLIAMS].

The CHAIRMAN. The gentleman from Missouri is recognized for 16 minutes.

Mr. WILLIAMS of Missouri. Mr. Chairman, there have been more snakes dug up in the discussion of this bill than is usually true on the floor of this House. It is perfectly right and proper in the discussion of important legislation far reaching in effect to take into consideration the future results and effect of the legislation, its probabilities, and its possibilities. But these people who are continually and persistently looking under the bed and behind the door for some kind of spooks or ghosts or apparitions of some kind—these fellows who are continually shadow-boxing, tilting at windmills, raising up bogeymen, pure figments of the imagination, it seems to me, are wasting both their time and energy. It is unbecoming constructive legislators.

What is there in this bill or what is there in the record and the conduct of those who will administer it if it becomes law that calls for these fears and unfounded suspicions as to what is going to happen if the legislation is passed? I think it should be recognized and admitted that those who will be charged with the responsibility of administering this legislation are at least men of ordinary common sense and sound judgment. I think we must all agree they are just as honest, just as sincere, and just as patriotic as any Member on the floor of this House. Who here has any right to say that the money authorized under this bill to be lent by the Export-Import Bank will be carelessly and recklessly handled? Who here should say that if those in charge of the Export-Import Bank are given this authority they will throw the money away, or that they will spend it to break down industry and to destroy agriculture in this country? Do you not suppose that the men charged with the administration of this law are just as much interested in the future welfare of the industrial organization and the farming interests of America as you and I? All this talk about what they are going to do is rather unbecoming the membership of the House.

What is there in this bill? In the first place, it is simply an extension of the lending capacity of the Export-Import Bank, and it broadens its powers in some respects. This bank has been in existence for 6 or 7 years. During this time it has made commitments of almost half a billion dollars. Not a single dollar of these commitments has been lost. Not all the commitments have been taken up, but all the loans that have been made are now current; not one of them is in default. Yet we hear men on the floor of this House say that if this bill is passed and these loans are continued, this $500,000,000 will be thrown away. The record of the administration of this bank absolutely and completely belies that statement. There is nothing in the record to show or indicate that such a thing will happen. Something like $162,000,000 has been paid out and not a dollar has been lost. You will remember that when we extended the lending authority of the Export-Import Bank a few months ago to $200,000,000 it was done for the primary purpose of granting loans to Finland, China, Norway, Denmark, and Sweden. Under that law $110,000,000 has been committed, and in addition to that millions of dollars in the South American countries, and all those payments are now current and up to date. If we as a Congress can pass legislation authorizing the lending of $200,000,000 to nations across the ocean, what excuse can we give for not extending the right and the power to make loans to our neighbors immediately to the south? What reason can we give for drawing the distinction between what we did just a few months ago and what we propose in this bill?

Also remember that we have already commitments of $178,850,000 in the Latin republics south of us, and of those loans not a dollar has been lost. That is the record, yet in the face of that record we are asked to believe that this money will not be repaid.

What is the primary purpose of this bill? Jesse Jones, who appeared before us, gave it that the primary purpose would be to continue the policy that has been pursued in the past. What is that policy? It is simply to expand commerce and develop our foreign export trade. Is anybody in the House opposed to this policy? That is what we are doing now and that is what we propose to do.

Ah, it is said it will industrialize South America. Have we reached the point where we as a nation and as a Congress are going to refuse to make available money to the South American republics for the purchase of our machinery because if it is placed in some plant in South America it may be used to make products similar to those we make? Is it possible we are going to deny this legislation and refuse to sell our tractors to South America because they may plow the cotton, wheat, and the corn lands of the Argentine? Is it possible we are going to deny loans to build highways and airports in South America in order to furnish an outlet for our automobiles and airplanes? Is it possible we have reached the point that we are going to deny loans for the purpose of purchasing our farm machinery simply because it will make the harvesting of the crops more efficient and easy in South

America? If we are going to adopt that kind of industrial policy here in America, we had just as well now get ready to see the spindles of industry stop, the doors of our factories closed, and millions of men put out of employment; yet that is where the arguments of the opponents of this bill lead us.

They tell us, too, that the money provided under this bill will be used to finance the development of additional agricultural products and surpluses in South America. In the first place, we ought to give the people of South America some credit for not being total and entire fools; and in the next place we ought to give to those who are to administer this law credit for being honest in what they say.

There is already a surplus of agricultural commodities in South America. Under what theory would they want to borrow additional money from the United States to develop an additional surplus down there to place on the market when they already have a surplus which cannot be marketed at a reasonable price? There cannot be anything of that kind.

Mr. Chairman, it is said that this money will be used to develop the resources of South America. All right. Suppose it is. Some of it may be so used, and I hope it will be, not only in their interest but in the interest of the United States. If this money is used to develop tungsten, manganese, tin, and rubber which we can procure from those countries down there if developed, these strategic materials that this country needs above everything else on earth in this crucial hour, is not that advantageous to us? Why should we not permit loans to those countries in order to develop those strategic and essential materials which are necessary to the welfare, safety, and security of our country in exchange, if you please, for some of our surplus manufactured products.

It is also said that some of this money may be used in order to secure the orderly marketing of excess surplus agricultural products in South America. What of it? I want to ask you if that is not a sound policy. If Brazil, for instance, on approved security, guaranteed by the Central Bank of Brazil, wants to borrow $50,000,000 from the Corporation in this country to set up a commodity corporation or some other institution in that country in order to provide for the orderly marketing of their surplus products, it will not only be for the benefit of those people but it will be extremely helpful to us and prevent the dumping upon the world of those surplus export poducts in competition with our own, which would otherwise beat down not only their prices but our prices as well. If some of this money is used for that purpose, it will be used for a purpose beneficial not only to South America but to the United States.

For 117 years we have proclaimed and sustained the Monroe Doctrine. A few weeks ago this Congress put that policy and that principle into legislation on the statute books of this Nation. Recently we had a conference at Habana and at that conference, as you all remember, those nations that were present declared for a closer cooperation on economic and trade affairs between the countries of this hemisphere and also declared that it was their determination to maintain and strengthen the unity between the American republics as a matter of defense for the Western Hemisphere against any foreign aggressor. Now, that principle is involved in this legislation. It expresses the hope, the wish, and the desire of every American citizen that we have a closer cooperation on industrial, financial, economic, and trade affairs, as well as a closer union in order to present a united American front against the aggression of a non-American country. That expresses the view and the wish of everybody. It is absolutely essential that we have friendly and cordial commercial and trade relations with our neighbors to the south. It is the lesson of history that political supremacy and militaray domination follows the trade routes and we want this legislation as a matter of national defense. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the fourth paragraph of section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by renumbering subsections "(1)" and "(2)" thereof "(2)" and "(3)", respectively, and inserting therein the following new subsection:

"(1) To assist in the development of the resources, the stabilization of the economies, and the orderly marketing of the products of the countries of the Western Hemisphere by supplying funds, not to exceed $500,000,000 outstanding at any one time, to the Export-Import Bank of Washington, through loans to, or by subscriptions to preferred stock of, such bank, to enable such bank to make loans to any governments, their central banks, or any other acceptable banking institutions and, when guaranteed by any such government, a central bank, or any other acceptable banking institution, to a political subdivision, agency, or national of any such government, notwithstanding any other provisions of law insofar as they may restrict or prohibit loans or other extensions of credit to, or other transactions with, the governments of the countries of the Western Hemisphere or their agencies or nationals. Upon the written request of the Federal Loan Administrator, with the approval of the President, the bank is authorized, subject to such conditions and limitations as may be set forth in such request or approval, to exercise the powers and perform the functions herein set forth. Such loans may be made and administered in such manner and upon such terms and conditions as the bank may determine."

Mr. WOLCOTT. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: On page 1, beginning in line 3, strike out all of section 1.

Mr. WOLCOTT. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

Mr. WOLCOTT. Mr. Chairman, the amendment I have offered I believe goes to the meat of this bill. There is no attempt on my part in discussing it to put myself in the position where I am looking under the bed for ghosts and sparring with windmills or anything else. We should look at this legislation very carefully before we enact it, in the light of the terrible mistake which Congress made very recently and which we have not altogether corrected as yet. We provided in the Navy speed-up bill as follows:

That the Secretary of the Navy is further authorized under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided, further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility.

We did not know we were doing that when we had the matter before us, and we have less information on what we are doing in this bill than we had when this conference report was before the House, the adoption of which enacted into law the language which I have just read.

It was not for some time after that and as recently as July 31 that we saw our mistake and attempted to correct it. I do not want us to put ourselves in a position whereby in the next 30 days we will be back here amending or repealing any of the provisions of this law because we will recognize that we have made as terrible a mistake as we did when we allowed the Government to take over the industries of this Nation. That is socialism to the extreme.

What about these defaulted bonds of South America? We have heard a great deal about the credit of South America, and the fact that because they have been lax heretofore they are likely to be so in the future in respect to the obligations created under this bill. In 1933 there was set up at the instance of President Roosevelt and the Honorable William H. Woodin, who was at that time Secretary of the Treasury, the Honorable Cordell Hull, who was and still is Secretary of State, and the Honorable Charles H. Marsh, Chairman of the Federal Trade Commission, an organization known as the Foreign Bondholders Protective Council, Inc. There is a gentleman by the name of J. Reuben Clark who has been president of that council and is now chairman of the executive committee. He wrote editorially concerning the report which that council has made in respect to the defalcations on all bonds owned in the

United States of foreign countries, and this is a very interesting note from his editorial:

Of the $5,557,600,752 dollar bonds outstanding at the end of 1937, $2,203,819,360 were in default, or approximately 39.7 percent. Latin America, with 85.1 percent of its outstanding dollar bonds in default, leads the list.

So of the dollar bonds of Latin America owned in the United States, 85.1 percent are in default, according to the report of this council set up by our own Government to make a study of this situation.

Commenting upon the total outstanding defaults, which we refer to as the foreign debts, and which the Johnson Act was supposed to help somewhat, he calls attention to the fact that approximately $2,403,000,000 went to Latin America, and of that sum over $1,524,000,000 is still outstanding and in default.

It is a very interesting analysis he makes of this situation that, speaking generally, the defaulting debtors on these bonds are defaulting not because they are unable to pay all or part of the debt service but simply because they do not have the will to pay.

That was a finding of a council set up by our own Government to make a report on these Latin American bonds.

He goes on further to say editorially:

Six Latin American countries having a favorable balance of trade with the United States in 1938 made no interest payments on their bonds for that year.

Quoting again,

The council's files contain great numbers of letters showing that there are thousands, if not hundreds of thousands, of bondholders who bought their bonds at the original issue prices. These are in great part aged people who invested their life savings in the Government gold bonds, frequently under a sales representation that they were better than money in the bank, since the bonds drew a higher rate of interest and bank balances drew a lower rate of interest.

These people write from hospitals, infirmaries, county poorhouses, and bare homes. They say these bonds represent all they have in the world.

Now we are expected to create this situation, where not only their life savings may be taken away from them but they are further to be taxed to send more bad money after the bad money they invested.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I wanted to call attention to the same situation. Innocent American investors, including the "forgotten men," poor widows, and orphans who have been robbed by these debt-defaulting foreign Latin American countries will be taxed in order to help the New Deal have Uncle Sam play Santa Claus to South American debt-defaulting dictatorship countries in a big way through the vehicle of this measure which is sponsored and almost unanimously supported by our New Deal brethren. Our New Deal brethren are great liberals; that is, liberal in spending other people's money even if two or three generations still unborn have to sweat and toil to pay the principal and interest on Uncle Sam's obligations which are issued in order to raise the millions and billions which are squandered by our New Deal spendthrifts.

Mr. WOLCOTT. The gentleman is absolutely correct.

Mr. Warren Lee Pierson is the president of the Export-Import Bank. We have had the question of expropriation up in respect to the Mexican properties. As the gentleman from Missouri said, we had a similar bill before us last February, and this is what Mr. Pierson said on Mexican loans when testifying before the Senate committee. I will read back a couple of questions:

Senator TOWNSEND. Don't you think it is about time we stopped making loans to Mexico, when they confiscate our property down there?

Mr. JONES. I am here to testify to this bill.

That is Mr. Jesse Jones speaking, the Federal Loan Administrator.

Senator TOWNSEND. I am asking you that question.

Mr. JONES. I think I had better telephone Cordell Hull before I answer that.

Let me comment there that Mr. Jesse Jones did not call Mr. Cordell Hull in respect to the pending bill, and the members of the committee were not allowed to call Mr. Cordell Hull in respect to it either.

Mr. Pierson, the head of the Export-Import Bank, then intervened and said this:

Mexico has a perfect record. I do not think she has ever paid a foreign loan.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. A witness testified in the committee that there had been no expropriations that he knew of in Latin America, except in Mexico; but the record shows, as I have investigated and found since, that Bolivia has expropriated $13,800,000 of United States-owned oil properties.

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for 2 additional minutes. I want to ask an important question.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER of Wisconsin. These innocent American investors who purchased and lost more than a billion and a quarter dollars on the defaulted South American bonds purchased the bonds from Wall Street international banking houses who peddled the bonds for the foreign nations at a great profit to themselves. The defaulted Brazilian bonds were issued and peddled by Dillon, Read & Co.—and Mr. James Forrestal, the big shot in that company, is now on the New Deal Federal Government pay roll; President Roosevelt recently appointed him as one of his special assistants. The Peruvian defaulted bonds were issued and peddled by J. & W. Seligman & Co. while Mr. Earle Bailie was in charge of that outfit as well as Tri-Continental Corporation, in which American investors were swindled out of many millions of dollars. Mr. Bailie is now on the New Deal Federal Government pay roll as a dollar-a-year man in Mr. Morgenthau's office in charge of the New Deal's South and Central American financial policies. That is the way our ex-international banker, Fuehrer Roosevelt kept his promise to "drive the money changers from the temple of our Government."

I can see why the New Deal prohibited any other witness with the exception of Mr. Jones from being called to testify. Mr. Bailie and Mr. Forrestal should have been called. The State Department should have appeared as this bill amends the Johnson Act as well as the Neutrality Act. In view of the fact that our Federal Treasury is almost bankrupt, Mr. Morgenthau, the Secretary of the Treasury, should have testified, as well as his dollar-a-year man, Mr. Bailie. Since this is an international bankers' bill his testimony would have been vital because of his connections with the New Deal international banking house of Lehman, which also peddled many of these defaulted South American bonds. Does the gentleman from Michigan believe that it is proper for our own overburdened taxpayers to be called upon to contribute $500,000,000 to foreign debt-defaulting countries, in view of the fact that Uncle Sam's Treasury is almost bankrupt and a sound financial condition of that Treasury is most essential for our national defense?

Mr. WOLCOTT. No; I do not think they have a right to ask us for loans or for us to force loans upon them until they have exhausted all their capacity to raise this money by taxation or from private sources.

This report goes on to say, quoting Mr. J. Reuben Clark, Jr., in the American Journal of International Law, "No nation has any right to invoke its lack of capacity to pay"—and I might paraphrase, its capacity to borrow—"its obligations to private creditors until it has fully exhausted its taxing powers, and no debtor now in default, insofar as the council is advised, has even approached a condition of exhaustion of its taxing power."

And until South America has approached that exhaustion point and has given us some evidence that these surpluses

are embarrassing them and that they cannot get the money elsewhere, I do not see any particular reason why we should crowd it down their throats.

[Here the gavel fell.]

Mr. THOMAS F. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my distinguished friend, the gentleman from Michigan [Mr. WOLCOTT], adverts to the loans that are in default in South America. Yes; those loans are in default, but the people of South America did not come to the United States to get those loans at all, but the investment bankers of the golden age went down there and bribed their officials to take them.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS F. FORD. In just a moment I will.

So we have two different kinds of loans.

Mr. HAWKS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS F. FORD. I do not yield; no.

When a South American concern wants a loan from the Export-Import Bank it comes here and makes an application to Mr. Jones. Mr. Jones looks over it to see what they want the money for, what security they can give for it, and decides whether or not it is a good loan that is likely to be returned with interest. To date he has negotiated and handled hundreds of millions of dollars' worth of loans.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS F. FORD. No; I have only 5 minutes.

He has handled hundreds of millions of dollars' worth of loans of that kind and has not lost a nickel. So we can contrast his record as a lender and a collector with the record of the investment bankers who went down there and actually bribed public officials to take money that they did not need. Of course, they resent paying it back, and how much of that money did they get? In many instances the discounts, the commissions, the bribes, and all the other expenses, legitimate and otherwise, that they paid in connection with the loan left them probably about 70 percent of the amount that they borrowed originally. When the world went blooey those loans went bad, but they are not in quite as bad shape as has been said here, because, as a matter of fact, a great many of them are being slowly liquidated, but the kind of loan to be made under this bill has no relationship whatever to the type of loan that was made at that time. These loans will be made on a business basis with absolute security, primarily to American exporters, to facilitate the export of American manufactured goods and, incidentally, when the occasion arises to help out a surplus situation that might develop in South America, but that situation would be purely incidental to the main purpose of the bill. So all the gentleman's folderol about loans in default is just pure, plain camouflage. [Applause.]

It seems strange to me that this bill, designed to implement our hemispherical as well as our strictly national defense, should be so viciously fought by our Republican brethren. These gentlemen seem to be for national defense with the usual—but—let us look at what we have been doing:

We have appropriated billions for military, naval, and air defense. It now becomes evident that economic defense is also necessary if we are to keep the South American and Central American countries from being thrown into the arms of the totalitarian governments of Europe and Asia. If we desire to just fold up and leave the trade of that group of countries to the totalitarian group, we can do so; but if we want to preserve that trade for our own businessmen, we will pass this bill and enable the Export-Import Bank to facilitate that trade by extending the necessary credit.

There is a feature of this bill that should be emphasized. Of the one billion four hundred million authorized in this bill, one billion of this money is limited absolutely to national defense.

To reject this measure would be the equivalent of leaving a great gap in our line of hemispherical defense. What a travesty on consistency to vote for a resolution reaffirming the Monroe Doctrine and then refuse to adopt measures essential to making it effective.

Mr. GORE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not use all the 5 minutes. I want to point out that this amendment strikes the very heart out of the bill. I rise to do three things. Some splendid speeches have been made on this proposed legislation. The gentleman from Missouri [Mr. WILLIAMS] closed his splendid argument with this statement:

> History reveals that economic and political domination follow the trade routes.

Then, secondly, I wish to quote a sentence from one of the best speeches I have heard since I have been privileged to be a Member of this House, made by the chairman of the Banking and Currency Committee yesterday, the gentleman from Alabama [Mr. STEAGALL]:

> I will say to the gentleman that the primary purpose of this bill is to prevent the spread in our neighboring countries on the part of certain powers in the Old World of activities and practices such as mentioned that are inimical to the interests of the people of the United States.

And, thirdly, since much has been said here regarding the position of Secretary Hull, I wish to read a letter from him:

AUGUST 5, 1940.

Hon. H. B. STEAGALL,

*House of Representatives, Washington, D. C.:*

At Habana the American nations agreed that in view of the disruption in the channels of international commerce and the curtailment of markets for certain products of the Americas, the American nations must do everything in their power to strengthen their own economic position; to improve further mutually beneficial trade and other economic relations between and among themselves; and to devise and apply appropriate means of effective action to cope with the difficulties, disadvantages, and dangers arising from the present disturbed and dislocated world conditions. I consider the enactment of the proposed legislation expanding the powers and operations of the Export-Import Bank essential in order to put the United States in a position to cooperate fully with the other American republics in meeting these urgent needs of economic defense in the face of the possibilities of serious threats to the peace, security, and welfare of this hemisphere resulting from sinister developments elsewhere in the world. The 21 American republics have agreed on a practical program of defensive action of which economic defense is an indispensable part. The enactment of the legislation now pending before your committee will enable the United States to make its appropriate economic contribution to the carrying out of that program which is necessary to the safeguarding of the vital interests of the United States in a situation of unprecedented seriousness and danger.

CORDELL HULL.

Mr. Chairman, I hope no one thinks that economic preparedness is not an integral and essential part of the defense of this hemisphere.

Mr. GIFFORD. Mr. Chairman, too much has been said about looking for spooks and about camouflage. I do not know who it is that has been camouflaging. This bill is too simple to be camouflaged. They had a meeting in Habana. On page 112 of the hearings it is recited what the selected committees were to do. It is to store surplus goods and wait for the orderly marketing thereof. A little later the President sent us a message. He wanted this money for these purposes, canceling all restrictions and letting Mr. Jones, with certain advisers, if he sees fit to take advice, which I doubt—he does not need them—decide what to do. We are relying entirely on Mr. Jones. The bill ought to be entitled, "A bill to give Jesse Jones $500,000,000 to do exactly as he wants to do in the Western Hemisphere." That is all this bill really says, and as the gentlewoman from Illinois [Miss SUMNER] suggests, we then ought to insure the life of Mr. Jones.

The President wishes haste to take this surplus off the market. There can be no camouflage about the purpose of the bill, it is so plain and so simply stated. It is a simple, unvarnished crude attempt to purchase the friendship of nations who should be seeking ours. Mr. Jones says that he will take all the security that he can get. He will loan the money to the banks, or he will loan it to a government, or to a corporation, or a national, if some kind of a bank will endorse the note, but he will also take the foodstuffs or the goods as security. I suppose he would try to make such banks realize on the security if he could, but he is to take everything that he

can get as security, including the foodstuffs. This is in the record. He says that sometimes he may not even get the endorsers' name on it, but he will get the best he can. I think so highly of the gentleman from Missouri [Mr. WILLIAMS] that I wish he would not get up here and tell you all present loans are current. I have watched the Federal bookkeeping too long. Current! Are notes current when they are simply renewed, and perhaps they are renewed for very long periods? This administration will see to it that everything is current, whether it be rural-electrification loans or other loans eventually to be marked off with great losses. But they are current. They will renew for a long time.

Everybody knows that we will suffer huge losses, and I do not like for the gentleman from Missouri [Mr. WILLIAMS], who really is well informed, to tell us that everything is current, made so by constant renewals. We can hardly expect to get this money back. This is simply buying good will. We have embraced these nations as brothers, and we have promised them much at Habana. We will have loaned them money to assist them as agriculturists and industrialists and put them on a par with us, no matter what it costs our own citizens. We have embraced them as brothers. We should take them into the United States of America so as to have a little control of them, because these governments change almost overnight and do not feel responsible for acts of the government of the day before. Well, some of our brothers sometimes get us into a lot of trouble while some brothers are helpful. We seem not to make selection of those that may be helpful. We embrace all in the Western Hemisphere.

I close by saying there can be no camouflage about the bill. The President's message stated plainly its purpose, and the bill is simple, canceling restrictions, to loan money to take off the market the surplus products with such security as possible to get, even to take the goods that we do not want. We may be considered a good big brother provided we do not try to collect.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

I would like the attention of the chairman of the Committee on Banking and Currency, if I may have it, because I want to ask a question. I have been somewhat disturbed upon reading the address of the gentleman from Alabama which was delivered before this body yesterday, in which, on page 10608, he is quoted as making this statement:

> Under existing law total loans to any one country or its nationals are limited to $20,000,000. This restriction is removed. There is also a provision that no loan may be made to a country which had obligations to the United States Government which were in default on April 13, 1934.

I would like to ask the gentleman what is the source and basis of that statement made to the House yesterday? What authority has the gentleman for making that statement?

Mr. STEAGALL. The statement is simply a recital of the law.

Mr. KEEFE. To what law does the gentleman refer?

Mr. STEAGALL. I do not have it, but it is the former law authorizing loans by the Export-Import Bank.

Mr. KEEFE. I have what purports to be the law referred to, approved April 13, 1934, Public Act 151. Is there some other law?

Mr. STEAGALL. That is not the bill to which I referred.

Mr. KEEFE. Is the gentleman able to inform the House what law he does refer to, because that is a very vital question with me?

Mr. STEAGALL. That is available and I will be glad to supply you the exact bill with the language, but let me say this: This bill is a departure from former legislation in that the purpose of the legislation now under consideration is to make loans in the Western Hemisphere, whereas under the former authorization that limitation did not exist.

Mr. KEEFE. Am I correct in this assumption, that when the gentleman stated there is a provision that no loan may be made to a country that had obligations in default to the United States on April 13, 1934, under the terms of this bill and existing law, whatever it may be, as the gentleman has stated, this Export-Import Bank has authority to make loans to any nation, whether it is in default or not, in the Western Hemisphere. Is that right?

Mr. STEAGALL. There are no nations in the Western Hemisphere in default on any debt to the United States.

Mr. KEEFE. I am very happy to understand that. The gentleman means since 1934?

Mr. STEAGALL. At any time.

Mr. KEEFE. There is no nation that is in default or has been at any time?

Mr. STEAGALL. In the Western Hemisphere.

Mr. KEEFE. All right. We understand that. Now, then, we are asked to appropriate $500,000,000 for the purpose of increasing the authorized capital of the Export-Import Bank. That is true, is it not?

Mr. STEAGALL. No. The gentleman does not correctly state the provisions of the bill. We are not undertaking to appropriate anything.

Mr. KEEFE. Well, you are authorizing it.

Mr. STEAGALL. We are authorizing loans in the amount of $500,000,000 to the Export-Import Bank by the Reconstruction Finance Corporation and enlarging the lending and borrowing powers of the Reconstruction Finance Corporation to meet the requirements of this bill in connection with loans by the Export-Import Bank.

Mr. KEEFE. Now I want to ask the gentleman if he is aware of the fact that the Ways and Means Committee has been struggling now for about 10 days with a problem which has aroused the Nation and has caused tremendous difficulty in the Ways and Means Committee over a proposal to levy an excess-profits tax, and that up to date, so I am reliably advised, the proposals that have been offered before the Ways and Means Committee on the matter of excess-profits taxes will not raise half the amount of money that you are asking for in this one authorization. I want to state this, as a matter of fact, Mr. Chairman, that I cannot see how I can, in good conscience stand here, in the face of your statements as to the nebulous, uncertain character of this bill and what it proposes to do in the address you made yesterday, and ask the taxpayers of this Nation to go into their pockets for $500,000,000 to be loaned for purposes undefined and with effects unknown. The gentleman from Missouri [Mr. WILLIAMS] was general in his characterizations of this bill.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. Yes; I yield.

Mr. CASE of South Dakota. I am a little surprised that the gentleman was unable to get the information from the chairman of the committee in respect to the bill he asked about, because it is contained in the report of the committee, the act of January 31, 1935. It is on page 3 of the committee report on the bill. The proviso with respect to the $20,000,000 is stricken from that by section 3 of the pending bill, and the proviso still remaining in there, untouched, is the one relating to default.

Mr. KEEFE. I thank the gentleman from South Dakota.

Permit me to say this much further which I did not have an opportunity to say: This proposal presents a very serious situation. You may search this record through, as I have searched it since yesterday, and I defy anyone to show where there is a single scintilla of evidence of a plan, except the most general statements "that it is expected that this money is going to be used for this purpose; it is expected it is going to be used for that purpose"; and you are asking us to authorize the borrowing of twice as much money as the Ways and Means Committee is able to raise under the excess-profits

tax, under consideration by them, and give it to the Export-Import Bank. However, you do not tell us what you are going to use that money for or how you are going to use it.

I, for one, although I am favorably disposed to a program of promoting sound trade relations with South America, cannot bring myself to vote for a proposal that is so uncertain and indefinite. As the gentleman from Massachusetts [Mr. GIFFORD], who just spoke, said, it might just as well be labeled a wholesale grant to Jesse Jones of $500,000,000 of the taxpayers' money, to do with as he pleases in making loans to any nation in the Western Hemisphere. With the Nation crushed by taxes and debt, I cannot, on the record made, cast my vote to add to that burden.

[Here the gavel fell.]

Mr. SMITH of Ohio. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. SMITH of Ohio. Mr. Chairman, it is rather amusing to hear the serious discussion of this proposal that has come from the other side of the House. We are to believe this proposal is something unusually noble, even sacred. If it is so fine there should be no objection to looking into its birth. We should know something about its genesis and see just how sacred this New Deal cow is.

This loan proposal was an outright bribe or purchase proposition to get the Latin-American countries to send delegates to this Habana Conference. Let us review a few of the facts that bear upon this. As has been stated, the only man who testified before the Banking and Currency Committees was Jesse Jones, the man in whose hands this money will rest, the man who will be responsible for the distribution or the spending of this money. He did not have any plan, did not know at all what it was to be used for. I heard him say this at one of the hearings—and this is found printed in the Senate hearings on this bill. Later at the hearings before the House Banking and Currency Committee he did begin to think that he had better tell us there was some plan worked out as to how this money would be used. That was a second thought.

A loan was made to Argentina on June 19, 1940, in the amount of $20,000,000 by the Export-Import Bank. A loan was made to Brazil on April 3, 1940, of $4,340,000. Another loan was made to Brazil on that same date for $900,000. A third loan was made to Brazil on June 19, 1940, in the amount of $10,000,000.

Did these recent loans to these countries have any influence in causing them to send delegates to the Habana Conference? Chile, Cuba, Colombia, Costa Rica, Ecuador, Peru, Panama, Paraguay—each of these countries have had loans in varying amounts upward of $27,000,000. Cuba is the country that had the big loan. No wonder the Cuban Government officials were so enthusiastic over the Habana Conference. Why, of course. Why not applaud Santa Claus?

Newspaper reports indicate that all the delegates came from the Latin American countries with their hands out. It is so obvious that I cannot understand how anyone can think otherwise about it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. SCHAFER of Wisconsin. Should the gentleman criticize these many million-dollar hand-outs to the South American dictators when the record shows that they would not come to Washington for a visit and ride up the Avenue behind the soldiers and marines with our New Deal "fuehrer," our would-be dictator, Mr. Roosevelt, the former international banker, if Uncle Sam stopped playing Santa Claus and handling the millions of dollars during their visits?

With reference to the use of the half billion dollars in this bill, I believe that the gentleman from Wisconsin [Mr. KEEFE] knows, as we all know, that most of this $500,000,000 is to be used for the benefit of international bankers and for political bait and bribes for the dictators.

Mr. SMITH of Ohio. That is correct.

Mr. GORE. Mr. Chairman, now will the gentleman yield there?

Mr. SMITH of Ohio. Not at present.

Mr. Chairman, here are some of the resolves of the Habana Pact. Listen:

Transoceanic railway between Arica and Santos by way of Bolivia.

Here is another resolve:

A pan-American highway.

Another:

To create instrumentalities of inter-American cooperation for the temporary storing,—

Now, listen to this—

financing, and handling of any such commodities and for their orderly and systematic marketing having in mind normal conditions of production and distribution thereof.

Another resolve was this, and I ask you to listen:

To propose credit measures and other measures of assistance which may be immediately necessary in the field of economics, finance, money, and foreign exchange.

And there are still others. With Uncle Sam paying the bill; why not?

On July 24 we read in news dispatches, "Bolivians proposed putting a railroad across South America."

Again, on July 25, the New York Times stated:

The Bolivian delegation submitted a proposal for the construction of an interoceanic railway between Santos, Brazil, and Arica, Chile, through Bolivia as a defense measure.

Even the Bolivians have learned how to get the United States Congress to vote appropriations for them on the pretense of defense.

[Here the gavel fell.]

Mr. SMITH of Ohio. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. In the New York Times again on July 26, we read:

Ecuador offered a resolution providing for speedy completion of pan-American highway.

The same issue of the New York Times contained this statement:

Chile anxious to submit a project but lacking a complete one filed a resolution in blank form just before noon. It was understood the deal had to do with economic questions.

Still quoting from the New York Times of the same issue:

Another Brazilian project was related to the joint financing of organizations fostering the protection of noncompetitive products suitable for inter-American commerce. Extraordinary importance was attached to the project by several delegations.

To be sure. How the delegates at the Habana Conference must have licked their chops when they saw this $500,000,000 dangling before their eyes.

And those of you who deny that this $500,000,000 proposition here is related to the Habana Conference, read Cordell Hull's speech before the Habana Conference on the 22d of July when he said:

The United States of America has already utilized its existing agencies to enter into mutually advantageous cooperative arrangements with a number of American republics in connection with programs for the development of their national economies and by way of assistance to their central banks and monetary and foreign exchange.

He was referring, undoubtedly, to what we are doing already under the Export-Import Bank.

Then he said:

It is now taking steps which will make possible the extension of both the volume, character, and operations of such agencies.

In other words, he said "We are extending the lending power of the Export-Import Bank by $500,000,000, and we are going to give you all this money if you stand by us at this conference." That is exactly what this amounts to. A

program born of a curse like this will bring to our people nothing but the same thing, a curse. [Applause.]

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. STEAGALL]?

Mr. RICH. Mr. Chairman, reserving the right to object, I want 5 minutes. I did not get any time in general debate. I was told I could get 5 minutes when the bill was read for amendment.

Mr. STEAGALL. Mr. Chairman, I amend the request to make it 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. STEAGALL]?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. May I inquire how much time will be allotted me?

The CHAIRMAN. Four minutes.

Mr. HINSHAW. Mr. Chairman, then I yield back the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. RICH. Mr. Chairman, it is a mighty fine thing to be a good neighbor to the people who live next door, a good neighbor to the people who live in the next State, a good neighbor to all the countries that are closely associated with us in North America and South America, and a good neighbor to all people all over the world. But let us not overlook the fact that we ought to be a good neighbor to our own home country before we try to assume the obligations and burdens of all the world; before we try to tell them what and how they should conduct themselves and their countries.

Do not let it be said that the people in America are well taken care of under present conditions. Do not let it be said that we are in good financial condition. Do not say our Government is sound and managed in the best possible way. I hold in my hand the Treasury statement of August 15, issued by Secretary Morgenthau—and by the way, they say he is now over in Canada. Nevertheless, I call attention to the fact that in 45 days we have gone in the red to the extent of $552,947,000. For the past 7 years I have asked this administration where it is going to get the money, and there has not been a man in the House of Representatives who has been able to answer the question. There has not been a man able to tell us how we are going to continue to finance our country if we continue to spend the way this administration has been spending in the last 7 years; the way this administration has set us up in business. It is creating a communistic order.

Mr. Chairman, we are just about at the parting of the ways. America is in bad shape, and it is getting worse all the time. If you keep up this war talk, it will not be 6 months until we will be in war. It will not be 6 months until the American people will be doing the thing that just 1 year ago they said they would not do. It was stated at that time that there was not anyone in America who wanted to go to war. I am sure I do not want to go to war, and I am going to do everything I can to keep this country out of war. I am for peace. I am for American defense against aggression. I am for a sound America—financially, business, commerce, agriculture, jobs for labor.

Let me invite your attention to the fact that you are going to be unable to carry on the program that you have already advanced for American preparedness if you continue on the road we have been traveling in running this country into debt at the rate of over $10,000,000 a day. We will be bankrupt.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield for a question.

Mr. COX. I call the attention of the gentleman to the fact that this bill may mean our entry into the war through the back door if we seek to impose an embargo against the axis governments and cut off their sources of supply from the South American countries.

Mr. RICH. I do not believe that America is going to get into war if we try our best to do the thing we would want to have somebody else do to us. By our acts and our agreements we as American people will be good neighbors and try by friendly relations to take care of the people in South America or the people in Europe; but whenever we tie ourselves up so that we are bankrupt financially and cannot operate our own Government, then we are going to fall as a nation.

I may say that when anybody looks at this Treasury statement and sees that we have $20,709,781,000 in gold taken from the American people and purchased at high prices from foreign governments, it was taken by this administration and stored, most of it, down in Kentucky in a hole in the ground, he can understand why everybody in the world thinks we are the richest Nation in the world and have everything we want and everything we ought to have to give to these people. I do not believe we are in any such position with a debt of $45,000,000,000. I do not believe we can go on creating a larger debt. If we do go on in the expenditure of these funds for $500,000,000 we will not be able to carry on, because we will surely go into bankruptcy.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. The gentleman has referred to over $20,000,000,000 in gold. Does the gentleman know that the United States Treasury has purchased around $13,000,000,000 of that gold and has paid a premium on it to be a good neighbor to the point of over $6,000,000,000?

Mr. RICH. We have been a good neighbor to those people in buying that gold. Now, what good is it to us by being buried in a hole in the ground in Kentucky.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. What is Mr. Morgenthau doing in Canada? Is he determining how much of the "swag" Canada is going to get out of this $500,000,000 raid on our almost bankrupt Federal Treasury? I notice that Horeb Elisha alias Hore-Belisha recently announced from London over the radio that Uncle Sam was going to play good neighbor and Santa Claus to the British and get into the European war on the side of the British.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I wanted to ask my good friend the gentleman from Pennsylvania [Mr. RICH] this question: Does the gentleman agree with this statement?—

The furnishing of economic aid to South America is not an advisable foreign policy.

Mr. RICH. I certainly agree with that; but if we try to furnish all the things that the South American people might want of us, where are you going to get the money?

Mr. CRAWFORD. That was not the question I asked.

Mr. RICH. Then I misunderstood the gentleman.

Mr. CRAWFORD. If the gentleman does not want to answer he need not answer. I want to get some information. Does the gentleman agree that the furnishing by the United States of economic aid to South America is a wrong foreign policy for us to follow under the present conditions?

Mr. RICH. I say it is under present conditions, because we are not in shape to give them the aid and assistance they want. We cannot take care of other countries until we take care of our own country.

Mr. CRAWFORD. Mr. Chairman, the United States today has four-fifths of the world supply of monetary gold. It has three-fourths of the total world banking resources. It has the most complete and efficient system of production

under free labor on the face of the earth. We have a tremendous and varied national wealth. We have by far the largest consuming unit in the world of both domestic and imported goods.

Mr. Chairman, it is no fun at all for me to take a position which apparently—and I believe it is just apparent, because I believe the party agrees with me on this—is contrary to my party, but we have a problem here in the Western Hemisphere and I am trying to find out in this debate if the Members on my side comprehend what the problem is. I am just digging around trying to find out a little bit about it myself. I want to know if we are in position to say to the Latin American countries—and that includes, by the way, Mexico, Central America, the countries around the Panama Canal, northern South America, and on south of the Equator—"You can go to hades, we are not going to do anything in the way of a constructive policy which has to do with the hemispherical-defense program, although we are going to spend from $10,000,000,000 to $15,000,000,000 as an initial proposition to go along on some kind of a program, and we are going to raise an army of one, two, three, or four million men to do something." I want to know what we are going to do. I am assuming that we are going to be in charge of this House after January 1. I am assuming that we have at least a 50-percent chance of being in charge at the White House. This is the reason I want plenty of time to debate this bill. There are a lot of questions I should like to ask about on this side. I want to know where we are heading on this defense program, because I believe this has a lot to do with defense.

Mr. TABER and Mr. RICH rose.

Mr. CRAWFORD. I yield to the gentleman from New York. I want to get his idea.

Mr. TABER. Does not the gentleman feel that we would come nearer extending economic aid to South America if we cooperated with the larger business people and the educational authorities down there who are eager to extend their program to develop noncompetitive trade between the two groups of countries than if we went down there and establishing a vassalage by handing them a lot of money? That is the situation as it appears to me.

Mr. CRAWFORD. We will not disagree on that at all. Let me show you something. On April 10, 1918, the Congress of the United States enacted the Webb-Pomerene Act, and that has been on the books since. It was on the books under 12 years of Republican administration. We did not repeal that act. It set aside the antitrust laws of the United States so that the manufacturing industries of this country could form trade cartels in contravention of the antitrust laws and go down there and sell goods. What is our industry going to do under the Webb-Pomerene Act? Do we mean business, or are we going to demagogue our way through a campaign and kid the people and help send this country itself further toward financial and social chaos? That is what I want to know. [Applause.]

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I want to read a brief extract from the testimony of Jesse Jones before the Banking and Currency Committee in which he points out some of the articles upon which it is intended that loans would be made by the Export-Import Bank:

> Examples which may be mentioned include rubber, tin, tungsten, chrome, manganese, iron ore, drying oils, carnauba wax, certain types of starch, cocoa, quinine, mercury, tanning bark, medicines, insecticides, and off-season fresh fruits from Chile and Argentina, which do not conflict with our own.

In addition, there will be great demand in those countries for machinery for the construction of highways, for railroads, for radios, for telephone lines, for subway construction materials, street railway materials and innumerable appliances and equipment that will be desired from the industrial centers of the United States.

Let me call attention to the fact that $178,000,000 have been loaned under this bill to these countries and down to this hour there has not been one dollar of loss. I say "loaned to these countries." The manner in which these loans were made involve, first, loans to central banks or to other acceptable banking institutions of countries in which the loans were made and in some instances they had Government guaranty. That is the way loans will be made under this bill and up to this time not a dollar of loss has been incurred.

Reference has been made to Mexico and the statement made that Mexico has never repaid a loan. In Mexico the Export-Import Bank, by loans and commitments, extended credit in that country in the amount of $2,500,000 and those obligations have been repaid down to the amount of $129,000.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. MAY. I just want to call the attention of the gentleman to the fact that every one of the items he read from the testimony of Jesse Jones is a critical and essential national-defense war material.

Mr. STEAGALL. That is absolutely true, and not one dollar has been loaned under the operations of this bank down to this time of the type about which so much fear has been expressed during the discussion of this bill. No loans have been made to store or to hold farm products that come in competition with ours. No such loans are contemplated, and, as I said yesterday, of course, loans to these banking institutions will be reloaned and we cannot follow them all the way in every instance, but the purpose of this bill and the way this law has been administered down to this time, has been to bring about an increase in the export of American goods and products. Loans will be made to promote exchange of products upon a basis of mutual advantage. Our trade with South American republics has been increased year after year until the first 6 months of this year our exports amounted to over $300,000,000.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Georgia.

Mr. COX. Were the gentleman and his committee told or has the gentleman been told off the record that it is contemplated that $100,000,000 of this amount will be loaned to Brazil to develop a steel plant?

Mr. STEAGALL. No.

Mr. COX. What does the gentleman know about that?

Mr. STEAGALL. No such testimony was before the Committee on Banking and Currency.

Mr. COX. But the gentleman has been told that?

Mr. STEAGALL. No such testimony was before the committee, and I know nothing of it. Nobody expects that the entire amount of $500,000,000 authorized in this bill will be loaned in the immediate future.

Mr. COX. Does the gentleman know——

Mr. STEAGALL. I cannot yield any further, because I have not the time.

This program is, above all, an effort to implement our convention with the South American countries looking to the defense of the Western Hemisphere.

This amendment would destroy the bill, because it strikes from the measure the authority for loans to the countries of this hemisphere. It goes to the heart of the proposal, and its adoption would be the same as an adverse vote on the bill.

Let me say in conclusion, with all deference to the Members of the House who differ, that I cannot understand how any Member of this House can vote for the enormous appropriations we have authorized in recent weeks to safeguard the Monroe Doctrine and for the defense of the United States, and then hesitate to support this undertaking to solidify the peoples of the Western Hemisphere against any possible attack threatening their sovereignty and freedom. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were—ayes 89, noes 105.

Mr. WOLCOTT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. WOLCOTT and Mr. STEAGALL to act as tellers.

The Committee again divided; and the tellers reported there were ayes 112 and noes 126.

So the amendment was rejected.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: Page 2, line 8, after the word "government", strike out the comma, insert a period, and strike out the remainder of the sentence on lines 8, 9, 10, 11, and 12; and in line 19, after the word "determine", insert a semicolon and the following: "*Provided*, That no such loan shall be made in violation of international law, as interpreted by the Department of State, or of the act of April 13, 1934 (48 Stat. 574), or of the Neutrality Act of 1939."

Mr. WOLCOTT. Mr. Chairman, this amendment limits the operation of the bill to existing law, in that it makes applicable the Neutrality Act and the Johnson Act and also a provision of existing law in respect to loans made by the Export-Import Bank in connection with other public and private loans.

In the Export-Import Bank bill which was passed by this Congress last spring we provided for an additional capitalization of $100,000,000 and also provided that the Export-Import Bank at Washington shall not make any loans to any government which was in default in the payments of its obligations, or any part thereof, to the Government of the United States on April 13, 1934, or in violation of international law as interpreted by the Department of State, or for the purchase of any articles excepting aircraft used exclusively for commercial purposes, listed as arms, ammunition, or implements of war by the President of the United States in accordance with the Neutrality Act of 1939.

Now, what reason is there for exempting this particular bill from the operation of those laws which we were so jealous in keeping a part of the law as late as last spring? If this bill is enacted as it is written, without the amendment which I have offered, it will contain this provision, starting in line 8 on page 2, that these loans may be made notwithstanding any other provision of law, insofar as they may restrict or prohibit loans or other extensions of credits to other transactions of the government of the countries of the Western Hemisphere or their agents or nationals.

Now, of course, this means that contrary to the spirit and intent of the Neutrality Act, we may loan to the British possessions, to the French possessions, to the Dutch possessions in the Western Hemisphere. What is possible when you loan to possessions? You are loaning to the country itself. You are loaning to Great Britain; you are loaning to France; you are loaning to the Netherlands. Do you want to do it? If you do, why do you not be courageous and repeal the Neutrality Act? Would you do by indirection what you do not dare to do directly?

If you adopt this bill without this amendment, why do you not do the proper and honest thing and go to the fundamentals of this question and tell the people that you are going to scrap the Neutrality Act? Do you not have the courage to do it? Do you want to help Great Britain? Do you want to finance this war in Europe? Do you want to meet the denunciations of the taxpayers of this country who are already carrying a $12,000,000,000 debt around their necks for the last war, and tell them you are voting today to make it possible for this country, through its agent, the Export-Import Bank, to finance this present European war? If you do, why are you not courageous enough to repeal the Neutrality Act and have all that sham about neutrality out of the way, so as not to embarrass us any more? But, Mr. Chairman, I still think that existing law, written on the statute books by the insistence of the majority of our citizens, should at least be protected by having ample debate on the question in this House. [Applause.]

[Here the gavel fell.]

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe it was last fall when the gentlemen of the fourth estate, who observe us from above the clock, held a meeting in their club, at which the principal address was made by his excellency, the distinguished Ambassador from a well-known South American country, whose name I shall not repeat. I did not have the honor to be present at that meeting. I should like to have been there. I understand that at this meeting at which the distinguished Ambassador spoke, he called the attention of the press and those Members of Congress who were so fortunate as to be present to the fact that if we set up a Western Hemisphere economic organization, the United States must consider abandoning a certain portion of its agriculture and go more and more into the manufacturing business, because in order to increase our trade with the South American countries, and probably Canada, we must be willing to accept their agricultural products, many of them in close competition with our own, in exchange for the manufactured goods of the United States that these countries have heretofore purchased from European manufacturers.

That set a great many of us to thinking and to wondering what this Western Hemisphere economic alliance might mean to us. It has been suggested that it might be better for us in the long run to abandon some of our unprofitable agriculture, and allow the peon labor of South America to produce agricultural products for us; but I wonder how the farmers of America would feel about that. Some of them of course would be glad to go to work at higher wages in the factories, but we are going to be made dependent upon these countries for agricultural products if we are to trade with them, because we must take their agricultural and other products in exchange for our manufactured goods.

I do not know how far this bill goes. I do not question the wisdom or astuteness of any of the administrators of these funds. I give them credit with being keen, smart men. I merely offer that point to you as one that some of you may have remembered but others have forgotten. We must give it careful consideration before we go too far in our economic relations with the South American countries.

If you are prepared to abandon a portion of American agriculture in favor of the importation of South American agricultural products, all well and good. If you are in favor of thus abandoning some of our agriculture for the expansion of our manufacturing industries, all well and good. But if you are not in favor of that, then you should give very careful consideration to any attempt to wean away South America from her European markets, for she must have outlets for her products. For example, at the present time Argentina has approximately seven firms that do nearly all her meat-packing business for export. The largest is a British company. This British company has 1,100 wholesale and retail outlets in Great Britain. There are four concerns representing the American packers who do a large share of the business, and there remain two smaller companies owned by the Argentinians themselves. Nearly all of Argentina's surplus meat is sold in Europe. If we want to consider accepting the exports of South America that compete with our own, then we can set up this Western Hemisphere economic organization; but I think you will find that the South American peoples enjoy their trade with Europe. Not that I do not want us to have that trade; I want to have all we can get, but I certainly do not want to have any of it at the expense of the American farmer. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. THORKELSON. Mr. Chairman, I move to strike out the last three words.

Mr. THORKELSON. Mr. Chairman, I have listened to the debate this afternoon and it seems to me there is some confusion as to the application of the Monroe Doctrine. The Monroe Doctrine, of course, was mainly a defensive doctrine that did not take into account the extending of credit or the lending of money to South American countries. I want to discuss it for just a few moments.

From the southern point of the United States it is 12,000 miles around the coast of South America, Cape Horn, and back to California. In fact, it is a little more than 12,000 miles. We have 12 battleships. If we stationed 1 battleship every 1,000 miles it would take all of them and we would have none left to defend our own shores in the United

States. It is perfectly obvious that we could not defend South America with our own fleet or with 2 or 3 fleets. So we might as well forget the Monroe Doctrine as far as that goes.

The principal thing about which I rose to speak is the $500,000,000 made available in this bill for loan to the South American countries. We lent money to Sweden, Poland, Norway, and various European countries, gold money, and that gold is now in the United States. In connection with loans to South America let me remind you that South America is now in default over a billion dollars. That is gold which she has not paid and is not going to pay to the United States.

Where does that money come from? It is borrowed on the credit of the United States, and the taxpayers of this country pay the interest on that money. Today you are paying over $1,500,000,000 in interest—more than it cost to run this Government in 1912. When a person is already in debt, when a business is already in debt, and then goes ahead and borrows money, it increases such indebtedness, and if that process continues it leads to bankruptcy.

We are here representing the people of the United States. We have no right as Members of Congress to borrow this country into the position where its credit is absolutely exhausted, where nothing can result but general bankruptcy. Our national debt is already $50,000,000,000. We have a deficit of $5,500,000,000. We have $13,000,000,000 contingent liabilities, of which $3,000,000,000 is all that can be collected. This makes the debt $65,000,000,000. At the end of the next fiscal year you will find that the national debt will be over $75,000,000,000, or nearly $80,000,000,000 most likely.

Let me call your attention to the fact that, according to the figures of the Commerce Department, Great Britain today holds $13,348,088,985 of American industrial bonds and stocks which are payable in gold, and she has that much of a claim upon the gold now in the Treasury of the United States. Outstanding gold certificates amount to $18,000,000,000, so the gold in the Treasury is not owned by the people of the United States, it is owned by the Federal Reserve banks and by the international bankers.

All these things must be taken into consideration when we consider bills that affect this country's credit, and the bill now under consideration does so to the extent of $500,000,000. It simply means, if we pass it, it will be a further step toward the destruction of the credit of this country. I do not think we should do it. Surely when you borrow money to build up agriculture in South America you destroy agriculture at home, and that is what we have done right straight along. When you borrow money to build up industry in South America you destroy industry in the United States. That is why our credit is exhausted today; that is why our industrial structure is in a state of collapse. You were elected to represent the people of this Nation. You were not elected to represent the international bankers or some other power that you do not know anything about.

There is a movement behind all this that you know nothing about or at least you do not want to know anything about it. It is a foreign movement, but you should know it, because it will eventually bring about disintegration of this country. It will mean more than that. When the people of this Nation find out what the Congress has done, there will be a revolution in this country and somebody is going to pay for it.

Mr. PATRICK. Will the gentleman yield?

Mr. THORKELSON. I yield to the gentleman from Alabama.

Mr. PATRICK. How does the gentleman stand on the bill we are discussing?

Mr. THORKELSON. I am opposed to it.

[Here the gavel fell.]

Mr. CREAL. Mr. Chairman, I move to strike out the last word.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Alabama.

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. STEAGALL]?

Mr. RICH. Mr. Chairman, reserving the right to object, I want to be counted in the 10 minutes. How many applications has the Chair? If he has more than two, I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. STEAGALL]?

Mr. SCHAFER of Wisconsin. Mr. Chairman, reserving the right to object, I have an important amendment which I desire to offer.

Mr. WOLCOTT. Mr. Chairman, what is the request?

The CHAIRMAN. The request is that all debate on this section and all amendments thereto close in 10 minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. CREAL. Mr. Chairman, I have been a Member of this body for 5 years, and every time a financial question, a currency question, or anything else comes up for consideration somebody speaks derisively of that gold being buried in a hole in the ground down in Kentucky. I want to ask why you object to its being buried in the ground down in Kentucky? It adjoins the county in which I live, and is 27 miles from my home. Would it take any fewer guards or would it be any safer if it were in the walls of a huge stone building somewhere in New York or in Washington, D. C.?

They looked the country over, and they picked out the best place and the safest place they could find, a place midway between the Lakes and the Gulf, not on the Pacific coast, of course, and not along the Canadian border, lest that country fall into hostile hands, and not along the Atlantic coast, not even as close as Washington, D. C. They considered the character of the people and the guards, many of which come from my county and the rest from adjoining counties, and they considered the place, right in the center of a big Army post with a mechanized cavalry, the safest place in all yankeedom to put the gold. Why do they say "buried in the ground in Kentucky?" What do they want to do with it—put it in showcases in Washington, in New York, or somewhere else?

But, Mr. Chairman, that is not what I started to talk about. That was merely a diversion. I observe, after having been absent for a while, that we still have two political parties here. If I were a spectator I would say to those sitting beside me that the Members of the House had quite a good bit of hypocrisy and peanut politics about them, but being a Member of the House I cannot say that about my fellow Members. I wonder how it comes that men born and reared in the same State, under the same economic conditions, and with the same schooling, being graduates of the same schools, are all on one side, with three or four exceptions, and all those on the other side, with two or three exceptions, differ, one side believing it is good law and the other side not so believing? I ask whether or not there are any peanut politics in this matter. Is it not strange they divide just as if they were not biased to some extent by their politics?

Mr. WOLCOTT. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I would not think that was peanut politics. I would think that was democracy in operation.

Mr. CREAL. I did not understand the gentleman.

Mr. WOLCOTT. I would think that is a democracy in operation.

Mr. CREAL. The gentleman spoke about democracy a while ago when he talked about repealing the Neutrality Act, but those on that side were "rarin' to go" to lend the $20,000,000 or so to Finland when she was at war.

Mr. WOLCOTT. I beg the gentleman's pardon. Finland was not at war at that time.

Mr. CREAL. Finland was not at war?

Mr. WOLCOTT. No. As soon as Finland became at war the loan was withdrawn, as I understand it.

Mr. CREAL. It was well known by every man where it was to be used and it was openly stated by Members on the minority side that that is what they wanted it for, so she could get ready for war.

May I say at this time that Kentucky, running true to form, having furnished Lincoln and Davis, as one of my colleagues has already called attention to, is the first State in the Union in volunteers in 1940 thus far. I am not going to vote for any "fifth column" stuff during the remainder of this session of Congress. Every man and every woman sitting as a Member of this House knows that every paid Hitler agent in this country, if permitted to sit on the floor of the House, would vote "nay" on this proposal. [Applause.] And there is no doubt in the world about that. If you wire Sir Adolf Hitler and ask him what he wants us to do about it, what do you think the answer would be?

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I want to answer the statements the gentleman from Michigan [Mr. CRAWFORD] made a few minutes ago in reference to America having the greatest amount of agriculture, the greatest amount of business, and the greatest surpluses in our history. Let me ask the gentleman whether he forgot to mention the fact that we have the greatest debt this Nation has ever known, and that $25,000,000,000 of it has been created in the last 7 years. Does the gentleman know that we have eight or nine million men unemployed, the greatest number this country has ever known, and that we are getting more unemployed all the time? This is the New Deal way of doing things.

I did not say anything detrimental about South America. I am friendly to South America. The Republican Party is friendly to South America. The Republican Party will do anything to help South America, but we want to do it in the American way. We do not want to set the Government up in business. I am a Republican and I am an American, but I am an American before I am a Republican. We in the Republican Party have always been for good, honest, hard work. We have been for honest, American business. We want to keep American businessmen in business, we want American farmers to remain on the farms and be prosperous, we want American labor to have jobs, and we want to do it in the sound, honest, conscientious way that will help all America. We want to stop putting the Government into business, and that is the point I want to make here. We want our people to conduct business, not politicians. In the last 7 years we have set the Government up in all kinds of business, notwithstanding the fact that when they ran for office in 1932, what did they do? They promised to take the Government out of business and to cut Government expenses by 25 percent. Did they do it? No; they did the opposite.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the distinguished and able gentleman from Michigan.

Mr. CRAWFORD. I believe the gentleman will agree with me that what we should really do in South America is go down there with our private funds and invest them and develop whatever developments we want to carry out. [Applause.]

Mr. RICH. The gentleman is exactly right. That is just what I was coming to. Let the American banks and American people loan the money and develop the resources of South America.

Mr. CRAWFORD. Will the gentleman agree with me that before our people will do that there must be established in the Latin American countries stabilized forms of government, on which our people can depend, and that in the absence of that our people will not go down there?

Mr. RICH. Is the gentleman trying to say that we should tell the people of South America just what kind of government they should have? Look at the kind of government we have now here in the United States. We do not want any more of this. [Applause.] Unless you change the administration that is in power now, God save America. We are doomed; we are doomed financially, we are doomed in our business, we are doomed in everything, because you are setting the Government up in all kinds of business. There will be no chance for anyone. You are coming to war if you keep on with this war propaganda. You will set up a dictatorship. That is what will happen in America, and God forbid that it ever comes.

Mr. CRAWFORD. The gentleman has agreed with me that we should invest our private funds there. I ask this simple question, Will we invest our private funds in the absence of stabilized governments in those countries?

Mr. RICH. What governments down there are not stabilized now? What governments in Europe are stabilized? There are no governments in Europe that you believe in. We are not going to police all the world. Do not assume that responsibility. It is too big a job for the American people to assume. Let us take care of America first. [Applause.]

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. WILLIAMS of Missouri. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall take only a minute to explain this amendment so the Committee may know what it is. I am very sure that perhaps you may not know what it is just from hearing it read.

Under the original law establishing the Export-Import Bank there were no limitations at all placed upon it except as to the amount it could loan. There was no limitation as to the amount it could loan to any one individual, or national, or any agency. In the act passed a few months ago, about March of this year, and passed primarily for the purpose of making loans to Finland, China, and Norway, the limitation was placed in the law that there should not be any loan made to any country in excess of $20,000,000, and no loan should be made for the purchase of any materials described and defined in the President's neutrality proclamation. This limitation was in the law passed at that time applying to that situation. This bill as written removes those limitations. That is all there is in this. The amendment offered by the gentleman from Michigan proposes to put in this law the limitations as to the amount of money which may be loaned to a country, and with refence to the Johnson Act and to the purchase of war materials as described in the President's neutrality proclamation.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Missouri. Yes.

Mr. WOLCOTT. I may say that my amendment does not apply to the limitation as to the amount. My amendment is the language of the Senate bill as reported by the Senate committee.

Mr. WILLIAMS of Missouri. As I understand the gentleman's amendment, it strikes all of that provision out of this measure which says that notwithstanding any other limitations of law, and if that be true that would leave in it the limitations which we now have in the existing act.

Mr. WOLCOTT. No; the gentleman must look to section 3 for that. We will have a separate amendment to put that limitation back in section 3, because in section 3 you repeal the limitation against a loan of over $20,000,000. So this amendment does not have anything to do with the amount.

Mr. WILLIAMS of Missouri. I do not agree with the gentleman.

Mr. WOLCOTT. And it is the language which the Senate committee has already reported out.

Mr. WILLIAMS of Missouri. That is not my understanding of it, and, anyhow, there is that limitation in the present law, and the purpose of this is not to put that limitation in it.

Now, so far as the Neutrality Act is concerned, the gentleman from Michigan seems to be very much disturbed about maintaining that, when I think the record will show that

when the matter was up here in the Congress the gentleman consistently opposed and voted against that act.

Here is what will happen if you adopt the gentleman's amendment, and this is the important part of it. Under this bill no loan could be made to Canada with the gentleman's amendment in the measure. If that is what this House wants, that is what you will get if you adopt the amendment. I for one do not believe that condition ought to be put in the bill. So far as the Neutrality Act is concerned, it should not be applied to Canada under conditions as they exist in this country today. If the time comes when Canada needs a loan, I think this country ought to be in a position to make it to Canada, as well as to Mexico, or some other country. [Applause.] But if the amendment is adopted, it does not make any difference what the emergency is, under this bill the Export-Import Bank could not lend a dollar to Canada. I do not think that is what we want.

It is ridiculous to my mind to say that we are passing legislation here that has for one of its purposes to help the national-defense program and provide defense for the western continent, and still leave in the bill the right to make loans to Mexico and all the South American republics, whose credit has been questioned here, and cut out of the bill the power and the right to lend to Canada whose stable government has never been, and never will be, questioned, and whose credit is beyond reproach. [Applause.]

This amendment should be voted down.

[Here the gavel fell.]

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were—ayes 93, noes 115.

Mr. WOLCOTT. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. STEGALL and Mr. WOLCOTT.

The Committee again divided and the tellers reported that there were—ayes 99, noes 129.

So, the amendment was rejected.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AUGUST H. ANDRESEN: On page 2, line 19, at the end of the sentence add the following proviso: "*Provided*, That all loans under this act shall contain provisions requiring borrowers or recipients of loans, benefit payments, or subsidies in borrowing countries, to meet the same conditions as are imposed against nationals of the United States when loans, subsidies, benefit payments, or other aid is given under law by the Federal Government to citizens of this country."

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIAMS of Missouri. Mr. Chairman, I want to say in opposition to the amendment only that, of course, none of these loans will be made for the purpose contemplated in the amendment. There is no use trying to place these unreasonable restrictions upon loans which will not be made. There is no such thing as referring to the benefit payments that are made in these foreign countries out of loans which this Government makes to the nationals down there or any agency of a bank in those countries. There is not any such thing contemplated, there could not be any such thing done, and there is not any use in loading up this bill with amendments like that. For this reason I ask that the amendment be voted down.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Missouri. I yield.

Mr. GORE. Is it not true that under the language of this amendment borrowers under this legislation would be required to meet the conditions of an American national who is seeking or obtains a subsidy, for instance, for the merchant marine, or a benefit payment under our agricultural program? It is not applicable. There is nothing in this program applicable to what the gentleman has in mind. I do not at all doubt his good intentions, but nobody can apply this amendment to the pending legislation with any degree of consistency.

Mr. WOLCOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. WOLCOTT. To move to strike out the last word and to be recognized for the balance of the time.

The CHAIRMAN. The gentleman from Michigan is recognized for 1 minute.

Mr. WOLCOTT. Mr. Chairman, this bill is to carry out the purpose announced in the President's message, to finance the surpluses of South America. The financing and regulating of the surpluses of South America have a direct bearing upon the economics of South America. That is what this bill is for we are told, and, of course, if that is so, the loans could be made for the furtherance of any scheme or program in South America incident to these surpluses. If benefit payments are made in any of the South American countries because of an economy which accepts curtailed production, then, of course, we should not give advantages to South American farmers over the farmers of the United States.

Mr. Jones, on page 108 of the hearings, has this to say:

We could make loans to South American countries that would enable them to hold on to some of their surpluses, but not a great deal.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

The question was taken; and on a division (demanded by Mr. AUGUST H. ANDRESEN) there were—ayes 106, noes 126.

So the amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: At the end of paragraph 1, insert the following: "*Provided*, That no part of the funds authorized and made available under this act shall be presented or loaned to or expended for the benefit of any foreign nation, its political subdivisions, citizens, or corporations, while such nation or any of its political subdivisions is in default in its financial obligations to the Government of the United States or the citizens thereof."

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman——

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

Mr. WOLCOTT. Mr. Chairman, I object.

Mr. STEAGALL. Mr. Chairman, I move that all debate on this section——

Mr. SCHAFER of Wisconsin. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I did not yield to the gentleman from Alabama to submit a unanimous-consent request or to make a motion. I have some rights here under the rules of the House. I demand the regular order, and that is that I be permitted to continue without interruption.

The CHAIRMAN. The gentleman is recognized for 5 minutes, but there is a motion before the House.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order against that motion. I did not yield for the gentleman to make a motion. I had the floor. The gentleman did not ask me to yield and I did not yield. I have some rights under the rules of the House and I ask that they be respected by the gentleman who has interrupted even though he is chairman of the important committee in charge of the pending legislation.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, the amendment is self-explanatory.

Mr. Chairman, it has been brought to the attention of the House today that these South American countries are now

in default and owe American private investors more than $1,200,000,000 which they refuse to pay. These countries have defaulted on more than 77 percent of their obligations held by American investors, including many widows, orphans, and poor people, whom the New Deal fuehrer has called the "forgotten men and women" while fishing for votes. The New Deal brethren now propose to raid our almost bankrupt Federal Treasury and tax the overburdened taxpayers of the United States, including these American citizens who have been robbed of their savings by reason of the defaults of these South American dictator-ruled foreign countries in order that the New Deal can play Santa Claus to the foreign dictator countries, who robbed them to the tune of $500,000,000.

The American investors are "the forgotten men" when the New Deal brethren fish for votes. Under this pending bill the New Deal brethren forget their election-campaign "forgotten men," but certainly do not forget the South American dictators and the Wall Street international bankers who helped those dictators rob innocent American investors, including the "forgotten men" of the election campaigns, of more than $1,250,000,000. After this Santa Claus bill is enacted by the New Deal brethren we can expect some more South American and Central American dictators to visit Washington to ride down the avenue with our New Deal "fuehrer" behind the soldiers and marines, while their henchmen get hand-outs of many millions from the almost-bankrupt Treasury of the United States. What price glory?

Mr. Chairman, the gentleman from California [Mr. THOMAS F. FORD] said that these South American and Central American government-defaulted obligations were sold to private investors of the United States and by inference he indicated that the Republican Party was responsible for them. Most of these defaulted obligations, amounting to more than a billion and a quarter dollars, were sold to the innocent American investors by New Deal international Wall Street bankers.

They were not Republicans, but many of the new dealers who hold responsible positions in the Federal Government.

Mr. Chairman, who were some of the "big-shot" international Wall Street bankers who aided the South American and Central American dictators to swindle innocent investors of the United States out or more than $1,250,000,000?

Mr. Chairman, let us examine and briefly review the record. Mr. Earle Bailie was in charge of the Wall Street international bank of J. and W. Seligman & Co., who bribed dictators while issuing and peddling many million dollars' worth of the defaulted Peruvian bonds. Mr. Bailie was chairman of the board of directors of this New Deal international banking house. Mr. Earle Bailie, 42-percent Bailie, who helped rob innocent investors of millions of dollars in the manipulations of Tri-Continental Corporation securities, according to the testimony developed by the Securities and Exchange Commission. He is now in the Secretary of the Treasury, Mr. Morgenthau's, office as a dollar-a-year man in charge of South American and Central American financial programs.

Mr. Chairman, the New Deal Wall Street international bank of the House of Lehman also issued and peddled many of these defaulted South American and Central American obligations to innocent investors in the United States. It may be interesting to note that Governor Lehman, the New Deal leader in the State of New York, was a "big shot" in the New Deal international banking house of Lehman Bros., and that our New Deal Secretary of the Treasury is married to the niece of Lehman brothers

I do not for one minute believe that the gentleman from California [THOMAS F. FORD] should by inference indicate that these defaulted loans of the South American dictatorships are chargeable to the Republican Party.

Mr. Chairman, only recently our ex-international banker-President, Mr. Roosevelt, appointed another New Deal international banker as his assistant, Mr. James Forrestal, the "big shot" in the New Deal international banking house of Dillon, Reed Co., which unloaded many million dollars' worth of the defaulted Brazil and other South American bonds on innocent American investors.

The record speaks for itself. Our New Deal brethren should not blame Republicans for the sins and crimes of New Deal international bankers. The record clearly reveals that many of the "big shot" New Deal Wall Street international bankers who helped the South American and Central American dictators rob innocent investors in the United States of more than $1,200,000,000 in the sale of their country's defaulted obligations are now in the temple on the pay roll of our Federal Government. Our New Deal "fuehrer," our ex-international banker-President, at that time was not selling South American and Central American bonds. He was too busy peddling German marks and writing a foreword for the Federal International Corporation, in which he was hooked up with Robert Rowland Appelby, the president of the British Empire Chamber of Commerce in the United States. He was too busy selling his Camco slot machine water stock on which American investors lost millions of dollars. He was also busy performing the duties as a director of the International-Germanic Trust Co. and practicing as an investment banker attorney.

Mr. Chairman, the New Deal's ace hatchet man, Mr. Ickes, went on the rampage a few nights ago. He made a miserable showing. His hatchet was pretty dull. I suggest that he have an expert sharpen it before he goes on the warpath again. I suggest that the next time he goes on the warpath over the air that he discuss some facts which he knows something about. I suggest that his topic be "The New Deal has placed the Wall Street international money changers in the pulpit of the temple of our Federal Government."

Mr. Chairman, the New Deal's ace hatchet man, Mr. Ickes, whose hatchet is now dull, very dull, must be a crystal-ball gazer. He and his chosen tribe of Karl Marx New Deal disciples apparently foresee what will happen to them at this November's election. That is why they now spend and spend, and borrow and spend some more, and move to plunge our country into war before the November election. The American people are awakening. There will be very few new dealers on this side of the aisle and in that cloakroom over there after the people speak this November. [Applause.]

The people will rise up on this November election day and drive the international money changers and Karl Marx disciples from the temple and citadel of our Federal Government.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. STEAGALL]?

Mr. SMITH of Ohio. Mr. Chairman, I object.

Mr. STEAGALL. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 129, noes 111.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SMITH of Ohio. Mr. Chairman, let us have the amendment read.

The CHAIRMAN. Without objection, the Clerk will read the Schafer amendment.

There was no objection.

The Clerk reread the Schafer amendment.

The CHAIRMAN (Mr. MURDOCK of Utah). The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The question was taken; and on a division (demanded by Mr. SMITH of Ohio and Mr. CHURCH) there were—ayes 85, noes 125.

So the amendment was rejected.

Mr. SMITH of Ohio. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SMITH of Ohio moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. SMITH of Ohio. Mr. Chairman, all the effort that is being made here to try to make us believe that one of the purposes of this lending program is not to buy up surpluses in South America and Mexico for the purpose of affecting commodity prices is ridiculous.

This is what Secretary Hull said at the Habana Conference in his address on the 22d of July:

> The creation of facilities for the temporary handling and orderly marketing of accumulated surpluses of those commodities which are of primary importance to the maintenance of the economic life of the American republics.

The amendment I have offered provides that no loans can be made for the purpose of buying up surplus commodities to affect prices in any way. You have Secretary Hull's statement here to the effect that they had in mind using it for that purpose.

One of the resolutions of the Habana pact reads in part as follows:

> To establish appropriate organizations for the distribution of a part of the surplus of any such commodity.

What else can that mean but that they expect to use this money for the purpose of buying up surpluses in South America and Mexico? As I said, my amendment would prohibit this.

The report of the Committee on Banking and Currency states that the purpose of this bill is—

> To assist in the development of the resources, the stabilizing of economies, and the orderly marketing of the products of the countries of the Western Hemisphere. The provision of such authority in the Export-Import Bank effectuates the request of the President's message of July 22 to the Congress.

What did the President say on July 22 to the Congress? In part he said:

> Removing some of the restrictions on the operation to the end that the Export-Import Bank may be of great assistance to our neighbors south of the Rio Grande, including financing the handling and orderly marketing of some part of the surpluses.

Let us consider this: The average annual exports by the 20 Latin American countries in 1926, 1927, 1928, and 1929 to the United States, United Kingdom, and France was about $2,800,000,000. The average in dollar value in 1938 and 1939 was about $1,800,000,000. This can be considered as the annual surplus that we might be expected to finance. I ask this Congress, Does this program contemplate buying up all those surpluses, $1,000,000,000 a year? It states, of course, only a part of those surpluses, but how much of those surpluses? Half? If so, that means $500,000,000 a year.

We have heard something on this floor about stabilizing the South American countries. You can read in the Encyclopaedia Britannica that Mexico has had about 300 revolutions in the last 125 or 150 years. Do you suppose this program will stabilize the revolutions of South America and Mexico. Why do you not pass a law to stabilize the emotions of the South American peoples? It would be just about as sensible.

All I say to you is that we should not launch this program and start buying up the surpluses of South America, with the experience we have had here. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio [Mr. SMITH].

The motion was rejected.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SMITH of Ohio: On page 2, line 12, after "nationals", insert "*Provided*, That no part of the funds made available for use under this act shall be used to purchase any surpluses in any country for the purpose of withholding them from the markets, or for the purpose of affecting any prices of commodities."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 88, noes 113.

So the amendment was rejected.

The Clerk read as follows:

> SEC. 2. Section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by adding at the end thereof the following new paragraph:
>
> "The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $1,500,000,000."

Mr. WOLCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WOLCOTT: On page 3, line 2, strike out "$1,500,000,000" and insert in lieu thereof "$1,000,000,000."

Mr. WOLCOTT. Mr. Chairman, I offer this amendment to be consistent with the action we have heretofore taken in trying to perfect this legislation. I believe I can speak for the entire minority when I say there is no objection, in fact, we are eager that the Reconstruction Finance Corporation be given ample authority to raise adequate money to carry out the provisions of section 5 (d) of the Reconstruction Finance Corporation Act in respect to national defense, much as some of those provisions might not be in keeping with democratic principles. For that reason, inasmuch as $1,000,000,000 of this $1,500,000,000 is for that purpose, we have no objection to that. I believe I can say that almost all the Members on this side of the aisle will be very glad to vote that authority to lend this money for at least most of the purposes expressed in section 5 (d). One of those purposes, however, I believe should be called to the attention of the Congress and of the people again. Earlier today I called attention to the authority which had been given to the executive branch in the Navy speed-up bill to take over the factories.

Along that same line, I want to call attention to certain provisions in section 5 (d) of the Reconstruction Finance Corporation Act, in which it says that when requested by the Federal Loan Administrator, with the approval of the President, the Corporation is authorized to create and organize a corporation or corporations with power to lease plants, to provide corporations to engage in such manufacture, and if the President finds that it is necessary for a Government agency to engage in such manufacture, to engage in such manufacture itself.

We must understand, of course, that a billion dollars of this money which we are authorizing today may be used by the Federal Government to engage in the manufacture of any article which the President thinks is necessary to our defense program.

I want to make a confession to the House and to the country in respect of this particular section which I have read. Following a hearing in the Banking and Currency Committee, Mr. Jesse Jones asked me how I felt toward the purchase of strategic materials by the Federal Government and I fell right in with it. I thought it was absolutely necessary and he asked me how I thought it could be done and it was I who suggested that we create a corporation, a subsidiary of the Reconstruction Finance Corporation, to which might be loaned money by the Reconstruction Finance Corporation to buy strategic materials, and they thought they would give consideration to it. The next day it came back to us—my suggestion to create a corporation to buy strategic and critical materials—in the form in which you wrote it into law recently and which I have just read, which gives the Reconstruction Finance Corporation authority to set up corporations to engage in competitive enterprise, to make furniture or woolen goods or anything else which it might see fit to do, so long as they were made as a part of the defense program. I am a little ashamed of the part which I had in that, but am consoled by the fact that the suggestion which I made was made honestly and sincerely and I did not know that my suggestion was going to be distorted as it was at the other end of the Avenue. So, merely to be consistent in our program in respect of national defense, but against the use of the taxpayers' money of this Nation to industrialize South America or to start the so-called cartel plan in South America, I offer this amendment to reduce the amount by $500,000,000.

Mr. STEAGALL. Mr. Chairman, when we passed the act which permitted the Reconstruction Finance Corporation to make loans to subsidiary corporations and to engage in other activities in promotion of the national defense program, we made no provision for additional borrowing power for the Reconstruction Finance Corporation to enable it to make such loans or to supply funds for such uses. At that time the Reconstruction Finance Corporation had approximately $1,000,000,000 available for loans. Under that act the Reconstruction Finance Corporation has loans and committals outstanding in excess of $700,000,000 which, when used, will leave something like $300,000,000 as the total amount of general funds of the Reconstruction Finance Corporation available for lending. The maturity of obligations owing to the Reconstruction Finance Corporation now are spread over a period of years, involving investments in bank stocks and debentures, loans secured by real estate and other obligations upon which collections are not coming in as rapidly as has been the case heretofore for the reason that many short-term loans have been liquidated.

So, if any new loans are to be made, as is expected and desired, the Reconstruction Finance Corporation will need all of the $300,000,000 and more to meet future requirements. It is also true that they have every reason to expect that they will need several hundred million dollars more in carrying out their responsibilities in aid of the national-defense program. So, if we limit the funds available for loans by the R. F. C. to $1,000,000,000 as proposed we will face a situation where the Corporation will have to abandon its general activities or be without funds enough to carry out the instructions of Congress in aiding the national-defense program. No funds will be available under those circumstances for carrying out the purposes of this bill. So this amendment would destroy the purpose of this legislation.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. BROWN of Georgia. Was not this amendment placed on the bill by the gentleman from New Jersey [Mr. KEAN], and unanimously passed?

Mr. STEAGALL. The amendment was offered by a minority member on the committee as a limitation and was unanimously adopted by the Banking and Currency Committee.

The adoption of the amendment now before us would make it impossible for the Reconstruction Finance Corporation to render the service as contemplated under this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That section 9 of the act approved January 31, 1935 (49 Stat. 4), as amended, is hereby amended by (a) striking out "June 30, 1941" and inserting in lieu thereof "January 22, 1947"; (b) deleting from the first proviso thereof the figure "$200,000,000" and inserting in lieu thereof the figure "$700,000,000"; and (c) striking out the second proviso thereof.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: Page 3, line 3, strike out all of section 3.

Mr. WOLCOTT. Mr. Chairman, our heads may be bowed, but we are still fighting.

I know it is getting very late and I know that many of you are getting very hungry and many of you have engagements, but, after all, there are certain well-defined issues involved in this legislation which I think probably are much more important to us and to our constituents than our pleasure for the evening.

We must have in mind that this bill delegates to an executive agency or to the executive branch of the Government the authority which is constitutionally vested in the Congress of the United States to formulate and effectuate the foreign policy of the United States. The President can undertake to formulate a foreign policy, but he cannot put it into effect without the sanction of Congress. Congress must always pass upon the President's acts in respect to foreign policy by the confirmation or rejection of the treaties which he enters into. That is the way foreign policies are evolved, the way they have their being, and the way they are maintained.

There is a great deal of doubt as to the constitutionality of this bill. Article I, section 8, of the Constitution authorizes the Congress "to lay and collect taxes to pay the debts and provide for the common defense and general welfare of the United States."

You understand the Constitution gives Congress the authority to lay taxes for very specific purposes—to pay debts and provide for the common defense and the general welfare of the United States. Now, it seems to me that it is stretching the Constitution almost to the breaking point to interpret this to mean that we, the Congress, can obligate the taxpayers to raise the necessary money in an attempt to stabilize the economic condition of any foreign country or any citizen or group of citizens of any foreign government. But even if we had this authority, which I doubt, because, of course, if we do not have the authority to lay and collect taxes for this purpose ourselves, then, ipso facto, we do not have the authority to delegate the power to do this to anyone else; but, even so, even if we did have the authority we should doubt the wisdom of it, especially when we realize that its potential effect will be to arm those countries against the United States. I want to reiterate that. One of the limitations which we have removed from this bill is that they may use this money for the purchase of arms, ammunitions, and implements of war. We should doubt the wisdom of initiating a policy of international surplus control that creates barriers against the exports of our own agricultural surpluses to the world markets. We should doubt the wisdom of industrializing foreign countries with our taxpayers' money with the result that we destroy our foreign markets for our manufactured products, thus adding to the millions of our unemployed.

Now, there is no ghost under the bed in respect to that statement; and we are not having hallucinations, because if we were we would ask a few more questions, possibly, as to why these limitations were taken off in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were ayes 84 and noes 120.

So the amendment was rejected.

Mr. WHITE of Idaho. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Idaho: Page 1, line 3, strike out all after the enacting clause and insert:

"That the President of the United States is hereby authorized and requested to call an international monetary conference of the representatives of the nations of the Western Hemisphere to meet one or more commissioners to be appointed by the President to represent the United States at a place and time appointed by the President, for the purpose of entering into an agreement to standardize the coinage of the nations of the Western Hemisphere, to regulate the weight, fineness, title, and form of their gold and silver coins, with the unlimited coinage and legal tender of both gold and silver at a ratio to be fixed by international agreement.

"SEC. 2. In order to carry out the provisions of this joint resolution there is hereby authorized to be appropriated not to exceed the sum of $100,000 out of any money in the Treasury not otherwise appropriated."

Mr. STEAGALL. Mr. Chairman, a point of order. I make the point of order that the amendment is in no sense germane to this bill or any section of the bill.

Mr. WHITE of Idaho. Will the gentleman withhold the point of order until I make my statement?

The CHAIRMAN. The gentleman from Alabama makes the point of order that the amendment is not germane to the section to which it is offered or to the bill.

Mr. WHITE of Idaho. I have asked the gentleman to withhold his point of order until I make my statement.

The CHAIRMAN. Does the gentleman reserve the point of order.

Mr. STEAGALL. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair is ready to rule. The Chair holds that the amendment is not germane to either the section or the bill. The point of order is sustained.

Mr. WHITE of Idaho. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WHITE of Idaho. Mr. Chairman and members of the Committee, the purpose of the administration to improve our business relations with the South American countries and increase our foreign trade is desirable and of paramount importance to our national welfare. Unfortunately the plan proposed in this bill is adverse to our best interest. By the simple mechanics of the plan embodied in this bill we will further absorb the investment capital in this country to finance the business of foreign, and in some cases, our business competitors.

The funds that it is proposed to lend under this act will be raised by the sale of R. F. C. bonds to the United States Treasury which in turn will borrow the money by the sale of tax-exempt securities, making a further drain on the available investment capital in this country.

Mr. Chairman, what business needs in this country and in South America is cash—money with which to finance both domestic and international business transactions. If we are in earnest in our efforts to improve our business relations with our neighbors in South America we must take advantage of the great opportunity that we have at this time to unite the countries of the Western Hemisphere in a monetary convention that will standardize and make interchangeable their monetary units among the several nations. This is no new idea, the plan has been tested and proven under the monetary convention of nations comprising the so-called Latin Union when France, Belgium, Italy, and Switzerland standardized their money and made it interchangeable among the countries subscribing to the monetary convention. Our Congress recognized the paramount importance of the stabilization of international exchange by the standardization of the monetary units of the several countries, and in an effort to secure the adoption of this plan wrote into our law section 311 of the United States Code:

> It is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

This is the provision of law that established and maintained the present value of our monetary unit—the dollar. How easy it would be now in this period of uncertainty and strained international relations to place our country and its monetary system in a leading position with the countries of South America by standardizing our coinage with theirs under the plan that was tried, tested, and proven by the nations of the Latin Union. In this hour of international need let us put into operation the plan that was proposed by the Congress and preserved in our statute books waiting for the great opportunity that has come to us and the people of the western world. Let us unite with the nations of the Western Hemisphere in devising and establishing a good, workable monetary system that will eliminate the inequalities of international exchange and remove the financial barriers to international trade and promote the prosperity of our country and our neighbors in South America.

Mr. SIMPSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SIMPSON: Page 3, line 9, strike out the period and insert "*Provided further*, That the Export-Import Bank shall make no loans for the purpose of financing exports until or unless the applicant shall give satisfactory evidence of inability to finance such enterprise through ordinary banking channels."

Mr. SIMPSON. Mr. Chairman, I suggest that two things in our country today are self-evident: First, that our national debt, both direct and contingent, is extremely high; second, that our banks are filled with vast amounts of money which have been placed there by American citizens for the purpose of earning interest or other return. When the United States Government, through its own corporation, competes with its citizens' money placed in private banks for investment, by loaning Government funds, it thereby both increases the Nation's debt and lessens the earnings of private business. It taxes the individual citizen and uses his money to compete with him.

I suggest further that when money is available it should first of all come from private banks to those persons who want to export to foreign countries. If you will examine the testimony and find the list of great corporations that have secured money in recent years from the Export-Import Bank you will find that in the vast majority of cases they are corporations of great size within the United States, corporations which would have no difficulty whatever in going to the large banks of New York City and elsewhere and securing the money necessary for the conduct of their export business. Consequently, I suggest that those of us who are interested in the bettering of private business should require as this amendment provides that before a corporation engaged in exporting and requiring loans for its export business can ship its goods from our country, it must first of all, in order to secure money from the Export-Import Bank, provide satisfactory evidence that it has endeavored unsuccessfully to secure the money necessary from private banks. I believe everyone who is interested in keeping our national debt as low as possible and the betterment of our private banking business should support this amendment. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. MILLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MILLER: On page 3, following line 9, insert a new section, as follows:
> "SEC. 4. No provision of this act shall be construed to authorize loans to any government or central bank thereof which loan would otherwise be prohibited by the Neutrality Act."

The CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. MILLER. Mr. Chairman, I promise I will not take the 5 minutes. I said all I had to say on the subject during general debate, but in case some Members were not on the floor I want to repeat simply that this amendment was brought up in the committee in the closing minutes of the hearing at a time when the committee was anxious to respond to a call of the House.

Mr. Jones stated he had no opposition to the amendment, that in fact he favored it. He stated he would not make a loan in violation of the Neutrality Act. I believe that is true, but I believe we should write our legislation not because of certain men who will administer it, in whom we have a lot of confidence, but as we want it written. If at some future time Congress thinks, or even if Congress feels now that we should make loans to Canada, for example, and Canada is a belligerent nation, then by all means let us deal with that problem as a separate one and not mix it up with the Export-Import Bank bill.

I hope the chairman of the committee can see his way clear to accept the amendment and save the time of the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. MILLER].

The amendment was rejected.

Mr. CRAWFORD. Mr. Chairman, I move to strike out the last word.

### WE MUST IMPLEMENT THE MONROE DOCTRINE

Mr. Chairman, we now face the proposition of implementing the Monroe Doctrine and realistically applying it to the West-

ern Hemisphere. When we look to Asia we see over a billion people, half of the population of the world. When we look to Europe we see 400,000,000 people. And suspended between those two continents we find the Western Hemisphere with its great productive capacity and its goods "on hand." As I tried to point out a while ago, this approach, when we make it, whether it is now or at some future date, will be made along three roads—economic, political, and military.

My friends from Pennsylvania and New York raised the question about individual penetration into Latin America. We know their governments are unstable and we know that our individual citizens will not go to those countries unaided by the Federal Government. I have been debating this bill with myself trying to find out in my own mind what is the proper approach to this hemispherical defense program which this country is certainly going to prosecute, in one form or another.

We know that the Latin American countries are peculiarly subject to political and military domination, once economic penetration is effected. There is no escape from that. My friends from Pennsylvania and New York and myself agree that our individual citizens and our individual manufacturing companies and corporations should proceed, but I think we know and I think we agree that they will not proceed alone in the face of past history. We have our historical performance since the enactment of the Webb-Pomerene Act in 1918. It did not prove efficacious. Our manufacturers have not made use of its exemptions. We must have their cooperation in this new program, otherwise it will fail. Why cannot our Government and industry coordinate their joint powers and do a constructive job? I call your attention to my questions printed in the hearings. We went to Latin America and imposed upon them loans which they did not want, which they could not pay, and which we made on an exploitation basis against all common sense and principles of fair play. We prepared the ground for defaults. This situation, as I understand it, does not so impose loans. Certainly they have defaulted and they may default again, if we again act so unfairly and so destructively.

This country, as I comprehend it, moves toward liberalism in the hemisphere of human relationship and I believe we realize that for our own good and for the good of others we will have to assume leadership in the rehabilitation of the Western Hemisphere, to say the least, if not the whole world. I think we may be expected to pursue a liberal policy in international, commercial, and financial relations and that will mean a more extensive economic intercourse between nations, certainly between the Western Hemisphere countries. To me this proposal is the opening wedge in that advanced step and, as I said before, I regret it does not go further and better implement our Monroe Doctrine. I am inclined to believe that with the positions that have been taken here today by the Members, the bill will not be effective and will not move in this direction to any gerat extent or with any material consequence.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman said he regrets the bill does not go further.

Mr. CRAWFORD. Economically, politically, and militarily.

Mr. CASE of South Dakota. I think everyone is concerned with this problem of improving our relations with Latin American countries. But there are two questions that arise in connection with this bill in my mind. The first is, What guaranty can we have that if we industrialize Latin America the industrialization will not proceed for the benefit of countries that may be potential enemies of the United States?

Mr. CRAWFORD. There is no way you can get that guaranty, and under the free, competitive system upon which this country was founded and has progressed, we have no right to ask for such guaranty. Our whole approach and our institutions have been based on the principle of free enterprise and open markets, taking competition wherever it may come from. Artificially controlled markets are repulsive to us.

Mr. CASE of South Dakota. The second question is, Does the gentleman think, then, than we should offer to market or to absorb these products if we are going to finance them, or are they to be thrown upon the market for the possible benefit of potential enemies?

Mr. CRAWFORD. In no way have I indicated that I wanted any of these competitive products to come to the United States. I am opposed to that directional flow of these competitive goods grown in Latin America. There is no sense in just trading away the buying power of our agriculturists for that of foodstuff producers in Latin America. I stated that a research, as best I could make in the short time available, convinced me that there is nothing in this bill which would make those goods competitive with ours, flow this way to destroy our own farmers' markets in the United States. The Loan Administrator, categorically answering a question which I submitted to him, said—see page 116 of the hearings:

> But no such loans would be made if, in the opinion of the directors of the bank, it would be harmful to our own nationals, and particularly to agricultural and livestock industries.

We Members are sufficiently intelligent to know that such a course, if followed by a party in power, would prove to be political suicide. Mr. Jones and his associate directors of the bank would not dare do such a thing, or follow such a program.

INDUSTRIAL HAVE-NOT COUNTRIES STARVE

Western Hemisphere productive capacity, now lying dormant, plus the goods now on hand, must eventually be utilized to feed hungry people. For 6 years I have aggressively opposed the piling up, in peacetime, goods which a hungry world wanted. Now we are engaged in the prosecution of a war. Theoretically we are not active participants, and we like to say to ourselves that we will just sit on the side lines and watch the world go by. But, realistically, every ounce of our energy, our productive capacity, our monetary strength, and economic power is being surely and relentlessly channeled toward the winning of the war by a certain participant. We have voted billions of dollars; we are about to tremendously increase our standing Army and Navy. We know very well that we do this because we are opposed to the progress of another participant. We do these things under the name of national defense. We participate in the blockade, and for a very definite reason. It is now up to us to either lead in the Western Hemisphere or surrender the area to some other dominating power. Latin America is the coming great battlefield of the world—in trade. It may be a military battlefield for us, unless we see that peace is there maintained. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURDOCK of Utah, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, pursuant to House Resolution 570, he reported the same back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. WOLCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WOLCOTT. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WOLCOTT moves to recommit the bill to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendment: Strike out all of sections 1 and 3, and "$1,500,000,000" in line 2 on page 3, and insert in lieu thereof "$1,000,000,000."

The SPEAKER. The question is on the motion to recommit.

Mr. WOLCOTT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 185, not voting 105, as follows:

[Roll No. 193]

YEAS—140

| | | | |
|---|---|---|---|
| Alexander | Englebright | Johnson, Ind. | Rogers, Mass. |
| Allen, Ill. | Fenton | Jones, Ohio | Routzohn |
| Andersen, H. Carl | Gamble | Jonkman | Rutherford |
| Anderson, Calif. | Gartner | Kean | Ryan |
| Andresen, A. H. | Gearhart | Keefe | Sandager |
| Andrews | Gehrmann | Kinzer | Schafer, Wis. |
| Angell | Gerlach | Knutson | Schiffler |
| Arends | Gifford | Landis | Seger |
| Austin | Gilchrist | LeCompte | Simpson |
| Barton, N. Y. | Gillie | Lewis, Ohio | Smith, Maine |
| Bender | Goodwin | McGregor | Smith, Ohio |
| Bolles | Graham | McLean | Springer |
| Bolton | Grant, Ind. | McLeod | Stearns, N. H. |
| Bradley, Mich. | Gross | Maas | Stefan |
| Brown, Ohio | Guyer, Kans. | Marshall | Sumner, Ill. |
| Buckler, Minn. | Gwynne | Martin, Iowa | Sweeney |
| Carlson | Hall, Edwin A. | Martin, Mass. | Sweet |
| Carter | Hall, Leonard W. | Mason | Taber |
| Case, S. Dak. | Hancock | Michener | Talle |
| Chiperfield | Harness | Miller | Thill |
| Church | Harter, N. Y. | Monkiewicz | Thorkelson |
| Clason | Hartley | Mott | Tibbott |
| Clevenger | Hawks | Mundt | Tinkham |
| Coffee, Nebr. | Hess | Murray | Treadway |
| Cole, N. Y. | Hinshaw | O'Brien | Van Zandt |
| Corbett | Hoffman | O'Connor | Vorys, Ohio |
| Cox | Holmes | Oliver | Wadsworth |
| Crowther | Hope | Pittenger | Wheat |
| Culkin | Horton | Polk | Wigglesworth |
| Ditter | Hull | Powers | Winter |
| Dworshak | Jenkins, Ohio | Reed, Ill. | Wolcott |
| Eaton | Jenks, N. H. | Reed, N. Y. | Wolfenden, Pa. |
| Edmiston | Jennings | Rees, Kans. | Wolverton, N. J. |
| Elston | Jensen | Rich | Woodruff, Mich. |
| Engel | Johnson, Ill. | Robsion, Ky. | Youngdahl |

NAYS—185

| | | | |
|---|---|---|---|
| Allen, La. | Disney | Kilday | Rabaut |
| Anderson, Mo. | Doughton | Kirwan | Ramspeck |
| Barden, N. C. | Doxey | Kitchens | Rankin |
| Barnes | Duncan | Kramer | Rayburn |
| Bates, Ky. | Dunn | Kunkel | Robertson |
| Beckworth | Durham | Lanham | Robinson, Utah |
| Bell | Edelstein | Larrabee | Rogers, Okla. |
| Bland | Elliott | Lea | Sasscer |
| Bloom | Ellis | Lesinski | Satterfield |
| Boehne | Fay | Lewis, Colo. | Schwert |
| Boland | Flaherty | Luce | Shanley |
| Boren | Flannagan | Ludlow | Shannon |
| Boykin | Flannery | Lynch | Sheppard |
| Brooks | Folger | McAndrews | Smith, Conn. |
| Brown, Ga. | Ford, Thomas F. | McCormack | Smith, Ill. |
| Bryson | Fries | McGehee | Smith, Va. |
| Burch | Fulmer | McGranery | Smith, Wash. |
| Burdick | Gathings | McKeough | Smith, W. Va. |
| Byrne, N. Y. | Geyer, Calif. | McLaughlin | Snyder |
| Byrns, Tenn. | Gore | McMillan, Clara | Somers, N. Y. |
| Camp | Gossett | Maciejewski | South |
| Cannon, Fla. | Gregory | Magnuson | Spence |
| Cannon, Mo. | Griffith | Mahon | Starnes, Ala. |
| Cartwright | Hare | Maloney | Steagall |
| Casey, Mass. | Hart | Massingale | Sumners, Tex. |
| Clark | Harter, Ohio | May | Sutphin |
| Claypool | Havenner | Mills, Ark. | Tarver |
| Cochran | Healey | Mills, La. | Tenerowicz |
| Coffee, Wash. | Hendricks | Monroney | Terry |
| Cole, Md. | Hennings | Moser | Thomas, Tex. |
| Colmer | Hill | Mouton | Thomason |
| Connery | Hobbs | Murdock, Ariz. | Vincent, Ky. |
| Cooper | Houston | Murdock, Utah | Vinson, Ga. |
| Costello | Hunter | Myers | Voorhis, Calif. |
| Courtney | Izac | Nelson | Walter |
| Cravens | Jacobsen | Nichols | Ward |
| Crawford | Johnson, Luther A. | Norrell | Weaver |
| Creal | Johnson, Lyndon | Norton | West |
| Crosser | Johnson, Okla. | O'Neal | Whelchel |
| Crowe | Johnson, W. Va. | Pace | White, Idaho |
| Cullen | Jones, Tex. | Patman | Whittington |
| D'Alesandro | Kee | Patrick | Williams, Mo. |
| Darden, Va. | Kefauver | Patton | Wood |
| Davis | Kennedy, Md. | Pearson | Woodrum, Va. |
| Delaney | Kennedy, Michael | Peterson, Fla. | |
| Dickstein | Keogh | Pierce | |
| Dingell | Kerr | Poage | |

NOT VOTING—105

| | | | |
|---|---|---|---|
| Allen, Pa. | Dondero | Kleberg | Romjue |
| Arnold | Douglas | Kocialkowski | Sabath |
| Ball | Drewry | Lambertson | Sacks |
| Barry | Eberharter | Leavy | Schaefer, Ill. |
| Bates, Mass. | Evans | Lemke | Schuetz |
| Beam | Faddis | McArdle | Schulte |
| Blackney | Ferguson | McDowell | Scrugham |
| Bradley, Pa. | Fernandez | McMillan, John L. | Seccombe |
| Brewster | Fish | Mansfield | Secrest |
| Buck | Fitzpatrick | Marcantonio | Shafer, Mich. |
| Buckley, N. Y. | Ford, Leland M. | Martin, Ill. | Sheridan |
| Bulwinkle | Ford, Miss. | Merritt | Short |
| Burgin | Garrett | Mitchell | Sparkman |
| Byron | Gavagan | O'Day | Sullivan |
| Caldwell | Grant, Ala. | O'Leary | Taylor |
| Celler | Green | Osmers | Thomas, N. J. |
| Chapman | Halleck | O'Toole | Tolan |
| Cluett | Harrington | Parsons | Vreeland |
| Collins | Hook | Peterson, Ga. | Wallgren |
| Cooley | Jarman | Pfeifer | Warren |
| Cummings | Jarrett | Plumley | Welch |
| Curtis | Jeffries | Randolph | White, Ohio |
| Darrow | Johns | Reece, Tenn. | Williams, Del. |
| Dempsey | Keller | Richards | Zimmerman |
| DeRouen | Kelly | Risk | |
| Dies | Kennedy, Martin | Rockefeller | |
| Dirksen | Kilburn | Rodgers, Pa. | |

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Dirksen (for) with Mr. Cooley (against).
Mr. Dondero (for) with Mr. O'Leary (against).
Mr. Kilburn (for) with Mr. Secrest (against).
Mr. Ball (for) with Mr. Martin of Illinois (against).
Mr. Osmers (for) with Mr. Randolph (against).
Mr. Reece of Tennessee (for) with Mrs. O'Day (against).
Mr. Rockefeller (for) with Mr. Warren (against).
Mr. Short (for) with Mr. Ferguson (against).
Mr. Williams of Delaware (for) with Mr. Pfeifer (against).
Mr Blackney (for) with Mr. Sparkman (against).
Mr. Johns (for) with Mr. Gavagan (against).
Mr. Douglas (for) with Mr. Eberharter (against).
Mr. Seccombe (for) with Mr. Martin J. Kennedy (against).
Mr. Cluett (for) with Mr. Sacks (against).
Mr. Arnold (for) with Mr. O'Toole (against).
Mr. Shafer of Michigan (for) with Mr. Sabath (against).
Mr. Thomas of New Jersey (for) with Mr. Barry (against).
Mr. Curtis (for) with Mr. Hook (against).
Mr. Bates of Massachusetts (for) with Mr. Harrington (against).
Mr. Halleck (for) with Mr. Bulwinkle (against).
Mr. Lambertson (for) with Mr. Celler (against).
Mr. Jeffries (for) with Mr. Merritt (against).

General pairs:

Mr. Ford of Mississippi with Mr. Brewster.
Mr. Mansfield with Mr. Jarrett.
Mr. Sullivan with Mr. Risk.
Mr. Beam with Mr. Vreeland.
Mr. Kelly with Mr. Darrow.
Mr. Richards with Mr. McDowell.
Mr. Schaefer of Illinois with Mr. White of Ohio.
Mr. Buck with Mr. Fish.
Mr. Garrett with Mr. Welch.
Mr. Dempsey with Mr. Plumley.
Mr John L. McMillan with Mr. Lemke.
Mr. Burgin with Mr. Rodgers of Pennsylvania.
Mr. Drewry with Mr. Leland M. Ford.
Mr. Parsons with Mr. Marcantonio.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PATMAN). The question is on the passage of the bill.

Mr. STEAGALL. Mr. Speaker, I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 144, not voting 103, as follows:

[Roll No. 194]

YEAS—183

| | | | |
|---|---|---|---|
| Allen, La. | Camp | Cullen | Folger |
| Anderson, Mo. | Cannon, Fla. | D'Alesandro | Ford, Thomas F. |
| Barden, N. C. | Cannon, Mo. | Darden, Va. | Fries |
| Barnes | Cartwright | Davis | Fulmer |
| Bates, Ky. | Casey, Mass. | Delaney | Gathings |
| Beckworth | Clark | Dickstein | Geyer, Calif. |
| Bell | Claypool | Dingell | Gore |
| Bland | Cochran | Disney | Gossett |
| Bloom | Coffee, Wash. | Doughton | Gregory |
| Boehne | Cole, Md. | Doxey | Griffith |
| Boland | Colmer | Duncan | Hare |
| Boren | Connery | Dunn | Hart |
| Boykin | Cooper | Durham | Harter, Ohio |
| Brooks | Costello | Edelstein | Havenner |
| Brown, Ga. | Courtney | Elliott | Healey |
| Bryson | Cravens | Ellis | Hendricks |
| Burch | Crawford | Fay | Hennings |
| Burdick | Creal | Flaherty | Hill |
| Byrne, N. Y. | Crosser | Flannagan | Hobbs |
| Byrns, Tenn. | Crowe | Flannery | Houston |

| | | | |
|---|---|---|---|
| Hunter | Luce | Pace | Somers, N. Y. |
| Izac | Ludlow | Patman | South |
| Jacobsen | Lynch | Patrick | Spence |
| Johnson, Luther A. | McAndrews | Patton | Starnes, Ala. |
| Johnson, Lyndon | McCormack | Pearson | Steagall |
| Johnson, Okla. | McGranery | Peterson, Fla. | Sumners, Tex. |
| Johnson, W. Va. | McKeough | Pierce | Sutphin |
| Jones, Tex. | McLaughlin | Poage | Tarver |
| Kee | McMillan, Clara | Rabaut | Tenerowicz |
| Kefauver | Maciejewski | Ramspeck | Terry |
| Kennedy, Md. | Magnuson | Rankin | Thomas, Tex. |
| Kennedy, Michael | Mahon | Rayburn | Thomason |
| Keogh | Maloney | Robertson | Vincent, Ky. |
| Kerr | Massingale | Robinson, Utah | Vinson, Ga. |
| Kilday | May | Rogers, Okla. | Voorhis, Calif. |
| Kirwan | Mills, Ark. | Sasscer | Walter |
| Kitchens | Mills, La. | Satterfield | Ward |
| Kocialkowski | Monroney | Schwert | Weaver |
| Kramer | Mouton | Shanley | West |
| Kunkel | Murdock, Ariz. | Shannon | Whelchel |
| Lanham | Murdock, Utah | Sheppard | Whittington |
| Larrabee | Myers | Smith, Conn. | Williams, Mo. |
| Lea | Nelson | Smith, Ill. | Wood |
| Leavy | Norrell | Smith, Va. | Woodrum, Va. |
| Lesinski | Norton | Smith, Wash. | Zimmerman |
| Lewis, Colo. | O'Neal | Snyder | |

NAYS—144

| | | | |
|---|---|---|---|
| Alexander | Fenton | Jonkman | Robsion, Ky. |
| Allen, Ill. | Gamble | Kean | Rogers, Mass. |
| Andersen, H. Carl | Gartner | Keefe | Routzohn |
| Anderson, Calif. | Gearhart | Kinzer | Rutherford |
| Andresen, A. H. | Gehrmann | Knutson | Ryan |
| Andrews | Gerlach | Lambertson | Sandager |
| Angell | Gifford | Landis | Schafer, Wis. |
| Arends | Gilchrist | LeCompte | Schiffler |
| Austin | Gillie | Lewis, Ohio | Seger |
| Barton, N. Y. | Goodwin | McGehee | Simpson |
| Bender | Graham | McGregor | Smith, Maine |
| Bolles | Grant, Ind. | McLean | Smith, Ohio |
| Bolton | Gross | McLeod | Springer |
| Bradley, Mich. | Guyer, Kans. | Maas | Stearns, N. H. |
| Brown, Ohio | Gwynne | Marshall | Stefan |
| Buckler, Minn. | Hall, Edwin A. | Martin, Iowa | Sumner, Ill. |
| Carlson | Hall, Leonard W. | Martin, Mass. | Sweeney |
| Carter | Hancock | Mason | Sweet |
| Case, S. Dak. | Harness | Michener | Taber |
| Chiperfield | Harter, N. Y. | Miller | Talle |
| Church | Hartley | Monkiewicz | Thill |
| Clason | Hawks | Moser | Thorkelson |
| Clevenger | Hess | Mott | Tibbott |
| Coffee, Nebr. | Hinshaw | Mundt | Tinkham |
| Cole, N. Y. | Hoffman | Murray | Treadway |
| Corbett | Holmes | Nichols | Van Zandt |
| Cox | Hope | O'Brien | Vorys, Ohio |
| Crowther | Horton | O'Connor | Wadsworth |
| Culkin | Hull | Oliver | White, Idaho |
| Ditter | Jenkins, Ohio | Pittenger | Wigglesworth |
| Dworshak | Jenks, N. H. | Polk | Winter |
| Eaton | Jennings | Powers | Wolcott |
| Edmiston | Jensen | Reed, Ill. | Wolfenden, Pa. |
| Elston | Johnson, Ill. | Reed, N. Y. | Wolverton, N. J. |
| Engel | Johnson, Ind. | Rees, Kans. | Woodruff, Mich. |
| Englebright | Jones, Ohio | Rich | Youngdahl |

NOT VOTING—103

| | | | |
|---|---|---|---|
| Allen, Pa. | Dirksen | Kennedy, Martin | Romjue |
| Arnold | Dondero | Kilburn | Sabath |
| Ball | Douglas | Kleberg | Sacks |
| Barry | Drewry | Lemke | Schaefer, Ill. |
| Bates, Mass. | Eberharter | McArdle | Schuetz |
| Beam | Evans | McDowell | Schulte |
| Blackney | Faddis | McMillan, John L. | Scrugham |
| Bradley, Pa. | Ferguson | Mansfield | Seccombe |
| Brewster | Fernandez | Marcantonio | Secrest |
| Buck | Fish | Martin, Ill. | Shafer, Mich. |
| Buckley, N. Y. | Fitzpatrick | Merritt | Sheridan |
| Bulwinkle | Ford, Leland M. | Mitchell | Short |
| Burgin | Ford, Miss. | O'Day | Smith, W. Va. |
| Byron | Garrett | O'Leary | Sparkman |
| Caldwell | Gavagan | Osmers | Sullivan |
| Celler | Grant, Ala. | O'Toole | Taylor |
| Chapman | Green | Parsons | Thomas, N. J. |
| Cluett | Halleck | Peterson, Ga. | Tolan |
| Collins | Harrington | Pfeifer | Vreeland |
| Cooley | Hook | Plumley | Wallgren |
| Cummings | Jarman | Randolph | Warren |
| Curtis | Jarrett | Reece, Tenn. | Welch |
| Darrow | Jeffries | Richards | Wheat |
| Dempsey | Johns | Risk | White, Ohio |
| DeRouen | Keller | Rockefeller | Williams, Del. |
| Dies | Kelly | Rodgers, Pa. | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Cooley (for) with Mr. Dirksen (against).
Mr. O'Leary (for) with Mr. Dondero (against).
Mr. Secrest (for) with Mr. Kilburn (against).
Mr. Martin of Illinois (for) with Mr. Ball (against).
Mr. Randolph (for) with Mr. Osmers (against).
Mrs. O'Day (for) with Mr. Reece of Tennessee (against).
Mr. Warren (for) with Mr. Rockefeller (against).
Mr. Ferguson (for) with Mr. Short (against).
Mr. Pfeifer (for) with Mr. Williams of Delaware (against).
Mr. Sparkman (for) with Mr. Blackney (against).
Mr. Gavagan (for) with Mr. Johns (against).
Mr. Eberharter (for) with Mr. Douglas (against).
Mr. Martin J. Kennedy (for) with Mr. Seccombe (against).
Mr. Sacks (for) with Mr. Cluett (against).
Mr. O'Toole (for) with Mr. Arnold (against).
Mr. Sabath (for) with Mr. Shafer of Michigan (against).
Mr. Barry (for) with Mr. Thomas of New Jersey (against).
Mr. Hook (for) with Mr. Curtis (against).
Mr. Harrington (for) with Mr. Bates of Massachusetts (against).
Mr. Bulwinkle (for) with Mr Halleck (against).
Mr. Celler (for) with Mr. Lambertson (against).
Mr. Merritt (for) with Mr. Jeffries (against).

General pairs:

Mr. Ford of Mississippi with Mr. Brewster.
Mr. Mansfield with Mr. Jarrett.
Mr. Sullivan with Mr. Risk.
Mr. Beam with Mr. Vreeland.
Mr. Kelly with Mr. Darrow.
Mr. Richards with Mr. McDowell.
Mr Schaefer of Illinois with Mr. White of Ohio.
Mr. Buck with Mr. Fish.
Mr. Garrett with Mr. Welch.
Mr. Dempsey with Mr. Plumley.
Mr. John L. McMillan with Mr. Lemke.
Mr. Burgin with Mr. Rodgers of Pennsylvania.
Mr. Drewry with Mr. Leland M. Ford.
Mr. Parsons with Mr. Marcantonio.
Mr. Dies with Mr. Wheat.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BATES of Massachusetts (at the request of Mr. WIGGLESWORTH), indefinitely, on account of serious illness in his family.

### SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous special order, the gentleman from Alabama [Mr. PATRICK] is recognized for 10 minutes.

Mr. PATRICK. Mr. Speaker, of course, I appreciate the fact that the whole House is staying here to hear my address this evening. It is really patriotic, as I see that it is now 7:17. However, if I may be granted unanimous consent, I shall make my 10-minute address next Monday after all the other business has been attended to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein editorials from the Cleveland Plain Dealer and the Baltimore Sun.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

### PERMISSION TO ADDRESS THE HOUSE

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

### EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from The Leader of San Francisco, Calif., by Lillian Scott Troy. Mr. Speaker, this is a little over the two and a half pages, but I have an estimate from the Public Printer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an Anglo-American Prize Essay by Oliver Burgess

Meredith, and also an address by Nicholas Murray Butler, entitled "The Need for Action."

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes; and

H. R. 10141. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2758. An act for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency; and

S. 3400. An act for the relief of Capt. Robert W. Evans.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 9751. An act for the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p. m. the House adjourned until tomorrow, Thursday, August 22, 1940, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 574. Resolution for the consideration of H. R. 10339, a bill to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes; without amendment (Rept. No. 2875). Referred to the House Calendar.

## CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9695) for the relief of Alexander Edward Metz, and the same was referred to the Committee on Naval Affairs.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAY:

H. R. 10390. A bill providing additional pay for aides to the President of the United States, and for other purposes; to the Committee on Military Affairs.

H. R. 10391. A bill to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; to the Committee on Military Affairs.

By Mr. LEA:

H. R. 10392. A bill to amend part II of the Interstate Commerce Act (the Motor Carrier Act, 1935), as amended, so as to make certain provisions thereof applicable to freight forwarders; to the Committee on Interstate and Foreign Commerce.

By Mr. COFFEE of Washington:

H. Res. 575. Resolution to inquire into the enforcement of antitrust laws; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGIN:

H. R. 10393. A bill granting a pension to Clarence Clyde Cope; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL:

H. R. 10394. A bill for the relief of James E. Butcher; to the Committee on Claims.

By Mr. KELLER:

H. R. 10395. A bill to record the lawful admission for permanent residence by Rudolf Michl; to the Committee on Immigration and Naturalization.

By Mr. LESINSKI:

H. R. 10396. A bill to repeal the provision of law granting a pension to Elizabeth Lively; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9205. By Mr. DELANEY: Petition of the Lithuanian Information Service, in reference to the present situation in Lithuania; to the Committee on Foreign Affairs.

9206. By Mr. GREGORY: Petition of Owen R. Green, commander, Chief Paduke Post, No. 31, American Legion, Paducah, Ky., requesting immediate passage of Compulsory Mil tary Training Act; immediate introduction and passage of legislation for release of 50 United States naval destroyers to England, as many fighting and bombing planes as possible, and all other material aid possible for defense of England; to the Committee on Military Affairs.

9207. By Mr. HART: Petition of Lodge No. 678, International Association of Machinists, Weehawken, N. J., endorsing the conscription bill; to the Committee on Military Affairs.

9208. Also, petition of the New Jersey Congress of Industrial Organizations, opposing the Burke-Wadsworth conscription bill; to the Committee on Military Affairs.

9209. Also, memorial of the Jersey City and Hoboken (N. J.) Junior Chambers of Commerce, favoring compulsory military training; to the Committee on Military Affairs.

9210. By Mr. HINSHAW: Petition of Nona Tubbs, of Pasadena, Calif., and containing the signatures of 60 other residents of the Eleventh Congressional District of California, urging Congress to consider changes in House bill 5620, the proposed General Welfare Act; to the Committee on Ways and Means.

9211. By Mr. LUTHER A. JOHNSON: Petition of A. G. Elliott, of Corsicana, Tex., opposing Senate bill 1318; to the Committee on Banking and Currency.

# SENATE

## THURSDAY, AUGUST 22, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, the protector of all that trust in Thee, without whom nothing is strong, nothing is holy: Increase and multiply upon us Thy mercy; that, Thou being our ruler and guide, we may so pass through things temporal, that we finally lose not the things eternal. Through Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Wednesday, August 21, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | La Follette | Schwartz |
| Andrews | Donahey | Lee | Schwellenbach |
| Ashurst | Downey | Lodge | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Stewart |
| Barbour | Gibson | McNary | Taft |
| Barkley | Gillette | Maloney | Thomas, Idaho |
| Bone | Glass | Mead | Thomas, Okla. |
| Bridges | Green | Miller | Thomas, Utah |
| Brown | Guffey | Minton | Tobey |
| Bulow | Gurney | Murray | Townsend |
| Burke | Hale | Neely | Truman |
| Byrd | Harrison | Norris | Tydings |
| Byrnes | Hatch | Nye | Vandenberg |
| Capper | Hayden | O'Mahoney | Van Nuys |
| Caraway | Herring | Overton | Wagner |
| Chandler | Hill | Pepper | Walsh |
| Chavez | Holt | Pittman | Wheeler |
| Clark, Idaho | Hughes | Radcliffe | White |
| Clark, Mo. | Johnson, Calif. | Reed | Wiley |
| Connally | Johnson, Colo. | Reynolds | |
| Danaher | King | Russell | |

Mr. MINTON. I announce that the Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard and is therefore necessarily absent.

The Senator from Mississippi [Mr. BILBO], the Senator from New Jersey [Mr. SMATHERS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. FRAZIER] and the Senator from Oregon [Mr. HOLMAN] are absent on official business.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

LUKE A. WESTENBERGER

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 419) for the relief of Luke A. Westenberger, which was, on page 2, line 3, after the word "Administration", to insert a comma and "notwithstanding the date of his alleged injury."

Mr. GUFFEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TRANSFER OF BOOKS IN LIBRARY OF CONGRESS TO BEAUFORT (S. C.) LIBRARY

Mr. BYRNES. Mr. President, there is on the desk House bill No. 10004. It is similar to a bill reported by the Library Committee of the Senate, which was passed by the Senate with an amendment. I ask unanimous consent for the present consideration of the House bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none.

The bill (H. R. 10004) to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C., was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.*, That in order to replace the books taken in 1862 by the order of an officer of the United States from the library of the Beaufort Library Society of Beaufort, S. C., which books were subsequently destroyed by a fire in the Smithsonian Institution where they had been stored for safekeeping pending the termination of the War between the States, the Librarian of the Library of Congress is authorized and directed to transfer to the Beaufort Library of Beaufort, S. C., books of the same value as those which were so taken and destroyed. The books transferred under the provisions of this act shall be from duplicates owned by the Library of Congress and shall not exceed in value, in the aggregate, the value of the books so taken and destroyed, such values to be fixed by the Librarian of the Library of Congress.

The bill was considered, ordered to a third reading, read the third time, and passed.

RESOLUTION OF EIGHTH DISTRICT, DEPARTMENT OF WISCONSIN, VETERANS OF FOREIGN WARS

Mr. LA FOLLETTE presented a resolution adopted at Oconto, Wis., by the Eighth District, Department of Wisconsin, Veterans of Foreign Wars of the United States, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas there is before the Congress of the United States a conscription bill known as the Burke-Wadsworth bill, which conscripts manpower and not wealth, and is not in conformity with the policy of resolutions as adopted by the national conventions of the veterans' organizations: Therefore be it

*Resolved*, That the Eighth District, Department of Wisconsin of the Veterans of Foreign Wars of the United States, go on record to instruct its Congressman and the two United States Senators that we favor a preparedness program in conformity with all veterans organization recommendations; be it further

*Resolved*, That a copy of this resolution be sent to Congressman JOHNS and Senators LA FOLLETTE and WILEY.

Adopted at a conference assembled at Oconto, Wis., this 18th day of August 1940.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 9898) to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes, reported it without amendment and submitted a report (No. 2032) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 4250) conferring jurisdiction upon the United States District Court for the Western District of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co., reported it without amendment and submitted a report (No. 2033) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 21, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery;

S. 2686. An act authorizing the reenlistment of John Mudry in the United States Army;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes; and

S. 4137. An act relating to transportation of foreign mail by aircraft.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

S. 4291. A bill granting an increase of pension to Ethel Wise, widow of Brig. Gen. Frederic May Wise (with accompanying papers); to the Committee on Pensions.

By Mr. MEAD:

S. 4292. A bill to provide for Federal assistance to the States in making surveys, studies, and recommendations for the planning, location, and enlargement of vocational schools which will provide adequately for vocational training for defense; to the Committee on Education and Labor.

By Mr. WHEELER:

S. 4293. A bill for the relief of Harry B. Millison; to the Committee on Claims.

By Mr. KING:

S. 4294. A bill for the relief of Marcel Max Roman, his wife Clara M. Roman, and their daughter Rodica Edith Roman; to the Committee on Immigration.

S. 4295. A bill to authorize the Pennsylvania Railroad Co., by means of an underpass, to cross New York Ave. N. E., to extend, construct, maintain, and operate certain industrial sidetracks, and for other purposes; to the Committee on the District of Columbia.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. DAVIS submitted an amendment, Mr. WHITE submitted two amendments, and Mr. MALONEY submitted an amendment in the nature of a substitute intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were severally ordered to lie on the table and to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the so-called Maloney substitute to Senate bill 4164, supra, which was ordered to lie on the table and to be printed.

PROBLEMS OF SMALL BUSINESS ENTERPRISES

Mr. MURRAY submitted the following resolution (S. Res. 298), which was referred to the Committee on Education and Labor:

*Resolved*, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to study and survey by means of research all the problems of American small business enterprises, obtaining all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation. The committee shall begin its study and research survey as soon as practicable, and shall continue and prosecute such study and research survey expeditiously and with all possible dispatch and shall report to the Senate as soon as practicable with recommendations for legislation.

SEC. 2. For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, during the Seventy-sixth and succeeding Congresses, to employ such experts and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and to make such expenditures as it deems advisable The cost of stenographic services to report the educational material and data on such hearings shall not be in excess of 25 cents per 100 words. The expense of the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

WORKMEN'S COMPENSATION—APPLICABILITY TO SEAMEN

Mr. OVERTON submitted the following resolution (S. Res. 299), which was referred to the Committee on Commerce:

*Resolved*, That the Department of Commerce, the Department of Labor, the United States Maritime Commission, the United States Employees' Compensation Commission, and the Maritime Labor Board are authorized and directed jointly to make a thorough study of workmen's compensation with a view to determining whether the same, by act of Congress, should be made applicable to seamen; to supply the Senate with statistical information and other data that may be helpful in considering such legislation; to confer in respect thereto with representatives of the seamen and shipowners, and to report to the Senate, on or before February 15, 1941, the findings and specific recommendations of the aforesaid agencies.

STATEMENT ON NATIONAL DEFENSE AND PLEDGE OF ALLEGIANCE BY BOY SCOUTS OF AMERICA

Mr. CAPPER. Mr. President, in the current issue of Scouting, the official magazine of the Boy Scouts of America, I found a statement on national defense, and a pledge of allegiance to the ideals and practice of democracy, so much worth while that I feel compelled to call it to the attention of the Senate.

I was particularly struck by the following quotation:

Liberty is not only a heritage but a fresh conquest for each generation.

Mr. President, in a few generations of soft living following the World War, some of us I fear may have forgotten that liberty is not only a heritage but a fresh conquest for each generation. And in the past decade of disillusionment, this political axiom has been somewhat obscured from view. I am glad that the Boy Scouts, and other organizations—the Boys' Club of America, the Federal Council of Churches, National Conference of Christians and Jews, National Board of the Young Women's Christian Association, the American Jewish Committee, Roosevelt Memorial Association, Benevolent and Protective Order of Elks, Jewish Welfare Board, the National Council of the Young Men's Christian Association, Workers Education Bureau of America, Catholic Youth Organization of New York, International Society of Christian Endeavor, the Camp Fire Girls, National Association for the Advancement of Colored People, and the American Federation of Labor—are organizing to defend democracy and to defend our Nation.

Mr. President, for a quarter of a century I have followed with interest and enthusiastic approval the work of the Boy Scouts of America under the leadership of Dr. James E. West. I am proud to be a member of the national council of this great organization, which now has a membership of more than 1,400,000. Most of us remember when the Boy Scouts held their national jamboree in Washington 3 years ago. Those 27,000 boys from every State in the Union, with several hundreds from foreign lands, gave us a renewed vision of clean, intelligent, self-disciplined and self-reliant youth at its best. I venture to say that Washington never has had a meeting of that size where all the delegates were so well behaved, so orderly, and at the same time so lively, as was this Boy Scout jamboree. The jamboree and the 27,000 Boy Scouts were an inspiration to me, and I believe to all of us.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement and pledge of the Boy Scouts and other organizations, stressing "The paramount need in national defense is the strengthening and invigorating of democracy," as carried in the current issue of Scouting.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"THE PARAMOUNT NEED IN NATIONAL DEFENSE IS THE STRENGTHENING AND INVIGORATING OF DEMOCRACY"

We, the undersigned, representing organizations cooperating with Citizenship Educational Service, which have a membership of 30,000,000 Americans, join in sounding a clarion call to all our members and to all our fellow citizens to arouse themselves to vitalize the ideals of American democracy.

While recognizing the urgent necessity for military preparedness, we are deeply convinced that the paramount need in national defense is the strengthening and invigorating of democracy in the United States. This we propose to do through our respective programs of activity and education.

We have a keen appreciation of the meaning of the liberties guaranteed to us by the Bill of Rights, insuring freedom of worship, freedom of speech, freedom of the press, right of assembly, right of petition, right of private property, security from arbitrary power, equal justice, and trial by jury. Everyone must be made to realize that "liberty is not only a heritage but a fresh conquest for each generation." The preservation of liberty rests upon the affirmation of the dignity of the individual and the acceptance of individual responsibility by every citizen of our land.

Nazi-ism, communism, and fascism, alike with other dictatorships, represent a return into the age-old slavery from which humanity has risen to the freedom of democracy. It is democracy that is young and strong, that has steadily won its way against the grim tyrannies of the past, and that has proved its vitality by preserving liberty and by establishing here the highest standard of living of any society on earth.

With trust in the God of our fathers, each of us girds himself for whatever struggle we may face. We stand firm in the full knowledge that shoulder to shoulder with us stand the American people. They share our faith—faith in the Fatherhood of God and the brotherhood of man. Mindful of the hard work, sacrifice, and clear thinking of our forefathers, who, with the help of God, gave us our liberties, we will carry on with all our might in meeting the problems we face in the present world crisis and in our own national life. To this end—

We, as Americans, solemnly pledge ourselves:

To join wholeheartedly and with personal sacrifice in strengthening the work of our organizations and of other civic and social activities in our community, our State, and our Nation.

To be vigilant and courageous in maintaining human sympathy and respect for the rights of others.

To beware of the enemies of democracy, whatever their passwords or places of birth, and wherever they may be found.

To stand united with all lovers of freedom, whatever their tongue or origin.

To keep our Nation strong in valor and confident in freedom, so that government of the people, by the people, for the people shall not perish from the earth.

Theodore Roosevelt, vice president, Boy Scouts of America; James E. West, chief scout executive, Boy Scouts of America; Sanford Bates, executive director, Boys' Clubs of America; Samuel M. Cavert, general secretary, Federal Council of Churches; Everett R. Clinchy, director, National Conference of Christians and Jews; Mrs. John French, past president, the National Board of the Young Women's Christian Associations; Edward S. Greenbaum, past chairman, survey committee, American Jewish Committee; Hermann Hagedorn, director, Roosevelt Memorial Association; Judge Murray Hulbert, past grand exalted ruler, Benevolent and Protective Order of Elks; Mrs. Henry A. Ingraham, president, the National Board of the Young Women's Christian Associations; Judge Irving Lehman, honorary president, Jewish Welfare Board; John E. Manley, general secretary, the National Council of the Young Men's Christian Associations; Spencer Miller, Jr., director, Workers' Educational Bureau of America; Rev. Edward Roberts Moore; Daniel P. Higgins, president, Catholic Youth Organization of New York; Daniel A. Poling, president, International Society of Christian Endeavor; Lester F. Scott, national executive, Camp Fire Girls; Walter White, secretary, National Association for the Advancement of Colored People; Matthew Woll, vice president, American Federation of Labor.

Personal participation: As evidence of my approval of the statement made by representatives of various organizations above set forth, I personally subscribe to the pledge and agree to do all in my power to have others do likewise.

### ADMINISTRATION OF OATHS BY SPECIAL AGENTS OF DIVISION OF INVESTIGATIONS, INTERIOR DEPARTMENT

Mr. ADAMS. Mr. President, yesterday the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, came from the House of Representatives with amendments by the House. Due to some misunderstanding of the consequences of the amendments, I moved that the Senate concur in the amendments. That motion was agreed to.

I move that the Senate reconsider the vote by which it agreed to the amendments. I will say that the bill has not left the custody of the Senate, so there is no occasion to ask to have it recalled.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado for reconsideration of the vote by which the amendments of the House were agreed to? The Chair hears none, and it is so ordered.

Mr. ADAMS. Mr. President, I now move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. ADAMS, Mr. PITTMAN, Mr. ASHURST, Mr. NYE, and Mr. GURNEY conferees on the part of the Senate.

### SEPARATE AIR CORPS

Mr. WALSH. Mr. President, in view of the sentiment expressed by several persons in favor of establishing a separate corps for naval aviation, I ask that a letter from Admiral J. E. Richardson, Commander in Chief of the United States Fleet, on this subject be printed in the RECORD. This letter was forwarded to me for my information by the Secretary of the Navy.

My personal views, not, however, conclusive without hearing evidence from all interested sources, are in accord with the sentiments expressed in this letter. However, I have felt for some time that a better or more complete system of coordination should be developed between the Army and Navy Air Corps in the purchase and maintenance of planes and equipment, and especially in their tactical operations together. For example, the Army Air Corps should be able to cooperate very effectively with the Navy in the event an enemy fleet were approaching our shores. I should add, however, that this opinion is one that has not been thought out thoroughly and is more an expression of general impressions that I have entertained.

Mr. President, I renew my request to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES FLEET,
U. S. S. "PENNSYLVANIA," FLAGSHIP,
*Pearl Harbor, T. H., August 12, 1940.*

Restricted.
From: Commander in Chief, United States Fleet.
To: The Secretary of the Navy.
Subject: Naval aviation—separate corps—recommendation against.

1. From indirect but reliable sources I understand that there is a relatively small but increasing group of persons in and out of the service who appear to be organizing a determined move for the establishment of a separate corps for naval aviation. My impression is that pressure for such a step is largely congressional and that its support in naval aviation, while not general, does exist among a number of younger individual officers.

2. I assume that the Navy Department's attitude on such a proposal is definitely one of opposition and I realize that it is quite possible that the situation is being, or will be, handled with no insurmountable difficulty. I am so impressed, however, both by the momentum which the proposal, judging from information available to me, has already acquired, and by its extremely serious potentialities, that I am placing on record my views on the subject for such use as they may be to the Department.

3. As emphatically as I can say it, I consider that the effect of establishment of a separate naval aviation corps would be catastrophic not only for naval aviation, and for the Navy of which it is so essential a part, but for the Nation.

4. The steady progress of naval aviation to its present position of outstanding proficiency with respect to the aviation of all other navies has been due primarily to its complete unity with the fleet as a whole. Early recognition of the necessity for and consistent adherence to this principle has resulted in its complete justification. Such early growing pains as there may have been were due almost entirely to lack of mutual understanding between naval aviation and other arms of the fleet. These handicaps, in far more serious form, would still exist were it not for the initial wise determination to iron them out by continual contact in the same organization. It is my positive conviction, having closely observed the development of naval aviation from its inception, that no other method would have produced even approximately as good results.

5. The system has worked and is working. The entire fiber of naval aviation, both material and personnel, is inextricably woven into that of the Navy. To jeopardize its effectiveness by any radical change of whatever nature at any time, and particularly at this time, would be an inexpressibly harmful mistake. The approved expansion of naval aviation unquestionably stems primarily from its successful demonstration to date of its value as a completely integral part of the fleet. Because of this demonstrated value we are expanding our fleet air arm so as to produce the same result in greater degree. It would be utterly illogical to take, at the same time, a step which all our experience to date indicates would seriously militate against the objective of the expansion.

6. It stands out too clearly for successful refutation, and needs no amplification, that the direct and inevitable result of any separation in any degree of one essential portion of the naval organization from the rest will be less efficiency, less preparedness, and fatally less effective coordination of effort in all the functions, particularly including battle, of the organization as a whole. As a striking example, the lamentably inadequate performance of the British naval air arm in the current conflict is attributed by all sources of information to the fact that British naval aviation was not for many years, and is not altogether even now, an actual part of the British Navy.

7. It may be advanced that the proposition of establishing a separate naval aviation corps must, in spite of all objections, be seriously considered because of the officer personnel problem which the expansion program will bring about. I recognize that this is a very difficult matter and that special provision will unquestionably need to be made for its handling. I do not recognize, however, that the special provision to be adopted need entail a separate corps nor, in fact, anything which contains to any degree, direct or implied, the idea of separation.

8. It may be that the proposition is presented as one which involves separation only as far as officer personnel is concerned. This, if true, lessens my objection in no degree. The immediate result would be the loss of not one inch, but of a full half mile, with the rest of the proverbial mile shortly following. In itself, even if action miraculously went no further, this much separation would fatally reduce the naval value of naval aviation. Besides causing at once insurmountable problems in the functioning and control of all parts of the naval aeronautic organization, particularly ship-borne units and their ship bases, it would quickly dissolve the mutual understanding, respect, and friendship which now exist and

on which, in the last analysis, the success of any complex organization must rest.

9. The present problem, of course, is to obtain sufficient officer material to satisfy the greatly increased pilot requirements; to make prospects sufficiently attractive to do so; and to handle those concerned fairly with respect to their future. I do not believe that anybody now knows how attractive these prospects need be made in order that enough suitable material may be obtained, though I am of the opinion that the degree of necessary attractiveness has been exaggerated.

10. Actually, we have no idea now how many aviators will want to remain in the Navy when the present emergency is finished. We do know that more will remain if more advantages are offered. We may, if too much is offered now, be creating or aggravating to a very considerable and needless degree our own problem. I do not believe that it is possible now, in any case, to reach a sound decision as to what must be done in the relatively distant future. I am convinced that the Navy need not and should not, now or later, be stampeded into any radical change in the fundamental principles of unity on which naval aviation's success to date has been based. I cannot too strongly express my conviction that any action taken now or later regarding naval aviation's officer personnel must be based on what is best for the Navy and for the Nation, and not on undue consideration of "the greatest good for the greatest number."

J. O. RICHARDSON.

ARTICLE BY JOSEPH ALSOP AND ROBERT KINTNER ON ADDRESS BY AMBASSADOR BULLITT

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article by Joseph Alsop and Robert Kintner, published in the Washington Evening Star of August 20, 1940, relative to the recent address by Ambassador Bullitt, which appears in the Appendix.]

ARTICLE BY WESTBROOK PEGLER ON REPLY OF SECRETARY ICKES TO MR. WILLKIE

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Westbrook Pegler, published in the Washington Post of today, entitled "I Can Lick Ickes," which appears in the Appendix.]

EDITORIAL FROM ST. LOUIS STAR-TIMES ON DRAFTING WEALTH

[Mr. LEE asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Star-Times of August 13, 1940, entitled "Draft the Dollars Now," which appears in the Appendix.]

EDITORIAL FROM ST. LOUIS STAR-TIMES ON TRANSFER OF DESTROYERS TO GREAT BRITAIN

[Mr. LEE asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Star-Times of August 21, 1940, entitled "Send the Destroyers," which appears in the Appendix.]

FINAL DECLARATION OF TWENTY-SEVENTH NATIONAL FOREIGN TRADE CONVENTION

[Mr. MURRAY asked and obtained leave to have printed in the RECORD the final declaration of the Twenty-seventh National Foreign Trade Convention, held in San Francisco, Calif., July 29, 30, and 31, 1940, which appears in the Appendix.]

POSSIBILITY OF WAR—ARTICLE PUBLISHED IN WASHINGTON TIMES-HERALD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "War Before November is the Writer's Forecast," published in the Washington Times-Herald, which appears in the Appendix.]

THE GREAT PRECEDENT—ARTICLE BY WALTER LIPPMANN

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article under the heading "The great precedent," by Walter Lippmann, published in the column Today and Tomorrow of the Washington (D. C.) Post of today, which appears in the Appendix.]

THE THIRD TERM—EDITORIAL FROM THE STANDARD TIMES, NEW BEDFORD, MASS.

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial by Basil Brewer from the Standard Times, New Bedford, Mass., issue of July 22, 1940, under the heading "Roosevelt 'drafted,'" which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2758. An act for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency;

S. 3400. An act for the relief of Capt. Robert W. Evans;

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes; and

H. R. 10141. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H. R. 10361) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, was read twice by its title and ordered to be placed on the calendar.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. HOLT obtained the floor.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I ask unanimous consent to modify my amendment so that it will read as follows:

On page 15, line 25, before the period, insert a colon and the following: *"Provided further,* That there shall not be in active training or service in the land and naval forces of the United States at any one time more than 800,000 men inducted under the provisions of this act."

The PRESIDENT pro tempore. Is there objection to the Senator from Massachusetts making the modification he suggests?

Mr. BARKLEY. Mr. President, the Senator does not have to get unanimous consent to do that. He can modify his own amendment.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment of the Senator from Massachusetts, and, under the rules, after the yeas and nays have been ordered there can be no modification of the amendment except by unanimous consent. Is there objection?

Mr. AUSTIN. Reserving the right to object, I should like to read the proposed modification.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. The rule does not preclude amendments offered from the floor to the amendment before it is voted on, does it?

The PRESIDENT pro tempore. It does not. It only applies to the modification of the amendment.

Mr. AUSTIN. Mr. President, I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection, and the amendment is so modified.

BACKGROUND OF CONSCRIPTION

Mr. HOLT. Mr. President, we are considering a bill which changes the traditional policy of 150 years of the United States. I feel that the people of the country have a right to know the background of the drive for peacetime conscription.

There is a decided difference between peacetime and wartime conscription. This is not the first effort to have compulsory military training in time of peace. In recent years the first one was made in 1913, when General Leonard Wood started a drive preceding the World War. I feel that the people should have the background of that drive, and compare it with the present drive for compulsory military train-

ing, because there never has been a drive for compulsory military training which was not made at a time of war hysteria, either pre-war hysteria or post-war hysteria.

I desire, therefore, to give the historical background of the first drive for peacetime conscription preceding the World War of 1914–1918.

I quote from a man who, I am sure, should not be criticized by many, because he is the editor of the New York Herald Tribune. I speak of Walter Millis, a man who, I understand, has now written an editorial asking that we go to war. So I do not think my authority can be considered prejudicial to our side of the case.

This is what he says in his book:

These were the voluntary citizens' training camps, the origin of what was later known as the "Plattsburg idea." It was in the summer of 1913 that Wood opened the first two of these camps with 220 students in all—for the most part college undergraduates.

Ostensibly the camps offered to patriotic young men a chance to equip themselves at their own expense with the military training which Congress had basely failed to provide; actually, General Wood was never under any illusions as to the military value of the experiment. "We do not expect," he wrote at the very beginning, "* * * to accomplish much in the way of detailed military instructing * * * but we do believe a great deal can be done in the implanting of a sound military policy." The camps, to state it more bluntly, were designed from the start to be (as their successors still are today) not practical schools of war, but seminaries whence propagandists for preparedness might be distributed through the civil population. General Wood was not really trying to provide an officer reserve. "He was seeking," as his own wholly loyal biographer puts it, "to develop missionaries in the cause of patriotic service." Four camps, with three times as many novitiates, were organized for the summer of 1914. General Wood was inspecting one of these camps at the moment that the great hurricane broke—to fertilize, beyond all hope or expectation, the ground which he had been so diligently sowing.

Mr. Millis continues:

He was stationed now on Governors Island, in the heart of the powerful and pro-Ally Northeast, a 5-minute ferry ride from all the more important diners-out in the United States and from the incomparable sounding board of the New York press. He talked preparedness day and night to whomever would listen, wrote letters, made speeches, buttonholed everyone. And soon the results began to show. With November, influential editors were calling him into conference; letters began to flow in demanding data or giving encouragement; presently a civilian friend and collaborator, Frederic L. Huidekoper, came back from a tour of the battle fronts to found the National Security League, which was to become one of the chief organs of nationalistic patriotism and preparedness.

And Mr. Millis goes ahead to discuss how the National Security League, to which I shall refer in a moment, was the chief organ of nationalistic patriotism and preparedness. The author of the pending bill himself has said that this particular bill was the result of the meeting of the Military Training Camps Association, which was an outgrowth of the Plattsburg idea itself; and we find at that time two men who were famous in the United States, both soldiers, who were much interested in peacetime conscription before the World War.

One of them was President Theodore Roosevelt. The other was Maj. Gen. Leonard Wood. Mr. Millis quotes Mrs. Theodore Roosevelt as saying the following about the drive for peacetime conscription and preparedness:

Both you men are exactly like two small boys playing soldiers. It's a lovely game.

PREPAREDNESS AND PROFIT

So they wanted to play soldier and establish compulsory military training preceding the World War; and as we find that that condition developed, we find this in Mr. Millis' book. He says:

Diligently the new preparedness groups, subsidized by a patriotic industry and finance—

And I digress there to say that the very same thing is happening today—

Subsidized by a patriotic industry and finance, spread the gospel; more and more clearly the effects began to appear. No one could accuse Mr. Wilson or his administration of a vulgar interest in the profits of munitions manufacture; but they were not blind to the fact that patriotism might have advantages of a different sort.

And so it was the case that patriotism did have an advantage. Today we have some men preaching patriotism who are interested in patriotism with the accent on "pay" instead of the patriotism of the boys. They are interested in the profits. That is the kind of patriotism that interests them. When I say that, I want to repeat what I said yesterday: I do not say that every person who is for conscription is in that group. They are not. Many of those who favor it are sincere and conscientious; but I say that many individuals who are getting profit out of war, and want more profit out of war, are behind this drive, and their names should be known, as they will be before we finish this debate.

PLATTSBURG'S SOCIAL REGISTER

Referring to this talk about Plattsburg, and how wonderful it was, let me read again from Mr. Millis of the original Plattsburg group. He says:

The muster rolls at Plattsburg, when General Wood's "businessmen's" camp opened there at the beginning of August, sounded like Who's Who and the Social Register combined. The Roosevelts were there, of course; so were the adventurous Chanlers from their patrician fastnesses in Dutchess County—

We know where Dutchess County is and we know who comes from there. It is a patrician county.

Then Mr. Millis goes ahead, as follows:

So were the Fishes and Milburns. Mr. Richard Harding Davis appeared in the gathering twilight of his glory. Mr. Robert Bacon, a former Secretary of State and Ambassador to France, packed the humble rifle—

Let me digress there long enough to call to your attention the fact that it was Mr. Bacon who had the conversation with Mr. Hanotaux in France, when Mr. Bacon was ambassador, in which he said there were 50,000 men in this country who wanted war and 100,000,000 who did not want war, and that "our task is to see that the 100,000,000 change places with the 50,000."

But going ahead with this book, who else was there?

So did John Purroy Mitchel, the gallant young reform mayor of New York, whose life was to be one of the sadder sacrifices 2 years later. Arthur Woods, his police commissioner, accompanied him; George Wharton Pepper, Pennsylvania's pure light of legality and morals, offered himself to his country; so did Dudley Field Malone, Willard Straight, and (it is perhaps necessary to add) some hundreds of humbler clay.

Then this is important:

"The butterflies of Newport and Bar Harbor," according to General Wood's devoted biographer, "complained that life was desolate, since the best of their young men were at Plattsburg. Once more, as 17 years before, the public read of millionaires doing 'kitchen police,' digging ditches, and caught the message behind the incongruity." It was all very strange, very fascinating, and very democratic. For this was no play soldiering. Although one might have thought that the total absence of hostile bullets, of gas, shellfire, or bloodshed might have damaged the verisimilitude, they really did dig trenches.

And again today, in 1940, I ask you to read the roll and roster of the Plattsburg group, and there also you will find a combination of "Who's Who" and the Social Register.

Let me again quote from Walter Millis about the specific association which drafted this bill, and which is known to have sponsored it. This is what Mr. Millis says:

The great bandwagon to which General Wood had set a prophetic shoulder so long before was at last beginning to roll in earnest. The younger businessmen and millionaires, back now from their bloodless trenches at Plattsburg, were organizing the Military Training Camp Association to put more powerful pressures than the General himself could exert upon the Congress about to convene.

Get that. These men were beginning to put on pressure in 1915 and 1916, the same sort of pressure that millionaires are trying to put upon us now in 1940.

NO SOLDIER BE SENT OVERSEAS

The Millis proceeds to speak of Colonel Palmer, who was sent out by this association to speak over the country for preparedness. Did Colonel Palmer tell the country that we were going into war? No. I quote Colonel Palmer:

Even the strongest advocate of a large army never breathed a word suggesting that a single soldier should ever be sent to Europe.

Never a single one of them breathed that a soldier would be sent to Europe. That was in 1916, when these men were

trying to drum up the preparedness hysteria which took us into the World War of 1917.

USING INVASION ARGUMENT

They used the same argument they are using today, that we are in danger of invasion. They say today that if we do not have this compulsory military training we will be invaded. But let me read what was done before the World War, quoting from the same book:

At a dinner given by the Pilgrim Society in New York to Mr. Alfred Noyes and Sir Walter Raleigh, the eminent poet solemnly warned his hearers that Germany was contemplating establishing colonies in South America in contravention of the Monroe Doctrine.

Then the speaker said:

I have in my possession an atlas published in Germany. * * * This contains a map of South America upon which 25 or 30 places are inscribed in red as German colonies.

And the listeners were amazed at this crushing proof of the perfidy of the Teutons. Today we find the same sort of atlases and the same maps, showing that Germany is going to establish colonies in America. It is all a part of the proposal to get America interested in going into the war. The danger of invasion was used then just as it is used now in order to stir up hysteria in America. Now, we can see that the group was not interested in patriotism.

CLAUDE KITCHIN

I should like to quote from the book Claude Kitchin and the Wilson War Policies. He shows that it was not the common man of this country who was interested in compulsory military training, it was not the laborer, it was not the homes of America, but it was the trafficker in munitions of war.

Mr. President, I ask permission that at this point in my speech I may put in these documents and these records, so that the Members of the Senate can, if they care to, read them without my taking their time on the floor of the Senate. I want them to compare what is happening in 1940 with what happened in this country in 1915 and 1916. I shall place these records in the CONGRESSIONAL RECORD as a part of my speech.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CLAUDE KITCHIN AND THE WILSON WAR POLICIES

(By Alex Mathews Arnett)

But by the summer of 1915 the agitation for preparedness, lavishly financed by "war traffickers" and assiduously exploited by Republican politicians, had become politically alarming to its opponents. The militaristic propaganda not only appealed to those belligerently inclined, but also swept many thousands into line with the time-worn delusion that preparedness was not for war but against war. If we were properly prepared, not even a victorious Germany would dare attack us; otherwise, dire were the prophecies as to what would happen when the Central Powers should have crushed the Allies and turned to world conquest.

In general, the element favoring preparedness swallowed the Allied propaganda, hook, line, and sinker, and hence was violently anti-German. It pictured the Allies as innocent lambs attacked by the big, bad wolf of German militarism. It credited every "atrocity" lie that the British Foreign Office and the Northcliffe press sought to propagate. It easily envisaged the destruction of our ports and the devastation of our land by German "frightfulness"—made plausible by the arch munitioneer, Hudson Maxim, in his widely distributed book, Defenseless America, and in the screen version of it, the Battle Cry of Peace. No more specious propaganda was ever broadcast. But it served its purpose. Along with other such rantings, it scared millions into accepting its moral: to remain unprepared was to invite disaster; to give our militarists and munitions makers a free hand was to insure perpetual peace.

It was further argued that if "prepared" we could make more effective use of our diplomatic weapons. We could force both sides—with the emphasis on Germany—to mitigate their blockade policies and respect our neutral rights. The consequent enlargement of our trade opportunities would promote increasing prosperity.

Such arguments were reinforced by the emotional drive of a rising spirit of militancy. The tremendous excitement aroused by the war demanded an outlet. Some found it in the insane activities of the Ku Klux Klan (revived in 1915), others in the martial tread of preparedness parades. William Lyon Phelps characterized the situation under the title "The Dance of Death":

"Very few persons can see a dance without wishing to participate. The whirling figures develop a centrifugal force that pulls the spectors. Perhaps this is one reason why the dance of death that has been shaking the floor of the Continent (of Europe) for over a year is constantly becoming more alluring to Americans. For there can be no doubt that the war spirit is steadily growing in this country. It has been sedulously fostered by many newspapers, by persons who are after political or commercial capital, and by the sentimental slogan, 'preparedness.' * * *

"The terrible dance of death, played with appropriate music, with plenty of bands, plenty of substitute dancers, goes along swiftly. There are many new figures never seen before. Whole nations have been preparing for it so long, under the most capable masters, and with frequent rehearsals, that we now behold the greatest military ball in history.

"Signs are multiplying in America of a general desire that we too may learn this dance. Many young Americans are already trying the steps, and are praised for their proficiency; the dancing masters are busy, and it is probable that when Congress opens * * * huge appropriations will be made, so that everyone can learn the dance of death * * *."

Many who approved the slogan "preparedness against war" and expected only a grand "rehearsal" found emotional compensation for our absence from the "dance"—little realizing that such "rehearsal" was an almost certain prelude to the carnival of blood.

MORGAN HELPS TO FINANCE

Mr. HOLT. Mr. President, at that time we did not have the William Allen White committee, which, it was admitted in Time, was started by a contribution of $500 from J. Pierpont Morgan. Did Senators realize that the William Allen White committee got its first check from J. Pierpont Morgan? Mr. Morgan's firms are not at all interested in the war, just as they were not interested in the war in 1914. From the very day the first shot was fired the firm of J. P. Morgan & Co. put all the pressure possible to get America into the war, and from September 1, 1939, the same firm of J. P. Morgan has been putting on the pressure they used in 1914, 1915, 1916, 1917, and the records will prove that.

These facts cannot be dodged. We find the individuals who created the hysteria in 1914 to 1917 through the adoption of the National Security League, and the pushing of that program, were in some instances the very same individuals who are trying to create the hysteria today.

Who were some of the contributors to the National Security League preceding the World War? Let me name some of them. J. P. Morgan was one. Henry P. Davidson was another. His interest in the loans, and his activities to get America involved through using the loans will be recalled.

There was John D. Rockefeller. I have not seen anywhere since this world war started any of the Rockefeller group listed in the present pro-war group. They may be, but to their credit they have not done what John D. Rockefeller did in helping to promote war hysteria before the World War through contributing to the Security League.

Whom else do we find? We find Arthur Curtis James a large contributor. We find George Perkins, of the firm of J. P. Morgan & Co. We find the Schiffs of the banking firm of Kuhn, Loeb & Co. We find the Carnegie Corporation of New York, which gave $50,000 on the 8th day of April, and $50,000 more on the 29th day of August, all interested in promoting war hysteria in this country.

Mr. President, I shall place in the RECORD at this point a list of those individuals who contributed. Senators will see by the same parallel policy today by those interested in getting America into the present war. These men helped to finance the bill. For every dollar they put in, behind it they got many dollars of profits. We all know that out of the last World War over 20,000 millionaires were made. We know that the firm of Morgan and many others of the banking firms of New York made millions upon millions of dollars. For every dollar invested in the so-called preparedness campaign preceding the World War they got not one dollar back, but from ten to one hundred dollars back.

Who financed it? Some of the same individuals, the same banking firms, the same corporations which are today financing the drive for compulsory military service. As I have said, I shall place the names of some contributors in the RECORD.

The PRESIDENT pro tempore. Is there obection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

SOME LARGE CONTRIBUTORS TO NATIONAL SECURITY LEAGUE

C. Vanderbilt, Nicholas Brady, W. L. Harkness, Arthur Curtis James, Joseph H. Choates, Mortimer L. Schiff, George W. Perkins, H. H. Rogers, William K. Vanderbilt, Jr., Clarence H. Mackay, J. C. Brady, Bernard M. Baruch, H. C. Frick, Simon Guggenheim, Murray Guggenheim, T. Coleman DuPont, Charles Deering, Jacob Schiff, J. P. Morgan, J. G. White, Henry P. Davisson, Jules Bache, Victor F. Lawson, J. P. Morgan & Co., John D. Rockefeller, H. E. Huntington, Carnegie Corporation of New York, Remington Arms Co., Arthur E. Newbold, Ridley Watts, James Byrne, S. Stanwood Menken.

NATIONAL SECURITY LEAGUE

Mr. HOLT. Mr. President, the National Security League not only was strong for compulsory military service but actually put out pamphlets and books in an effort to generate sentiment in the United States for peacetime compulsory military training. I shall not burden the CONGRESSIONAL RECORD with quotations from those books, but they can be gotten at the Congressional Library, and there it will be found that the very reasons now being used on the floor of the Senate were used by this group of scoundrels which the House committee investigated. This is not RUSH HOLT speaking. This is the exact language of the House committee which investigated the National Security League, which tried to drive through the peacetime conscription law in 1915. This is what they said:

In the judgment of your committee—

A committee of the House of Representatives—

the National Security League has violated the provisions of that act, the penalty for which is a fine of not more than $1,000 or imprisonment for not longer than 1 year, or both.

The statement of the committee to which this refers follows:

NATIONAL SECURITY LEAGUE AND UNLIMITED WEALTH

The National Security League and like organizations in their political activities constitute a serious menace to representative government. Ordinarily their real purpose is concealed, and their appeal is made to the public on some principle in harmony with dominant sentiment. Usually, as in this instance, they have access to almost unlimited wealth—and borrow respectability by the use, in honorary positions, of the names of men of national prominence. If their real purpose were apparent, the danger would be relieved.

Men in public life are given by them to understand that they must be subservient to the demands of such institutions; and, upon their failure to do so, they will be held up to public scorn and humiliation by false accusations. Under such circumstances the best-intentioned candidate for office realizes that he has one of two alternatives—he must be either subservient to the demands of these camouflaged organizations or be put on the defensive by false charges. Such activities on the part of organizations similar to the National Security League have a tendency to compel obedience to the wishes of special interests rather than obedience to a real concern for the welfare of the people. This condition is not at all fanciful, since its baneful effects have been fully demonstrated by the activities of the National Security League.

The fight made by the National Security League upon the loyalty of men of the highest patriotism was so glaringly unjust and so patently false that it failed of its purpose.

But the failure was due to an error of judgment on the part of the league, and not because of the lack of vicious purpose.

In times of war, organizations avowing patriotism, such as the National Security League did, will receive many adherents and for that reason the league secured membership of nearly 90,000 people throughout the United States. It was the duty of the league, therefore, to exercise the greatest care and caution in its publicity matter, for the good names of men were involved.

Section I of the Federal act, generally known as the Corrupt Practices Act, approved June 25, 1910, is as follows:

"The term 'political committee,' under the provisions of the act, shall include national committees of all political parties, the national congressional campaign committees of all political parties, and all committees, associations, or organizations which shall in two or more States influence the result, or attempt to influence the result, of an election at which representatives in Congress are to be elected."

Sections 5 and 6 of the act, as amended by an act approved August 19, 1911, required that such political committees as are defined in section 1 shall file with the Clerk of the House of Representatives, at Washington, D. C., certain itemized statements which shall be verified by oath.

We will find, as this record shows, that a committee of the House of Representatives made an investigation, and called many of those individuals before it and they were almost unanimous for compulsory military training. There were none to the contrary, some did not express themselves. Every witness called to represent the National Security League asked America to put compulsory military training into force. Do you know that some of these same individuals are still living, and are advocating this law, and are contributing to the drive and the propaganda behind the drive?

THE WORLD WAR

They finally got us into the war in 1917. I say here this morning that in my honest opinion propaganda and profits did more to drive America into the World War in 1917 than any other thing. And when I say that, I do not condemn the boys who went across. They went across in what they thought was a war to end all wars. They went across the ocean in a war to make the world safe for democracy. But after the war was over the diplomats of Europe gathered around a conference table, and out the window went the ideal, but we could not bring back to life the boys who were dead in France. It did not help the boy who was shell-shocked; some in the hospitals in Washington or in other veterans' hospitals. These boys gave 100 percent of their capital. The boy who had his arm shot off gave 10 percent of his capital. The boy who had his leg torn off by a bombshell gave 20 percent of his capital. He was not given 8 percent of an investment when he was sent over there in order to protect the blundering diplomacy of America before the World War.

Long before America went into the war Robert Lansing wrote a memorandum in which he said that they had to "educate" the people before we could get them into the war. After 2 years' education they got us into the World War of 1917. Today there have been some individuals in our Government who have started an educational policy to get us into the war that is now being fought. Let us hope, yes, let us pray, that they will not be successful in their educational campaign of 1939 and 1940 as was Mr. Lansing and as were the financiers, as was the press that was controlled at that time, in getting us into the war of 1916 and 1917.

Again I say, I praise the soldiers who went over to fight for an ideal, but I condemn with all the force that is in me those individuals who sent the boys to their needless death.

We got nothing from that war, no one got anything. The war created Hitlerism. It created the conditions from which the world is now suffering.

If we once again go across that ocean in 1940 to make the world safe for democracy, we shall be destroying the last democracy on the face of the earth, because America cannot get into the war and preserve her democracy. So when we talk about saving the world for democracy, our task is not involved in war, but staying away from war. As the distinguished Senator from Nebraska [Mr. NORRIS] said, once we create this tremendous military force it is just like a stone that starts rolling—its motion continues to increase and increase.

It has been said that if we allow the Army to have its way it would go so far as to arm the world against a possible invasion from Mars. I would not be surprised if some of the Army men would like to see an Orson Welles invasion, so they could have military groups springing up all over the land. That is not something that is peculiar with the American Army. That has been the history of armies for thousands and thousands of years. If we allow an army to have its way, and it sets itself up first in control of the military policy of the country, soon thereafter that becomes the political policy of the country.

We in America know of this country being established by those who fled from military systems in Europe. We know that many of our forefathers came over here to avoid militarism and war. They were men who opposed militarism. Yet the very thing they fled from is being set up under the pending bill. Some of us are forgetting our history, and we are following the same trend that was followed in Europe and from which our forefathers fled.

Mr. President, I wish to say that if America establishes this militaristic policy we shall never retreat from it so long as America lasts.

Militarism is a policy which grows as it increases in strength. It is just like power—power wants more power and feeds upon power.

What did General Palmer say? This is what a man who helped push this bill and who appeared as a witness said. He is quoted as saying that at one time when he was a lieutenant he wanted the Army to be increased so he could be promoted to be a captain. Yes; and many captains, no doubt, would like to see the Army increased so they could become majors, and many majors would like to see the Army increased so they could become colonels, and, no doubt, many colonels would like to see an increase in the Army so they could become generals.

Mr. President, I do not condemn those in the Army for that, perhaps natural, desire, but I do say that we have some ambitious men in the Army who would gladly see militarism brought about. It is not that they are insincere in their belief. They believe in increasing the Army. But we in America know that militarism has never brought reform to any country. Militarism has never brought a single social gain in the history of the world. Militarism has been the weapon by which social gains have been struck down and destroyed.

Let a country rise as a militaristic power and I will show you a country which is on the way down, and whose people will be forced to live on a lower and ever-lower scale.

We find that by 1920 the war hysteria in the United States had not gone down. I know from personal experience that the war hysteria grew somewhat after the war was over, and in 1920 again there was a drive to put peacetime conscription on the American people. That can be read in the committee hearings, as I wish Senators would do. I have tried to read them as thoroughly as I could. In those hearings Senators will find the same sort of a drive, the same kind of hysteria, post-war hysteria, which is just as dangerous as pre-war hysteria in destroying judgment. We still had hysteria when the effort was made to establish militarism in this country in 1920.

Who was a promoter of that action then? He was the same man who is now the author of the pending measure on the other side of the Capitol. Yes; the then Senator from New York [Mr. WADSWORTH] was fighting for compulsory military training then. We were in no danger of invasion in 1920. So that excuse could not be used in the effort to establish compulsory military training. But the then Senator WADSWORTH was in favor of compulsory military training in 1920, just as one of his distinguished ancestors was in favor of the same policy in 1792.

Uniforms are important to me, but they are not important enough for me to wish to see a drive succeed against those things we hold dear in this country. We have gone a long way in the last few months in the way of striking at individual liberty. Individual liberty and military control do not belong together. They cannot grow up together, because military control is absolute despotism, as we know. When military control is set up individual liberties are thrown aside.

Mr. President, I know that it is not only to protect us in this country that the Military Training Camps Association wants the pending bill passed. No; they have said in effect, if you send these boys here we will give them a feeling—a feeling within themselves that we should have a large Army.

Back in the days of Plattsburg, General Wood said, in effect, allow me to establish Plattsburgs throughout the country and I will show you how I can get all those who go to Plattsburg to become propagandists for more Plattsburgs. Most of those who came under these men have been inculcated with the theory of militarism, and when they leave the camps they continue to have that spirit of militarism. Not all—but many.

BREAKS DOWN PERSONAL INITIATIVE

The first step in any military training is to break down personal initiative in a man. What is the theory in an army? A private salutes a corporal; a corporal salutes a sergeant; a sergeant salutes a lieutenant; a lieutenant salutes a captain; a captain salutes a major. In other words, it is the old caste system, the system that Europe has had and still has in some instances today, but not the system that we have seen in America.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. VANDENBERG. The Senator did not go quite far enough—and everybody salutes the Commander in Chief.

Mr. HOLT. Yes; everybody salutes the Commander in Chief. In other words, the one who is a little lower than another salutes the man above him in rank, and so on.

Oh, yes; the last man down, the boy we are going to conscript, is going to shine the boots of the men who want conscription. Oh, yes; Senators will find behind conscription—not that those who urge it are not sincere, I say again, for they believe it—we will find behind conscription men who are just as sincere as the men in Germany who marched through France and who actually believed in Hitler. We know that they were wrong. We know that their theory was wrong, but they believed it. Simply because men are sincere in their belief does not mean that we should not condemn that belief. Any group, any individual, any idea should be condemned if we ourselves think that they or it is wrong. The theory of militarism in this country is being sought to be established. Some individuals can rid themselves of that desire. Many of them have. I do not condemn all the Army when I make that statement. Not at all. However, I do condemn those individuals in an army who, in their belief in a vast growth of the military system in America, would place on America a system which in my opinion will never be wiped out.

We are not establishing a compulsory military system only until 1945 by the passage of the pending measure. The bill so provides, but in reality we are establishing it for time immemorial; 1945 simply ends the first period. The system will be renewed and renewed so long as the present hysteria continues and so long as people can be made to believe that the continuation of danger in this country is necessary.

HALLGREN'S TRAGIC FALLACY

Mr. President, I wish to place in the RECORD at this point a chapter from Morris Hallgren's book. I do not care to read it. In the chapter in question is set forth what some proponents of the idea think about this matter. Some have said we should have a large army—in order to do what? In order to protect America? No; in order to protect America from labor. That was one idea. It has been proposed that we have a large army—what for? In order that labor may realize that it owes something, they say, to the system, and that it should not have radical ideas. Oh, yes; behind this we will find the same thing. Every one of these boys in the Army could be used for any purpose the Commander in Chief wants to use them.

I wish to place in the RECORD as part of my remarks at this point the chapter from Morris Hallgren's book to which I referred, which sets forth in far better language than I can command what I wish to bring out.

I ask unanimous consent that the matter I have described may be placed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEMOCRACY IN ARMS

The American professional soldier was long the unhappiest of men. Certainly he was the unhappiest of the country's public servants. Of late, to be sure, things have been picking up for him, and today he contemplates the future with more than a little optimism. But for a century or so he nursed a seemingly endless grievance. He was troubled by what he regarded as the democratic mismanagement of the Nation's military affairs.

His troubles began immediately after the Revolution. The victorious rebels, having overthrown one military autocracy, made it plain that they did not intend to permit another to gain a foothold in the new Republic. So strong was their reaction against the man in uniform, whether king or hireling, that for a while they kept only 80 men under arms. Though General Washington himself had recommended it, the National Legislature at that time would not even tolerate a permanent armed militia. Congress did finally establish a small army in 1790, an army consisting of no more than 1,283 officers and men, which it sought to keep strictly under civilian control. Nor was this a genuine professional force. It was not until after 1812 that a standing army, as that term is known today, was regularly organized. The citizens of the new Republic believed that they could count upon their own loyalty to protect the state that they had erected. It was felt that, should the need ever arise, the people would hasten spontaneously and en masse to the defense of their country. That was how a free

democracy was supposed to work. And that was the accepted basis of the military policy of the United States in 1790. In form this policy was to undergo a number of changes in the next century, but in principle it remained virtually unaltered.

This does not mean that control of defense policy, or of foreign policies that make for war, was left wholly or even largely with the people. At the very start, authority over the military departments passed into the keeping of the Secretary of War, who was responsible neither to Congress nor to the people but to the President alone. A few years later the administration of foreign affairs, where lies the real power to choose between peace and war, was assumed exclusively by the President. Nor did the fact that the basic military policy was democratic in pattern mean that there were no wars in this period. There were several occasions when the people themselves boldly called for war, acclaimed it for what it might bring the country. More than one of the earlier conflicts was provoked by their insistent demands for room in which to expand.

At that time it was not war but militarism that the people feared. And so, through their chosen delegates in the National Legislature, they maintained the right to say what form the military system should take. Congress literally organized the Army to suit itself. It stipulated what units should be created and how they should be set up, although Congress left to the Secretary of War the authority to manage these units after they had been organized. While the military men did not particularly relish having a civilian commander set over them, they were far more disturbed by the legislative interference with the organization of the Army. To them this was a source of constant distress.

Indeed, the military man considered himself as good a democrat as anyone in the country. He could never understand, therefore, why he should not be allowed his full say in the administration of military affairs. He was confident that he was infinitely better equipped than the body of the citizens, or their delegates in the national legislature, to determine the defense needs of the country. He held that, "as the man who uses a weapon is the best judge of its fitness, so a professional soldier should be the best judge of what constitutes a good military system." He was disturbed when public sentiment prevented him from giving the Nation an "adequate" defense scheme. He objected not only to the way in which Congress organized the peace establishment, but also to the manner in which the American democracy conducted its wars. They were never fought as they should have been; citizen soldiers could not be raised when they were needed and could not fight when brought into action; the militia system was a "positive menace" to the security of the country; popular suspicion of the standing Army simply made a "sound" military policy impossible. Thus ran the arguments of General Upton, most outspoken of the military critics; and so ran the never-varying complaints of his fellows.

The military men themselves appear to have been divided on the question of what might be a "sound" military policy. But most of them stood with Emory Upton, who wanted an "expansible standing army." Under this plan the Regular Army would have been a more or less skeletonized force made up of many more units than would be needed in time of peace, but units that could be quickly expanded to full strength with the addition of recruits in time of war. This system would have necessitated the maintenance of a fairly large standing corps of technical specialists and leaders, especially officers,[1] for while recruits in the ranks could be got ready for war with relatively little training, the leaders and specialists needed more training and active experience. And in war, of course, there would hardly be time to train enough of them to take charge of the expanded army. Hence they would have to be retained on active service in peace.

The alternative scheme was one which Baron von Steuben and General Washington had favored. This scheme would have considered the Regular Army a fairly complete and unified force. In time of war this force would have been expanded, not by enlarging skeletonized units included within the regular peacetime establishment but by adding new units from an organized militia, the members of which would have undergone periodic training within their own organizations. (Something akin to this militia was later to arise with the development of the National Guard.) Washington, indeed, believed it was not necessary to maintain a Regular Army except for the purpose of guarding the frontiers against Indian attacks. It appears that for defense against a possible foreign foe he wanted the country to rely mainly upon an organized militia. And Von Steuben felt that "a system of this nature will make us more respectable with the powers of Europe than if we keep up an army of 50,000 men." It may be said that of the two the Steuben-Washington plan promised the more efficient defense force, for it would have given the country a small but compact army, complete in itself, which could instantly have beaten back any possible invader. Even today the United States has no such force.

But Congress took kindly to neither of these schemes, for under both the power and prestige of the professional soldier would have been enhanced. Instead, Congress continued to depend upon its small Regular Army, which was based upon no formal philosophy or system, and to call volunteer units and State militia regiments into service in time of war. It seemed to lean more to the Steuben-Washington idea than to the Upton plan. But the Uptons were in the majority in the military service, and they were thoroughly displeased with this practice. After each war they hoped that the lessons of conflict, being fresh in the experience of the people, would win their case for them. They thought that the people and Congress would have learned enough at last to overcome their traditional fear of militarism, to heed "expert" advice, and let the professional soldier lay down national-defense policy and manage the country's defense system. But each time they were disappointed.

Meanwhile the dread of militarism was beginning to lose its hold upon the American people, or rather to assume a new aspect and new direction. The soldier was still suspect, but by now faith in democracy had become so ingrained in the people that they took it for granted that the control of the military rested essentially with them. They seemed to feel that if there was any danger of militarism arising anywhere, that danger would not be found at home but abroad. Simultaneously other factors were operating to relieve the professional soldier of that democratic yoke which was irking him so much. The Nation was increasingly occupied with its domestic economic affairs, with the "American dream," which was to bring everlasting prosperity to everyone. The country, moreover, had grown enormously. It appeared that in consequence the defense problem had become far too complex to be dealt with under the simple principles of the 1790 policy. And with the growth of the country the national interest abroad had expanded prodigiously and it was supposed that the professional fighting man alone could protect this great and presumably vital interest. (The rise of American navalism has, indeed, gone hand in hand with the rise of American imperialism.) Lastly, war itself and the instruments of war had become infinitely more complicated. The tendency was to leave the defense problem in ever greater measure in the hands of the military specialist.

Not that the soldier was to be permitted boldly to unsheath the sword. The American people would still resent, if not physically resist, any audacious outward manifestation of militarism at home. But the soldier could now start laying plans for the national defense—in the name of democracy, of course, but also in accordance with his own notion of the fitness of things. While the year 1903 saw the beginning of this development, it was not until after the great crusade against militarism in 1917–18 that the military man was to become confident enough to reach out for power on a truly impressive scale. As was to have been expected, perhaps, he overreached himself. But that did not prevent him from gaining most of his objectives.

In the national-defense law adopted in 1916 the principle of the "expansible standing army" was first recognized by Congress. But little was done to implement the principle, and in the war that followed a mass army was built, not about the standing army, but upon the hit-or-miss pattern that Congress had always used. After the Armistice the General Staff moved quickly to take advantage of the preliminary victory that had been won in 1916—and of the greatly distended prestige with which it had itself emerged from the European war. It felt that now, finally, it could set up that "good military system" for which the professional soldier had always hankered.

The 1919 plan was, to say the least, presumptuous in scope and revolutionary in implication. It stood in violent contrast to the avowed aims of the United States in the war that had just been concluded. It was certainly not designed to strengthen the foundations of the democratic tradition. Instead, had the generals managed to carry it through in full, the ostensible triumph of democracy over militarism in Europe would have been matched by a more genuine victory of militarism over democracy in America.

What the staff wanted was a standing army of 576,000 officers and men. This force was to be so constituted—on the Upton principle—that it could overnight be expanded into an army of 1,250,000 regular soldiers, National Guard men, and trained reservists. Provision was made to add to this force within a few months after the outbreak of war anywhere from 4,000,000 to 19,000,000 conscripts. No power on earth had ever dreamed of organizing such a monster army. But that was what the General Staff had in mind, and the Chief of Staff did not even blush when he suggested to a congressional committee that an army of 19,000,000 drafted men might some day be called into service.

Since the lessons of the European war had unmistakably revealed to the generals that a vast conscript force had become indispensable to the national defense, it quite obviously followed that it would be the height of unwisdom not to train the youth of the country for duty on the battlefield. Under the 1919 plan, therefore, every American boy, upon reaching the age of 19, was to be sent to camp to be drilled in the art of killing. The War Plans Division of the General Staff recommended a 9 months' training period for each conscript. General Pershing and several others thought that the training should run to at least 6 months. Some of the officers urged that the training be followed by a tour of active service as was required in the conscript armies of Europe. But General March, the Chief of Staff, did not agree. He doubtless knew that, as it stood, his plan, which called for 3 months' training and no further service except in the event of

[1] This was, indeed, one of the chief attractions of the "expansible" plan. General Palmer recently recalled that he, as a second lieutenant, once worked out the problem of putting the Army on an "expansible" basis. His conclusion was that that would at that time have added five infantry regiments to the Army, with enough extra officers to command these additional units—and it would automatically have elevated him to the grade of first lieutenant. Little wonder that most officers favored this plan. (CONGRESSIONAL RECORD, August 22, 1935.)

war, already violated American tradition to such a degree that the chances of its being accepted were none too good.

This ambitious program was supported on various grounds. The Chief of Staff favored the technical side. What he wanted, after all, was approval of the "expansible" principle—and virtually blanket authority to organize the Army and lay down military policy without legislative interference. So he emphasized "the experiences of this war" and sought to show how they had made necessary many changes in the technical structure of the Military Establishment "in order to be successful in war." "In addition to that, also," he said, "the War Department organization itself had been compelled to be changed by the progress of events during the war." The General Staff, therefore, had "started this study of what we learned during the war, because we believed that nobody wanted to go back to the old order, to the old condition of defenselessness, or to the organization which existed before the war; and we attempted to put in the form of a recommendation to Congress an organization for the War Department and for the Army at large that would embody the result of our experience during the war. * * * The studies which were initiated in the War Department were initiated with the idea of bringing to Congress some scheme which would not be overwhelmingly expensive, but would still give us an efficient military policy."

Here was the ghost of Emory Upton speaking through the person of Peyton March. All of the arguments Upton had used in the 1870's were now being rehashed and served up new by General March. And for the same purpose. The Chief of Staff might have been in a stronger position had he been able to come to an understanding with his fellow generals as to the number of soldiers needed to bring about the technical reforms he desired. At least with regard to this aspect, it seems, his colleagues were not in agreement as to the lessons of the war. General Wood, for example, saw no necessity for "recommending an army whose strength will be in excess of 225,000 men, or at most 250,000. I can find no reason whatever for the larger army recommended by the War Department bill; that is to say, if we are to follow our traditional policy."[2]

But this was perhaps a minor detail. In all other respects the generals were practically unanimous. One or two of the military men, General Palmer among them, preferred the Steuben-Washington scheme to the Upton plan, but the rest stood with General March. They stood together, too, in wanting a system of compulsory training established. They seemed supremely confident that in this they had the enthusiastic support of public opinion. And it did appear that virtually all of the prominent and influential civic leaders of the country were calling for such training, that the great finance capitalists, industrialists, merchants, clergymen, educators, publicists, and professional uplifters were in the very forefront of the fight for compulsory service.[3] It was possible that these civic leaders did not truly reflect public opinion, but the generals thought that they did and in any case were quite willing to accept their support.

These citizens and their hired representatives themselves believed that they could and did speak for most of the people. Henry L. Stimson, the former Secretary of War, considered it "very significant" that "the other day at the State convention in Rochester * * * the American Legion voted unanimously for a system of universal military training." The national convention of the Legion had previously taken a similar stand, so it was supposed that practically all of the returned soldiers were for compulsory training. The president of the Universal Military Training League, who said that for 4 years he had done "nothing else but study" this very problem, had no hesitation in reporting that "a vast majority of the people are ready for universal military training—I should say 80 to 90 percent."

To be sure, these public-spirited civilians advocated military conscription mainly as a peace measure. They saw nothing militaristic in it. The chairman of the Military Training Camps Association held that "if we had had our citizens organized and trained as a citizens' army, we would never have had to go to war." The president of the Universal Military Training League said that "if we had had universal training 5 or 6 years ago, I question whether there would have been a World War—certainly we would not have been forced into it, and I think the *Lusitania* would be afloat today." He did not stop to explain how a citizens' army in the United States could have prevented a world war. The American Legion in convention in Minneapolis resolved, inter alia, that "national safety with freedom from militarism is best assured by a national citizen army and navy based on the democratic and American principles of the equality of obligation and opportunity for all." The Association of Military Colleges and Schools contended that an "armed democracy" offered the only dependable antidote for militarism.[4]

But it was not only "peace" and "democracy" that were to be served by conscription. The class struggle was to be disposed of by the same magic means. Most of the advocates of compulsory training dealt in euphemism in discussing this point, but their meaning was abundantly clear. Winthrop Talbot, who described himself as a "consultant in industrial management," asserted that such training "is essentially in line with the democratic requirements of American education" and through it the youth of the country would be "instructed in the school of the citizen." Mr. Stimson regarded compulsory training as "an educational force in the direction of molding together the divergent elements that have come into our civilization." General Atterbury, president of the Pennsylvania Railroad, told a Senate committee that compulsory training could not help allaying class feeling. "I think it is the best thing for everybody," he declared. The president of the Universal Military Training League, seemingly less given to rhetoric in expressing plain

---

[2] Other estimates as to the size of the army needed were as follows: Maj. Gen Eli A. Helmick, 225,000 men, with universal training; Maj. Gen. Charles P. Summerall, 225,000, but 300,000 if universal training were instituted; Maj. Gen. J. L. Chamberlain, 250,000 combat troops; Maj. Gen. William M. Black, 250,000 for standing peace army; Maj. Gen. W. L. Sibert, 250,000, with universal training; Brig. Gen. William Mitchell, 250,000 sufficient for all purposes; Maj. Gen. Ernest Hinds, 250,000; Col. John McA. Palmer, 280,000 until the citizen army was established, then 225,000; Maj. Gen. W. J. Snow, 300,000 with universal training; Gen. John J. Pershing, 300,000 maximum of both officers and men; Maj. Gen. William G. Haan, 306,500; Maj. Gen. P. C. Harris, 232,839 minimum, 500,000 preferable; Maj. Gen. Henry Jervey, 509,000; Brig. Gen. Marlborough Churchill, 509,000 under existing conditions; Maj. Gen. F. W. Coe, 541,000 not too large. It may be noted that most of these officers were not members of the General Staff. (Hearings on the Army reorganization bill before the Committee on Military Affairs, House of Representatives, 66th Cong., 1st sess.)

[3] The Universal Military Training League, for example, numbered among its directors the following: Henry M. Byllesby, engineer, Chicago; Clarence S. Funk, investment banker, Chicago; Alexander M. White, New York City; Victor F. Lawson, publisher, the Chicago Daily News; James A. Flaherty, supreme knight, Knights of Columbus; William H. Childs, manufacturer, New York City; H. Walters, chairman of the board, Atlantic Coast Line; Charles G. Curtis, manufacturer, New York City; Guy Emerson, banker, New York City; William Wrigley, Jr., manufacturer, Chicago; John T. Pratt, Pratt Institute, Brooklyn, N. Y.; Albert H. Loeb, merchant, Chicago; John S. Goodwin, farmer, Naperville, Ill.; George W. Perkins, financier, New York City; John Borden, financier, Chicago; B. E. Sunny, president, Chicago Telephone Co.; Karl H. Behr, manufacturer, New York City; Daniel J. Keefe, former vice president, American Federation of Labor; Dean Shailer Mathews, University of Chicago; Chesley R. Perry, secretary, International Association of Rotary Clubs; Wright A. Patterson, editor, Western Newspaper Union; Frank D. Sout, transportation, Chicago; H. H. Merrick, president, Association of Commerce, Chicago. Its advisory committee included Henry M. Pindell, publisher, the Peoria, Ill., Journal; E. P. Ripley, president, Santa Fe Railway; Charles A. Hinsch, banker, Cincinnati; Cyrus H. K. Curtis, Curtis Publishing Co., Philadelphia; Cardinal Gibbons, Baltimore; W. H. Roberts, D. D., permanent standing clerk, Presbyterian Church; Harry Pratt Judson, president, University of Chicago; Julius Rosenwald, merchant, Chicago; Russell H. Conwell, D. D., founder, City College, Philadelphia; S. Parkes Cadman, D. D., Congregational Church, Brooklyn, N. Y.; Bishop Samuel Fallows, Reformed Episcopal Church, Chicago; R. T. Crane, Jr., manufacturer, Chicago; F. D. Coburn, former Secretary of Agriculture, State of Kansas; Edward L. Ryerson, manufacturer, Chicago; Horace S. Wilkinson, manufacturer, Syracuse, N. Y.; Ike T. Pryor, livestock, Texas; Henry L. Stimson, former Secretary of War. Apart from the retired labor leader and the gentleman farmer from Illinois, there was no one on this list who even in the remotest sense could be said to speak for the great body of workers and farmers of the country. (Ibid., pp. 710–711.)

[4] Its argument, truly remarkable for the insight it gives us into the mental processes of some of the more extreme patriots of the day, is reproduced here:

"1. What do we mean by a nation in arms? A nation in arms is a democracy, every male citizen of which is mentally, physically, and morally prepared to answer the summons to the defense of its rights and liberties. Such forces would refuse to engage in wars of conquest and ambition, but when the emergency arose they would be ready to redress outrages and repel attacks. When great nations are efficiently organized on a national defensive basis, then and only then will peace, permanent peace, allow civilization to proceed, undisturbed, on its glorious march.

"2. Can a democracy be a nation in arms? A real democracy can and must be a nation in arms, for it must stand ready to defend itself. The ideals of a true democracy cannot tolerate an immense Prussianized permanent army system, with its classes, prejudices, and self-interests. A nation in arms will not militarize democracy, but will democratize the military system. The army must be the people; the people must be the army.

"3. Can a world power, in the light of recent events, be a nation in arms? If a nation in arms means a militarized autocracy, with its ambitions and jealousies, then the answer is no. But if a nation in arms means a people, physically trained, mentally prepared, and materially equipped to punish nations offending against the laws of peace and justice, then every member of an international society must be a nation in arms. Peace pacts will again be trampled under foot unless peoples are prepared to restrain the selfish ambitions of vulture nations. Economic pressure alone is not a sufficiently powerful weapon."

In short, put a rifle or machine gun into every man's hands, teach him how to use them in killing other men, and we shall not have militarism, never that, but "peace, permanent peace." It is hardly surprising to find the same organization, anticipating Mussolini by at least a decade, urging the training of the male youth of the country from the age of 6. (Hearings on the Army reorganization bill before the Committee on Military Affairs, U. S. Senate, 66th Cong., 1st sess., pp. 450–451.)

thought, held that "universal training will be a great factor for industrial tranquillity."

The generals likewise brought the class struggle into their argument. Pershing invited "special attention to one particularly important advantage" of compulsory training. "We are now confronted," he said, "with serious social problems resulting from the presence of large masses of ignorant foreigners in our midst, who are highly susceptible to the anarchistic or bolshevik proposals of numerous agitators now at work. * * * Universal military training is the only means I see available for educating this foreign element in the real meaning of the democracy of our government and its institutions, and for developing them into good citizens before they fall under the sway of dangerous agitators and become a real menace to the country."

"This war," General Parker added, "has been about as democratic a proposition for our Nation as anything I have been thrown in contact with. I think we have seen the rich and the poor, the social classes, mingled together, getting, as they always do when they mingle, that respect for each other based on a man being a man wherever he is." General Parker wanted the good work to continue in order that "the young men of our country" might receive "certain uniform instructions with reference to the needs of the country, patriotism, moral training, and such matters which pertain to their utility to the state." His "principal desire" was "to get uniformity of thought into the youths." He doubtless had no way of knowing that "uniformity of thought" was within a few years to be one of the primary objectives of the new Fascist war lords in Germany and Italy.

Only one sour note was raised by a military man with regard to these several arguments. General Sherburne, of the Massachusetts Militia, was rather dubious.

Our General Staff [he asserted] is patterned almost exactly on the pre-war German staff methods. Well, perhaps, it would be invidious to go very much further on that line, but take, for instance, the question of saluting. Undoubtedly you gentlemen have talked to private soldiers. I can speak as a general going around in a Cadillac limousine, and say that my arm has gotten so lame at times from saluting that I have pulled down the curtains of my car so I would not have to salute. I have seen boys along the road who would have to jump up and salute every few minutes, and if they did not, they never knew when they were going to get called. I have seen general officers stop their cars and get out and go back and call poor doughboys, treat them like dogs, because they were marching along the road, perhaps tired out, and had failed to salute. I have seen it happen time after time, and that was, I think, a pity. It was a little thing in itself, but it was an outward and visible sign of an inward and invisible condition that was nevertheless very apparent.

There was hardly a returned soldier who could not have testified to the truth of General Sherburne's observations. His forthrightness was not relished by the General Staff, which was just then trying to sell Congress and the country the idea that compulsory military service would make the American people one big and happy democratic family. Yet the Staff did not care to engage in a row with Mr. Sherburne, for that obviously would have called public attention to the utter falsity of its argument and would have revealed the great extent to which the autocratic as well as the martial spirit prevails among American military men.[5] Besides, the other generals had little time for him. They had their hands more than full in seeking power to enlarge the permanent Military Establishment and extend still further their growing influence and authority.

They, too, insisted that peace would be promoted and safeguarded by the General Staff's plan, that a bigger Army and conscription would serve as insurance against war. If the country were only strong enough, if every male citizen could be trained as a soldier, they argued, no one would dare to violate America's just rights. And since the United States, they said, would go to war only in defense of these rights, a great Army and compulsory training would obviously keep the country out of war in the future. "It is my belief," General Pershing asserted with respect to the war with Germany, "that if America had been adequately prepared, our rights would never have been violated; our institutions would never have been threatened." General March held that "if we had been in the position we should have been in, Germany would not have dared to have brought us into the war at all." The European war, then not yet 12 months over, presented tragically eloquent proof of the falsity of this plea. Every one of the major powers had had a huge standing army or a big navy or both on the eve of war. Still they had not remained at peace, their adequate preparedness had not prevented war. Was it not, indeed, the official thesis of the American Government that Germany's preparedness for war was a menace to the peace and security of the world? Yet here were generals who could close their eyes to brutal fact and continue to give voice to this treacherous argument.

Neither national policy in general nor the realities of the international political situation appear to have played any part in the General Staff's reasoning. There is no evidence whatever that in formulating its 1919 plan the Staff took geographic or other factors of a similar nature into consideration, nothing to show that it built its plan upon any real study of the problem of defense. Not once did a member of the Staff seek to demonstrate that the new plan was needed to guard the country against invasion. General March simply wanted a force big enough to fight anybody or everybody. He admitted that there was "no emergency of that kind confronting us now," but he insisted upon having a Military Establishment large enough "to meet any emergency that might confront us."

Nor were the other generals able to point to any specific menace to the national security either present or potential. Some thought that the country might again be involved in a war crisis as the result of its growing power and expanding political and economic activity. General Hinds suggested that "the world is growing smaller every day, due to improvements in methods of transportation; our relations are consequently reaching out into channels that they have never reached before, and in my opinion no one can foresee what may happen in the next month or the next year." Others agreed that "the advent of America into world politics" made necessary a great standing army. Indeed, the consensus among the military men was that the country now needed a Military Establishment not merely for territorial defense but to provide for such expeditionary forces as would be required when the country should again find itself involved in a war abroad.

The cost of the 1919 plan would have been no less impressive than its other startling features. How much, indeed, would it have actually taken in the way of new taxes or new Government borrowing to keep up a war machine large enough to serve as effective insurance against war, to enable the country to defend itself against any possible combination of enemies, to safeguard its just rights wherever they might be found, to allow it to enter into world politics with an enhanced sense of security, to provide for a nucleus for other expeditionary forces to be sent abroad, to bring about the contemplated democratization of the Nation, to introduce uniformity of thought among the younger male citizens, and to secure the several other advantages the generals professed to see in this plan? The estimates varied considerably.

General March had said that the intention was to work out an adequate defense scheme that would not be overwhelmingly expensive. What he considered overwhelming he did not reveal, but when he got down to specific figures it was found that the cost, in his judgment, would have come to about $1,000,000,000 a year. He first figured that the total, "at the present pay for an army of 500,000 men, would be $798,660,000." To this, however, had to be added the cost of the compulsory training system, which was put at $100,000,000 annually. And then other expenses had to be included—a larger clerical staff in the War Department, maintenance and improvement of additional training facilities, more barracks, and so on—none of which seems to have entered into the reckoning of the General Staff. Perhaps the final figure would have run close to $1,500,000,000 a year. At least, some of the higher estimates exceeded $1,200,000,000, and these did not include every essential item. General Wood suggested, referring to the estimate by the Chief of Staff, that "you can add 30 percent to that figure pretty safely. Our experience has always been * * * that estimates are more apt to be under than over."

It may be that the bill would not have been overwhelmingly expensive, but it would have been more than five times as large as the total War Department budget in any year of peace before 1917. In 1916 the War Department spent only $183,176,000 on all its activities, including river and harbor work and the administration and maintenance of the Panama Canal. Senator McKELLAR, of Tennessee, offered another interesting comparison. After Congress had trimmed the General Staff's plan down to somewhat more reasonable proportions, he declared that "the cost of the bill has been reduced to about $4,000,000,000—which, by the way, is about twice as much as Germany, in the heyday of her militarism, ever expended upon her army in times of peace * * *."

Until Congress tackled the job, moreover, no one had seemed able to point to any way in which the original estimate might be reduced—without, that is, also reducing the size of the war machine the General Staff wanted. The Secretary of War, Mr. Baker, intimated that even this machine might not be large enough.[6] But

[5] A fair sample of what the military man really thinks of democracy may be found in the following definition as set forth in Training Manual No. 2000–2025 for the Reserve Officers' Training Corps, a War Department publication: "Democracy—a government of the masses. Authority derived through mass meeting or any other form of direct expression. Result is mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, and anarchy." (The New Republic, December 2, 1936, p. 144.)

[6] Elsewhere Mr. Baker had asserted that "500,000 is a child's play army, compared with what the United States will have to have unless some arrangement is made by which international disputes will be amicably adjusted, and unless that happens, I think the United States and every other country will have to arm to the teeth, and 500,000 will be a baby army compared with what we will need to keep our position in the world." In further justification of a bigger Army he said that "the United States is very much larger than it ever was before, and the size of its Army as compared with the size of its population is not much greater at 500,000 than it used to be at 200,000."

Just how much greater it would really have been may be seen from these comparative figures: In 1907 the actual strength of the Army was 62,398 and the population of the country 97,000,000, or

he agreed that the estimated cost represented "a great deal of money." He told the Senate Military Affairs Committee that he was "sympathetic with every dollar you can save." Yet, when asked for particular suggestions as to how that might be achieved, he had to confess that he was "not expert enough in military matters to answer that. * * * I would like to have the committee take the judgment of men like General Pershing and General March and let that be discussed by military men."

Unhappily, the question of cost was one that the military men were reluctant to dwell upon in detail. Some were emotionally upset by the necessity of discussing it in any way. General Parker, who had seen such shining democratic virtues in universal militarization, was so disturbed when the time came to talk about finances that in an unguarded moment he suggested that it might be wiser not to keep regular soldiers "under the colors all the time," since the expense of maintaining them tended to put military service in a "mercenary" light. What he really wanted, he said, was "to see military service done for nothing but love of country." After all, a billion dollars was rather a steep price to ask the American people to pay out every year, not for national defense, but for a military system of audacious scope and highly questionable value. It was perhaps better to forget the cost and put the whole business on a basis of patriotism.

Mr. HOLT. In 1920 the move I have described was beaten by Congress, and then the effort along this line died down, because the hysteria began to ebb. There was no hysterical effort made to involve the United States in any war. There was no longer any militaristic hysteria such as that which is now growing.

But now, when they see a bright opportunity, with all Americans thinking that Hitler is right at our door, that he is going to land tomorrow, and with all the scares concerning the establishment by Hitler of colonies in South America, and fear of bombing planes, and all the stories that are appearing throughout the country, the war hysteria is once again being built up. Some of the same individuals who tried to have compulsory military training in 1920 are back at work in 1940 with some converts that they have gained in the meantime. They have not only gained groups of converts but they have gained financial support along with them.

THE BACKGROUND OF PRESENT DRIVE

I wish to show the background of this group, which met at the Harvard Club in New York. After this portion of my remarks I shall place in the RECORD that part of the story I told the Senate, because I wish it to be shown in its true light, and all together, and in it Senators will find appearing the same individuals who previously took the same position.

Where did they meet? They met at the Harvard Club, just as the Plattsburg group met in 1916 in the Harvard Club. Not satisfied simply with meeting at the Harvard Club, where they had met in 1916, they met in the very same room where they first tried to put military conscription on the people. They met in the Biddle room of the Harvard Club, just as the group met there 24 years ago, to put over compulsory peacetime military training. They wanted to feel the spirit of those individuals back 24 years ago who had tried to set up compulsory military training in the United States. They were not satisfied, as I say, only to meet in the same city, in the same club, but they met in the Biddle room, the very same room where the drive had once before started.

I referred to the New York meeting a moment ago and stated that the data would be submitted for the RECORD. The following statements are from my speech on the floor of the Senate on August 6:

It was at the Harvard Club (New York City) on the 22d day of May these patriots met to start the conscription drive. Who do we find was there at that time? We find Mr. Grenville Clark, of the proletarian law firm of Root, Clark, Buckner, and Ballentine.

Who else was there? Gen. John F. O'Ryan. Let me read to you what General O'Ryan said before the last war as to why we should draft boys and have them ready for war. This is the exact language of General O'Ryan then, and I want to read it to the Senate:

"The first thing that must be done is to destroy all initiative, and that with the training fits men to be soldiers. * * *

"The recruit does not know how to carry out orders. His mental state differs from that of the trained soldier who obeys mechanically. We must get our men so that they are machines.

"We have to have our men trained so that the influence of fear is overpowered by the peril of an uncompromising military system often backed up by a pistol in the hands of an officer."

I want to repeat the words of General O'Ryan as to the need of conscription. This is what he says:

"We have to have our men trained so that the influence of fear is overpowered by the peril of an uncomprising military system, often backed up by a pistol in the hands of an officer."

Then he continues:

"The recruits have got to put their heads into the military noose. They have got to be jacked up. They have got to be bawled out."

General O'Ryan, as most of you know, has already advocated the entrance of the United States into this war. He is in favor of the United States going over there now. He is for conscription, and was present at the Harvard Club when this committee was set up.

Who else was there? Let us go down through the list of some of them.

Lewis W. Douglas was there. I shall not say about him what the President did. I shall just pass him over.

Who else was there? Henry L. Stimson, the Secretary of War, who is carrying out in the Cabinet the wishes of those who want us to go to war. No matter how much he proclaims otherwise to the public, Henry L. Stimson would be for war today if he felt he could get a declaration of war through Congress. Henry L. Stimson has been present at all these meetings to push America a little closer to the precipice. Henry L. Stimson was present at the meeting, as he was at the meeting that set up the infamous Clark-Eichelberger-William Allen White committee. Was that why he was appointed to the Cabinet, because they knew his record so well?

Who else was present at this meeting to draft American boys? Robert P. Patterson, who is now Assistant Secretary of War. He was present. No wonder Mr. Stimson wants him as his assistant in the Department of War.

Who else was present at that meeting? I was speaking a moment ago of Lewis Douglas. I do not want to bring politics into this matter. I want to be fair. Whom else do we find? Elihu Root, Jr. He was present at that meeting to set up this conscription drive. He is also a member of the firm of Root, Clark, Buckner, and Ballentine, and has many other interests that I could name to you, but I do not want to delay the Senate.

Who else was present at that meeting? Julius Ochs Adler, general manager of the New York Times, and a man who holds stock in corporations located in countries now at war. Mr. Adler wants the American boy to protect his investments.

Now, let us see who else was there. We find that Mr. K. P. Budd was there. That may not mean anything to you; but who is Mr. K. P. Budd? He is a director of the North British and Mercantile Insurance Co., with headquarters in London.

Let us look at the others that we have in the list. We find Mr. J. B. Taylor, Jr., who has money invested in aircraft, and a director of aviation corporations.

Let us see who else was there. We find Mr. F. M. Weld. Who is Mr. Weld? I will tell you who he is. He is a director of the Baldwin Locomotive Works, which is making millions out of this war.

Now let us go down the list of these individuals, and see what their patriotism is, that they want American boys to be regimented. What else does Mr. Weld do? He is in the oil business, in the Pilgrim Exploration Co., and other enterprises that I could mention to you.

Whom else do we find present at that meeting? Brig. Gen. Benedict Crowell, who was Assistant Secretary of War and Director of Munitions during the World War. You recall that—the Director of Munitions during the World War—do you not? He was also present at the Harvard Club to set up this conscription drive to get American boys in the Army. Other individuals were present whose names I could place in the RECORD, together with a list of the interests with which they were identified.

They met on the 22d day of May and established this drive for conscription. On the 23d day of May they went back to the same club and there passed resolutions for "aid to the Allies short of war." I have been advised that their statements there were as bellicose as if we were in war at that time.

Now, let us see what else they did. They know where to get money. What did this committee do? On the 3d day of June they met again. They met to raise money. It is hard to tell how much they raised, but they said they were going to raise one-quarter of a million dollars. What for? Why should men in business have

---

1 soldier for 1,565 citizens; under the National Defense Act of 1916 the Army had a maximum peace strength of 175,000 (its actual strength being below 100,000) and in that year the population was 112,000,000, giving 1 soldier for 640 inhabitants; in 1920, under the General Staff's plan, which Mr. Baker approved, the Army's strength would have been 576,000, while the population was 118,000,000, or 1 soldier for 205 citizens, which would have meant a gain in proportionate strength of more than 650 percent since 1907. Stated otherwise, in 1920 the population was 22 percent larger than in 1907 and 5.4 percent larger than in 1916, but the Army planned by the General Staff would have been 820 percent larger than that of 1907 and 230 percent larger than that permitted under the 1916 law. (Hearings on the Army Reorganization Bill before the Committee on Military Affairs, House of Representatives, 66th Cong., 1st sess., pp. 1774–1775; William Addleman Ganoe: The History of the United States Army, New York, 1924, pp. 430, 457–458; Statistical Abstract of the United States, Washington, 1930, p. 3.)

to raise a quarter of a million dollars to drive a conscription bill through the Congress of the United States? Why, I ask again, should businessmen raise a quarter of a million dollars to drive conscription through the United States Congress? If conscription was a good thing for this country, would not our Army and Navy ask for it without pressure? Would we not vote for it without propaganda to drive us into line? That quarter of a million dollars was to pay for the type of propaganda spoken of just a moment ago by the Senator from Michigan. A quarter of a million dollars was raised at that one time. Think of that—men raising a quarter of a million dollars to conscript boys in America. Such patriotism.

Who else was present? And what financial enterprises do we find that these individuals are engaged in? Here are some of their financial holdings: We find that some of them have foreign investments—very decided, strong, large foreign investments. We find that some of them are directors of abrasive companies, directors of rubber companies, directors of chemical companies, directors of wire companies; and wire is very important in war. It is very usual to see a boy, one of these conscripted boys, hanging over a barbed wire, with his stomach torn open by a bomb. So we need wire in war.

Whom else do we find? We find directors of iron-ore mines and iron furnaces, directors of oil companies, directors of British insurance companies, of aircraft companies, of the Baldwin Locomotive Co., of machine tools, of phosphates, of air brakes; and in that list you will find such a group of patriots as this country has never seen.

Yesterday I spoke about the Philadelphia group, and how it originated. I mentioned the six men. I am sorry I was interrupted so much yesterday. I could have gone into detail and shown more of the background of the movement. I intend to place that matter in the RECORD later.

Let us bring the history of the movement down to 1940. I do not care to detain the Senate longer than necessary. What do we find? We find that this group met in 1940. I told the story of how they met and raised a quarter of a million dollars to put over peacetime conscription. As I then asked on the floor of the Senate, Why should any group of financiers and international bankers be required to raise a quarter of a million dollars to force through compulsory peacetime conscription in America? I have before me—and I intend to put it in the RECORD as a part of my remarks—a letter which was sent by Mr. Allan L. Lindley, treasurer or director of the finance committee—I am not sure which. He did not send it to the boys on the street asking contributions. From whom did he ask contributions? Every single solitary member of the New York Stock Exchange was sent a letter, asking him to donate money to force through compulsory military training in America. I shall place that letter in the RECORD. It follows:

NATIONAL EMERGENCY COMMITTEE,
MILITARY TRAINING CAMPS ASSOCIATION,
*New York, N. Y., August 5, 1940.*

Those who believe in selective compulsory military training and its immediate adoption make the compelling argument that with the equal opportunity offered to all citizens of the United States there goes the equal obligation to serve.

A corollary of this, in the judgment of the National Emergency Committee, means that citizens able to give—and who believe we must immediately adopt this form of military training—should willingly contribute to help enact the Burke-Wadsworth bill into legislation.

Time is too short to permit us to make a wide national appeal for the $100,000 fund imperatively needed for the purposes set forth in the enclosed leaflet. When you write your check payable to James G. Harbord, treasurer, make the amount proportionate to your stake in American freedom.

Delay has cursed the cause of the Allies day in and day out. This is a major test of the democracy we seek to protect. Can patriotic Americans move quickly enough to provide an adequate defense?

Part of the answer—your part—may be found in your response to this appeal.

Sincerely yours,

ALLEN L. LINDLEY.

Is this the Allen L. Lindley that was vice president of the New York Stock Exchange when Richard Whitney—now in Sing Sing—was president? This is a copy of what is being sent to New York Stock Exchange members.

Does anyone suppose that the Military Training Camps Association was organized among poor people? Does the Senate know how much the banking and insurance assets of the banks of which members of this committee are directors amount to? I was not able to check them all, but I checked some of the banks and financial institutions of which these men are directors. What did I find? I found that the directors of the Military Training Camps Association were directors in banking institutions which had assets, not of $1,000,000,000, but of six and a half billion dollars—six and a half billion dollars' worth of pressure.

Who else is behind the international movement? Directors of both the National Broadcasting Co. and the Columbia Broadcasting System. Everyone knows the power which Major General Harbord has with the National Broadcasting Co. as a director of radio communications. Is that why the ether has been filled for weeks and weeks with the idea of compulsory military training? I have in previous speeches discussed directors of the other chain. Does the Senate realize that as soon as the bill was reported the story was given out that the compulsory military training bill was almost passed, and that it was a question of only a day or so before the bill would be passed? Why was that feeling generated? In order to try to keep the American people from protesting. Anyone who listens to the comments of Mr. Kaltenborn or some of those paid by the National Broadcasting Co., to give the so-called impartial news, will find that it is loaded in favor of compulsory military training. I hate to say these things, because I have sometimes taken great pleasure in listening to the commentators. I say that they are destroying themselves in the eyes of impartial thinking people in this country. They are destroying themselves because they are loading their so-called impartial comments with propaganda for war.

Some time ago I showed the Senate who paid for the "Stop Hitler" advertisements. Whom did we find? Two directors of the Columbia Broadcasting System. It is not that the broadcasting companies do not give us time. I have been very fortunate. They have been very kind to me whenever I have asked for time on the networks; but that is not the power of the radio.

The men to whom I refer appear night after night, giving the news and their comments on it. Night after night they are generating the feeling that America is in danger, and that if we do not have compulsory military training the American democracy will fall. That is why I protest. It is not that the broadcasting companies do not give us 15 minutes every now and then. I say that their paid propagandists are on the air, not spreading the doctrine of Americanism, but the poisonous doctrine of internationalism—the doctrine that America is no longer strong.

AMERICA HAS BEEN HER OWN PROTECTOR

We thought America was great. I was taught as a child in school that the fine American soldiers protected America. I thought we had a great army and a great navy. I was taught that America never lost a war; but recently I have been disillusioned, because I have been told that we are not strong because of ourselves, but because of the British Navy, and that we would have been invaded and destroyed if it had not been for the British Navy.

All the teachings of history have been wiped out in the past few months. I thought that American soldiers and American sailors defended us, but I now find that the Union Jack has been our defender. I learn that from listening to the propaganda we are hearing over the country. The greatest insult to American history is the propaganda which has been put out that America cannot defend herself with her own might. Let us see that America rests only on Americans. "Let none but Americans be put on guard tonight." Let us not make the British Navy our protection, because we know Britain's theory of the balance of power and her theory of colonial empire. Let us make the American Army and the American Navy our defenders, and not tie ourselves for all time to come to internationalism.

GRENVILLE CLARK'S LETTER

Some of the very same individuals who are preaching internationalism are the ones who are preaching compulsory military training. Let me read part of a letter written by Mr. Grenville Clark, the man who actually wrote this bill for compulsory military training. Is he interested only

in the defense of America? Let me tell the Senate about Mr. Clark. I have given some of his history before. These are the suggestions he offers:

Being weary of generalities, I offer the following concrete suggestions:

Repeal the Johnson Act so as to permit private loans to the Allies. If we really want them not to be defeated, what difference does it make that years ago they defaulted on their vast debts from the last war? If we really believe that it is in our national interest that they shall not be defeated, is it not common sense to aid them, at least with private credit voluntarily supplied by our citizens?

So Mr. Clark, the man who actually penned the compulsory military training bill, calls upon us first to repeal the Johnson Act. He says, "What difference does it make if they defaulted?" I should like to borrow some money from Mr. Clark on that basis. What difference does it make? It is all paid by the taxpayers. Just waive it aside. Repeal the Johnson Act, so that we will be "Uncle Sap" once again. Remember the "Uncle Shylock" incident?

What is the second thing which Mr. Clark advocates?

Let the law that prohibits American volunteering in the Allied armies be forthwith repealed. Since there are aviators and others who feel the call to serve against Hitler, why should we forbid it? Their aid might be invaluable.

Let Americans volunteer in the army of Great Britain. That is the second suggestion of Mr. Clark, the author of the bill.

His third suggestion is:

Let our Government facilitate in every way the procurement by the Allies of the most modern planes and arms we can supply.

This is the dangerous thing:

Let no "secrets" be withheld; let permission be given freely for the sale or charter of our shipping in order to safeguard their lines of supply by sea.

Let no secrets be withheld. In other words, give England our bomb sight, which American ingenuity and American science gave us. This is from the man who wants to defend America by compulsory military training. Yes; let no secrets be withheld. Not only that, but let us give them or charter to them any part of our Navy they may want.

The fourth step, according to Mr. Clark, is this:

Let immediate steps be taken to stop entirely the export of copper, tin, rubber, and other war materials to Russia or other countries whence these materials may find their way to Germany.

I have no objection to that. If we are going to put on an embargo, let it apply to all. That point itself is not particularly dangerous.

What else? Mr. Clark's fifth point is:

Let our Government see to the doubling, at least, of our merchant shipbuilding capacity so that, in a long war, a new supply of ships may be forthcoming to insure communications. Let these new ships be sold or chartered to the Allies on reasonable terms, without profit.

That is the suggestion of Mr. Clark, the author of the bill. I wish to read it again:

Let these new ships be sold or chartered to the Allies on reasonable terms, without profit.

Yet Mr. Clark, as a member of an executive committee, criticizes excess-profits legislation. Build ships for the Allies without profit, but the American taxpayer should give a profit to the man who builds ships for America. This is the man who wrote the compulsory military training bill which we are now considering. That is the fifth point which he advocates.

The sixth point is:

Let a great public discussion be begun as to the advisability of Government grants of all the money required. Let this question relate to outright grants, not loans. For what is the use of piling up new debts that we know cannot be repaid? Let discussion proceed as to all other ways to place our full resources, short of actual military participation, at the disposal of the Allies.

Mr. Clark says we should take American money out of the United States Treasury and give it to the Allies—not lend it to them, but give it to them.

Think of those points, and then consider whether or not Mr. Clark is particularly interested in the defense of America. I wish when Senators read the RECORD tomorrow they would check the six points that Mr. Clark advocated in a letter of the 17th day of May 1940, against the so-called patriotism of drafting every man between the age of 18 and 65, as that was his proposal.

The same international group will be found talking about that.

GEORGE HUDDLESTON ON CONSCRIPTION

May I read something that I wish I could say in my own words? I think it is one of the strongest things I have ever read on conscription. I refer to the speech on conscription made by George Huddleston, of Alabama, a great and independent Member of the House of Representatives. This is what Mr. Huddleston said:

First, I would inquire, Where does the demand for compulsory service come from? What influences are back of the agitation which would in time of peace make us a nation in arms? Does it come from the friends of the people, from those who have concerned themselves with the welfare of common men? Does it come from those who have proven their faith in democracy? Or, on the other hand does it come from those who hate the rule of the people and would delight to thwart it? Who are they that are carrying on this agitation and seeking to convince America that compulsory military service is democratic?

Then he calls the roll of those who are for it. Who are they?

The military satrapy.

They are for compulsory military training. Mr. Huddleston proceeds:

Officers of Army and Navy, representatives of a system which is the very antithesis of democracy, an organization dependent upon a multitude of ranks in which each station adulates its superiors and despises those below it, which has its very breath of life in distinctions, differences, and their insignia.

I shall not take the time of the Senate to read the other members of the group and what they say but I shall place further extracts from the speech of Mr. Huddleston in the RECORD. I will, however, call in the order as given by Mr. Huddleston a few of those who were for conscription in 1917.

First, the military satrapy.

Second, the great financiers.

Third, war traffickers, munitions makers, and contractors for Army and Navy supplies.

Fourth, the parasite press.

Fifth, sychophants and snobs.

Sycophants and snobs. Today we have many men who like to bow to a king. I know some men in Congress who actually had to buy tuxedo suits on credit so that they could go see the King and Queen of England. Oh, yes; we have men who like to be invited to embassies. We have men who like to go with the mighty, and every one of those are in the group of sycophants and snobs such as we had in 1916 and 1917. Show me a man who longs to be introduced and bow to a king, and I will show you a man who believes that America owes an obligation to Great Britain.

Never before in American history have we had so many of these sycophants and snobs who like to bow to a king and a queen. It will be remembered when the King and Queen of England held a garden party at the British Embassy in Washington, the guests were not supposed to walk on the same path trod by the King and Queen for 5 minutes; they were supposed to let the path get cold. It will be remembered rules and regulations for the party were issued by the Embassy, which were sent to those who wanted to see and were invited to see the King and Queen that day. I was not particularly interested and did not go. Everyone was supposed to bow from the waist and, being as fat as I was, I was afraid to do that. The embassy sent out rules and regulations. It will be remembered how, I think it was the lady in waiting or some such personage, sent a message to Mrs. Roosevelt, the First Lady of the Land, advising that there should be on hand hot-water bottles in the White House because the King and Queen were used to such things even in June.

So it is that we have developed the idea of a society of snobs. Today, if the British Embassy desires to get money, all it has to do is to invite guests at $10 a throw to a party at

the Embassy, and the quota will be filled. There is no question about that, but ask them to donate a dollar for a poor kid in the alleys of Washington, and they will say, "We are sorry, but today we just do not have any money for that," though they do not hesitate to ask $10 for a ticket to obtain money to send over across the sea.

I need not tell the Senate, all Members of the Senate know it, even though some of them will not say it, that behind this drive is the social lobby. Show me the social lobby, and I will show you individuals who are interested in internationalism. As Mr. Huddleston said, it is the sycophants and snobs and the other classes to whom he referred who favored conscription in 1917. The extracts from Congressman Huddleston's speech follow:

WHO FAVORS CONSCRIPTION?

First, I would inquire, Where does the demand for compulsory service come from? What influences are back of the agitation which would in time of peace make us a nation in arms? Does it come from the friends of the people, from those who have concerned themselves with the welfare of common men? Does it come from those who have proven their faith in democracy? Or, on the other hand, does it come from those who hate the rule of the people and would delight to thwart it? Who are they that are carrying on this agitation and seeking to convince America that compulsory military service is democratic?

I call the roll of great Democrats and humanitarians, those who have battled for political freedom and the rule of the people, who have striven to elevate the condition of labor, to make the lives of women and children and the voiceless under half of humanity brighter and happier, who have labored for peace, who have recognized man's duty to his fellow man in the universal brotherhood. No answer comes. Out of all the leaders in efforts to ameliorate the condition of mankind, no one answers in behalf of a system of conscription. To the contrary, with one voice they unite in denouncing it.

Where, then, does the support for this odious system come from? What classes favor compulsory service? I answer.

The military satrapy. Officers of Army and Navy, representatives of a system which is the very antithesis of democracy, an organization dependent upon a multitude of ranks in which each station adulates its superiors and despises those below it, which has its very breath of life in distinctions, differences, and their insignia, which finds its opportunity in increased numbers and has its honors and emoluments augmented by every humble private who may be brought into the ranks. The military system, with its manifold gradations, with its iron discipline, which has as its ideal the making of a senseless human machine with which the superior may work his absolute will; where the dangers and hardships are borne by the inarticulate men in the ranks and the honors and rewards are enjoyed by the wearers of gold lace and epaulets.

The great financiers. Owners of railroads and ships; captains of industry, who have heaped their millions out of the sweat of the masses and who desire patient and docile servants in their industries; men of great wealth, who hold in their hands the capital of the Nation; who are seeking investments in the weak and undeveloped countries of the world, where they may fatten on concessions of mines and railroads; who are demanding the open door for investment and exploitation in China, though it involve fighting a bloody war 6,000 miles from our shores; who plan the financial conquest of Mexico and South America; who would send the American flag into the remote corners of the world so that rich profits may be brought home to their coffers; these men who hate democracy, who fear it, who with their vast wealth are chiefly interested in preserving the established order, with a free hand to monopoly and exploitation.

War traffickers, munitions makers, builders of ships for the Navy, and contractors for Army supplies. Those who coin their profits out of human blood and suffering, who owe their affluence to the great tragedy, battle; men who, masquerading as patriotic societies, have fomented the fears of the people, have financed moving pictures to terrorize the people, and carried on a Nation-wide propaganda for vast increases in Army and Navy in order that they might sell their wares.

The parasite press. The corrupt newspapers, preaching the doctrines of reaction; subsidized by selfish interests; echoers of all the undemocratic voices in our country; pandering to the selfishness of the small percentage of our people who aspire through wealth and prestige to rule over the many; drawing their support from the classes, and always insidiously seeking to discredit the common people, to make them ridiculous, and to destroy their influence; always the advocates of capital in its disputes with labor; always praising those of place and importance and spitting upon the humble and unfortunate.

Sycophants and snobs. All those who hang upon the coattails of the great and imitate and praise wealth and power wherever it is found; aristocrats of new-found wealth and ephemeral prestige, scorners of hard hands and soiled clothing, the would-be elect and privileged.

I would not charge all who favor compulsory service as belonging to the classes I have denounced. No doubt many unselfish and patriotic men favor conscription, have been convinced that it is necessary; but in the main these have been misled by a false propaganda. The agitation has had its source and mainspring in the selfish and undemocratic classes.

I speak in scoffing words of those who favor the new policy of conscription, but my bitterness is only forensic and superficial. I do not hate them. Many of them are not conscious of their undemocratic tendencies. They are clutched in the grip of their environment, associations, and selfish interests, and do not realize where the road leads to. Again, many of them are sincere in thinking with Carlisle that the world advances through its heroes and that the masses are of little worth. They would not have America a democracy ruled equally by all its citizens. They regret that we have no aristocracy, no class privileged by law, which would give greater stability to society. I do not hate them, but I abhor their opinions.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Arizona.

Mr. ASHURST. Undoubtedly a large number of earnest and patriotic people are for the draft.

Mr. HOLT. That is true.

Mr. ASHURST. Although they do not like to say draft; they like to use the more euphemistic term, selective service. They will not use the word "draft." I believe, and have no hesitancy in saying so, that every proper step should be taken looking toward preparation for our national defense on land and sea and in the air; but, Mr. President, I make this prediction as to the draft, that those who are urging in the most excited and heated way that we vote for the draft belong to that class of persons who are invincible in peace, invisible in war. [Laughter.]

Mr. HOLT. I thank the Senator from Arizona. He always contributes much to the thought.

According to their theory, they can take a boy out and kill him, and that is democracy; but if they are required to put their hand in their pocket and take a dime out before they kill him, that is regimentation.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. HOLT. I yield.

Mr. ASHURST. Many good Christians of high character and great patriotism are in favor of the draft——

Mr. HOLT. That is true.

Mr. ASHURST. And many good persons of high character and great patriotism are in favor of the drafting of wealth to pay for war; but, mark my words, in many, if not most, cases, if a careful examination be made, it will be discovered that those who most excitedly and heatedly advocate the draft of men will never support a draft of money.

Mr. HOLT. I thank the Senator from Arizona. It is quite interesting to pick up the New York Times which prints "all the news that is fit to print." In the New York Times we find editorials saying, "Congress ought to stop talking and pass the draft bill," or words to that effect; "Let's get this through; draft men." That is democracy; but when something is said about taxing excess profits they say, "Let us go a little slowly on that."

Mr. President, I wish to make it emphatically clear, if I can, that I agree with the Senator from Arizona. Some of the finest and most patriotic men I know are for the draft; there is no question in the world that they are for it; they are just as much for it as I am against it. It is not their names that I call in this group; the individuals I condemn are those who are hiding behind the American flag to make dollars; it is those who are willing to take a boy and send him to his death but are not willing to send a dollar along with him.

Yes; we need men; but we also need money. America is far more financially unprepared than she is unprepared with manpower; but they do not want to meet the financial unpreparedness; no; not at all. They say, "Let us wait and study that; let us wait; we are not in war yet; take the boy tomorrow and then study the financial aspects after he is taken." They say "make rules and regulations as to wealth after you take the boy but let us be a little careful in touching property; let us be a little careful because you might do something that would be against traditional American policy," as though drafting men were not against traditional American policy.

Oh, Mr. President, I wish to state when the time comes these individuals who are preaching regimentation of manpower will find that they have opened the door for regimentation of everything. Let no one fool himself about that. They think they are smart; they think they are about the smartest group on earth; but once they step in and regiment manpower in a time of peace it will be only a short time until there is regimentation of industry, regimentation of business, and regimentation of America. How in the world can you condemn regimentation of property once you have established regimentation of blood? It is impossible.

Oh, but they say they are smart enough to get regimentation of manpower, but there will never be a regimentation of wealth. They are going to find out they are not so smart as they think they are. This is the first step on the road to regimentation in America, or it is a further step in regimentation, and I ask, How can you condemn regimentation of wealth when you regiment people's lives? It is impossible; and the American people are going to demand that same sort of regimentation when the time comes.

As I said a moment ago, who are some of those behind conscription? Wealth, the Army, sycophants and snobs, and the controlled press. I again say certain supporters of the policy are sincere, but others are not.

LABOR OPPOSES CONSCRIPTION

Who are against it? Mr. President, at this point in my remarks I intend to place in the RECORD what the American Federation of Labor said about the draft, what the C. I. O. said about the draft, and what the railroad brotherhoods said about the draft. The statements follow:

From a dispatch from Niagara Falls on August 20, the following viewpoints of William Green, president, American Federation of Labor, and Thomas J. Lyons, of the New York State Federation of Labor, stated:

"Criticizing the Burke-Wadsworth bill as 'not well planned,' Mr. Green urged that the voluntary enlistment system have a full trial before the draft was applied.

"If resort to conscription eventually became necessary, he said, there should be a guaranty that the soldiers would be used only for home defense and protection of the Western Hemisphere; workers should have assurance of getting their jobs back and compensation during the training period should be sufficient for maintaining living standards.

"Mr. Lyons said in his criticism of the Burke-Wadsworth bill that it would make for a system of regimentation far beyond the needs of the country, and that it would be particularly injurious to labor."

---

[Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors of America, Brotherhood of Railroad Trainmen, Switchmen's Union of North America]

CLEVELAND, OHIO, *August 1, 1940.*

The Honorable MORRIS SHEPPARD,
*Chairman, Senate Military Affairs Committee, Senate Office Building, Washington, D. C.*

The Honorable ANDREW J. MAY,
*Chairman, House Military Affairs Committee, House Office Building, Washington, D. C.*

DEAR SIRS: The undersigned chief executives of the organizations representing engineers, firemen, conductors, trainmen, and yardmen employed on the railroads of the United States have this day given consideration to the provisions of the proposed compulsory peacetime draft or conscription bill which contemplates the inducting into the military and naval service of the United States in the immediate future some hundreds of thousands of citizens of this country for a period of training.

We refer to the Burke-Wadsworth bill now before Congress for consideration and feel that you should be made acquainted with our views, which we are confident reflect the views of the membership of these organizations employed on American railroads.

We are in general agreement with the prevailing sentiment in the United States that every support should be given to adequate measures necessary to the protection of our democratic institutions against attack from the force of dictatorship, both within and without our country. However, grave doubt exists in many quarters with respect to the wisdom of enacting a peacetime conscription bill when it is believed other adequate measures are available. Such proposal borders closely on the principle of dictatorship, and we hold the view that regimenting our people is un-American and unnecessary.

Patriotism is not the monopoly of those who are feverishly urging this conscription bill. We may rightly assume that all citizens are patriotic and if given the opportunity and impressed with the necessity for their doing so, they will volunteer their services in defense of our country.

At present there is a vast army of unemployed, thousands of whom would be desirous of enlisting in the military and naval service if given an opportunity to do so, but they are so circumscribed by technical military and naval physical requirements that many of them are precluded from voluntary enlistment. Consideration should be given to assisting them in removing minor physical defects so that they may be acceptable as volunteers.

Compulsory military service in time of peace is the very antithesis of freedom. It involves an infringement on the very principles of democracy which it is invoked to defend. It imposes upon the individual a mandate to give service which he may not be in position to render without serious sacrifices on the part of himself or his family, or both, and this at a time when there are thousands of other individuals who would be glad to avail themselves of the opportunity to serve if such opportunity were not denied by the restrictive rules observed by the recruiting service.

The youth of our country who are inducted into the military and naval services under the principle of conscription and who are made to serve will quite naturally acquire the viewpoint that forceful means should be adopted in all the affairs of life as an avenue to achieve desired ends.

While you are giving thought to the Burke-Wadsworth bill let not the hysteria of the moment sweep you into supporting such a drastic and ill-advised change in the American way of life. Democracy means that the state exists to serve the individual. The program at present contemplated will cause hundreds of thousands of our youth to become war-minded and will, if carried out, establish the fabric of a giant war machine, which experience teaches us cannot and will not be permitted to rust in peace. "War games" inevitably lead to war. The voluntary-enlistment principle confines and restricts the dissemination of war-mindedness to actual necessities through the longer term of service and, above all, preserves the principle of democracy in its strictest sense.

These organizations are wholeheartedly in accord with the establishment and maintenance of an adequate national defense, and their membership will not be found wanting in any support of such proper measures, but we are convinced that under present conditions the regimenting of our people according to the contemplated military pattern is unnecessary and is an infringement upon the civil liberties which they may reasonably expect to enjoy.

We trust that your committee will not favorably report the Burke-Wadsworth military conscription bill.

Respectfully yours,

A. JOHNSTON,
*Grand Chief Engineer, Brotherhood of Locomotive Engineers.*

J. A. PHILLIPS,
*President, Order of Railway Conductors of America.*

D. B. ROBERTSON,
*President, Brotherhood of Locomotive Firemen and Enginemen.*

A. F. WHITNEY,
*President, Brotherhood of Railroad Trainmen.*

T. C. CASHEN,
*President, Switchmen's Union of North America.*

---

(Following is an abridged text of the memorandum opposing peacetime conscription which was sent this week by C. I. O. president, John L. Lewis, to all Members of Congress:)

AUGUST 14, 1940.

The Congress of Industrial Organizations stands second to no one in its desire for effective national defense. It has, therefore, pledged itself to the fullest cooperation with proper defense measures.

In the establishment of adequate national defense, however, it is just as essential that unsound and unwise proposals be defeated as it is that proper measures be taken. In the excitement of a period of crisis measures are sometimes advanced so fundamentally in opposition to our national democratic traditions that their proponents would not dare propose them at any other time. It is our belief that peacetime military conscription is just such a measure.

SOURCE OF THE BILL

The very genesis of the measure for peacetime conscription is open to serious question.

1. The propcsed bill was drawn up under unofficial auspices by private citizens, although no measure could be more affected with the public interest.

2. The bill was launched by a group of prominent New York corporation lawyers and other wealthy persons. Neither these persons nor the congressional sponsors of the bill have been notable in their support of legislation for the welfare of the common people of this country.

3. The measure has not been formally requested of Congress by the President of the United States, the responsible head of preparation for national defense.

4. At their recent national conventions both of the major political parties gave the proposal for conscription consideration, but neither saw fit to give endorsement to the proposal.

REASONS FOR OPPOSITION

Briefly, these are the reasons which have impelled the C. I. O. to oppose the pending measures:

1. There is a better way to recruit a proper army for defense than conscription.

Voluntary enlistment under terms which have a real concern for the needs of the individual would quickly provide a suitable army.

The period of enlistment should be shortened to 1 year. The pay should be raised at least to compare with that of the self-respecting workman. The right to return to private employment should be protected. Provision should be made for the continuation of social-security protection during the period of such enlistment. Private debts should be either assumed or suspended. Officers' commissions should be more freely open to enlisted men, so that an army career is open to men from the ranks. Under such circumstances the most effective and loyal kind of an army could be raised, with much less cost to the Nation than the enormous expenditures necessary for conscription.

MEN VERSUS MONEY

2. Military conscription now would establish the principle in this Nation that the lives of our young men are less privileged than the profit rights of dollars.

Today the Nation is watching the shameful spectacle of our Government yielding to the imperious demands of corporate industry for vast tax concessions and enormous loans as a precondition to manufacturing arms. The same interests who thus strangle our national defense call loudly for the forcible conscription of our young men. They claim in one breath that no dollar will be turned to the defense of our Nation without a fat and untaxed profit being assured, while almost at the same moment they call upon our young men, most of them workers, to cast aside their liberty and sacrifice their ambitions or suffer punishment as a felon. It would be a terrible day in American history should our young men be forced to the draft while industry is free to lay down its ultimatums to the Government.

3. Forced military service in peacetime would be an alarming departure from the basic principles of our democracy. It is the first step toward the break-down of those free institutions which we seek to protect.

Citizens who become subject to conscription lose a substantial part of those civil rights and liberties which distinguish a free democracy from a totalitarian state.

Such conscription would further establish in the minds of the young people of the Nation the idea that voluntary loyalty to the Nation is no longer a necessary virtue. It would introduce them to the principle of compulsion, a principle native to the Fascist state and alien to our own.

NO MATERIALS

4. The production of equipment for an army has lagged far behind the enlistments into the military service.

Already there are more men available to the Army and the National Guard than can be equipped for some time to come. The present speed of enlistments is far more rapid than the provision of equipment. From the point of effective defense, an efficient, loyal, and highly trained army, highly mechanized, is many times more efficient than a sullen, ill-equipped, poorly trained, conscript army of three times the size. Conscription now would be an enormous waste of money and manpower.

5. The entire fabric of the Nation, both industrial and social, would be torn by conscription. The dislocations in industrial production and in community life caused by conscription would take years to heal.

Therefore, the C. I. O. is opposed to provision for peacetime conscription as a measure inimical to the most effective kind of national defense and alien to the democratic way of life.

They are all opposed to it. Those are the ones who have borne the brunt of making America, also. Compare that list with those who are for conscription, and you find the issue clearly drawn of wealth against man.

Mr. WHEELER. Mr. President——

Mr. HOLT. I yield to the Senator from Montana.

Mr. WHEELER. I should like also to call the Senator's attention to the fact that the largest farm organization throughout the West, the Farmers' Union, has not only pronounced against the draft in its national organization, but in practically every one of its locals throughout the country it has passed resolutions condemning the draft.

Likewise, let me call attention to the fact that the Methodist Church is opposed to conscription, the Presbyterian Church, the Lutheran Church——

Mr. HOLT. And the Catholic Church, through the bishops.

Mr. WHEELER. And the Catholic Church, through the bishops. In fact, in addition to the labor organizations, I do not know of any church group in the United States or any farm group in the United States which has not gone on record against conscription.

Mr. HOLT. I thank the Senator from Montana.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. HOLT. I now yield to the Senator from Arizona.

Mr. ASHURST. In our power, our greatness, and our opulence, our own race, like any other race, might be inclined to forget that in all this power, greatness, and opulence there is a moral influence that operates through and by the medium of the churches of the country; and the statesman scorning that influence will come to no good end.

Mr. President, statesmen should remember that in every human breast there is an invisible temple which no law can violate or subvert. That is the fundamental trouble with the draft in time of peace: It seeks to violate, and destroy the invisible temple which is within the breast of every free person. It seeks to regiment the Nation. I am glad the Senator from Montana has directed attention to the fact that the ministers of religion of our country, whose voices are to be respected whether we believe in all the various creeds, or not, have not surrendered their duties or abandoned their altars in this time of excitement.

I shall not mention the name, but only an hour ago I received a letter from a rabbi, one of the most scholarly and devout men in America—I do not feel at liberty here to read his letter—in which, in high and exalted language, with the scholarship of his race, which has 6,000 years of culture, he pleads that we do not attempt to violate this invisible temple in the breast of human beings by a draft in time of peace

Mr. HOLT. I thank the Senator from Arizona.

Mr. CHANDLER. Mr. President——

Mr. HOLT. I now yield to the Senator from Kentucky.

Mr. CHANDLER. I know that my young friend from West Virginia sincerely desires to avoid for his country participation in war. I know that the Senator from West Virginia realizes that I, too, am anxious to avoid war for the people of my country. I have not found in the membership of the Senate a single man who does not sincerely want to find the right answer to this question, which may mean the lives of our people in the years to come. We differ in the ways in which we seek to find the right answer.

I, for one, do not believe we can afford to speculate on the safety of the people of this country. If we should speculate and make a mistake, if we could pay for the damage occasioned by our action it might be well; but generations now living and those to come will suffer and pay for the mistakes we make here, if we make mistakes.

I should not like to see this country become a military nation. If armies are trained year after year, the first thing you know, it is necessary to give them a fight. If that is not done, they will fight each other. I had experience with that sort of thing as a youngster, as a football coach; and I make the assertion that if a football team is coached 3 or 4 or 5 weeks and is not given a game, mutiny will break out in the ranks of the organization.

Mr. HOLT. I said that after an experience of 5 years in coaching, too.

Mr. CHANDLER. I did not know the Senator from West Virginia had been a football coach.

Mr. HOLT. Oh, yes.

Mr. CHANDLER. It is a great experience.

I know that if tomorrow England should fall, the prospect of danger to the people of this country would be so great that we probably would immediately ask for all the men we could get in the country, and have them immediately take up arms and start training.

I desire to repeat something I said the other day: There was one man who, year after year, told the people of Great Britain how unprepared they were for emergencies that he saw in the future, and they paid literally no attention to him. It is an ironic and a somewhat tragic thing that in their desperate hour they called that man to save them, and he has to use, not much equipment and not many trained men.

I, for one, am sincerely anxious to guarantee, as long as it is humanly possible, that the people of this country shall live in reasonable peace and contentment. I hate to think that I might cast a vote here for failure to provide a sufficient number of men, when we consider that we are appropriating fourteen or fifteen billion dollars to buy equipment and machines which will not run themselves. They must have men to run them.

I voted against sending the National Guard outside the possessions of the United States because I think we have enough territory and enough possessions in America to train

the boys that we want to get in shape to fight if an emergency comes; but I desire to know how far my friend from West Virginia is willing to go, because I want to find out if there is a common ground upon which men of good reason and good judgment and good patriotism can stand with regard to our facing this emergency so that we can protect America against any eventuality that we can foresee or anticipate. For example, as I said, it would change the whole complexion of the thing if tomorrow England should fall. I doubt if there would be a vote against calling every man immediately, and putting him somewhere where he could immediately get ready to defend this country.

I know how sincere and how earnest the young Senator from West Virginia is and how patriotic he is. I do not share the view of any Senator or anybody else who questions the patriotism of one of his fellow citizens. I wish they would not do that. I do not like to hear people ascribe to others motives which I doubt if they possess. But we must realize here, every one of us, that the country will have to pay for the mistakes we make. The very fact that we have not enough men in the Army now to man the machines and the planes and the antiaircraft guns and the other essential elements of defense makes me feel that I might make a mistake if I did not ask for more.

If I were in the position of the Commander in Chief, the President of the United States, I think I would go frankly before the country and say, "It is absolutely necessary and essential that we have at least so many men", and give the approximate number of men required, "at once, in order adequately to defend and protect the people and possessions of America."

Mr. ASHURST. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Arizona?

Mr. HOLT. I shall be very glad to yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, in this life we should be under no illusions. I believe that the draft in time of war is justifiable, but it must be remembered that now we are asked to change the policy of the United States. We are asked now to regiment America. We are asked now to set up a system like that of continental Europe.

The business of Europe is war. Two hundred and sixty great battles have taken place on the battlefield of Waterloo. I shall not and could not name them all. As I say, the business of Europe is war. If we vote for a draft in peacetime, we shall never live long enough to rid ourselves of that system. It will be permanently upon us. We shall not be able to rid ourselves of it. Its very centripetal force, its very momentum, will keep you regimented all the remainder of your careers, and the careers of your sons.

We are asked now by this draft bill to contemplate one of the most serious questions ever presented to a free people. America is the most opulent, most powerful, of all the nations of the earth. The piled-up wealth of the United States transcends and is greater than the piled-up wealth of all other nations combined, while the potential wealth of the United States is as great as the wealth of any six nations. Yet we are asked to be afraid.

Mr. President, if this proposal were for a day, if it were for a year, if it were for a decade, you might be reconciled to a draft in peacetime; but, Mr. President, be under no illusions. When once we put this continental European system upon our people we shall have done it forever, not for a day. That is the reason there is so much solemnity in this hour. That is why men on either side of this question are earnestly seeking the truth.

I am proud rather than scornful of the heated debates in the Senate. If there is ever to be a heated debate in the Senate of the United States, the only free forum in the world, surely this is an appropriate occasion.

I am not assuming the role of a prophet, but mark me, when we shall have left these seats forever, and when the record of our times is gathered into history's golden urn, if indeed history deigns to notice any of us, this is the day when we touch at Saguntum, this is the day when by draft in time of peace we sowed dragon's teeth, from which we will reap a terrible harvest through all days that are to come. Do not delude yourselves into the belief that you may shackle yourselves, handcuff yourselfs, and gag yourselves under a military despotism and then easily throw off the shackles. It will not easily be done. I repeat, when you put a draft upon the people in time of peace, you have touched at Saguntum, you have sown dragon's teeth.

Mr. President, I receive dispatches from some of my constituents saying, "Unless you vote for the draft you are defeated." If I could defeat this draft measure by my own defeat, the country would be immensely benefited.

The man who would oppose or support such a measure by thinking only a coward's thought of praise or blame in political campaigns regarding his vote on this question is not fit to be a Senator. If he could look upon a question such as this with the contemplation of how many votes he would get here or there, he is not fit to be a Senator.

My vote against the draft may or may not defeat me; but I am accustomed to disappointments. I bear them with equinimity. Let me tell my colleagues something about defeats. Each of you will meet defeat in due time. In the first half hour of defeat you think the earth has slipped from beneath your feet, and that the stars above your head have paled and faded. Such is the sensation for the first half hour. Then, with the flight of a few hours, there comes such a peace as would be the envy of the world's greatest philosopher.

I received this morning what I will not say was a savage but a heated dispatch from an organization in my State composed of very excellent and worthy persons, in which they excoriated me because I am opposed to the draft in peacetime. They are within their rights in thus criticizing me. Mr. President, if you were to come to this planet a stranger from another planet and should seek to know what governments were free, you would not look to the army, you would not look to the navy, you would not look to the treasury; you would look to the parliament, and if the parliamentarians spoke freely and the people at home criticized their parliamentarians freely, you would know that such was a free country. Free criticism of lawmakers is an infallible index of a free people.

I telegraphed these young men that I was glad to receive their criticism. People have flattered me so much in my career that a telegram of criticism is welcome and timely. So far from feeling any irritation about criticisms that come to me over this vote, I welcome them. They are the signs of a free, intelligent people.

You will not be free to criticize your Government, you will not be free to criticize your parliamentarians or your lawmakers when once a military caste is imposed upon you. Be under no delusions, the man who deceives other people is dishonest, but the man who deceives himself is a fool. The man who believes that we are going to put this measure—conscription in peacetime—into force and then easily relieve ourselves of it later will be deceived. These excrescences, these growths, these baleful devices which we adopt from continental Europe, which has been fighting for 2,000 years, will not disappear easily. If you think you can speedily remove them, you are deceiving yourselves.

The Senator from Kentucky [Mr. CHANDLER] is a young man; the Senator from West Virginia [Mr. HOLT] is a young man. I believe they will be here many years, long after I am gone. But they will not live long enough to repeal this military-conscription system, this enforced conscription, this enforced draft, if once it is placed upon the people in peacetimes.

It was with the assurance during the World War that so soon as the war was over the draft would be repealed, and would not be a permanent institution in our Government, that Congress passed a draft bill even in time of war. I should say that, while I supported it as a war measure, some of the ablest men in the Senate and some of the ablest men in the House of Representatives opposed it. I have known many men in the public life, but one of the most redoubtable

men I ever knew in public life, one of the ablest, most courageous, and one of the most scholarly, was Speaker Champ Clark, who was a walking encyclopedia of information. He was president of a college at the age of about 22 or 23 years. He was bitterly criticized because he opposed the war draft. I was for it, but I respected him.

The distinguished father of the senior Senator from Wisconsin [Mr. LA FOLLETTE], Robert M. La Follette, Sr., was a man of tremendous power. Only those who served with him here could have an estimate of the giant strength he possessed, physical courage to a high degree, and moral courage to a superlatively high degree. He did not favor the wartime draft. I retained to his last hour my respect and affectionate regard for him. I honor anyone for views manfully stated, and I beg of my colleagues to be under no delusions. One who votes for peacetime draft will never escape its blighting and its damning influence, once this system of continental Europe is fastened upon our country.

When I go permanently out that door of the Senate—and I hope it will be many years before I do, for I enjoy my service here—when I go out that door, it may be said, "There goes a man who made mistakes but he did not make the mistake of leaving his country with less of liberty than the day when he entered the Senate through that door."

If you impose this continental European system, you will walk out of this Chamber having taken from your people more liberty than you ever gave them. You will walk out having taken from them a meed of liberty they should have retained. And, mark me, at the first opportunity, with lips compressed and with heart firm, they will march in a phalanx to the ballot box, there to repudiate those who attempted to fasten these shackles upon them.

The heat, the passion of this day, this moment of traducing those who oppose the peacetime draft, will pass, and reason will resume her throne.

So in my service here the greatest contribution I have made—I have not made great contributions, but the contribution I have made on which I may rest my fame, if I am to be allotted even a small token, will be the circumstance that I warned my countrymen not to allow themselves to be gagged, bound, and shackled by a system which will last forever, by a system European in its nature, which has devastated and destroyed Europe. That will be the muniment upon which I base my title deeds, to remembrance, if I am to have any remembrance in the future.

I am grateful to the Senator from West Virginia for yielding to me.

Mr. HOLT. I am very grateful to the Senator for permitting me to hear him.

Mr. ASHURST. Mr. President, let me say that this bill is lopsided. Very few men think alike about it; no two men agree upon what it actually is. That is true, and my colleagues know it to be true. They do not know what is in the bill; they do not know what is within its four corners. If called upon to go upon the rostrum and answer questions as to what the bill means each Senator would supply different answers, because none of us knows what the bill is and what it actually contains.

More than a year ago I offered a considerable prize to the student in college who would give me the name of the man who uttered this sentence, a great sentence, uttered in England more than 300 years ago:

> Whenever it is not necessary to do a thing, it becomes necessary not to do it.

Senators, do not forget that. In medicine, in law, in statecraft, in surgery, in all departments of life, remember and observe that sentiment, particularly when you are excited. I repeat:

> Whenever it is not necessary to do a thing, it becomes necessary not to do it.

It should be the guide of statesmen.

It is not necessary to impose in peacetime this lopsided, mysterious conscription—this draft bill.

Do you realize, Mr. President, that the candidates respectively, for President, do not like to discuss this bill? They know that wrapped up in its four corners are a hundred lawsuits, a hundred mysteries, and a thousand injustices.

I shall not accuse either candidate for President of a lack of frankness or a lack of courage. In my judgment, they are frank and candid men. Neither of them has said: "We favor a draft in time of peace." Masters of language that they are, they will resort rather to euphemistic terms as "selective service."

Mr. President, it is only about 320 years ago since the first settlements were made on our eastern coast at Jamestown and Plymouth Rock. It is only one-hundred-and-fifty-odd years that we have been a National Government. Our ancestors challenged the most powerful nation and achieved liberty. In all the history of the world, there is nothing which can compare with the rapid growth, glory, and the prowess of the United States. A fringe of colonies on the Atlantic challenged a powerful government and achieved liberty. They conquered the forests on the eastern coasts. Then their men pressed forward, with their noble women by their side, and conquered the plains; they ground the bitter dust of the deserts between their teeth, and conquered the deserts. They established a great civilization. I might liken it to a beautiful tapestry hung upon the wall. It is shot through with threads of silver, with threads of gold, and threads of crimson. The threads of crimson represent the lifeblood of the pioneers, freely shed, in their contest with savage beasts and savage men. The world affords in no other episode such a splendid picture as the picture of the United States marching forward, believing in liberty, sustaining liberty, never losing a war, and never fighting an unjust war, but careful to retain the privilege and right to criticize their parliament, careful to retain the privilege of allowing in the Senate one forum, the only one in existence where men may speak as free men.

When I came to the Senate I was in favor of cloture. I thought these dreary speeches ought to be shut off. Mr. President, if we were to adopt cloture in the Senate we would have eagles without wings, eagles whose claws were clipped.

So, we have retained freedom of speech in the Senate, freedom of the citizen to criticize his Parliamentarians.

The step proposed, peacetime draft, is another step toward the regimentation of the United States. No one seizes power at one fell swoop. The dog does not leap to Dover. It is leg over leg the dog goes to Dover.

The great muniments of liberty of the American people are not to be overwhelmed at one fell blow. If done, it will be accomplished by Congress yielding its privileges, its duties and prerogatives, here a little, there a little. It will be done by a nibbling here at the cornerstone, a chiseling away there at the cornerstone.

In teaching young men to speak I sometimes advise them, "do not be too smooth, do not be too lubricous. Make a few mistakes and you will get the sympathy of your audience."

If I have made errors of diction or locution in my speech today they were not simulated or pretended, they were very real, but what I have said today is, I believe, as true a contribution as I have made in my years of service here.

I thank the Senator from West Virginia for yielding to me.

Mr. HOLT. Mr. President, I wish to say to the Senator from Arizona that section 11 (b) of the pending measure actually provides as follows:

> (b) The provisions of this act shall be construed liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical deficiencies therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

Senators, get that! I have never seen such language in a law. Such language may have appeared in laws heretofore, but it is challenging. I read it again:

> (b) The provisions of this act shall be construed liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical deficiencies therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

In other words, it is not a question of the legislation we pass here but it is how that legislation will be interpreted,

as the distinguished and great Senator from Arizona has said. No one knows what is in the bill. It will mean what it is interpreted to mean.

I cannot allow this opportunity to pass without paying my tribute to a great speech by the Senator from Arizona, who has done much to bring before the Senate the real issue involved, which is the question whether we shall permit a start of regimentation, which will mean the crumbling of American liberty.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. CHANDLER. When the Senator from Arizona obtained the floor I had been speaking with the Senator from West Virginia. I appreciate the interruption, because there is no one in the Senate in whom I have more confidence and for whom I have more respect than the Senator from Arizona. I have such a high regard for the intelligence of the voters of Arizona that I am certain they will repeat what they have done every time they have had a chance in his lifetime and return him to the Senate of the United States.

I count it a great privilege and a great honor to be a member of the Committee on the Judiciary of which the Senator from Arizona is chairman.

Mr. ASHURST. I thank the Senator from Kentucky, and I desire to reciprocate and say that we are very much enlightened and very much helped by the Senator's membership on the Committee on the Judiciary.

Mr. CHANDLER. Mr. President, the borderline between peace and war today is much narrower than it ever was before. I wish every Member of the Senate and every citizen of the country could have heard General Marshall a few days ago when he appeared before the Committee on Military Affairs and undertook to recite the story of the march of the Germans through Flanders. That story presents the most horrible example of the use of tanks, machine guns, dive bombers and other planes that could be imagined. It was simply an irresistible drive of destruction, wrecking the hopes of the whole country.

I repeat what I said a few moments ago to the Senator from West Virginia. I do not believe we can afford to speculate. If I felt that we could speculate and win; that is, keep war from the country, very well. But I say with the greatest sincerity that I am certain we are not prepared to sustain such an attack as the Army of France was called upon to meet in those dreadful days of the Battle of Flanders. We in this country today are not equipped to stop such an attack if we were called upon to meet it. We could not stop it.

Mr. HOLT. Mr. President, the Senator from Kentucky knows that I have the highest regard for him personally. The fact that we disagree does not mean that I do not have the highest regard for his sincerity, for I have. There simply exists between us a difference of opinion.

Mr. CHANDLER. Mr. President, I wish to ask the Senator how far he would go under certain circumstances in the matter of preparing. Assume that England were to fall tomorrow, then what would the Senator do? These things come very quickly. They come without warning. They come like the thief in the night, and they strike and are gone, and they leave destruction in their wake.

A few days ago I said in the Senate that the women and children of Britain in their homes are being bombed and machine-gunned day and night. I earnestly want to avoid such a condition for the people of my own country. What does the Senator propose to do? I do not like to hear simply criticism of what someone else suggests. I might be on the Senator's side. I wish to find the right side if I can. In the Committee on Military Affairs the bill was held up for several weeks, for we were anxious to present a bill which had been carefully considered and we wished to consider every proposal that might be made with respect to it. We sought to report a bill which would permit us adequately to defend the United States of America and its people and its possessions.

What would the Senator from West Virginia do? The Senator has not told us that, or, at least, I have not heard him tell it.

Mr. HOLT. Mr. President, I am coming to that in my speech.

Mr. CHANDLER. I wish the Senator would tell me, and perhaps I will be on his side. If the Senator can think of a better way to defend the people of the United States of America than that proposed in the pending bill, I wish he would do so.

Mr. HOLT. Mr. President, I thank the Senator from Kentucky, and I wish to say that I intend to discuss that matter later. I believe in a voluntary system. I believe the voluntary system can work, and will work if given an opportunity to be used. But I intend to discuss that later on, if the Senator from Kentucky does not insist that I do so now.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the Chair). Does the Senator from West Virginia yield to the Senator from Montana?

Mr. HOLT. I yield.

Mr. WHEELER. Mr. President, I believe that the Senator from Kentucky and others have great respect for Woodrow Wilson. In 1914, when the Allies and Germany were at war, everyone contended that we were facing a crisis.

I wish to call attention to the fact that the country never has faced a greater crisis than when the Constitution of the United States was written. Yet at that time the careful drafters of the Constitution of the United States made no plan for peacetime conscription. This is what Woodrow Wilson said with reference to the very subject we are now discussing:

> It is said in some quarters that we are not prepared for war. What is meant by being prepared? Is it meant that we are not ready upon brief notice to put a nation in the field? A nation of men trained to arms. Of course, we are not ready to do that, and we shall never be in time of peace, so long as we retain our present political principles and institutions.

That is just exactly what the Senator from Arizona said a moment ago.

> And what is it that is suggested that we should be prepared to do?
>
> To defend ourselves against attack? We have always found means to do that, and shall find them whenever it is necessary without calling our people away from their necessary tasks to render compulsory military service in time of peace.
>
> We have never had, and while we retain our present principles and ideals we never shall have, a large standing army. We will not ask our young men to spend the best years of their life making soldiers of themselves.

Mr. President, no one disagrees with the Senator from Kentucky with reference to the necessity of being prepared. Some have tried to make it appear that the Senator from West Virginia is opposed to preparedness. Some have tried to make it appear that every man who is opposed to conscription is opposed to preparedness. Nothing could be further from the truth. No greater misrepresentation has ever been carried on by the propagandists for war. I have been through it before, and I am willing to go through it again.

It seems to me there can be no doubt in the mind of any sane man in the United States that if we had voluntary enlistments in the Army for a period of 1 year, and the boys were given an opportunity to learn something about running mechanized war machinery, the opportunity for a decent life, as they have in the Navy, and an opportunity actually to learn something, millions of our boys would come forward and be delighted to volunteer for that service.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. CHANDLER. I should like to ask the Senator from Montana a question. The difference between us seems to be on the question whether or not there is a real, actual emergency, such an emergency as makes it necessary that we do quickly everything we can by way of preparedness.

Suppose Britain should fall tomorrow. Would the Senator have a different view about the danger which threatens the country? The Senator realizes that we cannot train men in a short time to operate airplanes, tanks, and the various elements of a mechanized force. Time is required.

Mr. WHEELER. That is true.

Mr. CHANDLER. A period of training is required. The men must have knowledge of what they are doing.

Mr. WHEELER. That is correct.

Mr. CHANDLER. Suppose that contingency should arise. What would the Senator say?

Mr. WHEELER. I should say, first of all, let us get the machinery to train the boys. We have not the machines today. We have not the engines, we have not the airplanes, and we have not the tanks. We have not shoes enough for an army of a million men. We have not clothes enough for them. We have not camps enough for them. We have nothing with which to give the men training.

The Senator asked me a question, and I wish to answer it. First, we have not the necessary machines and equipment to train the men; second, we ought first to obtain the planes, ships, and other equipment. Then, if England should fail, what would be our situation? There are those who say to us that our first line of defense is in England and that we must depend upon the British Navy. Let me ask, When has the British Navy defended the liberties of the people of the United States? Since when has the British Navy been our first line of defense? When did the British Navy ever come to the rescue of the United States when the United States was at war? Aside from Spain, with whom have we ever been at war besides Great Britain? I am not anti-British by any manner of means, but I am reciting the cold facts of history. As I have said before, every drop of blood in my veins is English. I am not anti-English, and I am not anti-anything else. I am not pro-anything else, except pro-American.

Mr. CHANDLER. The Senator and I are not in disagreement on that point.

Mr. WHEELER. I appreciate that.

Mr. CHANDLER. The Senator wants equipment, and I want men and equipment, for both are necessary to defend the country. We cannot defend the country with men without equipment, or with equipment without men. We must have both.

Mr. WHEELER. We must have both.

Mr. CHANDLER. The Senator and I are in agreement on that point.

Mr. WHEELER. We are in agreement.

The way to defend America is the traditional American way. If we are to have our boys and men defend the country, let us pay them enough money so that we can get them without making paupers of them, and without taking men who have no other means of support and no ambition in life. Let us put into the Army men who want to make a career of it—men who have some ambition, who want a home and children, and who want to be typical Americans. Let us pay them enough so that they can live like typical Americans.

Mr. CHANDLER. The Senator and I are in agreement on that question.

Mr. WHEELER. If we prepare in the traditional American way, there is no question in my mind but that we can obtain all the enlistments we need.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator from Kentucky [Mr. CHANDLER] has asked the question, "Suppose England should fall tomorrow?" He asked the Senator from Montana whether or not he would feel any differently. If the Senator from West Virginia will permit me, I should like to ask the Senator from Kentucky a question. Taking his same premise, if England should fall tomorrow, what good would the pending bill do? How would it help us in that kind of a situation?

Mr. CHANDLER. I am not certain that it would do any good, but I am certain that it would change the disposition of every Senator with regard to getting ready. I am certain that there would not be a Senator, or an official of the Government, including the President of the United States, who would not want to call upon every man in the United States immediately and get together every possible device for our defense and rush them to the oceanside to provide for the defense of the country.

I have not only read the history of the country, but I have seen how it has progressed step by step. I have seen how the country has become frightened at times. Of course, the Senator from Nebraska would not become frightened. In 1917 he opposed America's entrance into the war. I think the history of the country has proved that he was correct in that position. However, no Senator—not even the Senator from Nebraska—could come before the Committee on Military Affairs and listen to the Chief of Staff of the Army tell the committee how the great German machine drove through the French Army, which was supposed to be the best army in the world, without being impressed. It drove across the country and destroyed everything in sight by sheer power, force of numbers, and determination. We cannot afford to speculate and sit idly by and take a chance on such a thing happening to the people of the United States. I for one do not propose to do so.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WALSH. Does not the Senator think that the first and most important obligation is to provide the machinery and equipment necessary for our defense?

Mr. CHANDLER. If the Senator from West Virginia will further yield, I will say to my good friend the Senator from Massachusetts that on every occasion since I have been a Member of the Senate I have voted and worked as a member of the Military Affairs Committee in cooperation with members of the Naval Affairs Committee and have supported everything which I felt was necessary to build up a machine equal or superior in strength to that of the Germans. Senators have said that we are the greatest country in the world, the richest country in the world, and the most powerful country in the world. Yet every Senator knows that our defense is so hopelessly inadequate—I hate to say it, but it is true—that we are no match for the machine of the German Government. My answer is, "Get ready."

If it were done when 'tis done, then 'twere well it were done quickly.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. NORRIS. I return to the question: Suppose England should fall tomorrow? What good would the pending bill do us? I cannot see that it would do us any good. We have already prepared for a larger Navy, and have done everything we can in that direction. We have prepared for a larger power in the air and on the sea. The first attack would come by the sea. If Hitler should start after us day after tomorrow, we should be able to meet him with a navy which he cannot equal, and with an air force which is as good as we have been able to get together. I think we have done all that anybody could ask along that line. We should be able to meet him with a standing army of practically 700,000 men. Before Mr. Hitler got through all those obstructions there would be time, regardless of the pending measure, and independent of it, to train and equip an army on the land, which I think would be effective, if we can ever make such an army effective. We should have time to do it.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Massachusetts.

Mr. LODGE. The question of the Senator from Nebraska has interested me very much, because, of course, it goes right to the heart of the problem. I should like to suggest to him that in the hypothetical instance he cites—the defeat of Great Britain—the Panama Canal might be destroyed, and in that case the Army would be our first line of defense. That is a very important possibility which we must contemplate.

Mr. NORRIS. Assume that to be true, and apply it to the question which has been propounded. Suppose England should fall tomorrow? What good would the pending bill do to defend the Panama Canal the next day?

Mr. LODGE. It would not do any good in the defense of the Panama Canal tomorrow.

Mr. NORRIS. That is what I am talking about.

Mr. LODGE. However, it would give us men for our Army to prevent the establishment of air bases in Canada or Cuba in the future.

Mr. NORRIS. Yes; in the future. But it would not meet the emergency. We are considering a conscription bill for compulsory military training in time of peace.

It is conceded that even if the things which have been imagined should happen, this measure would not do us any good in that kind of an immediate emergency. It would in the future, and so far as this bill is concerned, it is the future that I am afraid of. I am afraid of building up a society based on compulsory military training in time of peace, for that leads to dictatorship and ultimately to the downfall of such a government as ours, at least, to the ending of democracy, just as surely as the sun rises in the east. History has demonstrated that to be so down through the ages.

Mr. HOLT. In other words, the Senator feels as I do, that we are striking at America and Americanism from within America in order to meet a possible or an impossible invasion from outside?

Mr. NORRIS. I did not put the question; it is not mine, but we are talking about the emergency which would arise if England should fall tomorrow. My answer is that this bill would not make one iota of difference in that case, whether England fell or did not fall.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. HOLT. I yield.

Mr. CHANDLER. The Senator from Nebraska and I do not agree about the form the emergency would take. If we were in agreement that it would be by the sea, then we would be in bad shape, unless we had the British Navy to help us, because all our Navy is in the Pacific, and the entrance to Pearl Harbor is only three-quarters of a mile wide.

I am going along with the Senator from Massachusetts, who said that something might happen. We are dealing in possibilities, and something might happen to the Panama Canal, something might happen to the entrance to Pearl Harbor; and, if it did, an enemy might get in there. What could the Navy do after that happened? We would have no defense, because the Navy is in the Pacific.

Mr. WALSH. And we would have no trained efficient spearhead in the shape of an army.

Mr. CHANDLER. The Senator said the attack might come by sea. Is that correct?

The PRESIDING OFFICER. Senators will proceed in order.

Mr. CHANDLER. I understood the Senator from West Virginia to yield to me.

Mr. WALSH. I was probably out of order.

Mr. HOLT. I have no objection to yielding to any Senator who wants to interrupt.

Mr. CHANDLER. I believe if an invasion should come it would be more likely to come by air, from some base that could be obtained.

Mr. HOLT. If that be the case, would it not be far better to develop our air force? In other words, we should have sufficient airplanes built with which to train our pilots. We are sending our airplanes abroad and do not have a sufficient number to train our pilots. We have more boys who want to volunteer for the air than there are airplanes to put them in.

Mr. CHANDLER. I will not disagree with the Senator about the needs that seem to be first; we are not in disagreement about that, and about preparing this country to face any eventuality; but I repeat the question, Suppose England should fall tomorrow, the Senator from Nebraska does not think that we would be in danger. I think perhaps we would be, and if we should be in danger, then, the fact is, that with this bill in effect we would have men in camps, whereas if it were not in effect, if an emergency should come, we would be just as we are. The quicker we have men in training, and in time to help the country defend itself, the better off we will be.

Mr. BONE and other Senators rose.

The PRESIDING OFFICER. Does the Senator from West Virginia yield; and if so, to whom?

Mr. HOLT. I yield first to the Senator from Washington.

Mr. BONE. I wanted to ask a question of the Senator from Massachusetts and other Senators, but I withhold the question for the time being.

Mr. NORRIS. Mr. President, the Senator from Kentucky says this might be possible or that might be possible, and if this occurred something else would follow and something might happen to us when the fleet is in the Pacific. Does the Senator think that if England should fall tomorrow that Hitler could get over here quicker than our fleet could get into the Atlantic? Does he think that Hitler could get here the next day? Does he think that Hitler has a navy superior to ours even as it now exists?

While we ought to have a larger one, perhaps, we cannot get it tomorrow nor the next day, no matter whether England falls or not. It seems to me unreasonable to think that if England falls tomorrow Hitler will invade us the next day. He would have to come in row boats, and one or two flying machines would be enough practically to meet his army if he got them over that quickly. He has not the bases to come here and fight us with airplanes. Everybody concedes that is not practicable. Of course, it is possible; it is possible for God in his wisdom, if He wants to help Hitler, to raise up tomorrow another continent in the Atlantic Ocean, all prepared with flying machines and air bases for Hitler to occupy and operate from there against America, and, if he did, we would be in a bad row of stumps, but I do not think we ought to let our imagination carry us beyond a reasonable scope. I want to confine the Senator to his own question. Suppose England fell tomorrow, what good would this proposed legislation be to us?

Mr. CHANDLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. HOLT. I yield.

Mr. CHANDLER. The Senator from Nebraska knows as well as I do that all things are possible, but I did not speculate except for the purposes of the discussion. The Senator may know how Hitler would come; I do not know and do not claim to know.

Mr. NORRIS. I have not asked the question. The Senator asked the question.

Mr. CHANDLER. I will agree to that, and I asked it for the purpose of finding out how far the Senator from West Virginia and the Senator from Montana were willing to consider a modification of their views with respect to the pending proposition.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. HOLT. I yield.

Mr. WHEELER. I have been told by people who are supposed to be experts with reference to naval and military matters that in order for Germany or any other country to attack the United States from across the sea it would be necessary to bring modern equipment along with an army. The Senator evidently is talking about what Germany did to France.

Mr. CHANDLER. Germany did the same thing to Norway.

Mr. WHEELER. Wait a moment. The Senator does not place Norway or Holland or any other country on the same basis as the United States, does he?

I am told that in order to transport an army across the sea it would be necessary to have 26 tons of equipment and tanks for every single man brought over, if it was intended to carry on the same kind of warfare that Germany has been conducting, and there would hardly be sufficient boats to bring that kind of an army of 500,000 men over here. I am not an expert on these matters, but that information was given to me by reliable authority.

When we are talking about Germany coming here and attacking the United States from across the sea with their

Navy, we should remember that they cannot come here in boats and land on the beach and then from there attack the United States of America. We are not so helpless as many people would have us believe when they intimate we have not any equipment and have not anything at all.

Probably we are not so fully equipped as we ought to be, but, nevertheless, I think it is a reflection upon the Navy and the Army to say that we have not any equipment and cannot defend ourselves against any nation at all. I do not believe that; I refuse to believe it after all the money we have spent. I have a much higher regard for the Army and the Navy than to believe anything of that kind. I think that we are equipped to a large extent. Probably we have not the largest and best mechanized forces, which the European war has shown should be developed. On the other hand, it is a reflection upon us, is it not, that we have not kept pace with those developments in the past and that the acquisition of such equipment has not been recommended to us? But when people are talking about sending an army over here to invade the United States, it should be remembered that they have hardly a boat that will carry the big tanks, and they will have to bring a great variety of armament across the water. What will we be doing in the meantime? Would our soldiers be doing nothing? Would our people be sitting on the beach knitting socks?

Mr. CHANDLER. I hope we will not be merely talking.

Mr. WHEELER. If an attempt at invasion should come about, every man, woman, and child in this country would volunteer and go forth to stop the enemy. We have airplanes, the best airplanes in the world, and no foreign foe could bring an armada across the sea including tanks and everything of that kind.

I think it is exceedingly unfortunate for those who are carrying on this propaganda to frighten the women and the men of this country into thinking that Germany is going to come here; that a German army will land on the beaches and capture the United States of America overnight.

We ought to use common sense in these matters. Supposing that England should fall tomorrow, what would the conditions be in Europe? There would be starvation; there would be misery. Let me make a prediction: Unless the war over there ends before very long there will be revolution after revolution, there will be starvation, there will be misery, and there will be bolshevism sweeping Europe.

Mr. CHANDLER. I hope the Senator is right; but suppose he is not?

Mr. WHEELER. I hope I am not right.

Mr. CHANDLER. I do not hope bolshevism will sweep Europe. I hope the war will end, and something favorable will happen. If so, we shall all be safe; but if not, what then?

Mr. WHEELER. I hope the war will end. I know some persons are going to say, "Senator WHEELER is an appeaser"; but I say that what we ought to be doing, and what this Government of ours ought to be doing, is trying to bring about peace in the World.

Mr. CHANDLER. I agree with the Senator.

Mr. WHEELER. We ought to be trying to bring about peace in the world, and we ought to be trying to stop the killing of human beings, and to stop the starvation and misery that are going on, rather than encouraging people to carry on a war that will mean the extermination of civilization from the face of continental Europe.

Mr. CHANDLER. Mr. President——

Mr. HOLT. I yield to the Senator from Kentucky.

Mr. CHANDLER. To the eternal credit of the President of the United States and every one of his officials, I do not believe any government ever worked harder to avoid war than the government of President Roosevelt worked to avoid this war. I think they did everything on earth they could do to keep Europe out of this war. The Senator and I are not in disagreement at all.

Mr. WHEELER. I appreciate that.

Mr. CHANDLER. When the Chief of Staff of the United States Army comes to the Committee on Military Affairs and paints, not a fictitious picture, but a real picture——

Mr. WHEELER. Not a real picture of attacking the United States.

Mr. CHANDLER. I do not say that I believe that Hitler will come here, or come quickly, or come tomorrow, or come next week; but if the Senator will read what he said he was going to do he will find that we are on the list, and he has reached every one of his other objectives in a reasonable time. I am not so frightened that I believe he will be over here tomorrow. I do not know whether he will come by sea, or by air, or by undersea craft, but I have the right to believe that he may try; and if I could get this country so aroused that they would do everything that in reason they ought to do in order to stop him, that is what I want to do. But the Senator did not hear, as I heard, the Chief of Staff of the Army of the United States say that the German machines in solid phalanx over a considerable territory destroyed everything in their wake.

Mr. NORRIS. But can they do it on the water?

Mr. CHANDLER. They fly them. They flew them to Norway. The Senator from Massachusetts knows that. Let him continue from there.

Mr. HOLT. I want to say in my own time to the Senator from Kentucky that these machines have not yet reached the point where they float. That was on solid land. In other words, the Germans would have to bring the machines over 3,000 miles of water. I want to say this, too: It has been the usual thing throughout the history of the world to generate the feeling that somebody is going to invade you, and going to come over and "get" you, and, of course, that means building up a stronger military system. James Madison spoke of that years and years and years ago.

Mr. CHANDLER. The British came here to the Capitol in 1812 and burned it, or set fire to it, and they were not nearly so powerful as Hitler is.

Mr. LODGE. Mr. President, will the Senator permit just a comment on the very interesting remarks which were made by the Senator from Montana?

Mr. HOLT. I yield to the Senator from Massachusetts.

Mr. LODGE. I agree with many of the things the Senator from Montana has said, as I think everybody does, particularly when he said we have to fight our own battles. I agree that we have always fought our battles, and if we depend on others we have nothing to depend on. When, however, the Senator speaks of an attack being made on our shores, I should like to suggest a few possibilities to him, and I am not one of those who think that such an attack is going to be made. I do feel, however, that we ought to assume the worst, and then, if the worst does not happen, so much the better.

I agree that it would be utterly impossible to land on our shores an enemy armed force that would be of any effectiveness without taking a big seaport. Troops could not be put ashore on a beach and amount to anything. They could be arrested by the local police. It would be necessary to have shipping, to have facilities for unloading ammunition and artillery and tanks and guns, and so forth. I do not contemplate that it would be a simple matter to put ground troops ashore in Boston or Philadelphia or New York; but to establish an airplane base in Newfoundland or Nova Scotia would, in my opinion, be a far simpler problem than the Germans encountered in going into Norway.

Mr. WHEELER. Mr. President, will the Senator let me interrupt him?

Mr. LODGE. Yes.

Mr. WHEELER. Suppose that were done. Suppose an enemy of this country should establish an air base in Newfoundland. The Senator knows that that could not win a war. The United States could not be defeated by an enemy establishing an air base in Newfoundland or Nova Scotia. The Senator knows that in modern warfare a country cannot be captured by simply establishing air bases and bombing cities, disagreeable as it may be.

Mr. LODGE. That is very true.

Mr. WHEELER. That is best demonstrated, it seems to me, by the fact that the Germans are only 22 miles from England across the English Channel, and they have not been able to

conquer England. They ought to be able to do a tremendous amount of damage to London and to the other large cities of Great Britain, and they probably could do some damage to us if we were unprepared in the air, but they could not capture the United States.

I am one of the few men in the Senate who agreed with Billy Mitchell. I thought we ought to have a consolidated air force. I am one of those who for a long time has been in favor of building up and building up and building up our air force, so that we would have the very best air force that existed anywhere in the world; and I felt that we ought to have concentrated on that rather than on building big battleships, which have shown themselves in this war and in the last war not to be nearly so effective as the bombers and the other airplanes.

Mr. LODGE. With the permission of the Senator from West Virginia——

Mr. HOLT. I yield to the Senator from Massachusetts.

Mr. LODGE. I agree that the establishment of an air base in Newfoundland would not, in and of itself, be decisive; but let us take the case of Nova Scotia. Let us assume, as the Senator from Nebraska assumes, that England is defeated: It would be a comparatively simple matter, under those conditions, for troops to be put ashore in Nova Scotia as of today; and if the Senator will examine the geography of Nova Scotia, and the narrow neck of land that connects it with the mainland, I think he will agree that once a beachhead was established in Nova Scotia it would be an excessively difficult and prolonged undertaking to get those troops out; and, from a place like Halifax, England would not only be effectively cut off from her principal dominion, but all the shipping lines could be threatened. I do not say that is going to happen, but I say that is something that could be done, and that, as of today, we could not prevent.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. TAFT. Where would the Senator have our fleet while this was being done?

Mr. LODGE. The assumption is that the fleet is in the Pacific, and that the Panama Canal is destroyed.

Mr. TAFT. Oh. The Senator is assuming that the Panama Canal is destroyed?

Mr. LODGE. That is correct, because it is perfectly impossible to give the Panama Canal 100 percent defense unless it is closed to commercial shipping.

Mr. TAFT. Well, it can be closed to commercial shipping.

Mr. LODGE. But that has not been done. I am talking as of today. The whole point is that that has not been done. That is very fundamental.

Mr. TAFT. But the fleet could reach the Atlantic by going around Cape Horn.

Mr. LODGE. That takes about a month or more.

Mr. TAFT. That is all right. It will be many months before the Germans get as far as Newfoundland. The moment England is defeated, our fleet will be in the Atlantic Ocean.

Mr. LODGE. Yes; and if the Germans get into Nova Scotia we will get the Germans out of Nova Scotia; but it will take us quite a while to do it, and we cannot stop them from getting into Nova Scotia as of today.

Mr. TAFT. I say that we can stop them from getting into Nova Scotia as of today. I say that our fleet can reach Nova Scotia before the Germans can get there.

Mr. LODGE. It is just a question of mileage from Honolulu to Nova Scotia and from Ireland to Nova Scotia.

Mr. TAFT. But the moment England loses, the moment England is on the point of surrender, our fleet will be in the Atlantic Ocean.

Mr. LODGE. If the Senator is correct in that statement, that puts an entirely different face on the matter; but the assumption under which we have been having this discussion is that the fleet is in the Pacific, and the Panama Canal has been destroyed, and under those conditions we cannot stop the landing of troops in Nova Scotia as of today.

Mr. TAFT. But the Senator is assuming something contrary to all the naval strategy of the United States, contrary to the theory on which we have built our fleet, and contrary to every principle of naval defense of the United States.

Mr. LODGE. I support my statement on the testimony given before the committees of the Senate that it is absolutely impossible to prevent a ship from being blown up in one of the locks of the Panama Canal. That is not my statement; it was testified to by the Army engineers.

Mr. HOLT. But will not the Senator from Massachusetts say that it certainly would show very bad judgment—it might even show stupidity—if the Navy Department, knowing that this might happen, should allow the fleet to stay in the Pacific? In other words, if we are in that danger, why is not the fleet over in the Atlantic now?

Mr. LODGE. I have asked that question times out of number, and I have never had an answer that has satisfied me.

Mr. HOLT. I do not want the Senator to think I am criticizing his statement; but I say if the Navy is muddling its way through like that, it would not make any difference what kind of a force we had.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Montana.

Mr. WHEELER. When we assume what the Senator from Massachusetts assumes, we have first to assume that our Navy is to stay in the Pacific, and then we have to assume that the Panama Canal is blown up, and then we have to assume that England is defeated, and then we have to assume that the British Navy is to be taken over, and then we have to assume that we have not enough airplanes to go up to Nova Scotia and fight off the landing of troops up there so as to keep the Germans from getting a foothold.

Then you have to assume that the minute they defeat England they will immediately come over to take Nova Scotia. The trouble is, in this war hysteria, that if you want to conjure up in your mind things which may possibly happen, and conjure up enough of them, you can come to the conclusion that we should close up all of our factories excepting those making munitions, and make nothing else but munitions in this country for the next several years, and devote everything we have to war.

Living out in Montana, and being a frequent visitor to the Pacific coast, I have known of the people on the Pacific coast worrying, and have heard them talk about how Japan was coming over and attack us and take over the United States. It has been explained to me time and time again that the Japanese could just come over and take San Francisco, Los Angeles, Seattle, and Portland, and all the other cities along the Pacific seaboard; that, as a matter of fact, they were on the verge of doing so most any time. Every time they saw a Japanese working in some of these places they have conjured up that this was going to happen—not all the people, but a few people.

Mr. President, it has not happened and it is not going to happen. I have talked with reliable people who have said that our Navy would have a difficult time going over and taking Japan, and that the Japanese Navy could never come over to the United States and do any harm because it is so far away from their supplies, and that their battleships would be so slowed down coming that long distance across the water.

Mr. HOLT. The Senator's position is upheld by the President himself, who has made such a statement.

Mr. WHEELER. I thank the Senator for calling that to my attention. I had forgotten it, but I think that is true.

Mr. HOLT. I think it was in the magazine Asia.

Mr. LODGE. Mr. President, I prefaced my remarks by saying that I thought we had to assume the worst, and I did assume the worst, I frankly admit.

Mr. WHEELER. I agree with the Senator; but he assumed not only the worst, but the impossible. [Laughter.]

Mr. LODGE. Nothing is impossible. And lest my attitude be misconstrued, I will say to the Senator from Montana that I have no more sympathy than he has with a campaign which endeavors to terrify and frighten the American people.

I have never believed that the way to get good results was by fomenting terror and fright and hysteria. I do not think that we should be alarmed, but I think we should be alert, and I think there is a tremendous difference between those two concepts.

Mr. WHEELER. I agree entirely that we should be alert to build up our defenses and modernize our Army. The first line of defense probably is the Navy; the second line of defense is the air force; and the third line of defense is our Army.

Mr. LODGE. Unless the Panama Canal is destroyed.

Mr. WHEELER. Unless that is destroyed. We have built up the Navy and have appropriated large amounts of money to build up the Army. Now we should build up the air force. But there are people accusing you and me and everyone else who is not for conscription as desirous of tearing down the defenses of our country, and the same people are advocating that we give 50 destroyers to Great Britain, are advocating that we give all our airplanes to Great Britain, and are advocating that we give everything else we have to Great Britain, and then criticize you and me and everyone else, saying, "You are not for building up our defense."

Mr. LODGE. I think the Senator knows I was one of those voting against sending so-called surplus equipment abroad. I do not think there is any such thing as surplus equipment in a nation whose defenses are in the condition in which ours are.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. STEWART in the chair). Does the Senator from West Virginia yield to the Senator from Washington?

Mr. HOLT. I yield.

Mr. BONE. In view of the colloquy on the floor of the Senate concerning the number of men available for national defense, I recall a statement made on the floor of the Senate several weeks ago by the Senator from Minnesota [Mr. LUNDEEN], who read into the RECORD a statement of the number of men in the National Guard, the Regular Army, the marines, men who have been trained in the R. O. T. C. activity, and in the Organized Reserves of the country. The figure was astoundingly large. I will not attempt at the moment to repeat it with any idea of approval of the accuracy of what I might say, but it seems to me it was somewhere in the neighborhood of 800,000 or 900,000 men.

How can we believe that the country is defenseless in the matter of trained men, men trained in the military arts, when we have had that many men who are not only in active service but who have been through the service mills and know the manual of arms, and are in a sense trained and skilled men? Why the fear that we will be overwhelmed, which seems to impress so many people, when we have perhaps close to a million men? And that does not include the veterans of the World War, many of whom are still able to carry arms. If the worst came to the worst, and we had to defend this country, there are four or five million men who served in the World War who could in a pinch carry a rifle and fight.

So I think the fears which have been generated about our not having enough armed men are rather groundless, because if the figures given by the Senator from Minnesota are correct, we have quite a sizable number of trained men of military age. I wish to ask the Senator from Massachusetts whether those figures are somewhere near accurate.

Mr. LODGE. Mr. President, with the permission of the Senator from West Virginia——

Mr. HOLT. I yield.

Mr. LODGE. I have not seen the figures recently, but as I recall them, the figures given by the Senator from Washington are substantially accurate. But I should like to point out the difference between a trained man and a seasoned man. A man can have had training, and he can have passed certain tests and can have demonstrated certain knowledge, but he may not be a seasoned man, may not be in the physical condition which would enable him to take the field. He may not be in close touch and understanding with all the people with whom he would have to work. No one knows better than I, who happen to be in the Reserves, that having had a certain amount of training is no substitute for being on active service. They are two entirely different things. While a trained man is much better than an untrained man, he is nothing like a seasoned man who is in the active service.

Mr. BONE. I assume he could be whipped into shape in a shorter time.

Mr. LODGE. That is true.

Mr. BONE. I suppose that if I had had 2 or 3 years in the National Guard and understood the Manual of Arms and had gotten the feel of the service, it would not take long to take me, being a normal human being, out into the field and make a good soldier of me.

Mr. TYDINGS. Mr. President, will the Senator from West Virginia yield?

Mr. HOLT. I yield.

Mr. TYDINGS. I wish to supplement what the Senator from Massachusetts has said. I do not believe that many of the World War veterans could now pass a physical examination or could endure the difficulties of active service. Put 30 or 40 or 50 pounds on the back of a man who has not been seasoned, and start him off on a 10- or 15-mile march, and it is quite likely that before he gets to the end of the journey he will be pretty well tired out, and will have to quit. It takes young men to fight a war, there is no doubt, and while I do do not mean to disparage the veteran, or to say that he would not be good for ordinary service in an emergency, in my humble judgment he would not have the physical endurance which a younger man would have and which he would have to possess in order to bear the exigencies of war.

Mr. BONE. I think that is indisputably true. My real reason for mentioning the World War veteran was that if some overwhelming, overpowering emergency should arise, when men would have to stand, as it has been suggested the English might have to stand, literally on the beaches and fight, of course a man who saw service in the World War, while the years have come on him and made it impossible for him to give maximum service, could fill in.

Of course, in mechanized warfare there is a somewhat different problem, as is the rule in many industrial organizations. I do not believe in retiring a man when he reaches the age of 40. I think that is one of the supreme tragedies of American life, and I am not so certain that a fellow over 40 or 45 could not get in a big tank and operate it. Perhaps his sense of timing would be bad. I was only thinking of a great emergency, a compelling necessity, which might necessitate bringing them into service.

Mr. TYDINGS. Mr. President, I think there would be many branches of any force where men who probably would not have the physical vigor younger men would have could fill in and be very helpful, and release other men. But while I am not familiar with the tank service, I would think that would be one of the hardest on the physical being, because it is pretty rough in a tank, the fumes are pretty bad, and they do not always have good roads to traverse. It takes a pretty robust fellow to stand the punishment which operating a tank normally entails. The operators have to wear headgear and that sort of thing to protect them.

Mr. BONE. I think that is true, and riding inside a tank probably would be hard for even a younger man, but there would be the mechanical and the repair work which, in war, would be almost as vital as the operating of the machine.

I am glad the Senator from Maryland is here, because other Senators, like myself, who are interested in these matters, find statements which seem so odd as means of trying to state a premise and prove it, that I think it is worth calling some of them to the attention of Senators. I take up the RECORD this morning and find that a Member of the Senate put into the RECORD yesterday an article by a writer in a prominent business magazine, who enumerates some of the reasons why France fell, why she collapsed. As I read this, if one can get amusement out of anything as tragic as this—and I assure you I cannot—I would have gotten amusement out of this article.

I want my colleagues to listen to what this writer says caused the downfall of France, and as I read it, I want them to recall that this is exactly what happened in Germany. This is the formula in France which made Germany able to destroy France. This is the sort of reasoning Americans see every day in papers, and no wonder they are befuddled. These are the conclusions of the writer as to the things which caused the downfall of France:

The French * * * promoted centralized planned economy.

That is exactly what Germany has done. Yet that is given as an evidence of the frightful weakness of France.

2. It assumed that prosperity could be achieved by heavy governmental expenditures.

That is all Germany has been doing, pouring out a tremendous amount of money.

Mr. TOBEY. Mr. President, will the Senator from West Virginia yield?

Mr. HOLT. I yield.

Mr. TOBEY. Is not that exactly what has been going on in the United States for the last 7 years?

Mr. BONE. The purpose of the article was to be critical of this administration, but I am not reading it to defend the administration, merely as an example of the sort of thing that is pumped into the people.

Perhaps this is an argument against the administration, but the point is that the writer says these are the fatal flaws in the French set-up, but they are paralleled in Germany.

RADIO AND HYSTERIA

Mr. HOLT. Mr. President, I have taken a great deal of interest in listening to the radio night after night, especially the news broadcasts, and I find that there is a deliberate, premeditated effort not only on the part of some of the radio commentators, but on the part of the present administration to try to tie up our hope with that of France; in other words, to make people feel that we are going to fall as France fell.

Mr. TOBEY. Mr. President——

The PRESIDING OFFICER (Mr. STEWART in the chair). Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. HOLT. I yield.

Mr. TOBEY. The Senator has been very gracious with his time. I wish to take about 3 minutes. I wish to point out that in my judgment there is no factor more potent in controlling and influencing public opinion than the radio. As the Senator said, night after night these commentators come into the homes and influence the minds of the American people. Their names have become almost household words. We know that Mr. So-and-So, and commentator, is announced to speak. What does he do? He holds before us in subtle language the possibilities ahead of us. He inculcates in the minds of the people the need for conscription, the need for giving England our destroyers, the dangers of our being attacked by Germany; he decries delay by senatorial debate. So he goes on using the power of suggestion adroitly conceived and worded.

If such a gentleman is retained and hired by some great oil company, for instance, which has extensive interests abroad, and which holds in its heart the damnable doctrine that the American flag should follow the dollar, I think the public ought to know about it, but it does not. All we know is that this eminent commentator comes on the air and reasons with the American people, with his power of suggestion and adroit eloquence, and seeks to stir them up with philosophies that may be un-American, that may be propaganda, and he is paid for doing so by some great oil company, or some other great commercial concern.

I demand now, in the interest of fair play and unbiased public opinion, that we should know, by definite statement over the radio preceding these commentators, who is paying for them, and what they are being paid.

THE CASE OF BOAKE CARTER

Mr. HOLT. Mr. President, I wish to say to the Senator from New Hampshire, before I again yield to the Senator from Washington, that I have before me, and I wish to place it in the RECORD at this point, a statement as to how Mr. Boake Carter was put off the air at the instance of the British, which is made clear in an article entitled "Warp and Woof of American Policy", in volume 28, December–September, 1937–1938, pages 297–304 of the magazine The Round Table. That shows how the pressure was going to be put on to drive Boake Carter off the air, because he was preaching a doctrine of isolationism against Britain.

I ask unanimous consent that the matter may be printed in the RECORD as part of my remarks at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

MR. LUDLOW AND MR. CARTER

The full depth and nature of isolationist feeling, as well as a graphic illustration of practical politics on the American scene, were disclosed in the Ludlow amendment episode. This tale really deserves telling at adequate length. A burly and amiable ex-newspaperman, Representative LOUIS LUDLOW, of Indiana, introduced several years ago a constitutional amendment providing for a popular referendum before Congress and the President could declare war. He introduced his resolution at the behest of pacifist groups, as a friendly gesture which might provide some good publicity for Representative LUDLOW. The bill was ignored by the congressional leadership. After it had grown dusty in committee for several years, Representative LUDLOW began to pass around what is called a "discharge petition." If a congressional committee fails to report a bill to the floor of the House, it becomes necessary to "discharge" the committee of consideration of the bill by a petition signed by a majority of the full membership of the House. Few such petitions ever get enough names.

But Representative LUDLOW, whom everybody likes to please, carried his petition around with him, and from time to time Members of Congress would sign it, just as a favor to a colleague, and because his proposal seemed a good idea—but not an idea that anybody ever expected to get into law. By this process of steady accretion Representative LUDLOW by last December suddenly found himself within a dozen votes of his majority of signatures. Then the *Panay* was bombed and sunk on the far-away Yangtse. Instantly more than enough Members to put the LUDLOW resolution over the top hastened to the good Congressman and put their signatures on his petition, alarmed lest President Roosevelt should put us into war overnight, and anxious to file a moral protest, at least.

Then, however, it was Representative LUDLOW's turn to be alarmed. He had the bear by the tail. For the administration began to turn its full guns upon his resolution. They were desperately afraid it would pass, and be a shot heard round the world—a declaration that the United States would never go to war until after a long and dubious popular referendum had taken place. President Roosevelt and his advisers feared a serious upset to the constitutional prerogatives of President and Congress, a blow to the basic representative system. And they knew that as a real safeguard the referendum was worthless; for popular opinion can be swayed as readily as congressional, and in this democracy no President could think of waging war without overwhelming national support.

So the administration turned all its guns on the Ludlow resolution. President Roosevelt and Secretary Hull wrote stern letters to House leaders. Alf M. Landon, the last Republican candidate for the Presidency, appealed for the opposition votes of his party, and Henry L. Stimson, last Republican Secretary of State, delivered himself of an immensely weighty and imposing argument against the amendment. The obliging Mr. LUDLOW, who least of all wanted to be in the President's bad books and lose all his political patronage, was unhappiest of everybody, but he had to keep clinging to the bear's tail.

Came the day for voting. In preparation, the administration turned on all possible political heat. The State and city bosses, the national political manager—Jim Farley—and all the faithful machine-controlled leaders instructed their representatives to vote "nay." And the Ludlow amendment—after the opposition of President and Secretary of State and their opposite numbers in the other party, almost unanimous newspaper opposition, and all possible political whipcracking—was lost by the tiny margin of 214 nays to 196 yeas. And these majority votes came from the party machines in three big States—New York, Pennsylvania, Illinois—and from the solid South, which is not much interested in foreign affairs but sets great store by party loyalty. No more striking proof could be afforded of the real depths of antiwar sentiment in the American commonwealth. That the measure was only defeated by the worst type of machine-politics votes, with Tammany polling strongly, is a clear commentary on the task confronting the leaders as they seek to persuade the public that vigorous cooperation is necessary if war is to be avoided.

On the other side of the fence there are various spokesmen defending isolationism, and it is a curious streak in democracy that the most formidable of them is a British-born naturalized-American radio news commentator, one Boake Carter. Mr. Carter speaks 5 nights a week, 15 minutes a night, to the American public on a

radio period bought by the manufacturer of the product he advertises, which happens to be radio sets. He has an immense following in every part of the country. His words reach millions of people every night. Mr. Carter, moreover, gives a running news commentary, and only weaves in his isolationist views as they fit the news. His propaganda, therefore, is doubly effective.

It is difficult to estimate the real effect of Mr. Carter's personal efforts, but the best authorities declare it to be immense, and Secretary Hull makes the air blue at the mention of his radio rival. Mr. Carter, remember, is appealing to a sympathetic substratum of emotion. It seems fantastic to draw the conclusion, but students of American public opinion may well decide that this one man alone (though he is not alone) can do much to blunt the edge of the whole administration effort to work out a more active foreign policy.

This sort of thing has happened in democracies before, and it will happen again; it is a projection of the power of the press, as it was shown in Great Britain, for instance, in the Zinoviev-letter affair. But it is strikingly dramatic when transferred to the radio waves. Mr. Carter was born in Baku, Russia, son of a British consular agent and an Irish mother, Edith Harwood-Yarred Carter. He served in the Royal Air Force and came to the United States in 1920, but was not naturalized until 1933. He was at one time a newspaper reporter and worked for some years in the oil business in Mexico and Central America. Since 1932 he has been amazingly popular as a radio commentator.

There is one way in which Mr. Carter's powerful criticisms of American foreign policy may be prevented, and the method is being tried. His contract with his radio-company employers expires shortly, and he has signed a new contract with an immense wholesale-food company, General Foods. This company is owned by Mrs. Marjorie Post Davies, wife of Joseph E. Davies, American Ambassador to the Union of Soviet Socialist Republics, and a firm supporter of Administration foreign policy. Ambassador Davies, it is understood, may "speak to" Mr. Carter, and it remains to be seen whether the tone of his comments will change or not.

These strange and spectacular facts may have a trivial and gossipy look to them. Actually they are the warp and woof that make up the fabric of public opinion in this democracy. They are the hard facts, not the abstract theory, of the formulation of our foreign policies, and they reveal some of the obstacles to a courageous and risk-taking policy of action.

Mr. Carter has bitterly attacked Secretary Hull's world-trade theories, and that is where his shafts have struck home with the determined Tennessean. But Secretary Hull presses on, and, with British representatives shortly to arrive for actual negotiation of the Anglo-American trade agreement, he hopes for a success that will turn the tide and lead to many future agreements among the members of the American group and sterling area.

Mr. BONE. Mr. President, the argument of this writer is an illustration of the thing which is becoming a source of bewilderment and confusion to the American people. They read this and they say "Yes, France broke down, and she ought not to have done so." And yet the very thing that is charged as the cause of the debacle in France is the thing that is now being done, and has been done right along in Germany.

Let me proceed to read:

It—

The French Government—

harassed and restricted private enterprise.

That is what the German Government has done right along until a businessman in Germany today has only a nominal control of his business. It is more apparent than real. There is not any substantial control.

I just finished reading a very interesting book on Germany, which says that today Germany is but a hollow shell so far as the orthodox pattern of American business is concerned. It no longer exists. So the thing that is charged by a conservative writer here as causing the downfall of France, and which made France an easy prey to Germany, is the thing that we must conclude gave Germany her might and enabled her to overthrow the other country.

If we were inclined to employ the vulgarisms of the street, we would say that this sort of reasoning was cockeyed, but being merely Senators, we would say that it is slightly oblique.

It—

France—

introduced control of prices.

And that led to the downfall of France and easy victory of Germany over France.

Why, Members of the Senate, Germany has the most rigid control of prices of any country under the sun, and yet, according to this writer, that is what enabled Germany to lick France. It is like the kettle animadverting at the complexion of the pot, even if the statement were true.

The only statement I find where the parallel is true is the statement that France reduced working hours and increased wages. That is probably true. Germany did not. Germany established an entirely different type of economy.

I read another statement:

It unbalanced the budget—kept it unbalanced.

Well, the operations of the German fiscal system have been the most astounding performance of all times. There is not an economist in the United States, or in the world, that undertsands how Germany has been able to keep up her prodigal expenditures, and unbalancing her budget, which is a very mild way of describing it. It was just so scrambled that no one could understand it; yet the very thing that France did to injure herself, Germany did also, but it enabled Germany to win the victory.

It revalued the currency.

France did that. Well, Germany did also.

It brought about a lowered standard of living.

Any standard work that one picks up dealing with conditions in Germany will convince one that now and for a long time past there has been a definite and constant lowering of the standard of living in Germany. Yet, according to this writer, the thing that destroyed France in turn made Germany so powerful that she was able to whip France.

The French Government—

Destroy the morale of industry.

Well, there is not a businessman today in Germany who can say that his soul is his own. All business is completely controlled by the Government, and every Member of the Senate knows that to be true.

This statement went into the CONGRESSIONAL RECORD as the argument of a prominent businessman. It will be read, presumptively, by those who read the CONGRESSIONAL RECORD; it will be used as evidence that France sank beneath the waves, because she did these things, when I say to you right now that Germany has done every single one of those things. And then we ask ourselves, why is thinking in America confused? The pattern of thinking becomes more confused day by day, and the very argument that we enshrine in our hearts is proven to be fallacious the next day, according to someone who thinks it is not the proper argument.

So this draft—if the employment of this kind of argument—I am not saying that the person who made the argument is not sincere, but that sort of argument is one of the reasons why America today is so bewildered.

Many people believe France sank beneath the waves because these things happened, and yet Germany has done every one of them, and if the writer's argument is sound, then there remains only the one question: How could Germany do the same thing that France did and win the victory over France?

Mr. HOLT. Mr. President, I thank the Senator from Washington. I may say that we all know that this sort of thing is to promote hysteria by using France. We know why France fell, but the whole matter for the propagandist is to get America to think that we are going to fall. They will not say that France did not have compulsory military training. When the change in her constitution was made, provision was made for compulsory military training. That was, I believe, 12 years before the present war. The men of France were trained. France has had compulsory military training under her new constitution, in the latest system of military training.

It was not the fact that the men of France were not trained. The fall of France was due to the fact that the mechanized units of Germany were too powerful to be stopped.

Why is it not that the first thing that is done to get America prepared is to provide airplane pilots, mechanics to run the tanks, and trained personnel to man the machines? In other

words, America should first have highly skilled technicians before it is attempted to draft the boys.

When the Senator from Massachusetts was here he had—and I do not say anything by way of condemnation of him, because I admire him very greatly—he had the Germans up in Nova Scotia. Nova Scotia is quite a distance from the United States. It is just like talking about having them down in South America. Very few think how far that is. They do not take out their geographies and show you how far it is from South America to the United States. But we can meet that situation.

The whole truth about the matter is that we have been pumped with invasion hysteria in order to establish a war economy in America.

I regret to say that the administration has condemned business, and now joins with the businessman who wants profit in the war. Some business, not all, but some business and this administration have gone together to get this war hysteria promoted. The money changers have not been driven from the temple. They are back here, and are now filling Government offices in the city of Washington.

No, they are back here getting their pound of flesh, and some in the administration, who want to try to bring back employment to 12,000,000 unemployed, feel that a war economy is the way to do it.

War economy will not settle it. War economy will not bring back prosperity to America. The administration realizes that as long as we "prime the pump" in this way it can get such a policy without much condemnation. I do not attack national defense. I believe in it, but I believe in national defense for national defense, and not for the promotion of hysteria or for the purpose of political gains therefrom.

Mr. President, I do not wish to detain the Senate. I have tried to hurry on, and at the same time to be generous to my colleagues.

It has been said that the draft was approved by George Washington. Of course, anyone who superficially reads history would say so; but when one actually reads the story of President Washington, he will find that such is not the case.

But the individuals to whom I have referred are not much interested in the advice given us by George Washington. They say, "Accept George Washington's advice on this," but they do not pay any attention to the advice he gave us in his farewell message about not becoming involved in Europe. Farewell Message about not becoming involved in Europe.

The other day I heard the Senator from Nebraska [Mr. BURKE] rise and say that the American people are behind the bill because the Gallup poll says so. The Senator from Nebraska was very much against the Ludlow amendment; and the Gallup poll in the same proportion, was for the Ludlow amendment. Where does he draw the line in calling the Gallup poll right or wrong? If the Gallup poll is right on the draft, it is right on the Ludlow amendment. I say it is not right on this question. As has been said time after time on this floor, the question itself was weighted in behalf of military training. Dr. Gallup sells the poll to the newspapers.

SWISS MILITARY SYSTEM

I wish to correct one statement before proceeding. It has been said that the greatest democratic system is the system of Switzerland. Look at Switzerland. It has military training. That is so; but how does it have it? It has it by the vote of the people. The people of Switzerland themselves went to the polls and voted for military training. That is democracy. Compulsory military training will never be submitted to the people of this country, even if it were possible.

Recently when Switzerland wanted to increase the time allotted to military service, could it be done without going back to the people? It could not.

Once again the question had to be submitted to the people, so that the military training period might be lengthened by 12 to 23 days, depending upon the service affected; 400,000 people in Switzerland voted against it, and only 500,000 for it. But my point is that the Swiss system and the Burke-Wadsworth bill are so different that it is nonsensical to compare them. They are not even close kin.

Mr. BONE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BONE. I wonder if there is any election machinery which would permit the submission of this particular question in a simple form to the voters of America in the November election? If they should vote for it, Congress would be in session immediately to pass the bill. There would be a delay of only 2 or 3 months. I am wondering whether or not the question in some form could be submitted to the people in an intelligent way, so as to let the American people vote on it. That would end the discussion. So I ask the question, Is there some way of submitting the question to the people? Perhaps the Senator from Montana [Mr. WHEELER] can advise us. At the moment I do not know what mechanism could be employed under such conditions, but I think probably the question could be submitted by the States for an advisory vote.

Mr. HOLT. I do not know of any machinery which is set up at present to do so. The point I am trying to bring out is that the Swiss military system is not at all like the Burke-Wadsworth bill. I shall put into the RECORD at this point the history of the Swiss system, so that even those who do not wish to see the difference may see it.

The Swiss military system was outlined in a letter written by C. Bruggmann, Minister of Switzerland. The part of his letter that outlines the system follows:

Switzerland was the first nation in modern times to introduce compulsory military service. The Federal Constitution adopted in 1848 and revised in 1874, provides in its article 18: "Every Swiss is bound to do military service." The Federal law concerning the organization of the Swiss Army of April 12, 1907, called the Military Constitution of the Swiss Confederation, amended in 1927 and subsequent dates, provides that the army shall consist of three classes, namely, the elite or first line: Men from 20 to 32 years old; the landwehr or second line: Men from 33 to 40 years; and the landsturm or territorial troops: Men from the age of 41 to 48.

Every male Swiss, when reaching the age of 19, must submit to a mental and physical examination. The mental test includes reading, arithmetic, geography, history of the Government, and composition. For physical examination he performs various gymnastic exercises. Some Cantons (States) compel the youths from 17 to 19 years of age to go to night school for 64 hours during winter to prepare for the examination.

When accepted in his twentieth year the infantry recruit enters the recruiting school of his territorial division, or, if he is to become an artilleryman, or a cavalryman, or a pilot, etc., he joins his respective school, of which there are several for each branch.

The length of time devoted to the first year's training of the recruit (recruiting school) is for all branches of the Army (infantry, artillery, sanitary troops, supply trains, etc.)—day of entrance and day of discharge included—116 days; for the cavalry, 130 days. The pilot has to undergo an additional training of 6 months.

At the time the recruit reports for his service he is given a complete equipment and regulation rifle, all of which he takes home after finishing the course. For yearly inspection and active duty he must turn out with his full equipment, which finally becomes his private property upon his discharge from active duty at the age of 48.

The recruiting-school course is hard work, as each day means 8 strenuous hours, with night work, such as patrolling, entrenching, and maneuvers probably twice a week.

The completion of the course promotes the recruit to a full-fledged soldier, assigned to a battalion in his home district, which is a unit of the division of which his Canton is a territorial part. As a member of his unit, he serves each year a so-called repetition course of 19 days, until he is 26. He belongs to the first line for 6 years longer, until he is 32, but in these 6 years he is bound to serve only every second year for a period of 3 weeks. A private of the first-line troops must therefore undergo within a period of 12 years after completion of the recruiting school a military training of eight repetition courses of 19 days each.

The repetition courses of the first-line troops are so arranged that an adequate change in smaller tactical units with training in army units will take place.

From 32 to 40 years, the Swiss soldier belongs to the second line or "Landwehr." In this capacity he serves two repetition courses of 19 days each. For the next 8 years, until he is 48, he serves in the "Landsturm" or territorial troops and is called to the colors only under special orders. In addition, every "Landwehr" soldier presents himself for annual inspection, at which time he must account for the care of his uniform and arms.

A recent decree of the Swiss Government extended the army age limit to 60 years, thus keeping every able-bodied man up to 60 years of age subject to military service in case of general mobilization.

The figures of the time of instruction for a Swiss infantry private are therefore:

| | *Days* |
|---|---|
| Recruiting school at his twentieth year | 116 |
| First line or "Auszug," up to his thirty-second year, 8 repetition courses at 19 days each | 152 |
| Second line, "Landwehr," up to his fortieth year, 2 repetition courses of 19 days each | 38 |
| Plus annual inspection | 6 |
| Territorial troops or "Landsturm" up to his forty-eighth year, annual inspection and subject to service under special orders | 8 |
| Territorial troops from the age of 48–60, subject to special services only in case of general mobilization. | |
| Total | 320 |

Specialists, like for instance gunsmiths, farriers, etc., receive their necessary professional training in special courses. Those belonging to the ambulance corps take besides the recruiting school a hospital training course.

Part of the military training of the Swiss soldier is the obligatory and voluntary rifle practice which he attends in civil life under the auspices of a rifle club. Every community is compelled by the Federal Government to build and maintain a rifle range in the open field. Enlisted men and noncommissioned officers of the first line and the "Landwehr" armed with rifles or carbines, as well as subaltern officers of the troops, must pass a yearly rifle practice test. Such tests, as well as the rifle practices, are conducted by the rifle clubs according to the military regulations. Those who neglect this test must take a special course without pay. The Federal Government refunds the cost of the ammunition used tc all those who pass the test and subsidizes the rifle clubs. The Federal Government encourages and aids financially any movement toward preparatory military training.

Those Swiss who are found physically unfit to serve in the regular army are assigned to certain of the auxiliary branches, as for instance, the ambulance corps, commissary department, information department, transportation department, and, more recently, are trained in the air defense of the civil population and as antiparachutists, etc. Members assigned to the auxiliary service attend instruction services of much shorter periods than do the regular soldiers.

Citizens who for physical reasons are not serving personally in the Army, as well as those incorporated in the auxiliary service, must pay an annual tax of exemption. Swiss citizens living in foreign countries are also obliged to pay this tax, and with few exceptions they do so.

The foregoing concerns privates in the Swiss Army. The officers and noncommissioned officers naturally are subject to additional instructions and training. Every Swiss who has the ambition and possesses intelligence and ability, can become an officer in the Army. After completing the 116, or as the case may be, 130 days in the regular recruiting school, if his conduct warrants the recommendation from his superiors, he will be called to attend a school for noncommissioned officers lasting 3 weeks, for those in the artillery, in the air corps, engineering, and fortress troops, 4 weeks, after which he receives the rank of a corporal. As such he attends another recruiting school a year later and the corporal with a good record and the ambition to become an officer enters the school for officers. The duration of this school varies between 60 and 120 days, according to the branch of service (for instance, infantry 88, artillery and air corps, 102 days). For practical and training purposes a school for noncommissioned officers is connected with the school for officers.

The newly appointed lieutenant must pass a recruiting school as instructor to qualify and thereafter he serves the regular annual repetition course of 19 days with his unit. If qualified, he will be promoted to the rank of first lieutenant after the completion of three or four repetition courses. To advance to the rank of captain he must take a 30-day course in the Central Military School No. 1, and attend several other special courses. Officers above the rank of captain devote a considerable part of their time to special courses in tactics, information, etc.

Furthermore, it should be mentioned that the Swiss military constitution provides for a small corps of instructors. They are professional or career officers and conduct the instruction of recruits and the training of noncommissioned and commissioned officers in the respective courses. A fixed number of instructors are assigned to each of the different branches of the army. The commanders of division and army corps are chosen from among the professional officers.

The military-training program is not coordinated with the educational institutions. There are projects to make preparatory training for boys of the age of 17–19 compulsory. This program would be conducted by educational institutions as well as by gymnastic societies.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WHEELER. I think it is unfortunate that one of the great parties has not had the courage to go on record against conscription. As the Senator from Arizona [Mr. ASHURST] pointed out, neither candidate for the Presidency of the United States has said, "I am in favor of conscription," or "I am in favor of the draft." They use language which can be confused in the minds of the public. I should like to see the candidates take a stand one way or the other on conscription and on the draft.

We have had a test vote in some States. In Idaho one candidate for the Republican nomination came out against the draft, and was nominated by an overwhelming vote. It was made an issue in his campaign. The same thing took place on the Democratic ticket in Idaho. The candidate who took a similar position was nominated on the Democratic ticket. In my own State I was criticized because of my views about keeping out of war; and yet I was nominated. I venture the assertion that whenever the issue is presented in any State north of the Mason and Dixon's line, and any candidate says, "I want to make out a case for drafting American boys" and properly presents it to the American people, and somebody takes the other side, regardless of whether he be a Democrat or a Republican, the man who takes a position against conscription will win the nomination and the election.

Mr. BONE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BONE. I hope the Senator from Montana will not urge any more platform declarations on that or allied subjects. I suspect that none of us takes the platforms very seriously. When I hear my Republican and Democratic brethren talk with pontifical solemnity about what is in the platform, I want to laugh, because the Republican Party came out for conscription of wealth as well as the boys in wartime. So did the Democratic Party. It would not do a particle of good to put anything in the platform about it. I was almost sorry for my good friend the Senator from Montana, who labored so hard at Chicago to persuade our noble Democratic Party to say something on the subject in its platform, because I was fearful that it would not do much good. The Senator's party and my party came out for conscription of wealth in time of war. That is to say, we agreed that if we should conscript manpower we would conscript wealth. I do not believe that the Senator from Montana thinks it would do any good to repeat such a declaration after defaulting once on the platform.

Mr. WHEELER. I am not talking about the platform. I am talking about the candidate.

Mr. BONE. I think it would be a magnificent idea if we could submit the question for the arbitrament of the ballot box and let the American people decide the question. Then we could lay it aside and dispense with all the debate and argument in the Senate. I should like to see the question submitted to the American people in November. If we want to end all doubt in our own minds as to where the people stand on the question, we probably could submit it to them and postpone the debate until after we should have had a plebiscite. In the meantime we should have the air filled with propaganda such as the Senator from New Hampshire [Mr. TOBEY] mentioned. However, that is the price of democracy. That is the price we pay to live under a democratic Government. Men are permitted freely to speak their minds.

Mr. HOLT. I should not want to advocate debate between the candidates, because I am afraid I should step on the toes of Secretary Ickes. But, at least, the candidates should debate the question.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. TYDINGS. To me there is a tragic side to this debate. It might be well to dwell upon it for a moment, with the Senator's permission.

We should not have any conscription bill in the Congress today, and we should not have billion-dollar appropriations, all kinds of laws to let contracts without competitive bidding, the possibility of repealing all the labor laws which have been put on the books, and thousands of other things which I might suggest, if we had adhered to the policy of having a navy sufficient to defend the country against any reasonably conceivable enemy or group of enemies, and had supplemented that policy with an air force and sufficient

pilots to support such a policy. In that contingency we should not need a large army for our defense, because such a navy and such an air force operating in this hemisphere, because of their position and base, would be almost a sure guaranty for the defense of this country in any conceivable emergency which might arise.

We did not do that; and as a consequence today we are spending $2 or $3 where only one might have been spent. We are repealing democratic and progressive laws, in whole or in part, because we did not have the foresight to prepare at least the physical things which we cannot obtain overnight, because 4 years are required to build a battleship, and several years to build an air fleet.

Some day we hope the present emergency will have passed, and the fear which now exists will have been dissipated. When that day comes, I wonder whether even then we shall have the foresight to keep our Navy and our air force as our first line of defense, which will make unnecessary in another emergency conscription bills, billion-dollar appropriations, dictatorial powers given to the Executive, and the repeal of good laws passed in time of peace. At least, if we could learn that lesson from recent tragic events we would have accomplished something.

For my part, I hope that we will always have a military policy something like this: A navy sufficient to defend this country in both oceans, with such improvements at the Panama Canal as will make transit from one side to the other always possible; an air force, the equal or superior to that of any other nation in the world, with able pilots and technicians to man it; and a small army. Then, in times of distress, we would not have another conscription bill and the waste of billions of dollars in hasty contracts to fill deficiencies in the national defense until we could create the degree of defense which would be necessary. If we can only learn that now, we will save the American people from a vale of tears, from a weight of fears, and from backbreaking bankruptcy, and live in security in this hemisphere for all time to come.

The tragedy is that it was not done 2, 3, or 4 years ago, when the so-called menace was beginning to become apparent. We could have done it gradually, we could have made real work for the relief workers, so called, and today there would not have been any conscription debate here, because we could have felt secure behind our defenses. Neither would there have been billions of dollars for all sorts of implements which we are buying which will be outdated almost as soon, perhaps, as they are created.

Mr. HOLT. Mr. President, before I come to the final discussion of what I would suggest in the place of conscription——

Mr. VANDENBERG. Mr. President, before the Senator proceeds, will he allow me to submit a startling exhibit to him, which I think will interest him and the Senate and the country?

Mr. HOLT. Yes; I yield to the Senator from Michigan.

Mr. VANDENBERG. It seems to me that the ominous feature of this whole, dread business is the direction as well as the length of the step we are asked to take in our defense and foreign-policy measures. I have just read a most interesting and significant and revelatory item of news from New York City. It is illustrated with the proofs of what it describes. Let me read this to the Senator:

High up in the tower of the skyscraper in the Municipal Building, among the radio aerials and the pigeons, a secret W. P. A. project is under way.

Open the door marked "no admittance" and you are startled by a huge poster, a man monster skulking among high Manhattan buildings and the legend "Don't talk! The enemy may be listening!"

Look again and you see, "Panic aids disaster!" against a background of streets filled with milling thousands.

This is New York and not London. Forty close-lipped artists and map makers are at work here, in two tiny suites on the thirtieth and thirty-first floors, and they are governed by the "don't talk" rule.

Inquiry establishes that this project is sponsored by Mayor LaGuardia, who recently formed the emergency defense committee, charged with the responsibility for preparing New York for war, rebellion, and major riots.

The startling posters are samples being made, it is said, at the mayor's order. They are modified copies of posters used abroad, especially in England.

Harry M. Prince, deputy commissioner of housing, is said to be in charge of the enterprise, aided by Sumner Smith. The workers were selected from a carefully culled list. The mayor won't talk about it at all.

Mr. HOLT. That is unusual, is it not—I mean for Mayor LaGuardia not to talk?

Mr. VANDENBERG. It seems to me that somewhere in the mysterious background of this whole situation there are vague forces at work with which the American people are totally unfamiliar. It seems to me that even we in the Senate cannot be adequately informed respecting the situation for which preparation is being made when we suddenly find W. P. A. projects that are even preparing war posters for use after we get into war. That degree of foresight makes my blood run cold.

But I rise to suggest that we make a virtue of necessity in this amazing situation. I have no complaint against all kinds of preparedness. But if there are any posters available, warning the American people "Be calm! Panic spreads quickly!" I would to God that, instead of waiting for our entry into war, we might have the warnings now, now, now! Let us not wait until it is too late. Now is the time to tell the American people, "Be calm! Panic spreads quickly!" Now; not after we are in a war which our people would avoid.

Mr. HOLT. I thank the Senator from Michigan. As I said yesterday, if the American people knew what was going on behind the scenes of this administration I would hate to predict what would happen. When I am told that the administration is not preparing for war, I say they are not telling the truth. They are planning for war—not possible war but what they think is definite war.

Oh, yes; some may ask, "Well, where do you get your proof?" I get it from their secret acts. The American people, who are going to do the dying, ought to know why.

Referring to the W. P. A.—if I should begin to talk about that the Senate would not leave the Chamber tonight. I heard the other day that Harry Hopkins was supposed to be the man to clear between the National Defense Council and the President. If that be the case, God pity the soldiers of the United States, because if the United States Army does not get more for the dollars spent than the American people got under the handling of W. P. A. by Harry Hopkins we could not meet a force of Lilliputians coming from any place.

Mr. BONE. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Washington.

Mr. BONE. I doubt if there has ever been a war when the order of the day was not prodigal expenditure. The boondoggling of the World War was a tragedy. Blankets, saddles, and branding irons—small things in themselves—were bought in such enormous quantities that reading the purchase orders covering those items sounds like a page from a fairy tale.

I suspect before we are through with this program the American people are going to confront the fact that the per-unit cost of all this material is not only going to soar to high levels but will continue to go up, and we are not doing much to stop it. The Senator from Maryland [Mr. TYDINGS] said a few minutes ago that we are proceeding now to abandon so-called progressive laws, such as laws dealing with limitation of profits. We are going to pay a very tragic price in a financial sense, for battleships are costing several times as much as they did in the lush days of 1920, 1921, and 1923.

The American people will, I suspect, have merely to accommodate themselves to the fact that this preparedness program is going to take a frightful toll, that tax levels are going to stratospheric levels, and that the cost of the program will make the boondoggling of the old P. W. A., the Civil Works Administration of 1934, look very sick and pale.

We are paying a terrific price for material now. The price of airplanes goes up and up and up; the cost of ships goes up; everything the Government is buying in this program is costing more and more. Senators rise on this floor and

ask—some of them in a critical way—where did all this money go. The Senator from West Virginia knows where it went. The Government simply is not getting a hundred cents of national defense for the taxpayers' dollar. That is where the money is going. When a battleship which could be built a few years ago for $26,800,000 now costs $70,000,000, why should any Senator ask where the money is going? Even my Republican brethren amuse me at times by rising and asking where is all this money going. The shipbuilders are getting it.

We got bids on two battleships not long ago, and, if my memory serves me aright, when the bids were opened there was $60,000,000 bid for the hull and machinery alone. The President was so infuriated about it and so outraged, or perhaps I should say so irritated, that he ordered the bids withdrawn and ordered the Government navy yards to finish those two ships, the *Washington* and *North Carolina*, as I recall their names.

I do not know what they are going to cost, but the other day there was a colloquy on the floor of the Senate in which the Senator from Oklahoma [Mr. THOMAS] joined. I think he demonstrated to the satisfaction of Senators in this body that the dollar today will buy much more than it would buy in 1920. Then why should any Senator ask where all the money is going, when a ship is costing three times as much, and the Senator from Oklahoma says that in the case of 784 standard commodities the dollar will buy even twice as much as it would buy in 1920?

We do not need to ask ourselves where the money is going. It is going down the maw of the munition makers. Why fool around with it; why try to gloss it over? If it is not so, then the Senate of the United States should establish another board of inquiry, another body of Senators, made up to inquire where this money is going and to whom, instead of Senators constantly rising on this floor and making political speeches bidding their friends with pontifical and political solemnity to ask the whole world, Where is the money going, where is the money going? The Munitions Committee of this body tried earnestly at one time to get a break-down of prices from private shipbuilders, but we have never been able to get anything out of them. The cold, hard fact remains that ships are costing three times what they used to cost. So Senators might just as well save their breath and not continue to ask themselves or their brethren where the money is going, when airplanes are costing two or three and four times as much as they did.

When every conceivable form of war material is steadily going up in price day by day, and we are not even making what seems to me a forthright effort to recapture the profits with the proper levels of taxation, it seems to me we are rapidly reaching a point where we had better cease to ask ourselves questions. It is a beautiful thing; I believe Socrates taught by asking questions; but I am not certain that the Senate teaches itself or the country or anyone else by asking questions of that kind.

I hope I have not intruded too much on the time of the Senator from West Virginia.

Mr. HOLT. No; I appreciate the comments of the Senator from Washington, and I want to say this:

DOLLAR-A-YEAR MEN BACK IN WASHINGTON

Washington has the dollar-a-year men here now. There are more dollar-a-year men in Washington than there are applicants for jobs. You know these dollar-a-year men who serve for patriotism and a few dollars in their pockets on the side. Oh, yes. History will record the same thing that is happening here, that the American taxpayer is paying for these great patriots some of whom are trying to incite war hysteria in this country—the same sort of thing that happened in 1915, 1916, and 1917. We are going to pay for it in that way.

I never thought the time would come when "Honest Harold" Ickes would go to bed with some of them as he has. No; I did not expect those things to happen. The money changers that they were so much afraid of, the financiers that they were so much afraid of, the Wall Street crowd that they condemned, are back here in Washington on the Government pay roll getting a dollar a year, while their companies are getting millions.

Yes; Mr. Ed Stettinius gets a dollar a year. It seems very generous of him to donate his time; but, at the same time, the United States Steel Corporation, of which he was director of the executive committee, increased its profits from $1,900,000 in the first 6 months of 1939 to $36,315,000 in the first 6 months of 1940.

I intend to present to the Senate, when the tax bill comes in, a statement of war profits. Show me the war profiteers and I will show you the individuals who are preaching internationalism, who are preaching this drive for compulsory military training, and are preaching this drive for aid to Britain. They are the ones who are feathering their nests out of the United States Treasury and at the same time calling for American boys to serve at $21 a month—yes; even $5 a month in the original bill.

Oh, yes; they will hit the skies if we start to touch their profits, but it is all right to confiscate 100 percent of a boy. He does not have a chance to discuss his profits. He does not have a chance even to protect his own investment; and yet these individuals are here under the New Deal. But I do not care to go into that subject. I have taken too much time already. I want to read to you the statements of various Presidents on the draft.

JEFFERSON ON DRAFT

We were supposed to have Thomas Jefferson as the patron saint of our party. This is what Thomas Jefferson said to John Adams about the draft:

> In Virginia a draft was ever the most unpopular and impracticable thing that could be attempted. Our people, even under the monarchical government, had learned to consider it as the last of all oppressions.

Those are the words of Thomas Jefferson on the draft.

What did James Madison say about army rule? The other day some one said James Madison did not say anything about building a military system. Let me quote what James Madison said:

> The means of defense against foreign danger have always been the instruments of tyranny at home. Among the Romans, it was a standing maxim to excite war whenever a revolt was apprehended. Throughout all Europe, the armies, kept under the pretext of defending, have enslaved the people. It is perhaps questionable whether the best concerted system of absolute power in Europe could maintain itself in a situation where no alarms of external danger could tame the people to the domestic yoke.

I shall not burden the Senate with a complete statement of the views of Woodrow Wilson. I have disagreed with Woodrow Wilson. I think he was wrong about the World War; but some Senators have discussed Wilson, and I want to put in the RECORD what Mr. Wilson said about it. You will find that he said that the draft "carries with it a reversal of the whole history and character of our polity."

I shall put in the RECORD, without objection, a fuller statement of the views of President Wilson.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Woodrow Wilson Life and Letters, Ray Stannard Baker]

"We never have had, and while we retain our present principles and ideals we never shall have, a large standing army."

We should be ready to defend ourselves but should not "turn America into a military camp" nor "ask our young men to spend the best years of their lives making soldiers of themselves."

He declared that we were "at peace with all the world," we did not dread any other nation, we were not "jealous of rivalry in the fields of commerce." "* * * we threaten none, covet the possessions of none, desire the overthrow of none."

It was right enough that citizens who were willing to volunteer should be "made familiar with the use of modern arms, the rudiments of drill and maneuver, and the maintenance and sanitation of camps," and that "the National Guard of the States should be developed and strengthened," but to do more than this "carries with it a reversal of the whole history and character of our polity."

He stood almost where Jefferson had stood more than a century earlier.

WOODROW WILSON.

DECEMBER 8, 1914.

Mr. HOLT. I realize that I have held the floor a long time, but I have yielded much of that time to my colleagues. I expect the New York Times and some of the other newspapers to say that I am conducting a filibuster. If I were speaking against the regimentation of wealth I would be a statesman, in their estimation; but when I speak about regimentation of boys, that is a filibuster.

TRY VOLUNTEER SYSTEM

The Senator from Kentucky [Mr. CHANDLER] asked me what I would do. I would try the volunteer system and give it an actual trial. It has not been tried in America.

I would first set up a system to give training to air pilots and mechanics, and do that by volunteers, not at $21 a month. I would give them a chance to have a decent livelihood. Let us develop our mechanized units so that we can meet any invasion. Do not send across the sea the things necessary to train our boys and let our boys train with wooden implements. Yes; I would try the volunteer system first, and the evidence presented here yesterday showed that the volunteer system had not been tried. To the contrary, there has been a definite pressure against the voluntary system. Out of 250,000 boys who enlisted last year, or who asked for enlistment, only 161 were accepted for 1-year enlistments. Then, as I said a moment ago, I would have an opportunity in the Army so that the boys could advance.

One of the great reasons why we have not more volunteers than we have, although the number has reached the quota, is this: Many American boys feel just as I feel, and as many other persons in this country feel, that they are not enlisting in the Army to defend America on this side of the Atlantic. They know that behind the scenes there is a drive to take them once again into an expeditionary force. That is holding back the volunteer system. The American boys know, if they know anything, that there is a constant drive to involve us in the European war and have a second A. E. F. Yes; that is one thing that is holding back the volunteer system. Oh, yes; and they talk about the draft. There is no provision in it which says that the drafted boys cannot be sent to Afghanistan or anywhere else, not for the supposed defense of America, but for the defense of the British Empire as the so-called first line of defense.

WAS THERE AN ALLIANCE OR UNDERSTANDING?

The boys who might otherwise enlist have the same fear that we had when we passed the resolution in 1938 which asked the State Department for certain information. I want to recall this resolution to the Members of the Senate, and then see if the British Navy is our first line of defense. This is what we said:

*Resolved*, That the Secretary of State be, and he is hereby, requested, if it be not incompatible with the public interest, to advise the Senate (a) whether or not any alliance, agreement, or understanding exists or is contemplated with Great Britain relating to war or the possibility of war; (b) whether or not there is any understanding or agreement, express or implied, for the use of the Navy of the United States in conjunction with any other nation; (c) whether or not there is any understanding or agreement, express or implied, with any nation, that the United States Navy, or any portion of it, should police or patrol or be transferred to any particular waters or any particular ocean.

That was the resolution passed by the Senate. This is the reply of the Secretary of State. I want to read it to you. He said:

FEBRUARY 8, 1938.

The Honorable KEY PITTMAN,
*Chairman, Committee on Foreign Relations,*
*United States Senate.*

MY DEAR SENATOR PITTMAN: My attention has been called to Senate Resolution No. 229, introduced by Senator JOHNSON of California on January 5 (calendar day, February 7), 1938, and ordered to lie on the table.

Under the terms of the proposed resolution the Secretary of State is requested, if it be not incompatible with the public interest, to advise the Senate in response to three inquiries.

For your your information, and for such use as you may desire to make thereof, I desire to state to you very definitely that in response to point (a) which reads "whether or not any alliance, agreement, or understanding exists or is contemplated with Great Britain relating to war or the possibility of war," the answer is, "No"; in response to point (b) which reads "whether or not there is any understanding or agreement, express or implied, for the use of the Navy of the United States in conjunction with any other nation," the answer is, "No";

When, oh, when, did the English Navy make an agreement with the United States? Was it since 1938? The Secretary of State said there was no agreement, implied or expressed, before that time. I am sure the Secretary of State told us the truth. When was this express agreement of the English Navy to defend us made?

The Secretary of State proceeds:

with regard to point (c) which reads, "whether or not there is any understanding or agreement, express or implied, with any nation, that the United States Navy, or any part of it, should police or patrol or be transferred to any particular waters or any particular ocean," the answer is, "No."

Sincerely yours,

CORDELL HULL.

To those men in the Senate who say the English Navy is protecting us, I ask when the agreement was made. Did not Secretary Hull tell us the truth in 1938? The President said he was not going to withhold any secrets from the American people. When was this agreement made for the English Navy to defend the United States of America?

It is said it has not been expressed, it was just implied. This resolution also said implied. When was that agreement made? History will record that there has been many an agreement made which we in the Senate and the people of the United States do not know. We will find agreements with the Bullitts, men of that ilk, taking America down the path to war. We are not supposed to know anything about it, we are just Members of the Senate.

I wish to say, as I stated a moment ago, that we will find agreements have been made. I do not believe this conscription is for the defense of the United States, unless we think the defense is across the Atlantic Ocean. I for one do not subscribe to that theory. I want to defend America here on this side. I want the largest army necessary here, and the largest navy here, and the largest air force here, not over Berlin, Paris, London, or any other place.

I know that America's protection lies on this side of the Atlantic Ocean. Are we going to couple our defense system with Europe? Let us make our defense system based on America, not involvement in other continents. Many American boys believe that this Army is being planned for war abroad.

The W. P. A. posters of which the Senator from Michigan speaks say, "Do not talk!" After war starts there will not be any talk. Shall we go into a war for freedom, and give up our freedom at home? Shall we in defense of liberty abroad give up our liberty here? Shall we in waging war against regimentation regiment our own people? Shall we in order to stop Hitler establish Hitlerism here?

DEFEND THE UNITED STATES HERE

Mr. President, that is not sound. I favor national defense, but, as I stated a moment ago, I do not believe our national defense depends upon England, France, or any other nation in the world. If our national defense depends on England, God pity the United States of America, because Poland's defense depended upon England, and when things grew hot England did not get there. When the defense of France depended upon England and things got hot, England crossed the Channel. When Ethiopia's defense depended upon England, it went down. When Czechoslovakia's defense depended upon England, it fell. Are we going to stand on the same system and depend upon some government that has sold every government down the river?

The English ruling group have looked after England. They realize that their first obligation is to Great Britain. Let us have in America men who feel that our first obligation is to America, and not to any other nation. Let us realize that building up our defense here is the way to protect us and save democracy.

I fight this proposition of conscription because, as I stated once before, it is a challenge to the American way. Under the fear of invasion and under the promoted hysteria, and in order to establish a war mania, we are tearing down 150 years of tradition and establishing in America militarism,

which none of us will ever see wiped out. That is why I am opposed to conscription.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 3354. An act for the relief of Nannie E. Teal;

S. 3710. An act for the relief of James H. Hearon; and

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

ACTIVE SERVICE FOR THE NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL—CONFERENCE REPORT

Mr. SHEPPARD. Mr. President, I submit the conference report on Senate Joint Resolution 286, the so-called National Guard resolution, for printing in the RECORD. I shall call it up at the earliest practicable time.

The PRESIDING OFFICER. The report will lie on the table and be printed in the RECORD.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. BULOW obtained the floor.

Mr. VAN NUYS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | La Follette | Schwartz |
| Andrews | Donahey | Lee | Schwellenbach |
| Ashurst | Downey | Lodge | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Stewart |
| Barbour | Gibson | McNary | Taft |
| Barkley | Gillette | Maloney | Thomas, Idaho |
| Bone | Glass | Mead | Thomas, Okla. |
| Bridges | Green | Miller | Thomas, Utah |
| Brown | Guffey | Minton | Tobey |
| Bulow | Gurney | Murray | Townsend |
| Burke | Hale | Neely | Truman |
| Byrd | Harrison | Norris | Tydings |
| Byrnes | Hatch | Nye | Vandenberg |
| Capper | Hayden | O'Mahoney | Van Nuys |
| Caraway | Herring | Overton | Wagner |
| Chandler | Hill | Pepper | Walsh |
| Chavez | Holt | Pittman | Wheeler |
| Clark, Idaho | Hughes | Radcliffe | White |
| Clark, Mo. | Johnson, Calif. | Reed | Wiley |
| Connally | Johnson, Colo. | Reynolds | |
| Danaher | King | Russell | |

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

SALE OF CERTAIN STAMPS

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota [Mr. BULOW] has the floor. Does he yield to the Senator from Connecticut?

Mr. BULOW. I yield.

Mr. DANAHER. Mr. President, I have a letter under date of August 19 from the Lynchburg News, Lynchburg, Va., bearing the signature of Mr. Carter Glass, Jr., which I should like to read. The letter is as follows:

DEAR SENATOR DANAHER: I note with considerable interest in the late dispatches coming over our Associated Press wires today your request for a Senate investigation of Secretary Ickes' acquisition of certain stamps issued by the Post Office Department several years ago. Senator BYRNES is quoted as saying that he had "the authority of the Secretary" to offer the issue to you "if he will pay face value." Take him up—

I am advised by Mr. Glass—

Take him up; and if you don't want to keep the stamps, there are plenty of collectors, including myself, who would be pleased to take them off your hands.

Most collectors have a knowledge of the transaction and also a fair idea of the value of the stamps.

Sincerely yours,

CARTER GLASS, Jr.

Mr. President, in addition I have received several dozen communications, wires, letters, and other messages with reference to the matter from collectors all over the country, expressing an interest in the stamps.

I hold in my hand a copy of a letter from a New York lawyer, addressed to Mr. Ickes, in which he writes that he has sent to Mr. Ickes, with a letter, his check, and asked Mr. Ickes to send the stamps to him in order that he might, thus acquiring them, turn them over to the Librarian of Congress, to be placed in the Nation's collection.

Mr. President, with the forebearance of the Senator from South Dakota, let me take one more moment. Mr. Ickes in a press conference yesterday advised that he is requesting the chancelor of New York University to return to him, Mr. Ickes, the stamps previously donated for the purpose of auctioning them off for the benefit of refugees.

Thus Mr. Ickes has himself shown his conception of their value. But that does not dispose of the 150 stamps which he still has in his possession, nor does it have reference to those which are outstanding, which have been used in trade for other rare stamps which Mr. Ickes wanted.

So, the whole matter has come to the point where Mr. Ickes has admitted the transaction. I thought Senators ought to know that circumstance.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. BULOW. Mr. President, I desire to make a statement setting forth the reasons which to me are all-controlling of the manner in which I should cast my vote upon the question now being considered by this body—that of abandoning the services of the American volunteer and substituting in his stead the conscript soldier. I regard the vote upon the pending measure to be the most important vote I shall ever be called upon to cast in this body. Upon the result of this vote hinges the ultimate destiny of this Republic. The question, plainly and bluntly put, is simply this: Shall we abandon the time-honored traditions of a peace-loving, liberty-loving people for that of military despotism? That is the question in a nutshell. Shall we abandon the system of a volunteer soldiery and force every young man in the country to take military training, become a part of a mighty war machine, and both in peace and war times obey and take orders from a military dictator?

DRAFT MEANS REGIMENTATION

The proponents of this measure contend that the selective draft is the only democratic way. I do not agree with them. It is contended that we should adopt a program of universal compulsory military training for all young men of the country and then have the Government make the selection as to where and how these men can best serve their country. I am not in accord with that view. That means regimentation of our young men and takes away from them an opportunity to work out their own destiny in a free country. Who is to make the selection? Under the theory of the pending conscript bill some board, some commission, or some dictator is to tell every young man what he is best fitted for and what he must do in the service of his country, and the young man has no choice in the matter.

I agree that in wartime, in actual warfare, there must be a commander whom the others of us must obey, but in peacetime regimentation is repulsive to every concept of a free people. Every boy, when he approaches manhood, has some idea of his own, what he is best fitted for, and what he wants

to do in life. He is better qualified to choose life's calling for himself than is any board, commission, or dictator.

The thing that has made us a mighty Nation is that from the time of its birth up to this good hour this land has furnished every individual citizen an opportunity to work out his individual destiny as he thought best. Because the citizenship of this country have had that opportunity they have written a record of achievement that cannot be duplicated anywhere in the history of the world. We are now asked to turn our backs upon that record of achievement and say to the present citizen, and to the future citizen of this land, "From now on your Government will tell you what you are best fitted to do." I say to the Senate that if we pass this conscription bill we abandon the Government of a free Republic and substitute therefor that of a totalitarian state, which we profess so profoundly to hate. We are told that we must do this to defend ourselves because our volunteer system has broken down, when the fact is our volunteer system has not broken down. Every Senator has hundreds of applications from young men who want to go to Annapolis or to West Point to take special training to fit themselves to defend the flag when the occasion requires. Modern warfare is airplane and mechanized warfare. Give the youth of America an opportunity to volunteer and enlist in airplane and tank service and they will respond by the hundreds of thousands and it will not be necessary to identify them by searing on their backs a conscript brand. I do not want thus to brand citizens of America. I expect to vote for the Maloney substitute, but, regardless of whether or not that is adopted, I will vote against final passage of the bill. I will not at this time vote for any measure that will give power to any board or commission, or to anyone, to determine for the youth of America whether they shall become butchers, bakers, or candlestick makers. I want the youth of America to remain free to select their own life work. If we adopt this universal compulsory military training measure we will be doing the same thing that the Hitler government and the other military powers have been doing for ages, and we will cease to be a free Republic and will become a totalitarian state.

The people of the United States are for peace and not for war. There is practical solidarity among our people upon that proposition. The advocates of participation in conflict upon European battlefields are few and far between. There, however, is a marked division as to the methods to be used in charting our course for peace. There are those who believe that we should extend all aid to Britain on the theory that Britain is standing between us and danger and fighting the battle for our democracy. I cannot subscribe to that view. We did that once before. Less than 25 years ago, in response to the same kind of a request that is now made of us, we sent our armies across the sea and participated in the power disputes of Europe. The sacrifices we then made are still fresh in the memories of our people. Our soldiers won that war, but the statesmen of France and the statesmen of Great Britain for whom we won it failed to write a treaty of peace that lasted for one generation. If we now repeat those sacrifices, our pay-off will be the same.

COMPULSORY MILITARY SERVICE LEADS TO WAR

Of course, Mr. President, we are not satisfied with the way things are going in Europe. Their methods of human government are repulsive to us. Their modes of human life are incompatible with our views. High officials in our system of government in loud voices proclaim from the house tops the viciousness of corporate government, describe how the people of Europe are enmeshed and enthralled, and state that the people of free America will never submit to the rule of Stalin, of Mussolini, or of Hitler. I agree to that. I agree that in our free country we will fight to the last man before we surrender our flag. Upon our own soil we will fight to the last man to keep that flag floating over the citadel of every home, and upon our soil will never permit that flag to bite the dust.

I do not know why we should become so excited about the European situation. The European war is not anything out of the ordinary. Any country that has compulsory military training for its citizens has got to have a war every so often. There is nothing unusual about that, except perhaps that the tide of battle at the present time is running a little out of form. That is the only difference. No matter how the battle goes, this will not be the last war over there. They have fought many wars before and patched up a peace, but immediately started conscripting for the next war. That is the inevitable result of compulsory military training. No matter how the war goes over there, it will not settle anything. In about 25 years from now they will be at it again; just so soon as they can conscript and train a new generation they will start over again. The military dictators have got to exercise the conscript soldier. The same thing will happen in this country if we pass this measure and create a large military machine. The Army generals who operate the machine will not want it to remain idle.

Mr. President, I cannot see that we are in any danger of attack from Europe, no matter who the victor may be. Whoever may win that war will have all he can do to look after his own country and prepare for the next war. Dictators cannot agree long on a division of power or a division of spoils. If Hitler should win, he would have a hell of a time holding on to his winnings over there and would have no time to take us on.

We are told a great deal about the Japanese. I have heard about threats from Japan ever since I can remember. For more than 50 years I have heard that the "Japanese will get us if we don't watch out." They have not gotten us yet, and, so far as I know, they have never threatened to get us. Japan has its hands full in its own country.

So let us keep our feet on the ground and not become unduly excited about matters that in all probability will never happen.

It must be said that up to this good hour neither Stalin, Mussolini, nor Hitler has made any effort to interfere with our national life. We have proclaimed to all the world that we stand upon the Monroe Doctrine, America for Americans, and will brook no interference. By the same token we ought to permit the people of Europe to say, "Europe for Europeans" without any interference from us and "render unto Caesar the things that are Caesar's." The dictators of Europe will have all they can do handling the affairs of Europe if we let them alone, and they will keep on quarreling among themselves unless we by our wanton interference in their affairs force their dictatorial solidarity to deal with us in retaliation for such interference. I can see no danger of our being attacked by Europe unless we go out and promote an attack. If we let Europe work out its own destiny, we need not become alarmed for our own safety. The first speech I ever attempted to make upon the floor of the Senate was in opposition to involving this country in the power politics of European governments.

STOP MEDDLING IN EUROPE'S AFFAIRS

Mr. President, as a boy I was much interested in the story of old Dog Tray who got into a lot of trouble because of the company he kept and by frequenting places where he had no business to be. Many nations have gotten into trouble and passed from the stage of action because of being overambitious to meddle with other people's affairs. Let us not make that sad mistake. Let us prepare for a proper defense in this war-mad world to meet any eventuality that may arise, but let us remember that the strongest link we can have in our chain of national defense is to mind our own business and not provoke a fight even if some of us have an idealistic ambition to become guardian angels for other peoples. Be a good neighbor but let the good neighbor run his own governmental affairs. Attend to our own business, and we will get along all right. The American people do not again want to engage in a useless foreign war upon foreign soil. We do not promote the peace which our people want by asking them to forget all differences of opinion and unite behind a single program under the avowed, spoken purpose to keep this country out of war, when almost every official governmental act we take brings us one step closer to Armageddon.

On Sunday we pray loud and long for peace and ask God not to involve our country in war, but throughout the week on every working day we do about everything we can think of

to bring our country closer to war involvement. On Sunday we are pious; we are neutral. On Monday we forget about our neutrality. On Sunday we take no part in the fight; on Monday we itch to get in. On Sunday we furnish no war material to either side; on Monday we want to turn over 50 battleships to one of the contestants. On Sunday we are holier than thou; on Monday we want to raise the devil. On Sunday we are for maintaining peace; on Monday we want to open up our harbors to service a foreign battle fleet and give everything we have to one of the combatants in an effort to get into the war. On Sunday we are noninterventionists; on Monday we want to intervene. Still we boast about stability of our foreign policy as the only thing that will keep us out of war.

Mr. President, I voted against the confirmation of our present Secretary of War because I want to stay out of war and he wants to get in. That was the main reason. There is another secondary reason why I voted against him. I am a Democrat; the Secretary of War is a Republican. I believe we have many Democrats competent to be Secretary of War; I believe that in a Democratic administration at least half of the Cabinet members should be Democrats. As it is we now only have two real Democrats in the Cabinet, Cordell Hull and Jim Farley. On the last of this month Jim Farley will take a walk out of the Cabinet, and I should not be at all surprised if the Senate should vote to advise the President to appoint a Republican Postmaster General to take the place of Jim Farley in order to show that we are not playing politics in an election year. Well, that just is not my doctrine and I cannot go along with it. I am a Democrat and believe that the Democratic administration should be run by Democrats. I believe that when the people of the country select a Democrat for ringmaster they want the show run by Democrats and not by Republicans. I am a real Democrat and, as a Democrat, I am far more interested in keeping this country out of war than I am in electing any man to the Presidency.

Mr. President, it is said that Congress alone can declare war and that Congress should remain in session to keep the United States out of war. I believe that the country would have been far better off had Congress adjourned a couple of months ago after it appropriated sufficient funds to provide for a proper national defense. The halls of Congress furnish a forum to make rabble-rousing speeches that keep the country disturbed. If we would adopt a foreign policy of sawing wood and saying nothing, build a proper defense and quit hollering about it, cut out the oratory, including fireside chats, we would get along all right and the country would be far better off.

Mr. President, the people of the country have been flooding every Member of Congress with telegrams and letters to remain in session and keep the country out of war. Congress can pass laws that it thinks will do that, but it has no effective ways of enforcing the laws it passes. Enforcement is up to another branch of our Government. Congress can pass the necessary measures and provide the necessary appropriations for national defense, but to execute the will of Congress is the function of the administrative branch. Congress can pass a Neutrality Act; it can pass an Arms Embargo Act; but it does not seem to have any effective way of preventing the administrative agencies from planning, scheming, conniving, and devising ways and means to get around the act. When Lincoln was a young man he once had a problem about plowing a field. In the field was a large log which had interfered with plowing for many years. Lincoln was asked how he got along with plowing the field and he said, "Fine," and that he had finished the work. "What did you do about the log?" "I did not do a thing about the log. It did not bother me a bit, I just plowed around it." Sometimes Federal administrative agencies are not bothered much with acts of Congress—they just plow around them.

Mr. President, it is written in the Constitution that Congress only shall have power to declare war. The founding fathers when they wrote our Constitution wisely embodied that provision. But in this modernistic age, under the new order of things, we cannot be handicapped by the Constitution. We devise ways and means to plow around it.

The country is being flooded with paid propaganda that we must give everything we have to England, except men, in order to save ourselves from destruction. If we do that, our men will be forced to follow just as sure as night follows day. We are told that England is fighting for the people of the United States. I cannot subscribe to that view. I believe that the best service we can render to the people of England is to say to their government, "We will not aid you in this war. Patch up the best peace you can and quit the fight." If our Government should say to the British Government, "We will not again come to your rescue as we did before," we would not repeat the sacrifices we made in the World War. If we adopted such a policy, I am convinced it would do more toward restoring peace in Europe than any other thing we could do. Had Poland not relied upon promised help from France and England she would have patched up a peace with the German Reich, there would be a Poland today, and the hell's inferno that now engulfs all of Europe might never have broken loose. The English Government will be able to write better terms for its people into an armistice today than it will be able to write after it shall have sacrificed the flower of its manhood upon the altar of war. The British Government will be able to write a better peace for its people now while the power of its manhood is still a force than it will be able to write after the souls of millions of its heroic people, in a useless sacrifice to satisfy a few men's ambition for power, shall have winged their untimely but everlasting fight to the realms of eternal peace from their war-torn country. No matter who may be the victor upon today's battlefield in Europe, victory will not bring permanent peace to his country. No matter who may write or dictate the peace treaty, it will not last. I do not want my country again to become involved in such a conflict. We can stay out of it if we avoid taking the successive steps which will eventually lead us into that involvement.

I would not be true to myself, nor true to the people whom I have the honor in part to represent in this body, nor true to my country if I violated the conscientious conception of my duty here. I am for peace and not for war. I, personally, have no desire to participate in the constant warfare of Europe. I, personally, would not go over there, and I will not knowingly cast my vote for a measure which I believe will lead the people of my country into a foreign war on alien soil where I myself would hesitate to go.

MONROE DOCTRINE NOT "A ONE-WAY STREET"

Mr. President, we are told that one of the reasons for the pending conscription bill is that we want to enforce the Monroe Doctrine. We hear a great deal about the Monroe Doctrine and men's minds seem to differ considerably as to just what the Monroe Doctrine is. As I have always understood the Monroe Doctrine, it simply means America for Americans, and that the people of America claim the right to conduct their own governmental affairs after their own fashion, according to their own idea, without interference from foreign powers. In other words, we want to run our own business in our own way; and by the same doctrine we ought to be willing to let the people of Asia and the people of Europe run their business in the manner they desire without interference from us.

The other day the learned and distinguished Senator from Arizona [Mr. ASHURST] aptly stated that the Monroe Doctrine was not a one-way street; that upon it traffic operated both ways, and that both the going and coming traffic was of equal importance in the maintenance of that historic doctrine. I subscribe wholeheartedly to the view of the distinguished Senator. If we want to maintain the Monroe Doctrine in America, we must let the people of Europe maintain it in their own part of the world in such fashion as suits them, without interference from us. Before the judgment of the world, if we want to sustain that doctrine we must come into court with clean hands; if we seek equity we must do equity. No foreign power that I know of has challenged

or threatened the Monroe Doctrine in America. We cannot say as much for our attitude toward the Monroe Doctrine in Europe. If Europe meddles with our affairs it will be in retaliation because we meddled with the affairs of Europe.

Mr. President, we hear much about our foreign policy, and how important it is to maintain that foreign policy so that all the world may know just where we stand. It is said that we must have a firm foreign policy to command respect among the nations of the earth—a foreign policy so powerful that dictators will tremble when we speak. For more than a year we argued that our President could not even tell his people whether or not he wanted to run for office again because it would interfere with our foreign policy. For a time we had a Secretary of War who adhered strictly to the time-honored American tradition of nonintervention in foreign wars, and our openly announced foreign policy was one of nonintervention. Suddenly, without warning, he was kicked out, the foremost interventionist of this Republic was made Secretary of War, and overnight our foreign policy became one of intervention. What really is our foreign policy? What is it today? What was it yesterday, and what will it be tomorrow? My mind works rather slowly, and it is very difficult for me to follow the reasoning which would justify the necessity for the many rapid changes in our foreign policy. One day we pass a neutrality act and say that our foreign policy is to take no part in foreign wars to help either side; the next day we modify or repeal it. One day we pass an arms embargo act and say that our foreign policy is that we will not sell powder, guns, and instruments of warfare to fighting nations; and the next day we start scheming and conniving ways and means to get around the act; and the day after that we repeal the act. One day we shout loud and long that we will never vote to send an American boy to fight upon foreign soil; the next day we vote to give our Commander in Chief power to send our home-guard boys to fight anywhere on the Western Hemisphere, but not in Europe. Tomorrow we may vote to send them to Europe.

I have heard many Senators upon this floor declare that they would never again vote to send any American boy to fight upon foreign soil. Yet the other day I saw 71 Senators vote to give power to the President to send even our home guard boys to fight anywhere on the Western Hemisphere, and only 7 Senators voted against it. I am proud to boast that I was one of the 7; and I desire to say that I will never vote to give the President power to send any American soldier to fight in a foreign land until after Congress has declared war. I mean what I say when I make that statement. Nobody knows what our foreign policy will be tomorrow. I do not even know what it is today. I know what it ought to be today; I know what it ought to have been yesterday, and I know what it ought to be tomorrow. Our foreign policy should be to quit meddling in the power politics of Europe. We should attend strictly to our own business, with an eye single for the good of the people of this Republic, and let other nations conduct their own internal affairs as they see fit.

WE MUST NOT REPEAT 1917–18

Nations, like individuals, should benefit from experience. Our country has had one sad and costly experience in meddling in Europe's affairs. We must not repeat that experience. I have lived a little past man's allotted time of three-score years and ten, and the road which I have traveled has perhaps been that of the average man. I have never had a fight with any man in my life, and therefore have never been licked. I have seen many opportunities when I could have stuck my nose into the other fellow's business and got it smashed; but by attending strictly to my own affairs I have avoided that difficulty. We, as a Nation, should keep our nose out of Europe. We have no business there. We cannot settle anything there. If the people of Europe want to live under dictators, that is their affair; if they want to fight among themselves, let them fight. If we do not want any government of Europe messing in our affairs, let us not mess in theirs. If we follow that policy we shall be reasonably safe and the storm clouds will clear up without much danger to us. The best foreign policy we can have is to forget about our ambitions to dictate the power politics of the world, and attend strictly to our own knitting. If I had my way, not only would we stay out of Europe, but I should not "monkey around" very much south of the Equator in the Western Hemisphere. We should probably be much better off if we were to confine our Monroe Doctrine to the North American Continent and let the South American nations run their affairs in their own manner. Be a good neighbor, but let the good neighbor run his own household.

The other day the distinguished Senator from Florida [Mr. PEPPER], in his argument for the passage of the bill calling the National Guard into the military service of the Nation, called attention to the fact that the recent Habana meeting of the nations of the Western Hemisphere expressed the view that some of the South American countries are a little doubtful as to the real purpose of our good-neighbor policy; that they are a little skeptical as to our preparedness to engage in war; and that some of the South American countries have the idea that we are entirely unprepared to defend ourselves, and we are promoting the good-neighbor policy for selfish reasons, to get them to rake our chestnuts out of the fire.

If they have such an idea, perhaps we had better retreat a little in our attempt to enforce our Monroe Doctrine upon them. After all, South America is a great agricultural region and our foremost competitor for world trade in agricultural products. The standard of living of many of its people is not comparable to our own, and few of them speak our language. Its governmental policies and traditions are not in harmony with ours. Perhaps we should be better off if we were to apply our Monroe Doctrine to our own country and our own possessions and let it go at that, and not become involved by taking in too much territory.

It may be said that there was a time when nations could live alone and get along, but that under our modern civilization that cannot be done. The people of the United States are fortunately situated and are a fortunate people. We are better able to sustain ourselves without contributions from other nations than are any other people on the face of the earth. We can survive for a long time without contributions from anyone. When most other nations have gone war mad, I am not so sure but that the best thing we can do is to stay at home and, if necessary, live on hominy, beans, and spinach until the storm blows over, until crazy men have destroyed one another, and abide the time when it is safe for decent men to walk the earth.

Mr. President, the passage of the pending measure providing for universal compulsory military training for the people of this Republic will put us into the war-mad parade as certainly as night follows day. Conscript the youth of this Nation and put them in a war machine and war will inevitably follow. Pass this measure and we turn our backs upon the greatest tradition of our country and destroy the boast of a free people. What has made us a great people? What has made us a mighty nation? Why is it that citizenship in the United States is the most valued in all the world? Why is it that our flag—the Stars and Stripes—is the cynosure of the eyes of all the earth? That flag was made great and powerful not by a conscript soldiery, but by humble volunteers. The volunteer soldier makes the best soldier on the face of the earth. When Israel Putnam left his plow in the furrowed field and marched away in order that he might attend the birth of a nation he initiated the spirit of the American soldier, and that spirit has persisted throughout our history. Today this country has more than 50,000,000 Israel Putnams who will leave their plows in the furrowed fields and answer the bugle call to repel the invader in defense of their flag. We destroy patriotism and love for the flag when we sear the volunteer soldier with a conscription brand.

The pages of history record the achievements of many people, many races, and many nations since Adam and his descendants took up their march. Nowhere upon the pages of history in all the tide of time is there any record of achievements comparable to our own. We are told that there was a time when to be a Roman was to be greater than to be a

king; yet there came a time when to be a Roman meant to be a vassal and a slave. It took Rome a thousand years to reach her golden age of glory, and half as long to die. It took centuries of bloodshed, toil, and carnage to sow the seeds of a republican form of government in the isles and valleys of Greece, culminating in the constitutional reforms of Cleisthenes. The poet has said:

The isles of Greece! The isles of Greece!
Where burning Sappho loved and sung,
Where grew the arts of war and peace,
Where Delos rose, and Phoebus sprung!
Eternal summer gilds them yet,
But all, except their sun, is set.

Mr. President, the English people boast that for 1,000 years no invader has set his foot upon the sacred soil of their beloved isles. It took many generations and many centuries of time to build the great British Empire; in fact it was builded for so long that today she has no memory of the inception of whatever is good in her traditions and in her laws.

Why is it that this Republic of ours in the short space of 150 years has not only become the greatest but the most beloved land in all the world? We do not boast of our achievements in conquest. We are not a warlike people. We boast of our achievements in peace and not in war. The greatness of this Nation is builded upon that immortal document penned by the hand of Thomas Jefferson, in which he first announced to humankind that all men are created free and are entitled to equal rights and opportunities, and that all men stand equal before the law. That was a new doctrine upon the earth. That doctrine attracted the emigrant from every land under the burning sun. Those emigrants and their descendants builded this mighty Republic in the short space of 150 years. Most of them came to this land of equal opportunity, the land of the free, to get away from laws similar to the one we are now asked to impose upon their descendants—a soldiers' conscription law forcing the citizen of this free Republic to join in bloody warfare with other nations in a war-mad world.

My father came to this land of the free from Germany a little before he reached the age when Germany would have conscripted him as a soldier and forced him to devote the best years of his life in training for a soldier's job—to kill and shoot other people. I dare say most of the other immigrants came here for the same reason—to get away from military dictatorships. The would-be power lords of Europe are now engaged in their usual occupation of war. The military dictators in Europe are in a struggle to see who shall boss the people of that part of the world. These military dictators were made possible only because of universal compulsory military training laws. They were created through the power of enforced conscription. While we are at peace with all the world and have no quarrel with any foreign people and while our sovereignty has not been threatened by anyone, we are asked to abandon our time-honored tradition of a free people and force all our citizens into compulsory training. We are asked to pass a conscription law and adopt the same policy which has made dictators possible in Europe and for centuries has bathed that continent in human tears and human blood.

CONSRCIPTION MEANS DICTATORSHIP

We are told that we must enact a conscription law to keep our Government out of totalitarian hands. If we pass this universal compulsory military training bill the days of the Republic will be numbered, and our boasted freedom will soon pass into a historic memory. Pass the conscription bill and create a mighty military machine among a free people and we shall have dictatorship. Pass the conscription bill and we shall create an army Frankenstein which a free people cannot control. Pass the conscription bill and it will bring on totalitarian government, and dictatorship will soon be here.

I am an old man.

My race is almost run. For more than 70 years I have lived a happy life among a free people. I am glad my father left the land which gave him birth that he might escape the iron hand of military rule and that he permitted me to be born under the Stars and Stripes and live my life among a free people. I am thankful that in this, the evening of my life—my twilight hour—I am given an opportunity to raise my humble voice in the Senate of the United States against the passage of a measure which would spell the doom of this Republic. I cannot be consoled by the thought of some of my colleagues, expressed on the floor of the Senate, that it is only an emergency act to tide us over an emergency, when no national emergency exists. I hope and pray that there are enough Senators to maintain our time-honored traditions, and that during peacetime we may trust the defense of our country to the volunteer soldiers who have made such an enviable record during the 150 years of our national life.

Mr. President, under the so-called New Deal we have departed many times from traditional policies. We have tried many new experiments. I voted for most of them. Most of them were good. Some of them were bad. None of them was fatal; but let me beg of the Senate not to try this New Deal experiment of discharging the country's volunteer defenders and putting in their places a conscript soldiery, striking a death blow at the foundations of the Republic. Let us not take that fatal step. There is no threatened national emergency except an imaginary one.

Mr. President, I am inclined to agree with the Senator from Montana [Mr. WHEELER] that the only present emergency in this country is the coming national election, and that is not at all dangerous unless we adopt the proposed military program. The election of a President of a free people is not an emergency. It may be an emergency for the candidate, but not for the people. The candidate may feel that the salvation of the country depends upon his election; but that is not so. We have at least 100,000 citizens in this country who would make good Presidents, competent to guide our ship of state safely, even upon a tempestuous sea. So long as we are a free people, even if we should make a mistake in the selection of a President, we can correct that mistake in 4 years; but if we join the military nations of the earth, pass a conscription law, force all our young men to take military training, and make them obey Army commanders, the same thing will happen in this country which has happened in many other countries. The military power will become supreme; and if that happens a free people may not have many more chances to elect a President. Let us not take that chance; let us not take the fatal step. Let us not conscript our manpower into the Army and join the war-mad parade.

Mr. President, it may be that this is the beginning of the fulfillment of the prophecy of many centuries ago, when the human race was young in respect to its ultimate destiny. Perhaps the four horsemen—War, Famine, Pestilence, and Death—have started their prophetic ride. Perhaps three of those horsemen are Stalin, Mussolini, and Hitler. We must hope, trust, pray, and see to it that the fourth horseman shall not be a President of the United States. I do not believe that day is at hand.

The human race in its march of destiny has fought many wars. Many days were dark, gloomy, and terrible, when hope almost disappeared. During the ages many men have undertaken the conqueror's task. No one has ever succeeded. No one man or no race of men has ever conquered the world; and let us be assured that none will ever do so. Hitler may for the moment strike terror to human hearts. But his day will end as the days of all conquerors have ended; and the blackness of a dismal night will end in the glorious dawn of a new day, as has always happened in the Creator's appointed time.

We know that will happen. We know that the black war clouds which now engulf the earth will in due course pass away. We know that our country can escape the hurricane unless we commit it to the storm. Let us forget about the quarrels among ambitious men seeking world power and devote our efforts solely to the preservation of this Republic. Let us not commit the destiny of a free and liberty-loving people to the rule of military despots by the passage of the conscription bill.

I pray to Almighty God that the bill will not pass. I hope and pray that the United States, my native land, will remain

a free Republic and that our flag and all it stands for may continue to float over every home. I hope and trust and pray that in the land where I was born and where I have lived a long and happy life, in the land which I have played my humble part in helping to build, my children and my children's children, and their children, may enjoy the same blessings of liberty I have enjoyed, and that they and their descendants may remain a free people in this great Republic.

Mr. DAVIS obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield to me in order that I may make a statement?

Mr. DAVIS. I yield.

Mr. WHEELER. Yesterday I called the attention of the Senate to the fact that in the Army Recruiting News, the official magazine of the Army, two or three pages had been deleted from a certain article. General Marshall today issued the following statement:

Marshall said that an article in the August issue of Army Recruiting News telling of excellent progress in the voluntary enlistment program had been suppressed without his knowledge.

Marshall said that an unidentified person connected with the publication in New York had advised with a subordinate official of The Adjutant General's office here, who directed that the page be deleted on the grounds that it did not conform to the policy of publishing only actual data and no opinions.

One of the statements in the deleted page said that the Army recruiting program is "progressing at an excellent rate."

Marshall said that the action constituted suppression, and that he was amazed at the "very unfortunate" judgment displayed in the matter. He said he had told the Senate Military Affairs Committee yesterday that in the last week reported, the number enlisted is something over 8,000, the largest we have ever had.

If I may be pardoned for just a moment——

Mr. DAVIS. Go ahead.

Mr. WHEELER. I have great respect and great admiration for General Marshall; but does anybody believe it to be possible that some subordinate in The Adjutant General's office suppressed an article written by the Chief of Staff for the Regular Army magazine? I repeat, can anyone imagine some subordinate suppressing a statement by the Chief of Staff? Who was it that could suppress such an article? Who was it that would dare to suppress such an article? Would anybody dare to suppress an article by the Chief of Staff except the Secretary of War himself?

The letter I referred to yesterday, which gave me this information, said that the writer had it upon the most reliable information that the article was suppressed by the Secretary of War himself.

As I said, I have great respect for General Marshall. I can appreciate General Marshall's situation. It would place him in a very difficult position to say that the Secretary of War had suppressed an article by him; but the fact is that it was suppressed, and anybody who is familiar with the Army knows that some subordinate official of The Adjutant General's office here in Washington would not dare for one moment to suppress a statement by the Chief of Staff.

Mr. REYNOLDS. Mr. President, will the Senator from Pennsylvania yield?

Mr. DAVIS. I yield.

Mr. REYNOLDS. I was wondering if the Senator from Montana had been successful in securing a copy of the article which was deleted from the magazine.

Mr. WHEELER. I have not. The only thing I have is the statement which was issued by General Marshall.

Mr. REYNOLDS. Has the Senator made inquiry as to whether or not the article is procurable?

Mr. WHEELER. The only statement I have made is the one I made on the floor of the Senate, in which I stated that I felt that the whole pages that were deleted ought to be furnished to the Senate.

Mr. REYNOLDS. As a result of the statement made by the able Senator yesterday, at which time I was here and heard him, I am wondering if as yet there has been any offer from the War Department, or the publishers of the official magazine, to provide the Senator with a copy of the article, or the data for the 2 pages that were deleted.

Mr. WHEELER. None whatever.

Mr. CONNALLY. Mr. President, will the Senator from Pennsylvania yield?

Mr. DAVIS. I yield.

Mr. CONNALLY. Will the Senator from Montana let me see the matter he has put in the RECORD?

Mr. WHEELER. Certainly. I hand it to the Senator.

Mr. CONNALLY. The Senator from Montana professes great respect and admiration for and confidence in General Marshall, and then he reads an article by General Marshall and proceeds to say that it does not speak the truth. He has great admiration and respect for a man whom he accuses here on the floor of the Senate of telling something that is not true.

Mr. President, I do not know who deleted the article. I do not know what the article was. It seems that it is claimed that 8,000 recruits were obtained for the Regular Army in 1 week. All right. They got 8,000 in a week. They say they need 800,000 under this bill. There are only 52 weeks in a year. Five years from now we shall have a pretty fair little Army.

Mr. LODGE. Mr. President, will the Senator permit me to make a suggestion at that point?

Mr. CONNALLY. The Senator from Pennsylvania [Mr. DAVIS] has the floor. I am just using it.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from Pennsylvania yield to the Senator from Massachusetts?

Mr. DAVIS. I yield to the Senator from Massachusetts.

Mr. LODGE. Every month 12,000 men go out of the Army because their enlistments expire.

Mr. CONNALLY. That is true. I thank the Senator from Massachusetts. Of course, there is a turn-over in the Army, and, as the Senator says, 12,000 men leave the Army every month.

Mr. President, I am shocked by the terrible crime which has been committed by someone in The Adjutant General's office—deleting a page in this announcement. Think of it! The fact that we are going to get 8,000 men a week has been withheld—8,000 a week, 52 weeks in a year, 400,000 a year. We shall get about 400,000 the first year at the rate of 8,000 a week, if I still know my arithmetic. We shall get 400,000 this year, and in the meantime 12,000 will go out—was that 12,000 a month, I ask the Senator from Massachusetts?

Mr. LODGE. Twelve thousand a month.

Mr. CONNALLY. At that rate we should be like the man crawling out of the well, who crawled up 3 feet and fell back 2 feet. [Laughter.] We should get in 8,000 a week, which would be 32,000 a month, and we should lose 12,000 a month, so we should get a net increase of 20,000 a month. That would be 240,000 the first year, and 240,000 the second year; so at the end of 1942, would it be, or 1941——

Mr. BARKLEY. Nineteen forty-two and a half.

Mr. CONNALLY. At the end of 1942½ we would have what the Army says they want by next April.

That important information has been kept from the country. If the country knew that, they would be against this bill, because they do not want any army until after the war is over.

Mr. President, what I rose to say was that I really am surprised that the Senator from Montana should accuse General Marshall of making a false statement. He did not use the word "false," but he said he quoted General Marshall, who says that a subordinate in The Adjutant General's office did this thing, and then he proceeded to say that everybody knows that somebody else did it. I am willing to take the word of General Marshall until we get better evidence than the suspicions of the Senator from Montana. If the Senator from Montana will make an affirmative statement about something that he knows about, I shall accept it; but I do not propose to put into this RECORD on mere suspicion falsification of a solemn statement of the Chief of Staff of the Army, this man for whom the Senator from Montana has such lofty respect and admiration. I do not admire anybody who goes

around telling falsehoods, whether he be Chief of Staff, or Secretary of War, or Senator.

I take it upon myself to resent for General Marshall—though he is no particular friend of mine—the unwarranted insinuations made by the Senator from Montana.

I thank the Senator from Pennsylvania for yielding to me.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. DAVIS. I yield.

Mr. WHEELER. I am glad, and I know that General Marshall will feel highly pleased and gratified, that he has such a distinguished gentleman as the Senator from Texas to resent any statement which might be made in the Senate about anything.

What I stated was that I did have great respect for General Marshall and I do have great respect for him, but I called attention to what the general himself said. He calls attention himself to the excellent progress in the voluntary enlistment program that has been suppressed without his knowledge. He deplored the fact that somebody cut it out, and he further said that some unidentified person connected with the publication in New York had advised with a subordinate official of The Adjutant General's office here who directed that the pages be deleted on the ground that they did not conform with the policy of publishing only actual data and not opinions.

I repeat, can it be imagined that some unidentified official in the Army would delete something that was inserted by the General Staff? What was the opinion of the Chief of Staff? His opinion apparently was that they had done a great job and that the program was going forward.

The Senator criticizes or ridicules the idea that 8,000 was the largest number ever enlisted in the history of enlistments in the Army. I say that is a thing the Army should be proud of, the fact that they had the largest number in 1 week that has ever been enlisted in history. It must be remembered that that is on a 3-year basis and on the basis of $21 a month. We have already adopted an amendment raising the pay to $30 a month and already in the bill there is a provision for 1-year enlistments. So I say that the 1-year enlistment upon the $30-a-month basis, with an opportunity for a young man to advance after he gets into the Army, will be an incentive to men to enlist. I do not know of any intelligent person in the Army who would not say that if we gave the soldiers a chance to learn something, and paid them $30 a month, with an opportunity of advancement, we would not get more enlistments. I do not know of anyone who would say that unless, perchance, it might be my distinguished colleague the junior Senator from Texas [Mr. CONNALLY].

Mr. BARKLEY. Mr. President, will the Senator from Montana permit a question?

Mr. WHEELER. Certainly.

Mr. BARKLEY. We can all use figures which are admitted to be correct in behalf of our own position on many subjects. Yesterday it was declared that during July there was a net increase in enlistments of 23,000, and when we subtract about 12,000 a month who go out, the net increase in the Army for July was about 11,000.

We can use these figures according to our own viewpoint of them. But admitting 8,000 net enlisted in 1 week, it would amount to about 32,000 a month, and if there were retirements from the Army it would take 3 months to raise the Army to the 375,000, which is its authorized strength, but if we subtract from the 32,000 a month the 12,000 who go out, we have a net of only 20,000, which means that it would take about 5 months at the same rate to complete the enlistments necessary to fill the Army to 375,000 men.

In his remarks a moment ago, the Senator said that while General Marshall might not have known anything about the deletion which took place in New York after some subordinate had conferred with some other subordinate in The Adjutant General's office—I presume the publication was printed in New York——

Mr. WHEELER. I assume so.

Mr. BARKLEY. I understood the Senator to intimate that he did not believe that could have been done without the Secretary of War knowing about it. If the Senator has any information which leads him to form such an opinion, or which would justify the suspicion that, although General Marshall knew nothing about this deletion, the Secretary of War himself knew about it and connived at it and consented to it or procured it, he should tell the Senate.

Mr. WHEELER. I was very much surprised, but the information which came to me was that this had been deleted from 27,000 of these official papers.

Mr. BARKLEY. That was the number of the publications.

Mr. WHEELER. That it had been deleted from 27,000. I could not believe it until I checked it up. It was stated it was deleted because of the fact that it contained a statement by General Marshall, and it was said it was deleted on authority from Secretary Stimson.

I then checked it up and found these pages had been deleted out of 27,000 copies. I found that to be a fact.

General Marshall's statement bears out the second statement made by the person who gave me this information, and the only thing remaining which has not been definitely proved is that Mr. Stimson ordered it. I did not say that General Marshall made a false statement when he said that some subordinate did it. That may be the honest opinion of General Marshall, and that does not mean that when he made the statement that some subordinate did it, he had all the facts, any more than when I say that my opinion is that Mr. Stimson ordered it done, I have all the facts. I have made no statement that General Marshall lied, and I would not make any statement to that effect, and the inference put upon my statement by the Senator from Texas, in my judgment, is entirely unjustified. I stated that it was inconceivable to me that some subordinate officer would delete from the official Army magazine a statement and a letter, if it was a letter, or an opinion, or a statement of fact, which was put in there by the Chief of Staff himself.

Mr. BARKLEY. Regardless of all that, there cannot be any doubt that the number of men who have been enlisted has been made a matter of public knowledge every week. It was testified before the Committee on Military Affairs, it has been given out in the press, and any Senator can call The Adjutant General over the telephone and ascertain how many men are in the Regular Army every day of the year. So that unless there was some expression of opinion aside from the mere recital of fact, I do not see how it would have been to the advantage of anyone to delete two pages, or any number of pages.

Mr. WHEELER. I do not know.

Mr. BARKLEY. Facts are the facts, wherever they are published.

Mr. WHEELER. I agree. I cannot conceive why the pages should be deleted. In view of what has happened, I think we should have the pages which were deleted, and I am sure the Senator can get them.

Mr. BARKLEY. The Senator gives me credit for a power I do not possess. I do not know where they are. I do not know who has them. I have no more authority over them than has the Senator from Montana.

The PRESIDING OFFICER. The Chair understands the Senate has a regular order of procedure, but it is not following it. The Chair does not know whether the Senator from Pennsylvania has yielded or whether he has not.

Mr. DAVIS. I yielded to the Senator from Montana for a question, and I am very happy always to yield to the very distinguished leader of the majority.

The PRESIDING OFFICER. There may be no objection, but the Chair insists that the rules be followed.

Mr. WHEELER. I thank the Senator from Pennsylvania. I shall not quibble about the number of men who have enlisted or how many leave the Army every month. I do not know whether or not 12,000 leave every month. But the figures which I understood had been given to the Senate

covered not merely the new enlistments but the net new enlistments in the Army. I may be in error with reference to that, but that statement was made.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Massachusetts?

Mr. DAVIS. I yield.

Mr. WALSH. It seems to me it is immaterial how many men enter the Army or leave it, so far as the evidence before this body is concerned. What is material is that when the Army fixed a quota for a given month, it had in mind how many would leave the service and it had in mind how many it needed, and up to date every quota the Army asked for has been filled.

The PRESIDING OFFICER. The Chair insists Senators follow the rule.

Mr. WHEELER. I thought I was following the rule. The Senator from Pennsylvania has yielded to me.

The PRESIDING OFFICER. The question is whether he continues to yield.

Mr. WHEELER. Will the Senator yield?

Mr. DAVIS. I yield.

Mr. WHEELER. Does that satisfy the Chair?

The PRESIDING OFFICER. Not exactly.

Mr. WHEELER. I ask again, Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. DAVIS. I yield.

Mr. WHEELER. Now that we have followed the correct procedure with reference to debate, I wish to say that, of course, what the Senator from Massachusetts said is correct. The question is, Have the Army quotas been filled? The answer is that they not only have been filled but in recent months they have been filled in less time than had been expected. The Army has gotten more men in less time than ever before in the history.

Mr. DAVIS. I do not think the Army will have any trouble in filling the quota at any time, if it adheres to the policy of 1-year enlistments.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. DAVIS. I yield.

Mr. CONNALLY. The Senator from Montana makes reference to the Senator from Texas as being "the distinguished Senator," with a sneer in his voice.

Mr. WHEELER. Oh, no.

Mr. CONNALLY. Oh, yes; the Senator from Texas can read a sneer just as far as he can see one.

Mr. WHEELER. Very well; if the Senator wishes to interpret it in that way——

Mr. CONNALLY. I make no claim to being distinguished. I would rather be a plain, ordinary Senator who tries to stick to the facts.

I rose awhile ago to suggest that the Senator from Montana, according to my opinion, without any warrant, has in effect said that General Marshall had made a false statement. I wish to read a statement. If I understood the Senator from Montana a while ago—and I am standing very close to him, and if I am in error I want him to correct me—he said that General Marshall had written an article, and that article was supposed to be published in the Recruiting News, and that someone had deleted a portion of that article. Is that true?

Mr. WHEELER. That is my understanding.

Mr. CONNALLY. Well, is it true?

Mr. WHEELER. That is my understanding.

Mr. CONNALLY. The Senator said it was a fact. I am not talking about understandings. I want facts now. We are dealing with a very serious matter.

Mr. WHEELER. Of course, if the Senator——

Mr. CONNALLY. If the Senator has some little fellow who calls him out into the cloakroom, or out yonder, and whispers to him so and so, and then he comes in on the floor of the Senate and states it as a fact, I should like the RECORD to show it, or if he has documentary evidence I should like him to present the documentary evidence.

When a Senator makes a statement on the floor he is supposed to make it on his responsibility as a Senator.

Mr. WHEELER. I am making it as——

Mr. CONNALLY. All right, he did. I have the article that——

Mr. WHEELER. If the Senator has reached the point where he can read a sneer upon my face, or a sneer when I say something to him, then I do not care to get into an argument with the Senator.

Mr. CONNALLY. Very well, the Senator is not going to get into an argument with me, because that is exactly what the Senator from Texas said; he not only can read a sneer on the Senator's face but he can see one.

Mr. WHEELER. All right.

Mr. CONNALLY. Let us get to the facts. The Senator from Montana said that General Marshall wrote an article. That article was supposed to be published in the Recruiting News. And while he makes that statement he holds in his hand this supposed newspaper report. Let us see what is in that. Let us see whether it says anything about General Marshall writing an article. I am talking about facts. I am not talking about gossip. I am not talking about whisperers of supposed facts who are trying to poison the minds of the public about these publications.

I will read all this. If I do not read it correctly the Senator from Montana is sitting close to me and he can correct me.

The article refers to some other matters—a press release I suppose from the War Department—but here is what it says about General Marshall on this particular matter:

> Marshall said that an article in the August issue of Army Recruiting News telling of excellent progress in the voluntary enlistment program had been suppressed without his knowledge.

It does not say anything about who wrote the article. It does not say that Marshall wrote it. It does not say that a subordinate in the Adjutant General's office wrote it. It does not say that the Secretary of War wrote it. It says an article——

Mr. WHEELER. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. Mr. President, I do not have the floor. The Senator from Pennsylvania [Mr. DAVIS] has the floor.

Mr. WHEELER. Let me say——

The PRESIDING OFFICER. The Chair again objects to Senators proceeding in the way they are proceeding, and asks Senators to follow the rule.

Mr. CONNALLY. Mr. President, will the Senator from Pennsylvania please yield temporarily to the Senator from Montana?

Mr. DAVIS. I yield.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. DAVIS. I yield to the Senator from Montana.

Mr. WHEELER. Let me say to the Senator from Texas that he is, I think putting a very unfair construction upon what I said. I may have said that General Marshall wrote the article——

Mr. CONNALLY. Did the Senator say that or not?

Mr. WHEELER. I think probably I did. I do not recall.

Mr. CONNALLY. I think everybody else thinks he did, too.

Mr. WHEELER. I am not going to get into an argument with the Senator from Texas.

I wish to say to the Senator very frankly that when I read the statement by General Marshall objecting to this newspaper story, I assumed from what he said there himself that it was an article by himself. I may be mistaken, but I still think that the Senator will find that the article that was deleted was an article, or words, by General Marshall himself. Of course, I do not have the article, but I will venture the assertion that if you can obtain a copy of the article it will show that General Marshall wrote it, and that it was deleted. Of course, I have not seen the article. I assumed from what

General Marshall himself said about its being deleted, and about its suppression, that it conformed with my views. If the Senator wants to get into a controversy with me over whether I said that it was an article written by General Marshall or whether it was written by somebody else he is welcome to do so.

I wish to say to the Senator that there is no one calling me up on the telephone, no one giving me any gossip. The information came to me from a very reliable source, and if I may say so to the Senator, from one of the most reputable men in the press gallery.

Mr. CONNALLY. I was satisfied that the Senator got it——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. CONNALLY. Will the Senator from Pennsylvania please yield to me?

Mr. DAVIS. I yield to the Senator from Texas.

Mr. CONNALLY. I do not mean to charge that there was any particular spot where the Senator got it, but I knew, after I read this article, which he held in his hand, that he did not get it from the War Department, and I naturally concluded that he got it somewhere else, and he now says that he got it somewhere else. He did not get it from the record; he got it from somebody talking in his ear like this [illustrating]. [Laughter in the galleries.] I do not know who the man was, but the Senator does.

Mr. President, that is not the point. So far as the argument on the pending bill is concerned, I do not care anything about whether the Army got 5,000 or 8,000 or 10,000 men. The point I am making is that the Senator from Montana is trying to cast aspersions on the Secretary of War. The Secretary of War is no friend of mine especially; he is, however, an officer of the Government, and I think he is trying to do his duty—I hope he is—in his own way, just as well as the Senator from Montana is performing his here. I accord the Senator every right to his opinion, and to his voice, and to his speaking, and to his insinuations, and to all that.

Now, let us see what the article says. I cannot call to the floor the newspaperman who told the Senator all this gossip. Why does he not put it in his newspaper, instead of going around and whispering to the Senator from Montana, and having the Senator use and make the statement on the floor of the Senate, as if it were the truth and the fact? If the Senator wants to vouch for what the newspaperman told him, and make it his own, that is all right.

Let us go on with this article and see whether General Marshall wrote it or not. He may have written it. I do not know what the general has written, but he does not say in this article that he wrote it.

Marshall said that an unidentified person connected with the publication in New York—

Somebody connected with the publication in New York—

has advised with a subordinate official of The Adjutant General's office here, who directed that the page be deleted on the grounds that it did not conform to the policy of publishing only actual data and no opinion.

One of the statements in the deleted page said that the Army recruiting program is "progressing at an excellent rate."

I assume that, because that was a comment which might be construed to the effect that they were getting all the men they wanted, it was a violation of the rules of the War Department to express any opinion whatever, good or bad, but simply to give the number of men that had enlisted. I assume that to be the case, and I think General Marshall, when he said that, meant that.

Marshall said that the action constituted suppression, and that he was amazed at the "very unfortunate" judgment—

"Very unfortunate" is in quotations. I want to be accurate. I am invoking accuracy in others, and I want to be accurate myself—

Judgment displayed in the matter. He said he had told the Senate Military Affairs Committee yesterday that in the last week reported, the number enlisted is something over 8,000, the largest we have ever had.

That is the language of General Marshall.

That is what the Senator from Montana held in his hand. He held it in his hand to impress the Senate with the fact that he had the authority for the statement in his hand. It was like a lawyer holding a lawbook up and trying to make the court think that the lawbook substantiated his position. So the Senator held this press release in his hand and he said:

Everybody knows—any man with intelligence knows—that no subordinate in The Adjutant General's office would cause this thing to be deleted.

Well, General Marshall, the Chief of Staff of the Army, said a subordinate in The Adjutant General's office had caused it to be deleted. But the Senator from Montana says either that General Marshall is not intelligent, or that he made a false statement, because that is what General Marshall said.

Let us see about The Adjutant General's office. I do not know anything about the Recruiting News. I never saw a copy in my life. However, the Senator from Montana yesterday put into the RECORD a statement about the Recruiting News. It seems that he is quite familiar with the Recruiting News. He read the following into the RECORD yesterday:

Recruiting News. United States Army, War Department, Recruiting Publicity Bureau, United States Army, Governors Island, N. Y. Official business.

In other words, this publication is published by The Adjutant General's office. If it is published by The Adjutant General's office, what is more natural than someone in The Adjutant General's office should say what shall go into it and what shall not? Some editor or publisher may put something in it which the authorities in the Washington office do not think ought to go into it. Who is to delete it except the Washington office? It sponsors the publication. Continuing:

Penalty for private use to avoid payment of postage, $300. Published by direction of The Adjutant General. August 1940. Volume 22, No. 8. In this issue: Secretary of War, Henry L. Stimson; A. E. F. Commander (Ballou); First Army maneuvers.

Mr. President, I submit that there is nothing mysterious about this matter. The Senator from Montana says that everyone is bound to know that the Secretary of War himself caused the deletion. What right has the Senator from Montana to make that sort of statement? Where is the documentary proof that the Secretary of War did it?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

Mr. WHEELER. In the name of accuracy, if the Senator wants to be accurate——

Mr. CONNALLY. I want to be accurate.

Mr. WHEELER. I did not say the Secretary of War did it. I said there was only one person who could have done it.

Mr. CONNALLY. I accept the Senator's statement. I thank the Senator from Pennsylvania [Mr. DAVIS] for continuing to yield.

Mr. DAVIS. I yield.

Mr. CONNALLY. I accept the statement of the Senator from Montana. He corrects me. He says that I want to be accurate; and I do. He says that he did not say that the Secretary of War deleted the article. Of course, he cannot say the Secretary of War deleted it. Nobody can say that except the Secretary of War and the man with whom the Secretary communicated. The Senator says that he did not say that the Secretary of War did the deleting; but he says that there is only one man in the world who could have ordered it deleted. Is that correct?

Mr. WHEELER. That is what I said.

Mr. CONNALLY. He says that only one man in the world could have caused it to be deleted, and that man is the Secretary of War.

What about that statement for accuracy? What about that statement for shrewd maneuvering of words and ideas? In other words, "I do not say that the Secretary of War deleted the article, but I do say that the only person on earth who could have deleted it is the Secretary of War; and I further say that it was deleted."

The Senator from Montana mentions no name. He is like the man who was playing poker in a little group in which there was a one-eyed man. They all had their six-shooters

on, and this player detected that the one-eyed man was cheating. He reached around and drew out his .45 ivory-handler six-shooter and said, "I am not going to mention any names, but if that So-and-So who is cheating does not stop, I am going to shoot out his other eye." [Laughter.]

Mr. DAVIS. Mr. President, I take this opportunity to make a few remarks, because I was unable to do so last Tuesday in a colloquy with my colleague [Mr. GUFFEY].

Mr. PEPPER. Mr. President, I was about to ask the Senator to yield, but he has been very patient——

Mr. DAVIS. I yield to the Senator from Florida, provided I do not have to yield the floor.

Mr. BARKLEY. Mr. President, I think that Senators who obtain the floor ought to have it called to their attention that under the rule they may not yield to other Senators to permit them to make speeches or statements without losing the floor. I do not wish to invoke the rule against any Senator, but I am asking Senators themselves to observe it. If the Senator desires the Senator from Florida or any other Senator to make a speech, he ought to yield the floor and permit the Senator who makes the speech to obtain the floor. That is the rule. The Senator would have no trouble in obtaining the floor again if that is his object; but certainly Senators who have made the rules ought to observe them. I must deprecate the custom, which has grown up in the past few days, of Senators obtaining the floor and holding it indefinitely, permitting other Senators to interrupt and make long speeches while they stand silently. I hope that not only the Senator from Pennsylvania, but all other Senators, will keep the rule in mind and try to observe it.

The PRESIDING OFFICER. The present occupant of the chair is familiar with the rule. It has not often been observed.

Mr. DAVIS. Mr. President, the Senator from Pennsylvania is familiar with the rule. The Senator from Kentucky, who is also familiar with it, has been more generous in yielding than I have ever been while I have held the floor.

I know that the matter to which the Senator from Florida wishes to address himself is important. It is a question of personal privilege. I believe in the right of free speech. I believe in giving a man an opportunity to speak on a question of personal privilege. I yield the floor for the Senator to express himself on a matter which is very personal to him. While I may not agree with what he says, he has the right to express himself. I yield the floor to give the Senator from Florida the right to express himself on a question of personal privilege.

The PRESIDING OFFICER. The Senator from Florida is not asking the Senator from Pennsylvania to yield the floor. The Chair asks whether or not the Senator from Pennsylvania yields to the Senator from Florida.

Mr. DAVIS. I yield to the Senator from Florida.

Mr. PEPPER. Mr. President, before the Senator from Florida will accept the floor at such sacrifice on the part of the able Senator from Pennsylvania, I should like to have the assurance that the Senator from Pennsylvania will be able to speak thereafter. I say this because of the fact that under one of the practices of the Senate—which is not objectionable—three or four Senators whose names are now noted at the desk wish to speak; and naturally I presume they have some disposition to speak during the afternoon. If some other opportunity presents itself, I shall be just as well satisfied to speak at that time. I do not wish to ask any sacrifice on the part of the Senator from Pennsylvania.

The PRESIDING OFFICER. In view of the statement by the Senator from Kentucky and in view of the fact that the Senator from Florida asks the Senator from Pennsylvania to yield for a speech, the Chair thinks it would be better for the Senator from Pennsylvania to proceed with his remarks.

Mr. DAVIS. Mr. President, as I suggested a moment ago, I take this opportunity to express myself on the question of an amendment which I offered last Tuesday and which I propose to offer today.

I have sought in every possible way to maintain the free institutions of America. I have recognized that some degree of regulation by the Government is necessary in certain fields of labor and industrial activity. My vote has registered from time to time my belief in these matters. We are now faced with the urgent problems of national defense, and we are attempting to work out a satisfactory solution of our needs within the framework of the accepted way of American life. Personally, I wish to uphold in every possible way the customs and traditions of a great free people.

Our devotion to duty, inspired by the work and worth of those who have gone before us, must not waver. Death and disaster become of little consequence compared with national defeat or the failure of our individual duty. We stand ready to stand by America and to do our very best in behalf of our beloved Republic. We shall not all agree as to what methods should be used in national defense. Representatives of the people in Congress will be criticized. Public men are always criticized. It is impossible to please everyone. The best that we can do is to hold to the right as we see the right and to leave not the slightest question mark concerning our loyalty and devotion to our country.

I have voted for the vast appropriations made to meet the urgent need of our country for additional defense measures. The tremendous sweep of these proposals, calling for the modernization of our Army, Navy, and Air Service, inherently carries the obligation to find trained men to utilize the mechanized improvements which will be made. Unquestionably, we shall require more men in the military branches of the Government. These will be needed as soon as they can be mustered into the service in an orderly and efficient way.

The Senate has already passed a measure providing for the further training and preparation of the National Guard and the Reserve officers of the Regular Army. When they have been given necessary training they will then be prepared to provide leadership for new recruits. We cannot afford unnecessarily any delay in recruiting these forces. However, we should not make the mistake of bringing recruits into the service before there are sufficient officers to train them or satisfactory arrangements to house them properly. Winter will be coming on before large numbers of men can be recruited. Surely these men should not be called out before they can be suitably housed and clothed.

Mr. President, I have listened with great admiration to the Senator from Connecticut [Mr. MALONEY]. I have been deeply impressed by his splendid spirit of patriotism. He has shown an enviable desire to encourage the free spirit of our country. Coming, as I do, from a foreign land and mingling all my life with men of varied races and creeds I have a deep sympathy with any measure which will permit the solution of our national defense problem in a way that will most accord with our free institutions. If, through the voluntary method proposed, the required number of men are not obtained, there will be no loss of time in achieving the necessary result through the induction into service of such a number as have not volunteered to serve. There is not therefore any clear-cut issue before the Senate as to voluntary enlistment or compulsory training. The chief difference is one of emphasis and the question of timing. In any event, I believe provision should and will be made for the national defense needs of the American people; and universally there has been made clear from one end of the country to the other that our people are determined to protect our shores.

Mr. President, I wish to express my hearty approval of the amendment offered by my colleague providing clerical exemption. I voted for it. In discussion with Senator GUFFEY I sought to have the term "seminarian" included in the language of his amendment and believed that this had been satisfactorily arranged. I was prepared to offer an amendment to the amendment for this purpose, but was called from the Chamber just prior to the time when I had expected to offer it, and so my amendment was not considered.

At this time I am offering an amendment to the Maloney substitute measure to S. 4164, embodying the principle of clerical exemption as passed by the Senate yesterday and including the word "seminarian."

Mr. President, the word "seminarian" refers to a young man preparing himself by professional studies in a theological seminary. It is comparable to the term "divinity student." In order that there shall not be any possible confusion in the interpretation of the law I am asking that the word "seminarian" be included.

Mr. President, I wish also to say a strong word in behalf of deferred exemption for all young men who are preparing themselves in colleges and technical schools in the closing period of their courses. I should regard it as nothing less than tragic for the course of a young engineer, technical student, or other professional student to be interrupted in the last few months prior to the completion of his work and the date of graduation. I am glad to see that a deferred status is provided for young professional men and college students under 24 years of age in Senate bill 4164.

In behalf of clerical exemption I wish to state my conviction that special care is necessary for the maintenance of religious culture. Religion is the finest flower of the free spirit. It is not derived from the edicts of man, but comes from the spirit of God. In countries where freedom has been put on the scaffold religion has been the first to suffer. A Germany, weakened in its religious culture, became the prey of Hitler. A Russia, maimed in its traditional religious life, became the prey of communism and Stalin. Religion and freedom go hand in hand. When the voluntary spirit of religion suffers all the liberties of mankind lose their place. For this reason we do well when we give special protection to our clergy in the event of war. It is universally recognized that war has a withering effect on the voluntary spirit, the spirit of liberty. And as a people who wish with all our hearts to maintain liberty we are right in doing as was done in the World War when clerical exemption was freely granted.

Contemporary experience in Europe has shown that not only are the ranks of the clergy depleted by death or sickness in war, but many ministers of religion have given up their profession, having had unfortunate experiences while connected with the military forces of their respective governments. This makes clear how necessary it is that clerical exemption looking to the protection of organized religion in our own land shall now be maintained. I say "maintained" advisedly, Mr. President, for this is the American tradition, growing out of our experience in the World War.

If divinity students and seminarians are not exempted many of them will not return to their studies after they have been interrupted. This will be a blow to religion. To injure religion in time of crisis is to cripple an element which contributes most to patriotism, unity of action, discipline, and national morale. To make divinity students and seminarians subject to draft would make toward the closing down of divinity schools and seminaries. This also would be a blow to religion. Experience abroad has shown that a great number of divinity students do not return to their seminaries after their training has been interrupted, and those who do return come back with minds badly confused and deplorably demoralized.

Mr. President, Senate bill 4164 includes a provision that all persons claiming exemption because of conscientious opposition to participation in war in any form shall be listed on a register of conscientious objectors at the time of their classification by a local board and when so registered shall be at once referred to the Department of Justice for inquiry and hearing. Such exemption has been granted in the past to various religious denominations and their adherents. There is an increasing demand for such exemption.

Mr. President, the strenuous duties of national defense are before us. Sacrifice and hardship will be required of all of us. I am not asking special consideration for persons of religious faith with any thought of providing an easy escape from social duty or civic obligation. All of us as American citizens are expected to do our very best to uphold our free institutions. It is my profound belief that any person who asks exemption from combatant duty should seek some form of national service in which the last full measure of devotion can be given to our beloved country.



Mr. President, in the midst of the present world confusion our thought is distracted from the spiritual realities of life. Yet we should not forget that when these horrible days of war and bloodshed have passed we shall have increasing need for our free institutions of worship and the sacred shrines of religion. George Eliot has said, "The reward of one duty well performed is the parent of another." So it is, and when a man returns from enlistment his very best chance for rehabilitation is found in the guidance of his local church. This we must not forget. And if a local church is to be maintained in the community to which he shall return it will be necessary to support and uphold the clerical leadership by which it is carried on. Some sweet hymn, some word of prayer, some memory of earlier days of peace and blessedness will thus serve to guide the harried minds of this war-torn generation to the safe havens of spiritual consolation. As the golden sunflower always turns its face toward the sun so man turns his face, his thoughts, his energies, his hopes and his deepest aspirations to the Source of Life and Light from which he comes. It is in this spirit that I favor the American tradition of clerical exemption which has been written into the legislation now before us.

Mr. President, I send to the desk an amendment which I ask to have printed and lie on the table.

The PRESIDING OFFICER. Without objection the amendment will be received, printed, and lie on the table.

### A MATTER OF PERSONAL PRIVILEGE UPON HAVING BEEN HANGED IN EFFIGY BEFORE THE CAPITOL FOR FAVORING THE SELECTIVE SERVICE ACT AND AID TO ENGLAND SHORT OF WAR

Mr. PEPPER. Mr. President, yesterday I had the unique experience of being hanged in effigy in front of the Capitol of the greatest democracy of the world. I think perhaps it might be considered something of a compliment to the stability of our institutions for this information to reach the dictators abroad, because I can hardly imagine a member of the German Reichstag being hanged in effigy in front of the building of that Assembly in Germany.

I think perhaps the incident indicates one of the great qualities of our country—namely, its respect for the freedom of individuals in the expression of their sentiments and in the free exercise of their own desires and aspirations. For myself, I wish only that I was as meritorious as those illustrious men and women in history who have been hanged in effigy.

I look across the aisle now into the benign countenance of one of the greatest men America has ever produced. There have been times when he, I believe, if I recall history aright, has had that experience. I refer to that most respected and eminent Member of this body, the one whom the people of the United States of America, I believe, without exception, revere and love, the senior Senator from Nebraska [Mr. NORRIS]. If I ever approach a small part of the stature of that great man, I shall count my life happily and fully spent.

Mr. President, I recognize that in this great democracy there are honest and conscientious differences of opinion even about small matters, let alone about very vital matters. Knowing Americans as I do, I know that Americans can differ perhaps more violently than any other people in the world; and when the Congress as well as the country is being agitated by one of the most fateful issues that ever pulsed through its Halls and its conscience, I should expect that there would be division in sentiment, but that in no way relieves any of us of an obligation to be steadfast in his own convictions and to urge them to the very limit of his ability.

What I regret is that there have been instances, no doubt, in which persons unintentionally have been made the victims of sinister and designing forces who claim not the benefit of an honest conviction but the right in a free country to destroy the land that has given them refuge and hospitality. The tragedy of it is that sometimes we do not know when we are being made the instruments of sinister forces, designed to accomplish not good but evil, and we sometimes do not know when the effect of a given act will be good or bad.

I have before me, for example, a poster which was sent to me by a lady in Florida. This is simply one of a number of

such posters she has observed and sent to me. She says that at a given place somebody puts up propaganda of this type to be observed and to be read by persons who frequent the place when it is carefully deposited.

There is a cartoon at the top which shows Wall Street as pushing America's youth toward an Army camp or a labor camp. Then the text below the cartoon says:

Are you between 18 and 31? If so, you are about to be shoved into the Army unless you kill the Burke-Wadsworth conscription bill.

The Burke-Wadsworth bill means Hitlerism for America.

Then over in the left-hand column the text says:

GERMANY UNDER HITLER

Young men are torn from their jobs, their families, and sent to the army and labor camps.

All men and women are drafted into industry at wages and hours decided by Hitler.

Total war preparation is followed by war.

Then over on the right it says:

UNITED STATES UNDER CONSCRIPTION

Young men are torn from their jobs, their families, and sent to the Army and into labor defense.

All men and women are drafted into industry at wages and hours decided by Wall Street.

"Total war preparation" is followed by ? ? ?

Then the text says:

Defeat the Burke-Wadsworth bill!

Write today, to Senators PEPPER and ANDREWS. Your protests have held up passage until now. Demand that they kill this bill completely.

Viewed upon its face alone, one might say, "Yes; there is the expression of a conscientious sentiment that is harbored in the hearts of people in this country—mothers, fathers, wives, brothers, sisters; but down a little bit below appear these words:

Issued by:
The Communist Party of Florida.
Albert Lopez, chairman.
A. W. Trainor, secretary.
For information about the Communist Party, write:
P. O. box 1013.
Miami, Fla.

Is that an expression of a conscientious sentiment harbored in the heart of a frightened mother, or is that the sinister influence from Moscow across the sea, reaching into our own land, trying to paralyze our own defense for their own and not our gain?

So, Mr. President, there are instances in which persons have been unwittingly, no doubt—just as certain persons are unwittingly the carriers of deadly germs—the carriers of pernicious propaganda that tends to destroy the body politic and the body economic and the body national here upon this continent.

I shall not call the name, but I hold in my hand the envelope of a United States Senator—and I have another from another Senator—now a Member of this body, disseminating a speech he has made upon this subject. What do I see? Down here in the left-hand corner is something that is foreign to the franked envelope of a United States Senator; something which, so far as I know, is not disseminated by any of the officials at the Capitol, or in the document room, or by any other agency in relation to a Senator's duties. What does it say? It appears to be stuck on the envelope. It is in red, white, and blue colors. It is a stamp, rectangular in design, and this is what it says:

No foreign wars. Make Europe pay war debts. No war loans.

Then, Mr. President, I pick up another cartoon. It shows Uncle Sam looking out over a vast expanse of water, and on the other side of that expanse of water from Uncle Sam is the pudgy figure of one who is identifiable as John Bull; and these are the words which are issuing from the mouth of Uncle Sam. The cartoon says:

Yes, sir, John; they would make a mighty nice down payment on your debt to me.

Then, hanging from the right arm of Uncle Sam is a little placard saying:

The billions that England owes America.

Then, down below, the text goes on to quote the desirability of the United States being the sovereign owner of the British possessions on this side of the water.

Mr. President, it is all right for anybody conscientiously to advocate the payment of war debts. Many honorable and able men and women have advocated that policy; but at a time when the question of the transfer of some destroyers to Great Britain is involved and uppermost in official and public minds, at a time when the platform declaration of President Roosevelt and of the Republican nominee for the Presidency that we shall lend all material aid to the Allies is uppermost in the public mind, when we are considering this bill in the United States Senate, is it not a subject of a little curiosity that a campaign should be launched under the slogan, "No loans to the Allies; make the Allies pay their war debts," and particularly pointing the finger of scorn at John Bull for being delinquent in a financial obligation?

Mr. President, a little bit ago reference was made to the fact that an honorable and able man who has been high in the esteem and affections of the people of the United States recently made an address at Chicago. Certain comment was made pro and con upon that address. Some of us deplored it. I am reading now from the Washington Daily News of Monday, August 5, 1940. This is the headline: "Lindbergh heads third party, Rome hears. Flier called leader of 'True Americans.'"

And then appears a dispatch from Rome. Of course, Colonel Lindbergh did not send the dispatch. Of course, he did not write what was published in the Rome newspaper, but I am reading about the effect on the other side of the water of the address which was made by that able colonel, who has to a remarkable degree enjoyed the confidence and the esteem of the people of this country.

I pick up the newspaper P. M. of Monday, August 19, 1940, and I read across the headlines these words:

Klan and bund cheer Lindbergh as they kiss under fiery cross.
They unite first time at Jersey rally; endorse "fifth column" work, call for whispers against war.

And on the front of that publication is a huge fiery cross beneath which it is said that the representative of this klan—which prostitutes the name of one better than that at another period in our Nation's history—and the bund came together at nightfall to attest to an affection for these principles which originate not in conscientious hearts in the United States of America, but in sinister places beyond the seas.

With further reference to the address which was made at Chicago by Colonel Lindbergh, I now read from the Herald Tribune of August 5, 1940. The heading is:

"GERMAN HOUR" TO BE PUT OFF AIR IN CHICAGO—PROGRAM WHICH SUMMONED LISTENERS TO LINDBERGH'S TALK CALLED UNACCEPTABLE

CHICAGO, August 5.—The directors of radio station WHIP, of Chicago, notified today the Einheitsfront, or United Front organization, also known as the German-American National Alliance of Chicago, that the station would not broadcast the daily "German hour" program of the alliance after next Saturday.

Doris Keane, secretary of the Hammond-Calumet Broadcasting Corporation, owners of WHIP, wrote to Paul A. F. Warnholz, director of the German-American National Alliance, Inc., that "this action is taken because the 'German hour' as now being presented is of such controversial nature as to make it unacceptable to many leading Americans.

"In view of the present national emergency growing out of the international situation, we believe whole-heartedly in promoting American solidarity and unity."

The "German hour" broadcast on Friday and Saturday nights and yesterday morning had summoned all members of the Alliance to attend yesterday afternoon's "keep out of war" meeting, at which Col. Charles A. Lindbergh was the principal speaker. Henry Jonhk, official announcer for the Alliance radio program, after reading a "pressing summons to all members and to all listeners to the United Front radio hour to do their duty by attending the great mass meeting in Soldiers Field," remarked, "None dare or should fail."

The German-American National Alliance succeeded the German-American Bund as the leading disseminator of Nazi propaganda in the Chicago area. Its broadcasts have defended the "oppressed" German-American minority and in plain words warned listeners to join the Alliance now so that when the "oppressed minority" is in control of the Nation they may not be considered enemies. Although the programs have stressed heavily the American allegiance of the members of the Alliance, those urging aid to the Allies in their fight with Hitler have been called warmongers and otherwise attacked. The Federal Bureau of Investigation, it is known, has been keeping a close watch on the program and on the Alliance.

"The German hour" has been on the air daily since last February. The Alliance has kept its weekly payments of about $400 for radio time paid up 2 weeks in advance. The programs have been about 99 percent in the German language.

It could not be learned whether the Alliance plans to seek another radio outlet for its program after it goes off the air on WHIP Saturday.

I am the last man in the country who would intimate, let alone charge, that Col. Charles A. Lindbergh was in any purposeful collusion with an iniquitous group like that. Nevertheless, every one of those agencies took occasion to find aid and comfort in his remarks and to make them the great attraction to their people to gather, to further their aims in a sinister way which he in a conscientious way endeavored to disclose.

Mr. President, the same German-American alliance wrote a letter, on a date which is not disclosed, but which came to Hon. JED JOHNSON, Representative in Congress from Oklahoma, which reads:

[German-American National Alliance, Inc. (Deutsch-Amerikanische Einheitsfront), address: Post-office box 492, Chicago, Ill.]

Hon. JED JOHNSON,
*United States Representative of Oklahoma,*
*Washington, D. C.*

DEAR CONGRESSMAN: We attach hereto a list, recording the voting of the Members of the House of Representatives in matters of the Bloom fake neutrality bill. We have tried to correctly set forth therein the vote of each Member and would appreciate to have you check the list concerning your vote. If an error or omission has taken place, kindly so advise us, so the we may change the list accordingly, before we give it national publicity through the various channels open to us. In the event of a special session of Congress and further voting on the matter of neutrality by the House of Representatives, we shall revise the list according to the vote then given, before giving it wide circulation. Permit us to state that we are aiming to pledge all of our members and members of all organizations which are or may become affiliated with us to assist in preventing by lawful means any person from ever again holding a public office, who votes for the enactment of legislation or termination of existing laws, as a result whereof the sale of arms, munitions, and implements of war would be permitted in the matter of the present European conflict.

We are convinced that such action on part of Congress would lead us into the present European war, which is of no concern to our country.

———— ————.

Is that a conscientious mother, is that a disturbed father, is that a fond sister, is that a devoted brother, is that an American who loves the land in which he was privileged to be born, or who came to claim it as a haven and a refuge from the tyranny of an old and odious world?

Mr. LEE. Mr. President, what organization is that?

Mr. PEPPER. It is signed, "Very truly yours, German-American National Alliance, by Paul A. F. Warnholtz, chairman of committee on public affairs."

Mr. LEE. Is that the same organization about which the Senator was reading the article which showed that they were in collusion with Colonel Lindbergh, trying to get them an audience?

Mr. PEPPER. It is the same organization.

Here is another publication which ties in with the others, and I am sure there is not a Senator on this floor who does not every day receive a book or a little magazine like the one I hold in my hand, published at 17 Battery Place, New York. This issue happens to be dated July 22, 1940. On the outside is a picture of the railway car in which the armistice was signed during the World War, and in which the recent Hitler "kindly" armistice was signed, if I may so designate it. This proceeds to tell about the battle of France and about the campaign, and contains a great many pictures and like things effectively to present its point of view.

Mr. President, I have here a publication which I am sure was sent to the Members of the Senate. It is entitled "The 'Fifth Column' Is Here," by George Britt. I have not read the book and do not know what it contains, and I do not know a thing about Mr. Britt, but I do know that apparently he gives the first complete revelation of a foreign army within the United States, four times as large as the Regular United States Army. It tells where the "fifth column" is, who its members are, how it is organized, what it wants here. It is Hitler's blueprint for the United States, Mexico, and South America.

I also have here the Washington Daily News of Tuesday, August 20, 1940. I read:

"Fifth column" dangers. Traitors vital factor in many Nazi victories.

There is an article headed by Col. William J. Donovan and Edgar Mowrer, and I read from it the following paragraph:

HITLER SAID THIS

"We need armies. But we shall not use them as in 1914. The place of artillery will in the future be taken by revolutionary propaganda, to break down the enemy psychologically before the armies begin to function at all. The enemy people must be demoralized and ready to capitulate before military action can even be thought of. * * * Mental confusion, indecisiveness, panic, these are our weapons. The history of revolutions * * * is always the same: The ruling classes capitulate. Why? Defeatism: They no longer have the will to conquer."

Mr. CLARK of Idaho. Mr. President——

The PRESIDING OFFICER (Mr. GIBSON in the chair). Does the Senator from Florida yield to the Senator from Idaho?

Mr. PEPPER. I yield for a question.

Mr. CLARK of Idaho. Just for a short observation.

Mr. PEPPER. Before the Senator makes a statement, I may say that I wish to make a relatively few remarks. Heretofore I have found myself led, by the kindness and courteous action of my colleagues, into a general colloquy, when several Senators make speeches. I do not want to trespass upon the Senate's time longer today. If the Senator will confine his query to a question, I shall gladly yield.

Mr. CLARK of Idaho. It is a very kind observation, I assure the Senator.

Mr. PEPPER. I yield.

Mr. CLARK of Idaho. Of course, the Senator knows that he and I do not see eye to eye upon many matters with regard to our present foreign policy, but I thoroughly agree with the Senator in his observations here this afternoon. I think he is doing his country a real service by pointing out this sort of thing, which I think all of us deplore. I think the Senator from West Virginia yesterday did his country a service by pointing out similar propaganda on the other side. The Senator from Missouri, I believe, has a resolution pending which would result in the appointment of a committee to investigate this kind of thing. I believe the Senator from Florida should join forces with the Senator from West Virginia and some of the rest of us in having an investigation of all of this propaganda, including the particular matter the Senator has so ably pointed out on the floor this afternoon.

Mr. PEPPER. I thank the Senator for his observation, and I will say that I have already drafted, and have ready for offering to the Senate, a resolution which approaches the same subject, and particularly addresses itself to two categories of this sort of thing. The first one is the possible and probable abuse of diplomatic and consular privileges by the agents of foreign governments. The second is the activities of organizations in this country whose membership is made up of American citizens who are either wittingly or unwittingly, without registration, beng made the victims of some foreign power's efforts to undermine the institutions and morale of this country.

If I am not misinformed, the consular staff of a certain power in the United States has been doubled, trebled, and quadrupled, if not more greatly increased, and that refers to the known number of representatives it has here.

The people of the United States have not forgotten Von Bernstorff or Von Papen, and they have not forgotten the Zimmermann note. They have not forgotten the statement made by the consul at New Orleans about the United States, and they have not forgotten a man named Westrick, who came here as the acknowledged agent of the German Government, and unfortunately his home became the retreat, if not the refuge, of men who went there to participate, perhaps unwittingly, but to participate, in the furtherance of his sinister designs. I am glad to know that public opinion and business morality in the United States was so high and patriotism so strong in the hearts of our people that they forced the resignation of the president of one of the big corporations

of this country because he furnished an automobile to that man, and had, perhaps unwittingly, but nevertheless effectively, been a cloak for the guidance of his movements in his own country, which that man was here to destroy.

Mr. President, it seems to me it is high time for us to have regard for the sources of the sentiment which pertains to the great issue which is now throbbing through the hearts of our people and our Nation.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MINTON. As further evidence of the propaganda of the Nazi Government, I noticed in today's PM an article to this effect:

> Merely by printing postage stamps the Nazi Government is flooding the United States with tons of propaganda at little cost to itself, but at heavy expense to the American taxpayers.

It is done in this way: Under the International Postal Union rules, which provide that the nation of origin, from which the mail comes, receives the postage money, and the nation to which the mail goes distributes it without cost, all Germany has to do is to print stamps and place them on this propaganda with which it is flooding the mails of the United States today. That is done just for the mere cost of printing a stamp and sticking it on the mail over in Germany; and we pay the bill.

Mr. LEE. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. LEE. On the point of the consularships being used in this country as the headquarters for dispensing propaganda, I wish to read only a paragraph from an article published in this afternoon's Daily News, Thursday, August 22, 1940, under the heading:

> Conceivable that biggest "fifth column" is in the United States.

I read this paragraph:

> Often they publicly mix in the policy of the countries to which they are accredited. Thus, the famous Capt. Max Wiedemann, general consul in San Francisco, was publicly congratulated by order of the Fuehrer in Berlin for his work in preventing the American Senate from accepting Mr. Roosevelt's modified neutrality legislation in July 1939.

Mr. PEPPER. Mr. President, that is a good and vivid illustration. There was not any Senator on this floor, of course, who voted against the amendment of that law, who had any contact with this German consul, but nevertheless he was one of the stones thrown into the lake of public opinion which agitated the currents of that body, which did reach the United States Senate, and was taken by conscientious Senators as a truthful expression of the sentiment of American citizens.

Of course, it is not a new thing for the Senate to be the victims of such propaganda, but, Mr. President, it is now being carried on upon a scale and with a deviltry and shrewdness that we have never seen or dreamed of before in our whole history.

Our whole country is literally honeycombed—I am led to believe—literally honeycombed with these cells of espionage that are everywhere, that attract everything that might perhaps fall into their sinister trap. Everything finds its way by some serpentine but expeditious course back to the German chancelry, there to become a part of their characteristically thorough knowledge of the countries upon which they have their sinister design.

Mr. President, an honest man is at a disadvantage when he is dealing with a thief. A peaceful man is at a disadvantage when he has a controversy with a murderer. A people bent upon its own mission and its own work, envious of nobody, trying to conquer nobody, wanting to live and let live, to be an honor to the earth and reflect something of the example of the Master whom they honor, is having to deal with the most sinister and vicious and destructive force that has been seen in the history of the human race.

Mr. President, what some of us—be it with or without excessive zeal—have been trying to do is to make our people aware of the fact that this Hitlerism of today is no ordinary thing such as we have read about in history. He is not even another Napoleon. With all of Napoleon's genius, with all of his greatness, with all the magic of his mind, I think Hitler towers above him like a great monument almost beside a stone which lies at its feet. It took Napoleon years to conquer Europe. It took Hitler a few weeks. There has never been anything like the way he has molded all the nations into an industrial and economic and intellectual entity. Napoleon just placed his brothers upon thrones; to a little degree he infiltrated his own ideas into the philosophy of the conquered nations. He made some improvements in conditions where he went. But there has never been anything like the way this mind of Hitler has encompassed the mastery of the whole world, and step by step, with unparalleled German thoroughness, has brought his dream into a hideous reality.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BURKE. I would speak a word of warning to my friend, the Senator from Florida. He has just stated that Hitler, in his judgment, was a greater man than Napoleon. I, after being in Germany in 1938, and seeing the very things developing that the Senator has so ably pointed out, ventured upon my return to make some remarks upon the strength of the reorganized Germany; and although I did not use the words myself, they were put in my mouth, that I had said that Hitler was a greater man than Bismarck. Since that time there are those, as late as the hearings before the Senate Military Affairs Committee on the pending bill, who have said that this man who would say anything of that kind, is pro-Hitler.

So I am warning the Senator that when he says Hitler is a greater man than Napoleon, he may make the headlines as one of the real friends of Hitler in this country.

Mr. PEPPER. Mr. President, if I were so charged, I would hold up this very colorful picture that was carried in the Post of this morning of my being hanged in effigy by the ladies who have come to complain of my conduct in this crisis, as some evidence of the fact that I was not on the side with them and Hitler.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BURKE. I will say that even that would not clear the Senator because, as the Senator will recall, when we had this battle here about the amendment of the Neutrality Act, I think I went as far as any Senator in denouncing everything for which Hitler stands, but that did not sink into the consciousness of Norman Thomas or any of those who wanted to discredit those who were trying—not to sound a foolish alarm, but to say that the time had come when America must prepare itself and prepare itself adequately.

Mr. PEPPER. I thank the able Senator for those suggestions.

Mr. President, not only do I say what I have just said about my appreciation of the very great ability of Hitler, but I attribute a very large part of the military success of the German Army to Hitler's personal influence and personal command. I do not believe the German Army leadership would have had the courage to have been unorthodox enough to have taken some of the earlier chances that Hitler, by being a dictator, ventured to take. I think his genius is exceeded only by his daring drive for his scheme, which stretches out before his unrivaled imagination.

I think Hitler was born one of these great genii who happen to have been twisted with the sentiments of deviltry instead of goodness, but it seems that nature atoned with his ability for his depravity. His viciousness is perhaps the best evidence of his greatness, because the size and the magnitude of the dastardly deeds he has accomplished could hardly have been conceived of by any other human being.

So, Mr. President, that is the daring man who in Ludecke's book, I Knew Hitler, speaking about the democracies, says this:

> * * * will I be able to arm Germany before they get onto me and strike at me with a preventive war?

This is Hitler speaking.

That depends largely, I suppose, on whether they—

Talking about England, France, and the United States—

have the leadership and guts to strike.

Daring for him, but he knew there was not any daring in the democracies to which he referred.

Mr. President, as we look back down through the vistas of history we see the perceptible beginnings of great movements. But to their contemporaries in their early stages they must have been invisible, or they would have protected themselves against them. They grew from nothingness into reality, and from imperceptibility into magnitude, and finally into colossal stature, so that they came to dominate the thinking and the lives of men.

This Hitler movement is very much misunderstood by some people. They think it is simply another government—another power—extraordinary, a little bit, perhaps, but not different in kind from governments which have come into reality heretofore. They think it does not represent any new kind of government, any new thing, nothing sui generis, as we lawyers say.

Let me read a few marked passages in a book called They Wanted War. It is a book written by a newspaper man named Otto D. Tolischus, who had been for years stationed in Berlin, and a couple of years ago was awarded the Pulitzer prize for the merits of his writing. In the book review of this book in the newspapers that are current it is referred to as a conservative book, and he is spoken of as a conservative writer.

On page 9 of the book, he says:

He is a new conqueror whose dreams outdistance the ambitions of Alexander, Caesar, and Napoleon and envisage not only the conquest but also the revolutionary transformation of the world.

When we go a little further we appreciate what he means by the revolutionary character of Hitler and his movement. In another chapter in the book the author says that we cannot understand national socialism unless we understand the great musician, Wagner. Hitler is a devotee of the Wagnerian music and the Wagnerian motif. Every year he goes to the Wagnerian festival and makes it glamorous by his presence. He is its chief and most valuable patron. He draws for his inspiration not upon current sources of inspiration and knowledge, but upon the early days of the Germanic peoples. His god is not Jehovah, the living God of the Christian, above the skies. It is Wotan, the god in mythology who dwelt upon some cold, isolated mountain top in the realm of mythological Germanic gods. His companions are not the ones who inhabit a Christian heaven, but the gods of the realm of vague mythology. Out of the past of merciless revenge and retribution, relentless atonement and principles of destructivity, imperceptible to the Christian conscience, come the beginnings of his doctrine and philosophy.

The writer goes on to say:

Like Machiavelli's The Prince, Hitler's work is amazing for the bold frankness with which it casts aside all moral considerations in the interest of political expediency, on the principle that the end justifies the means. "Success," he writes, "is the only earthly judge of right or wrong," a dictum reiterated by thousands of Nazi speakers, led by Dr. Paul Joseph Goebbels, the Minister of Popular Enlightenment and Propaganda. Force, terror, battle, conquest, "one-sided assertions," racial hatred, and racial egoism are thus lumped together with mysticism, patriotism, and social justice as equally acceptable means of rallying the masses to the Nazi standard.

The book—

He is speaking of Mein Kampf, the big black book which Hitler wrote with his own hand, telling the whole world what he proposed to do.

The book accepts only the "manly virtues," and if it gives any recognition at all to ethical or moral values, such as humanitarianism, charity, justice, and fair play, or to the social amenities, such as manners and moderation, it does so merely to evaluate them as available means in the political struggle, especially in relations with foreign nations. For the rest, it repudiates these virtues as attributes of weaklings, bourgeois Philistines and decadent aristocrats. "Get hard," is its motto, and "get hard" is the slogan that is being hammered daily into millions of German souls.

Later the author says:

Baldur von Schirach, the Reich youth leader, summarized the essence of Hitler's book most succinctly when he said: "Our religion is Germany."

A little later, on page 24, he says:

In his book, Hitler represents hardness and moral imperviousness as the only political method that can achieve success, and he bases this conclusion on his view of the world and human nature. It is the view of a man who never got over the war.

Born of the war, with its throw-back to the law of the jungle, this view sees the world as permanently a jungle in which herds of humanity, called nations or races, fight for feeding grounds in a catch-as-catch-can struggle in which the individual is nothing and the herd is everything, in which all rules and niceties are suspended, and in which might is right. To that view the book is rapidly persuading a nation of 67,000,000. But it is also the view of the professional war veteran, who in some countries is satisfied with a bonus, and in others demands nothing less than the whole country like Mussolini and Hitler.

On page 39, he says:

The theme song of the German legions is:
"Today we own Germany,
"Tomorrow the whole world."

On page 41, the author says:

Starting with the conquest of Germany itself under the "temporary slogans" of breaking the Treaty of Versailles and fighting bolshevism, Hitler proceeded to the unification of the German race and has now proclaimed as his next goal the consolidation of the European continent, with Germany as its protector. (Hitler's New Year proclamation and January 30 speech; Rosenberg's Danzig speech, April 16, 1940.)

But even that was recognized as a mere "temporary slogan" beyond which already was rising the next, whose import may be gleaned from the following statements of Hitler himself:

"A state which, in an age of racial pollution, devotes itself to cultivation of its best racial elements must some day become master of the earth," he wrote in Mein Kampf, which today is the bible of National Socialist Germany; and, barring half-hearted imitations elsewhere, Germany is so far the only country devoting itself to that task.

"We all sense," he also wrote, "that in a far future mankind may face problems which can be surmounted only by a supreme master race supported by the means and resources of the entire globe."

And how these problems are to be solved is indicated by his view of the rise of the Aryan, whose destiny Germany has taken into her keeping.

"As conqueror," he wrote in the same book, "the Aryan subjected to himself lower humans and regulated their practical activity under his command according to his will and for his aims. By leading them to useful if hard work he not only spared the life of the conquered but perhaps also gave them a lot that was better than their former so-called 'liberty.'"

A little later he says:

It is pertinent to subject the situation facing the United States in case of a German victory over Great Britain to cold-blooded analysis. Such analysis must proceed from three fundamental considerations.

First, which is self-evident, is that all National Socialist slogans invoked in the war against France and Britain apply with redoubled force against the United States. According to its own vociferous proclamations, National Socialist Germany is pitting "blood against gold" in a fight against "decadent democracy" and "rapacious plutocracy," depending on a free economy and world trade, in order to substitute for them a new world order based on national and international "socialistic" planning under authoritarian governments and a peace guaranteed by German arms.

A second consideration, long overlooked but now also evident, is that power dynamics of authoritarian states have their own law of action, which is determined by opportunity rather than by any individual will—even the will of Hitler, who is a prisoner of the forces he unleashed. In contrast to the Western post-war mentality, which envisaged a world stabilized by paper treaties, power politics abhors a power vacuum and enters it—in Europe as in the Far East. Under the hammer blows of the German armies in France the world again was shocked into a realization that the only dam against power is more power—even if that entails the risk of war.

The third and most important consideration is that National Socialist Germany wages "total war," in which military might, economic warfare, and moral disintegration of the prospective enemy play equally important roles.

Again, on page 44, the author points out:

Such an "anti-Versailles" would first of all involve total disarmament of all the defeated countries. That would leave the German Army supreme and beyond challenge by any power or

combination of powers in the world. But it might and probably would also involve surrender of the Allied navies to victorious Germany, as Germany was compelled to surrender her Navy to the victorious Allies in 1918.

That would put Europe's strongest navies on one side of the United States and an allied Japanese Navy on the other side. Added to them would be the strongest air fleet in the world. Both would far surpass any defenses that America or all the Americas could create in years. Moreover, an "anti-Versailles" must be expected to include complete redistribution of Europe's colonies and dominions—redistribution between Germany and, at least for the moment, her temporary allies. And it must likewise be expected to include confiscation of all foreign investments of France and Britain, as Germany's foreign holdings were confiscated in 1918. Moreover, National Socialist Germany has developed its own technique for acquiring ownership of industrial and other resources of conquered countries. The result would be a complete change in the political and economic control of Europe and Africa, much of Asia and Oceania, and presumably Australia.

Listen to this:

The economic consequences to America of such an upheaval are equally obvious. It would put America's entire foreign trade, not only with Europe but also with the rest of the world, completely under the control of Germany and her allies. That trade, it may be argued, amounts to less than 10 percent of America's total production; but under America's method of production that 10 percent often determines profit or loss. True, America produces many things which even a totalitarian world would still need. But the things that world would need would be American raw materials, such as oil and cotton. In markets for finished goods employing profitable labor America would find the competition of a consolidated Europe, behind whose salesmen stood the military might of Germany.

On page 46 the author says:

For America the more or less world-wide adoption of this system would entail a further development of still immeasurable consequences—namely, demonetization of gold. With such a development the $19,000,000,000 gold hoard in Kentucky would be reduced to trinket value. In such a case it might be doubted whether America's foreign investments would be worth the paper they are written on. Difficulties of America's financial imperialism already are the subject of mocking comment in the German press.

He says further:

This would leave the United States alternative courses. This Nation could adopt an autarchic planned economy of its own and live mainly on its own resources within the confines of its own borders and militarize itself to the limit to assure its safety. But there can be little doubt that planned economy goes hand in hand with authoritarian government, and so this course might mean an end of America's political democracy.

To adopt the alternative might be to court economic catastrophe of still inconceivable dimensions, with social and political upheavals, and possibly make America ripe for the invader. German proposals for new and more "organic" organization of the United States already are at hand. According to all National Socialist commentators, the American people are not a nation but a conglomeration of undigested racial units. According to Colin Ross, much-traveled German author, whose views are widely disseminated in Germany, the vertical division of the United States into Federal States is purely artificial and should be replaced with horizontal organization according to racial groups. Such horizontal organization already has been introduced by Germany in Czecho, Poland, and Slovakia. It goes without saying that in these subject countries the German racial organization dominates.

There is much more, Mr. President, but only with that will I detain the Senate at this time.

I will read a letter which came to me a few days ago from a citizen of France. It is merely signed "A Frenchman," so he did not expect to get any credit for whatever information he might furnish and, likewise, neither did he expect to make himself detectable by the Gestapo for sending out of France the message his letter contains. He says:

There ought to be no pity for them—

He is talking about the Germans—

From Hitler to the last of his soldiers they are bandits and monsters. About a week ago at our station a train of Belgian refugees arrived (they were still neutrals then). There were three demented women; one who had left Belgium with six children arrived weeping and shouting that three of the others had been killed in the course of the trip by bombs and shells on the platform of the station where the train had stopped. She had to leave them dead on the platform when the train left.

Again the same day a lady, this time a rich one, arrived in front of one of the hotels of our little village, holding on her knees her little boy 4 years old killed. Her auto was riddled with bullets. The refugees are shelled in the ditches by the roadside as they rest while eating until they are all killed.

It is monstrous. The official orders are to kill women and children.

So, Mr. Senator, continue your campaign in order to avenge all these unfortunate people.

Mr. President, a prominent lady in my State wrote me a letter a few days ago in which she referred to a conversation with a person who had just come over from Great Britain. Senators can believe the story or not; I am simply relating it as it was told to me by my friend. She said the lady who came from Great Britain went to one of the prison camps in Great Britain where some young German soldiers were interned and engaged in conversation with a young German prisoner less than 20 years of age, a bright-eyed, clear-faced youth who looked like a human being and not like a monster. She said, "I hear that there were instances where the tanks rode down and the machine guns of the airplanes mowed down refugees on the highways." He admitted that he was in a front tank where that sort of thing happened, and he said, "Lady, I vomited all the time it was going on, but what could I do? There were 20 or 30 tanks right behind me, and it was Hitler's orders."

In his book, Mein Kampf, I could show the page where Hitler says, "Make war horrible; that is humane." So they hunted the refugees out in the ditches; they pushed them out in the fields so they could slay them. They bombed the railway centers where there were refugees fleeing from neutral countries. They did every dastardly, inhuman thing a bestial fiendish mind could conceive to make human beings suffer and frighten them with the heinousness of their acts.

A little while ago we listened to the declaration of the new ally that joined the German conquerer. They have never been timid about the expression of their objectives.

On the contrary, everybody remarks about the effrontery with which they have disarmed their enemies by making frank statements. It is a known fact that Hitler says that if you will tell a big-enough lie it is safe because nobody will believe it. So, joining with this leader in that kind of a campaign, Mussolini says to the world, "I am not going into this war because of some wrong that has been done me by France or Great Britain or Belgium or Holland or Norway or Denmark or Poland"—there was no border incident; there was no Treaty of Versailles; there was no wrongdoing; but Mussolini said, "This is a phase of a world revolution; it is a fight of the have-nots against the haves"; and, with an effrontery a bandit would blush at, he says, "We want loot, and," he added, "gold."

Mr. President, who has the loot in the world and who has the gold? The French Empire, the Dutch Empire, the Belgian Empire, the British Empire, and the United States of America. That is where the rich resources are; that is where the arable lands are; that is where the good climates are; that is where the mineral resources are; that is where the gold is. They have not abandoned gold as the standard of world commerce. Even Hitler would not think that he could turn back the tides of thousands of years of civilization. Men in the jungle will take gold. The Indians, who never saw a white man, would take gold. It has something that puts lust in the eye of the one who sees it, and makes men and women give their souls for it. People will still take gold for their goods in every savage or civilized land under the sun and the stars. Hitler knows that; Mussolini knows it. They are not abandoning gold. They are saying, "We are going to take our share of the world's gold, not by trade and commerce but by conquest," on the theory that might, according to their philosophy, is right.

So they are not merely threatening that; they are doing that. There is no Europe any more. We awaken sometimes and wonder if it has been a nightmare through which we have lived. We pick up a newspaper and look at a map, and say, "Last night a horrible dream came into my mind; it led me to believe that there was no France any more." Another says, "I dreamed that dear Belgium was dead." Another says, "A nightmare led me to believe that Holland had been ravaged and that all the small countries of Europe, safe, comfortable, and complacent a little while ago, are now dead as death can be." Then, when he looks at the daily newspapers, when he

reads the magazines and books, and when he sees the tears that fall like rivers over waterfalls out of the eyes of the anguished, weeping sufferers, he comes to the sad conclusion that it is not a fancy but a horrible fact.

So here in the United States of America, where we have lived all these comfortable, complacent years, where we have been blessed as God has seldom blessed a people, not only with a natural inheritance but with an isolation from the dangers of war—now we have come to live in a new world, different from any world our forefathers lived in, more dangerous than any of them ever dreamed of—a world that is a part of a rebred revolution.

What are we to do? Are we going to sit here as if we were dealing with economics upon the hypothesis that the machine age does not exist? What happened to the old hand agricultural age, what happened to the old hand industrial age when the machine age came along? Those who stood out against it were destroyed; those who stood out against every great revolution were eventually encompassed. Are we to be destroyed? Are we to be encompassed? Are we to let the scales close our own eyes and the shackles restrain our own acts?

We have been debating here for 2 or 3 weeks the question of a selective-service bill. We either are in an emergency or we are not. If those who sense an emergency are wrong, they should be booed and booted out of the country. If they are right, in the name of God, how can we go to sleep one night, let alone a month, without making some real beginning upon the Nation's defense and preparation?

Is peace so dear and life so sweet, as Patrick Henry said, as to be purchased at such a price? What is the matter with us?

Mr. President, we look back now at the Chamber of Deputies in what was France. They debated; they haggled; they equivocated; they controverted; they hesitated, and they "politicked" a little, they thought of the next election, and they lost dear France.

Stanley Baldwin may or may not have been right. He was thinking more about liberalism and a certain custom and social aspect than he dared to think about the British Empire. He dared not say to Britain, "You must arm till it hurts; you must pay till it pains. I will take your factories; I will take your labor; I will take your sons; and I will put them in a front line that will blast back into the darkness of a Hitler Germany any force that dares to threaten the noble institutions of English life and its dear citizenry, for which, as its leader, I have a statesman's responsibility." He did not have the courage to do that. The Conservative Party won the election and nearly lost the British Empire.

Mr. President, I belong to the dominant party, and I am proud of it. I say that the Democratic Party might equivocate on this question of getting ready for war, and wait until we have been given 4 years' blanket authority, and then have a power we would exercise as we saw fit. I thank my God that we had a greater courage than that. The President of this country is not just a candidate for office. He has in the palm of his hand and heavy upon his conscience and sad heart the responsibility for the destiny of the most glorious nation the eye of Diety has ever seen in the eons of eternity. It is not a question of whether the volunteers would come in in 60 days or not. At one time I thought about offering an amendment providing we would let them have 60 days in which to volunteer. When I reflected upon that I was so ashamed of myself that that sentiment had ever been harbored in my mind that I wanted to repudiate it at the first opportunity. It is not a question of having an army or not in some remote time. It is a question of indicating now that we will to defend ourselves against any foe, wherever the origin of his force.

If we are not willing to make up our minds that we are facing a new kind of a war and a new kind of a world, then I venture to predict, sadly, that we are going to lose that kind of a war and our kind of a world. We cannot let a man stand up in the trenches or on a field of battle with a rifle when another man has a tank. Brave infantry cannot withstand the dive bomber, and feeble artillery, the long range, destructive cannon of modern warfare. Nor can a divided people, uncertain of its course, not quite determined about its policies, defend itself against the religious fervor like that of the young soldiers of Germany who, arm in arm, threw themselves singing into battle.

I read a story of a German boy who was carried from the field to a little hospital, and who was about to die. He motioned to a nurse to bring him something. The nurse thought he wanted something out of his purse, which she opened up. He nodded. Then she looked into the purse and saw the picture of an elderly man and woman, and thought they were his mother and father and that that was the view he wanted to have before he closed his eyes in eternal sleep. But when she started to draw the pictures out he shook his head. Then she looked further into the purse and saw there a picture of Hitler, which she took out and gave to him. He took it in his shaking hand and, as he looked at it, a smile beamed upon his countenance and he passed away.

Do we have that fervor for our country? Do our youth say, "I feel that way about my country?" There are some who do, thank God, and then we have some pitiable instances where others have a contrary faith.

What can we do now to make this democracy perceive itself in the light of these dangers, and to awaken itself in the face of this threat?

It is only fair to say that a great, demoniacal figure rises from the regions below to challenge God in the heavens above. The pagan joins issue with the Christian. Old Wotan, of Germanic mythology, challenges the deity of a living Christ. Bad contends, in the arena of men's consciences with good, and all the vile and the beastly spirits challenge the right of the beautiful and the noble sentiments to live in the worlds of men's dreams and ideals.

We are deciding now what is to live and who is to live in this world, I believe if we will open our ears to the voice of America, if we will but heed the command of a brave Nation we cannot mistake the message which says, "Americans, your destiny leads you inevitably and bravely ahead."

Americans can neither hesitate nor fail.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

### EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, it is obvious that we cannot conclude the consideration of the amendment today, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. GIBSON in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

### EXECUTIVE REPORTS OF COMMITTEES

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, reported favorably the following nominations:

Claud R. Wickard, of Indiana, to be Secretary of Agriculture; and

Paul H. Appleby, of Maryland, to be Under Secretary of Agriculture.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Marine Corps nominations are confirmed.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Friday, August 23, 1940, at 11 o'clock a. m.

## NOMINATIONS

*Executive nominations received by the Senate August 22 (legislative day of August 5), 1940*

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Charles W. Adair, Jr., of Ohio.
H. Gardner Ainsworth, of Louisiana.
Stewart G. Anderson, of Illinois.
Irven M. Eitreim, of South Dakota.
C. Vaughan Ferguson, Jr., of New York.
Scott Lyon, of Ohio.
W. Horton Schoellkopf, Jr., of Florida.
Harry H. Schwartz, of California.
Bromley K. Smith, of California.
Henry T. Smith, of Georgia.
Oscar S. Straus, II, of New York.
John L. Topping, of New York.
Livingston D. Watrous, of New York.

Samuel H. Wiley, of North Carolina, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

DEPARTMENT OF COMMERCE

Carroll L. Wilson to be Assistant Director, Bureau of Foreign and Domestic Commerce, vice Nathanael H. Engle, resigned.

WORK PROJECTS ADMINISTRATION

Russell S. Hummel, of Virginia, to be Work Projects Administrator for Virginia, effective as of August 15, 1940, vice William A. Smith, deceased.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

*To be Brigadier General, Adjutant General's Department, National Guard of the United States*

Brig. Gen. Harold Holmes Richardson, Adjutant General's Department, Colorado National Guard.

*To be Brigadier Generals, National Guard of the United States*

Brig. Gen. Thomas Colladay, Michigan National Guard.
Brig. Gen. John Watt Page, Texas National Guard.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 22 (legislative day of August 5), 1940*

POSTMASTERS

ALABAMA

Lela Tate, Adamsville.
Henry N. Jordan, Chatom.
Lois M. McCurdy, Flomaton.
Sister Mary Teresa, Holy Trinity.

ARKANSAS

Jewell Coxsey (Mr.), Alpena Pass.
Robert C. Grubbs, Eudora.

MISSOURI

Cleo O. Smith, Carthage.

NORTH DAKOTA

Fred Hollingsworth, Killdeer.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

MARINE CORPS

Alfred H. Noble to be colonel.
Harry B. Liversedge, to be lieutenant colonel.
Lewis B. Puller, to be major.
Lionel C. Goudeau, to be major.
Lawrence Norman, to be major.
Paul A. Putnam, to be major.
Lee N. Utz, to be major.
Dale H. Heely, to be second lieutenant.
Theodore Gooding, to be chief marine gunner.

# HOUSE OF REPRESENTATIVES

## THURSDAY, AUGUST 22, 1940

The House met at 12 o'clock noon.

Rev. A. A. Zeller, pastor of St. Joseph's Catholic Church of Denver, Colo., offered the following prayer:

Almighty God, Father of eternal light and truth, bow down Thine ear to our humble supplications. Send forth Thy spirit upon us this day that we might fulfill the obligations which Thy wise providence has imposed upon us. Outside of Thee there is naught that is not frail and false. Dispel the doubt frailty breeds. Dispel the weakness which selfishness breeds. Send forth Thy spirit to light the path to what is right and just. Give strength to our hearts to do whatsoever accords with Thy infinite wisdom and justice. Direct our minds and hearts so that our efforts today may help prosper this great people whom Thou hast chosen for Thy blessings of peace. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3354. An act for the relief of Nannie E. Teal; and
S. 3710. An act for the relief of James H. Hearon.

LEAVE TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that after the special orders of today I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from Collier's Weekly.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therewith an excerpt from an article in the Highland Reporter under the nom de plume of Erasimus Bluegrass.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein certain statistical data from the Bureau of Government Reports on three counties in my district, and I make a similar request as to two other counties.

The SPEAKER. Is there objection?

There was no objection.

ARMY MANEUVERS IN NEW YORK STATE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNYDER. Mr. Speaker, last week end I had the pleasure of inspecting from the ground and from the air our military forces comprising the First Army under the command of that most able leader, Lt. Gen. Hugh Drum, which was concentrated in a 1,500 square mile area in up-State New York, radiating from Ogdensburg.

This maneuver is being conducted pursuant to an appropriation we voted for earlier in this session, and I can report to you from each man with whom I talked, from General Drum and the division commanders down to the buck privates, their profound gratitude to each of you for making this large simulated warfare practicable. They may be shy on certain types of equipment, but the improvisations they have devised are enabling them to learn the conduct of defensive and offensive operations under modern methods of warfare, and the message I bring to you from that front is that we must continue this practical training in order that, as our forces expand, all will be hardened, tried, and proven, if and when there should be a turn from mock to actual warfare.

On Sunday morning it was my privilege to be the guest of that splendid leader, Maj. Gen. Edward Martin, commanding the famed Twenty-eighth Division, composed of troops from my own State of Pennsylvania, when memorial services were conducted for the World War dead of that division. The entire division was assembled and most impressive ceremonies were conducted in the presence of the President of the United States. The division then marched in review—some 18,000 men, including some Maryland units, and it was a most inspiring spectacle, indeed, to witness.

There are just two other things I should like to say to you.

It did my heart good to meet in the uniform of our armed forces some of our colleagues, men who have the training and capacity to fill positions of leadership in these highly technical and involved maneuvers. For the moment they are all in the business of soldiering and it seems to me that we are signally fortunate to have among us men so expertly equipped to counsel us upon matters with which we must deal bearing upon military questions and problems.

In conclusion, Mr. Speaker, I wish to commend the fine cooperative spirit and patriotism of the people of New York State whose property has been made available for these maneuvers. In all the vast area involved—as I said before, some 1,500 square miles—practically every inch of space has been made available without charge, including the fine high-school house in Ogdensburg, which is used as administrative headquarters. I congratulate New York State for a citizenry so willing, without compensation, without personal gain, to do its bit. That is pure Americanism; that is true patriotism and is deserving of popular acclaim.

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short radio script of a program in which I appeared.

The SPEAKER. Is there objection?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks and to insert in the Appendix an article by Major General Rivers, retired, United States Army and, further, to extend in the Appendix of the RECORD my remarks before the Williamsport Consistory of the Scottish-rite Masons at Williamsport, Pa., June 28, 1940.

The SPEAKER. Is there objection?

There was no objection.

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I requested the gentleman from California [Mr. LEE E. GEYER] to be here this morning to hear what I had to say. Yesterday he assumed the position as speaking for the American Legion. The gentleman from California [Mr. GEYER] has been diametrically opposed to what the American Legion was trying to accomplish, namely, the deportation of Harry Bridges. The gentleman from California [Mr. GEYER] defended him on this floor before the Rules Committee and at other times when the matter has been brought up. I cannot reconcile these two opposite positions. Neither can I accept the gentleman from California [Mr. GEYER] as spokesman for the American Legion, as he has certainly been against their program on the Harry Bridges matter.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. Yes.

Mr. VAN ZANDT. Is it not a fact that the national commander of the American Legion is on record mandating the district commander to remove from the United States Mr. Bridges and use or employ any reasonable method to do so?

Mr. LELAND M. FORD. That is correct.

The gentleman does not want vigilante or mob rule. No one else does. On the other hand, what has the gentleman from California ever done to stop this perjurer, liar, lawbreaker, and disturber of the peace, Harry Bridges, in his unlawful activity in California, particularly when he cost that State $8,000,000 a day for 100 days? I have never known the gentleman to do anything to stop this mob rule.

If vigilante action is to be taken by the Legion or others in California, it will be only because weak-kneed officials are either afraid or refuse to do their sworn duty, and further, on account of the support that is given to the perjurer, liar, lawbreaker, and disturber of the peace, Harry Bridges.

With reference to adverse publicity. It is not I that bring the adverse publicity to southern California, but the man whom you defend, Harry Bridges. I see no reason why the truth should not be spoken here, and if you are interested in stopping adverse publicity, I suggest that you handle the matter with Harry Bridges, whom you so constantly defend.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GEYER of California. Mr. Speaker, the gentleman from California [Mr. LELAND M. FORD] and I are having a great time. We have an election next Tuesday in California. He lives in the silk-stocking district where the factories are, and where the employers are. I live down on the water front, where sometimes we cannot even wear stockings. Therefore he is carrying on his political campaign based on the persecution of one man. The House has taken care of this matter in respect to Harry Bridges. It is a closed issue with this body. My objection yesterday was to his saying that the American Legion has advocated force and violence in removing this man, and his adding to that, that by force, we get Mme. Perkins and Attorney General Jackson and put them on the same boat. The American Legion does not stand for vigilantism, and both gentlemen who have just spoken know that to be the fact. We must keep out Hitlerian methods and settle things by the American way. I again say that the American Legion stands for law and order, and as a member of that organization I deny the charges made by my colleague the gentleman from California [Mr. LELAND M. FORD] that the American Legion is preaching subversive doctrines. [Applause.]

EXTENSION OF REMARKS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by William Randolph Hearst which appeared in the Washington Times-Herald on August 21.

The SPEAKER. Is there objection?

There was no objection.

UNITED STATES HOUSING AUTHORITY

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, I want to call attention to the fact that the United States Housing Authority still has on the rolls in its Washington office 1,228 employees in the administrative and 117 in the nonadministrative departments. In the field it has 121 nonadministrative employees, and alleged reimbursable 320. The total is 1,786 as compared with 2,080 a year ago, with very much reduced activities.

I understand that many of these administrative employees are spending their time around here lobbying, trying to get through a great big bill to waste several hundred million dollars more. I think it is about time the brakes were put on the spending operations of this outfit. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include five letters which I have received.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, I reserve the right to object. There is a limit to everything. There comes a time when patience ceases to be a virtue.

Believing that the defeated Member from Montana [Mr. THORKELSON] would desist after his defeat from inserting this scurrilous, defamatory, and libelous anti-Semitic propaganda, which duplicates the propaganda of Hitler and his Nazi gang, first in Germany, later in Austria, and then in Czechoslovakia, Poland, France, and even Great Britain, all with the willful and malicious purpose, among other things, of creating religious and racial hatred and national discord. I have ignored his daily unanimous-consent requests; but today I had time to glance over yesterday's RECORD to find, to my amazement, that he continues to insert this same malicious and inflammatory matter. His latest insertion is a reprint of six printed pages from some small, weekly sheet that he designates the San Francisco Leader of 1912.

After he receives unanimous consent to extend his own remarks in the RECORD he violates that consent and inserts page after page of these various cheap and unworthy reprints from dubious publications, the reprints having been written by unprincipled, reckless, irresponsible, vicious-minded pamphleteers.

I know that the membership of the House does not even glance at these insertions of the Member; but if they did they would object to his parroting of this Nazi, Fascist, damnable, un-American, scurrilous propaganda.

Mr. THORKELSON. Those are recorded facts.

Mr. SABATH. Facts. Who, outside of yourself, says those are recorded facts?

Mr. THORKELSON. They are taken from the birth records.

Mr. SABATH. By whom, where, and when?

Mr. THORKELSON. Who started the trouble but your own people?

Mr. SABATH. What trouble? The Nazi propaganda, creating discord and the conducting of un-American and subversive activities? You continually espouse the cause of those who are against good government, against good citizenship, and against even simple justice.

Mr. THORKELSON. It is your own people who are against the Government.

Mr. SABATH. Do not say that. You know it is not true. Is it not you and your coterie of Nazi publicists and propagandists who are endeavoring to create trouble? I am perfectly willing that the record of "my own people" be placed alongside the record of a battalion of such men as you and your Nazi-inspired publicists and propagandists, such as, for instance, Pelley, McWilliams, Winrod, Steele, Trevor, Harry Young, Kuhn, and others of their ilk, who are feeding you with this dastardly hogwash.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. Mr. Speaker, reserving the right to object, can the gentleman give us some idea what the program will be next week?

Mr. RAYBURN. I am glad the gentleman from Michigan asked that question. The answer is that I cannot.

I want to take this opportunity to put the Members of the House on notice that for the next 2 weeks the program will in all probability be made from day to day. It may be that an emergency would arise whereby the Rules Committee would be asked to meet one hour and take up a rule for consideration the next, even though it required a two-thirds vote.

I think I should say to the Members of the House that it would not be safe for the Members wanting to vote on important public questions to be even 6 hours away from Washington for the next 2 weeks. I cannot say whether on Tuesday of next week the tax bill will be up. I cannot say now whether on Wednesday the so-called selective draft bill will be up; but they will both come just as soon as it is possible to get them before the House for consideration, in order to meet certain situations and contingencies.

So for the next week I do not know what the program will be, nor for the week following, but in all probability any day next week or any day the following week there may be questions of very great importance to Members and upon which they would like very much to be recorded.

I make this statement for this reason also, that Members need not ask what will be the program for 2 days ahead, because I do not know, and I could not know because the things are likely to break pretty fast in the next few days.

Mr. MICHENER. As I understand, Monday is District day, and that will be followed by omnibus claims bills on the Private Calendar, as previously arranged?

Mr. RAYBURN. Yes; that is practically all that will be done on Monday.

Mr. MICHENER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain figures relating to the Federal Housing Administration and Stewart McDonald, its Administrator.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, the article which appears in the Appendix of the RECORD, page 5158, was published in England and was taken from birth records in England. So it must be correct. The other article in the Appendix of the RECORD, on page 5169 was published in the San Francisco Leader in 1912 and was given to the writer of this article by a man from Scotland Yard. It, too, therefore, must be reasonably correct. I hope the Members will read both these articles because they are very illuminating. If they are read the Members will know exactly what Great Britain thinks of us.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include newspaper articles.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEWIS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a letter received from constituents.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BENDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CAMPAIGN EXPENSES

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BENDER. Mr. Speaker, Hon. Charles Sawyer, Democratic National Committee man from Ohio was in the city the other day. On leaving the White House, the newspapermen asked him if Mr. Roosevelt would come to Ohio for a political speech, to which he replied: "Oh, no; but you know there is an Army field in Dayton, Ohio."

This seems to be a rather clever device on the part of the President, in using these Army airfields as a stunt for political purposes in making a tour of the country. As a candidate for a third term he should be required to travel on the Democratic Party's expense money and not at the expense of the taxpayers of the country.

The pictures shown in local theaters, of the Army maneuvers at Plattsburg, for instance, where 90,000 men are being trained, show them using Army trucks for tanks, stovepipe for guns, and broomsticks for small arms to carry out their training. Yet the administration is asking us to vote conscription for 4,000,000 men when they have not equipment to supply to the men now in the regular service of the country. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. EDWIN A. HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a recent editorial from the New Berlin Gazette.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a petition from the citizens of Walthall County, Miss.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ACTIVE MILITARY SERVICE FOR RESERVE COMPONENTS AND RETIRED PERSONNEL OF THE REGULAR ARMY—CONFERENCE REPORT

Mr. MAY. Mr. Speaker, I call up the conference report on Senate Joint Resolution 286 to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, and ask for its immediate consideration.

The Clerk read the title of the resolution.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the statement of the managers may be read in lieu of the report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 9, and 19.

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, 6, 8, 10, 11, 12, 13, 14, and 16, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "(except that any person in the National Guard of the United States under the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States)"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following after "attained." on page 3, line 2 of the Senate engrossed joint resolution: "In addition, each such person who is assigned to such active duty or ordered into such active military service shall be given a physical examination at the beginning of such active duty or service and a medical statement showing any physical defects noted upon such examination; and upon the completion of the period of such active duty or service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses or disabilities suffered by him during such period of active duty or service"; and the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within one year after such restoration.

"(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the".

And the House agree to the same.

Amendment numbered 17: That the Senate recede from its disagreement to the amendment of the House numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits."

And the House agree to the same.

Amendment numbered 18: That the Senate recede from its disagreement to the amendment of the House numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(e) Any member of any reserve component of the Army of the United States below the rank of captain who is ordered into the active military service of the United States pursuant to this joint resolution, who has any person or persons dependent solely upon him for support, and who has no other means of support except the wages, salary or other compensation for personal services that he earns, may resign or shall be discharged upon his own request made within twenty days of the date of his entry into such active military service."

And the House agree to the same.

A. J. MAY,
EWING THOMASON,
DOW W. HARTER,
DEWEY SHORT,
W. G. ANDREWS,
*Managers on the part of the House.*

MORRIS SHEPPARD,
ROBT. R. REYNOLDS,
SHERMAN MINTON,
ELBERT D. THOMAS,
WARREN R. AUSTIN,
STYLES BRIDGES,
CHAN GURNEY,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The Senate joint resolution authorized the President during the period ending June 30, 1942, to order into the active military service of the United States for a period of 12 consecutive months any or all members and units of any or all reserve components of the Army of the United States. This House amendment limited the authority of the President to any or all members and units of the National Guard and the Organized Reserves of the Army of the United States. The House recedes.

On amendment No. 2: This amendment provided that each young man in the National Guard under the age of 18 years should be immediately issued an honorable discharge. There was no corresponding provision in the Senate joint resolution. The conference agreement provides that each young man in the National Guard of the United States under the age of 18 years ordered into

the active military service of the United States as provided in the joint resolution shall be immediately issued an honorable discharge from the National Guard of the United States.

On amendment No. 3: This amendment provided that persons called into the active military service should be entitled to such allowances for dependents as may be prescribed by the President, which was to be in addition to any other pay provided by law. There was no corresponding provision in the Senate joint resolution. The House recedes.

On amendments Nos. 4, 5, 6, 8, 10, and 11: These amendments made technical and clarifying changes in the provisions of the joint resolution relating to the restoration to employment of persons who are on active duty or assigned to active duty and who are ordered into the active military service under the provisions of the joint resolution. The Senate recedes.

On amendment No. 7: This amendment provided that persons called into service under the joint resolution should be given a statement showing physical defects at the time he entered the service and upon discharge should be given a medical certificate showing any injuries, illnesses or, disabilities suffered by him while in the service. There was no corresponding provision in the Senate joint resolution. The conference agreement clarifies the House amendment and includes persons on active duty as well as those ordered into active military service under the joint resolution.

On amendment No. 9: The Senate joint resolution extended the reemployment provisions to persons in the active military service who left positions other than temporary positions. The House amendment in effect defined a temporary position as one held less than 1 year. The House recedes.

On amendments Nos. 12, 13, and 14: These amendments, relating to the requirement that persons be restored to their employment upon the satisfactory completion of their period of service or active duty under certain conditions, provided for restoring the seniority of such persons as well as their status and pay as provided in the Senate joint resolution. The Senate recedes.

On amendment No. 15: The Senate joint resolution provided that any person restored to a position in private employment or with the Government of the United States (including Territories and possessions) or the District of Columbia should be restored without loss of seniority, insurance participation or benefits, or other benefits, and that such person should not be discharged from such positions without cause within 1 year after such restoration. This House amendment eliminated this provision. The conference agreement restores it.

This amendment also eliminated the provision of the Senate joint resolution that the failure or refusal of any private employer to comply with the provisions requiring the restoration to their former positions of persons on active duty or called into active military service should be an unfair labor practice within the meaning of the National Labor Relations Act. The amendment also eliminated the restriction of the Senate joint resolution that it was only in cases where no remedy was available under the National Labor Relations Act to require compliance by any employer with the provisions relating to restoration to employment that the individual could institute proceedings in the district court of the United States for the district in which the employer maintains a place of business, and allowed the individual to proceed in the district court in any case in which the private employer failed or refused to comply with the reemployment provisions. The conference agreement retains the House provision with clarifying changes.

On amendment No. 16: This is a technical amendment. The Senate recedes.

On amendment No. 17: This amendment provided that any person claiming to be entitled to the benefits of the reemployment provisions might apply to the United States district attorney for the district in which the private employer maintains a place of business to appear and act as attorney for him in the amicable adjustment of the claim or in filing any appropriate motion, petition, or other appropriate pleading to require the employer to comply with such provisions, and the district attorney was required to so act if he was reasonably satisfied that the person applying for such benefits was entitled thereto. There was no corresponding provision in the Senate joint resolution. The conference agreement retains the provision of the House amendment with clarifying changes and provides also that no fees or court costs are to be taxed against the person applying for such benefits.

On amendment No. 18: The Senate joint resolution provided that any member of the National Guard might resign within 20 days after being ordered into the active military service if at that time he had dependent upon him a wife or child or both and had no means with which to support such dependents except the wages or salary he could earn. This House amendment provided for the discharge of any member of the National Guard and the Organized Reserves under similar circumstances. The conference agreement provides that any member of any reserve component of the Army of the United States below the rank of captain who is ordered into the active military service under the provisions of the joint resolution, who has dependents, and who has no other means of support except the wages, salary, or other compensation for personal services that he earns, may resign or shall be discharged upon his own request within 20 days of the date of his entry into such active military service.

On amendment No. 19: The Senate joint resolution extended the benefits of the Soldiers and Sailors Civil Relief Act of March 8, 1918, to all personnel ordered into the active military service under the authority of the joint resolution during their period of such service and for 60 days thereafter. For the purposes of that act the term "persons in military service" was extended to persons so ordered into the active military service. The House amendment added to this definition retired and reserve personnel of the Navy, Marine Corps, and Coast Guard who have been or may hereafter be ordered into the active duty. The House recedes.

A. J. MAY,
EWING THOMASON,
DOW W. HARTER,
DEWEY SHORT,
W. G. ANDREWS,
*Managers on the part of the House.*

The SPEAKER. The gentleman from Kentucky is recognized for 1 hour.

Mr. MAY. Mr. Speaker, I yield 30 minutes of the hour to the gentleman from New York [Mr. ANDREWS], and I yield myself 15 minutes.

The SPEAKER. The gentleman from Kentucky is recognized for 15 minutes.

Mr. MAY. Mr. Speaker, I think a general explanation of what happened at the conference on this bill will satisfy practically every Member on the floor of this House that the conference report ought to be adopted without very much discussion. It is my recollection of the debate in the House during consideration of the Senate joint resolution that the object and purpose of practically every man was to see to it that no injustice was done to any National Guard man who might be called under the provisions of this bill. It occurred to me at that time, and I think I correctly state the fact, that we were all trying to safeguard the rights of every guardsman who might be called by the President. When we met the Senate conferees we found an identical desire on the part of the Senate. Both the House and the Senate conferees were determined to see to it that the bill was made as fair as possible and so long as it could be done consistent with the general welfare and protection of the country no man who may be called in the guard would be discriminated against or be required to assume unnecessary burdens. With this spirit motivating the conferees to the two Houses we began consideration of the 19 amendments in controversy between the House and the Senate.

On disagreeing amendment No. 1 the Senate had authorized the President to order into active training and service for a period of 12 consecutive months up until 1942 any or all members and units of any or all Reserve components of the Army of the United States. The House amendment limited this authority of the President to all of the members or units of the National Guard, and the Organized Reserves of the Army of the United States. On this the House receded because under the House provision the President would be unable to utilize several members of the Reserve components, and this would have interfered materially with the proper coordinated activity of the National Guard as an organization and as a whole.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. MAY. In just a minute.

Mr. Speaker, Major General Reckord, who is the legislative agent and representative of the National Guard, appeared before our committee. He urged that the independence and the self-control of the National Guard as an organized unit of our armed forces should be maintained in its own right just as much as possible. This agreement on that feature of the resolution protects the National Guard in every possible way that we could think of.

Mr. ANDREWS. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from New York.

Mr. ANDREWS. The only question on this side of the House is in regard to amendment 15. I wonder if the gentleman will amplify the statement there somewhat.

Mr. TABER. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from New York.

Mr. TABER. Frankly, I cannot understand the amendment. I cannot understand it the way it appears and I do not know what it means. I do not know whether it means that a man who goes into the service will go back into the service of

the employer where he left off or whether for all the time he is out we attempt to make the employer provide certain increments and that sort of thing. I would like to have the gentleman's construction of what that language means.

Mr. MAY. The gentleman is talking about amendment No. 15?

Mr. TABER. Yes; and the matter that appears here under (c) and (d).

Mr. MAY. Under amendment No. 15 the original Senate resolution contained a provision which declared the failure of an employer to reemploy the guardsman on his return from the training period to be an unfair labor practice. The House struck out that provision, and also the provision which authorized the National Labor Relations Board to determine the question whether the man should or should not be restored.

When we came to a discussion of that in the conference, the Senate receded on the provision relating to the National Labor Relations Board and accepted the House provision, which was offered by the gentleman from Maryland [Mr. COLE] and makes the district attorney of the United States in the district where the employee resides counsel for the guardsman. In addition to that, and to take care of what we thought might eliminate the necessity of a guardsman suing in forma pauperis, or to sue as a pauper, which we did not want to put upon him, we provided that he should not be required to pay any costs, and that the United States district attorney should represent him. The provision would require the employer to reemploy the man immediately upon his applying for reinstatement to his former position.

Mr. HARNESS. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Indiana.

Mr. HARNESS. I think the question asked by the gentleman from New York [Mr. TABER] had reference to this provision. There was inserted by the conferees, after the committee struck it from the bill, the following:

> Any person who is restored to a position in accordance with the provisions of paragraphs (a) and (b) of subsection (b) shall be restored without loss of seniority, insurance participation, or benefit or other benefits.

We all know what it means when we say, "Without loss of seniority." We know what it means to say without loss of insurance participation, but what does it mean when it refers to other benefits? Does that mean that the employer during the year that this man is in the service must continue to pay his social security tax, his unemployment compensation tax and so forth?

Mr. MAY. I do not think it means that. You will find that in amendments numbered 12, 13, and 14 the House inserted the word "seniority" relating to a position held by the guardsman. It is inserted in three places, and provides that he shall be restored to his seniority status. In other words, if a man is a Civil Service employee in the Government of the United States and is called into service, he shall be restored on his return to the senior position he held before he left without losing that seniority position. Likewise, with a railroad employee, under a system of seniority rights on the railroad that gives the older men in the service priority over the others, that man when he returns shall be restored to his seniority position.

Mr. HARNESS. There cannot be any objection on the part of anybody to that. It is the other provision which says, "or other benefits." What do you mean by that? Can anybody interpret just exactly how far that language will go?

Mr. MAY. The gentleman knows other benefits would cover any of the questions that arose with reference to his rights.

Mr. HARNESS. His other benefits are social security——

Mr. MAY. Yes.

Mr. HARNESS. Unemployment compensation——

Mr. MAY. Yes.

Mr. HARNESS. And probably many others in the various States where they are employed by private industry. Must the employer during the year this man is in the service continue to pay out this tax for social security and unemployment insurance to comply with that provision?

Mr. MAY. The gentleman is a member of the House Military Affairs Committee and knows that that committee is now considering another measure involving the question of the civil rights of all these men and it will consider in that connection the question of rents, unemployment insurance, social security, and all of those features. It was stated in general debate that that bill would be deferred and considered by the committee later.

Mr. HARNESS. I understand that, but we also understand that the committee struck this out because it was so ambiguous nobody knew exactly what it meant. I would like to know what the conferees had in mind when they restored those words.

Mr. MAY. I can only speak for myself so far as the minds of the conferees are concerned. We provided in subsection (d) there a stipulation in lieu of that which is embraced in amendments 16, 17, and 18.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. HARNESS. I yield to the gentleman from California.

Mr. VOORHIS of California. I wish to ask the gentleman two questions. First, amendment No. 17 as agreed on by the committee of conference is somewhat different from the language that was contained in the House bill. Do I correctly understand that this language as agreed to in conference means that a man does not have to sue in court but can simply go to the district attorney, and, if he makes an effective representation of his case, the district attorney may then decide to appear in his behalf?

Mr. MAY. The gentleman is correct.

Mr. VOORHIS of California. In other words, it is largely up to the district attorney to determine what he is going to do under those circumstances?

Mr. MAY. It is up to the district attorney to determine upon the representations of the guardsman who comes back and says, "I have lost my job and my employer will not return it to me," whether or not it is likely that he should go into court on it. He would act in the same capacity that a private lawyer employed by a private client would act on the question of giving him proper advice as to whether he should or should not do it.

For instance, this might happen: The guardsman might have been working for some corporation that had limited capital at the time he went into the service. This corporation may be in bankruptcy or in receivership when he comes back. He goes to his former employer and says, "Now, I have to have my job back." The court is in charge of the corporation. The district attorney in that instance undoubtedly would inform him that he could not enforce his right. That is what it means.

Mr. VOORHIS of California. Would he have to prove anything in order to get the benefit of the advice of the district attorney?

Mr. MAY. No. He has to convince the district attorney that he ought to be considered, and that he has a legal right which has been denied him, and one justifying going to court.

Mr. VOORHIS of California. In the bill governing civil rights, on which the gentleman's committee is working, will there be a provision for allowance for dependents?

Mr. MAY. I believe all those questions will be considered.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Pennsylvania.

Mr. RICH. I should like to ask a question in reference to amendment No. 15. An employer wants to try to comply with amendment No. 15 and give this man his job, as the gentleman from Indiana [Mr. HARNESS] has said, and other benefits. Every manufacturer probably gives benefits to his employees in greater or less degree. If this man is going to be excused for 1 year, and the manufacturer fills the position with another individual, and the other individual has given good service, being interested in trying to work for himself and to his own advantage, then, notwithstanding the fact that we want to take care of the man who has left to go into the

service, the manufacturer is put into this position: He probably cannot use anybody else and needs only one man, yet this man has worked for him for 1 year and has rendered good service, doing his work in a proper manner, and now he has to replace him with this guardsman.

Mr. MAY. All those questions will be determined by the district court if the question arises, where the guardsman would be represented by the district attorney and the manufacturer would be represented by his own counsel.

[Here the gavel fell.]

Mr. MAY. Mr. Speaker, I yield myself 2 additional minutes.

Mr. RICH. Will the manufacturer in any way come in conflict with the National Labor Relations Board because he has hired this man for a year to replace the guardsman?

Mr. MAY. Most assuredly not, because we struck out the National Labor Relations Board for the reason that it was believed that the man was entitled to a trial in his local community before his local courts, where he could have his friends and his witnesses to determine the question, instead of having to come all the way to Washington to determine it.

Mr. RICH. The law is that the National Labor Relations Board has jurisdiction over that.

Mr. MAY. No. This bill takes the jurisdiction away from them.

Mr. RICH. That is what I wanted to know.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Georgia.

Mr. PACE. What is the difference between the Reserve components, on the one hand, and the National Guard and the Organized Reserves, on the other hand? I understand that the conferees have accepted the term "Reserve components," and stricken out the House language, "the National Guard and the Organized Reserves." What is included in the Senate language is not included in the House amendment?

Mr. MAY. The House amendment, which provides for the National Guard of the United States and the Organized Reserves, is the broader of the two, and it recognizes the distinction between a member of the National Guard as a State trooper before he is called into active service and a member of the National Guard as a Federal trooper in case of emergency when he is called by the President. This is the very distinction in which the National Guard was so vitally interested.

Mr. PACE. What did the gentleman mean by saying the conferees wanted to keep the National Guard intact? Do I correctly understand they are to go into the service and maintain their individual units separate from the Regular Army?

Mr. MAY. No. They are to be subject to command in any groups into which they are called, in divisions or in companies, and they would be intermingled in service. But when they go out of the Federal service and resume their status or when they conclude this training at the end of 12 months and go back to their original status, it perpetuates or preserves the National Guard organization as distinguished from the Regular Establishment. That is all that means.

[Here the gavel fell.]

Mr. MAY. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, so far as I know, those on the minority side have no objection to the conference report covering the first 14 amendments. On amendment number 15 there does seem some question as to the definition of the term "or other benefits," and what these actually include. It has been brought out in the hearings before the committee that possibly some amendment to the Social Security Act will have to be effected in legislation for the benefit of members of the National Guard; in fact, it has been recommended to the committee by one of the senior National Guard commanding officers. Whether or not it would be worth while to oppose agreement on this amendment number 15 and instruct the conferees to insist upon an amendment providing for the deletion of certain words, I do not know. I would be pleased to yield to any Member in this connection who may care to speak upon it.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. BROWN of Ohio. As far as the social-security taxes are concerned and the unemployment taxes, those taxes are based only upon pay rolls and if the members of the National Guard are not on the pay roll of any industrial concern, then there would be no taxes to pay on their wages or salaries, and I do not see how this could apply to the social-security law. I understand that some employers have agreed to pay to the National Guard men the difference between their civilian wage and the salary or the wage they will receive as a member of the National Guard. If that is true and that difference appears on the pay roll of the company, then it is my understanding they will be compelled to pay the social-security tax on that wage and also the State and Federal unemployment tax.

Mr. ANDREWS. That is true.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. THOMASON. Does the gentleman understand that part of subsection (c) "or other benefits" includes social security payments?

Mr. ANDREWS. I am not certain as to what the expression "other benefits" does comprise.

Mr. THOMASON. I do not myself. I am inclined to think it does and I do not know how else you could provide for it, because would not a man's benefits lapse if somebody did not keep them up? And if a guardsman who has gone off on a year's training is unable to pay them, then would the employer keep up those social-security benefits until his return?

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. BROWN of Ohio. There will be no social-security tax to pay if these National Guard men are not on the pay roll. In other words, the moment a man goes off the pay roll of an industrial concern there is no social-security tax to pay and there is no unemployment tax to pay.

Mr. THOMASON. I must confess I do not know what the construction of that language would be in regard to social-security payments.

Mr. BROWN of Ohio. If some of these companies pay the difference between the National Guard wage and the wage he receives in civilian employment and that goes on the company pay roll or the pay roll of the industrial concern, then, of course, the tax must be paid by the company.

Mr. THOMASON. Of course, there will be some liberal and patriotic employers who will do that, but it is very likely also there will be some who will not, so that a man who has gone off for a year's training ought not to lose whatever benefits he may have had at the time he was forced into the service.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. MAY. If I recall it correctly, I think the conferees in the discussion of that matter also had in mind a case of this kind. A man goes into training with the guard and he has a house which he bought on the installment plan under the Federal Housing Administration, we will say, at $30 a month. During the 12 months that he has been in training, 12 of those payments have accrued and may be unpaid. When he goes into the court on that question, they can litigate that matter also and determine whether or not that man's indebtedness might be assumed by the mortgagor or the mortgagee and as between them, whether it should constitute a lien on the house. Those are some of the rights involved in the matter.

Mr. HARNESS. Mr. Speaker, will the gentleman yield?

Mr. MAY. Yes.

Mr. HARNESS. That matter will be taken care of under the soldiers and sailors' civil-rights bill?

Mr. MAY. Certainly.

Mr. HARNESS. Then why is it necessary to complicate this bill by inserting in the bill these words when nobody knows just what they mean?

Mr. MAY. Well, the phrase "other rights" means any rights that the soldier has.

Mr. HARNESS. Of course, nobody wants to deprive him of any of his rights that he had at the time he left.

Mr. MAY. We intended to broaden it to protect every right he has.

Mr. HARNESS. By doing that are you not imposing upon industry a burden that you do not intend to impose?

Mr. MAY. No; we do not think it is a burden upon industry, because they can adjust those things very easily, and it would be a greater burden upon the individual than it would be upon industry. However, I do not have the floor myself. The gentleman from New York [Mr. ANDREWS] has the floor.

Mr. ANDREWS. Mr. Speaker, I move the adoption of the conference report insofar as amendments numbered 1 to 14 are concerned.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. ANDREWS moves the adoption of the conference report on amendments Nos. 1 to 14, inclusive.

The SPEAKER. The Chair holds that under the rules the gentleman cannot move to adopt a conference report in that way.

Mr. MAY. Mr. Speaker, I move the adoption of the conference report as a whole.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kentucky.

The conference report was agreed to, and a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article by Mr. Rukseyer in the Washington Post of Friday, August 16, 1940.

The SPEAKER. Is there objection?

There was no objection.

REQUISITION OF CERTAIN ARTICLES FOR USE BY UNITED STATES

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 547, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 574

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 10339, a bill to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER], and at this time yield also 5 minutes to myself.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. LEWIS of Colorado. Yes.

Mr. TABER. On page 2 of the bill, line 15, provision is made that the owner of this property taken is authorized to sue the United States. The bill does not state in what court. It seems to me that that should be clarified. There is one other thing. There is no limitation here upon anything. If property is to be taken, it seems to me that the fund out of which the money is to come for that purpose should be stated.

Mr. LEWIS of Colorado. I think we should defer that question until we dispose of the rule, or, if the gentleman insists on it at this time, I yield to the gentleman from Kentucky [Mr. MAY], the chairman of the Committee on Military Affairs, to answer the question.

Mr. MAY. Mr. Speaker, I do not know that I heard the question exactly.

Mr. TABER. In the first place, the man whose property is taken is authorized to sue the United States. The bill does not state in what court. It seems to me that that should be stated; that that would be the proper way to do.

Mr. SMITH of Connecticut. The bill refers to the sections which allows suit in the Court of Claims and in the district court, when it is below $10,000.

Mr. MAY. That is correct.

Mr. TABER. And it seems to me also that some method should be provided out of which funds would be available; that is, the money ought to be paid out of funds appropriated for the purpose.

Mr. MAY. Of course, we cannot provide an appropriation in this particular legislation. It would be an infringement upon the prerogatives of the gentleman's own committee. The idea was that it would be left to the House Committee on Appropriations to determine out of what funds the money shall be paid. Furthermore we threw around the bill every possible safeguard providing that where machine tools or other equipment needed by the Federal Government—and there is a lot of them up and down the coast—where they are embargoed or held up under Executive order, a license system is set up, whereby the President shall fix a valuation on the property, 50 percent of which shall be paid in cash, and then the owner allowed to litigate the remainder of it, so that the Government would be represented in court in every instance.

Mr. LEWIS of Colorado. Mr. Speaker, this is an open rule providing for not to exceed 1 hour of general debate on the Faddis bill (H. R. 10339) to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes. The bill will be fully explained by the members of the Committee on Military Affairs. There is nothing unusual about the rule. I reserve the remainder of my time and ask the gentleman from Michigan to use some time.

Mr. MICHENER. The gentleman from Colorado [Mr. LEWIS] has explained what this rule is. The Rules Committee is not fully advised as to the details of the bill.

There are no requests for time on this side, Mr. Speaker; therefore I will not use any time.

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10339) to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10339, with Mr. WILLIAMS of Missouri in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. SMITH].

Mr. SMITH of Connecticut. Mr. Chairman, I do not believe any extended explanation is necessary on this bill.

As you will recall, in the Defense Act this year we included a section which allowed the President to prohibit or curtail exportation of tools, machinery, munitions, and parts thereof, supplies and materials necessary in their manufacture, if that course was necessary to conserve in this country a supply of those articles for our own defense.

Under section 6 of the Defense Act, there have been regulations set up and applications for licenses to export have been made as to various machine tools particularly which are considered necessary for our own defense program. At the present time licenses have been refused to foreign governments or companies to export such articles as machine tools designed for the manufacture of military aircraft engines; machine tools for the production of gun barrels for cannon. Some of those have been refused export licenses and now lie on the docks where they have been held up. In some cases the owners have been willing to allow the companies who manufactured them to take them back, or to allow this Government to take them over; but there are instances today where there are several machine tools, quite a number, in fact, which are useful in the manufacture of aircraft engines of the type that we now use in our own military aircraft, which are on the docks and in which the owners, the foreign corporation controlled by a foreign government, at least in one case, refuses to release them for resale.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield; surely.

Mr. RICH. Suppose our manufacturing concerns had orders for machine tools and equipment, say for France, which did not correspond to the same gages or the same equipment that our Army or our Navy might wish to use, or our manufacturers might wish to use, would it be that we are going to try to take over that equipment in order to save the manufacturer who had orders from France, and that we, in turn, now will take them over and the taxpayers will have to pay for them because of the default of France in not being able to take them?

Mr. SMITH of Connecticut. That is not the intention and I do not think could be the interpretation of this bill.

Mr. RICH. What would be the possibility?

Mr. SMITH of Connecticut. I think it is inconceivable that any official, carrying out the terms of this bill, would take over anything not necessary for our own defense program. In most cases machine tools, particularly at the present time, major machine tools which can be used for various purposes would be necessary for our defense program, as the gentleman knows. There might be special ones which were not of the proper caliber, particularly special small tools which are used in the major machine tools—and those things would not be covered by this legislation.

Mr. RICH. There is no chance for us to bail out somebody at the expense of the taxpayers?

Mr. SMITH of Connecticut. It is not the intention and would not be done, I am sure.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. HOLMES. With reference to this material which this legislation is supposed to retrieve for the United States, have not these foreign governments or their agents paid the manufacturer for the making of those machines? Is it not the usual custom, when a foreign government or its agent orders machine tools in the United States, that the foreign government or agent pays the manufacturer for them before they are shipped?

Mr. SMITH of Connecticut. I believe the usual course is payment of cash on the delivery of the shipping documents, and in those cases—in almost all cases—the purchase price has been paid before delivery of the articles to the foreign government. But there is no authority under our law today for our Government to requisition those materials, even though they be needed and vitally necessary today for our own production program and in the production of weapons and the production of aircraft engines, for instance. It is possible under present existing conditions for a foreign government which is not particularly friendly to hold those tools and material and merely let them lie on the dock in order that our Government cannot get them.

Mr. HOLMES. In other words, we are going to deal with foreign governments and their agents. This is not legislation that will reach our own individual manufacturers here?

Mr. SMITH of Connecticut. It may be possible that some of these things are in the hands of our own manufacturers but that they are bound by contract to a foreign government even though the foreign government has not as yet taken title to them. It may therefore be necessary to take over some where title has not actually passed to a foreign government.

Mr. HOLMES. And deal directly with our own manufacturers.

Mr. SMITH of Connecticut. Yes.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. PACE. In that case we may first have to go through the process of refusing an export license.

Mr. SMITH of Connecticut. If an export license has been refused, if there has actually been shown an intention to export, then even though the refusal may not have come before the enactment of the bill, if there is shown an intention to export this material, those involved might be affected by the bill—in the case of material earmarked in some way that can be shown definitely it was intended for export.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. O'CONNOR. I notice a statement in the report—where these articles are destined to foreign governments but are needed in our program of national defense—just what is meant by that statement?

Mr. SMITH of Connecticut. We are short, for instance, of capacity to build aircraft engines of the higher horsepowers which are useful in military aircraft. We are expanding our production facilities as fast as possible, building the machine tools necessary to manufacture these engines, but at the present time we are short of them and will be for some time. These same tools are useful to foreign governments also. In some instances over the last few years foreign governments have ordered such tools and they have been completed but have been held up from export by action under section 6 of the Defense Act because they are needed for our own defense program.

Mr. O'CONNOR. It is not the purpose, then, to sell this material to some other country?

Mr. SMITH of Connecticut. It is to prevent delivery to any other country and take them over for our own use. The manufacturers are already prevented from delivering them to other countries by operation of section 6 of the Defense Act. They are embargoed, held here. This bill would allow us to take them and use them in our own defense program.

Mr. O'CONNOR. Then this sentence I just read is a method of designation rather than showing where the materials are to be shipped; is that it?

Mr. SMITH of Connecticut. It might have been better to say that they were destined to foreign governments, but are now held up.

Mr. O'CONNOR. Then they are not going to foreign governments?

Mr. SMITH of Connecticut. They are not going to foreign governments.

Mr. O'CONNOR. That is what I wanted to find out.

Mr. RICH. Mr. Chairman, will the gentleman yield further?

Mr. SMITH of Connecticut. I yield.

Mr. RICH. Suppose a manufacturer has an order from a foreign country that is going to be unable to take the equipment they ordered. The foreign country has put money in the banks of this country and it is lying there to be turned over to the manufacturer as soon as the manufacturer has the material ready for delivery. Suppose delivery is to be made at the dock. The material is still in course of manu-

facture. Would this bill prohibit the manufacturer from going ahead on that foreign government order so that we could get the things that are actually necessary for our own manufacturing processes?

Mr. SMITH of Connecticut. It would not apply to any articles that are not actually necessary for our own manufacturing processes. If contractual relationships were entered into between a manufacturer and a foreign government on things that were not found necessary by the President, that, of course, would be handled through another agency such as that handled by the Assistant Secretary of War in charge of procurement of this equipment for our own defense. If he found some of it was necessary for our own defense, he could then take it over.

Mr. RICH. I am speaking about the case of a manufacturer who is now working on an order trying to complete it for delivery. He has the contract, he knows the money is in the bank to be paid to him upon delivery. Would he be allowed to go ahead and complete that order? If not, there ought to be some way provided to notify the manufacturer that he could not get his money, that the country that has placed the order does not need the material. It seems to me that if we want to protect the American manufacturer, or at least the taxpayers, this bill should contain some such provision, because eventually the Government might want to take over this material only to find then that they would have to make changes in it because it was not the kind of material we needed; for instance, for the particular engines we were manufacturing. I think that is a point this bill should cover, if possible, so that our manufacturers will not continue to manufacture something they cannot export and that we ourselves cannot use without further changes and alterations.

Mr. SMITH of Connecticut. I think the manufacturers would protect themselves in that situation.

Mr. RICH. The only thing I am afraid of is that our manufacturers will be allowed to go ahead on these foreign contracts, and that when the time comes that we might have to take the contracts over we would find the material manufactured under the contracts was of no use to us.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 5 additional minutes to the gentleman from Connecticut.

Mr. SMITH of Connecticut. I do not think it would have that effect.

Mr. RICH. I hope not.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. ELSTON. Can the gentleman state how much is now on hand, or in process of manufacture, or how much would be involved in this bill?

Mr. SMITH of Connecticut. I cannot tell the gentleman that. I know there are several major machine tools useful in the manufacture of the Pratt-Whitney engines title to which is in the export company.

There is at least one major gun lathe. The amount up to this time would probably be in the neighborhood of several hundred thousand dollars, but the amount which it might reach may be considerably higher than that, depending on the total amount. We do not have the evidence as to the total amount which has been ordered by foreign governments and is now in the course of manufacture which we could use. Of course, parts of that have up to this time been released so they are available on the market. It is only in a relatively small but highly important number of items this bill would take effect.

Mr. ELSTON. Does the gentleman construe this bill to mean that if there is any material in process of manufacture, the manufacturer would have to get the consent of the President to sell it to another private industry? This bill provides that the President is authorized to purchase on behalf of the United States any of this equipment. Does the gentleman think that means a manufacturer could not sell by a private transaction unless he went to the President and got a waiver or permission?

Mr. SMITH of Connecticut. If it were destined for export on a foreign contract and if it were within the classification of these articles, the exportation of which has been denied. I do not think it would prevent any dealing with it on the part of the manufacturer, but it would be subject to requisition if it came within that classification by the Government, whether in the hands of that manufacturer or in someone else's hands. Of course, the value would be paid by the Government if requisitioned.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. SMITH of Connecticut. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. The gentleman mentioned that this bill applied to some machine tools, the title of which is held by the Russian Soviet Government.

Mr. SMITH of Connecticut. As I understand it.

Mr. SCHAFER of Wisconsin. Does the gentleman think it is fair to our taxpayers to take money from our almost bankrupt Federal Treasury to pay the Communist Russian Government for these tools when the Russian Soviet Government is now in default and owes the Government of the United States more than $685,000,000 and refuses to pay one penny on that obligation? Should not the bill be amended so that we will give them a receipt as a partial payment on their debt?

Mr. SMITH of Connecticut. I am afraid the gentleman is bringing up another subject.

Mr. SCHAFER of Wisconsin. No; I am not.

Mr. SMITH of Connecticut. That matter has been discussed in the committee. We were unable to reach a conclusion, although every member of the committee would desire such a conclusion. We were unable to provide for that without opening up other subjects. If we start taking over articles belonging to a foreign corporation which belongs really to a foreign government and which have actually been paid for in cash, we may start seizures of our own ships in foreign ports.

Mr. MAY. Will the gentleman yield?

Mr. SMITH of Connecticut. I yield to the gentleman from Kentucky.

Mr. MAY. Is it not entirely possible, in fact it can be done under the provisions of this bill which provides for determining the value of the property, and if there is litigation the rights of everybody concerned can be determined in that litigation, such as the question of title, the question of value, and so forth?

Mr. HINSHAW. Will the gentleman yield?

Mr. SMITH of Connecticut. I yield to the gentleman from California.

Mr. HINSHAW. I do not find in this bill any provision for the disposition of these materials that may be taken over by the Government. Is there present authority for disposition after they have once been requisitioned?

Mr. SMITH of Connecticut. There is authority, as I understand it, either for use in the armories or for furnishing under the Defense Act, either on loan or by sale.

Mr. HINSHAW. They may be furnished to the aircraft or any other industries or they may be sold as they see fit?

Mr. SMITH of Connecticut. Under the Defense Acts passed this year, I believe there is sufficient authority to handle them in any way that is best suited to the defense program.

Mr. HINSHAW. And at any price the Government may choose to fix?

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SMITH of Connecticut. It would be under the same terms as the machinery already held by the Government in the arsenals as a reserve of machinery for an emergency, which can be loaned to private industry, if necessary in conjunction with contracts for the production of material and equipment, and this would be in no different position.

Mr. STEFAN. Will the gentleman yield?

Mr. SMITH of Connecticut. I yield to the gentleman from Nebraska.

Mr. STEFAN. As I understand, this legislation is a companion to the legislation we already have in that we make provision that we take over any implements of war or airplanes in case we need them?

Mr. SMITH of Connecticut. We have no such legislation today, except section 120.

Mr. STEFAN. This is necessary to carry that out?

Mr. SMITH of Connecticut. This is necessary to implement section 6 of the Defense Act, which allows us to prohibit the export of these things we need.

Mr. STEFAN. In connection with the matter of disposition which the gentleman from California asked about, may I ask this question?

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman I additional minute.

Mr. STEFAN. One of the most important bottlenecks we are concerned with is machine tools. We are short. I wonder if the gentleman's committee has given thought to legislation which will be absolutely necessary sometime in the near future in connection with disposition, in that after we accumulate the necessary amount of machine tools, the possession and ownership of those will remain in the United States?

In other words, we would not be confronted with the particular bottleneck in tools we are confronted with now had possession of those tools remained in the Government of the United States following the last war. I wonder if the gentleman's committee has given some attention to that question.

Mr. SMITH of Connecticut. I call the attention of the gentleman to the fact that in the Educational Orders Act, for instance, we provide that the ownership of the machine tools used under the contracts under that act remains in the Government. In the case of tools which the Federal Government purchases, those remain in the ownership of the Federal Government. They may be loaned but are not normally sold unless they become obsolete. But in the case of contracts let for finished products, the machine tools which are built are a part of the manufacturer's overhead. In the normal course of the peacetime program we do not attempt to buy the machine tools for all the Army production because machine tools which can be used for other purposes can frequently be used also for Army production, and it is much cheaper to obtain our articles by competitive bidding from private manufacturers.

Mr. STEFAN. I understand, and I compliment the members of the gentleman's committee for being so far-sighted as to have legislation to protect us against the bottleneck with which we are confronted today. We would not have that had that legislation been in effect previously.

Mr. SMITH of Connecticut. I thank the gentleman. [Applause.]

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I am in hearty agreement with the subject matter of this bill. I assume it follows the act we passed a while ago, section 6 of which provided that the President could embargo these materials. I assume from section 1 of this bill that the words "materials or supplies" will include scrap iron and gasoline that may be on the docks on the west coast available for shipment to the Orient, as well as machine tools that may come from the district of the gentleman from Connecticut [Mr. SMITH] for shipment to the other side of the world.

This whole situation is a very difficult one. Nobody knows from one day to the next what nation is going to be topside and what nation is going to be downside. I should like to read an excerpt from a letter written to his wife by Mr. Preston Grover, who is in Germany, a distinguished correspondent of the Associated Press. I believe this letter may be very interesting and pertinent to this subject. I ask unanimous consent, Mr. Chairman, that I may read this letter at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. The letter is as follows:

JUNE 30, 1940.

I rather think there will be plenty of war in Europe before any real peace is written. There are rumors here that England and Germany may end the difficulties before they really pitch into the fight. The odds are against such a thing. England never likes to make treaties unless she is the winner, which is very laudable, of course. She isn't winning this war to date. The Germans are confident as everything that they will make a landing in England and occupy the country as speedily as they conquered France. It is to the advantage of the Germans to strike early, as every day that passes brings more trains of Canadian, Australian, and New Zealand flyers to England, as well as more fighting planes from the United States. Moreover, the foggy season begins in about 2 months.

Which, from that date, would mean September 1.

I don't think the German Government especially wants to destroy England—at least just now. Moreover, England would not like to see Germany destroyed. I suspect the real enemy of Germany is Russia. It is a queer sort of business. All Europe looks upon Germany as the nation which must keep Russia out of Europe. It was very comfortable for the rest of Europe to have Germany strong enough to hold back Russia. The only thing the rest of Europe worried about was to make certain that Germany did not get so strong that she could not only lick Russia but the rest of Europe as well. Now she is demonstrating that she is just about strong enough to do exactly that.

The strange part of it is that Germany and Russia could get along splendidly together if they only trusted one another. Russia has a vast treasure of raw materials which she isn't able to use, and because her population is not a very great sort. Germany, on the other hand, has one of the most industrious and intelligent populations in the world, but is limited in raw materials. Germany could buy Russia's raw materials and return manufactured goods, and in a very few years be as rich as the United States.

It is possible that in years to come we will find that the present war started just because England and France were fearful that Germany was going to get these resources, not simply by trading, however, but by acquiring the Ukraine section of Russia, which is as rich as our own Ohio River Valley. With that part of Russia in her hands, Germany could crowd England and France out of the picture so far as world trade is concerned.

People I know here are convinced that Stalin knew this was the situation, and knew England and France would fight to keep Germany out of the Ukraine. His hope was that both sides would fight until they were so weakened that he could be the big show in Europe. Germany cleaned out France so fast and at such little cost to herself that Stalin's hopes are all now in the dust. Probably his turn will come next, within a year or so after England is disposed of either by defeat or a crippling treaty.

I understand from certain sources that there is a concentration of American news forces toward the eastern front; in other words, these newsmen have asked for visas not for the war against England but a war against Russia, and they anticipate that before very long the whole situation will change. Consequently, certain news agencies are concentrating their men on the eastern flank of Europe instead of on the west. I believe that anyone who has examined the pan-German ideas which have persisted since 1894 will recognize that it is their ambition and desire to have the Ukraine, the Bosporus countries, and the well-known old road from Berlin to Baghdad. I believe that is their ultimate desire. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I have no further requests for time, and if there are no further requests for time on the other side of the House, I ask that the bill be read for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That whenever the President determines that it is necessary in the interest of national defense to requisition and take over for the use or operation by the United States or in its interest any military equipment or munitions, or component parts thereof, or machinery, tools, or materials or supplies necessary for the manufacture, servicing, or operation thereof, request for the exportation of which has been denied in accordance with the provisions of section 6 of the act approved July 2, 1940 (Public, No. 703, 76th Cong.), he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials.

With the following committee amendment:

Page 1, line 9, strike out "request for."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Whenever the President shall requisition and take over any article or material pursuant to the provisions of this act, the owner thereof shall be paid as compensation therefor such sum as the President shall determine to be fair and just. If any such owner is unwilling to accept, as full and complete compensation for such article or material, the sum so determined by the President, he shall be paid 50 percent of the sum so determined by the President and shall be entitled to sue the United States for such additional sum as, when added to the sum already received by him, he may consider fair and just compensation for such article or material, in the manner provided by sections 41 (20) and 250, title 28, of the Code of Laws of the United States of America.

With the following committee amendments:

Page 2, line 13, strike out "he" and insert "such owner."

Page 2, line 17, strike out "him" and insert "such owner", and strike out "he" and insert "such owner."

Page 2, line 20, after "America", insert a colon and the following proviso: "*Provided*, That recovery shall be confined to the fair market value of such article or material, without any allowance for prospective profits, punitive or other damages."

The committee amendments were agreed to.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 2, line 23, after the period insert "*Provided further*, That no payment shall be made to any foreign government or any political subdivision thereof while such government or political subdivision is in default in their obligations to the almost bankrupt Treasury of the United States. The Government of the United States shall give any such debt-defaulting foreign government a receipt in partial payment of their defaulted obligations to the Treasury of the United States."

Mr. MAY. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would like to be heard on the point of order after the gentleman points out why the amendment is not germane.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Certainly I expected, Mr. Chairman, when the gentleman made his point of order, that he would point out the reason why he holds the amendment is not in order. This bill provides that the Government of the United States shall take over equipment and material owned by foreign governments, foreign individuals, and foreign corporations, and provides for appropriations from the Federal Treasury to make payment for such equipment, and so forth. This amendment is a limitation, and a clear limitation, in the interest of conserving the funds of the taxpayers of the United States and protecting our Federal Treasury, which is now almost bankrupt. It is in the interest of national defense, and the purpose of this bill is to provide for the national defense. We all know that a sound Treasury and an unbankrupt Treasury is most essential to our national defense, and I submit that the amendment clearly is germane and in order under the rules of the House.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. MAY. Mr. Chairman, I only want to call the attention of the Chair to the fact that the amendment would seek to deal with existing debts, whereas the bill provides for the licensing of shipments of material and it is for that reason the amendment is not in order.

Mr. SCHAFER of Wisconsin. This bill provides, Mr. Chairman, for payment and my amendment provides for payment of these obligations to debt-defaulting foreign nations by giving a receipt in part so that whether the payment is in cash or whether the payment is by the method provided in my amendment, the payment required by the bill will be made in full and according to good sound general business practice.

The CHAIRMAN. The proposed amendment states, "*Provided*, That no payment shall be made to any foreign government," and so forth. I think the provisions of the amendment are entirely too broad and beyond the scope entirely of this bill, because it says that no payment shall be made to any government, which would cover the entire field of governmental debts, and therefore the Chair sustains the point of order against the amendment in its present form.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the real danger to the Government of the United States lies within, as President Lincoln repeatedly stated. I believe that a real danger is the rapidly mounting, stupendous national debt and the New Deal maladministration. After our New Deal spendthrifts have forced Uncle Sam into bankruptcy, we will then have inflation and I am fearful that our democracy might be destroyed from within as a result of the devastating suffering and chaos which goes hand in hand with national bankruptcy and inflation. Inflation is second only to a major war of invasion with reference to suffering, misery, distress, despair, and chaos.

Does it not seem rather remarkable when foreign debt-defaulting countries who now owe our almost bankrupt Federal Treasury more than thirteen and a half billion dollars of honest obligations, and refuse to pay a penny of the interest and principal that today on the floor of the House we are told that this bill is to permit the taking over of several hundred thousand dollars' worth of machinery now owned by the anti-God and anti-Christ, bloody, red, Communist butchers in Moscow, who now owe our almost bankrupt Federal Treasury almost $1,000,000,000, that the American taxpayers should be called upon to pay these bloody, red, Soviet Communist butchers in Moscow $200,000 from the almost bankrupt Treasury of the United States.

Mr. Chairman, this amendment was offered in the interest of national defense and I sincerely hope that the people will realize that another real danger to America is from within, from fellows like multimillionaire New Deal warmonger Ambassador Bullitt, warmonger No. 2. I will now move William Allen White down from position No. 2, because he is now warmonger No. 3 since Bullitt transferred his warmongering operations from Europe to the United States.

Warmongers like Bullitt, who has been running around Europe sticking his nose into the business of foreign nations, meddling in their affairs and fomenting their wars, are real dangers to the peace and security of our Republic. Another real danger is our New Deal would-be dictator "Fuehrer" Roosevelt and his Karl Marx disciples, who have been spending and spending borrowed public money which as to principal and interest will have to be paid in tax dollars produced in the sweat and toil of two or three generations yet unborn.

I sincerely hope that the gentleman who is in charge of this bill who has repeatedly stated that he is interested in national defense, will reconsider his position on my amendment and in the interest of our national defense help us keep this $200,000 at home and not hand it to the ungodly and unchristian Communist butchers in Moscow who are now in default in their obligations of about $1,000,000,000 which they owe to our almost bankrupt Federal Treasury. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

SEC. 3. The authority granted in this act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WILLIAMS of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 10339, and, pursuant to House Resolution 574, he reported the bill back with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. HINSHAW. Mr. Speaker, will the gentleman from Oregon [Mr. PIERCE], who has a special order now, yield to me for a unanimous-consent request?

Mr. PIERCE. Certainly.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that on the completion of the special orders today I be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. Yes.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHIFFLER. Mr. Speaker, if the gentleman will yield, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under special order of the House heretofore made, the gentleman from Oregon [Mr. PIERCE] is recognized for 15 minutes.

REGULATION OF UTILITIES

Mr. PIERCE. Mr. Speaker, what has State utility regulation done for, or rather done to, the American consuming and investing public? This question can be answered by telling a few salient facts. Regulation—mostly State—has allowed the private electric plants to operate with an average fictitious book value of $523 for every consumer served, and has permitted stock and bonds to be issued amounting to $511.70 per consumer. By contrast, all of the publicly owned plants in the United States, serving nearly 3,000,000 consumers, have an actual average cost figure of only $264 per consumer, with securities outstanding amounting to $93.80 per consumer, to which low point they have amortized their securities.

I would like to have the defenders of the private power companies and of State regulation tell the American people how it is possible to protect securities outstanding in the amount of $511.70 per consumer, or at least double what they should be, with reasonable rates that can service legitimate securities of only $200 to $300 per consumer, or even less.

The regulators, who have been the easy and willing victims of the overlord manipulators of the private power companies, have a great responsibility to our people. Their actions will result in ultimate security losses of over 50 cents on every dollar invested and the maintenance of higher rate levels. Progress will eliminate the overlords, the manipulators, and the regulators unless regulation, as well as private utility operations, are completely revamped. Two years ago on this floor I pointed out the possible electric costs with Diesel package electric units. The competition from such package units will lower rate levels to those adopted by the higher-class public hydro properties like Bonneville, T. V. A., Tacoma, Ontario, and Eugene. The cry of the private power company overlords against these hydros will be just as effective under the coming economic pressure as is the bayonet against the tank.

The great racket which led up to the issuance of nearly $512 of securities for every consumer served by private utilities had its start in the time of the previous World War. While the public mind was focused on national security, the racketeers built the foundations of the structure which has collapsed, or will collapse, from its own weight unless remedial measures are adopted. Public attention is now focused on another war emergency. In spite of the urgent need to protect our institutions from without, we also need to protect our institutions from within. One of these internal enemies is the private utility manipulator.

On July 12, 1939, I explained in a speech on this floor how manipulation had its beginning in the period of the last war under the blanketing cover of a national emergency. A repetition must be avoided, but signs are already most disturbing. That warning is the purpose of my remarks today, as well as to offer some constructive thoughts on the problems of regulation and the results of public operation of utilities. Already the private utility holding companies have, in the name of defense, demanded of the Securities Exchange Commission cessation of enforcement of regulations under laws passed by the Congress for the protection of investors and operating companies.

OREGON BANKRUPTCY A FORCIBLE ILLUSTRATION

The failure of State regulation has recently been brought most emphatically to my attention in connection with the disclosures made by trustees in bankruptcy of the Portland Electric Power Co. I will discuss this matter more fully later, but I wish to emphasize the urgency of immediate consideration of State regulation by pointing to the example of the State of Oregon in relation to that company. In a series of transactions officials of the company dissipated over $20,000,000 of the property belonging to the security owners. This is more than one-third of the total legitimate investment. This disclosure plainly shows that a public operation cannot be safely entrusted to a private company, which must secure profits and which, through extortionate rates, accumulates money in such quantity that it gains political domination of a State.

THE PROFIT MOTIVE VS. PUBLIC WELFARE

It is my theme that the profit motive should not be the dominating factor in the operation of utilities which are necessities of life for communities and individuals, for example, those utilities which require the use of public property, like streets, operate under valuable public franchises and are almost of necessity monopolistic, not admitting of competition within a locality, notably companies furnishing light and power. The issue is, primarily, Shall the people continue under the yoke of such "regulation" or shall they exercise home rule and become owners of property essential to their welfare? This must apply to all those activities charged with the public interest, the successful operation of which does not admit of competition.

THE CRUX OF THE UTILITY PROBLEM

Experience shows that the ordained natural and economic orders are analogous. Any stable structure is composed of equal-legged triangles, like the long-familiar three-legged milking stool. In industry the consuming public is represented by one leg, the investing public by another, and the employees by a third. If one leg is lengthened at the expense of either or both of the other legs, the structure will not stand up.

Under the old system of regulation private management altered these legs to suit their own selfish purposes, and the State regulators concurred. The instability of the electric industry, which developed in the early thirties, resulted from lengthening the leg representing the investing public at the expense of the consumer and employee.

If the leg representing the investing public is no longer than the leg representing the consumer or the employee, the public interest is protected either by regulation or public ownership or a combination of both. The big question is whether private management can or will conform to this natural order.

The municipal plants in the United States have invested, on the average, only $264 per consumer in their physical plants, as I will hereafter show in detail. They have paid for this construction from securities issued and from current earnings, and have amortized as they went along. As a result of this wise financial policy public plants today have outstanding obligations amounting to only 35½ percent of their plant cost. The outstanding obligations of the public plants are $93.80 per consumer compared with $511.70 for the private plants. The public plants must be the pathfinders and yardsticks, and regulation should competitively meet the overall standards so successfully set by these public plants, or regulation must give way to complete public ownership. The public plants have applied this wise debt-reducing policy while

contributing to government in the form of taxes or contributions even more than the private plants pay. The crux of the problem, as I have stated on numerous occasions, is sound financing, low-cost operation, amortization, and the elimination of politics and corruption from operation.

RECENT REVELATIONS OF PRIVATE UTILITY MANIPULATION

In the period from 1929 to 1933 the country was shocked by the disclosures of holding company and banking manipulations. We thought that we were past such an epoch. Evidently the wish was the father of the thought, as today we see indications of a recurring wave of further disclosures. The recent press notices covering the indictments of the Associated Gas & Electric officials, the first report of the independent trustees in bankruptcy of the Portland (Oreg.) Electric Power Co., and the developments at St. Louis, connected with reported corrupt practices of the Union Electric Co., carry with them implications of revelations that may exceed those growing out of the scandalous Insull and Foshay manipulations. I have stressed such possibilities for the past 4 years. The recurrence of such developments suggests the question, Can utility regulation ever be reconstructed so as to protect the public interest? It would appear that a resurvey of the results of regulation is necessary, based on facts rather than on prejudices.

Unnecessary controversial elements have been injected into this utility problem by the vested interests to make it appear that any suggested departure from old practices, however bad, has as its objective Government ownership of all business. I want to eliminate this confusion from the discussion and to state that the scientific approach includes only those utilities which are "effected with a public interest." Any regulatory reconstruction must be accomplished within the limits of the Constitution. It could not be accomplished otherwise under our form of government. Therefore, at the outset, it must be understood that this resurvey does not include the over-all productive field, but is strictly limited to electric utilities, whose applicable status has been determined by law, as of public necessity. Confusing the issue with such unrelated ideas as general public ownership or Government interference in business only perpetuates past errors. It is an accepted fact by both schools of thought that public-service corporations cannot be left entirely to private management. There must be either effective public control—which has never yet been accomplished—or some form of public ownership, at least for comparative or yardstick purposes.

PUBLIC FUNCTIONS

From the dawn of civilization water has been regarded as a necessity of life. The Egyptians early found that the only insurance against famine was the cooperative use of water. Therefore civilization received its start from the lessons growing out of this cooperative effort. In the early Roman civilization we find government constructing and operating water sources, transmission, and distribution. In the United States municipal water supply was started as a public function and has largely so continued. Western irrigation was started originally by prehistoric man and the early Spanish settlers, but it did not become an institution until the Mormons came West 90 years ago and built up a new type of western civilization, with its economic base founded upon irrigation agriculture. The first group of Mormon pathfinders, reaching the Salt Lake Valley in 1847, started their initial canal as a community enterprise. The community or cooperative canal became the fundamental source of water supply to the towns, villages, and rural districts of the Utah territory. This start resulted from a public necessity.

A scholar who recently examined the records of the Mormon pioneers dwelt upon the remarkable foresight of their leader. I quote:

> Though ill and shaking with mountain fever, the president of the apostles stood up in his wagon and addressed his followers on the principles of the community they were to establish. "No man can buy land here, for no one has any land to sell. But every man shall have his land measured out to him, which he must cultivate in order to keep it. Besides, there shall be no private ownership of the streams that come out of the canyons nor of the timber that grows on the hills. These belong to the people—all the people."

Western private or commercial irrigation was attempted from about 1880 until the passage by Congress of the Carey Act in 1894. Such commercial irrigation projects were generally failures. It did not take long for the irrigators to learn that a public cooperative irrigation district could be operated more economically than a commercial enterprise. The promoters' perpetual profit motive resulted in water-rate charges in excess of what the land could bear. Public irrigation projects, if wisely initiated, honestly located, and given the use of their own power facilities, could have amortized their costs, whereas commercial irrigation enterprises pyramided charges until private irrigation enterprise speculation became the vogue. It reached such proportions that it was commonly stated in the early nineties that what the West needed was "fumigation rather than irrigation." After this sad experience the leaders of the West realized that if the sunburned lands were to become population producers and supporters some other method than private capital and control must be used. The urge for larger and denser population resulted in the task being assigned to the Federal Government under the Reclamation Act of 1902 on a self-supporting, self-liquidating basis.

Indeed, one cannot recite the history of government irrigation enterprises without stressing the fact that private electric utility greed, coupled with its corrupt political manipulation through government collusion in the past, secured control and ownership of the most valuable assets of many irrigation enterprises which would now be entirely free of debt if their water powers had not been stolen.

The narrative of such cooperative history could be extended, but it is sufficient to state that out of centuries of experience has grown a demonstrated principle. This principle, an essential public function, cannot safely be entrusted to a private profit-seeking agency. Conflicts between public and private interests are so deeply rooted that public interests in private hands are subordinated to the profit motive and to exploitation. The same chain of circumstances can be shown in the case of schools, libraries, parks, postal service, fire protection, bridges, and roads. The cry of "socialism" raised against such public undertakings is an invention of vested interests, bent on exploiting a public function for private profit. If this problem is approached in a scientific way, and strictly on its merits, the socialism brand loses its significance and does not appeal to intelligent people.

ELECTRIC DEVELOPMENT

Electrical development has been different, historically, from that of water. The distribution of electricity is a modern accomplishment. It was initiated long after our cities were firmly established and gas had been accepted as the urban illuminating agent. Electric distribution started in competition with gas and not as a public necessity. Therefore initially the development fell into private hands, although the early constructors had to build their projects on lands belonging to the people. The location of its structures, the early grant of rights of eminent domain, and the revenue and safety responsibilities, according to common law, placed this new industry in the quasi-public class. However, the development has been so rapid that it has now become a definite public necessity. With this development, the electrical industry moved from a competitive field into a highly monopolistic position, especially in residential, rural, and commercial service. Society has become so dependent on electricity that its public status has progressed even beyond that of water. Water-supply systems, as well as most of our vehicles of commerce, have become dependent on electric service. Future developments will increase its public functions. Electricity is now an essential part of our economic and social life. Public necessity, therefore, demands the removal of monopolistic barriers.

PUBLIC CONTROL

From its inception public control over private electrical operation was deemed necessary, even though it then operated in a competitive field. Regulation and control over that restricted class of business "effected with a public interest" has

been recognized in common law for several centuries. However, it was not until 1876 that this regulatory authority was made a part of our constitutional law. Regulation started under a handicap because of the existence of two sovereignties—Federal and State—and has been further complicated by State transfer of authority to municipalities, either by legislation or by special charters. This triple source of authority has led to untold confusion, especially through the tendency of the private operators to elect the jurisdiction best suited to their particular purposes. Through legal legerdemain a "no man's land" was purposely created as a refuge during the transition from the competitive to the monopolistic era. Running parallel with the growth of the regulatory concept came the evolution of our corporation laws. Prior to about 1888 business corporations were limited in size, power, field of operations, and operating mechanism. With the rise of industry, smaller States began to traffic in corporation charters. The lure of revenue and pay rolls resulted in the removal of safeguards and the lowering of standards. Corporate restrictions imposed by common law were removed by statute. Foreign charters were made possible in order to avoid local control. Quoting Justice Brandeis in his dissenting opinion in Liggett against Lee, "The race was one, not of diligence, but of laxity."

In addition, there is a further regulatory complexity growing out of the restraint on regulation from the constitutional prohibition against confiscation and impairment of rights. This constitutional prohibition has not to date been susceptible of a standard measurement. Each specific rule was subject to interpretation in the light of surrounding circumstances. Furthermore, the difference between regulation and management has never been legally nor administratively determined. Such a situation resulted in a multitude of diverse judicial decisions. It is this complexity, together with human failing, that made possible abuses and evils in the utility field. Our experience so far has indicated clearly that if we do not accomplish the apparently impossible task of improving and reconstructing regulation, widespread public ownership of electric utilities must follow. The four principal resulting evils of the system have been the practical failure of public regulation, the lowering of standards of corporate organizations, absentee control through the holding-company device, and political manipulations by private utilities.

RECENT OREGON DISCLOSURES

For 10 years the Oregon investing public has been aware of the financial misdeeds of the principal power company of our State, but it was only this year that the inner details of these manipulations have been made public. A year ago the Portland Electric Power Co. petitioned the United States district court at Portland for reorganization under the Federal Bankruptcy Act of 1938. Independent trustees were appointed by the court, and, pursuant to directions, these trustees have rendered their first report, which is an illuminating document of 22 large, printed pages. The financial misconduct and irregularities disclosed by this report should convince the proponents of State public-utility regulation that fundamental changes are necessary.

The financial and corporate distortions disclosed by this report are complex because of shifting corporate identity. To clarify the complicated details covering the dissipation of $21,400,000, I have made an analysis of this trustees' report, and for the benefit of investors and students I will in a later speech translate it into an over-all picture on a one-company basis. By changes in corporate names, the organization of subcompanies, the removal of stock limitations, the use of no-par-value stock, intercompany transactions, and fraudulent book entries the management of this chain increased the par value of the outstanding debt by $27,619,600, and in addition expanded the amount of common stock by $1,136,000. Out of this total of $28,755,600 of securities sold, which represents more than a third of the legitimate value of the plant, only $7,300,000 was made available to the company for useful and legitimate plant additions. About $21,400,000 of security owners' money was dissipated. It is clear that the State needed a better public-utility law and better administration in the public interest.

State regulation failed miserably in this case. Every step in this story suggests serious deficiencies and indicates where further practical safeguarding checks should be applied. The American Bar Association in 1933 rendered a report on the Regulation of Holding Companies and Relations Between Such Companies and the Affiliated Operating Companies. The applicable points covered in the report should be uniformly incorporated into both State and Federal statutes. One of the evils to be corrected is the erection of corporate superstructures by unscrupulous interests with the intent to evade direct regulation. If our capitalistic system is to survive, these superstructures must be dissolved. This has been attempted in a degree by the Federal Holding Company Act, administered by the Securities and Exchange Commission. It is evident that this act does not go far enough; neither has the practical application progressed as far as it should have gone since its enactment.

THE MEASURE OF TRUE ELECTRIC INVESTMENT

The American public has long sought a gage as to the real value of electric utilities. Within the limits I will set out, this gage is best furnished by comparison of the plant investments and outstanding securities per customer.

The private companies include in their consolidated balance sheets varying amounts of electric, gas, water, transportation values, and unclassified items. Therefore the earlier private accounts are subject to errors inherent in the lack of segregation between the different values representing electricity, gas, water, and transportation facilities. It is impossible to strike an average from unlike items.

The classification of accounts prescribed by the Federal Power Commission requires a break-down of values and also a separation between electric generation, transmission, and distribution costs. The private utility companies of the United States have not as yet entirely completed this segregation, but the latest compilation of the Power Commission, issued May 6, 1940, shows only 19.1 percent of the total plant accounts still unclassified. Distributing these unclassified items in proportion to the total electric and gas property accounts, I derive a reasonably close measure of the over-all national consolidated financial condition of the private utilities. This I present in table I, based on the consolidated balance sheets of all class A and B electric utilities recently prepared and issued by the Federal Power Commission. To aid in an understanding of this table I have calculated these values on a customer basis.

TABLE I.—*Private electric utility finances*

Privately owned class A and B electric utilities in the United States composite balance sheet. Details as of Jan. 1, 1939. Based on Federal Power Commission release of May 6, 1940, with unclassified items distributed proportionately to the reported plant investment]

| Item | Total amount | Amount per customer |
|---|---|---|
| Number of customers included | 24,128,512 | |
| Total book value of plant | $12,607,030,000 | $523.00 |
| Common stock outstanding | 3,858,600,000 | 160.20 |
| Preferred stock and premiums | 1,988,550,000 | 82.50 |
| Bonds and other debts | 6,467,325,000 | 269.00 |
| Depreciation reserve | 1,462,840,000 | 60.60 |
| Earned surplus | 707,500,000 | 29.40 |

This table represents the salient statistics on 98.5 percent of the electric consumers served by all the private electric companies in the United States. The private companies carry on their books an investment of $523 per customer and have securities outstanding amounting to $511.70 per customer.

For purposes of comparison, I am submitting similar figures on publicly owned electric plants serving 2,657,268 consumers, based on compilations by the United States Bureau of the Census for the year 1937.

TABLE II.—*Publicly owned electric utility finances*

Municipal electric-light plants in the United States. Composite balance-sheet details as of Jan. 1, 1938. From U. S. Census of Electrical Industries]

| Item | Total amount | Amount per customer |
|---|---|---|
| Number of customers included | 2,657,268 | |
| Total book value of plant | $701,670,800 | $264.00 |
| Equity of municipalities | 250,996,700 | 94.50 |
| Long-term debt outstanding | 249,019,600 | 93.80 |
| Depreciation reserve | 132,713,500 | 49.80 |
| Surplus | 232,036,700 | 87.50 |

The customer cost furnishes a reasonably close and accurate measuring stick when applied to a number of properties. The cost differences due to population densities, climatic conditions, type of generating plant, and amount of transmission balance each other in the average. For a large system this average is approximately correct when the type of plant—steam, hydro, Diesel, and so forth—is considered. It is also very definitely a proper measure of inflated values when applied on a country-wide or a large-system basis operating under a variety of conditions.

STATISTICS OF ELECTRIC INDUSTRY

In table III, I present some salient statistics of the entire electric industry—public and private—for 1939, based on information compiled by Federal agencies and published by the Edison Electric Institute in March 1940. The purpose of these statistics is to enable us to draw conclusions from tables I and II.

TABLE III.—*Over-all statistics of electric industry*

[Salient statistics entire United States electrical industry (public and private) for calendar year 1939]

| | | |
|---|---|---|
| Number of customers | | 29,104,185 |
| Installed plant capacity reported: | | |
| Steam turbines and engines | kilowatts | 26,741,128 |
| Hydro turbines | do | 9,822,881 |
| Internal-combustion engines | do | 812,755 |
| Total reported installed capacity | do | 37,376,764 |
| Obsolete capacity hydro [1] | percent of total | 9.2 |
| Obsolete capacity steam [1] | do | 11.6 |
| Obsolete capacity composite steam and hydro [1] | percent of total | 10.9 |
| Effective installed capacity | kilowatts | 33,302,697 |
| Reported capacity per customer | do | 1.28 |
| Effective capacity per customer | do | 1.14 |
| Installed capacity steam | percent | 71.7 |
| Installed capacity hydro | do | 26.3 |
| Installed capacity Diesel | do | 2.0 |
| Kilowatt-hours generated | | 122,463,061,000 |
| Average capacity use | percent | 37.4 |

[1] Calculated from information given in Federal Power Commission National Power Survey, 1935.

INVESTMENT PER CUSTOMER

The legitimate investments in an electric property per customer will vary with the peak load handled, the size of the generating plant, the reserve generating capacity, the amount of transmission and distribution lines, population density, and climatic and topographical conditions. I will briefly discuss each case. In table III I have shown that the average reported installed capacity per customer in the entire United States is 1.28 kilowatts. This reported figure includes at least 10.9 percent of capacity which is obsolete, and should be retired or written off. Therefore, the net effective installed capacity is 1.14 kilowatts per customer. This 1.14 kilowatts under reasonable reserve conditions will take care of a peak of about 1 kilowatt per customer. When measuring the reasonable customer cost of any individual property, the peak per customer should be obtained, and the cost proportioned accordingly. For the country as a whole, or a large steam or hydro system, the peak differences cancel out, and the average figure is an accurate index. In this analysis the cost per customer is based on the national average installation of 1.14 to 1.28 kilowatts per customer.

The usual types of generating plants are steam, Diesel, run-of-the-river hydros, and storage hydros. Steam and Diesel plants run about the same cost and are, except under extraordinary conditions, cheaper than the run-of-the-river or storage hydros. The larger plant is some 25 percent lower in unit cost than the smaller plants. Run-of-the-river hydros cost on the average $50 per customer more than steam or Diesel plants, and storage plants on the average cost about $75 per customer more than run-of-the-river hydros. In table IV, I have summarized the average value of complete electric plant per customer, including the three components, namely the generating station, transmission and distribution systems.

These costs are plant construction costs, and must not be confused with the over-all cost of delivered energy. In spite of higher first plant cost compared with a steam plant, the delivered costs of the cited hydros are, on the average, less than those of steam due to the absence of fuel and certain other operating costs.

TABLE IV.—*Average investment cost per customer*

[True value of electric plant per customer. Based on an installed capacity of 1.14 to 1.28 kilowatts per customer including generating, transmission, and distribution facilities]

| | |
|---|---|
| Average of municipal plants in United States | $264 |
| Average all steam or Diesel plants | 275 |
| Composite of private plants in United States [1] | 295 |
| Composite run-of-river hydro systems | 325–350 |
| Composite storage hydro systems | 350–400 |

[1] The private plants in United States have more hydro capacity than the municipal plants. Calculation of this difference gives the value above noted.

NOTES.—For installed capacities in excess of 1.28 kilowatts per customer, costs must be proportioned directly with the capacity per customer.

Transmission alone costs $50 to $100 per customer.

Distribution systems cost $50 to $125 per customer.

When any complete plant value for the country as a whole or for a large system exceeds the values given in table IV, the difference is inflation. The values I have set out are conservative. To show this, I need only to point out the customer cost of some of the outstanding municipal plants. This information given in table V is proportioned to a capacity of 1.28 kilowatts per customer:

TABLE V.—*Investment cost per customer*

[Selected municipal plants]

| | |
|---|---|
| Plant and type: | |
| Kansas City, Kans.: Steam | $188 |
| Springfield, Ill.: Steam | 210 |
| Fort Wayne, Ind.: Steam | 165 |
| Tacoma, Wash.: Storage hydro | 212 |

BOOK VALUE PER CUSTOMER OF PRIVATE SYSTEMS

The average customer book value of the 12 highest-cost private systems in the United States is given in table VI:

TABLE VI.—*Selected investment cost per customer*

[Selected private plants]

| | |
|---|---|
| Average of United States | $523 |
| System: | |
| American Power & Light Co | 887 |
| Commonwealth & Southern | 816 |
| Electric Power & Light Corporation | 796 |
| Niagara Hudson Corporation | 783 |
| Southern California Edison, Ltd | 728 |
| Associated Gas & Electric System | 687 |
| National Power & Light Co | 653 |
| Pacific Gas & Electric Co | 634 |
| Stone & Webster, Inc | 625 |
| New England Power Association | 614 |
| Standard Power & Light Co | 609 |
| American Gas & Electric Co | 608 |

NOTE.—Last 12 values from Bauer and Gold, Electric Power Industry, 1939, page 160.

These private-customer figures, except the United States average figure, do not reflect plant-installed capacity, but when this is included it will be found that, on the average, these large private systems have inflated values of at least $250 or more per customer, almost as much water as real value. Should a defender of such a system be entrusted with the public welfare?

DEBT PAYMENTS

As I have shown in the previous tables, the municipal plants in the United States have reduced their outstanding debts to an average of only $93.80 per customer. These publicly

owned plants, serving nearly 3,000,000 customers, have paid off 64.5 percent of their plant costs. Outstanding plants like Fort Wayne, Ind., have paid off their entire cost, from earnings. As the securities are reduced serially, or extensions constructed out of earnings, the fixed charges, which comprise about 50 percent of the over-all operating cost, decrease year by year. Under the serial plan of public plants the total accumulated fixed charges are cut in half when compared with private-plant practices. This allows progressive rate reductions, which in turn increase consumption, earnings, and benefits to the people served. Regardless of the economic benefit of amortization, debt payment is the only honest way of conducting any business. The debt pyramiding practices of the private companies is a dishonest method of financing, both from the standpoint of the consumer and of the investor. Pyramiding will ultimately lead to repudiation of debt. There is nothing new in this amortization principle. At the time of our Revolution, in 1776, Adam Smith wrote the first published book on economics. In it he pointed out how debt amortization was the honest method and pyramiding the dishonest method of conducting business. The accumulation of interest charges eats up capital investment.

RATE AND DEBT REDUCTIONS

The public utility commissioner of Oregon recently published a statement that the electric-rate reductions in Oregon within the past year total $1,400,000. Before we accept the implications that such a statement carries we should examine it closely. First, it must be realized that the reductions given grew out of pressure resulting from movements for public distribution of Bonneville power through public-utility districts, municipal ownership, and rural-electrification projects. Secondly, it must be realized that the initial reductions were in the residential classifications, where the votes were numerous. Commercial reductions were deferred on the flimsy excuse that it was necessary to make a survey of the connected load. Such an excuse was pure fiction. In the CONGRESSIONAL RECORD of April 6, 1939, Representative RANKIN, of Mississippi, demonstrated that the 277,573 electric consumers in Oregon, using over a billion kilowatt-hours a year, were overcharged annually $8,674,600, based on Tacoma rates. The reductions cited by the Oregon commissioner are only one-sixth of this overcharge. They appear to be political subterfuges rather than sound rate reductions.

Rate reductions to be valid must be based on reduction in plant or operating charges and increased gross revenue. Have the operating and property charges of these Oregon companies been reduced? There is no evidence that they have been. Let us look into the principal Oregon companies for book-account value per consumer. To carry this idea forward I am giving, in table VII, the control balance-sheet figures furnished by the Federal Power Commission for 1938, and customer value calculated therefrom. These cited figures apply only to the private operating companies.

TABLE VII.—*Oregon private utility debts*

[Property account, stock and long-term debt per customer, operating companies only. To these must be added the customer debt of the superimposed holding companies]

| Item | Portland G. E. | Northwestern Electric | Mountain States | East Oregon Light & Power Co. |
|---|---|---|---|---|
| Plant account | $60,722,776 | $21,099,642 | $22,525,006 | $4,692,082 |
| Outstanding stock | 15,357,712 | 8,315,900 | 5,446,900 | 1,843,500 |
| Long-term debt | 51,634,034 | 11,376,609 | 7,315,737 | 1,850,000 |
| Number of consumers | 129,250 | 38,343 | 65,699 | 8,587 |
| CALCULATED PER CUSTOMER VALUES FROM ABOVE | | | | |
| Plant account | $469 | $549 | $343.00 | $516 |
| Outstanding stock | 118 | 217 | 82.80 | 215 |
| Bonds and debt | 399 | 297 | 111.50 | 216 |
| Holding company | (1) | (2) | (3) | (4) |

[1] Portland Electric Power Co.
[2] Electric Bond & Share.
[3] Standard Power & Light.
[4] Columbia Construction Co.

The portfolios of the holding companies above these operating companies are not published, so the per-customer additions can be only approximately estimated from their balance sheets. These I estimate as follows:

*Per customer*

| | |
|---|---|
| Portland General Electric | $66 |
| Northwestern Electric | 145 |
| Mountain States | 100–125 |

Let us look further. The Northwestern Electric purchases from other companies 60.4 percent of its current; the Mountain States 67 percent; the Eastern Oregon Light and Power 56.5 percent; and the Portland General Electric 8.5 percent. These heavy purchases allow these companies to have relatively light investments in generating stations. In spite of this, the per customer book plant values are so high that they indicate inflation. The demonstrated inflation in the Pepco has been covered. The Oregon public will not be satisfied until the Oregon utility commissioner states publicly the real value per customer, and the inflated value on top of this real value for both the operating company and the superimposed holding companies. When this information is given, the commissioner will need to go further and set out a plan for the removal of the inflated values and a formula for amortization. Rate reductions will never be sound nor all-inclusive until they are accompanied by fair debt reduction. Rate reductions alone are temporary makeshifts and must of necessity be limited, unless the debt charges included in the rates go down with the rates.

Six class A operating companies are included in the Federal Power Commission reports, as covering practically all the private electric service in Oregon. All six are under holding-company ownership and domination. The Oregon public is being deceived on this point, when it accepts statements that these companies are locally owned. It is true that there are local investors in bonds and preferred stock, but the holding companies own the controlling stock. According to Bauer, as I have previously cited, the highest per customer book value of all the private power companies in the United States is that of the subholding company, American Power and Light. This subholding company is owned by the Wall Street Electric Bond & Share, and it, in turn, owns the North Western and the Pacific Power & Light, which operate in Oregon.

Briefly let us see how these high valuations affect rates. The average of all residential bills included in the 1940 Federal Power Commission tables for the eastern Oregon area around Baker and La Grande is two and twenty-one one hundredths times the Eugene public plant rates. The small residential consumer in Eugene using 40 kilowatt-hours per month pays $1.10, while in Baker or La Grande he would pay three and one-tenth times this figure.

The comparison of all Federal Power Commission bills applying to store owners, and known as the commercial rates for this area, show a ratio of 2.64 to 1 when compared with Eugene rates. The Baker storekeeper using 150 kilowatt-hours per month pays $9.97, while the Eugene storekeeper pays $3.33 for the same amount, making a ratio of 3 to 1. This brief comparison is indicative of the rate levels growing out of high valuations and high operating expenses.

POLITICAL CONTROL OF REGULATION

Through the use of rate payers' money, the overlords of the private power companies have influenced regulatory action by political intrigue and control. The private companies have been, and are still, in politics up to their necks. They select candidates for legislatures and Congress, finance campaigns, and it is the utilities, rather than their stooges, always doing the voting. They are even trying to influence congressional enactments. Throughout the Bonneville appropriation hearings and debates this year representatives of the Electric Bond & Share camped in Washington, endeavoring to defeat the construction of Bonneville transmission lines to eastern Oregon and Washington. The lobbying representatives sent to Washington were the presidents of the two operating companies in Oregon and Washington, and they worked in conjunction with professional Washington utility lobbyists. Fortunately, these interests were defeated

on the House floor. I have been advised that substantial sums were spent here in Washington in this effort, and I trust that the Federal Power Commission and the Securities and Exchange Commission will investigate the use of funds by the Electric Bond & Share in their efforts to prevent Bonneville power transmission to eastern Oregon and Washington.

The North American system, controlled by Harrison Williams, is commonly referred to as the "lily white" private power organization. Three years ago on this floor I challenged the validity of this designation and pointed out some of their manipulations in the Washington, D. C., and other systems. It is a source of satisfaction to know that the Securities and Exchange Commission, after the exposure by the St. Louis papers, became active and conducted an investigation of the activities of the Missouri subsidiary of the North American system. The evidence collected in this investigation shows that, over a long period of time, certain officers, attorneys, and employees of this company had disbursed substantial sums in politics for the purpose of influencing the conduct of public officials. These disbursements were not made in the regular course of their business and were not reflected in the company's book accounts. The evidence shows that the company paid such sums to certain attorneys, insurance agencies, material-supply houses, and contractors for designated materials not supplied and services not rendered, and that money kick-backs were made to officials and employees of the company. Part of these funds were also used to employ detective and so-called audit and inspection agencies. When confronted with the evidence, three of these officials committed perjury and were indicted, convicted, and sentenced to prison.

I note that the higher North American officials disclaim knowledge or responsibility for these St. Louis transactions. I wonder if this attitude is not brazen hypocrisy. The North American Co. has recently elected a president of one of its large subsidiaries who was reputedly connected with similar transactions in Illinois. I have reason to feel that such practices are now being continued in wholesale proportions. I can also see such evidences in the national picture. Such practices go far beyond the field of regulation, and if not stopped will sap the virility of government. These manipulators will turn out to be "fifth columnists." Regulation can never be effective until the political activities of the private power companies are stopped. Low rates and low debt structures will automatically remove the urge to resort to such subversive activities.

A "CONVENIENT THEORY" ON RATE BASE AND SECURITIES

In the Oregon Journal of June 7, 1940, Mr. F. T. Humphrey published an article on the Basis of Electric Rates. This article is founded on what is termed the "convenient theory of regulation." This "convenient theory" was advanced originally by the power companies when they were confronted with high capital values. The "convenient theory" is that the capital book value and the rate base are two different animals. Abstractly there is some basis for the "convenient theory," practically there is little. When securities have been issued, and balancing property values placed on the company books, these sums largely control rates, especially when a large proportion of the sums are represented by fixed interest bonds or preferred stock. Any utility commission is always reluctant to destroy the credit of a company by reducing earnings below the credit relationship of net earnings to fixed interest. The point in question is that some Oregon State officials originally permitted the issuance of the inflated securities, and the State utility commissioners allowed these to be continued in the company balance sheet. This is still allowed in spite of the showing made by the report of the independent trustees in bankruptcy of the Portland Electric Power Co. Mr. Humphrey mentioned the earnings return of 4.85 percent for the Portland General Electric but did not give the rate base. As far as I know, the determination of such fair value has not been published or tested. Also, there have been no published facts on the amount and adequacy of depreciation allowance, reserves, obsolete units still in the capital account, restraints used to prevent and to wash out inflation, cost-index write-ups, etc. How does Mr. Humphrey know that the items he cites as "not allowed" are not covered up as was shown in the cited case of the Union Electric of St. Louis?

The president of the Washington Water Power Co. recently addressed the Edison Electric Institute at their Atlantic City convention. He advanced another "convenient theory" to be worked into the defense program. This was the fruitful suggestion that the private utilities should become a part of that program. This is the same man who worked and lobbied against the eastern Oregon transmission lines in Washington, D. C., this year. Any presentation by him, in view of the record, should be understood as having a "Cliveden interest." It was the Cliveden crowd of manipulators who put England and France on the rocks. Public welfare in these critical times demands the removal of self-interest. Now is the time for facts and help, rather than convenient theories.

The great private utility holding companies are not backward in intrenching their profit interests behind the defense bulwarks. For some years they have threatened to withhold expansion unless given unreasonable guaranties. Now, above all times, legislative bodies and public officials must be cautious in granting privileges.

The SPEAKER. Under special order of the House, by consent of the gentleman from Massachusetts [Mr. HEALEY], the Chair recognizes the gentleman from Utah [Mr. ROBINSON].

SUGAR

Mr. ROBINSON of Utah. Mr. Speaker, on July 24 Senator THOMAS of Idaho made in the Senate a partisan address upon the sugar program developed under the present Democratic administration. I ask unanimous consent to extend my remarks in the RECORD and to include therein certain documents.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object. Will the extension of remarks which has been requested comply with the rules of the House, which require that the Members of the House shall not discuss the actions and activities of Senators on the floor of the Senate?

Mr. ROBINSON of Utah. If they did not, I do not want them to go into the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBINSON of Utah. Mr. Speaker, to repeat, on July 29, in the Senate of the United States, a Member of that body made what I consider a vicious and partisan attack on the sugar program developed under the present Democratic administration.

The sugar problem, in my opinion, is not political, but economic. It raises no partisan issues. It is a problem that directly affects all the people of the United States because all are consumers of sugar. It more seriously—even vitally—affects certain areas of the United States, my own State among them, because there we have the producers as well as the consumers of sugar. It seems to me unfitting and improper for a United States Senator to attempt to make political capital out of an enterprise which furnishes the means of livelihood for so many thousands of farmers and workers. Yet if the Senator insists upon making it a partisan issue, we on the Democratic side have nothing to lose and much to gain. Our record is clear. The sugar program developed since 1934 has increased and stabilized the income of the farmers. It has permitted a substantial gain in the production of sugar in the United States. It has provided countless opportunities for employment that were nonexistent during the last Republican administration.

The Senator complained, in his speech to the Senate, that "this administration has followed a policy which has tended

to discourage in every way possible the domestic sugar industry." The Senator, obviously, has rather curious ideas about discouragement, because here is what the sugar program has accomplished in the last 6 years:

First. Beet-sugar production, which averaged 1,276,000 tons of refined sugar in the period 1929–33, increased to 1,685,000 tons in 1938 and 1,641,000 tons in 1939, an increase of no less than 28 percent.

Second. Sugar-beet growers, who averaged $6.11 per ton of beets and a total annual income of $53,751,000 in the 1929–33 period, had about $7 per ton in the period 1934–38 and a $61,335,000 total in annual grower income. Processors' losses under the old regime have been transformed into profits.

Third. Sugar-beet growers received special payments for damage caused to their crops by drought, flood, freeze, storm, and other natural calamities. This form of free crop insurance is not provided for any other agricultural crops.

I offer tables showing for the States of Utah and Idaho, separately, the effect of the program upon the beet-sugar industry in those States.

EXHIBIT A

*Net income after all charges and percent return on average net equity, Amalgamated and Utah-Idaho Sugar Cos., fiscal periods ended in 1929–40*

| Fiscal year ended— | Amalgamated Sugar Co.[1] | | | Utah-Idaho Sugar Co.[2] | | |
|---|---|---|---|---|---|---|
| | Average net equity (capital stock and surplus at beginning and end of period) | Net income after all charges (amount available for dividends)[3] | Percent return [3] | Average net equity (capital stock and surplus at beginning and end of period) | Net income after all charges (amount available for dividends)[3] | Percent return [3] |
| 1929 | $10,202,048 | $23,168 | 0.02 | $18,232,940 | *$143,463* | *0.79* |
| 1930 | 9,755,826 | *259,574* | *2.66* | 18,330,896 | *284,826* | *1.55* |
| 1931 | 8,790,962 | *595,823* | *6.78* | 17,264,246 | *2,095,000* | *12.13* |
| 1932 | 7,788,375 | *925,843* | *11.89* | 16,075,637 | *446,591* | *2.78* |
| 1933 | 7,092,690 | *427,502* | *6.03* | 15,814,440 | *390,314* | *2.47* |
| 5-year average | | *437,116* | *5.47* | | *672,039* | *3.94* |
| 1934 | 7,352,876 | 1,067,697 | 14.52 | 16,173,210 | 1,497,001 | 9.26 |
| 1935 | 7,843,252 | 263,546 | 3.36 | 17,032,113 | 1,048,504 | 6.16 |
| 1936 | 8,242,254 | 846,438 | 10.27 | 17,619,398 | 1,215,914 | 6.90 |
| 1937 | 8,653,111 | [4] 1,087,230 | 12.56 | 17,955,306 | 1,256,318 | 7.00 |
| 1938 | 8,705,670 | 284,726 | 3.27 | 18,177,440 | 577,092 | 3.17 |
| 5-year average | | 709,927 | 8.80 | | 1,118,966 | 6.50 |
| 1939 | 8,915,362 | 722,033 | 8.10 | 18,246,938 | [5] 414,625 | 2.27 |
| 1940 | | | | 18,669,606 | [6] 751,859 | 4.03 |

[1] Fiscal year in 1929 ended on Feb. 28. Fiscal years ended from 1930 to 1936 on Mar. 31; fiscal year changed effective 1937 to end Sept. 30; fiscal period ended in 1937 therefore covers 18 months from Apr. 1, 1936, through Sept. 30, 1937.
[2] Fiscal year ends Feb. 28.
[3] Roman figures in this column indicate gain; italic figures indicate loss.
[4] Covers 18-month period from Apr. 1, 1936, through Sept. 30, 1937; net income for the year ended Mar. 31, 1936, was $713,816.
[5] After refund on Federal income tax for prior year.
[6] After deducting $246,838 for abandonment of property.
Source: Moody's Manual of Industrials, vols. 1929–1940.

Sugar-beet growers in Utah and Idaho have been fortunate in that no acreage reduction for the States as a whole has been required under the sugar program. In 1939, the only year in which restrictive acreage allotments were made to sugar-beet growers, 55,000 acres of sugar beets were planted in Utah and 77,000 acres were planted in Idaho, the largest acreage planted in either State since 1933.

In his speech the Senator recalled that the last Republican administration imposed a duty of 2 cents a pound on Cuban raw sugar, and he lamented the fact that this rate of tariff was reduced when the Democratic Party came into power. Through this reduction, he said, the producers of sugar beets and sugarcane in the United States had been gravely mistreated. If the sugar problem were as simple as the Senator would like to make it appear, it would be easy of solution. But it is not so simple. It cannot be solved merely by juggling with the rates of duty. That fact has been recognized, for a long time by students of the sugar problem, among others, the United States Tariff Commission. In its report of 1934, when three of the four members were Republicans appointed during previous Republican administrations, the Commission took occasion to point out:

That a change in duty rates alone would not settle the chaotic condition in the sugar industry since the supply of sugar available for the American market is so great and the competition to supply the American market is so keen as to depress the market price far below costs. (Rept. No. 73, p. 2.)

And, also,

That the most effective way, based on the information ascertained by the investigations of the Commission, to improve the situation both in Cuba and the United States is to lower the Cuban duty, and at the same time to adjust the market demand deliveries of sugar not only from Cuba but from all other areas contributing to the American supply. (Rept. No. 73, p. 3.)

Since the quota system has been in effect in the United States, the tariff imposed on sugar has been only a relatively minor factor in price. What makes price is supply and demand—the supply of sugar made available each year under the estimates of consumption by the Secretary of Agriculture and the demand for that sugar on the part of American consumers. If the Senator believes that the quota system has not improved the income of beet growers in Idaho, as well as in my own State of Utah, I ask that he study the table which I now present for inclusion in my remarks.

EXHIBIT B

*Sugar-beet data, Idaho and Utah, 1931–39*

IDAHO

| Year | Acres planted | Tons of sugar beets produced | Percent of sucrose of cossettes | Growers' returns per ton of beets | | |
|---|---|---|---|---|---|---|
| | | | | Sugar-company payment | Government payment [1] | Total returns[1] |
| 1931 | 38,000 | 301,000 | 17.25 | $6.06 | | $6.06 |
| 1932 | 54,000 | 709,000 | 17.63 | 5.12 | | 5.12 |
| 1933 | 79,000 | 837,000 | 18.02 | 5.02 | | 5.41 |
| 1934 | 58,000 | 294,000 | 17.21 | 4.72 | $1.75 | 6.47 |
| 1935 | 54,000 | 562,000 | 16.33 | 5.27 | 1.13 | 6.40 |
| 1936 | 54,000 | 619,000 | 16.57 | 6.06 | [2] | 6.06 |
| 1937 | 53,000 | 615,000 | 16.80 | 5.19 | 1.96 | 7.15 |
| 1938 | 76,000 | 1,122,000 | 15.78 | 4.43 | 1.84 | 6.27 |
| 1939 | 77,000 | 985,000 | 16.85 | [3] 4.35 | 1.96 | [3] 6.31 |

UTAH

| | | | | | | |
|---|---|---|---|---|---|---|
| 1931 | 54,000 | 505,000 | 16.70 | $6.00 | | $6.00 |
| 1932 | 58,000 | 846,000 | 16.49 | 4.78 | | 4.78 |
| 1933 | 76,000 | 912,000 | 16.87 | 4.66 | | 5.02 |
| 1934 | 54,000 | 250,000 | 16.01 | 4.35 | $1.75 | 6.10 |
| 1935 | 44,000 | 506,000 | 15.63 | 5.05 | 1.13 | 6.18 |
| 1936 | 37,000 | 500,000 | 15.92 | 5.83 | [2] | 5.83 |
| 1937 | 51,000 | 570,000 | 15.80 | 4.93 | 1.84 | 6.77 |
| 1938 | 54,000 | 814,000 | 15.37 | 4.43 | 1.79 | 6.22 |
| 1939 | 55,000 | 683,000 | 16.34 | [3] 4.25 | 1.90 | [3] 6.15 |

[1] Not including abandonment and deficiency payments nor payments made under the agricultural conservation program in 1936 and 1937 amounting to approximately 40 cents per ton of beets. Due primarily to white-fly damage, abandonment and deficiency payments made on the 1934 crop amounted to approximately $900,000 in Utah and $700,000 in Idaho.
[2] No tax and payment program due to Supreme Court decision in the Butler case.
[3] Estimated.

This table shows that in the 2 years before the present sugar program became effective beet growers in Idaho received an average of $5.07 for each ton of beets produced. The average for the 6 years under the sugar-control program has been $6.44 a ton, an increase of about $1.35 a ton. In Utah, for the 2 years prior to sugar control, growers received on an average $4.72 a ton for beets. In the 6 years since that time their average return has been $6.20 a ton, a gain of nearly $1.50 a ton.

The Senator wants us to believe, not only that the reduction of the duty on sugar penalized beet growers by way of a reduction in income, but that it also permitted Cuba to flood the American market with its product. As a matter of fact during the years 1925 to 1932—Republican years—Cuba contributed to the sugar consumed in this country amounts ranging from 52 percent in 1925 to 28 percent in 1932. During the last 5 years, Cuba has never contributed more than 28 percent in any one year, so that it can accurately be said that the proportion of Cuban exports to the United States has been held at its absolute minimum.

EXHIBIT C

*Contributions to sugar consumption of continental United States from sugar-beet area and Cuba*

| Year | Total | Sugar-beet area | | Cuba | |
|---|---|---|---|---|---|
| | | Tons | Percent | Tons | Percent |
| 1925 | 6,603,000 | 1,063,500 | 16.11 | 3,486,000 | 52.79 |
| 1926 | 6,796,500 | 1,016,000 | 15.39 | 3,944,500 | 58.04 |
| 1927 | 6,348,000 | 935,000 | 14.73 | 3,491,000 | 54.99 |
| 1928 | 6,642,500 | 1,243,000 | 18.71 | 3,125,000 | 47.05 |
| 1929 | 6,964,000 | 1,026,500 | 14.74 | 3,613,000 | 51.88 |
| 1930 | 6,827,000 | 1,140,500 | 16.71 | 2,945,500 | 43.14 |
| 1931 | 6,779,000 | 1,343,000 | 19.81 | 2,534,000 | 37.38 |
| 1932 | 6,350,000 | 1,318,500 | 20.76 | 1,834,500 | 28.89 |
| 1933 | 6,377,500 | 1,366,000 | 21.42 | 1,619,500 | 25.39 |
| 1934 | 6,575,000 | 1,561,500 | 23.75 | 1,866,500 | 28.39 |
| 1935 | 6,277,000 | 1,478,000 | 23.55 | 1,830,000 | 29.15 |
| 1936 | 6,834,000 | 1,364,500 | 19.97 | 2,102,000 | 30.76 |
| 1937 | 6,860,500 | 1,245,000 | 18.15 | 2,155,000 | 31.41 |
| 1938 | 6,619,000 | 1,448,000 | 21.88 | 1,941,000 | 29.33 |
| 1939 | 7,465,500 | 1,809,500 | 24.24 | 1,930,000 | 25.85 |
| 1940 [1] | 6,607,500 | 1,550,000 | 23.46 | 1,863,000 | 28.19 |

[1] Based on quotas now in effect.

These are the true facts of the case, and no amount of political argument should be permitted to distort them in the minds of the thousands of beet growers of the United States. The Senator lovingly recalls the rate of duty which was established during the last Republican administration, but he neglects to add that it was the failure of this system of protection which led to the establishment of the quota system. I challenge the Senator to provide for the growers of sugar beets in his State a rate of tariff which will give them an income equal to that which they have received during the last 6 years. I challenge the Senator, so bitter in his criticism, to suggest a better way than a quota system for treating the manifold and intricate problems of sugar.

Until he suggests such a program, those of us who are sincerely interested in the welfare of the beet sugar industry, those of us who have worked so earnestly in its behalf for these many years, must regard the Senator's attacks as little more than a political gesture.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks upon the bill passed yesterday.

The SPEAKER. Is there objection?

There was no objection.

PRISON-MADE GOODS

The SPEAKER. The chair will recognize the gentleman from Massachusetts [Mr. HEALEY], for 15 minutes.

Mr. HEALEY. Mr. Speaker, I have received in the past few days a letter from the president of the United Shoe Workers of America. The letter reads as follows:

UNITED SHOE WORKERS OF AMERICA,
*Washington, D. C., August 13, 1940.*

Hon. ARTHUR D. HEALEY,
*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN HEALEY: In behalf of the thousands of your shoe-worker constituents and especially in the interest of those who are now unemployed, we call your attention to the fact that the Quartermaster Corps of the Army is about to award an order for 300,000 pairs of shoes to the Leavenworth Prison for manufacture by convict labor.

The men's-shoe industry, we are sure you are aware, has suffered the worst spring and summer seasons to date in many years, and weekly wages earned by many workers in this industry have hit new lows. Workers in this industry cannot afford any loss in wages, as the average pay is only $880 a year, a sum too low to maintain a decent American standard of living.

Congress has expressed its will in regard to this matter in Public, No. 271, Seventy-first Congress, which reads in part as follows:

"* * * that the Attorney General provide employment for inmates of the United States penal institutions in such diversified forms as will reduce to a minimum competition with private industry or free labor."

The Federal Prison Housing, Inc., the agency which handles this matter, has been increasing the activities of its shoe factories until it now constitutes a serious threat to the maintenance of standards in the competitive commercial shoe industry. This is shown more clearly by the fact that in 1932 the total annual production of the shoe factory in Leavenworth prison was 240,000 pairs and now, having completed an order of 120,000 pairs for the C. C. C. so far this year, they are about to take this order for an additional 300,000 pairs, bringing their total production this year to a minimum of 500,000 pairs.

It seems paradoxical that it should be necessary for the thousands of trained skilled shoe workers to commit a crime before they are permitted to work at their trade.

We urge you to protest both to the Director of the C. C. C. and to Maj. Letcher O. Grice, in charge of shoe purchases in the Quartermaster Corps of the United States Army.

Your interest in this matter will be deeply appreciated, and we would appreciate your keeping us informed of any action you may take in regard to this matter.

Respectfully yours,

FRANK MCGRATH, *President.*

Inquiry by me yesterday at the office of the Quartermaster General reveals that 150,000 pairs of the shoes referred to have been released by the Bureau of Prisons. That means that amount of the shoes will be manufactured by private industry.

The problem of prison-labor competition is one which the Federal Government and State governments have had to face for many years. The Federal Government realized the importance of the problem as early as 1885, when a Commissioner of Labor Statistics began the first survey to ascertain the effect of the competition that existed on the open market between prison-made goods and the products of free industry.

The troubles that the shoe workers of America are facing as a result of this unfair competition is but one facet of the whole problem. The prisons for many years were in the general manufacturing business; they produced work shirts, work clothing, furniture, machinery of various kinds, heavy iron and steel forgings, crockery, and a host of other products too numerous to mention.

In some cases the States permitted the contracting of prison labor to outside interests. This was simply a condition of peonage fostered by certain backward State governments. In other States the prisons contracted with free distributors for the supplying of various commodities at a certain basic price always much lower than the corresponding cost in free industry.

In 1928 the matter of convict-made commodities sold in the market in competition with free labor and free industry reached such proportions that a tremendous demand arose from all over the country for some Federal curative legislation.

It is well known that prison administrators have decided advantage over employers of free labor. Prisons do not have to meet the usual production cost and should, therefore, be able to undersell any competitors. Work continues notwithstanding business fluctuation, and to a certain extent is not dependent upon an immediate market. The overhead of prison industry is bound to be small because housing, shelter, and food is of necessity supplied by the State and the payment of compensation to the convicts is uniformly small.

In response to the urgings of all branches of organized labor from each of the 48 States, and supplemented by similar demands from the various business and industrial interests, the Hawes-Cooper Act was introduced and ultimately passed in 1929.

The Hawes-Cooper Act divested prison-made goods of their interstate character and thereby subjected them to the laws of the State where they were offered for sale irrespective of the place of origin. Under the provisions of the bill, the law did not take effect until January 19, 1934. This law does not prohibit the interstate shipment of prison-made goods but permits a State to impose restrictions upon such goods after they are transported into the State.

Immediately thereafter the various States began to avail themselves of the opportunities afforded by the Hawes-Cooper Act, with the result that legislation respecting the sale of prison-made goods is now in effect in 38 States. Thirty States entirely prohibit the sale and distribution of prison-made goods on the open market. Some 8 additional States have minor exemptions in their laws.

The validity of the Hawes-Cooper Act was challenged in the case of Ohio against Whitfield (297 U. S. 431). The case went through the various courts and ultimately the Supreme Court of the United States unanimously upheld the validity

of the act. In its decision the Supreme Court specifically declared that the competition of convict-made goods with the products of free labor was an evil. I will read you that part of the decision:

> The view of the State of Ohio that the sale of convict-made goods in competition with the products of free labor is an evil finds ample support in fact and in the similar legislation of a preponderant number of the other States. Acts of Congress relating to the subject also recognize the evil. In addition to the Hawes-Cooper Act, the importation of the products of convict labor has been denied the right of entry at the ports of the United States and the importation prohibited.

The Hawes-Cooper Act not proving entirely effective, a supplementary act was introduced and passed on July 24, 1935. This law is known as the Ashurst-Sumners Act, by which the provisions of the Hawes-Cooper Act were materially strengthened. The various State prison laws were supplemented and a maximum penalty was imposed on any person shipping prison-made goods into a State whose laws forbade the sale on the open market of such goods. It also provided that prison-made goods must be marked, showing the name and address of the shipper and the name of the penal institution from which the goods were shipped.

The Ashurst-Sumners Act was attacked in the courts and eventually the United States Supreme Court, in 1937, sustained the validity of the law.

In spite of these Federal laws and the efforts of a majority of the States to stamp out this pernicious competition, about a dozen States have either failed completely to keep in step or have enacted laws which only partially meet the problem. Recognizing the fact that free labor and free industry were still suffering from the effects of this ruinous competition, the various labor organizations had introduced on March 11 of this year in both the House and the Senate, a bill which would prohibit entirely the interstate shipment of convict-made goods. This bill was introduced by Senator ASHURST in the Senate and the gentleman from Texas, Congressman SUMNERS, in the House. The bill passed the Senate on June 22 with one or two clarifying amendments. The House Judiciary Committee reported the bill favorably on June 19 and on July 1 it passed the House with the addition of amendments from the floor. The amendments adopted by the House exempted from the provisions of the bill farm machinery and binder twine. Three conferences have been held by the managers of the House and the Senate. The managers have reached an agreement on all amendments with the exception of the one exempting farm machinery and binder twine.

I am opposed to the exemptions of farm machinery and binder twine from the provisions of the bill. If we are going to permit the convicts to manufacture and sell these articles then we may expect further demands in the future from prison interests for other exemptions in order that they may continue to invade the field of legitimate enterprise and free labor.

When the Hawes-Cooper Act was under consideration it was fought viciously by the various prison administrations and prison contractors. The cry raised was that it would be ruinous for the prisons to stop the manufacture and sale of commodities on the open market. It was alleged that upon the passage of the act the prisons would be immediately disrupted, idleness would set in, and tremendous unrest amongst the prison population would ensue. The answer to this complaint was and still is the State and Federal use system.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. HEALEY. Yes.

Mr. CONNERY. Mr. Speaker, I am pleased that my able colleague, the gentleman from Massachusetts, [Mr. HEALEY], has brought this matter to the attention of the House. I also received a similar letter, and as my colleague knows, I represent one of the great shoe centers of the country. The gentleman will agree, I am sure, that when the Seventy-first Congress authorized our penal institutions, through legislation, to produce prison-made goods, it had definitely in mind that such prison production should by no means be to the extent of competition with private industry.

Here we have the case of Congress placing on the statute books the wage-hour law, the National Labor Relations Act, the Walsh-Healey Act, and such other sound legislation for the protection of the workers in various industries, and the War Department and the C. C. C. and possibly the Navy Department, thwarting that beneficial legislation by ordering a great volume of products, in this particular instance shoes, to be manufactured in Federal prisons, in competition with private industry.

Mr. HEALEY. In answer to my colleague, who does represent one of the great shoe centers of the country, and who is always so zealous of the welfare of that industry and its workers, I should say, in fairness to Mr. McEntee, the C. C. C. Director, that he has written a letter to the United Shoe Workers saying that he is out of sympathy with the policy of placing these orders in the prisons.

Mr. CONNERY. Does not the gentleman feel that the Congress henceforth must be very much on guard against any possible improper steps being taken by the War and Navy Departments under the guise of national defense on questions such as this?

Mr. HEALEY. I think we should continue to be watchful and do our utmost in view of the great unemployment, particularly among the workers of this industry, to prevent these large Government orders going to the prisons of this country for manufacture by convict labor.

Mr. COCHRAN. Will the gentleman yield?

Mr. HEALEY. I yield.

Mr. COCHRAN. If the gentleman will carefully examine the record, he will find that since the depression started the Federal Prison Industries, headed by James V. Bennett, has released, with minor exceptions, to the trade practically all shoes Government agencies desired so they could be manufactured by free labor. Let me say I come from the largest shoe-industry district in the world and I know what I am talking about because I have cooperated with them year after year. Why, this week the Federal Prison Industries released to the trade over 1,000,000 pairs of shoes, when they could have manufactured them at Leavenworth if they desired. For the 6 months prior to December 31, 1939, they released 1,053,851 pairs; for the next 6 months ending June 30, 1940, they released 1,779,241 pairs; and since June 30, 1940, up to this time, 1,447,000 pairs. In the past year they have only taken 273,000 pairs, and this to keep the long-term prisoners at work, which is absolutely necessary to prevent riots. When you take into consideration that last year 414,000,000 pairs of shoes were manufactured in the United States, the trade and labor has not been hurt by such a record.

Mr. HEALEY. I am happy to have the observation of the gentleman and to have his contribution. I think it is no more than right under existing conditions that they should do that.

Mr. COCHRAN. Absolutely. And so does Mr. Bennett and his associates. Now, let me offer a suggestion to the gentleman. Why not bring back to the House and the Senate this bill which you are talking about for a vote on this question that is in disagreement? If you do not do it, that bill will be defeated in conference, whereas if it comes back to the House and Senate and we have a separate vote on it, we might be able to come to some agreement and get legislation at this session of Congress. I invite the conferees to bring it back for instructions and let the House act.

Mr. HEALEY. Of course, the gentleman realizes that I have been talking about that very question of trying to get that bill back as expeditiously as possible, so that we may have a vote on it.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. HEALEY. I yield.

Mr. VOORHIS of California. I agree entirely with the point the gentleman is making and will be glad to support this bill. I also want to point out that this group of workers, the shoe workers, in my own section in Los Angeles, has

adopted a program through its local out there whereby the members of that local who are employed give 1 day's labor every month free of charge, and in conjunction with their employers, who furnish the material and machinery, are manufacturing in that way shoes for the relief of victims of the war and donating them to the Red Cross. It is that kind of people that the gentleman is speaking of today.

Mr. HEALEY. Yes. I thank the gentleman for his contribution.

In 1932 the Federal Government set up what is known as the Prison Industries Reorganization Administration. This organization was charged with the duty of making a complete and exhaustive research into the various State penal institutions with the view of recommending a change in their past policies of manufacturing for the open market into a system whereby the prisoners would devote their energy to manufacturing and producing for State use. This State-use system has been adopted in most of the prisons of the country. It has proven to be largely satisfactory; so much so that most prison administrators now agree that restrictive legislation was the best thing that ever happened to the prisons.

The bill now pending for 40 days or more before the Senate and House conferees, when passed, would crown the effort of organized labor for the past 50 years with the successful elimination of prison competition in its most pernicious form. I do not know why the conferees have delayed so long in making their report. At this time, when there are some nine or ten million men unemployed, it would seem that every effort would be given to remove the various impediments which are now proving to be so injurious to labor in general.

This bill, S. 3550, is supported by the American Federation of Labor, the C. I. O., and by the various industrial organizations. The issue is quite simple: Shall prison management in a handful of States prevent the passage of a Federal law whose purpose is endorsed by legislation of almost 40 States and supported by free capital and free labor everywhere? [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on next Wednesday, after all the other business has been disposed of, I may be permitted to speak for 15 minutes.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and insert five letters in the CONGRESSIONAL RECORD with my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter from the United Shoe Workers of America protesting against the manufacture of prison-made goods.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ANOTHER STEP TOWARD DICTATORSHIP

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, Wendell Willkie said in his acceptance speech at Elwood, Ind.:

> I should consider our diplomacy as part of the people's business, concerning which they were entitled to prompt and frank reports to the limit of practicability.

The events of the last few days gives great force and point to the statement of the Republican Presidential nominee. The Nation suddenly has sprung on it a conference between President Roosevelt and the Canadian Prime Minister MacKenzie King to provide for a defense pact with our neighbor on the north and a joint defense board. Almost before the ink is dry on the first reports, the conference is over, the pact has been decided upon between the two officials, and Mr. Roosevelt is preparing to name the American members of the Joint Defense Board. Congress and the country had no inkling that anything of this sort was brewing until a vertible "blitzkrieg" of developments ended quickly in the consummation of the plan.

At the same time, the people of America, including the Members of Congress, learned from debates in the British Parliament that the United States and Great Britain have entered into an accord concerning naval and air bases. The announcement was made to the Parliament in the House of Lords by Viscount Halifax, foreign secretary. He cited this agreement as "proof of an inexorable fusion of interests." Mr. Anthony Eden spoke in Parliament hopefully of Great Britain and the United States becoming one nation and one people, as had been planned for Britain and France. The British Premier, Winston Churchill, spoke with great exultation of the agreements which are being reached with the United States, and viewed the process "without any misgiving. I could not halt it if I wished. No one can halt it. Like the Mississippi, it just keeps rolling along."

Now, without any reference to the merits or demerits of these momentous decisions, which have been reached by the President of the United States with other nations, and these momentous agreements which are being entered into, these developments go to show to what extent Mr. Roosevelt and his New Deal administration consider that they may do as they please, enter into any agreements they choose, make any commitments they like to other nations, and then present these things to the Congress and the people as accomplished facts which the Nation must accept whether it likes them or not.

This is a dangerous state of public affairs, whether these agreements and pacts are good, bad, or indifferent. The significance of these developments is that Mr. Roosevelt considers himself the Government of the United States. He considers himself the one to judge of what is good or bad for this Nation without reference and without respect to the Congress—the people's representatives—or the people themselves.

Wendell Willkie did not sound his warning a moment too soon, that we must begin to "consider our diplomacy as a part of the people's business, concerning which they are entitled to prompt and frank reports to the limit of practicability."

Again without reference to the merits or demerits of these agreements which have been entered into, these developments prove that there does exist a very grave danger that commitments dangerous to the peace and security of this Nation may be entered into, and the Congress and the people compelled to accept them because the President and his advisers appear to be willing to take any steps they see fit without asking the advice or the leave of Congress to do so.

To say the least, that is not the American way of doing things, and it smacks too much of dictatorship to suit a good many millions of our people.

WHERE THE MONEY WENT THAT WAS APPROPRIATED FOR FARMERS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, there are many agricultural sins committed in the name of helping the farmer, when in fact other groups are really the ones being helped. For example take the New Deal agricultural program of agricultural subsidy checks. In order to get this program in motion, the New Deal rubber-stamp Congress passed a bill—Senate 2229—on August 26, 1937, which permitted the Members of Congress to enter into agreements under agricultural programs, in order that Members of Congress themselves could enjoy the fruits of their legislation, and get their own hands into the "pot of gold."

While up to this time the law of the land did not allow Members of Congress to enjoy legislation that gave the Members personal emoluments, the New Deal changed this procedure so that Members could raid the Treasury of the United States and benefit by such legislation. A program was instituted by the Agriculture Department that diverted these funds in big checks to corporation farmers, insurance companies and banks instead of to the real farm people of our country in whose name, and for whose benefit, the appropriations had been made.

ONE YEAR—1937

A few of the outstanding payments for the year 1937 were:

| | |
|---|---|
| National Life Insurance Co., Montpelier, Vt | $65,335.92 |
| John Hancock Mutual Life Insurance Co., Boston, Mass | 147,647.22 |
| Travelers' Insurance Co., Hartford, Conn | 211,521.98 |
| Equitable Life Assurance Society of United States, New York, N. Y | 206,962.42 |
| Metropolitan Life Insurance Co., New York, N. Y | 257,095.64 |
| Mutual Benefit Life Insurance Co., Newark, N. J | 161,110.96 |
| Prudential Insurance Co. of America, Newark, N. J | 231,158.10 |
| Union Central Life Insurance Co., Cincinnati, Ohio | 166,280.84 |
| United States Sugar Corporation, Clewiston, Fla | 68,893.34 |
| Mississippi State Penitentiary, Parchman, Miss | 52,429.97 |
| King Ranch, Kingsville, Tex | 112,140.04 |
| Matador Land and Cattle Co., Denver, Colo | 60,153.04 |
| Grand Junction Sugar Co., Colorado Springs, Colo | 28,207.71 |
| Campbell Farming Co., Hardin, Mont | 11,830.00 |

How these payments were made on a farm-relief program is beyond the imagination of the average individual, especially when the New Deal in 7 years drove these 91,135 farmers from their farms and onto relief rolls, W. P. A. rolls, and into migratory camps. It is certain these big companies were not the "forgotten men" the New Deal of 1932 told us about.

While 91,135 farmers were driven from their homes because they could not pay an average interest charge of $98 to $112, on an average $2,800 loan, millions in these big checks have been paid to insurance companies, big corporation farms, and other nonfarm groups.

While the law has been changed to put a $10,000 limit to one person or corporation, new legislation has now passed the House allowing large landholding corporations, banks, and insurance companies to get $5,000 per farm, for as many farms as they own. In other words, again, take off the lid so that the money appropriated in the name of the farmer will once more go to the nonfarmer groups of the country.

If any subsidy is to be paid, it should be paid to the family sized farm—where the farmer owns and operates the land—in fact the real agricultural people of our country.

This soil-conservation money, if appropriated, should be allocated back to the States, in order to save the millions that now go to the political bureaucrats in Washington. The most fertile farm in America can be drained of its fertility and ruined in its productivity and still the farmer will receive annual checks under the guise of soil conservation. This program is one of New Deal conservation rather than one of soil conservation, as practiced by the bureaucrats in Washington and is but one more example of the waste, extravagance, and impractical theories of the advocates of the more abundant agricultural life.

It should be evident why the New Deal drove 91,135 farmers from the farms the past 7 years, when we are acquainted with the facts as to who really has been receiving the large checks and the very money that should have gone into the pockets of the farmers of this Nation.

The farmers in many States received but an average subsidy of $30 to $45 per farm, while the large corporation farmers and nonfarm groups obtained checks that averaged thousands of dollars. The above-listed checks were paid for not producing crops and for the so-called New Deal parity payments. Millions of dollars have been spent by the New Deal in taking photographs of farms from the air, but the New Deal apparently fails to take pictures of the milk checks, the checks received from 5-cent hogs, 10-cent cotton, and 50-cent wheat that have been obtained under the New Deal.

Too much of the public funds go to what are evidently political agricultural programs. Otherwise, why should one State, like Texas, get over 27 percent of the parity funds in 1 year; and why should one State, Texas, get $365,000,000 agricultural subsidy or one-eighth of all the agricultural subsidies? Why should Boston get $1,900,000 worth of fluid milk for distribution and be the only city in America to get it? And why should $1,000,000 be appropriated for purchasing fish when many surplus farm products bring only 50 percent to 75 percent of parity? Yes, "Why?" is a pertinent question, and one the New Deal evidently cannot answer.

Is it any wonder the New Deal drove 91,135 farmers from their homes and farms the past 7 years? Let us stop this unfair procedure once and for all.

The SPEAKER pro tempore. Under special order of the House heretofore entered, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

GERMAN PROPAGANDA AGENTS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain excerpts, and also to include certain newspaper articles and a letter which I have written.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LIEUTENANT COLONEL BYOIR

Mr. PATMAN. Mr. Speaker, in the early part of June I made certain charges against a lieutenant colonel in the United States Army Reserves. Those charges were that this man was appointed a lieutenant colonel in 1931 and that within 2 years thereafter he was employed by German propaganda interests for the purpose of selling nazi-ism to the people of this country. That was a very serious charge.

I have never made a charge that I could not support by adequate and satisfactory proof. I would not make a charge against anyone if I were not in position to back it up with proof that is sufficient, proof that is satisfactory, proof that would be acceptable before any committee. I asked the Dies un-American activities committee to investigate this charge and about 6 weeks ago I learned that the gentleman from New Mexico [Mr. DEMPSEY] had been appointed chairman of a subcommittee of the Dies committee to investigate the charges against Lt. Col. Carl Byoir.

BYOIR SHOULD BE QUICKLY "UNEXONERATED"

Very much to my surprise, and without any notice to me or knowledge on my part, the newspapers came out on the morning of July 20 with great headlines across the top of the page reading: "Patman charges unfounded, says the Dempsey subcommittee of the Dies committee." These headlines were followed by a statement purporting to come from this subcommittee of which the gentleman from New Mexico [Mr. DEMPSEY] was chairman, stating that an investigation had been made and these charges were proven to be absolutely without foundation, and asking that publicity be given to it at once in fairness to Lieutenant Colonel Byoir. I was in Texas. I came back here and insisted that the gentleman from New Mexico [Mr. DEMPSEY] give me a hearing at once, but that first he rescind the action of that committee. I told him I had not been given the courtesy of a hearing, that no witnesses had been called, that no proper investigation had been made, and that in a serious matter of this kind I should certainly be permitted to come before his subcommittee in a public hearing, and be given an opportunity, and in fact required, to substantiate the charges I had made against this Lt. Col. Carl Byoir.

CONGRESSMAN DEMPSEY NOTIFIED A FLOOR DISCUSSION WOULD FOLLOW AN UNSATISFACTORY REPLY

The gentleman from New Mexico did not give me that hearing. I did not get a satisfactory reply. The first thing I knew he had gone to New Mexico. We had an exchange of several telegrams, but I still could get no satisfaction. Finally, on August 19, 1940, in a telegram I informed him that if he did not give me positive assurance of a hearing before that subcommittee at an early date I expected to go on the floor of the House and inform our colleagues of exactly what had happened and what had been done by this subcommittee of the Dies committee, of which he was chairman. I failed to get a satisfactory reply, and that is the reason I am before you here today.

In my remarks, which I expect to extend, I will insert some interesting articles about the "fifth column" in the United States. I invite attention especially to some current writings of Col. William J. Donovan. At the suggestion of the Secretary of the Navy, the Honorable Frank Knox, Colonel Donovan recently made a trip to Europe. He knows something about the "fifth column" activities and how information is disseminated through these German tourists information bureaus and has published the information. I expect to place one of these articles in the RECORD.

A CHALLENGE TO CONGRESSMAN DEMPSEY

In a letter to the gentleman from New Mexico [Mr. DEMPSEY], which I am sending to him and which I presume he will answer—I hope he does—I stated:

AUGUST 22, 1940.

Hon. JOHN J. DEMPSEY,
*Chairman, Subcommittee of Dies Committee to Investigate Un-American Activities, Washington, D. C.*

DEAR CONGRESSMAN DEMPSEY: The most amazing thing that has happened during my public service has been the exoneration of Lt. Col. Carl Byoir of the charge of un-American activities by the subcommittee of the Dies committee, of which you are chairman. Such a report by your committee is shocking and astounding. My charges were made in the early part of June. Your report containing the so-called exoneration was made July 16, in 2 or 3 weeks after you were appointed chairman of the subcommittee to conduct hearings on the charges.

It was inconceivable to me that any subcommittee of the Dies committee would have held and published to the world that it is not considered an un-American activity in this country for a lieutenant colonel in our Army Reserves to become a paid propagandist for Adolph Hitler himself, and, for the purpose of selling nazi-ism to the people of this Nation. That is what you have done through the hasty and unwarranted exoneration of Lt. Col. Carl Byoir. And, to add to the disappointment of all informed American citizens on this colossal blunder, you caused this exoneration to be published without giving me, a colleague, a Member of Congress, the author of the charges, an opportunity to be heard before your committee. Such action on your part was not only untimely, it was unprecedented. As chairman of the subcommittee you broke three precedents:

1. In undue haste;
2. In not permitting the author of the charges to be heard; and
3. Making public a subcommittee report before it is passed upon by the full committee.

You should make haste to correct it.

The immediate effect of this so-called exoneration of Lt. Col. Carl Byoir will be to cause him to be called into active service to help administer the Selective Service Act, if it passes, or the voluntary system if it does not pass. He is in line for that important place. During the World War, he occupied a position which required him to encourage young men to volunteer for the Army.

I will quote some of the testimony that was presented to you as chairman of the subcommittee, and which you had in your possession when you gave out a statement exonerating Lt. Col. Carl Byoir from any un-American-activity charges.

I challenge you to deny a single one of these statements that I make. They are numbered for your convenience, in the event you can deny any of them. This testimony was given to you by me and it is sworn testimony and uncontradicted. It is as follows:

1. January 30, 1933, Adolf Hitler came into power in Germany. There was an immediate influx of more money, more literature, and more power into American propaganda channels. An effort was then made to place as many "fifth columnists" as possible in our Army and armed forces.

2. Carl Byoir, a New York publicity man, was also lieutenant colonel in the Army, Specialists Reserve. He had been a lieutenant colonel less than 2 years. He accepted $4,000 in cash from the German consul in New York to spread Nazi propaganda in this country. This money was paid within 2 or 3 months after Hitler came into power.

3. Lt. Col. Carl Byoir furnished German agents and German representatives lists of people over the entire Nation to contact and he, himself, contacted some of them for German representatives. German agents were smuggled in and out of the country at will.

4. Lt. Col. Carl Byoir sent George Sylvester Viereck, who called himself "the kaiser's spokesman in America," and who has always been a German propagandist in the United States, to Germany in August 1933 for the purpose of securing for him, Lt. Col. Carl Byoir, a contract with the German Government to disseminate Nazi propaganda in the United States.

5. George Sylvester Viereck, when in Germany in August 1933, conferred with Hitler, himself, and other prominent German officials and discussed with them the employment of Lt. Col. Carl Byoir on a more permanent basis. Byoir was then on the pay roll of the German consul in New York. A contract was given Carl Byoir by a "front" organization for the German Government, known as the German Tourists' Information Office, but which was approved by the German minister of propaganda, which provided that Byoir would receive $6,000 a month for 18 months and, specifically, "to promote trade between the United States and Germany and to build good will between the peoples of both countries." It was dated November 22, 1933. (You are doubtless well aware of the fact that Germany has always used these tourist information offices in the different countries as a "front" to disseminate Nazi propaganda.)

6. In pursuance of that contract, Carl Byoir and George Sylvester Viereck occupied the same office in New York City and their relationships were such that they were partners. This partnership—Carl Byoir and George Sylvester Viereck—then continued to flood this country with Nazi propaganda. They also established and maintained an office in Berlin, Germany.

7. Byoir and Viereck continued their activities in behalf of Hitler and the Nazi German Government in the years 1933, 1934, and 1935. All during this time, Byoir was, and is now, a lieutenant colonel in the Army Reserves.

8. You also have information in your files that Lt. Col. Carl Byoir was representing Germany in 1938.

9. Lt. Col. Carl Byoir stated in 1938 that he represented American industry with assets of $14,500,000,000. You made no effort to find out the concerns that he was representing at that time and whether or not they had any connection with German interests. To your agent he only accounted for a small part of such enormous assets that he claimed to represent.

10. During the time that Lt. Col. Carl Byoir was representing Hitler, German "fifth columnists" were swearing falsely for the purpose of getting into the National Guard in New York and in other cities. In other words, they were swearing that they were American citizens when they were aliens. Different "front" organizations for the Nazis were also being organized over the Nation. In other words, Lt. Col. Carl Byoir laid the ground work and started Hitler's Nazi propaganda in this country, and was therefore the first Hitler Trojan horse to enter the United States for Hitler. You have that evidence in your files in the possesion of your committee.

If you had interested yourself to the extent of making inquiry at the Department of State, you would have discovered that George Sylvester Viereck is now—on this the 22d day of August 1940—registered as a German agent. He is still flooding this country with Nazi propaganda literature from 17 Battery Place, New York. Has the partnership between Byoir and Vierick to disseminate Nazi propaganda in this country and try to make the people desire a Hitler dictatorship in preference to our own great form of government been dissolved? You have evidence that it existed in 1933, 1934, and 1935, but you have no evidence in the files that it has ever been dissolved.

July 9, 1934, Prof. Raymond Moley testified before the McCormack Un-American Activities Committee in New York. Chairman MCCORMACK asked him the following question.

Now, remember the gentleman I refer to is our colleague, the gentleman from Massachusetts, the Honorable JOHN MCCORMACK, asking Mr. Raymond Moley, whom you have all heard about, this question at the hearing in New York City:

"The CHAIRMAN. There was authentic evidence produced at the Washington hearings, both testimony and documents, in the case of the former German Consul Kiep paying $4,000 for propaganda directed against people in this country, whether citizens or not, because of their race. Have you any opinion that you desire to express as to the propriety of such actions?"

To which Mr. Moley replied:

"Mr. MOLEY. I think it is thoroughly improper to do any such subsidizing of any movement in the United States of that character by anyone who is a German citizen, and particularly so when he occupies an official position."

Suppose Mr. Moley and Congressman MCCORMACK had known at that time that not only did the German citizens occupy an official position with Germany but that Carl Byoir, the person referred to in the chairman's question, was also a lieutenant colonel in our own United States Army here in America. I can only imagine what would have happened at that time had it come to the knowledge of the people that a lieutenant colonel in our Army was being employed by the German consul in New York to disseminate propaganda in America.

In view of the above facts, which are uncontradicted, and which you had in your possession when the so-called exoneration resolution was passed, it would be interesting to know what prompted such a proceeding. Why the haste? Why were no witnesses called? Why did you not give me an opportunity to support the charges that I had made? I have never yet failed to adequately support every charge that I have ever made. Yet, in this case, you try to pass off such a serious matter, which involves the safety and adequate defense of our country, in such a careless and apparently indifferent manner.

If you were to pass a resolution based upon the information which you have in your possession on these charges, you would demand that the War Department take immediate action against this man who was accepting Fuehrer Hitler's money to help soften the American people and lull them into a feeling that a German dictatorship was preferable to our American democracy.

This is a matter involving such grave consequences at this particular time, I must insist that you give it first attention by rescinding your misleading and ill-considered resolution exonerating Lieutenant Colonel Byoir and give me an opportunity to appear before your committee in open public session for the purpose of

proving my charges. I assure you that I will be able to support by proper proof every charge that I made. You will be doing your country, in these perilous times, a great disservice if you fail to carry out this request.

Yours sincerely,

WRIGHT PATMAN.

VIERECK STILL GERMAN AGENT

A few days ago, I received the following letter from Mr. George L. Miller, Box 85, Crescent, Okla.:

I have just been handed some of the publications emanating from No. 17 Battery Place, New York, headquarters in the United States for German propaganda. One document lists eight folder leaves, 11 by 9 inches, enumerating from A to Z plus, and miscellaneous subjects, justifying everything Germany and Hitler have accomplished. You may obtain any of this media by sending your name to the above address. The Congress has not done one thing, that anyone has ever heard of, to stop this spread. Properly it does not come under the free-press guaranty of the National Constitution. Thousands of German agents are working ceaselessly in the midst of the American people, seeking adherents, that when the time is ripe this Nation will emerge nazified. That is what you and the rest of us are facing at this very precious moment.

The organization that Mr. Miller refers to is spreading propaganda throughout the length and breadth of this Nation. This organization is known as the German Library of Information, 17 Battery Place, New York. It gets out a weekly publication, known as Facts in Review. It is sent to people all over the country by air mail, special delivery every week. In addition, it gets out books, known as The German White Book. A few days ago, German White Book No. 4 was distributed all over the Nation and to Members of Congress especially. It is nothing more nor less than Nazi propaganda. This organization is spending enormous sums of money.

It is interesting to know that George Sylvester Viereck, who helped Lt. Col. Carl Byoir lay the ground work for Nazi propaganda in this country, is directly connected with the preparation of these publications.

The following letter from Acting Secretary of State Sumner Welles, dated June 20, 1940, confirms this fact, and is self-explanatory:

MY DEAR MR. PATMAN: I acknowledge the receipt of your letter of June 17, 1940, and in reply have to inform you that George Sylvester Viereck is registered with the Secretary of State in conformity with the provisions of the act of June 8, 1938, as amended, requiring the registration of agents of foreign principals. A copy of the registration statement submitted by Mr. Viereck, together with copies of the supplements thereto, is enclosed for your information.

In addition to his contractual relationship with the German newspaper Münchner Neueste Nachrichten, Sendlingerstrasse 80, Munich, Germany, Mr. Viereck also performs services in connection with the preparation of the publication Facts in Review, which is published by the German Library of Information, 17 Battery Place, New York, N. Y. The German Library of Information is registered in conformity with the provisions of the law mentioned above in the name of its director, Mr. Heinz Beller, under the number 364 and date September 8, 1939. According to its registration statement, the "German Library of Information is a library of public information on the social, cultural, political, and economic development of Germany. It comprises several thousand books, pamphlets, periodicals, newspapers, official documents, and standard works on law, economics, history, philosophy, art, sport, etc. Its services are available upon request."

Sincerely yours,

SUMNER WELLES,
*Acting Secretary.*

ARE AMERICANS SOFT?

The August 20, 1940, issue of the Washington Post carried an interview from Mme. Lauri Alwyn, who had held an instructor's post in Germany, but who had just arrived in this country, in which it was stated:

Hitler thinks, she was informed, that the United States is great, but, alas, occupied by the wrong people. She was led to believe there that Nazi agents are posted in key jobs in public utilities, even in the small flour mills of the United States. Her sources of information said these agents could take the dynamics out of America with one turn of their hands, and easily, because "Americans are soft."

HEAD OF RUSSIA'S TOURIST INFORMATION SERVICE CONVICTED FOR BUYING NAVY SECRETS

The Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation, was the author of an article on how spies operate, in the magazine section of the daily newspaper for July 28, 1940, issue of This Week. In this article he discussed what I presume to be the only case in which the Department of Justice has obtained a conviction of an agent of a foreign government under the espionage statute. In this article, Mr. Hoover stated:

SALICH-GORIN CASE

A case handled by Naval Intelligence and the F. B. I. about a year ago throws further light on the manner in which spies operate. Hafis Salich was born in Moscow, Russia, in 1905. In 1920 he emigrated to the United States. He had attended St. Joseph's College in Yokohama, Japan, and spoke Japanese fluently. After he arrived here he completed a course at a business college in Seattle, Wash. He worked for steamship companies off and on until 1926, when he became a member of the Berkeley, Calif., police department. He worked there until 1936, when he was given a leave of absence to work on a special assignment for the Navy Department. In the meantime, he became acquainted with Mikhail Nicholas Gorin, who arrived in the United States on January 10, 1936, to take over the management of the Pacific coast division of Intourist, Inc., a travel bureau designed to promote travel in Soviet Russia.

It is alleged that Gorin absent-mindedly left a document in a coat pocket that was sent to the cleaner's. A patriotic citizen found it. It immediately reached the hands of our efficient Naval Intelligence. An alert officer recognized the document as having come from Navy files. The F. B. I. was notified. A joint investigation disclosed that Salich apparently had received $1,700 from Gorin for reports that Salich was accused of having secured from Navy Department files. Salich and Gorin were sentenced to serve prison terms for violation of the espionage statute. As this is being written the case is pending appeal in the United States Supreme Court.

Espionage agents have but one code: "The end justifies the means." The means can be murder, robbery, burglary, barter of loyalty, or blackmail.

Identifying spies is one thing—proving their mission is much more difficult. Of even greater importance to the protection of our internal defense is keeping a check upon their plans. These plans, as a rule, are carried out by the underlings of spydom. The directors of espionage invariably remain behind the scene, well protected by many imposing "fronts."

I invite your attention especially to the fact that Gorin, who was the representative of a travel bureau designed to promote travel in Soviet Russia, induced an employee of our Navy Department to sell him valuable secrets, which were secured from Navy Department files. Gorin occupied a similar position with the Russian tourist agency that Lieutenant Colonel Byoir occupied with the German Tourist Information Service when he first commenced spreading Nazi propaganda in America.

ANOTHER TRAVEL AGENCY USED AS A FRONT

The Times-Herald, Washington, D. C., August 13, 1940, carried the following article relative to 17 Battery Place, in New York, which is headquarters for German propaganda:

F. B. I. BARES GESTAPO RING IN NEW YORK—EVIDENCE GIVEN UNITED STATES BY FORMER GERMAN CONSUL

(By John Crosson and Guy Richards)

NEW YORK, August 12.—F. B. I. agents, armed with the reluctant testimony of German-Americans, including the Reich's former consul here, will soon submit evidence to the Federal grand jury that the firm of Deutcher Handels und Wirthschaftsdienst, at 17 Battery Place here, is the New York, if not the United States, headquarters of Hitler's Gestapo, object of heretofore fruitless search since the New York German spy trials of 1938.

This is the firm, licensed as a travel and foreign exchange agency, whose offices were damaged on June 20 last by a bomb blast injuring nine persons. * * *

THREE-YEAR FEUD

They called Dr. Paul Schwarz, for 4 years German consul here, and from him gained confirmation of their suspicions that the June bombing culminated a bitter 3-year feud between Dr. Borchers, a scholarly career man in the German foreign service, and the Gestapo staff that used the travel agency as a front.

It will be noticed that this firm was a travel agency and it was used as a front. It is now generally known that Germany has for a number of years used travel and tourist agencies for a front in disseminating Nazi propaganda.

COLONEL DONOVAN'S REPORT ON "FIFTH COLUMN" IN UNITED STATES

The statement by Col. William J. Donovan, which I referred to in the earlier part of my speech and which appeared in the newspapers today, is as follows:

COLONEL DONOVAN REPORTS—STRONG "FIFTH COLUMN" IN UNITED STATES "COULD BE OUR UNDOING"—HITLER CONSPIRING FOR WORLD DOMINION—IMMENSE SUMS SPENT FOR PROPAGANDA

(By Col. William J. Donovan and Edgar Mowrer)

Since we must ascribe a huge share in Adolf Hitler's incomparable military successes to his use of Germans and "fifth columnists" in victim countries, the question arises: How was such a success possible?

How are Germans abroad brought to such self-sacrificing enthusiasm for the Nazi regime? How above all can foreigners living under relatively mild and civilized governments be induced voluntarily to betray their own countries for Hitler's Germany? It seems mysterious.

The answer is $200,000,000 spent annually on organization and propaganda abroad. The immensity of this sum is the secret. Nazi Germany is not a government—not even a "folkdom" of the sort Nazi orators talk about. Nazi Germany is a conspiracy. Its scope is universal and its aim world domination.

Its primary agents are as many of the millions of the Germans in Germany, and abroad, as can be induced or compelled to serve the German fatherland.

ARMED INSURRECTIONS

Its activities begin with attempted proselyting of Germans abroad, go on to the murder and kidnaping of real or fancied enemies, and end in armed insurrection against the foreign country Hitler wishes to conquer or absorb.

Such insurrections of Germans actually occurred in Czechoslovakia, Austria, and Holland. But for the firm attitude of the United States such an insurrection would, many students believe, have occurred in Brazil.

That the Germans abroad are usually naturalized into something else is no hindrance. Pre-war imperial Germany sanctioned the double nationality status—Germans could, that is, become French or American or Portuguese without losing their German nationality. The Weimar republic did not alter this strange conception and Nazi Germany has made it the center of its Trojan horse tactics of placing Germans within the enemy walls.

GERMAN AIMS IN AMERICA

It is safe to say that a very fair proportion of the nonrefugee Germans who have become American since Hitler came to power did so with the secret intention of turning free and democratic America into their—that is, Hitler's—America.

Children of Germans naturalized half a century ago are still counted German by Berlin and every effort is made to convince them of the fact.

Naturally the Nazis accept traitors as allies wherever they can find them and welcome the assistance of non-Nordics. But peoples racially akin to Germans—Scandinavians, Dutch, Flemings, German-speaking Swiss, even Anglo-Saxons—are made the object of special proselyting as belonging to the "same blood." These form the material with which the Nazi world conspiracy chiefly attempts to work.

The center is the Nazi Party. The tool is the Auslands organization (or "organization abroad") of this party. Today this organization of Germans abroad has nearly 4,000,000 members, all of whom are conscious agents. Over 600 local groups or "supporting points" are organized in 45 or more "landesgruppen"—one in each country.

DIRECTED BY ERNST BOHLE

The headquarters is in Stuttgart, but all the groups are directed by a single man in Berlin, Gauleiter Ernst Wilhelm Bohle, with some 800 assistants. Technically Bohle is a "state secretary" in the German foreign office. Where the local branches dare not appear under their true colors they take on fancy names—in Rumania, the Iron Guards; in Switzerland, True Confederates; in the United States, Amerikadeutscher Volksbund.

But everywhere, whether the members are Germans, naturalized Germans, or non-Germans, the aim is the same—to achieve Hitler's end by trickery or terror; the organizing principle is the same, with Sa and Hitler Youth and Hitler Sport, marching, emblems, ruthless discipline, ceremonies in honor of Nazi heroes or Hitler's birthday parties; and in case of war they would all be on Germany's side. In time of peace they make lists of Hitler's enemies, who are marked down for murder or kidnaping to Germany and torture when the great day comes.

SELLING GERMANY'S CAUSE

Organized Germans abroad are publicly told to "obey the laws of their guest country" but at the same time urged to "convince every outsider of the necessity of Germany's victory." The Nazi party Auslands organization is by no means the only entity that works for Hitler outside Germany.

Particularly important, notably in countries like the Third French Republic, is the work of the press attachés in the German embassies and consulates. Not only do they see that the 1,700 German language newspapers outside Germany (total circulation 3,000,000) are supplied with interesting material of all sorts at the price no other source can meet, but they also watch over German radio programs.

Special attention is given to winning over possible Nazi friends on the local press and combating or bringing into disrepute newspapers and periodicals that oppose Hitler.

GESTAPO EVER ON WATCH

The German Gestapo of Heinrich Himmler, whose ruthless efficiency surpasses even the Russian Ogpu, employs only about 5,000 agents abroad. One of its special tasks is watching over German refugee emigrants, but it does not scorn to cast an eye even on Nazis in good standing, some of whom have been known to speak slightingly of the Fuehrer or to express a passing wish for greater personal freedom.

Therefore one or more agents can be found in every German consulate or embassy abroad. A good angler can manage to locate others in the larger German commercial enterprises, such as shipping or oil companies.



In addition to the agencies already mentioned, there exists a colonial political department headed by Gen. Franz Ritter Von Epp, Hitler's special friend, which carries on a lively pro-Nazi propaganda in the former German colonies and among Germans in colonies of other countries.

Although there is some doubt, presumably it is the Gestapo that picks out special agents for particular jobs in countries that happen at a particular moment to interest the Nazis most. Rumor speaks of a high-class German technician who managed to find a relatively insignificant job in an American broadcasting company.

Broadcasting plays a great role in German spy life. Not only the agents possess tiny senders with which they transmit information unfit for the public, but they receive instructions carefully concealed in public broadcasts from the fatherland. One such typical broadcast was that called Kamaradschaftsdienst, supposedly intended for the soldiers at the front.

USE OF GERMAN SERVANT GIRLS

There is no claim that this description of the German propaganda service is complete. Conceivably there exist other even more interesting services. But this much should make it clear why Adolf Hitler has been so successful in utilizing Germans abroad and creating "fifth columns" among his enemies.

Thanks to the pains taken and the money spent. Hitler has in nearly every country been able to do considerable in breaking down the national morale and enlisting traitors. One particularly good dodge is in most places the creation of two Nazi organizations, one of which acts in a strictly legal way.

Another (until it was found out) was the use of German servant girls. Dutch employers of a particularly "dumm" German cook were surprised to hear her conversing in the kitchen with a perfect stranger in fluent Oxford English. She was dismissed, and took with her the more important family papers.

TOURISTS COLLECT INFORMATION

German exchange students, carefully schooled in espionage and propaganda, collected no end of information in Switzerland. Strength-through-joy tourists carefully mapped Poland for the Reichswehr. It must always be remembered that no German receives police permission to leave the Reich, regardless of the motives, until he or she promises to report everything seen and heard abroad.

Each must declare his address to the nearest Nazi official and keep in touch with him so far as circumstances permit.

In the United States an organization of Nazis is being trained in arms. As matters now stand it is conceivable that the United States possesses the finest Nazi-schooled "fifth column" in the world, one which, in case of war with Germany, could be our undoing.

WOULD BAN GERMAN PRESS

Could, but need not be. The Nazis are strong only where unopposed. Where they are resisted, where the initiative is taken from them, they tend to collapse. The revelations in the American press of the fortunes amassed and held abroad by leading Nazis kept Goebbels busy denying it for 2 weeks.

It is hard to see why under present circumstances, in view of "fifth column" activity observed abroad, countries that do not intend to submit to the Third Reich permit any German-language publications or why they do not adopt legislation allowing naturalizations obtained under false pretenses to be annulled by executive act, or do not insist on knowing just what domestic industries and commercial houses have tie-ups of any sort with the Nazis.

Failure to do this, failure to study and combat the entire Nazi Auslands organization may have tragic consequences. Unearthed in time, the Nazi conspiracy is relatively harmless.

I hope you will notice what Colonel Donovan says about the German aims in America and about tourist information agencies being used as a front to disseminate Nazi propaganda.

Byoir's contract was with the German Tourist Information Office.

THE GERMAN PROPAGANDA FRONT

The following article appeared in the New York World-Telegram, November 2, 1939:

GERMANY LOST NO TIME IN LAUNCHING OFFENSIVE ON PROPAGANDA FRONT

(By George Britt)

The Goebbels propaganda assault began operations long before there was anything but quiet on the western front. Former Germans, to the third and fourth generations in America, were approached and wherever possible were organized according to their social class. Vast mailing lists were collected—of persons to receive propaganda or to be called on for money or services or to bombard Congress with letters.

Every possible ally, however temporary, was enlisted. Every means was utilized—lecturers, news dispatches, publicity handouts, papers, magazines, radio broadcasts—for putting Nazi Germany's message across.

MR. VIERECK

And as if for old times' sake, there also was George Sylvester Viereck, now registered with the State Department as a German agent.

Mr. Viereck, who called himself "the Kaiser's spokesman in America" and published his Fatherland weekly during the last war, was

returned to the headlines in 1934 by the McCormack investigating committee. It was shown that he had got $1,750 a month for publicity for Nazi Germany and an additional $500 a month for advice concerning propaganda to the consul general.

The main drive to make the people in our country dissatisfied with their form of government and to accept a Hitler dictatorship instead was commenced soon after Hitler took office, January 30, 1933. The first real publicity for Hitler was given by Lt. Col. Carl Byoir, and one of the first publications gotten out in this country for Hitler was a pamphlet entitled "Speaking of Hitler," which was prepared in Lt. Col. Carl Byoir's office in New York.

GERMAN RAILWAYS FRONT FOR PROPAGANDA IN SOUTH AMERICA

The South American countries were visited by Mr. Russell B. Porter, a special correspondent of the New York Times, within the last 60 days. His articles appeared in the New York Times daily and they disclosed the methods used by the Germans in the South American countries to disseminate their propaganda and also disclosed the enormous sums of money that are being spent by the German Government in these countries each month for that purpose. He also refers to the fact that the German Railways Bureau was used as a front for propaganda purposes. In his article, which appeared in the New York Times Wednesday, July 17, 1940, it was stated:

TRAVEL OFFICIAL IMPLICATED

The first Nazi movement discovered, he said, was a weekly paper called the Lunes, which before the war published attacks against the popular-front regime. It launched a vicious anti-Jewish campaign, raising the racial issue for the first time in Chile.

Inquiry showed that it was financed by Hans Voigt, head of the German State Railways Bureau and prominent in the Santiago German colony, who has made many prominent Chileans his friends by sending them to Germany on cheap trips by using special exchange marks.

Herr Voigt, who used his railways office as a propaganda center, was shadowed and discovered ordering the printing of thousands of anti-Semitic pamphlets. He was also charged with organizing Nazi parades and demonstrations. Herr Voigt was arrested and expelled from Chile about a year ago. His case was handled so quickly that the German Embassy and his powerful friends had no time to intervene.

* * * * * * *

EX-DICTATOR HEADS GROUP

Another is the Chilean nationalist movement, whose former leaders, Gen. Carlos Ibanez, former dictator of Chile, and Gen. Ariosto Herrera, were expelled from Chile after loyal regiments discovered and exposed a plot to establish a regime on the Italian model.

Another organization that has been investigated is the Association of Friends of Germany, consisting of many prominent Chileans, including retired generals, university professors, writers, and intellectuals who were educated in or have visited Germany and admire German "kultur" or feel grateful for favors shown them in Germany.

This group meets regularly to talk about Germany. Its members make pro-German statements in press and lectures and on the radio, especially coming to Germany's defense when she's attacked.

The heading of this article was:

Nazis in Chile closely watched for evidence of subversive acts—Travel agent deported upon discovery that he financed an anti-Semitic paper—Enormous sums spent for propaganda.

This is especially interesting, in view of the fact that Lt. Col. Carl Byoir claimed to be only a travel agent representing the German Tourists' Information Service in the United States while he was employed by the German Consul in New York and other German interests after Hitler came in power.

CONCLUSION

Lieutenant Colonel Byoir's defense is that he was merely representing an agency designed to promote travel in Germany. This is the same defense that was made by the South American spies and by the Russian spy that bought the Navy secrets.

I am not familiar with fees that are usually and customarily paid by the travel agencies of a foreign country to an individual in this country to promote travel in their country, but I am told by experienced representatives in this line of work that $6,000 a month is so excessive for such a purpose that only a stupid or wholly uninformed person would likely believe it.

Yet this man, Lt. Col. Carl Byoir, remains an officer in our United States Army, Specialists' Reserve. How long will he remain in that capacity? I am furnishing a copy of this information to the Department of Justice and to the War Department. If appropriate action is not taken within a reasonable time, I will have another suggestion to make.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. CASE of South Dakota. The gentleman is giving us some very interesting information. I wonder if the gentleman has contacted the War Department to see if they do not have authority to deal with such a situation where they find a lieutenant colonel acting as he has?

Mr. PATMAN. I hope the gentleman will pardon me if I do not answer his question just at this time. The War Department is looking into the matter and I would not like to answer the question more fully at the moment. I will say, however, that any exoneration by a congressional committee would have great weight with any department of our Government. This is the reason I so seriously object to this.

Mr. CASE of South Dakota. That may be true, of course, but it occurs to me that when a situation such as this exists it should be corrected in the most expeditious manner possible.

Mr. PATMAN. I called it to the attention of the War Department, but proper action seems to be very slow.

Mr. THORKELSON. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. THORKELSON. The gentleman has given some very interesting information. Is the gentleman prepared to substantiate the charges he has made?

Mr. PATMAN. Well, you can rest assured that I can.

Mr. THORKELSON. I think the proper procedure would be to prefer charges against him, for I believe he could be court-martialed under the charges the gentleman has made. I happen to be in the Reserves myself.

Mr. PATMAN. Since the gentleman is a Reserve officer and he is interested in these charges, why does not he prefer charges himself? I am now adopting the course that I believe will be the most effective under the circumstances.

Mr. THORKELSON. The gentleman from Texas has the evidence.

Mr. PATMAN. It is available to the gentleman from Montana.

Mr. THORKELSON. I think the gentleman himself ought to do it. If Carl Byoir is involved in disseminating national socialistic propaganda in the United States, he should be held accountable.

Mr. PATMAN. Does not the gentleman agree that it should be taken up if he ever engaged in it?

Mr. THORKELSON. Yes; if he ever engaged in it.

Mr. PATMAN. Whether in 1935, 1938, or any time.

Mr. THORKELSON. It does not make any difference. A man who is in the service has no business to engage in any activities of that sort.

Mr. PATMAN. He certainly did and you can bet your bottom dollar that I can substantiate the charges.

Mr. THORKELSON. I think the gentleman ought to go through with it.

Mr. PATMAN. Do not think for a moment that I will quit.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I agree with the gentleman that any member of the Regular Military or Naval Establishment or the reserve components of those establishments should not be an agent or employee of any foreign government. However, I submit if the law has been violated and if this man is a "fifth column" agent of a foreign government, a "fifth column" agent different from one defined by the Christian general under General Franco with reference to the "fifth column" of Christians who were under the domination of the ungodly, unchristian Communists during the Spanish civil war, this matter should be sent to the Department of Justice and not to Mr. DEMPSEY's committee.

Mr. PATMAN. Since the subcommittee took it up and attempted to pass on it, and they made a colossal blunder in passing on it, I think the gentleman from New Mexico [Mr. DEMPSEY] should correct it first. I think he should rescind that action first. Otherwise, it would go to the Department prejudged.

Mr. SCHAFER of Wisconsin. But if the gentleman thinks a member of one of our national-defense organizations, either the Army, Navy, or Marine Corps, is a paid agent of any foreign government, I do not believe that he should wait for the gentleman from New Mexico [Mr. DEMPSEY] or any other Member of this House to act. Action should be taken by the Department of Justice, and there is the place to take your evidence.

Mr. PATMAN. It will be furnished to the Department of Justice. Does not the gentleman think that action should be taken if at any time while he was a lieutenant colonel he represented the German Government or disseminated Nazi propaganda, regardless of the time? Does not the gentleman think he is equally guilty and should be dealt with accordingly?

Mr. SCHAFER of Wisconsin. Yes; I agree with the gentleman.

Mr. THORKELSON. Will the gentleman yield further?

Mr. PATMAN. Yes.

Mr. THORKELSON. In speaking of nazi-ism the gentleman means national socialism?

Mr. PATMAN. I am sure the gentleman is better informed on that than I am.

Mr. THORKELSON. That is what you meant?

Mr. PATMAN. Yes; that is what I mean.

Mr. THORKELSON. I want to know, because that is the same as communism.

Mr. PATMAN. I do not entirely agree with that. I admit they are working toward the same end.

Mr. THORKELSON. It is national socialism.

Mr. PATMAN. But they use different methods and means of getting to that end.

Mr. THORKELSON. The basic principle of that is socialism.

Mr. PATMAN. I do not feel qualified to answer that. The gentleman is much better qualified to answer the question than I am, although I am inclined to believe he is right.

Mr. THORKELSON. I do not know whether I am better qualified than the gentleman or not. I want to know.

Mr. PATMAN. I say that in all sincerity. I have not carefully studied that matter. I have been studying more about democracies and the democratic form of government.

Mr. THORKELSON. Nazi-ism is socialism and there is only a slight degree of difference between that and communism. It is not the form of government we want here. We do not want it here. We want the republican form of government, as we have always had.

Mr. PATMAN. You mean a democracy?

Mr. THORKELSON. No; I do not mean a democracy.

Mr. PATMAN. Well, I do not entirely agree with the gentleman.

Mr. THORKELSON. I am sorry. A democracy means socialism.

Mr. PATMAN. There are two kinds of democracies, one a pure democracy which is possible when there are only a few people in a country and they can all get together, vote, and conduct its affairs. The other kind is a representative democracy—the kind that we have—where there are too many people to get together and conduct the country's affairs, so they elect representatives to carry out their will—to meet and do for them what they would do for themselves, if present and allowed to vote or decide. Mr. Speaker, I want to thank the Members for giving me their attention. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Tuesday next I may be permitted to address the House for 20 minutes after the disposition of business on the Speaker's table and at the conclusion of any special orders heretofore made.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous special order, the gentleman from California [Mr. HINSHAW], is recognized for 10 minutes.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include an excerpt from the CONGRESSIONAL RECORD, certain letters and military orders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

Mr. HINSHAW. Mr. Speaker, for the purposes of the RECORD and not for the purpose of reviling, condemning, or praising any person, I have a matter here that I want to bring to the attention of the House. On May 21, the gentleman from New York [Mr. DICKSTEIN] had this to say to the House of Representatives, as appears on page 6511 of the RECORD:

Mr. DICKSTEIN. Mr. Speaker, the National Rifle Association, of Washington, D. C., is being used and abused by the members of the German-American Bund. This rifle association, which had at one time sent representatives to the bund in 1938 to solicit memberships, was recently exposed in the press when it was found out that this association had sold rifles to the members of the Christian Front, of which 14 members are now on trial. Today 2 bund posts of storm troops are known to be drilling with rifles more intensely than before. These 2 posts are located at Glendale, Long Island, and Newfoundland, N. J. Their rifles are sold to them by the National Rifle Association, of Washington, D. C.

It is high time a subpena be issued for the National Rifle Association to determine how many thousands of Hitler's bundsters are members. It is certainly a serious situation when an organization sells Government rifles—and at reduced prices at that—to Nazi agents and alien agitators and this is sanctioned by a citizens' rifle-training division of the United States Government.

It is also a very serious situation, in my opinion, and a threat to our neutrality if we continue to tolerate demonstrations like the one at North Bergen, N. J., where more than 10,000 German-Americans gathered to celebrate the Nazi Army's exploits in France and Belgium. After witnessing the methods employed by Hitler agents in other so-called neutral countries, it is surprising that we still permit them to march around in their foreign uniforms trying to spread their vicious doctrines of race hatred and intolerance in this country. In times like these I think we ought to be more alert in protecting our country and our institutions against the onslaught of the "fifth column" which has been responsible for the downfall of a number of unsuspecting victims in Europe.

Shortly after that an order was issued by the War Department which reads as follows:

For the purpose of conserving the reserve of arms and ammunition for possible requirements of national defense, all sales of arms, spare parts, ammunition, and components of ammuntion, to members of the National Rifle Association, and all issues of arms and ammunition to rifle clubs, under the authority of section 113, National Defense Act of 1916, as amended, are suspended until further orders.

By order of the Secretary of War.

(Signed) A. P. SULLIVAN,
*Adjutant General.*

Accompanying that order was a note signed by F. C. Endicott, Colonel of Infantry, Director of Civilian Marksmanship under the War Department, in which he says:

In compliance with a recent order of the Secretary of War, all sales of arms, spare parts, ammunition, and components of ammunition to members of the National Rifle Association, and all issues of arms and ammunition to rifle clubs are suspended until further notice.

No repairs or alterations at Government arsenals to personally owned arms will be authorized by this office.

Shortly after that I received a letter from Mr. Charles Lanfrud, secretary of the Post Office Gun Club of Pasadena, Calif., which is in my district. This letter refers to the

speech by the gentleman from New York [Mr. DICKSTEIN], and is as follows:

PASADENA, CALIF., *June 21, 1940.*

Honorable CARL HINSHAW,
*House of Representatives, Washington, D. C.*

DEAR SIR: On Tuesday, May 21, Representative SAMUEL DICKSTEIN, of the Twelth District of New York, made a statement on the floor of the House which our organization believes to be untrue and ill-advised.

Representative DICKSTEIN stated that the National Rifle Association of Washington, D. C., had sold rifles to members of the Nazi bund. Inasmuch as no arms whatever are sold by the American Rifle Association, we are at a loss as to the meaning of this statement.

We are informed that as a result of Mr. DICKSTEIN'S statements the President has ordered the directors of civilian marksmanship to discontinue the sale of rifles and other arms to American citizens. We believe that American citizens have a constitutional right to possess arms and that much of America's safety lies in an armed and informed citizenry.

European countries have long made a practice of forbidding their citizens possession of any arms excepting fowling pieces, and today England is pleading in desperation with the citizen which she disarmed to take up arms to fight the invader.

The papers report that rifles are being shipped to England, yet we can no longer obtain even M2 (22-caliber rifles) for training purposes in our club. Can it be that the disarm-America leaven is beginning to work?

Our gun club is composed of native-born American citizens, several of whom have fought in defense of America. We have, individually or collectively, been members of the American Rifle Association for many years and have always considered it to be a patriotic organization of the highest type, whose slogan has been "America a Nation of Riflemen," and who has always restricted its membership to United States citizens.

If the American Rifle Association is guilty of the charge brought by Representative DICKSTEIN, our organization would be glad to have the facts and will be most grateful for any information you may be able to give us on the subject. On the other hand, if the charge is untrue, and we believe it is untrue, we feel that a grave injustice has been done to a most worthy and patriotic organization.

Our club will greatly appreciate any information you may be able to give us as the truth or falsity of Mr. DICKSTEIN'S charges against the National Rifle Association.

Respectfully,

CHARLES C. LANFRUD,
*Secretary, Post Office Gun Club, Pasadena, Calif.*

After receiving that letter I addressed a letter to the Honorable Robert E. Jackson, referring to the subject that I have just taken up. This letter is as follows:

JULY 25, 1940.

Hon. ROBERT E. JACKSON,
*Attorney General of the United States, Washington, D. C.*

DEAR SIR: I am informed that under date of June 12, 1940, The Adjutant General ordered the suspension of sale of arms and ammunition to members of the National Rifle Association and rifle clubs, following an investigation by the Department of Justice.

On May 21, 1940, the Honorable SAMUEL DICKSTEIN, of New York, stated on the floor of the House that rifles had been sold by the National Rifle Association to members of the Christian Front, then on trial by your direction. I understand that these members of the Christian Front have since been acquitted of the charges. Representative DICKSTEIN in his address to the House stated also that small arms and munitions had come into the possession of Nazi bundsmen through the National Rifle Association.

From your investigation above referred to, you no doubt have information concerning the extent of sales of small arms and ammunition through the National Rifle Association to persons or organizations engaged in un-American activities. I will greatly appreciate it if you will summarize for me the results of your investigation, in order that I may be informed as to the extent of such traffic in arms to un-American groups.

This letter is written following my receipt of protests at the action of the War Department from members of the National Rifle Association and from a gun club in my congressional district.

Very truly yours,

CARL HINSHAW, M. C.

I had a reply from the Attorney General which reads:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D. C., July 30, 1940.*

Hon. CARL HINSHAW,
*House of Representatives, Washington, D. C.*

MY DEAR MR. CONGRESSMAN: This acknowledges your letter of July 25, concerning a suspension of sale of arms and ammunition by the War Department to members of the National Rifle Association and rifle clubs.

I suggest that it would be best to direct your inquiry to the War Department which, I am sure, will furnish whatever information is available in answer to the question contained in your letter.

With kind regards.

Sincerely yours,

ROBERT H. JACKSON,
*Attorney General.*

Accordingly I addressed the Secretary of War enclosing a copy of my letter to the Attorney General, and I received on August 6 the following letter, signed by Robert P. Patterson, Assistant Secretary of War, I believe recently appointed. He states as follows:

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
*Washington, D. C., August 6, 1940.*

Hon. CARL HINSHAW,
*House of Representatives, Washington, D. C.*

DEAR MR. HINSHAW: Your letter of August 1, 1940, requesting information regarding the suspension of sales of arms and ammunition to members of the National Rifle Association, is acknowledged.

On May 25 the Secretary of War issued orders suspending all sales of arms, spare parts, ammunition, and components of ammunition to members of the National Rifle Association, and all issues of arms and ammunition to civilian rifle clubs until further notice. This was done for the purpose of conserving the reserve of arms and ammunition for requirements of national defense and also to relieve the arsenals and ordnance depots of this added burden in order that they might devote their entire energies to the equipping of the armed forces during this period of expansion.

All sales of arms and ammunition were made to civilians through the Director of Civilian Marksmanship, Washington, D. C., in accordance with section 113, National Defense Act, the only connection with the National Rifle Association being that sales could be made only to members of that organization.

Shortly after the arrest of the Christian Front members, referred to in your letter, a search of the records in the office of the Director of Civilian Marksmanship was made which disclosed that one of the rifles had been purchased through that office in 1937. The man who made the purchase was tried and acquitted. This is the only case found so far where a rifle sold to a civilian may have gotten into improper hands.

The War Department has full confidence in the loyalty and patriotism of the membership of the National Rifle Association.

Sincerely yours,

ROBERT P. PATTERSON,
*The Assistant Secretary of War.*

I bring this matter to the attention of the House because, while I know nothing whatever concerning the Christian Front organization and do not have personal acquaintanceship with any of its members, yet I understand that all 14 members who were tried after arrest by the Federal Bureau of Investigation were acquitted. Now we find that this tempest in a teapot concerns the sale in 1937 of one rifle to a man who happened to turn up ultimately as a member of the Christian Front.

I believe from my observation of this whole subject that the small sales that are made by the War Department from time to time to members of the National Rifle Association should be continued, that this order should be rescinded, and that these men should be allowed to purchase the arms and ammunition necessary to train them for possible defense of their country. Many of these men are members of the National Guard also. They are members of the police teams, of police organizations throughout the country. Some of them are just ordinary citizens who want to learn how to be better marksmen. They go into competitions throughout the United States. My own young son of 12 years has had the honor of receiving the marksmanship medal in the Junior National Rifle Association, and I am proud of the fact that he was able to learn something about the use of a rifle at that early age. It seems to me that certainly 22-gage arms and ammunition under Government pattern should be available to these people for practice. I strongly urge upon the officials of our Government that this order be rescinded and that the National Rifle Association and its component parts and members be again allowed to obtain their requirements through the War Department. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I have had many requests from Veterans of Foreign Wars posts, the Army and Navy Union, the Spanish-American War Veterans, and the American Legion asking for the opportunity to purchase some of these obsolete rifles from the War Department to be used by the firing squads at the burials of our deceased war veteran comrades, and they have been refused that opportunity by the War Department. Do you not believe that these veteran

organizations should be afforded an opportunity of purchasing these obsolete rifles before a national civilian rifle organization is given such opportunity, or foreign countries 3,000 miles across the sea?

Mr. HINSHAW. I have a letter here signed by C. C. Carney, adjutant of Glendale Post, No. 1937, Veterans of Foreign Wars of the United States, Glendale, Calif., of which I have the honor to be a member:

GLENDALE POST, NO. 1937,
VETERANS OF FOREIGN WARS OF THE UNITED STATES,
*July 17, 1940.*

HON. CARL HINSHAW,
*Member of Congress, Eleventh District (California),*
*Washington, D. C.*

DEAR SIR AND COMRADE: There has been some discussion pro and con relative to an organization known as the National Rifle Association. We have some members of the post who also belong to that organization.

I have been authorized by the commander of the post to contact you and see if you can enlighten us on the question as to whether the outfit is on the up and up or not.

Sincerely, yours in comradeship.

C. C. CARNEY, *Adjutant.*

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 8 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to insert in the RECORD a definition of democracy from the dictionary.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, it was very interesting to hear the statement just made by my colleague, in which he quoted from the RECORD of May 21, at page 6511.

I did make the charge that there were certain members of the Nazi party, who became members of the National Rifle Association, and that certain Fascists also became members of the rifle association and, as a result, were able to obtain certain matériel from the War Department. At no time did I ever criticize the rank and file of the National Rifle Association of Washington, D. C., or its subsidiaries. At no time was I responsible for or have I had anything to do with the issuance of any Executive order, as the gentleman called it, stopping the sale of rifles to the National Rifle Association and its subsidiaries. The purpose of my talk on that day was to appeal to the Dies committee to air out the charges I made that certain persons connected with the rifle association were soliciting Nazi bund members to join the rifle association, and all I asked was that the Dies committee issue a subpena, and the RECORD definitely shows that. Apparently, the Dies committee is still-hunting "reds" and has not yet been able to find the time to check on the charges I made.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Certainly, I yield.

Mr. HINSHAW. Does not the gentleman think it would be better to submit that information and make that request of the F. B. I., upon whom the responsibility rests now for combatting all civilian subversive activities?

Mr. DICKSTEIN. Well, if that information came to me now I would probably do that, but this information was on my desk for 2 or 3 months. As a matter of fact, I had a couple of stool pigeons right in a Nazi bund meeting when someone from the rifle association handed out applications to join this rifle group in order that they might be able to get these guns or whatever was necessary to carry on this target practice, and at that time I simply called upon the Dies committee to make an investigation.

Mr. HINSHAW. Why has not the gentleman a long time ago turned this matter over to the F. B. I. who are properly equipped and able to investigate such matters and also to prosecute those who are caught?

Mr. DICKSTEIN. My good friend knows that the F. B. I. has no power to go into that question at all. The F. B. I. has no power of subpena and has no power of any kind other than to make an ordinary investigation and a report to somebody.

After my statement the National Rifle Association or a couple of those so-called sergeants or colonels got busy and sent out probably 100,000 pamphlets attacking me and saying that I was responsible for the executive order, when I had nothing to do with it at all. They made some derogatory statements about me and I did not even pay any attention to them at that time or call upon the House for the privilege of the floor, but at a subsequent time you will find in the RECORD that I have given them a full explanation of the part I played in calling the attention of this country to the fact that there are a certain subversive few in the National Rifle Association that ought to be removed and eliminated from that organization.

If you will go further, it was on July 2 that I explained the whole situation, and how it came about, and that I gave the names of persons in that meeting, and how the membership was solicited. I gave them all the information necessary, and until this very day the National Rifle Association has not answered that statement, nor did the Dies committee attempt to investigate or clear the matter up.

Mr. HINSHAW. The date of my letter from the War Department stating they found but one rifle having been sold to any un-American group is August 6.

Mr. DICKSTEIN. I have not the files with me, but I can show the gentleman in their own piece of literature attacking me, saying that I had misstated certain facts, they admit that there were two or three Nazi Bund members who were members of the rifle association, and that there were one or two Christian Fronters in there who since then have terminated their membership. I have nothing personal against the National Rifle Association. I welcome them. I think it is a good organization. I think the rank and file ought to have the opportunity to engage in rifle practice.

Mr. HINSHAW. Would the gentleman be willing to encourage the Secretary of War to rescind that order?

Mr. DICKSTEIN. I do not see any objection to it. What I want them to do is to clean their house, and that is what they have not done.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SCHAFER of Wisconsin. This same National Rifle Association also disseminated propaganda denouncing me as an enemy of the Constitution, and claiming that I was a stooge agent of the Communists in Moscow because I introduced a bill to register small firearms.

Mr. DICKSTEIN. They have done that to me.

Mr. SCHAFER of Wisconsin. It might be that they do not want a record of the firearms which they sell.

Mr. THORKELSON. In the case of the Christian Front the F. B. I. had charge of that case, and they found some means whereby they could issue a subpena at that time to bring these people in. Is not that true?

Mr. DICKSTEIN. Oh, no; those were 14 men on trial before the Federal court of the eastern district of New York, and the Federal district attorney issued the subpena and not the Department of Justice. They have no power of subpena.

Mr. THORKELSON. The F. B. I. had charge of that case.

Mr. DICKSTEIN. Fourteen men were on trial. They do not include all of the Christian Front. You have more dogs and rats in that than you can shake a finger at.

Mr. THORKELSON. But I am talking about the men arrested in New York.

Mr. DICKSTEIN. They were subpenaed by the district attorney and not by the Department of Justice.

Mr. HEALEY. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. HEALEY. Does not the gentleman think that under present conditions the utmost care should be exercised in the

sale of arms and ammunition to any private individual, and that there ought to be some regulaton placed upon their sale?

Mr. DICKSTEIN. I think so, and I say further that if we are going to have a National Rifle Association, they ought to be able to vouch for each member of that organization. I think on July 2 I made a speech on this floor. They defied me to name the persons in that meeting, and I had, as I say, two stooges who were there who filed their applications. I took them off the streets——

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DICKSTEIN. They were solicited to join the National Rifle Association and their application was accepted and they got a membership card, and that is the type of people that are now allowed to join the National Rifle Association, who are able to purchase guns and powder and everything under the sun discarded by the War Department. That substantiates the gentleman's point that we ought to be more careful in handling these guns.

Mr. HEALEY. Aside from any individual or organization, just on the general proposition of the exercise of proper care at this time where arms and ammunition may be obtained.

Mr. DICKSTEIN. I think the gentleman is right.

Mr. HEALEY. There ought to be some regulation and the Federal Government ought to try to exercise a great deal of care.

Mr. DICKSTEIN. I agree with the gentleman.

Mr. HINSHAW. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. HINSHAW. Rifles can be purchased elsewhere than from the Federal Government. You can buy deer-hunting rifles and rifles of all kinds from Sears, Roebuck, Montgomery Ward, or any other mail-order house in the United States.

Mr. PATRICK. That is true. Of course, in times like these, since we have gone into this, it has become an interesting topic, especially in these precarious times, but what should be the direction it should take? What should be the regulation?

Mr. DICKSTEIN. I think that the Congress should fix standard regulations for the use of rifles in these times, as pointed out by our colleague from Massachusetts [Mr. HEALEY]. I think firearms have been too freely handed out and distributed.

Mr. PATRICK. But what does the gentleman think should be the extent of those regulations?

Mr. DICKSTEIN. I think the Congress ought to go into that question. A fine class of citizens who have heretofore had the privilege of using guns and ammunition from the War Department ought to be allowed to continue that use. They are all good, patriotic Americans, but they should be more careful in selecting new members who want to join their organizations.

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. SCHAFER of Wisconsin. Why should the Government of the United States go into competition with legitimate private business in the sale of rifles and ammunition to private clubs?

Mr. DICKSTEIN. I think the gentleman is right, except this: There are a number of discarded rifles that the Army has no more use for in the Regular service.

Mr. SCHAFER of Wisconsin. But the Army has denied American Legion posts, Veterans of Foreign Wars posts, and Army and Navy Union posts the opportunity to purchase obsolete rifles. If the gentleman will come to my office I will show him the recent War Department letters which denied many war veterans' organizations the opportunity to purchase obsolete and discarded rifles for use of the firing squads at the graves during the burial services of our departed war-veteran comrades.

Mr. DICKSTEIN. I am with the gentleman 100 percent. I think that regulation is wrong and I would be glad to join my colleague in going to the War Department or any other place for the purpose of seeing that they have first preference.

Mr. SCHAFER of Wisconsin. And these war veterans' organizations should have a purchase preference as against the private gun clubs.

Mr. DICKSTEIN. I agree with the gentleman.

[Here the gavel fell.]

### PERMISSION TO ADDRESS THE HOUSE

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I want to say that my observation has been that the National Rifle Association is one of the fine, outstanding, patriotic organizations in the United States. With national-defense build-up, it is too bad that we do not have more organizations formulated along those lines, doing the work they are doing, and helping to build up the morale and helping to build up the public-defense reservoirs of this country.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. HINSHAW. I believe it is a well-known fact that there are many men in Europe today who would like to have had a little experience with a rifle, in consideration of parachute troops dropping in their backyards.

Mr. PITTENGER. I think the gentleman's remarks are very much in order. If, during the past years, we had been giving training to the young men of this country along the lines laid down in the program of the National Rifle Association, if we had increased the supply of arms so that we would not have to use wooden guns and other dummies in training our National Guard, this country would be in a much better position strategically, in view of what we are told faces us in the immediate future. [Applause.]

[Here the gavel fell.]

### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. HARE, for 3 days, on account of official business.

### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 3354. An act for the relief of Nannie E. Teal; and

S. 3710. An act for the relief of James H. Hearon.

### BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes; and

H. R. 10141. An act for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.

### ADJOURNMENT

Mr. MONRONEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p. m.) pursuant to its order heretofore entered,

the House adjourned until Monday, August 26, 1940, at 12 o'clock noon.

### EXECUTIVE COMMUNICATIONS, ETC.

1918. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting the draft of a proposed bill to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918, was taken from the Speaker's table and referred to the Committee on the Judiciary.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 2103. An act to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended; with amendment (Rept. No. 2876). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of New York: Committee on Naval Affairs. S. 4272. An act to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended; without amendment (Rept. No. 2877). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATRICK: Committee on Interstate and Foreign Commerce. H. R. 10098. A bill to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; without amendment (Rept. No. 2878). Referred to the Committee of the Whole House on the state of the Union.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANHAM:

H. R. 10397. A bill to authorize the Secretary of the Treasury to lease for periods not exceeding 10 years buildings, parts thereof, and grounds for the official use of officers and employees of the Department of the Treasury; to the Committee on Public Buildings and Grounds.

By Mr. LEA:

H. R. 10398. A bill to amend part II of the Interstate Commerce Act (the Motor Carrier Act, 1935), as amended, so as to make certain provisions thereof applicable to freight forwarders; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGNUSON:

H. R. 10399. A bill establishing overtime rates for compensation for employees of the field services of the Navy Department and the Coast Guard, and for other purposes; to the Committee on Naval Affairs.

By Mr. KRAMER:

H. Res. 576. Resolution requesting the Secretary of State to furnish various information relative to the consular offices in several countries; to the Committee on Foreign Affairs.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. REECE of Tennessee introduced a bill (H. R. 10400) granting a pension to George W. Marshall, which was referred to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9212. By Mr. SUTPHIN: Petition of the Board of Chosen Freeholders for Middlesex County, N. J., offering the district supervisor of the National Youth Administration the required light, heat, and power necessary for the operation of any project established in that county that has for its purpose the training of young men in carpentry and machine-shop work, and authorizing the director of the board to appoint a committee made up of members of the board to confer with the members of the Middlesex County Vocational School Board about a realization of the desires of the National Youth Administration for the establishment of the above-outlined projects in the county of Middlesex; to the Committee on Appropriations.

9213. By Mr. GREGORY: Petition of C. H. Bennett, clerk of the Graves County court, Mayfield, Ky., representing the Graves County fiscal court, requesting material aid to the Allies; to the Committee on Military Affairs.

9214. By Mr. ELSTON: Petition of approximately 500 mothers, members of Mothers of Sons Forum of Cincinnati, Ohio, protesting against the sending of destroyers or any other equipment to England which might in any way weaken our own national defense; to the Committee on Military Affairs.

## SENATE

### FRIDAY, AUGUST 23, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Lord, our Governor, whose glory is in all the world: We commend this Nation to Thy merciful care that, being guided by Thy providence, we may dwell secure in Thy peace. Grant to the President of the United States, and to all in authority, wisdom and strength to know and to do Thy will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve this people in Thy fear. Through Jesus Christ our Lord. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, August 22, 1940, was dispensed with, and the Journal was approved.

#### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Donahey | Lee | Schwartz |
| Andrews | Downey | Lodge | Schwellenbach |
| Ashurst | Ellender | Lucas | Sheppard |
| Austin | George | Lundeen | Shipstead |
| Bailey | Gerry | McCarran | Slattery |
| Bankhead | Gibson | McKellar | Stewart |
| Barkley | Gillette | McNary | Taft |
| Bone | Glass | Maloney | Thomas, Idaho |
| Bridges | Green | Mead | Thomas, Okla. |
| Brown | Guffey | Miller | Thomas, Utah |
| Bulow | Gurney | Minton | Tobey |
| Burke | Hale | Murray | Townsend |
| Byrd | Harrison | Neely | Truman |
| Byrnes | Hatch | Norris | Tydings |
| Capper | Hayden | Nye | Vandenberg |
| Caraway | Herring | O'Mahoney | Van Nuys |
| Chandler | Hill | Overton | Wagner |
| Chavez | Holt | Pepper | Walsh |
| Clark, Idaho | Hughes | Pittman | Wheeler |
| Clark, Mo. | Johnson, Calif. | Radcliffe | White |
| Connally | Johnson, Colo. | Reed | Wiley |
| Danaher | King | Reynolds | |
| Davis | La Follette | Russell | |

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from New Jersey [Mr. SMATHERS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from New Jersey [Mr. BARBOUR] and the Senator from North Dakota [Mr. FRAZIER] are necessarily absent, and the Senator from Oregon [Mr. HOLMAN] is absent on official business.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION, NAVY DEPARTMENT (S. DOC. NO. 269)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting an emergency supplemental estimate of appropriation, fiscal year 1941, for certain public works projects for the Navy Department, amounting to $6,315,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MEMORIAL

The PRESIDENT pro tempore laid before the Senate a memorial of sundry citizens of New York City, remonstrating against the enactment of pending selective compulsory military-training legislation, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. (4203) to provide for the employment on active duty of retired personnel of the Regular Army, and for other purposes, reported it with amendments and submitted a report (No. 2034) thereon.

He also, from the same committee, to which was referred the bill (S. 4224) to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress, reported it with an amendment and submitted a report (No. 2035) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4073. A bill for the relief of Fred McGarrahan (Rept. No. 2048);

S. 4258. A bill to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y. (Rept. No. 2049); and

S. 4275. A bill to increase the authorized number of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes (Rept. No. 2050).

Mr. SCHWELLENBACH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 428. A bill for the relief of Edward Workman (Rept. No. 2036);

H. R. 532. A bill for the relief of W. J. Hance (Rept. No. 2037);

H. R. 1174. A bill for the relief of Euel Caldwell (Rept. No. 2038);

H. R. 1912. A bill for the relief of the estate of Alfred Batrack (Rept. No. 2039); and

H. R. 4441. A bill for the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors (Rept. No. 2040).

Mr. BROWN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2214. A bill for the relief of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased (Rept. No. 2041);

H. R. 5400. A bill for the relief of those rendering medical and hospital services to Evyline Vaughn (Rept. No. 2042);

H. R. 5863. A bill for the relief of the estate of James A. Rivera (Rept. No. 2043);

H. R. 6108. A bill for the relief of Regina Howell (Rept. No. 2044);

H. R. 6210. A bill for the relief of George R. Stringer (Rept. No. 2045);

H. R. 6456. A bill for the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton (Rept. No. 2046); and

H. R. 6639. A bill for the relief of George F. Kermath (Rept. No. 2047).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Missouri:

S. 4296. A bill providing for the establishment and maintenance of a cotton-classing office in the State of Missouri; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

S. 4297. A bill to amend an act entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918; to the Committee on Military Affairs.

By Mr. CHAVEZ:

S. 4298. A bill to amend the act relating to rentals in certain oil and gas leases; to the Committee on Public Lands and Surveys.

By Mr. OVERTON:

S. 4299. A bill to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes; to the Committee on Commerce.

By Mr. STEWART:

S. J. Res. 291. Joint resolution to authorize the Secretary of War to make a survey of Carter and adjoining counties in Tennessee which were damaged by flood on August 13, 1940; to the Committee on Commerce.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. WHITE, Mr. GURNEY, and Mr. REYNOLDS each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were severally ordered to lie on the table and to be printed.

RADIO MONOPOLY INVESTIGATION—ADMINISTRATION OF COMMUNICATIONS ACT RESPECTING RADIO

Mr. TOBEY, by unanimous consent, submitted the following resolution (S. Res. 300), which was referred to the Committee on Interstate Commerce:

*Resolved*, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation, to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ARMY PROTECTION FROM POTENTIAL ENEMIES

Mr. WALSH. Mr. President, I submit a resolution and ask that it be read. Before it is read, let me say that it relates to a subject matter in connection with the building up of our defenses, in which I have been very much interested, and seeks to get information as to the strength and nature of what I choose to call our second line of defense; namely, the motor and mechanized tank equipment of our Army. I ask that the resolution be read.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The resolution (S. Res. 301) was read, as follows:

Whereas, at the request of the Secretary of the Navy, Col. William J. Donovan and Edgar Mowrer, on behalf of the United States, made a survey in Europe of German "fifth column" methods in weakening resistance of possible enemies and undermining the morale of countries where they proposed to attack; and

Whereas their report states:

"In all secrecy and with incredible speed, the Nazi leader built up a unique military machine, beside which all other armies in the world were obsolete. Basing his organization upon experience acquired in Spain during the civil war, Hitler placed at the head of his mobilized masses a modern 'airplane plus tank' spear head. The German masses were not particularly impressive. They did not need to be. It was the spear head of 50,000 men that beat France": Therefore be it

*Resolved*, That the Secretary of War be, and he hereby is, requested and directed to make a confidential report to be considered in secret executive session by the Senate regarding certain steps which have been or should be undertaken to protect this country from potential enemies, as follows:

(1) The number of useful combat airplanes by types (a) now on hand, (b) on order, and (c) the probable date that those on order will be completed.

(2) The number of useful combat planes that it will be possible to acquire with the moneys appropriated by the Congress and with the contract authorizations granted.

(3) The number of trained pilots and trained technical experts qualified to operate and maintain combat aircraft in distinction from training and utility planes, now (a) on active service, (b) in the Reserve, and (c) the number under training.

(4) The number of (a) useful combat tanks by type and (b) the number of other useful combat armored motor vehicles on hand and (c) on order and (d) the probable date that those on order will be delivered.

(5) The number of trained officers and technicians qualified to operate and maintain the tanks and other armored motorized equipment (a) on active duty, (b) in the Reserve, and (c) the number now under training.

(6) The War Department's opinion as to the number of useful aircraft, the number of useful tanks, the number of other armored motorized vehicles, the number of trained officers and men that will be required by the United States Army, in cooperation with the Navy, to provide an "airplane plus tank" spearhead of sufficient strength to prevent an enemy from securing a base from which direct attack could be launched against continental United States and the Panama Canal.

(7) Of the 40,000 men provided for the Army Air Corps in the First Supplementary National Defense Appropriation Act of 1941 (enacted June 26, 1940), is it a fact as stated that the Army has recruited only 8,000 of them and are suspending further recruiting for lack of training facilities and that the Army officials have stated that the entire 40,000 could be recruited voluntarily and rapidly if the Army was disposed to do so and had the proper facilities?

The PRESIDENT pro tempore. The resolution will lie over under the rule.

Mr. WALSH. Mr. President, I submitted the resolution to the chairman of the Committee on Military Affairs, and also to the majority leader, and I had hoped that we might take it up for consideration at once, because the information called for is information which seems to me most desirable in view of the pending discussion of our defenses and the situation alleged to exist in reference to our defenses. However, after talking with the leader of the majority I accept his suggestion that the resolution be referred to the Committee on Military Affairs, with the hope that it will be promptly reported and acted upon by the Senate.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Military Affairs.

Mr. WALSH. Mr. President, I may add that I would have presented to the Senate a similar resolution asking for similar information from the Navy Department but the Navy Department has not, as we all know, mechanized tanks and other war machines. Its military activities outside its naval vessels are largely those with planes. I have in my possession complete information as to the number of planes and the number of pilots which is already contained in various naval committee reports made to the Senate.

DISTINCTIONS IN THE ARMED FORCES AGAINST RACE, CREED, OR COLOR

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an amendment which I propose to offer to the pending bill; and also, as a part of my remarks, to have printed in the RECORD a letter which I have received from Walter White, secretary of the National Association for the Advancement of Colored People, relating to the amendment.

There being no objection, the amendment and the letter were ordered to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. WAGNER to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, viz:

On page 15, line 21, after the word "thirty-five", insert the following: "regardless of race, creed, or color."

On page 15, line 23, after the word "forces", insert the following: "(including aviation units)."

---

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
*New York, August 8, 1940.*

Senator ROBERT F. WAGNER,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: The present defense program, part of which has already been passed, is one of the most important issues before Congress and the American people today. The success of this program and the preservation of democracy in this country depends upon the support of a united citizenry. There can be no unity among our citizens as long as both the executive and legislative branches of the Government deliberately disregard at least one-tenth of the population.

By letter of July 23, 1940, Adjutant General Adams, of the War Department, states that Negroes are only permitted to enlist in two regiments of the infantry, two regiments of the cavalry, Quartermaster Corps, Medical Department, Ordnance Department, certain school detachments, and the detached enlisted men's list, and that: "There is no provision for the enlistment of colored men in the remaining arms or service." Negroes are not permitted to enlist in the Air Corps.

The Bureau of Navigation of the Navy Department, by letter of August 2, 1940, stated: "After many years of experience the policy of not enlisting men of the colored race for any branch of the naval service except the messman branch, was adopted to meet the best interests of general efficiency. * * * The selection of men to man the Navy is left to the discretion of the executive branch of the Government."

Negroes are willing to take their part in the defense program along with other American citizens but at the same time insist that their Government give them the same opportunities to serve in all branches of the armed forces in which they may qualify without distinction or discrimination because of race or color. They expect and are entitled to the same rights and privileges as every other American.

Both the War Department and the Navy Department have refused to remove their policy of refusing to integrate the Negro into the armed forces of this country. They are continuing their policy of discrimination against Negro Americans in violation of both the spirit and letter of the fifth amendment to the United States Constitution.

We therefore urge that proper consideration for the rights of Negroes be given during the pending debate on the Burke-Wadsworth bill and that the bill be so amended as to guarantee to Negroes the right to serve in every branch of the armed forces without any discrimination because of race or color.

Sincerely yours,

WALTER WHITE, *Secretary.*

NATIONAL-DEFENSE HOUSING PROJECTS

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement of the national-defense housing projects which the United States Housing Administration is constructing in cooperation with the War and Navy Departments, which appears in the Appendix.]

ADDRESS BY JAMES A. FARRELL ON AMERICA'S ECONOMIC FRONT

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address under the heading "America's economic front," delivered by Mr. James A. Farrell, former president of the United States Steel Corporation, on the occasion of the annual convention of the National Foreign Trade Council, at San Francisco, Calif., July 29–31, 1940, which appears in the Appendix.]

ARTICLE BY ERNEST K. LINDLEY ON PROPOSED ANTITRUST SUITS

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an article by Ernest K. Lindley, published in the Washington Post, entitled "Is Business To Be Pampered," which appears in the Appendix.]

LETTER FROM HENRY P. FLETCHER ON THE HATCH ACT

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD a letter from Henry P. Fletcher regarding the Hatch Act, which appears in the Appendix.]

EDITORIAL FROM ST. LOUIS POST-DISPATCH ON AMBASSADOR BULLITT

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Post-Dispatch of August 20, 1940, entitled "1940's Walter Hines Page," which appears in the Appendix.]

DESCRIPTION OF NEW YORK STATE BY EDWIN C. HILL

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio description of New York State by Edwin C. Hill, which appears in the Appendix.]

FOREIGN POLICY OF THE UNITED STATES—EDITORIALS FROM WALLACES' FARMER

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD five editorials from Wallaces' Farmer on various aspects of the foreign policy of the United States, which appear in the Appendix.]

BRIEF ON PEACETIME MILITARY CONSCRIPTION

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a brief on peacetime military conscription, submitted by the Lawyers' Committee To Keep the United States Out of War, which appears in the Appendix.]

ACTIVE SERVICE FOR THE NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL—CONFERENCE REPORT

Mr. SHEPPARD. Mr. President, I ask unanimous consent for the present consideration of the conference report on the so-called National Guard joint resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 9, and 19.

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, 6, 8, 10, 11, 12, 13, 14, and 16, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "(except that any person in the National Guard of the United States under the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States)"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following after "attained." on page 3, line 2 of the Senate engrossed joint resolution: "In addition, each such person who is assigned to such active duty or ordered into such active military service shall be given a physical examination at the beginning of such active duty or service and a medical statement showing any physical defects noted upon such examination; and upon the completion of the period of such active duty or service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses or disabilities suffered by him during such period of active duty or service"; and the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within one year after such restoration.

"(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the".

And the House agree to the same.

Amendment numbered 17: That the Senate recede from its disagreement to the amendment of the House numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits."

And the House agree to the same.

Amendment numbered 18: That the Senate recede from its disagreement to the amendment of the House numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(e) Any member of any reserve component of the Army of the United States below the rank of captain who is ordered into the active military service of the United States pursuant to this joint resolution, who has any person or persons dependent solely upon him for support, and who has no other means of support except the wages, salary or other compensation for personal services that he earns, may resign or shall be discharged upon his own request made within twenty days of the date of his entry into such active military service."

And the House agree to the same.

MORRIS SHEPPARD,
ROBT. R. REYNOLDS,
SHERMAN MINTON,
ELBERT D. THOMAS,
WARREN R. AUSTIN,
STYLES BRIDGES,
CHAN GURNEY,
*Managers on the part of the Senate.*

A. J. MAY,
EWING THOMASON,
DOW W. HARTER,
DEWEY SHORT,
W. G. ANDREWS,
*Managers on the part of the House.*

Mr. SHEPPARD. Mr. President, I desire to submit an explanation of the conference report.

The joint resolution as it passed the Senate provided that during the period ending June 30, 1942, the President be authorized from time to time to order into the active military service of the United States for a period of 12 consecutive months each, any, or all members and units of any or all Reserve components of the Army of the United States and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense, and so forth.

The House struck out the words "any or all Reserve components" and substituted in lieu thereof the words "the National Guard and the Organized Reserves."

Under the language of the House, the National Guard of the United States could not have been ordered into active Federal service, nor could the Officers' Reserve Corps, the Regular Army Enlisted Reserve, nor the Enlisted Reserve Corps have been so ordered.

In conference the House receded, and the language remains as enacted by the Senate.

The House inserted an amendment excepting from those ordered out under this bill young men in the National Guard under the age of 18 years, providing that to each of them should be issued an honorable discharge. The Senate agreed with a slight modification in language which did not change the meaning, and the House agreed to the modification.

The House added an amendment providing that persons called into the active military service should be entitled to such allowances for dependents as may be prescribed by the President, which were to be in addition to any other pay provided by law. The House receded and the amendment was eliminated.

The paragraph relating to issuance of certificates for satisfactory completion of period of service was clarified by a House amendment which did not change the meaning and the Senate agreed.

The House added a further amendment to this paragraph clarifying but not changing the meaning of the paragraph and the Senate agreed.

The House added a new paragraph providing that all persons called into service under the provisions of this act shall be given a statement showing any physical defects noted; that upon completing his service he shall again be given a physical examination; that when discharged each person shall be given a medical certificate showing any injuries, illnesses, or disabilities suffered by him while in the service. The conferees substituted language going more into detail with reference to these examinations, but making no change in substance.

In the paragraph relating to the leaving of employment by those ordered into service under this act the House added amendments clarifying but not changing the meaning.

In the same connection the House added an amendment, inserting the word "seniority" before the words "status and pay" wherever such words occurred in such subparagraphs. This was to make certain that seniority employment rights are maintained. The Senate agreed.

In this same connection the Senate provided that any person who is restored to a position in accordance with the provisions of this paragraph shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration. The House struck out this paragraph, but the House and Senate conferees agreed to its restoration.

The House struck out the Senate provisions making violations of the act by employers unfair labor practices under the National Labor Relations Act, and empowering the Federal district court for the district in which the employer maintains a place of business to require the employer to comply with the provisions of this act restoring employment, and requiring the district attorney for such district to appear and act as attorney for any person claiming to be entitled to the benefits preserved by the act and applying to the district attorney for such representation, if said district attorney is reasonably satisfied that such person is entitled to such benefits, provided that no fees or court costs shall be taxed against the persons so applying for such benefits.

The bill as it passed the Senate provided that any member of the National Guard may resign his status within 20 days after being ordered into the active military service of the United States if at such time he has dependent upon him a wife or child, or both, and has no means with which to support such dependent or dependents except the wages or salary he can earn.

It will be noted that the Senate provision excluded from its terms members of the other Reserve components affected by the joint resolution except the National Guard; that is, the Officers' Reserve Corps and the Regular Army Enlisted Reserve, and the Organized Reserves.

The House changed the Senate provision so as to extend the privilege of resignation under the same circumstances to the National Guard and the Organized Reserves, excluding from this privilege the Officers' Reserve Corps and the Regular Army Enlisted Reserve.

The conferees adopted, in lieu of both House and Senate provisions, a provision that any member of any Reserve component of the Army of the United States, to wit, the National Guard of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Regular Army Enlisted Reserve below the rank of captain, who is ordered into the active military service under the provisions of the joint resolution who has dependents and who has no other means of support except the wages, salary, or other compensation for personal services that he earns, may resign or shall be discharged upon his own request within 20 days of the date of his entry into such active military service.

In applying the Soldiers' and Sailors' Civil Relief Act to those affected by the joint resolution, the House erroneously included the retired and Reserve personnel of the Navy, Marine Corps, and Coast Guard. The House receded.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. VANDENBERG. I am clear about the statement except as to one point, upon which I ask the Senator for further information. Is the reference to the National Labor Relations Board entirely stricken from the joint resolution, and is the soldier to be referred to the appropriate district attorney for assistance?

Mr. SHEPPARD. That is correct.

Mr. SHIPSTEAD. Mr. President, I am not sure whether or not I understood the report correctly in one regard. Is provision for dependents stricken out entirely?

Mr. SHEPPARD. Oh, no. The Senate specified the dependents as wife and child, and the substitute to which the conferees of both Houses agreed uses the words "any person or persons dependent" on the soldier.

Mr. SHIPSTEAD. What is the provision now for the pay of the National Guard?

Mr. SHEPPARD. When members of the National Guard are ordered into the service they will receive the same pay and benefits which soldiers in the Regular Army receive.

Mr. SHIPSTEAD. Thirty dollars a month?

Mr. SHEPPARD. No; the officers will get the same pay Regular Army officers draw.

Mr. SHIPSTEAD. I understand that.

Mr. SHEPPARD. If the amendment we have adopted to the so-called conscription bill shall be enacted, the privates will be paid $30 a month. At present the pay is $21 a month for privates in the Regular Army, and members of the National Guard and other Reserve components will receive the same pay—that is, those who are privates.

Mr. SHIPSTEAD. I am informed that the Canadian Government has provided $39 a month for conscripted men and $50 for their dependents if they are married. Can the Senator tell me whether that is correct?

Mr. SHEPPARD. I am not advised as to that.

Mr. SHIPSTEAD. I am informed that is the fact.

Mr. SHEPPARD. The matter of family allowances will come up in a subsequent bill.

Mr. LODGE. Mr. President, I should like to ask a question of the Senator from Texas. Has any change been made in the provision which restricts the members of the National Guard and the Reserves to the Western Hemisphere?

Mr. SHEPPARD. No such change has been made.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 10339) to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes, in which it requested the concurrence of the Senate.

### HOUSE BILL REFERRED

The bill (H. R. 10339) to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. WILEY. Mr. President, Justice Holmes, of the Supreme Court, once said, "Every calling is great, if greatly pursued."

Mr. President, if I were one of the Senators who had the ear of the Nation, and by that I mean one of the Senators who by years of service have contact with the galaxy of newspapermen who sit in yonder pews, I would send out to the people of the Nation the simple statement: "Fear not—America will not be invaded; America will be prepared to meet any emergency."

Mr. President, I would like to hear an authoritative voice, one speaking with power and conviction, and one reaching every home in this Nation, bringing to every home this message that there is no reason to fear.

If this were done, we would not see such manifestations of hysteria as we have seen, and one of our own Members would not have been hung in effigy. While I hold no particular brief for many of the ideas the distinguished Senator from Florida [Mr. PEPPER] holds, I say that, as an American, he is entitled to be recognized. He is a man of courage and conviction. What we need is men of courage, men who dare speak out what they solemnly and deliberately think to be the truth though their views may not be ours.

So I say, after listening to the debates in the Senate for more than two weeks, that in my opinion there is no need to fear. I hope before I am through to make some contribution toward demonstrating the correctness of that conclusion.

Several Senators have said that statements made on the floor of the Senate were the cause of some of the hysteria in our country. I agree with that conclusion.

I cannot agree with the statement that if the conscription bill were passed it would result in the destruction of democracy. Nor can I agree with the statement that if you pass this bill, you slit the throat of the last democracy still living; you accord to Hitler his greatest and cheapest victory to date.

When I listen to leaders make such statements, leaders with a following, I feel that it is no wonder that I get letters from folks back home who indicate that they are fearful, worried, and upset.

Mr. President, I heard similar statements by leaders during the neutrality debate. One side said, "If you do not repeal the law, it will mean that we will get into war," and the other side said, "If you do repeal it, we will get into war." Throughout that period, men who did not measure their words made dire prophecies of the consequences which would follow. They were wrong then, and they are wrong now.

I said on that occasion, and I repeat my words:

> I say to you that war will not come as the result of either the repeal or failure to repeal the present act. What are the factors which will determine peace or war for America? First, Chancelor Hitler and what he does in the future. Second, the American people and what they do in the future.

Remember, it is the consensus generally throughout the country which determines the course here. In many respects the leadership is not found in Washington, it is found back on the farm, in the village, in the city. It is the way the people back home think that is going to determine whether America will keep out of the holocaust in Europe or not. So I say that what the American people do in the future will determine what we will do.

I said on that former occasion, "Third, the political leadership of America and what it does in the future" will be one of the factors. I repeat those three factors: First, Chancelor Hitler and what he does in the future; second, the American people and what they do in the future; third, the political leadership of America and what it does in the future, will determine what is going to happen to America.

On another occasion on the floor of the Senate I said:

> When the poison of fear and dread is implanted in the minds of our people by words spoken here, it were better that we guard our lips. We owe a responsibility to the people of America to stop stating assumptions as if they were facts, stop prophesying evil.

I say this because 130,000,000 people are listening to what is being said here. They are entitled to be guided, and should not be misguided.

Mr. President, I desire to address the Senate today, not as a man from the Middle West, not as a Senator from Wisconsin, but as an American and a Member of the Senate of the United States. I have paraphrased the words of Daniel Webster, and I can say with him further:

> It is fortunate that there is a Senate of the United States, a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibility, and a body to which the country looks with confidence for wise, moderate, patriotic, and healing counsels.

Mr. President, we are still the greatest deliberative body in the world—sometimes. We are in the midst of great changes. We hope our democratic system will not be changed too much. The world itself, geographically, economically, socially, and even in religion, is undergoing great changes, and anyone who has eyes to see with must realize that there is considerable danger to our beloved United States and the institutions of which we are custodians. The winds of evil have been let loose.

We are called upon to consider what has been called the Burke-Wadsworth bill. The authors of the bill can scarcely recognize it in its present form. In committee it went through nine revisions; or should I say convulsions? There are here in the Senate a large number of amendments pending to the bill.

For a short period, I want to talk about the issues and relative matters.

First. I want to say what I have said many times before—that the Senate of the United States is not hysterical, panicky, has not lost its head. The Senate of the United States has its feet on the ground. It is thinking things through. The mere fact that occasionally a Member or two "blow off steam" is no reason for anyone to think that the Senate is going to pot.

The Senate of the United States is not going to muddle this country into war. The Senate of the United States possesses a sense of its own dignity and its own high responsibilities.

Second. The Senate of the United States is deliberating this measure, though sometimes there is no evidence of deliberation. The piece of legislation now pending is significant, probably one of the most significant pieces of legislation that has come before Congress in a generation, significant because it brings this challenging question for answer, Shall this bill, providing universal liability for military service in peacetime, become law? There is not any question that it is revolutionary in that it departs from established custom. There is not any question that it has in it possibility for changing the life of the Nation, the life of every family in the Nation. We must admit that never before has it been proposed that in peacetime the Government would have the right to commandeer the lives of its citizens. It is a serious step. It has been said it is a step which, once taken, we may never be able to retract. With that conclusion I disagree.

Are we weaklings or, as one Senator asked the other day, are we mice or are we men? If in this great emergency—and everyone recognizes it as such—when the world is on fire, the Congress should decide to pass the conscription bill, does anyone say, has anyone the right to say, that the mere passage of the bill would lead to the loss of our democracy? Are we weaklings, or are we still men; still a nation strong in its vitals, still able to meet emergencies?

As I have stated before, if the bill is to be passed—and it seems that it may be passed—it is well that we discuss the matter fully and completely and foresee the effect upon the Nation. I believe that no matter which way the bill goes there is enough sportsmanship in America, enough real intestinal fortitude in America, to realize that the mere passage or the failure to pass such a bill is not going to strike at the vitals of America.

Let me say once and for all that, in my opinion, the passage of the bill does not mean that we shall get into war. A great deal of the argument on the floor of the Senate has indicated that if the bill were passed it will mean war.

I cannot agree with what has been intimated, especially by my friend the Senator from West Virginia [Mr. HOLT], that because certain groups, or certain individuals, have taken the position that they are in favor of conscription it means that those men or groups want to get our country into war.

I come from a great industrial State. It is about 50 percent industrial and about 50 percent agricultural. There are great industries in that State, and I do not know one industrial leader—and I have talked to many of them—who wants to get this country into war. Furthermore, I have talked to most of them, and most of them would prefer not to have war orders. That, however, is another story. The reason for that is not because of their failure to be patriotic, but because it would mean a disorganization of everything that they have planned for and built for through the years.

It is apparent that there is a great deal of misinformation and misrepresentation in relation to this measure. In view of the fact that the bill itself has gone through so many changes in committee, and is liable to be changed in the Senate and in the House and in conference, no one can say even now what the bill will provide. If that is true, how can one say that he is for the bill or against the bill itself, when he does not know what its provisions will be?

Let me illustrate. The bill itself contemplates a conscription plan. I have pending an amendment which provides in substance that the President shall not have the authority to order out the registered men into the Army until Congress makes the finding that there is a crisis or emergency and that voluntary enlistment is inadequate. The bill then, if it passes with my amendment, would be in substance as follows:

(a) It would contain the requirement of registration of groups of men between 21 and 31 years of age.

(b) The President would be authorized to call for volunteers.

(c) The President would not be authorized to induct the registered men into the Army or conscript them until two conditions had been fulfilled. First, the appropriation by the Congress of money for that purpose, and, second, the finding by Congress of the need or the necessity for the conscription and the inadequacy of voluntary enlistment; that is, the finding of the existence of an emergency by the Congress. I shall discuss this matter later on.

Third. There are folks who feel that it is imperative that we put conscription into effect. I shall later on read telegrams which I have received indicating the conflict of opinion. I now have reference, however, to letters which recently came to me demanding that the Senate immediately pass the bill. Such letters come to us every day. So we have in this country folks who are so jittery, and that is just what Hitler wants, a lot of jittery Americans—his whole plan is founded on making the people of other countries jittery, and that is his purpose—we have folks in America who are so jittery that they demand that their Senators act on a revolutionary measure without meditation, without reflection, without the exercise of judgment which involved the weighing of all facts. These same people say, "Well; of course, what can you expect of democracy. Democracy means delay. This bill should be pushed through today or it should be rejected today. What is the need of delay?"

In answer to this line of reasoning, I want to say that in my opinion no situation is so critical as to require such immediate action. I know to a certain extent what the world picture is, and I am familiar with the many grave implications of this picture, but it is my opinion that the Senators of the United States cannot afford to hurry the conclusion on this bill. Why? Because every angle of so important a measure must be explored. Every possible conclusion or effect, if this bill becomes law, should be discussed. In doing this we will bring light to the people. In doing this the people themselves will have much to do with the decision.

Mr. President, we are Americans. There is not one in a thousand who is not willing and anxious to serve his Government in whatever way is determined by the Congress to be best. Our problem is to find the answer to this question, Is the conscription way the best way? It is our function now in our debates calmly, deliberately, and clearly to seek the answer. It is not by passion or prejudice that we shall find our way to the light. I want to say that if we debate the measure even for 3 weeks more, and it should become law, in my opinion it will not set back a single day the time when the first conscript could actually go to camp under the terms of the law.

As the National Guard will be called out, there are vast preparations that must first be consummated before conscription could get under way.

These are solemn days, days for a dignified approach to the answers to the questions that arise in the debate. If it is determined by the Congress that universal military service is what the present world conditions demand of the United States, then our people, I affirm, will accept the decision of Congress and go ahead and fulfill their obligations.

Mr. President, I do not think that those who want conscription at this time are warmongers. I repeat that. I repeat it with an earnest conviction that comes from my contact with farmers, with men in villages, with the clergy, with businessmen. I believe there is, especially due to the nature of the debate we have had here, a cleavage between men of opposite convictions. I say, and I say it without a question of doubt in my mind, that every sensible, clear-thinking businessman or industrialist knows that if we should become mixed up in a world war, not only would his plant and his life earnings probably be dissipated or greatly injured, but he might also lose those freedoms and liberties which, in spite of the fact that he is an industrialist, he loves as much as the farmer or the laborer loves them. So I would pay no attention to a lot of this "fear" argument or "prejudice" argument which infers that there is a class of people in the country that wants to go into war.

On the other hand, I know there is a class of people in this country who feel that England is standing between us and the holocaust which has been imposed upon other nations. I know that the group which wishes to lend aid to England short of war has sincere convictions based not necessarily on a pro-English viewpoint but on an honestly pro-American interest for self-preservation.

As for me, I cannot say whether they are right or wrong, because that depends upon what happens to England; and it depends further upon a question which no one can answer. If aid should be given, would it be sufficient to stem the tide?

Mr. President, I give those who want conscription credit for being convinced that in their opinion conscription is necessary. We know that among military men there seems to be practical unanimity in favor of conscription. We know that members of the same household differ on that question. We know that most church groups have definitely taken a stand again conscription at this time. If any Member of Congress were to attempt to count noses as to how his constituents feel in the matter, he might have some difficulty in ascertaining which faction has the more noses. As I said recently in reply to a newspaper in Wisconsin which criticized me for being deliberate in this matter, this is, however, not a time for political expediency. This is a time for thinking things through.

At the outset, let me state my present position, after listening to 2 weeks of debate. My position is:

First. That in order to protect America against the dangers of a military caste Congress should, before inaugurating a conscription plan in peacetime, find the existence of an emergency or crisis requiring such a plan. Congress should likewise, by legislation, provide that if such a plan is inaugurated because of an emergency or crisis, when the emergency or crisis is over the plan shall no longer be operative.

Second. However, before any plan of compulsory military training is adopted, I feel that we should give the traditional American system of voluntary enlistments a full and complete trial.

Third. I believe that our policy in relation to what we are to defend should be definitely stated. Such a statement of

policy would to a large extent determine our military needs in terms of manpower. I realize, as I shall later show, that it is probably pretty well defined. In Congress we have reiterated our determination to stand behind the Monroe Doctrine.

The recent declaration in Habana shows a united front in that respect. Our Monroe Doctrine, as generally interpreted, means that our foreign policy in the Western Hemisphere is that no foreign nation must attempt to obtain land or bases for ships in this hemisphere other than those already established.

Fourth. I believe that our great training schools, West Point and Annapolis, should revamp their curriculums to bring our schooling up to date, so that every graduate will be thoroughly trained in the use of modern methods of defense. Had I the time I could spend an hour on that question. To repeat, it is part of the great preparedness program for West Point and Annapolis to forget some of the old "mossback" ideas and get up in the front ranks and adapt their curriculum to present-day methods.

Fifth. I believe, too, that if selective training should be imposed, it ought to be on the basis of fitness rather than mere arbitrary age limits.

Sixth. If selective service is imposed, it should be extended to noncombatant and industrial services.

Seventh. If selective service is imposed, it must not disrupt our vital defense industries.

Mr. President, we seem to agree that adequate preparedness includes:

(a) A navy large enough to meet any emergency that may arise in the Western Hemisphere.

(b) An air force to supplement the Navy and the land forces, adequate to repel in the air any attack on this continent from the air.

(c) An adequate army, which has been variously estimated from 750,000 to 1,200,000 men, fully equipped and trained, men who know how to use the most modern weapons—land dreadnaughts, antiaircraft guns, machine guns, Garand rifles, and so forth.

The only thing on which we disagree is the method of obtaining an adequate army. All the fuss and feathers which have been interjected into the fight revolve around one question, Shall we attempt to obtain an additional force by voluntary enlistment, or shall we follow the means which have been suggested, that is, to register our manpower and start to train it, obtaining the manpower by lot from the classes set out by law?

The issue is simple. Yet it is serious because of the consequences which may flow from our action or failure to act. We all agree that we need to become so strong that no nation or group of nations would want to attempt to dictate to us or overrun us.

I repeat that to me conscription is not a question of this country creating a vast military class which might destroy the very values which we seek to protect. It is not a matter of creating a vast army which would have to be maintained at the expense of the taxpayers. It is a plan or scheme whereby, in case we should be attacked or become involved, we should have trained, efficient, and competent men to defend our rights and our lives.

I have already intimated that many persons feel that such a step might bring us nearer to war. I do not follow such reasoning, but I think there is a logical middle course which America can steer. We do not have to go preparedness-crazy in the sense that we want to raise millions of men for the Army and keep a standing army, but we do want an adequate force. I have not heard any statement on the floor of the Senate which would dispute the statement that what the Army men want is a reasonable force. I say that because there have been certain inferences, or certain statements, from which one might infer that we are about to build an army of 12,000,000 men. I wish to be fair to the opposition—to those who stand for conscription. I understand that there is no such intention. The point is clear that what is desired is to bring out by next April about 800,000 additional men. We know that nowadays we cannot train a man overnight to handle an antiaircraft gun, a machine gun, a land dreadnought, or other motorized equipment. The general thought is that we should double the size of the Army during the emergency. At present our Army is composed of approximately 375,000 men, or will be shortly, and we should have an army of 750,000 men, besides the National Guard. I ask those who read these remarks, Should we not, in the present condition of the world, and as far as we can foresee, give the youth of our Nation the benefit of training, so that if an emergency should arise they would not be like sheep before the wolf? The youth, after training, would go back to civil life. Apparently this is the thought of many on the subject.

Yesterday I heard a remarkable speech in the Senate by the beloved Senator from South Dakota [Mr. BULOW], whose father was born in Germany. It was a dramatic appeal for everything that is patriotic and American. It was the kind of talk which strikes deep and makes an impression.

After I had listened to the great convictions uttered by the distinguished Senator, I had but one answer—that is, that since the Senator's father left the fatherland great changes have taken place. America is not immune to those changes. She is feeling the impact every moment. Her own bloodstream is being infiltrated by "fifth columnists" among us. I am sure that from the arguments and contributions made by both sides there will come a bill which will do that which is best for our beloved America.

The Hitler revolution has made great changes necessary. A year ago or 6 months ago America would not have conceived or even thought of such a thing as conscription, but now conditions demand that we face the situation squarely and do that which will safeguard our homes and our country. In doing so there is no thought on our part of becoming involved in the war in Europe, though I have mentioned heretofore the factors which will be determinative in that direction.

Mr. President, I stated a few moments ago that I had received several communications, in fact, thousands of them, but I have before me two to which I wish to call the attention of the Senate. One comes from the department commander of the American Legion in Wisconsin, and reads as follows:

> Since 1920 the American Legion has been in favor of a system of compulsory universal training which shall include physical training, educational training, and Americanization, as well as efficient military training so as to form a foundation for future extended military training in time of war. Thirty-five thousand four hundred and sixty-two members of the American Legion in Wisconsin respectfully urge your support of present bill now pending to provide for military training.

Let me digress here for a moment to say that when one receives a telegram such as that from men who have been in the hell of war he has to pause and think. These men speak with conviction; they know whereof they speak; they have seen war; they have experienced it.

The same day I received a telegram from a minister of the gospel, which reads as follows:

> Please fight peacetime conscription bill with your might.
> You represent the voice of thousands of Christian citizens of Wisconsin who, if given their rightful privilege of a voice in their Government, will say positively "No." (How can such a bill be passed without plebiscite?)
> The conscription bill is absolutely opposed to the spirit of the American Constitution even if it can be held technically not so by those who hold so large a stake in war spoils.
> Let voluntary service of unemployed supply the Army.

He continues:

> The bill calls for imprisonment for 5 years or fine of $10,000 or both for conscientious objectors, or for those who speak against it once it has been passed.
> Can this be our America? What is the difference between a German concentration camp and an American prison camp for objectors, etc.?
> If this bill passes, it will be the worst deviltry of political machinery for selfish ends ever foisted upon the American people. If this bill passes, the mouths of thinking Americans will be silenced.
> Will you fight it now while you still have free speech?
> You're in the service of Him who gave His life to set us free.

Here, too, is expressed conviction of one who has a vital interest in America and in his flock.

Mr. President, as I have stated, I have received many letters and communications on this subject, but, as the two I

have read seem to take opposite positions, I felt, in the interest of more light, I would place them in the RECORD. Most of the communications are indicative of the frame of mind of the people of the country.

In approaching the position I shall take, I cannot simply discuss the pending bill; I must, of necessity, become aware, as I have intimated, of the great changes which have taken place and are continuing to take place in the world. Hitler heads a revolution far more significant in its possible consequences upon the race than was the French Revolution, though we all know what the French Revolution did to Europe and to America. The Hitler revolution involves consequences that will affect not simply the geography of the world but the economy, the thinking, the social structure, the political rights and freedoms of the race.

Everyone knows that right now an economic struggle is under way—or do we know it? In other words, America is taking steps to stop German exploitation of the wealth which the nations she has conquered have in America and in the Far East.

We are at this moment in an economic war. If we win that war, we will demonstrate to Hitler and the world that slaughter and rapine and the breaking of the promised word and treaties do not pay economically. If that could be established as a fact in the consciousness of the world, then war might cease. But everywhere, down through the centuries, men have entertained the thought that by war and through war great gains can be accomplished.

When I say we are now taking steps to deprive Hitler of the fruits of his "blitzkrieg," I mean that America has already frozen $2,000,000,000 of Norwegian, Dutch, Danish, French, and other holdings in the United States. We are also taking definite steps to see that our dollars do not reach Germany through any channel; and further, as I understand, we are taking steps to sequester French property in this country, to see to it that Germany shall not get it.

In the South Seas our fleet is maneuvering, and the effect of its activities is substantially to say to Japan and to Germany, "Not by war shall you profit in the Dutch East Indies and the British Malay states."

Mr. President, referring now to the changes which have occurred in the world in a short period, let me say that a little over 2 years ago treaties were solemn pledges between nations, boundary lines meant something, small nations had rights, international law was effective, brute force was looked upon with disgust. All this is changed now, and, as a result, there has come over the American consciousness—and I say this because letters are indicating it clearly—the feeling that we can no longer disregard what has happened during the past 2 years. We cannot disregard what happened to Czechoslovakia, to Poland, to Denmark, to Norway, to Holland, to Belgium, and to France. We cannot disregard what we know to be a fact, the new technique of warfare, the "fifth column" and the "blitzkrieg."

Yesterday I heard a discussion on this floor relating to the size of the Army. As I understand, it has been stated by General Marshall that no nation or combination of nations in the world with the equipment they had then could have withstood the attack on France. It has been stated clearly and definitely that the spearhead of the German Army was only 150,000 men, but they were equipped, synchronized to the great effort. They had the great land dreadnoughts. Then, above them, came the zooming planes. Ahead went the planes, then the dreadnoughts, and then more planes, synchronized with the land dreadnoughts. Then came the mechanized units, and 150,000 men broke the French line.

Why was it? Was it because the Frenchmen were weaklings? No. General Marshall, I repeat, said that no army or combination of armies in the world with the equipment France had could have withstood that attack.

Consequently we ask, What position are we in? We are in such a position that we must prepare so that if we should be attacked we would not suffer the fate which has befallen France.

Mr. President, because it relates to the argument for preparedness, I say we cannot disregard the infiltration of the "fifth columnists" in the Western Hemisphere. We cannot disregard the fact that communism and fascism and nazism and even the Fascists of Japan have joined forces for the purpose of dividing the world among them.

Mr. President, there came over the radio yesterday the statement for the first time that England has conceded that Russia is tied with bands of steel to Germany and that England cannot break that tie. That is a significant situation which we in America must not forget. This is not simply a revolution on behalf of Germany; it is a revolution by which "four horsemen," whom I shall mention later in more detail, have undertaken to divide the world up between them—Hitler, Mussolini, Stalin, and the Fascists of Japan.

America is now cognizant of the fact that she cannot remain ostrich-minded. While 99 percent of the people of this country, so far as the war in Europe is concerned, are in sympathy with England, while 90 percent of the people of this country do not want to become involved in the European war—that is, they do not want this Nation to intervene or declare war—I am satisfied that 95 percent of the people of this country are becoming aware of the fact that war may come to America through other channels than by her intervening or by declaring war. That is a possibility.

I am satisfied, too, that in the last 6 months a great change in our thought has taken place. Hitler's "blitzkrieg" methods have reeducated the consciousness of America to the fact that America needs to be prepared, so well prepared and carrying so large a stick that no nation or combination of nations will dare to attack her.

We know that until the leadership in Europe and Asia changes, there is only one argument that has any influence and that is the argument of force.

But we also know that the still, small voice of the spirit works everywhere, and we know that change is constant, that out of the order of force may grow again the order of reason and fair play among men. Faith teaches us that. The wheel of history will turn again ere long, when humanity has gone through its Gethsemane and has suffered sufficiently to get rid of the argument of force. Now, however, we have to be realistic. We know that force is the only argument that counts today among the nations of the world.

Not long ago the distinguished junior Senator from South Carolina [Mr. BYRNES]—and I am glad he is in the Chamber—took occasion to criticize something that was said in the Republican platform in relation to preparedness. I do not care to spend time in refuting what he said. I need only say that if he will compare the Army and the Navy and the air forces of America with the Army and the Navy of Germany and other nations at the time Hitler took over, which was the same time that Roosevelt took over, he will find that we were prepared then, because Hitler's "blitzkrieg" methods and Hitler's idea of conquest by force had not come into being, and that then our Army and Navy and air force were, by comparison with those of other nations, far more powerful then than they now are; and what counts is comparative strength.

When I was home recently someone brought in a copy of the distinguished Senator's remarks and said, "If what this fellow says is true, what in the ——— are we spending $14,000,000,000 for preparedness for?" Apparently the Senator would have the American people believe they were prepared and are prepared; but after this debate in the Senate for 3 weeks we know that our situation could be much better.

Let me remind Senators and the country that 7½ years ago, when both Hitler and Roosevelt took over, the world was a safe place to live in. Today it is not. The world then dreamt dreams of peace, or cooperation among peoples. Today the tocsins of war ring around the world. In those 7½ years Hitler and Stalin and Mussolini stole a march on the world, and America slept, as did England and France. During that period, under the leadership of this administration, we voted money and spent money for the use of the Executive, that he might be made aware through our Intelligence Service of what was going on in the world. He either knew and failed because of his desire for a third term to tell the people of the country what was going on, or his Intelligence Department failed him. At any rate, during the same period that

Russia, Germany, and Italy were preparing for the conquest of the world, America slept, comparatively speaking. After Hitler struck, and we saw Poland, Czechoslovakia, Norway, Denmark, the Netherlands, and France go down, this people awoke. That is why we are considering this bill today.

All America is asking, "What is the right thing to do?"

All during our existence we have felt that we should not become a military nation. We have seen the effects of a military caste upon the life of the European nations. We have seen the arrogance of gold-braid officers; and America in her very soul, as so ably depicted by the Senator from South Dakota [Mr. BULOW] yesterday, has learned to hate war and everything connected therewith.

We now hear the argument that by creating a vast military class we can lose the very rights that we want to preserve. I believe that is true if we create a war-minded military class. Therefore, we want to make sure that war and war preparedness do not become so attractive that we shall have a large group of our citizens wanting to make their livelihood, their vocation, military.

In every community we have policemen. Why? To protect our lives and our property from the evil-doer. Every man of common sense carries fire insurance on his property. Why? So that in case of destruction of property by fire he can build his house anew. Some 70,000,000 Americans carry life insurance on their lives to protect their loved ones and themselves. Apparently, America believes in protection.

Mr. President, there must be some analogy that will fit the situation with which we are confronted. We know that if England should go down, and if her Navy should be destroyed, the fires of Europe might spread to this continent.

In the first place, if the French and English islands which are important to our defense should be transferred to Germany or Italy, such a transfer would violate the Monroe Doctrine, our recent declaration of Habana, and would undoubtedly interfere with the safety of this hemisphere. Under such circumstances we would have to put out the fire.

In practically every community in this Nation we have one or more fire departments equipped with the latest apparatus to extinguish fires. Men lose their lives in attempting to extinguish fires that occur on other people's property. I have been told that the modern fireman has to go through a course of training. He has to be agile on his feet. He has to know how to operate certain fire apparatus, how to scale ladders, how to remove unconscious victims from the fire. He has to know, in other words, the science of fire-fighting.

I know this analogy is not completely applicable, and yet there is some truth in it. In our defense scheme, in our preparedness program on the land, on the sea, and in the air, men have to have a period of training. Men have to be physically fit. Men have to know how to handle modern weapons more efficiently. In other words, men have to be educated for the noble art of defense. Sometimes the best defense is an offense. When that defense is of home and loved ones, when it consists in building ramparts to protect the great advances of the race—great liberties, great freedoms, great rights—then, indeed, it is one of the noblest of professions.

On this question of preparedness, I was interested in an article which I read the other day written by an American woman from Paris. She states, among other things, that—

> Americans must think and move fast to plan an adequate defense against the threat of Nazi Germany, but that defense cannot be confined to military measures. The German war machine is no such menace to America as the totalitarian revolution which the Germans have launched.

She also says:

> Hitler knows that the overwhelming majority of Americans of German descent are true Americans who are loyal to everything which America has stood for and hostile to many of the things which nazi-ism has stood for.
>
> The Nazi dictator knows that his true allies are American demagogues who play upon such prejudices as antiforeignism and anti-Semitism. They are American reactionaries, whether employers or labor leaders, who put their own personal interest above the interest of the community. They are crooked politicians who discredit the name of democracy.

She says:

> We can be sure that Hitler has never actually planned an armada to attack America's shores, because we know that he does not think he will need one.

Think of that! Why? In other words, the idea of this woman is that Hitler expects America to go totalitarian because of racial feuds, class warfare, and hatred which will be stirred up in this country.

As for me, I have faith in the level-headedness of my countrymen.

I feel that Hitler is absolutely wrong in this conclusion, but my opinion should not in any way make us less aware of the challenge that confronts this Nation. We know that in the case of the nations which have been conquered in Europe their entire political, social, and economic structures have been reshaped, and we know the part that has been played by the "fifth columnists" and by forces which attempted to shape the internal thinking of those nations.

The question that arises is this, How shall we meet the challenge? How shall we overcome the forces that make for revolution? This woman states that we should take the good that there is in the Hitler revolution, eradicate the bad, apply and use the good. Let us enlist the revolutionary fervor, but let us in our counterrevolution remember the fundamental American traditions of fair play, racial equality, and cooperation between all groups and classes. Let us strike at the doctrine that would defy the state and that would create a group that would rule—namely, political bureaucrats. Let us cultivate anew the American spirit of initiative, invention, and enterprise. Let us enter upon a great crusade against corruption in government and in life. Let us make it impossible for gangsters to get control of government and profit thereby. In doing this we shall have to create a virtual crusading spirit in our people.

Mr. President, the issue that we are debating, it seems to me, may be divided in three parts:

First. Shall the Congress of the United States pass a conscription bill delegating to the President the power to call out the conscripts?

Second. Or shall the Congress of the United States pass a bill providing simply for the registration of all men between 21 and 31, and requiring that the President endeavor to get the necessary quotas by calls for voluntary enlistments, and further providing that if there should be a failure to get the required quotas by voluntary enlistment, and the Congress should find that a crisis or national emergency exists, then only should the President have power to induct the registered men into the Army?

Third. Or should we adopt a modified form of conscription, such as suggested by the amendment of the Senator from Massachusetts [Mr. LODGE], or a deferred conscription bill, like that of the Senator from Connecticut [Mr. MALONEY]?

Now, Mr. President, I am going to discuss this matter, having in mind these three different divisions of the general issue.

I am not cocksure, as some folks are, as to what will happen in the world tomorrow. What happens tomorrow may be determinative as to our course. I am sure though that I know something about what has happened in the past year. I was in Europe when the Nazis invaded Poland. I was one day out on the ocean when England and France were at war with Germany.

I am one of those who feel that the situation in Europe is so full of dynamite that there are grave possibilities it will seriously affect the geography of the Western Hemisphere.

I know that the Hitler revolution has affected and will continue to affect this hemisphere economically, socially, politically, and religiously.

Another thing I know is that the four dealers—I did not say New Dealers—have possession of most of the cards. The dealers to whom I refer are Hitler, Mussolini, Stalin, and Fascist Japan. I know also—what some folks seem to forget—that every move of this quartet is planned and thought out and executed according to such plan or scheme. First one moves, then another, and then the third, and then

the fourth. With the result that every democracy in Europe and Asia, except England, has gone down. They all hate democratic principles. They are out to "get" the things for which we stand.

The greatest democrat the world ever knew was Jesus of Nazareth, and, in a large measure, all the fine principles which have been written into the governments of man have been offshoots of His spiritual teachings. While He had little to do directly with Caesar or the form of government in vogue when He walked with man, nevertheless His doctrines ran at cross purposes with autocracy or absolutism. And they crucified Him. Who? Autocracy and absolutism, giving Him an opportunity to prove that the man of the spirit can never be crucified; that he is eternal.

If the democracies of the world had played the game together as these four dictator governments played the game, the results would have been different. These four autocrats believe that they have slain democracy, and now they are dividing the garment between them. We find England out of China; England out of Somaliland; France out of China; Hitler strangling the land of Lafayette and Rousseau and Napoleon; Norway, Denmark, Belgium, Holland, the Baltic states, Poland, Czechoslovakia—are they dead? No. Democracy will rise again. The garment may be divided, but the spirit never dies.

Mr. President, I ask consideration by the Members of the Senate of something which a great American once said as he stood by the grave of the old Napoleon. It was Robert G. Ingersoll. He stood beside this magnificent tomb of gilt and gold, a tomb fit almost for a dead deity, and gazed upon the sarcophagus of rare and priceless marble where rest the ashes of the restless man, Napoleon, and Ingersoll said:

A little while ago I stood by the grave of the old Napoleon—a magnificent tomb of gilt and gold, fit almost for a dead deity—and gazed upon the sarcophagus of rare and nameless marble, where rest at last the ashes of that restless man. I leaned over the balustrade and thought about the career of the greatest soldier of the modern world.

I saw him walking upon the banks of the Seine, contemplating suicide. I saw him at Toulon—I saw him putting down the mob in the streets of Paris. I saw him at the head of the army of Italy. I saw him crossing the bridge of Lodi with the tricolor in his hand. I saw him in Egypt in the shadows of the pyramids. I saw him conquer the Alps and mingle the eagles of France with the eagles of the crags. I saw him at Marengo; at Ulm and Austerlitz. I saw him in Russia, where the infantry of the snow and the cavalry of the wild blast scattered his legions like winter's withered leaves. I saw him at Leipsic in defeat and disaster, driven by a million bayonets back upon Paris, clutched like a wild beast, banished to Elba. I saw him escape and retake an empire by the force of his genius. I saw him upon the frightful field of Waterloo, where chance and fate combined to wreck the fortunes of their former king. And I saw him at St. Helena, with his hands crossed behind him, gazing out upon the sad and solemn sea.

I thought of the orphans and widows he had made—of the tears that had been shed for his glory, and of the only woman who ever loved him, pushed from his heart by the cold hand of ambition. And I said I would rather have been a French peasant and worn wooden shoes. I would rather have lived in a hut with a vine growing over the door and the grapes growing purple in the kisses of the autumn sun. I would rather have been that poor peasant with my loving wife by my side, knitting as the day died out of the sky, with my children upon my knees and their arms about me. I would rather have been that man and gone down to the tongueless silence of the dreamless dust than to have been that imperial impersonation of force and murder known as Napoleon the Great.

Mr. President, several weeks ago this man Hitler visited the tomb of Napoleon in Paris. It does not do any good to call names, but once in 500 or 1,000 years, because of the ferment of humanity, men come to the surface who do great things, great in the sense that they shuffle the cards—humanity being the cards—and seem to accomplish great results for good or evil. Hitler is such a character, and I have here a little poem from Line O' Type or Two, which I should like to read:

HITLER VISITS NAPOLEON'S TOMB

And so the Fuehrer came and gazed upon
The tomb of Emperor Napoleon,
Where sunshine, through tall windowpanes of blue,
Sifts, and is softened to the toneless hue
Of twilight, solemn and perpetual;
Where Time has set his final seal on all,
And silence reigns, and ends, at last, the story
Of battles fought, of grandeur, and of glory.



He came and saw the legions' banners hung,
All limp and lifeless now that once were flung
So proudly over conquered realms; and, each
Imprisoned in his narrow little niche,
Beheld the roll of marshals, spelled each name
All but forgot today by fickle fame—
He looked upon this desolate array
Of warriors dead, then slowly walked away.

Perhaps he felt, if fuehrers, such as he,
Can ever feel the vast futility
Of all their transient triumph, that, ere long,
He, too, must join the death-defeated throng;
That retribution is a ruthless thing,
Inevitable and all conquering * * *
Perhaps he thought of things like these that day
He came and saw, and slowly walked away.

—*Eolus in Line O' Type or Two.*

What has that to do with the issue before us? Just this, that there are four international planners who are planning things. They want to do things their way. They have been pretty successful in doing them so far. How will their plans affect us? Do we know? Can any one tell? What are their plans in relation to the Western Hemisphere? If we do not know and cannot tell, how does this affect the issue of preparedness and conscription?

Mr. President, it is said that Hitler slowly walked away. Perhaps as he looked at the tomb of a man great of other days, questions like this came to him:

"What is life? What is destiny? Is it worth while? Am I being seduced by the acclaim of my people by false gods? Have I done right, or is there no such thing as right?"

Or as he walked away did he hear the cries of butchered Poland, did he hear the voice of Napoleon say, "Turn back. You, too, one day will be dust"?

Did he see the ruin of Amsterdam? Did he feel the hate in the eyes of the conquered peoples of Holland, Belgium, France, Norway, Denmark, Czechoslovakia?

Or was he blind, like other men who, like a whirlwind, have swept this world, and pushed down races, and destroyed for the time the liberties and the faith of people? I know not. But Hitler slowly walked away.

Mr. President, in arguing the principles that are involved in the debate we must not lose sight of the main issue. Some folks, especially those who have a legalistic turn of mind, have a tendency to lose themselves in a maze of legal arguments, with the result that the main issue is very often obscured.

I state the vital subject or issue of the debate in this manner: How can we best keep America safe, safe from involvement in the present war and safe from those foreign concepts and foreign theories that might result in the demolition of our great freedoms here?

While we are debating the matter how best to proceed in relation to getting an efficient and well-equipped army we all recognize the danger that might come from an overdeveloped military spirit—a European-imposed military class. If America were to permit some folks to dictate our course, we would have millions of men built into a military establishment that would not only tax us to death but would probably result in the Army becoming the rulers of America. We do not want that to happen here.

On the other hand, we do not want to miss the boat and have an inadequate force.

It is conceded by everyone that with an adequate first line of defense—the Navy, with a supplemental arm in the air, an air force coextensive with our needs—that the Army itself need not exceed 1 percent of our population in times of danger or crisis. More, of course, in times of war, if war should come.

Mr. President, on other occasions I have said it is important that we who are placed in positions of leadership guard our tongues, watch the words that we use, because they go out like pollen over the landscape of America. On one side in this debate, I repeat, we hear such statements that if we fail at this time to institute conscription the safety of America will be put in jeopardy.

On the other side in this argument we hear statements that if we institute conscription it will mean the end of

democratic America. Such arguments are not based upon facts. They are mere assumptions dictated by the same hysteria, the same lack of logic that we saw manifested in the embargo debate.

Extravagant phrases soon lose their effectiveness and, what is worse, the use, if too often, interferes with the effectiveness of the user. What are we seeking in this measure? What is the purpose of this debate? We are trying to find the answer to our preparedness program. Preparedness against what? We are seeking to increase our preparedness, so that it will provide insurance against a victorious Germany, Italy, Russia, and Japan.

Do not think that this insurance is just against a possible victorious Germany. If England should go down, and I believe she will not, and I believe 99 percent of the American people are praying that she will not go down, then we have to consider what this quartet of brigands have further planned.

I stated that twice in my speech, because practically every argument in the Senate is based upon the theory of what Germany is planning. Everyone who has eyes will realize that in the present war it is four against one, that England is standing up against, and those four are playing the game shrewdly, and they have most of the cards. So America must not simply think that there is only the Battle of Britain. There is the battle of the world on in one respect.

It is conceded that it is imperative to get our national forces built up. That does not mean simply more ships of the same kind. No; it means, if we are to have a preparedness program, that America must use its head. We do not want more ships of the old type. We want our present ships made more immune to attack from torpedoes, submarines, and airplane bombs. It may mean the creating of a new type of ship.

Recently I took the matter up with the Secretary of the Navy, Colonel Knox, of building on the Great Lakes a great program of shipbuilding, whereby America would create an independent arm of the Navy—a mosquito fleet—if you please. We could build these small torpedo boats—they are only 70 to 100 feet long—we could build a hundred or more of them for the cost of a battleship. In the Battle of Britain, which is to come, we may find new lessons. But when we speak about a two-ocean navy, we talk of prospects 5 and 6 years from now. We could build in 6 months to a year 500 of these small torpedo boats by taking over the shipyards on the Great Lakes, and those boats could protect every harbor on the Pacific and Atlantic Coats. Why? Because they are speedy. We could improve the present design. They carry torpedoes. Some of them go at the rate of 70 to 90 miles an hour. They have anti-aircraft protection. The sinking of one of these small boats would mean the loss simply of a complement of a few men. These boats are built for attack. They could proceed 500 miles out to sea. They could tear out from behind warships. They could supplement the submarines, they could supplement the air force, and they would give us the protection which America wants now.

For a year and a half now I have pressed this matter upon the Navy Department. I took it up about a year and a half ago with Admiral Land, as I recall, and I persisted in it, and I hope to have talks with Mr. Knudsen and others in relation to that subject, because we do not always have to look to Germany to have the most advanced step. Germany has the "blitzkrieg." We have intuition here. We have invention here. We have brains here. Let America use these qualities. Let America awake and lead the world—not simply be a follower.

In this challenging period let us arouse all America to contribute to the preparedness program.

Mr. President, I am no expert on naval affairs. I believe that the first preparedness arm is a navy. I believe the second arm is the air fleet. But what I am talking about is an improved navy—the same kind of a navy that is going to handle the situation that we may be called upon to handle most any minute—a 1940 navy.

In connection therewith I hope to hear that our Government has taken steps to acquire the French possessions in the Caribbean and also the British possessions. We read every day something in the newspapers to the effect that we are to acquire landing fields, or that England is going to give us 99-year leases. I hope that our Government recognizes that something more than that should be considered.

I hope that our Government also has agreements that will permit the use of Brazilian harbors, harbors such as Rio de Janeiro, and the air bases in Venezuela. I trust that it will not be long until there is a definite policy outlined in relation to the Dutch, French, and British West Indies possessions. These should be taken under our protection at once. I see no reason why Bermuda and the rest of these islands should not be transferred to America now. It was in the troublesome days in the opening days of the last century, when Europe was at war, that we acquired Louisiana.

With an adequate sea force, an adequate air force, no foreign country could land on our shores. Now what has that got to do with this matter of conscription? Just this: What we want in this country as quickly as we can get it is a well-trained and equipped force of Army men—men who know how to use the machine guns, the antiaircraft guns—men who can handle big artillery and can manipulate mechanized dreadnaughts. We need, of course, to step up our ability to produce ships, planes, mechanized equipment for the Army, and so forth.

The war overseas has taught us that the airplane is most effective when used to support naval units and ground troops. The Army needs planes; the Navy needs planes—planes of long-range type, bombers, attacking planes, and so forth. So we come to the conclusion that our first line of defense in the Western Hemisphere is a water line—our Navy. An adequate navy and adequate flying fortresses are what we must first obtain.

Our second line of defense is the airplane—observation planes, bombing planes, dive bombers, attack planes—plenty of them for the Navy and plenty for independent attack service.

Our third line of defense is the Army.

It is apparent, as I have stated, that no army could invade America as long as the Navy, our first line of defense, and the air armada, our second line of defense, remain intact.

It is true that our Navy is not what is should be. It is true that we have not the air force we should have, but we are on the way to getting both; but, of course, this does not excuse our being lax in relation to the Army. But are we lax? We have given the President the right to call out the guard. We are enlisting troops. We should have in the service by the first of the year three-quarters of a million men.

Mr. President, let me briefly summarize. We can agree that if the four horsemen have their way we will have to defend the Monroe Doctrine with force. The dictators have already told us what they think about the Monroe Doctrine. In other words, we can agree that if we should interfere in the slightest with their plans we would have to have an army and a navy and an air force to back up what we do and say.

We can also agree that the pledged word and the treaties mean nothing to these horsemen.

We can agree also to the proposition that the New World has a distinct appeal to these horsemen.

We can agree that it is imperative that our Navy be immediately modernized, fully equipped, and made the best in the world.

Mr. President, I repeat, we know that men cannot be trained overnight. So we must get men; but men not trained are not fit. These men in sufficient numbers must be able to operate all the arms of the Navy, the air force, and the Army.

Mr. President, if England survives and wins, then the danger of combat for our men will have gone for the time being.

However—and I wish to make this clear—if this matter should be settled by a victory for Britain, we should take time in the future fully to discuss the matter of creating a citizen

army, especially if no solution is found to the recurrence of war. My own thought is that the Swiss Republic has evolved something which we could profit by studying. In Switzerland every male when he comes into this life comes into it dedicating 1 year to the art of defense of his land. Then he goes back into the life of the country. He is paid little or nothing for that year, because that is part of his life. It is a service which he owes to his motherland. The officers themselves are not paid much. What is the result? A military caste is not created. A military spirit is not created. But a defensive spirit is created.

Everyone now admits that no one can become proficient overnight as a soldier using modern weapons, or as an airplane pilot. We must consider the matter of devotion and duty to the state. This is especially true if the Hitler revolution should survive. For the time being we are here to decide which course we shall now take.

To repeat, my own thought is to pass the bill creating the machinery for conscription, but with an amendment providing that first we shall try out the voluntary enlistment plan. I can see no serious objection to the registration.

Mr. President, perhaps I have been talking too long already, but much has been said in the debate which to a great extent confuses the real issue. The matter of obtaining an army is but one angle of the great preparedness program. In my opinion, arguments have been made on both sides which will not bear close inspection. Perhaps even while I am arguing events may be occurring in Europe which will determine the course of the bill. Future events do cast their shadows before; yet right now we cannot interpret those future events from the shadows. If we could we might have the answer to whether or not we should pass the bill in its original form. Coming events may shape the action on the bill.

Mr. President, I do not agree with the conclusion of the proponents of the measure that we cannot obtain sufficient volunteers to fill the desired quotas at this time. I have heard no answer to the argument of the distinguished Senator from Michigan [Mr. VANDENBERG].

NEED FOR NATIONAL UNITY

To repeat, the decision we make in this matter is but one angle of the great subject of preparedness. I would that we could penetrate into the consciousness of every American with a clear call for national unity on the great thesis of love and action for country. For a generation—particularly in the past 7½ years—men who have called themselves leaders have done much to stunt belief in democracy, love of America, and faith in her institutions. I am sorry to say it, but many teachers, preachers, and leaders have engaged in this disintegrating campaign. Hitler knows it—not that they did so as the known agents of any foreign land, but in most instances they have become willing tools, because their eyes were so fixed on what they regarded as injustice and unequal distribution of wealth that they lost sight of the great values which resulted to everybody in the Republic. I have heard and read their discussions. I have seen the effect of their preachments. The result has been not merely men and women who are dissatisfied with their lot because they do not have what they think is their share of the material wealth of the Nation. The so-called leaders, by their processes of teaching and thinking, have created destructionists. The beneficiaries of their teaching are unwilling to build a competence through industry and saving. Their thoughts are filled with poison resulting from this one thought being maximized in their consciousness, and that is that they want to tear down and destroy. They want to attempt to cure inequalities through force—which includes arson, racketeering, and revolution.

Mr. President, not so long ago I talked to about a thousand youngsters in one of the normal schools of the country. This little incident will exemplify what I am getting at. Bear in mind that today I am not talking merely on conscription. I am talking on the subject of preparedness. I am talking about the need of national unity. I am talking about the need for greater national vision. I am talking about greater love for America. In speaking before this group of about eleven or twelve hundred students, after talking to them for about 40 minutes I gave them an opportunity to catechize me, bringing government back to the youth. I can see a young man rising in the rear of the auditorium, with fire in his eyes, saying, "Senator, do you include in your talk on Americanism the terrible condition in the tenements of big cities, and the terrible condition of the tenant cotton farmers in the South?" I can hear that young man, full of hate against wrong, full of fire and revolution. He spoke in such a way that the audience of 1,100 students literally held its breath. One could hear a pin drop. His listeners felt that the young man had said something that was too challenging.

What did I say, Mr. President? I take the time to relate the incident because these are the things which count. The yeast back home, the ferment of the poison, will determine whether or not America remains stable. What did I say? I said, "Young man, I am glad you asked me those questions. I say to you that in any business there are liabilities and assets. If the generation of which I am a part does not get rid of those liabilities, to wit, the tenement conditions in the cities and the terrible condition of the southern cotton tenant farmer, young man, you solve them."

I had already told them about the great values of America, and the great privileges of being a citizen. I said to this young man, "Many persons see the wrong, and do not see the great good. If you will get the proper perspective, and see that no one condones such conditions; if you will only see that there are great values, then to cure the ills you will not take any steps which may destroy the values. It is such fervent natures as yours which create revolution, and revolution generally destroys more than it creates."

At any rate, I made the point clear that a businessman having liabilities and assets does not destroy the assets. He tries to get rid of the liabilities. I made it clear that in this country of ours many people, because of false teachings, see only the wrong, and do not see the great good, the great privilege, the great value of being an American. Hitler and Stalin recognize that frame of mind. They recognize that among our 130,000,000 people there are large groups which they can approach by showing that perhaps we have not yet arrived at the millenium, and have not yet cured all the ills in our Government.

Therefore, we should approach the question as I approached this youth. He thanked me afterward. He said, "Yes; I was blinded by the wrongs; and I accept your challenge that if your generation does not cure them, I will try to, but I will ever be mindful to employ no remedy that will injure or destroy America."

Throughout the land literally millions of people are feeling the impact of false reasoning and false doctrines. We must attack that front. We must unite as one people. If we do so, there will be no question about America coming through.

Mr. President, many of those who promulgate such teachings call themselves liberals. They are not liberals. If we want to prepare this country for any emergency; if we want to prepare this country to be able to strike if we must strike; if we want to prepare this country to command the respect of the four horsemen—yes; and cause them to fear us—then we must have in this country an appreciation by the people of the value of the privilege of being an American, and a comprehension of the Nation's greatness and destiny. Those who feel that this country should turn to the ways of the four horsemen should be privileged to leave the country. Those who cannot give 100 percent loyalty should likewise be privileged to leave.

What I am talking about is preparedeness. In unity there is strength. Only by vigilance, by an awakening process, can we preserve our liberty. Lincoln said, "a house divided against itself cannot stand." Aye, more, the American people, if divided against themselves, may fall. I affirm, "eternal vigilance is the price of liberty."

How can we best serve America in these trying times? If we start out with the premise that every man is sincere and wants adequate preparedness, the only remaining question

is how to get such preparedness. I have said that on both sides of this debate extravagant statements have been made. We can attribute such extravagance to the fact that "to err is human." This is especially true when one becomes an advocate of a given idea. I am ready to concede not only that Members of the Senate but others who are insistent upon the conscription are sincere in their conviction that conscription should be the law of the land. Therefore, as I have said, I cannot agree with the statements which have been made here that because men of business, men of industry, and men in other fields of endeavor, stand for conscription, there is something wrong with them and that they are unpatriotic and want war. It is easy for them to set aside the fact that America has not, during her whole existence, been in favor of national conscription in peacetime. It is easy for them to jump at the conclusion that conscription is the remedy? Why? Because these men—and I do not blame them—are thoroughly aroused to what they consider to be the pending danger, an attack upon this country by the four horsemen in case England should go down.

Mr. President, I have listened to this debate for many days, and the longer we debate the question the closer, it seems to me, this body is to getting together. We all want preparedness; we all want the Nation to be ready to meet any emergency. Those who do not want conscription simply say, "You can get all the soldiers you want and can absorb by voluntary enlistments." The argument of the distinguished senior Senator from Michigan [Mr. VANDENBERG], I repeat, has not been met on this floor to that effect. The fact is the evidence produced yesterday or day before was pretty conclusive that some, perhaps even including the Executive, for reasons adequate to themselves, do not want to try out the voluntary system. I am perfectly willing to concede that they are sincere.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. WILEY. I yield.

Mr. LODGE. Does the Senator think that the voluntary system will procure the necessary number of men promptly?

Mr. WILEY. I answer that question in this way: Having listened to the debate in the Senate for 2 weeks, having listened to the statements that have been put forth on both sides, I believe that if the President of the United States were to issue a call for volunteers and were to say, "I want 100,000 men in a month, another 100,000 in 2 months," or I believe if he were to say, "In 60 days I want 400,000 men"—and I have not heard that there is any thought of asking for more than that by January 1—it is my honest belief that 400,000 men and more would be forthcoming in response to such a call.

Mr. LODGE. I think, of course, that is a very fair estimate, and it may be correct; but there is no way of proving whether it is or is not. The facts which are available to us reveal a per-month volunteer recruitment of about 30,000, from which must be subtracted 12,000 who leave the Army, leaving about 18,000 a month. At that rate, we can easily see how long it would take to get an army of 400,000 men.

Mr. WILEY. If I thought the Senator's statement were 100 percent correct, I might agree with what are apparently his conclusions; but the Senator will bear in mind that the undisputed evidence in the debate shows that quotas were set, and the Army, apparently, could only handle enlistments under the quotas, and in each case the quotas were met and overmet. We do not know what might have happened if the quotas had been doubled or tripled and the call had been made to supplement the quotas. I do not know what the Army's quota is for this month or the next month or the month to follow, but I wish to say—and I say it as one who started in with no prejudice and acting simply in a judicial way—that if the Executive of this Nation should issue a call there would be no question about volunteers, in my opinion, based upon everything I have heard in the debate and based upon what I know to be the American spirit. There has been no such call. All there has been is rather a lukewarm campaign in relation to volunteers by the Army. I do not want to be prejudiced in that statement but, frankly, if we wanted volunteers, and we had a sales organization, there would not be any problem, in my opinion.

Furthermore, if we had a sales organization such as we have in America in other lines, seeking volunteers, some of us would be almost conscious of the fact that there was a volunteer campaign under way. But every place where I have gone, while near the post offices in some places there are some posters, I have found no real honest-to-goodness effort put forth, in my opinion, to procure volunteers.

Mr. LODGE. It is true, of course, that, as the bill now stands, the number of volunteers that would come into the Army from any one district would be deducted from the quota which would have to be raised by conscription. So to that extent the bill as it now stands would give the volunteer system a complete opportunity to show what it can do but would not delay the procurement of men.

Mr. WILEY. Yes.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. TAFT. Did the Senator notice a statement by the head of one of the C. C. C. camps who had taken a poll of the C. C. C. boys as to how many of them would have preferred to enlist in the Army if they received $30, which is as much as is paid them in the C. C. C., instead of only $21?

Mr. WILEY. I have not noticed the statement, and will be glad to have the Senator indicate what it is.

Mr. TAFT. A poll was taken in a southern C. C. C. camp which showed that 60 percent said that if the pay was $30 they would prefer to enlist in the Army rather than in the C. C. C. camps. So how can the volunteer system be given an opportunity of operating when it only offers the man $21, plus board, clothing, and lodging, which might be worth $50 to him, or $71 in all, when an unskilled laborer in any city in the United States can get a hundred dollars a month? How can it be said that the volunteer system has been tried as it should be tried? How can it be said, under present conditions, that the Army is offering anything to a man except a refuge from his troubles?

Mr. WILEY. I thank the Senator from Ohio for his contribution, and also the Senator from Massachusetts. I think all such contributions throw light on the subject.

The statement made by the Senator from Ohio that the volunteer system has not been tried, I think, is borne out conclusively by the debate in the Senate and by some other illuminating evidence. First, there has not been a real publicity campaign put on. Secondly, the Army has been obliged to set quotas. Why? Apparently, we have not had the quarters to take care of the men. I see by this morning's newspaper that General Marshall stated that we have plenty of equipment, naming rifles, and so forth, but he does not say anything about clothing or shoes or living quarters. It is conceded here—there is no dispute about it—that the Army has not adequate quarters to take care of the soldiers. Without quarters and probably without a great deal of equipment, without a campaign, without expression from the Executive of the Nation in the nature of a call, with the proof conclusive that every quota under this wishy-washy way of trying to get volunteers has been met, frankly—and I think in a judicial way—I reach the conclusion as stated by the Senator from Ohio. Then we have the evidence, which no one has disputed and which has been put into the RECORD by the Senator from Michigan and by other Senators, showing that the Army would not accept men who wanted to enlist for 1 year, although the option of 1-year enlistments was provided in the law of the land, and we are still a nation with a legislature. Who is the Army or anyone else to set aside a law?

The senior Senator from Massachusetts [Mr. WALSH] spoke on that subject. He submitted evidence showing that the Army would not take recruits for a year. No; I do not think there is evidence from which anybody can draw the conclusion that the youth of America would not volunteer if asked to volunteer. I stand on that, and I know something about the youth of America. Certainly I do not think there is any

evidence to prove that there has been anything else but a very light-hearted effort to fill the voluntary quotas, and the quotas had not in mind, apparently, getting the additional soldiers the Nation wanted.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. LODGE. I should like to ask the Senator what proof or assurance he can give that 800,000 men could be raised by the 1st of April by the volunteer method?

Mr. WILEY. Mr. President, to answer that question of course I should have to indulge in the line of argument of which the Senator is a master, and that is assumption. Knowing something about America, knowing something about the history of America, knowing that we Americans have never been willing to be lashed but that we have always come up to the scratch when we were expected to come up, knowing too that the quotas have been met and more than met, knowing that the American people would respond just as the Senator and I would respond to some great movement if it were in the interest of America, knowing that there has been no call by the Executive, I feel that it would be well if, for instance, the Senate should adopt my amendment, which simply takes the bill and says, "Put into operation your machinery. Have the President call for volunteers such as the Army know they can handle. Set the date line. If those volunteers do not come in, if the requirement for volunteers is not met, then let the Senate of the United States"—and this is a little different—"pass a resolution that a crisis exists calling for emergency action." Then the bill will go into operation as it is, and immediately the men who are registered can be inducted into the Army in accordance with the plan.

There is nothing unfair, nothing un-American, about that, and there is nothing in that that would "ball up" the economy of the Nation. It has this great advantage: The men would be registered. They would be selected. The men who were selected would know that they would be called on the first induction. They would make arrangements then, if they had to do so, so that the economy of our Nation would not be disrupted by their going into the service.

To me, that is a sensible, reasonable, plausible answer to the whole problem. As I said in my argument, which I think the Senator did not hear, we are not far apart. We may be only 60 days apart.

Mr. LODGE. Mr. President, will the Senator permit another question?

Mr. WILEY. Yes; I shall be happy to yield. I am always happy to yield to the Senator from Massachusetts.

Mr. LODGE. I hope the Senator will say frankly if he would rather not be interrupted, because I do not want to interfere with his train of thought.

As the bill now stands, it is not true that in all probability a period of about 2 months would elapse in which the volunteer system would obtain, and that it is, therefore, theoretically perfectly possible under the bill as it now stands for 400,000 men to be raised by voluntary methods, and in that case, under the terms of this very bill, nobody would have to be drafted?

Mr. WILEY. I think the statement of the Senator is correct. I am surprised to hear him say that it would be 2 months, because I think his first question to me rather implied that we should have some men inducted immediately. But I can agree that in my opinion, based upon what I have heard, I do not think there will be any conscripts for 60 days, if the bill passes, unless the fire gets to spreading over in Europe. I agree to that; but we shall have put conscription into operation. We shall have delegated our power to the President and enabled him to take over the whole show. I do not think America wants that.

Mr. LODGE. I do not think it will be a delegation. We shall have set up an automatic system.

Mr. WILEY. No; we are assuming that a crisis will obtain 60 days from now, and that it will be of such a character that we will change the course of conduct which this Nation has followed for a good many years, that in peacetime we will not have conscription. I admit that there is some merit on the other side of that argument. I can see merit on the other side; but our policy has been in peacetime not to have conscription, and that is what we would be doing. Not only that, but in evaluating the different arguments I have heard, I cannot help feeling that there may be and that there are in this country a great many persons, no matter what the situation is nationally or internationally, who would like to see a great military caste system imposed upon this country. I am not in favor of that.

Mr. LODGE. I am not one of those. The Senator appreciates that fact.

Mr. WILEY. I realize that; but I have talked with men who are in that class, and I want to provide assurance against any eventuality. When I say "any eventuality," I mean I want to provide against the one I have just mentioned, and that is this country becoming military-caste-minded; and I have suggested this alternative. Especially, now, if what the Senator concedes is correct—that it will be 60 days before there is any thought of any conscription—then I see no reason why my amendment should not be written into the law.

Mr. LODGE. That raises the question the other way: If the thought of the Senator is already embodied in the bill, what is the point of having an amendment?

Mr. WILEY. The thought is not embodied in the bill. I would be surrendering a principle if I should vote to give the President the power in peacetime to call the youth of the land into the Army; and I may say on that subject that my mind is not so closed but that I can see the possibility of a situation arising which is not war but is equivalent to war.

I can visualize that, and so I want the machinery ready. I want the men registered. I want them to know that if a situation equivalent to war arises—and that alone the Congress should determine; not the President, but the Congress—those men will have made their arrangements. Their families will know, the country will know, there will be no dislocation. The machinery of business and of industry will be able to take the jar, because they will be prepared for it.

Mr. LODGE. Would it be fair to say that the Senator wants the machinery to be ready, whereas I want the machinery and the men to be ready?

Mr. WILEY. I rather think that does not exactly tell the difference. There are generally two parties to every contract. In this case there are three parties—the citizen, the Congress, the President—and I might add a fourth—the country.

Mr. President, I repeat what I stated a few moments ago, and that is that I am satisfied that if the President of the United States issued a statement calling for volunteers, there would be a sufficient number forthcoming to build the Army now in contemplation.

We have been informed that we would probably not need 400,000 men until 60 days from now, or the first of the year, and we would not need another 400,000 men until next April.

I said in this debate we were getting closer together. I believe that practically all the Senators would be willing that this legislation be passed if it accomplished the following:

First. Set up the machinery for conscription if it should become necessary.

Second. Continue the voluntary enlistment under a call from the President for volunteers.

Third. If and when a crisis should occur and volunteers were not forthcoming, on such a finding by Congress, the machinery for conscription should be put into effect.

In conclusion, Mr. President, let me speak briefly on behalf of the amendment which I introduced on August 5 to the pending bill, S. 4164.

It is as follows:

The amendment was drafted, as I have intimated heretofore, in an effort to accomplish three things.

First. To provide for a fair trial for voluntary enlistments before imposing any system of conscription upon the country. When I say fair trial I do not mean the kind of trial that we have been having. I mean a call from the Executive of this Nation to the Nation setting forth the need.

Second. To provide for an immediate utilization of the provisions of the pending bill as far as they affect registration and classification for selective military service. In other words, this feature of the bill would be operative during the trial of the voluntary-enlistment method. In the event of the failure of this method, it is obvious that by setting up these mechanical features during the period of trial, no time would be lost if subsequently it was established that voluntary enlistment had failed, and that an emergency existed which necessitated conscription.

Third. To provide that as a justification for departing from 150 years of American tradition with reference to conscription—and right there I will say that I realize that someone can argue on the other side that there has been exception. The distinguished Senator from Vermont [Mr. AUSTIN] introduced into the RECORD the other day the fact that there is a sort of a modified conscription in relation to the land-grant colleges, where money comes from the Government, for the purpose of training the youth in these colleges. Nevertheless, while that may be true, to me there is a fundamental difference, and I say to the Senate that if in these days of breaking of traditions, the setting aside of old laws and old rules of conduct that if the situation were akin to war, to me that tradition would have no power. But if we can set up the machinery, we can get it ready so it will click at a moment's notice. If we can get our men to register, and if the men are given time to arrange their affairs, which has been estimated at 2 months—so the men can arrange to leave their jobs without injuring industry, and then if the Congress of the United States finds that a crisis exists justifying it, then providing we do not get the required number of men by volunteering, Congress can pass the resolution, the machinery is in action, and the men have the time to arrange their affairs, and there is no break in our economy.

So I provide:

Third. To provide that as a justification for departing from 150 years of American tradition with reference to conscription that before any system of conscription could be imposed—excluding the classification and registration features—it would be necessary for Congress to pass a resolution determining that as a matter of fact an emergency existed. Anticipating a fear of many people that conscription might be perpetuated indefinitely along with a perpetuated emergency, it is apparent that when the emergency is over, Congress could then so declare and conscription would cease. Congress could at any time recognize the termination of the emergency which would, of course, mean that the provisions of the act would automatically become inoperative.

This termination could, of course, be prior to May 15, 1945, which is designated in section 13 (B) of the bill as the date when the bill becomes inoperative.

Mr. President, I urge consideration for this amendment, because I believe it answers the charge that voluntary enlistment has not been tried. It also answers the objection that by trying voluntary enlistment we would be wasting time, because my amendment provides for setting up the classification and registration machinery during the time that voluntary enlistment is tried.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. WILEY. I yield.

Mr. WALSH. Will the Senator permit a few inquiries?

Mr. WILEY. Certainly.

Mr. WALSH. I have been surprised by the information I have obtained from reading the evidence before the Senate Committee on Appropriations with reference to this subject. I do not believe the public have an understanding of all the real results of the enactment of this bill. I did not have until I read the hearings. I wish the Senator would answer the questions I am about to propound to him, or that any member of the Committee on Appropriations would answer them.

First, I understand that the Army does not expect or intend to use more than 400,000 of these conscripts before the first of the year. Is that correct?

Mr. WILEY. That has been stated on the floor of the Senate.

Mr. LODGE. That is a matter of record in the hearings.

Mr. WALSH. Secondly, that the Army will not be ready to use a second 400,000 until next Spring.

Mr. NYE. That is correct.

Mr. WILEY. April 1 is the time heretofore stated on the floor of the Senate.

Mr. WALSH. What has surprised me, and what I am sure the general public does not know, is that the Army does not intend to give these 400,000 or 800,000 men physical and military training in the popular acceptation of that term—namely, going into camps and becoming accustomed to Army life, and giving them weeks of preliminary training for Army life—but the Army intends, immediately upon drafting 400,000 of these men, to put them into the Regular Army, side by side with Regular Army men, undertaking the work of Regular Army men, and doing the job of Regular Army men. Am I correct in that statement?

Mr. NYE. Quite.

Mr. WALSH. I wish to make an observation about that. I did not know that before. I had an impression—perhaps it is due to the fact that I have been so busy with other matters—that these men would be segregated and be in camps by themselves, being developed physically, and getting ready for military service. Instead of that, they are to be put immediately into the Army, into the troops that exist, among the trained men, and become part of the regular life, however intense it may be, of the Regular Army, and a draftee of Massachusetts will immediately become a Regular Army soldier and sent to the Canal Zone or other Army post. Is that correct?

Mr. NYE. That is correct.

Mr. LODGE. Mr. President, if the Senator will yield to me——

Mr. WILEY. I yield.

Mr. LODGE. I think there is a possibility of getting overexercised about that. It is a thing with which I happen to have had a little bit of personal experience about a month ago, because I was commanding a company of recruits, young men who had just come in.

From my experience, I do not think it is any great hardship to take recruits and put them in with seasoned men. On the contrary, I think it is a very helpful thing. I should like to point out to my colleague that in the experience I have had, the recruits who arrive for the Regular Army have always been put in a recruit camp on the regular post for the physical toughening and the typhoid inoculation and all those preliminary stages, and so by the time they serve with the seasoned soldier they are thoroughly able to stand it.

Mr. WALSH. I am pleased to have my colleague's observation. But his observation leads me to make another statement on this subject.

Before there was any talk of this war I visited an Army military camp. It was on a social occasion. The medical officer at the camp called me aside. Understand, there was no war talk and no consideration of war. This was months ago. This officer said, in substance, "I think you should know what is happening. This camp is a receiving camp for new enlisted men. Recently these new recruits, without any preliminary training, without having a chance to adjust themselves to the new military life, have been sent to the Canal Zone. They were not physically prepared for military service in the Canal Zone." These are his own words. "A few of them have shown mental disturbances." I do not mean to exaggerate this. "Many of them became sick. I wonder that all do not get sick."

It was a complaint that they were sending people into the Regular Army—and he spoke of the intensity of the training there, all of which was favorable to the Army and to the Regular enlisted men. He did question the sending of recruits to the Regular Army activities, namely, taking a young

man from the mill or the factory where he works, or from the store where he works, and putting him immediately into the intensive training the recruits must have, after being seasoned, in the Regular Army. That can be justified in time of war; it has to be done; but I hesitate in time of peace about following that procedure, and, so far as I am concerned, I want the country to know that if the pending bill is passed every one of the 400,000 draftees is going to take his position side by side with an army of seasoned enlisted men who have been for months and years in the service, and who are hardened to the service.

I must say I was surprised to obtain that information, and I felt I should make these inquiries, so that the public should be informed of the full import of this legislation.

Mr. BURKE. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. BURKE. We all realize that the Senator from Massachusetts is very busy with his Naval Affairs Committee. Has the Senator had an opportunity to read the testimony taken in the hearings before the Committee on Military Affairs, not the Committee on Appropriations?

Mr. WALSH. No. Not until last night did I read the entire record of the hearings on the same subject, right up to date, before the Committee on Appropriations of the Senate, and I was surprised then to learn—and I should like to know how many other Senators knew what I have just stated—that the first 400,000 of these draftees are not going into preliminary military training, in the regular acceptation of the word, like going to camp, as the National Guard does, but are going into training side by side with the Regular Army Establishments. I am not complaining about it, it may be necessary to do that, but I am calling attention to the fact that I, and I think other people, did not have that impression of what was to be done immediately with these conscripts.

Mr. BURKE. I would say only that if the Senator from Massachusetts, or any other Senator, has not had that clearly in mind, it is merely because he was so busy with other matters that he did not follow the hearings before the Committee on Military Affairs, which considered and reported the pending measure.

Mr. WALSH. Has anyone made such a statement on the floor of the Senate during this debate?

Mr. BURKE. I would say that very few of those who are favoring the measure have up to this time had much opportunity to say anything on the floor of the Senate, as a number of those who have wanted to talk about everything under the sun in connection with the bill have occupied nine-tenths of the time.

Mr. WALSH. If the Senator will excuse me, I think that is unfair to the Senate. When our leader was seeking to get a limitation of debate, of which I approve, I said to him—and he seemed to acquiesce—that I have not heard a debate going on for a long time in this Chamber which has been confined so much to the real subject under discussion. I have been impressed with that fact. I agree it has been long drawn out, but I have not heard discussion of any extraneous matters. The Senator will pardon me for making that observation, but it is in view of the fact that he has intimated that there was a good deal of waste of time.

Mr. BURKE. I would say that in the short time I have been in the Senate I have heard no major matter discussed with as little reference to the actual points under discussion as has obtained here in the last week.

Mr. WALSH. That is unfortunate. I am sure the Senator will agree we have never had before us a more important subject.

Mr. BURKE. I agree fully.

Mr. WALSH. Apparently those who are against the bill have discussed immaterial things and nothing that pertained to the real objectives of the bill.

Mr. BURKE. In very large measure I think that is true, and I regret it, because the bill is of such importance.

Coming to the point the Senator has just raised, he has just discovered by reading the report of the hearing before the Committee on Appropriations, that this was a proposal that the first 400,000 troops should be taken into the Regular Army and the National Guard. I call his attention to the report of the hearings before the Committee on Military Affairs of the Senate on July 12, 6 weeks ago, when General Marshall testified on that specific point, beginning at the bottom of page 328 of the hearings, where it is shown he said:

I might say that if such a measure—

Referring to the National Guard bill and the pending bill—

I might say that if such a measure is accepted by the Congress, the practical proposition of putting it into effect requires one of two things. Either we must mobilize the National Guard for the purpose of training these men in its ranks, and also in the ranks of the Regular Army units, where we must have more men as quickly as possible, or we will have to emasculate the Regular Army and emasculate the National Guard at this time in order to provide the necessary training cadres to handle the new men in the manner that it would be desirable. In other words, the training of young men in large training camps on the basis of compulsory training is something that we cannot manage at the present time. We do not have the trained officers and men—the instructors—to spare; also we do not have the necessary material. We lack the special training set-up at the moment, and we cannot afford to create it. Therefore we would have to make the first step within the ranks of the Regular Establishment and within the ranks of the National Guard.

That is the practical proposition, and I think there is no escape from that if such training is to be managed at the present time. We would not dare emasculate existing units in order to provide the personnel to conduct the training, as we would wish to do later on as the system develops.

Then, when the Senator from California [Mr. DOWNEY] asked him a question, he made this further suggestion:

General MARSHALL. We would either have to place these men with the units of the Regular Army—in other words, recruit those units up to full strength, and in the ranks of the National Guard, to carry these units also up to full strength. The new men could thus be trained within those organizations, utilizing their equipment, and their officers and men as instructors.

We would have to do that or we would have to emasculate to a great extent the National Guard and the Regular Establishment in order to provide the necessary training cadres to carry out training. A year later the procedure could be different, but today we would not dare, in my opinion, to emasculate the existing organization of either the Regular Army or the National Guard. It would be a dangerous business.

Senator BURKE. There are no unusual difficulties in handling the matter along that line, along the line of the first alternative that you suggest?

General MARSHALL. No, sir; that is not only a very simple way of doing it, but at the same time it does what I think we urgently need to do at the present time, fill up the ranks of the organizations.

This was a matter of public record.

Mr. WALSH. What was the date?

Mr. BURKE. July 12.

Mr. WALSH. That was not so very long ago. But I apologize for taking up the time of the Senate and requiring the Senator to read what he has read, which was because of my failure to have read the record of the hearings before the committee. But I did read the record of the hearings, right up to date, before the Committee on Appropriations of the Senate, and I was surprised at the matter to which I have referred. I probably should not have been surprised, and I probably should have read that record, but as a matter of fact I did not. I hope the Senator will not think our discussion has been a waste of time to the country and to the Senate.

Mr. LODGE and Mr. HILL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield, and if so, to whom?

Mr. WILEY. I yield first to the Senator from Massachusetts.

Mr. LODGE. I think it may be possible for me to bring a brief personal word of assurance on this question of the relative welfare of recruits who are inducted into the Regular Army, as compared with those who might be set up into a national army under a separate scheme, because it so happens that as a member of the Reserve I have had active duty with Regular Army units in the far West, in the Middle West,

and in the East. In fact, I have participated in training troops myself.

Certainly no one need have any anxiety, so far as the Regular Army is concerned, as to the care and the thought and the effort to maintain the health and the comfort and the well-being of the soldier. That does not mean that there will not be sickness sometimes; it does not mean that there will not be injury sometimes; it does not mean that at times the food will not be good, and that there will not be times when the men get rained on at night. But the effort and policy and desire are to do everything possible for the welfare of the soldier, for the very simple reason that that gives us the best army. In my judgment, if these prospective recruits were to be set up in separate areas, with Reserve officers in command, there would be a higher rate of sickness, and a less satisfactory menu, and less satisfactory sleeping conditions, than would obtain if they were to be sent to an already established post, because at the established posts I have seen they are already undertaking to build cantonments, with concrete floors or wooden floors, and regular roofs over them, and latrines with running water, and facilities of that kind, and with trained personnel in charge, whereas if they had a national army encampment, they would probably be under canvas and out in the mud, and I do not think the camps would be as well conducted.

Mr. HILL. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. HILL. I hesitate to delay the Senator from Wisconsin in any way, but I wish to say, with reference to the discovery which the Senator from Massachusetts made about putting the trainees in with the Regular Army units and National Guard units, that I stated that on the Senate floor some 2 or 3 weeks ago. I even used the illustration that some of these National Guard units and some of the Regular Army units have today in an infantry company approximately 60 men, whereas the war strength of a company is 200 men. It is proposed to put these trainees in and fill up the company. I know that the distinguished chairman of the Committee on Military Affairs [Mr. SHEPPARD] has made clear in at least one speech I heard him make on the floor that the trainees would go in with the National Guard units and with the Regular Army units and, of course, if they should not go with the National Guard units and the Regular Army units it would mean that we would have to tear the Regular Army and National Guard units all to pieces in order to obtain officers to train the trainees.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. TYDINGS. In line with what the Senator from Nebraska [Mr. BURKE] has said, on one occasion when General Marshall appeared before the Committee on Appropriations he gave as another reason for the plan which is being pursued, that he would be required, as commander in chief of the Army, to have some 9 or 10 divisions of the Regular Army assembled, completely equipped, and ready to move on 24 hours' notice. While they might never be called upon, it would be his responsibility to have 9 or 10 divisions, with artillery, infantry, wagon trains, and all accessories, completely equipped, so that he could call them on the telephone if Congress or the President ordered him to do so, and say, "Tomorrow at 8 o'clock I want the whole division of twelve or fourteen thousand men, to be ready to go to such and such a place."

Therefore, as the Senator from Alabama [Mr. HILL] has pointed out, if they are to be assembled and to be ready for instant service, they cannot be so assembled if the new recruits are detached from the National Guard units and the Regular Army units in some isolated camps.

Furthermore, if the recruits are detached from the Regular Army and National Guard units, they cannot learn as quickly as they could if they were attached to units composed of trained men, where they can not only hear but also see what the experienced men are doing.

In agreement with what the Senator from Massachusetts has said, in my opinion, they will be better cared for in the regular camps, where the work is being done in a routine and an efficient way, than if they were to be dumped out in some isolated area where they would neither have the degree of training they would otherwise receive, on the one hand, nor the care or supervision they would receive on the other.

Certainly from every angle not only is the policy an expedient one but it is a wise one at the same time. I feel that if it were to be departed from we would do these men an injury rather than a service.

Mr. NYE obtained the floor.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Donahey | Lee | Schwartz |
| Andrews | Downey | Lodge | Schwellenbach |
| Ashurst | Ellender | Lucas | Sheppard |
| Austin | George | Lundeen | Shipstead |
| Bailey | Gerry | McCarran | Slattery |
| Bankhead | Gibson | McKellar | Stewart |
| Barkley | Gillette | McNary | Taft |
| Bone | Glass | Maloney | Thomas, Idaho |
| Bridges | Green | Mead | Thomas, Okla. |
| Brown | Guffey | Miller | Thomas, Utah |
| Bulow | Gurney | Minton | Tobey |
| Burke | Hale | Murray | Townsend |
| Byrd | Harrison | Neely | Truman |
| Byrnes | Hatch | Norris | Tydings |
| Capper | Hayden | Nye | Vandenberg |
| Caraway | Herring | O'Mahoney | Van Nuys |
| Chandler | Hill | Overton | Wagner |
| Chavez | Holt | Pepper | Walsh |
| Clark, Idaho | Hughes | Pittman | Wheeler |
| Clark, Mo. | Johnson, Calif. | Radcliffe | White |
| Connally | Johnson, Colo. | Reed | Wiley |
| Danaher | King | Reynolds | |
| Davis | La Follette | Russell | |

The PRESIDING OFFICER (Mr. BROWN in the chair). Ninety Senators have answered to their names. A quorum is present.

Mr. NYE. Mr. President, I suppose that the first 10 or 12 minutes of my presentation today will be accepted by many as being of a rather futile nature. Yet there are things contributing to basic thought on this question which in turn are occasioning—I think there is no other word for it—a nastiness on the part of many persons in their communications to Members of Congress. Therefore, I think it quite apropos that I address myself to the subject as I do.

Mr. President, I cherish the spirit of the Senate—the spirit voiced by our leaders a few days ago in cautioning against such conduct in the conscription debate as would bring reflection upon the Senate. Such reflection cannot, in hours like these, bring those advantages which are so necessary if the best in representative government is to be preserved.

But I wonder at times if perhaps overcaution in what we say here is not a large contributor to growing loose thinking and loose talking by many persons, the kind of talking and thinking which, left unchallenged, can and does sometimes take serious root by reason quite alone of failure frankly and freely to air the subject in the halls of discussion.

What we say in the Congress is material which becomes basic to expressed thought among the ranks of millions who also discuss the issues which hold us in debate. Often, too, the mere fact that there are sometimes things about which we do not talk here freely and openly is accepted by large numbers as evidence that there is some deep, dark secret reason for our silence; and wrong thinking gets another break.

Responsibility attaches to our deliberations. Because it does, a fundamental job of ours is that of insuring that no iota of thinking should be allowed to intrude which is not strictly American in foundation and not strictly in accord with the principle of what is best for the United States.

I have been deeply disturbed for many weeks by the growing evidences of organized and unorganized minorities who are attempting to influence thinking on the conscription issue and on all issues connected with the present situation abroad insofar as it relates to us.

There is not the slightest doubt that there is an element in this country—how large I cannot say—which would like to see the defeat of the conscription measure on the weird and

absurdly mistaken theory that it might serve in some way to weaken us and soften us for internal conflict, out of which might grow a new kind of government; or on the equally weird theory that its defeat might in some way contribute to the difficulties being experienced by the hard-pressed British Empire.

I largely doubt the existence of a Hitler "fifth column" of serious consequence in this country. Outside of a few assorted crackpots, it is inconceivable to me that anyone here would want to see this country under the domination of any foreign power, particularly the Nazi government.

But I have every belief that there is a group which would like to put an end to our republican form of government and intrude itself into positions of power as dictators of the American realm.

It is not aid and comfort to Mr. Hitler these people are thinking about, but instead they are concentrating on their own ambitions. They are playing for gorgeous stakes, and have seized this critical and uncertain hour to insinuate themselves into a situation which is ours and ours alone to resolve.

In short, to speak bluntly, I am more afraid of the Communist threat or an American Fascist threat than any strictly Hitler threat from within. For the moment, in Europe there is an alliance between two odious forms of dictatorship. Over here there exists a large, well-heeled, and loudly vocal Communist organization, which would like nothing better than to whip up a "fifth column" scare which could allege, for instance, that certain unfortunate Americans with German names are responsible for it, and then they themselves could reap whatever profit might come out of the ensuing witch hunt, the ensuing national disunity, and the ensuing national panic.

A year ago this spring, when the first efforts toward repeal of the arms embargo began, myself and others who were resisting such effort, found ourselves painted in the Communist press as "Tories and reactionaries." Although our personal records are anything but that, the terms, coming from the source they did, were almost complimentary.

There followed, some months later, the alliance of Moscow and Berlin, and overnight we, the same group of us, were treated in honeyed terms.

Those of us who are against this conscription bill need no assistance from Communists, from bundists, from the admirers of Hitler, professional agitators, religious crackpots, professional haters of Great Britain, or from any minority group which does not represent and respect the fundamentals of this democratic Republic.

We ought likewise disavow, with the same vigor, the professional Anglophiles who think first of Britain and second of America. We ought likewise to disavow the professional hoper for war who can see in war the way to new and easy profits. We should disavow the hysterical, unthinking little minority which has lost its head to such a degree that it sees Herr Hitler practically in New York Harbor. We should disavow connections or influence with such groups as want desperately—and understandably—to see the end of Hitler even at terrifice cost to the United States.

Any group, regardless of how high-minded it may sound; any group whose thinking is not strictly American but is, instead, bound up with a foreign ideology or a foreign interest—I care not whether that interest be German or British—is subversive and ought to be so regarded.

There is definite purpose in that thought. If we so much as infer in these chambers a foreign interest with a dubious stake in our decision, we open the larger debate throughout the country to a dangerous course.

This debate cannot be resolved by name calling. It cannot be resolved by personal references. It ought not to be decided—it must not be decided—and, of course, it will not be decided on the basis of what our action might mean to a foreign interest.

Already hysterical thinking in this country has reached too hot a pitch, whipped up by this force or that.

I am afraid of that kind of thinking.

So, too, is everyone who has paused to observe it.

That way lies the most hideous kind of national disunity, that way lies witch hunts and persecution. It is only a step from persecution of those who disagree with us to organized persecution of religious bodies or minority racial groups.

The mail to our offices, in almost every instance, during the last few weeks has been tremendous. I do not pretend to say that the mail is entirely indicative of what national sentiment may be or is going to be on this issue, but it is a reliable guide to certain essential factors.

I try, as best I may, to analyze it closely, despite its vast volume.

For the most part, I feel safe in assuming that the vast bulk of it, regardless of what viewpoint it may express, comes from sincere, well-meaning, truly American people.

But there is too much of it the other way.

In the same mail, day after day, will come to me letters, which in substance, read like this:

> Hitler must approve of what you are doing, you dirty rat of a Nazi. Why don't you get smart to yourself and go over to Germany if you like it so well?

Time and again does such language appear in the letters. Almost invariably the letters are unsigned, a striking example of the courage of the writers, not to mention their ignorance. But I will read a letter which is signed and which comes from one of high standing in his community, a professional man. I shall not compromise the author by disclosing his name, but his letter reads:

> DEAR SIR: Stop right now any further misrepresenting your people. We want universal conscription now, women and all. There are only two classes who take the stand you are doing at this time. First, ——— fools, and second, those who are in the employ of Germany. Get right, or I am thinking your constituency will have to put you right.
>
> Very respectfully,
>
> ——— ———.

Then there is another kind of letter which reads something like this:

> It is the international Jews who are trying to get this country into war. We ought to run every Jew into a concentration camp and string them up by their thumbs.

There is just enough of such mail, of both kinds, to be disturbing.

Both philosophies expressed are ridiculous, insane and ought to be stamped out by the sharpest and quickest methods available.

I do not know exactly how to bring about an end to that sort of argument, if it can be called argument, on the pending issue.

But I fear it. I fear it because if we see it in our mail here in Washington, both sentiments must exist on the outside in directly and larger proportion to the volume of such mail received.

Is this, then, the basis on which we are going to settle a subject of immeasurable consequence? It must not be and cannot be.

There is a greater danger than all those to which I have referred. That is the danger of reaction.

If our path should lead to war, especially to war before we are ready for it; if we allow ourselves and we permit public thinking so far to get out of hand that we plunge into an adventure from which only disillusionment and despair can come, what then?

From such peaks of hysteria it is the jump of a moment to another peak of opposite nature.

Much as I fear the first peak of hysteria, I fear the second even more.

The witch hunts of today would be child's play compared to the witch hunts of after the war.

There is no slightest doubt that if our path should lead to war, uninvited by obvious aggression, against which we would all be united in a common front, the American people would start a hunt for someone to blame for their adventure into peril and their reward of disillusionment and despair.

No power on earth could save us from an internal disorder of the first magnitude under such circumstances. The wrath

of a people betrayed, either consciously or unconsciously, would be terrible to witness.

Let us not now lay the groundwork for any such second peak of hysteria.

One of the leading Washington columnists, whose writings have long entertained me and who usually does a very fine job of reporting, recently quoted an unnamed Member of the Congress as inferring that his district or State was so filled with pro-Nazis, that he could only adopt a stand in Washington in line with the interests of the Hitler government.

Mr. President, in all seriousness, I should like to challenge that columnist to name that Member of the Congress. I doubt that any Member of the Congress ever said any such thing.

I doubt, and I defy anyone to produce a single district in this entire country where the dominant thought is a wish for a Hitler success.

There is no use in skittering around the sidelines on these matters. Let us drag them out and talk about them. They are being talked about anyway. The only way to reduce them all to the cold light of reason, the only way to run down the dangerous aspects and to defend the proper aspects is to bring them up before the Senate in the proper way.

Let us be done with the sly hints in certain sections of the press that opposition to conscription is the result of an affection for the Nazi way of life.

Let us be done with something that is almost worse, because of what it portends, that the program of the administration is fostered by some mysterious inner ring of "international Jews," which I doubt exists or ever could exist.

One is as contemptible as the other.

Let us look at the Jewish question for a moment. There is nothing wrong with looking at it. There is no more harm in looking at it than there is in saying, which is a fact, that the Methodist church as a body opposes compulsory conscription in time of peace.

Every Member of this body knows members of the Jewish faith who are whole-souledly noninterventionist in their thinking, just as every Member of this body knows members of the same faith who think the opposite way.

In my own State I could name prominent members of that faith who violently object to the administration's foreign policy; who are desperately afraid that the administration's policy is the way to war; who in every way subscribe to the very opinions I myself hold. At the same time, I could name others who in all sincerity object to my views, and who believe absolutely in the administration's program.

The answer is that there is no such thing as a united Jewry, or a united body of international Jews. It is a ridiculous and inane argument, and ought to be held up for what it is worth.

So ought the matter of the German-American. One is as horrible in its application as the other.

I venture to suggest that the peoples of Germanic stock in this country are one of the largest of all racial or ancestral groups. I would even venture the small guess that they approximate in number those of us whose background traces back to the British Isles.

But let us stop and think for a bit. Why are these peoples of German stock here? For the same reason the rest came, and for, in many instances, a better reason.

Most of them came to escape Prussian autocracy—the same kind of autocracy, though perhaps not as bad, as that which rules Germany today.

Thousands of them came as political refugees in 1848. Thousands of others came after that time to escape the iron hand of militarism in the days of the imperial Kaiser.

Do you think they like the present regime? It smacks all too clearly of what they came here to get away from.

It is the foulest libel that could be written to accuse our Americans of Germanic stock of love for the new autocracy in Germany, as foul a libel as is the libel of the Jews to the effect that American Jews do not care what happens to America so long as Hitler can be subdued in Europe.

These things have to be talked about, not in the mutterings of the gutter, but here and now, in the greatest open forum the world has ever known, the Senate of the United States.

Let us get down to the bottom of it all. Let us not be afraid to talk of the things which are playing their unwholesome part in the greater debate which rages outside our doors.

The only way to stop these unclean, hidden, dirty allegations is to discuss them here, under the bright lights above us, to read them into the RECORD, and to hold them up to full public view so that the depths to which some of our thinking has degenerated may be made manifest.

Our job is to debate whether compulsory conscription is what is required in this hour by our national needs or whether it is not required, whether the adoption of such a step would be an impairment of our American way, and whether we have a better alternative by way of volunteer encouragement. That is all there is to it. But it is our job to confine, and absolutely confine, our discussion to the interest of the United States, without reference, except to condemn them, to any and all aspects of alien interest.

We have before us these things to find out:

First. What evidences are there that we might be subject to aggression by a foreign power?

Second. What evidences are there that the defeat of Great Britain, should it come—which grows, fortunately, exceedingly doubtful—constitutes any threat to us?

Third. Just what portion of the world do we intend to defend against any aggressors, and, if so, what aggressors?

Fourth. What do we absolutely require in the name of national defense, both as to equipment and as to men?

Fifth. Whether we have tried to afford an army in the American way of the volunteer, or whether we have not tried and are hysterically running into a new theory of largely alien importation.

Our further job is to debate this issue from the strictly American viewpoint.

It is an unchallengeable fact that American troops would be as unnecessary as anything could possible be in the struggle which Britain is now waging. Britain has no lack of manpower in this hour. It is a highly dubious proposition that we could even land troops in the British Isles, and it is a rather definite certainty that we could not land them on the continent.

That angle of the situation may be abandoned.

The situation then is that we must determine whether in any way there would be any abandonment of our grim determination to preserve our American Republic if we should not adopt conscription, or, by the same token, whether adoption of conscription exposes us to a weakening of the ways of our American Republic.

Mr. President, we approach a most dangerous hour when we find a Member of this body rising in his place and expressing solicitude about the welfare of 900 Americans, men, women, and children, in a refugee ship that is plowing its way through most dangerous waters, and have that sort of interest and solicitude met by the charge that he is aiding and abetting the cause of Hitlerism. That is only a small sample of what has been taking root in this land and in this Chamber of recent weeks. That spirit of militarism, which has been planted in America of recent months, is taking so violent a hold that in many communities civil liberties have given way to the pressure of the hour.

Yesterday I received from a group of constituents of mine who happened to be at Hot Springs, S. Dak., in attendance upon a meeting of the Farmers' Union, this telegram:

HOT SPRINGS, S. DAK., *August 22, 1940.*

HON. GERALD P. NYE,
*Senate Office Building, Washington, D. C.:*

We assembled North Dakota Farmers' Union leaders at all-State camp request you contact Justice Department regarding illegal arrest Clinton Clark, Farmers' Union leader, Natchitoches Parish, La., and Gerald Harris and coworkers, Birmingham, Ala. We believe them to be vicious violations of civil liberties.

Martin Byne, Jamestown; I. L. Iverson, Epping; John Hillerson, Luverne; Clara Frank, Devils Lake; H. N. Falconer, route 2, Bismarck; Norman Osmun, Jamestown; Irene Fiedler, Hettinger; Lillie Forseth, Springbrook; Milton Vedvick, Ray; Frances W. Butts, Jamestown; Agnes Williams, Appam; Alice Joyce, Jamestown; Francis Link, Jamestown.

Only an hour before I had been made conversant with what was actually taking place, particularly in the case of Gerald Harris at Birmingham, Ala. A memorandum very carefully prepared by one intimately conversant with the situation concerning this matter is as follows:

AUGUST 21, 1940.

The extent to which war hysteria is being utilized as a cloak for actions violating constitutional procedures in this country is graphically illustrated by an episode taking place in Birmingham, Ala., Saturday and Sunday, August 17 and 18. On Saturday Gerald Harris, vice president of the Farmers' Union of Alabama, was arrested by the police of that city and placed in jail without any charges preferred against him.

He was arrested under city ordinance No. 4902, which permits authorities to hold persons indefinitely without filing charges against them, without allowing them to make bond, and without giving them the opportunity to consult a lawyer. This ordinance, judging by recent United States Supreme Court decisions, is clearly unconstitutional.

The arrest of Gerald Harris, who, in addition to his duties with the Farmers' Union, serves as circulation manager of the Southern News Almanac, a weekly paper devoted to the interests of small farmers, tenants, and sharecroppers, appears to have been inspired in considerable measure at least by his forthright opposition to military conscription at this time. Both he, as an official of the Farmers' Union and as an individual, and the Southern News Almanac have been and are outspoken in their opposition to conscription.

Just prior to his arrival in Birmingham, Mr. Harris had been in Washington, along with approximately 200 trade-union leaders, teachers, and ministers from 12 States, seeing their Congressmen and Senators in opposition to conscription measures. This large delegation of people came to Washington under the auspices of Labor's Non-Partisan League, and Mr. Harris was one of the most eloquent of the group in voicing his views regarding conscription.

The police alleged that they thought Harris was a "confidence man," when, as a matter of fact, his identity is so well known in Birmingham and all parts of Alabama that there could be no question of establishing it. In truth, no other conclusion is possible than that the police themselves knew very well just who Mr. Harris was when they arrested him.

He was held in jail for 9 hours, just long enough to keep him from addressing a Farmers' Union county convention where he was scheduled to speak and intended to include arguments against conscription.

Mr. Harris is likewise a member of the executive board of the Southern Conference for Human Welfare. His release was brought about finally through threat of habeas corpus proceedings brought by counsel sympathetic to the efforts of the southern conference. Four associates in that organization, including Malcolm Cotton Dobbs, executive secretary of the Council of Young Southerners, subsequently distributed leaflets on Birmingham streets attacking ordinance 4902 and criticizing the police for the arrest. They in turn were arrested, but were released 24 hours later. Mr. Dobbs, whose home is in Texas, was also one of the delegation lobbying in Washington the preceding Monday against the conscription measures.

It seems fair to conclude that this episode is but a foretaste of what is bound to transpire in cities all over the country with the enactment of conscription. This is a concrete piece of evidence supporting the opening argument of Senator GEORGE W. NORRIS in the conscription debate on the floor of the Senate that enactment of conscription inevitably leads a society into the realm of dictatorship.

For my own part I see this proposed peacetime conscription of men in the Military Establishment as a borrowing of foreign tools the use of which by others we condemn. I see it a challenge and an insult to American boys. I see it as a serious departure from the American way. I see it as a thing that can easily lead to other adoptions which will help to crack our democracy, shelve it, and prove that democracy does not and cannot work.

I see in peacetime conscription a response to hysteria that can so definitely lead to dictatorship. I see it adding to the fast-growing will to adopt the conclusion that an emergency confronts our country warranting a surrender of democratic powers resting with the people and their representatives. I see it trampling tradition in the dust and without anything resembling good reason for it. I see it creating an aftermath of economic chaos, a disorganizing of our social order that will greatly multiply the seriousness of our already serious economic and social order.

I see in peacetime conscription a terrible stalling of life for millions of Americans who will be covered by this pending bill, their lives made uncertain, planning made impossible, their social and economic lives made wholly uncertain.

I sense in this peacetime draft of men the fastening of a yoke of militarism upon us that will not be easily, if ever, cast off.

It is sometimes given to men at moments, inspired moments I shall always believe, to give expression to thought which others of us might strive for days to find words to meet. Yesterday I heard words more fraught with meaning and more seriously spoken than I have heard in the 15 years I have been in this body, words which came from the depths of a soul of conviction. I shall insist upon their being heard again at this time, and I wish they might be heard every day on the convening of this body while it deliberates over the great threat that is ours by reason of this conscription bill. What I quote is from the very eloquent address made yesterday by the senior Senator from Arizona [Mr. ASHURST]:

I believe that the draft in time of war is justifiable, but it must be remembered that now we are asked to change the policy of the United States. We are asked now to regiment America. We are asked now to set up a system like that of continental Europe.

* * * * * * *

We are asked now by this draft bill to contemplate one of the most serious questions ever presented to a free people.

* * * * * * *

Mr. President, if this proposal were for a day, if it were for a year, if it were for a decade, you might be reconciled to a draft in peacetime; but, Mr. President, be under no illusions. When once we put this continental European system upon our people we shall have done it forever, not for a day. That is the reason there is so much solemnity in this hour. That is why men on either side of this question are earnestly seeking the truth.

* * * * * * *

I am not assuming the role of a prophet, but mark me, when we shall have left these seats forever, and when the record of our times is gathered into history's golden urn, if indeed history deigns to notice any of us, this is the day when we touch at Saguntum, this is the day when by draft in time of peace we sowed dragon's teeth, from which we will reap a terrible harvest through all days that are to come. Do not delude yourselves into the belief that you may shackle yourselves, handcuff yourselves, and gag yourselves under a military despotism and then easily throw off the shackles. It will not easily be done. I repeat, when you put a draft upon the people in time of peace, you have touched at Saguntum, you have sown dragon's teeth.

* * * * * * *

When I go permanently out that door of the Senate—and I hope it will be many years before I do, for I enjoy my service here—when I go out that door, it may be said, "There goes a man who made mistakes but he did not make the mistake of leaving his country with less of liberty than the day when he entered the Senate through that door."

* * * * * * *

So in my service here the greatest contribution I have made will be the circumstance that I warned my countrymen not to allow themselves to be gagged, bound, and shackled by a system which will last forever, by a system European in its nature, which has devastated and destroyed Europe.

Mr. President, I repeat, these are words which will long endure. They should be repeated again and again and again. They should come from the heart and soul of every American who, when he departs this life, leaves his country with as much liberty, for peacetime at least, as he found when he came into it.

We have before us Senate bill 4164, the Burke-Wadsworth bill, 16 pages of words aiming to accomplish one thing—the peacetime draft of men for military service in the name of national unity and defense. The bill's title makes reference to protection of the integrity and institutions of the United States, as if freedom from peacetime conscription was not one of the institutions which afforded great strength to our country and security for its citizens, many of whom loved America most because of its refusal to mimic other lands and require peacetime military training.

Of course, the bill goes a bit beyond the purposes I have asserted. Endless lines of its pages are devoted to the building of an assurance to those men its provisions would draft that when this alleged emergency was over and the men were free from further military obligation, the jobs they gave up to become forced patriots would be waiting for them. But all of that language of assurance was made of no force and account last Friday, when the Senator from Nebraska [Mr. NORRIS] won the concurrence of the Senate majority leader, the Senator from Kentucky [Mr. BARKLEY], to his belief that we could not by law require any employer to hire any man, whether or not he was in the military service.

So, Mr. President, we arrive at the very unhappy knowledge that a considerable portion of the language in the bill is surplusage, if not sham. We are startled in the discovery

that while we, the Congress, profess the power in peacetime to draft human beings, we at one and the same time acknowledge that we are without the power necessary to "draft" the jobs of men, to hold them in the interests of the drafted men when we are through with them in the job of preparing to fight for us and defend our country. This thought ought to have a mighty sobering effect. Human beings with warm blood we take without a blush. But a thing so bloodless as a job—well, that is another matter; quite another matter.

Sometimes as I watch and listen to others, intelligent, conscientious, and forceful, as they work themselves into fevers over what they allege to be the grave emergency confronting this country of ours, I come up wondering if I am "all there," if I have lost my reason, if I ever had the power of reasoning well. I will swear to a genuine concern when I find myself failing to respond, and feeling the fears which others do feel and show. But as I watch those others, all men who have my great respect, I note they fail to react with concern to what I consider good cause for concern in connection with some things we just plainly refuse to do, things we would do if we really felt that an emergency of magnitude confronted us, an emergency serious enough to warrant conscription of manpower. I have specifically in mind at the moment the failure of Congress to feel sufficiently alarmed about the emergency to cause it to pass the kind of tax legislation that would reach out for the profits of men needed to pay for our military preparation and defense, the war-profits bill, which was offered as an amendment to the last revenue bill passed by the Senate.

At this session the Senate adopted rather far-reaching wartime tax legislation and tacked it on the last revenue bill. The proposed rates were not as severe as real emergency would warrant, but they were substantial and would raise tremendously larger revenue for the Government for use in its battle with a war emergency than is possible under existing rates. These proposed rates for use in the event of war went to conference with the rest of the revenue bill. Only a matter of minutes, perhaps seconds, was required to chloroform the wartime rates in conference between the two Houses. And not even a hysterical Congress, hysterical over the threat upon us from abroad, raised a voice in protest of the burial of the program in conference.

Frankly, I am not inclined to join this parade of fear about what is to happen to the United States at the hands of foreign dictators. I am not going to lend a hand to reaching out and disrupting the economic and social lives of millions of American boys by putting a conscription yoke upon them, at least until there is as much will to reach out and conscript profits as there is will to reach out and take human beings to meet the same alleged emergency.

Mr. President, wars are seized upon by some men to feather their own healthy nests. Every day we see evidence of men who are asked to perform services for their Government quibbling over what the percentage of profits shall be.

I should be other than frank if I did not here confess rather a respect at this moment for the attitude of industry. They, too, are giving evidence that they do not see the emergency confronting this country which some would have us see. But we cannot be blind to the fact that our last experience with this thing called war created in the United States fortunes the like of which men never dreamed possible of accomplishment before that war came. American industry won for itself profits that put to shame the normal profits that had theretofore been quite sufficient. I think it is high time once again—how many times it has been done in the last half-dozen years I do not know—but it is time once again to see what happens to industrial profits when the opportunity of a war is presented.

Before me is a compilation from Moody's Analysis showing the average annual profit of a group of American corporations during the 4 years of peace preceding the war, alongside the annual average profit for the same corporations during the 4 war years. I shall call attention to several of them and ask that the table be placed in the RECORD.

United States Steel—I read in round figures: Its average profits in 4 peace years, $105,000,000; its average profits in 4 war years, $239,000,000.

The Du Pont Co.: Average profits in 4 peace years, $6,900,000; average profits in 4 war years, $58,000,000.

Bethlehem Steel: Average profits in 4 peace years, $6,800,000; average profits in 4 war years, $49,400,000.

Anaconda Copper: Average profits in 4 peace years, $10,600,000; average profits in 4 war years, $34,500,000.

Utah Copper: Average profits in 4 peace years, $5,700,000; average profits in 4 war years, $21,600,000.

American Smelting & Refining Co.: Average profits in 4 peace years, $11,500,000; average profits in 4 war years, $18,600,000.

Republic Iron & Steel Co.: Average profits in 4 peace years, $4,100,000; average profits in 4 war years, $17,500,000.

International Mercantile Marine: Average profits in 4 peace years, $6,600,000; average profits in 4 war years, $14,200,000.

Atlas Powder Co.: Average profits in 4 peace years, $485,000; average profits in 4 war years, $2,300,000.

I ask that the table be placed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

| | Average, 4 peace years | Average, 4 war years |
|---|---|---|
| United States Steel | $105,331,000 | $239,653,000 |
| Du Pont | 6,902,000 | 58,076,000 |
| Bethlehem Steel | 6,840,000 | 49,427,000 |
| Anaconda Copper | 10,649,000 | 34,549,000 |
| Utah Copper | 5,776,000 | 21,622,000 |
| American Smelting & Refining Co | 11,566,000 | 18,602,000 |
| Republic Iron & Steel Co | 4,177,000 | 17,548,000 |
| International Mercantile Marine | 6,690,000 | 14,229,000 |
| Atlas Powder Co | 485,000 | 2,374,000 |
| American & British Manufacturing | 172,000 | 325,000 |
| Canadian Car & Foundry | 1,335,000 | 2,201,000 |
| Crocker Wheeler Co | 206,000 | 666,000 |
| Hercules Powder Co | 1,271,000 | 7,430,000 |
| Niles-Bement Pond | 656,000 | 6,146,000 |
| Scovill Manufacturing Co | 655,000 | 7,678,000 |
| General Motors | 6,954,000 | 21,700,000 |

Mr. NYE. Mr. President, we must be aware of the facts. If we are not aware of the facts, we shall find ourselves moving very rapidly into such a situation that the last vestige of the foundations of democracy will be taken out from under us, even before we have been called upon to strike a military blow.

We are all agreed there is no opposition to a proposed conscription of manpower in time of war. But the drive for compulsory peacetime conscription cannot be otherwise construed except as an insult, and a sharp one, to our American youth, one which cannot but make them wonder whether they enjoy equal rights as citizens with the rest of us, or whether they are to be considered a special class of feudal serfs which we are at liberty to order around, to revile and condemn, to kick at, and to imprison.

If that is what we are doing, and we are close to it, we are not planting very many seeds of the American way in so doing. We are laying the background for discord and dissension, for at least disgust and, most certainly, for suspicion of our motives.

If we were at war.

If war were imminent.

If war were even on the horizon.

And we have utterly no proof that it is.

We might be justified in having compulsory conscription, not because we felt our youth would not enroll, but merely to speed up the process of recruiting.

If we had half tried to encourage enlistments, and had failed, then, too, we might well be considering this step. Then we might, in justice, say to ourselves that though we regretted it, our youth had apparently forgotten the traditions of the past and ought to be reminded of them in a forceful way.

But in the face of the fact that the Army and Navy have filled every volunteer quota they sought this year—in the face of that.

In the face of the fact that we are operating our Army on the traditions and customs of 1812, and in a manner which smacks more of a monarchy than a republic.

In the face of the fact that the Army does not, despite its boastings to that effect, offer today's youth the opportunity it should.

In the face of all those things, we have filled our volunteer quotas but are crying for conscription anyway.

What is the motive behind all this? How can it be said that the volunteer system has broken down when it obviously has not broken down?

How can it be said that we cannot recruit even double the number we have recruited before we have tried any alternative to the present 3-year term and the $21-a-month level?

Is there really something wrong with our youth and our eligible manhood? Is that what is behind this legislation? If so, let it be told. Let us not whisper about it. Let us drag it out and look at it.

Until someone will prove that American youth have strayed from the ways of their ancestors and their forebears I am prepared to condemn this conscription act for what it is—a gross insult, a libel, a slander, a criminal act against American young men.

Let boys know what it is all about—to what they are to deliver themselves to accomplish. We could correct to some extent the situation which now exists. We could make life rather inviting for many thousands of American youths. However inviting it might or might not be, if we show American youth a cause for the emergency alleged to exist today, if we show American youth that there is a chance to serve and to save this country of theirs, I think they will rally without the necessity of resorting to this thing called the draft.

I do not anticipate that there will be heard in this Senate a serious effort to answer the very specific and ably presented arguments against peacetime conscription laid down on Monday by the Senator from Nebraska [Mr. NORRIS] and the Senator from Michigan [Mr. VANDENBERG]. Their most able presentations of convictions entertained by many went to the very heart of this controversy.

In the one instance the Senator from Nebraska definitely laid down the substantial fear that peacetime conscription could so easily pave the way to dictatorship and establish a degree of militarism in the United States that would destroy ideals that have made ours the land that we want to keep at any and all costs.

The Senator from Michigan, following this, afforded that forceful demonstration of the absolute lack of a demonstrated need for peacetime conscription to afford the military strength that the times are considered to require. It is not disputed that voluntary enlistments at the present time and for several months have been far in excess of the quotas required by the War and Navy Departments.

The testimony before the Senate committee has revealed that ordinary methods of recruiting have not failed of late months. I shall not take the time of the Senate to read that testimony.

Officers in the Army and Navy testified, and publicly avowed, that volunteer enlistments are coming along nicely. They are highly pleased. Of course, there is a little resentment when some official publication permits to creep into its columns any evidence which runs contrary to what the present Secretary of War is declaring to be the emphatic need for resort to a draft of manpower.

Like the Senator from Wisconsin [Mr. WILEY], who spoke preceding me, I have been one of those who thought that we were quite well prepared for any emergency which might arise in the form of an attack on the United States. I have always been quite ready to agree that we were not prepared to go to the ends of the earth to engage in another war. But of late weeks we have had so many thoughts from authorities as to what our defense is or is not, that I am becoming a little bewildered. Photographs appear in our newspapers, and are flashed on the screen, showing that the United States is so miserably prepared that in order to train its men in camps the men must use stovepipe in place of cannon, machine guns, and rifles. They must use empty beer cans as imaginary shells in their practice work. An awful picture of inadequacy was painted. I thought I knew why, but I have not dared say what a commentator on the radio last night dared to say about what is the purpose behind that rank demonstration of American unpreparedness for any emergency which might come to us from abroad. I hope other Senators heard, as I did, the broadcast last night of Fulton Lewis over the Mutual Broadcasting system. He said:

Now, in the meantime, there seems to be a tremendous, organized propaganda movement, behind the appropriation. Moving-picture news reels and newspaper photographers have shown the National Guard and the Organized Reserve, in training, in various parts of the country under the most astonishing conditions. The men have been shown drilling with broomsticks, and sometimes with iron pipe, in place of guns. There are shots of them using pieces of large iron pipe to imitate trench mortars, and beer cans for shells. Some of the pictures show Army trucks with signs on the side of them, labeling them "tank." And altogether, it's a very alarming and shocking impression that is given to you, the general public, the idea that we are almost criminally short of essential equipment for the Army.

Now, I know I'm inviting a lot of trouble for telling you what I'm going to tell you now. I'm going to be accused of being a "fifth columnist." Some people are going to be very critical, and they're going to accuse me of trying to discourage the national-defense program—which I'm not doing at all—it's not my business to be propagandizing you, one way or the other, but in view of these news-reel scenes, and the news pictures, and a lot of things along the same general line that have been written in columns and spoken over the air—there are certain cold facts which I think you ought to know, and I can't help feeling that I would be letting you down if I didn't pass them along to you.

After all, everyone agrees, I think, that we ought to do everything that is necessary, and we ought to spend whatever money is necessary, to build up a national defense that is absolutely adequate and completely modern, for any possible emergency. What's more, I think almost everybody will agree, that we ought to lean over backward in deciding how much we need, and if there's any controversy at all, take the higher figure, just to be on the safe side.

But at the same time, it's your money that's being spent, and it certainly is not fair for you to be propagandized into thinking that one situation exists, when the facts are something else.

So here is the story, and these facts I'm going to give you are official figures from the War Department—they are not any imaginative dream—part of them come from General Marshall, the Chief of Staff of the Army, in person, and the rest come from the Official Information Section of the War Department.

About the National Guard men, and the Organized Reserve men using broomsticks and pieces of pipe for guns, the actual figures are these:

When all of the National Guard and the Organized Reserves are finally called out, and go into the Army on active duty, we will have about 600,000 men in the Army—including the Regular force that already is there. Six hundred thousand men.

So far as rifles go, the Army now has on hand 2,000,000 Enfield rifles, which they say are excellent for training, and 800,000 Springfield rifles, which are considered to be the best in the world. Using just the Springfields, that means there would be one and a third rifles for every enlisted man in the Army, if you want to include the Enfields, too, it means 4⅔ guns for every man in the Army, but actually, according to the Army, there is only about one man in every four, in an army who carries a gun, the others are in cavalry, artillery, various other branches.

On that basis, only 150,000 of these 600,000 men would carry guns, and if you'll use a little arithmetic, you'll find that figures out to just exactly this:

While the pictures show these men being trained with broomsticks, and iron pipes, the fact is that the Army has enough actual rifles on hand, in perfect condition, to supply every man who is supposed to carry a gun—not with 1 gun, but with 19 guns.

As for using sewer pipe, to imitate trench mortars, the facts are as follows:

The War Department has on hand, at the present time, about 3,000 3-inch trench mortars. They told me today that that is enough to supply an army—not of 600,000 men—but an army of 3,000,000 men.

As for machine guns—in which there also have been some fancy publicity pictures taken—the Army has 75,000 machine guns on hand, in perfect condition, ready for service—and that does not include the machine guns that are installed in airplanes—75,000 of them. The War Department says that is enough to supply an army of 3,000,000 men.

In fact, General Marshall said today that the Army has on hand sufficient basic weapons to completely supply a full army of 3,000,000 men; that means rifles, pistols, machine guns, 75-millimeter cannons (the famous French 75's—we have 3,400 of those French 75's), and the 3-inch trench mortars.

He said there are a few lines in which we are short. There is a brand new type of trench mortar—in two different sizes—60 and 81 millimeter. We have just started production on them, so naturally there is a shortage of them.

The same thing is true of the 37-millimeter antitank guns, which are developed from the lessons of the present war; and also a new type of antiaircraft gun; and also tanks. There is a shortage in all of those things, and to get back to the matter of rifles, there also is a shortage of the new Garand rifle, which has certain improvements over the Springfield and the Enfield. For one thing, it is semiautomatic, and so it fires more rapidly than the Springfield does; for another thing it has a sort of shock absorber, built into it, to take up the recoil each time the gun is fired, which cuts down the shock on the shoulder of the man who is using it; but even so, we have 50,000 of those in use in the Army at the present time, and they're being turned out at the rate of hundreds every day. One officer said about a thousand a day.

So there are the facts; and incidentally, by way of proof that the War Department is not putting out this movie and picture propaganda—remember that the War Department itself gave out this information.

Mr. President, some day—I do not know when, but I hope not after it is too late—the American people will be permitted to know these things. As of recent weeks there has been a constant effort to instill into American hearts a fear that we are not prepared for the worst that might come out of Europe today, and to build in American hearts a hysteria which would countenance anything being done in the name of national defense, including the conscription of American manhood in peacetime.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks the letter which was addressed by the Secretary of War, Henry L. Stimson, to the Senator from Massachusetts [Mr. WALSH], chairman of the Senate Naval Affairs Committee, under date of August 16, 1940.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
*Washington, August 16, 1940.*

Hon. DAVID I. WALSH,
*United States Senate.*

MY DEAR MR. WALSH: Receipt is acknowledged of your letter of August 8, 1940, requesting the following information:

1. It is a fact that very few are accepted for 1-year term of enlistment in the Army.

2. The quota for enlistments set by the Army for the month of June was filled about June 25, 1940.

3. (a) The number of applications received for enlistment in the Army at the various recruiting stations during the month of July was 34,058.

(b) The number of applicants accepted was 23,432.

(c) The number of applicants rejected was 10,626.

(d) This filled the quota for July.

4. The estimated number of enlisted men in service in the Army on August 15, 1940, was 280,000 men.

5. Under existing appropriations the Army is authorized by law to enlist 375,000.

6. Only applicants between the ages of 18 and 35 are accepted for original enlistment. I am enclosing a pamphlet on the physical requirements of applicants for enlistment in the Army under existing regulations.

7. During the fiscal year ending June 30, 1940, 231,690 men applied for enlistment, 159,403 men were accepted, and 72,287 men were rejected.

8. (a) At the present time there are 166 one-year enlistments in the Army.

(b) On August 15, 1940, there were approximately 279,834 three-year enlistments in the Army.

9. On July 31, 1940, there were 28,756 men in the Regular Army Reserve, and on June 30, 1939, there were 3,054 men in the Enlisted Reserve Corps.

Sincerely yours,

HENRY L. STIMSON,
*Secretary of War.*

Mr. NYE. Mr. President, I was saying that there has been an adequacy of response by volunteers to the needs of the Army and Navy. If the response to Army and Navy quotas is sufficient and up to the needs and convenience laid down by the Army and Navy, why this mad scramble to rush Congress into granting peacetime drafting power? Is it possible that there are still those who want us to buy into the bankruptcy which is Europe's today? Is it possible that there are those who want to try to land American forces in Europe today, when the chance of any sizable operation to accomplish such a landing is so near to nil?

This peacetime conscription proposal is a vicious threat to the social and economic order of millions. Under the terms of the Burke-Wadsworth bill we propose to have registered 12,000,000 American men between the ages of 21 and 31, inclusive.

Of these 12,000,000 we are supposed to select 1,000,000 or 800,000 for active duty in the armed services. The others will be exempt for one reason or another. The percentage of those to be selected from those who will register is not terrifically high. That is admitted.

The unpleasant thing about it is that no one of the 12,000,000, unless he knows absolutely that by reason of physical difficulty or by reason of circumstances covered in the bill, he will be exempt, can tell the hour or the day when he may be called to duty.

For no one knows how long, he must live in a state of suspended animation. He can make no plans. He can engage in no ventures, business or otherwise. He could not hope to open a business, lest he be suddenly called to service.

He would be foolish to consider entering a university and hardly warm up his seat before he was jerked out of it and sent to a training camp.

Most emphatically, and worst of all, he—almost every one of those 12,000,000—is going to be a drug on the job market, which is in sad enough state already, although, at the moment, conveniently forgotten by those who were going to solve the unemployment problem almost 8 years ago.

How can any employer take a chance on hiring a man who may be snatched away from the pay roll before the month is out?

What of those employers who loyally have announced that they will pay to the families of men called to service the difference between civilian wages and Army pay? Would they even consider adding to pay rolls which already may cost plenty in that very connection?

It is tough enough already for the young American to find a job. So now we propose to multiply his difficulties about 12,000,000 times.

There will be a long period of terrific and almost unbearable uncertainty for most, if not all, the men subject to registration. It is absurd to say that the matter of selection is going to be accomplished within a day or a week or a month.

Before the machinery of the draft can even begin to be effective, Congress will have to load sizable quantities of money into the machinery to make it tick. Such loading requires time. Before the draft can become effective, the President will have to ask the money and to calculate how much, approximately, will be required for how many men.

Our economic defenses are and have been under a state of siege for years on end.

Now we propose to subject our employed and unemployed to an economic "blitzkrieg" by making impossible the chances of any young man, of service age, to get a job even if there was a job to be had.

One of our sad mistakes is that we are forgetting that these young men are citizens of the United States, no less so than are the rest of us.

They have been taking it on the chin for more years than it is pleasant to contemplate. To reward them for their endurance in the face of the mess that has been made of our economy, which has stripped them of opportunity, we propose to either throw them into the Army or to hang them on convenient pegs somewhere, from which they are not supposed to move until it is decided whether to put them in uniform or to let them go back to civilian life, by which time it may be too late to return to whatever opportunity may be available.

No fair-minded person could do other than to say that such a procedure is unjust. To resort to it in time of peace without a threat of war, without a war for the United States on the horizon, is, it seems to me, a crime.

What is the need, what is the basis for this cry for peacetime conscription of manpower? What is it that we fear? I do not know what intelligent men really fear, but I do know that presumably intelligent men have planted in the

minds and the hearts of American fathers and mothers, sons and daughters, a rather definite conviction that if Hitler conquers Great Britain he will then move directly upon us. That is, whether we want to acknowledge it or not, a fear that has been planted in many an American heart today.

What are the facts? What are the chances of that coming to pass? In the light of the birthplace of this conscription program, I assume that, in at least some respects, the New York Times should be considered pretty good authority. The New York Times maintains upon its staff as a military expert one Hanson W. Baldwin, who is quoted time and time again. There are some things, it seems, that Mr. Baldwin believes which he cannot have published in the New York Times, but which he writes for other publications. In a recent publication, Harpers magazine, when the prospect of a successful attack on the part of Hitler against the United States after he had crushed Great Britain was suggested, Hanson Baldwin says:

> The maximum initial force that could be transported, even if control of the sea were wrested from us, would not be much larger than 50,000 men. The transportation of such a force would require 375,000 tons of shipping, perhaps 40 ships, about the largest force that could conveniently be convoyed in a single operation.
>
> To supply such a force might require from 650,000 tons of shipping to 2,000,000 tons monthly; in other words, perhaps half of the tonnage of the German merchant marine would have to be devoted solely to the job of supplying 50,000 soldiers. If this force were to be doubled, the shipping tonnage necessary would be doubled; to supply an army of 1,000,000 men would require at the very least 13,000,000 tons of shipping.

Baldwin says further:

> Economically and commercially the problem seems impossible; not even Britain or a combination of Britain and Germany has sufficient shipping to divert such an enormous amount of it from their ordinary and vital trade routes to military purposes.

Any reasonable dealing with the cold facts of what any foreign foe must needs have even to threaten a serious attack upon us forecloses the probability of an overnight or a month-to-month fear of attack from abroad upon the United States.

Mr. DOWNEY. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from North Dakota yield to the Senator from California?

Mr. NYE. I gladly yield to the Senator from California.

Mr. DOWNEY. Does the Senator recall that about a year ago he handed to me a quotation from our present Chief Executive—the statement being made when he was Assistant Secretary of the Navy—to exactly the same effect as the statement of Mr. Baldwin relating to the possibility of an expeditionary force from Japan to the American coast?

Mr. NYE. I remember it very distinctly, and, perhaps, one of these days we should revert to it, to show how preposterous a leading naval authority of another day, and the Commander in Chief of today, thought any attack by Japan upon the United States, or by the United States upon Japan, would be.

Mr. DOWNEY. Mr. President, will the Senator yield further?

Mr. NYE. I am delighted to yield.

Mr. DOWNEY. I commend the Senator for having read the statement of Mr. Baldwin because it comes from a man who has been regarded as a military expert for the New York Times; but I would make the further comment that, so far as I know, not one single military expert in the United States has ever expressed the opinion that it is possible to transport any large number of troops either from Japan or Europe to the American coast.

Mr. NYE. If there has been any such authority, I have not seen it or heard of it.

Mr. President, the question has been asked some of us by proponents of the bill, "If you feel that the danger of attack from abroad is as unlikely as you seem to think it is, then why do you support these billion-dollar defense bills which are presented to the Senate from time to time? Why do you vote to pour out billions of dollars for defense if you are not afraid, as the rest of us are afraid, of what might happen to us?"

Mr. President, I acknowledge willingly lending support to appropriations to provide for a more adequate national defense, and I have done so definitely and for specific reasons. I have done it, in the first place, because if I err in my little part in dispensing the funds of the Government of the United States, then I want to err on the side of national security.

In the second instance, the war in Europe is very clearly demonstrating that in some military respects we are inadequately prepared; that we have not the last word in military preparation; that we have been out of step while some other parts of the world have been plowing forward in developing new mechanisms, in providing the magnificent military machines for which we must be prepared. But my real reason for supporting these national-defense appropriations grows out of the fact that I have to acknowledge that though we here in the Congress have absolutely nothing to do with shaping our own foreign policy, it nevertheless becomes necessary for us to provide the kind of a defense which a challenging foreign policy may demonstrate us to be in need of some day.

The conduct of our foreign policy in the past few years has been thoughtless, threatening, daring—as daring a foreign policy as the Nation has ever stepped forward with. There have been dangerous steps, threatening steps, and they have constituted a written invitation to trouble for the United States from other quarters of the world. From the opening guns of the present period, since the day when our foreign policy makers talked of quarantines and sanctions, we have run the whole course of threats upon other portions of the world. We have failed to invoke the law when invoking the law might have saved us a great deal of trouble and saved some other peoples a great deal of trouble. We changed the rules of our neutrality in the very midst of a war in which others engaged. We have meddled, and in the conduct of our foreign policy we have stirred the hates of other nations. We have declared that our first line of defense was in France. When the shapers of foreign policy go that far away from home to find a line of defense, we must of necessity, of course, provide something of a preparation to stand by that sort of policy. We have given actual military help to some of the nations engaging in war. Our leader has marched off to Charlottesville and elsewhere and proclaimed hatreds that may one day invite jeopardy which would not otherwise be ours.

Now come proposed defense agreements with belligerent nations. There is coming very shortly now the proposal or the act of dispossessing ourselves of at least 50 destroyers to be given to one of the belligerents. Senators rise up here day after day to paint an awful picture of what is to be our lot if somebody blows up the Panama Canal with our entire fleet off in the Pacific. Mr. President, that would be a fine time, in that eventuality, to have those 50 or more destroyers where they now are, being reconditioned, around here on the Atlantic side of our land.

Mr. President, the uncertainty of what our foreign policy is, the lack of knowledge of what our policy is, leaves me so much in the dark as to what our national needs are that there must of necessity be something of a blind response when there comes a demand for more of national-defense appropriations.

It is not easy—indeed, it is quite impossible—to measure national-defense needs without a definitely known foreign policy. During the long years which found the United States pursuing an American policy and minding our own business we found no need for an impossible national defense. What we needed was rather easily availed of, but since we have seemed to adopt European causes and wars as our causes, and wars we are suddenly flabbergasted and panicked by the discovery that we are without the defense necessary to back our policy.

Is it not yet possible to shape and nail down something of foreign policy, something that we can tie to, a policy that is in keeping with our ability to further and defend it? Must we go on with a policy that has us nosing into every fault of the world, every controversy in sight, threatening those we do not like, shaking our fists at what other nations may do

elsewhere in the world? If that must continue to be our policy, then let us be quite frank and know that we have not begun to pour out enough billions for defense and furtherance of any such policy, and that one million conscripts are a mere drop in the bucket as compared with the need of a nation which chooses to police the entire world.

Last week an editorial entitled "Foreign Policy Ad Lib." appeared in the Saturday Evening Post under date of August 17. Whether the Senate likes it or not I am going to read that editorial, because I know how deeply buried are things which are simply inserted in the RECORD.

FOREIGN POLICY AD LIB.

In the middle of the world, war to the left of it and war to the right of it, there is a rich country that casts abroad in all directions its likes and hatreds, its sudden thoughts and moral judgments, with neither the sword to make them good nor a mighty foreign policy.

What is the foreign policy of the United States?

We do not know. That could be ignorance. But as we read the CONGRESSIONAL RECORD we discover that neither does the Congress know what it is, and we understand that the State Department gets it by revelation and is sure of nothing until it has received the latest daybreak inspiration from the White House. "United States foreign policy," writes a Washington correspondent innocently, "has been put on a 24-hour basis."

There was an American foreign policy, continuous from the beginning, deeply established in our national character, our sentiments, and our circumstances. Its four principal articles were clear and as well known in the world as the name we signed to them or the flag that waved over them.

The first was equal friendliness toward all, no meddling in the political affairs of other nations, and no alliances.

The second was freedom of the seas, with its implications of trade in the free way of trade, no favoritism, no discriminations—the open door.

The third was neutral rights above combatant rights, perfectly phrased by Jefferson, who said: "* * * when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, their manufactures, and other ordinary vocations; to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual."

The fourth was the Monroe Doctrine, which has been embedded in every international agreement made by or with the United States during more than 100 years. What it meant was that the will of the United States was law in this hemisphere. President Wilson said of it: "The Monroe Doctrine was proclaimed by the United States of America on her own authority. It always has been maintained and always will be maintained upon her own responsibility. In brief, the Monroe Doctrine, backed by all the resources of the United States of America, says to all the rest of the world: 'Hands off the American Hemisphere.'"

What has happened to this old and sound design for living in the world is the material of current history.

The first thing was that, as the signs of a second world war became ominous, the peace-lovingness of the American character, together with the dread of becoming involved in another European conflict by emotional appeal, united to write and enact a neutrality law in which the two principles for which we had been heretofore willing to fight, and had fought, namely, freeodm of the seas in time of war and the superiority of neutral rights, were both surrendered beforehand, on the ground that they were not worth war. This law forbade the sale of arms and ammunition to any belligerent, forbade American ships to enter war zones, and forbade American citizens to travel where war was lest they should get themselves killed and so arouse the war passion in their countrymen.

Then it was said that we couldn't get into another European war if we wanted to. We had passed a law forbidding ourselves to do it.

Suddenly, when nobody was prepared for it, President Roosevelt proclaimed in a speech at Chicago that it was the duty of this country, owing to itself, to the world, and to civilization, to do something about the aggressor. With such a self-restraining law on our books, what was it we could do about the aggressor on other continents? The President's idea was that we could unit with the peace-loving nations of Europe, calling these the other democracies, to quarantine him. As to how this might be done there were no particulars. It was an idea only, and as such it did not very greatly intimidate the aggressor. In a contemptuous manner he went on building his war machine.

It was then that another article of our traditional foreign policy broke down. There was a call to moral indignation. The American Government, represented by the President himself, by members of his Cabinet, by the chairman of the Foreign Relations Committee of the Senate, and others, began to utter words of insult and abhorrence against the aggressor nations and their dictators, not only for what they had done but for what they were going to do and for their antidemocratic ideologies. If this was foreign policy it was inconsistent, to say only that of it. Germany, Italy, and Japan were denounced, but Russia was not, because the Roosevelt Administration had embraced Russia; and in Asia, even as we denounced Japan for what she was doing to China, we went on arming her for profit. What policy is there?

Gradually the aggressor as a plural image became singular. There was one aggressor above all. His name was Hitler. And the whole world understood that President Roosevelt meant Hitler when he said in his message to Congress in January 1939 that where words had been powerless to stop the aggressor there were yet ways more effective than words to do it—measures short of war.

Stop Hitler by measures short of war. That was to be the theme of American foreign policy thereafter, and it was theme enough, but it swelled. Several months before the war began the President moved with all his strength to induce Congress to change that self-restraining neutrality law in a way to give him unlimited command of the economic resources of the country in support of his foreign policy, whatever that might be.

This the Congress at first refused to do, and was about to adjourn without doing it, when, on July 4, 1939, at Hyde Park, the President informed the newspaper correspondents (New York Times, July 5) that "Prevention of war in all parts of the world was the first policy of his administration," and that that was why he was demanding that the neutrality law be changed "to give the Executive a free hand to determine when and to what countries American materials of war could be shipped."

So was the foreign policy of the United States disclosed in full splendor. It was not only to stop Hitler, not only to save the forms of Old World democracy from the German system; it was to banish war from the whole world—presumably still by measures short of war. Whether we should agree with it or not, we concede that this might well be the zenith of all foreign policy. But was it policy in common sense? What had we behind it?

At that question the daybreak dream is shattered. In case the aggressor declared war upon us we were unprepared to fight. Moreover, as it turned out, measures short of war to the utmost, even free and unlimited access to this country's economic resources by the Allies, could not have altered the event in the least. There was not time.

After the war started the neutrality law was changed. The Allies were free to buy anything they wanted here, and they had accumulated in this country a war chest of billions to buy with; but they couldn't spend the money in time. Seeing this, the President, on his own responsibility and in violation of international conventions to which we were bound by signature, opened the American arsenals to the Allies; and it availed nothing but to increase the aggressor's contempt.

We have now a letter from Secretary Ickes in which he blames us severely for an editorial entitled "And They Were Unprepared," printed June 22. It was unfair, he thinks, because, for one thing, we did not say, as Mr. Ickes says, "It was the Republican Party that systematically blocked defense measures in Congress." It follows from this that the Republicans were to blame for the country's shocking state of unpreparedness; it was their fault, not the President's, that he was caught bluffing with an empty gun.

We waive that dispute. If the country was unprepared, that was a fact. If the President was unable to persuade it to prepare adequately, that also was a fact. Given these two facts, any high-school essayist on foreign policy would know better than to insult, threaten, and provoke on one side the most powerful and fanatical aggressor of modern times, and on the other side the Japanese at the same time, and at last actually to intervene in the conflict with futile measures.

We suppose there is one standard by which all foreign policy must be judged. Does it increase the national security and promote the national well-being? Here we care to say only that we wish the answer to that question were not already so positive, to say nothing of all that may be yet to come.

In a world of new omens we are adrift in a perilous way. The sound old foreign policy by which we steered has been forsaken or stultified, save until the very last the Monroe Doctrine, and now something has happened to that.

Fearful that certain areas pertaining to this hemisphere that had belonged by very old right to European nations now conquered by Hitler, especially some islands in the Caribbean Sea, might pass to the hostile German system, the Congress reaffirmed the Monroe Doctrine with a resolution saying the United States would not permit any geographic region of the American hemisphere to be transferred from one non-American power to another non-American power, as, for example, the island of Martinique from France to Germany. The State Department served notice accordingly upon the powers of Europe, including Germany.

Hitler's reply was to say, in effect: What of your Monroe Doctrine, and why bring it up? You meddle in Europe, don't you?

To this studied German impudicity the State Department had no ready answer and so decided to say nothing. The foreign policy of the United States had not been slapped. It had only received what in our exquisite vernacular we call the raspberry.

However, this created a situation that seemed to demand another idea to astonish the world. The President had it. On a Saturday morning at Hyde Park he sent his private secretary forth to impart it to the amazed newspaper correspondents.

It was an idea for rearranging the political geography of the world by means of three Monroe Doctrines—one for Europe, one for Asia, and our own. In Europe let the European nations decide for themselves what disposition to make of their unfastened possessions, and in Asia let the Asiatic nations decide, just as in the American hemisphere the pan-American nations all together were going to decide what should be done with the islands and areas hereabouts that

Hitler might claim by virtue of having conquered the European nations that owned them.

No such interpretation of the Monroe Doctrine had ever been imagined before, nor had any reinterpretation of it been thought possible. The Congress by formal resolution and the State Department in a note to the powers of the world had just been emphasizing again the defensive character of the Monroe Doctrine and that it was vital to the peace and security of the United States. If that was true, how in any case could the operation of it be left to a congress of pan-American nations in which the United States would have 1 vote in 21? Or would it? Or what? Suppose a Latin American country should go German.

This weird and reckless balloon ride in the firmament of world diplomacy had better be forgotten, Europe and Asia permitting. What concerns us here is the light in which it leaves us revealed to ourselves. Even as to Latin America we have no foreign policy that has been thought through to the first premise.

It is most exciting, and we dare say it is perfectly suited to the President's temperament, to extemporize for this great country, day by day, a foreign policy, to ad lib. it, as the actors say; but in a time of awful events it is also very dangerous. It is dangerous, firstly, because we are facing an aggressor who knows what he wants and pursues it in a resolute manner by plan. It is dangerous, secondly, because a foreign policy is not in itself a design nor a game. It proceeds, or should proceed, from the national design. It should be a statement to the world of what a nation is, where it is going, how it will live, and what it will fight for. This means that unless a nation has a definite, steadfast, unmistakable foreign policy, intelligible to itself, it will be unable to formulate a sound policy of national defense. It cannot be sure of what it is doing. It will not know beforehand what it is going to defend, or why, or whether it is going to be worth what it will cost. And that is the crucial matter—the problem of national defense.

For the information of Senators who may not have been present when I began reading, I will say the editorial just read was from the Saturday Evening Post of last week.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. LUNDEEN. The Senator has been speaking of our foreign policy. I have here a short editorial from Wallace's Farmer, dated October 8, 1938, under the headline "1917 and 1938." It reads:

IN 1917 AND IN 1938

Some Americans still dream of pushing the United States into European squabbles, of making the world safe for democracy, of punishing dictators, and of making Europe over on a better model.

Some Americans never learn. We tried all that in 1917. And failed miserably.

This time lets use more sense. Europe is playing the old game of power politics. The oligarchy that runs Great Britain is lining up allies for the struggle with the dictator who runs Germany. It is the old struggle to see who is top dog in Europe's perennial dog fight.

It is a good fight to stay out of.

The greatest help the United States can be to Europe, and to the world, is to present the example of a nation spending its money on housing instead of on shells, its energies on finding jobs for its workers instead of rifles, its surplus supplies on giving every child a bottle of milk instead of a gas mask.

Before we start out to reform Europe lets reform ourselves, provide our own people with work and food and shelter, and be as willing to spend as much national energy to create a happy, useful, and peaceful nation as Europe is spending in the service of death.

Will the Senator yield further to me so I may read one more editorial at this point?

Mr. NYE. I yield to the Senator from Minnesota.

Mr. LUNDEEN. I shall now read an editorial published in Wallace's Farmer of February 25, 1939. Wallace's Farmer is a publication which circulates very widely in our Mississippi Valley region. It is published in Des Moines, Iowa.

Mr. President, Wallace's Farmer is published by Dante M. Pierce. Clifford V. Gregory is associate publisher, Henry A. Wallace is editor—on leave of absence as Secretary of Agriculture. Others on the staff are editors Donald R. Murphy, Arthur T. Thompson, E. R. McIntyre, Mrs. Lois Johnson Hurley, home department; F. I. Wood, service bureau.

Wallace's Farmer is published every other Saturday at 1912 Grand Avenue, Des Moines, Iowa, and is one of the influential papers of the great Northwest.

The editorial is as follows:

BRITISH TORIES HELP HERR HITLER

An Iowan said the other day that the United States should join hands with Great Britain and France to defeat "the mad dog of Europe." He apparently pictured a great conflict between the so-called democracies—Great Britain and France—and the dictatorships—Germany and Italy. And he thrilled to the call of a new war that would save the world for democracy.

The situation isn't that simple. It is doubtful, for instance, if the party in power in Great Britain wants Hitler defeated.

This, of course, was on February 25, 1939.

The London correspondent of New York Times said recently:

"For the truth of the matter is that many British conservatives * * * do not want to see an economic collapse in Germany. * * * Hitler can still disturb many British Tories by warning them that the alternative to his regime is communism in Germany. * * * Mr. Chamberlain and his colleagues feel sure that the British Empire would survive a war with Germany, at the cost of untold human misery; but they are not so sure that the men and the system which have ruled this country for so many years will still be ruling when the war is over."

The rulers of Great Britain may be making concessions to Hitler, not because they are afraid of him, but because they want to keep him strong. That certainly is one explanation of the very cool way in which Great Britain received the news that some Americans were ready for a crusade against dictatorship.

The fact is that we are seeing again the old struggle for supremacy in Europe between two groups of states. If Germany were a republic, and France were a dictatorship, there would be much the same kind of a fight for colonies, for allies, for economic supremacy in eastern Europe.

In the long run, it would be cheaper for all the nations concerned to make concessions to each other than to fight it out. Since the United States is likely, in spite of her best efforts, to get pulled into the next war, it is good business for the United States to help in any effort which is made to work out a peaceful solution.

But certainly it is the worst kind of folly for us to imagine that another crusade is on, and that we are called to support either party to the controversy. If a war comes, Great Britain will not be fighting for democracy. She will be fighting for India, for the Chinese trade, for her colonies, for the perpetuation in power of the ruling families of the nation. And France will be fighting for her African colonies, for Alsace and for her system of alliances.

The last time we got excited about a "mad dog of Europe" was in 1917. The world would have been lots better off now if we had stayed out of that and let the World War end in a tie. If we try to fool with European politics again, we're likely not only to get our fingers burned, but a couple of hands blown off.

Mr. NYE. I may remark that much editorial and news comments of a similar nature comes from all sections of the country.

Mr. President, before being interrupted, I was trying to demonstrate that the United States in the handling of its foreign policy pursued a course of conduct which was so challenging as to invite a much larger outlay in the name of national defense than might otherwise be the case, and that it seemed to me that if we in Congress knew what our foreign policy was as of this hour, and what it would be tomorrow, what plans or what understandings there might be as to where we are going from here, we might be more alarmed than we are now about the need of a peacetime draft in the name of national defense.

So much for foreign policy and my support of the national-defense appropriations, which must of necessity continue.

Now for another thought on this conscription issue. Of course, many good things come from Vermont, including this from Ethan Allen:

It takes a year to teach a soldier how to parade. It takes a week to teach a soldier how to fight.

Of course, Mr. President, this is another day than the one which Ethan Allen knew. It is a day of modern war machines; it is, no doubt, a day requiring longer training and longer experience. Upon that we are agreed. But it seems to me that the draft program which is before us now is wholly out of step with any emergency, such as common sense would dictate as being likely to arise. If we must ultimately resort to conscription in peacetime, let us have it in a form less inviting to disaster than the form of legislation pending before us now. There have been many excellent suggestions made as to what we might better do than pursue the course of the Burke-Wadsworth bill.

A writer of the so-called The News column in a Washington Times-Herald, presumably William Randolph Hearst, portrays the Swiss system of military training and says:

In an American adaptation of the Swiss system, the age limits could be set at 21 to 31, as in the present amended Burke-Wadsworth measure.

The time of service could be fixed at from 1 to 3 months each year.

This would so limit the period of training that no man's job or business would be seriously interfered with.

If 500,000 men were given a month's training in the field, the plan would give 6,000,000 elemental military training in 1 year.

But even if 500,000 men were trained for 3 months, that would provide a bloc of 2,000,000 graduated rookies at the end of the year.

If 2,000,000 elementally trained soldiers is all the country is likely to need—and it is—the training of this bloc can be continued for 3 months in the second year.

If critical emergency should actually develop, these 2,000,000 could be kept in continuous service.

But such emergency is, in the light of cool common sense, not at all likely.

Americans are going to ask again and again and again, What is the occasion that calls for the taking of 800,000 American youths in peacetime, in the name of military training, but actually for military service? What is the occasion for a whole year of sacrifice of life for a job that can be done in a few weeks, or at the most, 3 months?

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. LUNDEEN. I know the able Senator has examined this subject very fully. We all remember the great munitions investigation which he so ably conducted. Does the Senator know of any nation in the history of the world that ever proposed in peacetime, as is proposed in the pending bill, to conscript everyone, from the cradle to the grave, from 18 to 65 years of age, at $5 a month?

I read in the press that the House committee the other day put the original terms back into the bill. I have been trying to find out for some time if any other nation ever proposed so drastic a measure. I have never been able to learn of any nation having done so. We try to excel and exceed in some things, but I fear we are now beginning to exceed all other nations in drastic conscription and peacetime conscription proposals. That does not seem to me to be the American way. That was not the way in which America grew to greatness and glory in the past. I wonder if the Senator has run across anything like it in the history of other nations.

Mr. NYE. No, Mr. President; I have not.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Massachusetts.

Mr. LODGE. I have in my hand a volume of the Encyclopaedia Britannica, which states that Napoleon—who certainly was not pacifist—confined conscription to those between the ages of 20 and 25.

Mr. LUNDEEN. I thank the Senator. Napoleon, perhaps, will live in history when some of our military strategists we have heard from recently have disappeared. In France they were under foreign command. They were not their own generals. They were commanded by British and French generals.

Mr. NYE. Mr. President, I was speaking of other approaches to the accomplishment of an adequacy of armed strength to meet such emergency as might arise. A few days ago there came to me from Tulsa, Okla., a very well-written letter, enclosing an editorial from the Tulsa (Okla.) Tribune, setting forth how much more simple might be the accomplishment of our purpose if we had the will to abandon hysteria and settle down to providing a decent training system. I ask unanimous consent that the letter and the editorial be printed in the RECORD at this point.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

TULSA, OKLA., *August 12, 1940.*

Hon. GERALD NYE,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: Although I am not one of your constituents, I do admire your independent attitude in the Senate, which God knows we need with so many yes-men that are willing to do the bidding of one man.

I believe that your ideas more nearly represent the American public sentiment and opinion at this time than the majority of the Senators in the United States relationship to the European war. It seems to me that public sentiment in the United States, or at least so far as I can judge locally, is overwhelmingly against any participation by the United States in the war in Europe.

My particular concern, along with millions of other Americans, is the conscription plan for the training of American youth in military affairs now before the United States Senate. In my opinion, this is another one of those cracked-brain theories put out to keep the country in a turmoil and help to fan the breeze of hysteria already started.

The Tulsa Tribune, under date of August 11, 1940, carried an editorial suggesting a plan for the training of American youth in military affairs which seems to me would accomplish much more and train many more men at less expense than the plan now before Congress.

In general, the Tribune's suggestions are as follows: Under the conscription plan, it is planned that the Reserve officers are to be called to active service to take care of the bulk of the training of recruits. These officers are scattered over the country in direct proportion, on the average, to the available youth. All these men, both Reserve officers and recruits, are, for the most part, employed at the present time in gainful occupations in American industry. The Tribune plan suggests that the Reserve officers be called upon to organize training units in armories or other places, dividing the country up into many small units in which units the same training could be given the youth during their off hours from their regular employment. This would apply also to the Reserve officers. Under such a plan not only the youth between 21 and 31 could receive such instruction, but men of all ages, so that at the end of such training period instead of having only a few million men trained, we would have the bulk of the manpower of the United States with at least the rudiments of a military training. In case of the emergency, which the conscription plan conceives to be upon us, all the manpower would be needed and the Tribune plan would bring that about.

The present conscription bill before Congress, if it passes and the conscription is made, will very materially cripple industry by taking men from their employment without regard to their responsibility in the organization, thus leaving the employer short-handed and breaking into the recruit's chances for advancement. Also, the present conscription plan entails the expense of wages, clothing, and food for the recruits, while under the plan proposed by the Tulsa Tribune, the Government would be out little or nothing for the training of American manpower. In my opinion, one of the worst features of the present conscription plan is that it would demoralize the morale of the American youth because it breaks into their start in life. As I understand the present conscription plan, any youth coming under the conscription is supposed to have his job back when he completes his training period. Yet the employer must train someone to take his place, and at the end of the training period either throw that person out of employment or leave the youth who has gone through the training period to look for other work.

All in all, it seems that we are going off half-cocked on conscripting youth for military training when it seems as though the thing we really are lacking in is arms, ammunition, planes, and mechanized equipment.

We have spent some twenty billions of dollars in the last 7 years, and all at once someone wakes up to the fact that after having spent such a vast amount of money, we have no defense against the invasion of an enemy.

I believe that those who are responsible for these things will sooner or later receive their award from the American people, and it will not be a continuation in Congress.

I sincerely enlist your wholehearted cooperation and open-minded judgment in the consideration of this conscription bill and trust that you will do all in your power to kill the bill in its present form pending later consideration and more study than seems to have been given the present bill.

Respectfully yours,

FRANK R. CLARK.

---

[From the Tulsa (Okla.) Tribune]

TOWARD A "GRADED" ARMY

On the strength of 1 year's experience as a frightened buck private in a military prep school we take this opportunity to join the other amateur generals in a discussion of military conscription proposals now pending in Congress.

We do not hold with the plaintive pacifists who claim that conscription in peacetime is a denial of the American way of life and a useless threat to our personal liberties. We think it is much fairer to select young men for military service by lot than it is to put the whole burden on the backs of those who have the patriotism to volunteer. After all, it's everybody's country and its defense is everybody's job.

Moreover, we don't think the volunteer method will bring enough recruits to form an adequate reserve army which could take the field on 48 hours' notice in the event we are attacked from abroad. Conscription is the only sure method of getting enough men in training quickly. The personal liberties such an army will protect are far more important than the personal liberties which conscription will violate.

But we see no reason why conscription should seriously interfere with the normal lives of those who are called. We believe there should be varying degrees of training to fit the personal circumstances of those who are mustered into service.

To illustrate:

If we fear the "blitzkrieg" method of warfare, we must develop a blitzkrieg army to combat it. The Germans have a vast number of men under arms, but the spearhead of German striking power (and the secret of German military success) has consisted of a

large, well-equipped, and well-trained air force, working in close cooperation with small but equally efficient mechanized ground forces called panzer divisions. In short, these new weapons have taken over on a magnificent scale the old functions of horse cavalry, i. e. speed, surprise, and the ability to demoralize the enemy behind its own defense lines. The Germans have made little use of the regular infantry which comprises the vast bulk of the Nazi Army, except to occupy and police captured territory and to repair and maintain supply lines.

If we intend to build an army along the Nazi lines it is obvious that the personnel for an air force and for highly complicated mechanized divisions must come from our regular enlisted services. The handling of such weapons requires full-time training and study. This is no job for conscripts. Besides, it will be years before we have enough tanks and other mechanized equipment to keep our Regular Army busy. So far we have just one completely mechanized division. The rest are on order.

Our National Guard could presumably take over the ordinary garrison duties of the Regular Army and aid in the training of conscript troops.

The idea of taking conscripted recruits away from their homes and their jobs for periods of training lasting from 9 months to a year in central training camps seems silly. If these troops are not to be used as combat fliers or tank crews there is no reason why they couldn't be trained on home camp grounds 2 days a week without disrupting their home life or losing their jobs.

It shouldn't be difficult to train infantrymen. After all, any young man with a modicum of sense can learn how to assemble and operate a Garand rifle in 8 days, and he should be able to handle a Springfield rifle in an hour. He could master a machine rifle or a machine gun in 2 weeks. He doesn't have to be locked up in an Army camp in order to find out how to put up a tent or roll a pack. There is no reason why he should waste his time going through the complicated drill formations and arms manuals that are of no use except on the parade ground.

There is a lot of lost and useless motion in our traditional military training. Drill sergeants have always spent more time training an army for pageantry than for fighting. There is no reason why a new recruit couldn't be taught in 21 days to handle all the equipment an infantryman will ever need. After these basic lessons the conscripts could concentrate on fighting formations and tactics. One year of week-end training close to home should turn them into pretty fair combat soldiers. No homes would be broken, no jobs lost, no farm or factory production crippled.

Why isn't it just that simple?

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. DANAHER. The Senator has referred to the matter of selective training, the matter of training for service, and the matter of induction of men. If the Senator will permit me to do so, I invite his attention to the fact that when the bill was explained to us we were told that there was a limitation upon the number of men who could be inducted into the military and naval forces, in that Congress had the power of appropriation, because section 6 of the bill expressly states that—

> The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

We were told that at all times we should have control over the number.

Mr. NYE. That was the wish or the ground for belief on the part of the public and the Congress that the power would always be with Congress.

Mr. DANAHER. Let me ask the Senator, if he will permit me, in his time, to point out the common misapprehension in that particular?

Mr. NYE. I wish the Senator would do so. It is a good time to do so.

Mr. DANAHER. Mr. President, section 6 of the bill as it is written says that—

> The President shall have no authority to induct persons—

Into what? Training and service? Into units to train for development into antiaircraft units, or aviation, or any specialized type of service? Oh, no!

> The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

There is another angle which is interesting. This section of the bill says that the President shall have no authority until Congress has appropriated—obviously meaning that when Congress appropriates, and from then on, he shall have authority to induct into the land and naval forces of the United States such men as he chooses to call by way of conscription or otherwise.

But, Mr. President, there is a third possibility for exploration, if we read section 3. With the Senator's permission, I read:

> The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided—

Let me say to the Senator that one class of persons may be selected by the President for training and service—an entirely different class from those who are referred to in the remainder of the sentence. Let me continue to read—

> and to induct into the land and naval forces of the United States—

A second class. So two groups are definitely contemplated, one of which shall be eligible for selection for training and service, and the other of which shall be eligible for induction into the naval and military forces. Let us see what the rest of it says—

> *Provided*, that any person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces of the United States for the training and service prescribed in subsection (b)—

And here is a startling denouement, as I see it, for the remainder of the sentence reads—

> if he is acceptable to the land or naval forces for such training and service.

So, Mr. President, under the terms of the power we would give to the President, regardless of what number of men may be selected for training and service, or what number may be inducted into the military and naval forces, one class may be put to work in the military and naval forces, and the other class may be selected for training and service, such as building battleships in the Government-operated shipyards we are to have, or service in the T. V. A. in building a new aluminum plant. In other words, by this language we give the President authorization to order such training and service.

Let me point out one other phase of the bill. I think it is worth our time once in a while to explore the language, and the grants of power conferred by the language, in bills before Congress, especially when they are written downtown.

Mr. NYE. Even though it may be assumed, as was done in one columnist's article the other day, that because a Member of the Senate insisted upon the pending amendment being read, that was evidence that a filibuster was in progress.

Mr. DANAHER. The Senator from Arizona [Mr. ASHURST], to whom the Senator undoubtedly refers, said that it was thoughtful and considerate on the part of interested Members to have the amendment read. He was acting, of course, in the spirit of the better type of legislation, was he not?

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. ASHURST. It was the Senator from Colorado [Mr. ADAMS] and the Senator from Montana [Mr. WHEELER] who asked that the amendment be read, and I joined with them in making the request.

Some irritation was manifested on the countenances of some of the able Senators when the request was made, but, in my opinion, the Senate will serve the country well if it causes to be read all amendments on which we are to vote. The particular amendment was one which proposed to draft wealth or the income from wealth to pay for war and to pay for the equipment and training of soldiers.

Those who have had success in business will testify that it is wise to be familiar with the contents of a document before signing it.

I favored the amendment to draft wealth along with the draft of manpower. The Senator from Missouri [Mr. CLARK] is probably the ablest parliamentarian in the Senate, and he gave it as his opinion that the amendment was properly before the Senate and was not subject to a point of order.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. If a Senator wishes to have a bill printed and to have an opportunity to read it himself, let alone having it read in the Senate, in many quarters it is considered that a filibuster is in progress. In the same way, some persons think it is a great waste of time to have due process of law instead of organizing a lynching party.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. DANAHER. Reverting for a moment to the point I was making, let there be no misapprehension of the fact that under the terms of the bill there may be inducted into training and service 799,000 men, and the remainder of the 800,000 may be inducted into the military and naval forces.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. LODGE. Does the Senator contend that the phrase "select for training and service" would make possible labor battalions?

Mr. DANAHER. Precisely. If we should vote to confer upon the President the authorization contemplated in section 3 (a) we should give the President power to do two things, let me say to the Senator from Massachusetts: First, to select for training and service the men he wants, and, second, to induct into the land and naval forces of the United States such men as he wants.

Mr. President, the man who undertakes to volunteer even under the so-called permissive or voluntary exception in the proviso even then cannot enlist unless the Army and naval forces decide that he is "acceptable for such training and service."

Mr. LODGE. Does not that last language simply give the Army and Navy the right to pass upon a man's physical qualifications, for instance?

Mr. DANAHER. Mr. President, will the Senator from North Dakota permit me to answer the Senator from Massachusetts?

Mr. NYE. I am delighted to give the Senator that opportunity.

Mr. DANAHER. A reading of the statutes that deal with enlistment today will not disclose any such limitation; the word "acceptable" will not be found to be synonymous with "qualified." In other words, the Army has the right to determine the qualifications for enlistment at this minute; it can accept those it chooses, and I think there has been a statement on the floor that something like nine out of every hundred have been found to be qualified.

Mr. LODGE. What does the Senator think is the purpose of the language about volunteers having to be acceptable? What does he think is its purpose?

Mr. DANAHER. So far as volunteers are concerned?

Mr. LODGE. Yes.

Mr. DANAHER. I will state what I think the purpose is. If, for instance, the Senator and I, assuming we were 21 years of age, and able and free to enlist, should go to the nearest recruiting officer and make application, and he should ask "What is your experience; what is your background?" the Senator from Massachusetts might say that he had been a marathon dancer and I might say I had been a roller-coaster operator or something of that sort. Then the recruiting officer could say, "We do not need roller-coaster operators and we do not need marathon dancers, but if you have been an aviator or desire to be an aviator or if you have had training in aviation, I am willing to accept you for training and service in a specialized field." If the Senator could not qualify from either standpoint of being acceptable within the determination of the recruiting officer, then he would not become a volunteer, but would wait his regular turn to be inducted into the military or naval forces or to be selected for training and service in the line they wanted him to be in. That is a power conferred by that section.

Mr. LODGE. May I ask the Senator if he agrees with me that every man inducted into the Army, let us say, under this bill has first to go through four stages? He has to be registered; he has to be classified—and classification is by large age groups; he has to be selected—and selection is differentiated as between individuals; and, fourth, he has to be inducted. So every man who is put into the Army under the terms of this bill has been subject to four different processes. Is that right?

Mr. DANAHER. With one minor difference between the Senator and me, I will say that he is right; yes, and I will explain the minor difference presently.

Mr. LODGE. Of course, I am just as opposed as is the Senator to the idea of setting up labor battalions or anything of that kind, and I am wondering whether the words in line 17 "in the manner herein provided" do not act as an estoppel against men being used for any other than a military purpose. I ask that question with the permission of the Senator from North Dakota.

Mr. DANAHER. Will the Senator from North Dakota permit me to reply?

Mr. NYE. I am delighted to afford the Senator that opportunity.

Mr. DANAHER. I invite the attention of the Senator from Massachusetts to page 17, section 4, lines 14 to 20, inclusive, from which he will see that the section referred to does not deal at all with inducting men into the military and naval forces of the United States. It deals solely with the matter of selection of the men for the training and service feature. Moreover, it specifically exempts from the operation of that section "those who enlist voluntarily pursuant to this act," obviously indicating, if that language be construed in connection with that at the bottom of page 15, that the man who thinks he is a volunteer is not unless he is acceptable, and if he be acceptable for the military and naval forces he goes in as a volunteer; if he is not acceptable, then he is selected for training and service under rules and regulations prescribed by the President under section 4 (a). Does the Senator follow me?

Mr. LODGE. I can see that there is much merit in that contention, but it seems to me when a young man is selected under the terms of this bill it is simply a further classification. Under it a man may be told, "You are a skilled machinist, and, therefore, we would rather keep you in a factory than we would have you in the Army." In order for a labor battalion to be set up, there would have to be further language in the bill stating that men could be inducted into a labor battalion. I think it is a very important point which the Senator is raising.

Mr. DANAHER. Mr. President, will the Senator from North Dakota yield further?

Mr. NYE. I yield to the Senator.

Mr. DANAHER. Let me say to the Senator from Massachusetts that it is so important, in my opinion, and contains basically so fundamental a principle that the entire bill could very easily turn on the acceptance or rejection of the principle involved.

Let me ask the Senator from Massachusetts, has he not at times undertaken to draw legislation and in drafting it has he not undertaken to make it mean something when he wrote the words in his bill?

Mr. LODGE. That is my effort.

Mr. DANAHER. Of course. So I say to the Senator if he will look at section 6 he will find there no reference whatever to the men who are taken for training and service.

Mr. LODGE. The Senator refers to section 6?

Mr. DANAHER. Yes; section 6, on page 22, which reads:

SEC. 6. The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

If the Congress appropriates, if it appropriates even a hundred dollars or even $10 for the purpose of setting in motion the operation of this power the President has thereafter under this language no limitation whatever on his authority to induct into the land and naval forces of the United States whatever men he wants.

Mr. LODGE. I think the Senator is 100-percent right in his analysis of section 6. I think section 6 is worded in a way which must be, I think, described as tricky and that, while it creates the impression that Congress, through its appropriating power, shall retain the control of the number of men going into the Army, it actually does no such thing, because, as the Senator says, if Congress appropriates $10 that opens up the field for further inductions, and that, I contend, is an additional argument for the amendment which is now pending, which I have offered, to limit the number of men.

May I say before I take my seat that the able Senator from Maine [Mr. WHITE] has made a study of this question; he has offered an amendment, which is printed, designed to clarify this language, and I am very grateful to him and to the Senator from Connecticut for having brought the matter to the attention of the Senate.

Mr. WHITE. Mr. President, will the Senator from North Dakota yield?

Mr. NYE. I yield.

Mr. WHITE. I ask the Senator to yield for the purpose of indicating my complete concurrence with the analysis of this language made by the Senator from Connecticut. I think it is open to the gravest suspicion and that there might flow from it a result which should be deplored.

As the Senator from Massachusetts has said, I have offered an amendment which I think clarifies the language and accords with the proper intent.

Mr. AUSTIN. I suggest the Senator read it.

Mr. WHITE. If the Senator from North Dakota will permit me, I will read the amendment. The amendment I offer proposes to strike out all of section 6 and insert in lieu thereof the following:

SEC. 6. The President shall have authority to induct into the land and naval forces of the United States no greater number of persons than the Congress shall from time to time hereafter make specific appropriation for.

I think that would clear up the doubt to which the Senator from Connecticut has made reference. In other words, the proposed amendment would limit the number to those who may be provided for by the appropriations made by Congress. The language of the bill, as it stands, is that if Congress makes an appropriation for this purpose, then the power of the President comes into being, and he may act thereunder.

Mr. DANAHER. And there is no brake on it.

Mr. WHITE. There is no brake on it, in my opinion.

Mr. DANAHER. Mr. President, will the Senator from North Dakota yield further?

Mr. NYE. I gladly yield.

Mr. DANAHER. I am very grateful to the Senator from North Dakota for his courtesy and cooperation, and I wish to point out that, in addition to the criticism already directed at section 6, I also was using the language of it as a touchstone by which to emphasize that there are two different classes of men contemplated by section 3.

Mr. NYE. That is correct.

Mr. DANAHER. That is further emphasized by reference to section 4 (a) which refers to the selection of men for training and service as distinguished from induction into the military and naval forces.

Mr. President, because of the remarks of the able Senator from North Dakota, which dealt generally with the number of men that could be drawn into the service, I wished to emphasize what seemed to me to be a tremendous grant of power, something that is beyond anything we ever did even in wartime. I thank the Senator from North Dakota.

Mr. NYE. Mr. President, I am indebted to the Senator from Connecticut for his worth-while contribution. I was undertaking to show that if we have to resort to a peacetime draft there ought to be less disastrous methods at our command which would accomplish our purpose.

The Bismarck Tribune, published in my State, has been for years an advocate of universal military training. It has brought a most intelligent pen into play in support of it. Early in May of this year it launched a rather direct program for the accomplishment of universal military training. It does not follow that this newspaper and its editor are in any degree in sympathy with the so-called Burke-Wadsworth bill; indeed, quite the contrary, it is true, for we find this newspaper editorially commenting upon it in anything but a complimentary manner.

I ask unanimous consent that there may be inserted in the RECORD the editorial from the Bismarck Tribune, entitled "Let Main Street Speak."

The PRESIDING OFFICER. Without objection, the request of the Senator from North Dakota will be complied with.

The editorial is as follows:

LET MAIN STREET SPEAK

On May 16 and again on May 21, weeks before any other newspaper advocated such a policy, the Bismarck Tribune urged institution of a system of universal military service for the young men of America.

It reiterates its belief in such a system now.

But it also condemns the Burke-Wadsworth bill, now nearing a vote in the United States Senate, expresses the hope that every Member of Congress from North Dakota will vote against it.

The Burke-Wadsworth bill is the voice of the same War Department, which has so sadly bungled our national defense. It is a product of the same kind of thinking which has made our position so precarious.

This newspaper submits that the voice which should be heard in drafting a universal-service bill should be the voice of Main Street, not the voice of Wall Street in New York or of Pennsylvania Avenue in Washington, D. C., and by Main Street we mean the countryside as well as the small towns of America. By Main Street we mean the common people of this country, wherever they live, as contrasted with the financial, political, and military bigwigs.

Lest the Tribune fall into the error of criticizing without offering constructive suggestion, it herewith presents what it considers the essentials of a universal-service bill which Main Street could and would approve.

1. There should be no selective draft. Universal service should mean just that. There should be no exemptions. Rich and poor, sons of the influential and those lacking influence should serve alike.

2. Exemptions for physical disability should be reduced to the minimum. Only those who are utterly incompetent to do anything at all should be excused. Let lads with one arm but good legs serve as messengers. Let those with one leg but good arms serve as clerks. Let those with impaired eyesight do work wherein eyesight is not important.

3. Alternate means of service should be provided.

Let service in Reserve Officers' Training Corps, if completed with adequate field-training periods in summer camps, be accepted in lieu of other service.

Let a 4-year enlistment in the National Guard—again with proper field training—be accepted in lieu of Regular service.

Such a system would keep the trainees at home, would cause less interference with the normal economic and social life of the Nation and of the men involved.

Draft only those who fail to volunteer for such service and draft every one of them if they are not so enrolled when they reach the age of 21.

4. Select all officers for primary appointment to the Army, Navy, and Marine Corps from those who have completed satisfactory courses in our R. O. T. C. Do it by competitive examination. Abandon West Point and Annapolis. They make our Army and Navy caste conscious, provide no better officer material than could be furnished by other schools.

5. Improve the medical and dental services of all military and naval units and enlarge their scope so that the health of those entering military service would be improved by the experience.

6. Set up a definite system of meeting the conscientious-objector problem. Require them to serve but give them the option of service in noncombatant branches or in special labor battalions. But make them serve.

This is the kind of universal service bill which Main Street wants. It would be the real thing, not a political instrument nor a War Department toy. It would get results more cheaply and quickly than any other plan. And it would give America the finest Army of fighting men in the history of the world.

Let us have no finagling by draft boards, by complaisant physicians, by politicians under a selective-service system. Let us have universal service instead. And let us make it as easy as possible for the young men of the Nation to serve. Let us maintain the tradition of a citizen army in a truly democratic way, not to build up a War Department army which some day might be used to throttle democracy, turn this Republic into a dictatorship.

If you agree with the ideas here expressed, write your Senators and Congressmen. Write to the President of the United States. They need advice from the people. They need to hear the voice of Main Street.

Mr. NYE. The editor, in a letter bearing upon the pending bill, points out the great dangers which he sees in the pending legislation. Among other things, he says:

Another great danger lies in the concentration of military power which this proposed act makes possible. In my judgment, the most

valid objection to a great standing army lies in the fact that it may some day constitute the means of snuffing out the life of democracy. If we are to have such an army it should be so organized and controlled that this historic tendency will be minimized. * * *

I sincerely hope that you and others interested in a sound defense program will oppose the present povisions of the Burke-Wadsworth Act and strive for one which will more easily achieve the objectives sought and cause less disturbance to the social and economic lives of the men called.

Let us create no condition where those with political influence or conniving physicians will escape service to their country; where the physical misfit is placed at a premium, where the rich may escape their duty while the poor defend the interests of those who have the most at stake.

So, Mr. President, we find that there may be very, very honest difference with respect to the issue of compulsory military service or training, and the so-called universal service and training in the name of national defense.

Our first immediate need is clearly for machines, machines—war machines. I think today it stands rather adequately demonstrated that we are not as shorthanded as we thought for a few days that we were, and we do not seem to be overly alarmed about our ability to provide the machines which are going to be needed to provide against any emergency which may arise abroad. I submit that though our own military establishment has laid down a program which will give the United States Army and Navy an air fleet of something like 18,000 planes by the summer of 1942, while American industry is under obligation to deliver that number of planes to our Government by the summer of 1942, the same industry is under obligation to deliver about the same number of planes to foreign countries, though some day may find us fighting the things we have had to sell to some of them.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. NYE. I am glad to yield to the Senator from Massachusetts.

Mr. LODGE. Did the Senator see in the press some time ago an item to the effect that the Germans have seized a large quantity of American airplanes which had been sent to France and are now using them against Great Britain?

Mr. NYE. Yes; of course, we saw it. I thank the Senator for calling it to our attention at this time. It has occurred to me in more recent days that quite the same thing might happen along another line. If the worst were to happen, if the things occur that some among us contemplate are going to happen and frighten us into believing are going to happen, if England is to fold up and be conquered by Germany, then I suppose it will be all to our credit if only we can have England possessed of 50 or more of our American destroyers—to be surrendered to Germany for use in the attack which Germany is to make upon us the next day.

We have talked again and again of the high probability of filling our military ranks, whatever the need may be, by resort to the voluntary system. A higher pay for those who are called into the service, a pay that is in keeping at least with relief allowances in this day and age, and a limitation in the Regular Army to a 1-year enlistment instead of a 3-year required enlistment would bring, I am satisfied, week after week and month after month during these peacetimes, into the Army and the Navy all of the enrollments that the Army and the Navy are adequately prepared to absorb.

Mr. DAVIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. NYE. Yes.

Mr. DAVIS. The Army officials do not look with favor upon 1-year enlistments, do they?

Mr. NYE. Obviously not; at least, they have not done so up to this time.

One thing more than this perhaps is essential to the attainment of the kind of a defense that we would like to feel that we have. That one thing is an assurance on the part of the young men—editorial writers call them "the kids"—of this country concerning the causes of the present-day turmoil, and their understanding of what it is that we shall perchance want them some day to save. I recommend to the reading of the Senate an editorial entitled "The Kids," which appeared in the Monday, July 29, issue of the periodical PM. I ask unanimous consent for its insertion in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

THE KIDS

What everybody should know is that if we come in armed conflict with the expanding forces of fascism, victory or defeat depends on the kids. Fighting in Stuka bombers and speedboats and fast tanks has to be done by kids. At thirty, in 1940's army, you are an old man, just as you are in the ring or in any other violent competitive sport. The weakness of Hitler's army was once supposed to be that so many of his warriors were 17 and 18 years old. That turned out to be his strength, not his weakness.

Kids only fight when they feel like it. They are more emotional than their elders—or rather, their emotions play a larger part in their decisions. There were young men in Gamelin's army and whether the high command did or did not sell them out, they could have fought a lot harder if they had felt like it. They were up there in the air and out there in their tanks. But obviously they didn't feel the same way about fighting as the young Nazis. If they had, their defeat would not have been a matter of only a few weeks.

Now, if the kids are the ones who are going to do the fighting, and the vital thing is how they feel about it—how do they feel about it?

What's extraordinary to me is how little interest is being taken in this right now. When you think of the enormous importance of the answer, the bickering over whether the group called the Youth Congress does or doesn't speak for Youth, with a capital Y, whether it has or hasn't officers who are members of the Communist Party, and whether its manners are good, indifferent, or bad—all these things become as childish as the children themselves are so often accused of being—and only a Gene Tunney could get so excited over the wrong thing.

For the truth needs neither Gallup polls nor F. B. I. investigators to discover. The truth is that if you are an American boy between the ages of 16 and 26 there is only one question for you: "What can be worse than what I've got?" If this Nation has had 10 years of insecurity, these kids have had a lifetime of it—and they have a lifetime of it ahead of them.

It isn't that they've read too many books about how horrible the last war was, or talked to too many Communists about how wonderful the next world will be, but that they have been brought up in a country that has nothing to offer them except more education than they are allowed to use and a boring year or two in a C. C. C. camp. And they know by instinct, if nothing else, that they're worth more than this.

They also know—and no politician's speeches are going to kid them out of it—that the deal they've been getting isn't worth being killed for. They didn't have to read any Hemingway or Dos Passos stories about the horrors of war to catch on to that simple fact. The right to listen to the radio plugging consumer products you can't buy, to borrow pop's car on Saturday night, is not worth getting your head blown off for.

I said in an editorial here that I didn't like the idea of kids being conscripted before they knew what they were conscripted for. It doesn't matter what I or anyone else likes. The truth is that we could conscript the kids by the million, give them the finest guns in the world to shoot, and if they didn't like being in the Army, didn't feel they had anything to fight for except the right to be jitterbugs, they'd get shot down and rolled over just the way the young men of France were shot down and rolled over.

For no matter how war changes it's always the same and unless you are an Italian shooting at spear-carrying Ethiopians with a machine gun—if the arms are anywhere nearly equal—the side that knows what it's fighting for is the side that's going to win. That's the side that scares hard while the other side scares easily. And if you are too scared to look down the sights you're not going to hit anything even if you have the finest gun in the world in your hands.

The first problem of arming America is not storing ammunition dumps, but interesting ourselves in the kids who will use the ammunition. For what kind of a country are they to fight? What's in it for them? What do they need and want and dream of? We must think about these things and act on them. And the promises that we make, we must be prepared to keep. For one does not break one's promises to a million armed young men twice.

RALPH INGERSOLL.

Mr. NYE. Mr. President, in conclusion, it was suggested here in debate day before yesterday that what the Burke-Wadsworth plan does is merely to awaken American youth, and to put American youth in the position of saying, "Here I am when you want me."

Oh, what a delightful picture of the Burke-Wadsworth bill. It does not provide for anything of the kind, no, indeed! Instead, this plan has the Government of the United States saying to ten or twelve million American men, not "Here I am," but "There you are. Now, just hang yourself up on

a hook over there in the corner, and wait until we call you. Plan nothing; just wait, we do not know how long, but be patriotic and wait. We may not call upon you at all, but wait and be ready. We may call upon you for a year of service; but we are not sure, under this selective-service system, how many of you we shall want, or which of you we shall want, or when we shall call you. In any event, just abandon any plans you may have until you hear again from the Government. The Government will let you know when some day it appropriates the money to start the draft. We will let you know when the President exercises his authority under the law to invoke the draft powers. Just wait until we have a military suit to fit you, until we have a roof to shelter you and thousands more like you. We do not know now just when that will be, but wait! Wait! Wait! Wait 6 months, possibly a year, or longer; but do not be strained. Do not make any other plans until you know for sure whether or not we shall want you."

Mr. President, we are putting up to these ten or twelve million American men between 21 and 31 years of age a problem and a condition which would be resented by everyone of us here if we were to be placed in a like status.

Daniel Webster said in 1814, of the then-proposed peacetime-draft program:

> The question is nothing less than whether the most essential rights of personal liberty shall be surrendered, and despotism embraced in its worst form. * * * On the issue of this discussion, I believe the fate of this Government may rest.

The words of Daniel Webster, I say in conclusion, are no less true today than they were then.

Mr. President, I ask unanimous consent that there may be printed in the RECORD, following my remarks of today, remarks I have made on the question of conscription on four other occasions—August 1, 1940; August 4, 1940; August 14, 1940; and August 15, 1940.

The PRESIDING OFFICER. Without objection, it is so ordered.

The addresses are as follows:

CONSCRIPTION

[Address by Senator GERALD P. NYE, mass meeting, Raleigh Hotel, August 1, 1940]

We have been and still are moving with terrific speed to that hour when there will be a forced and accepted American belief that the only way to successfully cope with foreign dictatorships is to make America a dictatorship.

Step by step we've moved of late years in surrendering powers to the Executive. The demands for more powers for the President have been constantly increasing. The President proclaims a limited emergency to exist and there automatically accrues to him still more of dictatorial powers. Now comes the proposal to grant to the President power to order a peacetime draft of men and boys for military training and service. It is asked in the name of an emergency, the emergency proclaimed by one man, the President. He hopes, of course, that this new power, the power to draft men for the military, will be thrust upon him. If Congress were to finally authorize such a draft, the new power will have been thrust upon the President about as his nomination to run for a third term was thrust upon him recently at Chicago.

Every one of us ought to shudder about the direction which our Government has been pursuing. No one can review its actions of the past year and then seriously believe that a continuation of the kind of leadership we have had is going to lead anywhere other than to our participation in war abroad and to the accomplishment of the highest degree of dictatorship for the United States.

This newest advance, this peacetime-conscription program, is an insult to every American. It is in itself totalitarianism. Americans cannot now well afford to be longer blind to the fact that dictatorships of today have been established upon bases with militarism and conscription as first ingredients. Peacetime conscription is a direct thrust at the very heart of true democracy.

I quite agree that tradition is sometimes a severe stumbling block to the cause of progress. But the American tradition of freedom from peacetime conscription is a tradition that has contributed so largely to the cause of liberty and freedom that to abandon it now is to abandon the most significant and useful of all our traditions.

To satisfy some unannounced, some unseen craving within those who shape our American policy of meddling in foreign quarrels and adopting foreign causes as American causes, we have all for many months been persuaded to turn our backs upon dire economic problems of our own here at home and let our eyes and our thinking view with terrible alarm the show called War which has been playing one of its many return engagements to Europe. And now we are being asked to abandon our own American interests further, even to the extent of further disrupting our social and economic order, and especially the order of millions of American families, all to the end that the cause of militarism may have full sway in the United States.

We have every right to be disgusted with ourselves, with the ease with which we can be persuaded to run from our traditions and respond to fears, the perfect ease with which some influences can drive us away from service to our first obligations—obligations to our own country and our own people. We echo like parrots that an emergency exists upon the mere declaration of an emergency by the President, without even so much as asking what the emergency or its extent really is.

This alleged emergency confronting the United States at the moment is not much more than what we ourselves make it or permit it to be made. And when I say "we," I mean primarily those who shape our policy toward other nations. In the final analysis, that means the President. I quite agree with Senator WHEELER who is quoted as having said: "I don't believe we're in any emergency. The only emergency is that conjured up in the minds of a few people who want to see us go to war and send our youths to Asia and Europe." I think I should go a step further, however, and declare that our emergency is only what our President will make it or permit it to be. If, of course, he adopts Europe's war as ours, then indeed our emergency is grave. If he continues to pursue the theory of his that our first line of defense is in France, then surely we are in one hell of an emergency. If he is to continue robbing our own defense in order to help one side at war in Europe, if he is to go on delivering more belligerent speeches like his latest at Charlottesville, of course, we've an emergency to contend with, and Congress must respond with the billions that are required to the kind of national defense that will match his foreign policy.

When we speak of the emergency we have in mind, of course, the possibility of Hitler's possession of all the military power of Europe and his wish to turn it upon us. Many of us have been made to fear about our ability to stand up against it. Hanson W. Baldwin, military expert for the New York Times, asking how Germany could land a sufficient number of troops to leave any mark on this continent, says:

"The maximum initial force that could be transported, even if control of the sea were wrested from us, would not be much larger than 50,000 men. The transportation of such a force would require 375,000 tons of shipping, perhaps 40 ships, about the largest force that could conveniently be convoyed in a single operation.

"To supply such a force might require from 650,000 tons of shipping to 2,000,000 tons monthly; in other words, perhaps half of the tonnage of the German merchant marine would have to be devoted solely to the job of supplying 50,000 soldiers. If this force were to be doubled, the shipping tonnage necessary would be doubled; to supply an army of 1,000,000 men would require at the very least 13,000,000 tons of shipping.

"Economically and commercially the problem seems impossible; not even Britain or a combination of Britain and Germany has sufficient shipping to divert such an enormous amount of it from their ordinary and vital trade routes to military purposes."

Yet there are plenty of us who lay awake nights contemplating the rush of German hordes over our lands.

Of course, with the world witnessing these new and modern methods of warfare, there is not room for easy guessing or any pretense; the job is definitely ours to be prepared for the worst that might develop abroad and the worst that might be brought against us. But any reasonable consideration of what the "worst" might be leaves no room for a peacetime conscription of manpower when the men already under arms are without the modern equipment necessary to practice with. Get the planes and the antiaircraft guns ready, train those thousands who are showing an eagerness to man the planes when they are ready, and thereafter will be ample time to talk about drafting men. Incidentally, there will be a much better taste in the American mouth if, at the same time the man draft is undertaken, a far-reaching draft of profits is forwarded at the same time.

There is no proven need for conscription today. The voluntary response by men has had no real chance to succeed. And let me suggest that the administration will doubtless find a more than ready response by volunteers if only their base pay can be made to equal the pay now available to those on relief rolls.

I've been told that there is no need to fear that the President will invoke the draft even if the pending proposal is made law; that under the law he cannot proceed until and unless Congress appropriates the money necessary to provide for the draft. Such consideration is rather simple-minded. An authorization is an authorization. Time and again a Congress has been caused to see that, having authorized a thing, it must appropriate for it. And there can be a recitation of things our President has done without direct appropriations, sometimes even without authorizations. And what is a mere matter of appropriation of money by Congress to President Roosevelt, the man who, as only an Assistant Secretary of the Navy, publicly boasted of spending millions even "before Congress gave me or anyone permission to spend any money"; the man who boasted that as Assistant Secretary of the Navy he had committed enough illegal acts to put him in jail for the remainder of his life?

Is anyone questioning the need for a sound and adequate national defense? I know of no one in responsible position whose thinking is out of line on that proposition. The point is that we are not debating national defense; we are debating the President's foreign policy, which is distinctly something else again, with no relation to the problem of an adequate defense.

Let's not fool ourselves. Authorization now for a peacetime conscription means peacetime conscription, as un-American a thing as has ever yet been suggested. I'm sure the people are coming to understand its implications. An open ear around the halls of Congress these days reveals that the cause of those who seek conscription grows more wobbly every hour. And I'm glad, in conclusion, to say to you that I believe the program to conscript American manhood in peacetime can be and will be defeated by the vote of a Congress that will definitely want to respond to the public wish and mind on the dangerous subject.

---

[Remarks of Senator GERALD P. NYE on Do Present World Conditions Justify the Administration Steps Toward National Defense? Radio Forum of the Air, Sunday evening, August 4, 1940]

Present world conditions do not begin to warrant the steps which the Roosevelt administration has taken and is taking in the name of national defense. But the conduct of our own foreign affairs by the same administration perhaps does invite dangers to the United States which justify rather largely some of the mad spending and scramble to accomplish national defense. If we could weigh the question of world conditions without including the meddling of our Government in them, I would say that the steps which the administration has taken in the name of national defense were thoroughly unjustified.

I cannot help but feel that one day we shall be the laughing stock of the world for our present response to a hysteria to which the administration has so largely contributed. Both the President and members of his Cabinet, notably his new Secretary of War, have done their utmost to frighten the country, and have succeeded to a point that finds real fear that within 30 days or thereabouts Hitler will have finished off Great Britain and started an attack upon the United States. This sort of thing, more or less prevalent for the last several years, has built the foundation upon which successful requests for wild defense appropriations have been made. What it is leading to can only be roughly guessed. We can know, however, that there has never been such a raid upon public funds and credit as has prevailed and must continue in order that the new defense machine may be maintained. A look, however rough, to certain facts should have place in this consideration.

In that year before the United States entered the World War, national defense was costing us between two hundred and three hundred million dollars. In the last 4 years of a disturbed world, that has lent itself to those who would drive the United States to a militaristic madness, we have been called upon to appropriate over $6,000,000,000 for defense. And this very Congress in which we serve has appropriated and authorized, or is about to authorize, twelve or fifteen billion dollars more. If this additional $15,000,000,000 brings defense as little satisfying to the administration as the previous billions already spent have brought, we shall find ourselves confronted with another need for at least $15,000,000,000 more. It is estimated that before the present planned program is realized the total outlay for defense is going to be near to $30,000,000,000. A greatly enlarged standing army, 50,000 airplanes, a two-ocean Navy, and more is to be ours to everlastingly support and maintain. The cost of maintenance alone is bound to cost us well beyond $5,000,000,000 a year. Perhaps some people know where that money is coming from. I don't. Perhaps an American dictatorship will find the way, by smothering every other governmental interest or obligation in the interests of a hard and fast dictatorship that maintains itself by maintaining an unchallengeable military machine.

It is the obligation and duty of Congress to provide a national defense sufficient to enable the United States to resist any attack upon us growing out of the worst that might develop out of present conflicts across both the Atlantic and Pacific. What is the worst that might happen? It is fair to say that the worst would be freedom and will by Hitler to make war on us after he had subdued every possible danger of trouble on his own side of the globe. Secretary Stimson would have us believe that this might come in the next 30 days. Consequently, we must speed our preparation, conscript millions of citizens, and make immediately ready. And how do we spend our billions to make ready for this attack upon us? We authorize the building of more battleships, floating fortresses, that will require at least 4 years to complete. We throw billions to the building of aircraft to be delivered to foreign nations as fast as they are made ready to fly. In general, we proceed to make ourselves the biggest monkey of all times, to meet an emergency that is only as great as the President may make it in his conduct of our policy toward other nations.

What is the worst that we need be prepared for and preparing for? Suppose Hitler were to conquer Britain in 30 days. Suppose he were to do what no one believes possible, possess himself of the British Navy to combine with his own. Suppose he were then to move against the United States. What would we need to successfully defend ourselves? The answer to that is to be found only when we can determine the maximum of strength in machines and men he can bring this far. A top American authority has recently declared that the maximum initial force that could possibly be transported, even if we lost all control of the seas, would be 50,000 men. To transport such a force would require 375,000 tons of shipping, about 40 ships, or the largest force that could be convoyed in a single operation. To supply such a force would require in the neighborhood of 2,000,000 tons of shipping monthly, well over half the tonnage of the German merchant marine devoting itself to the supplying of 50,000 men. To supply an army of 1,000,000 soldiers would require, at the very least, 13,000,000 tons of shipping. A combination of Germany and Britain would not afford sufficient shipping facility to accommodate such an attack upon us.

If those in authority really feared that something terrible was about to happen to us they would be spending what is available for the things that are more quickly available for use in a real defense instead of for instruments that obviously are for use a half dozen years from now. Give us antiaircraft guns and the trained men to use them; give us good and many fighting planes with the pilots to man them; give us these things and the very thought of attack upon us from abroad can be scattered. But quit this game of fooling us about the immediate danger; quit this blowing of billions into works that cannot be ready for many years. And quit this most un-American insistence for peacetime conscription which can, under existing circumstances, be construed so easily and readily as of political origin exclusively.

We all know that the most successful hours of this administration have been those which found it with billions of easy money to spend. But let us not be losing our heads altogether and letting our wealth be poured by those who will one day once again be boasting of the days when, with the wealth of the Nation surrendered to them in the name of national defense, they committed enough unauthorized and illegal acts to send them to jail for the balance of their lives.

A less belligerent policy toward other nations, a larger will to mind our own business, would still leave us with large defense obligations to be met. But the meeting of that obligation will be rather simple, certainly much more easy of accomplishment than the task being made by the present administration. Let's have defense, and plenty of it. But let's have it without surrendering our whole social and economic order to the cause of a militarism that can only afford a dictatorship. It ought to be possible to resist foreign dictators without building a dictatorship out of this great democracy of ours.

---

### WHAT IS DELAYING THE DEFENSE PROGRAM?

[Address of Senator GERALD P. NYE, of North Dakota, before New England Town Hall, Boston, Wednesday evening, August 14, 1940]

For years we have battled to correct those serious ills growing out of the last war, to correct the social and economic order which was developed for millions, unemployment, low-wage scales. We have sought to build confidence in the future, to give youth an assurance of opportunity, to create buying power. It has been and still is an emergency of the first magnitude.

Now comes insanity abroad, war is playing one of its many return engagements to Europe. One man declares an emergency to exist for us. Automatically his proclamation arms him with new powers. He asks for more. In the face of cold facts and common sense the ultimate emergency we build and plan for is not at all likely of encounter. But we pour billions into the cause, more billions than we know where to find. There must be an emergency. The President asks and gets the power to militarize the country by having assigned to his orders the State militia. And now he asks for the power to draft ten or twelve million young men, and for the power to select from among them one million or so for active military training and service, the selection to be made at the time he chooses, anytime within a period of years, as fast as the money is given him by Congress to pay the bill. Who fails to see that this conscription move, quite aside from the question of actual need for the move, is at once a terrible challenge to ten or twelve million American men whose ages fall between 21 and 31?

How shall they plan; what shall they plan for? When will the call come to them to respond and serve in the military? Why and how shall they plan or look for jobs with such uncertainty hanging over them? Why should employers hire them, not knowing how soon they may be taken out of the job and put in the Army? Peacetime conscription, in the name of an unlikely emergency, is at once a more serious threat to social and economic orders than that faced by these same men, their dependents, and their loved ones, during these more recent years of social and economic nightmare.

The truth is that an emergency confronts our country to the extent that a President, in his conduct of our foreign policy, has invited possible retaliation and trouble for the United States. He creates an emergency which adds to our defense needs even beyond that shown to exist by reason of new methods of warfare which it is necessary to plan to combat. Now we are asking, What is delaying the defense program?

Is the defense program being held up? Yes; to the extent that the Congress in this democracy of ours is asking to know just what is the purpose of the administrative "blitzkrieg" requests for money and men with no enemy in sight; with no attack upon us threatened; with any potential enemy thousands of miles away across bodies of water many, many times wider than the English Channel. It rather seems to me that the providing of defense is proceeding much more rapidly than there is any real cause for.

I suppose it might proceed faster. Indeed, the defense program is in some respects being delayed, for reasons which I shall state. But the main cause for delay is a serious lack of confidence in the leadership which proclaims the emergency to deliver the goods now declared necessary to meet that emergency.

In answer to the question, Who is delaying national defense; who killed Cock Robin? there will be some who will blame a few

in Congress who have taken time to criticize the conduct of our policy toward nations abroad, time to battle the instilled hysteria, time to weigh the extent of this actual emergency. It will be said by a few that a mere handful of willful men in Congress have delayed the program; that these willful few would actually deny their country an adequate defense, would give aid and comfort to this man Hitler. I hope we can avoid that sort of silly bunk in this argument tonight. There is not one soul in the Congress of the United States who would serve such causes.

I shall list by numbers the causes which I believe are serving to delay the defense program, if that is the way the question is to be put.

UNCERTAINTY OF NEED

First. The program encounters delay by reason of the continuing uncertainty of the degree of our need for added defense. Who are we going to have to fight? And where? A belief that some plan, not for a war of defense but for participation in Europe's pending war, would have a natural tendency to slow up the providing of what is asked for in the name of defense. What is the actual degree of our emergency? If we are to be attacked from abroad, what manner of war machine is it that we shall have to resist? There are natural uncertainties arising daily, uncertainties that merit delay and deliberation.

DOUBT ALLEGED CAUSES

Second, the defense program encounters delays because some people doubt the causes which allegedly challenge the world today. England and France had no war until they declared it. Are we going to ask for it too? Democracy may have something at stake in these wars abroad, but there is larger evidence that this one in Europe, at least, is nothing more than a repetition of European wars of power politics, wars to correct the wrongs inflicted by the peacemakers following other wars. Failure by those who dictated it to carry out their end and agreement of the treaty of Versailles probably had at least as much to do with bringing about the present European War as did any man's views about democracy or totalitarianism. If I were to say that the "spirit in Germany was created by the fact that the dominating democracies in Europe did not keep faith" with Germany, that "the Treaty of Versailles was not carried out by those who dictated it; * * * there was a good deal that was done to Germany, more particularly with regard to disarmament;" that England and France had agreed to disarm if Germany disarmed but "refused to carry out the terms after Germany had been completely disarmed"—if I were to say these things and that failure of France and England to live up to its bargain, the bargain they dictated as the victor, had swept democracy out of Germany, I should be called pro-Nazi. But I don't have to say these things. They were actually said by another, one who can hardly be called pro-Nazi or anything but pro-British. I have only quoted from a speech made by David Lloyd George in the British Parliament on May 9 of this year.

Doubt of the causes prevailing abroad and making for war should have a tendency to slow up the mad pace some would fix in pouring out billions for a defense against what may not exist.

TYPE OF DEFENSE MACHINES NEEDED UNKNOWN

Third, a very serious cause for delay to the defense program is the lack of knowledge by our own Military Establishment concerning the types of machines and tools necessary in what is proving today to be a very new type of warfare. This is true respecting tanks, for example. We want the best and most efficient. Authorities are delayed in knowing what is best.

In the construction of aircraft there was of necessity delay when the Army and Navy confronted the industry with varying types of planes for production. There could be no systematic or mass production when there could not be a definite unit ordered in quantity or when changes were being made in the type and design from day to day.

SHORTAGE OF JIGS, DIES, TOOLS, AND MECHANICS

Fourth, the tremendous demands made upon industry by the billions of dollars of national-defense orders found the military mobilization plan a flat failure. The jigs, the dies, the tools, and the necessary mechanics to operate them were not available and a bottleneck for want of these things has very definitely slowed up the supplying of what are declared to be defense needs.

FOREIGN WAR ORDERS BLOCK THE WAY

Fifth, by no means slight has the filling of orders for nations at war by American industry slowed up the providing of our own defense. Indeed, our own Military Establishment has been caused to surrender some of its stores of defense material to nations at war, even while we were being told that emergency might move in on us at any moment. Supplying, at a profit, many of the war needs of Japan, Russia, France, and England, failing to invoke the neutrality laws when there came the emergency the laws were created to meet, has depleted American supplies, taxed the capacity of some American industries, and prevented fastest delivery of supplies needed by our own Government in the name of defense. England has on order in the United States, for example, practically as many planes to be delivered by the summer of 1942 as has our own Government.

PROFIT DEMANDS CAUSE DELAY

Sixth, just as was true some 20 years ago when we were actually in war, some industries have failed to respond to needs of the defense program for want of larger assurances concerning larger margins of profit for their services. Before the Nation's defense could be provided, industry has asked for profit margins and for tax favors. Nothing new about that, and not altogether without cause in some cases. The little matter of profit plays a tremendous part in defense, and in the conduct of war, too.

LACK OF FOREIGN POLICY KNOWLEDGE

Seventh, there would doubtless be a far better and faster response to declared defense needs if Congress and the public had more intimate knowledge concerning what, if any, commitments have been made to nations at war by our own Government. With so many ugly rumors as there are, with so many reasons to believe some of these rumors, there is a natural tendency to slow the pace lest we be serving a direction wholly contrary to our high resolve to not send our boys abroad again to fight somebody else's war.

FEAR OF INSECURITY AND AFTERMATH

Eighth, defense slows up by reason of caution exercised against the defense program contributing to larger human and national insecurity, and because of fear of the aftermath of this large upsetting of our normal economic order. And well may we most seriously ponder these chances and these dangers.

LACK OF CONFIDENCE IN LEADERSHIP

And now I come to what I believe to be the largest factor contributing to delay in our defense program. That factor is lack of confidence in the President, lack of confidence in the purpose of his declared emergency, in his ability to properly spend the billions marked for defense, lack of confidence in his ability to make defense dollars buy 100 cents' worth of defense.

Were the President not a candidate for reelection to a third term with an emergency involving precedent-busting confronting him there would be larger response to his declared defense needs.

Were his a better record of spending of public funds without waste, the President would find a much more ready response to declared needs. But it isn't easy to go along without questioning in the face, for example, of his speech of February 1, 1920, in Brooklyn, when, as Assistant Secretary of the Navy he boasted of having spent "$40,000,000 for guns before Congress gave me or anyone permission to spend any money"; when he said, further, according to the Brooklyn Eagle of February 2, that he, Mr. Roosevelt, "had committed enough illegal acts" as Assistant Secretary of the Navy "to put him in jail for the rest of his life."

Complete confidence in leadership in hours like these is wholly essential to the accomplishment of any defense program. The President hasn't always invited that confidence.

---

## PEACETIME CONSCRIPTION

[Address of Senator GERALD P. NYE, of North Dakota, before Junior Chamber of Commerce, Washington, noon, August 15, 1940]

Behind this drive for peacetime conscription there must be some cause as yet unacknowledged. The causes alleged in its support are blasted to the winds by facts. The great push to accomplish passage of the measure would indicate some purpose or anticipated emergency that the Congress and the public have not as yet been permitted to know.

In some respects the push to win peacetime conscription would appear to be wanton fraud, with none less than the new Secretary of War, Mr. Stimson, participating in it. Mr. Stimson's internationalist complex is well known. He professes a belief that we could not hope to enter the war in Europe now. He appeals for peacetime conscription on the theory that voluntary recruiting of late months has proven a failure.

A few days later General Marshall, Chief of Staff, tells a Senate committee that recruiting has gone ahead in good shape. Admiral Nimitz, of the Navy, testified they had no difficulty in getting sufficient voluntary enlistments. There has been no testimony, no information to bear out the Stimson declaration that voluntary enlistments have failed to meet the needs and quotas called for by the Army and Navy.

Secretary Stimson, internationalist and interventionist, succeeded Secretary Woodring, whose record was one of determination to afford an adequate national defense and stay out of other people's wars. He was what some would call an isolationist. The skids were placed under him when he failed to go along with the mad program being demanded. Mr. Woodring says of conscription:

"How any fair-minded Member of Congress could say that we have given the voluntary system of enlistment fair trial and that it has broken down, and that therefore we need the compulsory service, is beyond my understanding."

Why these resorts to deceptions, false information, fear baiting by Stimson and others in support of peacetime conscription? What's behind all this that we cannot clearly see? I suppose time will tell, but for now there is no answer. Wendell Phillips declared that "if there is anything in the universe that can't stand discussion, let it crack." It would seem to me that a cause that depends wholly upon false ground ought to crack under its own weight. But with thousands of fans blowing fear and covering up these little weaknesses, only heaven knows what will be the ultimate chance to demonstrate the false ground.

Dismiss, if you will, the facts which reveal that enlistment quotas are being filled; forget them entirely, and we come down to something else, quite impossible of challenge.

Let us assume, for the moment, that our volunteer system has gone to wrack and ruin.

There can be only two reasons for that, if it has. We must either be prepared to say that there is something wrong with our Army system or else that there is something wrong with our young men.

I will never believe the latter.

But I am afraid I have to believe that the volunteer system isn't all it ought to be.

It is proposed, before the Congress even now, that we raise the pay of enlisted men to $30 a month and permit men to enlist for a year instead of the 3 years now demanded.

What's wrong with that? The proponents of the conscription bill shout that it won't work; there isn't time to try it out. And they have other reasons, mostly incoherent, but always angrily delivered.

Of course, there's time; there's plenty of time. And they don't know whether it will work or not for they haven't even tried. The truth, I'm sorry to believe, is that they don't want to try.

I don't know why they don't want to try, but I could guess. I could go back, for example, and repeat my opening words, when I said that behind this drive for peacetime conscription there must be a cause as yet unacknowledged.

The very vehemence with which opposition to conscription is being shouted down is proof enough that there's something concealed about the underlying basis of the demand for it.

Choice epithets are being tossed at opponents of the conscription measure. The language in which the proponents of conscription, in some cases, have couched their case is hardly the kind in which our forefathers discussed the foundings of the Republic.

It is an old, old story that when some folks begin to lose an argument, when they can think of no good reasons to prove their point, they resort to calling names.

The very proposal for conscription in time of peace violates a fundamental American tradition. I would not take that too seriously. By that I mean that I am not going to argue against conscription on the basis that some legendary figure of history said it was wrong and therefore it is wrong today. Changing times may demand changing methods, but there is no point in abandoning one 'ole until a better 'ole has been sighted somewhere else.

And conscription isn't the better 'ole. There are untold millions of people in this country who are here because their ancestors wanted to leave a war-torn Europe where conscription in peacetime was the rule and not the exception. If it's the European way we must adopt, what has been the use of our fight for liberties? We might as well give up and concede that we can't govern ourselves and import some dandified princeling to protect us and make knights and dukes out of those who can afford to sufficiently endow his pleasures.

It is well to keep in mind, at all times, as the essential practical aspect of the current debate, that we are not arguing about compulsory military training, but we are arguing about conscription.

The purpose of the proposed draft is to fill up the ranks of the Regular Army to a point beyond its present strength and not to provide military training for all our young men.

That would be an entirely different thing.

It would be one thing, entirely, to consider a plan whereby every young man would be given a year—or more if he himself wanted it—of military training. Such a program could fit in between high school and college or between high school and a job. It would neither disrupt his educational or his business plans. I have never favored compulsory military training, incidentally, but I will cheerfully concede that in a world of unrest we have need of better armed forces, particularly when our foreign policy has stuck our collective necks smack-dab into the unpleasant kettle of hell abroad and invited trouble for us which we certainly didn't need to add to our troubles of debt and unemployment, bad farm prices, and national discouragement.

Compulsory military training would indeed be one thing, but the draft is another. What's it going to do to employee and employer alike. Is any businessman going to hire a young man of 21 to 31 with a draft in prospect? Why should he? What is the use of his spending money for a month or two to train his new employee, only to see him jerked away to the Army and then have to begin the process all over again with some other new employee?

Where does it put the young fellow who is looking for a job in times which are bad enough already? It reduces his chances about 12,000,000 times is all. That's the number of young men who will be subject to call.

In summary, let me suggest that we are doing these things if we authorize peacetime conscription:

1. We are deliberately insulting, libeling, and condemning as unpatriotic our American youth who might be eligible for Army service and might want to go into the Army if he had a chance at a 1-year enlistment and decent pay—at least somewhere equivalent to relief wages.

2. We are adopting the ways of Europe on the theory that we are going to stop some part of Europe's ways. This is the sort of thinking which makes a man's teeth rattle in his head, trying to grasp the logic behind it.

3. We actually—actually, if you please—move toward dictatorship, and one step toward dictatorship leads to another. The process is inevitable.

4. We propose to go on a war economy at a breathless pace, knowing full well that we must face the inevitable crash and depression and we throw into absolute confusion the lives of 12,000,000 citizens for a certainty, let alone God knows how many more who might have connections with their lives, either as relative or employer.

5. We have the colossal audacity to attempt to impose on fellow citizens, each of whom is just as important in our scheme of things as any member of the Senate or as the President himself, a program of what amounts to "arrest" before we have given them even half a chance to enter the service voluntarily.

About the only argument the friends of conscription have been able to drum up is that Hitler is going to get us if we don't watch out, and probably by tomorrow morning, or anyway come harvest time. The horrible examples of what happened to the small nations of Europe is dangled before our eyes. We are asked to believe that the minions of the new German war lord can march into Virginia as easily as they could into Belgium, or perhaps more easily.

Our hysteria of the moment seems to have no room for the thought that Herr Hitler is hardly fool enough to be just plain head hunting. Of course he isn't. He's fighting an economic and power politics war. All wars, outside of those in the jungle, are that.

In Heaven's name, with the record of achievement in a military way, what it is in Germany, how can any one envision that Germany would be insane enough to attempt to dominate, 3,000 miles away, a nation of 130,000,000 people which has no philosophy even remotely connected with its own? What would Hitler do with it? His 80,000,000 people, a goodly share of whom he must employ to hold what he has conquered in Europe—which is the territory he wants—couldn't conceivably be spread thin enough to hold the whole world, or even a major portion thereof.

It is perfectly obvious that our peculiar nightmare of the moment, Herr Hitler, is out to carve himself an empire. He may or he may not. But an economic empire is what he's after. That's what the German people are after. It is absurd to say that he could hold his people in line unless that is what he has promised them, and of course he has. They would not forever go on with fighting unless there was a time to come when the fruits of the fighting could be enjoyed.

Hitler is a threat to us, but not so much the kind of threat we would be made to believe by those who would conscript American boys with no enemy in sight or threatening in a military way. True, his demonstration of new and modern weapons warns us that ours are obsolete and that we need to devote ourselves to the perfection of our defenses. But his real threat is to our economic structure.

We need to prepare against that threat. Conscription is not that preparation. The truth is that we have forgotten economics altogether when we ought to be fortifying ourselves economically against the worst that might come in that direction.

We have forgotten economics and turned to conscription.

The real threat is entirely ignored. We can't see the fire on account of the smoke; we have lost sight of the forest in awe of the trees; we are so busy listening to the yapping of the terrier that we don't see the silent bulldog behind us ready to sink his teeth in us.

Mr. REYNOLDS obtained the floor.

Mr. BURKE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. REYNOLDS. I yield.

Mr. BURKE. I desire to submit a unanimous-consent request to put a matter into the RECORD, but before doing so I should like to make a statement.

Yesterday in the course of the debate on the pending amendment, the senior Senator from Montana [Mr. WHEELER] made the following statement, which I read from page 10735 of the RECORD:

As the Senator from Arizona [Mr. ASHURST] pointed out, neither candidate for the Presidency of the United States has said, "I am in favor of conscription," or "I am in favor of the draft." They use language which can be confused in the minds of the public. I should like to see the candidates take a stand one way or the other on conscription and on the draft.

I am sure the Senator from Montana will be glad to know that his expression of the hope that the candidates, or one of them, at least, would make a statement on that subject has been fulfilled today, because, as I read from the Washington Daily News:

President Roosevelt today urged Congress to hurry up and pass the pending conscription bill.

* * * * * * *

Mr. Roosevelt said he opposed the Senate plan to defer conscription until January. He said equipment which factories will be pouring out this fall will be of little value unless there are men to use it.

Further on is another paragraph:

Mr. Roosevelt said the urgency of conscription is made clear by reports to him from War Secretary Stimson and by his own observations of maneuvers of the First Army, which he witnessed last week at Ogdensburg, N. Y. The rate of voluntary enlistments—now at a high peak—would not supply the required 400,000 new troops, in addition to the Army Reserve components, before 1 year.

Even with congressional delays on conscription, the Army hopes to have that number in training by January 1, 1941.

He said it would take another year to obtain an additional 400,000 men which the Army wants to call up next spring. This program is necessary to obtain the desired initial combat force of 1,200,000 men, Mr. Roosevelt said.

Mr. CLARK of Missouri. Mr. President, will the Senator from North Carolina yield to me to ask a question of the Senator from Nebraska?

Mr. REYNOLDS. I yield.

Mr. CLARK of Missouri. Since the President has come out for the Senator's bill, which evidently warms the cockles of the Senator's heart, does that mean that the Senator is going to support the President now?

Mr. BURKE. It does not. If the Senator wants to know my position, if he has any doubt about it, I will say that I do not expect ever in my life to support any candidate for a third term in the Presidency.

Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in the New York Times this morning by Arthur Krock entitled "The Letter and Spirit of the Maloney Amendment."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of August 23, 1940]

IN THE NATION—THE LETTER AND SPIRIT OF THE MALONEY AMENDMENT

(By Arthur Krock)

WASHINGTON, August 22.—The Maloney amendment to the Burke-Wadsworth military conscription bill, which is actually a substitute for that measure, is soon to be voted on in the Senate. Its effect would be to defer conscription until January 1, 1941, while a campaign for volunteers proceeds under Presidential proclamation, but it supports the draft as a principle.

Since neither the President nor Mr. Willkie, in advocating the same principle, has specifically urged that it be immediately translated into law, many Members of Congress in both parties are using this fact to argue that, in voting for the Maloney amendment, they are not parting company with their party leaders. If the proposal should be adopted, the absence of a definite call for immediate action from the President and Mr. Willkie will have provided the successful pretext for a number of the legislators.

It was on June 18 that the President gave his second endorsement of "some form of universal compulsory Government service for this country's youth," to quote from a dispatch from Washington to this newspaper, and Mr. Roosevelt said he included "actual service with the Army and the Navy." He had previously approved "the first paragraph" of a New York Times editorial which advocated compulsory selective military training. On neither occasion did he mention the element of time.

Then on July 10, in a message to Congress, the President said:

"The Congress is now considering the enactment of a system of selective training for developing the necessary manpower to operate this matériel—for which appropriations were asked—and manpower to fill Army noncombat needs. In this way we can make certain that when this modern matériel becomes available it will be placed in the hands of troops trained, seasoned, and ready, and that replacement matériel can be guaranteed."

This could logically be construed as tantamount to a request for manpower conscription at once. But the advocates of the Maloney amendment decline to admit that it makes a point as between conscription September 1 and January 1—a 4-month lapse. On August 2, when the President made another statement on the subject, he said: "I am in favor of a selective-training bill, and I consider it essential to adequate national defense." But once again he made no specific reference as to the time element.

At Elwood, Ind., last Saturday, Mr. Willkie followed the same pattern. He said "* * *. I cannot ask the American people to put their faith in me without recording my conviction that some form of selective service is the only democratic way in which to assure the trained and competent manpower we need in our national defense." But he did not say Congress should not let selective service wait on a concentrated trial of the volunteer system, and this is all the proponents of the Maloney amendment say they are proposing.

Actually they seek to erect more barriers than that to the start of conscription. Section 3 (a) authorizes the President on January 1, 1941, to begin conscription if he finds by that time that "the number of qualified men who have volunteered" pursuant to his proclamations up to December 1, 1940, "is less than the number called for in such proclamations." But in section 7 it is provided that the draft cannot begin until Congress—that is, the next Congress—has appropriated money "specifically for such purpose." This means that the volunteer drive could fail, the President could invoke the draft on January 1, 1941, and yet he would be unable to induct a single man into service until the specific appropriation was made. So the delay could be much more than 4 months, or even permanent, if Hitler were at that time on good behavior and Congress chose to believe he would continue to be.

Thus the Maloney amendment is very tempting to politicians in Congress. It offers them these several exits from trouble, not just one. Conscription cannot be under way during the campaign. It can remain an empty statute after January. A politician who wants to face both ways on conscription can vote for it as a gesture to one side and point out to the other that his vote did not necessarily bring the system any nearer.

Several of these exits would be closed if the President and Mr. Willkie, or the President alone as the Nation's leader, should say that he believes "time is of the essence" in this as in other defense preparations—a phrase he continually uses about items of defense these days. His word to this effect could be expected to influence these Senators who are reported to be in favor of the amendment or on the fence: ASHURST, WAGNER, MEAD, SCHWELLENBACH, MURRAY, BROWN, and ANDREWS. And Mr. Willkie's word might have the same effect on these Republicans who are said to be in a similar position: DAVIS, CAPPER, REED, and the nominee's running mate, MCNARY.

Administration and Republican leadership pressure against the amendment seems to be lacking. If it passes for this reason, conscription will have been sacrificed for campaign purposes. The roll call should be an important political exhibit.

Mr. REYNOLDS. Mr. President, I merely wanted to take this opportunity, at leisure, to make some observations in which I am interested, and in which I think perhaps some of the American people will be interested.

While sitting here this afternoon I happened to have before me a copy of the Washington Daily News, and I read a most interesting article by one of their columnists, Mr. Flynn, in reference to the South American situation, in which he made comment upon the House having recently made an appropriation of about half a billion dollars to be given to the Reconstruction Finance Corporation for use by the Export-Import Bank for the benefit of our brothers to the south of us, that is to say, the countries of Central America and South America.

I knew that over the years we had given away billions to the people in Central America and South America, but I had no idea that we had given away as much money as Mr. John T. Flynn states in his article. I refer to this fact because soon we in this body will be called upon to debate the question of whether or not we shall join with the House of Representatives in making an additional appropriation for the benefit of our South American brothers. When I employ the phrase "South American brothers" I do it in a very sincere way. I like the South American people immensely. I know the South American people and the people of Central America and of the Caribbean countries fairly well, having visited all of those countries many times. I like the people there. They are very friendly. They are extremely courteous, and are to be congratulated, because they are looking after themselves, they are looking after themselves before they attempt to look after anybody else. In other words, if there is anything loose around and anyone wants to give it away, they are very glad to take it; and we cannot blame them for that.

Mr. Flynn says in his article:

There seems to be a kind of theory here in Washington that if there is something wrong something must be done about it right away, even if you do not know what to do.

The House has the plan to lend half a billion dollars to South America through the Reconstruction Finance Corporation, and this seems to be a product of that theory. There is plenty wrong with South America. There is plenty wrong between South America and ourselves. These bad relations and difficult economic adjustments have been rocking along for years.

Which is true.

But suddenly we get ourselves mixed up in a war—not our war but Europe's war—and suddenly we decide that something must be done about South America, and, of course, we proceed to do it.

We use our standard sovereign remedy for everything—our cure for every disease of man or beast. The remedy is a billion dollars—or maybe two or three. In this case we start with half a billion. But if we keep it up it will be many a billion before we get through.

The R. F. C. is to be authorized to make loans in South America—

That is nothing new because we have been making loans and making gifts there for years, and our brothers down there have been kind enough to take them and smile when they take them.

and we are told that this will buy good will and will increase our exports.

We have made loans in South America before.

Here is something extremely interesting:

In 1926 we loaned $215,000,000, and we got a trade increase of $25,000,000.

The terms were not very good in that deal. We paid out $215,000,000 to get back $25,000,000.

And then we lost the $215,000,000 loan.

As a matter of fact, it cost us $215,000,000 in cash to get $25,000,000 in business.

In 1927 we lent South America $242,000,000, and we got increased exports of $11,000,000. Then we lost most of the $242,000,000.

And received the profits only from the $11,000,000. That does not look to me like good business.

Next year—1928—we made loans of $346,000,000, got a trade increase of $6,500,000, and lost the $346,000,000. There was not much profit in that.

So says Mr. Flynn, and I agree with him. We actually spent $346,000,000—let me see if that figure is correct—yes; we actually spent $346,000,000 and received back $6,500,000.

But in these cases the loans were made by private investors and they took the losses.

We are now preparing to inflict the loss of most of another half billion dollars on the public. Because we will certainly lose it. We made loans of $1,600,000,000 to South America in the last decade or so before 1930, and $1,200,000,000 of it is in default.

In other words, of the $1,600,000,000 we loaned, we are going to get back only $400,000,000, which means a loss of $1,200,000,000. That loss will come out of the taxpayers of America.

If it is good will we are trying to buy, this is not a very good way to do it. You get a small quantity of good will while you are handing out the money. After that brief moment, in which you are a generous lender, you become a creditor. And no one loves his creditor.

The closing paragraph is exceedingly interesting and applies to some people across the ocean. Mr. Flynn says:

Certainly most of the hatred which has been showered on America has come from nations which owed us money.

Mr. President, I never loaned a dollar to a man in my life that I did not make an enemy of him. This Nation has never loaned any other nation money that it did not make an enemy of that nation.

After all, perhaps we ought to ask Congress to remember that half a billion dollars is a lot of money despite the fact that we have become numb because we have been throwing billions around so widely. This is not merely a half-billion-dollar mustard plaster. It is the beginning of many more if we persist in the policy.

We will yet throw many more good half billions after this bad one.

I read that article, Mr. President, because today we are all more thoroughly interested in the 135,000,000 people to the south of us in Mexico, in Central America and South America, than we have ever been before, which is attributable to world conditions.

I wish now to make some additional remarks in regard to the South American situation, with respect to observations I personally made a couple of years ago when abroad, and when I talked with a number of people in Spain, and a number of people in Portugal.

Mr. President, we are facing a problem. We all know that we are endeavoring to hold the business we have in Central America and South America, and to get much more in order that we may fight off, so to speak, the competition which will come from Europe after the end of the war.

As I see it, and as many Spaniards and Portuguese with whom I have talked personally in their own countries see it, our problem is greater than we fashion it in our respective minds at this time. I am rather of the opinion that we shall experience difficulty, for a reason I will state. As a simple illustration I wish to use the United States and England. England is our mother country. Our forefathers came from the British Isles, We will never cease to remember that our mother country is Great Britain, and there will always remain in our respective bosoms a feeling for our mother country. That love of the child for the mother, existing—we must remember that nearly all the countries to the south of us, from Mexico down to Argentina, through Central America and South America, and practically all the countries in the Caribbean, are the offspring of Spain, and most of the 135,000,000 people living south of the Rio Grande today, after several hundred years, look upon Spain as their mother country. I recognize, as many others who have given some study to the subject, recognize, that after the war, trade with South America, to a large extent, will follow the appeals of the mother country, Spain, to her children in the Western Hemisphere.

Take the case of Brazil. Brazil has a population of about 50,000,000. The people of Brazil are Portuguese. They are looking back across the broad expanse of the Atlantic to the mother country, Portugal.

Mr. President, those are problems we shall have to meet. Our hearts and our sympathies are across the ocean with the mother country of America, so we cannot criticize the people of Spanish descent to the south of us if they trade with and have a feeling for their mother country, Spain, nor can we very well criticize the Portuguese of Brazil for having a friendly feeling in their hearts for their mother country, Portugal.

Mr. President, all that, of course, will be brought to the Senate's attention when we shall soon come to the question of South America, and most of these things will be mentioned in debating the question and in deciding whether we shall join the House in its $500,000,000 appropriation.

While sitting here this afternoon I glanced over an article by Gen. Hugh S. Johnson. I wish to read the opening paragraph thereof, as it relates to the issues and the problems of the hour. He says in his article headed "One man's opinion":

Getting air and naval bases from Iceland to the South American "bulge" should have the unified support of this country. It is a move in the direction we must go, which is to make our defense independent of the strength of any nation but our own. The only criticism of it is the inexcusable delay and lack of foresight in not having done it long ago.

In view of the fact that we have interpreted the Monroe Doctrine to mean that the Western Hemisphere is under our protectorate, and shall be protected, because of the elasticity of that doctrine it would seem that we must be prepared to defend everything from the North Pole to the South Pole, or, in other words, from Point Barrow, the northernmost point in the Western Hemisphere, to the tip of the Argentine Republic, near the Falkland Islands, in South America.

General Johnson continues:

But what we are giving for them is something else again. It has not been revealed. Neither have the details of our defensive deal with Canada. Canada—

He says, and this is a very interesting portion of his article—

Canada is a nation at war.

Agreed.

She has gone across the sea to attack a European power.

Agreed.

It puts us in a position of saying to Europe: "American nations can attack you, but if you counterattack them, we will fight you."

Perhaps in view of our geographic and strategic problem that can't be helped. But do our Canadian and British secret understandings go further? There was some implication in Mr. Churchill's recent peroration that they do: British and American "cooperation" in war rolling along like Old Man River, which is a symbol for fateful inevitability; the "flotillas of 1941," which sounded like a promise of American naval intervention.

Mr. President, in particular reference to the general's mention of the island possessions we are desirous of securing at the present time in the form of outposts, I wish to say that our position has now been made a little embarrassing, as a result, in part, of what General Johnson has said.

Furthermore, our position today would not be embarrassing if we had proceeded months ago, when the idea was suggested, to acquire outposts in the South Atlantic and in the North Atlantic. The accusation, in the form of a statement made by General Johnson, would not have been in order, even by way of a suggestion, if prior to this time we had proceeded many months ago with a view to obtaining posses-

sion of outposts in the Atlantic. Why? If we had negotiated with France, before she was conquered by Germany, for the acquisition of her possessions in the Western Hemisphere, doubtless by negotiation we could have obtained those outposts, and doubtless France would have been willing to have given us those outposts, all of which are economic liabilities to her. Doubtless we should have been willing to have credited the transfer upon her $5,000,000,000 indebtedness to us. Knowing at the time, as I did, that if ever France were conquered by Germany, France would then be powerless to enter into negotiations with us, I introduced a resolution in this body empowering the President of the United States to enter into negotiations with France for the acquisition of her island possessions in the Western Hemisphere, the price to be agreed upon to be credited on the $5,000,000,000 which she owed us. But no attention was paid to that suggestion, a suggestion made by me through a resolution; and no attention was paid to a resolution introduced by the able Senator from Minnesota [Mr. LUNDEEN] in reference to the acquisition of other possessions in the Western Hemisphere, lying almost in the Arctic Zone.

Mr. President, France has fallen. In the Western Hemisphere France owns French Guiana, which is near the Devils Island country, just north of Brazil, alongside Dutch Guiana and British Guiana. We were not particularly interested in that territory. However, France owns islands in the Caribbean. She owns one or two of the Leeward and Windward group, north of Port-au-Spain. In addition she owns two islands in the extreme north, St. Pierre and Miquelon, both of which are only about 15 or 20 miles from Newfoundland, just south of Labrador, and in line to fight off any attack which might be made by planes from Greenland to the north, which President Roosevelt mentioned in one of his addresses at a joint session as being only about 4 hours from us.

If today we had in our possession the French islands in the Caribbean in the Leeward and Windward group we could establish there additional bases for the protection of the eastern entrance to the Panama Canal. Then if we had acquired St. Pierre and Miquelon we should have islands next to Newfoundland, where we are now negotiating for bases, without being subject to any suggestion of a mix-up with another country relative to defenses.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. LUNDEEN. What became of all the indulgent and smug smiles with which our proposals were greeted a few months ago? It was thought that they were preposterous and untimely, and should not be mentioned.

I remember editorials and articles taking a hostile position with regard to the able Senator's proposals. I am proud to support the proposals of the Senator from North Carolina to acquire these islands, but, of course, we must ask nothing from the French Empire, an empire which was then more than 1,000,000 square miles greater in area than the United States.

Some months ago I took occasion to place in the RECORD information as to the entire population of the French Empire, and all its resources and great wealth, showing that France could well turn over to us her islands and possessions in the Western Hemisphere to add to our outposts and our defenses, which we could fortify and thereby have a defense line against any possible attack from Europe or beyond the seas.

It is not too late now. We still have time to act. And if these empires are not willing to pay their legitimate debts seize their possessions in the New World. That was good Jacksonian policy more than 100 years ago. Why not now?

Mr. REYNOLDS. It is just as the Senator said. I believe the Senator introduced a resolution for the acquisition of Greenland and Iceland.

Mr. LUNDEEN. I will say to the Senator that I introduced a number of resolutions to take over islands within 1,500 to 1,800 miles from the Panama Canal region, which would take in all those islands except St. Pierre and Miquelon; and I join with the Senator in his proposal to acquire those islands. I believe we should go as far north as Greenland; and in mentioning Greenland I refer to Vilhjalmur Stefansson, the great explorer, who was recently in Washington and who joins with us in the belief that Greenland should be a part of our defenses. He gave us the advantage of much of his valuable experience in Arctic exploration, and his views as to the possibilities of bases, harbors, and landing fields both in Greenland and Iceland. Those of us who believe as does the Senator are glad to support his resolutions. I hope the Senator will be successful. I hope something may be done.

Mr. REYNOLDS. Mr. President, I am very grateful to the Senator; but, of course, it is too late really to accomplish what I wanted to accomplish. I made those suggestions months ago by way of a resolution, because I wanted to be able to acquire those islands at a time when France was in a position legally to transfer them. At the present time they are under the domination of Hitler and his outfit, and France is now powerless to make a transfer. No doubt trouble will be on us in the future. I only wish that at the time when France could legally have transferred those islands to us we had at least made the suggestion, or, further than that, an effort to negotiate with her for the transfer of those islands to us. As the Senator knows, none of the French possessions in the Western Hemisphere are valuable as assets to France. They are all liabilities. At the time I was of the opinion that we should negotiate with France. Certainly it would have done no harm to have gone into consultation about whether or not she wanted to transfer those possessions to us and let the price agreed upon be credited to her indebtedness to us of four or five billion dollars. However, it is too late for that. As the old fellow said, there is no use worrying over spilled milk or water which has gone over the falls. The point I make is that at the time we were making those suggestions we were laughed at and criticized for having such fool ideas in our heads. At the present time we cannot get such bases quickly enough.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. LUNDEEN. I should not take it for granted that it is entirely too late to acquire the French possessions. It can still be done. I should not consider the opportunity entirely foreclosed. However, as I remember, the able Senator's proposal also covered British possessions.

Mr. REYNOLDS. Oh, yes.

Mr. LUNDEEN. Surely the great British Empire, which has four and a half times the area of the United States, with nearly 600,000,000 people and untold wealth, can afford to turn over her islands and possessions in the New World, not under lease, as is proposed, but giving us absolute sovereignty over the islands. They are American islands, and they ought to be in the possession of the United States and under the flag of the United States. They should be ours, not by any 99-year lease on the property of the British Empire. Nor should they be turned over on any 50-destroyer basis. They should be turned over as part payment on the great indebtedness of the British Empire to the United States, and only as part payment on that huge debt.

Turn back the flags of empire to Europe where they belong and rid America once and for all of the intrigue, ambitions, and rivalries of the Old World.

Mr. REYNOLDS. If Great Britain should turn over these islands to us, that would not weaken her defenses at all, so far as that matter is concerned. I think, therefore, that we now should negotiate with the British Government with a view to agreeing upon a price, with the understanding that the price agreed upon should be credited to the indebtedness of about five or six billion dollars of Great Britain to this country.

Mind you, Mr. President, I am speaking in the interest of the United States of America. I am not speaking in the interest of any other country, because there is only one country in which I am interested, and that is the United States of America.

So much for those island possessions, Mr. President. I shall offer an amendment to the pending measure. I shall bring it

to the attention of the Senate in a moment. First, however, I desire to ascertain whether or not I have the proper understanding of the bill that we are proposing here for passage.

It is my understanding that the bill before us is for the purpose of building up and maintaining not only an adequate national defense but a perfect national defense. That is why, in the first place, we want these island outposts in the Atlantic and in the Pacific—because if we are ever attacked, we do not want a single drop of blood of the son of an American mother to be spilled upon this soil. If it must be spilled, we want it to be spilled outside of continental United States, along the range of our outposts; but I pray to God that a drop never will be spilled. I may be wrong, but it is my understanding that the bill we are now considering is a bill for national defense; and to me that means that we are preparing to defend ourselves against enemies from without and also against enemies within. That is my understanding of national defense. That being the case, I think we should now begin to locate and to destroy the enemies who are right here in our own household. I may be wrong, but I think we should first attack the enemies who are already here and who are now attacking us.

I may be wrong about that matter, but that is just my idea—that a national-defense program is for the purpose not only of defending the American people from attack by enemies from without but also for the purpose of defending the American people against the attacks of enemies who are already here. So, proceeding upon that theory, I think we ought to get rid of the enemies who are here now. We ought to destroy them as well as prepare for any enemy who may in the future come from some other portion of the world.

The other day I sat in this Chamber and listened to the remarks that fell from the lips of the Senator from Nebraska [Mr. NORRIS]. I see the Senator in the Chamber now. I was very much impressed by what the Senator said. He said he did not believe Hitler was going to come over here day after tomorrow, and that he did not believe Hitler could get here as easily as millions of the American people thought he could get here. If I correctly remember the words of the very able Senator from Nebraska, he said, "Why, before the Germans could get here they would have to destroy our Navy, they would have to destroy all of our air fleet, they would have to destroy our standing Army, they would have to destroy our National Guard—all of that." If I correctly remember, those were the very words the Senator from Nebraska used in his argument here, and that is a fact.

As the old fellow said, "I am not afear'd," and I will tell you why, in addition to that the people of the United States of America are different from the peoples of virtually every other country in the world from the standpoint of natural, inherited national defense. In the United States of America, virtually every man you see—I know it is so down home in the mountains of North Carolina; I know it is so throughout the South, and most portions of the West, and many portions of the North—most of our boys learn to shoot from the time they put on knee pants. The American people can handle guns. They need very little instruction. In that respect they are different from the peoples of many other countries in the world.

For instance, down in my State of North Carolina, as well as in the State of the chairman of the Military Affairs Committee of the House, who sits in this Chamber now and who comes from Kentucky, our mountaineers have been accustomed to handling rifles since the time they were big enough and strong enough to balance them on their arms. Is not that true? Certainly. Down there, if our mountaineers draw a bead on a squirrel a hundred yards away, and aim at the right eye, if they hit anything but the right eye of that squirrel a hundred yards away and kill him they think it is unsportsmanlike. [Laughter.] Down there we kill squirrels by shooting them in the right eye or the left eye. [Laughter.] We do not shoot at the body of a squirrel a hundred yards away. We have riflemen in this country. Our boys know how to handle guns.

I feel about this matter just about as the able Senator from Nebraska feels about it. I am not, as the old fellow said, "afear'd" of Hitler coming over here, because if he does he will get the worst licking he ever had in his life, because our boys have been trained to shoot. It is just as the Senator from Nebraska said:

> Before Hitler ever gets here he will have to destroy our Navy; he will have to destroy our air force; he will have to destroy our Regular Army; he will have to destroy our National Guard—

When he comes I want to tell the Senate that the squirrel-hunters of North Carolina and Kentucky can keep him off until we get ready to defend ourselves otherwise.

Mr. LUNDEEN. And of Minnesota.

Mr. REYNOLDS. And of Minnesota. By the way, I understand the Senator from Minnesota is the finest shot in the Congress of the United States. I have been told that the able Senator from Minnesota was on the range every day recently, and he got 97 bull's-eyes out of 94 shots. [Laughter.]

Mr. President, we should get rid of the enemy within. There is a man in this country who it seems to me is an enemy within, whom I dub enemy No. 1. That man is Harry Bridges. He has whipped the American Legion. The American Legion has been trying for years to get him out of this country. That is one of the most powerful organizations in America. He has whipped the American Legion, and he whipped the Labor Department, with the assistance of Mme. Perkins. He is defying this Government, and we cannot get him out, and after all, it may be necessary to conscript 4,000,000 men to get one alien enemy out of the country.

There is much sabotage going on in this country, there is much espionage going on in this country, and there is going to be more of it as we proceed. We must of necessity initially guard against the enemy within, and with that in view the Congress of the United States at this session very wisely enacted a law providing for the mandatory registration and fingerprinting of all aliens.

Mr. LUNDEEN. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. REYNOLDS. I yield.

Mr. LUNDEEN. When the able Senator speaks of the activities of foreign governments in this country, I would hope that we would investigate the activities of both sets of belligerents, and not just one. Why investigate some groups and not others. It seems to be fashionable to be pro-British and terrible to even mention Germany. We want nothing but pro-Americans. Let Europe settle her own quarrels, her own real-estate titles and boundary disputes.

Mr. REYNOLDS. I think that we should look after our interests, and should guard against their destruction by subversive and alien interests, including subjects of foreign nations in this country. I assume the Senator has propaganda in mind. I shall come to that in a moment. But I first desire to finish with Bridges.

Mr. President, I send to the desk an amendment which I should like to have designated as title II of the bill, and I ask that the clerk read the proposed amendment to the Members of this body.

The PRESIDING OFFICER. Without objection, the clerk will read.

The LEGISLATIVE CLERK. It is proposed to insert at the proper place the following:

> TITLE II
>
> SEC. —. That notwithstanding any other provision of law the Attorney General be, and is hereby, authorized and directed to take into custody forthwith and deport forthwith to Australia, the country of which he is a citizen or subject, the alien, Harry Renton Bridges, whose presence in this country the Congress deems hurtful.

Mr. REYNOLDS. Mr. President, at this juncture I ask that there be printed in the RECORD an editorial from the Times Delta, a newspaper published in Visalia, Calif., the editorial

being entitled "Bridges Makes Statement Unfairly Reflecting on the Loyalty of Labor."

The PRESIDING OFFICER. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BRIDGES MAKES STATEMENT UNFAIRLY REFLECTING ON THE LOYALTY OF LABOR

Characteristically, Harry Bridges, whose labor machinations on the Pacific coast cost San Francisco a population loss during the last decade, told the International Union of Mine, Mill, and Smelter Workers' convention in Denver that the so-called money power in the United States was using war hysteria as a cover for a union trust-busting drive. And added: "We're for national defense if we can get our union wages and conditions."

The cry against capital is the usual demagogic wolf howl because the Federal administration has full control of the conditions under which war munitions and equipment will be manufactured. Literally, therefore, Bridges' statement means that labor will not cooperate with Government in its preparedness activities except on its own terms.

Congress is passing out a measure giving the President authority to mobilize the National Guard of the Nation into the Regular Army for a year's training, on a base wage of $21 per month. It would be equally as proper for these guardsmen to state that they will make their contribution to preparedness providing they are given the same compensation and living conditions that they are now enjoying in private life. Will Mr. Bridges inform us what will be the attitude of union men now in the National Guard, on the question of compensation? Will he also enlighten us on the response of the members of his union to the draft, if Uncle Sam only offers the usual Army compensation?

We cannot believe that Bridges' statement represents the sentiments of the great mass of American citizens enrolled in the ranks of organized labor. If it does, God help America. It is inconceivable that they would put their unionism ahead of their duty to their country. If this is no time for industry to raise costs and lower wages, it is likewise no time for labor to institute strikes, and stop work on essential war industries, as has already been done in several parts of the Nation.

Bridges is no friend of America. His subversive ideas, methods, and relationships are too well known in California to leave room for comment except to say that if J. Edgar Hoover is seeking a leading "fifth columnist," and a dangerous one, he does not have far to look. Bridges can do this country, as he has California and San Francisco, irreparable injury at this crucial period in our history, unless he is restrained in his efforts to enlist labor against, instead of for, the Government in its efforts to prepare the Nation to meet the threat of war and invasion from abroad.

Mr. REYNOLDS. Mr. President, suppose we were engaged in war. If we were, we would have in this country at this time about 3,500,000 potential enemies and spies, with the emphasis on the word "potential." By the enactment of the law to which I have referred, we have provided for the registration of aliens who are in this country, the number of whom has been estimated at 3,500,000. That is merely an estimation.

Mr. GIBSON. Mr. President, where did the Senator get the figure of 3,500,000?

Mr. REYNOLDS. The figure 3,500,000 has been mentioned innumerable times by the representatives of the Immigration Division of the Department of Labor.

Mr. GIBSON. I wonder whether the able Senator has asked the Intelligence Section of the War Department how many they figure there are in this country.

Mr. REYNOLDS. I have never made inquiry of them. The last statement made about the subject was in a hearing of the Committee on Immigration of the Senate, at which one of the aides of Mr. Houghteling stated that they estimated—and I believe the report has come in confirming the estimate—about 3,500,000 aliens in the United States. That is merely a guess or an estimation, because I recall having read several months ago a press report from Chicago in which Mr. DIES, the chairman of the Dies investigation committee, was reported to have stated that he estimated there are 7,000,000 aliens in the United States. I have been asked from time to time how many I thought there were here, and I have said I thought perhaps there were 4,000,000 in this country.

RAINY LAKE—TREATY WITH CANADA

Mr. SHIPSTEAD. Mr. President, will the Senator from North Carolina yield to me?

Mr. REYNOLDS. I gladly yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, I give notice, as in executive session, that in the first executive session following today's session I intend to move that the Senate proceed to consider the pending treaty between the United States and Canada with respect to the level of Rainy Lake and other boundary waters. I consulted the chairman of the Committee on Foreign Relations this morning, and he said he hoped the treaty could be taken up for consideration today. However, in view of the lateness of the hour, and because so many Senators are not now present, I shall ask unanimous consent that the treaty be considered at the next executive session held by the Senate. Canada has already ratified the treaty. It did so a year ago. The Committee on Foreign Relations of the Senate, after hearing the report of the subcommittee appointed to investigate the purposes and effect of the treaty, unanimously agreed to it. It has to do with the control of floodwaters in the international waters between the United States and Canada, which have been doing a great deal of damage. The treaty proposes to extend the authority of the International Joint Commission to control those floodwaters.

Mr. AUSTIN. Mr. President, I should like to ask the Senator from Minnesota a question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Vermont for that purpose?

Mr. REYNOLDS. I yield to the Senator from Vermont because I understand he is interested in the statement made by the Senator from Minnesota.

Mr. AUSTIN. I wish to know the purpose of the notice given by the Senator from Minnesota. I did not clearly understand his statement. I do not understand whether he intended to ask that the treaty be called up for consideration tomorrow evening.

Mr. SHIPSTEAD. I assumed that we would not meet in executive session until next week. To be specific, I give notice that I shall ask unanimous consent that the Senate have an executive session Monday evening, and that the treaty be taken up for consideration at that time.

TRANSPORTATION ACT OF 1940

Mr. CLARK of Missouri. Mr. President, will the Senator from North Carolina yield to me?

Mr. REYNOLDS. I yield.

Mr. CLARK of Missouri. I understand that immediately following the action on the conscription bill there will come before the Senate for consideration the conference report on the so-called Wheeler-Lea bill, Senate bill 2009. That is a bill of the very greatest importance. I think that most Members of the Senate have not considered the conference report, or have not been able to find out from the conference report exactly what is in the legislation as it comes from conference, and the extent to which the conferees have exceeded their authority and have gone beyond the issues committed to them by the two Houses.

I ask unanimous consent to have inserted as part of my remarks a brief statement by myself, and also a memorandum prepared by a committee of middle-western shippers on the subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The second conference report on S. 2009, the co-called Transportation Act of 1940, is now before the Senate. The striking of certain provisions of vital public importance and the addition of new matter effect such far-reaching changes in the original bill that we feel compelled to call them to the attention of the Senate now so that Senators may have time to consider them in the light of the bill which passed the Senate last session. The attached memorandum shows by what means these changes are accomplished and the disastrous effect thereof on the public welfare.

In the final analysis the questions raised, as I see them, are:

1. Is the Congress prepared, without hearing, to repeal the Panama Canal Act and the provision in the Motor Carrier Act, which will restore to the railroads a monopoly in the field of domestic transportation?

2. Is the Congress prepared to deny to the consuming and shipping public transportation at the lowest possible cost, which the Miller-Wadsworth amendment previously adopted by the Senate would insure, in order that rates may be raised, at the public expense, in an effort to maintain an overcapitalized railroad capital structure?

3. Is this Congress prepared to ignore the warnings of the War Department, the Agriculture Department, and the Maritime Commission that this legislation is detrimental to the national defense?

I feel these questions should be considered in the brief time left before final action on this new bill.

---

MEMORANDUM ON S. 2009

The Wheeler-Lea bill, as reported by the conferees on August 7, 1940, eliminated the Miller-Wadsworth amendment, designed to preserve to the public the benefits of low-cost transportation. This amendment had been passed by both Senate and House on the plea of the farmer, labor, and consumer. By striking this amendment from the bill, Congress would break faith with the people.

The elimination of this amendment, vital to the public interest, fades into insignificance compared with the disastrous effect of the new matter introduced into the bill by the conferees, which will restore to the railroads a monopoly of domestic transportation. This is accomplished, as to water carriers, by the repeal of the protective provisions of the Panama Canal Act, and, as to motor carriers, by the repeal of the protective provisions of the Motor Carrier Act. These protective provisions prohibit railroads from acquiring ownership or control of competing water or motor carriers and thus destroy all competition. The conference Wheeler-Lea bill removes this prohibition.

The conferees are subject to severe criticism for their lack of frankness in failing to call attention in their report to the drastic nature of these changes in the bill and their effect upon the consuming and shipping public. The report attempts to gloss over these far-reaching provisions as merely clarifying language. A policy of Congress of 25 years' standing will be reversed without consideration by the committees of either House of Congress or of either House itself or an opportunity of any of the interested parties to be heard.

REPEAL OF PANAMA CANAL ACT

The Panama Canal Act was passed in 1912 and made effective in 1914. This act declared that it shall be unlawful for any railroad to acquire any interest in a common carrier by water operated through the Panama or elsewhere with which the railroad does or may compete for traffic. Another section of that act provides that existing railroad-owned water lines may be permitted to continue under such control, if the Interstate Commerce Commission found that it was not destructive to competition.

In Lake Line Applications under Panama Canal Act (33 I. C. C. 699), decided May 7, 1916, the Commission, in denying all applications, said:

"These boat lines under the control of the petitioning railroads have been first a sword and then a shield. When these roads succeeded in gaining control of the boat lines which had been in competition with paralleling rails in which they were interested, and later effected their combination through the Lake Line Association, by which they were able to and did drive all independent boats from the through lake-and-rail transportation, they thereby destroyed the possibility of competition with their railroads other than such competition as they were of a mind to permit. Having disposed of real competition via the lakes, these boats are now held as a shield against possible competition of new independents. Since it appears from the record that the railroads are able to operate their boat lines at a loss where there is now no competition from independent lines, it is manifest that they could and would operate at a further loss in a rate war against independents. The large financial resources of the owning railroads make it impossible for an independent to engage in a rate war with a boat line so financed."

Following this decision, the railroads have repeatedly sought the repeal of the prohibition in the Panama Canal Act, but the Congress has, in the public interest, rejected all such proposals.

Without any consideration of the subject in either the Senate or the House, the conferees have rewritten the provisions of the Panama Canal Act and in a new provision removed the prohibition against acquisition of water carriers by the railroads. It grants complete authority to the Interstate Commerce Commission upon application of any railroad to authorize the acquisition of ownership or control, lease or operation of water carriers. The new provision that grants this authority is contained in section 7 on page 14 of the conference report, which amends section 5 of the Interstate Commerce Act, by adding a paragraph 16, and which in part reads as follows:

"Notwithstanding the provisions of paragraph 14 (which contains the Panama Act prohibition) the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), (railroads only), and after hearing, by order to authorize such carrier to have or acquire control of, or to acquire an interest in, a common carrier by water, or vessel, not operated through the Panama Canal, (with which the applicant does or may compete for traffic)."

Note the portion in parentheses and the omission of the all-important words "and elsewhere." Those words "and elsewhere" mean the Great Lakes, the rivers, and the coastwise shipping. Thus the ban on railroad ownership of competing water lines is lifted and they are again placed in position to repeat the true and tried formula of eliminating competition and restore a monopoly of transportation.

REPEAL OF THE PROTECTIVE PROVISIONS OF THE MOTOR CARRIER ACT

Not content with the repeal of the prohibition in the Panama Canal Act, the conferees also repealed and rewrote a similar provision which appears in the Motor Carrier Act against similar authority to the Interstate Commerce Commission to allow applications of railroads to acquire motor carriers.

The changes which permit this action are: First, at page 29 of the conferees report is contained a new provision repealing section 213 of the Motor Carrier Act, the proviso of which the Interstate Commerce Commission held in Pennsylvania Railroad Acquisition of Barker Truck Lines (1 M. C. C. 9), prohibits the acquisition of competing motor carriers by railroads. Then in a new proviso which appears at page 10 of the conference report, section 7, amending section 5, paragraph (2) (b), which reenacts the provision with changes in language to meet the objections in the Barker case, the prohibition against the acquisition of motor carriers by railroads is removed and authority vested in the Interstate Commerce Commission to grant application for such acquisitions.

It is interesting to note that many railroads, including the Pennsylvania Railroad, the Santa Fe, the Missouri Pacific, and others, have attempted to acquire or install motor lines in competition with independent motor lines, but the Commission has said it could not permit such acquisitions or, in fact, permit new motor operations by railroad in competition with independent motor operations under existing law. Also Kuhn, Loeb & Co., railroad bankers, are trying to buy up all the truck lines in a large portion of the eastern United States, but it is doubtful if it can do so because of its rail affiliations. Lehman Bros. are also interested in motortruck mergers. Under this new Wheeler-Lea bill the road will be cleared for railroad control and operation of motor lines throughout the country.

It is common knowledge that railroad labor is urged by railroad management and financiers to support this bill on the premise that rail competitors will be destroyed and all domestic tonnage forced to the rails. This is misleading labor, for whatever tonnage is thus forced from water motor carriers to the rails—and that would be comparatively small—would not increase employment of railroad labor, but would merely increase the distance between the engine and the caboose. On the other hand, it would throw out of employment the 100,000 workers now engaged in the handling of this commerce. Railroad labor, like all labor, is sorely in need of a general increase in business activity in all directions to stimulate employment. This bill, by raising the cost of transportation, will have the opposite effect.

If the Wheeler-Lea bill as reported by the conferees is enacted into law, this Congress has turned the clock back a half century. The restoration of a monopoly of domestic transportation in the railroads can only result in higher and higher transportation rates. The disastrous effect upon independent water and motor carriers, as bad as that may be, is only incidental to the larger public injury, for the public—the farmer, the laborer, and the consumer—must pay the bill for such monopoly legislation.

Mr. WHEELER. Mr. President, will the Senator from North Carolina yield to me?

Mr. REYNOLDS. I yield.

Mr. WHEELER. I wish to say in answer to what the Senator from Missouri has said, that there has been a great deal of propaganda carried on by some Mississippi Valley interests with reference to Senate bill 2009, and by certain persons who are opposed to the regulation of ships engaged in interstate commerce. The principal objection they have raised with reference to the bill is with respect to an amendment which was made to the Panama Canal Act. They seem to be of the opinion that the amendment to the Panama Canal Act changes the present law, and they seem to be of the impression that that was suggested by the railroads for the purpose of putting the barges off the Mississippi River. I wish to say to the Senate that the amendment was made at the suggestion of the Interstate Commerce Commission, and it was made in accordance with what their rulings have been with respect to law as it exists today.

Mr. CLARK of Missouri. Mr. President, will the Senator from North Carolina yield?

Mr. REYNOLDS. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. Let me say to the Senator from Montana that the memorandum which I just inserted in the RECORD was not prepared by any of the interests having to do with the operation of barge lines on the Mississippi River or anywhere else. It was prepared by a committee representing a number of small cooperatives who feel that they will be very unjustly discriminated against by the measure.

With respect to the assumption by the Senator that the attack which was made upon the conference report came from the railroads, let me say to the Senator that, so far as I am concerned, I make no such suggestion. I know that the action was taken at the suggestion of the Interstate Commerce Commission in order to try to get written into the law an illegal, erroneous construction which the Interstate Commerce Commission has been placing on the existing law for

a long period of years, for the purpose of flouting the will of Congress. The Interstate Commerce Commission has pursued that course with no authority, and in violation of the law, and now is asking Congress to legalize what it has been doing illegally.

Mr. WHEELER. Mr. President, will the Senator from North Carolina again yield to me?

Mr. REYNOLDS. Certainly.

Mr. WHEELER. I will say to the Senator from Missouri that I do not know what he placed in the RECORD, and I was not making a statement in answer to the statement which he placed in the RECORD. I will say, however, that some of the people who are interested in shipping have circulated a story to the effect, as I understand, that the amendment was proposed at the instigation of the railroads for the purpose of permitting them to put out of business some of the ships engaged in the coastal trade or engaged in traffic upon the Mississippi River.

The Senator from Missouri is correct in this respect: The amendment was suggested by the Interstate Commerce Commission, in line with the interpretation which it had already placed upon the law. I think the interpretation which it placed upon the law was and can easily be shown to be a correct interpretation of the law as it stands upon the statute books.

The law as it stands today is very confusing, and it is very difficult to say just exactly what the Congress meant when it passed the law. I do not happen to have it with me at the present time, but it contains one paragraph the meaning of which would be difficult for any lawyer to define. I wish to call attention to the fact that the Interstate Commerce Commission in three different decisions has placed the construction upon the law which the amendment provides, and there has never been an appeal from any of those decisions which the Commission has made.

In my judgment, the amendment does not change the present law. I would be the last person to permit the railroads to buy or operate barge lines or steamship lines which would put out of business any of the steamship or barge lines now operating upon the Mississippi River.

It might have been possible for the railroads to do that at one time. However, I wish to call attention to the fact that under this proposed law the Interstate Commerce Commission will regulate the rates on all ships, whether they be owned by a railroad or by a private company. So the railroads could not proceed to cut the rates in order to put some independent company out of existence. That is one of the things which those who have presented the objections, if they were honest about it, would admit they have overlooked. They have overlooked the fact that the Interstate Commerce Commission under the proposed law would not permit a railroad or anyone to cut rates for the purpose of putting someone else out of business.

I make this statement at this time because a Senator suggested that I should make it in order to clear up a misapprehension which exists in the minds of some Members of the Senate, by reason of what they have been told by certain individuals who have spoken to them about the matter.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Nebraska.

Mr. NORRIS. I listened to the explanation of the Senator from Montana of the objection which he said had been made to the transportation bill, or the conference report on the bill. The thing which has worried me more than any other is that, as I understand, the conference committee exceeded its authority by eliminating from the bill a provision which was passed by both the Senate and the House. While I do not know anything about the objection to which the Senator has referred, it seems to me, if that be true, that the conference committee has not only stricken out a very important and necessary provision but has likewise violated a rule of the Senate, which provides that no provision which has been adopted by both Houses shall be excluded from a conference report on a bill.



Mr. WHEELER. To what does the Senator refer?

Mr. NORRIS. I have reference to what is known as the Miller amendment.

Mr. WHEELER. Mr. President, will the Senator from North Carolina further yield?

Mr. REYNOLDS. Mr. President, I yield the floor to the Senator from Montana, and ask permission to be permitted to complete my observations tomorrow when the Senate convenes at 11 o'clock if I so desire.

Mr. WHEELER. I think I should explain to the Senator from Nebraska that there was a difference between the amendment which was adopted by the House and the amendment which was adopted by the Senate. I ought also to explain to the Senator that when the Miller amendment was offered in the Senate I objected to it, as did the Senator from Vermont [Mr. AUSTIN]. I accepted it only with the understanding of the author that I would take it to conference.

Let me say, with reference to the Miller amendment, that if that amendment had been adopted it would have done the smaller communities in the country one of the greatest disservices that possibly could have been done.

If the Miller amendment had gone into effect, practically every branch line in the country would have had to be abandoned. The reason is that the Miller amendment provides that no rate on a railroad shall be reduced below the cost of operating the particular line. Along the Northern Pacific, the Union Pacific, and the Great Northern Railroad, the rate charged on grain from a certain point on the main line to the city of Chicago is identical with that which is charged on a branch line. The rate on the branch line would have had to be raised, because almost invariably the cost of operating a branch line is greater than the rates charged.

The same thing would be true as to passenger rates. In the South passenger rates have been reduced to 1½ cents a mile, I believe. A great many persons contend that the passenger rate of 1½ cents a mile is below the cost of the service. A bus line might contend that it would be unlawful to reduce the rate to 1½ cents; or perhaps it might be contended with respect to some of the western roads that the passenger rates should not be reduced to 2 cents. With respect to almost every branch line in the United States it might be contended that the cost of operating the branch line is greater than the charge made on the branch line. The result would be that either we should have to eliminate practically all the branch lines throughout the Middle West and the West and put them out of business, or the rates on those particular lines would have to be raised. In my own State I know of branch lines on which there is only a meager service, at certain times of the year. In maintaining such a branch line at the present time, the cost of service is far in excess of the rates charged. So the result would be a raising of the rates on all the branch lines throughout the country, which would affect agriculture and affect the man away from the main line. Passenger rates also would be affected. The Interstate Commerce Commission has said to us that as a practical matter such a provision would be almost impossible to execute.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. NORRIS. My understanding of the so-called Miller amendment does not agree with what the Senator has said, although I may be mistaken, because I do not have it before me, and had no idea that the question would arise. However, as I remember the Miller amendment, it applies to rates on the rivers, and not on the railroads.

Mr. WHEELER. No. The Senator is mistaken.

Mr. NORRIS. I may be. At any rate, inasmuch as the Miller amendment was adopted by the House, it seems to me that the report is subject to a point of order, although I do not wish to discuss the question now. It is not before the Senate.

Mr. WHEELER. The point of order was raised in the House and overruled. It has been overruled in this body on

similar occasions. What happened was that when the bill passed the Senate and went to the House, the House struck out everything except the enacting clause and put in its own language. When the bill reached the stage of conference, we accepted practically all the provisions. As the Senator knows, we codified the bill in the Senate. When it reached the House the Interstate Commerce Commission was opposed to codification. Some Members of the Senate argued against codification; and when the bill reached the stage of conference, instead of taking the codified form, we took the form, in substance, as it came from the House, with the amendments of the Senate.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. I do not wish to take up the time of the Senate at this hour in discussing the point of order, because it will be before the Senate when the conference report is presented. However, in reference to the statement of the Senator from Montana that there are several decisions sustaining the validity of the conference report, I will say to the Senator from Montana that I am very familiar with those decisions. In fact, I wrote two or three of them when I was Parliamentarian of the House. I wrote some of the opinions which were quoted by the Vice President a couple of years ago in connection with the agricultural appropriation bill, with reference to a situation in which one House passed a bill and the other House struck out all after the enacting clause and substituted other language.

But there has always been a "kicker" attached to that opinion, which is that the changes must be germane to the subject matter, and the point of order which I intend to make is that the conferees have included matter not germane to the bill as considered by either House, and therefore that they have exceeded their authority.

I do not desire to argue the matter at this time further than to say that if this conference report is sustained it will establish a parliamentary precedent going very far beyond any which has ever heretofore been established.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I do.

Mr. NORRIS. I have much the same idea the Senator from Missouri has, although, like him, I do not want to discuss the matter now. In the first place, I am not prepared to do so. I have not it before me. In the next place, we shall have to go over it anyway when we discuss the matter on its merits.

Mr. WHEELER. That is correct. I did not intend to discuss it at the present time, except that the Senator had called attention to it. Quite frankly the bill is, as the Senator knows, a complicated one, and I was not prepared to take it up and discuss it, but merely desired to give my general views. As I understand, the Speaker of the House based his decision upon the decisions which the Senator from Missouri himself had actually written.

Mr. CLARK of Missouri. There were a number of decisions. I did not write all of them. In one or two cases, when I was Parliamentarian of the House, I did write opinions which were inserted in the RECORD. Those opinions were right, I may say, but they do not apply to the present situation.

Mr. WHEELER. And the Speaker of the House relied upon the decisions written by the Senator from Missouri.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WHEELER. I do.

Mr. SHIPSTEAD. I want to ask Senators who are interested in the subject to probe that report as it affects the Panama Canal Act. That act was passed to prohibit railroads from operating boats on the Great Lakes or on the coast or through the Panama Canal and elsewhere. I am sure the "elsewhere" is taken out of the Panama Canal Act by this amendment. I ask Senators to probe that matter.

Mr. WHEELER. I hope the Members of the Senate will probe the specific law with reference to the Panama Canal Act. If they read the Panama Canal Act and then read the decisions of the Interstate Commerce Commission, whether they agree with the decisions of the Interstate Commerce Commission or not, I think they will readily see that the Panama Canal Act, as it was written, is not clear, and Commissioner Eastman feels that this was totally a clarifying amendment and was in accord with their decisions. The suggestion was made specifically and the wording was drafted by Commissioner Eastman, and he sent down a brief which I can present when the matter comes before the Senate.

Mr. SHIPSTEAD. The effect of this amendment will be to validate the authority and power which the Interstate Commerce Commission has assumed?

Mr. WHEELER. Not to validate it because the decisions are already validated. There never was any appeal from those decisions.

Mr. SHIPSTEAD. I understand that; but to repeal the law so that there shall be no question about it?

Mr. WHEELER. No; not to repeal the law but to place upon it an interpretation which they think will correct the interpretation which has been in effect because of their decisions ever since the Panama Canal Act was passed.

Mr. SHIPSTEAD. Then why ask for the change?

Mr. WHEELER. Simply because, if the Senator will read the language——

Mr. SHIPSTEAD. I have read it.

Mr. WHEELER. If the Senator from Minnesota, or any lawyer in this body, will read the Panama Canal Act, he will immediately find that the language is misleading. It is almost impossible to tell from that language what the Congress had in mind with reference to it, and particularly one paragraph which I have not here at the present time.

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. MALONEY. Mr. President, because of the unintentional limitation in the amendment to Senate bill 4164 which I offered in the form of a substitute, I ask unanimous consent that there may be published in the RECORD a copy of the corrected draft of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The corrected draft of Mr. MALONEY's amendment is as follows:

Amendments (in the nature of a substitute) intended to be proposed by Mr. MALONEY to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, viz: Strike out all after the enacting clause and in lieu thereof insert the following:

"That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

"(b) The Congress further declares that in a free society, the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

"(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard as an integral part of the first-line defenses of this Nation be at all times maintained and assured. To this end it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army, the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

"SEC. 2. Except as provided in section 5 (a), it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who is between the ages of 21 and 31, on the day or days fixed for registration, to present himself for and submit to registration at such time and place, and in such manner and in such age group, as shall be determined by rules and regulations prescribed hereunder.

"SEC. 3. (a) Every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of 21 and 31 (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States. The President is authorized to issue one or more proclamations calling for qualified men between the ages of 18 and 35 to volunteer for training and service in the land and naval forces of the United States under this act. Each such proclamation shall call for such number of men as may be specified therein, except that the number of men called for in each such proclamation shall not exceed 400,000. The President is authorized to induct into such forces for such training and service so many of the men who volunteer pursuant to any such proclamation as are not in excess of the number called for by such proclamation. If the President finds that upon January 1, 1941, or the sixtieth day after the date of issuance of any such proclamation, whichever is later, the number of qualified men who have volunteered pursuant to any such proclamation is less than the number called for in such proclamation, he is authorized to induct into the land and naval forces for training and service under this act such number of men selected in accordance with section 4 (a) as, together with the number who have volunteered pursuant to such proclamation, will equal the number called for in such proclamation. There shall not be in active training or service in the land and naval forces of the United States at any one time more than 1,000,000 men inducted under the provisions of this act. The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

"(b) Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service until the Congress shall declare that the national interest permits his being relieved from such service. Each such man, after completion of the service required by this subsection, shall be transferred to a reserve component of the land or naval forces of the United States until the provisions of this act become inoperative, or until the expiration of a period of 10 years, or until he is discharged from such reserve component, whichever event first occurs; and during the period that he is a member of such reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes 12 months' training and service in the land forces in time of peace, as provided herein, who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the reserve components of the Army of the United States in time of peace.

"(c) The men inducted for training and service as provided for in this section shall, during the period of their training and service, receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a reserve component of the land or naval forces as provided in subsection (b) they shall receive the same benefits as are provided by law in like cases for members of such reserve component. Men in such training and service shall have an opportunity to qualify for promotion.

"SEC. 4. (a) The selection of men for the training and service provided for in section 3 (other than those who enlist voluntarily pursuant to this act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from all the men between the ages of 21 and 31 who are liable for such training and service.

"(b) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification; credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas; and until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe.

"SEC. 5. (a) Commissioned officers, warrant officers, field clerks, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy, midshipmen, United States Naval Academy, cadets, United States Coast Guard Academy, and cadets of the advanced course, senior division, Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, or who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2. No exceptions from registration shall continue after the cause therefor ceases to exist: *Provided*, That any officer, warrant officer, or enlisted man of the Regular Army who is excepted from registration under section 2 and who shall have served therein satisfactorily for a period of 3 years, and any officer, warrant officer, or enlisted man of the active National Guard or member of the Officers' Reserve Corps on the eligible list, who is excepted from such registration and who shall have served therein satisfactorily for a period of 6 years, shall be excepted from such registration and further duty in the Reserve components of the Army of the United States in time of peace: *Provided further*, That any officer, warrant officer, or enlisted man of the active National Guard who satisfactorily serves as a member of the Army of the United States, in active Federal service for the period of 1 year, who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace.

"(b) The Vice President of the United States, and the officers, legislative, executive, and judicial, of the United States, and of the several States, Territories, and the District of Columbia, while holding such official positions shall be deferred from training and service in the land and naval forces of the United States.

"(c) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

"(d) Persons under 24 years of age who are regularly enrolled as students in any recognized college or university and who were so enrolled during the school year 1939–40 shall, while so enrolled be deferred from training and service under this act.

"(e) The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest. No deferment of training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. The President is also authorized, under such rules and regulations as he may prescribe, to defer the training and service under this act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient. No deferment of such training and service shall continue after the cause therefor ceases to exist.

"(f) Nothing contained in this act shall be construed to require any person to be subject to combatant training or service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. All persons claiming such exemption from combatant training and service because of such conscientious objections shall be listed on a Register of Conscientious Objectors at the time of their classification by a local board, and the names of the persons so registered shall be at once referred by such local board to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice in the case of each such person with respect to the character and good faith of his objectives, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend (1) that the objector shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, that he shall be assigned to work of national importance under civilian direction. If, after such hearing, the objections of any such person are found not to be sustained, the objector and the local board shall be immediately notified thereof, the name of the objector shall then be removed from the Register of Conscientious Objectors, and such objector shall thereafter be liable to training and service as provided by this act. If, within 5 days after the date of such findings by the Department of Justice, the objector or the local board gives notice to the other of disagreement with such findings, the local board shall immediately refer the matter for final determination to an appropriate appeal board established pursuant to section 10 (a) (2).

"SEC. 6. The President is authorized to organize and maintain training units at any college or university for the purpose of providing military training, or such other training as he may deem to be necessary in the national interest, for students who are enrolled in and are regularly attending such college or university, and to furnish officers, instructors, and equipment for such units. The President is authorized to fix the terms and conditions of service in such units and to induct into such units students who volunteer for such service. Students serving in such units shall receive compensation at the rate of $5 a month for such service.

"SEC. 7. The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

"SEC. 8. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

"SEC. 9. (a) Any member of any reserve component of the land or naval forces who is on active duty, and any person inducted into the land or naval forces under this act who, in the judgment of those in authority over him, satisfactorily completes the service required under this act, shall be entitled to a certificate to that effect upon the completion of such service, which shall include a record of any special proficiency or merit attained.

"(b) In the case of any such person who has left a position or by reason of being so inducted into such forces is required to leave a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate of satisfactory service, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

"(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like status and pay;

"(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

"(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like status and pay.

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

"(d) The failure or refusal of any private employer to comply with the provisions of paragraph (B) of subsection (b) or with the provisions of subsection (c) shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act.

"(e) In any case in which no remedy is available under the National Labor Relations Act to acquire compliance by any private employer with the provisions of this section, the district court of the United States for any district in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

"(f) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of persons who have satisfactorily completed their service under this act, and to aid such persons in finding employment elsewhere if such replacement in their former positions is impossible or unreasonable.

"(g) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this act.

"SEC. 10. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this act, or who counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required of him under or in the execution of this act, or rules or regulations made in pursuance of this act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. In cases of persons subject to this act who fail to report for duty in the land or naval forces as ordered, military and naval courts martial shall have concurrent jurisdiction of offenses arising out of such failure. Precedence shall be given by courts to the trial of cases arising under this act.

"SEC. 11. (a) The President is authorized—

"(1) to prescribe the necessary rules and regulations to carry this act into effect;

"(2) to create and establish a selective service system, to provide for the classification of registered men on the basis of availability for service and training and to establish local boards and such other agencies, including appeal boards and agencies of appeal, as he may deem necessary to carry the provisions of this act into effect;

"(3) to appoint, by and with the advice and consent of the Senate, and fix the compensation, at a rate not in excess of $10,000 per annum, of a Director of Selective Service, who shall be directly responsible to him, and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this act: *Provided*, That any person so appointed whose salary is at a rate in excess of $5,000 per annum shall be appointed by and with the advice and consent of the Senate;

"(4) to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government, and of the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, in the execution of this act, and to require of each the performance of such duties as he directs in carrying out the provisions of this act;

"(5) to have done such printing, binding, and blankbook work in such public or private printing establishments or binderies as he may designate, and to obtain such office equipment as he may deem necessary, to carry out the provisions of this act, with or without advertising or formal contract; and

"(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this act, of any person convicted of a violation of any of the provisions of this act.

"(b) The President is authorized, under such rules and regulations as he may prescribe, to delegate any authority vested in him under this act to such officers, agents, or persons as he may designate or appoint for such purpose.

"(c) The decisions of local boards with respect to any matters within their jurisdiction shall be final except where appeals are authorized in accordance with the provisions of this act and such rules and regulations as the President may prescribe. In the administration of this act voluntary services may be accepted. Correspondence necessary in the execution of this act may be carried in official penalty envelopes.

"SEC. 12. (a) The monthly base pay of enlisted men of the Army and of the Marine Corps shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army and of the Marine Corps shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

"(b) The pay for specialists' rating received by an enlisted man of the Army or the Marine Corps at the time of his retirement shall be included in the computation of his retired pay.

"(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

"(d) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

"(e) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

"(f) Section 10 of the act of June 10, 1922 (relating to the pay of enlisted men of the Navy and Coast Guard), is amended by striking out "seventh grade, $21" and inserting in lieu thereof "seventh grade, $30."

"(g) The provisions of this section shall take effect on the first day of the first month following the date of enactment of this act.

"SEC. 13. (a) Every person shall be deemed to have notice of the requirements of this act upon publication by the President of a proclamation or other public service requiring registration.

"(b) The provisions of this act shall be construed liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical deficiencies therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

"(c) If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"(d) Nothing contained in this act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

"SEC. 14. When used in this act—

"(a) The term 'between the ages of 21 and 31' shall refer to persons who have reached the twenty-first anniversary of the day of their birth and who have not reached the thirty-first anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

"(b) The term 'United States,' when used in a geographical sense, shall be deemed to include the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands.

"SEC. 15. (a) All laws and parts of laws in conflict with the provisions of this act are hereby suspended to the extent of such conflict for the period in which this act shall be in force.

"(b) All the provisions of this act (except sec. 12) shall become inoperative and cease to apply on and after May 15, 1945, unless continued in effect by the Congress, except as to offenses committed prior to such date.

"SEC. 16. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this act, and, except as hereinafter provided, the provisions of such act of March 8, 1918, shall be effective for such purposes.

"(b) For the purposes of this section—

"(1) the following provisions of such act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603;

"(2) the term 'persons in military service,' when used in such act, shall be deemed to mean persons inducted into the land or naval forces under this act;

"(3) the term 'period of military service,' when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is inducted into such land or naval forces under this act for any period of training and service and ending 60 days after the date on which such period of training and service terminates.

"SEC. 17. This act may be cited as the 'Selective Training and Service Act of 1940.'"

Amend the title so as to read: "A bill to protect the United States through a system of military training and service."

### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

### EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Russell S. Hummel, of Virginia, to be Work Projects administrator for Virginia, effective as of August 15, 1940, vice William A. Smith, deceased.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

### THE CALENDAR

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

### DEPARTMENT OF AGRICULTURE

The legislative clerk read the nomination of Claude R. Wickard, of Indiana, to be Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Paul H. Appleby, of Maryland, to be Under Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

That concludes the calendar.

### RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Saturday, August 24, 1940, at 11 o'clock a. m.

---

## NOMINATIONS

*Executive nominations received by the Senate August 23 (legislative day of August 5), 1940*

### DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for promotion in the Foreign Service of the United States, to be effective August 1, 1940, as follows:

From Foreign Service officer of class 2 to Foreign Service officer of class 1:

William C. Burdett, of Tennessee.
Nathaniel P. Davis, of New Jersey.
John G. Erhardt, of New York.
Charles Bridgham Hosmer, of Maine.
Robert D. Murphy, of Wisconsin.
Avra M. Warren, of Maryland.

From Foreign Service officer of class 3 to Foreign Service officer of class 2:

Willard L. Beaulac, of Rhode Island.
William P. Blocker, of Texas.
Howard Bucknell, Jr., of Georgia.
Richard P. Butrick, of New York.
Cecil M. P. Cross, of Rhode Island.
Hugh S. Fullerton, of Ohio.
H. Freeman Matthews, of Maryland.
Rudolf E. Schoenfeld, of the District of Columbia.
George P. Shaw, of California.

From Foreign Service officer of class 4 to Foreign Service officer of class 3:

Ellis O. Briggs, of Maine.
Herbert S. Bursley, of the District of Columbia.
Curtis T. Everett, of Tennessee.
Samuel J. Fletcher, of Maine.
Walter A. Foote, of Texas.
Waldemar J. Gallman, of New York.
Sydney B. Redecker, of New York.
Edwin F. Stanton, of California.
Fletcher Warren, of Texas.

From Foreign Service officer of class 5 to Foreign Service officer of class 4:

Howard Donovan, of Illinois.
Albert M. Doyle, of Michigan.
Richard Ford, of Oklahoma.
Thomas McEnelly, of New York.
Edwin A. Plitt, of Maryland.
Christian M. Ravndal, of Iowa.

From Foreign Service officer of class 6 to Foreign Service officer of class 5:

Lewis Clark, of Alabama.
Cabot Coville, of California.
John H. Morgan, of Massachusetts.
Edward J. Sparks, of New York.

From Foreign Service officer of class 7 to Foreign Service officer of class 6:

James C. H. Bonbright, of New York.
James W. Gantenbein, of Oregon.
Hervé J. L'Heureux, of New Hampshire.
Sheldon T. Mills, of Oregon.
Edward T. Wailes, of New York.

From Foreign Service officer of class 8 to Foreign Service officer of class 7:

William E. Flournoy, Jr., of Virginia.
Guy W. Ray, of Alabama.

From Foreign Service officer, unclassified, to Foreign Service officer of class 8:

John K. Emmerson, of Colorado.
Beppo R. Johansen, of Florida.
U. Alexis Johnson, of California.
Carmel Offie, of Pennsylvania.
Edward E. Rice, of Wisconsin.
Max W. Schmidt, of Iowa.
William E. Yuni, of Washington.

PROMOTIONS IN THE NAVY

MARINE CORPS

Capt. James P. S. Devereux to be a major in the Marine Corps from the 1st day of April 1940.

Capt. Alfred R. Pefley to be a major in the Marine Corps from the 8th day of July 1940.

Capt. Edward W. Snedeker to be a major in the Marine Corps from the 1st day of August 1940.

First Lt. Edward L. Hutchinson to be a captain in the Marine Corps from the 1st day of July 1939.

First Lt. Joseph L. Dickey to be a captain in the Marine Corps from the 1st day of August 1939.

First Lt. Maurice T. Ireland to be a captain in the Marine Corps from the 14th day of August 1939.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 1st day of July 1940:

| | |
|---|---|
| Joseph L. Stewart | James A. Embry, Jr. |
| Jack F. Warner | Donald N. Otis |
| Keith B. McCutcheon | William W. Lewis |
| Austin C. Shofner | Richard A. Beard, Jr. |
| Fred R. Emerson | Frank G. Umstead |
| Ronald R. Van Stockum | Sidney M. Kelly |
| Robert H. Ruud | Marvin C. Stewart |
| Zedford W. Burriss | Freeman W. Williams |
| Fletcher L. Brown, Jr. | William F. Lantz |
| Gregory J. Weissenberger | John F. Dunlap |
| Lawrence C. Hays, Jr. | David W. Silvey |
| Robert D. Heinl, Jr. | John P. Coursey |
| Hugh R. Nutter | Charles N. Endweiss |
| Charles R. Boyer | Clair W. Shisler |
| Harry N. Shea | Edmond M. Glick |
| Alfred T. Greene | William F. Prickett |
| Virgil E. Harris | Charles J. Quilter |
| Brooke H. Hatch | Howard F. Bowker, Jr. |
| Golland L. Clark, Jr. | McDonald I. Shuford |
| Parker R. Colmer | William J. O'Neill |
| Tom M. Trotti | John J. Gormley |
| James D. Hittle | Glenn E. Fissell |
| Neil R. MacIntyre | |

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 23 (legislative day of August 5), 1940*

DEPARTMENT OF AGRICULTURE

Claude R. Wickard to be Secretary of Agriculture.
Paul H. Appleby to be Under Secretary of Agriculture.

POSTMASTERS

ALABAMA

Lonnie Hargrove Gregory, Fairfield.

ILLINOIS

Roy I. Kufalk, Antioch.

# SENATE

## SATURDAY, AUGUST 24, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, by whom the meek are guided in judgment, and light riseth up in darkness for the godly: Grant us, in all our doubts and uncertainties, the grace to ask what Thou wouldst have us to do, that the Spirit of Wisdom may save us from all false choices, and that in Thy light we may see light, and in Thy straight path may not stumble. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, August 23, 1940, was dispensed with, and the Journal was approved.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION, NAVY DEPARTMENT (S. DOC. NO. 270)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department, fiscal year 1941—training, education, and welfare, Navy, Naval Reserve Officers Training Corps—amounting to $210,000 which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a telegram in the nature of a petition from American Legion Post, No. 162, New York City, N. Y., by G. B. Metz, commander, praying for the enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

He also laid before the Senate a telegram, in the nature of a memorial, from Miss Lite Schaller Church, of Union City, N. J., remonstrating against the enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial from Katherine I. Driscoll, Boston, Mass., remonstrating against involvement of the United States in war, the proposed transfer of American naval vessels to Great Britain, and payment for certain foreign air and naval bases in the Western Hemisphere, instead of taking them on account of the World War debt owed to the United States, which was ordered to lie on the table.

Mr. VANDENBERG presented a memorial of sundry citizens of Bay City, Mich., remonstrating against the enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

Mr. WALSH presented a petition of sundry citizens of the State of Massachusetts, praying that over-age or surplus American destroyers be sold to the Government of Great Britain, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of the State of Massachusetts, remonstrating against the enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

He also presented resolutions of the executive board of Local No. 182, Transport Workers Union of America, Boston, Mass., protesting against the enactment of pending selective compulsory military training legislation and favoring strict compliance with the National Labor Relations Act in the operation of the defense program during the present emergency, which were ordered to lie on the table.

REPORT OF COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10191) for the relief of Anthony Borsellino, reported it without amendment and submitted a report (No. 2051) thereon.

DEPORTATION OF HARRY RENTON BRIDGES—MINORITY VIEWS AND REPORT OF COMMITTEE ON IMMIGRATION

Mr. KING, as a member of the Committee on Immigration, submitted minority views on the bill (H. R. 9766) to direct the deportation of Harry Renton Bridges, which were ordered to be printed as part 2 of Report No. 2031.

Mr. SCHWELLENBACH. Mr. President, for the information of the Senate, I ask consent that there be printed in the RECORD the report of the Committee on Immigration on House bill 9766.

There being no objection, the report (No. 2031) was ordered to be printed in the RECORD, as follows:

Mr. SCHWELLENBACH, from the Committee on Immigration, submitted the following report to accompany H. R. 9766:

The Committee on Immigration, to whom was referred the bill (H. R. 9766) to authorize the deportation of Harry Renton Bridges, having considered the same, report it back to the Senate with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Attorney General be, and he is hereby, authorized and directed to proceed forthwith with an investigation of the alien Harry Renton Bridges, and if, in the opinion of the Attorney General, such investigation produces facts and justifying such action to proceed with the deportation of such alien in the manner provided by law."

PURPOSE OF THE BILL

The bill would authorize and direct the Attorney General to proceed forthwith with an investigation of the alien Harry Renton Bridges, and if, in the opinion of the Attorney General, such investigation produces facts justifying such action to proceed with the deportation of such alien in the manner provided by law.

GENERAL INFORMATION

The original bill passed the House of Representatives on June 13, 1940, and was referred to the Senate Committee on Immigration.

The chairman of the committee immediately appointed a subcommittee composed of three Senators for the purpose of considering the bill and making recommendations to the full committee. A majority of the subcommittee reported the bill to the full committee with the above-mentioned amendment.

There was a full discussion as to whether or not the Congress had the power to authorize and direct the deportation of an alien by name. There were many cases cited pro and con as to whether or not Congress had this power.

The substitute bill authorizes and directs the Attorney General to proceed immediately to make a thorough investigation of the alien Harry Renton Bridges as to alleged charges made against him. The substitute invests full authority in the Attorney General if, after the investigation has been completed, in his opinion the investigation reveals that the alien has violated the immigration laws of the United States to take into custody and deport the alien in the manner prescribed by law.

The following is a memorandum prepared on the original bill which discusses the legal aspects of the bill in detail:

"MEMORANDUM CONCERNING H. R. 9766 ENTITLED 'AN ACT TO DIRECT THE DEPORTATION OF HARRY RENTON BRIDGES'

"Under the provisions of this bill the Congress is asked, without investigation or hearing as to the facts, to direct the Attorney General to take into custody forthwith and deport the alien Bridges 'whose presence in this country Congress deems hurtful.' If this bill passes, it will be the first one of this nature during the life of the Republic. Since the Congress has not investigated the facts in an effort to determine whether the presence of this alien is in fact hurtful to the country, consideration of the bill must necessarily be based exclusively upon the legal and the policy questions posed by it.

"At the outset it should be remembered that by numerous statutes the Congress has described classes of aliens whose deportation is mandatory under powers delegated by the Congress to the executive branch of the Government. Aliens coming within those classes have been and are regularly being deported. If this particular alien comes within any one of the classifications provided by the Congress, the machinery for his deportation is available, and if Congress does not feel that the scope of its classifications is sufficiently wide it has the undoubted power to extend that scope. In fact, during the last month the scope of classification was widely extended with the adoption of H. R. 5138, which became Public, No. 670, upon its signature by the President on June 28, 1940.

"It should be further noted that on March 2, 1938, deportation proceedings were instituted by the Secretary of Labor against the alien Bridges, on the ground that after he entered the United States he became a member of or affiliated with an organization that 'advises, advocates, and teaches the overthrow by force and violence of the Government of the United States' or that he became a member of or affiliated with an organization that 'causes to be written, circulated, distributed, printed, published, and displayed, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.'

"On June 12, 1939, following the decision of the Supreme Court of the United States in *Kessler* v. *Strecker* (307 U. S. 22), the warrant was amended so as to charge that the alien Bridges both was and is a member of or affiliated with such organization as above described. The Secretary of Labor, in these proceedings, appointed James M. Landis, dean of the Law School of Harvard University, as trial examiner. On December 28, 1939, Mr. Landis transmitted to the Secretary of Labor his findings and conclusions, in which he found that the alien Bridges was not established by the evidence to be either a member of or affiliated with an organization as above described. The findings and conclusions of the examiner were 152 pages in length and, based upon them, the Secretary of Labor dismissed the charges and canceled the warrant of arrest.

"It must be admitted that many persons have shown inclination to disregard and brush aside these proceedings on the ground that they were perfunctory; that the Government's case was not fully presented; or that the hearings were entered into with an intention of using them for the purpose of whitewashing the alien Bridges. Such a conclusion is not valid for:

"1. The hearings lasted 9 full weeks. They provided 7,724 pages of testimony and 274 exhibits. Such hearings could not be called perfunctory.

"2. The employees of the Immigration Service presented the testimony of 32 witnesses. The charge of indifference upon the part of Government employees is fully negatived by the severe castigation to which they were subjected in the findings of the trial examiner as to the extra-legal methods used by them in the procurement of evidence.

"3. Regardless of anyone's attitude toward the opinion of Trial Examiner Landis, the fact is that while serving as trial examiner he was, and still is, dean of the law school of Harvard University. This is one of the oldest and most respected institutions in the United States. Mr. Landis could not disassociate himself from Harvard University even when serving as trial examiner. Certainly no one would contend that a man occupying that position of honor and dignity would risk the chance of bringing reflection upon the institution which he heads by improper consideration of this widely known case.

"4. The Congress would have no right to review the decision of an administrative agency to which it had entrusted decisions of a judicial or a quasi-judicial nature. (The only attempt by a legislative body to do this occurred in Casieri's case, 190 N. E. 118 (Mass. 1934).)

"DOES THE CONGRESS HAVE THE POWER TO ENACT SPECIAL LEGISLATION SUCH AS THIS?

"It must be conceded that the courts have never passed upon this specific question. This for the reason that the Congress has never before attempted to enact such legislation. Therefore, no case in point is available on either side.

"Proponents of the legislation contend that the Congress has the absolute power to direct the deportation of any alien or class of aliens whose presence in this country Congress deems hurtful. In support of that position they cite the following cases: *Haw Moy* v. *North* (183 F. 89); *Skeffington* v. *Katzeff* (277 F. 129); *Ng Fung Ho* v. *White* (259 U. S. 276); *Ping* v. *United States* (130 U. S. 581); *Ex parte Crawford* (165 F. 830); *Wong Wing* v. *United States* (163 U. S. 236); *Bugajewitz* v. *Adams* (228 U. S. 585).

"It must be admitted that in the cases cited language can be found supporting such a conclusion. However, an examination of the cases will reveal that in each instance the court is passing upon the constitutionality of general legislation, under the terms of which all of the constitutional rights of the affected alien were duly protected either in the statutes or in the procedural regulations issued under such statutes. If the language relied upon is to be construed in the way proponents urge, it was not necessary for the decision in any case. It was mere obiter and not binding upon the court in the decision of any later case.

"Illustrative of these cases are two most frequently quoted:

"The first is *Bugajewitz* v. *Adams* (228 U. S. 585), in which Mr. Justice Holmes used the following language: 'It is thoroughly established that Congress has power to order the deportation of aliens whose presence in the country it deems hurtful.' In this instance the alien being deported was alleged to have been within the classification the deportation of which was authorized by chapter 1134, paragraph 3, of the act of February 20, 1907 (34 Stat. 898–899), as amended by the act of March 26, 1910. The question involved was the right of Congress to delegate to the executive branch the authority to determine the fact that the alien came within the classification, when, if such fact were determined in the affirmative, the alien would be guilty of a violation of a State criminal statute. The use of the language above quoted was certainly not in contemplation of a statute as is now proposed.

"Another opinion quoted is *Skeffington* v. *Katzeff* (277 F. 129), in which the Circuit Court of Appeals for the First Circuit used this language: 'It is too well settled by the decisions of the Supreme Court of the United States to require any citation of authorities that an alien resident in the United States may be deported for any reason which Congress has determined will make his residence here inimical to the best interests of the Government.' This also was an effort on the part of the Department of Labor to deport certain persons on the ground that they came within a certain classification provided in the act of Congress approved October 16, 1918. A complete hearing was given to the aliens by the immigration inspector, and the warrant for deportation was only issued after his findings and recommendation were reviewed and approved by the Assistant Secretary of Labor. In this case the court specifically held that aliens had the right under habeas corpus proceedings to have the court determine whether the findings were sustained by substantial evidence.

"These two cases are simply cited as typical of those upon which proponents of this legislation rely.

"Much reliance is placed by the proponents of the bill on the case of *Tiaco* v. *Forbes* (288 U. S. 529). It must be conceded that a casual reading of the opinion would seem to justify their position. However, as in the other cases heretofore noted, there is language in the opinion which, taken without reference to the facts involved, supports their contention. A study of the facts in the case quickly reveals the point involved here was not considered in that case. To ascertain the facts it is necessary to go to the record and the briefs.

"The facts are as follows:

"The action was one for damages against the Governor General of the Philippines on the theory that he had exceeded his authority in deporting Tiaco and 11 other Chinese. What happened was that

the Chinese Government, through its representative in the Philippines, requested the Governor General to deport these 12 men because these aliens were creating trouble in the Chinese colony in the Philippines. The Governor General made a full and complete investigation of the charges made by the Chinese Government against its own citizens and determined that the presence of the aliens within the islands would result in serious harm to the Chinese colony in the islands.

"Acting under his authority as Governor General given to him by President McKinley's instructions of April 7, 1900, the Spooner amendment of March 2, 1901, the Executive order of June 21, 1901, the act of Congress of July 1, 1902, and the power inherited by him under the old Spanish law, the Governor General ordered the deportation. Shortly thereafter Tiaco and certain others of the deported aliens sued Forbes for damages on the theory that he had exceeded his authority. Three weeks later the Governor General sent a message to the Philippine Legislature outlining the facts and asking the legislature to confirm his action. It was that which they did. It was the validity of that action which was under consideration in the case cited.

"The brief on behalf of the Governor General was filed by the then law officer of the Bureau of Insular Affairs and now Associate Justice of the Supreme Court, Mr. Felix Frankfurter. On page 7 of that brief, Mr. Frankfurter stated definitely and precisely the question involved in the case, as follows:

"'THE QUESTION

"'Is the Governor General of the Philippine Islands liable for damages in a suit in the insular courts at the hands of resident Chinese aliens for directing their deportation, at the request of the representative of the Chinese Government, after such aliens had become "a serious harm to the Chinese colony" and "a serious danger to the public tranquillity and welfare" of the islands, where such action was approved and ratified by the Philippine Legislature, duly communicated to Congress, and tacitly approved (or at least left undisturbed) by it, and where such action was an exercise of executive power reasonably believed by the Governor General to be lawfully vested in him, and so found by the supreme court of the island, and where such power was lodged in the Governor General under the Spanish law prior to the American occupation, exercised reasonably to the circumstances of the case and not inconsistent with the spirit of the requirements of our institutions?'

"It is of interest to note that the only time this case has been cited in a deportation case by the Supreme Court was in *Mahler* v. *Eby* (264 U. S. 32). In that case Chief Justice Taft said:

"'Nor is the act invalid in delegating legislative power to the Secretary of Labor. The sovereign power to expel aliens is political and is vested in the political departments of the Government. Even if the Executive may not exercise it without congressional authority, Congress cannot exercise it effectively save through the Executive. It cannot, in the nature of things, designate all the persons to be excluded. It must accomplish its purpose by classification and by conferring power of selection within classes upon an executive agency (*Tiaco* v. *Forbes*, 228 U. S. 549, 557). That is what it has done here.'

"(A) DOES THIS BILL CONTRAVENE THE DUE-PROCESS CLAUSE OF THE CONSTITUTION?

"The fifth amendment to the Constitution provides 'no person shall * * * be deprived of life, liberty, or property without due process of law.'

"The Supreme Court has repeatedly held that this 'due process' clause is applicable to aliens (*Wong Wing* v. *United States*, 163 U. S. 228, 238; *Lem Moon Sing* v. *United States*, 158 U. S. 538, 547; *Fong Yue Ting* v. *United States*, 149 U. S. 698, 724).

"In *Lem Moon Sing* v. *United States*, supra, Mr. Justice Harlan made the following observations in respect to the constitutional rights of aliens in our midst:

"'While he lawfully remains here, he is entitled to the benefit of the guaranties of life, liberty, and property, secured by the Constitution to all persons, of whatever race, within the jurisdiction of the United States. His personal rights when he is in this country and such of his property as is here during his absence are as fully protected by the supreme law of the land as if he were a native or naturalized citizen of the United States' (p. 547).

"Mr. Justice Stone, in *United States ex rel. Vajtauer* v. *Commissioner of Immigration* (273 U. S. 103, 106), made the following observation:

"'Deportation without a fair hearing or on charges unsupported by any evidence is a denial of due process which may be corrected on habeas corpus.'

"In *The Japanese Immigrant case* (189 U. S. 86, 101), in discussing the fundamental principles that are applicable to deportation proceedings, Mr. Justice Harlan laid down the following doctrine:

"'One of these principles is that no person shall be deprived of his liberty without opportunity, at some time, to be heard, before such officers, in respect of the matters upon which that liberty depends—not necessarily an opportunity upon a regular set occasion and according to the forms of judicial procedure but one that will secure the prompt vigorous action contemplated by Congress, and at the same time be appropriate to the nature of the case upon which such officers are required to act. Therefore, it is not competent for the Secretary of the Treasury, or any executive officer, at any time within the year limited by the statute, arbitrarily to cause an alien, who has entered the country, and has become subject in all respects to its jurisdiction and a part of its population, although alleged to be illegally here, to be taken into custody and deported without giving him all opportunity to be heard upon the questions involving his right to be and remain in the United States. No such arbitrary power can exist where the principles involved in due process of law are recognized.'

"In *Whitefield* v. *Hanges* (C. C. A. 8; 222 Fed. 745, 748), Sanborn, J., an eminent jurist, stated:

"'An alien is entitled to a hearing upon and a decision of the charge that he has violated the acts of Congress and is therefore liable to deprivation of his liberty and deportation, according to "the fundamental principles that inhere in due process of law."'

"The same judge in *Ungar* v. *Seaman* (C. C. A. 8; 4 F. (2d) 80, 82), enlarged upon this rule in the following language:

"'The proceedings in these cases were not instituted to deport aliens who had entered the United States in violation of its laws. They had been lawfully residing here from 6 to 8 years. Such aliens are entitled to hearings and decisions of the charges of offenses of which they are alleged to be guilty according to "the fundamental principles that inhere in due process of law." Indispensable requisites of a fair hearing, according to these fundamental principles, are that the course of proceedings shall be appropriate to the case and just to the party affected; that the accused shall be notified of the nature of the charge against him in time to meet it; that he shall have such an opportunity to be heard that he may, if he chooses, cross-examine the witnesses against him; that he shall have time and opportunity, after all the evidence against him is produced and known to him, to produce evidence and witnesses to refute it; and that the decision shall be governed by and based upon the evidence at the hearing.'

"Our former colleague, Judge Bratton, within the past year had occasion to make some pertinent and cogent observations on this point. He said in *Bufalino* v. *Irvine* (C. C. A. 10; 103 F. (2d) 830, 832):

"'It is well settled that the United States has plenary power to provide that aliens shall be deported upon terms and conditions of its own choice; but deportation without a fair hearing or on charges not supported by any evidence constitutes the denial of due process which may be prevented by habeas corpus (*Vajtauer* v. *Commissioner of Immigration* (273 U. S. 103, 47 S. Ct. 302, 71 L. Ed. 560; *Nicoli* v. *Briggs* (10 Cir., 83 F. (2d) 375)).'

"In *Mahler* v. *Eby* (264 U. S. 32, 40), Chief Justice Taft had this to say:

"'It (Congress) must accomplish its purpose by classification and by conferring power of selection within classes upon an executive agency.'

"Rodney L. Mott, in his treatise on Due Process of Law, said the following:

"'It was first pointed out that due process meant process in a regular court of justice. It was then shown that the phrase was a limitation upon the legislature as well as upon the executive or the courts * * *. With these two premises established, the court concluded that since due process required judicial process, the legislature could not render a judgment which would satisfy its requirements. But special acts of the legislature were by their very nature special or judicial decrees and hence could not be considered valid under the "law of the land."' (p. 261).

"In *Yick Wo* v. *Hopkins* (118 U. S. 356), Mr. Justice Matthews said:

"'These provisions are universal in their application, to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws.'

"In *Hurtado* v. *California* (110 U. S. 516), Mr. Justice Matthews said:

"'Due process of law in the latter (the fifth amendment) refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed, and interpreted according to the principles of the common law. * * * But it is not to be supposed that these legislative powers are absolute and despotic and that the amendment prescribing due process of law is too vague and indefinite to operate as a practical restraint. It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. It must be not a special rule for a particular case * * *' (pp. 535–536).

"(B) IS THIS A BILL OF ATTAINDER?

"Clause 3, section 9, article 1, of the Constitution provides 'No bill of attainder * * * shall be passed.'

"The first question involved under this heading is, "What is a bill of attainder?" Justice Story in his Commentaries on the Constitution of the United States (4th ed., vol. 2, sec. 1344) describes them as follows:

"'Bills of attainder, as they are technically called, are such special acts of the legislature as inflict capital punishments upon persons supposed to be guilty of high offenses, such as treason and felony, without any conviction in the ordinary course of judicial proceedings. If an act inflicts a milder degree of punishment than death, it is called a bill of pains and penalties. But in the sense of the Constitution, it seems that bills of attainder include bills of pains and penalties; for the Supreme Court have said, "A bill of attainder may affect the life of an individual, or may confiscate his property or, both."

* * * * * * *

"'In short, in all such cases, the legislature exercises the highest power of sovereignty, and what may be properly deemed an irresponsible despotic discretion, being governed solely by what it deems political necessity or expediency, and too often under the influence of unreasonable fears, or unfounded suspicions. Such acts have been often resorted to in foreign governments, as a common engine of state; and even in England they have been pushed to the most

extravagant extent in bad times, reaching as well to the absent and the dead as to the living.

* * * * * * *

"'The injustice and iniquity of such acts, in general, constitute an irresistible argument against the existence of the power. In a free government it would be intolerable; and in the hands of a reigning faction, it might be, and probably would be, abused to the ruin and death of the most virtuous citizens. Bills of this sort have been most usually passed in England in times of rebellion or of gross subserviency to the Crown, or of violent political excitements; periods, in which all nations are most liable (as well the free as the enslaved) to forget their duties, and to trample upon the rights and liberties of others.'

"Prof. Richard Wooddesson in his Lectures (vol. 2, pp. 380–381) discusses bills of attainder as follows:

"'I proceed, thirdly, to acts of Parliament which principally affect the punishment, making therein some innovation, or creating some forfeiture or disability not incurred in the ordinary course of law, and which are called bills of pains and penalties. Of this kind was the statute which doomed Lord Clarendon to banishment, on the ground of his leaving the kingdom while he was under prosecution by the House of Commons. The same sentence was passed against Bishop Atterbury; the occasion of which parliamentary interposition it is not so easy to discover.'

"The Supreme Court of the United States, in *Cummings* v. *Missouri* (4 Wall. (71 U. S.) 277), gave the following definition:

"'If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the textbooks, judicial magistracy; it pronounces upon the guilt of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether comformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offense.'

"From the foregoing there can be no doubt that the proposed legislation does constitute a bill of attainder.

"Proponents of the legislation argue that it is not a bill of attainder, and cite in support of their position the following three cases in which the Supreme Court used the language to the effect that deportation was not punishment: *Fong Yue Ting* v. *United States* (149 U. S. 697, 730); *Bugajewitz* v. *Adams* (228 U. S. 585, 591); *Mahler* v. *Eby* (264 U. S. 32, 39).

"An examination of these cases discloses that what the court actually held in them was that deportation was not a punishment of such a nature as to entitle the alien to a trial by jury. In the three cases the Supreme Court went no further than to uphold the right of Congress to delegate to an administrative officer the right to pass upon questions of fact.

"A complete answer to that argument of the proponents is found in the case of *Cummings* v. *Missouri*, supra, in which the Supreme Court held that the exclusion from the right to be a priest or a minister of religion was a right the deprivation of which constituted punishment of such a nature as to cause the Court to reach the conclusion that legislation attempting to bar from the priesthood or ministry those who had participated in armed hostility to the United States to be a bill of attainder.

"The Supreme Court took a similar position in *Ex parte Garland* (4 Wall. 333), which passed upon an effort by the Congress to create a similar bar against attorneys attempting to practice before the courts of the United States.

"James Madison answered this argument in his discussion of the Alien and Sedition Laws of 1798, when he said, in 4 Elliott's Debates 55, that:

"If the banishment of an alien from a country into which he has been invited as the asylum most auspicious to his happiness, a country where he may have even the most tender connections, where he may have invested his entire property, and acquired property of the real and permanent, as well as the movable and temporary; where he enjoys, under the laws a greater share of the blessings of personal security, and personal liberty, than he could elsewhere hope for; and where he may have nearly completed his probationary title to citizenship; if, moreover, in the execution of the sentence against him, he is to be exposed, not only to the ordinary dangers of the sea, but to the peculiar casualties incident to a crisis of war and to unusual licentiousness on that element and possibly to vindictive purposes, which his immigration itself may have provoked; if a banishment of this sort be not a punishment and among the severest of punishments it would be difficult to imagine a doom to which the name could be applied."

"In *United States ex rel Klonis* v. *Davis* (13 F. (2d) 630), Judge Learned Hand had this to say:

"'However heinous his crime, deportation is to him exile, a dreadful punishment.'

"In *Ng Fung Ho* v. *White* (259 U. S. 276), Mr. Justice Brandeis described deportation as depriving the alien of 'all that makes life worth living.'

"Even in the case of *Fong Yue Ting* v. *United States*, supra, strong dissenting opinions were written by Justices Brewer, Field, and Fuller, in which the opinion was expressed by Justice Brewer, as follows:

"'But it needs no citation of authorities to support the proposition that deportation is punishment. Everyone knows that to be forcibly taken away from home, and family, and friends, and business, and property, and sent across the ocean to a distant land is punishment; and that oftentimes most severe and cruel.'

"Justice Brewer concludes his dissenting opinion with this language:

"'In view of this enactment of the highest legislative body of the foremost Christian nation, may not the thoughtful Chinese disciple of Confucius fairly ask, Why do they send missionaries here?'

"(C) DOES THE FACT THAT CONGRESS HAS AUTHORIZED THE ADMISSION OF INDIVIDUAL ALIENS BY SPECIAL ACTS LEND STRENGTH TO THE ARGUMENT THAT IT CAN BY SPECIAL ACT DEPORT INDIVIDUAL ALIENS?

"As was pointed out at the outset, no direct answer can be found to this question in the decisions of the courts because the Congress never before has attempted this course of procedure. The answer to the argument, however, was made by James Madison (in 4 Elliott's Debates 556) when he said:

"'But it cannot be a true inference, because the admission of an alien is a favor the favor may be revoked at pleasure. The grant of land to an individual may be a favor, not of right; but the moment the grant is made the favor becomes a right, and must be forfeited before it can be taken away. To pardon a malefactor may be a favor, but the pardon is not, on that account, the less irrevocable.'

"EVEN IF IT HAD THE RIGHT TO DO SO, SHOULD CONGRESS PASS THIS BILL AS A QUESTION OF POLICY?

"(a) To do so would be entirely inconsistent with the oft-repeated international policy of our Government. The Government's position was perhaps most clearly stated in the case of the expulsion from Haiti in 1894 of one Eugene Wiener for conduct and acts deemed 'dangerous to the tranquillity and public order' of that state. Mr. Gresham, then Secretary of State of the United States, directed the United States Minister to Haiti to file an emphatic protest against this action, explaining the attitude of the United States, as follows:

"'* * * This right [of expulsion], though based on recognized principles of international law, has limitations which the same principles imposed.

"'"Every state is forced, for reasons of public order, to expel foreigners who are temporarily residing in its territory. But when a government expels a foreigner without cause, and in an injurious manner, the state of which this foreigner is a citizen has a right to prefer a claim for this violation of international law and to demand satisfaction if there is occasion for it." (Calvo's Dictionary of International Law, "Expulsion.")

"'The United States neither excludes nor expels foreigners except in pursuance of general laws. The provisions of these laws are or may be known in advance to all persons upon whom they are intended to operate. * * * There is certainly nothing in the law or practice of this country which could be cited as a precedent for the arbitrary expulsion of foreigners without hearing and without cause. The just rule would seem to be that no nation can single out for expulsion from its territory an individual citizen of a friendly nation without special and sufficient grounds therefor.'

"(Letter from Mr. Gresham, Secretary of State, to Mr. Smythe, Minister to Haiti, dated November 5, 1894. Foreign Relations II, 801, quoted in 4 Moore, Digest of International Law, pp. 83–88, italics added.)

"As a result of the emphatic protest made by the United States, Wiener was permitted by the Government of Haiti to return to that country.

"Hollander's case was similar. Hollander, a citizen of the United States residing in Guatemala, had been charged with libel and forgery. While awaiting trial he was deported by decree of the Government of Guatemala. The United States made a vigorous protest and a demand for indemnity, as a result of which Hollander was allowed to return. Mr. Olney, Secretary of State, wrote to the United States Minister to Guatemala in part as follows:

"'This high-handed treatment of Hollander carried also the appearance of discourtesy and unfriendliness to the United States * * *.' (Letter from Mr. Olney to Mr. Young, Minister to Guatemala, dated January 30, 1936, quoted in Moore, op. cit., supra, pp. 102–108.)

"A similar position was taken at an earlier date by Mr. Evarts in the case of the expulsion of a United States citizen, without trial from Mexico. Mr. Evarts wrote our Minister to Mexico:

"'You would be fully justified in making earnest remonstrances should a citizen of the United States be expelled from Mexican territory without just steps to insure the grounds of such expulsion * * *.' (Letter from Mr. Evarts to Mr. Foster, United States Minister to Mexico, July 10, 1879, quoted in Moore, op. cit., supra, pp. 76–77.)

"To the same effect is a letter from Mr. Bayard, advising our Minister to Russia how to proceed with respect to the expulsion from Russia of a United States citizen. Mr. Bayard wrote that the Minister should take no action 'Unless the expulsion be arbitrary or involves unjust discriminations * * *.'" (Letter from Mr. Bayard to Mr. Lathrop, United States Minister to Russia, dated July 1, 1887, quoted in Moore, op. cit., supra, p. 180.)

"(b) Would the passage of this bill strike at the fundamentals of American democracy? In his letter to the chairman of the committee, the Attorney General vehemently protested against the enactment of this legislation as an 'historical departure from an unbroken American practice and tradition,' which would 'deny the protection of uniform and indiscriminatory laws, and of fair hearings to even the humblest or meanest of men.'

"In considering this bill, we need not be interested in the alien involved. The fate of the individual alien is not important as compared with the fate of all our people who might ultimately be injured thereby. We in America inherit a treasure. That treasure is not in gold or land or other resources. It is the treasure of liberty. The right to be free, the right to think and to speak, and

to print, and to worship—these are our inheritances. He who strikes at them strikes at our democracy itself. He who would restrict and limit the rights of any within our shores, endangers the right of all within our shores. He who would ask us to hate and fear our neighbors, just because they are not citizens, asks us to light a fire which might well consume us all. Our Government and our people must necessarily afford protection against improper activities conducted from outside sources. We cannot afford to permit our actions to be controlled directly or indirectly by those who represent governments other than our own. We must, however, take care that in our desire to defend against improper outside activities, we do not run the risk of destroying the civil liberties of our people and by so doing destroy our very democracy itself.

"DEPARTMENT OF JUSTICE,
*"Washington, D. C., June 18, 1940.*

"Hon. RICHARD B. RUSSELL,
*"Chairman, Committee on Immigration,*
*"United States Senate, Washington, D. C.*

"MY DEAR SENATOR: This is an answer to your request for the views of this Department concerning the bill (H. R. 9766) which provides:

"'TO DIRECT THE DEPORTATION OF HARRY RENTON BRIDGES

"'*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law the Attorney General be, and is hereby, authorized and directed to take into custody forthwith, and deport forthwith to Australia, the country of which he is a citizen or subject, the alien, Harry Renton Bridges, whose presence in this country the Congress deems hurtful.'"

"If this bill were to become law, it would be an historical departure from an unbroken American practice and tradition. It would be the first time that an act of Congress has singled out a named individual for deportation. It would be the first deportation in which the alien was not even accused either of unlawful entry or unlawful conduct while here. It would be the first time that Congress, without changing the general law, simply suspended all laws which protect a named individual and directed the Attorney General to disregard them and forthwith to deport 'notwithstanding any other provision of law.' And it would be the first time since the alien and sedition laws a century and a half ago that any law would provide for a deportation without a hearing or without, indeed, the slightest pretense toward giving the accused what our Nation has long known as 'due process of law.'

"The extraordinary character of the bill upon its face is even more impressive viewed against its background. This same alien has been accused, investigated, and tried at great length, and judgment has been rendered that he had not been proved guilty of the charges made against him. By this bill the United States would deny faith and credit to its own duly conducted legal proceedings.

"We have in this country, subject to the jurisdiction of this Department, some three and one-half million aliens. One of our great tasks is to assimilate them into our native culture; this can only be done by a deep respect for our processes and tradition. How shall we teach this respect if the Government itself will not abide by a decision in an individual case, and makes acts whose nature is not specified, but which must have been lawful when done, the basis of deportation without hearing? What becomes of equality before the law, of the impersonal and impartial character of our Government, if it is to select unpopular persons to suffer disadvantage or punishment?

"I do not now consider whether such a law would violate the constitutional prohibition against congressional enactment of bills of attainder, or ex post facto laws, or the provision of our Bill of Rights which declares that 'no person * * * shall be deprived of life, liberty, or property without due process of law.' I do not now try to determine whether the language of this act would work an unconstitutional suspension of the writ of habeas corpus. Nor do I inquire as to any breach of treaty engagements to render fair treatment to nationals of friendly powers lawfully in this country. The law makes me legal adviser only to the President and the executive departments, and my predecessors have held that they could not with propriety also render legal opinion to a separate branch of the Government.

"But apart from any question of power, I cannot, as head of the Department affected by this bill, answer with anything less than emphatic disapproval your request for views upon it.

"The Congress has almost unlimited powers over aliens. It has embodied its policies in general laws. If it is convinced, as I am, that recent experiences show the need for additional safeguards, by all means let us have them. We, who are administratively responsible for dealing with these problems, have advocated greater legislative precautions. But there is no condition, existing or threatened, which needs arbitrary legislation prescribing no rule of conduct, but merely imposing banishment by legislative fiat. The interests of this service can be best protected by enactment of clear and fair rules of conduct that aliens may know, so that those who obey may be unmolested and those who disobey may be expelled. And let any man be heard in his own behalf before he is doomed to exile.

"Harry Bridges may be all that this bill implies of him. But certainly he does not deserve a place in our history as a martyr. He is insignificant compared to the issues presented by this bill. Our forefathers objected to a government where 'whatever pleased the prince had the force of law.' The report of the House committee comes close to reverting to this when it says that deportation 'without assigning any reason is inherent and asserted by this bill.'

"As an American I would not, for the sake of my own liberty, deny the protection of uniform and indiscriminatory laws, and of fair hearings to even the bumblest or meanest of men. As an official of the United States I cannot in good conscience do other than recommend strongly against this bill.

"With personal regards,

"Sincerely yours,

"ROBERT H. JACKSON,
*"Attorney General."*

Your committee, after carefully considering the bill, report it favorably to the Senate with the substitute as a committee amendment, and recommend the title be amended to read as follows: "A bill authorizing the Attorney General to investigate the alien Harry Renton Bridges, and for other purposes."

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'MAHONEY:

S. 4300. A bill for the relief of Katherine M. Mead; to the Committee on Claims.

By Mr. WALSH:

S. 4301. A bill to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes; to the Committee on Naval Affairs.

## SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENT

Mr. CLARK of Missouri submitted an amendment intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which was ordered to lie on the table and to be printed.

## SURVEY OF CARTER AND ADJOINING COUNTIES, TENN., DAMAGED BY FLOOD

Mr. STEWART submitted a resolution (S. Res. 302), which was ordered to lie on the table, as follows:

Whereas Carter County, Tenn., was subjected on August 13, 1940, to a disastrous flood, which caused extensive damage to roads and bridges in such county, and to the streets and the sewerage system of the city of Elizabethton in such county; and

Whereas Carter County and the city of Elizabethton are so burdened with indebtedness as to be unable to raise the necessary funds to repair such roads, bridges, streets, and sewerage system and to take such action as may be necessary to prevent similar damage in the future; and

Whereas it is essential to the maintenance of the health and safety of the people of such county and city that such roads, bridges, streets, and sewerage system be repaired, and that action be taken to protect such county and city from floods: Therefore be it

*Resolved,* That the Secretary of War is requested to immediately make a survey of that part or portion of Carter County and adjoining counties in Tennessee which were subjected to a flood on August 13, 1940, with a view to and for the purpose of determining the extent of the damage to public and other property caused by the flood, and the cost of repair; and to report to the Senate thereon at the earliest practicable date.

## AMENDMENT OF FEDERAL AID FOR ROADS ACT—CONFERENCE REPORT (S. DOC. NO. 271)

Mr. McKELLAR submitted a report, which was ordered to lie on the table and to be printed.

## STATEMENT BY SENATOR WALSH ON PROPOSED TRANSFER OF DESTROYERS

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD a statement by Senator WALSH in the American Forum in answer to the question, Shall the United States make available to England 50 of our World War destroyers? which appears in the Appendix.]

## STATEMENT BY SENATOR LUNDEEN ON ACQUISITION OF FOREIGN ISLAND POSSESSIONS

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD a statement prepared by him regarding the proposed acquisition by the United States of foreign island possessions, which appears in the Appendix.]

## SENATOR KENNETH M'KELLAR—ARTICLE BY RALPH SMITH

[Mr. STEWART asked and obtained leave to have printed in the RECORD an article by Ralph Smith, published in the Atlanta Journal of August 6, 1940, relative to Senator McKELLAR, which appears in the Appendix.]

## COMMENT BY RAYMOND CLAPPER ON SENATOR PEPPER'S RECENT SPEECH

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article by Raymond Clapper, published in the Washington Daily News of August 23, 1940, under the heading, "Abusing free speech," commenting on the remarks of Senator PEPPER in connection with an effigy-hanging incident, which appears in the Appendix.]

ADDRESS BY HON. A. G. BLACK BEFORE CULLMAN (ALA.) NATIONAL FARM LOAN ASSOCIATION

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address delivered by Hon. A. G. Black, Governor of the Farm Credit Administration, before the Cullman (Ala.) National Farm Loan Association on August 13, 1940, which appears in the Appendix.]

ADDRESS BY GENERAL JOHNSON ON SELECTIVE SERVICE

[Mr. BYRNES asked and obtained leave to have printed in the RECORD a radio address delivered by Gen. Hugh S. Johnson over the Columbia Broadcasting System, August 23, 1940, on the subject Selective Service Right Now, which appears in the Appendix.]

EFFECT OF MILITARY SERVICE ON VOTING RIGHTS

Mr. VANDENBERG. Mr. President, a few days ago I presented for the RECORD some information indicating the effect of military service upon the voting rights of the men inducted into the service. I quoted from the Law Review of George Washington University.

There seems to be some question about the authenticity of all the information submitted. Therefore, I have applied to the Judge Advocate General for the final official word on the subject, and Maj. Gen. Allen W. Gullion, Judge Advocate General, furnishes me with the latest official chart which was prepared at West Point. Because it deals with a very fundamental civil right in respect to men inducted into the military service, I think it is important that it should be made a matter of record, and I ask that it be inserted in the CONGRESSIONAL RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

STATUS OF ARMY OFFICERS AND SOLDIERS AS VOTERS

[West Point publication, December 1933]

In general, Army officers and soldiers are entitled to vote at their legal residence. Usually this is their domicile prior to entering the military service. A great many States have the provision that "no soldier, seaman, or marine in the Army or Navy of the United States shall be deemed to have gained or lost a residence by reason of his presence or absence while in the service." However, several States permit officers and soldiers to vote during their station in the State. The act of qualifying to vote and of voting in such a State operates to change one's legal residence to that State. In many instances it is necessary to register in person, but once registered, the voter's name remains on the registration list if he votes in the various elections. Many States have provision for absentee voting and a few permit registration by mail.

The following chart shows the status of Army officers and soldiers as voters in the various States: (In many cases the chart answers of "Yes" and "No" need qualifying or are open to argument. For these reasons the chart is followed by an appendix in which controversial questions and answers needing qualification are discussed in detail.)

*Procedure to be taken in order to vote by mail*[1]

| States | May officer or regular soldier residing on Government reservation vote? | May officer or regular soldier on duty and living in a town or city in the State vote? | May officer or regular soldier retain residence and vote in locality from which appointed to West Point or inducted into the Army? | Registration | Voting |
|---|---|---|---|---|---|
| Alabama | No | Yes | Yes | No provision for absentee registration; must register in person. | Apply to probate judge for absent voter's ballot. |
| Arkansas | No | Yes (see appendix). | Yes | No registration required; poll-tax receipt necessary to vote. | Apply by letter to county clerk for ballot. |
| Arizona | No | No | Yes | Apply to county recorder for registration affidavit any time between May, and 30 days prior to election. | Apply to county recorder for proper absent voter's ballot application blanks, to be accomplished in duplicate and forwarded within 30 days next preceding any election. |
| California | No | Yes | Yes | Apply to county clerk or registrar of voters for registration affidavit blank in duplicate any time within 30 days prior to election. | Apply to county clerk or registrar of voters for absent voter's ballot. |
| Colorado | No | No | Yes | No provision for registration by mail; may register in person or may be registered by member of family residing at home address. | Not earlier than fourth Monday or later than last Monday preceding election, apply to county clerk or election commission for ballot. |
| Connecticut | Yes | Yes | Yes | No provision for absentee registration; must register in person. | Not more than 3 months before election, apply to town clerk for blank form of affidavit and voting instructions. |
| Delaware | No | No | Yes | See appendix for special provisions for voters in military service; otherwise, must register in person. | See appendix for voters in military service; otherwise, not more than 15 or less than 3 days before election, apply to the clerk of the peace for absent voter's ballot on form furnished by clerk of the peace. |
| Florida | No | Yes | Yes | No provisions for absentee registration; must register in person. | No provision for absentee voting if voter is out of the State. |
| Georgia | No | No | Yes | do | Not more than 60 or less than 30 days before election, apply to regitrars of county for absent voter's ballot. |
| Idaho | Yes | Yes | Yes | Apply in writing under oath, stating official position, to clerk of the board of county commissioners for a form of elector's oath. | Not more than 15 days before or less than 1 day preceding election, apply for official ballot to county auditor, city clerk, or other proper officer on blanks to be furnished by said official. |
| Illinois | No | Yes | Yes | Apply to county clerk for registration affidavit and instructions. | Not more than 30 or less than 5 days before election, apply to county clerk or board of election commissioners for absent voter's ballot. |
| Indiana | Yes | Yes | Yes | No provisions for absentee registration; must register in person. | No provision for absentee voting; must vote in person. |
| Iowa | No | No | Yes | No provisions for absentee registration; must register in person in all cities over 6,000. | Not more than 20 days before election, apply to county auditor or to city or town clerk for ballot. |
| Kansas | No | No | Yes | No provisions for absentee registration; must register in person in cities of the first and second classes (the larger cities, generally speaking). | Between 30 and 2 days preceding election file with county clerk on blank to be furnished by him an affidavit to secure absent voters' ballot. |
| Kentucky | No | No | Yes | No provision for absentee registration; must register in person. | No provision for absentee voting. Must vote in person. |
| Louisiana | No | No | Yes | do | No provision for general absentee voting. If one expects to be absent on election day he may vote from 10 to 2 days early by applying to clerk of the court of the parish. |
| Maine | No | Yes | Yes | do | Apply to city or town clerk for absent voters' ballot. |
| Maryland | No | Yes | Yes | No provision for absentee registration; must register in person; but once he is registered the voter's status is retained as long as individuals remain in military service. | No provision for absentee voting; must vote in person. |
| Massachusetts | No | Yes | Yes | No provision for absentee registration; must register in person. | Apply to city or town clerk for absent voter's ballot. |
| Michigan | No | No | Yes | Apply to township or city clerk for registration affidavit. | Within 30 days of election apply to township, city, or village clerk, or secretary of district school board for absent voter's ballot. |

[1] Where a Government official, such as the county recorder, is indicated, the reference is to the official holding that office in the county where the elector maintains his legal residence, unless otherwise indicated.

*Procedure to be taken in order to vote by mail*—Continued

| States | May officer or regular soldier residing on Government reservation vote? | May officer or regular soldier on duty and living in a town or city in the State vote? | May officer or regular soldier retain residence and vote in locality from which appointed to West Point or inducted into the Army? | Registration | Voting |
|---|---|---|---|---|---|
| Minnesota | No | No | Yes | Apply to commissioners of registration for registration affidavit blank form. | At any time not more than 30 or less than 1 day before election, apply to county auditor for application blank for absent voter's ballot. |
| Mississippi | Yes | Yes | Yes | No provision for absentee registration; must register in person. | No provision for absentee voting; must vote in person. |
| Missouri | Doubtful (see appendix). | Doubtful (see appendix). | Doubtful (see appendix). | | |
| Montana | No | No | Yes | No provision for absentee registration; must register in person. | Within 30 days of election apply to county clerk or city or town clerk, as case may be, for application blank for absent-voter's ballot. |
| Nebraska | No | No | Yes | No provision for absentee registration; must register in person. See appendix for method whereby unregistered voter may vote in person. Registration not required in some villages and towns. | Not more than 30 days or less than 2 days before election apply to county clerk for application blank form for absent voter's ballot. (See appendix.) |
| Nevada | No | No | Yes | No provision for absentee registration; must register in person. | Not more than 30, or less than 3, days before election, apply to county clerk for absent-voter's ballot. |
| New Hampshire | Yes | Yes | Yes | May register in person or may have name put on check list by board of supervisors or qualified elector. | No provision for absentee voting except for Presidential electors. Apply to city or town clerk for application blank form for absent voter's ballot. |
| New Jersey | No | No | Yes, if present; but if absent, in time of war only. | No provision for absentee registration; must register in person. | No provision for absentee voting, except that in time of war special provision will be made to permit absent voting by electors in military and naval service. |
| New Mexico | No | No | Yes | Must register in person or may be registered by member of family residing at legal residence of persons to be registered. | Apply to county clerk for application blank form for absent voter's ballot. |
| New York | Variable (see appendix). | Yes | Yes | In general, no provision for absentee registration; must register in person. | Must apply personally to board of election for absentee ballot at time of registration or from 30 to 17 days before election. |
| North Carolina | Yes | Yes | Yes | No provision for absentee registration; must register in person. | Apply to county board of elections for application blank to be used in applying for absent voter's ballot. |
| North Dakota | No | Yes | Yes | May register in person or may be registered by board of registry or by oath of some elector already registered. See appendix for affidavit to accompany absent voter's ballot which will permit vote without other registration. | Within 30 days of election apply to county auditor for application blank to be used in securing absent voter's ballot. |
| Ohio | No | No | Yes | No provision for absentee registration; must register in person. See appendix for election districts in which registration is not required. | Not more than 30 days or less than 3 days prior to election, apply for absent voter's ballot on a blank to be furnished by clerk of the board of deputy State supervisors of election of the county. |
| Oklahoma | No | No | Yes | No provision for absentee registration; must register in person. | Special provision for absent voters in military and naval service. (See appendix.) |
| Oregon | No | No | Yes | Apply to county clerk for affidavit blank form for absentee registration. | Within 30 days of election apply to county, city, or town clerk, or auditor upon a blank to be furnished by above named official, for absent voter's ballot. |
| Pennsylvania | No | No | Yes | No provision for absentee registration except in Scranton and Pittsburgh. (See appendix however.) | No provision for absentee voting; must vote in person. (See appendix.) |
| Rhode Island | No | No | Yes | No provision for absentee registration; must register in person. | Not later than 15 days before election apply to secretary of State for application affidavit form for absent voter's ballot. |
| South Carolina | No | No | Yes | do | No provision for absentee voting; must vote in person at all general elections. (See appendix for absentee voting in primary elections.) |
| South Dakota | No | No | Yes | May register in person, or may be registered by some elector whose name is on list, by assessor at time of tax assessment, or if individual is known, by officials in charge of registration. | Apply to county or city auditor or clerk of the town township for absent voter's ballot, to be marked within 20 days of election. |
| Tennessee | No | No | Yes | May register in person or by registered mail, sending sworn statement (see appendix) to chairman or secretary of county board of election. | Not more than 30 or less than 10 days before election, apply to registrar for absent voters' ballot. |
| Texas | No | No | No | | |
| Utah | No | Yes | Yes | No provision for absentee registration; must register in person. | Within 30 days of election, apply on blank to be furnished by county clerk, to county clerk for absent voters' ballot. |
| Vermont | No | Yes | Yes | Selectmen of the town make the check list or registration list. Freeman's oath must be taken prior to elector's being placed on check list. Requirements as to personal appearance of voter determined by selectmen in each case. | Apply to town or village for absent voter's ballot. |
| Virginia | No | No | Yes | No provision for absentee registration; must register in person. | Not more than 60 days or less than 5 days (if voter is outside United States, 90 to 60) apply to registrar for absent voter's ballot. (See appendix.) |
| Washington | No | No | Yes | do | Procure certificate from registration officer (see appendix) and apply to county auditor for affidavit to be subscribed to as a preliminary to securing absent voter's ballot. |
| West Virginia | No | Yes | Yes | do | Not more than 30 or less than 10 days before election, apply to clerk of the circuit court of the county on blank to be furnished by him for absent voter's ballot. |
| Wisconsin | No | No | Yes | Rural residents and residents in municipalities of less than 5,000 population not required to register. Secure from clerk of the municipality, blank registration affidavit with instructions for registration by mail. | Not more than 20 or less than 3 days before election apply on a blank to be furnished by clerk, to clerk of the county or of the city, village, or town for absent voter's ballot. (See appendix 11:54 (2).) |
| Wyoming | No | No | Yes | Registration not required in city or town casting less than 400 votes; personal registration otherwise required, but see appendix (art. 13, sec. 38-1330). | Within 30 days of election apply to county clerk, on blank to be furnished by clerk, for absent voter's ballot. |

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. REYNOLDS. Mr. President, yesterday the Members of the Senate were good enough to permit me to make some observations. I am fortunate enough this morning to have the floor to continue my remarks. I am occasioned so to do as the result of some articles I have read in the press.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. REYNOLDS. I gladly yield.

Mr. JOHNSON of California. I desire to suggest the absence of a quorum.

Mr. REYNOLDS. I do not think that is necessary, unless the Senator insists.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield for that purpose.

Mr. REYNOLDS. I yield to the Senator.

Mr. JOHNSON of California. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Downey | Lee | Schwellenbach |
| Andrews | Ellender | Lodge | Sheppard |
| Ashurst | George | Lucas | Shipstead |
| Austin | Gerry | Lundeen | Slattery |
| Bailey | Gibson | McCarran | Stewart |
| Bankhead | Gillette | McKellar | Taft |
| Barkley | Glass | Maloney | Thomas, Idaho |
| Bone | Green | Mead | Thomas, Okla. |
| Brown | Guffey | Miller | Thomas, Utah |
| Bulow | Gurney | Minton | Tobey |
| Burke | Hale | Murray | Townsend |
| Byrd | Harrison | Neely | Truman |
| Byrnes | Hatch | Norris | Tydings |
| Capper | Hayden | Nye | Vandenberg |
| Caraway | Herring | Overton | Van Nuys |
| Chandler | Hill | Pepper | Wagner |
| Chavez | Holt | Pittman | Walsh |
| Clark, Idaho | Hughes | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Calif. | Reed | White |
| Connally | Johnson, Colo. | Reynolds | Wiley |
| Danaher | King | Russell | |
| Donahey | La Follette | Schwartz | |

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from New Jersey [Mr. SMATHERS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

The Senator from Wyoming [Mr. O'MAHONEY] is absent because of a slight cold.

Mr. AUSTIN. I announce that the junior Senator from Oregon [Mr. HOLMAN] is absent on public business.

The senior Senator from Oregon [Mr. MCNARY]; the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota [Mr. FRAZIER], and the Senator from New Jersey [Mr. BARBOUR] are unavoidably absent.

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present.

Mr. REYNOLDS. Mr. President, for the time being, I yield the floor.

Mr. GIBSON. Mr. President, I shall detain the Senate but a very short time this morning in speaking on the pending bill. I think the bill must be a good one because such a number of able Senators have spoken so eloquently against it for 3 and 4 hours at a time, and if it took them so long to find something wrong with it, I can only come to the conclusion that it must be a pretty good bill. I think the bill can be justified in a very short time.

Edmund Burke, one of England's most brilliant statesmen, speaking at the time of the French Revolution, said that when our neighbor's house is on fire it cannot be amiss for engines to play a little water on our own; that it is better to be despised for too anxious apprehensions than ruined by too confident a security.

Such caution is the real reason for the bill we are now considering—not to wage any war of aggression, not to send any of our soldiers to foreign shores, not to create a tremendous standing army, not to attack any country or nation; merely to prepare ourselves against the possibility of attack.

A few things speak for themselves with certain eternal truth. I have heard on this floor many expressions by able Members of the Senate that they do not believe there is any possibility of attack. In all courtesy to them, their beliefs amount to nothing. Let us see what the one man who knows believes about the possibility of such an attack.

A short time ago one of Hitler's most intimate friends wrote a book; I refer to the Voice of Destruction, by Hermann Rauschning, very recently published. Listen to one short quotation from that book, and then let any Senator arise and say he does not believe that Hitler will possibly attack us:

> National socialism alone is destined to liberate the American people from their ruling clique and give them back the means of becoming a great nation. I shall undertake this task simultaneously with the restoration of Germany to her leading position in America.

What do you suppose he meant by those words? Do they mean the peaceful conquest of America by the infiltration of ideals of national socialism, or do they mean the type of liberation which Poland, Holland, and Belgium have enjoyed? Does Hitler mean that the American people will be so persuaded of the truth of national socialistic doctrines that the voters will go willingly to the polls to elect those who favor setting up a totalitarian state in this country? Or does he not mean the imposition of his will by means of the same blood and iron with which he has ravaged Europe? Is there anyone so blind as to refuse to see the picture more clearly unfolded every day before our eyes?

Again Hitler says:

> We will soon have an S. A. in America.

Meaning storm troopers in America. He continues:

> We shall train our youth. And we shall have men whom degenerate Yankeedom will not be able to challenge. Into the hands of our youth will be given the great statesmanlike mission of Washington which this corrupt democracy has trodden under foot. * * * It is a mistake to assume that it [America] was a danger to us in the last war. Compared with the British and French the Americans behaved like clumsy boys. They ran straight into the line of fire, like young rabbits. The American is no soldier. The inferiority and decadence of this allegedly New World is evident in its military inefficiency.

It is precisely this military inefficiency and lack of preparedness, as advocated by the opponents of the pending bill, on which Hitler is counting to aid him in his conquest of the United States.

Do you, Mr. President, realize that during the same length of time it has taken us to debate the bill Hitler was able to conquer France? No wonder he has the utmost contempt for democratic institutions which are incapable of prompt and wise action in times of emergency.

There are those who argue there is no emergency at the present time, and that America is at peace. They seem to forget that in these days wars are no longer declared. I do not remember that war was declared against Poland, against Holland, or against Belgium; certainly not until after the first German troops had crossed the borders of those countries. They were at peace; and where are they now? Poland is at peace; Holland is at peace; and so is Belgium. But their peace is the peace of death.

Is this the peace to which the opponents of the bill would condemn us—a peace which will begin with the slaughter of the untrained, ill-equipped youth of this land, like the very rabbits to whom Hitler has compared them? A peace which will result in the virtual, if not the actual, slavery of those who survive? A peace which will mean submission accompanied by insults to our women and the degradation of our men? The sort of peace that freemen the world over during all the ages have gladly chosen to die rather than submit to?

Mr. President, there is much speculation as to Hitler's probable future course, but it is not difficult to predict. What did he say? In this connection we recall the words of Patrick Henry, "I have no lamp to guide my feet save the lamp of experience." Let us examine Hitler's attitude toward the

methods of warfare, or, even better than that, let us examine the record of the methods Hitler believes should be employed in the conduct of war. Hitler says:

> I will use whatever weapon I require. The new poison gases are horrible. But there is no difference between a slow death in barbed-wire entanglements and the agonized death of a gassed man or one poisoned by bacteria.

Mr. President, what I am about to read from Mr. Hitler describes the kind of war that is being fought today:

> In the future, whole nations will stand against each other, not merely hostile armies. We shall undermine the physical health of our enemies as we shall break down their moral resistance. I can well imagine that there is a future for bacterial warfare. We have not quite perfected it yet, but experiments are being made. I hear that they are very promising. But the use of this weapon is limited. Its significance lies in wearing down the enemy before the war. Our real wars will in fact all be fought before military operations begin. I can quite imagine that we might control Britain in this way—or America.

Is this the type of man whose future conduct is difficult to predict? What has he done? Other Senators have read the newspapers during the past few months as well as I. Brutally he has changed the map of Europe day by day. I need dwell on that no further. What is he doing?

In Dakar, Africa, with the use of slave labor he is causing to be constructed one of the largest airports known to the world—Dakar, Africa, but some 5 hours by air from South America. Is the port of Dakar to be used against England, against Russia, or is it to be used for great commercial traffic? What is being done in the Azores Islands and in the Canary Islands? Reports filter into our State Department that tremendous bases are now being constructed at breakneck speed by slave labor under Spanish domination and guided by German experts. Is there any economic traffic that requires huge bases at these locations to be built by slave labor, with 1,000 or 2,000 men working night and day? Why is he building these bases?

We are now advised by newsmen that the forgotten islands of the Caribbean have been chartered by the Germans and are being prepared. Why is Hitler doing that?

It is argued that the ocean is a great barrier to any nation seeking to invade this country. But it never was to a hostile navy. The English certainly had no trouble in landing troops during the Revolutionary War. In 1814 they burned this very Capitol. They came over then with the aid of the wind. But that is not the type of wind on which Hitler is relying today. It is not what England has done for us or to us in the past, but what Germany, possessed of the British Navy, might do against us in the future.

Mr. President, I cannot understand the argument that peacetime conscription in this country is something new, for it is not. The very earliest State laws enacted by our forefathers permitted the drafting of men in times of emergency. That is the law of my State, and that is the law of more than half the States in the Union.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. GIBSON. I yield.

Mr. LODGE. Is it not true that in 1777 a draft law was enacted by both the States of Massachusetts and Virginia?

Mr. GIBSON. Yes. The Senator from Massachusetts is correct. Practically every New England State has a State draft law, and I think 35 States today have State draft laws. I have copies of the laws here if any Senator wishes to look at them.

Mr. President, our forefathers knew by instinct that which we refuse to see.

Is anyone going to claim that the method of waging war has not so materially changed that antedated methods are worse than useless? Do Senators suppose that we would have a monument now standing to commemorate the Battle of Bunker Hill if the British had been armed with tanks and Stuka bombers?

Mr. President, what do you suppose would happen if you suddenly wakened some morning in your home town and found that 50 Germans equipped with light machine guns had landed during the night and taken possession of your city hall, your communication system, your lighting system, your water system, your police station, and your armory? Would any Member of the Senate know how to handle a machine gun if he had one set up in his front yard ready to fire? How much ammunition is there in the home town of any one of us which could be used to throw out the invader? No; without dwelling on the point, I say there are ways to learn how to protect oneself against this new, modern method of warfare; ways to limit the danger from machine guns, and ways to learn the methods of protection against modern warfare. Fifty parachutists could conquer any small city of 10,000 people within this great country of ours.

So it inevitably follows we must have a reservoir of trained men in every town, hamlet, and city in our country. We must be prepared to fight—nation against nation—not army against army. These men cannot only be trained to aid the United States in time of attack, but they can also educate the women, the children, and the old people back home how to protect themselves against the dangers of modern warfare.

When I was a boy in school we used to have fire drills. Mr. President, let us abolish this un-American and undemocratic institution. Did anyone ask me if I wanted to go to fire drill? No; I was sent down the stairs with the other children, not being fully aware of my constitutional rights. I was not even allowed to run out the door.

I submit to the Senate that this was regimentation, quite the equivalent of peacetime conscription. No emergency existed, apparently, and there never was a fire, and, therefore, obviously, the time spent was unjustified. We never should have had fire drills until we had a fire, or, at least, until the question had been submitted to the children for a referendum.

Mr. President, one of the most effective weapons Hitler has is his "fifth column," which today is burrowing into our national life. As the able Senator from Florida [Mr. PEPPER] so well said last Thursday, note the increased size of the Embassies and the consulates of the German Nation. Why is this? Is it because trade growth necessitates it?

It is more than passing strange that the conquest of countries abroad was preceded by exactly the same tactics.

I have before me, as an example of the great extent to which this infiltration has gone, the crew list of the U. S. S. *Washington*, which in June sailed to France and Ireland to bring back refugees. This is one of the ships which our Government was advised by the German Government was intended to be blown up by the British on the high seas on its way home. In its crew of about 600 members, we find on that ship 155 native Germans, more than 74 of whom have been naturalized within 2 years.

Is it too much to suppose that it was the plan of Hitler to have one of those Germans plant bombs in that ship, blow it up in midocean, and blame it on England?

Ships of the American line, with many German crew members, sail continually through the great Panama Canal and see everything there is to be seen there.

That is merely an example of an isolated instance of the infiltration that is taking place by the Nazis in this country, and the oath of allegiance is specifically repudiated by Hitler, who says in so many words that he urges them to become naturalized American citizens in order that they may better serve the greater Germany.

Mr. President, I have endeavored to high-light my reasons for advocating the pending bill. As I have said, it would create a reservoir of trained men; it would teach the people back home every available method by which best to defend themselves against the dangers of modern war; and it would form the basis for the organization of defense against parachute troops. But there is another and greater reason for its passage.

If passed it will make us realize that liberty is not a gift from heaven. It will make us realize that liberty is something for which we must fight and sacrifice. We love those for whom we sacrifice, not those who do things for us. The

reason why this generation has lost its love of liberty is that it has paid nothing and sacrificed nothing for it.

The trouble with our country is largely spiritual. Let us see what Hitler says about that:

The Yankees have kept their noses in the money bags. Today that is being avenged.

We have forgotten the sacrifices which made this country possible. Now is the time and here is the place to pay the debt we owe ourselves and our children's children.

Those who advocate the volunteer method of obtaining men admit they are only guessing as to whether or not that method will work. But universal service is sure and certain.

We act as though the war in Europe was a spectacle produced in Hollywood rather than the most hideous reality in the history of the bloody world.

We talk as though we had limitless time in which to decide, but we have not. In our very indecision lies the dictator's most formidable ally. While we debate the sands in the hourglass are running low. This is no time to embark upon the uncharted seas of speculation and surmise. Universal service is sure; universal service is certain. Can we afford to gamble our liberties—yes, our very lives—on the outside chance that the volunteer method may work equally well? The volunteer method cannot prepare us to defend ourselves in a war of nation against nation; only in a war of army against army. It has no safety in it.

Mr. President, I had intended to discuss the Maloney amendment, but I find that another amendment has been submitted which removes many of the grave dangers from that amendment. Therefore I am not prepared at this time to discuss it.

It has been brought to my attention that 126 years ago today an invading army, coming here by ship, burned this Capitol.

The pathways of history are lined with the bones of those who could not quite make up their minds when confronted by a crisis. Shall we add our own to that ghostly pyramid? We have seen the handwriting on the wall. Take care that it may not be said of us, "You were weighed in the balance and found wanting."

While I speak, the German host awaits the favorable winds and tides which will carry it to England. England's turn now; ours next if—God forbid—she should be conquered.

Already in Berlin our lands are parceled out; and fierce are the robbers who fight for the hope of plunder. But Hitler cannot offer his greatest chiefs such gifts as we can offer to our humblest citizen—liberty, right, and law—on the soil of our fathers.

We have heard of the miseries endured in olden times under the English; but they are kindred to us in language and in law. The Nazis would rule us in a language we do not know and by a law which claims to govern by the right of the sword.

Let us arm for the women we would save from the ravisher; for the children we would guard from eternal bondage; and for the altars the swastika would darken.

Let us stop temporizing and act; otherwise we shall see in agony and despair the falling twilight of dissolution, while the sun of our greatness as a nation sinks slowly in the west.

Mr. GIBSON subsequently said: I have in my hand a list of 35 States whose State laws, upon a cursory examination—and I have them here—give in substance the Governors of the States the right in emergencies to draft men. I ask unanimous consent to have the list printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Alabama, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington.

Mr. BARKLEY. Mr. President, I take this occasion to congratulate the Senator from Vermont upon not only one of the ablest speeches on this question during this debate, but one of the ablest I have heard in many years.

We all know that the Senator's delightful and charming personality has ingratiated itself into the affection and high regard of all Members of the Senate. That leads me to express deep regret that, coming here under appointment as the son of an honored Member of this body who served overseas during the World War and whose memory we all cherish, he has decided not to be a candidate for the Senate from Vermont, so that we might have his association and his services in the future. [Applause.]

### WILLIAM C. BULLITT

Mr. CLARK of Missouri. Mr. President, on August 14, 1940, I obtained permission from the Senate and inserted in the RECORD an article from the New Orleans Item-Tribune, written by my sister, Mrs. Genevieve Clark Thomson, on the subject of Mr. William C. Bullitt. Some days later I received a letter from Mr. Bullitt taking exception to certain statements in Mrs. Thomson's article, and asked that his letter be inserted in the CONGRESSIONAL RECORD. I sent Ambassador Bullitt's letter to Mrs. Thomson for such comment as she saw fit to make on it; and she has written an answer to Mr. Bullitt, with a covering letter to me.

I ask unanimous consent that Ambassador Bullitt's letter to me, Mrs. Thomson's letter to me, and Mrs. Thomson's letter to Mr. Bullitt, be printed together in the Appendix of the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### APPLICATION OF THE HATCH ACT TO DISTRICT OF COLUMBIA

Mr. THOMAS of Oklahoma. Mr. President, in the enactment of the Hatch clean-politics bill, a section was inserted relating to the District of Columbia. This section referred especially to the recorder of deeds of the District of Columbia. I ask unanimous consent to have printed in the RECORD a statement which I have prepared relative to this special provision.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

On March 11, 1940, the Senate approved an amendment to the then pending bill (S. 3046) known as the Hatch clean politics bill, and such amendment became a part of the law (Public, No. 753, 76th Cong.)

The amendment is embraced in section 14 of the said public act and reads as follows:

"SEC. 14. For the purposes of this act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees."

On the same date, March 11, 1940, after having presented the amendment, I made the following statement in its support in the Senate:

"Mr. THOMAS of Oklahoma. Mr. President, I have pending on the Vice President's desk an amendment. On former occasions I have sat silently by and let unanimous-consent agreements be made, and at the last moment I have found myself unable to secure time even to explain my amendments. So unless I can have an agreement that my amendment will come up when reasonable time can be afforded for its discussion, I shall be forced to object.

"Mr. BARKLEY. Of course, the Senator from Oklahoma realizes that I have no desire to cut him off, or any other Senator. So far as I am concerned, I am perfectly willing that the Senator's amendment shall be offered first, and that he shall be allowed to discuss it; but that is not a matter over which I have control. I will say to the Senator, however, that I will cooperate with him to the fullest extent of my ability to assure him time in which to discuss his amendment.

"Mr. THOMAS of Oklahoma. Mr. President, from my viewpoint my amendment should be adopted without debate and without discussion; but oftentimes amendments which seem to me to have that status are the ones which provoke the most discussion. If the author of the bill will accept the amendment, there will be no occasion for discussing it.

"Mr. BARKLEY. I do not know what the amendment is.

"Mr. THOMAS of Oklahoma. If I may have just a moment, I will explain what the amendment is.

"Mr. RUSSELL. Mr. President, I believe I have the floor. I yield to the Senator from Oklahoma.

"Mr. THOMAS of Oklahoma. The original Hatch Act provides a code of procedure for Federal employees. It exempts the President, Members of the Congress, and certain officials who have so-called policymaking powers. The original act did not refer to the District of Columbia. This bill places District of Columbia officials under the law and makes an exception of the Commissioners.

"Mr. President, there is another official of the District government who is appointed by the President and confirmed by the Senate. I refer to the official known as the recorder of deeds. For a good many years, whatever political party has been in power has conceded this position to the colored race; and, as a result of that policy, some member of that race has held the office during many past years.

"The occupant of the office is appointed by the President and confirmed by the Senate. The official holding the office is regarded by the colored people as their liaison or contact man with the National Government. He assumes to go out and speak to the colored people, to tell them what is being done, and to advise them as to what he thinks should be done. If this position is placed under the ban of this law, that official, appointed by the President and confirmed by the Senate, will be denied any further activity along that line. So my amendment proposes to exempt the position of recorder of deeds of the District of Columbia.

"Mr. HATCH. Mr. President, will the Senator yield?

"Mr. RUSSELL. I yield to the Senator from New Mexico.

"Mr. HATCH. Of course, I have no authority to accept an amendment. I am not familiar with the duties of this particular office; but, as the Senator has explained them, so far as I am personally concerned I should have no objection to the amendment being adopted, taking it to conference if there should be a conference, and endeavoring in good faith to work out something along the lines of the amendment.

"Mr. THOMAS of Oklahoma. Mr. President, at this time I will call up the amendment, so that it may be stated; and in support of the amendment I desire to have printed, immediately following the amendment, a letter from the present recorder of deeds, Dr. William J. Thompkins, of Kansas City.

"The PRESIDENT pro tempore. The amendment will be stated.

"The LEGISLATIVE CLERK. On page 7, line 24, after the word 'commissioners' and before the word 'of', it is proposed to insert the words 'and the recorder of deeds.'

"Mr. THOMAS of Oklahoma. Mr. President, I desire to state that the amendment is offered jointly by the Senator from Missouri [Mr. TRUMAN] and myself.

"The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

"The amendment was agreed to.

"The PRESIDENT pro tempore. The Senator from Oklahoma has asked unanimous consent to have printed at this point in the RECORD a letter referring to the amendment. Without objection that may be done.

"The letter is as follows:

"RECORDER OF DEEDS, DISTRICT OF COLUMBIA,
*"Washington, March 4, 1940.*

"Hon. ELMER THOMAS,
*"Senator from Oklahoma,*
*"Senate Office Building, Washington, D. C.*

"MY DEAR SENATOR: Permit me to call your attention to S. 3046, an amendment to the Hatch Act to prevent pernicious political activities, designed to include in the provisions of the act all employees of the District of Columbia except the District Commissioners.

"The amendment to the act would likewise extend the provisions of the Hatch Act to State employees, except certain elective officials appointed by the Governor and confirmed by the State legislature.

"The fact that the amendment exempts from its provisions officials of States appointed by Governors and confirmed by legislatures and neglects to afford this same exemption for officials of the District of Columbia appointed by the President and confirmed by the Senate makes the provision discriminatory.

"It is my opinion that this is simply an oversight and should be corrected when S. 3046 comes up for consideration by the Senate.

"In the District of Columbia government the only officials appointed by the President and confirmed by the Senate, with the exception of judges, are the District Commissioners and the recorder of deeds. Section 13, on page 7, exempts the Commissioners but not the recorder of deeds. It is respectfully suggested that S. 3046 be amended as follows:

"In section 13, page 7, line 24, after the word 'Commissioners', insert the following, 'and the recorder of deeds.'

"I should appreciate your letting me have your opinion on this amendment and whatever support you may give it.

"Respectfully yours,

"WILLIAM J. THOMPKINS,
*"Recorder of Deeds, District of Columbia."*

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. GURNEY. Mr. President, "conscription" is a word which I do not like. It has been called an ugly word, and it has been said that these are ugly days. However, I am reminded of the fact that very few men enjoy going to a dentist, although most of us have made a trip or two, because we believe that an ounce of prevention is worth a pound of cure. Some have waited too long in applying the ounce of prevention, and have had to buy the pound of cure in the form of "store teeth."

It occurs to me that in the case of the present emergency the maxim of the ounce of prevention is very applicable. There has been much talk to the effect that there is no emergency. However, the study I have made of present conditions, and the reports which we have all seen and heard from those in authority, indicate to my mind very clearly that a state of grave peril exists, and that there is an emergeny, and possibly a very serious one, in the not distant future.

If my conclusions are correct—and I believe they are—we must use selective conscription in order to apply the ounce of prevention which we hope will avoid the necessity of sending millions of our young men into actual warfare.

I shall be very brief, because I believe that too much time is being spent running up blind alleys, looking for pages of magazines which it is claimed were deleted from someone's report, and which, after all, have little or no bearing on the question before the Senate. I think time is being wasted, and that that time is very valuable. I am very, very firmly convinced that the words of General Marshall, "time grows late," are true words.

Some of the arguments against a selective conscript army have been that this country would not be able to equip an army of a million men or anywhere near that number, and that such men as were inducted into the Army would have to train with wooden rifles and wooden swords. In a recent broadcast, said to come from the War Department, and which has been verified, it was stated that only 1 in every 4 soldiers carries a gun, and that the Department has on hand 2,000,000 Enfields and 800,000 Springfields. The Department also has 3,000 3-inch trench mortars, enough to supply an army of 3,000,000 men. It has on hand 75,000 machine guns in perfect condition, ready for service.

General Marshall says the Department has sufficient basic weapons completely to equip a full army of 3,000,000 men. This information certainly should set aside any argument that the Department is not prepared to equip such men as may be taken into the Army under the conscription bill, and to train them thoroughly for any possible emergency.

The voluntary system of raising adequate army defense is being advocated by the opponents of the bill under consideration. The experience of nations during the past century and a half has proved this method to be not only inadequate but grossly inefficient. As mechanized warfare has progressed, this inefficiency has become increasingly apparent. The volunteer method draws necessary men from essential industry, and disrupts the very framework of our industrial Nation.

The bill under consideration is a compulsory selective training bill which will not disrupt industry or agriculture. Never in all the history of this Nation have volunteers come in sufficient numbers to furnish an adequate force for defense. One might qualify that statement only by the experience during the Civil War, when volunteers came in huge numbers by reason of the exorbitant bounties which were paid to volunteers after extreme pressure had been put upon them in order to secure limited-time enlistments.

Selective compulsory training in the armed force of the United States is unquestionably the only answer to our present problem. By such selective service we would be able to maintain the framework of industry, keep in domestic service the men necessary for this framework, and to manufacture munitions of war. At the same time it would allow us to select men for specialized Army service and to get sufficient numbers of physically fit, well-trained men for defense.

We cannot wait for volunteers. Our present efforts along these lines have conclusively shown that to be so. The latest figures from the War Department show the net gain from June 1—when extra efforts were made to secure volunteers—has resulted in an increase of only 56,565. The first 3 weeks of August show a net gain of only 5,000 men per week.

Mr. President, I repeat, these figures show conclusively that we cannot wait.

It has been said that the passage of this bill would destroy American individualism and foster totalitarianism. It has been said that America has carried on for 150 years, making itself into one of the greatest nations of the world, without recourse to any form of conscription. I contend this bill is necessary to preserve for our children our kind of government.

In many of the wars to which this country has been subjected, conscription has been found necessary and put into practice; but, if that were not the case, I am firmly convinced that present conditions are entirely different from any which have prevailed in the past.

In the early days of civilization, mankind fought with clubs and rocks and anything else he could lay his hands to. Later, it was a matter of swords and spears. In other words, wars were physical combats between individuals. In the World War, the armies became mechanized to a limited extent, but still the combat of individuals was a decisive factor.

Today, in the wars now raging in Europe, the nation prepared and equipped with mechanized weapons of warfare, was able with surprising facility, to disintegrate the armies of other nations of Europe that were in opposition to them.

I can still hear the echoes of the statements of intelligent men, that the Polish Army would put up a very valiant and possibly successful fight against the aggressor. The results of that war showed conclusively that an army unprepared has little or no chance, regardless of its courage, against one that is prepared. The same thing applied in Belgium and France, and I am sure there is considerable question in the minds of Members of the Senate as to whether or not Britain is sufficiently prepared to withstand the armies of Germany and their powerful aviation and mechanized units.

Assuming that there is a 50-percent chance that Britain will be conquered, it seems to me very urgent that this country be prepared for a similar attack by land and by sea. Not to be prepared would be, in my opinion, criminal. I would feel that I showed a great lack of patriotism if I allowed anyone, or any group of citizens, to sway my opinion, and my vote, in this respect. There sticks in my mind the old saying:

Because right is right, to do right were wisdom in the scorn of consequence.

I believe the action now proposed to be right, and for the best interests of my country.

This bill is asking the young man to subject himself to a year's training. Will this destroy his individualism? Will a year's military training foster totalitarianism? These are questions that are brought forward. Personally, I cannot see how it will; but, if I assume there is such a danger, I still feel that the danger of not being prepared is an even greater one. This bill will cost the individual his liberty, perhaps, for a limited time—12 months now—but he is giving that to his country, so that liberty may be more firmly established for him and for his posterity for years hereafter.

Mr. President, it is now suggested that we try the volunteer system until it has proved inadequate. I wish that I were convinced that we had time to do that. I believe it is much better to allow the volunteer system and the selective-training system to work side by side, giving those who wish, an opportunity to volunteer, and then fill the ranks by conscription. That is the intent and nature of the present bill, and I am very sure it is necessary that it be enacted without further delay. In this way, we will secure the men necessary to fill the ranks of an army and navy that will be adequate for our defense, and I am firmly convinced that if these United States are adequately defended, no nation of the world would attempt an aggression. It is, therefore, my sincere hope that this bill will be passed, and without undue delay, so that it may be put into operation, and so that we shall have a trained and powerful army and navy that will never have to use that training in actual combat.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Massachusetts.

Mr. LODGE. I hold in my hand a very interesting publication entitled "Schedule of Reserved Occupations." It is issued by the British Ministry of Labor and National Service. It is 134 pages long and consists entirely of closely printed lists of occupations of men which in our way of speaking are exempt. They call it a schedule of reserved occupations.

I wish every Senator could look at this list, because it is astounding to note the occupations which are considered to be essential. Starting at the beginning we find an abrasive wheel maker, an accountant, and continuing along we find a farm laborer, a hay cutter, or a straw binder. One in that category who is 30 years old, is not subject to the draft, and if he wanted to volunteer he could not do so, the theory being that at the present time the man on the farm who is producing food is of greater value to Great Britain than is the man in the infantry.

This list proceeds, as I have said, for 134 pages, and embraces almost every kind of occupation under the sun. My eye strikes dry battery maker, guttapercha goods manufacturer, photo printer, battery maker, driller of plastics, jute-goods finisher, and so on and so on; practically every occupation of which the mind of man can conceive.

I mention this in connection with the argument that is made for the volunteer system, because, surely, if we were to retain the volunteer system, and depend upon it for procuring 800,000 men, we certainly could not permit the men who are engaged in critical industries to volunteer.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. LODGE. I yield.

Mr. AUSTIN. I have here a letter received on the 26th of July from E. W. McDaniel, judge of the county, probate, and juvenile court of Otero County, Colo., which refers to this very subject. I ask the Senator's consideration of it in his further remarks. The letter is as follows:

COUNTY, PROBATE AND JUVENILE COURT,
OTERO COUNTY,
*La Junta, Colo., July 26, 1940.*

Hon. WARREN R. AUSTIN,
*Washington, D. C.*

DEAR SIR: Your remarks in the Senate, on the measure for selective military service have attracted my attention.

There is one consideration bearing upon this important measure, which I think has not been sufficiently emphasized.

When the selective service bill was being debated in the Congress in 1916, I had some correspondence with Senator Charles S. Thomas, then a Senator from Colorado, for whom I entertained great respect and deep regard. He was opposed to the selective draft, urged reliance on the volunteer method of raising an army, and made several speeches on the subject.

From the beginning of the war I had been in correspondence with an English gentleman whom I had met in this country before the war and who was in the English postal service. He resided in Llanelly, Wales.

He sent me English magazines and papers, and gave me much information concerning the progress of the war and the efforts of the English people in its prosecution.

He said that under the volunteer system by which England had raised a great army, they found this defect. Large numbers of trained mechanics had enlisted, while large numbers of men without special training of any kind did not enlist.

When the need of trained mechanics in the munition and arms factories became urgent, the Government found its trained mechanics in the trenches in France, while the loafers who were of no value in the preparation of mechanized equipment, remained at home. In order to remedy this oversight the Government found it necessary to adopt the selective draft.

Then they sent the shirkers to the front, and brought back the much-needed mechanics.

Under the selective draft which we adopted in the World War, we made no such mistake.

Every man listed under the selective draft was given the job he could best handle.

From this county, for instance, a large number of railroad employees went to the front, and they handled the transportation of troops, and the necessary supplies throughout the continuance of the war.

I may add that under the volunteer system, Llanelly, a city of 32,000 population, enlisted 4,000 men. But the real problem is not the raising of a sufficient number of men, but the placing of those men in the branches of the service in which they will be most efficient.

I am a Democrat, and you are one of those stubborn and recalcitrant Vermonters, but I have found much in your attitude on public questions, to approve.

Yours very truly,

E. W. MCDANIEL.

I ask the Senator if one of the inferences to be drawn from that experience is not that the volunteer system as it is practiced and as it has been practiced discriminates against the laborer who is trained and skilled because of his patriotic instincts, which are superior, generally speaking, to those of the man who has not educated himself to perform that kind of service for humanity?

Mr. LODGE. I think it is clear that in modern war, where it is necessary to have 20 or 30 or 40 men in the rear area to every man at the front, the volunteer system will get excellent men for the front all right, and, it may be, better men for the front, but it will disrupt the rear areas and disrupt production, so that——

Mr. WILEY. Mr. President——

Mr. LODGE. I will yield in a moment—so that the efficacy of the military effort is badly affected thereby. I think the point made by the Senator from Vermont is very interesting. When the British volunteer system first went into effect, smart young fellows who were working in the factories and who were good machinists, and so on, went into the Army; then the Government had to "fish" them out of the Army and put them back in essential trades. I do not see that that does anybody any good.

I now yield to the Senator from Wisconsin.

Mr. WILEY. Mr. President, perhaps I might say to the distinguished Senator from Massachusetts that we should continue the debate where we left off yesterday. But in relation to this volunteer matter it was stated yesterday that there probably would not be any thought of calling any men for 60 days or more if the conscript bill should become a law.

I want to go back to the matter of volunteers. The thing I suggested was that until we knew we could not get men, we should pursue a course of asking for volunteers. Therefore, if that be correct, is there any reason why when the War Department determines what it wants, so many selective service men, as they are called, so many engineers, so many drivers of dreadnaughts, so many operators of machine guns, so many operators whom the Army may want to train for this, that, and the other and when the President issues a call to the country for volunteers, he should not ask for so many men to become ordinary soldiers, so many men to serve in this class and that class and that grade? Is there any reason why such a call should not be put into effect?

Mr. LODGE. None whatever; and there is no reason why such a call could not be made.

Mr. TAFT. Mr. President——

Mr. LODGE. Before yielding, I should like to answer the question of the Senator from Wisconsin if I can. Surely it would be most unfortunate if we were to enlist in the Army skilled machinists and metal workers, and so on, who are essential in the production of artillery, for example. That is the point I am trying to make.

So if we make a realistic estimate of the figures which the junior Senator from Texas and I were discussing 2 or 3 days ago, we take the 30,000 enlistments per month; from that figure of 30,000 we deduct 12,000 men who are going out of the Army anyway because their enlistments are expiring, and then we have to deduct another number, I do not know how many—several thousand, probably—of men whose peacetime occupations are so essential that it is more advantageous to keep them employed on the farm or in the factory than to have them in uniform.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LODGE. Certainly.

Mr. TAFT. The pending bill contains provision for volunteer enlistment, but it says that the applicant shall be accepted only if he is acceptable to the land or naval forces for such training service. I see no reason at all why, under a volunteer system, men who are needed in other industry should not be rejected. I do not think that argument is in any way an argument in favor of a draft.

Under the draft, when we draft 400,000 men, we shall have to exempt certain of them because we want them in industry at home. Under a volunteer system we shall also refuse men who ought to be in specified industries. We have a training corps set-up, and we have a division of the Government finding out which industries are short, where we need men. Obviously, that division can say to the enlisted forces, "Men engaged in such and such industries should not be accepted."

So it seems to me it is perfectly obvious that it is utterly and completely unsound to argue that this possible enthusiasm among mechanics who ought to stay at home is in favor of the present bill. Absolutely the same limitation can be put on the volunteer system that can be put on a compulsory system.

Mr. LODGE. That is perfectly true. The Senator from Ohio is absolutely correct about that, and I have never disputed that. I have simply pointed out that in the computations which have been made by certain Senators, the fact that a great many men would have to be rejected under the volunteer system because of the nature of their occupations has never been taken into account.

The statement is frequently made, "We are beating all records; we are recruiting 30,000 volunteers a month"; but nobody bothers to point out that 12,000 are leaving the Army each month and that we should have to subtract from the 30,000 the men who are in essential occupations. My point is that an honest facing of the facts ought to take that into account; that is all. Of course, it would be equally true under both systems.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. LUCAS. The Senator from Massachusetts just made the statement that we are recruiting men at the rate of 30,000 a month. Has the Senator any information as to what percentage of the 30,000 men we are now recruiting are trained and skilled for the various technical positions which the Senator enumerated a few moments ago in a portion of his argument?

Mr. LODGE. I am sorry to say I have not. I think it would be very valuable to have it.

Mr. LUCAS. If I may make a further observation upon that point, for it seems to me that is the meat of the argument, everyone favors a volunteer system, which is the orthodox American way of getting men for an army, providing we can get the necessary number of men, and the type of the men who are so indispensable in connection with the mechanized, motorized army that we have in these modern days of warfare. But, Mr. President, last week, in an Army camp at Camp Grant, Ill., it was my privilege to listen to a discussion of this very question by a recruiting major of the Regular Army. I took the liberty of asking him what I just asked the Senator from Massachusetts. He advised the officers in the class present that today at least 75 percent of the men who come into the American Army must have some skill from the standpoint of technical knowledge, and even the remaining 25 percent have to have more technical knowledge of the rifle they carry than men were required to have in 1917 and 1918. I further asked him what percentage of the men who were coming into the Sixth Corps Area by way of enlistment had the required technical skill, and his reply was "Less than 2 percent."

If that is a correct statement—and I have no reason to doubt his answer—it seems to me it is one of the best arguments for the contention that the volunteer system will not give the American people the security which is so necessary at the present time.

Mr. LODGE. I think that is tremendously important.

Mr. LUCAS. In addition to that, if I may make one further observation, it may be true that men did enlist in England, as the Senator from Vermont has said; but today the photographer, the man who understands a carburetor on a motor, the man who is in the radio department of some concern in this country, has a pretty good job, and he is holding on to that job in peacetime, because we are not at war. He is ready to take his chances when conscription comes. If we were actually at war, he might leave that job and go into the Army, as men did, perhaps, in England; but he is going to stay on in that position while we are at peace. The type of individuals who are now enlisting in the Army are young boys

out of high school or youths on the streets of America who have no security, who have no jobs, and who go into the Army for that reason, because it is an opportunity to live.

Mr. LODGE. And to get some schooling.

Mr. LUCAS. That is correct—and to get some schooling. That seems to me to be highly important; and I should like to have the Senator from Massachusetts, if he will—or I shall be glad to do it—follow that up to ascertain the number of men who are now coming into the Army at the rate of 30,000 per month who have the required technical skill, as so ably presented a moment ago by the Senator from Massachusetts.

Mr. LODGE. I am very grateful for what the Senator from Illinois has said; and, as a matter of fact, it accords with a personal experience which I myself had.

When I went on active duty about a month ago at Fort Knox with the armored regiment—which is, after all, the most mechanized and the most modern thing there is—between approximately 20 and 25 percent of the recruits could not drive any kind of a car. That is a surprising thing in the United States of America, which is the home of the automobile, and in which the automobile is probably the most typical expression of our civilization. Of course, they all know how by this time. They are splendid boys, and they had a wonderful attitude, and they wanted to learn, and all that; but it so happened that they had been brought up under such conditions that they did not know how to drive a car, and that was true of about 25 percent of them.

Mr. REED. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. REED. While this is an experience meeting, I should like very briefly to detail, with the Senator's permission, a personal experience of my own.

I happened to be a visitor at an Army post within the past few weeks. There had come to that post about 500 men who had recently enlisted. The Army officers, in discussing those men, said they came from the section of the country where men were least familiar with mechanical matters; but at the same time they were operating and very courteously and very helpfully explained to me the operation of antiaircraft guns, and set up a battery of antiaircraft guns so that they could show it to me.

There is nothing more technical, there is nothing more difficult to operate, than an antiaircraft gun; and the same officers pointed out to me with a great deal of pride that they had been able to train enough of those men within 4½ to 6 months so that certain men, whom they pointed out to me, actually engaged in operating the units that make up, as the Senator from Massachusetts knows, an antiaircraft battery. Although these men had come from a section of the United States where there was the least familiarity with mechanical devices, the officers actually pointed out to me men who had been there less than 6 months who were engaged—not wholly responsible, but along with other men and under the direction of officers—in operating antiaircraft guns.

It seems to me the argument made by those who deplore the capacity of volunteers is unfair and incorrect and does an injustice to the average American boy who volunteers for the Army.

Mr. LODGE. I have no desire to do that, and in the statement I made I took great pains to praise the boys with whom I have been in contact.

Mr. REED. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. REED. I accept the statement of the Senator from Massachusetts. I challenge the statement of the Senator from Illinois when he fixed a figure at less than 2 percent.

Mr. LUCAS. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. LUCAS. The Senator from Kansas is within his rights, of course, in challenging the statements of the Senator from Illinois or of any other Senator on the floor. I am merely repeating to the Senate what I heard from a high Army officer. I cannot vouch for the figures. Frequently in the Senate we quote from what some other individual has said. I think the Senator from Kansas is also probably guilty of that practice. I am only laying the argument before the Senate because I happened to hear the statement made in Camp Grant last week by a high Army official. Whether or not he is correct remains to be seen. Probably the Senator and I, by taking some little time, could ascertain the truth of the matter. That was why I later suggested to the Senator from Massachusetts that he ascertain what percentage of the 30,000 men enlisting monthly have the technical knowledge we are so anxious to have the soldiers possess.

Will the Senator yield further so that I may conclude?

Mr. LODGE. I yield.

Mr. LUCAS. I wish to join the Senator from Massachusetts with respect to what he has said about the volunteer. Certainly I have no intention of doing any volunteer in the United States Army any injustice whatsoever. I still maintain, however, that the argument I made in the beginning, and the argument which the Senator from Massachusetts is making, is sound in view of the conditions obtaining in modern warfare.

Mr. REED rose.

Mr. LODGE. I should like to make my statement and conclude, and then I will yield the floor.

Mr. REED. Mr. President, will the Senator be good enough to yield?

Mr. LODGE. I will be through in 2 minutes.

Mr. REED. Merely to enable me to say a few words, which I should like to have follow the remarks of the Senator from Illinois.

Mr. LODGE. I wanted to have what I was about to say follow his remarks, but the Senator may proceed.

Mr. REED. The Senator from Illinois was telling what someone told him. I was detailing an experience I actually witnessed and which was explained by the responsible officers in the Army post referred to. That is the difference between the Senator from Illinois and myself.

Mr. CONNALLY. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. CONNALLY. I desire to make a remark to the Senator from Illinois [Mr. LUCAS]. A moment ago the Senator from Illinois said he did not want to do any volunteer an injustice.

Mr. LUCAS. That is correct.

Mr. CONNALLY. Will we not all do the volunteer an injustice if we let him go into the Army and do not make other men situated just as he is situated go along with him?

Mr. LUCAS. I agree with the Senator from Texas; and we will do not only the volunteer an injustice, perhaps, but we will do an even greater injustice to the security of the country, in which we are all so interested in connection with the conscription bill.

Mr. LODGE. Mr. President, I have about 300 words I have been trying to get off my chest for quite a while, and after I have done that I will take my seat.

Mr. CONNALLY. I beg the Senator's pardon.

Mr. LODGE. If the Senator from Texas wishes to say something further, I shall yield because every time he says something he enlightens the subject.

Mr. CONNALLY. I thank the Senator.

Mr. LODGE. I merely wish to say that, of course, the Senator from Kansas is quite right in that the Army can take a boy who has had no mechanical experience whatever, and, if his heart is in the right place, and he is a boy of good will, he can be taught to operate antiaircraft artillery. I have been associated with a good many of these boys, and 25 percent of those at Fort Knox did not know how to drive a car, but they were fine patriotic boys who wanted to learn, and in a short time such boys can be taught to drive a car or drive a tank.

What I say is, How much better it is, and how much time we save, if we get a boy who knows those things in the first place. It is not all a reflection on a boy that he is not mechanically inclined; it is not the slightest disparagement of his patriotism, or physical resistance, or manhood. But

it means more efficiency and more effectiveness if, in a mechanized army, we get a boy who does know a little about machinery.

Mr. VANDENBERG. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I yield.

Mr. VANDENBERG. I am greatly interested in the exhibit the Senator presented of the reserved occupations under the British draft, and I wish to ask him how it works. In pursuit of the mechanical efficiency to which the Senator is referring, I notice that the exemptions include motorboatman, motorcar body builder, motorcycle assembler, motorcycle finisher, motorcycle maker, motorcycle mechanic, motor driver, motor fitter, motor garage mechanic, motor-lamp assembler, motor-lorry driver, motorman, motor mechanic, motor-roller driver, motor-tractor driver, motor-van driver. Under the British system, how are such men finally brought into the service?

Mr. LODGE. Is it the index from which the Senator is reading?

Mr. VANDENBERG. Yes.

Mr. LODGE. It would be necessary to look back and see what the classification was.

Mr. VANDENBERG. I do not see how they get a mechanized army with all those exemptions.

Mr. LODGE. Of course, they draft those men in.

Mr. VANDENBERG. I thought the Senator was presenting 160 pages of exemptions.

Mr. LODGE. They are exemptions, within certain ages. Take a motorcycle assembler; of course, he would not have to go into the Army. A motorcycle finisher would not have to go into the Army. A motorcycle repairer would go into the Army when he was above the age of 25, but below that age, he would not.

In other words, we have the manufacture and the production of vehicles, which is not carried on in the Army, and the operation and repair of vehicles, which is carried on in the Army. There are two columns in which the ages are listed. In other words, these are not total exemptions. They are partial exemptions.

I was just about to conclude.

Mr. AUSTIN. Before the Senator concludes, will he permit a question?

Mr. LODGE. Certainly.

Mr. AUSTIN. Referring to the gross number of recruits for a whole year ending in July 1940, we find that in round numbers 158,000 were obtained by the volunteer method. The record shows, however, that of that total, 85,000 were replacements. Consequently, the number of replacements exceeded the number of the increase of natural enlistments for the Army. In other words, there were 85,000 replacements and 73,000 of actual increase.

If we divide that into months or weeks or any other unit, and undertake to estimate how long it would take to raise an army of 800,000 or a million by the voluntary system, we can see that it would take years to do it, at the same rate.

Mr. LODGE. The truth I wish to leave in Senators' minds is that there are two extremes to this problem. The Senator from Illinois has indicated the disadvantages of having men enter the Army who have not sufficient elementary and preliminary knowledge of what needs to be done. On the other extreme, as shown by this British document, are the inefficiency and the drawback of having men enter the Army whose knowledge is so great that they would be much more valuable if they did not go in. The personnel need of the Army lies somewhere between those two extremes, and, of course, such a delicate balance as that cannot be reached without some form of selection.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LODGE. I yield the floor.

Mr. HILL. I desire to ask the Senator a question, if I may.

Mr. LODGE. I yield.

Mr. HILL. I wish to ask the Senator whether he can tell us, or has stated, how many different occupations are in the deferred status under the British draft.

Mr. LODGE. There are 134 pages of occupations which are wholly or partially reserved.

Mr. HILL. Has the Senator any idea how many are included?

Mr. LODGE. No. I have been trying to get this document for 3 weeks and was able to obtain it only this morning, and I have not had time to count the number.

Mr. CONNALLY. Mr. President, the debate has dragged along in a rather desultory fashion for some time. I have heard many fervent orations and seen much breast beating over the traditional American policy of the volunteer system and how we are going to undermine America if we adopt the selective-service plan. I respect the Americanism of all the Senators who proclaim that they are such fine Americans, but I wish to revert to some ancient history.

Against the views of such distinguished men as the Senator from Montana [Mr. WHEELER] and the Senator from North Dakota [Mr. NYE] I desire to make a little reference to another American, who I feel is equally as eminent, perhaps, as either of these. I refer to Gen. George Washington. It will be remembered that General Washington was himself, of course, a volunteer, but there were many other men in the Colonies during the Revolution who were not volunteers. Many of them volunteered in the militia for 2 months' service, or 60 days' service, or 6 weeks' or 3 months' service, and then returned home after their period of enlistment had expired.

I shall quote from a letter written by General Washington on August 20, 1780. It was written while the Revolutionary War was still in progress. The letter is addressed to the President of the Continental Congress, from General Washington's headquarters, at Orangetown.

Mr. President, I shall ask that the whole letter be inserted in the RECORD, and I shall not read it all. However, I wish to make a number of references to it. General Washington in the course of the letter outlined the difficulties he experienced in keeping what little army he had together. He told of the difficulties he had with respect to supplies and equipment. We must remember that at that time, even under the Articles of Confederation, the National Government had no central authority to enforce either a draft of manpower or a draft of resources. There was a volunteer system under which each State could contribute any men it wanted to, and need not contribute men it did not want to contribute. There was a volunteer system in which any State—formerly a colony—could send supplies if it wanted to, or withhold supplies. It was probably the most outstanding volunteer system we have ever had. The National Government was relying on the voluntary action of the various States or colonies. We know how that war dragged along for 8 years, when it might have been ended in 1 year if the Government had had an adequate army and adequate supplies.

Mr. AUSTIN. Mr. President, will the Senator from Texas yield for a comment at this point?

Mr. CONNALLY. I yield to the Senator from Vermont.

Mr. AUSTIN. I think there has been much misunderstanding regarding the historical background of conscription, and the attitude of the citizen toward conscription. When one assumes that we will change a civil philosophy of 150 years' standing by putting conscription into effect in peacetime, he is either unacquainted with his history or he completely overturns the history of that philosophy.

In 1777 my own State of Vermont, by its constitution, bound every citizen to that type of service; and I have no doubt that on investigation it will be found that all those early States bound their citizens to such service. Service was an obligation under the Constitution.

I read into the RECORD at this point article 9 of the Declaration of Rights of the State of Vermont, as follows:

ART. 9. That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and, therefore, is bound to contribute his proportion toward the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto, but no part of any person's property can be justly taken from him, or applied to public uses, without his own

consent, or that of the representative body of the freemen, nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good: And previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the legislature to be of more service to community than the money would be if not collected. (Constitution of Vermont, ch. I—Declaration of Rights, art. 9.)

Here was recognition by the fundamental charter of the State of this obligation on the part of the citizen. He had no choice. He must respond. Of course, the State followed that with the draft later.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. In a moment I will yield to the Senator from Missouri.

Let me say to the Senator from Vermont that I have not examined the record as to all the States, but I feel certain that practically all the States, when they were first created, and before the adoption of the Constitution of the United States, had militia laws. Those laws laid upon all able-bodied men in the State the duty to be organized into the militia—I am talking about peacetime—and each year they had to muster and the militia was called to service for a stated period. However, the trouble was that the periods of enlistment were very short. There was not a sufficient number of officers to train the men, and the militia was almost an unorganized body of citizens without constituting an effective military force. That was all in peacetime. The States required the attendance of all able-bodied men at the musters and required their services in the militia.

I now yield to the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, of course, everyone is familiar with the old militia provisions of most of the State constitutions. We are familiar with the practice in the old days of having all the able-bodied citizens in the militia attend musters at stated intervals for brief periods of service. But it seems to me that that is an extremely faulty analogy to the pending bill, for a reason which has been completely ignored in the debate, and that is that the bill not only requires taking the men for training, but it puts them in the Regular Army for the period of the year for which they are called into the service. Conscripts, under the bill, will be members of the Regular Army of the United States. Therefore it seems to be a very faulty analogy to cite the militia provisions of the constitutions of the various States.

Mr. CONNALLY. If we are to bring a man into the military service I cannot see any unpardonable sin in putting him into the Regular Army, where he will get training and where he will have association with trained soldiers. I cannot see that fine point of distinction.

Mr. President, the real distinction which the Senator from Missouri failed to mention is that the old system of 2 or 3 months' training in the militia, under the volunteer system, was wholly ineffective. It did not train the men. It did not make them good soldiers. The proposed system will make the men good soldiers.

Mr. CLARK of Missouri. Mr. President——

Mr. CONNALLY. Mr. President, let me answer the Senator from Missouri's observation number 1, before he makes observation number 2. [Laughter.]

Mr. CLARK of Missouri. I simply wish to remind the Senator of something that has just been touched upon. I think some of the militia soldiers whom he said were not good soldiers, and were inadequately trained, gave a good account of themselves on many, many fields of battle, and at New Orleans, for instance, wrote their names high in glory in American history.

Mr. CONNALLY. That is very true. Many of the militiamen did give a good account of themselves. They were brave; they were courageous; they were gallant; and, while they were brave, courageous, and gallant, many other fellows who were not brave, courageous, and gallant were back home. On the field of battle these courageous men were defending those who stayed at home.

I wish to say that the militia and volunteers, to whom the Senator from Missouri adverts, would have been much better soldiers, they probably would have given even a better account of themselves if they had had training, if they had had proper equipment, if they had had discipline.

Mr. BARKLEY. Mr. President, will the Senator yield to me for an observation?

Mr. CONNALLY. I yield.

Mr. BARKLEY. Not only would those soldiers, members of the militia, probably have given a better account of themselves in the battles which they fought and won, but they could have won equal victories and perhaps greater victories wtih much less loss of life and sacrifice to themselves.

Mr. CONNALLY. Very true.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me once more, and I shall not interrupt him again?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. With respect to the observation made by the Senator from Kentucky, I should like to use as an example the Battle of New Orleans, where General Jackson's forces for the most part were untrained militia, sent into action, inadequately armed, as the conscripts would be if they were drafted at the present time. Jackson's men managed to kill and wound some 2,500 or 2,600 of the very flower of Wellington's peninsular troops, with a loss of 7 killed and 8 wounded.

Mr. BARKLEY. Of course it is easy to give an illustration to support the Senator's argument by picking out a battle which was fought after the war was over.

Mr. CONNALLY. Why not pick out the Battle of Bladensburg, where the militia ran like turkeys?

Mr. CLARK of Missouri. They were marines.

Mr. CONNALLY. They were Americans.

Mr. CLARK of Missouri. They were supposed to be trained.

Mr. CONNALLY. The soldiers who ran at Bladensburg were militia. They were untrained. I do not care whether they were marines or what they were. They were American troops, and militia. They fought at Bladensburg. They were brave; they were courageous; but they were untrained.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. The Senator will recall that the battle of New Orleans was fought, on the American side, very largely by Kentucky and Tennessee sharpshooters.

Mr. CONNALLY. Yes.

Mr. BARKLEY. And they had some training in shooting previous to that battle.

Mr. CONNALLY. Of course.

Mr. BARKLEY. Even so, it is well known that the American army at the Battle of New Orleans was at least partially protected by cotton bales, from behind which they shot, at least at the beginning. However, the point is that no matter how few were killed at New Orleans, we know that there have been many battles in wars in which we have engaged in which unnecessary and disastrous slaughter of men occurred because of lack of training.

Mr. CONNALLY. Of course.

Let me say a word in answer to the Senator from Missouri. He extols the volunteers. Of course, we all extol them. Their heroism and gallantry adorn many of the brightest pages in the history of the Republic. We are not inveighing against the men who will volunteer. We are talking about the "volunteers" who are not going to volunteer. We want somebody else to go along with the volunteers. We do not want that courageous, heroic, brave, gallant band of men to do all the fighting, while others just as able to fight, just as capable of fighting, just as well situated economically, or perhaps better situated economically, than the volunteer, are able to hang around the house, make a profit, live well, play football, tennis, and golf, and go to the ball games, while the volunteer out yonder, with his breast bared to the enemy, is fighting so that the other fellow may continue to play golf.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HATCH. The Senator is familiar with the oft-repeated assertion that in 1914 the French were prepared for the War of 1870, and that in 1939 the French were prepared for the War of 1914. Does the Senator think the preparation of this country at this time should be made in accordance with the War of 1812?

Mr. CONNALLY. I certainly do not. I think we ought to draw a few lessons from the War of 1812, and make preparations to keep war from coming to these shores by being so well armed that no military conquerer, no totalitarian political or military master, will dare attack us.

Mr. President, I started to talk about what George Washington said on this subject. I wish to put into the RECORD, opposite some of the fulminations about the great heroic American volunteer system, what George Washington said. I think George knew as much about military preparation as some of the oratorical Senators who have been denouncing the bill. I think he knew as much about patriotism as any Senator knows. I think George Washington revealed in his life more elements of statesmanship, leadership, vision, and disinterested service for the welfare, strength, prosperity, happiness, and security of his country than some eminent Senators—some who are eminent today by their absence—who are opposing the draft bill.

I shall read from a letter written by General Washington to the President of the Continental Congress. It was appropriate that he should address the President of the Continental Congress because the Continental Congress, although it had little power so far as the United Colonies were concerned, was the only authority to which he could appeal. I shall ask unanimous consent to insert the entire letter in the RECORD, but I wish to quote a few lines.

In 1780, on August 20, the Revolutionary War was still on. The triumph at Yorktown had not yet burst forth with all its brilliance in the military annals of the Republic. The British armies were still on American soil, and George Washington wanted to drive them from our shores. He wanted to attain the independence and freedom of the United States. He knew that it could be attained only by fire and sword. He knew that armies would be required to achieve it. This is what George Washington said. I quote him briefly:

> The inference from these reflections is, that we cannot count upon a speedy end to the war; that it is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistency and solidity to her measures. An essential step to this will be immediately to devise a plan and put it in execution for providing men in time to replace those who will leave us at the end of the year, for subsisting and making a reasonable allowance to the officers and soldiers.

He was appealing for more pay for the officers and soldiers. Listen to what he said:

> The plan for this purpose ought to be of general operation—

Confined to volunteers? No; it should be "of general operation."

> The plan for this purpose ought to be of general operation and such as will execute itself.

Depending upon some men executing it because they want to go, and others not executing it because they do not want to go? No; he wanted a plan which would execute itself.

> Experience has shown that a peremptory draft—

That is strong language. A day or two ago Senators were tearing at their heartstrings and saying, "You are going to take young men and give them military training in time of peace."

Think about what Washington was saying.

> Experience has shown that a peremptory draft will be the only effectual one.

Not one of several plans, but "the only effectual one."

> If a draft for the war, or 3 years can be effected, it ought to be made on every account. A shorter period than a year is inadmissible.

Those are the words of George Washington. He was not running for office at the time. He was leading his country's armies. He wanted to lead them to triumph. He knew that every man in the Colonies owed the same duty which every other man in the Colonies owed, to fight for the independence and liberty of the States.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. A peremptory draft is conscription, is it not?

Mr. CONNALLY. Oh, do not use that word.

Mr. BARKLEY. Does the Senator mean to intimate that George Washington believed in the peremptory draft, which is conscription?

Mr. CONNALLY. He said "peremptory draft." The Senator speaks of conscription. It is the same thing. I think Mr. Webster—not Daniel, but Noah—says that peremptory draft and conscription are the same thing.

Mr. BARKLEY. Yes. That is the point I was trying to bring out. Even General Washington, 150 years ago, realized the danger in what he was trying to attain.

I have always thought, and I now believe, that in winning our liberty during the Revolutionary War George Washington was the one indispensable man, without whom we should not have won it. It is always dangerous to say that any man is ever indispensable or ever was indispensable; but if there was an indispensable man in the War of the Revolution, it was George Washington. In 1778, 2 years before the date to which the Senator refers, Washington wrote another letter to the President of the Continental Congress.

Mr. CONNALLY. I have it before me.

Mr. BARKLEY. In that letter he stated that the only aid we could receive was from drafting men.

Mr. CONNALLY. Let me say to the Senator from Kentucky that I heartily agree with what he has just said. But for my poverty of phrase and lack of language, I should undertake to pay General Washington even a greater encomium than that paid him by the eloquent and able Senator from Kentucky. I know of no man in all the brilliant history of the Anglo-Saxon race—and that covers all of them—who excelled Washington in the combined qualities of patriotism, public service, unselfishness, and all the lofty qualities of greatness, politically and in a military way. Washington was not the greatest soldier who ever lived, but I know of no one in all the history of the Anglo-Saxon race who combined more lofty qualities and more elements of greatness than Gen. George Washington, Commander in Chief of the Armies of the Revolution, President of the Constitutional Convention, and twice President of his country. He also served his country in many other ways.

That is not all George Washington said. He was afraid some Senators would not read the first part of his letter, so he put in another paragraph:

> I am inclined to hope—

That is what some of us are doing now—

> I am inclined to hope a draft for the war or for 3 years would succeed. Many incentives of immediate interest may be held up to the people to induce them to submit to it.

If it had been a volunteer system, the people would not have had to "submit to it." They would simply have volunteered or stayed at home. So evidently he was talking about a draft, to which the people were to "submit."

> They must begin to consider the repeated bounties they are obliged to pay as a burden, and be willing to get rid of it, by sacrificing a little more, once for all.

Then he goes on to other matters.

Let us see what he said back in 1778. He had not changed his mind. No primary had intervened between the two dates. He had received no telegrams from anybody at home, and no air-mail letters. [Laughter.]

Mr. BARKLEY. He had not been hung in effigy in front of the Capitol, either.

Mr. CONNALLY. No. No one had called him out into the cloak room and whispered in his ear, "This is the 'low-down,' and you can rely on it." [Laughter.]

Mr. President, there are so many of these letters that I have lost the place, but I shall ask leave to insert in the RECORD the additional letter to which I refer, in which Gen. George Washington made these statements. I repeat the

name, so that Senators may know about whom I am talking. Gen. George Washington, of Virginia, later of America, made these statements.

In brief, this is what he said, and again he is addressing himself to the President of the Continental Congress, because the Continental Congress, although it had but little authority, was the only authority existing representing all the Colonies. George Washington said, according to the paper handed to me by the Senator from Kentucky:

I believe our greatest and only aid will come from drafting, which I trust may be done by the United States.

Done by the central authority. He was tired of relying upon the States for voluntary contributions of volunteers who did not come and who, when they did come, stayed 3 months and then went home. He was tired of the volunteer system by which the States could volunteer or not volunteer, as they saw fit, to aid the Central Government.

Mr. President, I am having examination made of the other writings of General Washington, particularly a message which he sent to the Congress in the latter part of his second administration, in which he transmitted a letter from the Secretary of War. In that message, I am informed—I will have to check it with the actual message—General Washington, again in time of peace, after the war had come to an end, advocated the draft.

Mr. BARKLEY. Mr. President——

Mr. CONNALLY. I will yield in a moment. That was at a time when we were not actually at war but we were in danger of becoming involved in the European war, when Napoleon was leading the Armies of France on those marvelous campaigns that resulted in the domination and the conquest of Europe. It is quite a striking parallel to the present moment. In 1797 we were not at war, but we were in danger of becoming involved in the war because of the war between England and Napoleon. I now yield to the Senator from Kentucky.

Mr. BARKLEY. I simply wanted to state that the letter written by General Washington in 1778 was written after Massachusetts and Virginia had passed conscription laws and after the Continental Congress had passed a resolution recommending that the other Colonies follow the example of Massachusetts and Virginia. It was after those events that Washington wrote the letter urging that the central authority take this action and not simply recommend that the Colonies do it.

Mr. CONNALLY. I thank the Senator. Of course, at that particular time it is likely that the Continental Congress did not possess the constitutional power to enforce a draft; I am not advised about that; but, at any rate, what Washington wanted was, if the Continental Congress could do it, that it enact a national draft law. If the Continental Congress could not do that, he wanted each State, which undoubtedly had a perfect right to do it, for the States were sovereign; they were independent nations save for their connection with the other Colonies under the Articles of the Confederation, to adopt a draft law, and then, after they drafted the soldiers to send them to his command under the direction of the Continental Congress.

Mr. DANAHER. Mr. President——

Mr. CONNALLY. I yield.

Mr. DANAHER. Was it the Senator's purpose, may I ask him, in inserting these writings into the RECORD, to cause us to rely upon them as coming from an authority whom we should recognize?

Mr. CONNALLY. The Senator is well advised to draw his own conclusions; the Senator knows what I did; and if he cannot find any basis for coming to a conclusion and ratiocination, I am not able to enlighten him. The quotations are in the RECORD, and, if the Senator does not regard George Washington, as I do, as an authority, he has a perfect right not to do so under the freedom of speech and free press——

Mr. DANAHER. Will the Senator yield further?

Mr. CONNALLY. In a moment—and free debate here. He has a perfect right to disregard George Washington. It did not need George Washington's letter, from which I have quoted, to cause me to take the position I have taken, because I have known what he believed in for many, many years; but I thought that some of the other Senators, who in their haste are more concerned with current events, might have overlooked General Washington's sentiments; and I put them in the RECORD so that if any of the curious ones, interested in antiquity and the beginnings of the Republic away back in the days of the American Revolution so desired, they might get a little information. That is all I had in mind.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. CONNALLY. Yes.

Mr. DANAHER. What did George Washington say about the third term? [Laughter.]

Mr. CONNALLY. I will answer the Senator. Mr. President, this is not the first time when the Nation was struggling with an important and serious measure having for its purpose building up the national defense that somebody, with his mind on politics, has sought to divert the debate, to dam up the channel and throw the water around another way. I am not going to be led into that field. The Senator knows what George Washington said on that subject. If he does not know, he knows where he can find the books and where he can go and read what Washington said. I took no obligation when I came into the Senate to undertake the kindergarten instruction of other Senators. [Laughter.]

Mr. President, I have now the letter of 1778 to which I referred a while ago. I commend it to the attention of the Senator from Connecticut. There is much in these books about Connecticut, the men whom it sent to the Continental Armies, and there is some comment about the men Connecticut did not send. Here is a letter to the President of the Congress. I read from the writings of George Washington:

This general reluctance and refusal—

Referring to the lack of volunteers. He could obtain many who would volunteer, and then they would also volunteer to quit as soon as their enlistment of 3 months was over. That is what Washington was struggling with. Oh, yes; these militiamen would enlist as volunteers for 3 months, and when the 3 months were up they had the same right to volunteer to go home, as most of them did. What could Washington do with a raw army in 3 months?

This general reluctance and refusal is founded in the unhappy depreciated light in which the soldiery view the money—

There has been some talk about money in this debate—

and their expectation of receiving immense State, district, and substitute bounties. Whether grants or bounties by Congress, bearing some proportion to them, to such as should enlist for the war would be attended with better success, I cannot undertake to decide.

George Washington was a man who did not claim to know everything. He ought to have heard some of the Senate debates during the last 2 weeks. He did not claim to know everything. He said:

I cannot undertake to decide. The experiment may be made, if they judge it proper, and if it proves an inducement to any extent, it will be an infinite saving in the end.

Listen to what he says next:

I believe, however, our surest—

Not just partly sure, not just sure for one little battle and then quit, but—

Our surest and only certain aids will be derived from drafting, which I trust may and will be done by the States on the recommendation of Congress, agreeable to the mode mentioned in my letter to their committee when they first honored me with a visit at Valley Forge. The exertions to recruit by voluntary enlistments may still go on, as both modes in all probability will not produce near as many men as may be found necessary.

Mr. President, the opponents of this measure say, "Oh, yes; we want to try the volunteer system, and when that fails we will adopt the draft." They would cast upon every man who afterward may be drafted the odium of being not a volunteer but a slacker. Then they would draft him and bring him in. They have no right to do that. If anybody in this country owes the duty of fighting and defending the Nation, everybody owes the same duty. We have no right to make the individual the arbiter of his own fate and of his own fortune.

If he is to serve his Government, he ought to serve it when and how his Government decides that he shall serve it, not simply on his own whim, not simply upon his own impulsive rushing to the colors when others are rushing in the other direction.

Mr. President, I read the inspired words of Gen. George Washington. His letter of 1778 refers to his service yonder to Valley Forge. Go back and read the history of Valley Forge; go back and read of the little ragged army, untrained, unprovisioned, suffering, without shoes in the bleak and barren snows of Valley Forge, and then read of General Washington, with his great heart torn with distress, praying to get an army, praying to get supplies, with the British forces off yonder in Philadelphia like a poised hawk ready to pounce upon his little army at the first opportunity. Do you marvel, Mr. President, when surrounded by the sleet and snow, when gripped by the pangs of hunger and want, when viewing the fact that his force was small and no recruits were coming in but many of them were leaving the ranks when their terms of enlistment expired, that it was at Valley Forge that Washington first said to the committee of the States, "For God's sake, men of Virginia, men of North Carolina, men of Connecticut and Massachusetts, go back to your homes, and, in the exercise of the sovereign powers of your States, call to the colors the manpower of these colonies and these States; send them into the Continental Army." Had that been done in 1776, instead of a war of 8 years, Washington, perhaps, would have won the War of the Revolution at least by 1777.

Senators, did you know that during the War of the Revolution 395,000 men passed through the ranks of the Continental forces or the militia that were called out to service—395,000—while the entire strength of the British Army, according to the best records we have available, was only 42,000 men? Why? The British Army was a stable force. It was composed of British regulars. They were not having their enlistments expire. From time to time new recruits were brought over to keep up their strength. Out of the 395,000 men who passed through the Continental ranks temporarily—some of them serving 6 weeks, some of them serving 2 weeks, some of them serving 3 months, some of them serving just a few days in making fortifications—if Washington had had one-fourth of the entire number that at one time or other saw service in the Revolutionary forces in the service for a sufficient time to train them and to equip them and to discipline them, he could have driven from American soil the royal army within the space of 2 short years. Instead, it dragged along, with all of its suffering and misery and sacrifice, for 8 bitter, heartbreaking years; and even then, perhaps, except for the aid of France, except for the French Fleet off the Virginia Capes, except for the army of Rochambeau at Yorktown, we might never have attained our freedom and our independence.

General Washington repeatedly says in his correspondence that the States had plenty of good material of fine quality, heroic and courageous, but they had no military policy that made it possible for the central authority to call for an army when it wanted an army. General Washington in his correspondence also points out that one of the very necessary things for a commander or for a government is to know how many men they are going to get at a stated period, so as to be able to provide for their wants, their housing, their food, their equipment, their uniforms, and their training and organization as an army.

That is one of the very foremost reasons for the selective-service process. When we rely entirely upon the volunteer system we do not know how many men we shall get. We do not know when they will come. The chances are that we shall either get too few, or, at some period, perhaps too many. Then, when they are refused, their enthusiasm ends, and they go back home and take up their normal pursuits.

Mr. President, I ask leave to insert in the RECORD the two letters of General Washington to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters are as follows:

HEADQUARTERS, FREDERICKSBURG, 24 October 1778.

To the PRESIDENT OF CONGRESS.

SIR: The letter which I had the honor of addressing to you the day before yesterday would inform Congress of the embarkation and sailing of a considerable detachment of the enemy from New York, and of the measures I had taken in expectation of and upon the happening of the event. Whether this will be succeeded by a further embarkation, or by a total evacuation of the posts which they hold within the States in the course of this year or the ensuing one, I cannot pretend to determine.[1] But as it will be right and prudent in us to prepare for every contingency, I would, with the greatest deference, submit it to Congress, whether it may not be proper for them to call upon the States to provide men in time for filling their respective battalions before, or at any rate against, the opening of the spring, and in the same manner as if there was a moral certainty that the war would be prosecuted with all possible vigor on the part of Britain. Should this not be the case, or should any events cast up in the meantime to render troops unnecessary, it will be easy to disband the levies and to keep them from the field—which, on the other hand, our relaxations in not providing them may subject us at least to many disagreeable consequences.

The general return of the Infantry in the month of September, transmitted to the Board of War by The Adjutant General and to which I beg leave to refer, will shew Congress the whole amount of our reputed force at that time, but I am to observe, that large, very large, deductions are to be made from it, on account of the columns of sick and the men said to be on command. Many under the former description, particularly that of sick-absent, are actually dead—others unfit for service, and several, who have recovered, have deserted; nor will the latter afford more than one-half of its number in time of action, as various duties, such as waggoning, distant guards, escorts, &c., employ a great proportion of those under this denomination.

Besides the above deductions, Congress will perceive from the return which I now take the liberty of transmitting that there are 4,380 drafts and others whose terms of service will expire during and by the close of winter. For I am sorry to add that our exertions to reengage the drafts and old soldiers, in this predicament for the usual bounty have proved so far ineffectual and without success. I have not tried what effect the additional grant of ten dollars might have; but I fear, and it seems to be the opinion of all I have consulted upon the occasion, that it would have but little if any influence. I know in the case of the drafts and troops of our State that the offer of twenty dollars on the part of the continent with a like allowance and an actual deposit of it by the State has been no temptation.

This general reluctance and refusal is founded in the unhappy depreciated light in which the soldiery view the money, and their expectation of receiving immense State, district, and substitute bounties. Whether grants or bounties by Congress, bearing some proportion to them, to such as should enlist for the war would be attended with better success, I cannot undertake to decide. The experiment may be made, if they judge it proper, and if it proves an inducement to any extent it will be an infinite saving in the end. I believe, however, our surest and only certain aids will be derived from drafting, which I trust may and will be done by the States on the recommendation of Congress, agreeable to the mode mentioned in my letter to their committee, when they first honored me with a visit at Valley Forge. The exertions to recruit by voluntary inlistments may still go on, as both modes in all probability will not produce near as many men as may be found necessary.

In the case of the Carolina troops, whose service is ending every day, the officers say that nothing will induce them to inlist, unless they can be permitted to go home on furlough till the spring. On this indulgence they seem to think, several might be engaged. The distance is great, and there will be some uncertainty as to their returning, besides it will be fixing a precedent for others. If Congress approve the plan, they will be pleased to inform me by the earliest opportunity.

I am under some difficulty about cloathing the drafts and the old Soldiers whose service is expiring and will determine every day. As Congress have never expressed their sense upon the subject, and this is increased by a letter which I received some time ago from the Board of War, which respects particularly the drafts; I must earnestly request that Congress will favor me with the speediest directions in the case. Whether they are to be furnished out of the supplies coming on, equally with the other troops. At the

[1] "I have just received intelligence from two different quarters that the fleet, which sailed on the 19th and 20th instants from the Hook, contained only the invalids of the army bound for Europe, the officers of the reduced regiments, and the families of several public and private gentlemen. Perhaps all outward-bound vessels might have taken the benefit of convoy, which may have enlarged the fleet to an uncommon size. My accounts still confirm a very considerable body of troops being embarked, but that they yet remain in the Bay of New York. Hence arose the mistake. My intelligences were not before sufficiently accurate, and I was naturally led to believe that the fleet which left the Hook on the 19th and 20th had the troops on board. You shall be advised of the sailing of this second fleet."—Washington to Major General Heath, 25 October 1778.

same time I will take the liberty to offer it as my opinion, that however inconvenient or expensive it may appear at the first view to cloath them, the measure will be necessary, and founded not only in humanity but sound policy. We have no prospect now of levying men in any other way, and if they are not cloathed, they will be exhausted by sickness and death, and not doing it may prove an insurmountable bar—or at least a great obstacle to our obtaining future aids—tho' the exigencies of our affairs should be never so pressing. Yet the cloaths may be withheld as long as circumstances will permit, as an inducement for them to inlist. In the instance of the old soldiers, who have not received the annual allowance of Congress, the point seems clearly in their favor. The Board suggested that the drafts might be supplied out of the best of the old cloaths, which might be given in by the troops on receiving new ones; but unfortunately there will be few of any worth. I have, &c.

---

HEAD QURS., ORANGE TOWN, *August 20, 1780.*

TO THE PRESIDENT OF CONGRESS.

SIR: I have been duly honored with Your Excelly's letters of the 3d, 5th, and 7th instt., with their inclosures.

I have a grateful sense of the confidence of which those acts were expressive, and shall labour to improve it to the utmost extent of the means with which I am entrusted.[2] I sincerely wish our prospects were more favourable than they are.

The inclosed copy of a letter to the honorable the committee of cooperation will give Congress an idea of our situation at this time; and how little reason we have to expect we shall be able to prosecute our original intention in this quarter; even should the event correspond with the expectations of our allies on their part. The same obstacles will oppose in a great degree the operations recommended to the southward; for from all the accounts we receive from thence the affairs of the Southern States seem to be so exceedingly disordered, and their resources so much exhausted, that whatever should be undertaken there must chiefly depend on the means carried from hence. If these fail, we shall be condemned to a disgraceful and fatal inactivity. It is impossible to be more impressed with the necessity of the reverse than I am; I think our affairs absolutely require it; and if any efforts of mine can enable us to act with vigor, either here or elsewhere, it certainly shall be done. But there is a complication of embarrassments that menace us on every side with disappointment.

At this very juncture I am reduced to the painful alternative either of dismissing a part of the militia now assembling (though by the way they were to have rendezvoused the 25th of last month) or let them come forward to starve; whh. it will be extremely difficult for the troops already in the field to avoid. If we adopt the first, we shall probably not be able to get them out again in time to be of any service this campaign; and to let them come on without the means of subsistance would be absurd. Every day's experience proves more and more that the present mode of obtaining supplies is the most uncertain, expensive, and injurious that could be devised. It is impossible for us to form any calculation of what we are to expect, and consequently to concert any plans of future execution. No adequate provision of forage having been made, we are now obliged to subsist the horses of the Army by force, which among other evils often gives rise to civil disputes, and prosecutions as vexatious as they will be burthensome to the public. This is the spirit prevailing among the inhabitants, and its effects cannot be prevented by us, without an open rupture with the civil magistrate. Influence and persuasion begin now to be unavailing. We of course have no other remedy.

In our present state of suspense I would not propose any specific requisitions of the Southern States other than those already made; they shoud be urged to exert themselves to comply with these, and in general to do everything in their power to form as ample magazines of bread, forage, and salted meat as the resources of the country will afford, at such deposits as the commanding officer in that quarter may point out, having regard as far as circumstances will admit of it, to transportation by water. Congress, I doubt not, are better acquainted with the abilities of those States, than I am, or any person I can consult, and will be better able to direct calculations of what they can furnish. If they think any further specific demands necessary to answer the purpose of forming magazines, I shall be much obliged to them to take the proper measures, calculating for an army of 8,000 American troops. If possible there should be this force kept up and supplied in any case, while the enemy remain there with their present strength.

If anything more can be done to stimulate the States this way to a compliance with the requisitions made of them, particularly in the articles of flour and forage where we seem most defective, it will conduce more than anything else to enabling us to act both here and to the southward; for as I before observed, it appears to me evident that the means for a southern operation, as well with respect to supplies as men, must be principally carried from hence.

But while we are meditating offensive operations which may either not be undertaken at all, or, being undertaken, may fail, I am perswaded Congress are not inattentive to the present state of the Army, and will view in the same light with me the necessity of providing in time against a period, the first of January, when one half of our present force will dissolve. The shadow of an army that will remain will have every motive except mere patriotism to abandon the service, without the hope which has hitherto supported them of a change for the better. This is almost extinguished now, and certainly will not outlive the campaign unless it finds something more substantial to rest upon. This is a truth of which every spectator of the distresses of the Army cannot help being convinced. Those at a distance may speculate differently; but on the spot an opinion to the contrary, judging of human nature on the usual scale would be chimerical. The honorable the committee who have seen and heard for themselves will add their testimony to mine; and the wisdom and justice of Congress cannot fail to give it the most serious attention. To me it will appear miraculous if our affairs can maintain themselves much longer in their present train. If either the temper or the resources of the country will not admit of an alteration, we may expect soon to be reduced to the humiliating condition of seeing the cause of America, in America, upheld by foreign arms. The generosity of our allies has a claim to all our confidence and all our gratitude, but it is neither for the honor of America nor for the interest of the common cause to leave the work entirely to them.

It is true our enemies as well as ourselves are struggling with embarrassments of a singular and complicated nature, from which we may hope a great deal. But they have already more than once disappointed the general expectation, and displayed resources as extraordinary as unexpected. There is no good reason to suppose those resources yet exhausted. Hitherto they have carried on the war with pretty equal success, and the comparative forces of this campaign are, I believe, less disadvantageous to them than they were the last. At present indeed their affairs wear a critical aspect; but there are chances in their favor, and if they escape, their situation will be likely to take a more prosperous turn, and they may continue to prosecute the war with vigor. Their finances are distressed; they have a heavy debt and are obliged to borrow money at an excessive interest; but they have great individual wealth, and while they can pay the interest of what they borrow, they will not want credit, nor will they fear to stretch it. A bankruptcy which may be the result will perhaps be less terrible to the King and his ministers than giving up the contest. If the measures leading to it enable them to succeed, it will add so much to the influence and power of the Crown, as to make that event a ladder to absolute authority, supposed by many to be the object of the present reign; nor are there wanting enlightened politicians who maintain that a national bankruptcy is not only a necessary consequence but would be a national benefit. When we consider the genius of the present reign and the violent councils by which it has been governed, a system of this kind will be judged less improbable.

As to the domestic dissintions of the enemy. In Ireland, we see they have hitherto not only diverted, but have in some measure appeased them; and by pursuing their plan of taking off the leaders and making plausible concessions to the people, we ought not to be surprized if they keep matters in that country from going to extremety; in England, it is much to be feared the overbearing influence of the Crown will triumph over the opposition to it and that the next Parliament will be nearly as obsequious as the last. A change of some of the Ministry to make way for a few of the principal heads of opposition would perhaps allay the ferment; but even without this, considering the complexion of the British Nation for some time past, it is more probable these appearances will terminate in a partial reform than in a resolution favourable to the interests of America. The Ministry may be perplexed for a time, and may be obliged to make a few sacrifices in favor of public economy, which may finally promote their views by leaving more money in the treasury to be applied to the purposes of the war.

The general disposition of Europe is such as we could wish; but we have no security that it will remain so. The politics of princes are fluctuating, more often guided by a particular prejudice, whim, or interest than by extensive views of policy. The change or caprice of a single minister is capable of altering the whole system of Europe; but admitting the different courts at this time ever so well fixed in their principles, the death of one of the sovereigns may happen and the whole face of things be reversed. This ought to be the more attended to, as three of the principal potentates are in so advanced an age that it is perhaps more probable one of them should die in the course of a year than that all three should survive it.[3]

The inference from these reflections is that we cannot count upon a speedy end to the war; that it is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistency and solidity to her measures. An essential step to this will be immediately to devise a plan and put it in execution for providing men in time to replace those who will leave us at the end of the year, for subsisting and making a reasonable allowance to the officers and soldiers.

---

[2] The resolve of Congress of August 2, 1780, reconsidered the former resolution which restricted the Commander in Chief's military operations to the limits of the United States "and the restriction taken off."

The resolve of August 5, 1780, authorized Washington to cooperate with the French "for the expulsion of the enemy from their several posts, in the States of South Carolina and Georgia" and to concert "if he shall think it necessary," with the French and Spanish forces in such plan of operations as may be undertaken by those forces when in the West Indies or Louisiana. The resolves of August 7, 1780, authorized Washington to negotiate an exchange of prisoners, including the convention officers then on patrol in New York.

[3] Charles III of Spain was then 64 years old; Frederick II (Frederick the Great) was 68, and Catherine the Great, of Russia, was 51.

The plan for this purpose ought to be of general operation and such as will execute itself. Experience has shown that a peremptory draft will be the only effectual one. If a draft for the war, or 3 years, can be effected, it ought to be made on every account; a shorter period than a year is inadmissible.

To one who has been witness to the evils brought upon us by short enlistments, the system appears to have been pernicious beyond description, and a croud of motives present themselves to dictate a change. It may easily be shewn that all the misfortunes we have met with in the military line are to be attributed to this cause. Had we formed a permanent Army in the beginning, which by the continuance of the same men in service had been capable of discipline, we never should have had to retreat with a handful of men across the Delaware in seventy-six; trembling for the fate of America, which nothing but the infatuation of the enemy could have saved. We should not have remained all the succeeding winter at their mercy with sometimes scarcely a sufficient body of men to mount the ordinary guards, liable at every moment to be dissipated, if they had only thought proper to march against us. We should not have been under the necessity of fighting at Brandywine with an unequal number of raw troops, and afterwards of seeing Philadelphia fall a prey to a victorious army. We should not have been at Valley Forge with less than half the force of the enemy, destitute of everything, in a situation neither to resist nor to retire. We should not have seen New York left with a handful of men, yet an overmatch for the main army of these States, while the principal part of their force was detached for the reduction of two of them. We should not have found ourselves this spring so weak as to be insulted by five thousand men, unable to protect our baggage and magazines, their security depending on a good countenance and a want of enterprize in the enemy. We should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting oppertunities to ruin them pass unimproved for want of a force which the country was completely able to afford; to see the country ravaged, our towns burnt; the inhabitants plundered, abused, murdered with impunity, from the same cause.

Nor have the ill effects been confined to the military line, a great part of the embarrassments in the civil flow from the same source. The derangement of our finances is essentially to be ascribed to it. The expences of the war, and the paper emissions have been greatly multiplied by it. We have had a great part of the time two sets of men to feed and pay, the discharged men going home, and the levies coming in. This was more remarkable in seventy-five and seventy-six. The difficulty and cost of engaging men have increased at every successive attempt, till among the present levies we find there are some who have received a hundred and fifty dollars in specie for five months service; while our officers are reduced to the disagreeable necessity of performing the duties of drill sergeants to them and with this mortifying reflection annexed to the business, that by the time they have taught these men the rudiments of a soldier's duty their term of service will have expired, and the work is to recommence with an entire new set. The consumption of provision, arms, accoutrements, stores of every kind, has been doubled in spite of every precaution I could use not only from the cause just mentioned, but from the carelessness and licentiousness incident to militia and irregular troops. Our discipline also has been much injured if not ruined by such frequent changes. The frequent calls upon the militia have interrupted the cultivation of the land, of course, have lessened the quantity of its produce, occasioned a scarcity, and enhanced the prices. In an army so unstable as ours, order and œconomy have been impracticable. No person who has been a close observer of the progress of our affairs can doubt; that our currency has depreciated without comparison more rapidly from the system of short inlistments, than it would have done otherwise.

There is every reason to believe the war has been protracted on this account. Our opposition, being less, made the successes of the enemy greater. The fluctuation of the Army kept alive their hopes, and at every period of the dissolution of a considerable part of it, they have flattered themselves with some decisive advantages. Had we kept a permanent army on foot, the enemy would have had nothing to hope for, and would, in all probability, have listened to terms long since.

If the Army is left in its present situation it must continue an encouragement to the efforts of the enemy. If it is put upon a respectable one it must have a contrary effect, and nothing I believe will tend more to give us peace the ensuing winter. It will be an interesting winter. Many circumstances will contribute to a negotiation. An army on foot not only for another campaign but for several campaigns, would determine the enemy to pacific measures and enable us to insist upon favourable terms in forcible language. An army insignificant in numbers, dissatisfied, crumbling into pieces, would be the strongest temptation they could have to try the experiment a little longer. It is an old maxim that the surest way to make a good peace is to be well prepared for war.

I am inclined to hope a draft for the war or for three years would succeed. Many incentives of immediate interest may be held up to the people to induce them to submit to it. They must begin to consider the repeated bounties they are obliged to pay as a burden, and be willing to get rid of it, by sacrificing a little more, once for all. Indeed it is probable the bounties may not be much greater in that case than they have been. The people of the States near the seat of war ought to enter into such a plan with alacrity as it would ease them in a variety of respects; among others by obviating the frequent calls upon the militia.

I cannot forbear returning in this place to the necessity of a more ample and equal provision for the Army. The discontents on this head have been gradually matured to a dangerous extremety. There are many symptoms that alarm and distress me. Endeavours are using to unite both officers and men in a general refusal of the money, and some corps now actually decline receiving it. Every method has been taken to counteract it, because such a combination in the Army would be a severe blow to our declining currency. The most moderate insist that the accounts of depreciation ought to be liquidated at stated periods and certificates given by Government for the sums due. They will not be satisfied with a general declaration that it shall be made good.

This is one instance of complaint; there are others equally serious; among the most serious is the inequality of the provision made by the several States. Pennsylvania maintains her officers in a decent manner. She has given them half pay for life. What a wide difference between their situation and that of the officers of every other line in this Army, some of whom are actually so destitute of clothing as to be unfit for duty, and obliged for that cause *only* to confine themselves to quarters. I have often said, and I beg leave to repeat it, the half-pay provision is, in my opinion, the most politic and effectual that can be adopted. On the whole, if something satisfactory be not done, the Army (already so much reduced in officers by daily resignations as not to have a sufficiency to do the common duties of it) must either cease to exist at the end of the campaign, or it will exhibit an example of more virtue, fortitude, self-denial, and perseverance than has perhaps ever yet been paralleled in the history of human enthusiasm.

The dissolution of the Army is an event that cannot be regarded with indifference. It would bring accumulated distresses upon us. it would throw the people of America into a general consternation. It would discredit our cause throughout the world. It would shock our Allies. To think of replacing the officers with others is visionary; the loss of the veteran soldiers could not be repaired. To attempt to carry on the war with militia against disciplined troops would be to attempt what the common sense and common experience of mankind will pronounce to be impracticable. But I should fail in respect to Congress to dwell on observations of this kind in a letter to them. But having gone into a detail of our situation I shall beg leave to make one observation more. It is a thing that has been all along ardently desired by the Army, that every matter which relates to it should be under the immediate direction and providence of Congress. The contrary has been productive of innumerable inconveniences. Besides the inequality of provision already mentioned, all the confusion we have experienced by irregular appointments and promotions has chiefly originated here; and we are again relapsing into the same chaos.

I have daily complaints of palpable mistakes and deviations from those rules on which the tranquillity of the service depends, of which I might cite recent instances if it were necessary to trouble Congress with such a detail. I shall, however, mention one in the Jersey line by way of example. A vacancy happened in July '79 by Lt. Col. Brearly's being appointed chief justice of the State; this was not filled till March following by which the officer entitled to succeed has lost several months' rank in the line of the Army. The vacancies his promotion made still continue open to the prejudice of those next in order, and yet (as I have been informed) new appointments have been made by the State on the principle of those vacancies. As this is a fruitful source of discontent it is naturally in my provence to point it out; but if I were to permit myself to touch upon the political consequences I might easily shew that it has a direct tendency to enfeeble our civil union, by making us thirteen Armies instead of one, and by attaching the troops of each State, to that State, rather than to the United States; the effect of this spirit begin to be visible. But this is a topic on which I may not be permitted to enlarge.

In this delicate and perplexing conjuncture which I cannot but contemplate with extreme inquietude, I have thought it my duty to lay my sentiments with freedom, and I hope I have done it with all possible deference, before Congress; and to give them the fullest and truest information in my power. I trust they will receive what I have said, with all the indulgence which must flow from a conviction that it is dictated by a sincere attachment to their honor, and by anxious concern for the welfare of my country. With the greatest respect I have the honor, etc.[4]

Mr. HOLT. Mr. President, the Senator from Texas quoted George Washington, and I do not criticize him for so doing. He quoted a letter of 1778 and a letter of 1780. As I remember my history, we were at war at that time.

I ask permission to insert in the RECORD at this point some statements of George Washington, and observations thereon; and I desire to add that when George Washington was talking about the draft the soldiers were fighting the English instead of fighting for them, as they intend now to do.

The PRESIDENT pro tempore. Without objection, it is so ordered.

[4] The letter was read in Congress on August 28 and referred to Samuel Adams, Joseph Jones, Thomas McKean, John Morin Scott, and Ezekiel Cornell.

**The matter referred to is as follows:**

**The expressed need for conscription would have been eliminated if the following advice of President George Washington had been followed:**

**"In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.**

**"So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation facilitating the illusion of an imaginary common interest in cases where no real common interest exists and, infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.**

**"As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.**

**"Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.**

**"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.**

**"Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.**

**"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.**

**"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"**

As noted, President Washington said:

"The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave."

Then he notes the outcome of such a policy in these words:

"The peace, often perhaps the liberty of nations, has been the victim."

Then he proceeds with the statement:

"Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former in the quarrels and wars of the latter, without adequate inducements or justifications."

Read that and then think of it after reading the propaganda of such organizations as the Committee to Defend America by Aiding the Allies. Read that and think of it after hearing individuals say we should transfer part of our Navy to England because of our so-called common interest. Read that and then recall the words of those who are asking for aid "short of war."

Our first President said:

"As avenues of foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils."

How true that is in 1940, when organizations calling for actual union of our Government to other governments are given support "to mislead public opinion."

President Washington said:

"Executive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests."

Read that and compare it to 1940. Anybody today who dares to stand up to oppose the desires of Great Britain's foreign policy to involve the United States is labeled a "fifth columnist" or an appeaser or by some other name.

If some of us quote Washington in saying, "Europe has a set of primary interests, which to us have none, or a very remote relation," we are labeled as enemies even though the great first President told us the danger in these words:

"Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships and enmities."

Or if we say, "Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice," we are listed as dangerous enemies to the Government and to the people we are actually trying to preserve and protect.

I regret to say that too many of our officials have forgotten this important advice of George Washington. I fear they have already made the commitments that the great Virginian feared.

President Washington feared large military establishments. He said:

"Hence, likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty."

The material on George Washington's view on conscription and the Military Establishment of this country will be submitted hereafter.

Mr. BARKLEY. Mr. President, I am about to propound a unanimous-consent request; but before doing so I desire to make one or two observations.

We have now been debating the pending legislation in the Senate for 2 weeks. We could not, of course, take it up for consideration here until it was reported by the Committee on Military Affairs. Therefore, I make no comment upon the fact that the bill may have been introduced on the 20th day of June. The committee had a very serious task to perform in working out the bill, and I think they improved it during their deliberations; but certainly the Senate is responsible for what happens to it, and when it happens, after the committee reported it.

For the most part, the debate on the bill has been legitimate. With one or two exceptions, in which unfortunate personalities and aspersions were indulged in, the debate has been limited to the bill and its provisions, and to the amendments offered; but I am convinced that the time has now arrived when the Senate of the United States on its own behalf and on behalf of the country should bring this legislation to a conclusion. The American people cannot always understand why, in the Senate, facts and theories should be repeated over and over again without always making any contribution to any new situation upon which we are called to pass.

I realize that today is Saturday, and I suppose the Senate has been spoiled during most of the session by recesses on

Saturday, because we apparently did not have any business of urgency which required us to sit on Saturdays; but, Mr. President, we are considering this legislation, and we are considering and have considered all the defense legislation, because of a certain situation in Europe, because of the domination of Europe by a certain man by the name of Hitler. If he had never arrived on the scene, or if somebody else of his character or nature had not arrived on the scene, in all probability the present Congress would long ago have adjourned, and we should have been spared the necessity of considering a national-defense program.

Mr. Hitler does not rest on Saturday, however. His armies do not camp on Saturday. Today's newspapers bring the news that even today a new attack by air has been launched against Great Britain; and tomorrow—God's holy day—there will be no cessation of hostilities, nor on any other Sabbath day until the war is over.

I mention these things, Mr. President, in order, if I may, to emphasize the fact that we have arrived at a time in this country when the American people may desire us to act upon these measures one way or the other; and I think I know what the Senate of the United States is going to do with respect to this bill. This is not the only defense measure which is now pending here. The Committee on Appropriations several days ago reported a bill providing a little over $5,000,000,000 in order that the program of national defense may be carried out. We know that contracts are of necessity being held up because that legislation has not been enacted.

It may be true and is true that large concerns with surpluses and with large credit can go ahead and expand, taking chances on the fact that Congress in all probability will appropriate the money for the production of the materials which is the object of their existence; but small concerns cannot do that on mere chance. They have to know that the money will be available before they are willing to enter into expansions of their plants, and before the War Department and the Navy Department can be justified in signing contracts for the expansion of plants and for the production of these materials. Therefore that bill is of urgent necessity, and time is of the essence in connection with that as in connection with the pending proposal.

The House Committee on Ways and Means is reporting a tax bill which is a part of the defense program, and it has been stated, and it is without contradiction, that contracts are being held in abeyance until that bill has become a law, or some of its provisions have been enacted, so that the people of this country may know upon what they may depend.

Mr. President, I am making these remarks in order that the Senate of the United States, if it will seriously consider the proposition which is before us, and the tenor and mood of our country, may cooperate to the fullest extent possible in bringing the pending legislation to an early conclusion.

I had hoped that we might vote finally on the bill on last Wednesday; I had hoped that we might do it on Thursday; I had hoped that we might do it on Friday; and I had hoped that we might do it today, even. I have been seeking for 2 or 3 days to obtain an agreement by unanimous consent, which is the only way it can be obtained. The country does not know that; the country does not understand why the Senate of the United States cannot limit debate except by unanimous consent. They should know it because that is the truth, unless we undertake to resort to cloture, which takes a two-thirds vote, and I doubt if that could be obtained in the near future as to any legislation.

I have been unable to obtain any agreement by private negotiation to limit debate on the pending bill and all amendments thereto. I recognize that any Senator has the right to object to such a request, and I appreciate the frankness of some Senators in telling me privately that they would object to such a request if I proposed it. But I do feel that we must make progress, and unless we can make greater progress toward bringing the bill to a conclusion during the next few days than we have made in the last 2 weeks—and I do not say this in any sense as a threat, and I hope the newspapers will not say that I am threatening the Senate, because I know, as well as anyone does, if not better, that I cannot carry out a threat against the Senate or in regard to its procedure unless a majority of the Senate is willing to go along with any such proposal, and I am not making this statement in that sense at all, but I am making it in order that Senators may be advised that it may be necessary for us to hold more lengthy sessions next week—even up into the night—than we have held during the past 2 weeks.

I cannot at this moment obtain an agreement to limit debate on the bill and all amendments, but I am going to ask that we limit debate on the pending amendment. Therefore, I ask unanimous consent that no Senator shall speak more than once or longer than 15 minutes on the bill or the pending amendment during the pendency of the amendment, the limitation on the bill not to apply after the amendment shall have been disposed of.

Mr. AUSTIN. Mr. President, I have made some inquiries among the minority, and after interviews with several Senators, I ask that a quorum be called before the request is acted upon.

Mr. VANDENBERG. Mr. President, will the Senator yield a moment?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. I should like to make a brief comment on the observation of the able Senator from Kentucky.

I do not understand that the Senator from Kentucky has criticized as illegitimate in any degree the debate which has thus far occurred in the Senate in respect to the pending bill. Nevertheless, there is the constant effort in some quarters to make it appear that the opponents of the bill have unduly procrastinated. I call attention to the fact, in passing, that if there has been any delay today, the entire debate has been contributed by the proponents and not the opponents of the bill.

There seems to be a general disposition to criticize Congress for interfering with the development of the defense program. The able Senator from Kentucky has referred to the tax bill in this connection. I agree with him, if I may say so, in this connection, that the passage of the depreciation and amortization features of the pending tax legislation is absolutely important to the defense program, and I only wish that the House Ways and Means Committee would separate the depreciation and amortization features from the excess-profits tax features of the bill, so that in 24 hours we could remove this barrier to the defense program and still have adequate time to discuss an excess-profits tax, which in no event can be collected until next March 15.

I offer my cooperation in connection with that sort of a program, if it can be developed. In other words, I am trying to demonstrate my fundamental sympathy with the appeal which the Senator from Kentucky submits. When he asks for limitation of debate in connection with the pending amendment, I am glad to agree with him that there should be a limitation. I think the subject is substantially exhausted. So far as I am concerned, there will be no objection to his request. But I share the opinion of the able Senator from Vermont that, since there are many Senators interested in this subject, we should have a quorum before the consent is given.

Mr. BARKLEY. Of course, I cannot prevent a quorum call, and have no desire to, but it should be stated that the rules do not require a quorum called for fixing a limitation of debate on amendments.

Mr. VANDENBERG. I had in mind the fact that many Senators are absent from the floor who have a very deep personal interest in the subject.

Mr. MALONEY. Reserving the right to object, Mr. President—and I shall not object, because I am completely in sympathy with the statement which the President made yesterday, or which was attributed to him, and the position of the majority leader concerning bringing the matter to a decision—I am wondering whether it is not the intention of the majority leader, the Senator from Kentucky, to have the Senate proceed this afternoon. I had supposed last night, after a talk with him and others, that we were likely to vote on at least one amendment today, the one offered by the

Senator from Massachusetts [Mr. LODGE] and I wondered whether that plan had been set aside.

Mr. BARKLEY. The Senator from Kentucky, of course, would be anxious to have a vote on the amendment today, if possible, but the Senator from Wyoming [Mr. O'MAHONEY] has offered an amendment along the same lines as that offered by the Senator from Massachusetts, and I may state, by the way, that I prefer the amendment which the Senator from Wyoming offered, to the amendment offered by the Senator from Masschusetts. The Senator from Wyoming is ill today, and not able to be present, and therefore cannot call up his amendment. For that and other reasons which make it obvious that we cannot obtain a vote on even the pending amendment today, I have abandoned that hope, and am now seeking to get a limitation of debate on the amendment now pending, so that we may conclude it at an early hour on Monday.

Mr. MALONEY. I thank the Senator.

Mr. LODGE. Mr. President, the Senator from Kentucky was so courteous as to inquire of me regarding the time for a vote on Monday, and as the author of the pending amendment it is perhaps incumbent on me to say that I share his desire to expedite action on the whole matter. I repeat now what I stated to him privately, that any time fixed which will mean a prompt and expeditious disposal of the pending question is agreeable to me.

Mr. BARKLEY. In that connection, most of the debate which has occurred while this amendment has been pending has not been on the amendment itself. Therefore I think we might well fix an early hour on Monday at which time we may vote finally on the pending amendment. I did not desire to couple the two requests together, which I can do, but I should rather get a limitation on the debate, and then put the other proposition separately.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HOLT. The Senator from Kentucky knows that he and I discussed the matter privately; and I had no objection to his request for a limitation of debate on the Lodge amendment. But I think it should be said that without question the statement that those in opposition to conscription—and I am one of them—are trying to filibuster is absolutely untrue and is not based on fact. When I say that, I do not charge that the Senator from Kentucky said that, but certain newspapers are trying to make it appear we are trying to delay the debate. I have talked with practically all those in opposition, and I have yet to hear anyone in opposition to conscription even intimate a filibuster against the bill. Some of us are deeply affected by it; we feel it very deeply; we think it is a very dangerous innovation; and we think it should be discussed. It has been discussed 11 days, and none of the opposition, to my knowledge, has ever objected to long hours, and one of the outstanding opponents of the bill objected very strenuously to going over from Thursday to Monday.

I do not think it is fair for the press and many others to say that we are trying to hold up debate. We are not. We are opposed to that. But we are determined that the last free parliament on earth shall not be swept aside in haste. We know of many pieces of legislation which have been swept through with the statement, "You must pass this at once," and then, after they have been passed, we find that something is in the legislation which should not have been in it.

I wish to say that it is not the opponents of the bill who are filibustering or even attempting to filibuster. We are against that. But we intend to explore the proposal fully in debate, and I think that every day something has been brought out in debate that was not known previously. Of course, it may not be to those who have closed their minds about it, but every day, so far as I am concerned—and I have tried to study the matter—I have found something new about it. But I do object to individuals trying to put pressure on this draft bill when in the past they have always said for the Senate to go slowly, and have criticized us for speeding other things. The New York Herald Tribune, one of the bitterest critics of speed in the past, now says, "Full speed ahead. Do not pay any attention. Go ahead and pass it." That was not their statement when they were in opposition to pending legislation.

Again, I say, we are not filibustering, we are trying to debate an issue which is important to this country, because the propasal is one which might establish militarism here for all time to come. I have no objection to the particular request now made.

Mr. BARKLEY. Mr. President, I simply wish to observe that I do not think anything I said could be interpreted as charging or intimating that anyone is seeking to filibuster against the bill. I had no such intention, and I made no such statement, and I do not think that my remarks can be so interpreted. I say that not only publicly, but I have stated privately that I have not seen any evidence in the Senate of an attempt to filibuster.

One of the things I want to see avoided in the Senate is the arising of a situation from which the country itself might conclude that there is a filibuster on an important measure such as that now pending. There may be justification for delaying the vote and prolonging the debate on some matters. Personally I have never engaged in a filibuster. I do not believe in filibustering. My own opinion is that the country at large does not favor filibusters as a rule. I have no thought in mind that a filibuster is now being indulged in, but for the sake of the Senate, and the confidence of the American people in the Senate, I am anxious that we shall not get ourselves into such a position as would justify the country in thinking we are indulging in a filibuster.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HOLT. I prefaced my remarks with the statement that I personally realized that the Senator had never stated that we are filibustering. Not at all. The Senator has discussed the situation with us privately and has in every way tried to accommodate the subject to a mutual cooperation. However, I did say that certain newspapers, which have an interest in the measure, have made the assertion to which I referred. I do not want the Senator from Kentucky to think from what I said that I had any such feeling toward him, and I exonerate him from making any such a statement.

Mr. BARKLEY. Mr. President, I appreciate the statement made by the Senator from West Virginia. We cannot control what newspapers say or what newspaper editors think. The mere fact that some newspapers have expressed a desire that the Senate act with expedition in the consideration of the bill does not justify the contention that a charge of filibustering is being made against certain Members of the Senate.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. I wish to make a statement with reference to charges made about filibustering. I think that no Member of the United States Senate who is familiar with the debates which have occurred in the Senate in the past would even attempt to accuse any Senator on either side of the Chamber of filibustering. Our distinguished leader, the Senator from Kentucky [Mr. BARKLEY], has been extremely fair, and there has been no thought on the part of any of those with whom I have talked of filibustering on the bill.

I think it is entirely possible that we can obtain a vote on the final passage of the bill probably by the middle of next week, but I understand there are Senators on both sides who wish to be heard.

Mr. President, this is one of the most controversial and important measures that has come before the Senate of the United States during my term of service in this body, and it is one which some persons think affects the fundamental principles upon which the Government is founded. Some think the purpose of the measure is to make a complete change in American traditions with reference to military service.

There should be full debate, and every Senator who wishes to speak and to be heard on the measure should be given an opportunity to speak, and his views should be presented in the

Senate. I am one of those who would oppose any attempt on the part of any Senator to try to filibuster on this particular bill.

I have stated to the Senator from Kentucky, and I say it now publicly, that, while I personally would have to object to limiting the time of debate on the bill, yet with respect to the pending amendment I have no objection to limiting debate. However, I should have to object to limitation of debate on the bill, because there are some Members of the Senate who have said that they do not wish to agree to limitation being placed on debate today. Monday we may be able to work out some kind of an agreement with the Senator from Kentucky relative to limiting debate upon the bill. However, I would not want to agree to such limitation today.

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Montana has said. I have conferred with him, as I have felt it my duty to do, as one of the prominent Senators who is opposed to the legislation, and also with other Senators who are opposed to it, in my effort to negotiate an agreement, which, I frankly said awhile ago, I have been unable to secure. I am not proposing any limitation today with respect to debate on the bill, or on any other amendment, except the pending amendment. However, Monday I hope we may be able to arrive at a fair limitation of debate on the bill and on all amendments, during the remainder of the consideration of the measure.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LA FOLLETTE. I should like to make a statement at this time concerning any agreement which the Senator from Kentucky [Mr. BARKLEY], the Senator from Vermont [Mr. AUSTIN], the Senator from Montana [Mr. WHEELER], and other Senators may attempt to work out over the week-end. On numerous occasions we have fixed a time for a final vote on important legislation, and then the Senate has been confronted with the situation of voting upon very important amendments without even an explanation being possible upon the part of the authors of the amendments.

I should like to appeal to the Senators who participate in the negotiations to bear in mind that situation. I have not counted the number of amendments which are pending, either in the nature of substitutes, or amendments to the original bill, or to the substitutes, but I think there are some 30 or 40 printed amendments. I hope that in working out the agreement consideration will be borne in mind of the importance of providing for some adequate opportunity for explanation of amendments which are to be offered and upon which the Senate must go on record.

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Wisconsin has said. Of course, what he said has always been true in the Senate; that whenever a time is fixed for final vote on any measure the Senate runs the risk of some Senator offering an amendment after the time has been reached for a vote, and, of course, the amendment could not be explained. Frequently Senators have taken advantage of the liberty of debate in the Senate to explain their amendments in advance.

The Senator from Connecticut [Mr. MALONEY] the other day explained the substitute he proposed to offer later, which, under the rules of the Senate, cannot be offered until all other amendments are out of the way, his proposal being a substitute for the pending measure.

So far as I am concerned, in working out an agreement I shall be glad to keep in mind the suggestion of the Senator from Wisconsin.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. Other Senators have come into the Chamber since I suggested the propriety of a quorum call, and I have decided not to make the suggestion.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. My suggestion with regard to the desirability for having a quorum call was due to the absence from the floor of the Senator from Montana [Mr. WHEELER]. In view of the fact that he has since entered the Senate Chamber and has expressed no objection to limitation of debate with respect to the particular amendment in question, the pending amendment, I shall not suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair wishes to ask the Senator from Kentucky to restate his request.

Mr. BARKLEY. Mr. President, I ask unanimous consent that no Senator shall speak more than once nor longer than 15 minutes on the bill and the pending amendment, the Lodge amendment, during the pendency of the Lodge amendment, the limitation of debate on the bill not to apply after the Lodge amendment shall have been voted on.

The PRESIDENT pro tempore. Does that request include amendments to the Lodge amendment?

Mr. BARKLEY. Yes; it includes amendments to the Lodge amendment.

Mr. HOLT. That does not mean 15 minutes' limitation on the bill after the Lodge amendment shall have been acted on?

Mr. BARKLEY. No.

Mr. HOLT. I simply wanted to have that made clear.

Mr. BARKLEY. Yes. That, of course, is subject to any new agreement that may be reached.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I ask unanimous consent further, that not later than 2 o'clock Monday the Senate proceed to vote on the Lodge amendment and all amendments thereto, without further debate.

Mr. LODGE. Mr. President, I should like to have some assurance that if the limitation goes into effect I shall have a chance to explain the amendment for about 10 minutes before the vote is taken on it.

Mr. BARKLEY. I am sure the Senator can get that opportunity, and I shall cooperate with him to get it.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHITE. I am in complete agreement with the views expressed by the Senator from Wisconsin as to the evil consequences which flow from fixing an arbitrary time to vote on any amendment or upon a bill.

Mr. President, I wanted to say a few words about the Lodge amendment. I had originally in mind the purpose of talking somewhat about the philosophy of volunteer enlistments, of conscription in time of war, and the type of conscription which I think may possibly be justified in time of peace, but I shall now forego that until later.

However, while the Lodge amendment is pending I wish to point out some defects which I think exist in the measure, to which the majority leader and those primarily responsible for the measure ought to give thought, if they have not already done so. I wish to be sure of having a chance to say something about the amendment before a vote is taken.

Mr. BARKLEY. Mr. President, the Senator from Maine knows how difficult it is for one Senator to assure another that he can be recognized, but I will say to the Senator that if, as I hope, I shall have any influence with the Chair, I shall be glad to cooperate to see that the Senator is given the opportunity to speak.

Mr. President, the request I make is based on the assumption that we shall meet at 11 o'clock Monday, which will give us plenty of opportunity to discuss the Lodge amendment, or any amendment to the Lodge amendment. I suppose there will not be more than one amendment to the amendment proposed, and that will simply have to do with a change in the number of men provided for in the Lodge amendment.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. NORRIS. Mr. President, what I wish to suggest does not apply only to the particular situation now confronting us, but, as a general proposition, applies to all bills and resolutions, with respect to which we get into the same kind of difficulty. The Senator from Kentucky has tried for 2 or 3 days

to obtain an agreement. At times such requests are arbitrarily objected to and at other times they are probably objected to on justifiable grounds. However, it seems to me, that all this difficulty could be avoided if, in agreeing to a limitation on debate, no time were fixed as to when a vote shall be taken.

As the Senator says, we can limit the debate to 20 minutes and, after a certain time, limit it still further. The House has a rule providing for a limitation of 5 minutes, which works very well. We can limit debate to 10 minutes, 5 minutes, or 2 minutes, if necessary, and let the debate run on. It would naturally work itself out to the satisfaction of every Senator who has an amendment to offer, or who wishes to be heard on any particular item in the bill or on any amendment.

I am entirely in sympathy with what the Senator from Kentucky seeks; but such agreements neglect one fundamental principle which comes back to plague us every time we avoid it. Every time such an agreement is made, I say to myself that I will never agree to another such request. Then, because I wish to be courteous, and because I am modest and do not wish to intrude, I do not object when the next request is made, and my colleagues seem to want to agree to it. The question arises every time we try to obtain a unanimous consent agreement to vote at a particular hour on a particular bill or a particular amendment. We would get through more quickly and would not have the difficulty which almost always arises when we make that kind of an agreement, if we would limit the debate, not necessarily to 20 minutes, but to less than that if necessary. We could limit the debate on the subject to one address from any one Senator. The debate would always work itself out. We would come to the end of the debate, and every Senator would be satisfied.

However, when we make an agreement to vote on a bill at a certain time, as we have so often seen, when the hour arrives many amendments are pending, and after that hour many amendments are offered. It often happens that the Senate is not in order. It is impatient. Amendments are offered about which we have never before heard. It is true that they are read at the desk, but not one Senator in ten is able to hear and distinguish just what the clerk is reading. It is not the proper way to legislate. It is not logical. We make no speed by that kind of an agreement. If we should let the debate run on, and limit the debate, permitting any Senator who offers an amendment to explain it, and permitting any other Senator who opposes it to explain his idea on a limited scale, we could easily prevent such a situation.

I do not wish to offer advice. I realize that I am not competent to do so. However, it seems to me that if we would agree on the fundamental principle not to undertake to agree to vote on anything at a particular time, but to limit debate, we would not have the trouble which we always have in trying to reach an agreement.

Mr. BARKLEY. Mr. President, I will say to the Senator from Nebraska that there are difficulties on both sides of the question. We have already entered into an agreement to limit debate on the pending amendment to 15 minutes on the amendment and 15 minutes on the bill, which gives any Senator who obtains the floor 30 minutes. It would be possible—and probably it would be regarded as reasonable—for enough Senators each to speak for 30 minutes on Monday so that we should not obtain a vote on the pending amendment all day. So, in order to avoid some of the evils of unlimited debate in the Senate, it has been customary by unanimous consent to limit debate and also to agree on the time to vote. If we had some way by which to bring about a 10-minute rule, or a 5-minute rule under certain circumstances, as is the case in the other House, it would never be necessary to enter into these unanimous-consent agreements. However, we do not have such a method. A shorter length of time on the pending amendment would have been satisfactory to me, but I could not obtain an agreement for less than 15 minutes on the bill and 15 minutes on the amendment; so we must consider what we can get when we have to act by unanimous consent.

The request which I have made would give the Senate 3 hours for the consideration of the Lodge amendment. I venture the suggestion that since it was offered, aside from the speech made by the Senator from Massachusetts himself, it has not occupied the attention of the Senate for as much as 30 minutes. So if we are to get anywhere in voting, we must have an agreement. It is not as important in the case of a single amendment as it is in the case of the whole bill. I have often observed—and no doubt other Senators have observed—that after weeks of consideration of a bill and of amendments which have been submitted and printed and which have lain on the table and on our desks, it is very rare that after the time has been fixed for a vote an amendment is offered which could not have been discussed before that time, or which would require much discussion. I appreciate, of course, what the Senator says.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LA FOLLETTE. I appreciate the problem which confronts the majority leader in endeavoring to meet the wishes and desires of all Members of the Senate in connection with agreements of this nature. However, I should like to point out that under this agreement it is entirely possible for 6 Senators out of 96 to occupy all the time on the amendment prior to the time of voting. So far as I am personally concerned, I do not intend to discuss the Lodge amendment. I shall be satisfied to vote upon it or upon any amendments which may be offered to it; but it seems to me that the situation would be more satisfactory if the Senator should propose a unanimous-consent agreement which would limit the time of speeches as he has now obtained an agreement to limit them up until a certain hour on Monday, and then propose that following that time 3 hours of debate, a limitation of 5 minutes shall be placed on speeches, and that no Senator shall speak more than once on the Lodge amendment or any amendments which may be offered thereto. With such an agreement, I think we could then reach an early disposition of the amendment, and that no Senator would find himself in the position of being cut off and prevented from discussing the issues involved.

Mr. BARKLEY. Mr. President, I wonder if the Senate would agree to a modification of the request already granted, to forego the right to speak on the bill during the limitation of the debate on the pending amendment, and agree to a 15-minute limitation on the amendment itself.

I propound the request that during the further consideration of the pending amendment, the Lodge amendment, no Senator shall speak more than once or longer than 15 minutes on the amendment, which would include, of course, general remarks on the bill during the 15 minutes, but which would limit the debate to 15 minutes while the amendment is pending.

The PRESIDENT pro tempore. Does the request include all amendments to the amendment?

Mr. BARKLEY. The request includes all amendments to the amendment.

The PRESIDENT pro tempore. Is there objection to the modified request?

Mr. JOHNSON of California. Mr. President, is it proposed to fix a time for voting on the amendment?

Mr. BARKLEY. No time is fixed. I withdraw the request to fix a time for voting, in the hope that the further limitation will produce the same result.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. MALONEY. Mr. President, during the course of the statement made by the Senator from Kentucky he observed that a vote on the so-called Maloney amendment would not be in order until all other amendments are disposed of. I wonder if it is in order for me to ask for a ruling by the Chair?

The PRESIDENT pro tempore. The rule is that a substitute may be offered at any time when no other amendment is pending. Then amendments to the committee amendment or amendments to the substitute have precedence over a vote on the substitute. Is that clear?

Mr. MALONEY. That is clear to me, Mr. President; and it is now my understanding that the Chair has pointed out that the statement made by the majority leader is in error.

Mr. BARKLEY. Mr. President, I think some Senator propounded a parliamentary inquiry to the Chair the other day on that very point. I have forgotten who was presiding at the time. It may have been the Senator from Nevada [Mr. PITTMAN].

The PRESIDENT pro tempore. The Senator from Nevada was not presiding at the time.

Mr. BARKLEY. The Chair stated, after advising with the parliamentary clerk, that even though the substitute were offered at a given time, the committee amendment to which it is an amendment may be perfected before the substitute is voted on; and that the substitute itself may be perfected.

The PRESIDENT pro tempore. That is correct.

Mr. BARKLEY. So the result is that after the various perfections in the substitute and in the bill, the vote on the substitute comes as the last thing prior to the vote on the bill itself.

The PRESIDENT pro tempore. That is probably correct, but it is in order to offer a substitute at any time.

Mr. BARKLEY. Oh, yes. I did not mean to suggest that it could not be offered, but in practice it has been voted on after perfecting the amendments to the bill for which it is offered as a substitute.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK of Missouri. After the bill has been perfected, and the substitute has been perfected and a vote is taken on the substitute, if the substitute is rejected, is another substitute then in order?

The PRESIDENT pro tempore. Yes.

ARTICLE BY COL. JOSEPH FAIRBANKS

Mr. AUSTIN. Mr. President, Col. Joseph Fairbanks, who was a Reserve officer in the World War, and served for 14 months during that war under General Crowder, Provost Marshal General, at headquarters in Washington, and observed and assisted in the administration of the Selective Service Act of 1917, shortly after the armistice, at General Crowder's request, made a historical study of conscription in other countries. The inscription by General Crowder in the book, "Second report of Provost Marshal General to Secretary of War on operations of selective service system through December 20, 1918," which was produced as the result of Colonel Fairbanks' work is, as follows:

> To Lt. Col. Joseph Fairbanks in recognition of a devoted and able service you have given the cause of the selective service this volume is inscribed by
>
> Yours faithfully,
>
> ENOCH CROWDER,
> *Provost Marshal General.*
>
> FEBRUARY 19, 1919.

Soon after the passage of the Neutrality Act of 1939, Colonel Fairbanks wrote an article on the subject, If Germany Wins. In order to point out one aspect of our time, in order to show thereby that we are not living in peacetime in the United States, and that laws relating to peacetime are inapplicable, I ask unanimous consent to have printed in the Appendix of the RECORD the article written by Colonel Fairbanks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EMPLOYMENT UNDER WORK PROJECTS ADMINISTRATION

Mr. BYRNES. Mr. President, I would not interrupt the consideration of the selective-service bill to make a statement, but, since the bill is not being considered at the moment, I ask the indulgence of the Senate for a few minutes in order that I may make a statement with reference to the statement of Mr. Willkie, which is quoted by the Associated Press in this morning's newspapers on the subject of the employees of the Work Projects Administration.

Yesterday, according to the Associated Press, Mr. Willkie stated:

> There is already definite proof that the Roosevelt administration is planning to pack the relief rolls, especially in those States which are politically doubtful.

And in the next paragraph he says:

> During the month of July of this year the relief rolls have increased by nearly 90,000 for the country as a whole over the month of June.

Mr. President, that statement itself is definite proof that Mr. Willkie has little regard for facts. The fact is that in June the average employment by the Work Projects Administration was 1,755,000. The average employment in July was 1,655,000, or 100,000 less than in June, instead of 90,000 more, as stated by Mr. Willkie.

The number of persons employed in July, in this election year, was 650,000 less than were employed last February.

When Colonel Harrington appeared before the House Appropriations Committee he stated that if Congress appropriated the amount of money estimated by the Budget Director he would provide jobs in July, August, and September for 1,700,000 persons; in October for 1,800,000 persons, and in November for 2,000,000 persons. He stated that the increase in November—which, by the way, would be after the election—would be due to the anticipated demand from State officials as colder weather approached.

The Republican members of the House Appropriations Committee approved this plan. The Republican Members of the House unanimously approved the plan. They thought it such a splendid plan that they wrote it into the bill as it passed the House. In the Senate it was eliminated because, after consideration, the Senate believed that we should not embark upon the new plan of writing the figures for each month into the bill, for should a disaster occur, such as the hurricane that visited New England in September 1938 or the floods in the Ohio Valley in the spring of another year, there should be discretion somewhere to relieve human suffering.

Notwithstanding, the Senate eliminated the language from the bill and it is not in the law, Colonel Harrington stated it would be his intention to adhere to the figures presented to the House and to the Senate. He not only has not increased the number over the number approved by the Congress, but, on the contrary, in July he reduced the number of workers below the number he stated to the Congress he would employ.

Mr. TAFT. Mr. President, will the Senator yield for a question?

Mr. BYRNES. I yield.

Mr. TAFT. I notice that the Washington News today states, apparently authoritatively, that on July 3, while there may have been a decided reduction in the month—on July 3 the W. P. A. roll fell to 1,611,213, whereas on August 14 it had risen to 1,708,154, or 90,000 more than it had been 6 weeks before. I presume that is the basis of Mr. Willkie's statement, and, so far as I know, it is completely correct between those two dates. Frankly, I see no reason why between those two dates, with the growing armament program, the W. P. A. force should be increased from 1,611,000 to 1,708,000.

Mr. BYRNES. The figure on any particular date I do not know, but the fact is, as I have said, that, pursuant to the statement made by the Administrator to the Congress, the Administrator reduced the number of persons on the W. P. A. rolls for the month of July. We must take the average not of a single date but the average for the month. Instead of reducing it to the figure he advised the Congress, 1,700,000, he reduced it to 1,655,000. In the month of August it was increased, as I have said, to the figure he estimated for the month of August, 1,700,000. On a given date it may be 1,708,000; on another date 1,695,000; but, even though there is no provision in law requiring it, the Administrator, living up to his statement to the House committee and the Senate committee, has increased it only to 1,700,000.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. BYRNES. I yield.

Mr. BARKLEY. We all remember that, due to conditions that existed last year, when the appropriation was about to expire in the spring, which would ordinarily expire on July 1, there was a very marked reduction in the number of workers on the W. P. A. program. As I recall, the number was reduced from approximately 2,300,000 in January and February to one-million-seven-hundred-and-some-odd thousand in June. Am I correct about that?

Mr. BYRNES. The Senator is approximately correct. The exact figures I have not in mind.

Mr. BARKLEY. Everything depended on the amount of money appropriated for the coming fiscal year. Instead of appropriating for the full year, we appropriated for 8 months on the same basis of the amount appropriated for the last year. So, even in the middle of August, the number on the W. P. A. rolls is not so large as it was in June, from which it was reduced during July.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. TAFT. As I understand, the Senator from South Carolina says the average in August was higher than the average in July. Can the Senator give any reason why the average on the W. P. A. rolls should be higher in August than in July?

Mr. BYRNES. The Director stated to both committees of the Congress, if the amount of money requested was made available, exactly how it would be spent. There are on the rolls today certified as eligible for jobs—certified not by officials of the administration of the Federal Government, but certified by local officials, Republicans and Democrats—1,000,000 names more than have jobs under Work Projects Administration employment today. The reason why they would have more jobs is that since a million men have been certified for jobs and are out of employment, if the money is available the Director will and should give employment in every State in the Union; and he stated to the Congress what he would do if given the money. We gave him the money, and pursuant to his statement he is living up to his agreement with the two committees of the Congress.

Notwithstanding the demands resulting from the recent hurricane and the floods in Southern States, the Director states that he has no plan to increase the September employment above the statement to the Congress of 1,700,000. He plans to increase the employment in October only to the figure he advised the Congress last May, or 100,000 more than the number in July.

After issuing a statement upon the subject yesterday in which he complained of the number of relief workers in Pennsylvania, Mr. Willkie later issued another statement saying that he had been misinformed by his research department as to some figures. In the first statement he referred to Pennsylvania. In the second statement he did not do so. The probable reason is that he was advised that today more pressure for an increased quota is being brought to bear upon the officials of W. P. A. by the Republican Governor of Pennsylvania than by the officials of any other State.

I know nothing as to the needs. I know, however, that a million more have been certified than there are jobs for.

The people should know that the persons who get W. P. A. jobs are certified by local officials and not by officials of the Roosevelt administration, except in two States, which have failed or refused to establish organizations to certify employees.

The candidate for the Presidency, however, said this, to which I desire to call the attention of the Senate:

It is generally conceded—

This was in the second statement, after thought, after deliberation—

It is generally conceded that one person placed on relief may affect as many as four votes. Consequently the addition of 90,000 during the month of July could mean a switch of 360,000 votes from the Republican to the Democratic column.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BYRNES. One moment.

Even though the statement that 90,000 persons were added to the rolls in July was not true, think of such a statement by a candidate for the Presidency.

He tells us that if 90,000 persons were added, they might all be Republicans. What a reflection upon the local officials of the States of the Union, Republican and Democratic officials. He says that if persons unfortunate enough to be forced on relief were given jobs, they would switch from the Republican to the Democratic column.

In the same newspaper there appears a picture of Mr. Willkie taken with Mr. Lewis W. Douglas and Mr. John W. Hanes, who are assisting in the management of his campaign, and who formerly held lucrative positions in the Roosevelt administration. These two gentlemen—splendid gentlemen—are presumed to be men of wealth. Mr. Willkie believes and knows that even though they received from President Roosevelt positions of honor and of relatively large compensation, they could be independent in thought and could support his candidacy, but he believes that if 90,000 poor people who are upon relief were given jobs, they would change their politics and vote for President Roosevelt. That furnishes an insight into his thinking. Such reckless statements will, day by day, cause thoughtful Republicans and independent voters to regret that the convention at Philadelphia did not have more time to investigate before they nominated him.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. The time of the Senator from South Carolina has expired. The Senator from Tennessee is recognized.

Mr. McKELLAR. I will use my own time to ask the Senator from South Carolina a question.

Mr. President, I read these charges. They are direct charges of fraud against the Roosevelt administration.

Like the Senator from South Carolina, I have been an observer in politics a long, long time. I desire to ask the Senator from South Carolina whether he ever knew a candidate for any office who charged fraud or intended fraud in a coming election who was elected on any ticket. I never did; and I am wondering if the Senator from South Carolina ever knew a man who started out his campaign by charging intended fraud who was elected.

Mr. BYRNES. Mr. President, I only want to say this:

My statement was prompted by the fact that in the Appropriations Committee, Republicans and Democrats alike agreed with Colonel Harrington in the consideration of the emergency relief bill that the plan he suggested was, in the light of all factors, an exceedingly wise plan. Because of lack of funds, he had to reduce the number in June. He stated that since in July, August, and September there is warm weather, and in the agricultural sections people have vegetables and fruits, he will not increase the number beyond 1,700,000, even though last February there had been 2,300,000 persons on the roll. He stated that when we reach October, and colder weather comes to the Northern States, the number should be increased by 100,000; and that when we reach November, and it is still colder over the country, and the demands will be greater, judging from the past, he will increase the number by 200,000.

When an administrator deals frankly and honestly with the Congress and says, "If this money is granted, I will do this, even though it does mean that I cannot put more than 1,700,000 persons in jobs as against 2,300,000, 4 months before, and even though I have 1,000,000 certified, I am going to take the rap and stand up to it," I do not think any man occupying a position of responsibility should criticize an administrator for doing what both parties in the Congress, speaking through their Appropriations Committees, agreed with him would be a wise thing to do.

That was my reason for making the statement.

Mr. McKELLAR. I entirely agree with the Senator. I remember that when Colonel Harrington was before us he made these statements and gave us these figures openly.

They were published at the time. They were spread out in the hearings. They were commented on in the newspapers, and I want to say another thing about Colonel Harrington.

I have been looking at men for a good long while. If Col. F. C. Harrington is not an honest, straightforward, manly, upstanding administrator of an office, I have never seen one in my whole life. I think he is one of the most efficient, one of the most competent, one of the fairest administrators, certainly as to politics, that I have ever known in my life.

I just happened to turn around, and I see the Senator from Wisconsin [Mr. WILEY] on the other side of the Chamber. I heard him talking about some Democrats undertaking to smear somebody. It seems to me that my friend from Wisconsin had better labor with his candidate for a little while. He had better prevail upon him not to do any smearing, because if ever there was an attempt to smear an honest and an upright and a conscientious and a faithful public employee, his candidate for the Presidency undertook to smear Colonel Harrington and everybody on the Democratic side in the interviews that he gave out, I believe yesterday afternoon and this morning.

Mr. HAYDEN. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arizona.

Mr. HAYDEN. Has anyone ever alleged that Colonel Harrington was a Democrat, or that he played any Democratic politics? Is it not true that he is an officer of the Regular Army?

Mr. McKELLAR. He is, but what his politics is I do not know. I have known him ever since he has been in the position he now occupies. I do not know his politics today. I do not know whether he is a Democrat or a Republican. I do not even know what State he comes from. I do not know what section of the country he comes from; but I ask any Senator here who believes that Colonel Harrington is a dishonest and a corrupt man, and is trying to help any candidate for office, to rise and say so. I will yield to him to rise and say so.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield if the Senator says he intends to say he does not believe Colonel Harrington is an honest man. Is that what the Senator wants to do?

Mr. WILEY. I will speak in my own time.

Mr. McKELLAR. All right; I will not yield to the Senator then.

Mr. SCHWELLENBACH. Mr. President——

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I should like to ask the Senator a question because of the fact that I was not here as a Member of Congress in 1933 and 1934, and the Senator from Tennessee was here, and was a member of the Appropriations Committee. This matter may not be of particular importance, but it shows the extreme carelessness of the gentleman. He said:

> In 1933, a nonelection year, the W. P. A. relief rolls of the country as a whole declined 15.4 percent. * * * In the succeeding year, 1934, an election year, the W. P. A. relief rolls for the country as a whole increased 11.6 percent. * * *
>
> In 1935, another nonelection year, the W. P. A. relief rolls showed a decline of 9.6 percent from June through October.

As I understand, there was no W. P. A. in 1933 and 1934. Insofar as my State was concerned, the relief money was sent to the State, and the Governor of the State distributed it. The Federal Government had nothing to do with the distribution of the money.

Mr. McKELLAR. The Senator is entirely correct. My recollection is that the W. P. A. was not established until 1935.

Mr. SCHWELLENBACH. It was established in 1935.

Mr. McKELLAR. That was the first year of the W. P. A. There had been some other relief organizations before that of a different character.

Mr. WILEY. Mr. President, I rise at this time to say a few words in relation to the subject raised by the Senator from South Carolina [Mr. BYRNES].

The PRESIDENT pro tempore. If the Chair may interrupt the Senator, speeches made from this time on come under the unanimous-consent order limiting remarks by one Senator to 15 mintes.

Mr. WILEY. I can assure the Chair that I will not take 15 minutes.

Mr. TAFT. I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. Does that limitation apply also to the speeches made by the Senator from Tennessee [Mr. MCKELLAR] and the Senator from South Carolina [Mr. BYRNES]?

The PRESIDENT pro tempore. It applies to all.

Mr. BARKLEY. Mr. President, I call attention to the fact that the Chair called the Senator from South Carolina to order at the end of his 15 minutes. The Senator from Ohio should have known that.

Mr. McKELLAR. I make another point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McKELLAR. Does the Chair mean to say that I will be prohibited from further filibustering against the pending bill by using my 15 minutes? If so, I thank the Chair. I do not desire to filibuster against this defense bill.

The PRESIDENT pro tempore. The Chair would have to rule the Senator out of order if he attempted to speak further on the amendment.

Mr. WILEY. Mr. President, I have not had time to read the matter that was the subject of the remarks of the distinguished Senator from South Carolina [Mr. BYRNES]. I only know that the undisputed facts seem to be that from the 1st of July to around the 1st of August, as indicated by the Senator from Ohio, some 90,000 more men were put on the rolls.

The Senator from South Carolina apparently claims that that was all planned for months ago in the mind of Colonel Harrington, and in the minds of the Members of the Senate and the House, when they were looking ahead and planning to take up that group of citizens, unfortunate as they are, who need work. That may all be true; I have no disposition to impeach Colonel Harrington, but I do say that the W. P. A. smelled even away back in 1935 in certain communities in this country, and we do not want a repetition of that smell.

There is another significant feature of the matter which has been brought before the Senate at this time. We have now heard, and we know, that we have appropriated billions of dollars for a great defense program, and it was generally said in the arguments, "If we appropriate this money for the program, we will take men out of W. P. A., we will take men out of C. C. C., we will take men out of other agencies, and thus reduce that element of the cost of government." It is now apparent right here that the cost of government still goes on, it is still the same old New Deal method. We spend billions for preparedness, but we keep on spending billions in other directions, toward the inevitable result that we will be headed for the bankruptcy trail.

A few days ago I said something about Mr. Ickes starting a smear campaign, and the Senator from Tennessee referred to it. I am sure that a comparison of the speeches of Mr. Ickes and Mr. Willkie would disclose to anyone who had any brains at all that there was nothing smearing in the statement of Mr. Willkie. As a great leader of a great party, a man who has built and knows how to build, it was his business to call to the attention of the people of this country a fact which had not been called to their attention, that 90,000 more men had been put on the rolls; and, as has been said by the Senator from South Carolina, they may have been honestly put on.

The Senator makes fun of the fact that anyone would believe that putting these men on would influence their political complexion. Well, he has forgotten that the Democratic Party demonstrated in at least a dozen of the great States of this Union, by utilizing the W. P. A. before the Hatch Act was made the law, that it did influence the voters. Then the Senator from New Mexico [Mr. HATCH] came forth with the law which bears his name, and he is entitled to great credit.

There is no logic in statements such as the Senator from South Carolina has made; they are not based on experience; they are not based on fact.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. TAFT. Is the Senator aware of the fact that in the last election year the W. P. A. rolls steadily increased from June to July, to August, to September, to October, until the greatest number that ever were on the W. P. A. rolls were on election day in 1938? Is the Senator aware of the fact that from that day, from the day of the election, the W. P. A. rolls steadily decreased? Does he know that they increased in the first part of 1938 up to the election day, in spite of the fact that there was a constant increase in industrial production and an increase in employment? Is the Senator aware of those facts?

Mr. WILEY. Yes, I am aware of them; and I have seen those things in operation. I have seen Government agencies using the poor, shoving them onto the pay rolls, tempted by those very methods, by which men sought to control the votes of the Nation. The sorry part of it is that in 1936 they had a great part to play in the result.

In my own State I have seen them bring up literally thousands, a few days before election, and put them on the pay rolls. Then how ridiculous it is to say before this body, as if we can forget our yesterdays, as if we are ignoramuses, that those things have nothing to do with a man's vote.

Mr. President, if from now on every time a candidate or someone else has something to say which seems to offend the sensitive, thin-skinned natures of some of the boys on the other side, they think they should take the space in the RECORD and the time of the Senate in attemptting to make the sheet clean, they can expect that we on this side will disclose the truth.

### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. Are there any reports of committees? If not, the clerk will state the nominations on the calendar.

### WORK PROJECTS ADMINISTRATION

The legislative clerk read the nomination of Russell S. Hummel to be administrator for Virginia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the post-office nominations are confirmed en bloc.

That concludes the calendar.

### RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 2 o'clock and 32 minutes p. m.) the Senate took a recess until Monday, August 26, 1940, at 11 o'clock a. m.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 24 (legislative day of August 5), 1940*

### WORK PROJECTS ADMINISTRATION

Russell S. Hummel to be Work Projects Administrator for Virginia.

### POSTMASTERS

#### COLORADO

Anthony J. Ricci, Georgetown.
Gertrude R. Noland, Mancos.

#### INDIANA

Ralph Spitzmesser, Fairmount.
Pauline Anna Tannehill, San Pierre.

#### KENTUCKY

Mattie W. Blackwell, Dixon.

# SENATE

## MONDAY, AUGUST 26, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and everlasting God, grant unto us, we beseech Thee, the increase of faith, hope, and charity; and that we may obtain that which Thou dost promise, make us to love that which Thou dost command. Through Jesus Christ our Lord and Saviour. Amen.

### THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Saturday, August 24, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | King | Russell |
| Andrews | Davis | La Follette | Schwartz |
| Ashurst | Donahey | Lee | Schwellenbach |
| Austin | Downey | Lodge | Sheppard |
| Bailey | Ellender | Lundeen | Shipstead |
| Bankhead | George | McKellar | Slattery |
| Barbour | Gerry | Maloney | Smathers |
| Barkley | Gibson | Mead | Stewart |
| Bone | Glass | Miller | Taft |
| Bridges | Green | Minton | Thomas, Idaho |
| Brown | Guffey | Murray | Thomas, Okla. |
| Bulow | Gurney | Neely | Thomas, Utah |
| Burke | Hale | Norris | Truman |
| Byrd | Harrison | Nye | Tydings |
| Byrnes | Hatch | O'Mahoney | Vandenberg |
| Capper | Hayden | Overton | Van Nuys |
| Caraway | Herring | Pepper | Wagner |
| Chandler | Hill | Pittman | Walsh |
| Chavez | Holt | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Calif. | Reed | White |
| Connally | Johnson, Colo. | Reynolds | Wiley |

Mr. MINTON. I announce that the Senator from Idaho [Mr. CLARK] is absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. I announce that the junior Senator from Oregon [Mr. HOLMAN] is absent on public business.

The senior Senator from Oregon [Mr. MCNARY], the Senator from Delaware [Mr. TOWNSEND], and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

### AMENDMENT OF FEDERAL AID FOR ROADS ACT—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, I ask for the present consideration of the conference report on House bill 9575, the roads bill, submitted by me on Saturday last and now lying on the table.

The PRESIDENT pro tempore laid before the Senate the above-mentioned report, which was read, considered, and agreed to.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, having met, after full

and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 10, 21, 22, 23, 24, 28, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 25, 26, and 27, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate, insert the figure "$17,500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate, insert the figure "$17,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the period at the end of the Senate amendment, insert a comma and the following: "and the total of the apportionments to each State during the 6-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: After the word "construction", insert the following: "and maintenance"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out the Senate amendment and in lieu thereof insert the following:

"SEC. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a 'right-of-way') necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

"(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 14"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 15"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 16"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 17. Any amounts heretofore apportioned to any State under the provisions of Section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by Section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 18. Funds authorized and made available under Section 21 of the Federal Highway Act as amended may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy or other authorized national defense agency."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite the construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following: "20"; and the Senate agree to the same.

KENNETH MCKELLAR,
CARL HAYDEN,
LYNN J. FRAZIER,
ROBERT M. LA FOLLETTE, JR.,
*Managers on the part of the Senate.*

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
JAMES W. MOTT,
*Managers on the part of the House.*

### ELIZABETH LIVELY

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator of Veterans' Affairs, relative to the claim for pension of Elizabeth Lively, widow of John Lively, late of Company K, Fifth Regiment Tennessee Volunteer Infantry, which was referred to the Committee on Pensions.

### PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a telegram in the nature of a memorial from Jesse Ezekiel Swayzee, of Oakland, Calif., remonstrating against a third Presidential term and also against involvement of the United States in war, which was ordered to lie on the table.

He also laid before the Senate a resolution of the Hawaiian Japanese Civic Association, Territory of Hawaii, pledging its support to the Government of the United States and reaffirming its faith in American democracy, which was ordered to lie on the table.

Mr. HALE presented a resolution of the annual reunion of Company M, First Maine Volunteer Infantry, Spanish-American War, in the State of Maine, favoring immediate action by the United States to furnish all available military and naval supplies to Great Britain in her hour of need, which was referred to the Committee on Foreign Relations.

### PETITION OF CITIZENS OF WALTHALL COUNTY, MISS.—THE NATIONAL DEFENSE

Mr. HARRISON. Mr. President, I ask consent to present a petition signed by several hundred citizens of Walthall County, Miss., praying for the prompt enactment of compulsory military training legislation. I request unanimous consent that the text of the petition may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table, and the body thereof was ordered to be printed in the RECORD, without the signatures attached, as follows:

We, the undersigned citizens of Walthall County, Miss., mindful that the ideals embodied in our form of government are threatened with destruction by the mad ambitions of the totalitarian powers, firmly believe that the fundamentals of the American way of life may be preserved only by an adequate national defense, by the training and equipping of our fighting forces of land, sea, and air. We need fighting forces sufficient to repel the totalitarian forces of the world, even when combined with the "fifth columnists" of our own country.

The Congress has seen fit to take the first steps in this direction by the appropriation of billions of dollars for the construction of planes, tanks, guns, ships, and other implements of war. But we are convinced that these appropriations are not sufficient—that there must go hand in hand a program of intensive training of manpower to operate these implements of war. The sentiment of

this section is overwhelming that some form of selective conscription is not only the best method of obtaining this manpower, but is also the most democratic. We therefore urge that the Members of the Congress divert their eyes from the coming elections, and focus them on the defense needs of the Nation, and enact some form of conscription at once. It is late already. We confess that we are unable to understand why such measures as national defense should be subjected to such prolonged debate when the fate of the Nation hangs in the balance. The American people have delegated to the Congress the high duty of providing for the national defense, and will hold them to a strict accountability should there ever come a day when it may be said of our efforts "too little and too late."

We believe further that our defense is so intricately bound up with that of Great Britain that it is essential that we aid her in every way possible short of war, even to supplying surplus ships, as well as other necessities of war. We are convinced of this necessity in order to gain time to develop our own defenses.

We believe in our form of government and the ideals it represents, and as red-blooded 100-percent Americans insist that the proper measures for its protection be taken in this hour of peril, and that they be taken now.

### TWENTIETH ANNIVERSARY OF NINETEENTH AMENDMENT—PETITION FOR REMOVAL OF POLL TAX

Mr. CAPPER. Mr. President, today is a historical day in the annals of American democracy. Twenty years ago, on the 26th of August, the nineteenth amendment to the Constitution was finally ratified and women received the vote. As a participant in that struggle, I wish to take this opportunity to pay tribute to the memory of the brave women who fought for so many years to achieve political freedom for their sex.

My interest in suffrage as the foundation stone of democracy has not diminished during these 20 years, and I have observed with pardonable pride the increasing number of women who, through the exercise of the franchise, are making their influence felt more and more in the councils of the Nation. However, members of the League of Women Voters have called my attention to the fact that there are eight States where this happy condition does not exist. They refer to those States that require the payment of a poll tax for the privilege of casting a vote. In the States of Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia the inalienable right to vote must be purchased, and I am told the tax of one or two dollars a year—frequently cumulative—prevents millions of poor people in those States from casting a ballot. It is claimed that this tax disfranchises 91 percent of the people in these States. Whereas in a non-poll-tax State 35 percent of the population votes, in the average poll-tax State barely 5 percent cast a ballot. Whereas in the rest of the Nation a fair proportion exists between the number of men and women voters, in the poll-tax States almost no women vote at all. When it is a question of raising the money to pay a poll tax, this may be paid for the man of the house, but it is rare indeed that money is found to pay the tax for the wife or daughter. The iniquity of this poll-tax system is seen in the fact that 8,000,000 American citizens, the majority of whom are native white, are disfranchised by the poll tax; also when we see that many more women are disfranchised than men.

In the last senatorial elections more votes were cast in Massachusetts than were cast in four poll-tax States combined. In the average congressional election 100,000 votes are cast in poll-tax-free States and only 15,000 in the poll-tax States. I cannot believe that this represents a lack of interest by the citizenry of these States in the welfare of the Nation.

We are today engaged in a great world-wide struggle for the preservation of democracy. This anniversary of woman suffrage reminds us that this battle has not yet been completely won at home. The poll tax is neither democratic nor constitutional. While the poll tax exists, its abolition is the first item on the suffrage agenda. Those who fought for woman suffrage cannot rest contented until the women in the poll-tax States receive the same right to vote that their sisters have in the rest of the Nation.

Mr. President, on this twentieth anniversary of the nineteenth amendment, I ask unanimous consent to have printed in the RECORD a statement in the nature of a petition on this subject signed by 100 prominent women of the South asking for the removal of the poll-tax barrier as a fuller development of the democratic process.

There being no objection, the statement was ordered to lie on the table and to be printed in the RECORD, without the signatures attached, as follows:

STATEMENT OF 100 SOUTHERN WOMEN ON THE TWENTIETH ANNIVERSARY OF THE NINETEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Twenty years ago today, the right to vote was secured to the women of this Nation through the nineteenth amendment to the Constitution of the United States. For years, America's women worked with devotion and courage toward this goal. We now realize that the victory was only partly won. We are gravely concerned that 20 years later countless thousands of women are still, in effect, disfranchised in those Southern States which require payment of a poll tax before voting.

We, the undersigned women of these poll-taxed States, are proud of our States and seek through the removal of this barrier a fuller development of the democratic process. Therefore we call on the Congress, on this anniversary of the first great step toward woman suffrage, for legislation which will obviate for voting in Federal elections the requirement of payment of a poll tax.

### REPORT OF COMMITTEE ON EDUCATION AND LABOR—PROBLEMS OF SMALL-BUSINESS ENTERPRISES

Mr. THOMAS of Utah, from the Committee on Education and Labor, to which was referred the resolution (S. Res. 298) to appoint a special committee to study and survey problems of American small-business enterprises—submitted by Mr. MURRAY on August 22, 1940—reported it without amendment, submitted a report (No. 2052) thereon; and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On August 22, 1940:

S. 2758. An act for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency; and

S. 3400. An act for the relief of Capt. Robert W. Evans.

On August 23, 1940:

S. 3710. An act for the relief of James H. Hearon; and

S. 3354. An act for the relief of Nannie E. Teal.

### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

S. 4302 (by request). A bill for the relief of Lilia Quapaw Hanson; to the Committee on Indian Affairs.

By Mr. CLARK of Missouri:

S. 4303. A bill authorizing the construction of certain dams and reservoirs on the White River, Ark. and Mo., for flood control and other purposes; to the Committee on Commerce.

By Mr. SCHWELLENBACH:

S. 4304. A bill to provide for the completion of alterations to bridge over the Columbia River at Hood River, Oreg., resulting from the construction of Bonneville Dam; to the Committee on Commerce.

### SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. BONE, Mr. HAYDEN, Mr. NEELY, Mr. CLARK of Missouri, and Mr. RUSSELL (for himself and Mr. OVERTON) each submitted an amendment intended to be proposed by them to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training, which were severally ordered to lie on the table and to be printed.

Mr. DOWNEY submitted amendments intended to be proposed by him to the so-called Maloney amendment in the nature of a substitute to Senate bill 4164, supra, which were ordered to lie on the table and to be printed.

### SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS—AMENDMENT

Mr. MURRAY submitted an amendment intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal

year ending June 30, 1941, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

On page 7, after line 19, to insert the following:

"NATIONAL GUARD

"Armories and drill halls: For the construction of armories and drill halls by the Montana Armory Board in cities in the State of Montana where there are located federally recognized units of the National Guard, $100,000, to be disbursed under the supervision of the Secretary of War under such terms and conditions as he shall prescribe: *Provided*, That no part of such sum shall be available for the acquisition of any land: *Provided further*, That the State of Montana or any agencies thereof make available for expenditure for the construction of such armories and drill halls a sum which is not less than $25,000."

STATEMENT BY THE PRESIDENT ON SIGNING INVESTMENT COMPANY AND ADVISERS ACT

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement issued by the President of the United States on the occasion of signing the Investment Company and Invesment Advisers Act of 1940, dated August 23, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR PEPPER BEFORE YOUNG DEMOCRATIC CLUBS OF PENNSYLVANIA

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address by Senator CLAUDE PEPPER, of Florida, before the Young Democratic Clubs of Pennsylvania on the evening of August 24, 1940, at Wilkes-Barre, Pa., which appears in the Appendix.]

ADDRESS BY SENATOR GUFFEY TO YOUNG DEMOCRATIC CLUBS OF PENNSYLVANIA

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by him at the convention banquet of the Young Democratic Clubs of Pennsylvania, Wilkes-Barre, Pa., August 24, 1940, which appears in the Appendix.]

TRIBUTE TO HON. JOHN M. COFFEE FROM COMMON SENSE

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article paying tribute to Hon. JOHN M. COFFEE, a Representative in Congress from the Sixth District of Washington, published in the September issue of Common Sense, which appears in the Appendix.]

EDITORIALS FROM WALLACE'S FARMER ON FOREIGN POLICY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD 5 editorials from Wallace's Farmer on the subject Foreign Policy, which appear in the Appendix.]

ARTICLE FROM THE EAST SIDE NEWS, NEW YORK, ON THE ANTHEM, GOD BLESS AMERICA

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article on Irving Berlin's anthem, God Bless America, written by Harry H. Schlacht and published in the East Side News, New York City, issue of August 3, 1940, which appears in the Appendix.]

THE SCHOOL SAFETY PATROL—ADDRESS BY SENATOR ANDREWS

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD a radio address delivered by him on August 25, on the program entitled "Sunday Drivers," which appears in the Appendix.]

FACILITIES OF THE BONNEVILLE AND GRAND COULEE DAMS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a statement relative to the power facilities of the Bonneville and Grand Coulee Dams in the Pacific Northwest, having been made available to the National Defense Advisory Conference, which appears in the Appendix.]

EDITORIAL FROM AMERICA ON CONSCRIPTION

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial from the August 24 issue of America entitled "No Conscription," which appears in the Appendix.]

USE OF FOOD STAMPS FOR LIQUOR AND RACE BETS BY PERSONS ON RELIEF

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article under the heading "Reliefers using food stamps for liquor and race bets, coast officials learn," published in the Washington Times-Herald of today, which appears in the Appendix.]

ROSCOE DUNJEE'S KEYNOTE ADDRESS BEFORE NATIONAL COLORED DEMOCRATIC ASSOCIATION

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD the keynote address recently delivered by Roscoe Dunjee before the National Colored Democratic Association in Chicago, Ill., which appears in the Appendix.]

REFUGEES DELUXE—ARTICLE FROM MAGAZINE FRIDAY

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article from the magazine Friday, issue of August 30, 1940, entitled "Refugees Deluxe," which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment of the Senator from Massachusetts [Mr. LODGE] to the committee amendment.

The Chair desires to announce that the unanimous-consent agreement limits each Senator to one speech of 15 minutes until after the Lodge amendment shall have been disposed of.

Mr. GLASS. Mr. President, I ask unanimous consent to insert in the RECORD an extraordinary letter to me by Dr. Hugh H. Young, of Johns Hopkins University Hospital, on the subject of conscription.

The Senate doubtless knows that Dr. Young was the first medical consultant appointed by General Pershing for the A. E. F. Of him, General Pershing wrote:

> The wonderful conservation of manpower in our armies is attributable to the excellence of the medical services. Your important branch of the Medical Service of the A. E. F. has achieved results far beyond our anticipation. To you, Colonel Young, is due the greatest commendation for the superb service you have given.

In presenting the Distinguished Service Medal the Secretary of War, Newton S. Baker, said of Dr. Young:

> He has * * * lowered the nonefficiency rate of combat organizations due to contagious diseases far below pre-war anticipations, and has thereby aided in the conservation of manpower to a degree never before attainable.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

THE JOHNS HOPKINS HOSPITAL,
*August 23, 1940.*

Hon. CARTER GLASS,
*Washington, D. C.*

MY DEAR SENATOR GLASS: Will you pardon my sending you a medical view of the importance of universally conscripting our young men for training with the Army, Navy, and Marine Corps? The rigid examinations that they would undergo would discover many conditions which, if allowed to run on, lead to serious diseases. To mention simple things: The detection of diseased tonsils, adenoids, and decayed teeth would not only lead to their prompt cure, but would prevent future rheumatism, heart and arterial disease, Bright's and other degenerative diseases which so often come from these simple infections of the mouth and throat. Even among the West Point cadets, that splendid body of young men culled from the most martial and patriotic of our youths, the rejection for physical defects yearly amounts to over 25 percent. Such is the record among the young elect; the conditions among the applicants for enlisted ranks are still more alarming evidence of the poor physical condition of our young men.

An analysis of the cause of rejection from the various services shows that in fully 50 percent of the cases early medical or surgical treatment would have removed the defect. Further study shows that if these individuals had participated in regular setting-up exercises, the Manual of Arms and Field Movements, they would have become huskier and healthier men. In Switzerland, e. g., where universal physical and military training from an early age has been compulsory, there is a sturdier type of manhood and far greater freedom from the degenerative diseases that are chiefly responsible for our alarmingly high death rate in middle-aged men.

Systematic physical training, hygienic and sanitary education, along with military training would be of incalculable benefit to our young men, increase their vigor, materially lengthen the span of life, and develop in them a pride of country and right thinking

which would be an effective barrier against their becoming the dupes of subversive interests. The best insurance against "fifth column" activities and communistic tendencies would be the healthy living of men universally conscripted for athletic and military training.

Thomas Jefferson said: "We must train and classify the whole of our male citizens and make military instructions a part of education." Light Horse Harry Lee said: "That nation is a murderer of its people which sends them unprepared and untrained to meet disciplined men." George Washington said: "A free people ought not only to be armed but disciplined. If we desire to secure peace it must be known that we are ready for war."

My experience in the first World War showed conclusively that these desiderata can only be obtained by the draft. Our medical examinations uncovered much disease among our young men, both general and venereal diseases that sap the strength of our youth, and lead to sickly middle age and premature death. Intimate association with Army training and discipline showed me the wonderful effects of this life upon the fine men who made up the 2,000,000 soldiers of the A. E. F. In that army the prevalence and death rate from disease was lower than in any other army of men, and as a result of the active exercise and healthy life in the open, these men returned to America, even after the most fearful experiences in mortal combat with the enemy, a healthier and cleaner body of men than the world has ever seen. Universal conscription of our young men for service would do wonders for the health, vigor, mental outlook, and patriotism of the youth of this country.

With my kindest regards, I am

Sincerely yours,

HUGH H. YOUNG.

Mr. GLASS. Mr. President, in this connection I ask unanimous consent to insert in the RECORD as a part of my remarks a message from President Washington dated January 21, 1790, transmitting to the Congress of the United States a report from the then Secretary of War, Henry Knox. In this connection I desire to read two extracts from the report of Secretary Knox:

It is conceded, that people, solicitous to be exonerated from their proportion of public duty, may exclaim against the proposed arrangement as an intolerable hardship; but it ought to be strongly impressed, that while society has its charms, it also has its indispensable obligations; that to attempt such a degree of refinement, as to exonerate the members of the community from all personal service, is to render them incapable of the exercise and unworthy of the characters of freemen.

Every state possesses, not only the right of personal service from its members, but the right to regulate the service on principles of equality for the general defense. All being bound, none can complain of injustice on being obliged to perform his equal proportion. Therefore, it ought to be a permanent rule, that those who in youth decline, or refuse to submit themselves to the course of military education, established by the laws, should be considered as unworthy of public trust, or public honors, and be excluded therefrom accordingly.

I ask unanimous consent that the message of President Washington and the report of Henry Knox, Secretary of War, be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message and report are as follows:

[Proceedings of the House of Representatives, second session of First Congress of the United States, Gales and Seaton's History of Debates in Congress, January 25, 1790]

A message from the President of the United States was delivered by Henry Knox, Secretary of the Department of War, as follows:

UNITED STATES, *January 21, 1790.*

*Gentlemen of the Senate and House of Representatives:*

The Secretary of the Department of War has submitted to me certain principles to serve as a plan for the general arrangement of the Militia of the United States.

Conceiving the subject to be of the highest importance to the welfare of our country, and liable to be placed in various points of view, I have directed him to lay the plan before Congress for their information in order that they may make such use thereof as they may judge proper.

GEO. WASHINGTON.

GIST OF THE LETTER OF TRANSMITTAL OF HENRY KNOX, SECRETARY OF WAR TO PRESIDENT WASHINGTON, WHO APPROVED OF ITS GENERAL PRINCIPLES

Knox's desire "to have national system of defense adequate to the probable exigencies of the United States, whether arising from internal or external causes, and at the same time to erect a standard of republican magnanimity independent of and superior to the powerful influences of wealth."

"The convulsive events generated by the inordinate pursuits of riches or ambition require that Government should possess a strong corrective arm."

"The idea is therefore submitted whether an efficient military branch of Government can be invented with safety to the great principles of liberty unless the same shall be formed of the people themselves and supported by their habits and manners.

"I have the honor to be, sir, with the most perfect respect,

"Your obedient servant,

"(Signed) HENRY KNOX,

"*Secretary of the Department of War.*

"TO THE PRESIDENT OF THE UNITED STATES."

SUBSTANCE OF THE PLAN OF HENRY KNOX

*Introduction*

"A well-constituted republic is more favorable to the liberties of society and its principles give a higher elevation to the human spirit than any other form of government, but unless a republic prepares itself to meet those exigencies to which all states are liable its peace and existence are more precarious than the forms of government in which the will of one directs the conduct of the whole, for the defense of the nation."

"A government, whose measures must be the result of multiplied deliberations, is seldom in a situation to produce instantly those exertions which the occasion may demand; therefore, it ought to possess such energetic establishments as should enable it, by the vigor of its own citizens, to control events as they arise, instead of being convulsed or subverted by them."

"Princes and Ministers seem neither to have leisure nor inclination to bring forward institutions for diffusing general strength, knowledge, and happiness; but they seem to understand well the Machiavellian maxim of politics—divide and govern."

"An energetic national militia is to be regarded as the capital security of a free republic; and not a standing army, forming a distinct class in the community."

A plan based on these general principles would include:

First. "That it is the indispensable duty of every nation to establish all necessary institutions for its own protection and defense."

Second. "That it is a capital security to a free state for the great body of the people to possess a competent knowledge of the military art."

Third. "That this knowledge cannot be attained in the present state of society, but by establishing adequate institutions for the military education of youth; and that the knowledge acquired therein should be diffused throughout the community, by the principles of rotation."

Fourth. "That every man of proper age and ability of body, is firmly bound by the social compact to perform, personally, his proportion of military duty for the defense of the state."

Fifth. "That all men of the legal military age should be armed, enrolled, and held responsible for different degrees of military service, and

Sixth. "That, agreeably to the Constitution, the United States are to provide for organizing, arming, and disciplining the militia; and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

"It is conceded, that people, solicitous to be exonerated from their proportion of public duty, may exclaim against the proposed arrangement as an intolerable hardship; but it ought to be strongly impressed, that while society has its charms, it also has its indispensable obligations; that to attempt such a degree of refinement, as to exonerate the members of the community from all personal service, is to render them incapable of the exercise and unworthy of the characters of freemen."

"Every State possesses, not only the right of personal service from its members, but the right to regulate the service on principles of equality for the general defense. All being bound, none can complain of injustice on being obliged to perform his equal proportion. Therefore it ought to be a permanent rule, that those who in youth decline, or refuse to submit themselves to the course of military education, established by the laws, should be considered as unworthy of public trust, or public honors, and be excluded therefrom accordingly."

"If the majesty of the laws should be preserved inviolate in this respect, the operations of the proposed plan would foster a glorious public spirit, infuse the principles of energy and stability into the body politic, and give a high degree of political splendor to the national character."

Mr. WHITE. Mr. President, as indicated Saturday, it had been my original purpose to speak on this bill, to discuss the problem of volunteer enlistment and conscription in time of war, and then to outline the character and degree of training which I thought might be justified in time of peace; but as the debate has progressed my enthusiasm for speaking has very appreciably waned. I do want, however, to indicate my approval of the Lodge amendment, and to express the hope that it may have the approval of the Senate.

I think the Lodge amendment is justified on at least two grounds. In the first place, it places a ceiling on the number of men who may be inducted into the service under this measure. I am wholly in sympathy with placing such a ceiling upon the number of men who may be called into the service under this power of induction. During the World

War in 1917 we limited the number of men to be taken by draft, with the whole world then aflame, and this United States of ours actively participating in the war. It seems to me if that was a proper exercise of congressional restraint, it is eminently proper and altogether desirable at this time that there should be the ceiling proposed by the Lodge amendment. For that reason I give it my hearty approval.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. WHITE. I yield.

Mr. AUSTIN. In assenting to the Lodge amendment, does the Senator from Maine consider the word "inducted" as applying the limitation of 800,000 only to the persons who are taken into the Army as soldiers?

Mr. WHITE. That had been my construction of the word. I had assumed that under the operation of the Lodge amendment, if it should be approved by the Senate, we would have in the service our Regular Establishment of an authorized strength of 375,000—now about 280,000 or 290,000—and we would have the National Guard, and that the 800,000 would be additional to those numbers, making a total of approximately 1,400,000 men.

Mr. BARKLEY. Mr. President, if the Senator will examine the Lodge amendment he will find that it applies to the land and naval forces of the United States, not simply to the Army.

Mr. WHITE. The Senator is correct, but I approve of it because it provides a ceiling. Precisely what the ceiling is is a matter of not so much concern to me.

I approve of the Lodge amendment because I think it deals very much more in certainties than does the pending bill. Under the pending bill there is, first, the uncertainty as to the exercise of the Presidential discretion. No one knows to what extent the President in his discretion will exercise the power the bill as it now stands confers upon him. Then I think there are the uncertainties of section 6 of the bill. Certainly there is a doubt as to what a future Congress may do in the way of authorizations.

I should like to have both those uncertainties removed, and the Lodge amendment is a step in that direction. The Lodge amendment, it does seem to me, places a limit upon the exercise of the Presidential discretion, and I think it lays down a very definite guide to future congressional action.

I shall not amplify my reasons for supporting the amendment, but for both the reasons I have given I give my hearty approval to the Lodge amendment, and bespeak for it the approval of the Senate itself.

Mr. BARKLEY. Mr. President, as I stated Saturday, the Senator from Wyoming [Mr. O'MAHONEY] had offered and had printed an amendment somewhat similar to the Lodge amendment, except that the ceiling which he put upon the number of men who might be called for training and service was a million instead of 800,000. It also limited the provision to time of peace, whereas the Lodge amendment would make the figure of 800,000 apply to any time, in peacetime or wartime. It provides that there shall not be more than 800,000 persons in active training or service at any one time.

The Senator from Wyoming has not yet arrived in the Chamber. I understand he has been ill. I hope he will reach the Chamber in time to offer his own substitute or his own proposal, but if he does not, it will be offered, I understand, by some other Senator.

Mr. President, as I indicated a few minutes ago in my interruption of the Senator from Maine, the Lodge amendment applies to the land and naval forces of the United States, and not alone to the Army. Most of us have been considering the pending bill as applying only to the Army, and we have discussed it in terms of the size of the Army. But the bill itself provides for the training of the men who would come under it in both the land and naval forces of the United States.

I cannot say, and I suppose no other Senator can say, and I doubt whether the War Department or the Navy Department could at this time estimate, the proportion of the men who would go into the Navy and the proportion who would go into the Army. I have no objection to the fixing of a ceiling, but in considering any amendment proposing a ceiling we must consider both the Army and the Navy, because the men are to be trained for both services. Inasmuch as we have authorized a considerable increase in the Navy, I think we must assume that large numbers of the men trained under the proposed law will go into the Navy, as well as into the Army.

I feel that any ceiling placed in the bill should be sufficiently high to enable the President and the War and Navy Departments to carry out the purpose of Congress and the purpose of the American people in creating a sort of reserve, or, as we might say, a sort of panel from which men will be drawn in the future to serve in both the Army and the Navy. Therefore I shall support the amendment which the Senator from Wyoming has prepared, and which he may offer, or, if not, which some other Senator will offer, fixing a million as the ceiling, or maximum number who may be called and in training or service during time of peace. I do not believe we should fix any limitation in the bill on the number who may be called for training or service in time of war.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in a moment. I realize that it has been stated that in time of war Congress can pass any sort of an act it desires to pass. That is as much true with respect to one side of the matter as to another. But it seems to me that when we are undertaking to provide for the training of men who may be called into service when they are needed, we should not limit the number who can be called in time of war. Therefore the amendment which has been drawn by the Senator from Wyoming provides that in time of peace not more than a million men shall be called.

I think the War Department must be given a leeway, because there will be men coming in and going out, and it might be possible that under a limitation of 800,000 there would be times when for a week or a month it would be almost impossible to comply with the provisions of the law unless they began to discharge men before their term of 1 year's service or training was completed.

I yield to the Senator from Connecticut.

Mr. MALONEY. The Senator from Kentucky referred twice in his observations to the matter of a limitation on the selection of men in time of war. I should like to remind the Senator that we are not only not at war but we are not going to war, and that the bill is a peacetime proposal. I am quite in accord with the Senator's suggestion that a limitation fixing the maximum number who may be called at a million is probably better than one making it 800,000. My own substitute provides for a limitation of a million. But I urge the Senator to consider the fact that we are dealing purely with a peacetime proposal, and that the intent of it is to keep us at peace; and that, come the worst—and God forbid that it should come—and we should become involved in war, obviously we would be compelled to change not only this piece of legislation, assuming it may be enacted, but several others.

Mr. BARKLEY. I appreciate that we are at peace, and I assure the Senator I hope that we will remain at peace. But this is a peacetime measure to prepare us for war if war shall come.

Mr. MALONEY. I differ with the Senator. This is a peacetime measure, as I see it, to make sure that we will not become involved in war.

Mr. BARKLEY. There is nothing that will make it definitely sure that we will not become involved in war. We cannot foretell what the future will bring forth. I think the pending measure will go a long way, if it is carried out as it is intended it shall be carried out, toward keeping this country from being attacked by an aggressor; but if there were not such a danger, we would not now be called upon to pass this kind of a measure. While it is a peacetime measure, it is a peacetime measure looking to the possibility of actual hostilities, which we hope will never come.

Mr. MALONEY. I agree with the Senator.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HILL. The figure of 800,000 for the Army is not a haphazard figure, not a figure arrived at by some guesswork. The figure of 800,000 comes to us from the War Department after the most careful study by the General Staff, by the Army War College, and by others in the War Department, in determining the maximum force we need under world conditions of today for the defense of our country.

Our military experts have all agreed that, so far as the Army is concerned, the very minimum we should have is 800,000. That number, as the Senator from Kentucky has well said, does not take into consideration what is needed or what may be needed for both the Navy and the Marine Corps. Having in mind that some of these men will be needed for both the Navy and the Marine Corps, we should not fix a limit at 800,000, knowing that the 800,000 is the very minimum the Army itself would need. Is not that correct?

Mr. BARKLEY. That is true. And not only that, the 800,000 has been talked of, I think, because the Army officers stated, and it is generally understood, that for the first year there would be only 800,000; that is, they would call 400,000 probably on the enactment of the proposed legislation, not all at once, but in increments, and that then they would call 400,000 more in increments, and not all at once; that for the first two periods of training, 800,000, during the first year, would be approximately the number they could train. But we are considering the enactment of a law which will last for 5 years, and certainly there must be facilities for 800,000, 400,000 at a time, not all of them separately, because there will be an overlapping, since the first 400,000 will not have been discharged when the next 400,000 are drawn. So that they must have facilities, and will have facilities for 800,000 at one time after the second 400,000 are drawn. There is no doubt that after the first year the Army will have facilities for the training of 800,000 men.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHAVEZ. Is not the idea of the whole national-defense program that it is the purpose of the American people, acting through their Government officials, to get all of industry in shape, to get all the manpower in shape; to get all the airplanes we need; to get all the ammunition we need; to get in shape everything that is necessary for defense in case of emergency, and thereby have sufficient trained manpower, ammunition, airplanes, and everything else that is necessary, so that no other nation would dare attack us?

Mr. BARKLEY. That is true, and that is what we all hope. Furthermore, all the men who are inducted will not go into that part of the Army which shoots rifles. We need all sorts of service mechanics, tank drivers, truck drivers, garage men, and others. All the men who are drawn in any one year, at any one time, will probably be classified and trained, as well as it can be determined, according to their possible qualifications to do certain things, and when we consider the number of men behind the lines who are required to support an army even of two or three hundred thousand men in the front lines, or in training with the infantry, a million men are not too many to have under training at one time.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I yield.

Mr. CHAVEZ. The point I am trying to make is that I am convinced in my own mind, at least, that whether Senators are in favor of conscription or against conscription, the results that are desired to be obtained are the same—we want peace.

Mr. BARKLEY. That is right.

Mr. CHAVEZ. The theory is that if we are prepared in every essential, with mechanics and truck drivers and machine-gun operators, as well as with respect to industry, economics, and money, our situation will be much safer and we will be more likely to have peace than if we are not prepared.

Mr. BARKLEY. Undoubtedly so. It would, of course, be unwise to train a great number of men with rifles for service in the front line, and have no men in training back in the rear to furnish the rifles or tanks or trucks or anything else necessary to keep open the lines of communications, and services, and do all other things necessary to support an army.

I wish to say further that under section 6 of the bill the President is definitely prevented from calling out more men, either for training or service, than the number for which Congress appropriates money. The bill itself does not authorize any appropriation, and I suggest to the Senator from Texas [Mr. SHEPPARD] that he or I offer an amendment definitely authorizing Congress to appropriate the necessary funds to administer the measure. The failure to do so was, I am sure, an oversight on the part of the committee.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ADAMS. I was going to say that it seems to me it is not necessary that there be a specific authorization for appropriation. When we provide for a draft it seems to me that our action authorizes an appropriation. I do not think there is specific requirement that an authorization be contained in the bill.

Mr. BARKLEY. It may not be necessary. But this question has been raised by the Governors of some States. Many do not themselves have the funds with which to pay for the draft boards which are provided for, or whatever expenses may be necessary, and in order that there may be no doubt about the obligation of the Federal Government to incur such expense it seems to me that, as a matter of precaution, there ought to be a provision in the bill authorizing the Congress to appropriate the necessary funds to administer the act.

Mr. President, that is all I wish to say. I hope the 800,000 limitation will not be agreed to. I had hoped that the Senator from Massachusetts [Mr. LODGE] would accept a modification calling for 1,000,000 men, and providing that it shall apply to times of peace, but he has not seen fit to do so. If an amendment is offered as a substitute, fixing a million men as a maximum, and limiting it to time of peace, I shall support the substitute amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts, as modified, to the committee amendment.

Mr. CLARK of Missouri. Mr. President, I send to the desk an amendment to the committee amendment, which I ask to have printed and lie on the table, and read for the information of the Senate.

The PRESIDENT pro tempore. The amendment to the committee amendment will be received, printed, and lie on the table, and, without objection, the amendment will be read as requested.

The Chief Clerk read as follows: On page 17, between lines 13 and 14, it is proposed to insert the following new subsection:

(d) Persons inducted into the land or naval forces of the United States for training and service under this act shall not be employed beyond the limits of the continental United States and the Territories and possessions of the United States.

Mr. BARKLEY. Mr. President, I notice that the Senator has just entered the Senate Chamber.

Mr. O'MAHONEY. Mr. President, it is my understanding that the majority leader has kindly explained the purport of my amendment. Perhaps I ought to add that it seemed to me when I read the bill, as it was reported by the committee, that it made no distinction as to the number of persons who shall be in training at any one time, whether the country is at peace or at war, and I felt that there ought to be such a distinction. It was also clear that there was no distinction between wartime and peacetime in the amendment offered by the distinguished Senator from Massachusetts [Mr. LODGE]. It was for that reason that I prepared and submitted the amendment which has now been offered or is about to be offered.

As the bill was reported by the committee, section 3 contains the following sentence:

The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest.

It thus appears that the committee bill provides no restrictions on the part of men who may be called under the draft, whether the country is at peace or at war. It was my belief that much of the criticism directed against the bill would be eliminated, without in the slightest degree impairing preparedness, if this sentence were amended to provide that in time of peace the number of persons to be in training at any one time should be limited to 1,000,000.

Therefore on August 14 I drafted and sent to the desk for printing a proviso as follows:

*Provided*, That in time of peace not more than 1,000,000 men, selected under this act, shall be in such training and service at the same time.

Thereafter I learned that the Senator from Massachusetts had on August 9 offered an amendment to the original bill limiting the number of men to be trained, whether in peace or in war, to 800,000. He has since modified his amendment so that, according to the copy printed as of August 22, it reads as follows:

*Provided further*, That there shall not be in active training or service in the land and naval forces of the United States at any one time more than 800,000 men inducted under the provisions of this act.

The modification now offered by the Senator from Massachusetts places a limitation of 800,000 men on the number who may be trained, whether in time of peace or in time of war. My amendment places a limitation of 1,000,000 men in time of peace, leaving no limitation in time of war. Of course, under the provisions of the bill it is not intended that the men who are trained shall be in the Army for more than a year, so that my amendment would allow the General Staff to carry out all its plans for training, but at the same time would make clear that the ordinary business of the country should not be upset by the compulsory-service bill.

Mr. President, do I understand that the substitute amendment has actually been offered by the Senator from Kentucky?

The PRESIDENT pro tempore. No; the substitute of the Senator from Wyoming for the Lodge amendment, as modified, has not been offered.

Mr. O'MAHONEY. I now offer an amendment as a substitute for the Lodge amendment, as modified, and ask that it be stated.

The PRESIDENT pro tempore. The Chair desires to call to the attention of the Senator from Wyoming that the so-called Lodge amendment is on page 15, line 25, and the printed amendment of the Senator from Wyoming is on page 15, line 20. Has that been changed to coincide with the description of the Lodge amendment?

Mr. O'MAHONEY. The amendment of the Senator from Massachusetts is on page 15, line 25?

The PRESIDENT pro tempore. That is the Lodge amendment. What is the description of the amendment of the Senator from Wyoming?

Mr. O'MAHONEY. I am inclined to believe that the difference in line numbers is due to a difference in the print.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. Inasmuch as the amendment of the Senator from Wyoming is proposed as a substitute for the amendment of the Senator from Massachusetts, it does not matter where it appears. It would be a substitute for the Lodge amendment, and it would appear at the same place where the amendment offered by the Senator from Massachusetts would appear.

The PRESIDENT pro tempore. The Chair is of the opinion that the description of the amendment offered by the Senator from Wyoming, as a substitute for the Lodge amendment, is sufficient. The description of the substitute amendment does not refer to any particular line or page.

The amendment offered by the Senator from Wyoming will be read.

The CHIEF CLERK. It is proposed to strike out all of lines 1 to 6 of the Lodge amendment, and to substitute in lieu thereof the following:

*Provided further*, That except in time of war there shall not be in active training or service in the land and naval forces of the United States at any one time under the provisions of the first sentence of section 3 (b) hereof more than 1,000,000 men inducted under the provisions of this act.

The PRESIDENT pro tempore. The question is on the amendment in the nature of a substitute offered by the Senator from Wyoming to the Lodge amendment, as modified.

Mr. LODGE. Mr. President, three arguments have been offered today against the amendment which I have proposed. The first contention that has been made, both by the able Senator from Kentucky [Mr. BARKLEY] and the able Senator from Wyoming [Mr. O'MAHONEY] is that while it is all right to have a limit on the number of men you are to conscript in time of peace, it is absolutely wrong to have any kind of a limit on the number of men you are to conscript in time of war. That statement has been made here, and it has been stated as though it was an obvious and self-evident fact, and so obvious that no reason has been given for it.

Of course, the fact of the matter is that you must always have a limit, if only to know how many pairs of shoes you have to buy. There must always be a limit. In the World War—and I hold in my hand an act approved May 18, 1917—in the World War, in this particular act, the number that could be raised by draft was 500,000 men, and that was revised from time to time as the war went on.

It must be self-evident that if Congress feels strongly enough to declare war there will be no difficulty at all in having Congress take the necessary action to modify the limitation that is placed on the number of soldiers that can be put into the Army.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield briefly, because I have only 15 minutes.

Mr. BARKLEY. The Senator realizes that that was the first experience we had had in a selective act of such comprehensive proportions, and that the War Department and the Government were then infinitely less prepared to take care of even 500,000 men than they are at this time, and the very fact that we had to amend the act and extend it until we finally got 4,000,000 men shows that it is not wise to fix a low limit at the beginning.

Mr. LODGE. With all due respect to the Senator from Kentucky—and I respect him very much and have made a great effort to have the amendment conform to his desires—I do not think that statement is very impressive. What if Congress did have to change the limit several times? What of it? What is Congress for? Can anybody show that the need to modify the limit in any way impeded or hindered the American military effort? I certainly think not.

The other point which is made is that this language applies also to men who might be inducted into the naval forces. As the amendment of the Senator from Wyoming [Mr. O'MAHONEY] was originally drafted, that was true of his amendment also. I do not think that is a very vital consideration. The reason I do not think so is that, according to all the testimony we have, the Navy has no real problem insofar as the procurement of enlisted men is concerned, and the number of men the Navy would need out of the pool, certainly for the next year, would not be significant enough to impair the national defense very seriously.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MINTON. The Senator's amendment is not confined to 1 year, is it? The bill itself extends over 5 years.

Mr. LODGE. Yes; my amendment applies to the bill.

Mr. MINTON. The bill itself extends over a period of 5 years.

Mr. LODGE. The bill itself extends over a period of 5 years, and, of course, Congress will be in session next year.

I should like to say a word about the matter of overlapping. In selecting this figure I took a figure which I thought would be large enough to cover any possible contingency. I feel a little unusual today, in view of the fact that I am arguing for a lower figure for the Army than is being advocated by

those in charge of the bill, because all through the winter I have been arguing for a higher figure for the Army than the leaders here would agree to. Certainly no Senator is more interested in the Army than I am, and no Senator believes in it more than I do, or is more anxious to see that it has everything it needs. In selecting this figure I did what any of us would have done. I went to the testimony of General Marshall, for whom I have the very highest regard, and based the figure on his testimony.

I am for the principle of preparedness. I think I was the first Senator to be for compulsory military training. I want this bill to be a good bill, and I selected the figure on the basis of the testimony of the Army officials themselves, not because of some idea I might have had or somebody else might have had as to what would be necessary. I selected the figure because of what the Army officials themselves testified recently.

Let me read a few excerpts from the hearings which were held by the subcommittee of the Appropriations Committee in connection with the second supplemental national-defense appropriation bill for 1941:

Senator HAYDEN. That is a point that I was coming to. You have equipment now for 400,000 additional men.
General MARSHALL. Yes, sir.
Senator HAYDEN. If we gave you 800,000 additional now——
General MARSHALL. We would not want them.

That is what General Marshall said.

Senator HAYDEN. You would not want them?
General MARSHALL. We would be very much opposed to taking that number now.

That is from the record.

Senator HAYDEN. I see.
General MARSHALL. Unless we were confronted with a war situation then we would train them in civilian clothes and with wooden guns if necessary.

But we are not confronted with a war situation.

Senator HAYDEN. I am going on your assumption, and the general assumption, that what we are doing in connection with this is not a wartime act but is preparedness to keep us at peace. That is the theory that we are going on.
General MARSHALL. Exactly.
Senator HAYDEN. Therefore, as I understand the proposition, the number of men that you want in the year 1940, in addition to what you now have in the National Guard and the Regular Army, is 400,000?
General MARSHALL. In the calendar year; yes, sir.
Senator HAYDEN. And then next spring you want another 400,000?
General MARSHALL. April 1.
Senator HAYDEN. Then 800,000 men would take care of your immediate needs?
General MARSHALL. Yes, sir.
Senator HAYDEN. Then, after that, why, you would in the meantime accumulate greater supplies of blankets, uniforms, arms, and equipment and other things that would be necessary in the fall to take care of 400,000 more?
General MARSHALL. Yes, sir.

The point I should like to convey is that the purpose is to have a permanent increase, a standing increase, of 400,000. In order to do that with 1-year enlistments, if we are to have 400,000 additional men at all times, we must take in the new increment before the previous enlistment expires, because otherwise there would be a lapse of 3 or 4 months, during which we would have recruits but would not have 400,000 trained soldiers. So in providing a figure of 800,000 we simply take care of the immediate requirement, which has been stated by the Army time and again, for a permanent increase of 400,000 men.

Mr. President, I have a few more excerpts from the record. Bear in mind that these statements were made as recently as August 15. They are absolutely up to date.

General Marshall said:

We are at this time confronted with the unfortunate situation of being limited to a force of around 1,200,000 because of lack of equipment.

As the Senator from Maine [Mr. WHITE] pointed out, with our Regular Army and the National Guard and what is authorized under my amendment, we should have 1,400,000 men.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MINTON. Does not the Senator understand that General Marshall is speaking about 1,200,000 to be inducted under the terms of the bill? As I understand his testimony before the Military Affairs Committee, he wanted to induct 1,200,000 under the terms of this bill in increments of 400,000.

Mr. LODGE. I do not so understand.

Mr. MINTON. Each training increment would have in it at least 400,000 men. That is my understanding.

Mr. LODGE. That is not my understanding. It is very clear.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. The figures given by General Marshall are to the effect that there are now about 275,000 men in the Regular Army, and he wants to add 200,000 to that number, which would make 475,000. There are about 230,000 in the National Guard. About 20,000 will be discharged, leaving 210,000 to be mobilized. If we add 200,000 to that number, we shall have a total of 885,000 men in the Army this year. If we add 400,000 more next April, plus 100,000 enlistments to bring the Regular Army up to its authorized strength, we shall have 1,385,000 men. Then the necessary discharges will reduce that number to about 1,200,000 a year from now.

Mr. LODGE. I think that is absolutely correct. I think there is no doubt at all about it. In none of the testimony I have ever seen have I seen it stated that General Marshall wants to raise 1,200,000 by conscription. He wants to have that number as the total.

I wish to read a few more excerpts, and then I shall conclude.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. NORRIS. I do not like to take the Senator away from the trend of his thought, but it will be necessary to do so if he answers my question. I am worried as between the two amendments. I am worried about the increase applying to time of war as well as time of peace.

Those of us who are opposed to the bill, as well as the Senator and his friends who are in favor of it, are all going on the theory, as I understand, that we want to do what is best to maintain peace. What objection would the Senator have to modifying his amendment by inserting the words "in time of peace" instead of making it apply generally?

Mr. LODGE. I do not think that is a very vital point.

Mr. NORRIS. It may not be vital, but there is a vital difference between having a large army in time of peace and having a large army in time of war. The Senator will admit that. I think there is no dispute about it.

Mr. LODGE. I will say to the Senator from Nebraska that I have no objection to accepting that modification, because it does not really alter the fundamentals of the situation. If we go to war, there will be action by Congress to increase the Army; and the congressional limitation on this figure would still exist, if the suggestion of the Senator from Nebraska were adopted.

Mr. NORRIS. Let me make a suggestion. The Senator says he has no objection to my suggestion. On account of the parliamentary situation confronting the Senate at this time, I think an amendment to the Senator's amendment would not be in order. If we are to make the change, the Senator would have to modify his amendment. He has the right to do so. However, I do not believe an amendment to the Senator's amendment would be in order.

Mr. LODGE. Let me make clear my position on that particular point. The way my amendment reads, action by Congress would have to take place in order to increase the number of men in time of war, should we desire to do so. If I should simply confine the amendment to time of peace the congressional check would still be present, because Congress would have to declare war in any event. For that reason, and in order to make the amendment meet the wishes

of Senators insofar as is humanly possible, I ask unanimous consent to modify my amendment so as to read as follows:

*Provided further*, That there shall not be in active training or service in the land and naval forces of the United States at any one time in time of peace more than 800,000 men inducted under the provisions of this act.

Mr. NORRIS. The Senator does not have to ask unanimous consent. He can modify his own amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the amendment is so modified.

Mr. LODGE. Mr. President, I have said about all I think is necessary to say. I believe we should have a limitation in this bill on two grounds. I think, in the first place, it would make the whole subject of military preparedness much more acceptable to a large number of American people to realize that this bill will not conscript the entire male population; it will not take every boy away from his home, but will only take 1 man in 30 of the age group between 21 and 31. I think that will be a tremendous psychological gain.

The the second place, I do not believe we should ever vote a grant of power to the Executive which is so unlimited as that proposed by the bill. If we are to go to the extent of having compulsory service, we certainly should put a limit on it, and there is no Executive, regardless of party or regardless of what kind of a man he may be, who ought to have the unlimited right to call out unlimited numbers of men.

Mr. O'MAHONEY obtained the floor.

Mr. BONE. Mr. President, will the Senator yield? I desire to make a brief observation.

Mr. O'MAHONEY. I merely wanted to ask the yeas and nays on the amendment in the nature of a substitute.

Mr. BONE. If the Senator will withhold his request, it will take me only a moment to refer to the matter to which I am about to refer.

Mr. O'MAHONEY. Very well.

Mr. BONE. I should like to have the attention of the Senator from Nebraska [Mr. NORRIS]. I read a very interesting editorial yesterday in the Washington Star. It bore the caption "Defense profits." It is a devout wish, expressed by the editor of that very fine newspaper, that there will be no profiteering in the program of preparedness on which we have embarked. In the editorial the editor refers to certain outrageously profitable shipbuilding contracts made during the early part of the World War, which are now to be considered by the Supreme Court of the United States, nearly 25 years later. The suit by the Department of Justice was not brought until 1925. So 23 years after the war started we are to discuss, in a judicial way, in our highest Court, the question of war profits.

The devout wish and noble expression by the editor of the Star is in this language:

> But it is equally certain that the American people, faced as they are with the prospect of heavier tax burdens and greater sacrifices of all kinds in the interest of their country's security, will not knowingly tolerate any waste, profiteering, or corruption in the spending of the billions of dollars which their representatives in Congress have appropriated for preparedness.

The Senator from Nebraska has pointed out the long, interminable delays in the courts in disposition of cases involving utilities. The editor of the Star expresses the hope that there will be no profiteering in our present program. The point is that if it takes 25 years to get a war-profiteering case into the Supreme Court of the United States, the editor of the Star is wasting his energies in expressing the hope that we will permit no profiteering, for the American people would have no judicial determination of whether or not there was graft and profiteering until a quarter of a century after our present operations had ended, if we should be so unfortunate as to become involved in war. That is the unhappy aspect of this situation. The courts do not make, and are not, in the very nature of things, able to make a judicial termination of fact until many of the participants in the fact itself are dead. If it takes 25 years for the Government to get into the Supreme Court of the United States to elicit a judicial determination as to whether the Bethlehem Shipbuilding Co. took advantage of the Government—and the lower courts have so indicated in remarks that cannot be misinterpreted—I am fearful that the editor of the Star, and all others who wish the country well in the preparedness program, are destined to face years of misgivings, for determination as to profiteering will be delayed so long that it will not help the country.

There is only one answer to this problem, and that is for us, by tax legislation now, to make very certain that this unfortunate experience with the Bethlehem Shipbuilding Co. of 23 years ago shall not be repeated.

Mr. BURKE. Mr. President, will the Senator yield for a question?

Mr. BONE. I yield.

Mr. BURKE. With reference to the statement that it took the Supreme Court 25 years to get around to the consideration of a case of this kind, does the Senator know when this matter was first taken to the Supreme Court?

Mr. BONE. The suit was started in 1925, 8 years after the war began.

Mr. BURKE. I mean when it was taken to the Supreme Court?

Mr. BONE. I understand what the Senator has in mind; but the point I am making is not whether anyone is responsible or not, the fact is that the Department of Justice did not file the suit until 1925, 8 years after the war. I am not criticising the Court and if I have seemed to imply as much I remove that criticism now by my statement. The point in issue is that the American people, who pay the taxes, will not have a judicial termination of the particular case referred to for another year or two; and the editor of the Star in expressing the hope that there will be no profiteering now is perhaps expressing an almost vain hope so far as any judicial termination is concerned, if in the future it should take equally long to determine whether or not some outfit in this country has taken advantage of the Government.

Mr. BURKE. Mr. President, if the Senator will yield, I was quite sure he did not want to place the blame for the delay, if there is any blame, upon the Supreme Court, because my understanding is that it is only within the past week that this matter reached the Supreme Court for the first time.

Mr. BONE. That is correct.

Mr. BURKE. There was no possibility prior to that time of the Supreme Court taking any action about it. So, whatever the cause of the delay may have been, it does not lie at the door of the Supreme Court of the United States.

Mr. BONE. I quite agree; and if the Senator desires to absolve the Supreme Court, I will join with him in giving it absolution. My only point is that it is nearly a quarter of a century after the Bethlehem Shipbuilding Co. was guilty, if it was guilty—and the lower courts indicated in their decisions that the company certainly overreached the Government—it has taken nearly a quarter of a century for the American people to have the case heard in their highest judicial forum where the facts may be reviewed ultimately and finally. There is no hope for the country escaping outrageous manipulation of prices if all we can rely on are judicial actions started years from now and brought to a termination more than a quarter of a century after the occurrence of the act. The only hope lies in Congress acting now in a legislative way to bar such improvident and reckless contracts as the one involved in the Bethlehem case.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. O'MAHONEY. Mr. President, I ask for the yeas and nays on my amendment in the nature of a substitute for

the amendment of the Senator from Massachusetts [Mr. LODGE].

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment of the Senator from Massachusetts [Mr. LODGE], as modified.

Mr. O'MAHONEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | King | Russell |
| Andrews | Davis | La Follette | Schwartz |
| Ashurst | Donahey | Lee | Schwellenbach |
| Austin | Downey | Lodge | Sheppard |
| Bailey | Ellender | Lundeen | Shipstead |
| Bankhead | George | McKellar | Slattery |
| Barbour | Gerry | Maloney | Smathers |
| Barkley | Gibson | Mead | Stewart |
| Bone | Glass | Miller | Taft |
| Bridges | Green | Minton | Thomas, Idaho |
| Brown | Guffey | Murray | Thomas, Okla. |
| Bulow | Gurney | Neely | Thomas, Utah |
| Burke | Hale | Norris | Truman |
| Byrd | Harrison | Nye | Tydings |
| Byrnes | Hatch | O'Mahoney | Vandenberg |
| Capper | Hayden | Overton | Van Nuys |
| Caraway | Herring | Pepper | Wagner |
| Chandler | Hill | Pittman | Walsh |
| Chavez | Holt | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Calif. | Reed | White |
| Connally | Johnson, Colo. | Reynolds | Wiley |

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

Mr. SHEPPARD. Mr. President, I think perhaps it will be helpful at this time to give a brief picture of our proposed defensive set-up in the event of the passage of the pending bill.

There has been authorized and appropriated for a regular standing Army of 375,000. We now have about 280,000 of that number and expect to have the total by January. This is our regular, permanent, standing Army. The National Guard may be called in an emergency; but when the emergency is over it will return to the States, and the permanent standing Army of 375,000 will continue. The trainees, after they have been trained a year in various increments, will go back to private life. The permanent standing Army will go on as a permanent nucleus, extensible by drawing upon the National Guard and the trainees in accordance with the seriousness of the emergency.

There has been authorized and appropriated for practically as a first-line reserve, although a vital part of the Army of the United States, a National Guard of 255,850, composed of civilians following civilian pursuits, maintaining complete military organization, regularly drilling at stated intervals throughout the year, and holding annual maneuvers. This number in the National Guard authorized and appropriated for has not been entirely enlisted, the number actually enlisted at the present time being 241,600. In addition to the number authorized and appropriated for—that is, 255,850—about 170,150 are authorized but not yet appropriated for, and, of course, not yet enlisted.

If the pending bill is enacted there will be as a third line of defense a citizens' trainee reserve probably going into the Regular Army Enlisted Reserve. This trainee reserve will have been assembled and trained as follows, according to the present plan:

Seventy-five thousand starting October 15, 1940.

One hundred and fifteen thousand starting November 5–12, 1940.

One hundred and twelve thousand starting December 15, 1940.

Ninety-eight thousand starting in late December 1940, or early January 1941.

Each of these increments will be trained for 1 year, and will then return to private life.

An increment of 400,000 will start training April 1, 1941, and complete training by April 1, 1942.

An increment of 600,000 will start training October 1, 1941, and complete training October 1, 1942.

An increment of 400,000 will start training April 1, 1942, and complete training April 1, 1943.

An increment of 400,000 will start training October 1, 1942, and complete training October 1, 1943.

An increment of 400,000 will start training April 1, 1943, and complete training April 1, 1944.

An increment of 400,000 will start training October 1, 1943, and complete training October 1, 1944.

An increment of 400,000—that being the eighth increment—will start training April 1, 1944, and complete training April 1, 1945.

The bill expires April 15, 1945.

This gives a total trainee reserve of about 3,400,000. Add to that the National Guard of 255,850 and the Regular Army of 375,000, and we have a potential Army of approximately 4,000,000, visualized and desired by General Marshall and his associates.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. TAFT. Am I to understand General Marshall as visualizing and desiring an army of 4,000,000 men? I saw no statement of General Marshall's visualizing any such army. The only thing I saw was in response to a question, when he was asked how many men it would take to defend all of South America and Brazil and the Argentine and all of North America and Greenland and everywhere else in the Western Hemisphere. He said perhaps 4,000,000 men; but as far as visualizing an army of 4,000,000 men is concerned, I do not understand that he has visualized any such army.

Mr. SHEPPARD. It is my understanding that he has, and I have just given the increments of that army—an army composed of a Regular Army of 375,000 and the two Reserve lines, National Guard and trainees. The total makes about 4,000,000.

Mr. BARKLEY. Mr. President, the Senator from Texas did not mean to create the impression, and I do not think he did create the impression, that General Marshall visualized a regular standing army of 4,000,000 men at any time.

Mr. SHEPPARD. Not at all.

Mr. BARKLEY. But, including all these who are to be trained and go back into civil life, there will be that many men from whom to draw.

Mr. SHEPPARD. A possible Army of 4,000,000 men. In fact, General Marshall said on page 232 of the hearings before the Senate Committee on Appropriations:

> We cannot tell what final strength will be required. If danger threatens this hemisphere, we may require 3,000,000 men, 4,000,000 or more, because our obligations are scattered in so many directions. We must consider the possibility of action over a wide expanse. The force required depends entirely on the extent and determination of the hostile effort.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. WHEELER. When did General Marshall make the statement about visualizing 4,000,000 men?

Mr. SHEPPARD. I made the statement that General Marshall has that idea, that the War Department has the idea of a possible army of 4,000,000 men—375,000 in the Regular Army, 250,000 in the National Guard, and 3,400,000 trainees through the various increments which I have enumerated and classified.

Mr. WHEELER. I agree with what the Senator said with reference to the 375,000 men, because I read his testimony. What he said, according to the testimony, was that he wanted 375,000 men, or a possible 500,000 men to bring the Army up to wartime strength, and then 400,000 men as reserves. That was his testimony before the committee. It was brought out by the Senator from Alabama [Mr. HILL] and the Senator from North Carolina [Mr. REYNOLDS], and he repeated it—375,000 as a peacetime Army, 500,000 as a possible wartime Army, and 400,000 as reserves.

Every week and every day that we stay in session the Army, because of the fact that we have given them this and given

them that, come back and apparently think it is so easy to get this and to get that that they constantly increase the amount they want.

Mr. SHEPPARD. The Senator is absolutely mistaken. They have made no increase. The Army had worked out this plan prior to the introduction of this bill, covering 3,400,000 trainees.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield to the Senator from Massachusetts.

Mr. LODGE. I think it is a little unfair to criticize General Marshall and to criticize the Army for these figures, because it really is not fundamentally their responsibility. When they are told that they have to take in the whole Western Hemisphere down to the Falkland Islands, taking in all of South America, which is a sufficient prospect to dismay the stoutest heart, of course they say, "Well, if we have to undertake such a tremendous task it will take three or four million men;" but the responsibility is fundamentally on the part of those higher up who have refused to state definitely a military policy toward which the professional soldiers can work.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. Yes; I yield.

Mr. HILL. The Senator from Montana referred to a question which I asked General Marshall. I desire to say that the chairman of the committee, the Senator from Texas, is absolutely right. The War Department has not changed its figures. The Senator from Texas, in speaking of an army of three or four million men, really did not mean an army of three or four million men. What he meant was, I think—and I am sure he will corroborate this——

Mr. SHEPPARD. I said a possible army.

Mr. HILL. Not a standing army at all.

Mr. SHEPPARD. I was very careful to explain that.

Mr. HILL. Exactly. The Senator has endeavored to make it clear that what he meant was that if this bill were operative for the full 5-year period provided in the bill, we would have this reservoir of men from which we could get an army of that size if we had to have it immediately. Is not that correct?

Mr. SHEPPARD. The Senator is correct.

Mr. HILL. There is no thought of any such army at this time.

Mr. SHEPPARD. No. What I wish to point out in this connection is that the 3,400,000 trained Reserves which this bill in its present form should finally give us, in addition to the National Guard, will be reduced to 2,800,000 if the amendment of the Senator from Massachusetts should be adopted.

Mr. BARKLEY. The difference between the 800,000, as covered in the amendment of the Senator from Massachusetts [Mr. LODGE], and the million, provided for in the amendment of the Senator from Wyoming [Mr. O'MAHONEY], is 200,000, so that we can multiply by 4 or 5, whatever we may take.

Mr. LODGE. Mr. President, I think that is an unjustifiable assumption. That assumes that the Congress will completely abdicate its intelligence next year, and would not change the figure if the international situation required it.

Mr. BARKLEY. It does not assume anything. It provides that during the 5-year period ending in April 1945 these men are to be trained, and if we reduce the number by 200,000 a year, we get the figure of 800,000 or a million.

Mr. SHEPPARD. The amendment of the Senator from Massachusetts would reduce the trainee reserve asked for by 600,000. It would reduce the reserve from 3,400,000 to 2,800,000, and this is contrary to the War Department's plan. It says it can stand for the limitation to a million. Mr. President, carrying the reduction to 2,800,000 would cripple the plan.

Mr. LODGE. Mr. President, I think that is an unfair way to put the matter, because it assumes that Congress will become mentally paralyzed, and will never be capable of undertaking any further decisions. To my mind we should take views for not more than a year in point of time. We can change the limit.

Mr. SHEPPARD. A great plan like this cannot be worked out piecemeal. It must be operated as a whole from the beginning if we are to operate it successfully.

Mr. LODGE. During the World War the limit was repeatedly changed, with no appreciably unfavorable results on the Army.

Mr. SHEPPARD. I submit to the Senate that we should not seriously modify a plan like this to such an extent at this time. I wish to emphasize my point, namely, that the amendment of the Senator from Massachusetts would reduce the total number of trainees from 3,400,000 to 2,800,000.

Mr. LODGE. Unless it is modified next year if the situation justifies.

Mr. BARKLEY. I wish to say a few words on the amendment before the vote is taken. During the colloquy a little while ago the Senator from Connecticut [Mr. MALONEY] urged and emphasized the fact that we are trying to build up a reserve for preparedness which will keep us out of war by retarding any possible or potential enemy who might desire to attack us.

If we are in that way to preserve peace—which we all hope for—we are bound to consider what impression we are going to make upon any such potential enemy by the legislation we enact. Our action should not be taken grudgingly. I do not believe the American people want us to do this grudgingly. They want us to do whatever is necessary in order to preserve our peace, but to fight in the most effective way if we have to fight.

For that reason, and others urged by the Senator from Wyoming, I believe the amendment which he has offered as a substitute should be agreed to.

Mr. HILL. Mr. President, I wish to reiterate what I stated earlier in the day, at which time some Members of the Senate who are now here were not present, that the Army has come to us and said that the Army alone needs 800,000 trainees. This need worked out by the Army has not been worked out in any haphazard way; it has not been guessed at; it has been worked out carefully by the General Staff, by the Army War College, and by other officials in the War Department.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. TAFT. If that be so, why was that not stated when the bill was first brought before us and the debate began? I should like to read what the Senator from Texas, chairman of the Committee on Military Affairs, stated at that time. He said:

> We want to start 400,000 men in training in October, 400,000 in April, and additional increments from time to time of a size demanded by what may be an increasing emergency each year or a lessening emergency until the bill ceases to operate in 1945, unless Congress should extend it.

The plan presented to the Congress by the chairman of the committee on the first day of the debate was for 400,000, plus a figure to be determined hereafter by any emergency which might exist at the time.

Mr. SHEPPARD. Mr. President, the Senator should not misrepresent my meaning.

Mr. HILL. I yield to the Senator.

Mr. SHEPPARD. I did not attempt to present a worked-out plan of the War Department at that time.

Mr. HILL. The evidence before the Committee on Military Affairs, as presented by General Marshall, showed that the War Department wanted to have in training the first year of the operation of the proposed law 800,000 trainees, 400,000 to be brought in during the fall of the present year, and the other 400,000 to be brought in certainly by the 1st of next April. The reason for waiting until the 1st of April to bring in the second increment of 400,000 is that we are not prepared to bring them in before that date. But the War Department insists on the need of 800,000 men as trainees during the first year of the operation of the act, needing those 800,000 men to afford the minimum number necessary in the opinion of the War Department for the defense of the country, in view of the situation which confronts us today.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LODGE. I think that statement is correct, but does the Senator contend that the War Department has ever taken the position that the Congress should tie its hands for 5 solid years and preclude any opportunity to revise its action in view of the situation in some other year?

Mr. HILL. Of course, I do not so contend, and the very bill itself provides in section 6 that—

> The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

In other words, this matter will lie entirely in the hands of the Congress, because no man can be inducted until funds are specifically appropriated by the Congress for his induction.

The fact that we are going to control the number of men inducted through the appropriation does not mean that we should adopt an amendment providing that there shall not be over 800,000 trainees at any one given time. The Army says it needs a minimum of 800,000 trainees, and that means that no provision would be made, if we should adopt a limit of 800,000, for any trainees for the Navy or for the Marine Corps.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. BARKLEY. Of course, as the Senator knows, that would operate as a limitation on Congress itself in appropriating money, unless another authorization bill were presented in advance.

Mr. HILL. The Senator is exactly correct; if the limitation of 800,000 is written into the bill, it will mean that the Congress cannot appropriate one dollar for any one man above the 800,000 without first passing a bill changing the limitation.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WHITE. The Senator has referred to section 6, and he has laid down the proposition that section 6 limits the President's authority to induct men to the number for which Congress has appropriated. Section 6 says nothing whatsoever about any number of men. It refers to the purpose for which an appropriation is made, and I think it can be fairly contended that if Congress appropriates money for the purpose of inducting even 10,000 men, then the President has authority to go on and induct any number, wherever he can find the funds.

Mr. HILL. No; the money must be specifically appropriated for the induction of the men, and until the money is specifically appropriated, under section 6 the President could not induct any men.

Mr. WHITE. I hope the Senator will vote for an amendment to this section which I intend to present and which will make certain that the authority given to the President is what the Senator understands it to be.

Mr. BONE. Mr. President, will the Senator yield?

Mr. HILL. I have only 15 minutes.

Mr. BONE. I wish to ask just one brief question. It has occurred to me that if Congress is vested with the authority and exercises the authority to appropriate money for the Army, might it not very logically by the same process of reasoning appropriate men for the Army, that is to say, the number of men as well as the number of dollars? There is no logic in any other position.

Mr. HILL. That is exactly what the Congress does when it passes the bill. As the Senator from Washington well knows, we pass authorization bills, and have some leeway, and then the Committee on Appropriations and the Congress itself act within the leeway.

Mr. BONE. I understand, but when we authorize, as we have in the Committee on Naval Affairs, an increase of 11 percent, or 25 percent, in the Navy, the Navy very logically and naturally goes ahead with its plans for increases. Then it is up to us to appropriate the money

Mr. HILL. There is no authorization in the pending bill for any contract or the induction of any men in any way, shape, fashion, or form, unless Congress specifically appropriates the funds for the induction of the men.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McKELLAR. We do not take away the right of Congress over the money. Congress has a perfect right, if it wants to change the number next week, to change the number next week, or the week after, or 3 months afterward, or a year afterward. It is all in the hands of Congress, as to the legislation, as to the number of men, and as to the amount of money we will appropriate to induct the men into the service.

Mr. BONE. Mr. President, I fully understand that; but there is nothing illogical, certainly there is no departure from the traditional and orthodox form of legislation to appropriate for the necessary number of men.

Mr. HILL. Mr. President, the Senator from Tennessee, of course, is absolutely correct. We have these two amendments before us, one by the Senator from Wyoming, placing a limitation or ceiling of 1,000,000 men; the other by the Senator from Massachusetts, placing a limitation or ceiling of 800,000 men. I would not place any ceiling at all; but as between the two amendments, if we are to have a ceiling, the 1,000,000-man ceiling is far the better, because the 1,000,000-man ceiling not only will take care, so far as we know at the present time, of the number of men the Army needs, but will also give some leeway to take care of such trainees as the Navy and the Marine Corps may need.

I wish to emphasize what the Senator from Kentucky [Mr. BARKLEY] has said. As I conceive the proposed legislation, the main purpose and object of passing it is that we may let the world know that we have the courage, the will, the purpose, and the capacity to defend ourselves. Whenever we begin to whittle down, to equivocate, to dawdle, and delay with respect to this matter, we destroy the effect of the main purpose and the main object of the bill. It goes out to the world that the Congress would not give the number of men the experts in the Military Establishment said was the minimum requirement; for when a limitation of 800,000 men is placed in the bill, the War Department having suggested that it needs at least that many, knowing that some are needed for the Navy and some are needed for the Marine Corps, then we shall have failed to provide the minimum the military experts say is absolutely necessary for the defense of the country.

Either we face an emergency or we do not. If we face an emergency, as I believe we do, then I think the Congress of the United States should take the steps necessary to meet it, to take the steps necessary to let all the world know that we will meet it and that we are meeting it. I certainly hope that the Senate today will not whittle down, will not dodge, will not back and fill by placing a limitation of 800,000 men in the bill.

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. AUSTIN. The unanimous-consent agreement entered into Saturday is:

> That, during the further consideration of the pending modified amendment proposed by the Senator from Massachusetts [Mr. LODGE] to S. 4164, no Senator shall speak more than once nor longer than 15 minutes on said amendment and all amendments thereto.

Is it the interpretation of the Chair that a Senator may speak on the amendment to the Lodge amendment, and that a Senator may have 15 minutes on each amendment, and on each amendment to an amendment?

The PRESIDING OFFICER. The Chair will state that this form of request is different from the general unanimous-consent form. The Chair will have to refer to the RECORD to determine the exact meaning of the request of the Senator from Kentucky. On page 10859 of the CONGRESSIONAL RECORD, in the last column, this language is found:

> Mr. BARKLEY. Mr. President, I wonder if the Senate would agree to a modification of the request already granted, to forego the right to speak on the bill during the limitation of the debate on the

pending amendment, and agree to a 15-minute limitation on the amendment itself.

I propound the request that during the further consideration of the pending amendment, the Lodge amendment, no Senator shall speak more than once or longer than 15 minutes on the amendment, which would include, of course, general remarks on the bill during the 15 minutes, but which would limit the debate to 15 minutes while the amendment is pending.

The PRESIDENT pro tempore. Does the request include all amendments to the amendments?

Mr. BARKLEY. The request includes all amendments to the amendment.

The PRESIDENT pro tempore. Is there objection to the modified request?

Mr. JOHNSON of California. Mr. President, is it proposed to fix a time for voting on the amendment?

Mr. BARKLEY. No time is fixed. I withdraw the request to fix a time for voting, in the hope that the further limitation will produce the same result.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

The Chair is impelled to construe that language as limiting the debate to 15 minutes while the Lodge amendment is pending, whether a Senator discusses the bill or any amendment to the Lodge amendment.

Mr. AUSTIN. Mr. President, it is my purpose to conform to that ruling of the Chair, and I have only a brief statement to make upon the pending question.

I think there has been a miscalculation and error made in the effect of the Lodge amendment, if it should be agreed to. Taking the increments—and 11 of them were set forth in the able presentation by the chairman of the Senate Committee on Military Affairs—in the first increments, beginning with October this year and continuing in November, December, and April 1941, we have a total of 800,000 men who would be inducted for training, and they, under the law, would pass out of the units in which they had been inducted at the end of 12 months of training and return home, so that as to that year the limitation of 800,000 in the Lodge amendment would not diminish the number unless there were deducted from that number or credited to it those who are inducted into the naval forces.

Of course, it is apparent that if the Lodge amendment were broadened to include the naval forces, so that there could not be at any one time more than 800,000 enrollees for training in the land and naval forces, to that degree his amendment would cut down the requirements stated by the Chief of Staff. Otherwise it would not cut them down, but would conform amply.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SHEPPARD. I wish to make the suggestion that a further increment of 600,000 men is contemplated October 1, 1941. The Lodge amendment would cut that out altogether.

Mr. AUSTIN. Mr. President, that is where the grave error occurs, as I interpret the situation. Understand, I do not profess any special skill in mathematics, and certainly I cannot read the minds of the General Staff. If I understand what has been reported to us, the 600,000 men referred to will be inducted on the 1st of October 1941 and the other 800,000 men will have gone out.

Mr. SHEPPARD. That 800,000 will not have served a year by that time. By January 1, 1942, the first increment of 400,000 will have gone out, and on April 2, 1942, the second increment of 400,000 will go out.

Mr. AUSTIN. If we were to take the last 400,000 men inducted in the preceding 12 months, and if we added the 600,000 men, we would arrive at a million men, would we not?

Mr. SHEPPARD. We would have 1,400,000 men on October 1, 1941, 400,000 men would be inducted by January 1941, 400,000 would be inducted by April 1941, and then the 600,000 inducted on October 1, 1941, would make 1,400,000.

Mr. AUSTIN. Mr. President, I do not agree. I think the law could not possibly be applied that way, and that that is an incorrect forecast of what would probably happen under the law.

Mr. HILL. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Alabama.

Mr. HILL. The point I wish to emphasize is that, of course, the Lodge amendment applies to all persons inducted into the naval forces as well as those inducted into the land forces. There is no question about that, is there?

Mr. AUSTIN. I agree with the Senator from Alabama that his point is well taken so far as it credits the 800,000 with men inducted into the naval forces.

Mr. HILL. As well as men inducted into the Army.

Mr. AUSTIN. Yes. My own purpose would be to have the Senator from Massachusetts further perfect his amendment by striking out any reference to any other forces except the land forces, with which we are dealing.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. LODGE. Although I am convinced that the number of men the Navy will take out of the initial supply will be very small, in order to narrow down the question entirely to the question of the difference between 800,000 and 1,000,000. I ask unanimous consent to modify my amendment so that it will apply only to the land forces, striking out the words "and naval."

Mr. HAYDEN. Mr. President, may the amendment, as proposed to be modified, be stated?

The PRESIDENT pro tempore. The amendment offered by the Senator from Massachusetts, as proposed to be modified, will be stated.

The LEGISLATIVE CLERK. The amendment, as proposed to be modified, reads:

*Provided further*, That there shall not be in active training or service in the land forces of the United States at any one time in time of peace more than 800,000 men inducted under the provisions of this act.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts to modify his amendment? The Chair hears none, and it is so ordered.

Mr. AUSTIN. Mr. President, it is very clear that it is only a question of mathematics; and it makes no difference whether we take the addition for the 12 months beginning with the expiration of the first 6 months, or take it at the end of the year. We come to this general result: For one of the 12-month periods—the 12 months which includes the sixth increment of 600,000 men—there will be in training, under the sixth increment, 1,000,000 men. Therefore, the Lodge amendment would interfere with calling 600,000 men for that particular increment. As I perceive the proper application of the law, that is the only increment which would be interfered with in any way.

The Lodge amendment would require only two increments of 400,000 each in that period of 12 months. We may have as many increments as we like, provided we do not exceed 800,000 for the 12 months. There is a rotation of the men. Eight hundred thousand come in and 800,000 go out on the same day. I think it is apparent to almost anyone that when we take away 800,000 from 800,000, the result is zero.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. CONNALLY. Of course, the object of the bill is to train men for any possible need the Government may have for them in the future; is it not?

Mr. AUSTIN. Yes.

Mr. CONNALLY. Is the Senator afraid we shall have too many men trained?

Mr. AUSTIN. Not at all. I feel perfectly confident that we are headed in the right direction, because we have adhered to the principle of a well-regulated militia. That principle was declared by Washington, John Adams, Jefferson, Monroe, and others of the founders of our Republic. Their theory was a small standing army—that is, a small number of professional soldiers—but a well-trained citizenry, so that there would always be the ability as well as the inclination of the citizen to support the Government which protects his life, his property, his liberty, and his pursuit of happiness. That is the spirit of America, and that is the spirit of the bill and of the amendment.

I am very glad to be able to confront a situation in the Senate in which, no matter which way we go, we shall adhere to the fundamental principle of a well-trained militia. They are not regular soldiers. They go home and stay at home except for the annual training to which they become liable under the terms of the bill, so that they will be able to perform the service which they owe to their country and their flag, and which they are bound to render by the constitutions of almost all the States of the Union.

As a matter of choice, I should prefer to have this well-regulated militia taken on in classes of 800,000. We shall fix some figure. I should rather see it fixed at 800,000 than 1,000,000. Therefore, I shall support the Lodge amendment.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. LODGE. I very much appreciate the Senator's support and I know how much it means. In view of the rule, I appreciate the Senator yielding to me for a moment to point out certain testimony from page 232 of the hearings in connection with the matter of the Army's future plans for the next 5 years. Of course, if any Member of the Senate should ask the Army to set forth a schedule for the next 5 years, he would be sent a schedule. The Army has able men working at various types of paper schedules, which is perfectly proper; but, of course, the Army does not reply to the question as to whether or not we should commit ourselves to detailed figures for 5 years. This is General Marshall's testimony on that point, on page 232 of the hearings, in reply to a question from the Senator from Colorado [Mr. ADAMS]:

Senator ADAMS. Your 2,000,000 figure does involve some contemplation of action in the Southern Hemisphere?

General MARSHALL. It involves it only in the sense, Senator, that it provides equipment to extend the Army beyond the 1,200,000 figure. We cannot tell what final strength will be required.

Of course he cannot; and he is wise enough to recognize it. How could we have undertaken a year ago to pass a piece of legislation which would have set the figure we want for the Army this year? That is the whole point. It depends upon the situation.

General Marshall continued:

If danger threatens this hemisphere, we may require 3,000,000 men, 4,000,000 or more, because our obligations are scattered in so many directions.

We might have a situation in which the figure proposed by the Senator from Wyoming [Mr. O'MAHONEY] would be absolutely niggardly, puny, and inadequate, just as my figure might be; but we should be here, and we could meet the situation. That is the point I wish to make.

Let me say one further word. It strikes me as a little absurd to have the Senator from Kentucky [Mr. BARKLEY] and the Senator from Alabama [Mr. HILL] imply that I am grudging in my support of the Army, and that I am dodging and equivocating. If that be true, Mr. President, those words simply have no meaning. If it is dodging and equivocating to be the first Senator to favor compulsory military training then the English language has entirely lost its meaning. I wish to give the Army everything it needs. I have taken a figure based on the hearings and on the official testimony, and I do not do so grudgingly. I do so to help to strengthen the bill and give the people confidence in the fact that what we want is a military bill, and not a bill to regiment the whole United States.

The last thing in my mind is to begrudge the Army anything. I stand on my record on the question of national defense and preparedness as an answer to any insinuations of that kind.

Mr. O'MAHONEY. Mr. President——

Mr. AUSTIN. I yield, if the Senator will not take all my time.

Mr. O'MAHONEY. I shall not take any of the Senator's time. I thought the Senator was yielding the floor.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Wyoming has already spoken.



Mr. O'MAHONEY. Yes. I wished to interrupt the Senator from Vermont; but, of course, if he does not desire to yield——

Mr. AUSTIN. Certainly I yield.

The PRESIDENT pro tempore. The time of the Senator from Vermont has expired.

Mr. ADAMS. Mr. President, I was very much interested in the words used by the Senator from Kentucky, which have also been pointed out by the Senator from Massachusetts, to the effect that we should not be grudging in this matter; in other words, we should be liberal with the lives and liberties of the young men of the United States. Ninety-six Senators, none of whom is subject to the draft, should be liberal with the lives, the future, and the fortunes of the young men of the Nation! We are told that we should not be grudging. When we seek to establish limitations we are told that we are grudging. We should be liberal with the young men who are just starting on their careers and who are getting their first opening in life. Ninety-six Senators, none of whom is subject to the draft, should be liberal with the lives and prospects of these young men!

Mr. President, every man in the United States, young and old, owes an obligation to his country to give his time, his services, and if need be his life, in its time of need. But it is a different thing when, in time of peace, we seek to build an army—for what purpose? Awhile back we had the National Guard bill, and we sought to limit the service of the National Guard to the land under the American flag, and that effort was defeated. What do we propose to do with our 3,400,000 boys? Shall we limit their service, under the terms of the pending bill, to the jurisdiction of the flag? Are we willing to say to the boys who are drafted, You shall not be ordered beyond the jurisdiction of the flag?

The Senate would not consent to that. I have heard on this floor the argument against such a limitation on the National Guard bill. What was the argument? It was stated that Mr. Hitler may seek to control the commerce of South America; that he may seek to dominate that commerce; therefore we must send American boys there. What for? To see to it that we get the dollars out of the commerce of South America.

Mr. President, I am not opposed to the draft; I am not opposed to conscription when our country needs the men.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. ADAMS. I have only a very short time.

Mr. PEPPER. I merely desire to ask one question.

Mr. ADAMS. I yield.

Mr. PEPPER. Does the Senator say that the Monroe Doctrine is only a commercial doctrine?

Mr. ADAMS. It has been partly so construed though not entirely so. I will say to the Senator, however, that I do not believe there is an obligation upon the United States under the Monroe Doctrine to make war against any nation in order to keep somebody out of Patagonia. To recur to what I was saying, it has been argued on this floor that we should permit the National Guard to go outside the jurisdiction of our flag because somebody might interfere with our commerce.

Mr. WHEELER. Mr. President, will the Senator yield there?

Mr. ADAMS. I yield.

Mr. WHEELER. While the Senate voted down the amendment of the Senator from Colorado providing that members of the National Guard should not be sent out of the United States, Canada, which is at war, in its draft bill first provided for 30 days' training, and provided further that those drafted should not be sent outside Canada without their consent. Australia and New Zealand did the same thing. So we find two or three British colonies which are at war imposing such a limitation, and yet it is proposed that our soldiers be sent any place where it may be desired to send them.

Mr. ADAMS. I repeat, I am not opposed to the draft; I believe the draft is the proper way to obtain men when they

are needed; but I question the necessity at this time of taking the power out of Congress to prescribe the number of men who shall constitute the Army. The argument is made by the Senator from Alabama and the Senator from Texas that we should put no limit upon the power of the draft other than that which is provided in the bill as a matter of appropriation, which some of us know is a very fragile protection. I know that to be so. I know that if we provide that an unlimited number of men may be drafted we will then be told very promptly that the Congress, having given the authority, must appropriate the money, and it would provide the money.

Mr. SHEPPARD. Mr. President, let me say to the Senator from Colorado that the Senator from Alabama and I are supporting the amendment of the Senator from Wyoming to put the limit this year at 1,000,000.

Mr. ADAMS. Very well.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ADAMS. Pardon me; I have not the time to yield.

Mr. HILL. I merely want to say that I shall vote for the amendment of the Senator from Wyoming.

Mr. ADAMS. The Senator from Alabama said that between the two amendments he was in favor of the one fixing a limitation of a million men, but he was opposed to both of them, in that there should be no limitation. I make the Senator's position clear. In other words, he would put no limit on the power of the Executive to draft men and send them where the Executive may choose.

Here is a young man who today is enjoying what the rights which the Declaration of Independence and the Constitution of the United States guaranteed to him; he is enjoying the right to life and liberty; he is to be taken into the Army and deprived of those rights which have been guaranteed to him. No longer will he have his liberty, and his life will be in jeopardy. When it is proposed to take young men and draft them into the Army, the burden is upon us to show that there is a national necessity for it. When it is proposed that Congress shall not proceed to determine the number to be drafted and that only 800,000 be taken at this time, that is a terrible suggestion. It is desired by the proponents of the bill to leave the door wide open so that there may be taken any number of men within the wildest dreams of the Army or Navy or any other department of the Government.

Mr. LEE. Mr. President, will the Senator yield?

Mr. ADAMS. I cannot yield now; I have not the time. I am sorry.

Mr. President, why are some Members of the Senate uneasy about this limitation? I do not know, of course, but I think that some are uneasy lest the hysteria which is now sweeping the country will pass away, and when there comes to the Congress a request for an increased number of drafted men, the Congress then having gone home in the meantime and become sobered and wiser and a new Congress having returned to Washington, it will not grant additional authority.

Mr. President, I am greatly disturbed. I am interested in the young men of America. I see the young man who has worked for 3 or 4 years getting a foothold in a business or in some enterprise; but some speak lightly of reaching in and taking him out of his business and putting him into the Army. He thereby loses his place. We are going to train him; we are going to harden him. Hardening him is the basis, and army life will certainly harden him. I think the Senate and the House of Representatives should first consider the needs of our country—its absolute needs not its prospective needs.

I have sat in the Appropriations Committee day after day and have heard officials of the Army, I have heard officials of the Navy, and I have yet to hear pointed out any immediate, definite, threatening danger justifying this proposal. It is all hypothesis and speculation. Yet we are asked to provide unlimited power not for training. Senators—I will go with you in providing universal training for the youth of America—but it is proposed to put them in the Regular Army. Men are to be drafted not for training but for military service in the Regular Army for a year.

What has become of the R. O. T. C. and other training organizations? We never hear of them any more. It is not training that is desired; what is desired is an army, and when a boy is put in the Army his liberty is gone and one man and only one man may direct his course from that day on.

We hear complaints of what has been taking place abroad. What are we doing? Are we creeping up gradually to their standards? Are we going to duplicate the very things of which we complain? We have a different people, a different spirit, different institutions. I think we should maintain them.

I have stood here many times in an effort to insist upon the protection of the rights of the Congress. I think Congress is the only protection the people have. It is the only place where sentiment generally can be expressed. I myself think the Lodge amendment goes too far, but it does go to the utter limit of the request of the Army. Now we are asked to go beyond that, and to provide a larger number, and it is argued that there should be no limit.

Now I will yield to the Senator from Oklahoma if he desires, as I have a minute or two more.

Mr. LEE. I thank the Senator. The suggestion I had was in point at the time, but I do not have any question to ask now.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. HAYDEN. We are both members of the Senate Committee on Appropriations.

Mr. ADAMS. Yes.

Mr. HAYDEN. It is the duty of that committee to recommend appropriations in accordance with authorizations of law. The strange thing to me about the opposition to this amendment is that the Senate Committee on Military Affairs, whose duty it is to lay down the military policy of the United States, seem perfectly willing to surrender that jurisdiction to the Senator from Colorado and to me and to the other members of the Appropriations Committee.

Mr. ADAMS. Let me add a word. The report of the Committee on Military Affairs in support of this bill opens with this sentence:

> Congress has provided the means for a vast amount of equipment and a large number of arms.

From that it is argued that having supplied the arms, we must provide the men. Nowhere in the report is there a detailed argument as to why the men are needed other than that having provided the arms we must have somebody to operate them. That is an argument I have questioned in connection with the pending bill.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. ADAMS. I inquire how much time I have?

The PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. LODGE. I merely want to point out that in the same committee report to which the Senator refers the figure 400,000 men is given as the number needed this autumn and 400,000 more in April.

Mr. ADAMS. Yes, sir. The report states:

> The War Department plans if this bill is enacted to induct for military training and service approximately 400,000 men this autumn and about 400,000 in April 1941.

Then it says the total number it is planned to induct is between 800,000 and 900,000.

It seems to me the amendment of the Senator from Massachusetts goes as far as it ought to go. If I had a chance to vote for a smaller number I should do so, and, as a matter of fact, I expect to vote for a much smaller number before the bill shall have been passed.

Mr. WHEELER. Mr. President, in view of what my friend the junior Senator from Alabama [Mr. HILL] said about how the world would look upon our cutting down anything asked by the War Department, and that if we happened to limit the number it would be thought that we were afraid, or that we were cutting down on the Army and would not grant

the Army's needs, I desire to call attention to what the world is saying about this particular piece of legislation. I read from the New York Sun of Saturday, August 24, an article by Mr. Gault MacGowan, dated London, August 24. It is as follows:

CALL BIG ARMY THEORY OBSOLETE—MILITARY EXPERTS IN LONDON SEE WELL-SUPPLIED TECHNICAL TROOPS AS VITAL ARM

(By Gault MacGowan)

LONDON, August 24 (delayed by air raid).—President Roosevelt's urgent appeal for conscription, featured in the newspapers here this morning, appears in the opinion of military experts unrelated to the requirements of modern war, which becomes the affair not only of crack front-line troops but of masses mobilized behind the battle lines in the munition factories. Modern war can come to a standstill in a few days if supplies for technical troops fail.

Those who have seen modern war on the Continent unanimously agree that victory is achieved by putting the greatest number of men in one place at one time is obsolete. The new theory of war is yet to be written, but in the opinion of men like General De Gaulle, leader of the French free forces, and Polish General Sokorsky, a whole nation may be mobilized and yet lose a battle.

France mobilized 6,000,000 soldiers, but couldn't hold a few German Panzer divisions supported by large numbers of Stuka fighting planes.

The mobilization of industry is the first essential in modern warfare, with factories in isolated regions beyond the reach of the enemy so that they can maintain a constant supply of airplanes, tanks, antiaircraft and antitank guns, secret weapons to combat secret weapons and propaganda to counter enemy propaganda services.

Experts here say that the mere fact of mobilizing an army of 1,200,000 men is likely to create an illusion of national security more perilous than a standstill policy.

While General Pershing raised two armies to finish operations in Europe the last time, 20 technical divisions probably would be enough to win victory today.

WONDER ABOUT PLANS

There's no information here as to whether mobilization in the United States is intended to create an expeditionary force or is merely for home defense, but people are assuming that it is only for the latter purpose. This would indicate an inability to take a victorious offensive in the event of the fall of Britain.

In the latter event the enemy tactics would be a lightning attack on New York, Washington, and other centers, the strategy being to terrorize the population into pleading for peace.

"Terrorize the pacifists," is the motto of the "blitzkrieg" experts, who hold that the strongest democratic fortress will then fold automatically.

If mobilization is intended to defend America by aiding the Allies, again industrial mobilization should precede military mobilization.

Experts here don't take seriously the President's reported assertion "we have got the equipment but not the men."

It is assumed that by the former he means rifles, bayonets, and bullets—weapons possessed in large numbers by the French and British in the battles of Flanders and Norway.

The casualties in this war, as Prime Minister Churchill pointed out recently, are nothing like the figures of the last war, so reenforcements on the scale of the last war are not wanted.

So President Roosevelt's call for 400,000 front-line troops plus supporting troops astonishes soldiers here. The aim of modern warfare is to gain the maximum advantage with the minimum expenditure of manpower, with machines bearing the brunt of battle. Till a nation grasps the full implications of this new theory of modern war its defeat is certain.

We have been criticized and the Congress is being criticized because of the fact that we have not speeded up. Here we are; we have debated this bill on the floor of the Senate something like 2 weeks, and yet we are being criticized because it is said there has not been enough speed ahead. I understand that Mr. Willkie this morning gave out a statement along similar lines. Of course, Mr. Willkie knows about as much about this bill and what has been pending before Congress as a 10-year-old child does, because he does not know anything at all about it. [Laughter.]

Here we are. We have before us one of the most fundamental issues that ever came before the American people—a request that we change all of our American traditions for 150 years, and that we go from voluntary enlistments to the identical policy that the Senator from South Dakota [Mr. BULOW] told us about the other day when he said his father left Central Europe and came here in order to get away from compulsory military training. How many of the best citizens we have in the United States today left Europe because they wanted to get away from the militarism of Europe? And where has militarism in Europe brought it? Where did conscription bring France? What did it do to France? We are told that we have to have conscription to save America. France had conscription; she had 6,000,000 men under arms, but conscription did not save France.

A great many persons say to us that the reason why France fell was because of the "fifth columnists." I happened to talk the other day with a very prominent Britisher. I spent several hours with him. I asked him that question. He came over from England in June. One of the things he said to me was that that was not true. He said, as a matter of fact, that what the French depended upon at the front was their black troops, and that their black troops ran when the machine guns fired and the airplanes came down.

While I am on my feet let me say that I called up the State Department to find out whether or not this gentleman was registered as a propagandist. I found out that they had no registration of him; and yet this gentleman is going around seeing various Senators, urging that we give all aid to Great Britain, that we give warships to Great Britain, and he even went further.

He said to me, "Senator, the American people have never denied a request that I made of them." He came over here before the last war. He was sent here on a mission by the Government of Great Britain during the last war, and his mission was to get us into that war. I do not say that from hearsay. I say it because he told me so. He said to me, "I am responsible for getting the United States into the last war"—I am quoting his words—and he said:

I am over here now, and I am going to cross the United States on a speaking tour, and I am going to get this country into this war.

Mr. ASHURST. Mr. President, I have known the Senator from Montana more years than has any other Member of the Senate. In fact, we were in school together. The Senator has made a very serious statement, one which will have tremendous weight. I, for one, believe the statement, because the Senator has made it; but he must recognize the enormous gravity and seriousness of such a statement. That any representative of a foreign power, or any subject or a cititzen of a foreign power, should come here and declare that he intends to get the United States into the war is a serious statement.

I happen to know to whom the Senator refers, but I am not at liberty to mention names. I hope the Senator will not only find it expedient and proper to give the substance of the statement of the foreigner who declared he was going to get the United States into war, but I believe the Senator should give the name of the man. I leave that, however, to the Senator's judgment.

Mr. WHEELER. I have not any hesitation about giving the man's name. I did not intend to give it.

Mr. ASHURST. I leave that to the judgment of the Senator. The statement is such a serious one, it is of such tremendous import, that it should be known to the country as well as to the Senate.

Mr. WHEELER. Let me say to the Senator that this gentleman came over here and came to see me, and he has gone to see several other Senators.

Mr. ASHURST. Pardon me; I happen to know who he is.

Mr. WHEELER. He has gone to see several other Senators, because he told me he had seen numerous Senators, and other Senators have told me that he saw them. He is urging that 50 destroyers be given to Great Britain. He is urging that the Johnson Act be repealed. He was very, very frank about it. He was an adviser to Mr. Lloyd George during the last war, and he said he wanted to have us do everything short of war. Finally I said to him, "As far as I am concerned, I am extremely sympathetic with Great Britain, and I want to see Great Britain win; but I ought to be frank with you. I do not think the British Government ought to be misled into believing that we are coming into the war, because I do not believe the United States will go into the war."

Mr. LEE. Mr. President——

Mr. WHEELER. I will yield in a moment. I said, "I do not believe the United States will go to war." He said to me,

"Senator, the sentiment in this country is going to roll up and roll up like the ocean's waves." He said, "Regardless of what you want, you will be forced to vote for it." I said to him, "I am perfectly willing to do anything I can to help Great Britain, but I will never vote to take a step that, in my judgment, will lead us into war; and I will never vote to put this country into war, regardless of what the people of the United States want. I would not vote to send this country into war under any condition."

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. Just a second. Then, as I say, he said to me, "I am responsible for getting this country into the last war, and I intend to get it into this one." I said to him, "That is a broad statement." Then he qualified it to the extent of saying, "Well, everything short of war."

So that there could be no mistake, I came right out and made a notation of the conversation with the stenographers in the Interstate Commerce Committee room; and then I came down here and related the conversation in detail to two or three Senators upon the floor.

We are supposed to be neutral. Suppose some man came over here from some other country; suppose somebody came over here from Germany and said, "I am going across the country to make speeches to try to get this country to turn over 50 destroyers to Germany, or to Italy, or to some other country. I am over here for the purpose of getting this country to repeal a certain law upon the statute books." What do you think we would do? Senators talk about propaganda and "fifth columnists."

I had a friend call up the Department to find out whether this man was registered, and the report was that he was not. Whether or not he represents the British Government I cannot say, but I do know that according to the British Who's Who this gentleman was knighted in 1912. This is what I read from Who's Who:

> Sir George Paish, created a knight in 1912. Born November 7, 1867. [Personal history out.] Secretary to editor of Statis, 1881–1888; then rose to subeditor until 1894, assistant editor to 1900, joint editor until 1916; governor London School of Economics; member departmental committee of the Board of Trade on Railway Accounts and Statistics from 1906 to 1908; adviser to the Chancellor of the Exchequer and the British Treasury on financial and economic questions from 1914 to 1916; official mission to American Government, November 1916; author of numerous economic and financial publications.

He came to the United States in 1916, and he told me that he came here then for the purpose I have stated. He said to me that he was the economic adviser to Prime Minister Lloyd George during the last war.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. WHEELER. I wish to add just one word. In addition to the statement which has been made, I wish to say that the gentleman's name is Sir George Paish.

If I may have just a moment——

The PRESIDENT pro tempore. Under the order the Senator's time has expired. If he desires to ask unanimous consent that he may proceed further, he may do so.

Mr. WHEELER. I ask unanimous consent that I be granted 1 minute more.

Mr. REED. Mr. President, if I can get the floor, I will yield to the Senator.

The PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. WHEELER. I yield the floor to the Senator from Kansas.

Mr. REED. I am very much interested, and I should like to ask the Senator from Montana—and he can answer in my time, since I have not used any time on this matter—to complete his explanation, if he desires to do so.

Mr. WHEELER. There is no further explanation to be made, except to state what this gentleman said to me. He came to me at his request and talked to me, as he talked to numerous other Senators urging different things, but I think he went further with me in his conversation than he did with anyone else, because he spent a longer time with me. His name is Sir George Paish, and I have called attention to the statement in British Who's Who with reference to him.

Mr. LUNDEEN. Mr. President, will the Senator from Kansas yield to me?

Mr. REED. I am very glad to yield.

Mr. LUNDEEN. I think the gentleman referred to by the Senator from Montana, Sir George Paish—and we know his record—should be deported from the United States. He should be sent back to the empire from which he came and whose emissary he is.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. REED. I yield.

Mr. GLASS. As one Senator, I say that if any Englishman were to come to my office with any such proposal I would drive him out, and I think any Senator of self-respect should have driven him out.

Mr. WHEELER. Let me say to the Senator that he made the statement to which I have referred when he was going out, did not make it before that, and I said to him, "That is a very strong statement." He then modified it and said, "Anything short of war." But he went on and made the further startling statement to which I think I called attention, that is, that "The American people have never denied any request I have made." I know they have denied one request he made, because I happen to know that this same gentleman was here on another occasion carrying on propaganda for the purpose of getting the British debt canceled.

Mr. GLASS. Mr. President, it seems to me that the Senator should have taken steps to acquaint the officials of this country with this man's behavior, and if there is not a law to deport him, he should be deported anyway.

Mr. WHEELER. I thank the Senator. This happened only about 3 days ago. I came to the Senate Chamber immediately and made a statement to certain Senators. I hesitated to state the full conversation to them, because I knew of course that the gentleman would probably deny the statement. I know, of course, that I shall probably be criticized for giving his name. But I felt, and I still feel, that the American people should know what is happening in reference to this matter; they should know that some of these people are here at this particular time, and are urging these things.

Mr. ASHURST and Mr. HOLT addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kansas yield, and, if so, to whom?

Mr. REED. I yield gladly to the Senator from Arizona. Then I shall yield to the Senator from West Virginia.

Mr. ASHURST. The Senator from Montana does not need me or need any other Senator to vouch for his truthfulness. The ancients said:

> It is not the oath that gives credence to the man; it is the man that gives credence to the oath.

The Senator from Montana and I do not agree on some public questions; indeed we disagree frequently. Years ago a Department of Justice, behind the screen, with secret methods, tried to railroad the Senator from Montana to the penitentiary. The jury, after it had deliberated 1 minute, returned a verdict of not guilty.

The Senator from Montana is a poor man; he has for years stood in the fierce white light that beats upon a public man, and no tainted breath has ever dimmed the bright mirror of his character and reputation. He is a truthful man.

Among the privileges accorded to me in my service in the Senate is that of serving with such a courageous and able Senator as the Senator from Montana [Mr. WHEELER].

The Senator from Montana has frankly stated that he hopes England will win. So do I. I believe I would be justified in saying that I would pray that England will resist the attack now being made under the leadership of a creature as unscrupulous and as bloodthirsty as Attila the Hun and Genghis Khan.

I am glad the Senator has stated that he hopes the cruisers may be sent to England. If the cruisers have not been sent

to aid England, the blame is not on the Capitoline Hill, the blame is on the Palatine hill. It is the Executive who is delaying sending the cruisers, not the Congress.

Mr. O'MAHONEY and Mr. HOLT addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kansas yield; and if so, to whom?

Mr. REED. I have promised to yield to the Senator from Wyoming; then I shall be glad to yield to the Senator from West Virginia.

Mr. O'MAHONEY. The debate seems to be going very far afield at the moment. The question before the Senate is on the substitute which I have offered for the amendment presented by the Senator from Massachusetts [Mr. LODGE].

As I have observed the course of the debate upon the proposals, it seems to me there is very little difference now between the two. When the amendment of the Senator from Massachusetts was first offered for printing on August 9, it provided merely that there be a limitation to 800,000 men in the number to be trained under the proposed law. Thereafter I presented and had printed an amendment providing that in time of peace the number of persons inducted under the law at one time should be a million men.

The Senator from Massachusetts has modified his amendment in two or three particulars, so that apparently the only difference now is between the 800,000 provided in his amendment and the million in my amendment, and I rise to ask the Senator from Massachusetts whether he will not be willing to insert 900,000 in his amendment. If he will, then I shall ask leave to withdraw my amendment.

Mr. LODGE. Mr. President, will the Senator from Kansas yield?

Mr. REED. I yield.

Mr. LODGE. While of course I think that 800,000 would meet the situation adequately, in deference to the opinions of others, and because of my desire above all else to get some kind of a limit in the bill, I am glad to accept the figure of 900,000.

Mr. O'MAHONEY. Under those circumstances, I withdraw my amendment.

Mr. BARKLEY. Mr. President, in view of the statement of the Senator from Massachusetts and the statement of the Senator from Wyoming, I ask unanimous consent that the order for a roll call on the Lodge amendment be vacated.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is vacated.

Mr. REED. I now yield to the Senator from West Virginia.

Mr. HOLT. Mr. President, pursuant to what was said by the Senator from Montana, I wish to refer to something said recently in a national publication. Mr. Hoover, head of the F. B. I., had been discussing the question of foreign propaganda in the United States with a reporter, and the reporter asked him, "I know that propaganda of Germany, Italy, and Russia is available. What about the English propaganda?" His reply was, "I am not at liberty to bring that into the open," or words to that effect, that the F. B. I. could bring out all propaganda except English propaganda.

If the Senator from Kansas will allow me, let me say that he will find that this country is honeycombed with British agents, who are here but who are not listed in the Department of State, who are here conferring with high Government officials and with officials of high financial institutions, and that Sir William Wiseman, the man who did much to put America into the World War, who is here as an official of Kuhn, Loeb & Co., also using his influence to get America into the war, is in an institution the officials of which are paying for part of the propaganda.

Mr. ADAMS. Mr. President, will the Senator yield to me for an observation?

Mr. REED. I shall be very happy to yield to the Senator from Colorado.

Mr. ADAMS. In reference to the statement made by the Senator from Montana [Mr. WHEELER], I think there is a great institution in Washington which is supported by the Government, where the gentleman belongs, and that is St. Elizabeths.

Mr. LODGE. Mr. President, I ask that the question be put on my amendment.

The PRESIDENT pro tempore. Permit the Chair to state that the Senator from Wyoming said he would withdraw his amendment in the nature of a substitute if the Senator from Massachusetts would again modify his amendment to the committee amendment by substituting "900,000" for "800,000." The Senator from Massachusetts agreed so to modify his amendment to the committee amendment, and asked unanimous consent to make that modification. There was no objection; so that is the modified amendment of the Senator from Massachusetts.

At the request of the Senator from Kentucky [Mr. BARKLEY] the order for the yeas and nays on the amendment of the Senator from Massachusetts was vacated.

The question is now on the amendment of the Senator from Massachusetts, as modified, to the committee amendment.

Mr. ELLENDER. Mr. President, may we have the amendment stated?

The PRESIDENT pro tempore. The amendment, as modified, to the committee amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 15, line 25, before the period, it is proposed to insert a colon and the following:

*Provided further*, That there shall not be in active training or service in the land forces of the United States at any one time in time of peace more than 900,000 men inducted under the provisions of this act.

Mr. WHEELER. Mr. President, I should like to ask the Senator from Massachusetts a question. Am I to understand that the Senator's amendment means that there could not be more than 900,000 men in the Army, the Navy, and the Marine Corps—the armed forces of the United States—at any one time in peacetime?

Mr. LODGE. No; the amendment covers only the land forces.

Mr. WHEELER. I mean, there could not be, at any one time, more than 900,000 men in the armed forces of the United States?

Mr. LODGE. No; there could not be more than 900,000 men in the land forces of the United States, inducted under the provisions of the bill, at any one time.

Mr. WHEELER. I do not see why anyone should fight about it, because it does not mean anything to me one way or the other.

Mr. ADAMS. Mr. President, will the Senator yield to me for an inquiry?

Mr. LODGE. I yield.

Mr. ADAMS. Is not the word "inducted" a word which might be confusing? The Senator provides in his amendment—

There shall not be in active training or service in the land forces of the United States, at any one time in time of peace, more than 900,000.

That is what I understand the amendment means. Then there has been added the word "inducted." In other words, it is open to the ambiguous interpretation that there could not be inducted a certain number at any one time. It seems to me that the word "inducted" ought to come out.

Mr. LODGE. I think that word is very important. If it were not in there it would be impossible to give training to men who had been in the service for a year, and then went out of the Army, and who wanted to come back for 2 weeks, we will say. The language seeks to put a limit on the actual standing force; and if we are going to do that, it is necessary to use the word "inducted," so I am advised.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. SHIPSTEAD. The Senator means by his amendment that those called are not only to be called for training, but they are to be inducted into the Army?

Mr. LODGE. The limitation covers the men inducted under this bill.

Mr. SHIPSTEAD. Into the Army, as a part of the Army?

Mr. LODGE. It limits the number that could be inducted into the Army.

Mr. SHIPSTEAD. So they are not only called for training, but they are called to become a part of the standing Army?

Mr. LODGE. My amendment limits the number that would be put into the Army for 12 months; yes.

Mr. SHEPPARD. The Senator does not mean the standing Army alone; he means the Army of the United States?

Mr. LODGE. Yes. It is a limitation that covers the number that can be inducted under this bill, so far as the Army is concerned.

Mr. WHEELER. Mr. President, I think there is some confusion in the minds of some people. Does the Senator's amendment mean that 900,000 can be called each year under the bill?

Mr. LODGE. Nine hundred thousand men cannot be called each year under the terms of my amendment. Under its terms the Army can maintain a total of 900,000 men.

Mr. WHEELER. In the armed forces of the United States in peacetimes?

Mr. LODGE. Yes; but the Army cannot call 900,000 a year. I had some discussion with other Senators about that matter, and the suggestion was made that the words "a year" be placed in the amendment, but that would give the right to call 1,400,000 men.

Mr. BONE. Does that include the National Guard?

Mr. LODGE. No; it does not include the National Guard or Regular Army.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE], as modified, to the committee amendment.

The amendment, as modified, to the committee amendment, was agreed to.

Mr. SHEPPARD. I wish to say that if the Senator from Massachusetts means that his amendment limits the number to 900,000 men——

The PRESIDENT pro tempore. The time of the Senator from Massachusetts has expired.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. GEORGE N. SEGER, late a Representative from the State of New Jersey, and transmitted the resolutions of the House thereon.

The message announced that the Speaker had appointed the following committee on the part of the House of Representatives, in conjunction with such Members of the Senate as may be joined, to attend the funeral of the deceased Representative: Mr. EATON, Mrs. NORTON, Mr. WOLVERTON, and Mr. HARTLEY.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore.

S. 419. An act for the relief of Luke A. Westenberger; and

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

## SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. LODGE. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 15, line 4, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 15, line 12, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 17, line 19, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 29, line 25, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 30, line 2, it is proposed to strike out "thirty-first" and in lieu thereof to insert "twenty-fifth."

Mr. HAYDEN. Mr. President, will the Senator yield to me? I wish to ask unanimous consent to offer the amendment which has been agreed to by the committee. Undoubtedly there will be some discussion on the Senator's amendment.

Mr. LODGE. I yield.

Mr. HAYDEN. If Senators will look on page 15 of the bill, which we have just amended, they will find that any persons between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and to be inducted into the land or naval forces of the United States. If a man is enlisted, he is in the Army, and the process of induction after that would be, as I have stated to some Senators, like calling a meeting of a lodge and putting on the regalia and inducting him after he is already in. I have submitted this amendment to the chairman of the Committee on Military Affairs, and I ask unanimous consent for its immediate consideration.

Mr. REED. Mr. President, reserving the right to object—and I do not object—I want to hear the amendment read first.

Mr. HAYDEN. Certainly.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 15, line 22, it is proposed to strike out the words "and be inducted into" and to insert in lieu thereof the word "in."

Mr. AUSTIN. Mr. President, reserving the right——

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont has the floor. Does the Senator from Vermont wish to yield?

Mr. AUSTIN. Mr. President, one moment. I wish to examine the amendment.

Mr. HAYDEN. Mr. President, while the Senator is looking at the amendment, I should like to state that the 1940 edition of Webster's International Dictionary defines the word "enlist" as follows:

> To engage for military or naval service.
> To enroll and bind one's self for military or naval service; as to enlist in the Army for the war.

The same dictionary states that the term "induct" means:

> To enroll for military service in compliance with a draft law, as the Selective Service Act of 1917.

A voluntary enlistment is a contract, and the English custom was to accept the recruiting sergeant's shilling to bind the bargain. If a man is once enlisted in the Army no one can afterward induct him into the service of which he is already a part.

I have taken the matter up with the military adviser to the committee, and he agrees that it does not make sense to both enlist and induct. A man either gets into the Army by one method or the other.

Mr. TAFT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Senator from Vermont [Mr. AUSTIN] has the floor. He temporarily yielded for the purpose of permitting the Senator from Arizona to offer an amendment.

Mr. AUSTIN. Mr. President, I shall occupy the floor only for a second.

The PRESIDENT pro tempore. The request of the Senator from Arizona has not yet been acted upon. The Senator asks unanimous consent that the amendment he has just offered at this time be considered out of order.

The Senator from Vermont is recognized to discuss that request.

Mr. AUSTIN. Mr. President, reserving the right to object, I ask the Senator from Arizona whether he has made any

study to ascertain whether there has been a legal interpretation of the meaning of the word "induct"?

Mr. HAYDEN. The only legal interpretation that anyone can obtain is by going to Webster's dictionary, because this language has never appeared in any other act of Congress.

I will read the definition of "induct":

To enroll for military service in compliance with a draft law, as the Selective Service Act of 1917.

The other meaning of the word "induct," according to the dictionary, is:

To introduce, as to a benefice or office; to put in actual possession of the temporal rights of an ecclesiastical living, or of any other office, with the customary forms and ceremonies; to install.

Mr. AUSTIN. Mr. President, I have searched Bouvier's Law Dictionary, and also Words and Phrases, which were the only sources available here on the floor, and found no legal interpretation of that word. The dictionaries that are not legal dictionaries, which I examined, show that the common use of that word was in connection with benefices or offices, rather than in respect of the ceremony of being connected with an army. In other words, this is a novel and probably a new use of the word.

Mr. HAYDEN. If the Senator will pardon me, the term "induct" was adopted under the Selective Draft Act of 1917, and the dictionary recognizes that as the established process of getting a man into the Army under conscription. He is not taken into the Military Establishment by voluntary enlistment, which is a contract. He is compelled to go.

The point I am making about using the two terms here is that it is proposed to say both "enlist" and "induct." If the man is enlisted he is already in the Army and he cannot be inducted into it afterward.

Mr. AUSTIN. Mr. President, will the Senator yield further?

Mr. HAYDEN. I yield.

Mr. AUSTIN. I have found that there are two different uses of that word "enlist."

One of them represents the act of the enrollee, and the other the act of the Government in putting the recruit into the Army. I am satisfied that having both meanings, it can be used either way. However, in this case I wish to ask the Senator what he understands the effect of his amendment would be in the use of the words "an opportunity voluntarily to enlist." That is, to be more precise and ask a definite question, would it have the first meaning—that is, to engage and place on the list for service in the Army or the Navy?

Mr. HAYDEN. According to Webster's dictionary, he would enroll and bind himself for military service. He would do so by a voluntary contract.

Mr. AUSTIN. That is the individual's formal act of getting himself on the rolls, authorizing the placing of his name on the muster roll of recruits?

Mr. HAYDEN. Exactly.

Mr. AUSTIN. Very well. I have no objection.

The PRESIDENT pro tempore. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object, is it not true that the Senator's amendment would exempt from the 900,000 limitation, which has just been adopted, all men who may volunteer for training and service and who may be accepted as volunteers under the terms of the bill?

Mr. HAYDEN. Of course, it would. That is one reason why I am offering it, because no one is complaining about voluntary enlistments.

Mr. TAFT. If I am correct, there are two types of voluntary enlistment. There is enlistment in the Regular Army, and there is enlistment for training under the terms of the bill.

Mr. HAYDEN. Yes.

Mr. TAFT. I think the limitation was intended to cover those who enlist for training under the terms of the bill, so that there should not be more than 900,000 being trained at one time, whether they volunteer or are conscripted.

Mr. HAYDEN. As the Senator will remember, there was no testimony before the Committee on Appropriations to that effect. The Chief of Staff indicated that it is intended to continue regular enlistments. He wanted 100,000 men enlisted for 3 years to serve in the Air Corps, because 1-year men are not satisfactory for that service. If we establish the proposed limitation we prevent the Army from obtaining voluntary enlistments in the Air Corps for a 3-year period. No one wants to do that.

Mr. TAFT. Mr. President, I think the thing is sufficiently doubtful so that I shall object to its consideration at this time.

The PRESIDENT pro tempore. Objection is heard.

Mr. LODGE. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Massachusetts to the amendment reported by the committee will be stated.

The CHIEF CLERK. On page 15, line 4, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 15, line 12, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 17, line 19, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 29, line 25, it is proposed to strike out "thirty-one" and in lieu thereof to insert "twenty-five."

On page 30, line 2, it is proposed to strike out "thirty-first" and in lieu thereof to insert "twenty-fifth."

Mr. LODGE. Mr. President, I should like to say a few words—and I should like to have a little order if I may, because this is quite an important matter, and it involves a very definite point of view on the question of military service.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. LODGE. This amendment reduces the age range within which selections are to be made from the range of 21 to 31 in the bill, to the range of 21 to 25. My reasons for offering the amendment are as follows:

The first reason is that we are still at peace. We may be in peril. These may not be normal times—and, indeed, they are not. Our peace may be threatened, but we are still at peace. We have not declared war. We have no troops at the front, and the men who go into the Army today simply run the risk which any soldier undergoes in time of peace. If we were at war, and if men going into the Army were subject to the dangers of war, then, of course, we ought to have the age range just as wide as we could possibly make it, so as to embrace every single able-bodied man, so that the risks and the brunt of war would be as widely distributed as possible. However, as I say, that is not the case. We have the objective in sight of trying to build up our Army as quickly as we can. Of course, the fewer men we register and the simpler and briefer the selective process is, the more quickly we shall be able to build up our Army. That is one argument in favor of this proposal.

We do not aim to raise large masses of men. We have just settled that point by the amendment which has been agreed to. We are moving in the direction of a highly selective personnel which is capable of a high degree of training and coordination; and, by and large, men between the ages of 21 and 25 make the best soldiers. There are exceptions, of course, and they can be found in history. However, the other day I read to the Senate from the Encyclopaedia Britannica a description of the age groups in Napoleon's Army. The ages ranged from 21 to 25. The rank and file of the soldiers who covered themselves with glory in the Civil War were between the ages of 21 and 25. Those are the ages at which men's powers of physical recuperation are the greatest, and at which they have the stamina to undergo all sorts of privations. So, from the standpoint of having the best type of Army, I believe that age group would be superior.

The third argument is that in the ages from 21 to 25 the number of men who have made commitments for their lives, or who have developed some kind of a business, law practice, medical practice, or any kind of pursuit in which they have

made a heavy investment of their time, money, and energy, is much smaller than between the ages of 25 and 31. Consequently we should not only disrupt a great many fewer lives if we should adopt the proposed restriction, but we should also disrupt a great many fewer essential occupations and industries which mean much to the country. That is the third argument.

The fourth argument is that we are trying by this bill to build up a reserve. We have heard more today than we have heretofore heard about the reserve which is planned. It is obvious that if we start taking men between the ages of 21 and 25 and running them through the Army for a year, they will be available to us in our reserve for a much longer period than would older men.

I have made the age range broader than is really necessary. We could obtain 400,000 men from the 21-year age group alone. If these were entirely normal peacetimes and we were adopting a peacetime military training system, we should probably confine it to the age of 21, and have every able-bodied boy receive military training at the age of 21. However, in order to make sure that the Army will not be hampered in the slightest degree, and that there will be more than a sufficient number of men from whom to draw, I have extended the age group to include those from 21 to 25. That group would supply all the men necessary. It would do so in the promptest way, with the minimum of dislocation, giving us the finest possible type of soldiers, and giving us the very best type of reserves.

Mr. THOMAS of Utah. Mr. President, I trust that the pending amendment will not be agreed to. The reason I put forth that trust is that it is impractical. We know what number of men can probably be inducted from the available numbers which will be registered under the limitation of 21 to 31 years. That limitation was built upon the experiences of the World War; and I think that if the Senator from Massachusetts would pay heed to the experiences of the World War he would see that we should be greatly hampered in obtaining an army of 900,000 men from the number which would be registered in the age group which he suggests.

In the World War we registered in the first registration citizens and aliens between the ages of 21 and 30. Approximately 9,500,000 persons were registered. Let us assume that now, as a result of the increase in our population, we could obtain a registration of approximately 12,000,000 from the same age group. During the World War, after the various questionnaires had been sent in and after the deferments had been allowed, something like 1,300,000 men were selected from the 9,500,000 registered. Therefore it can be seen that if we are to obtain 900,000 men in a year we have reduced the registration limits to the smallest practicable range.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Utah yield to the Senator from Arizona?

Mr. THOMAS of Utah. I yield.

Mr. HAYDEN. I cannot quite follow the Senator. We are to obtain 400,000 men for the Army this fall, and 400,000 the next spring. The Senate has established a limit of 900,000 inducted men. That is all the Army can use and all it will take during the next 12 months.

The 800,000 men are to be placed in the Army for the purpose of having in the United States a reserve of trained men to be used in time of war. In other words, this is a peacetime bill and not a wartime bill.

Mr. THOMAS of Utah. That is true.

Mr. HAYDEN. Can anyone claim that a man of 31 who is put into the Army, hardened, and sent back home is as good a man for his country as a man of 21 who is put into the Army and trained and sent back home? The Army accepts enlistments only between the ages of 18 to 35. After a man has passed 35 he is not wanted for the Regular Army. I say, if we want to build up a reserve of manpower, the younger a man is when he is trained the longer he is available to serve his country. He is good for 15 years after he is 21 and only for 5 years after he is 31. If this is peacetime preparedness to make ourselves strong so that we will not get into a war, then the younger the men are taken the better prepared our country will be.

Mr. THOMAS of Utah. If all other factors were in complete harmony with what the Senator has said, what he says would probably be true.

Mr. HAYDEN. What factor is there that is not in harmony with my statement?

Mr. THOMAS of Utah. The factor of deferment, the factor of interfering with one's business, the factor of competing with industry, and the various other items which are brought into consideration in connection with the determination of deferment. The larger the number of registrants——

Mr. HAYDEN. About 1,250,000 young men become of age each year in the United States. I have a letter from the Census Bureau to that effect. Consequently, within a 4-year age limit 5,000,000 young men would be registered under the proposal of the Senator from Massachusetts. Of that 5,000,000 it is proposed to induct 800,000 into the Army. So that only 1 out of 6 would be actually drafted for military service. They would be taken in younger, when fewer of them would have engaged in business. The younger they are taken the less the number who are married. Every factor, it seems to me, that should enter into the consideration indicates that a registration of those between the ages of 21 and 25 should be the way to proceed.

Furthermore we are investing the money of the United States in the training of men in peacetime. The investment is good for 15 years when the man is taken at 21, but is good for only 5 years when he is called for service in the Army at 31.

Mr. THOMAS of Utah. I still insist that the Senator from Arizona has not taken into consideration all the factors in this situation, having in view the World War registration and training process. For example, we all know that the younger the man, probably the longer he will be available as a soldier; that is granted; but we do not want an army made up of 21-, 22-, or 23-year-old men. The Army needs older men; it needs older men in the training right at the beginning. The strongest group the Army could select in case of emergency would be noncommissioned officers for the training of new recruits. So some of the older men are needed. It is natural that there should be needed a little maturity for the squad leaders, for the top sergeants, and men of that type.

Mr. HAYDEN. Having appointed top sergeants and sergeants and corporals myself, it depends on the man and not how old he is. I have seen young men who had much greater ability to command than men who were older. There are plenty of young men 21 years of age who have the pep and the snap and ability to command squads and platoons.

Mr. THOMAS of Utah. That is true. In modern armies it is desirable to have more youths than in the old-time armies. We understand that, but, at the same time, we should take into consideration the fact that if we reduce the number of registrants——

Mr. HAYDEN. From 12,000,000 to 5,000,000.

Mr. THOMAS of Utah. If we reduce the number in half we will probably have 6,000,000 men from whom to draw 900,000. Does not the Senator see that in that way the possibilities of deferment and the possibilities of excusing men who should be excused under training arrangements but who probably would not be excused under an emergency arrangement would be reduced? The greater number of men who have registered, from whom we can draw the number to be trained, the better opportunity we have to select those men for training who will build up the Army in a better way and at the same time relieve hardship on the individual and also hardship upon the economic structure.

Mr. HAYDEN. I cannot agree that 5,000,000 men, which would be the number from 21 to 25, would be inadequate. If 1,250,000 come of age each year, the total is 5,000,000 men in 4 years, and 5,000,000 is a broad enough base, and under normal circumstances the Army would get men between those ages. When they pass 25 years of age more of them are married, more of them are settled in business, and deferments would automatically follow in the higher years.

Mr. THOMAS of Utah. That is the point. It would not be a broad enough base in time of war, when men would not be deferred if there was any possible reason for not deferring them. In the World War, out of the 9,500,000 registrants, the Army was able to get 1,300,000 men.

Mr. HAYDEN. I am sorry to disagree with the Senator. If the Army obtained the number of men who were wanted, it could have secured more men beyond any question. That was the number that happened to be drafted. The rest of the Army was supplied by the volunteer system.

Mr. THOMAS of Utah. No; that was not the case. In fact, in the first registration, which took place on June 5, 1917, ages between 21 and 31 were included. Then by August another registration was had, including those under 45 years of age. The total number of men taken into the Army from the draft of some 23,000,000 men registered in 1917 was 2,700,000, but the total available after the first registration for the first draft was only 1,300,000 men. That is when we wanted them just as badly as we could get them.

Mr. HAYDEN. I will agree with the Senator that in time of war we should register everybody from 18 to 64 as the original Burke-Wadsworth bill proposed, because if there is a particular skill needed at the moment the Army ought to be able to get it without delay. I am looking at this wholly from the point of view of the training of a peacetime military reserve, and I must insist that if the Congress is going to invest the taxpayers' money in paying men for a year, clothing them for a year, feeding them for a year, that the younger the men are the more of an asset they are to the Government.

I am looking at it from another angle. Put yourself in the position of a member of a local draft board in the city of Phoenix or Salt Lake City. It is proposed to require 12,000,000 men to fill out lengthy questionnaires in duplicate. That means that the boards have to go through and sort out 12,000,000 names rather than 5,000,000 names. It would save 7,000,000 men unnecessary effort and perhaps unnecessary worry when they do not understand the situation, when it is proposed to induct only 800,000 men during the next 12 months. For that reason it is better to limit the number to be registered in accordance with the actual number who are to be called into the military service of the United States.

Mr. THOMAS of Utah. Mr. President, it was exactly the argument the Senator from Arizona has made which caused the committee to change the provision which called for the registration of men between the ages of 18 and 64, as planned in the original bill.

Mr. HAYDEN. And which had my hearty approval.

Mr. THOMAS of Utah. To which the House of Representatives has decided to adhere. But we cut down the age opportunity as we did for two reasons: First, because of the number of men who were wanted, and, second, because we had something definite in the experience of the United States on which to build when we took the ages between 21 and 31.

Mr. HAYDEN. The only consistent argument for the age limits between 21 and 31 is that those years were used during the World War, and if those same ages are used there will be less to explain. But, as a practical matter, to get only 400,000 men in 1940 and 400,000 more in the spring of 1941, it is not necessary to register 12,000,000 men. The idea that we have to have a large pool of men to draw from because there are certain special skills which are needed is wholly fallacious. It is proposed to train young men to serve their country in the future.

We appropriated some $200,000,000 about a year ago for the Army Air Corps, and one of the first things that was done was to enlist about 14,000 to serve as mechanics to service airplanes. They sent them to a great school in Illinois and to another great school in Colorado. They took farm boys, they took men who had never had any mechanical experience at all, and at the end of a year they had 14,000 trained mechanics, all young men, who will be able to perform good service for their country for the next 15 years. Under a draft we could have sent to the airplane works in this country and could have drafted men from 35 to 40 years of age who could instantly serve as airplane mechanics, but they are old men and their services are not so valuable as those of the younger men who have been trained for this special purpose. I insist that the public interest is best served by taking the men as young as possible, and if we could get the men needed from the 1,250,000 who became of age this year, that would be the best way to go about it. I doubt if we could do that, but I say when that number is multiplied by four, so that 5,000,000 men are made available from which the selections can be made, we have established a base which is amply broad enough to serve the public interest.

Mr. THOMAS of Utah. Mr. President, I am sure that if the voluntary system is allowed to function, as the committee bill expects it will function, there will not be as many drafted as we now anticipate; but, at the same time, I must repeat what I said before, that if we reduce the number of registrants we merely make it impossible to act justly when the time comes for deferments and to give everybody in the country between the specified ages the proper opportunity of being deferred when the times comes. All we have to do is to divide the 12,000,000 by 2 to see what will happen, and then divide the 9,500,000 by 2 to see what would happen. In wartime we would not have the 900,000 that are needed under the present arrangement.

Therefore, Mr. President, I oppose the amendment.

Mr. BURKE. Mr. President, when this bill was introduced on the 20th of June it provided for registration for the purpose of selection of all those between the ages of 21 and 45. The committee, after hearings, saw fit to reduce those age limits to 21 to 31. I think the bill would be far better, more soundly conceived, and work much less hardship on everyone, if the original age limits of 21 to 45 were retained.

I have seriously considered the advisability of offering an amendment to raise the limit back to 45 years, but have decided that the committee probably acted wisely in making the limit 21 to 31; but it seems to me there is no answer to the argument just presented by the Senator from Utah that if we have the wider age limits, 21 to 31, we necessarily have a wider range so as to make it possible to grant deferment to more persons who otherwise might be subject to call.

There is this additional fact: The young men of the country, we will say those between the ages of 21 and 25, have a natural resentment that they should be determined upon as the only ones from whom we must draw those to give this training in order that they may be ready to defend their country in time of need. I think we would greatly increase the feeling of resentment on the part of the young men of the country if we should reduce the limit from 31 to 25 years of age; and beyond that I see no merit at all in the proposal.

As modern warfare is conducted, as very clearly brought out in the committee hearings, seasoned men are in demand far more than in the armies of any countries in their wars heretofore; and I think too narrow a limit would be a very great mistake, considering the possibility which is always before us that the training which we are going to give may not accomplish the great ideal that we all have for it, that it will make any necessity of engaging in warfare forever impossible. We must, as reasonable men, consider the possibility that these men will be called into service, we will say, the 1st of October, and may, even before their training is over, be called upon to render real service to the country. Certainly those who urge the reduction of the age limit, and the training of younger men only, will admit that in an emergency we would need these older men.

In a long-range policy, when this emergency is over, I think we may very well come to the time when we will give this training to still younger men, to all men upon reaching the age of 18 or 19, and train a sufficient number then who will pass each year into the reserve, so that we will never need to give training to the older men; but this is, in a sense, an emergency measure.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BURKE. Yes; I gladly yield.

Mr. HAYDEN. We must adopt either one premise or the other—either that this is something we are doing in peacetime in order to insure peace, or that this is something we

are doing because we are very fearful that we may get into a war in a very short time.

Mr. BURKE. There is no conflict between the two. We are adopting this measure in peacetime with the very earnest hope that by building up our own strength we shall never be subject to attack, but as sensible men with the realization always in our minds that that fond hope may not be realized, and we do not want to send ill-trained men to defend their country in time of need.

Mr. HAYDEN. I do not think there is any question at all that a young man between 21 and 25 is more apt to receive instruction and to benefit by it than an older man who is set in his ways. A man who is 30 years of age is just getting past the very prime of his physical vigor.

Mr. BURKE. Being twice that age, I must deny the Senator's remark. I do not agree with it at all. [Laughter.]

Mr. HAYDEN. Having passed 40, and having acquired considerable avoirdupois, I have not any doubt that I could be trained for a year and could be hardened up; but I think within the following year I would again be flabby, whereas a young man would not be in that condition. But it seems to me that if we can get a sufficient reservoir of men between the ages of 21 and 25 to supply all our immediate needs, that is the place to go and get it. As to the investment we put in the men, there can be no doubt that a man is more valuable the younger we take him; but if we should get into war, I would agree instantly that we should take in everybody between 18 and 64 years of age.

Mr. BURKE. And start to train them after we got into war.

Mr. HAYDEN. Not at all; but we would put them into the places where they could be best used, which in many instances would not be in the Army at all.

Mr. BURKE. If the Senator from Arizona could give some real assurance, we will say bankable insurance or assurance, that there is going to be no demand at all upon these men within the next 5 years to do anything more than receive training, I would admit that there is merit in his argument; but because no one, in spite of our fondest hopes, can give such assurance, I think his argument should be rejected.

Mr. TYDINGS. Mr. President——

Mr. BURKE. I yield to the Senator from Maryland.

Mr. TYDINGS. If the bill as contemplated excepts those with dependents, in the very nature of things those over 25 and less than 31 would be in a more restricted class than those over 21 and under 25; so there would be less of a reservoir from 25 to 31 to get the older men from than there would be under normal conditions, when age without the influence of dependency is present; so that the number of those over 25 and under 31 would not be proportionately large. As we left 21 and went up to 31 we would correspondingly find, because of dependency and other responsibilities, that the number in a given age category would be correspondingly reduced.

Mr. BURKE. I think the Senator is entirely correct that the condition of man would automatically do the thing which the Senator from Massachusetts and the Senator from Arizona say could be done, would bring by far the greater number of those selected for service into the group which they are advocating, 21 to 25. All that we who are opposed to this restriction are objecting to is writing that into the law, and saying that there should not be a selection of even that limited number between 25 and 31 who have no reason for being excluded because of having dependents, or being engaged in key industries, or physical impairment, or anything else. We object to automatically reducing them and saying, as a matter of law, "We will prevent them from being called."

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Wyoming.

Mr. SCHWARTZ. I have in mind the fact that those who have dependents will be deferred, and probably permanently excused, regardless of their age.

When we come to consider the men who are between 21 and 25, a great many of them have not had an opportunity to complete their education. They are in the colleges, and are completing their education in some profession or some business activity that will be of service to them in after years. The men from 25 to 31 have had an opportunity to complete their education; and if the men between 25 and 31 are called to the defense of their country for a year, and temporarily lay down a little law practice at that age, with the privilege of paying rent, or a little medical practice or something else, they still have the learning, they still have the education, and at the expiration of their year's service they can go back and go into their professions. But when we take a young man between 21 and 25 out of his college, out of learning a trade or whatever activity he is in, and put him into the Army, he loses that opportunity. So it seems to me there is no particular merit in claiming that there is better reason to exempt men from 25 to 31 than to exempt men from 21 to 25. Furthermore, I think it is unfair to the young men between 21 and 25 to say to them that the number of men we are going to induct into the service under this bill shall all come from that young group, and that those who are older may sit back and say, "Well, boys, go out and take the gaff." I do not think it is fair to the young men.

Mr. BURKE. I thank the Senator from Wyoming for his very helpful contribution.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | King | Russell |
| Andrews | Davis | La Follette | Schwartz |
| Ashurst | Donahey | Lee | Schwellenbach |
| Austin | Downey | Lodge | Sheppard |
| Bailey | Ellender | Lundeen | Shipstead |
| Bankhead | George | McKellar | Slattery |
| Barbour | Gerry | Maloney | Smathers |
| Barkley | Gibson | Mead | Stewart |
| Bone | Glass | Miller | Taft |
| Bridges | Green | Minton | Thomas, Idaho |
| Brown | Guffey | Murray | Thomas, Okla. |
| Bulow | Gurney | Neely | Thomas, Utah |
| Burke | Hale | Norris | Truman |
| Byrd | Harrison | Nye | Tydings |
| Byrnes | Hatch | O'Mahoney | Vandenberg |
| Capper | Hayden | Overton | Van Nuys |
| Caraway | Herring | Pepper | Wagner |
| Chandler | Hill | Pittman | Walsh |
| Chavez | Holt | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Calif. | Reed | White |
| Connally | Johnson, Colo. | Reynolds | Wiley |

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. WHITE. Mr. President, the Senator from Nebraska [Mr. BURKE] suggested the possibility of offering an amendment extending the age limit of draftees to 45 years, making the range from 21 to 45. I would prefer that age range to that now provided in the bill before the Senate. However, the Senator from Massachusetts has suggested a range of from 21 to 25.

Mr. BARKLEY. Mr. President, will the Senator yield to me to make an announcement for the advice of the Senate?

Mr. WHITE. I yield.

Mr. BARKLEY. I have been asked by many Senators whether it is the purpose to hold a night session tonight, and in order that Senators may accommodate themselves to the situation, I wish to advise that it is the purpose to hold a session into the night. I hope we may continue until at least 10 o'clock this evening.

Mr. WHITE. My talk will not extend that long, I may say to the Senator from Kentucky. [Laughter.]

Mr. President, I was just stating that the Senator from Massachusetts had offered an amendment fixing the age range from 21 to 25. I regard the Senator from Massachusetts as the outstanding authority in this body on matters military. That fact in and of itself should bring respect and support to a suggestion made by him.

I hold the conviction that within the age range of 21 to 31 there are to be found in larger degree than in any other age range those to whom we should not turn except in last resort, for military service. Between the ages of about 25 to 30 years will be found a larger number of young men who are first married, young men who have obtained their first permanent occupation, young men who have first established homes,

young men to whom children have first come, young men who have assumed marital and other social obligations. I feel that we should not invade that group except as a real necessity.

I remember reading in my early youth the writings of John Fiske, a New England historian to whom all of us in New England pay great respect. In one of his works he undertook to assign the three or four greatest single causes contributing to the forward march of mankind from barbarism to civilization. One of those causes and contributions he named was the formation of the family unit. I profoundly believe in the family unit, and in its worth-while contribution to us of today, as it has been a contribution throughout all time. Yet it is now proposed unnecessarily to reach in and tear newly formed family units apart.

Mr. President, I do not think in terms of monetary dependence, but I say that in my judgment the social consequences of the disruption of young families, newly formed families, the separating of the husband and wife, the separating of the husband from newly arrived children, would far outweigh any military value which could result from invading this age range. So I very much hope that the amendment of the Senator from Massachusetts may have the approval of the Senate.

Mr. SHEPPARD. Mr. President, I wish briefly to say that it seems to me distinctly unfair to put so large a burden on so comparatively a small number of men. The age limit from 21 to 31 was selected among other reasons so that the maturer men could be assigned to the more responsible types of service. We thought that broadening this group from 21 to 31 would be a fairer and more workable proposition—that the older men in the group would have a steadying influence on the younger.

Mr. LEE. Mr. President, we have been told that the purpose of the bill is to place the United States in a state of national defense. We can keep whittling the measure down until there will be nothing left. We started out with a plan to register the manpower between the ages of 18 and 65. That was cut down in the committee, after long discussion, and after a majority of the committee thought a compromise would meet with response from other Members of the Senate.

Then we provided that there should be no exemptions, and we came to the floor of the Senate and cut it down again by exempting ministerial students and divinity students, whittling it down. There is no more reason for exempting them, in one sense, than for exempting medical students or law students. For that matter, if it came to a question between the two, I expect the ministers would be better prepared to die than the lawyers. [Laughter.] But we whittled it down.

Then we came to another step, and inserted another limitation, limiting the number who could be called up, which is a limitation, and another chip off the bill.

Now, we come to another proposal, to further weaken the bill, to undermine it by taking off a chip here and a chip there, to do by indirection and innuendo what the opponents of the bill cannot do by direct opposition, but weakening the defense of America.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. LEE. I decline to yield.

Mr. President, we can keep on until we shall have no defense program. We cut down the age limit. We reduce it to a narrow range. We limit the number the Government may call. We limit the number who may be registered. We do not lay a broad foundation on which to build a defense program. We do not set up the machinery for rapidly expanding the defense program of the country. Then we come to the Maloney amendment, and we defer the thing we start out to do. We postpone it until we have destroyed the whole purpose we have in mind.

Mr. President, many of these proposals are advanced in an effort to undermine indirectly what cannot be directly attacked, and to chip away at it until there is no defense program left. A little while ago we adopted an amendment which ought not to have been adopted. We adopted an amendment making a concession to certain types of citizens, which ought not to have been done. Now, we are about to make a concession as to age. If we are to reduce the age limit to 25, why not reduce it to 24? If we reduce it to 24, why not reduce it to 23? Why should we reduce the limit if it is not the whole purpose and determined effort to weaken the national defense program? I oppose the amendment.

Mr. LODGE. Mr. President, it really is laughable to have the Senator from Oklahoma [Mr. LEE] seek to convey the impression that I am trying to weaken, undermine, and whittle away the national defense. I believe I was the first Senator to favor compulsory military training. I have consistently pointed out the shortcomings of our national defense, and I have been accused by several Senators of being an alarmist because I pointed out that we had weapons for only 75,000 men, and that all our airplanes were obsolete. I am in favor of obligatory military service. When the Senator says I am trying to weaken and chisel away the national defense, that I am an opponent of compulsory military service, and that I am doing by indirection what I could not do directly, he simply does not know what he is talking about.

Mr. LEE. Mr. President——

Mr. LODGE. I decline to yield. The Senator would not yield to me, so I decline to yield to him.

Mr. LEE. I wish to explain——

Mr. LODGE. Mr. President, I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LODGE. I decline to yield. Turn about is fair play.

Mr. LEE. I surely——

Mr. LODGE. We are not talking under any limitation of debate, and there is no reason why the Senator should not have yielded to me, but he would not do so, so I decline to yield to him.

The arguments which have been made against my amendment are ingenious and interesting, but it so happens that they do not apply to the proposal at all. The statement is made that if my amendment is adopted we shall deny the Army the advantage of seasoned men and that we need men in their thirties and forties to be noncommissioned officers and commissioned officers. Of course, that is perfectly true. Nobody realizes it more than I do. In the Regular Army, the National Guard, and the Organized Reserves we have a steady source of supply for noncommissioned officers and commissioned officers. My amendment would not in the slightest degree endanger the possibility of obtaining seasoned men for the Army. The Army would go along obtaining seasoned men; but, I submit, the idea that because men who fight in tanks are sitting down most of the time, and that men who fight in planes are sitting down most of the time, and therefore we had better have the men in the tanks and planes in their forties simply ignores the realities of that kind of fighting. There is nothing more exhausting that to be driving a tank day and night, swallowing great quantities of dust, being bumped around all over the place, and having to concentrate when one is hungry and tired. Only a young man can do it. Such service requires just as much physical stamina and just as much physical vigor as being a foot soldier.

The second argument which is made—and this is always made with much emotion—is that we want to be just and spread the burden, and that we do not want to take one group and make it stand the gaff. The original Burke-Wadsworth bill had a very beautiful phrase in its preamble about the equal sharing of burdens. Then when we come to section 5 of the original bill we see the proviso that 87 percent of the men must be young men. What kind of double talk is that?

The plain fact of the matter is that the brunt of modern war, excluding officers and noncommissioned officers, is always borne by young men. There is no such thing as fighting a democratic war in which everybody shares the burdens equally. It is hypocrisy and self-delusion to try to put over the idea on the American people that the burdens of war and the burdens of military service can be borne equally by all elements of the population, because it simply is not so. War is undemocratic and unjust; and unless the burden of war is borne by the very young men there will be no war, because they are the only ones who really do the fighting.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND], who, if present, would vote "yea." I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and vote. I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I am advised that if he were present he would vote as I shall vote. Therefore I am at liberty to vote. I vote "nay."

Mr. TYDINGS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the senior Senator from Illinois [Mr. LUCAS], and vote. I vote "nay." I am advised that if the Senator from North Dakota were present he would vote "yea"; and that if the Senator from Illinois were present he would vote "nay."

The roll call was concluded.

Mr. WHEELER. The Senator from Nevada [Mr. MCCARRAN] is unavoidably absent. I do not know how he would vote.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. I therefore withhold my vote.

Mr. MINTON. The Senator from Idaho [Mr. CLARK] is detained on account of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from California [Mr. DOWNEY], the senior Senator from Iowa [Mr. GILLETTE], the junior Senator from Iowa [Mr. HERRING], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], the Senator from Arkansas [Mr. MILLER], the Senator from Montana [Mr. MURRAY], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained.

I announce the following pair on this question: The Senator from Iowa [Mr. HERRING] with the Senator from New Hampshire [Mr. TOBEY].

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY], the Senator from Delaware [Mr. TOWNSEND], and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

I am advised that the senior Senator from Oregon [Mr. MCNARY] would vote "yea" if present.

The result was announced—yeas 19, nays 60, as follows:

YEAS—19

| | | | |
|---|---|---|---|
| Ashurst | Hale | Lundeen | Thomas, Idaho |
| Bulow | Hayden | Nye | Vandenberg |
| Capper | Johnson, Calif. | Reed | White |
| Clark, Mo. | Johnson, Colo. | Shipstead | Wiley |
| Danaher | Lodge | Taft | |

NAYS—60

| | | | |
|---|---|---|---|
| Adams | Connally | King | Russell |
| Andrews | Davis | La Follette | Schwartz |
| Austin | Donahey | Lee | Schwellenbach |
| Bailey | Ellender | McKellar | Sheppard |
| Barbour | George | Maloney | Slattery |
| Barkley | Gerry | Mead | Smathers |
| Bone | Gibson | Minton | Stewart |
| Bridges | Glass | Neely | Thomas, Okla. |
| Brown | Green | Norris | Thomas, Utah |
| Burke | Guffey | O'Mahoney | Truman |
| Byrd | Gurney | Overton | Tydings |
| Byrnes | Harrison | Pepper | Van Nuys |
| Caraway | Hatch | Pittman | Wagner |
| Chandler | Hill | Radcliffe | Walsh |
| Chavez | Holt | Reynolds | Wheeler |

NOT VOTING—17

| | | | |
|---|---|---|---|
| Bankhead | Gillette | McCarran | Tobey |
| Bilbo | Herring | McNary | Townsend |
| Clark, Idaho | Holman | Miller | |
| Downey | Hughes | Murray | |
| Frazier | Lucas | Smith | |

So Mr. LODGE's amendment to the committee amendment was rejected.

Mr. WAGNER. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. BROWN in the chair). The amendment will be stated.

The CHIEF CLERK. On page 15, line 21, after the word "thirty-five", it is proposed to insert "regardless of race, creed, or color."

On page 15, line 23, after the word "forces", it is proposed to insert "(including aviation units)."

Mr. SHEPPARD. Mr. President, I have no objection to that amendment.

The PRESIDING OFFICER. Without objection——

Mr. CONNALLY. Mr. President, just a moment.

The PRESIDING OFFICER. Does the Senator from Texas desire to be heard on the amendment to the committee amendment?

Mr. CONNALLY. Yes; I will be heard on it if I may be heard.

Why is it necessary to put that in the bill?

Mr. WAGNER. Because there have been discriminations, I may say to the Senator, that I think are absolutely unjustified, which the Army itself has imposed.

Mr. CONNALLY. I think we are dealing with everyone as an American citizen, and the assumption is——

Mr. WAGNER. Mr. President, this has to do with the voluntary enlistments, and in connection therewith I have received a number of communications from organizations, such as the Association for the Advancement of the Colored People, which have called attention to a rule adopted by the Army, particularly in the aviation units, that no matter how well fitted they may be physically, mentally, or in any other way, they will not take certain American citizens because of their color. I think we ought not in any way to approve such an un-American practice. That is the reason I have offered the amendment, with the sentiments of which I think the Senator will agree.

Mr. CONNALLY. Mr. President, I agree thoroughly with the sentiments expressed by the Senator, but I do not agree that there is any necessity for the amendment.

The presumption is that under the general language of the bill, every American citizen will be treated alike. If there is to be any discrimination in the local boards or otherwise they will not come and ask the Senator from New York about it.

Mr. WAGNER. I may say to the Senator that the language is inserted with particular reference to voluntary enlistments.

Mr. CONNALLY. I shall not object to the amendment, but I think it is wholly unnecessary; and dragging such things in simply accentuates the abuse which the Senator apparently is trying to avoid.

Mr. WAGNER. If the Senator were in charge of the enlistments I know we would not have to offer the amendment. The fact is that the discrimination does take place. It has been adopted as a rule by those in charge of enlistments. I think the Senate ought to put its stamp of disapproval on any such discrimination, merely because of color. They must comply with every other qualification.

Mr. CONNALLY. Mr. President, I assume that those who are to execute this law will proceed legally, and impartially, and will make no distinction because of race, creed, or color, or what not. The Senator from New York says the amendment affects only the voluntary enlistments. There will not be much trouble with the voluntary features of the law. If there is any trouble it will be in the draft features. The men who want to join the Army will not have any trouble getting in. The trouble will be with the draft boards, and others who keep people out of the Army who they do not want in the Army. That is where the inequality and any maladministration that may take place will occur. If a man wants to get into the Army the recruiting office is downtown now, and almost anyone can get in. But it is those who will try to keep out who will have trouble under this bill.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HILL. I have consulted with the War Department, not concerning the amendment proposed by the Senator from

New York, but concerning another amendment the effect of which was the same as the amendment of the Senator from New York. The War Department is very much opposed to this amendment. One reason is that they cite the situation with reference to Japanese-born Americans in Hawaii, and they say:

> The population of Hawaii, totaling about 400,000, includes approximately 153,000 persons of Japanese racial origin. About three-fourths of them are American citizens by birth. A large number of these are, no doubt, loyal Americans, but it is well known that others are not loyal Americans. A law that would require acceptance of enlistment without regard to race or of American-born Japanese who are otherwise qualified would seriously cripple the military forces of the United States in what might be a very critical area in the event of any trouble in the Pacific.

No one that I know of has ever charged or has ever found that the War Department or any officer acting for the War Department has in any way been unfair or has engaged in any discrimination against anyone on account of race or color. Why put this unnecessary amendment in the bill itself? It would simply invite trouble. We would be doing that which the War Department does not want done.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. HILL. I would yield if I had the floor. The Senator from Texas has the floor.

Mr. CONNALLY. I yield.

Mr. SCHWARTZ. I simply wanted to say that I did not want to sit silent in view of the statement that no man has ever heard of the War Department having indulged in discrimination or treated unfairly the colored soldiers.

Mr. HILL. Mr. President, no such thing has come to my attention. The War Department in this memorandum sets out the number of units in which there are colored soldiers—in the Field Artillery, in the Coast Artillery, in the Corps of Engineers, in the Infantry, in the Chemical Warfare Service, and in the Quartermaster Corps. There are a number of colored soldiers in the Army today, and I am sure they are good soldiers. The amendment of the Senator from New York goes further than that. The amendment would permit any Japanese who happens to be American born, even though he was not loyal to America, to walk up to the recruiting officer and say, "Here, you have to accept me. It is written into the law, and I have a right to enlist. You are obliged to take me."

Mr. TYDINGS. Mr. President, I wish to point out to the Senator from Alabama that several times the Congress has considered extending statehood to Hawaii, and the figures which have been presented here of the overwhelming population of the Japanese element has been offered as a reason why Hawaii should not be given the rights of statehood.

That does not infer that there are not many loyal American Japanese in the islands, but a great many of the Japanese in the Hawaiian Islands are of the first generation, who have even now no United States citizenship. It would be unfortunate if the garrison in the Hawaiian Islands had a large percentage of Japanese troops, the loyalty of some of whom might be questioned, particularly in the event there should ever be a war between the United States and Japan. I think we had better leave this element out, let the Army run the Army, and not have so many generals in the United States Senate. [Laughter.]

Mr. HILL. Mr. President, the Senator from Maryland is absolutely correct. If my recollection serves me aright, the Senator from Maryland is chairman of the committee which handles legislation dealing with Hawaii and other Territories.

Mr. TYDINGS. That is true.

Mr. HILL. The Senator from Maryland has been to Hawaii once, I know, and perhaps more than once.

Mr. TYDINGS. That is correct.

Mr. HILL. He has made a first-hand study of this amendment, and whenever we write this amendment into the bill we invite trouble; we may invite many kinds of trouble. There is no need or necessity for it.

Mr. WAGNER. Mr. President, so far as this amendment compelling the enlistment of an applicant who is a disloyal American is concerned, the amendment has no such effect at all. The Army, of course, will refuse enlistments whatever the color of the applicant may be if he is a disloyal American.

So far as coming to the defense of their country is concerned, I do not want to have any color line drawn. I believe that every American who wants to fight for his country is entitled to enlist and become a part of the defense army, irrespective of his color, provided he meets every other qualification.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. HATCH. I should like to ask the Senator a question. I cannot conceive how the Senator's amendment can broaden the proposed law at all. The language of the measure is "any person." Do not the words "any person" include everybody, regardless of race, creed, or color?

Mr. BANKHEAD. If the Senator from New York desires to cover abstract questions, why does he not say without regard to race, color, or sex? Why does he not endeavor to protect the women?

Mr. WAGNER. Mr. President, I may say to the Senator from New Mexico that the fact is that the Army has discriminated against a certain class of our citizenry—the colored people—and I should like to have the Senator make a declaration disapproving that type of discrimination.

Mr. HATCH. If the Senator will yield further, I merely wish to suggest the only power the Army would have to discriminate. Under the bill as it is written now, the words "any person" include all persons. The Senator agrees with me in that, does he not?

Mr. WAGNER. Yes.

Mr. HATCH. Under the language on page 15, in line 24, "if he is acceptable to the land or naval forces for such training and service," there might be the power to discriminate, but the same power would still exist under the Senator's amendment.

Mr. WAGNER. But the discrimination would not be because of the color of the individual. Now the applicant is plainly told, "You cannot enlist in this particular force because you are colored." If he is disqualified because of any physical reason, if he is not physically able to perform the duties of the particular work of a given unit, that is one thing, but he ought not to be excluded, although he is an American citizen and wants to fight for his country, because he is colored. Either they are free or they are slaves.

Mr. HATCH. The point I was making, with the Senator's permission, was merely that under the language of the bill as it is written, the words "any person" include everyone, and if there should be any discrimination on account of race, creed, or color, it would be in violation of the bill as it is now written.

Mr. WAGNER. It has not been so recognized, unfortunately, in the rules which have been promulgated.

Mr. OVERTON. Mr. President——

Mr. WAGNER. Before the Senator asks me to yield, may I read a letter coming from the secretary of the Association for the Advancement of Colored People on this very subject?

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. WAGNER. I desire to read this letter first, and then I will yield. The letter is as follows:

> NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
> *New York, August 8, 1940.*
>
> Senator ROBERT F. WAGNER,
> *Senate Office Building, Washington, D. C.*
>
> MY DEAR SENATOR: The present defense program, part of which has already been passed, is one of the most important issues before Congress and the American people today. The success of this program and the preservation of democracy in this country depends upon the support of a united citizenry. There can be no unity among our citizens as long as both the executive and legislative branches of the Government deliberately disregard at least one-tenth of the population.
>
> By letter of July 23, 1940, Adjutant General Adams, of the War Department, states that Negroes are only permitted to enlist in two regiments of the Infantry, two regiments of the Cavalry, Quartermaster Corps, Medical Department, Ordnance Department, certain school detachments, and the detached enlisted men's list, and that: "There is no provision for the enlistment of colored men in the remaining arms or service." Negroes are not permitted to enlist in the Air Corps.

The Bureau of Navigation of the Navy Department, by letter of August 2, 1940, stated: "After many years of experience the policy of not enlisting men of the colored race for any branch of the naval service except the messman branch, was adopted to meet the best interests of general efficiency. * * * The selection of men to man the Navy is left to the discretion of the executive branch of the Government."

That is the end of the quotation from the letter of the Navy Department. Mr. White, who writes the letter, adds:

Negroes are willing to take their part in the defense program along with other American citizens but at the same time insist that their Government give them the same opportunities to serve in all branches of the armed forces in which they may qualify without distinction or discrimination because of race or color. They expect and are entitled to the same rights and privileges as every other American.

Both the War Department and the Navy Department have refused to remove their policy of refusing to integrate the Negro into the armed forces of this country. They are continuing their policy of discrimination against Negro Americans in violation of both the spirit and letter of the fifth amendment to the United States Constitution.

We therefore urge that proper consideration for the rights of Negroes be given during the pending debate on the Burke-Wadsworth bill and that the bill be so amended as to guarantee to Negroes the right to serve in every branch of the armed forces without any discrimination because of race or color.

Sincerely yours,

WALTER WHITE, *Secretary.*

Mr. LEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield, and if so to whom?

Mr. WAGNER. I promised to yield first to the Senator from Louisiana.

Mr. OVERTON. Mr. President, may I ask if the complaint voiced in the letter the Senator from New York has just read is so much concerned with enlistment as it is with the desire of the colored people that there should be established what is known as mixed units in the armed forces?

Mr. WAGNER. No; it has nothing to do with that. They are refused enlistments altogether. There is no question of whether they are to be integrated or not. The complaint is against the refusal to permit them to serve. That is the only point I am making.

Mr. OVERTON. If I may proceed further, I understand from members of the General Staff that there is absolutely no discrimination whatever against the colored race. They are, however, placed in separate units, while the desire on the part of a certain class of our population is that there should be mixed units. If we should undertake to establish mixed units in the Army, it would be subversive of discipline, subversive of morale, and would not be of benefit either to the colored race or to the white race.

Mr. WAGNER. I yielded for a question, but the Senator may proceed.

Mr. OVERTON. As a matter of fact, when colored men enlist they generally reenlist, perhaps to a greater extent than others; they make the Army sort of a career; they like it and in certain regiments many of them may be found who have been there for 20 or 30 years. There is no desire on the part of the War Department or the General Staff to discriminate against the colored race; on the contrary, they encourage them.

Mr. WAGNER. The Senator from Louisiana may make that statement, but I think if he will inquire he will find that in the aviation units no colored enlistments at all are accepted. The colored American citizen cannot enlist there; they will not accept him; which is quite a different thing from the question of segregation. That question I am not considering at all. I have not heard any complaint in connection with those units in which the colored citizens are permitted to serve. I am talking about units from which they are excluded because they are colored, and for no other reason; and it is frankly stated by enlistment officials.

Mr. OVERTON. I think I am justified in making the observation that if they are excluded from the air forces it is because the Army is not ready yet to have separate units. I think that would be the only reason.

Mr. BARKLEY. Mr. President——

Mr. WAGNER. I promised to yield first to the Senator from New Jersey.

Mr. BARBOUR. I hesitate to encroach on the time of the distinguished Senator from New York; I know his time is limited.

The PRESIDING OFFICER. There is no limitation of time at present.

Mr. BARBOUR. I thank the Chair. I labored under the impression there was a time limitation on this amendment. However, as I mentioned earlier in the day to the Senator from New York, I have an amendment along the same lines as his amendment. I do not know whether or not his amendment and my own are exactly alike, but certainly our aims are exactly similar. In other words, results are what I want, and by the same token I do not want to press my amendment, Mr. President, simply because of any pride of authorship. I will be glad to join the distinguished Senator from New York in his amendment, or he can join me in mine. Anyway, it cannot be doubted—I know it of my own personal knowledge—that there is and has been and will continue to be this tragic, unfair discrimination of which the Senator from New York speaks, which I seek to check and end by my amendment. My amendment has the same aims and objectives as the amendment of the Senator from New York, and frankly, I believe it is the better and more embrasive amendment of the two. My amendment provides:

On page 15, after line 25, insert the following: "In the administration of the foregoing provision and all other enlistments for service in the Military and Naval Establishments of the United States applicants for enlistment, if otherwise acceptable, shall be accepted for service without discrimination on account of color or race, and men so enlisted or inducted into the land or naval forces of the United States shall be permitted to serve in any branch of these services without discrimination because of color or race."

We know that in the last war many of our colored citizens were used wholly and only in labor battalions. They were given only that sort of work which, while important of itself, was discriminatory. The fact that so much of that really nonmilitary duty was confined to that one race proves that it was discriminatory; and this is not fair, it is not right, it is not American.

I feel very strongly about this matter. As I have said, I do not want to press my amendment particularly, whether or not I really feel it is the better one of the two, but I do feel that while we are again approaching in our history this proposition of selective service on the basis of its being democratic, on the basis of its being American, on the basis that the formula is to apply to all, and that all that is contemplated is defended on that one fundamental basis, the bill should do just that, and it is not doing so without an amendment of this nature.

The Senator from Alabama himself has spoken of the position taken by the War Department. That is proof of what the Senator from New York and I have just said. There is discrimination; and I hope, and very strongly urge and demand, that we shall seize this opportunity to correct an evil which has been now recognized and pointed out. Discrimination is un-American, and I am whole-heartedly and sincerely for my amendment. But I will accede to the Senator from New York in the hope that our objectives will prevail, for I have no desire simply on my own account personally to press my own amendment, which has exactly the same aim. Results are what I want in the interest of countless thousands of fine, patriotic, colored, American citizens.

Mr. WAGNER. The Senator has received information which I received, too, that there are these discriminations only because of color.

Mr. BARBOUR. There is no question at all about that, Mr. President. These are not just intimations. They are justified complaints, and they are legion.

Mr. LEE. Mr. President, the first shot fired in the World War by an American trooper was fired by a colored trooper. The Negroes made fine soldiers. I had not heard of any discrimination before, and I personally saw white troops acting as labor battalion troops.

The way the Senator's amendment reads, however, the word "creed," in my opinion, is very dangerous. A German is always a citizen of Germany. Only this morning there was an article in the newspapers stating that in South America there is trouble because Germans go into those countries and become citizens of them, but retain their citizenship in Germany. We had a sad experience with that during the World War, when a German got to be an officer in the artillery, and refused to raise a barrage at the right time, intending to wipe out a whole regiment of Americans. Incidentally, he was stopped by a sergeant, who killed him. But when we say "creed" or "race," that language on line 21 of page 15 is particularly important, because it says that any person between the ages of 18 and 35 shall be afforded an opportunity, and so forth. That is exceptional language. If we put in there "regardless of race or creed," a Communist whose intent and purpose, whose creed was to destroy free government would not only be permitted but, according to the amendment, "shall be afforded an opportunity," and so forth.

Therefore I believe that in carrying out the purpose the Senator intends, while I am with him, I think he should readjust his language so as to protect us from being required to take anybody, regardless of their race or creed. Otherwise, we shall have Nazis and Communists, whose creed is to destroy the country.

Mr. WAGNER. This is the identical language which was inserted in the Army bill which was here some time ago, and it is the identical language we have been using year after year to prevent these discriminations, so that the words themselves have a very definite meaning in the law of our country.

Mr. LEE. So far as voting is concerned, that is the language used with respect to voting, but not with respect to enlistment in the Army.

Mr. WAGNER. No; the Senate adopted such an amendment to the military bill which we passed some time ago. I think it was introduced by the chairman of the committee. It is the language which has always been used, and it has a very definite and plain meaning in the lexicon of the law. So I see no occasion to change it. I think the construction which the Senator is attempting to place on the word "creed" would not be adopted.

Mr. LEE. Why not just eliminate the word "creed"?

Mr. WAGNER. I am quite willing to put in "religion," if the Senator prefers to put it that way—"race, religion, or color." The word "creed" has a very definite meaning.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. WAGNER. Yes.

Mr. BARKLEY. There may be some merit in what the Senator from Oklahoma suggests; and it might be possible to do what the Senator wants to do without using the word "creed," because there has never been any discrimination so far as creed is concerned. Men of all religions have been permitted to enter the Army if they were otherwise qualified. But what I really rose to suggest was that so far as the bill is concerned, as between the ages of 21 and 31 there is no trouble, because all male citizens are required to register, and all male persons between those ages who have declared their intention to become citizens are required to register, and from the registration certain numbers may be called; but there is a fringe below the age of 21, between 18 and 21, and between 31 and 35, where persons may volunteer under the bill; and, as I understand, it is that fringe below and above that the Senator is undertaking to provide for.

Mr. WAGNER. I am only talking about enlistments.

Mr. BARKLEY. So far as those who have to register is concerned, there is no need for such a provision, because they all have to register, regardless of race, creed, and color.

Mr. WAGNER. That is correct.

Mr. BARKLEY. And then, from that registration, the War Department or the President will select those who are to be trained.

Mr. WAGNER. I tried to make it very clear in the beginning, in answer to a question from the junior Senator from Texas [Mr. CONNALLY], that this amendment deals only with enlistments.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. WAGNER. I see that the Senator from New Jersey has a similar amendment which he intended to offer. I should have been quite willing to join with him, but I understand that the Senator from New Jersey is ready to support the amendment I have offered.

Mr. BARBOUR. I am perfectly willing to withhold or subordinate my amendment in the interest of expedition and harmony, in line with the suggestion of the Senator from New York. I rose only to point out, in connection with the colloquy between the Senator from Kentucky and the Senator from New York, that my amendment does not include the word "creed." It says only, "because of color or race."

Mr. WAGNER. I am quite willing to take out "creed." I want to say to the Senator from Oklahoma that if there is any question about that, I will ask that the amendment be modified so as to read "regardless of race or color."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. WAGNER. I ask that that modification be made.

The PRESIDING OFFICER. The amendment will be considered so modified.

Mr. SCHWARTZ. Mr. President——

Mr. WAGNER. I yield to the Senator from Wyoming.

Mr. SCHWARTZ. I desire to make a brief explanation about what I understand from the War Department the fact has been with reference to colored enlistments. I shall do so although I am neither a general of the Army nor both a general and an admiral, like the distinguished senior Senator from Maryland.

Mr. WAGNER. I make no claim to expert knowledge. I depend upon the information the experts give me.

Mr. SCHWARTZ. About a year ago we incorporated in a bill before us a provision that an opportunity should be given to the Army to train colored pilots. The Army has not been able to work out that provision. I do not understand that they would be particularly adverse to it if they could find a place, after they educated the pilot, where he could perform service to his country and not of necessity be within a mixed social situation whereby he would have to be associated in his flights with white officers, and possibly the colored man and his family would have to be part of the white organization at the different posts. I think most of the colored men understand that; but it was the idea of the colored men that with the present increase of the Army there would be a place for colored pilots connected with colored regiments or at other places where they would not have to be working with white pilots. The War Department have told me very frankly that they have not created what they call the social situation in the South and in the Army. It is there, and it exists, and they have to meet that situation, and they are trying to do it.

What brought up not long ago this question about colored men enlisting was that some 2 or 3 months ago the Army sent some notices around town asking for enlistments, and one of them was tacked up at the recorder's office.

I understand that there are quite a number of colored people there, in fact all of them, and the notice stated "white men only," and of course the colored men were very much exercised about it, and we heard of it through colored newspapers and everywhere else. I went to the War Department to see what was the occasion of that kind of a notice, and the War Department told me at that time that the enlistments in the four colored regiments—two of cavalry and two of artillery, I think—were filled, and at that time they were endeavoring to increase the enlistments in other white regiments, and that was the reason why the discrimination was made as to colored men at that time. Of course, what the colored men told me, speaking again about mixed service, was that a very large number of colored men were not with colored regiments, but they were with a white artillery regiment and with other regiments, taking care of the horses—polo ponies, probably.

I think that has been measurably straightened out, because not long ago I called at the Department, and I was told that they contemplated the creation of several additional colored regiments—I have forgotten the number, but a substantial number—so that there will be a welcome for all colored men who desire to enlist.

I do not think anything of the suggestion that the attitude of the War Department in the past has been due to Japanese in Hawaii, because when I went to the War Department to find out why the Negroes were not being permitted to enlist, I did not hear anything about the Japanese.

Mr. WAGNER. I never heard that, either, until it was asserted here.

Mr. SCHWARTZ. It was asserted that if a man were a first-generation or second-generation or third-generation Japanese, if he were loyal, they would allow him to enlist; but they do not want this amendment in the law, because if one were not loyal, they would have to take him. The War Department does not have to take anyone if they find he is not a loyal citizen, and if we are to bar second-generation Japanese because we might have trouble with Japan, if we had trouble with Germany we would have to ask how many second- and third-generation Germans here we should bar. The foreign-born population in one State alone, the State of Iowa, is 35 percent of German extraction, second- and third-generation Germans. So there is nothing to the Japanese proposition, and I do not see why it is mentioned.

Mr. WAGNER. The Senator knows that of every three persons in the United States today one at least is foreign born, or the child of a foreign-born parent.

Mr. SCHWARTZ. It seems to me it will do no harm at all, and it will do much good, to insert in the bill the amendment as it has been amended by the Senator from New Jersey.

Mr. ELLENDER. Mr. President, does the Senator from New York feel that there should be mixed units in the Army?

Mr. WAGNER. No.

Mr. ELLENDER. Why is he advocating an amendment that will lead to it, then? Why not leave it to the Army?

Mr. WAGNER. Because I think the Army has unfairly discriminated against one particular race or color.

Mr. ELLENDER. Was that not in cases to prevent mixed units? Was not that the reason why the discrimination was made?

Mr. WAGNER. I do not think so. It was just the feeling of the Army. It excluded them altogether from the aviation units. In some of the regiments they have included them, but in aviation they have excluded them entirely. I cannot believe that has the support of the people of the United States, who are tolerant, and want all Americans treated alike, so long as they are loyal to our country, and are willing to fight for it.

Mr. ELLENDER. If the Congress makes it possible to have mixed units, we will not have to go to South America to see fights. We will witness them in this country.

Mr. WAGNER. That has nothing to do with the amendment.

Mr. BARBOUR. Mr. President, I should like to ask a question of the Senator from Wyoming. As I understand, he is a member of the Committee on Military Affairs, and a moment ago, at the end of his remarks, he seemed to indicate he was in agreement with the amendment as modified by my amendment, though he did not mention my amendment. I was wondering whether he was in agreement with and was referring to my amendment.

Mr. SCHWARTZ. Yes, I am in sympathy with the amendment of the Senator from New Jersey.

Mr. BARBOUR. I thank the Senator.

Mr. WAGNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Bailey | Bone | Burke |
| Andrews | Bankhead | Bridges | Byrd |
| Ashurst | Barbour | Brown | Byrnes |
| Austin | Barkley | Bulow | Capper |
| Caraway | Hale | Miller | Shipstead |
| Chandler | Harrison | Minton | Slattery |
| Chavez | Hatch | Murray | Smathers |
| Clark, Mo. | Hayden | Neely | Stewart |
| Connally | Herring | Norris | Taft |
| Danaher | Hill | Nye | Thomas, Idaho |
| Davis | Holt | O'Mahoney | Thomas, Okla. |
| Donahey | Johnson, Calif. | Overton | Thomas, Utah |
| Downey | Johnson, Colo. | Pepper | Truman |
| Ellender | King | Pittman | Tydings |
| George | La Follette | Radcliffe | Vandenberg |
| Gerry | Lee | Reed | Van Nuys |
| Gibson | Lodge | Reynolds | Wagner |
| Glass | Lundeen | Russell | Walsh |
| Green | McKellar | Schwartz | Wheeler |
| Guffey | Maloney | Schwellenbach | White |
| Gurney | Mead | Sheppard | Wiley |

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. OVERTON. Mr. President, the purpose of the amendment, as declared by the Senator from New York [Mr. WAGNER], who offered it, is to prevent what he declares to be unjust discrimination on the part of those in charge of the Army against the colored race. He has brought to the attention of the Senate no evidence in support of this charge against our Army and its officers. The only evidence that has been presented is the letter written to him by some society, I think the Society for the Advancement of the Colored Race. Anyway, it is merely a private communication addressed to him.

So far as I know, and so far as I am informed, there is no evidence whatsoever in the record of any hearing that there has been any discrimination against any American citizen on account of race or color in the matter of voluntary enlistments in the Army.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. VANDENBERG. I did not think it would be necessary to inject myself into the discussion, but I submit to the Senator that there is official evidence on the subject he now presents. I call his attention to the letter of the Secretary of War of August 5, directed to me and which is printed on page 10128 of the RECORD, from which I quote:

> A large portion of the colored men who enlist in the Army make the service a life-time career. For this reason there is a comparatively low turn-over in colored organizations and, consequently, comparatively a small number of openings for original enlistments at any one time. * * * The question of the formation of additional colored units is under study in the War Department.

In other words, while the discrimination may not run against the colored citizen as an individual when he appears for enlistment; the discrimination actually results, and is equally effective, due to the failure to provide a unit to which he is eligible under the terms of the War Department rule. It is nonetheless discrimination. Negro patriots do not have equality of approach to military service. It is unfair. It should be corrected.

Mr. OVERTON. The statement is not made that the units are not created in order to take care of this class of our population. As the enlistments come in, units are created in order to take care of them, if they come in sufficient numbers. Certainly the Secretary of War makes no statement that supports a charge of unjust treatment of the Negro.

Mr. VANDENBERG. Will the Senator yield further?

Mr. OVERTON. I yield.

Mr. VANDENBERG. I think the Senator has the sequence exactly reversed. The units are not provided in sufficient quantity to assimilate the applicants for enlistment. Then the colored citizen is rejected. I know that is the situation in Detroit, Mich., and many other places. There are many more applications of colored men seeking voluntarily to joint the colors than the recruiting stations accept, because there are no units to which they can be assigned. It is indirect discrimination, it is covert discrimination, but it is no less discrimination. We might even say it is unwitting discrimination so far as the Army is concerned. But whatever its character or motive, it is discrimination and so far as possible it ought to be removed. The record of the Negro

soldier is the complete recommendation for its removal. The constitutional rights of the Negro citizen complete the case in behalf of the pending amendment.

Mr. OVERTON. I understand from the letter of the Secretary of War, read by the Senator, that there are not now sufficient units to take care of the enlistments, but these units can be created and will be created as the enlistments come in.

Mr. VANDENBERG. The phrase of the Secretary is that the subject is under study. There is no promise or assurance that the units will be created, and the amendment submitted by the Senator from New York would at least encourage this study that is now being given to the subject.

Mr. OVERTON. There is another and a further ground on which I am opposed to the amendment. Throughout the debate the proponents of the legislation have been suggesting to us that we should leave the important features of the legislation to the recommendations of the War Department. The amendment offered by the Senator from New York is not approved by the War Department. On the contrary it is opposed by the War Department. The Senator from Alabama [Mr. HILL] stated to the Senate that the amendment had been discussed by him with representatives of the War Department and that they were opposed to the amendment and they give certain reasons why they are opposed to it.

Mr. President, after we have been advised by the leadership in the Senate and by the able Senator from Texas [Mr. SHEPPARD], who is in charge of the bill, that we are to follow and should follow the recommendations of the War Department, are we at this late hour in the debate to turn our backs upon the recommendations of the War Department, and, on the contrary, by adopting this amendment, reflect upon the administration of our armed forces by the War Department?

The Senator from New York makes no "bones" about the proposition which he advances to the Senate. His contention is that there has been unjust discrimination against the colored race by the War Department. That is the argument back of the amendment.

Mr. President, we ought to do one of two things. We ought in this very important legislation to continue to follow the recommendations of the War Department. If we are not going to do it, then where will we be in connection with subsequent amendments that will be presented, and on the enactment of the bill itself on the final vote for its passage. I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from New York [Mr. WAGNER].

Mr. CONNALLY. Mr. President, I do not care to be put in the position of making any spirited objection to the amendment. My contention is that the amendment is wholly unnecessary. The Senator from New York [Mr. WAGNER] was a judge before he came to the Senate, and a lawyer of long standing.

The section reads:

> Every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become a citizen.

Now if that does not include everyone, regardless of race, creed, or color, I do not understand the English language.

Mr. JOHNSON of Colorado. Mr. President, does it include men from 18 to 21 and men from 31 to 35 years of age?

Mr. CONNALLY. I will read the other language.

> Who has declared his intention to become such a citizen, between the ages of 21 and 31 (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield again?

Mr. CONNALLY. I yield.

Mr. JOHNSON of Colorado. Men of ages between 18 to 21 and 31 to 35, under the provisions of the bill, may volunteer?

Mr. CONNALLY. I understand that. I am going to read that provision. The proviso in section 3 (a), as proposed to be amended by the Senator from New York, would read:

> *Provided*, That any person between the ages of 18 and 35, regardless of race, creed, or color, shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces. * * *

That refers to the regular legislation for the Regular Army. We are not amending that law. It is not necessary to amend it, the theory being that they will go ahead and enlist just as they do now under the general law.

The Senator from New York, however, insists that we have to put in this language:

> Regardless of race, creed, or color.

And he provides that the man have an opportunity to voluntarily enlist and to be inducted into the land or naval forces, including aviation units.

I understand the Army now does not have any colored aviation units, but under the amendment of the Senator from New York it will be obliged to have one, because if three colored men enlist, then the War Department, under this amendment, must establish a colored aviation unit—even if only three colored men enlist, or perhaps four—there might be four. But if any number at all go to a recruiting office and say, "We want to enlist in the aviation unit," the Army must take them; it must establish an aviation unit, or else it must put them in with the other trainees, the other members of the Army, white men.

The Senator from New York does not want to do that. He does not want to have a mixed service. He does not want a part of the men in one company colored men and a part of them white men.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WAGNER. I simply said that was a matter of regulations for the Army to establish. That has nothing to do with the refusal to accept enlistments. Does the Senator approve of a regulation which denies to the colored people, who are Americans, the right to enlist in the Aviation Corps if they are otherwise qualified?

Mr. CONNALLY. No.

Mr. WAGNER. Does the Senator think it is fair that they should be refused that right?

Mr. CONNALLY. If there is a corps to enlist in; but I do not think, if a half dozen of them want to enlist, that is any reason why the Army should change its whole basis of organization to accommodate a half dozen and to establish an aviation unit for them.

Let me say to the Senator from New York I do not want to deny the colored people any rights. The Senator from Texas knows just as much about the decent colored people of the United States as the Senator does, and he thinks he knows a good deal more.

Mr. WAGNER. Mr. President, when I propounded the inquiry, I was sure the Senator would not favor such discrimination. In many of the Senator's speeches he has indicated that he is opposed to discrimination of any kind in our American life. That was the reason I propounded the question to him. I concede his superior knowledge.

Mr. CONNALLY. I thank the Senator. I think I know as much about the colored race as does the Senator from New York, and I think I serve them fully as well as does the Senator from New York. I was raised with colored people, and played with colored boys when I was a boy, and I worked with them side by side in the cottonfields and other places. I am ready to fight for the right of the colored man under the laws and the Constitution, not simply during election time, as the Senator from New York is. [Laughter in the galleries.]

But I realize better perhaps than the Senator from New York that constitutional and legal rights are one thing, and the right to select one's associates socially is another thing. There is something in the Anglo-Saxon written in the Constitution of the race, there is something written in the statutes of our blood, "Do not compel me to accept any man, whether he is white or black or yellow or red, as my social companion and equal, if I do not want to accept him."

If the Senator from New York wants to write into this law a provision that would put colored men and white men in the same company, make them sleep together in the same tent,

make them eat together at the same table, why does he not do so? If he were courageous, that is what he would do. If he wanted to insure absolute equality under the law, that is what he would do. But he has not got the courage to do that. He wants to say, "Why, of course, the colored men can enlist in the Army." They have always been enlisted in the Army for years and years and years. The Senator from Texas makes no objection to their enlisting in the Army, but he thinks that when any citizen, white or black, comes to his Government and asks to serve, he ought to be willing to give up some of his own conveniences, and if the Army does not have an aviation unit where he is needed or where he can serve, he ought not to demand, "You have got to establish an aviation unit for my own special benefit, whether you need it or whether you do not."

Why did not the Senator from New York put in the other qualifications; why does he not say "including the Quartermaster Corps, including the Artillery units"? Why does he not say "including the Cavalry, the Infantry, the Chemical Warfare Service, and the Gas Service," and all the other different services? Why does he want to single out aviation? Because the Army has no colored aviation units, and the Senator from New York would make the Government of the United States establish an aviation unit to accommodate a little handful of colored men who may possibly want to enlist in the aviation unit.

Of course, let colored men join the Army. As I recall, in the Spanish-American War the colored soldiers gave a pretty good account of themselves in Cuba, but they were Regular division troops, they were trained troops. They were not simply men brought in and thrown into the forefront of the battle. Certainly, I want them to join the Army. I want them to perform their duty. They are always claiming, through the Senator from New York, their rights under the Constitution. One of those rights goes along with a similar duty to serve the country, and I welcome the colored men in the Army of the United States, but when they join I want them to join the Army. I do not want the Army to have to join them. [Laughter in the galleries.]

Let them be assigned in the Army where they can best serve. Let the Government decide where they will go. There will be plenty of room for them.

If we get into war there will be plenty of room for all the colored men as well as the white men who wish to serve. The Senator from New York need have no anxiety about his friends finding room in the Army if we have a war, but I do not believe they ought to dictate as to how the Army should be organized.

Mr. President, let the colored people join, God bless them; let them come in and join the Army; but when they do, let them come up and say, "Mr. Government, I want to serve you. I want to fight in the Army. I want to fight in the war. Now, put me where I can best serve." That is the whole theory of the bill. Put every citizen where he can best serve.

"The Senator from New York has gone back on me. He does not propose to put me in the same company with the white folks, and he will not let me sleep with the white soldiers in the same tent; he will not let me eat with the white soldiers in the same mess. If you are going to do me that way, just put me wherever I can serve best."

That ought to be the attitude, and I think it is the colored man's attitude. I thing the Senator from New York does not properly interpret the spirit of the colored race. He may interpret the spirit of one or two of them who are on salaries around here to agitate the colored people; he may speak for one or two colored lobbyists; but he does not speak for the great mass of the American colored people. Most of them are hard working; most of them mean well; most of them want to do right; most of them want to serve their country if their country needs them. A few of them want continually to agitate, disturb, stir up dissension, and raise the devil about what they speak of as their political and social rights.

In the War between the States, both in the Union Army and in the southern Army, many a faithful old colored man went along as a body servant of his master, serving his master when he was under arms, in a war over a cause which the country construed as being against the freedom of the colored man. The colored race is loyal, and when we appeal to its best sentiments it responds nobly and magnificently. But when we appeal to its lowest motives, its prejudices, and its sordid instincts, it is a terrible danger.

In my State in 1916, I believe it was, or shortly before the World War, two regiments of colored Regular Infantry were stationed at Houston, Tex. What happened? There was a riot. There was some little social disturbance in the beginning. A policeman or someone reproached one of the colored soldiers for misconduct. I cannot give the details, but they are all in the official records. What happened? Those colored soldiers in the Army went out upon the streets of Houston and shot down and murdered a large number of inoffensive citizens, simply because agitators, social climbers, and others, for their own selfish and political profit, wanted to stir up the colored people. The lowest depths of their passions and prejudices were stirred up. They murdered countless white citizens going about their peaceful vocations.

When Theodore Roosevelt was President of the United States, colored troops were stationed at Fort Brown, Brownsville, Tex. There was a riot and a mutiny. The troops went about destroying property, and things of that kind. What did President Roosevelt do? Courageous man that he was, he ordered the discharge from the Army of every member of that organization because of the mutinous conduct. As I remember—it was long before I came to Washington—Senator Foraker, trying to obtain some political advantage in order to get a few votes, stir up somebody's passions, and collect dividends at election time, bitterly assailed President Roosevelt. However, the country sustained President Roosevelt. The investigation of the congressional committees vindicated him.

Mr. President, that is the record, and I submit it.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from New York [Mr. WAGNER] to the amendment reported by the committee.

Mr. WAGNER. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from New York [Mr. WAGNER] to the amendment reported by the committee. [Putting the question.] The "noes" seem to have it.

Mr. WAGNER. I ask for a divisoin.

On a division, the ayes were 22, the noes 21.

Mr. CONNALLY. Mr. President, what was the vote?

The PRESIDING OFFICER. The ayes are 22 and the noes are 21.

Mr. CONNALLY. I ask for a verification.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I am advised that he would vote as I intend to vote. I therefore am at liberty to vote. I vote "yea."

Mr. MCKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I therefore withhold my vote.

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I am advised that if he were present and voting, he would vote as I shall vote. Therefore I am at liberty to vote. I vote "nay."

Mr. TYDINGS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. FRAZIER], who, I am advised, would vote "yea," if present. I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and will vote. I vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Connecticut [Mr. MALONEY] is paired with the Senator from South Carolina [Mr. SMITH]. I am informed that if the Senator from Connecticut were present, he would vote "yea," and that if the Senator from South Carolina were present, he would vote "nay."

I announce the general pair of the Senator from Iowa [Mr. HERRING] with the Senator from New Hampshire [Mr. TOBEY].

The Senator from Montana [Mr. MURRAY] is detained in the Department of Agriculture.

The Senator from Idaho [Mr. CLARK] is detained on account of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from California [Mr. DOWNEY], the senior Senator from Iowa [Mr. GILLETTE], the junior Senator from Iowa [Mr. HERRING], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from New Jersey [Mr. SMATHERS] and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY], the Senator from Delaware [Mr. TOWNSEND], and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

The Senator from Oregon [Mr. MCNARY] the Senator from Delaware [Mr. TOWNSEND], and the Senator from Maine [Mr. HALE] would vote "yea," if present.

The result was announced—yeas 53, nays 21, as follows:

YEAS—53

| | | | |
|---|---|---|---|
| Adams | Danaher | Lodge | Slattery |
| Ashurst | Davis | Lundeen | Taft |
| Barbour | Donahey | Mead | Thomas, Okla. |
| Barkley | Gerry | Minton | Truman |
| Bone | Green | Neely | Vandenberg |
| Bridges | Guffey | Norris | Van Nuys |
| Brown | Gurney | Nye | Wagner |
| Bulow | Hayden | O'Mahoney | Walsh |
| Burke | Holt | Pittman | Wheeler |
| Byrnes | Johnson, Calif. | Radcliffe | White |
| Capper | Johnson, Colo. | Reed | Wiley |
| Chandler | King | Schwartz | |
| Chavez | La Follette | Schwellenbach | |
| Clark, Mo. | Lee | Shipstead | |

NAYS—21

| | | | |
|---|---|---|---|
| Andrews | George | Miller | Stewart |
| Austin | Gibson | Overton | Thomas, Utah |
| Bailey | Glass | Pepper | Tydings |
| Caraway | Harrison | Reynolds | |
| Connally | Hatch | Russell | |
| Ellender | Hill | Sheppard | |

NOT VOTING—22

| | | | |
|---|---|---|---|
| Bankhead | Gillette | McCarran | Smith |
| Bilbo | Hale | McKellar | Thomas, Idaho |
| Byrd | Herring | McNary | Tobey |
| Clark, Idaho | Holman | Maloney | Townsend |
| Downey | Hughes | Murray | |
| Frazier | Lucas | Smathers | |

So Mr. WAGNER'S modified amendment to the committee amendment was agreed to.

Mr. BONE obtained the floor.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. BONE. I yield.

Mr. NEELY. I send to the desk an amendment and ask unanimous consent that it be printed and lie on the table. At the proper time I propose to offer the amendment as a substitute for the Maloney amendment.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. BONE. Mr. President, I send to the desk an amendment to section 9 of the bill and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 26, line 24, after the word "ordered", it is proposed to strike out "military and naval courts martial concurrent jurisdiction of offenses arising out of such failure," and insert:

Shall be tried exclusively in the district courts of the United States having jurisdiction thereof and this class of cases shall not be tried by the military and naval courts martial unless such person has been actually inducted for the training and service prescribed herein or unless he is subject to trial by court martial under laws in force prior to the enactment of this act. Cases brought under this provision shall be given preference for trial by the respective district courts.

Mr. BONE. Mr. President, this amendment is in language very similar, if not word for word, the language that was employed in the Selective Service Act of 1917, as I recall it. If Senators will look at the bottom of page 26 of the pending bill they will find that if a young man is ordered to report for duty under instructions to report and does not do so he will then be tried by a military or naval court martial. My amendment would substitute the United States district court as the body to try such a young man instead of a naval or military court martial. In that respect it follows the old Selective Service Act of the World War, and I am advised by the chairman of the Military Affairs Committee [Mr. SHEPPARD] that it follows also a provision in the act affecting the National Guard.

I think it is a wholesome amendment. Certainly those who opposed the bill ought to find in it something to interest them and make them feel that it lessens the harshness and asperities of this bill, if they feel it is full of them. To those who favor the bill, there ought not to be objection to something so humane as this.

Personally, I do not believe that if a young man, either through inadvertence or misunderstanding of the law or for any other reason, fails to answer, he should be tried by a military court martial. There is something harsh in the implications of that sort of thing. The amendment provides that he shall be tried in the courts of the land which we have set up for that purpose.

The Senator from Texas advises me that he has no objection to the amendment; that it follows the orthodox pattern of previous enactments; and I hope it will be adopted.

Mr. SHEPPARD. Mr. President, the Senator from Washington is correct in his statement.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Washington [Mr. BONE] to the committee amendment is agreed to.

Mr. LODGE. I send to the desk an amendment for which I ask consideration at this time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment at the appropriate place it is proposed to insert the following:

Persons inducted into the land forces of the United States pursuant to this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

Mr. LODGE. Mr. President, this amendment follows exactly the language which was incorporated in the bill ordering out the National Guard and the Army Reserves, which I understand has gone to the White House today. Its terms are very well known to the Members of the Senate. It would prohibit the sending of American soldiers to Europe, Africa, Asia, Australia, and New Zealand, but would permit their being sent anywhere on the Western Hemisphere, to American territory and possessions, including the Philippines. As I have previously said, it is not the definition I would personally write to meet all my own personal views in detail. I do not like the idea of our ever embarking on any military adventures in Argentina or Chile. To my way of thinking, if we shall maintain the peace and security of our base areas in North America, Central America, and the coast of the

Caribbean Sea, we shall be doing all that is necessary. Moreover, I do not believe we can defend the Philippines or that we should attempt to do so.

I have used the language written into the amendment because it is language that has already been acted upon by the Senate, and with all its imperfections, it would prohibit the sending of any men to Europe. That, I believe, is of such importance that it overshadows some of the minor defects.

I may point out also that, under the legislation which we have enacted Reserve officers and the National Guard officers are specifically prohibited from going to Europe, whereas if we do not put this language in the bill the soldiers who are under their command could go to Europe.

Mr. ASHURST. Mr. President——

Mr. LODGE. I yield to the distinguished Senator from Arizona.

Mr. ASHURST. I thank the Senator. I ask if there is now any time limitation?

Mr. LODGE. There is no time limitation.

Mr. ASHURST. I support the amendment of the able Senator from Massachusetts.

Mr. LODGE. I am very gratified to hear the Senator's statement.

Mr. ASHURST. I have no right by any sort of prescience to attempt to suppose what other Senators may believe, but it is my opinion that not to exceed three or four Senators would vote that American boys shall be sent to Europe to participate in European wars. That is my conclusion, but I ask the Senator from Massachusetts, who is a student of military affairs—I do not know whether or not he has read law, but his general conversation and his service here indicate that he must have read law—I ask the Senator, Have we the power to limit the President in such a case? My judgment is that under the Constitution he may send the Navy or the Army anywhere he chooses. It is the business of Congress to raise and support the Army and to provide and maintain a navy. I leave it to the judgment of the Senator, Is it not a fact that when we give or grant to the President an army he is the Commander in Chief and may send them wherever he pleases? Has the Senator reflected on that?

Mr. LODGE. I have reflected on it, and I think there is much force in what the Senator from Arizona says. Certainly until 3 weeks ago it could be assumed that the President had the power to send the Army or Navy or the Marine Corps anywhere in the world he wanted to send them, but in the action which Congress took a fortnight ago it imposed a limitation upon the President's right to send the National Guard or the Army Reserves out of a certain area.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. LODGE. I yield.

Mr. ASHURST. I fear the Senator's amendment is what we call a brutum fulmen, a harmless thunderbolt, though it is a provision which should be in this bill. I am of the opinion that the present Chief Executive, or any other Chief Executive, would be inclined to respect an expression of this sort by the Congress, incorporating into the bill certainly the legislative wish and hope, the expression of our opinion that drafted troops should not be sent to Europe to participate in the wars of Europe; but such an expression is not legally binding on the Executive.

Mr. President, let us be under no illusions. Let us not, after we have passed a very important piece of legislation, discover that we have given to an Executive a large army, he may do with as he pleases.

Of course, very able lawyers disagree with my conclusion; but, after long study, and having passed through the experiences of the first World War, in which our country participated, I say to the Senate in all solemnity that if we give the President this army he may send it where he chooses.

Mr. LODGE. I think there is, of course, a great deal of learning and force behind the Senator's statement, as there always is in every contribution he makes to the Senate.

Mr. ASHURST. I thank the Senator.

Mr. LODGE. But I feel that the amendment certainly can do no harm.

Mr. ASHURST. Will the Senator yield for one more sentence?

Mr. LODGE. Certainly.

Mr. ASHURST. On the contrary, so far from doing harm, I think Congress would be recreant to its duty if it failed to include such an amendment in the bill. It is the only way we have of making known our view on the subject.

Mr. LODGE. That was my feeling.

Mr. ASHURST. I think it is a very worthy, and, I believe, helpful amendment.

Mr. LODGE. That was my feeling. I felt very strongly that we have no business to fight in Europe, and this was the only way I could think of to express that thought and to make it effective; and that is the purpose of the amendment.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. LODGE. I yield.

Mr. KING. We have received information of late that the Bolshevik government is making investigations particularly as to our Alaskan Territory. Indeed, some indications are that there is a movement to take possession of some of the islands which belong to the United States. Suppose that should eventuate in a collision: Does the Senator think the President of the United States or our Government ought to be denied the right to defend our territory there, even if it required us to drive the forces out of the United States and into Russian territory, just across the border?

Mr. LODGE. I point out to the Senator that my amendment takes in the Western Hemisphere, and specifically adds "Territories and possessions of the United States," which of course would take in the Aleutian Islands.

Mr. WILEY and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and, if so, to whom?

Mr. LODGE. I yield first to the Senator from Wisconsin, who has been waiting for some time to interrupt.

Mr. WILEY. Mr. President, as I look at this amendment it brings to my mind the fact that several weeks ago we attempted to adopt a somewhat similar amendment, limiting the use of the guard after induction into the Regular Army to continental United States and our Territories; and I remember that the distinguished Senator from Arizona [Mr. ASHURST] then rose and said to the country in substance something like this—that adopting such an amendment would be advisable as a suggestion to the Executive, but that there was not any need of our trying to fool the people or to fool the boys who might enlist. So, in this connection, I reiterate that very sentiment. Why is the Senator from Arizona correct? Because, under our form of government, the Executive is given constitutional powers with which the legislature cannot interfere. We claim as a legislature that we have constitutional powers with which the Executive cannot interfere. We have had example after example of the Executive power in the use of the Army. One that was cited when we were in war with Germany. We landed troops on the east of Russia and on the west of Russia, but we were at peace with Russia.

It seems to me that while we can suggest to the President that it is well to take a certain course, at the same time there is no need of our trying to give the impression to our boys and to our citizens that that language is of any legal effect. In fact, I voted against the former amendment because to me it was an attempt to camouflage a fact, to camouflage something that was not true. Since then I have received letters from my own State criticizing me because I dared to vote as I did. I am heartily in favor of the idea of this amendment, for after all we have the right to express to the Executive that it is the sense of Congress that we do not want the trainees to leave the United States in peacetime. We have troops in China now. Under this amendment, if

it was the thought of the Executive that it was necessary to save our property or save our prestige——

Mr. LODGE. Mr. President, let me interpose there that we have no Army troops in China.

Mr. WILEY. I am not advised as to the class, but we have some troops there.

Mr. LODGE. They are marines, and marines are not covered by this amendment.

Mr. WILEY. Very well; we have marines there; but what if, in the opinion of the Commander in Chief, it should be thought advisable to shift some troops from Hawaii to China? This amendment would have no effect. Under his constitutional authority he could do so. So I say to the country that if we adopt this amendment it is simply an expression of opinion. It is simply saying that we do not want the Executive to do what he may legally do.

Mr. LODGE. Can the Senator from Wisconsin suggest a more effective way of keeping our boys from going to Europe?

Mr. WILEY. Let me say to the distinguished Senator from Massachusetts that I heartily agree with the sentiment of the Senator from Arizona that it is all right to adopt this amendment, but the people of the country should know that when we adopt it, we are attempting to trespass upon the constitutional rights of the Executive. I do not think it has any effect. I think it may have a possible bad effect, in that it may attempt to camouflage something that is not true.

Mr. LODGE. Does not the Senator think it would have a very bad effect if the soldiers in a company of Infantry were all free to go to Europe, and the officers were specifically prohibited from doing so by virtue of the act which we passed 2 weeks ago? Would not that create a very bad situation?

Mr. WILEY. I disagree with the conclusion that they were prohibited by the action 2 weeks ago.

Mr. LODGE. Oh, yes; that is the language of the bill which has gone to the White House.

Mr. WILEY. I understand; but apparently neither I nor my associate from Arizona have made the point clear. It has no effect. We cannot interfere with the authority of the Executive.

The point I am trying to make is this: We adopt this amendment, and this time we say that the service of these boys shall be limited to the Western Hemisphere, and boys are enlisted or are inducted into the service, and they say, "We cannot be taken out of the Western Hemisphere." This would indicate they have been fooled by the language of this amendment. This body, the legislature, cannot limit the power of the Executive. That is a basic thing in our Government, and here we are attempting to say that we can. We are trying to put a film over a fact. So while, as an expression of opinion, I heartily agree that we should not put our nose in Europe, I again say that this is not the way to do it, because it is ineffective.

Mr. LODGE. What is the way to do it?

Mr. WILEY. The way to do it is to keep our nose out.

Mr. LODGE. I mean, in a legislative way. In an amendment we cannot merely say, "Keep your nose out." We have to put it in specific terms.

Mr. WILEY. Again, Mr. President, I say there is no legislative way to curtail the constitutional powers of the Executive.

Mr. LODGE. We are legislators, and that is the only way we have of acting.

Mr. WILEY. No; what the Senator is trying to do is to do something that he cannot do, and yet he wants the people to believe he can do it. We might suggest that it is the sense of Congress that the trainees be not used outside of the United States. This is a mere suggestion.

Mr. LODGE. Oh, no; I do not want the people to believe anything that is not so.

Mr. WILEY. But the effect of it is just that. I do not know any way in which the legislature can take away from the Executive a constitutional power.

Mr. LODGE. This is a pious hope, and it is something that can do no harm and may do some good, because——

Mr. WILEY. Well, Mr. President——

Mr. LODGE. I have the floor. Just let me finish my sentence.

Mr. WILEY. I beg the Senator's pardon.

Mr. LODGE. I think any President is going to think twice before he overrides the expressed judgment of Congress.

Mr. WILEY. Mr. President, I disagree with that statement. I agree that any President should listen to the voice of the people in relation to not meddling in Europe; but this President has not done so, and there is no assurance that he will not continue his present methods, and there is no reason for our trying to say to the electorate of the Nation that by this very thing we can stop him from meddling in Europe. I say perhaps this very discussion will bring light so that the people will recognize that this Government is constituted in such a way that the Executive has powers that are so well defined and so absolute that neither the judicial nor the legislative branch can interfere with those powers; and the same thing is applicable to the powers of the legislature and to the powers of the judicial branch.

My only purpose in rising is to get this significant fact to the country, that in doing this thing we are doing an ineffective thing so far as interfering with the Executive's constitutional power is concerned.

I am in favor of the idea contained in the amendment, but I am not in favor of giving the idea out to the people that we can limit the power of the Executive.

Mr. LODGE. I agree. If the President wants to meddle in Europe, this is not going to stop him. But I say it is a step in the right direction.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. ASHURST. The able Senator from Massachusetts took the words out of my mouth. I was just about to say that it is an earnest hope, a pious wish, an expression of the opinion of Congress, and I say for the third time, with the Senator's permission, I believe the President would be inclined, and that any President would be inclined, to respect it.

Mr. President, will the Senator yield further?

Mr. LODGE. I yield.

Mr. ASHURST. If the President should, notwithstanding this expression of congressional opinion, send the Army to Europe, there is little we could do about it.

I ask the Senator to let me have 2 minutes more.

Mr. LODGE. I yield the floor to the Senator, because I have completed my statement.

Mr. ASHURST. The Monroe Doctrine, to which all Americans seem to subscribe—I have found not to exceed 50 Americans who are opposed to the Monroe Doctrine—provides in haec verbae, not impliedly, but in so many words, that we will never permit Europe to interfere with cis-Atlantic affairs, that is, affairs on this side of the Atlantic. But the Monroe Doctrine is a two-way street, and we, under the Monroe Doctrine, reciprocally agree in so many words that we will never intermeddle in the wars of Europe, or interfere with European concerns. There is no historian, no lawyer, no well-informed person who would deny these provisions of the Monroe Doctrine.

Moreover, there is another feature of the Monroe Doctrine equally as important, but frequently overlooked, a provision recognized by almost every President since the promulgation of the document; to wit, that if a government be established in Europe we will not spin out the fine, oblique threads to ascertain who and which is the government de jure. We recognize, if we recognize anything, the government de facto. As the authors of the doctrine declared, and as President Jackson said, we are too busily engaged with our affairs in this hemisphere, we are too busy with our own internal affairs, to spend our time profitlessly, in attempting to spin out and unravel the interwoven, intertwined, and hidden threads, as to which is the legitimate government of some country in Europe. Therefore we recognize the government de facto, and do not attempt to ascertain what and who is the government de jure, that is to say who is the legal government.

To permit Europe to interfere or intermeddle with cis-Atlantic affairs is a violation of the Monroe Doctrine and

our intermeddling with European affairs is also a violation of the Monroe Doctrine. So the able Senator from Massachusetts is merely in a brief way reiterating what historians, statesmen, and students of government have understood the Monroe Doctrine to mean ever since it was promulgated.

Mr. JOHNSON of California. Mr. President, will the Senator from Arizona yield?

Mr. ASHURST. I yield.

Mr. JOHNSON of California. I wish to call attention to one example to which the Senator from Wisconsin referred. I have a very lively recollection of the troops of this country who were stationed at Archangel and Murmansk and in Siberia. It took three resolutions of this body to get them out, the last vote resulting in a tie, and the tie was decided by the then Vice President, Mr. Marshall. But after that time, and after there was refusal again and again to interfere or to bring those troops back, when that vote had been taken they were brought back, and they are now holding their celebrations in different parts of this land.

I mention this merely in order to acquaint the Senator from Wisconsin with the fact that once we voted on this subject, not that we had a right to say how troops should be distributed, not because we were interfering in the prerogatives of other departments of the Government, but we were showing the administration itself that the United States Senate reprobated that sort of thing, and demanded that those troops be returned; and they were returned as a result of that agitation.

Mr. DANAHER. Mr. President, will the Senator from Arizona yield?

Mr. ASHURST. I yield.

Mr. DANAHER. In the light of the observation of the Senator from Arizona in his colloquy with the Senator from Massachusetts, I think it well to keep in mind that when the bill authorizing the President to call out the National Guard and Officers' Reserve Corps and the Organized Reserves components was before us, it was submitted first as an appendix to a letter which was sent to us by the Chief Executive. Remember, when he sat there contemplating how he could achieve what he sought to do he was faced by an existing statute which provided—and I quote from memory—that whenever the Congress shall find or declare that an emergency exists the President may order into active military service these particular reserve components. But when we had before us the particular resolution which we then acted upon, the moment we passed it we had enacted a section called section 4, which suspended all previous laws in conflict therewith.

Another thing, therefore, to be derived from that fact as a matter of law is that by our removal of the control by Congress over what constituted an emergency, and reposing that power in the President, we did it in accordance with his own letter to us asking us for the authority, and in the resolution which he sent to us he expressly provided—and the resolution so states—that those Organized Reserves and National Guard men were to be used only in the Western Hemisphere, and in the possessions of the United States, insular and Territorial. Consequently, if there be a limitation upon the Executive power contained in the National Guard bill, it was because the Chief Executive himself recommended to the Congress that we impose that limitation.

Mr. President, for the purpose of keeping the record clear, there is a very different situation confronting us at the moment, for, after all, everyone who was in the National Guard and everyone who was in the Officers' Reserve Corps was there because he enlisted; in other words, he joined the forces voluntarily.

This is a different proposition entirely, and I think that if Senators will recall the circumstances I have just related, it may shed some light on the controversy the Senator from Arizona had with the Senator from Massachusetts.

Mr. LUNDEEN. Mr. President, will the able Senator from Arizona yield to me?

Mr. ASHURST. I yield.

ARCHANGEL AND VLADIVOSTOK EXPEDITIONS

Mr. LUNDEEN. I should like the RECORD to show, in connection with the remarks of the distinguished Senator from California, who has reminded us of resolutions offered in 1919. These two illegal expeditions were sent to Archangel and Vladivostock. I offered a resolution on January 4, 1919, along the same lines in the House of Representatives. These two expeditions became expeditions in the nature of piracy, and because they were not backed by a declaration of war by the House and Senate. When our soldiers returned the Russians demanded damages for these unlawful expeditions. I say they were contrary to international law. They inflicted great damage upon an allied nation. Villages and cities were destroyed. Death and destruction was visited upon a friendly nation. No wonder they claimed these damages an offset to the loans we made to the Kerensky government.

Mr. LUNDEEN subsequently said: Mr. President, I ask unanimous consent to have inserted in the RECORD at the point of my previous remarks the resolution which we discussed on January 14, 1919, in the House, and some few remarks which I made at that time.

Without objection, the resolution and the statement referred to were ordered to be printed in the RECORD, as follows:

Mr. LUNDEEN. Mr. Chairman and gentlemen of the committee, on the 4th day of January I introduced a resolution demanding the withdrawal of American troops from Russia. This was the first resolution introduced in either House or Senate demanding that our troops be withdrawn from the Russian Republic. A resolution asking for information had been previously introduced in the Senate by Senator JOHNSON of California, and one of the ablest men who ever held a seat in the American Congress, the Honorable William E. Mason, of Illinois, has since delivered several strong speeches in support of this demand.

I send the resolution to the desk and ask that it be read.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

"House Concurrent Resolution 64

"Whereas thousands of American soldiers are now fighting in Russia; and

"Whereas these Americans engaged in war upon the Russian Republic were conscripted to make war on the empires of Germany and Austria; and

"Whereas the President has declared in favor of self-determination for all nations; and we are now permitting enemy nations to adjust their own internal affairs; and

"Whereas the President, on January 8, 1918, in his peace terms which laid down his 14 points declared in point 6 as follows:

" 'The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy'; and

"Whereas the State Department has made public no information as to the causes of war against Russia or the status thereof; and

"Whereas the President has stated officially that America went to war to save democracy; and

"Whereas the Congress of the United States has made no declaration of war against Russia: Therefore be it

*"Resolved by the House of Representatives (the Senate concurring)*, That the President be, and hereby is, instructed to withdraw at once all American troops now on Russian soil."

Mr. LUNDEEN. Gentlemen, the holding of our soldier boys in foreign lands after the conclusion of the World War is in violation of all laws and the Constitution. I strongly urge the speedy return of every American soldier wherever he may be, and it is the duty of this House and the Congress of the United States to pass a resolution definitely and positively directing the President to order the return of these soldiers at once to the United States. An ever-rising tide of sentiment demands their immediate return. Our brave boys themselves in no uncertain language tell us that they are tired of France and England, Germany and foreigners. They have only one compelling desire, and that is the desire to see once more the Statue of Liberty, to tread again the soil of the land they love.

Our American soldiers were not conscripted to fight republics; certainly not Russia—Russia, who befriended us in the Civil War when England threatened; Russia, who now seeks liberty after a century of black Siberian night of Czarism. The President lays himself liable to impeachment and removal from office by his unwarranted use of American troops. Once before he made war against Mexico without a declaration of war; now, again, he makes war on Russia without a declaration. Congress only can declare war

and carry on war, but what else could be expected from an Executive who was elected on the promise to keep our Nation out of war, and then proceeded promptly to plunge us in?

On November 5 the American people placed the Democratic Party in the discard, after a fervent presidential plea to support his foreign policy at the election. The American people do not support the Wilson foreign policy. They are dead against it, and so said at the polls in November. The tide has turned; the men who fought Wilson ran well in the November election, while many of his supporters fell by the wayside. I have voiced my protest against the killing of American boys in the Arctic regions to make good the Russian bonds held by Wall Street. I am unalterably opposed to sacrificing American lives that the Russian bonds held by France or England, or any other country, be made good.

France, supposed to be bled white, is now penetrating Russia from the regions of Odessa, if we can believe the public press, and her columns are half way to Kief. France apparently has not yet had enough of war. We have been sucked into this Russian war by subtle foreign diplomacy.

The United States, Japan, and England all have placed troops upon Russian soil to threaten the people there, and to dictate the form of government which they must have. What hypocrisy is this at a time when we proclaim the doctrine of self-determination for all peoples?

The labor-union element in England, as well as the soldiers themselves, have compelled the British Government to announce that they are going to withdraw the British troops from Russia. In fact, when rumors penetrated the British Army that they were to be sent into new wars in foreign lands they refused to move, and the government was compelled to send a committee to parley with their own troops, with the result that England was compelled to proceed more rapidly with its demobilization and to give the workmen and soldiers further assurance that they would be consulted in the foreign policy and in the domestic policy of the British Empire.

Japan has announced that she will withdraw her troops. In fact, Japan was the first nation to make this announcement. It is not for the American people to argue against or to argue in favor of the present government of Russia. It is none of our business what sort of government obtains in that country. They have the same right to determine for themselves their own form of government that we have, or any other nation. If we speak about blood being shed in Russia, let not the American people forget that millions of men fought and hundreds of thousands died in a bloody fratricidal civil war in this country. It will be a long time before as many lives are lost in any civil war in Russia as were lost in our own Civil War at that time, but we should not argue the question. We should not discuss it. We have problems at home, and these Russian domestic problems do not concern us, should not concern us, and must be put out of the American mind at the earliest possible date.

We have overwhelming problems of reconstruction to solve. We must remember our returning soldiers, the men who fought so bravely for America in the World War. We must care for the war workers, millions of whom are turned adrift. We must solve our problems of unemployment. We have vast tracts of undeveloped land, lands that must be reclaimed. We have tremendous problems which sweep the entire Western Hemisphere, and these must be solved. Yet we leave these questions unsolved, and send boatloads of idealists, dreamers, and college professors to Europe to proclaim universal peace and meddle in the affairs of foreigners. This is contrary, gentlemen, to the advice of Washington, who said in his Farewell Address:

"Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, imperil our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"

It has been the fashion to term anyone who advocated the foreign policy of Washington a traitor to his country, and in that connection let me quote from Washington:

"Real patriots who may resist the intrigues of the favorite [nation] are liable to become suspected and odious while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

"Europe has a set of primary interests which to us have none, or a very remote, relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities."

Instead of following the advice of immortal Washington, America is now being entangled everywhere and with everything the world over. Today our soldier boys are fighting on the Arctic Circle under British command, and when announcement was made that they would be withdrawn in the near future that announcement came from the British Premier and not from our own Secretary of State. To such a depth free and independent America has fallen. The mighty Republic is meekly taking orders from kings and emperors, listening to the wiles and intrigues of foreigners. The time has arrived for a new birth of freedom, a new declaration of independence.

During the war I refrained from criticizing any of our departments. I differed from the policy of the President in implicating America in a war which did not concern us in the least, and I so stated in no uncertain terms. The war has come to an end, however, and certainly no one can now say that we are embarrassing the Government in time of war by telling a few truths concerning the international situation.

The State Department has persistently kept every item of information from Congress and from the people concerning this Russian situation. It pursued a policy of making war without consulting the war-making body. It has demanded money to prosecute that war. Of course, the responsibility for all this devolves upon the Executive himself, who, while he writes golden words and speaks with a silver tongue, acts exactly contrary to his promises and countermarches every movement begun.

Russia is free; the Czar is dead. From our point of view, Russia may not have a perfect Government; I doubt that our own Government is perfect; perhaps our own Government is more perfect than theirs, but who shall doubt that in the course of time, with greater experience and the growing intelligence of the people, Russia will solve her own problems? Shall we take our place in the ranks of the robber nations who seek territorial aggrandizement and who seek to impose their will upon nation after nation, or shall we rather be an example to the world so that all people may see and behold a nation which seeks to promote justice and right and does not seek to impose its will upon unwilling peoples, but, rather, extends to them recognition, sympathy, and the bonds of international commerce and good will?

Mr. ASHURST. If the Senator will pardon me, he said we sent troops there illegally. The chances are they are unnecessarily, improvidently sent, but I really doubt if they were sent illegally because, as I stated, once Congress gives the President an army, he has the power and the right to send it where he chooses. Therefore they could not have been sent illegally.

Mr. LUNDEEN. I would not debate the question with the able Senator, but it did not have the sanction of Congress.

Mr. ASHURST. I yield the floor.

Mr. BARBOUR. Mr. President, I shall address the Senate for only a moment, to emphasize, if it is possible for me to do so, much that the able Senator from Connecticut [Mr. DANAHER] has said more clearly and more factually than I could say it.

I merely wish to ask whether or not the Senate has any power to limit the Executive in this important respect. Certainly if we feel, as I believe the Senate does, about sending young men from this country to Europe, we are remiss in our duty if we do not adopt the amendment offered by the Senator from Massachusetts, or some similar amendment, even if it is the only means at our disposal to express the feeling which I think we all entertain.

Entirely aside from the legalistic limitations, what other act can we perform than to try to record that we do mean that these troops are to be confined to the Western Hemisphere and the insular possessions of the United States?

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARBOUR. I yield.

Mr. CLARK of Missouri. Why is the provision any more a limitation or restriction upon the power of the President to command the Army as commander in chief than a provision that a man may enlist for 3 years, or that he may be inducted for 1 year? Congress has the right to impose any limitation it may see fit to insert upon the character of service or the tenure of service, or anything else, as to the Army which they are furnishing the President. I cannot see any legal ground whatever, although I have very high respect for the legal opinions or the opinions of any sort of the Senator from Arizona, for the contention that it is a violation of the President's constitutional function as commander in chief of the Army and the Navy to insert a limitation upon the character of service of men when Congress is raising an army, any more so than when raising an army it says that the men shall be enlisted for 3 years, or, as we say in this very bill, that they shall be inducted into the service for 1 year. It is a limitation of precisely the same sort when we say that the men who are inducted into the service shall serve only in the United States, or in this hemisphere, or in any other place which the Congress sees fit to prescribe.

Mr. ADAMS. Mr. President, inviting the attention of the Senator from Missouri, I ask him whether he knows that the Constitution specifically gives the Congress of the United States power to make rules with reference to the land and naval forces of the United States?

Mr. CLARK of Missouri. Yes, Mr. President; it does.

Mr. BARBOUR. The only thing I wish to say further is that this is the only move we can make, and the only way in which we can make it; it is all we can do, providing the Senate feels that it is our purpose and intention not to send the land forces out of the country in peacetime, for purpose of training. Entirely aside from any technical legal arguments, I feel, that without any desire at all to infringe in any way on the powers of the Executive, it is our duty and right to adopt the amendment, or if there is another amendment that has more virtue than this one, adopt that amendment, though I do not suggest that there is such an amendment; or that such another amendment is necessary.

Mr. TAFT. Mr. President, I think it would be unwise to adopt the amendment for a somewhat different reason than has been urged. It seems to me that I would rather have a complete disregard of the subject than to have an amendment of this kind which implies the right of the President to send an army to Uruguay, Brazil, Chile, or the Argentine.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CLARK of Missouri. As soon as I get the floor I propose to offer a substitute for the amendment of the Senator from Massachusetts, limiting the services of the men to be inducted into the service, or conscripted—because that is what it is really—to service in the continental United States or in the Territories and possessions of the United States.

Mr. TAFT. Mr. President, I voted for a similar amendment proposed by the Senator from Colorado to the National Guard measure, for the same reason which then applied. It seems to me today it is very clear that it is proposed that we should render some kind of armed assistance to the republics of South America, and I do not think the Congress ought to give any support to the theory that we approve that policy.

On August 23 a report appeared in the New York Times from John W. White, a correspondent at Montevideo, which stated:

> Uruguay has informed Washington of her willingness to cede naval and air bases for hemisphere defense.
>
> * * * * * * *
>
> This proposal was made late in June to two secret emissaries from Washington sent to Montevideo to discuss details of the military and naval assistance that the United States was offering to Uruguay at that time in view of the discovery of a Nazi plot to seize this country as a German colony.

Further down in the article he proceeds:

> Señor Richling reported to the Uruguayan Foreign Minister that Mr. Hull told him the two officers were authorized to work out details of military, naval, and air cooperation for defense of Uruguay if needed.
>
> * * * * * * *
>
> The minister reported that Washington was prepared to send landing forces if necessary—

To Uruguay.

There are other indications. The speech made by the able chairman of the Committee on Military Affairs on the National Guard bill implied that we might need a large Army in order that we could send a military force to South and Central America. That seems to me to be a policy that would be foolish to try to enforce and one that we should not sanction.

If we can control the Atlantic with our Navy we can enforce the Monroe Doctrine. If we do not have a Navy which can control the Atlantic Ocean, we cannot enforce the Monroe Doctrine. If we have a Navy which can control the South Atlantic, then we can keep the Germans from attacking Uruguay, but if we do not have that kind of a navy we cannot send our Army down there and leave it there with the Germans or someone else in control of the South Atlantic, and ever hope to get that Army back. I do not think that that is a policy that we should in any way sanction.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. VANDENBERG. There might be further implications in spite of the assurances given us. I quote one sentence from General Shedd's testimony, speaking about 1-year voluntary enlistments:

> Under such enlistments garrisons overseas could not be properly maintained.

Mr. TAFT. The implication being that we may have garrisons in all parts of the Western Hemisphere.

Mr. KING. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. KING. I apologize for interrupting the Senator. It seems to me that the Monroe Doctrine is not a mere figment. When we announce that we believe in the Monroe Doctrine, it means we will protect it; it means that if Germany or any other nation should send military or naval forces into Central or South America, under the Monroe Doctrine it would be our obligation to defend the territory assailed and invaded, even though it would require troops to accomplish that result.

Suppose the Navy should fail. Are we to stand by and see foreign troops land in Yucatan, or in Cuba, or any part of South America, and refuse to take any part, because, forsooth, it is improper for us to send our troops there?

Mr. TAFT. I am not trying to dispute with the Senator from Utah. I think I would send troops to all the Caribbean area if the Germans came in, if they tried to establish air bases, possibly even in the case of trouble in those countries caused by German fomentings, but the Senator cannot tell me that we can get troops by land to Brazil or the Argentine. It is beyond possibility to transport an army unless we have control of the seas, and if we have naval control of the seas, we can defend the Western Hemisphere with our Navy.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BARKLEY. Of course, it is not involved in the amendment offered by the Senator from Massachusetts, but under the theory suggested by the Senator from Ohio, if an amendment of that sort should be agreed to, we could not send even an airplane into South America manned by anyone trained under this measure. It is entirely possible that under certain conditions it might be inadvisable to send an army into South America, or certain parts of it, but we could certainly send numerous airplanes. Up to today it has been found impossible for Germany to get an army into England, but that is in no way retarding her effort to use her air force.

Mr. TAFT. I may say that if any air force were to be sent into South America it would almost certainly be a naval air force accompanying the Navy of the United States.

Mr. BARKLEY. Not necessarily. If we get the air force we hope to get in the next year or two, it might be entirely possible to meet any situation that might arise with our air force without sending an army of any size.

I think it would be most unfortunate if we should create the impression by anything we do that, no matter what efforts may be made by any possible enemy to make an attack on the Western Hemisphere, either by naval force or air force, we would sit on our front porch and wait for the enemy to come to the United States of America.

Mr. TAFT. I think it would be very much more dangerous to adopt a policy under which we would send an army to South America. In the first place, the Army would have to be larger by a million men than the one we have now. We are going to tax our financial resources; we are going to call into service our available personnel.

If we adopt that policy, we must have an Army of 4,000,000 men. That is what General Marshall testified, and that is his only mention of an army—an army of 4,000,000—when he was asked how large an army we need to defend the entire Western Hemisphere.

Mr. BARKLEY. The Senator knows that all through the past, whenever we have been at war with any nation, we have sought them out where they were, and where we could find them, and the same spirit will actuate the American people in another war.

Mr. TAFT. But the amendment relates to time of peace, not to time of war.

Mr. BARKLEY. Oh, no.

Mr. TAFT. If Congress ever declares war, we can authorize the Navy to go to any part of the world, and we probably can authorize the Army to go anywhere then.

Mr. BARKLEY. I am not talking about the Lodge amendment. It applies to peace and to war also. However, I am not talking about that amendment. I am talking about the Senator's theory that there ought to be some provision in the bill which will prohibit the sending of any of the men or any of the equipment which they are to man under this measure anywhere outside the United States or the possessions of the United States. The Senator knows, and we all know——

Mr. TAFT. I would far rather leave the President's discretion in control than to put in it an express provision which draws a line and says, "You cannot send these troops to Europe, but it is all right for you to send them to Brazil." I prefer the limitation, but I am chiefly interested in not having that implication drawn from any action taken by the Senate of the United States.

Mr. BARKLEY. I agree with the Senator from Ohio insofar as he says that he prefers no limitation at all, even the limitation placed in the amendment of the Senator from Massachusetts. But I think we mistake the temper of the American people, and certainly we mistake our own duty, if we are willing to create the impression that no matter what aggressors may come to the Western Hemisphere we will do nothing whatever to resist them, if we have the power to do so; that we do not propose to do anything to repel their invasion, although we have guaranteed to the Western World, as a protection to ourselves in part, if not a protection to them, that we will resist invasion of that sort.

Mr. TAFT. I do not think that any army ought to be sent to South America. I do not believe that the Monroe Doctrine has ever carried with it any such promise.

Mr. LODGE. Does the Senator from Ohio take the position that we ought to confine our Army to the continental United States and its Territories and possessions?

Mr. TAFT. I think I would vote for such an amendment today, but I certainly would be prepared to change my view very quickly. What I am principally concerned about is in implying that we will send an army to Brazil or the Argentine, or authorize the Army to prepare plans as if we were going to pursue such a policy.

Mr. LODGE. I was wondering about the Senator's attitude, because I thought I understood him to say that he would favor sending troops to some of the Caribbean islands, which are not American possessions, in order to protect the Panama Canal.

Mr. TAFT. I would if necessary, but I think Congress can be called in session before such a necessity arises, and so I would vote for the amendment offered by the Senator from Colorado. But I do not like the implication contained in the pending amendment.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. ADAMS. I wanted to make an inquiry of the Senator from Kentucky. If I understood him correctly he is willing to have the power vested in the Executive to send the armed forces of the United States to any foreign territory that he sees fit to send them to, without the consent of the Congress.

Mr. BARKLEY. The Senator from Kentucky did not make that statement or anything that could be so interpreted. What I said was that the amendment now pending would affect both peacetime and wartime, and that if we should get into a war with another country we should be able to attack the enemy wherever he may be found. Of course, we always have to reiterate that we do not want to get into war, because if we say "if we get into war" some Senator rises and says we mean we are going to get into war. That is not true. But we must always consider the possibilities. What I said was that at no time in the past in any war in which we have ever been engaged have the American people ever been content to sit down and wait for an enemy to get to our shores before striking him wherever he may be found. In my opinion, we shall do so at no time in the future.

Mr. ADAMS. That is the part I recall. I was wondering whether or not the Senator felt that if the President were uneasy he should have the power to make that decision himself, and send the Army to any part of the globe without referring the matter to the Congress.

Mr. BARKLEY. I did not say that.

Mr. ADAMS. It seems to me that is an unavoidable consequence of the position taken by the Senator.

Mr. BARKLEY. I did not say that. I would favor such power in time of war, but in time of peace I see no occasion for it.

Mr. ADAMS. Then the Senator has no objection to a restraint upon the President in the hands of the Congress in time of peace.

Mr. BARKLEY. I think we have done that in the National Guard Act, although that situation was a little different from this. As I understand, the language of the pending amendment is the same language as that which was adopted in the National Guard Act. Personally I shall not quarrel over the matter. What I am anxious not to do is to create the impression among foreign nations that in the face of any potential enemy, no matter what happens, we are not willing to send our forces anywhere outside the United States or its possessions.

Mr. ADAMS. Whom does the Senator mean by "we"?

Mr. BARKLEY. I mean the United States.

Mr. ADAMS. Does the Senator mean the President? Is the President "we," and should he be permitted to do as he pleases, or should he come to the Congress? I happen to be among those who think that the use of the armed forces, transporting them upon a hostile mission, should not be done without the consent of Congress. I do not think that means, as the Senator says, that if we wait for Congress to act we are sitting on the front porch smoking our pipe regardless of what takes place. I think the power to control the armed forces, and to do what is practically tantament to a declaration of war, should be left to the Congress. The Congress is always available, and I think it is a very dangerous policy to leave the matter to the Executive. If I were sure that the Senator from Kentucky would be in the Presidential chair beginning at the end of the next 4 years, I should have no objection.

Mr. BARKLEY. I think I can assure the Senator from Colorado that the Senator from Kentucky will not be in the Presidential chair.

Mr. ADAMS. No; the Senator cannot assure me of that. The people may be wiser than the Senator from Kentucky thinks. [Laughter.]

Mr. BARKLEY. I thank the Senator for the compliment he pays the people. [Laughter.]

Of course, that raises the question, if I may answer the Senator, What is a state of war? It is entirely possible that there might be a state of war by a declaration of war against us by some other power, when we had not reciprocated by ourselves making a declaration of war on the part of the Congress. Certainly if there is a state of war between this country and any other, whether the declaration is on our own part or whether it is on the part of some other nation, or whether some other nation is actually making war upon us, I think the President should have the power to use the land and naval forces.

Mr. ADAMS. I think the phrasing of the Constitution should be interpreted in a modern way. The Senator is one of the liberal constructionists. The Constitution should be read today to the effect that Congress shall have the power to declare war or to make war; in other words, that war should not be declared or made by the Executive, but only by the Congress.

Mr. BARKLEY. Mr. President, I wish to propound a unanimous-consent request. I have been trying to work out an agreement for a limitation of debate. We have to do these things piecemeal; we cannot do them all at once. I think it is possible to arrive at an agreement for a limitation of debate on all amendments which may hereafter be offered, but not on the bill itself.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. That does not include the pending amendment and amendments to it; does it?

Mr. BARKLEY. I can make the request apply following the disposition of the pending amendment.

I ask unanimous consent that following the disposition of the pending amendment, during the further consideration of the bill, and during the pendency of amendments to the bill, or to any substitute to the bill, no Senator shall speak in the aggregate more than 15 minutes. That means that any Senator offering an amendment may explain it and not consume his entire time, but reserve some of it for rebuttal if he so desires; but that he shall not use in the aggregate more than 15 minutes. The limitation would not apply to discussions on the bill itself, or on substitutes to the bill, so that any Senator who may obtain the floor on the bill or on any substitute while an amendment is not pending, may be permitted to speak without limitation, but pending any amendment to the bill or to any substitute, no Senator shall speak in the aggregate more than 15 minutes.

Mr. CLARK of Missouri. The Senator from Kentucky discussed this matter with me a little while ago; and, so far as I was concerned I was perfectly willing to agree to a 15-minute limitation in the aggregate on any one amendment. After that, however, another Senator told me that he had an agreement with the Senator from Kentucky to make the aggregate 20 minutes. Inasmuch as that Senator has left the Chamber, I desire to inquire of the Senator from Kentucky whether or not the Senator from West Virginia had agreed to a 15-minute limitation?

Mr. BARKLEY. Yes. I have conferred with him, and he has no objection to it.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ADAMS. If the unanimous consent for limitation for debate is entered into, does the Senator still intend to entertain us this evening on the floor of the Senate?

Mr. BARKLEY. Yes.

Mr. ADAMS. I think I shall object if we are compelled to remain in session.

Mr. BARKLEY. Of course, the Senator has a right to object.

Mr. ADAMS. I do not think it is quite fair to Senators to come here day after day at 11 o'clock, and then be crowded into night sessions. There is a certain physical limitation. We are not dealing with trivial matters. We are dealing with the lives and fortunes of the United States. When we have night sessions, with a tired Senate, we do not have the attention of Senators. If there ever was a bill before the Senate which was entitled to have the careful, conscientious attention of Senators, it is the one now pending.

Mr. BARKLEY. My experience—and I think that is true of all Senators—is that we have better attention and better attendance at night than we do in the daytime. I grant that this is an important bill—one of the most important that has been before the Senate for a long time. However, it seems to me that it would be no more tiresome and no more exasperating to have a night session with a limitation of debate than to have one without limitation of debate. We certainly can make more headway with a limitation of debate.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I merely wish to ask if it is the interpretation of the Senator from Kentucky that such an agreement would include an amendment in the nature of a substitute for the whole bill?

Mr. BARKLEY. No. I said it included amendments to such substitutes, but not to the substitutes themselves.

Mr. CLARK of Missouri. Or a motion to recommit.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. HOLT. Mr. President, I should like to have the agreement stated. I think I agree with it, but I wish to be sure.

Mr. BARKLEY. If the Senator from Colorado intends to object, there is no use in restating it.

Mr. ADAMS. I shall make no objection if the Senator will make some restriction on the night session.

Mr. BARKLEY. I am not willing to enter into any bargain in order to obtain an agreement for limitation of debate.

Mr. ADAMS. I object, Mr. President.

Mr. CLARK of Missouri. Mr. President, I offer an amendment in the nature of a substitute for the amendment of the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. The amendment in the nature of a substitute for the amendment offered by the Senator from Massachusetts will be stated.

The CHIEF CLERK. On page 17, between lines 13 and 14, it is proposed to insert the following new subsection:

(d) Persons inducted into the land or naval forces of the United States for training and service under this act shall not in times of peace be employed beyond the limits of the continental United States and the territories and possessions of the United States.

Mr. WILEY. Mr. President, I heard the substitute amendment read. Assuming that it would operate as a restriction on the Executive, I should like to ask the Senator from Missouri whether or not the effect of the amendment, if it were adopted—assuming it to have effect and validity—would be absolutely to limit——

Mr. CLARK of Missouri. I necessarily assume it would have effect and validity, or I should not have offered it, in spite of having listened to the speech of the Senator from Wisconsin a little while ago.

Mr. WILEY. I shall not enter into any discussion in that connection. I say, assuming that to be true, in case the Executive or the War Department should have inside information to the effect that the French islands in the Caribbean or the British or Dutch possessions there, were to be taken possession of by Germans, Italians, or someone else in violation of the Monroe Doctrine, would the use of the troops then be so limited that they could not be used for that purpose?

Mr. CLARK of Missouri. None of the conscript troops could be used for that purpose under this provision. It is exactly the same provision which was originally offered by the Senator from Colorado [Mr. ADAMS] to the National Guard bill. So far as seizing Martinique is concerned—if that is what the Senator from Wisconsin is talking about—at the present time we have the Regular Army and quite a large Marine Corps, which would be available for that purpose on the President's order.

So far as being any limitation on the authority of the Executive is concerned, I do not think it is any more a limitation on the authority of the Executive than is provided in the law that we will induct the men into the service for a year, or to provide in another law that we will accept enlistments for 3 years. That is a limitation on the authority of the Executive, so far as that is concerned.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WILEY. I understand, then, that it would mean that the troops could be used only in continental United States and in Panama, Hawaii, and the Philippines.

Mr. CLARK of Missouri. Any possession of the United States. Yes; that is the purpose of the amendment.

I do not desire to detain the Senate on this matter, because it was exhaustively discussed on the National Guard bill, on the amendment offered by the Senator from Colorado [Mr. ADAMS]. I only desire to say that it seems to me to be even a much more meritorious proposition on this bill than it was on the National Guard bill, because the National Guard was made up of men who voluntarily enlisted in the Army of the United States with the full possibility that they might at some time be drafted into the Army of the United States and sent abroad for overseas service if Congress saw fit to declare an emergency, while these men are being taken willy-nilly from their homes ostensibly for training; and it seems to me that to say that they shall not be ordered out of the United States in time of peace—not in time of war, but in time of

peace—without the authority of Congress is simply protecting these men in rights which they ought to have.

Mr. SHEPPARD. Mr. President, as the Senator from Missouri says, we have discussed this matter thoroughly.

Mr. CLARK of Missouri. And it was defeated by one vote.

Mr. SHEPPARD. And it was decided in the negative.

Mr. CLARK of Missouri. By one vote.

Mr. SHEPPARD. Not the second time. When the Senator from Missouri moved to recommit, the motion was defeated by seven or eight votes.

Mr. CLARK of Missouri. That was because of the fact that under the gag rule which we had adopted—voluntarily, I admit—it was impossible to explain to the Senate what the effect of the motion to recommit was.

Mr. SHEPPARD. I understand; but it was defeated by more than one vote on the second vote, whatever may have been the reason.

Mr. CLARK of Missouri. Not on the amendment.

Mr. SHEPPARD. If we should adopt the Clark amendment now we should have one rule for the National Guard and another rule for those coming into training and service under this bill, and the result would be very confusing.

Mr. LODGE. Mr. President, I should like briefly to state my reasons for opposing the substitute for my amendment which the Senator from Missouri has offered.

As the Senator from Texas [Mr. SHEPPARD] has just said, the effect of the amendment of the Senator from Missouri, if adopted, would be to put the National Guard soldiers and officers and the Reserve officers on one footing and those who are inducted under this bill on another footing, which I do not think would be an advisable or a desirable thing to do. Beyond that, however, I should like to call the Senator's attention to a situation of this kind:

Let us suppose, for example, that there should be an invasion of the Pacific coast. Under such conditions, soldiers from all parts of the country would very properly be sent there to help repel the invasion, which, of course, is what should be done. Let us assume the converse, that there should be an invasion threatening New England through New Brunswick or Nova Scotia, or that there should be some form of hostility threatening the southeastern part of the United States, based on Cuba. Under those conditions, a boy from New England would have to go to defend his country several thousand miles away from his home, but he would not be allowed to defend his own home at close range. In my judgment we cannot overlook the facts of geography, and while I strongly feel——

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LODGE. I will yield in a moment, when I finish the sentence. While I strongly feel that we have no business to be sending any troops to Europe, or the Argentine, or Chile, or Uruguay, I think it is too much of a limitation, in view of the facts of geography, to tie them down to continental United States.

Mr. CLARK of Missouri. If the Senator will yield, I call his attention to the fact that the Senator has been stating the case of an invasion of the Pacific coast, or an invasion of New England, or an invasion of South America. That certainly would constitute a state of war. This substitute provides only for time of peace.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. I suppose the fact is not material that we defeated a similar amendment on the National Guard bill; but does not the Senator think that, due to the composition of the National Guard, if any such amendment would have any merit anywhere it would have more merit on the National Guard bill than on this bill, which applies to everybody in the United States subject to military service?

Mr. CLARK of Missouri. Mr. President, if the Senator from Massachusetts will yield, we are going to have exactly that situation anyway.

Mr. LODGE. I yield the floor. I have said all I desire to say.

Mr. CLARK of Missouri. We are going to have precisely the situation which the Senator from Kentucky is talking about in any event if we pass this bill, because we have already passed a bill providing for ordering the National Guard into service for just a year—precisely a year. The bill does not say "not less than a year" or "not more than a year," but it says the National Guard shall be ordered into service for precisely a year. Some of these conscript troops are going to be ordered to fill in as additional increments for training with the National Guard. They will be coming into the service either in October, if the original plans are followed out, or after the election, if the exigencies of the campaign compel that course. In any event they will be coming in at a different time, drafted for a year, and we shall have a situation in which at the end of a year all the National Guard officers and the organization, under the terms of the National Guard Act which we passed the other day, will be entitled to go home, and these conscripts will be left around in various camps with their officers and the older troops and the equipment all taken home. So the situation just depicted by the Senator from Kentucky and the Senator from Massachusetts is already inherent in the laws we have already passed, if we pass this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | King | Russell |
| Andrews | Davis | La Follette | Schwartz |
| Ashurst | Donahey | Lee | Schwellenbach |
| Austin | Downey | Lodge | Sheppard |
| Bailey | Ellender | Lundeen | Shipstead |
| Bankhead | George | McKellar | Slattery |
| Barbour | Gerry | Maloney | Smathers |
| Barkley | Gibson | Mead | Stewart |
| Bone | Glass | Miller | Taft |
| Bridges | Green | Minton | Thomas, Idaho |
| Brown | Guffey | Murray | Thomas, Okla. |
| Bulow | Gurney | Neely | Thomas, Utah |
| Burke | Hale | Norris | Truman |
| Byrd | Harrison | Nye | Tydings |
| Byrnes | Hatch | O'Mahoney | Vandenberg |
| Capper | Hayden | Overton | Van Nuys |
| Caraway | Herring | Pepper | Wagner |
| Chandler | Hill | Pittman | Walsh |
| Chavez | Holt | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Calif. | Reed | White |
| Connally | Johnson, Colo. | Reynolds | Wiley |

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. THOMAS of Utah. Mr. President, I trust that both the amendment and the substitute will be voted down. If the Senate does vote these two amendments down, we will be voting, as the chairman of the Committee on Military Affairs has already said, consistently with the action already taken.

The President of the United States has already appointed a committee to consider with Canada, for instance, the problem of joint defense. We all know that, coming out of various situations which are arising as a result of the meetings in Habana, likely we will want to put air bases—and air bases will be welcome—in a country such as Costa Rica, let us say for illustration.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. CLARK of Missouri. The Senator has referred to the fact that we have entered into a joint agreement for defense with Canada. Of course, all any Member of the Senate knows about that I presume is what he has read in the newspapers, because the President has not seen fit up to date to carry out the constitutional provision as to treaties, and submit the agreement to the Senate.

But assuming that there is an agreement for joint defense, I call the attention of the Senator to the fact that the Canadian conscription law specifically provides for exactly such a provision as I am covering in my substitute, except that it provides that conscripts shall not be called to serve outside the Dominion of Canada, not in the possessions, because I do not suppose Canada has any, but the Canadian conscription

law calls their conscripts into service for only 1 month, and provides also that no man so drafted shall be called on to serve outside the Dominion of Canada. Therefore it seems to me that when the Senator makes reference to our joint agreement with Canada for defense as an argument against providing that our conscripts shall not serve outside of the United States it is an extremely faulty argument, because Canada has already done precisely the same thing.

Mr. THOMAS of Utah. I think the Senator will discover that I said nothing about an agreement. I mentioned the fact that the President had appointed a committee for consultation on defense. I bring that up merely as an illustration of what might happen. We do not know anything about what will happen, but we know that nothing will happen unless the Senate and the Congress of the United States understand what is going to take place and what will be done.

When we are dealing with two countries there is always agreement between those countries, but the fact remains that if, for example, we should limit the sending of our troops outside the confines of the United States or wherever the United States has jurisdiction, we would hamper the thought, we would hamper the actions, of any committee which is negotiating or which is planning or which is conferring—an activity entirely in harmony with the President's right—in regard to defense.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. SHIPSTEAD. In view of the remarks of the Senator from Missouri, I think it will be found that what he said about the Canadian conscription law prohibiting the taking of conscript armies away from the soil of Canada also applies to the Conscription Act of Australia, a part of the British Empire, of course, and at war. I understand also that New Zealand has nothing but volunteers in service in her army.

Mr. THOMAS of Utah. That is all true, and I think that if the Canadian and the Australian Conscription Acts were stated in full, it would be shown that citizens could not be taken against their will.

Mr. SHIPSTEAD. That is correct.

Mr. THOMAS of Utah. They may be conscripted, but the question would be put up to the individual as to whether he would want service or not.

That kind of argument is just as invalid as it can be in connection with the matter before us, for the simple reason that if we were planning, for instance, an international agreement whereby the United States might put an air base in one of the smaller countries in America or one of the larger countries, we would be prohibited from sending our men there. We could still do it, and the Canadians do it, with their consent, or with some idea of that kind.

We must remember that the bill before us is primarily a training measure, it is a proposed act dealing almost entirely with the training of the Army of the United States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. When I have finished with one idea I will yield.

The biggest idea in regard to training all the time is that we would give the larger units, the divisions, for example, the larger coordinated units of the Army, an opportunity to train, so that our senior officers would have the facilities and the experience of commanding the larger units.

I yield to the Senator from Tennessee.

Mr. McKELLAR. I think the Senator will agree with me that we do not want to get into the European war. We do not want to send our troops abroad to fight in foreign lands; but we have a very great threat against us at this time. If we prepare properly, we will not be invaded. We are undertaking in every way to prepare against that threat. We have already appropriated billions of dollars, and are going to appropriate billions of dollars more. To do what? To prepare so that if we get into a fight, if we are forced into a fight, we will be able to defend and protect this country.

I think the Senator from Utah and I think all Senators will agree to that statement. When a person gets into a fight he wants just as few hobbles on him as possible; he wants to be free to act, and when a nation gets into a fight, likewise on the same principle, it does not need any hobbles, and the more hobbles we put upon our country at this time we are that much less prepared to fight those who come against us.

Mr. CLARK of Missouri. Mr. President, may I ask the Senator to yield to me simply to answer what my friend the Senator from Tennessee said? The Senator from Tennessee is always interesting. His remarks would be still more interesting if they were pertinent. Had the Senator read the substitute which I offered he would have discovered that the provision with respect to not sending these troops outside the boundaries of the United States applies only in time of peace and not in wartime. I suggest that there is ample room in the United States to train troops in Tennessee or Missouri or Texas or Utah, without sending them for training purposes to Ecuador or Canada or anywhere else.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. McKELLAR. Let me have a word more to say about that. I have read the Senator's amendment. If we in the Senate continue to delay the passage of the bill, and by the same token continue to delay action on the great preparedness bill reported by the Appropriations Committee, which bill is now on the calendar, and which will come up immediately after the enactment of the pending measure, it will not make much difference how much room we have to prepare here or abroad, we shall not be prepared, for with all this long talk and delay we shall be too late.

I wish to say now that I think we are taking entirely too much time to pass the bill. We have been discussing it nearly 3 weeks. We ought to pass the bill. We ought to pass the other preparedness appropriation bill. We ought not to take so much time with this legislation. I think we are whittling away time. We all know how we are going to vote on this matter. We have all made up our minds how we are going to vote. I think there is not a single Senator in this body who has not made up his mind how he is going to vote on these various amendments and on the bill itself. Why not vote? Why not settle the matter one way or the other? Let us vote on this bill today. If the Senate by a majority vote on the Senator's amendment favors it, let that be done. If the Senate votes it down, let us proceed to another amendment, but for heaven's sake let us do something. [Applause in the galleries.] We have been debating this bill for nearly 3 weeks. We have talked enough. Let us vote.

Mr. CLARK of Missouri. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. I suggest to the Chair that the galleries should be admonished, and that if further demonstrations are made the galleries should be cleared.

Mr. McKELLAR. Mr. President, it is of no consequence to me what the Chair does in that respect. That is not my part of the program. That is the function of the Chair. However, I wish to say that we have been debating this matter here for more than 3 weeks. We actually started on it before we got through with the National Guard bill. We are not going to change a vote by further debate.

The matter ought not to be debated any further. Why? Because every one of us has made up his mind how he is going to vote. It is pure poppycock to think that votes are going to be changed from now on. Let us get rid of these amendments. Let us vote on them. If the Senator from Missouri has enough friends for his amendment to have it adopted, let us put it in the bill. If he does not have a sufficient number of votes, then let him proceed and offer other amendments, but let us vote on them. We all know how we are going to vote.

Mr. CLARK of Missouri. Mr. President, the Senator has talked a good deal more about my amendment than I myself have talked about it. The Senator has occupied fully

as much time on this matter as I have occupied on the conscription bill.

Mr. McKELLAR. I congratulate the Senator if I have talked more than he has. I am willing to stop right now and ask unanimous consent that the Senate vote on this question.

Mr. SMATHERS. Vote!

Mr. McKELLAR. We have already voted on the same amendment on another bill. Why not vote on it again if the Senator from Missouri wants another vote? We voted his amendment down once. It will probably be defeated again, though I do not know.

I yield the floor and hope to heaven that we may have a vote.

Mr. CHANDLER. Mr. President, I have not spent any time speaking on the amendment, and very little time on the bill, and I do not intend to speak long, and as soon as I shall have finished I shall be glad to ask unanimous consent that no one else be permitted to speak, and that the Senate proceed to vote immediately. [Laughter.]

I voted for the amendment offered to the bill by the Senator from Colorado Thursday 2 weeks ago. I voted for it because I thought there was enough room in the United States to train the soldiers of the United States. It has been suggested today that perhaps that was a mistake, and if it was, then we ought not to correct it by making another mistake.

I think the Senate made a mistake the other day when by a vote of 38 to 39 it refused to say that the National Guard of the United States should train in the United States and its possessions.

I intend to support the amendment offered by the Senator from Missouri. Simply because I voted one way with respect to the National Guard, and made a mistake, is no reason why I should make two mistakes and vote wrong with respect to the pending amendment.

Our boys are to be trained, and, as the Senator said, if another country attacks the United States, or any of its possessions, that immediately amounts to a declaration of war, and the whole situation is changed. As soon as we go to war the soldiers of the United States go wherever it is necessary in order to defend the United States of America or any of its territories or possessions.

Mr. President, I agree with my friend the Senator from Utah. This is a training proposition. We are asked to train young men in the ways of war, and with the proper equipment and material we can defend the United States in case of emergency. I say we ought to let the soldiers be trained in the United States or its territories or possessions, and quit looking for trouble by sending them somewhere else in peacetime.

Many of the troubles of the United States have been occasioned, as one will find by consulting our history, by sending the soldiers of the United States into foreign countries, and getting into trouble there with the people, which brought on wars which perhaps would not have been fought if the soldiers had not been in places they had no business to be. We can train the soldiers in the United States or in its possessions.

Mr. President, I was charged with bolting the President of the United States because I voted for the amendment of the Senator from Colorado.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. TYDINGS. By way of information, am I to understand that those who are drafted, who may be assigned to the Navy, could not board ships and go anywhere outside the territorial waters of the United States?

Mr. CHANDLER. No.

Mr. TYDINGS. The amendment, I understand, provides for their training in the United States.

Mr. CHANDLER. And its possessions, in peacetime.

Mr. TYDINGS. Suppose a battleship were to go on a cruise in the West Indies. Would that come within the limitations of the amendment?

Mr. CHANDLER. No.

Mr. CLARK of Missouri. The provision with respect to naval forces has been stricken from the amendment.

Mr. TYDINGS. It applies only to the Army?

Mr. BARKLEY. The part pertaining to the Navy contained in the original amendment of the Senator from Massachusetts has been stricken out, but the Senator from Missouri [Mr. CLARK] has offered a substitute for that amendment.

Mr. CLARK of Missouri. Then I modify my amendment to insert the words "inducted into the Army."

Mr. TYDINGS. Of course, it is obvious that without those words——

Mr. CLARK of Missouri. I will say that it was not the intention to cover the Navy in offering the substitute.

Mr. CHANDLER. This is a proposition to train those who are inducted into the service under the bill, and I claim they can be trained in the United States and its possessions and Territories, and that therefore the substitute amendment offered by the Senator from Missouri should be adopted, and I intend to vote for it.

Mr. MALONEY. Mr. President, I should like to ask the Senator if he has taken into account the possibility that we may lease naval bases in places owned by other governments.

Mr. CHANDLER. The Navy has been excluded under the provisions of the amendment, but I would take it that any place under lease by the United States would not be outside the possessions of the United States. It would at least be temporarily in the possession of the United States under lease.

Mr. TYDINGS. I am not on the Military Affairs Committee but, as I recall, the fact was brought out that a great many of these draftees, who are trainees, would be assigned to the National Guard and to the Regular Army to bring the companies and regiments up to war strength.

Mr. CHANDLER. That was the plan.

Mr. TYDINGS. That was the plan. In testifying before the Committee on Appropriations 6 or 7 weeks ago, General Marshall, the Chief of Staff, indicated that his plan was to have about nine divisions fully equipped up to war strength, that would be ready to move on 24 hours' notice to any place in the Western Hemisphere.

While I am sympathetic with the purpose of the amendment, I rise to ask a question. As the war-strength divisions would have the new troops in them, to what extent would that delay quick formation of the Regular Army in the event the provision were written into the bill restricting the trainees from leaving the continental United States when the company or regiment to which they were attached was ordered to go, we will say, to Guatemala, or Trinidad, or to Guiana, or any place where it might be sent?

I ask that question in the best of faith, because we should have a division which would be instantly ordered to go somewhere, but which would contain perhaps 4,000, 5,000, or 6,000 trainees, who immediately would have to be extracted, which would bring the organization down to skeleton strength again.

Mr. CHANDLER. Let me answer the Senator's question by asking him a question. Suppose the trainees have been in training for 11½ months, and an emergency arises, and within 30 days the organization is ordered somewhere, and within 30 days the time of the trainees is up, and they must go back home. This is a training proposition. If emergencies should arise, the trainees would not go with the division. They would have to go back home, because their time would be up.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. Let me finish the thought.

Mr. TYDINGS. I wish to answer the Senator's first proposition before he goes on to the second. If the troops are to be ordered to go to some part of South America, I doubt whether any of the trainees would be returned to civil life in the event they had served their year. As I understand, they

are being trained for service in the event it becomes necessary for our own security to protect any point in the Western Hemisphere.

Mr. CHANDLER. The National Guard training period is limited to 1 year, and the provisions of this bill call for a year's training. We are confusing training with service. If we put men in the Army for the purpose of a year's training, and put them in with the Regular troops——

Mr. BURKE. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. BURKE. The Senator must have overlooked the provision of the bill which provides for a year's training, with the proviso that the time may be extended if an emergency should arise.

Mr. CHANDLER. I am not talking about an emergency.

Mr. BURKE. A moment ago the Senator was talking about an emergency, and he said that if an emergency should arise the men could not go because their year would be up. The year would have nothing to do with it.

Mr. CHANDLER. If Congress should declare war, or if there should be an invasion, then the rules would be off, and we should have another set of rules.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. TYDINGS. The Senator can see how this situation might happen: First, the men go into the service in October. Let us suppose that next January, when they have been in for about 4 months, some situation should arise which we may not think is an emergency, but which the Chief Executive might think is an emergency, and suppose he should order General Marshall to send a division to some country in South America where some event was taking place or was about to take place which would be equivalent to an invasion of the Western Hemisphere.

I do not say that will happen. I am merely taking a hypothetical case. The division which General Marshall would order down to South America would be one of these nine divisions; and we will assume that 40 percent of the personnel of the divisions would be trainees who have been in service for 8 months. General Marshall obviously could not send that division down there, because it would not be a war-strength division. With this provision in the law he would have to extricate the 40 percent of trainees from the division and build up the division with other troops.

I am not arguing against the merit of the proposal; but so long as we allow the President the right to send our Regular Army where he may deem wise, and so long as we allow drafted troops to train with the Regular Army we are likely to create a situation which, in case of emergency, would defeat the very purpose for which we are trying to act now; namely, to have a sufficient force available to meet any contingency the country may face.

Mr. CHANDLER. The Senator presupposes a violation of the Monroe Doctrine which would itself amount to an act of war. Then the whole situation would be changed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. HATCH. Let me ask the Senator from Maryland what emergency could arise which would require the sending of a division of the Regular Army into South America without any authorization from Congress?

Mr. TYDINGS. I do not say any such emergency will arise, but I can immediately imagine how emergencies might arise. For example, certain persons maintain that if Mr. Hitler is victorious in his conquest of Great Britain, he will then take steps toward South America, either to bring on revolution or send a force over there. We do know that we are trying to get naval bases to look after the Panama Canal. We also know that there is a possibility that Germany and Japan might cooperate in some sort of endeavor. It is conceivable—I do not say that it will happen—that it might be wise to send a force below the Rio Grande, somewhere in South America. The point is that we allow the National Guard and the Regular Army to go down there by order of the President, with those divisions literally filled with trainees. The purpose of our training is to augment the strength of the Regular Army and the National Guard in time of emergency; and I was trying to picture the scramble which we have made of this thing. We are really legislating against ourselves. We are trying to build up the Regular Army and the National Guard for an emergency; then when the emergency comes we cannot use the force we have built up because Congress has said it may not go with the Regular troops.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. CHANDLER. I yield.

Mr. HATCH. I wish to say to the Senator from Maryland that if the picture he has painted is correct, I have misconceived the entire purpose of the bill. I have steadily supported the bill, and expect to vote for it. But I do not expect to vote for a bill to send the boys who are gathered together for training under the process we set up here, into any foreign country without specific authorization from Congress. I look at this as a training bill; and we do not need to train these boys in South America.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. TYDINGS. Does that situation apply to the National Guard?

Mr. HATCH. It does not. There is an entirely different situation as to the National Guard. I voted against that provision, and, with due respect to the Senator from Kentucky, I voted right and he voted wrong.

Mr. TYDINGS. The Senator's position is consistent. What the Senator from Maryland is attempting to point out is that we specifically authorized the National Guard to go anywhere in the Western Hemisphere. The Regular Army already is authorized to do so.

Mr. HATCH. Because it is on an entirely different basis.

Mr. TYDINGS. We are filling the National Guard and the Regular Army with trainees. We have trained them. We have them all in a mobile force ready for an emergency; the emergency comes, and we have to dismember the force if we want to send some part of it to another point in the Western Hemisphere.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. CLARK of Missouri. At the risk of incurring the imperial displeasure of the Senator from Tennessee, I wish to point out to the Senator from Maryland that the complement of the situation which he has suggested would exist if we should not pass this amendment. In other words, we have authorized the President to order the National Guard into the service of the United States for 1 year. The provision does not say "not less than 1 year" or "not more than 1 year." It says "1 year." At the end of that year the National Guard is entitled to be returned to private life. I think we all agree on that. Now, suppose we take the drafted men and fill up the National Guard regiment with them, and permit them to be ordered out of the United States. What is to happen to them at the end of the year, when the National Guard division comes home? Are we to leave the drafted men down there by themselves?

Mr. TYDINGS. No. I imagine what would happen at that time is that we should have time to provide other commissioned officers and noncommissioned officers to form new companies and reorganize the trainees.

Mr. President, I do not wish to take up the time of the Senate unduly, but I should like to make one further statement. Of course, there may never be any occasion for this whole debate. Circumstances may prove that we shall not need the men. It may be that we shall never need all the preparedness we have; but in case it is needed, I am afraid we are creating the situation of attempting to provide adequate defense for all emergencies and are putting provisions in the bill so that defense cannot function smoothly, efficiently, and effectively for the emergency, should it ever come, which I hope it will not.

Mr. CHANDLER. Mr. President, I should like to make one statement in conclusion. I voted against sending the National Guard to train outside the possessions of the United

States. I thing I voted right. If I had it to do over again, I should cast my vote the same way. I cast that vote for the reason that we were asked to give the President authority to call the National Guard for training—not for any emergency, but for training—and I think we have enough territory in the United States and its possessions to train the National Guard. Now I am asked to change my position and vote to send the trainees, or permit them to be sent, somewhere other than the possessions of the United States.

Mr. BARKLEY. Mr. President, will my colleague yield?

Mr. CHANDLER. I yield to my colleague.

Mr. BARKLEY. The Senator has emphasized the fact that this is a training bill, which is true; but it is more than a training bill, because section 3, with which the Senator is familiar, provides that every male citizen and every male person, and so forth, who has declared his intention to become a citizen shall be liable for training and service in the land and naval forces of the United States. All through the bill the words "training and service" are used. In addition to that, at the end of the year, when the men go into the Reserve for 10 years, or are continued in service if an emergency should make it necessary, they are still subject to be called for further training and service in the Army of the United States. So, while it is true that the bill is a training bill, it is a service bill as well.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. TYDINGS. In order that the Senator from Kentucky and the Senator from New Mexico may appreciate my good faith on this point——

Mr. HATCH. If the Senator will yield, I have not questioned his good faith.

Mr. TYDINGS. No; I understand that. While I was not here when the Adams amendment was voted on, I sent word to get me a pair if possible, and to announce my position as being in accord with the Adams amendment, and it so appears in the RECORD.

What I am attempting to point out is that the Adams amendment having been defeated, we shall have two different military policies, in my judgment, if an emergency shall ever arise. One policy is to allow the Regular Army and the National Guard to be sent by the Chief Executive to any place in the Western Hemisphere where he may think it wise, by authorization of Congress. The other is that the men who compose the personnel of the Regular Army and the National Guard cannot go with the rest of it in case of an emergency.

Mr. HATCH. Mr. President, will the Senator from Kentucky yield while I propound an inquiry to the Senator from Maryland?

Mr. CHANDLER. I yield.

Mr. HATCH. The Senator from Maryland says he was in accord with the amendment offered by the Senator from Colorado [Mr. ADAMS].

Mr. TYDINGS. I not only was in accord with it, but I tried to get a pair, although I was absent, and was recorded in the RECORD as announcing that if I had been present I would have voted for it.

Mr. HATCH. And now the Senator from Maryland is opposed to the pending amendment?

Mr. TYDINGS. No; not at all. What I am trying to point out to the Senator from Kentucky and the Senator from New Mexico is that the Adams amendment having been defeated, we are now filling up the Regular Army and the National Guard with trainees. The National Guard may be sent somewhere outside of the United States, and so may the Regular Army; but if we expect them to move quickly—and obviously we should want them to move quickly if they were to move at all—30 or 40 percent of the personnel would have to be milked out of the two forces before they could be sent, and that would only make confusion.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. CHANDLER. Before yielding, I should like to say that I admit that the situation is confused, but I am not responsible for the confusion; so I am going to stick to the proposition that if we send the Army of the United States or the National Guard or the trainees to some foreign country we are liable to get into trouble, and frequently do, and if we do not send them we are more likely not to have trouble. I want to train men and have equipment and material sufficient to meet any eventuality that threatens the safety of the people of the United States, but I do not want our men to go to some foreign country. Some of the Senators may be confused, but I am not confused.

Mr. HATCH. Mr. President——

Mr. CHANDLER. I yield to the Senator from New Mexico.

Mr. HATCH. I merely wish to observe that to me there is all the difference in the world between the Regular armed forces of the United States, including the National Guard, and these men who will be brought into the service primarily for training.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. TYDINGS. I think the Senator from New Mexico has missed the point. What I am trying to present to the Senate is that the National Guard as a force and the Regular Army as a force, squad, platoon, company, regiment, brigade, and division are all composed of these trainees; and should a division of the Regular Army, or a regiment of the Regular Army, or a regiment of the National Guard be ordered by the President to take up a position outside the United States, the minute they give the order 30 or 40 percent of the division would have to be drawn out, which would disorganize the whole thing.

Men work together; they cooperate together; they know the officers and the noncoms and the way the thing is run; and the very minute we attempt to use the instrumentality we take 30 or 40 percent away from it, which would necessitate another reorganization, which would not be wholesome from a military point of view.

I am not taking issue with the Senator's point of view of his intention or my intention. I am talking about an actual fact that will exist, no matter what happens, because of the conflicting policies of the Congress in the same bill.

Mr. CHANDLER. But the Senator from Maryland anticipates a situation which will amount to an emergency and change the whole thing.

Mr. TYDINGS. If the Senator from Kentucky will yield, if we are to have no emergency, of course, this whole program is silly.

Mr. CHANDLER. Oh, no. We are all agreed that there is an emergency. The question is, how acute it is. That is the question which occurs differently to all of us.

Mr. TYDINGS. Yes; but we are preparing now because we feel it wise to anticipate a possible emergency.

Mr. CHANDLER. The Senator and I are in agreement about that; but there will not be any war emergency which in my judgment would be enough reason to send the soldiers of the United States to some foreign country or possession until the Congress declares a state of emergency.

Mr. TYDINGS. If the Senator will yield right there, I hope he will remember those words he has just uttered.

Mr. CHANDLER. I will remember them.

Mr. TYDINGS. It may be that when a year goes by they will be just like so many other words that all of us have uttered. He may find, as the years go by, that the so-called emergency is not as simple as it looks today.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. CHANDLER. Just a minute. I did not undertake to convey the impression that we had a simple emergency; but if it comes to taking back words I am glad that I shall have fewer words to take back than most of my colleagues will have, so I shall not be in a great deal of trouble on that account.

Mr. HATCH. Mr. President, the Senator from New Mexico has very few words to take back, because he has said very few; but I want to ask the Senator from Maryland a question, and I ask it because I respect the military judgment of the Senator from Maryland. He has had military experience, which I have not had. I do not know. How much trouble

would it be, and how much confusion would be occasioned, if such an emergency should arise that we should send the National Guard and the Regular Army somewhere else, to drop the trainees under this bill?

Mr. TYDINGS. It would be serious. I am not a military expert, and I do not want to pose as one; but there are simple essentials which I think will appeal to the common sense of everybody. Here is General Marshall, who is setting up 9 or 10 divisions that he hopes to have equipped and trained and together in one place so that on 24 hours' notice they can be entrained and sent to take ship or go to any part of the United States to meet any emergency.

Mr. HATCH. Or out of the United States.

Mr. TYDINGS. Or out of the United States, or anywhere that the President orders them to go, as he has a right to do without referring the matter to Congress.

Mr. HATCH. I do not altogether agree to that, but go ahead.

Mr. TYDINGS. Oh, well, we landed troops at Vera Cruz, as we all know.

Mr. CHANDLER. Nobody agrees that that was right.

Mr. TYDINGS. But we must look at this proposition in a realistic way.

Mr. CHANDLER. No, sir; it was neither legal nor right to land troops somewhere just because what somebody else was doing did not suit us.

Mr. TYDINGS. Let me go a little further and point out this fact:

I am not one of those who have a nightmare to the effect that the United States is going to be invaded tomorrow morning. It is quite likely that we may get through with this whole World War, if we are halfway wise, without being involved in it at all. As I take it, this measure is sponsored out of abundant caution. Just in case our optimistic hopes and our common sense are set aside by the force of events, and we are threatened with war, we are having this force set up, and this preparedness program.

Now, let me point out to my friend that down in South America there is a German air line. It connects several places. It runs quite extensively. It is said—I do not say it is true—that the men who operate that air line are German Army officers who are detached on leave, and that they have photographed every available bit of territory there. I do not say that any of this is true. I simply know that the air line is there, that it is run by Germans, and that the Germans fly the planes.

If those men were Army officers, there would be a nucleus. It is also stated that a large part of the population of all the countries to the south are Germans. We know that to be true. There is a large German population in Brazil, also in Chile, and in other parts of South America.

It is said that they are in close alliance with the German Government in Europe. I do not know whether or not that is true. It is said that if Hitler were successful in invading England, through these various agencies, we ourselves being unprepared, he might use that force for revolution first, and as a nucleus to invade the United States by air. I do not say that is so. I only mention it.

Mr. CHANDLER. Will the Senator delay for a moment?

Mr. TYDINGS. Let me finish my story, and then I will yield.

The Senator from New Mexico asked me specifically if I thought there was any likelihood of an emergency.

Mr. HATCH. The time of the Senator from Kentucky is limited, and we are taking too much of his time.

Mr. TYDINGS. There is no limit on time at all.

Mr. CHANDLER. I am not objecting; I merely wanted to make a point.

Mr. TYDINGS. I do not say any of these things will happen. I did not say that the Germans would go into Czechoslovakia, or that they would invade Poland, or that they would invade Norway, or Denmark, or any of these other countries, and I do not say they would go to South America or come to the United States or Canada. As I take it, we do not believe it, either. But we are having our defenses increased in case they should.

Mr. CHANDLER. Would not that constitute a direct violation of the Monroe Doctrine, and would not that be an act of war, and would not that change our whole situation?

Mr. TYDINGS. Of course it would.

Mr. CHANDLER. The Senator and I are not in disagreement.

Mr. TYDINGS. Oh, yes, we are. Let me say to the Senator that we fundamentally agree on the point that nowadays governments do not declare war before they act.

Mr. CHANDLER. I did not dispute that. I said that would be an act of war.

Mr. TYDINGS. What would?

Mr. CHANDLER. What the Senator just undertook to describe.

Mr. TYDINGS. Fomenting of revolution in South America?

Mr. CHANDLER. With the Germans in charge of things.

Mr. TYDINGS. How could we prove it?

Mr. CHANDLER. It would not be up to me; it would be up to the Army Staff.

Mr. TYDINGS. The point I make is that there might be evidence which might make us think it was so, but we could not prove it.

Mr. CHANDLER. The President of the United States, in that connection, would come to Congress, and he might not be able to prove it, but if he stated that as a fact, and asked for a declaration of war, I doubt whether we would ask him for further proof.

Mr. TYDINGS. We are back to the original proposition. We have allowed the National Guard and the Regular Army to be sent to war anywhere.

Mr. CHANDLER. I did not agree to that.

Mr. TYDINGS. Yet the men who are in the National Guard and the Regular Army cannot go unless they are ordered.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. CHANDLER. I yield.

Mr. HATCH. If it is possible to do the thing the Senator from Maryland has announced under the proposed law, I have a misconception of the bill and have had all the time. I have said that this is primarily a training bill, and I reiterate that statement. It is not a bill for service by order of the President or anyone else except the Congress of the United States. This is what the bill provides:

Whenever the United States is not at war—

And we are not at war, and we are not going to be at war unless the Congress of the United States declares war.

Mr. TYDINGS. Mr. President, I certainly do not want to take issue with the Senator or to reflect on anyone, but I am not so naive as to believe that when there is a force of several hundred thousand men, and the Chief Executive thinks it is wise to do something with that force for the defense of the country, he is going to be quite so meticulous as to find out whether these men are merely trainees or what they are.

Mr. HATCH. Let me proceed, because I want to show the Senator what the bill provides.

Whenever the United States is not at war, each man so inducted shall serve for a training period—

That is the purpose of it—

of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service * * *.

I am perfectly willing to stand on that language. I think it is good language, and it means exactly what it says, and I am going to vote for the bill in view of that language, but I am not going to vote for a measure which would enable the President, any President of the United States, acting under authority of Congress, to draft men for training and send them abroad in service.

Mr. TYDINGS. Mr. President, if the Senator will yield, of course he is not implying that I am asking him to vote for an act to send men abroad?

Mr. HATCH. I thought so.

Mr. TYDINGS. I have tried to point out 10 times to the Senator that I supported the Adams amendment.

Mr. HATCH. I did not.

Mr. TYDINGS. I did. Let me point out to the Senator further that what I have said at least seven times is that the Adams amendment having been defeated—which, incidentally, would allow the National Guard to be sent outside the country and the Regular Army to be sent outside the country—the men who compose the National Guard and those who compose the Regular Army will be these trainees, because it is provided that the method of training shall be by apportioning them to the National Guard and to the Regular Army. Therefore they will already be in it.

Mr. HATCH. I am perfectly in accord with that.

Mr. CHANDLER. The Adams amendment was defeated, but the principle of the Adams amendment was not defeated.

Mr. ADAMS. Mr. President, if the Senator will permit——

Mr. CHANDLER. I yield.

Mr. ADAMS. The Senator from Maryland points out that these trainees will become part of the National Guard, but they still will be the men inducted under the proposed law, and will be subject to the amendments we insert.

Mr. TYDINGS. That is correct.

Mr. ADAMS. In other words, we would have accomplished as a practical matter that which would have been accomplished by the adoption of the amendment. We are not going to take the boys who, regardless of their wish, are brought into the Army, who are brought in under an obligation to defend their country, and send them beyond the jurisdiction of the flag unless there is war.

Mr. TYDINGS. Could the Regular Army be sent beyond the jurisdiction of the flag?

Mr. ADAMS. It has been done. I doubt very much, in my own mind, whether it can legally be done.

Mr. TYDINGS. I am not arguing the legality of it.

Mr. ADAMS. Of course, as a matter of force, as a matter of power, the men in the Regular Army, if the President orders them to march, will not debate the legality of it. On the other hand, this is a legislative body, and we are obligated to comply with the Constitution. I think it is doubtful that the President of the United States, the Commander in Chief of the Army, can, when there is no emergency, order the Army to proceed to Germany, or to Spain, or to Africa—in other words, can order them across the water. There is no limit in the United States or in the world unless we put the limit on.

Mr. TYDINGS. As the bill is drawn there is no limit.

Mr. ADAMS. There is no limit whatever as to where the United States troops, of which these trainees will constitute a part, can be sent, and this amendment merely provides that they shall not leave the jurisdiction of the American flag without the consent of Congress.

Mr. BANKHEAD. Mr. President, will the Senator from Kentucky yield?

Mr. CHANDLER. I yield.

Mr. BANKHEAD. I have not delayed the progress of the bill a single minute, and I do not intend at this time to enter upon an argument of any phase of it; I think we should proceed to vote upon the amendments and the bill at the very earliest possible time. The debate, however, is progressing upon the assumption that the President has the constitutional power in time of peace to send the Regular Army and the National Guard into foreign countries. Without going into a discussion of that subject, I merely wish to enter my protest against that assumption, and to state my position, that in times of peace the President has neither the express nor the implied constitutional power to send our soldiers upon foreign soil.

Mr. CHANDLER. I agree with the statement of the Senator from Alabama.

Mr. TYDINGS. Will the Senator from Alabama allow me to make an interjection?

Mr. BANKHEAD. I yield.

Mr. TYDINGS. I have not taken issue with the Senator; I merely wanted to point out that President Wilson landed troops at Vera Cruz and sent General Pershing after Villa without in either case declaring war on Mexico.

Mr. BANKHEAD. Those facts are well known, but the constitutional right to do those things was assailed at the time.

Mr. TYDINGS. I am not arguing that.

Mr. BANKHEAD. Mr. President, it has never been generally accepted. The only point I make now is that, so far as I am concerned, I do not want to be bound hereafter by the assumption that appears to have been accepted in this debate, that the President has, in effect, power to put the United States into war in times of absolute peace, without the express or implied authorization of the Congress. That is all I wish to say.

Mr. CHANDLER. Mr. President, the amendment of the Senator from Missouri applies to peacetime. I wish to express my appreciation to the Senator from Alabama, because he has fortified my position, and it is a matter of very deep conviction with me. I feel the way the Senator does; that when the President or anyone sends the Army of the United States into a foreign country it frequently causes trouble. The trouble it causes must be paid for with the lives of citizens of the United States and their property. Simply because an error was made the other day—and we did make an error—does not justify making two errors, and we ought to say to these boys, "Get ready to defend your country if an emergency comes, but do your training in the United States and its possessions."

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. WILEY. With respect to those who have been called trainees, if the Congress appropriates the necessary money, are they, after they get into camp, part of the land and naval forces of the United States?

Mr. CHANDLER. They are, for the purposes of training and during the time provided for in the act.

Mr. WILEY. I should like to get the reaction of the Senator from New Mexico [Mr. HATCH] on that point, because in section 6 it is provided:

> The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

It seems to me that our difference here is, that if the Senator from New Mexico is right, there is a limit in the matter of induction, and the men are simply trainees as distinguished from men in the land and naval forces of the United States, or soldiers and members of the naval forces. Perhaps if that is cleared up we can come to an understanding.

My problem is the same as that of the Senator from Maryland. Let us assume that here there is a company of trainees. They train for 6 weeks or 6 months. Over there is a company of the National Guard, or a company of the Regulars; their numbers are down, and it is necessary to have a hundred men to fill the company, and we take 100 of the trainees and put them in with the Regulars, or we take a hundred of the trainees and put them in with the National Guard. The trainees are all then members of the land or naval forces of the United States.

If the Adams amendment were to be agreed to, and it should operate as a limitation, then if we wanted to take the National Guard or the Regular Army and send them to Bermuda, where we are going to have a station, to take possession of that station, or send them into some of the French islands, because we may have word that the French have transferred them to Germany, 50 percent of the group would simply quit.

Mr. CHANDLER. If we lease Bermuda it would not be in the category of a foreign country. During the period of the lease it would be virtually the property of the United States of America.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. HATCH. Inasmuch as a question was directed to me I wish to answer. I will say that I am not an expert with reference to this particular bill, nor am I a member of the Committee on Military Affairs. What I wish to say is that the bill means what it says, and it very definitely points out on page 16, subsection (b), that the 12 months' period is a training period, and I think any Executive who would order these trainees, even in connection with the Regular Army or the National Guard, into any foreign country would do so without any warrant or authority of law whatsoever.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. WILEY. If they are simply trainees, then if we follow the Senator's reasoning, if an emergency arose we could not use them, could we?

Mr. HATCH. What does this language mean?

> If during his training period the Congress shall declare that the national interest is imperiled—

And so forth.

That means that if during that period of training an emergency should arise, and the Congress should so declare, then they could be taken into the Regular armed forces. That is the way I would interpret the language; that is the way I would understand it, and I believe it is the correct interpretation.

Mr. WILEY. Mr. President, will the Senator yield for one other question?

Mr. CHANDLER. I yield.

Mr. WILEY. I should like to ask the Senator from New Mexico who, in my opinion, is making a real contribution to the debate——

Mr. HATCH. I wish the Senator would say that to the Senator from Tennessee.

Mr. CHANDLER. I wish he would say it to the Senator from Kentucky because the Senators are taking my time, and I am yielding to them. I should like to have some time to speak.

Mr. WILEY. Does the Senator from New Mexico say then that, in his opinion, the trainees could not be used as fillers in the Regular Army or the guard, as we have discussed, in this period? Perhaps there is our common meeting ground. Perhaps unless Congress determines that there is an emergency, the President would not have the authority to use the trainees to fill in Regular Army or guard regiments.

Mr. HATCH. The Senator has correctly stated my interpretation of the provision, and if that is not the correct interpretation I should like to have additional language placed in the bill.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. STEWART. Mr. President, I wanted to make an inquiry of the Senator from Missouri [Mr. CLARK], whose amendment is under discussion at the moment. The amendment provides in substance that the draftees, the trainees, those who will be inducted in the service under the bill, may not be sent outside continental United States in times of peace. I wonder if it would properly express and clarify the situation to provide what I understand it is the intention to provide, that during the 12 months' training period the draftees shall not be sent outside continental United States?

Mr. CHANDLER. I yield to the Senator from Missouri to answer that question.

Mr. CLARK of Missouri. So far as I am concerned I do not think the drafted men ought to be sent out of the United States in time of peace at all. I prefer to accept such a modification as that suggested by the Senator rather than to have such a situation arise. We have recently formed a joint defense agreement with the Canadians. If their drafted men could not be sent out of Canada without their consent, why should not we have the same sort of attitude with regard to the men we draft?

I should rather accept the Senator's modification than to have such a situation arise.

Mr. STEWART. Will the Senator accept the modification "during the 12-month training period"?

Mr. CLARK of Missouri. Before American troops are sent out of the United States, I think Congress should provide the authority. I will accept the modification as suggested by the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Missouri is modified by inserting after the word "employed" the words "during the 12-month training period."

Mr. LA FOLLETTE. Mr. President, I should like to have the attention of the Senator from New Mexico. I invite the attention of every Senator to a provision of this subsection which it seems to me is quite important. There has been a rather general assumption in the debate, as I have listened to it, that once the drafted men have received 12 months' training they will then go home. I have heard that statement made again and again by Senators supporting the bill. I take it that that is the understanding of the Senator from New Mexico.

Mr. HATCH. That is correct.

Mr. LA FOLLETTE. However, I invite his attention to the language beginning in line 11, on page 16, following the language which he has read:

> Each such man, after completion of the service required by this subsection, shall be transferred to a Reserve component of the land or naval forces of the United States until the provisions of this act become inoperative, or until the expiration of a period of 10 years, or until he is discharged from such Reserve component, whichever event first occurs; and during the period that he is a member of such Reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law.

We have passed the National Guard Act, which affects the Reserve components, and, therefore, I think Senators are laboring under a great misapprehension if they think that the only obligation which this measure imposes upon the draftees is to come up for 12 months' training, because when they have finished the 12 months' training they will go into a Reserve component of the Army or Navy, in which, under the National Guard Act, they are subject to call for such further training or service as may be ordered by the President of the United States.

Mr. HATCH. Mr. President, the Senator from Wisconsin addressed his question in part to me, but the Senator from Kentucky [Mr. CHANDLER] desires to answer the Senator from Wisconsin.

Mr. CHANDLER. If the Senator from Wisconsin will go back and read from the beginning of subsection (b), he will see that the language is:

> Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service until Congress shall declare that the national interest permits his being relieved from such service.

That language controls the language later in the section.

Mr. LA FOLLETTE. I disagree with the Senator most respectfully, but most emphatically. The intendment of the provision the Senator has read is that the men may be required to remain in service if Congress declares an emergency to exist; but I submit that the language which I quote will give the President the power, if he so desires, to call these men as members of a Reserve component after they have finished their 12 months of training, and to require them to take further training and perform further service.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. HATCH. In answer to the Senator from Wisconsin, I can only give my own opinion, and that is totally different from the conclusion the Senator from Wisconsin has reached. I do not believe that the bill anywhere gives any such power as the Senator from Wisconsin has described; and if it does, I should like to be advised of it.

Mr. CHANDLER. Mr. President, I agree with the Senator from New Mexico, and regret that I cannot agree with the position taken by the Senator from Wisconsin.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield to the Senator from Vermont.

Mr. AUSTIN. I rise merely to make this observation: The term "Reserve component," as used in the bill, is not of a geographical nature. The men do go home, as has been asserted time after time. Under the terms of the bill the provision is that they shall be returned. Their tour of duty, obligation, or contract is terminated at the end of 12 months of training and service—if they perform service during the 12 months. Thereupon their status is changed. They become a part of the Reserve components of the United States Army, but they go home. They are not moved over into a regiment of the standing Army, or into a battalion of the National Guard which is on duty and which has been called out under the terms of the act which we recently passed. They become a part of the Reserve, and are subject to the obligation to drill. That is the only obligation they have.

Mr. LA FOLLETTE. Mr. President, will the Senator from Kentucky further yield?

Mr. CHANDLER. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I should like to ask the Senator from Vermont, if we take this section in connection with the power conferred under the National Guard Act, which also affects the Reserve components, what is there to prevent the President, if he deems it advisable or necessary after the first 400,000 men have completed their 12 months of training and are then transferred to the Reserve component, to order them out for further training and service?

Mr. AUSTIN. As I interpret the act which we passed, this provision would prevent it.

Mr. LA FOLLETTE. In what way?

Mr. AUSTIN. The President exhausts his power when he calls out the Reserve components under the other act. If we pass this provision the conscriptees, draftees, or volunteers have an obligation to the United States to return to training annually, according to the terms of the bill. Their status is determined by the bill. Their status is not determined by the act which we passed a few days ago relating to the National Guard and the other Reserve components.

Mr. LA FOLLETTE. Mr. President, will the Senator from Kentucky further yield?

Mr. CHANDLER. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I should like to call the Senator's attention—perhaps it is unnecessary, because probably he has already passed on this question—to the language in line 17:

> And during the period that he is a member of such Reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law.

Mr. AUSTIN. Yes.

Mr. LA FOLLETTE. The National Guard Act will be in effect by the time this bill is passed, and will be covered by the language "as may now or hereafter be prescribed by law."

Under the terms of the subsection, as now written, I do not quite see how the Senator can reach the conclusion that after Congress has given the President the right to call out the Reserve components, when men become a part of such Reserve components the President may not call them for service, just as he called the men who were members of the Reserve components when the National Guard Act was passed.

Mr. AUSTIN. My answer is simply that the men who are trained under the terms of the bill, if it becomes a law, will not be subject to the National Guard Act. That act was an act permitting the President to deal with the Reserve components of the Army at the time the act was passed, was it not?

Mr. LA FOLLETTE. But, Mr. President, the language is—

> as may now or hereafter be prescribed by law——

Mr. AUSTIN. I know——

Mr. LA FOLLETTE. These men become a part of the Reserve component, which, as I understand, we have given the President the power under the National Guard Act to call into the service of the United States. I do not believe there is any language in the National Guard Act with reference to the Reserve components which restricts the President's power so far as the Reserve components are concerned to the actual men who are in the Reserve components at the time the act was passed.

Mr. AUSTIN. On that point we should have to look at the act. It will soon be approved, and we can see exactly how it reads. My recollection is that it does not project itself into some future composition of the different Reserve components.

Mr. LA FOLLETTE. I wish the able Senator from Vermont would do that, because there are many Senators here, including the able Senator from New Mexico and other Senators, who have been assuming that when these draftees have completed 12 months of service they are then to go home, and that they will have relieved themselves of their obligation under this bill.

Mr. AUSTIN. Yes.

Mr. LA FOLLETTE. And I think it is a very important point that ought to be cleared up to the satisfaction of every Senator before we vote on this measure.

Mr. AUSTIN. I can say yes to the first part but not to the second part of the Senator's observations.

Mr. BONE. Mr. President, will the Senator yield to me?

Mr. CHANDLER. I yield to the Senator from Vermont until he finishes. Then I will yield to the Senator from Washington.

Mr. AUSTIN. It is planned that they shall go home after 12 months of training and become members of some Reserve component; but they are not free from their obligations under this act, if the measure becomes an act. There is a continuing obligation for the duration of the act, and if the act should be extended it runs for 10 years, and that obligation is stated in the act.

Mr. LA FOLLETTE. I used too broad a term; but in the sense that I have been discussing this matter with relation to their obligation as members of the Reserve component in connection with the National Guard Act, I think a great many Senators are of the opinion that they are not subject to the powers conferred in the National Guard Act when they become members of the Reserve component; and, if they are, this bill takes on a very different character. I think this point should be cleared up to the satisfaction of every Senator before we vote upon it.

In this connection I should like to say that the language contained in this measure has had years of careful consideration. It is not haphazard language; and therefore I believe Congress and the Senate will not discharge their obligation to the country until we have arrived at a conclusion as to the actual meaning of the vast powers that are proposed to be conferred here.

Mr. CHANDLER. I now yield to the Senator from Washington.

Mr. BONE. Mr. President, in view of the fact that the able Senators who have been discussing this bill with the Senator from Wisconsin seem to be of a mind to agree in general with his conclusion that the 12 months' service should terminate the service of the men except in the event of war or some great emergency that of necessity would keep the men in, that they ought otherwise to be discharged and then go into the Organized Reserve, I ask the Senator if he intends to prepare an amendment with some clarifying language in it which will lay at rest any doubt about the matter.

Mr. LA FOLLETTE. Mr. President, I have not prepared an amendment; but I point out that able lawyers who have been on this committee, and other able lawyers in the Senate who have studied this matter, are in disagreement. It seems to me that the language is very clear, and that up until June 30, 1942, when the National Guard Act expires, the President will have the right to order these draftees who have taken their 12 months of training and then become a part of the Reserve component of the armed force of the United States to further training or service, just as he can do in the case of those who were members of the Reserve component when the National Guard Act was passed. So, in my opinion, any Senator who is laboring under the misapprehension that when the men have completed this 12 months of training they cannot be ordered out under the

National Guard Act as part of the Reserrve component should carefully study this provision in relation to the National Guard Act, because I am very respectfully and humbly submitting my interpretation of it as one which disagrees with that of the able Senators who have served on the committee; but it is a very important point in this whole situation, as I view it.

Mr. AUSTIN. Mr. President——

Mr. CHANDLER. Will the Senator permit me to say a word in answer to that? Then, if Senators will finish their questioning, I should like to conclude.

I think the appropriations for training, in the absence of an emergency, will take care of the objection of the Senator from Wisconsin, because representatives of the Department will have to appear before the Committee on Appropriations and ask them to set up a sufficient amount of money for training; and when the money runs out we shall find that if no emergency comes the men will go back home, and we shall not be confronted with that question.

I now yield to the Senator from Vermont.

Mr. AUSTIN. Mr. President, I have found a copy of the joint resolution to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service. That authority is limited in time to June 30, 1942, but it is clear, I think, that there would be a period of time when the trainees of 12 months' training who had been transferred into one of these components might be caught by such a future order, because this authority is not limited to one order, but is an authority which may be repeated time after time up to June 30, 1942.

Mr. CHANDLER. Mr. President, I should like to conclude with just a word. The discussions have gone far afield, but this is the issue before the Senate:

Shall we, in time of peace, train these trainees outside the possessions of the United States of America? I say we made a grave mistake by not sustaining this same proposal when it came up with respect to the National Guard. I do not think we ought to repeat that mistake now. For that reason I think in time of peace we ought to resolve that it is at least the sense of the Senate of the United States, and perhaps of the Congress of the United States—I know it is the feeling of the people of the United States—that we should train the soldiers of the United States in the United States and its possessions.

Mr. President, I shall support the amendment, and I hope the Senate will sustain the amendment offered by the Senator from Missouri.

Now I renew the request that the Senator from Tennessee made a while ago. I ask unanimous consent that the debate stop.

Mr. CLARK of Missouri. Mr. President, I do not intend to object to that request. I merely call attention to the fact that the Senator from Tennessee, after making a speech of much passion and great length in favor of curtailing delay and having an immediate vote, walked off the floor as soon as he finished his own impassioned oration.

I have no objection to a cessation of debate. I ask for the yeas and nays.

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Chavez | Johnson, Colo. | Schwellenbach |
| Andrews | Clark, Mo. | King | Sheppard |
| Ashurst | Connally | La Follette | Shipstead |
| Austin | Danaher | Lodge | Slattery |
| Bailey | Davis | Lundeen | Smathers |
| Bankhead | Donahey | McKellar | Stewart |
| Barbour | Ellender | Maloney | Taft |
| Barkley | George | Mead | Thomas, Idaho |
| Bone | Gerry | Miller | Thomas, Okla. |
| Bridges | Gibson | Minton | Thomas, Utah |
| Brown | Green | Neely | Truman |
| Bulow | Guffey | Nye | Tydings |
| Burke | Gurney | Pepper | Vandenberg |
| Byrd | Harrison | Pittman | Van Nuys |
| Byrnes | Hatch | Radcliffe | Walsh |
| Capper | Hayden | Reynolds | Wheeler |
| Caraway | Hill | Russell | White |
| Chandler | Holt | Schwartz | Wiley |

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Seventy-two Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment of the committee.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I am advised that if he were present he would vote as I intend to vote. I vote "nay."

Mr. SCHWARTZ (when Mr. O'MAHONEY's name was called). My colleague the senior Senator from Wyoming [Mr. O'MAHONEY] is unavoidably detained from the Senate.

The roll call was concluded.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. Not knowing how he would vote on this amendment, I withhold my vote.

Mr. MCKELLAR. I have a general pair with the Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the Senator from Virginia [Mr. GLASS] and will vote. I vote "nay."

Mr. STEWART. I have a pair with the junior Senator from Oregon [Mr. HOLMAN] who I am informed would vote "nay." I transfer that pair to the junior Senator from Nevada [Mr. MCCARRAN]. I am advised that if present and voting the Senator from Nevada would vote "yea." I vote "yea."

Mr. TYDINGS. I have a general pair with the senior Senator from North Dakota [Mr. FRAZIER]. I understand, however, that he has a special pair on this vote. I am therefore at liberty to vote.

I am informed that the Senator from Illinois [Mr. LUCAS] is paired with the Senator from North Dakota [Mr. FRAZIER]. I am further advised that if present and voting the Senator from North Dakota would vote "yea" and the Senator from Illinois would vote "nay." I vote "yea."

Mr. MINTON. I announce that the Senator from Iowa [Mr. HERRING] is paired with the Senator from Maine [Mr. HALE]. I am advised that if present and voting the Senator from Iowa would vote "yea," and the Senator from Maine would vote "nay."

I announce that the Senator from Mississippi [Mr. BILBO], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Idaho [Mr. CLARK] is absent because of illness.

Mr. AUSTIN. I announce the following pair:

The Senator from California [Mr. JOHNSON], who if present would vote "yea", with the Senator from Louisiana [Mr. OVERTON], who if present would vote "nay."

The result was announced—yeas 32, nays 39, as follows:

YEAS—32

| | | | |
|---|---|---|---|
| Adams | Clark, Mo. | Maloney | Thomas, Idaho |
| Bone | Danaher | Nye | Tydings |
| Brown | Donahey | Radcliffe | Vandenberg |
| Bulow | Hatch | Reynolds | Van Nuys |
| Byrd | Holt | Shipstead | Walsh |
| Capper | Johnson, Colo. | Slattery | Wheeler |
| Chandler | La Follette | Stewart | White |
| Chavez | Lundeen | Taft | Wiley |

NAYS—39

| | | | |
|---|---|---|---|
| Andrews | Connally | Hayden | Pittman |
| Ashurst | Davis | Hill | Russell |
| Austin | Ellender | King | Schwartz |
| Bailey | George | Lodge | Schwellenbach |
| Barbour | Gerry | McKellar | Sheppard |
| Barkley | Gibson | Mead | Smathers |
| Bridges | Green | Miller | Thomas, Okla. |
| Burke | Guffey | Minton | Thomas, Utah |
| Byrnes | Gurney | Neely | Truman |
| Caraway | Harrison | Pepper | |

NOT VOTING—25

| | | | |
|---|---|---|---|
| Bankhead | Hale | McCarran | Smith |
| Bilbo | Herring | McNary | Tobey |
| Clark, Idaho | Holman | Murray | Townsend |
| Downey | Hughes | Norris | Wagner |
| Frazier | Johnson, Calif. | O'Mahoney | |
| Gillette | Lee | Overton | |
| Glass | Lucas | Reed | |

So the amendment of Mr. CLARK of Missouri, in the nature of a substitute for the amendment of Mr. LODGE, was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Massachusetts to the committee amendment.

Mr. LODGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Mr. President, it may not be necessary to have the yeas and nays.

Mr. VANDENBERG. It would be better to have them.

Mr. BARKLEY. It may not be necessary if the Senator from Texas [Mr. SHEPPARD] adopts the suggestion I shall offer. Inasmuch as an amendment identical to this was offered and agreed to on the National Guard bill, and inasmuch as the whole proposition in all probability must be worked out in conference, especially if it were to be in disagreement between the two Houses, I suggest to the Senator from Texas, the chairman of the Senate Military Affairs Committee, that the amendment offered by the Senator from Massachusetts be agreed to, and be accepted, so that we may avoid the necessity for a yea-and-nay vote on it.

Mr. SHEPPARD. Mr. President, insofar as I am personally concerned—of course I cannot speak for the committee—I think that would be the desirable course to take.

Mr. BARKLEY. In view of that, I ask unanimous consent that the order for the yeas and nays be vacated.

Mr. VANDENBERG. I object.

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

Mr. CHANDLER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHANDLER. I wish to know if in accepting the amendment offered by the Senator fom Massachusetts those who would like to be appointed on the conference committee will press for its acceptance.

Mr. SHEPPARD. That would be my duty. I have never yet shirked my duty.

Mr. CHANDLER. I am sure the chairman of the Committee on Military Affairs would not shirk his duty, but I will say that with respect to other matters I have had the experience that sometimes after an amendment has been accepted, notably the one proposed by the Senator from Colorado on the National Guard bill, the conferees struck it out.

Mr. SHEPPARD. I am familiar with the Senators who are likely to be on the conference committee.

Mr. LODGE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LODGE. The yeas and nays have been ordered, have they not?

The PRESIDING OFFICER. They have.

Mr. DAVIS. Mr. President, I ask that the amendment be stated.

Mr. HATCH. Mr. President, I thought I had the floor. I merely wanted to make an observation. I shall vote against the amendment. I vote against it, Mr. President, for the reason that its adoption might possibly carry the implied authority that the President of the United States could send the trainees to any point in the Western Hemisphere which he might desire without the Congress declaring any emergency or authorizing it. I merely wanted to make my position clear on this amendment.

Mr. LODGE. I simply want to reiterate that the reason for the amendment is to keep the men out of Europe.

Mr. DAVIS. Mr. President, may the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment at the appropriate place it is proposed to insert the following:

Persons inducted into the land forces of the United States pursuant to this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

The PRESIDING OFFICER. The question is on the modified amendment of the Senator from Massachusetts [Mr. LODGE] to the committee amendment, on which the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. I am informed that if he were present he would vote as I shall vote. I vote "yea."

Mr. BYRNES (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I am informed that if he were present he would vote as I intend to vote. I vote "yea."

Mr. MCKELLAR (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND]. I am informed that if he were present he would vote as I shall vote. I vote "yea."

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I am informed if he were present he would vote as I shall vote. I vote "yea."

Mr. TYDINGS (when his name was called). Making the same announcement as before, I am informed that the Senator from North Dakota [Mr. FRAZIER] would vote as I shall vote. I vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Idaho [Mr. CLARK] is detained on account of illness, and that the Senator from Nevada [Mr. MCCARRAN] is necessarily absent. I am advised that both Senators would vote "yea" if present.

I announce that the Senator from Mississippi [Mr. BILBO], the Senator from California [Mr. DOWNEY], the senior Senator from Iowa [Mr. GILLETTE], the junior Senator from Iowa [Mr. HERRING], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], and the Senator from South Carolina [Mr. SMITH] are necessarily absent. I am advised that these Senators would vote "yea" if present.

The Senator from Virginia [Mr. GLASS], who is necessarily absent, is paired with the Senator from Iowa [Mr. HERRING]. I am advised that if present and voting the Senator from Iowa would vote "yea" and the Senator from Virginia would vote "nay."

Mr. BARKLEY. The Senator from New York [Mr. WAGNER] is detained on official business. I am advised that if present and voting he would vote "yea."

Mr. AUSTIN. In connection with the vote on the previous amendment, I announced a pair between the Senator from California [Mr. JOHNSON] and the Senator from Louisiana [Mr. OVERTON]. On this question such events have occurred that I now announce that the Senator from California is necessarily absent. I am informed that if present he would vote "yea."

The Senator from Kansas [Mr. REED] is unavoidably detained. If present he would vote "yea."

The Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], the Senator from Delaware [Mr. TOWNSEND], the Senator from Maine [Mr. HALE], and the Senator from New Hampshire [Mr. TOBEY] are unavoidably absent.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

Mr. KING. I have a pair with the senior Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote, I withhold my vote.

Mr. SCHWARTZ. My colleague [Mr. O'MAHONEY] is unavoidably detained from the Senate.

Mr. THOMAS of Oklahoma. My colleague [Mr. LEE] is detained on official business and is necessarily absent from the Senate. Were he present he would vote "yea."

The result was announced—yeas 66, nays 4, as follows:

YEAS—66

| | | | |
|---|---|---|---|
| Adams | Chavez | La Follette | Sheppard |
| Andrews | Clark, Mo. | Lodge | Shipstead |
| Ashurst | Danaher | Lundeen | Slattery |
| Austin | Davis | McKellar | Stewart |
| Bailey | Donahey | Maloney | Thomas, Idaho |
| Bankhead | Ellender | Mead | Thomas, Okla. |
| Barbour | George | Miller | Thomas, Utah |
| Barkley | Gerry | Minton | Truman |
| Bone | Gibson | Neely | Tydings |
| Bridges | Green | Nye | Vandenberg |
| Brown | Guffey | Pepper | Van Nuys |
| Bulow | Gurney | Pittman | Walsh |
| Byrd | Harrison | Radcliffe | Wheeler |
| Byrnes | Hayden | Reynolds | White |
| Capper | Hill | Russell | Wiley |
| Caraway | Holt | Schwartz | |
| Chandler | Johnson, Colo. | Schwellenbach | |

NAYS—4

| | | | |
|---|---|---|---|
| Burke | Connally | Hatch | Smathers |

NOT VOTING—26

| | | | |
|---|---|---|---|
| Bilbo | Herring | McCarran | Smith |
| Clark, Idaho | Holman | McNary | Taft |
| Downey | Hughes | Murray | Tobey |
| Frazier | Johnson, Calif. | Norris | Townsend |
| Gillette | King | O'Mahoney | Wagner |
| Glass | Lee | Overton | |
| Hale | Lucas | Reed | |

So the modified amendment of Mr. LODGE to the committee amendment was agreed to.

Mr. CLARK of Missouri. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri to the committee amendment will be stated.

The CHIEF CLERK. On page 25, after line 13, in the committee amendment, it is proposed to insert the following new subsection:

(h) Any person inducted into the land or naval forces for training and service under this act shall, during the period of such training and service, be permitted to vote in any general, special, or primary election occurring in the State of which he is a resident, if under the laws of such State he is entitled to vote in such election even though he is outside of such State at the time of such election.

Mr. CLARK of Missouri. I have consulted with the Senator from Texas, chairman of the committee, and he has advised me that he has no objection to the amendment.

Mr. SHEPPARD. I see no objection to the amendment.

Mr. GEORGE. Mr. President, I have no objection to it, but I am somewhat surprised that my distinguished friend from Missouri is willing to wipe out all State lines and all State restrictions and all State power.

Mr. CLARK of Missouri. If the Senator had listened to the reading of the amendment, he would have noticed that it says a soldier is entitled to vote provided the State had authorized voters outside the State to vote.

Mr. GEORGE. The Senator's amendment did not say that.

Mr. CLARK of Missouri. Mr. President, I ask unanimous consent to have the amendment again read.

The PRESIDING OFFICER. The amendment will again be read.

The amendment was again read.

Mr. CLARK of Missouri. Mr. President, this amendment simply prohibits a soldier being prevented from voting by any military regulation or anything of that sort. It would be necessary, however, for the State first to authorize absentee voting.

Mr. GEORGE. If that is the interpretation the Senator puts on it, very well.

Mr. CLARK of Missouri. If the Senator will read the amendment he will see that there is a very clear proviso under which the civic branch, the State, must first have passed a law permitting absentee voting.

Mr. BARKLEY. As I understand the Senator, the amendment applies if the voters within the State are authorized to vote by absentee ballot?

Mr. CLARK of Missouri. Exactly.

Mr. GEORGE. If that is the interpretation the Senator gives it, I have no objection. I was not going to object to it anyway, except that I think, in the interest of preserving some part of the theory on which the government is founded, the question of regulating State elections——

Mr. CLARK of Missouri. I have no more disposition or desire to do that than would my friend the Senator from Georgia. I think he and I see eye to eye on that subject.

Mr. GEORGE. I do not think the Senator's amendment does what he says, but, with his statement, I will let it go.

Mr. CLARK of Missouri. I will be glad to accept any modification that will make the amendment clearer.

Mr. ADAMS. Mr. President, I should like to inquire if I correctly understand, to put it in a different form, that the substance of the amendment is that no official of the Army shall prevent a soldier from voting if under the law of the State he is entitled to vote?

Mr. CLARK of Missouri. That is exactly the purpose of the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. CLARK] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. DAVIS. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 24, it is proposed to strike out all of lines 8 to 13, inclusive, and to insert in lieu thereof the following:

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered during the period of service in such forces as on furlough or leave of absence; and shall be so restored without loss of seniority; and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time of being inducted into such forces; and shall not be discharged from such position without cause within 1 year after such restoration.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. DAVIS. I yield.

Mr. SHEPPARD. That amendment would make certain that all trainees would receive the same insurance and other benefits as those who are on furlough or leave of absence in private life. It seems to me to be a good suggestion.

Mr. DAVIS. I may say that the amendment was submitted to the chairman of the committee; he, in turn, submitted it to the experts in his office, and they were very much pleased with the language used in place of the language in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. DAVIS] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BARKLEY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 30, after line 16, it is proposed to insert the following:

(c) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

Mr. BARKLEY. Mr. President, the amendment merely authorizes an appropriation for the administration of the act. I understand the Senator from Texas agrees to it.

Mr. SHEPPARD. I agree to it, Mr. President.

The PRESIDING OFFICER. Without objection——

Mr. DANAHER. Mr. President, I should like to ask the Senator from Kentucky to explain the proposal a little more, if he will, in relation to section 6 appearing on page 22. I think the Senator from Maine [Mr. WHITE] has lying on the

table a most important amendment, and whether or not we should at this time, whether the committee chairman accepts or not, interpolate this particular amendment on page 30 would seem to me to depend upon correlating both lines of thought, that of the Senator from Kentucky and that of the Senator from Maine. I ask if the Senator from Maine will point out to the Senator from Kentucky exactly what his amendment would do.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Maine for that purpose?

Mr. DANAHER. Gladly.

Mr. BARKLEY. Mr. President, if I may be permitted for a moment, section 6 of the bill simply prohibits the President from inducting persons "into the land and naval forces of the United States under this act until Congress shall have hereafter appropriated funds specifically for such purpose."

I do not think that is directly an authorization to appropriate funds for that purpose. Section 6 says he cannot act unless the funds are appropriated, but it is not in the usual form of an authorization. My amendment merely authorizes Congress to appropriate necessary funds to carry out the provisions of the act. It would be necessary to do that even if section 6 were not in the bill.

Mr. DANAHER. The view of the Senator from Kentucky is, then, that there is no authorization, as such, contained in section 6?

Mr. BARKLEY. That is correct.

Mr. DANAHER. I thank the Senator for his explanation. I now yield to the Senator from Maine.

Mr. WHITE. Mr. President, I can see no conflict between the proposal of the Senator from Kentucky now before the Senate and the amendment which I have submitted and which is now on the table.

Mr. HILL. Would the Senator mind stating his amendment so that we may know what it is?

Mr. WHITE. The amendment I offered is simply an amendment of section 6. The pending section 6 provides:

SEC. 6. The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

I have been given to understand that the meaning and purpose of that provision is to limit the number of men who may be inducted into the service to such number as the Congress shall hereafter appropriate for. I think the language is defective, and that it might be construed otherwise than its meaning has been indicated to be. My amendment simply provides, stating it in the affirmative:

The President shall have authority to induct into the land and naval forces of the United States no greater number of persons than the Congress shall from time to time hereafter make specific appropriation for.

In other words, it would limit the number of men to be inducted to that number for which the Congress makes appropriation; and I think that is what is intended.

Mr. BARKLEY. Mr. President, I see no objection to the Senator's amendment. It is a mere rewriting of section 6, but it still, in my judgment, does not constitute a positive authorization.

Mr. WHITE. I agree there is no conflict between the Senator's amendment and the amendment which I propose to offer. I think what the Senator from Kentucky has offered simply implements mine.

Mr. BARKLEY. I think so. There is no conflict between the two.

Mr. DANAHER. I inquire if the Senator from Maine has concluded?

Mr. WHITE. I have.

Mr. DANAHER. I thank the Senator from Maine.

Mr. President, there was considerable discussion of this point last Friday, and it has been clarified, in my opinion. I should like to inquire further, therefore, of the Senator from Kentucky if we cannot, in addition to the language which he has just suggested, add a few more words? So that it may appear in its complete context I will restate the language of the amendment of the Senator from Kentucky:

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provision of this act.

I suggest the addition of the words:

And there shall not be in training and service authorized by this act at any time a greater number of persons than the number specified in the act or acts appropriating such funds.

Let me explain to the Senator from Kentucky that there are two very definite phases of this measure. One deals with those men who shall be selected for training and service; the other deals with those men who shall be inducted into the land or naval forces of the United States.

With reference to section 6, we find a limitation upon the President's power just as the Senator from Maine has explained. With reference to the language of the amendment of the Senator from Kentucky, however, I know from the short experience I have had in this body that it would be a matter of only days or weeks or hours, if you choose, when somebody would come here and say, "Pass this appropriation bill; you have already authorized it." There is no way in the world we are going to be able to control by way of limitation because under the language of the amendment of the Senator from Kentucky there is created a blanket authorization.

When the Senator from Texas [Mr. SHEPPARD] explained this bill to us only 2 weeks ago he told us that the Congress would always have a method of controlling the number of men who would be taken because of section 6, under which the appropriating power, still vested in us, would create its own limitation. Now we find not only that that was not so, but we find that it was necessary to adopt language today providing that not more than 900,000 men a year shall be inducted into the naval and military forces. However, there has nothing been said about the limitation as to those taken for training or service. Under this language we are going to have a blanket authorization unless we amend or modify it in order to take care of that point.

I suggest to the Senator from Kentucky language which appropriately could be added to his amendment.

Mr. BARKLEY. I will say to the Senator from Connecticut, very frankly, that I cannot accept the language which he has suggested, for the very reason that in appropriating money for the Army Congress does not set out in the appropriation the number of men that the amount of money appropriated shall take care of; it is a flexible sum, and it would be necessary for Congress to figure down to the last cent how many men could be trained on a hundred thousand dollars or a million dollars or any number of dollars in order to be sure that the amount of money appropriated and the number of men set out in the act itself would synchronize.

That is an impossibility. When we say, in the amendment we have adopted today, that there shall be not more than 900,000 men under training and in service under this act at any one time, and when we say in section 6 that the President is not authorized and is prohibited from inducting into the service any more men than Congress specifically provides for in the appropriation, we have, it seems to me, limited him as much as Congress can limit him in the number of men he may induct into either training or service. My amendment is necessary only because, in my judgment, there is no language in the bill which affirmatively authorizes an appropriation so as to authorize the Committee on Appropriations to bring in an appropriation to carry out the provisions of the act.

The Senator knows that in the case of all the supply bills for the Army and the Navy the Secretary of War and the Secretary of the Navy and their assistants are required to make a showing before the Appropriations Committee not only of the number of men in the Army and Navy at the particular time but the number that are likely to be in it during the fiscal year. The appropriations are made for the future, and there is no prophet who can on any day or during any week say how many men would be in training or in service under this act.

So the language of the Senator from Connecticut is not only unnecessary, but it would be extremely unwise to undertake to write into every appropriation bill definitely and

inflexibly the number of men who may be drawn into training or into service; but we must remember that always the President is limited to the 900,000 provided for in the amendment adopted today, and always, under section 6, he is limited to the amount of money Congress appropriates specifically for that purpose; and the amount of money appropriated will determine the number of men who are to be trained or in service, depending on the amount it requires to train each individual man drawn into the service under the act.

Mr. DANAHER. Mr. President, I thank the Senator from Kentucky, and I am quite certain he is satisfied that the explanation he has submitted is adequate; but I submit to the Senator from Kentucky that on the 9th day of August, when the Senator from Texas [Mr. SHEPPARD] was explaining the bill, he expressly told us, and it went all over the country in everybody's understanding, that the Congress at all times has within its control how many men are to be taken, because, said he, we have within section 6 of the bill control of the appropriations which we will pass, and in that way we shall be able to place a limit upon the number of men to be taken.

I therefore, directing the Senator's attention, said:

> Let me, therefore, calling the Senator's attention to section 6, appearing on page 22, ask him first whether or not the bill which we passed yesterday with reference to calling reserve components has already been provided for financially in the general Army appropriation bill for 1940–41.
>
> Mr. SHEPPARD. I cannot answer that question because I do not recall the facts at this time.
>
> Mr. VANDENBERG. Mr. President, I can answer it.
>
> Mr. DANAHER. I will be happy to have the Senator from Michigan help me in that particular.
>
> Mr. VANDENBERG. The question was raised this morning in the Senate Finance Committee when estimates for the next fiscal year were presented, and we were shown a prospective deficit of approximately $6,000,000,000, which does not include the cost either of the National Guard bill or the conscript bill, and we were told that there were no available estimates even as to what the cost will be in respect to those bills.

I thanked the Senator, and I thereupon asked the Senator from Texas if he would please tell how he estimated the cost per man under this bill. For the benefit of the Senator from Texas I will state that I am reading a colloquy between him and me which appears at page 10101 of the RECORD.

Mr. SHEPPARD. I recall the colloquy.

Mr. DANAHER. The Senator from Texas said:

> I have made no estimate.

I asked:

> Can the Senator from Texas give us from the War Department an estimate of how much the cost per man will be?

The Senator said:

> I will get such an estimate and put it in the RECORD.

The Senator did not have it then; and, so far as I know, the RECORD even now is barren of fact or incident to bring us down to date in that particular, except as it has appeared, possibly, before the Committee on Appropriations.

Mr. SHEPPARD. I placed the estimate per annum in the RECORD that day after the Senator from Connecticut had left the Chamber.

Mr. DANAHER. I see. It had not come to my notice, and I thank the Senator from Texas.

With that thought behind us, with that fact established, does not that constitute a complete answer to the representation of the Senator from Kentucky that we cannot ever know how much we should appropriate, or how much we should authorize, because we do not know how many men there are going to be? That is what the Senator just said, when the fact of the matter is that today we undertook to place a limitation of 900,000 men per year to be inducted into the military and naval forces.

Mr. SHEPPARD. The authorities gave me the estimate shortly after our colloquy, and that estimate was $800,000,000 for the trainees and $350,000,000 for the National Guard.

Mr. DANAHER. I thank the Senator from Texas.

Mr. BARKLEY. Mr. President, if the Senator will yield at that point——

Mr. DANAHER. I gladly yield to the Senator from Kentucky.

Mr. BARKLEY. There are already in the bill 2 limitations on the power of the President. One of them is even a limitation on Congress itself. The President cannot call into service or training more than 900,000 men; and under the language of section 6 Congress cannot even appropriate, without a new authorization, for more than 900,000 men in any 1 year.

Mr. DANAHER. Will the Senator permit a question?

Mr. BARKLEY. The Senator from Connecticut has the floor.

Mr. DANAHER. Will the Senator please look at section 6 and tell me why it is in the bill then? Why should it not be out of the bill entirely?

Mr. BARKLEY. The Senator might ask that question of the Committee on Military Affairs, who put it in. That language was put in the bill before we fixed any numerical limitation by the amendment which was agreed to today. I presume, without being a member of the committee, that that language was put there in order that Congress and the country might be assured that the President could not call into service or training more men than Congress specifically appropriated for.

Nobody can tell in advance how many men $800,000,000 will train or bring into service. It depends upon a variable quantity, which is the cost of training every individual man, an average cost; so I presume the language originally was put in the Senate bill by the committee in order to fix a limit. There was no limit in the bill as to the number of men who might be called out in 1 year, but the limitation was intended to be fixed by the amount of money that Congress would appropriate; and it is much easier for Congress to appropriate a definite sum and say, "You shall not go beyond that," than it is to appropriate a definite sum and say, "Out of this definite sum, or with this definite sum, so many men shall be trained," because I do not think we can tell precisely how many men can be trained with a given sum of money.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DANAHER. Yes; I yield to the Senator from Tennessee.

Mr. McKELLAR. Another thing should be considered: Since this bill has been on the floor of the Senate the pay of the soldiers has been increased from $21 a month to $30 a month; and the salary paid would make a tremendous difference in the number of men who might be trained. The increase in salary would enormously reduce the number of men to be trained; so there is no way to fix it mathematically. Otherwise, the Appropriations Committee would be in a very great strait as to how much money to appropriate. They would not know. They really could not tell how much to appropriate. They might go over the limit; and we ought not to pare down the thing in that way. We ought not to put any more hobbles in this bill than necessary.

Mr. DANAHER. Mr. President, there is not any effort by me to put any hobbles in the bill. I am trying to make the language say what we want it to say and what we want it to mean. Let me ask the Senator from Tennessee if the Senator from Texas [Mr. SHEPPARD] only 5 minutes ago did not repeat in abstract the very estimate which he inserted in the RECORD, as he has explained, 2 weeks ago. Somebody compiled that estimate. Somebody in authority stated that it would cost $800,000,000 for the trainees contemplated by this bill and $350,000,000 for the National Guard bill, so somebody was able to make an estimate; and instead of our fixing a blanket authorization I say that it is perfectly within the possibilities for us to fix a limitation right now. I also say that whatever the limitation is, we do not have to fix it in dollars, but we may fix it in terms of men. Therefore, if we add to the Senator's language of authorization the limitation that there shall not be more men in training than there are dollars appropriated, it seems to me that will cover the matter.

Mr. McKELLAR. The trouble with the Senator's amendment is this: We adopted an amendment a few days ago

fixing $30 a month as the pay of soldiers. If the bill as passed by the House should provide for $21, suppose the House conferees should insist on $21, and the conferees of both Houses agreed that the amount should be $21. That would furnish a very different number of men from what would be furnished if the Senate provision should prevail.

I think there must be some leeway. I think it is not fair to the Committee on Appropriations to have it so bound down by numbers of men as well as amounts of money.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. WHITE. I think that if for the moment we forget all about section 6, the situation will be clarified somewhat. There is a limitation now written into the bill as to the number of men who can be inducted into the service—that is, 900,000; that is the ceiling that is fixed by the Lodge amendment, agreed to by the Senate.

The Senator from Kentucky, I think with entire appropriateness, suggests an amendment which would authorize the appropriation of such amount as may be necessary to carry out the terms of the bill. He does not name the amount, but the terms of the bill, when we undertake to implement them, figure out for us the amount which must be reported by the Committee on Appropriations.

Mr. McKELLAR. A budget estimate is sent in by the administration. That is the way the appropriations are arrived at.

Mr. WHITE. So, I think that, with the ceiling fixed by the Lodge amendment, it is entirely proper, as the Senator from Kentucky has proposed, to authorize appropriations for carrying out the provisions of the bill.

When we come to section 6, we have there an effort to limit Presidential discretion and Presidential authority as to the number of men he shall call out under the statutory ceiling. He might call up to the entire statutory ceiling.

I think the amendment of the Senator from Kentucky is not affected at all by section 6, except that ultimately, when the Committee on Appropriations faces the burden of reporting an appropriation bill, it must take into account all the provisions of the law, and must report a sum which will meet all the obligations imposed by the law. So I see no possible objection to the amendment of the Senator from Kentucky.

As I have indicated, I should like to see the language of section 6 revised to make certain that it does precisely what we all understand it means to do.

Mr. BARKLEY. I will say to the Senator that there is no objection to his proposed revision of section 6. But there is another reason why the amendment suggested by the Senator cannot be agreed to, and that is that there are expenses in connection with the administration of the proposed act which are not incorporated in the pay of the men who will be drawn in. There is the expense of registration, there is the expense, whatever it may be, of the draft boards which are to be set up in the various States. We cannot integrate that expense into the amount of money which will be necessary to pay the soldiers or the trainees who are to be brought into the Army.

This is the usual form of authorization which empowers the Committee on Appropriations to bring in whatever sum they think is wise after the estimates have been submitted by the departments involved.

No more money can be appropriated than is necessary to pay those who are to be trained and inducted into the service, limited, I repeat, to 900,000 at any one time. The amendment makes no allowance whatever for the incidental expenses necessary to carry out registration, the expenses of the draft boards, and other expenses incidental to getting the men into the service.

Mr. BONE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BONE. I merely desire to ask a question which will take but a moment.

In view of the fact that there was some discussion today about amendments which were accepted, as amendments are so frequently accepted, with the statement that they will go to conference, I hope the always kindly and generous chairman of the Committee on Military Affairs will not think I am ungracious in asking whether the amendment I proposed today, and which was accepted, which deals with civil trials for young men who do not appear when they are called, is likely to fall into that unhappy category. I would not have suggested the amendment if I felt that it were merely to go to conference, so to speak. I was very sincere in offering the amendment.

I think it is a highly desirable amendment. I sincerely hope, and I wish to express the hope to the chairman of the committee, that it will not merely "go to conference," but that it will really remain in the bill.

I understand that there will be other members on the committee of conference, and of course the chairman cannot guarantee anything, but I wish to say to him that I sincerely hope the amendment will be kept in the bill.

Mr. SHEPPARD. Mr. President, I assure the Senator that I shall do everything in my power to keep the amendment in the bill, and I feel that the other Senate conferees will do likewise.

Mr. BONE. I did not ask for a roll call, because I felt it was an amendment which by its nature would be acceptable to the Members of this body, who are all familiar with the procedure involved.

Mr. BARKLEY. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I wish to say to the Senator from Washington and to other Senators that the situation of a bill being considered ab initio by the Senate, and going to the House as a complete document, is a little different from the situation which exists when a bill which passed the House comes to the Senate, and amendments are offered in the Senate, and sometimes are accepted with the suggestion that they go to conference. Of course, the bill will go over to the House as a complete, integrated, clean bill, so far as the House is concerned, and unless the Members of the House take the trouble to look at the discussions, none of the provisions will appear in the form of amendments, it all being one bill.

So that the provision would remain in the bill unless the House changed it, and in that event only would it go to conference. I think that every provision of the bill, when it goes to the other House, stands on its own merits, as if it had been placed in the bill originally by the committee.

Mr. BONE. I hope the Senator from Kentucky will not think that I had anything in the way of criticism in mind when I rose. The amendment I had suggested was something which I thought would appeal to the average lawyer in this body, certainly I believe it would appeal to the great body of our citizens. It was in the legislation during the World War, and I understood from the Senator from Texas that it was in the National Guard bill. It is language which I think we could all accept.

Mr. DANAHER. Mr. President, to resume our discussion, let me say to the Senator from Kentucky particularly, and to the Senator from Texas, that what is bothering me about the bill is what we are going to do with the men who it is said are being taken for training and service. I think it is perfectly clear what we are to do with men who are inducted into the naval and military forces of the United States. I think we are going to make soldiers and sailors out of them.

I even see at the top of page 16 of the bill, lines 1 to 3, that it is expressly provided that the men inducted into the land and naval forces shall be assigned to camps or units of those forces. It does not say what is to be done with the men who are taken for training or service, and all through the bill there is a distinction in the language used.

There is a distinction with reference to those whose deferred status is involved; there is a distinction as to those who are mentioned for training and service in subsection (c) of section 3. There are yet other phases in which that distinction is raised.

inflexibly the number of men who may be drawn into training or into service; but we must remember that always the President is limited to the 900,000 provided for in the amendment adopted today, and always, under section 6, he is limited to the amount of money Congress appropriates specifically for that purpose; and the amount of money appropriated will determine the number of men who are to be trained or in service, depending on the amount it requires to train each individual man drawn into the service under the act.

Mr. DANAHER. Mr. President, I thank the Senator from Kentucky, and I am quite certain he is satisfied that the explanation he has submitted is adequate; but I submit to the Senator from Kentucky that on the 9th day of August, when the Senator from Texas [Mr. SHEPPARD] was explaining the bill, he expressly told us, and it went all over the country in everybody's understanding, that the Congress at all times has within its control how many men are to be taken, because, said he, we have within section 6 of the bill control of the appropriations which we will pass, and in that way we shall be able to place a limit upon the number of men to be taken.

I therefore, directing the Senator's attention, said:

> Let me, therefore, calling the Senator's attention to section 6, appearing on page 22, ask him first whether or not the bill which we passed yesterday with reference to calling reserve components has already been provided for financially in the general Army appropriation bill for 1940–41.
>
> Mr. SHEPPARD. I cannot answer that question because I do not recall the facts at this time.
>
> Mr. VANDENBERG. Mr. President, I can answer it.
>
> Mr. DANAHER. I will be happy to have the Senator from Michigan help me in that particular.
>
> Mr. VANDENBERG. The question was raised this morning in the Senate Finance Committee when estimates for the next fiscal year were presented, and we were shown a prospective deficit of approximately $6,000,000,000, which does not include the cost either of the National Guard bill or the conscript bill, and we were told that there were no available estimates even as to what the cost will be in respect to those bills.

I thanked the Senator, and I thereupon asked the Senator from Texas if he would please tell how he estimated the cost per man under this bill. For the benefit of the Senator from Texas I will state that I am reading a colloquy between him and me which appears at page 10101 of the RECORD.

Mr. SHEPPARD. I recall the colloquy.

Mr. DANAHER. The Senator from Texas said:

> I have made no estimate.

I asked:

> Can the Senator from Texas give us from the War Department an estimate of how much the cost per man will be?

The Senator said:

> I will get such an estimate and put it in the RECORD.

The Senator did not have it then; and, so far as I know, the RECORD even now is barren of fact or incident to bring us down to date in that particular, except as it has appeared, possibly, before the Committee on Appropriations.

Mr. SHEPPARD. I placed the estimate per annum in the RECORD that day after the Senator from Connecticut had left the Chamber.

Mr. DANAHER. I see. It had not come to my notice, and I thank the Senator from Texas.

With that thought behind us, with that fact established, does not that constitute a complete answer to the representation of the Senator from Kentucky that we cannot ever know how much we should appropriate, or how much we should authorize, because we do not know how many men there are going to be? That is what the Senator just said, when the fact of the matter is that today we undertook to place a limitation of 900,000 men per year to be inducted into the military and naval forces.

Mr. SHEPPARD. The authorities gave me the estimate shortly after our colloquy, and that estimate was $800,000,000 for the trainees and $350,000,000 for the National Guard.

Mr. DANAHER. I thank the Senator from Texas.

Mr. BARKLEY. Mr. President, if the Senator will yield at that point——

Mr. DANAHER. I gladly yield to the Senator from Kentucky.

Mr. BARKLEY. There are already in the bill 2 limitations on the power of the President. One of them is even a limitation on Congress itself. The President cannot call into service or training more than 900,000 men; and under the language of section 6 Congress cannot even appropriate, without a new authorization, for more than 900,000 men in any 1 year.

Mr. DANAHER. Will the Senator permit a question?

Mr. BARKLEY. The Senator from Connecticut has the floor.

Mr. DANAHER. Will the Senator please look at section 6 and tell me why it is in the bill then? Why should it not be out of the bill entirely?

Mr. BARKLEY. The Senator might ask that question of the Committee on Military Affairs, who put it in. That language was put in the bill before we fixed any numerical limitation by the amendment which was agreed to today. I presume, without being a member of the committee, that that language was put there in order that Congress and the country might be assured that the President could not call into service or training more men than Congress specifically appropriated for.

Nobody can tell in advance how many men $800,000,000 will train or bring into service. It depends upon a variable quantity, which is the cost of training every individual man, an average cost; so I presume the language originally was put in the Senate bill by the committee in order to fix a limit. There was no limit in the bill as to the number of men who might be called out in 1 year, but the limitation was intended to be fixed by the amount of money that Congress would appropriate; and it is much easier for Congress to appropriate a definite sum and say, "You shall not go beyond that," than it is to appropriate a definite sum and say, "Out of this definite sum, or with this definite sum, so many men shall be trained," because I do not think we can tell precisely how many men can be trained with a given sum of money.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DANAHER. Yes; I yield to the Senator from Tennessee.

Mr. McKELLAR. Another thing should be considered: Since this bill has been on the floor of the Senate the pay of the soldiers has been increased from $21 a month to $30 a month; and the salary paid would make a tremendous difference in the number of men who might be trained. The increase in salary would enormously reduce the number of men to be trained; so there is no way to fix it mathematically. Otherwise, the Appropriations Committee would be in a very great strait as to how much money to appropriate. They would not know. They really could not tell how much to appropriate. They might go over the limit; and we ought not to pare down the thing in that way. We ought not to put any more hobbles in this bill than necessary.

Mr. DANAHER. Mr. President, there is not any effort by me to put any hobbles in the bill. I am trying to make the language say what we want it to say and what we want it to mean. Let me ask the Senator from Tennessee if the Senator from Texas [Mr. SHEPPARD] only 5 minutes ago did not repeat in abstract the very estimate which he inserted in the RECORD, as he has explained, 2 weeks ago. Somebody compiled that estimate. Somebody in authority stated that it would cost $800,000,000 for the trainees contemplated by this bill and $350,000,000 for the National Guard bill, so somebody was able to make an estimate; and instead of our fixing a blanket authorization I say that it is perfectly within the possibilities for us to fix a limitation right now. I also say that whatever the limitation is, we do not have to fix it in dollars, but we may fix it in terms of men. Therefore, if we add to the Senator's language of authorization the limitation that there shall not be more men in training than there are dollars appropriated, it seems to me that will cover the matter.

Mr. McKELLAR. The trouble with the Senator's amendment is this: We adopted an amendment a few days ago

fixing $30 a month as the pay of soldiers. If the bill as passed by the House should provide for $21, suppose the House conferees should insist on $21, and the conferees of both Houses agreed that the amount should be $21. That would furnish a very different number of men from what would be furnished if the Senate provision should prevail.

I think there must be some leeway. I think it is not fair to the Committee on Appropriations to have it so bound down by numbers of men as well as amounts of money.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. WHITE. I think that if for the moment we forget all about section 6, the situation will be clarified somewhat. There is a limitation now written into the bill as to the number of men who can be inducted into the service—that is, 900,000; that is the ceiling that is fixed by the Lodge amendment, agreed to by the Senate.

The Senator from Kentucky, I think with entire appropriateness, suggests an amendment which would authorize the appropriation of such amount as may be necessary to carry out the terms of the bill. He does not name the amount, but the terms of the bill, when we undertake to implement them, figure out for us the amount which must be reported by the Committee on Appropriations.

Mr. McKELLAR. A budget estimate is sent in by the administration. That is the way the appropriations are arrived at.

Mr. WHITE. So, I think that, with the ceiling fixed by the Lodge amendment, it is entirely proper, as the Senator from Kentucky has proposed, to authorize appropriations for carrying out the provisions of the bill.

When we come to section 6, we have there an effort to limit Presidential discretion and Presidential authority as to the number of men he shall call out under the statutory ceiling. He might call up to the entire statutory ceiling.

I think the amendment of the Senator from Kentucky is not affected at all by section 6, except that ultimately, when the Committee on Appropriations faces the burden of reporting an appropriation bill, it must take into account all the provisions of the law, and must report a sum which will meet all the obligations imposed by the law. So I see no possible objection to the amendment of the Senator from Kentucky.

As I have indicated, I should like to see the language of section 6 revised to make certain that it does precisely what we all understand it means to do.

Mr. BARKLEY. I will say to the Senator that there is no objection to his proposed revision of section 6. But there is another reason why the amendment suggested by the Senator cannot be agreed to, and that is that there are expenses in connection with the administration of the proposed act which are not incorporated in the pay of the men who will be drawn in. There is the expense of registration, there is the expense, whatever it may be, of the draft boards which are to be set up in the various States. We cannot integrate that expense into the amount of money which will be necessary to pay the soldiers or the trainees who are to be brought into the Army.

This is the usual form of authorization which empowers the Committee on Appropriations to bring in whatever sum they think is wise after the estimates have been submitted by the departments involved.

No more money can be appropriated than is necessary to pay those who are to be trained and inducted into the service, limited, I repeat, to 900,000 at any one time. The amendment makes no allowance whatever for the incidental expenses necessary to carry out registration, the expenses of the draft boards, and other expenses incidental to getting the men into the service.

Mr. BONE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BONE. I merely desire to ask a question which will take but a moment.

In view of the fact that there was some discussion today about amendments which were accepted, as amendments are so frequently accepted, with the statement that they will go to conference, I hope the always kindly and generous chairman of the Committee on Military Affairs will not think I am ungracious in asking whether the amendment I proposed today, and which was accepted, which deals with civil trials for young men who do not appear when they are called, is likely to fall into that unhappy category. I would not have suggested the amendment if I felt that it were merely to go to conference, so to speak. I was very sincere in offering the amendment.

I think it is a highly desirable amendment. I sincerely hope, and I wish to express the hope to the chairman of the committee, that it will not merely "go to conference," but that it will really remain in the bill.

I understand that there will be other members on the committee of conference, and of course the chairman cannot guarantee anything, but I wish to say to him that I sincerely hope the amendment will be kept in the bill.

Mr. SHEPPARD. Mr. President, I assure the Senator that I shall do everything in my power to keep the amendment in the bill, and I feel that the other Senate conferees will do likewise.

Mr. BONE. I did not ask for a roll call, because I felt it was an amendment which by its nature would be acceptable to the Members of this body, who are all familiar with the procedure involved.

Mr. BARKLEY. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I wish to say to the Senator from Washington and to other Senators that the situation of a bill being considered ab initio by the Senate, and going to the House as a complete document, is a little different from the situation which exists when a bill which passed the House comes to the Senate, and amendments are offered in the Senate, and sometimes are accepted with the suggestion that they go to conference. Of course, the bill will go over to the House as a complete, integrated, clean bill, so far as the House is concerned, and unless the Members of the House take the trouble to look at the discussions, none of the provisions will appear in the form of amendments, it all being one bill.

So that the provision would remain in the bill unless the House changed it, and in that event only would it go to conference. I think that every provision of the bill, when it goes to the other House, stands on its own merits, as if it had been placed in the bill originally by the committee.

Mr. BONE. I hope the Senator from Kentucky will not think that I had anything in the way of criticism in mind when I rose. The amendment I had suggested was something which I thought would appeal to the average lawyer in this body, certainly I believe it would appeal to the great body of our citizens. It was in the legislation during the World War, and I understood from the Senator from Texas that it was in the National Guard bill. It is language which I think we could all accept.

Mr. DANAHER. Mr. President, to resume our discussion, let me say to the Senator from Kentucky particularly, and to the Senator from Texas, that what is bothering me about the bill is what we are going to do with the men who it is said are being taken for training and service. I think it is perfectly clear what we are to do with men who are inducted into the naval and military forces of the United States. I think we are going to make soldiers and sailors out of them.

I even see at the top of page 16 of the bill, lines 1 to 3, that it is expressly provided that the men inducted into the land and naval forces shall be assigned to camps or units of those forces. It does not say what is to be done with the men who are taken for training or service, and all through the bill there is a distinction in the language used.

There is a distinction with reference to those whose deferred status is involved; there is a distinction as to those who are mentioned for training and service in subsection (c) of section 3. There are yet other phases in which that distinction is raised.

Since most people, it seems to me, are overlooking the fact that the bill also provides that if during the training period the Congress shall declare that the national interest is imperiled, a man who is taken for training or service actually, if the Congress declares that our country's interest is imperiled, will be inducted into the service, a conscript service, a national-defense program service, to man the buildings and the armories and the arsenals which are to be constructed, I want to know what we are going to do with those men.

When we find that the amendment now pending would create an unlimited authorization for the Congress to appropriate whatever funds are necessary to take care of them, it seems to me that we should very definitely say that the power should be limited to the number of soldiers who are inducted into the military and naval forces of the United States. That is the reason why section 6 was originally adopted. There was no other reason for writing it.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. HOLT. The Senator will find that there is a provision in the bill which will have such an effect that it will not make any difference what we put into the bill. Let me read the Senator section 11 (b):

> The provisions of this act shall be considered liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical deficiencies therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

In other words, they can do anything, and say that the letter of the law makes no difference. I think the Senator's position is absolutely sound, but if we keep section 11 (b) in the bill, we are just wasting time by having any law.

Mr. DANAHER. I thank the Senator for his view.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. Any such interpretation of section 11 (b) is technical, and, in my judgment, not justified, because that merely means that where there is any doubt as to the meaning of a provision of the bill, it shall be interpreted liberally so as to effect the purposes of it. But that could not possibly operate to nullify the provision we already have in the bill that not more than 900,000 men may be called, and it cannot possibly operate to nullify a provision that the President cannot induct into the service more men than Congress has specifically provided for.

Mr. DANAHER. Let me point out to the Senator from Kentucky that he has twice made reference to our limitation of 900,000, implying that that is the only limitation. Let me recall to the Senator that the language of the amendment stated that not more than 900,000 men should be inducted into the naval or military forces of the United States. There is nothing in the amendment which deals with a limitation on the number of those who shall be taken for training and service.

Mr. BARKLEY. Oh, yes. The Senator from Massachusetts originally offered an amendment fixing the ceiling at 800,000 men, which he debated for 2 or 3 hours today, and the language of the Senator's amendment at present is that not more than 900,000 men in peacetime can be drawn into the service under the act for training or service.

Mr. DANAHER. Into the military or naval service.

Mr. BARKLEY. That is what we are doing, providing that these men may be trained so that they may be qualified to go into the naval or military forces of the United States, but the Senator's amendment as he finally modified it applied only to the land forces, only to the Army of the United States, and not to the Marine Corps or the Navy.

Mr. DANAHER. Mr. President, the Senator from Kentucky in his last sentence has been literal enough to point out the very distinction I seek to establish. The Senator said that the men who are taken for service and training will be trained so that they can be brought into the land and naval forces of the United States. Did the Senator mean that?

Mr. BARKLEY. It seems difficult to get my meaning over to the Senator. I do not know whether that is my fault or his.

Mr. DANAHER. No; Nature did not do a good job.

Mr. BARKLEY. Probably most of us are deficient.

Mr. DANAHER. I will agree to that, but I will not go too far in my agreement with the Senator.

Mr. BARKLEY. The Senator knows that in section 3 (a), page 15, line 15, the following authorization is given the President:

> SEC. 3. (a) Every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of 21 and 31 (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States. The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States. * * *

What does that mean?

Mr. DANAHER. Does the Senator want me to answer that?

Mr. BARKLEY. Yes; I should like to have the Senator do so.

Mr. DANAHER. I say that it means that he may select for training and service such number of men as are referred to in line 18, and he may induct into the service of the military or naval forces of the United States such number of men as, in accordance with the rest of the act, he chooses.

Mr. BARKLEY. In other words, when the men have been registered under this measure, and the President has called them into service or training, then they are a part of the land and naval forces of the United States.

Mr. DANAHER. Does the Senator say there is no difference, so that once a man is selected for training and service he is automatically inducted into the land or naval forces of the United States?

Mr. BARKLEY. That is what the language means; that if a man is inducted into the land or naval forces of the United States, during that year he is subject to training or service. At the end of the year, if there is no emergency declared, if there is no legal reason for him to be kept, he goes back into civil life. At the end of the year he goes back into the Reserve force, but he still goes back into civil life in a sense, unless he is called into service again. But during the year, under the language of the bill, he has been inducted into the land or naval forces of the United States.

Mr. DANAHER. But he can be in training for a year.

Mr. BARKLEY. Yes.

Mr. DANAHER. Or he can be inducted into the service.

Mr. BARKLEY. He can be in training or in service. Every soldier who volunteers in the Army of the United States, of course, undergoes a period of training, but he is in the Army of the United States. He undergoes training and service. They are coextensive, they are taking place at the same time. There is no use of the Senator drawing a meticulous distinction in the status of a man who is in the Army, as to whether he is in training or in service. He is in the Army just the same.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. WHEELER. Many well-meaning persons believe that all the bill means is that their sons or those who are to be called will be called for some kind of special training for such service. Most of those who write and say, "We want military training for our sons," have no idea that their sons may be taken and put in the Regular Army and then, under the terms of the bill, may be sent to Uruguay, the Philippine Islands, or any place in the Western Hemisphere. Because of the propaganda that has been sent out they think their sons are merely going to get some kind of selective training for 1 year, not realizing at all what really may happen to them under the terms of the pending legislation.

Mr. BARKLEY. Mr. President, I do not want to detain the Senate or the Senator over what seems to me to be a trivial matter, but I think the people of the United States are smarter than we in the Senate give them credit for being.

The bill provides not only that the President may draw a certain number of men from those registered between the ages of 21 and 31, but an opportunity is offered to those between 18 and 35 years of age to volunteer. That is, they

register but they may volunteer, and they go into the Army or into the naval forces for training and service, just as those who are drawn by the President go into the Army for training and service.

I do not think it is quite accurate to say that every mother and father in the country has the suspicion that Congress is trying to put something over on them by fair language which does not mean what it says, and that men are being inducted into the Army of the United States by way of a training bill.

Of course, we all know that everyone who goes into the Army has to be trained. He is not fit for service until he is trained. At the same time he is in the armed forces of the United States. These men will be either in the land or naval forces of the United States while they are training. It may be that all they will do during the entire year will be to train. It may be that they will render some service during the year. No one can predict what they will do. No one can foresee that. But they are in the land or naval forces of the United States while they are in training.

Mr. DANAHER. They might be training all year long working as electric riveters at the Camden shipyards, might they not, training in the naval forces?

Mr. BARKLEY. If some of those who are in training are found to be better qualified for services of that sort, it might be possible, though I would not want to answer that question categorically, but it certainly is intended that there shall be training for them according to their particular qualifications. As I said earlier in the day, it is inconceivable that all the men who are called will be trained merely in the Infantry, or in the Cavalry, or in the Tank Corps, or in motor transportation. There may be many of them who are better qualified for some service in the rear, to support the Army. All those things have to be taken into consideration, and, of course, the authority is there to classify them according to their qualifications.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DANAHER. I ask the Senator to withhold his request for one moment while I point out that when the Senator from Kentucky says that men between the ages of 18 and 35 may volunteer for training and service, that the measure places a limitation upon that very distinctly at the bottom of page 15, lines 24 and 25, for it says in effect that no such volunteer can enlist unless—

He is acceptable to the land or naval forces for such training and service.

Mr. BARKLEY. Of course that is true, even of those who will be drafted.

Mr. DANAHER. Yes; except that the Army will make electric riveters out of some of them, and aviators out of some of them, and——

Mr. BARKLEY. If they are acceptable. It is estimated that 12,000,000 men will be registered under this law. All of them will not be accepted. Many of them will be exempted and excused because of their disqualifications.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. WHEELER. I am glad that my friend the senior Senator from Kentucky has pointed out what I always contended the bill provided. I wish to call his attention to the fact that on the floor of the Senate the author of the bill, instead of calling this a draft, said, "I do not like the idea of calling this a draft. I like the idea of saying that it provides for selective service for training."

Mr. President, it is not simply selective service for training of men. It is really for taking them into the armed forces of the United States; and prior to the time an amendment was adopted today, power was given, under the bill, to send the men anywhere the Chief Executive sought to send them. Under the bill they can be sent any place in South America that it is desired to send them.

Rather than criticize the Senator from Kentucky, I wish to say that I think he has stated exactly the correct situation with reference to the bill, and has not tried to cover it up, as some newspaper columnists and some editorial writers have tried to do. They have tried to say, "This measure simply provides for training your boys, and you are objecting to training."

That is not so. The bill in reality is a peacetime draft of men into the Army, and when the men get into the Army the authorities can do with them anything they want to do, just the same as they can with anyone who enlists in the Regular Army at the present time.

Mr. President, that has not been made clear—I say that with all due deference to my friend the Senator from Kentucky—because innumerable persons have written to me, and it is not due to their ignorance, but they do not have the bill before them. They have been reading the propaganda that has gone out saying that the measure simply provides for training young men. The real fact has never been brought out, that the men are being inducted into the Army itself.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I do not know what all the columnists have said about the bill, because I do not read all the columns. Frequently I do not agree with columnists, and certainly I do not take my position based upon their opinions on anything. There is a certain squad of them with whom I disagree. There are others for whom I have the greatest respect and admiration with reference to their sincerity. But we cannot control them. There is nothing we can do about what columnists say about legislation, or what editorials say about legislation. The best we can do is to be frank with ourselves, if we can, and frank with the country.

I do not think there has been any effort on the part of any Senator in this debate to deceive the American people—certainly not to deceive ourselves—as to the nature of the legislation. I think the bill itself is frank. Many Senators object to the word "compulsory" but the bill itself contains the word "compulsory." The authors of the bill were not planning to dodge a word in order to soften the blow, because the very beginning of the bill provides for compulsory service and training. If the committee had wanted to sugar-coat the bill, it certainly could have done so by leaving out the word "compulsory," which it did not do. All this has very little to do with the amendment which I have offered, or even the suggestion of the Senator from Connecticut.

Mr. DANAHER. Let me say to the Senator from Kentucky that it has this to do with it. Section 6 is still in the bill. Even if the Senator's amendment as to authorization should be agreed to, until an appropriation is made nobody can be inducted into the land or naval forces of the United States. Section 6, therefore, does have an operating force. If that were not true, after the Senator's amendment were adopted we could drop section 6 out of the bill. I wished to make that point clear.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from Montana.

Mr. WHEELER. I merely wish to add a word. I do not think there is any attempt to deceive anybody by the bill. Nor do I think that the chairman of the committee, the members of the committee, or any Senators have tried to deceive anybody.

However, some of the propaganda which has gone out in favor of the bill has been of a decidedly deceptive character, and has been presented to a great many of the people. All we have to do to know that it has been of that character is to read the mail which is coming in. When we read the mail which is coming in, we know prefectly well that many of the people have been deceived as to the character of the bill.

I am grateful to the Senator from Kentucky, as well as to the Senator from Connecticut, for their frank statements. I think the Senator from Kentucky has made a frank statement as to exactly what the bill does.

Mr. DANAHER. I thank the Senator.

Mr. BARKLEY. I think it ought to be stated that, while it may be true that the propaganda which has been sent out in favor of the bill has been deceptive, we have not been

responsible for it. However, it is equally true that the propaganda which has gone out against the bill has been deceptive. I think there has been just as much misrepresentation on the part of those who have sent out propaganda against the bill as there has been on the part of those who have sent out propaganda in favor of the bill. I do not know where the propaganda originates.

Mr. DANAHER. Let me say briefly, by way of conclusion, that I had hoped to persuade the Senator from Kentucky to accept language similar to that suggested by me. My suggestion is not in the form of an amendment. It was merely a suggestion for a limitation upon the authorization sought by the language of the Senator from Kentucky.

I fully realize that we must have authorizations for appropriations. However, I think there should be a ceiling on authorizations. I am fearful that, under pressure of the demand of those who would have it done, the Congress may decide that the national interest of the United States is imperiled, and that therefore the men who are taken for 1 year may be forced into service and continued in service for as long as the Congress declares that the national interest permits them to be continued in service.

Only 2 weeks ago I heard it stated that the statute which gave us power and control over national emergencies was wiped out. Quite the contrary, we delegated the power and authority to the President to call out the National Guard, the Officers' Reserve, and all the rest of the Reserve components. So the matter of removing from Congress the control over this situation is simply modified.

I have been fearful that unless we place a limitation on the appropriation or the authorization we may once more find that unlimited numbers of men will be inducted, not into the military and naval forces of the United States—the Lodge amendment establishes a limitation of 900,000 in that respect—but into other service. A number of those who may be selected for training, and thereafter for service, may be assigned to other duty. There is no limitation whatever. There is no limitation in the bill or in any amendment so far agreed to. There is no limitation in the amendment of the Senator from Kentucky.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

Mr. DANAHER. I yield.

Mr. WHEELER. Is it the Senator's contention that under the terms of the bill 400,000 or 800,000 men may be selected for the purpose of training, to be inducted into the Army, and then, under the Senator's construction of the bill, may be assigned to service in factories or in other capacities?

Mr. DANAHER. Yes; or in shipyards.

Mr. WHEELER. I am quite frank to say to the Senator that I had not understood that the bill provides that such a thing may be done. Certainly I do not think it is the intention of the chairman of the committee, the author of the bill, or the majority leader, that such interpretation should be put upon it.

Mr. DANAHER. Let me invite the Senator's attention to section 4 (a), dealing specifically with the selection of men for the training and service provided for in section 3. Notice lines 14 and 15 on page 17. The language prescribes how men are to be selected for training and service. How? Under rules and regulations to be prescribed by the President. Naturally, then, if we look back to section 3 (a), we will find out for what purposes the President is authorized to select them. In lines 15, 16, and 17, on page 15, in section 3 (a), we find that:

> The President is authorized, whether or not a state of war exists, to select for training and service * * * and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest.

If we go through the sections dealing with deferred training, we find that they deal solely with the deferment of service in the military and naval forces of the United States, and not deferment of the training and service referred to in the other sections. Men do not use language when they are drafting legislation without the words meaning something. That is why I submit to the Senator that, as the Senator from Kentucky has already pointed out, if it is discovered that a man who is an electric riveter is needed at the Camden shipyards or the Portsmouth Navy Yard, or somewhere else, he then puts in his year of so-called training working as an electric riveter, and he is also in service while he is doing so.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. The Senator knows that there is no provision of law governing the Army of the United States which authorizes sending a soldier into a private factory for riveting or any other manufacturing purpose.

Mr. DANAHER. I do not mean a private factory. I mean a Government arsenal, or one of the factories which will be built with R. F. C. money.

Mr. BARKLEY. The Senator has found a mare's nest in section 4, subsection (a), which simply says:

> The selection of men for the training and service provided for in section 3 (other than those who enlist voluntarily pursuant to this act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe—

That is, the men who are drawn out of the panel of 12,000,000, or whatever the number may be, are to be selected in an impartial manner, under rules and regulations prescribed by the President—

> from all the men between the ages of 21 and 31 who are liable for such training and service.

That simply means that there shall be no favoritism or partiality indulged in in the selection of the men who are to be drawn into training or service. It has no relationship to factories. It has no relationship to riveting. It has no relationship to tanks, or to any of the other forms of service which might be required in the Army. So it seems to me that the Senator is looking for ghosts.

Mr. DANAHER. Does the Senator have the bill in his hand?

Mr. BARKLEY. Yes.

Mr. DANAHER. Will the Senator turn to page 20?

Mr. BARKLEY. All right.

Mr. DANAHER. Let me point out lines 4 and 5, lines 9 and 10, and lines 20 and 21. In every one of those instances we find a combination of words completely different from all the rest of the bill:

> The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States—

In line 9 we say:

> The President shall defer training and service under this act in the land and naval forces of the United States—

And so forth.

Mr. BARKLEY. That means that if a man is called up under the Selective Training and Service Act, or under the Draft Act, or under conscription—whichever one chooses to call it—and it is found that he is worth more to the American Government in the private job he has, or in some other job in a factory, the President may defer calling him into the land or naval forces of the United States.

Mr. DANAHER. I agree that he should.

Mr. BARKLEY. If he can make automobiles, airplanes, tanks, rubber tires, or trucks, and render greater service to the United States in such capacity than if he were called into the land or naval forces, the President has the right to defer the service of such a man and let him stay where he is, and not call him into the Army or Navy.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. AUSTIN. I wonder if the text of the bill which the Senator from Connecticut has before him contains these words in line 17, on page 15:

> In the manner herein provided.

Mr. DANAHER. That is correct; line 17.

Mr. AUSTIN. I noticed that when the Senator read the language:

The President is authorized, whether or not a state of war exists—

He skipped the words to which I refer. I assume he did so inadvertently.

Mr. DANAHER. No; I did not do so inadvertently. I was merely trying to reconcile the thought in section 3 (a) and the singular omission in section 4 (a), where we do not find the language of section 3 (a) repeated at all; and yet on page 20, about which we were just talking, we find a combination of words used over and over again throughout the section, implying a distinction between those who are selected for training and service and those who are inducted into the military or naval forces. If the Senator will look at section 6, he will find that there is no mention of those who are taken for training and service.

Mr. AUSTIN. Now, may I ask the Senator a question? Does he notice that there is no punctuation between the word "service" and the following words, "in the manner herein provided?"

Mr. DANAHER. Yes; I do.

Mr. AUSTIN. Then would not the Senator understand that to mean, to use the ordinary construction of the English language and rhetoric, the kind of training and service described later in the bill?

Mr. DANAHER. Let me say to the Senator that I will answer him "No," because of the fact that there is a comma after the word "provided" in line 17, and that expressly differentiates two possible thoughts. That is what it is there for. That is the way I read it.

Mr. AUSTIN. Let me say that I have very carefully studied and worked over seven different reprints of this bill, and I have never heard of any print of the bill which contained any language which could by any means be construed to authorize the President to teach vocational education or any other type of education except military training. The history of the legislation, the great act of 1920 on which it is founded, shows that that subject was debated; an amendment on that subject was offered and rejected; and I personally have not any doubt whatever that the training described in this bill is military training.

Mr. DANAHER. Mr. President, I thank the Senator from Vermont for his observations, for I am sure he knows the great confidence I have in his judgment. Let me point out that just before he entered the Chamber the Senator from Kentucky had pointed out to us, by way of explanation, that some man's military service, since this is selective service, might demand that he spend his entire year performing a mechanical task, if you choose, that of an electric riveter. That is what we happened to pick out as an exemple; and therefore, if 400,000 men were needed as electric riveters, it is true that they would be, if you choose, inducted into the naval forces, but they would be performing training and service in that fashion, and not as the Senator, I am sure, uses the term in its limited aspect, military service.

Mr. AUSTIN. I certainly do. These men are provided to be placed either in camps, or in units of the Regular Army, or the Reserve components of the Regular Army. They are not authorized to be placed in factories, or boiler shops, or anything of that kind. I have no doubt about that.

Mr. DANAHER. I am delighted to hear that explanation from the Senator from Vermont, for I have sought it for days on this floor, and brought up the subject in one way or another, hoping that sooner or later an explanation of the viewpoint of the committee would be presented to us. The Senator from Vermont certainly has made a contribution.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. DANAHER. I yield to the Senator from Kentucky.

Mr. BARKLEY. The Senator referred to a colloquy which occurred between him and me before the Senator from Vermont came into the Chamber.

Mr. DANAHER. Yes.

Mr. BARKLEY. I certainly said nothing or, if I did, I did not intend to say anything that would lead anybody to believe that the President could call any of these men into the Army and Navy and send them to a factory as a part of the United States Army and require them to work there.

Mr. DANAHER. We were talking about shipyards.

Mr. BARKLEY. I am talking about the classification of the men who are called for training of the kind that they may be best qualified to undergo in the Army and in the Navy. That is all I said.

Mr. DANAHER. Let me restate the question to the Senator, to make certain.

Mr. BARKLEY. I stated that it might be wise to train some men as mechanics, as automobile drivers, as tank drivers, and I said, I think, even as cooks

Mr. DANAHER. The Senator did not; but he reminds me that I have not had anything to eat. [Laughter.]

Mr. BARKLEY. Neither have I; but I want to read further on. I desire, if it is possible to do so, to clarify the Senator's mind on this subject.

The Senator referred to page 20, lines 4 and 5, where the President is authorized—

To defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest.

In other words, if a farmer, when he registers, is found to be more valuable if he is left on his farm than if he is drawn into the Army, he may be deferred; or if the man who registers happens to be a man employed in an automobile factory where they are making trucks that the Army may want, or making tanks, the same thing is true. Mr. Chrysler, I believe, has been given during the past few days a contract for making tanks. The Baldwin Locomotive Works has been given a contract for making tanks. Those are private industries, although they have Government contracts. When these men are called, anybody working in either of these plants may be found to be more needed where he is, in order to turn out these products, and his call may be deferred.

Further on, I will emphasize to the Senator the language of the bill:

No deferment of training and service shall be made in the case of any individual except upon the basis of the status of such individual.

That is, at the time of his call, the status he occupies either in agriculture or in industry or in some other vocation that might be regarded as desirable for him to remain in as in the Army or in the Navy.

It seems to me there is no ground for misunderstanding as to what that language means. That was done in the World War, when we had the Selective Service Act. Men were called up, and they were deferred, or some men were excused altogether, because of the type of work they were doing at home or in their communities which was necessary in order that the Army might be supplied with the things it needed.

Mr. DANAHER. I thank the Senator from Kentucky; and I have but one more question. In fact, I should have concluded some time ago, when the Senator from Montana wanted me to answer one more question; but let me say to the Senator from Kentucky that we are going to build factories somewhere.

We are going to use them to produce Government necessities, either critical materials, let us say, or munitions. Does the Senator understand that by any construction of the language of this bill men may be taken for training and service, inducted into the Army, and sent out to build such a factory, on the ground that the national interest demands it?

Mr. BARKLEY. I certainly do not; and I will further say to the Senator that these factories are to be built, so far as I know now, under private contract with great corporations or groups of persons. They are to be built for the Government, but they are to be built by private industry. Out in Indiana the Du Pont Powder Co. is to build a $25,000,000 powder plant, I believe, for the Government; but it is to be built by the Du Pont Co., and everybody employed in it will be employed by the Du Pont Co. The same thing is true of the Chrysler Co., and the Baldwin Locomotive Works, and these others.

It is entirely possible, although I do not know to what extent it will be done, that the Government might build an armor plant for the Navy, or it might enlarge an arsenal, or it might build an arsenal for the manufacture of explosives and things of that sort.

But it is not my understanding that under the bill—and if I am wrong about it I want the Senator from Texas to correct me—men may be drafted and then sent out to a factory, private or Government-owned, in order that they may participate in the manufacture of things which are even necessary for the Army. Am I correct about that?

Mr. SHEPPARD. The Senator is correct.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

INVASION OF AMERICA IMPOSSIBLE

Mr. WALSH. Mr. President, I desire to read into the RECORD an article printed in today's papers, written by Walter Trohan, as follows:

HITLER CAN'T INVADE AMERICA FOR 2 YEARS, SAY EXPERTS—EVEN THEN HE'D PROBABLY FAIL, THEY CLAIM, IN CITING HANDICAPS

Invasion of the United States would require the largest and most intensely organized military and naval effort the world has ever seen and even in the face of the meager defenses America has today, the chances of success of such an invasion are extremely remote.

This was the verdict of responsible Army and Navy officers and defense experts to whom was put this question: "Just what would it take to invade America with 500,000 or 1,000,000 men, and what chance would the invading force have?

NO THREAT OF INVASION

Despite all the war hullaballoo in the country today, the experts agreed that America faces no serious threat to immediate invasion, because it would take upward of 2 years to prepare a force for invasion, and within that time the United States could make herself impregnable against any invader.

Germany spent 5 years preparing for her invasion of Britain by way of France and the Low Countries. Even at her present state of preparation for war—assuming she defeats Britain and wants to invade the United States it would take at least from 2 to 3 years to get an invading armada organized.

ONE MILLION MEN NEEDED

In the sixteenth century Philip II of Spain spent 8 years in gathering together his armada of 130 ships, manned by 8,000 seamen and 19,000 troops, which were to constitute the vanguard of an invading force against England. The armada met disastrous defeat at the hands of a far smaller foe.

Experts fixed the need of a twentieth-century armada for a force of 1,000,000 men with ample weapons, ammunition, and merchant vessels. Any attempt at invasion with a smaller force would be absolute suicide, they feel. However, the needs of any army of 500,000 would approximate half that of the larger force. The greater army would have more corps and army weapons.

WHAT INVADER NEEDS

The experts fix the needs of the force of one million, as follows:

*Weapons*

| | *Quantities* |
|---|---|
| Rifles | 300,000 |
| Pistols | 100,000 |
| 37-millimeter antitank | 2,500 |
| Machine guns | 15,000 |
| Mortars | 5,000 |
| 105-millimeter howitzers | 3,000 |
| 105-millimeter guns | 2,000 |
| 155-millimeter howitzers | 2,500 |
| 155-millimeter field guns | 1,000 |
| 240-millimeter howitzers | 250 |
| 37-millimeter antiaircraft guns | 1,000 |
| 90-millimeter antiaircraft guns | 2,000 |
| Tanks | 1,500 |
| Scout cars | 1,800 |
| Motor vehicles | 200,000 |
| Airplanes | 7,500 |

*Ammunition, in rounds*

| | |
|---|---|
| Rifle | 445,000,000 |
| Pistol | 50,000,000 |
| Machine gun | 200,000,000 |
| 37-millimeter antitank | 15,000,000 |
| 105-millimeter howitzer | 3,000,000 |
| 105-millimeter field gun | 2,000,000 |
| 155-millimeter howitzer | 2,000,000 |
| 155-millimeter field gun | 1,000,000 |
| 37-millimeter antiaircraft | 7,000,000 |
| 90-millimeter antiaircraft | 8,000,000 |
| Mortar, ammunition | 5,000,000 |
| Bombs, tons (up) | 100,000 |

*Number of merchant ships*

| | *Average tonnages* |
|---|---|
| 1,000 transports | 10,000 |
| 2,000 freighters | 5,000 |
| 500 supply ships | 7,500 |
| 250 oilers | 8,000 |

NEED HUGE WAR FLEET

Many of these vessels would turn to supply service to maintain the Army should it get a foothold.

In naval craft the invading fleet must have a force equal to if not superior to the 400 ships in the American Navy, and because such a fleet would be operating far from home it would need a full complement of tenders and auxiliary craft of all kinds.

Granted a foreign invader had driven the American Navy from the seas—and that is quite a job because it is acknowledged to be the best trained and best equipped navy in the world—experts say the invader would still face a mass of difficulty.

RAIDS CAN'T CONQUER LAND

In all the fear of invasion being built up at present for political purposes no attention has been paid to the actual mechanics of invasion. Politicians have emphasized the possibility of air attack, but have said nothing of the difficulty an enemy would encounter in seeking to establish air bases. Nor have they stressed the fact that neither America nor any other country can be taken by air raids, but can only be counted taken when infantrymen are in actual possession of the soil after having killed or driven off the defenders.

NEEDS GOOD HARBORS

The first thing an invader needs are points of attack. In taking these into consideration he must find harbors large enough for his fleet and with sufficient facilities to unload not only his men but also his heavy machines. Behind the harbors must be railroads and highways to take the invaders into the interior.

To capture the United States from the northeast the invader would have to take Halifax, Nova Scotia, as well as lesser harbors in Newfoundland and on Cape Breton Island. There are inlets in the area which would take the entire United States Fleet, but they have no facilities and are not improved.

Though American coastal defenses are in a state of neglect, these defects can be corrected at most in 2 years—sooner than an enemy could prepare the gigantic force for invasion—and the American coast put in such shape that no enemy would dare to make a thrust.

Even at present, with the American Navy what it is, the experts are confident that an invader could not establish himself on American soil.

Mr. President, this corresponds with the information which has come to me as chairman of the Committee on Naval Affairs from time to time about the difficulty of invading this country, and I think if it had a wider circulation than mere publication in the press, it might have a tendency to still somewhat the war propaganda of the day.

Mr. GURNEY. Mr. President, I wish to refer for a moment to a provision of the bill which I feel is quite important. The Committee on Military Affairs spent as much time on this provision, which relates to reemployment of men who come into training, as we gave to any other part of the bill. I feel that there has been a meeting of minds as between the Members of the Senate and the Members of the House on this subject, and the reemployment provisions in the National Guard law have already been agreed to in both Houses. I feel that the provisions of the bill should be coordinated with the provisions of the National Guard law.

Therefore, I call up the amendment which I have offered, which duplicates the language of the National Guard law in the pending bill, starting with section 8, page 23, line 12. I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed in the committee amendment on page 23 to strike out all of lines 12 to 26, inclusive; on page 24, to strike out all of lines 1 to 26, inclusive; on page 25, to strike out all of lines 1 and 2, and to substitute in lieu thereof the following:

(b) In the case of any such person who has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of such section (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

Mr. GURNEY obtained the floor.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. AUSTIN. I have been following the reading of the proposed amendment in the National Guard Act itself, and I believe in order to perfectly coordinate the pending bill with the National Guard Act something should be done to section 8 (a). I have a proposal to make to the Senator from South Dakota. I wonder if he would accept an amendment to his amendment to the following effect, on page 23, lines 4 and 5, to strike out the words "member of any Reserve component of the land or naval forces who is on active duty, and any." That is only part of my proposal, and I will pause to explain the purpose of it.

Mr. GURNEY. I should be glad to accept that, because the Reserve components are covered in the measure recently passed known as Joint Resolution 286, the National Guard measure.

Mr. AUSTIN. The second proposal is to add the words: "for training and service" after the word "act" in line 7, page 23, so that the paragraph as changed up to date would read as follows:

Any person inducted into the land or naval forces under this act for training and service who, in the judgment of those in authority over him, satisfactorily completes the service required under this act shall be entitled to a certificate to that effect upon the completion of such service, which shall include a record of any special proficiency or merit attained.

The only changes in the existing paragraph up to this point are the striking out of the words which are unnecessary, which has been done, and the addition of these new words, "for training and service." Will the Senator accept that?

Mr. GURNEY. I accept that.

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Vermont to the fact that section 8 (a) is not included in the amendment offered by the Senator from South Dakota.

Mr. AUSTIN. I am asking the Senator to add a new section to his amendment bearing the number 8 (a), and the text which appears on page 23 between lines 4 and 12, which I am trying to formulate. I have read it as proposed up to date.

There is another point, that the Senator add thereto the following language, which is the identical language found in the National Guard Act in reference to this point, namely:

In addition, each such person who is inducted into the land or naval forces under this act for training and service shall be given a physical examination at the beginning of such training and service and a medical statement showing any physical defects noted upon such examination, and upon the completion of the period of such training and service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses, or disabilities suffered by him during each period of such training and service.

Of course, the object is self-evident. It is to protect and help the trainee in after life, and to save Congress from many injustices which necessarily arise from the lack of proof of this character.

Mr. GURNEY. Mr. President, I am very willing to accept the amendment offered by the Senator from Vermont. My amendment tended to correct the language and make the reemployment provisions the same as the provisions in the National Guard bill. But the amendment of the Senator from Vermont takes care of coordinating all the provisions of section 8, and therefore I am glad to accept the additions suggested by the Senator from Vermont.

The PRESIDING OFFICER. Does the amendment of the Senator from Vermont to the amendment of the Senator from South Dakota strike out section 8, as written, and substitute the language which the Senator read?

Mr. GURNEY. That is correct.

The PRESIDING OFFICER. That was not the understanding of the Chair.

Mr. SHEPPARD. Mr. President, as I understand the amendment offered by the Senator from South Dakota, as amended by the Senator from Vermont, it contains practically the same provisions that were in the National Guard bill relating to reemployment, and is offered for the purpose of bringing the bill into entire harmony with the National Guard bill.

Mr. GURNEY. That is correct.

Mr. SHEPPARD. I have no objection.

Mr. THOMAS of Idaho. Mr. President, I wish to ask a question of the Senator from South Dakota or the Senator from Vermont, whichever Senator wishes to answer the question.

The provision in section 8 (a) which refers to the issuance of a certificate upon the completion of his service contains the words:

Which shall include a record of any special proficiency or merit attained—

That is included in the amendment, is it not?

Mr. GURNEY. It is.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. AUSTIN. In order to conform to the parliamentary situation, I now restate the amendment which I propose to the amendment offered by the Senator from South Dakota.

On page 23 it is proposed to strike out all of lines 4 to 26, inclusive.

It is proposed on page 24 to strike out all of lines 1 to 26.

On page 25, it is proposed to strike out lines 1 and 2.

It is proposed to substitute in lieu thereof the language which I previously read, together with the text of the amendment as offered by the Senator from South Dakota, as the entire substitute.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont to the amendment of the Senator from South Dakota.

The amendment to the amendment was agreed to.

Mr. GURNEY. I move the adoption of the amendment, as amended, to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota, as amended, to the committee amendment.

The amendment, as amended, was agreed to.

Mr. GURNEY. Mr. President, section 8 has been amended down to and including subparagraph (e). Subparagraph (f) on page 25, provides that the director of selective service shall assist in seeking reemployment for those who are inducted for this training program.

In the National Guard bill there was no representative appointed to help National Guard men to secure reemployment. So I have prepared an amendment, and I send it to the desk now, and ask that it be stated.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 25, line 5, after the word "positions", it is proposed to insert "of members of the Reserve components of the land and naval forces of the United States who have satisfactorily completed any period of active duty and."

On page 25, line 6, it is proposed to strike out the word "their" and insert in lieu thereof the words "any period of."

Mr. KING. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. KING. Have the proposed amendments been submitted to the committee of which the Senator is a member, and have they been approved?

Mr. GURNEY. Since the passage of the National Guard bill I have talked over these amendments with the chairman of the committee and other members of the committee. I shall be glad to have the Senator from Texas [Mr. SHEPPARD] advise whether or not he will accept the amendment.

Mr. SHEPPARD. The amendment attempts to aid men who serve on active duty, as well as the trainees, to obtain reemployment. There is no objection that I can see to include Reserves as well as trainees.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. ADAMS. The last portion of the Senator's amendment, in line 6, substitutes for the word "their" the words "any period of." In other words, subparagraph (f) as it now is, requires that the men shall have completed their service, whatever it may be, and I am wondering if I correctly read that all they would have to do under the Senator's amendment would be to complete satisfactorily any parts of their service, even though there were some parts of their service that had not been satisfactorily completed.

Mr. GURNEY. No; I am sure they would not get any help——

Mr. ADAMS. It says "any part of their service."

Mr. GURNEY. "Any period of."

Mr. ADAMS Yes, "any period of." Suppose they had one period which was satisfactorily completed and one that was not. In that situation they would have the full benefits of this provision.

Mr. GURNEY. That particular change is in case a man were inducted into the service or was in the National Guard, and, for instance, was disabled, and served only a few months. He would still want to get his position back if he were automatically let out of the service. That is the reason for putting in the words "any period of," instead of the word "their." That was the suggestion made by the War Department after the amendment had been examined.

Mr. SHEPPARD. Mr. President, I suggest to the Senator that after the words "any period of" he add the words "their service satisfactorily completed."

Mr. GURNEY. I shall be glad to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota as modified, to the committee amendment.

The amendment as modified was agreed to.

Mr. WHITE. Mr. President, I offer an amendment which I send to the desk. I have already referred to it once or twice.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 22, it is proposed to strike out all of section 6, and insert in lieu thereof the following:

SEC. 6. The President shall have authority to induct into the land and naval forces of the United States no greater number of persons than the Congress shall from time to time hereafter make specific appropriation for.

Mr. SHEPPARD. I was under the impression that that amendment had been adopted.

Mr. WHITE. It has not been adopted. I understood, however, that it was satisfactory to the chairman of the committee, and I believe I am warranted also in saying that it is satisfactory to the majority leader.

Mr. SHEPPARD. It is quite satisfactory, because it makes the meaning clearer.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine, to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. WHITE. I offer another amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 29, it is proposed to strike out all of subparagraph (b) of section 11.

Mr. WHITE. Mr. President, subsection (b) strikes me as one of the most extraordinary provisions I have seen in my somewhat long congressional service.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. McKELLAR. To what page is the Senator referring?

Mr. WHITE. Page 29, subsection (b) of section 11. This subsection provides that—

The provisions of this act shall be construed liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical differences therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

Mr. SHEPPARD. Mr. President, I think the Senator is correct. It is up to the courts to do their own deciding. So far as I am concerned, I accept the amendment.

Mr. THOMAS of Utah. Mr. President, I do not believe we ought to eliminate this subsection without a statement for the RECORD. The question was discussed in the committee.

We must remember that the act will be administered by nonlawyers, and by draft boards in perhaps 5,000 different registration districts. Each member of the committee felt that this subsection should remain in the bill, if for no other reason, to bring home to the men who have the authority to administer the act the fact that if they are imposed upon by persons posing as lawyers, or persons who are lawyers, they should see to it that the individual registrant is given his due, and should understand that the authorities of the United States expect him to have it. This subsection is purely sentimental; but it was deemed by the committee an important sentiment. I think if it is to be taken out, an explanation ought to be given.

Mr. WHITE. Mr. President, I am perfectly willing to have the question go to a vote. It seems to me that this language exalts the individual above the law. We ought to be able to express the meaning and intent of what we are doing in the language of the act itself. I think this subsection, invading the spirit world in order to interpret legislation, is something we ought not to undertake.

Mr. ADAMS. Mr. President, I wish to add a word to what the Senator from Maine has said. It seems to me that the plain import of this subsection is that the law itself is of no concern. We say, in effect, "You may disregard the law whenever you please." Let me read the subsection:

The provisions of this act shall be construed liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical deficiencies therein shall be suplied by the reasonable intent of the act as a whole, in the light of national needs.

In other words, the official shall follow whatever he thinks the law ought to be, and he may disregard the letter of the law, and determine it in accordance with what he, as an individual, thinks is the spirit and purpose of the law.

Mr. THOMAS of Utah. Mr. President, I should like to say that I am in no sense the author of this provision. It was in the original bill.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. BURKE. The Senator does not mean that this provision was in the bill as introduced?

Mr. THOMAS of Utah. It was in the bill as the committee considered it. I am merely stating the experience of the committee, and I am doing it for the reason that I think it ought to be done. If any evidence is needed to sustain what I am saying, no finer evidence could be found than what has taken place in the past few minutes. For anyone to imagine, as does the Senator from Colorado, that anyone will administer the act in that kind of a spirit, shows that probably we need some kind of tempering influence upon the administrators from the top to the bottom, to see that the act is administered

in the light of all the related acts in building up the armed forces of the United States.

Mr. BURKE. Mr. President, subsection (b) of section 11 was not in the bill as it was carefully drawn and introduced, but was added in the committee.

I believe, with the Senator from Utah, that there is expressed in this language the general spirit in which an act of this kind ought to be enforced. On the other hand, it seems to me that it is really a serious mistake to express it as a provision of the bill. I hope the amendment of the Senator from Maine will be agreed to.

Mr. THOMAS of Utah. Mr. President, let me call the Senator's attention to page 12, line 19, and see if the spirit of the provision, which it is suggested be stricken, was not in the original act. The wording is different.

Mr. BURKE. Mr. President, that was not the original bill. The Senator is reading from about the fifth or sixth print. If we go back to the original bill as introduced, I am quite certain that such a provision will not be found there, but if it is in the original bill, I will say that I think it is there by mistake, and should be stricken out anyway. I am very sure that the provision which the Senator is now reading is in one of the later committee prints. However, if I am in error, I still say that I think it should not be in the bill.

Mr. THOMAS of Utah. Mr. President, for the benefit of the Senator from Nebraska, the committee considered only the print before us. Many changes may have been suggested at the hearings, but we stayed with this print in the committee.

I grant that probably there is no point in what I am saying. However, I think we ought not to take this provision out of the bill without some reference being made to it in the RECORD. The provision was kept in the committee's report on the bill advisedly, after there had been discussion of the matter and the committee had decided that it was better to leave it in, considering all the circumstances.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. WHITE] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine to the committee amendment will be stated.

The LEGISLATIVE CLERK. On page 29 of the committee amendment it is proposed to strike out all of subparagraph (c) of section 11.

Mr. WHITE. Mr. President, paragraph (c) of section 11 I think is somewhat unusual in legislation. It provides that—

> If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

It seems to me that puts a wholly unnecessary and a wholly unjustifiable burden of litigation upon the draftees. What it means, in effect, is that if draftee A takes a case to court, and there is an adjudication by a court and a declaration of a principle, Draftee B, whose facts may be identical with those of a case which has gone to the court, may not have the benefit of the court's decision and of the principle laid down by the court; but he, in turn, and every other draftee, must face the burden of litigation to have in his case the same principle declared that has been declared in an adjudicated case.

It seems to me that is, as I say, a wholly unreasonable and a wholly unjustifiable burden to place upon these men.

Mr. SHEPPARD. Mr. President, I make no objection to that amendment. I agree with the Senator that the provision is unnecessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine to the amendment reported by the committee.

The amendment to the amendment was agreed to.



Mr. WAGNER. Mr. President, I desire to inquire of the senior Senator from Texas whether he would have any objection to the following amendment:

On page 25, line 1, after the word "provisions", strike out the period, and after the word "provisions", insert the following:

> And to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act or action.

The reason why I suggest that amendment is that while there is a provision in the bill making the United States district court available to the individual for reinstatement if the employer refuses to reinstate him, if there should be a delay, say, of a month or 6 weeks and the individual should receive judgment of reinstatement, there is no provision in the bill for the payment of wages during the period the action was pending and the individual was out of employment. It seems to me the wages ought to begin from the time the application for reinstatement is made providing the application is upheld by the court.

Mr. SHEPPARD. Mr. President I ask the Senator to let that amendment go over until tomorrow.

Mr. WAGNER. Very well.

Mr. HATCH. Mr. President, the provision just read by the Senator from Maine [Mr. WHITE] leads me to propound an inquiry. Does the bill now contain a general separability clause?

Mr. SHEPPARD. No; not now. We eliminated that clause.

Mr. HATCH. Does not the Senator from Texas think such an amendment should be included in the bill?

Mr. SHEPPARD. I did not think so, as originally worded.

Mr. HATCH. Then the Senator from Texas does not believe the bill would be improved to any degree whatever by adding, not this peculiar provision which was in the bill, but a general provision that if any section is held to be unconstitutional it shall not affect the other provisions of the bill?

Mr. SHEPPARD. I say to the Senator that I shall see that the matter is given consideration overnight.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. Has subdivision (c) of section 11 been eliminated?

Mr. SHEPPARD. It has.

Mr. BANKHEAD. That is the section about which the Senator from New Mexico is inquiring.

The PRESIDING OFFICER. The committee amendment is still open to amendment.

Mr. SHEPPARD. Mr. President, I offer an amendment. On page 18, line 14, after the word "Survey", I move to insert "the Public Health Service." This Service was inadvertently omitted in the original text of the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 18, line 14, after the word "survey", it is proposed to insert "the commissioned personnel of the Public Health Service."

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Massachusetts to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 23, line 5, after the word "duty", it is proposed to insert the following:

> Or who is hereafter assigned to active or training duty.

Mr. WALSH. Mr. President, the language of the pending bill provides that trainees to be trained under this legislation shall be given, after they finish their training, a certificate indicating that they have performed their duties efficiently and patriotically. The language does not permit giving such certificates to those who in the future may become members of the Naval Reserve. Anybody who is now in the Naval

Reserve and on active duty would get such a certificate; and the insertion of these few words would make it possible for those who will later be taken from the Naval Reserve to active service to receive such certificates.

I assume there is no objection to the amendment.

Mr. SHEPPARD. I see no objection to the amendment.

The PRESIDENT pro tempore. Without objection, the amendment offered by the Senator from Massachusetts [Mr. WALSH] to the amendment reported by the committee is agreed to.

Mr. WALSH. Mr. President, I inquire of the Senator from Texas whether or not there is any provision in the bill giving to the trainees or young men who are to be conscripted the benefits of the compensation provisions of present law applying to cases of accident to men who enlist in the Regular Army and Navy, in case they meet with disaster during the year?

Mr. SHEPPARD. There is a clause that they are entitled to all the benefits to which the enlisted men of the Army are entitled.

Mr. WALSH. I should like to inquire—I have not heard much discussion about it—whether it is the Senator's opinion that the young men who are to be drafted for a year's service are not entitled to all the compensation benefits which the veterans of the World War who served only 90 days, and who never left this country, are receiving.

Mr. SHEPPARD. I agree with the Senator.

Mr. WALSH. Would the Senator object to an amendment of that kind being incorporated in the bill?

Mr. SHEPPARD. I would not.

Mr. WALSH. I shall take the privilege of preparing such an amendment tomorrow and presenting it.

My inquiry was for the purpose of calling attention to the enormous additional expense, which does not appear upon the surface of this legislation, which we are incurring by providing for 5 years 900,000 conscripts, men conscripted for service in the Army and Navy, and that there will be built up in the next 5 years as enormous a load of compensation benefits as we got from the World War.

Mr. MINTON. Mr. President, may I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. MINTON. If we are to make that kind of an arrangement for the trainees under this bill, does not the Senator think we ought to make it for the men who are in the Regular Army and in the National Guard? That never has been done. In other words, the peacetime soldier has never been placed in the same category with the wartime soldier.

Mr. WALSH. I would agree with the Senator if these men were not drafted. So far as volunteers in the Army and Navy are concerned, I am in full accord with his statement; but for the first time in peacetime we are drafting men to service just as we did in the World War. The assumption is that we are, after all, on the verge of war, or preparing for war. In that event, it seems to me that if, after the year is over, the men have an injury or disease or other misfortune, they will have just as much claim upon the Government as the men who were drafted in the World War and never left this country and served only 90 days, not a year, and met with misfortune.

Mr. MINTON. Perhaps we had better maintain the old line-up between the peacetime soldier and the wartime veteran.

Mr. WALSH. When a man volunteers he knows what his contract is, he knows he is volunteering in conformity with the law, he knows what his rights and privileges are. But when we come to the situation of drafting a man and then asking him to take less than a draftee received who served 90 days in the World War, it is very hard to reconcile him to the fact that he should not have the rights of the World War veteran.

Mr. BANKHEAD. Mr. President, has the Senator made any estimate of the probable amount his amendment would cost the taxpayers of the country?

Mr. WALSH. I have not, but as I have pointed out before, it illustrates one of the enormous consequences which will result from creating a draft army in time of peace.

Mr. BANKHEAD. It would probably run into the billions of dollars?

Mr. WALSH. Undoubtedly; and I am making the suggestion merely to show the awful consequences of this legislation. No one knows where it will lead, but I ask my colleagues how they can justify refusing to give a man who serves a year in the draft in the United States what was given to a man who was drafted in the World War and served only 90 days and never left the United States.

Mr. THOMAS of Utah. Mr. President, when the Senate accepted the last amendment offered by the Senator from Maine [Mr. WHITE] it removed from the bill the separability clause. The removal of that clause has greatly weakened the proposed act from the constitutional standpoint. I am wondering whether the Senator from Maine, since he objected to some of the wording in the separability clause that was put in the committee amendment, would accept the wording of the original separability clause found at the bottom of page 12, lines 24 and 25 and the first two lines on page 13.

Mr. WHITE. Mr. President, it never occurred to me that subparagraph (c) was a separability clause at all. I had never thought of it in that light, and it does not seem to me that by any stretch of the imagination it can be so designated properly. What was the Senator's question about the provision on page 12?

Mr. THOMAS of Utah. Subparagraph (c) on page 12, line 24, is the old separability clause as the bill was introduced.

Mr. WHITE. So far as I can see from a hasty reading—and this is the first time I have examined it carefully—I can see no objection to subparagraph (c) appearing at the bottom of page 12, but I think that is quite a different thing from the language we have stricken out. As I look at it, I would not oppose the reinsertion of subparagraph (c) as it appears on page 12.

Mr. THOMAS of Utah. Mr. President, I imagine it would take a motion to reconsider before further action could be taken.

Mr. WHITE. Oh, no, Mr. President; I do not think it would require any reconsideration of what we have done at all. I do not see any reason why the Senator from Utah could not offer as an amendment now the language appearing in subparagraph (c) at the bottom of page 12.

Mr. THOMAS of Utah. Mr. President, I move that in the place made vacant by taking out subparagraph (c) on page 29 there be substituted the words found at the bottom of page 12, lines 24 and 25, and at the top of page 13, lines 1 and 2, as follows:

> If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this act.

Mr. HILL. Mr. President, that is the usual clause inserted in practically all bills of any consequence, is it not?

Mr. THOMAS of Utah. That is true, and that is why it should be retained in the pending bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment of the Senator from Utah [Mr. THOMAS] reported by the committee.

The amendment to the amendment was agreed to.

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Bulow | Davis | Harrison |
| Andrews | Burke | Donahey | Hatch |
| Ashurst | Byrd | Downey | Hayden |
| Austin | Byrnes | Ellender | Herring |
| Bailey | Capper | George | Hill |
| Bankhead | Caraway | Gerry | Holt |
| Barbour | Chandler | Gibson | Johnson, Colo. |
| Barkley | Chavez | Glass | King |
| Bone | Clark, Mo. | Green | La Follette |
| Bridges | Connally | Guffey | Lodge |
| Brown | Danaher | Gurney | Lundeen |

| | | | |
|---|---|---|---|
| McKellar | Pepper | Shipstead | Tydings |
| Maloney | Pittman | Slattery | Vandenberg |
| Mead | Radcliffe | Smathers | Van Nuys |
| Miller | Reed | Stewart | Wagner |
| Minton | Reynolds | Taft | Walsh |
| Neely | Russell | Thomas, Idaho | Wheeler |
| Norris | Schwartz | Thomas, Okla. | White |
| Nye | Schwellenbach | Thomas, Utah | Wiley |
| Overton | Sheppard | Truman | |

The PRESIDENT pro tempore. Seventy-nine Senators having answered to their names, a quorum is present.

Mr. WHITE. Mr. President, I have an amendment to offer which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 27 of the amendment of the committee, line 9, after the word "boards", and on line 10, after the word "appeal", to insert the words "no member of which shall be connected with the Military Establishment."

Mr. WHITE. Mr. President, if this amendment should be approved I shall offer the identical language as an amendment following the word "appeal" in the next line. I do not know what the intention of the authors of this proposed legislation was, but it is perfectly certain that a very radical departure has been made from the principles which governed in the drafting of the 1917 act. In that act it was expressly provided in words that the members of the local board should not be connected with the Military Establishment. Why there has been left out of this bill that language I am not clear; but it is perfectly certain, as this language now stands, that the President could appoint a top sergeant at the head of every one of these boards, or he could make the top sergeant the sole member of every local board.

There is another departure from the principles of the 1917 act. In that act there was given a drafted man an absolute right of appeal from the decisions of the local board to the district board. That absolute right of appeal is not given by express language in this proposed legislation. At the most it can only be inferred from the provision in the pending measure that district and appeal boards may be authorized by the President under rules and regulations prescribed by him. If it is not the purpose to have military boards, then the language which I have submitted should be accepted.

Mr. SHEPPARD. I accept both amendments of the Senator from Maine.

The PRESIDING OFFICER. Without objection, the amendments offered by the Senator from Maine [Mr. WHITE] to the committee amendment are agreed to.

The bill is still before the Senate and open to further amendment.

Mr. CLARK of Missouri. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of the committee amendment it is proposed to insert the following:

SEC. —. That this section may be cited as the National Defense Reorganization Act.

ESTABLISHMENT OF DEPARTMENT OF NATIONAL DEFENSE

SUBSECTION 1. (a) There is hereby established at the seat of government an executive department to be known as the Department of National Defense, which shall be administered by a Secretary of National Defense, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive the same compensation as other heads of executive departments.

(b) Section 158 of the Revised Statutes is amended to include the Department of National Defense, and the provisions of title IV of the Revised Statutes, as now or hereafter amended, shall be applicable to the Department.

(c) The Secretary of National Defense shall cause a seal of office to be made for the Department, of such device as the President shall approve, and judicial notice shall be taken thereof.

(d) There shall be in the Department of National Defense three Under Secretaries of National Defense and three Assistant Secretaries, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary of National Defense. Each Under Secretary shall receive compensation at the rate of $12,000 per annum, and each Assistant Secretary shall receive compensation at the rate of $10,000 per annum. The Under Secretaries shall be known, respectively, as the Under Secretary for the Army, the Under Secretary for the Navy, and the Under Secretary for the Air Force, and, so far as practicable, each such Under Secretary shall, under the general direction of the Secretary of National Defense, have charge of that branch of the national defense indicated by his title. The Assistant Secretaries shall be known, respectively, as the Assistant Secretary for the Army, the Assistant Secretary for the Navy, and the Assistant Secretary for the Air Force, and each such Assistant Secretary shall, under the direction of the appropriate Under Secretary, assist in the administration of that branch of the national defense indicated by his title. There shall also be in the Department such other officers and employees as shall be transferred to the Department of National Defense under this act, and such other officers and employees as may from time to time be provided for by Congress.

TRANSFER OF WAR AND NAVY DEPARTMENTS

SUBSEC. 2. (a) The Department of War and the Department of the Navy and all that pertains thereto are transferred to the Department of National Defense, and the Department of War and the Department of the Navy shall cease to exist as separate executive departments.

(b) The offices of Secretary of War, Secretary of the Navy, Assistant Secretary of War, and Assistant Secretary of the Navy are abolished, and the functions, powers, and duties vested in and imposed upon such officers are hereby vested in and imposed upon the Secretary of National Defense.

(c) The transfer to the Department of National Defense, under this act, of officers and employees of the Department of War and the Department of the Navy, shall be without changes in classification or compensation, but the Secretary of National Defense is authorized to make such changes in the titles and designations and prescribe such changes in the duties of such officers and employees as he may deem necessary to carry out the purposes of this act.

(d) All unexpended appropriations in respect of the Department of War or the Department of the Navy shall be available for expenditure by the Department of National Defense and shall be treated as if the Department had been originally named in the laws making the appropriations.

ESTABLISHMENT OF AN AIR FORCE AS A SEPARATE BRANCH OF NATIONAL DEFENSE

SUBSEC. 3. There is hereby established under the jurisdiction of the Department of National Defense a separate branch of the armed forces, to be known as the air force. The Air Corps of the Army and the Naval Flying Corps and all that pertains thereto are transferred to the air force. The President shall be Commander in Chief of the air force.

SUBSEC. 4. (a) There are hereby created in the air force commissioned officers of such number as the President may determine to be necessary. The President is authorized to establish appropriate grades for such commissioned officers and to prescribe title for such grades.

(b) The President is authorized—

(1) to appoint, by and with the advice and consent of the Senate, to the commissioned offices in the air force officers of the Air Corps of the Army or the Naval Flying Corps, and such other individuals as the President may determine to be fitted to perform the duties thereof;

(2) to prescribe the pay and allowances for the offices created by subsection (a) until otherwise provided by Congress, but no officer appointed under authority of this subsection shall receive lower pay or allowances than he was receiving as an officer of the Army or Navy when so appointed.

(c) Upon the taking office of any officer of the Air Corps of the Army or the Naval Flying Corps, appointed under authority of subsection (b), the office held by him in the Army or Navy, as the case may be, is abolished and the authorized strength of such branch of the national defense is reduced accordingly.

(d) Notwithstanding the provisions of section 3, any officer of the Air Corps of the Army or of the Naval Flying Corps who is not appointed and confirmed as authorized in this section shall continue as an officer of the Army or Navy, as the case may be, without loss of grade or rank.

SEC. 6. The President is authorized—

(1) To establish appropriate grades and ratings in the air force, to assign thereto warrant officers and enlisted men of the Air Corps of the Army and the Naval Flying Corps, transferred to the air force under this act, and to prescribe their pay and allowances, until otherwise provided by Congress, but no such warrant officer or enlisted man shall receive lower pay and allowances in the air force than he was receiving in the Army or the Navy.

(2) To make such changes in the titles of and prescribe such new duties for civilian personnel of the Air Corps of the Army and the Naval Flying Corps transferred to the air force under this act as he may deem necessary. The transfer of such civilian personnel shall be without change in classification or compensation.

SUBSEC. 6. All unexpended appropriations in respect of the Air Corps and the Naval Flying Corps shall become available for expenditure by the air force and shall be treated as if the air force had been originally named in the laws making the appropriations.

MISCELLANEOUS

SUBSEC. 7. (a) Until otherwise provided by Congress, the President is authorized, for the purpose of perfecting the organization and coordinating the activities of the Department of National Defense

and of the air force created by this act, (1) to consolidate, eliminate, or redistribute the functions of offices, bureaus, agencies, branches, and organizations, to create new ones and fix the powers, duties, and functions of their executive heads; and (2) to take such other action, not inconsistent with the provisions of this act, as he may deem necessary.

(b) Insofar as is practicable and not inconsistent with the provisions of this act, and until otherwise provided by Congress, (1) the administration of the Department of National Defense shall be governed by the laws in force with respect to the Department of War and the Department of the Navy at the time of their transfer under this act, and (2) the Air Force shall be governed by the laws in force (including laws relating to relative rank, promotion, retirement, enlistment, and appointment of new personnel, reserves, and articles for the government of the Army and the Navy) with respect to the Air Corps of the Army and the Naval Flying Corps at the time of their transfer under this act.

(c) The Secretary of National Defense shall investigate and report to Congress a plan for further perfecting the organization and coordinating the activities of the Department of National Defense and of the Air Force, together with such recommendations for legislation as he may deem necessary for carrying out such plan.

SUBSEC. 8. All orders, rules, regulations, and permits or other privileges made, issued, or granted by or in respect of the Department of War or the Department of the Navy or by or in respect of the Air Corps of the Army or the Naval Flying Corps, and in effect at the time of the transfer of such departments and corps under this act, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed.

SUBSEC. 9. The Secretary of National Defense shall make annually at the close of each fiscal year a report in writing to Congress giving an account of all moneys received and disbursed by him and the Department, describing the work done by the Department, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department.

TIME OF TAKING EFFECT

SUBSEC. 10. This section shall take effect upon its enactment, except that subsections 1 to 8, inclusive, shall take effect when the Secretary of National Defense, the Under Secretaries of National Defense, and the Assistant Secretaries of National Defense have taken office.

During the reading of the amendment,

Mr. CLARK of Missouri. Mr. President, I suggest that the amendment be read in full. There have been certain deletions.

The PRESIDENT pro tempore. The clerk will read.

The CHIEF CLERK. Subsection (9)——

Mr. CLARK of Missouri. Mr. President, before subsection (9) is read, let me say that certain portions of subsection (8) were omitted in the reading, and I suggest that, inasmuch as the Senate has to vote on the amendment, it be read in full. [Laughter.]

Mr. McKELLAR. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. CLARK of Missouri. Mr. President, will the Chair hear me on that point of order?

The PRESIDENT pro tempore. The Chair will.

Mr. CLARK of Missouri. When the Chair sustains the point of order that the Senator from Missouri is not in order when he asks that his amendment be read in full without omission, the Senator from Missouri would like to insist——

The PRESIDENT pro tempore. The Senator from Missouri is in error——

Mr. McKELLAR. Mr. President, I did not make the point of order that the Senator was not in order. There was so much noise that it was difficult to hear what was going on.

Mr. BARKLEY. Mr. President, the Senator from Tennessee made the point of order that the Senate was not in order.

The PRESIDENT pro tempore. The clerk will read.

The reading of the amendment was concluded.

Mr. SHEPPARD. Mr. President, it is obvious that an amendment of this magnitude and importance should not be considered in connection with anoth bill, and I trust the amendment of the Senator from Missouri will be defeated.

Mr. McKELLAR. Vote!

Mr. CLARK of Missouri. In spite of the strident demand of the Senator from Tennessee, who yelled "Vote!" just as he did at 5 o'clock and then retired from the Chamber while a discussion was had on another amendment, I insist that this is a matter of sufficient importance to be properly discussed. Before entering upon the discussion, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Connally | King | Schwartz |
| Andrews | Danaher | La Follette | Schwellenbach |
| Ashurst | Davis | Lodge | Sheppard |
| Austin | Donahey | Lundeen | Shipstead |
| Bailey | Downey | McKellar | Slattery |
| Bankhead | Ellender | Maloney | Smathers |
| Barbour | George | Mead | Stewart |
| Barkley | Gerry | Miller | Taft |
| Bone | Gibson | Minton | Thomas, Idaho |
| Bridges | Glass | Neely | Thomas, Okla. |
| Brown | Green | Norris | Thomas, Utah |
| Bulow | Guffey | Nye | Truman |
| Burke | Gurney | O'Mahoney | Tydings |
| Byrd | Harrison | Overton | Vandenberg |
| Byrnes | Hatch | Pepper | Van Nuys |
| Capper | Hayden | Pittman | Wagner |
| Caraway | Herring | Radcliffe | Walsh |
| Chandler | Hill | Reed | Wheeler |
| Chavez | Holt | Reynolds | White |
| Clark, Mo. | Johnson, Colo. | Russell | Wiley |

The PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

Mr. SHEPPARD. Mr. President, I wish to modify what I said to my good friend, the Senator from Massachusetts [Mr. WALSH] in reference to certain additional benefits for trainees and to say that I wish to give the matter further consideration before making a final decision.

Mr. WALSH. I was under the impression that the Senator from Texas responded perhaps without giving serious consideration to the potentialities of the situation.

Mr. SHEPPARD. I did not quite grasp the significance of what the Senator from Massachusetts proposed.

Mr. WALSH. I wanted to point out that there were hidden in the pages of the bill tremendous expenses for the Government to meet in the future.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri [Mr. CLARK] to the committee amendment.

Mr. HOLT. Mr. President, I should like to have the Senator from Missouri explain his amendment.

Mr. CLARK of Missouri. I temporarily withdraw my amendment.

The PRESIDENT pro tempore. The question is on the committee amendment, as amended.

Mr. CLARK of Missouri. Is the Chair putting the question on the committee amendment as amended?

The PRESIDING OFFICER. There are no other amendments pending before the Senate.

Mr. CLARK of Missouri. Then I reoffer my amendment.

Mr. BARKLEY. Mr. President, I understood there were two or three other amendments to be offered. The Senator from Maine [Mr. WHITE] has an amendment which he wanted to offer. The Senator from Missouri [Mr. CLARK] temporarily withdrew his amendment in order that the other amendments might be offered and disposed of, because he indicated that if we were not going to try to finish action on the bill tonight, which I doubt very much we can do, he would prefer to offer his amendment tomorrow and discuss it then, and I had no objection to that procedure, so that in good faith I think the Senator from Missouri should not be forced to offer his amendment again if there are other amendments to be offered, and I understand there are.

Mr. CLARK of Missouri. Mr. President, I may say, if the Senator from Kentucky will yield to me, that I have no desire to offer my amendment at an unduly early moment, and I have no desire to detain the Senate very long on the amendment, for it is a proposition which has been discussed for years in the United States, and I realize there is very little I can say which will change the opinion of Senators on the floor. However, I think it is a subject of sufficient importance to be discussed at a time when the Senate is not worn out with a consideration of other questions. Therefore I am anxious to offer the amendment tomorrow morning rather than tonight.

Mr. BARKLEY. I will say to the Senator that earlier in the day I indicated that I thought we were justified in attempting to hold a session until about 10 o'clock. I had not

intended to hold the Senate in session any later unless we should reach the point where we could finish the bill tonight. I do not think we can do so. I have no desire to keep the Senate in session until a very late hour; but I will say to the Senator in all good faith that I think he would have a better audience now than early tomorrow.

Mr. CLARK of Missouri. I am not one of those Senators who time their remarks according to the attendance in the galleries.

Mr. BARKLEY. I am not speaking of the galleries. I am speaking of the Senate. More Senators are now present than will probably be present at any time during the first 2 or 3 hours of tomorrow's session.

Mr. CLARK of Missouri. I am willing to take a chance.

Mr. BARKLEY. I thought that if the Senator, with his powerful and persuasive oratory, desired to persuade the Senate along the lines of his amendment, he would have a better chance tonight than tomorrow.

Mr. CLARK of Missouri. I apprehend that after the amendment shall have been considered by the Senate overnight there will be more discussion of it tomorrow than possibly the Senator from Kentucky anticipates.

Mr. President, I have no desire to delay the consideration or passage of the bill, because I frankly recognize that with both candidates for the Presidency trying to coerce the people into support of the bill, very likely it will pass. However, I think that the amendments which are proposed ought to have decent, regular consideration. I am perfectly willing to go on tonight. If we are to proceed tonight, I will say that I withdraw my amendment under a misapprehension.

Mr. BARKLEY. I was not a party to that.

Mr. CLARK of Missouri. I agree entirely.

Mr. BARKLEY. I happen to know that the Senator from Maine [Mr. WHITE] has an amendment which is more or less typographical and technical, to wl .ch the Senator from Texas [Mr. SHEPPARD] may be willing to agree after he hears it read. I thought we might dispose of all the amendments tonight and get down to the consideration of the substitute before we recess until tomorrow, so that tomorrow, unless other amendments are thought of overnight we shall have chiefly the consideration of the substitutes, and then the final passage of the bill itself.

I have no desire to keep the Senate in session late enough tonight to pass the bill, even if that were possible, because one or two interested Senators are not present tonight.

One Senator, who is ill, desires to make a brief speech on the bill itself, and I have no desire to cut anybody off from any reasonable discussion.

Mr. CLARK of Missouri. Mr. President, I am certain that no one has any disposition whatever unduly to delay a vote on the bill. We all recognize that it is a bill of the very greatest importance; in fact, revolutionary importance. It reverses the whole policy of the United States from the foundation of the Government down.

That fact alone signifies its importance. However, there is no Senator opposed to it who is not willing to vote on it when a fair discussion shall have been concluded. I am certain that without any limitation on debate it will be possible to obtain a vote on the final passage of the bill by tomorrow. I make no representations on that subject, because I have no authority to represent anyone except myself.

Mr. BARKLEY. I understand.

Mr. CLARK of Missouri. However, I have not the faintest doubt that it will be possible, before recessing tomorrow, to obtain a final vote on the bill.

Mr. BARKLEY. I appreciate the Senator's cooperation in that regard. I have no desire to work a hardship on Senators and punish them by keeping them here tonight very much longer; but I had hoped that we might remain in session until 10 o'clock and dispose of other amendments which may be offered before we get down to the final vote or discussion, or before the substitutes are offered for discussion, and then have whatever discussion is left on the bill itself. I have been informed—and I am quite sure—that some Senators who have not expressed themselves on the general policy of the bill may wish to do so briefly, and I am perfectly willing that that shall be done. However, I hope we can obtain a vote on the bill before we conclude tomorrow.

Mr. WAGNER. Mr. President, earlier in the day, when the Senator from Kentucky was not in the Chamber, I proposed an amendment to the bill, and the chairman of the Committee on Military Affairs [Mr. SHEPPARD] in charge of the bill, asked me to let the matter go over until tomorrow morning. I am sure that he and I can adjust the amendment, and that there will be no objection to it. I do not understand that I am to be foreclosed.

Mr. BARKLEY. No. I am not seeking to foreclose anybody; but I hoped that we might dispose of the amendments.

Mr. WAGNER. Shall we be permitted to offer amendments tomorrow?

Mr. BARKLEY. Oh, yes. The bill will be open to amendment tomorrow.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REYNOLDS. Mr. President, I offer a very brief amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from North Carolina to the amendment reported by the committee will be stated.

The CHIEF CLERK. On page 30 in the committee amendment, between lines 16 and 17, it is proposed to insert the following new section:

SEC. 14. Notwithstanding any other provision of law, the Attorney General is hereby authorized and directed to take into custody forthwith and deport forthwith to Australia, the country of which he is a citizen or subject, the alien Harry Renton Bridges, whose presence in this country the Congress deems hurtful.

And on page 30, line 17, it is proposed to strike out "14" and insert in lieu thereof "15".

Mr. REYNOLDS. Mr. President, I shall ask for the yeas and nays on my amendment. It is a simple amendment, providing for the deportation of the man who is alleged by many Members of the House to have created more trouble than any other alien in this country. When the bill was before the House it was passed favorably by a vote of 340 to 4 or 5.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Arizona.

Mr. ASHURST. Earlier in the day the able Senator from Virginia [Mr. GLASS] said that a visitor from a foreign country trying to get this country into war should be deported. I say that Harry Renton Bridges should be deported. That unhappy and evil man has caused more mischief and more suffering in America than any other individual in America in his time.

This is not the appropriate occasion to make a long speech, and I do not intend to make a long speech. I never make long speeches. Able Senators and able Members of another branch of the Congress have tried to point out that this measure is like unto a bill of attainder. It is not a bill of attainder. No English-speaking parliamentary body has passed a bill of attainder since the attainting of Sir John Fenwick during the reign of William and Mary.

An alien is a guest of the United States. Of a guest there is required even a higher degree of conduct than of a citizen. The Government has the right to deport an alien at any time, for a good reason, for a bad reason, or for no reason at all; and if an alien may come here and say, "You may not deport me," then we are not a free government; we are not an independent state.

I congratulate the able Senator from North Carolina upon his courage; and I wish to say, with due respect to my learned and able friend from Texas [Mr. SHEPPARD], that the amendment is the best part of the bill.

Mr. REYNOLDS. I am very grateful to my colleague.

Mr. ASHURST. I should not want to do such an unseemly thing, here or elsewhere, as to belittle, if I could, the labors of the able senior Senator from Texas.

With a courage most commendable, with a courtesy that we should emulate, and with a studiousness which well becomes any public servant, this diligent and redoubtable man

has driven the bill forward. I think all Senators now believe that it will pass. It will be the unanimous judgment of us all, whether we are for the bill or opposed to it—as some of us are—that he has been courteous to the ultimate degree upon all occasions. While I am opposed to a draft in peacetime, I might be reconciled to the bill if we could rid the United States of Harry R. Bridges, the evil and unhappy man who has done such a vast deal of mischief in the United States.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. CONNALLY. As I understand, it is the view of the Senator from Arizona that if we may draft citizens into the Army, we may draft aliens out of the country.

Mr. ASHURST. Mr. President, with the usual lancelike directness and cameo distinctness which characterize all the questions of the able junior Senator from Texas, he has said more in one sentence than I could say in ten.

Therefore, Mr. President, I hope we may have the yeas and nays upon this amendment. I am perfectly aware that many citizens think it is a bad precedent to single out an individual and deport him. Bless your soul, Mr. President!

Do we not single out men and hang them for crimes? Who will be heard for a moment to say, "You must not single out one man by an indictment. You must not have a grand jury meet and give consideration to one man, and then try him and hang him. You must hang everybody at the same time." [Laughter in the galleries.]

No, Mr. President. When a man tries to subvert the United States, and for a period of nearly 20 years contemptuously refuses to become a citizen of the United States, surely we have enough virility, courage, and patriotism to deport such a man. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. The Chair will admonish the occupants of the galleries that no expressions of approval or disapproval are permitted. There must be no audible conversation in the galleries or it will be necessary to clear them.

Mr. REYNOLDS. Mr. President I certainly am very much obliged to my distinguished colleague for his contribution. I say that the American people are greatly interested in this matter. They have been unable to understand why Harry Bridges has been permitted to remain here all these years an alien enemy of this Government creating the trouble that he has created from time to time.

In order that the American people may know the attitude of this body I sincerely hope we may have a roll call on the amendment. I therefore ask for the yeas and nays.

Mr. RUSSELL. Mr. President, I am not disposed to take issue with the Senator from Arizona as to the effect that the presence of the individual involved in the pending amendment has had upon the life of the United States. I do, however, wish to recount, for the information of the Senate, the present status of the legislation relating to the alien, Harry R. Bridges.

The bill passed the House of Representatives by an overwhelming vote. It came into the Senate and was referred by me, as chairman of the Committee on Immigration, to a subcommittee consisting of the Senator from Utah [Mr. KING], the Senator from Washington [Mr. SCHWELLENBACH], and the Senator from Vermont [Mr. AUSTIN]. The subcommittee went—in some detail—into the various legal questions and the general policy embraced in the legislation.

The bill finally was reported to the Committee on Immigration with an amendment in the nature of a substitute. The substitute directs the Attorney General of the United States to review the entire file of the alien, and, if the facts in the file justify it, immediately to institute deportation proceedings against him.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield to the Senator from Vermont.

Mr. AUSTIN. Does the Senator understand that the substitute comprehends more than review or opening up of the file—that is to say, new legislation and additional evidence?

Mr. RUSSELL. Yes. I had not yet reached that point.

Since the original proceedings against Harry Bridges were instituted by the Department of Labor, the Congress has enacted into law what is known as the Smith bill, which adds to the grounds of deportation of aliens from the United States. The Department of Justice at the present time is going into this entire matter to ascertain whether or not this alien is deportable under the provisions of the so-called Smith bill, which is more commonly referred to as the bill for the registration of aliens. A great many legal questions are involved in this case. I shall not weary the Senate by undertaking to discuss all of them at this time; but I do say that it is a most unusual procedure, when a committee of the Senate has conducted a careful investigation of all the issues involved in a bill, to attempt at this late hour to amend the pending bill by a provision which, while it may be indirectly related to the subject matter of the bill, certainly has no direct bearing upon it and will result in overthrowing the action of the Senate committee which reported the substitute bill.

Mr. President, I hold no brief for Harry Bridges; but I think this matter should be considered in due course by the Senate, as all other legislation is considered, by taking up the bill which has passed the House of Representatives, and not by undertaking to amend the pending bill providing for selective military service by inserting a clause which would provide for Harry Bridges' deportation. With all the evils that Harry Bridges may have wrought in the United States, certainly he is not the only alien in this country who is dangerous to the institutions of our Government and to the future welfare and happiness of our people; and we certainly should be opening wide the doors to prolonged consideration and discussion, not only of the legal questions which are involved in this proposition but of the advisability of deporting a large number of aliens, were the Senate summarily to remove this matter from its accustomed channels and not to consider on its merits the bill for the deportation of Harry Bridges.

Mr. President, I hope all the Members of the Senate will have an opportunity to vote on this matter at a later date, when the bill can be considered; but I do not think it is exactly fair to the Committee on Immigration and the members of the subcommittee, who have worked on this matter very diligently for several weeks, to attempt to consider it in this haphazard fashion as an amendment to the pending bill.

Mr. NEELY. Mr. President, Mr. Speaker Cannon, generally known as Uncle Joe, was once introduced to an audience by a loquacious young man who, in the course of his remarks, became confused and for 15 minutes talked in a circle. Uncle Joe at last impatiently said to his introducer, "Young man, you had better stop; you're coming out of the same hole you went in."

For more than an hour the Senate has been coming out of holes into which it previously went. No progress is being made. Therefore, may I not suggest to the able majority leader that the Senate do now adjourn until tomorrow, in the hope that we may then be able to address ourselves to a task more profitable than that of playing hide and seek in the same old holes?

Mr. BARKLEY. Mr. President, I cannot agree with my friend the Senator from West Virginia that we have made no progress on the bill. We have made very great progress today. We have made considerable progress tonight in the disposition of amendments which have been offered, so much so that we have almost reached the point where we are in position to consider the substitutes which will be offered to the bill.

I stated earlier in the day that I hoped we might continue in session until around 10 o'clock tonight. I have no way of knowing how much more discussion there will be on the pending amendment. In view of the statement made by the Senator from Georgia [Mr. RUSSELL], the chairman of the Committee on Immigration, I venture to express the hope, if I may have the attention of the Senator from North Carolina, that he will withdraw the amendment he has offered, which is the same as the bill which has been pending before the Committee on Immigration, which has been reported to the Senate, and is now on the calendar with a majority and minority report, and which will entitle it to consideration on its merits.

I wish to emphasize that hope by this observation, that the amendment offered by the Senator, and the bill itself reported by the committee, and which passed the House, is a bill of unusual nature. While no one doubts the ability and the right of Congress to pass a bill deporting an individual, there are many Senators who feel that Bridges should be deported who hesitate to vote for a measure applicable to only one individual, and for that reason it may be impossible to have the question passed on on its merits.

If I may state my own attitude, I may vote for the bill as reported by the Committee on Immigration, but I could not vote for it as an amendment of the Senator from North Carolina to the pending bill, because I do not think it has any place on this bill.

Of course, we have no rule of germaneness in the Senate, and anything is in order on any measure, unless it be a regular appropriation bill. But in the interest of honest, fair legislation, and in the interest of the consideration of a bill which has been reported by the Committee on Immigration to the Senate when it may be considered on its merits, free from entanglement with any other legislation, and I say this in the utmost kindness, for I know how interested the Senator from North Carolina is in this whole question, not only applicable to Harry Bridges, but to all aliens who should be deported from this country, and the Senator has alway received a sympathetic hearing in the Senate from all Senators, including myself—I believe this question is one which should be debated on its merits, and it cannot be considered on its merits as an amendment to the pending bill.

In view of all these considerations I wish the Senator would withdraw his amendment.

Mr. REYNOLDS. Mr. President, in view of the statement made by the chairman of the Committee on Immigration, who has been extremely diligent about the matter, and after having heard his explanation of the situation, and taking into consideration what the majority leader has said, I do not desire to be placed in a false light. I am interested in getting rid of this man Bridges, as I am interested in getting rid of other aliens, but I do not desire to be placed in the position of injecting something into the consideration of the pending legislation which might subject me to criticism. In addition to that, I do not desire to be placed in the position of holding up the passage of the bill. Therefore, as a result of the statement made by the Senator from Georgia, and as a result of the explanation made by the majority leader, I withdraw the amendment.

Mr. BARKLEY. I thank the Senator.

Mr. KING subsequently said: Mr. President, a few moments ago the Senator from North Carolina [Mr. REYNOLDS] offered an amendment to the pending bill dealing with the deportation of Harry Bridges. The amendment was subsequently withdrawn, because, I understand, the view was entertained that the pending bill should be disposed of at as early a date as possible, and that the amendment could not be considered germane.

The Senator from Arizona [Mr. ASHURST], chairman of the Committee on the Judiciary, made a statement with which I entirely agree, namely, that the bill for the deportation of Mr. Bridges is not a bill of attainder; that it is within the power of Congress to deport any alien for any cause, or without any cause. The chairman of the Committee on the Judiciary is a lawyer of ability, and his judgment upon legal questions is entitled to very great consideration.

Speaking for myself I have no doubt of the authority and the power of Congress to deport Mr. Bridges. I have submitted my views upon this matter in a minority report which will appear in the CONGRESSIONAL RECORD of tomorrow.

I expect that at an early date the Senate will proceed to the consideration of House bill 9766, a bill which passed the House by an overwhelming majority, and which directs the Attorney General to take into custody forthwith and deport forthwith to Australia, the country of which he is a citizen or subject, the alien Harry Renton Bridges, whose presence in this country the Congress deems hurtful. As stated, at an early date the Senate will be asked to pass the bill to which I have just referred.

Mr. CONNALLY. Mr. President, I had intended to offer an amendment, on page 29, line 9, to strike out the language found at that place, but I understand that the objectionable language has already been stricken out, and therefore I do not press the amendment. But I wish to offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 19, line 24, after the word "officers", it is proposed to strike out "legislative, executive, and judicial" and to insert the words "of the executive departments of the United States whose appointment is subject to confirmation by the Senate and members of the legislative and judicial departments"; and on line 25, after the word "and", to insert "the governors and similar officers."

Mr. CONNALLY. Mr. President, the purpose of the amendment is to make clear that everybody who is holding some sort of a position in the Federal Government is not exempt from the draft. The language of the bill on page 19 reads as follows:

> The Vice President of the United States, and the officers, legislative, executive, and judicial, of the United States.

That might be construed to mean that some man holding a little job in one of the departments is an officer of the United States, and therefore should be deferred. My amendment provides that the officers of the executive department whose appointment is subject to confirmation and members of the legislative and judicial departments of the Federal Government shall be deferred, and that the Governors of the States and similar officers of the States shall be deferred.

I see no reason why men who hold some subordinate positions in one of the departments here, who would otherwise be subject to the draft, should be deferred, because there is a large number of volunteers waiting to take their jobs.

Mr. PEPPER. Mr. President, I have heard it said that some men were exempted in the last war by virtue of being notaries public. Is that point covered in the Senator's amendment?

Mr. CONNALLY. This says "similar officers" of the several States and Territories. I expect it would cover them. They have to be confirmed by the State senate, usually.

Mr. PEPPER. They have to be appointed by the Governor.

Mr. CONNALLY. But they are confirmed in my State by the State senate. The Senator is getting in the class of employees who should not be exempt, of course. This is a restriction on the language of the bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. I agree with the Senator entirely, and I am wondering whether the senior Senator from Texas will not accept the amendment and let it become part of the bill. It seems to me it should be in the bill, by all means.

Mr. CONNALLY. I knew of no other way in which to define these officers in the executive department except to limit the provision to those whose appointments have to be confirmed by the Senate. That covers all the important ones.

Mr. SHEPPARD. Mr. President, will the Senator not read the amendment?

Mr. CONNALLY. This is the way the provision will read if amended, starting on line 23:

> The Vice President of the United States, and the officers of the executive departments of the United States whose appointment is subject to confirmation by the Senate, and members of the legislative and judicial departments of the United States, and the Governors and similar officers of the several States, Territories, and the District of Columbia.

Mr. PEPPER. How about the language "legislative and judicial officers"?

Mr. CONNALLY. The language is "similar." That refers back. I intended it to refer back to executive, judicial, and legislative officers of the States. It would not be fair for us to

draft members of the legislatures or members of the State courts.

Mr. PEPPER. That would be construed to relate only to those holding the position of legislator?

Mr. CONNALLY. I say "members of the legislative department." No one is a member of the legislative department unless he is a Senator or Representative. A clerk in the Senate would not be a member of the legislative department; he would be an employee.

Mr. PEPPER. Is not the judicial department a little larger than those holding judicial positions?

Mr. CONNALLY. I have no objection to saying "judiciary" but it means the same thing. I do not thing the clerk of a court would be a member of the judicial department.

Mr. MINTON. Mr. President, as I understand, the executive officers would be limited mostly in the State and Federal Governments to those confirmed by the Senate of the United States or the State senate.

Mr. CONNALLY. That is what I am trying to provide for.

Mr. MINTON. In the State of Indiana there are no confirmations by the senate. How would the act apply to a State such as the State of Indiana, where there is no requirement that the senate confirm any nomination or appointment of the Governor, and never has been?

Mr. CONNALLY. That, of course, raises a point which I had not anticipated.

Mr. PEPPER. I wonder whether it would not meet the Senator's idea to let the exemption category apply only to those who hold positions as officers, and not as employees.

Mr. CONNALLY. What does the word "officer" mean?

Mr. PEPPER. An officer has a status in the law.

Mr. CONNALLY. That is the language used now. One court might hold that one man was an officer, and some other court might hold he was an employee.

If there is no special rush, I should like to withdraw the amendment temporarily and renew the offer tomorrow, because I have drawn it very hurriedly, and I will take some little care in attempting to draw it so as to meet the objections, so far as I can.

The PRESIDENT pro tempore. The Senator from Texas withdraws his amendment.

Mr. SHEPPARD. So far as I am personally concerned, the spirit and purpose of the amendment are acceptable.

Mr. CONNALLY. Mr. President, I will offer the amendment, then, and it may go to conference, and the conferees can work it out in detail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Texas [Mr. CONNALLY] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 27, line 12, after the word "effect," it is proposed to strike out the semicolon and to insert a period and the following:

> Such local boards shall have the power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions of exemption or deferment under this act and all questions of or claims for including or discharging individuals or classes of individuals from induction under this act.

Mr. SHEPPARD. As I understand the purpose of the amendment, it is to make certain the right of appeal.

Mr. WHITE. The 1917 act gave in express terms a right of appeal. There is no such language in the bill before us. There is no absolutely satisfactory right of appeal given in the bill; neither is there in the pending bill any statement of the questions which may be the subject of appeal.

The amendment is a paraphrase of the 1917 language. It gives an absolute right of appeal from the local boards to the appeal boards set up, and it sets forth the questions which may be the subject of appeal.

Mr. SHEPPARD. Mr. President, I think the amendment is a good one, and I hope it will be adopted.

Mr. DANAHER. Mr. President, a few moments ago I understood the junior Senator from Texas [Mr. CONNALLY] to state that he was withdrawing his amendment; that he had given it only scant attention, and that overnight he proposed to work out more adequate language and submit it to the Senate. That is as far as I heard anything, and I now understand upon further inquiry that the Senate has adopted the amendment. I respectfully move that the vote by which the amendment of the Senator from Texas was agreed to be reconsidered.

The PRESIDENT pro tempore. The motion is not in order at this time, as another amendment is now pending.

Mr. WHITE. Mr. President, what became of the amendment I just offered?

The PRESIDENT pro tempore. The amendment is still pending before the Senate.

Mr. DANAHER. Mr. President——

Mr. BARKLEY. Mr. President, let us dispose of one thing at the time. Let us pass on the amendment of the Senator from Maine.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maine [Mr. WHITE] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. DANAHER. Mr. President, I renew my motion.

Mr. CONNALLY. May I ask the Senator from Connecticut a question?

Mr. DANAHER. Of course.

Mr. CONNALLY. Will the Senator indicate why he wants the vote by which the amendment to the committee amendment was adopted reconsidered?

Mr. DANAHER. Yes, gladly. In the first place, I did not know that there was any action being taken on it, because I heard the Senator from Texas say that he was withdrawing it, and would perfect the language overnight and resubmit it tomorrow. That is as much as it is possible for us to hear on this side of the Chamber.

I went to the desk and made inquiry when I heard some Senators voting "aye" and some "no" on this side of the Chamber, and I discovered, upon making inquiry of the Chair, that the Senator from Texas had resubmitted his proposed amendment on a representation that the senior Senator from Texas [Mr. SHEPPARD] would take the amendment of the junior Senator from Texas to conference. That is what the Chair advised me. Is that a correct statement of the situation?

Mr. CONNALLY. It is a remarkably accurate statement.

Mr. DANAHER. I wanted the vote by which the amendment was adopted to be reconsidered, so that the amendment offered by the Senator from Texas would be the pending business, in order that we can have an opportunity to see exactly where it fits, and what the language is. When we return in the morning it will appear in the RECORD, and we will have a chance to see it.

Mr. LODGE. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LODGE. May the amendment be reported for the information of the Senate?

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 19, line 24, after the word "officers", it is proposed to strike out "legislative, executive, and judicial", and to insert the following: "of the executive department of the United States whose appointment is subject to confirmation by the Senate and members of the legislative and judicial departments"; and in line 25, after the word "and", it is proposed to insert "the Governors and similar officers."

Mr. CONNALLY. Mr. President, I ask unanimous consent to change the word "similar" to "corresponding."

Mr. DANAHER. Reserving the right to object—and I do not intend to object—this very situation surely discloses that we ought to reconsider the vote by which the amendment to the committee amendment was adopted and have the matter before us in its entire form in the morning.

The PRESIDENT pro tempore. The Chair will state that the request of the Senator from Texas [Mr. CONNALLY] is naturally out of order because as it stands now the amendment has been adopted.

Mr. CONNALLY. I made that request in the light of the statement made by the Senator from Connecticut, so it might appear in the RECORD.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut that the Senate reconsider the vote by which the amendment of the Senator from Texas [Mr. CONNALLY] to the committee amendment was adopted.

The motion was agreed to.

The PRESIDENT pro tempore. The amendment of the Senator from Texas is now before the Senate.

ADDITIONAL PETITION—TRANSFER OF SURPLUS AMERICAN DESTROYERS TO GREAT BRITAIN

Mr. BARKLEY. Mr. President, I ask consent to present a petition containing some 15,000 names of citizens of the State of Kentucky asking that the naval destroyers which have been under discussion be furnished to Great Britain. I request that the petition be filed and referred to the appropriate committee, but do not ask that it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the petition will be received and referred to the Committee on Naval Affairs.

STEUBEN SOCIETY OF AMERICA ON NATIONAL DEFENSE

Mr. LUNDEEN. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution unanimously adopted at the recent meeting of the National Council of the Steuben Society of America held at Rochester, N. Y., May 1940. The resolution pertains to national defense and represents a consistent policy advocated by the society. In addition I ask consent to include a statement of the aims and purposes of the Steuben Society of America.

There being no objection, the resolution and statement were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

NATIONAL DEFENSE

"The Steuben Society of America, in convention assembled at St. Louis, Mo., in September 1932, adopted the following plank in our platform and program, viz: We advocate adequate preparation for national defense—and in case of war, the conscription of capital and labor, as well as manpower." These views have been upheld in all subsequent national conventions.

The Steuben Society of America, through its national council, herewith again declares that it is in hearty accord with every endeavor which has for its objective the effective defense of the United States from foreign invasion.

However, these defense requirements of the Nation should be completely removed from politics.

There should be a national defense board composed of Members of Congress, military, naval, and aviation experts, and of the ablest and most experienced civilians in the country who are familiar with the problem, who know how to get things done, and who can command the confidence of the people of the whole country.

For every dollar spent there should be strict accountability.

FOREIGN MILITARY AID AN ILLUSION

Our defensive strength must be such that we need not figure on the navy or air forces of any other country coming to our assistance or even remotely guarding our interests.

Furthermore, proper safeguards must be provided for to insure that these implements of war shall be used for defensive purposes only, as distinctly promised by the President.

Under no circumstances shall they be used for aggressive purposes, or purposes that may lead the people of this country into war.

We, in furtherance of providing for our defense, should strive to remove from this hemisphere every vestige of foreign sovereignty over contiguous island possessions either by purchase or in liquidation of debt.

The United States can point with pride to the fact that, in contradistinction to the imperial governments of Europe, it acquired its possessions from foreign governments not by the sword, but by purchase.

LET US LOOK AT OUR RECORD

By the payment of $27,000,000 we bought from France what is known as the Louisiana Purchase; Florida cost us $5,000,000, paid to Spain. Under what is known as the Gadsden Purchase we paid to Mexico $10,000,000 for the southwestern portions of Arizona and New Mexico.

To Russia we paid $7,200,000 for Alaska. When the Hawaiian Islands voluntarily joined the United States we assumed payment of their national debt of $4,000,000.

To Denmark we paid $25,000,000 for the transfer of the Virgin Islands.

The Panama Canal Zone cost us $65,000,000 in payment to French concessionaires and to Colombia.

We paid to Spain, with whom we had been at war and whom we defeated, $20,000,000 for Puerto Rico, Guam, and the Philippine Islands, and an additional $100,000 for any and all islands of that archipelago.

Verily, a wonderful showing for Uncle Sam. Comb the pages of history and you will not find its equal.

LET US LOOK AT THE RECORD OF OUR DEBTORS

When we offer to buy, for the cancelation of a debt is in effect a purchase, certain island possessions to which our debtors now hold title and which are of vital interest to us and of no great value to them, we get, using the vernacular, the stony eye and the marble heart, and, to cap the climax, we, who in the nick of time saved them from utter defeat, are called Uncle Shylock.

The fact that any foreign power holding sovereignty over any one of these islands has the right to use it as a base for attack by air or otherwise on an enemy, who in turn may seek to destroy such base, thus bringing war to our shores, presents a warning to our people and those to the south of us of the danger arising out of such a situation.

Under the provisions of our Monroe Doctrine we would consider an attempt on the part of a foreign power to possess itself of such a base of war as dangerous to our peace and safety.

This may create the "incidents" which might bring us into the war.

If we want to safeguard our Monroe Doctrine we must find ways and means to prevent warlike actions of any kind in this hemisphere. The safest way of accomplishing this is to rid ourselves of the presence of other sovereignties in the manner indicated.

We ought no longer be compelled to submit to the indignity of search and seizure of our mail by a foreign power here in the waters of the Western Hemisphere.

The Bermudas should be transferred to the United States.

---

AIMS AND PURPOSES OF THE STEUBEN SOCIETY OF AMERICA

Loyally to support the Constitution of the United States of America by advocating the proper application of its provisions and inculcating the principles underlying true democratic government;

To quicken the spirit of sound Americanism; and fostering a patriotic American spirit among all citizens;

To aid in maintaining the independence and sovereignty of the United States of America and its freedom from all foreign influence;

To establish cooperation among its members in the exercise of their civic duties and to encourage among them an active participation in every phase of our national life;

To promote the welfare and enhance the happiness of its members and their fellow men;

To perpetuate itself as a patriotic and fraternal voluntary membership organization and to provide for its government;

To guard our political liberty by maintaining an honest equality of citizenship regardless of the birth, origin, or religion of any citizen;

To maintain the traditions of our country.

DEPORTATION OF HARRY RENTON BRIDGES—MINORITY VIEWS

Mr. KING. Mr. President, for the information of the Senate, I ask consent that there be printed in the RECORD the minority views submitted by me as a member of the Committee on Immigration on the 24th instant on House bill 9766, to authorize the deportation of Harry Renton Bridges.

There being no objection, the minority views (Rept. No. 2031, pt. 2) were ordered to be printed in the RECORD, as follows:

On June 13, 1940, by the overwhelming vote of 330 to 42, the House of Representatives passed H. R. 9766, which provides:

"That notwithstanding any other provision of law the Attorney General be, and is hereby, authorized and directed to take into custody forthwith and deport forthwith to Australia, the country of which he is a citizen or subject, the alien, Harry Renton Bridges, whose presence in this country the Congress deems hurtful."

There is ample factual basis for the action of the House, and, believing as I do, that the power of Congress to enact the House bill is beyond question, I accept the views expressed in the House report, that in these days when national interests are in jeopardy and our Nation may at any time become involved in war, "it is not a time to equivocate, but it is the primary duty of Congress to act promptly in the interests of the people of these United States," and to deport one who has been a disturbing element in our midst and whose loyalty and attachment to the Constitution is open to serious question. I therefore am unable to agree with the substitute recommended by a majority of the Senate committee.

FACTS WARRANTING HOUSE ACTION

During the debate in the House, Harry Bridges was denounced by many Congressmen as a troublemaker, an agitator, a "fifth columnist," a destroyer of civil rights and personal property, and an enemy of our form of government. The Members of the House were familiar with Bridges' record. They knew of his revolutionary and disruptive policies, his communistic or socialistic proclivities, and his open hostility to American institutions. They knew him as a

breeder of class hatred. It is idle to pretend that these are not matters of common knowledge, accepted generally by the public. They are facts—facts which cannot be explained away, at least to the satisfaction of the public, by categorical denials or euphonious and vague statements about civil liberties. The Members knew, as we all know, of the views and character of this alien, and the evil he has done. They were familiar with his leadership, in conjunction with Communists and others who would destroy the American way of life, in the efforts to paralyze the economic, industrial, and political life of San Francisco and the greater part of the Pacific coast in 1934, which resulted in irreparable injury to communities and States and to the American merchant marine.

The House committee stated in its report that Bridges is "a menace to the interests of this country." The so-called Dies committee produced a mass of evidence indicating Bridges' communistic agitation, his open defiance of public officials and law, his disregard of the public interest, and his subversive tactics (so akin to those of the Communist teachings), that would lead to the destruction not alone of our economic, social, and political life but of the rights and welfare of the laboring classes which he pretends to foster. That committee recommended and urged his deportation.

The Senate Commerce Committee, under the late Senator Copeland, investigated Bridges' connection with the attacks made upon, and which crippled, the merchant marine, the investigation clearly demonstrating that Bridges was a menace to the country. For having referred to Bridges as a "deportable alien," the distinguished and patriotic Senator was publicly denounced by Bridges as one to whom Americanism is "completely foreign." This is but one illustration of Bridges' contempt for public officials and proceedings of an official nature. His attitude toward law and order and the processes of government was further disclosed when he was recently fined for contempt of court for attempting to influence the decision of a case then pending before a judicial tribunal by releasing a telegram to the Secretary of Labor threatening that if his union lost the case there would be a strike.

A short time ago, so great had become the demand for Bridges' expulsion—a demand by an injured and law-abiding citizenry—that the matter was taken up by the Immigration and Naturalization Service. In the files of that Service are sworn statements by 15 individuals presenting in detail their first-hand knowledge of Bridges' membership in and connections with the Communist Party. It is utterly inconceivable that all those 15 persons are perjurers. The public is familiar with the testimony taken, which justifies the conclusion that Bridges was affiliated with communism, if not a Communist, and was devoting himself to the undermining of our economic and political life.

Indeed, Bridges is not inclined to deny his affinity with communism, for he is quoted in the Western Worker, July 22, 1937, an official Communist paper, as having said:

"If my views and policies coincide with those of the Communist Party, * * * I can't help that."

And that the Communists regard him as a kindred soul appears from their referece to him in an official publication as "The great god—Bridges."

Bridges' press release of June 29, 1940, was published throughout the United States, in which he urged labor to "fight" the Government in its national-defense program because, in his opinion, this program is nothing but an imperialist plot to ruin labor unions. A reading of his declaration illustrates the alien ideology of this man of foreign birth, who is attempting to sabotage national defense at a time when Government officials and patriotic Americans are seeking to provide for the safety of American institutions and the defense of American ideals.

All these facts are known to the public, are known to the Senate, and were known to the House when it sent this measure to the Senate with its emphatic approval. In the light of all this common knowledge, of the investigations that have been made, of the unequivocal evidence of Bridges' hostility to our institutions and form of government, and his undesirability, it cannot be said that his removal was recommended by the House of Representatives "out of a clear blue sky." Nor can it be said that a hostile press has brought Bridges' name before the public to persecute him, for the Communist press—which is most friendly to him—furnishes the information leading irresistibly to the conclusion of his undesirability. His conduct has been so notorious, his contempt for the American way of life so flaunted, and his destructive influence so pervasive, that in my opinion (an opinion strengthened by the action of the House) there can be no denying Bridges' hostility to our form of government nor the fact that his continued presence in this country will be hurtful.

The House, in passing this bill, recognized and exercised the inherent power of sovereignty, entrusted by our Constitution to the Congress of the United States, to protect citizens by removing aliens whose presence here will be hurtful. That power will be discussed more in detail later. Suffice it to say here that the power rests with Congress to rid the country of this alien.

THE PROPOSED SUBSTITUTE

By a very small majority, the Senate committee recommended a substitute for the House bill. That substitute calls for further investigation and further hearing by an executive branch of the Government. I can see no reason for that course. In my opinion the committee amendment is prompted by a feeling that deportation entails some sort of punishment or deprivation of rights or liberty. In a legal sense there is absolutely no basis for this view.

"Deportation is the removal of an alien out of the country, simply because his presence is deemed inconsistent with the public welfare, and without any punishment being imposed or contemplated, either under the laws of the country out of which he is sent, or under those of the country to which he is taken (*Fong Yue Ting* v. *United States*, 149 U. S. 697, 709).

As has been stated, there is a striking unanimity of opinion that this alien is a menace to our country and should be deported. The House bill is one method to accomplish that result. The substitute is another; but the fact that it places emphasis on procedure, on investigation, and on hearing, illustrates that its proponents are laboring under the mistaken belief that this legislation is of a penal or criminal nature and that to deport Bridges will restrict him in the enjoyment of his legal rights. As stated, that is not so; and, because Congress has the power to enact the bill, and because, further, Bridges is known as an alien whose presence in this country has been and will continue to be hurtful to this Republic, the duty rests upon Congress to remove him from our midst. Congress, it would seem, should discharge that duty directly and thereby in a measure protect the liberties of the American people, rather than evade its responsibility by reference to vague principles of the Bill of Rights which have no more application to this case (once the nature of deportation is clearly understood) than to any other case where there is no infringement of personal rights or liberties.

The majority report is a tacit admission of Bridges' undesirability. As in the debate in the House, it does not attempt to defend his conduct or his subversive and harmful activities, which have resulted in serious injury to the American merchant marine and to American citizens. It does not condone Bridges' admitted communistic philosophy and practices—his alien tactics, calculated to incite class hatred, encourage contempt of law and public officials, and undermine our form of government. It is not an acquittal of his ruthless and destructive agitation, of his liability for the damage caused by him and other persons, notably those of communistic faith, on the Pacific coast.

CONSTITUTIONAL BASIS OF THE HOUSE ACTION

The issue, then, is one of power. The authority of Congress to deport a named individual is so clear, having in mind the nature of deportation and the inherent, sovereign power of Congress over the admission and expulsion of aliens, that a discussion of the principles involved would hardly have been called for had not a statement to the contrary been advanced by those supporting the committee amendment. As will be demonstrated in the following discussion, the assertion that H. R. 9766 as it passed the House would constitute a bill of attainder is wholly lacking in merit. The other contention—that the bill would constitute a denial of due process of law—is equally devoid of merit, and is predicated upon a maze of confused legal thinking with respect to the nature and effect of deportation, on the one hand, and the meaning of due process of law with respect to alien deportation, on the other. Neither argument, as will be shown, can be supported in the light of the authorities.

THE POWER OF CONGRESS OVER ALIENS IS POLITICAL AND PLENARY

It should be remembered in consdering this bill, as will be set forth in more detail below, that every alien who enters the United States remains subject to one primary limitation: That, regardless of his conduct, he may remain only so long as Congress permits him to do so. That is to say, Congress, in permitting immigration, merely accords aliens the privilege or license of residing in this country; and regardless of the length of time of such residence, the privilege never ripens into a vested right to remain. The privilege may be withdrawn at any time and for any or no reason, for Congress, in granting or revoking the privilege, exercises powers "inherent in sovereignty," powers that are essential to the safety and welfare of the Nation, political powers that have been entrusted solely to the political department of our Government by the Constitution. Deportation, therefore, is not in a legal sense an interference with rights or a curtailment of personal liberty, though that may be its practical and physical effect. Deportation in the true sense is simply a withdrawal of the conditional license to remain in the United States—a discontinuance of the permission to be the guest or visitor of the Government.

The majority report overlooks the fact that, in dealing with aliens, Congress exercises political powers that are "inherent in sovereignty." In order to clarify the distinction between congressional action in this field and the action of administrative officials, it may be well at this point to call attention to a few of the cases in which the Court has held that the exercise by Congress of the power to deport aliens, being political in nature, is a matter beyond the scope of judicial inquiry. No citations need be given in support of the principle that the judiciary will not pass upon political questions; and the following cases establish that the deportation of aliens falls within this category.

In the case of *Lem Moon Sing* v. *United States* (158 U. S. 538), the Court said:

"If the act of 1894 takes away from the alien any right given by previous laws or treaties to reenter the country, the authority of Congress to do even that cannot be questioned."

The Court in that case stressed the political nature of the question when it stated that an alien, even if he has a permanent domicile in this country, cannot demand a judicial determination of his right to reenter, because to executive officers has been delegated the final and exclusive duty of executing "the will of the political department of the Government in respect of a matter wholly political in its character (p. 548)."

That the discretion as to which aliens shall be excluded is solely a matter resting with Congress, and as to which the courts may

express no opinion, was decided in the case of *Lees* v. *United States* (150 U. S. 476 (1893)):

"Given in Congress the absolute power to exclude aliens, it may exclude some and admit others, and the reasons for its discrimination are not open to challenge in the courts (p. 480)."

Perhaps no case better illustrates the finality of congressional enactment with respect to aliens than that of *Fong Yue Ting* v. *United States*, supra, which upheld the deportation of Chinese who failed to register within 1 year as provided in the act of 1892. The Court declared:

"If, therefore, the Government of the United States, through its legislative department, considers the presence of foreigners * * * to be dangerous to its peace and security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation of which the foreigners are subjects. * * * In both cases (in time of war and peace) its determination is conclusive upon the judiciary."

Some of the cases cited herein deal with the power of Congress to exclude aliens rather than deport them. This, however, is not material, for as the Supreme Court stated in the above case:

"The right of a nation to expel or deport foreigners who have not been naturalized, or taken any steps toward becoming citizens of the country, rests upon the same grounds, and is as absolute and unqualified, as the right to prohibit and prevent their entrance into the country."

And again:

"The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, and supported by the same reasons, and are in truth but parts of one and the same power."

The Court then refers to the political nature of the questions involved in alien deportation and indicates the judicial attitude which it must assume whenever cases involving political questions are presented to it:

"In exercising the great power which the people of the United States, by establishing a written constitution as the supreme and paramount law, have vested in this Court, of determining, whenever the question is properly brought before it, whether the acts of the legislature or of the Executive are consistent with the Constitution, it behooves the Court to be careful that it does not undertake to pass upon political questions, the final decision of which has been committed by the Constitution to the other departments of the Government. * * *

"The power to exclude or to expel aliens, being a power affecting international relations, is vested in the political departments of the Government, and is to be regulated by treaty or by act of Congress."

In the well-known case of *Nishimura Ekiu* v. *United States* (142 U. S. 651 (1892)), the Court further established the doctrine that the control of aliens is a political function:

"In the United States this power (to exclude or deport aliens) is vested in the National Government, to which the Constitution has committed the entire control of international relations, in peace as well as in war. It belongs to the political department of the Government, and may be exercised either through treaties made by the President and Senate or through statutes enacted by Congress."

And finally in this connection is the following language from the opinion in the Fong Yue Ting case, supra, which was quoted with approval in the case of *Li Sing* v. *United States* (180 U. S. 486, 495 (1901)):

"The question whether, and upon what conditions, these aliens shall be permitted to remain within the United States, being one to be determined by the political departments of the Government, the judicial department cannot properly express an opinion upon the wisdom, the policy, or the justice of the measures enacted by Congress in the exercise of the powers confided to it by the Constitution over this subject."

THE HOUSE BILL IS NOT A CASE OF FIRST INSTANCE

The majority report is in error in stating that "the courts have never passed upon this specific question" and "that therefore no case in point is available on either side." Attention is directed to the case of *Tiaco* v. *Forbes* (228 U. S. 549 (1913)), involving the deportation of 12 particular aliens pursuant to a statute of the Philippine Legislature directing such deportation. In that case the Governor General of the Philippines deported the 12 aliens, and, when his action was attacked as illegal, the Philippine Legislature passed a ratifying act declaring that:

"The action of the Governor General in deporting * * * the 12 persons of the Chinese race is hereby approved, ratified, confirmed, and in all respects declared legal and not subject to question on review" (Acts of the Philippine Legislature, No. 1986).

That statute was attacked as unconstitutional, the aliens arguing that they were not deportable under the general immigration laws and that, therefore, the statute was a denial of due process of law. (See 228 U. S. 554.) The Supreme Court of the United States construed the deportation as having been ordered in pursuance of the said statute, Mr. Justice Holmes stating:

"Therefore, the deportation is to be considered as having been ordered by the Governor General in pursuance of a statute of the Philippine Legislature directing it" (p. 556).

Thus we have a statute which, as construed by the Court, ordered the deportation of 12 specified aliens—not a given class or group of aliens, but 12 specified individuals. That Congress can enact such a measure is beyond question. The following sentence from the Court's opinion clearly supports this view:

"The question is narrowed further to the inquiry whether the Philippine government cannot do what unquestionably Congress might" (p. 557).

The direct holding in that case (not mere obiter dictum) establishes beyond all question the power of Congress to enact such a bill as H. R. 9766:

"As Congress is not prevented by the Constitution, the Philippine government cannot be prevented by the Philippine bill of rights alone. Deporting the plaintiffs was not depriving them of liberty without due process of law, unless on other grounds the local government was acting beyond its powers" (p. 557).

And that the Court is without jurisdiction to declare such a measure unconstitutional cannot be denied in the light of the concluding paragraph of the decision:

"It is held in England that an act of state is a matter not cognizable in any municipal court. And that was the purport of the Philippine Act declaring the deportation not subject to question on review. As the Bill of Rights did not stand in the way * * *, there is no reason why the statute should not have full effect. It took jurisdiction from the court that attempted to try the case" (p. 558).

This decision, it is submitted, is a direct holding in support of the power of Congress to enact the House bill. It is rather diverting to read the explanation of this case in the report of the majority (p. 4), where an attempt is made to deny the applicability of that case to the present controversy by reference to "the records and the briefs" rather than to the Court's decision. One might agree with what the majority report says with respect to *Tiaco* v. *Forbes*, and with the statement that the principal issue in that case was whether the action of the Governor General was legal, and whether the Philippine Islands possessed the degree of sovereignty which included the right of deportation. However, the Supreme Court construed the action of the Governor General as having been authorized by a statute specifically ordering the deportation of 12 specified aliens; that statute was directly attacked as unconstitutional as a denial of due process; and the Court directly and emphatically held that the "Congress is not prevented by the Constitution" from enacting such a measure. The whole basis of the Court's decision was the statute enacted by the Philippine Legislature.

What the Philippine Legislature can do, within the bounds of the Federal Constitution, as to 12 aliens, Congress can do with respect to 1 alien. If the Philippine Legislature has such power, a fortiori the Congress has.

Let it not be said, therefore, that "no case in point is available on either side."

The plenary power of Congress in this field is clear. It is within the power of Congress to order the deportation of any alien and, if it so desires, to direct the Sergeant at Arms to take the alien into custody and physically expel him from the country, just as the Senate has the power to direct its Sergeant at Arms to arrest witnesses who have refused to testify before its committees. In either case, the power exercised is political and it is plenary. The cases are unanimous in holding that the duty rests exclusively upon Congress to expel aliens whose presence will be hurtful. The authority with which that duty is discharged is an absolute power, and it makes no difference whether Congress specifies a class of aliens for removal and leaves it to executive officers to determine which aliens come within that class, or whether Congress exercises its absolute power in each individual case. That general statutes have been enacted delegating fact-finding functions to executive officers does not and cannot mean that Congress has been relieved of its exclusive duty or its absolute power to deport any alien it pleases and for reasons it deems sufficient. It simply means that Congress has called in the help of an agent in discharging its constitutional duty.

Having in mind the plenary power of Congress in this field, we come to the assertion in the majority report that the House bill would constitute a bill of attainder or a denial of due process of law. A consideration of the principles involved will utterly disprove the position taken in the report.

H. R. 9766 IS NOT A BILL OF ATTAINDER

I think it may be conceded that punishment is the essence of a bill of attainder. The accepted definition is found in *Cummings* v. *State of Missouri* (71 U. S. 277, 323):

"A bill of attainder is a legislative act which inflicts punishment without a judicial trial."

Therefore, if deporting Bridges constitutes punishment, the House bill is invalid as a bill of attainder. And the majority report asserts that deportation is punishment.

That H. R. 9766 does not fall within the definition of a bill of attainder, however, seems too clear for argument. The Supreme Court has stated time and time again that the deportation of an alien is not a "punishment" in the constitutional sense. For instance, the Court, in the case of *Fong Yue Ting* v. *United States*, supra, declared that the proceeding looking to deportation—

"Is in no proper sense a trial and sentence for a crime or offense. * * * The order of deportation is not a punishment for crime. It is not a banishment, in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment. It is but a method of enforcing his return to his own country of an alien who has not complied with the conditions upon the performance of which the Government of the Nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend. He has not, therefore, been deprived of life, liberty, or

property without due process of law; and the provisions of the Constitution, securing the right of trial by jury, and prohibiting unreasonable searches and seizures, and cruel and unusual punishments, have no application" (p. 730).

That deportation is not criminal punishment is also established by the case of *Bugajewitz* v. *Adams* (228 U. S. 585 (1913)), which involved the deportation of an alien woman found practicing prostitution within 3 years after entry into the United States. There Mr. Justice Holmes stated:

"It is thoroughly established that Congress has power to order the deportation of aliens whose presence in the country it deems hurtful. The determination by facts that might constitute a crime under local law is not a conviction of crime, nor is the deportation a punishment; it is simply a refusal by the Government to harbor persons whom it does not want. * * * The prohibition of ex post facto laws has no application, and with regard to the petitioner it is not necessary to construe the statute as having any retrospective effect" (p. 591).

As further illustrating that deportation is not a punishment for a crime, the case of *Wong Wing* v. *United States* (163 U. S. 228 (1896)) presents an interesting comparison between deportation and actual punishment. That case involved an act of Congress which declared that alien Chinese unlawfully in the United States could be brought before any judge, justice of the peace, or commissioner of any United States court, sentenced to 1 year at hard labor, and then deported. The Supreme Court upheld the procedure with respect to deportation, quoting with approval the language in *Fong Yue Ting* v. *United States*, supra, to the effect that "the order of deportation is not a punishment for crime." The Court declared:

"No limits can be put by the courts upon the power of Congress to protect, by summary methods, the country from the advent of aliens whose race or habits render them undesirable as citizens, or to expel such if they have already found their way into our land and unlawfully remain therein."

But the Court held, with respect to the provision of the act which rendered the aliens subject to imprisonment at hard labor:

"But when Congress sees fit to further promote such a policy by subjecting the persons of such aliens to infamous punishment at hard labor, or by confiscating their property, we think such legislation, to be valid, must provide for a judicial trial to establish the guilt of the accused."

Right there was the issue squarely decided by the Supreme Court. The decision is that deportation is not punishment, though imprisonment at hard labor might be.

The claim that deportation is punishment lacks support in reason or authority. The untenable position taken in the majority report is clearly demonstrated in the cases relied upon to sustain the argument.

(1) There is cited, for instance, the dissenting opinion of Mr. Justice Brewer in the case of *Fong Yue Ting* v. *United States*, supra.

However inclined one is to agree with the views expressed in any dissenting opinion, it must be recognized that such views are not the law. And in view of the fact that the majority opinion in the Fong Yue Ting case has been cited innumerable times in subsequent cases, it is definitely established that the Court has never considered wavering from the doctrine announced in that case. In no instance has there been the slightest intimation that the dissenting opinion of Mr. Justice Brewer might some day become the prevailing opinion of the Court. Rather, the view of the majority in that case has become strengthened with the passing of time.

Inasmuch as the Fong Yue Ting case has been mentioned, it may be well at this point to quote from the majority opinion, part of which has already been quoted, clearly indicating that deportation is not punishment in any sense of the word. The Court, in illustrating the nature of deportation, quotes with approval from Bar's International Law, as follows:

"Strictly speaking, 'transportation,' 'extradition,' and 'deportation,' although each has the effect of removing a person from the country, are different things, and have different purposes. 'Transportation' is by way of punishment of one convicted of an offense against the laws of the country. 'Extradition' is the surrender to another country of one accused of an offense against its laws, there to be tried, and, if found guilty, punished. 'Deportation' is the removal of an alien out of the country, simply because his presence is deemed inconsistent with the public welfare, and without any punishment being imposed or contemplated, either under the laws of the country out of which he is sent, or under those of the country to which he is taken" (p. 709).

(2) The case of *Ng Fung Ho* v. *White* (259 U. S. 276 (1922)) is also cited, in which Mr. Justice Brandeis is alleged to have said that deportation deprives "the alien of 'all that makes life worth living.'" It is important, however, to read the sentence which precedes the one quoted. What Justice Brandeis really said was:

"To deport one who so claims to be a citizen obviously deprives him of liberty, as was pointed out in *Chin Yow* v. *United States* (208 U. S. 8, 13). It may result also in loss of both property and life; or of all that makes life worth living. * * * It follows that (the aliens) are entitled to a judicial determination of their claims that they are citizens of the United States" (p. 284).

This was but a restatement of the settled rule that a person held for deportation who claims to be a citizen and who supports his claim with substantial evidence attacks the very jurisdiction of the administrative officer and is entitled to a judicial determination of this vital jurisdictional point. To deport a citizen would be severe punishment, and if the provisions of this bill were directed against a citizen it would properly be termed "a bill of attainder." But Bridges being an admitted alien, the words of Mr. Justice Brandeis have no application whatever to this case.

(3) The report also cites the case of *United States ex rel. Klonis* v. *Davis* (13 F. (2d) 630 (1926)), in which Judge Learned Hand stated that "deportation is to him a dreadful punishment."

It has been said by the writer of the report that the proponents of the House bill rely upon dictum; and yet the report seeks to rely upon dictum, for if any words were ever unnecessary to the decision of a case, those quoted from Justice Hand were. The facts and the decision of that case, instead of supporting the proposition that deportation is punishment, are directly to the contrary.

In that case a Polish alien, who had resided in this country since he was a mere youngster, had twice been convicted of burglary. While serving his second sentence, a warrant of arrest for deportation was issued by the Secretary of Labor, charging that he was deportable under the act of 1917, as having been twice convicted of a crime involving moral turpitude. That act provided that deportation should be avoided if the alien "has been pardoned" or if the court sentencing such alien shall at the time of imposing sentence or within 30 days thereafter" recommend that he be not deported.

This alien was sentenced in August 1923 for 2 years and 6 months. On January 16, 1925, his attorneys secured an order from the judge who had sentenced him, entered nunc pro tunc, amending the sentence by recommending that the alien be not deported.

The deportation, however, was ordered, and the alien's attorneys, on habeas corpus proceedings, seek to avoid the deportation on the ground that at the time of the second sentence the attorneys did not know of the alienage of the defendant, and that the nunc pro tunc order should be sufficient, notwithstanding the plain words of the act, to comply with the statute.

The sole issue, therefore, was whether the nunc pro tunc order recommending that the alien be not deported, which had been entered nearly 2 years after sentence, was sufficient to comply with the statute providing that, to avoid deportation, the judge must make such a recommendation at the time of sentence or within 30 days thereafter. The court held, in deciding that issue:

"Apparently during its (the bill's) course through the House an amendment was offered and rejected which extended the judge's power indefinitely. Even without that, we should have felt bound to read the words as they are written. * * * At any rate the power of the court was exactly circumscribed, and we may not enlarge it."

That is the decision in that case. And the writ of habeas corpus was denied.

Judge Hand went on to say, however, that it was still possible for the alien to secure a pardon and thus avoid deportation. He expressed the hope that a pardon would be granted, for he believed that deportation, as to this particular alien, would be "deplorable." The alien had been in this country almost since birth; "he knows no other language, no other people, no other habits, than ours; he will be as much a stranger in Poland," etc. Then follows his observation:

"However heinous his crimes, deportation is to him exile, a dreadful punishment, abandoned by the common consent of all civilized peoples."

This is Judge Hand's personal observation as to the policy of the statute and its effect upon the particular alien before him. However, the fact that he recognized deportation as not punishment in the constitutional sense is clearly shown by his action in denying the writ of habeas corpus.

(4) The only other case relied upon by those who contend that deportation is punishment is *Cummings* v. *State of Missouri*, supra. That case, however, has no applicability whatever to, and begs the question involved in, the House bill. There the right of a priest to act as such was denied by the Constitution of Missouri solely by reason of something he had done prior to the adoption of the Missouri Constitution. The court held that the "deprivation of any rights, civil or political, previously enjoyed, may be punishment"; and that the arbitrary exclusion of the priest from his livelihood was in effect a bill of attainder.

It is, therefore, the deprivation of rights for past conduct that amounts to punishment. The inquiry is, then, "What right of Bridges will be denied by his deportation?" The answer, under all the cases, is that an alien has no right to remain in the United States. Bridges, even though he has acquired a permanent domicile in this country, has acquired no right to remain here; and the Congress can order his deportation at any time for any cause which it deems sufficient. This proposition is too well settled by the cases to admit of successful contradiction. In the Fong Yue Ting case, supra, for instance, the Court said that aliens "are entitled so long as they are permitted by the Government of the United States to remain in the country, to the safeguards of the Constitution and to the protection of the laws * * *. But they continue to be aliens * * * and therefore remain subject to the power of Congress to expel them, or to order them to be removed and deported from the country, whenever, in its judgment, their removal is necessary or expedient for the public interest" (p. 724).

Upon this question, the eminent authority on constitutional law, W. W. Willoughby, states:

"Furthermore, after admission, aliens, whether domiciled or not, may remain only so long as the State where they are may see fit to permit them to do so. The arbitrary, oppressive, or opprobrious exercise of these rights may give rise to just ground of complaint upon the parts of the states whose subjects are thereby injured or discriminated against. But the existence of the right of an inde-

pendent State to determine for itself whom it will receive or allow to remain within its borders, cannot be questioned" (Constitutional Law of the United States, sec. 155).

Citations to the effect that aliens are guests of the United States and have no vested right to remain might be continued indefinitely; but it is submitted that the case of *Chae Chan Ping* v. *United States* (130 U. S. 581 (1889)) conclusively establishes the fact. That case, since it authoritatively refutes not only the claim that this type of legislation is a bill of attainder, but other arguments of those who oppose H. R. 9766, as it passed the House, calls for detailed examination at this point.

The Congress in 1888 passed a law to the effect that it "shall be unlawful for any Chinese laborer who shall have been, or who may now or hereafter be, a resident within the United States, and who shall have departed or shall depart therefrom, to return to the United States."

The alien in that case had resided in this country for 12 years prior to 1888, and regarded the United States as his permanent domicile. In June 1887 he returned to China for a temporary visit, possessing a certificate entitling him to reenter the United States. When he attempted to return, shortly after the act of 1888 was passed, he was denied entry. He thereupon sought a writ of habeas corpus, alleging that the act, as applied to him, was unconstitutional. The argument for the alien, reported on pages 583–589 of 130 United States Reports, indicates the issues upon which the Court was asked to pass. The alien maintained that Congress had no power to prohibit his return to this country; that "he had a vested right to return, which could not be taken from him by any exercise of mere legislative power"; that he had resided in the United States peaceably for 12 years; and that this was his permanent residence from which he "could not have been ejected by any mere legislation." The alien asserted that "if he had a right of residence here, it is extremely clear that it is a right which could not be taken away from him by mere legislation." The alien finally argued that the act as applied to him "is unconstitutional, as being a bill of attainder, or ex post facto law. If the appellant had a right to return, the depriving him of such right is punishment and this cannot be inflicted except by judicial sentence."

Thus was it argued that the right to return—having acquired a permanent residence in this country and being armed with a certificate entitling him to reenter—was equivalent to the right to remain; and that the denial of such right by the legislature was unconstitutional as a bill of attainder.

The Court, however, disposed of the issues thus presented, by likening the alien's alleged rights to mere "hopes." It said, in distinguishing the alien's alleged rights from instances where vested rights are impaired:

"Between property rights * * * and expectations of benefits from the continuance of existing legislation, there is as wide a difference as between realization and hopes" (p. 610).

The Court also stated:

"Whatever license Chinese laborers may have obtained, previous to the act of October 1, 1888, to return to the United States after their departure, is held at the will of the Government, revocable at any time, at its pleasure. Whether a proper consideration by our Government of its previous laws * * * ought to have qualified its inhibitions and made it applicable only to persons departing from the country after the passage of the act, are not questions for judicial determination. If there be any just ground of complaint on the part of China, it must be made to the political department of our Government, which is alone competent to act upon the subject" (p. 609).

A similar case is *Lem Moon Sing* v. *United States*, supra, in which the Court, as has been stated, declared:

"He is nonetheless an alien because of his having a commercial domicile in this country" (p. 547). And: "If the act of 1894 takes away from the alien any right given by previous laws to reenter the country, the authority of Congress to do even that cannot be questioned" (p. 549).

The view is expressed, however, in the majority report that the cases holding deportation not to be a punishment go no further than to decide that deportation is not such a punishment "as to entitle the alien to a trial by jury" and that they simply upheld the delegation to administrative officers of the power to pass upon questions of fact.

It is indeed difficult to understand such reasoning. One is prompted to inquire: Upon what distinction should deportation be held a punishment within one constitutional provision and yet not a punishment within the protection afforded by other provisions? If deportation is to be considered as punishment in the legal sense, then under the Constitution an alien is entitled to be indicted by a grand jury (under the fifth amendment) and to a jury trial with all that that term connotes (under the sixth amendment).

Perhaps the contention referred to is made in ignorance of the two cases just cited. There was no question raised in those cases as to the power of Congress to delegate fact-finding functions to administrative officers. The aliens there attacked the action of Congress itself in passing the legislation—not the action of executive officials in enforcing the congressional enactment. The decision in the Chae Chan Ping case, contrary to involving the power of administrative officers to enforce statutes, was a distinct ruling that Congress had the power to enact the statute involved in the case; that Congress was not prohibited in this manner from denying to aliens continued residence in this country; that the exercise by Congress of its powers in this respect was a valid exercise of inherent and sovereign powers; and that the act was not a bill of attainder, since it merely revoked the alien's license to remain here, perhaps destroyed his hopes and expectations, but in no wise interfered with his rights, simply because he had no right to remain here.

The attempt to construe H. R. 9766 as a bill of attainder, then, must fail. The Supreme Court has stated time and time again—too often for successful argument to the contrary—that the deportation of an alien is not punishment in the constitutional sense. No other decision could be reached in the light of the settled rule that an alien, no matter how long he resides in this country, acquires no vested right to remain here. Since deportation, therefore, does not deprive the alien of any vested right, he suffers no punishment.

### DUE PROCESS OF LAW

A special act of Congress deporting a particular alien whose presence in this country the Congress deems hurtful is not a violation of the due-process clause of the fifth amendment, since the power of Congress to regulate and control the admission, rejection, and deportation of aliens is an absolute one which is within the power of every sovereign nation.

The fifth amendment provides that no person shall "be deprived of life, liberty, or property, without due process of law." Clearly, deportation will not take Bridges' life, nor will his property be confiscated, nor will his liberty be curtailed, for it must be remembered, as already pointed out, that he was granted the privilege of residing in this country only so long as Congress, in its wisdom, saw fit to allow him to remain. While deporting him will curtail his physical freedom, it will not take away his liberty in any legal sense. Its only effect will be to withdraw the permission or license originally granted to him by Congress, and this for the reason that he has conducted himself in such a manner as to have become thoroughly undesirable. A host cannot be said to deprive his guest of liberty by merely sending him home as a result of his obnoxious conduct.

Much of the confusion in this case from a constitutional standpoint, as stated, springs from the fact that there is a feeling that deportation is some sort of punishment, or some sort of deprivation of right. Such a view simply cannot be sustained in the light of the number of cases holding otherwise. Deportation is not punishing an alien, it is not depriving him of any right, it is not interfering with his liberty; it is simply the withdrawing of the conditional permission to enter the United States and sending him home because he is no longer wanted in this country.

Aliens come here as guests. They should not "pull down the pillars of the house to which they have been invited." There is no breach of etiquette nor of constitutional duty to ask a guest to leave who has exerted himself to the limit to create dissension among the household, to agitate one group to hate another group, and to disrupt and undermine the economic foundation of the entire family.

But, it is pointed out, an alien is entitled to the protection of the Bill of Rights while he remains in the United States. Conceding that to be so, just how will this bill deny Bridges that protection? If the bill subjected him to punishment or confiscated his property or divested him of legal rights, then the Bill of Rights might be appealed to. But I repeat that the very nature of deportation is such as to make the criticism in this respect meaningless. Deportation is not punishment, it is not confiscation of property, it is not a denial of liberty, it is not a deprivation of rights. It is a mere withdrawal of consent to remain in this country. It inflicts no penalty or loss of legal rights upon Bridges, and therefore does not deny him the protection of the Bill of Rights.

It has also been suggested by those favoring the committee amendment that, since other aliens are undesirable and hurtful to the country, Bridges should be deported, not by a special piece of legislation, but under a general statute which will rid the country of all such aliens. I cannot see the force of that argument. Surely the committee substitute, directing an investigation of this particular alien, is as discriminatory (if it be admitted, which is not the case, that this is discrimination) as the bill as it passed the House. If it is unfair to deport a single alien by special enactment, it is as unfair to single out a particular alien for investigation looking to that end. While it might be desirable to enact a law under which all aliens, such as Bridges, would be deported, that question is not involved in the present bill. The fact that such a bill has not come before this committee for consideration does not in the slightest detract from the reasons warranting, indeed demanding, the expulsion of this particular obnoxious alien. Nor does it, in my opinion, relieve the Senate of the duty to act upon the House bill, and to that extent protect the interests of the American people.

### THE BILL WOULD NOT DEPRIVE BRIDGES OF JUDICIAL REVIEW

The House bill does not deprive Bridges of his right to go to court after it has been enacted into law by Congress. There is nothing in the measure to prevent him from seeking a writ of habeas corpus and thereby testing the constitutionality of the enactment. The assertion that the House bill comes close to the situation where "anything pleasing the prince has the force of law" is absurd, for the courts will still be open to Bridges to test its validity, just as the independent judiciary stands in every case, and with respect to every enactment of Congress, as the guard against the autocratic situation referred to in the quotation. Bridges, if he is so disposed, may have his day in court.

The argument that H. R. 9766 would constitute a denial of due process of law is replete with confused legal thinking. The committee report repeats the well-known doctrine that aliens are protected by the due process of law clauses of the Constitution; and it concludes from that, somehow, that the House bill would be a denial of that due process.

The inquiry is, or should be: What is this "due process" to which aliens are entitled? The deportation cases in which the question "due process" has been raised have dealt with general statutes and related to administrative action under those statutes. Deportation of an alien under a general statute is made in accordance with the conditions contained in such statute and for the reasons specified therein. The administrative officials charged with the execution of the statute must, of course, comply with its provision; and if such officials fail to accord a fair hearing to the alien or attempt to deport him on charges not supported by the evidence, a denial of due process results. *Vajtaner* v. *Commissioner of Immigration* (273 U. S. 103). The Supreme Court has held that an alien is protected by the fifth amendment while residing in this country in the same manner that a citizen is protected, but such protection continues only so long as Congress in its wisdom permits such alien to continue to reside here. See *Lem Mong Sing* v. *United States*, supra; *Fong Yue Ting* v. *United States*, supra.

In attempting to draw an analogy between deportation under a general statute and the instant case, the confusion of legal thinking has resulted. The opponents have failed to differentiate between the power of Congress to legislate, on the one hand, and, on the other, the carrying into execution of the acts of Congress by executive and administrative officers. In the latter, Congress specifies the rules to be followed and the conditions to be met, and a departure from such rules and conditions by administrative officials not only violates the statute, but may result in a violation of the fifth amendment as well. In the instant case, however, Congress, acting under its sovereign and inherent power, has found that the continued presence in this country of a particular alien is hurtful, and directs the Attorney General to deport him forthwith. No discretion is vested in any administrative official. No rules or conditions are specified for the guidance of any such official, since Congress has made the finding which is usually entrusted in general statutes to such officials. There being no discretion vested in any such official, and no rules to be followed or conditions to be met (merely a mandatory direction to deport a named alien), the question of "due process" cannot be raised with respect to any action taken by any administrative official in the instant case. It is this distinction—action by the Congress rather than action by an administrative official—which makes it impossible to draw an analogy between the instant case and cases that arise under general statutes.

The cases all indicate that, since Congress has plenary power over aliens, whether it admits or deports them is a political question and therefore not subject to judicial intervention. On the other hand, the alien is entitled to due process of law—procedurally—in connection with the execution of immigration statutes by executive officers.

An interesting case that illustrates this distinction is that of *Yamataya* v. *Fisher* (*The Japanese Immigrant Case*) (189 U. S. 86, 100 (1902)), in which the Court held:

"Now it has been settled that the power to exclude or expel aliens belonged to the political department of the Government, and that the order of an executive officer, invested with the power to determine finally the facts upon which an alien's right to enter this country, or remain in it, depended, was due process of law, and no other tribunal, unless expressly authorized by law to do so, was at liberty to reexamine or to controvert its sufficiency."

Thus was upheld the power of Congress, by reason of the political nature of the question, to legislate with finality upon the subject.

The case of *Mahler* v. *Eby* (264 U. S. 32 (1924)) is cited in the majority report, to the effect that—

"Congress must accomplish its purpose by classification and by conferring power of selection within classes upon an executive agency" (p. 40).

The meaning of Mr. Chief Justice Taft, however, cannot be gathered from the single sentence quoted above. The three preceding sentences must be read with it, and when this is done the result, contrary to supporting the contention of the majority, establishes clearly the power of Congress to enact H. R. 9766. What actually was said in that passage is this:

"The sovereign power to expel aliens is political and is vested in the political departments of the Government. Even if the Executive may not exercise it without congressional authority, Congress cannot exercise it effectively save through the Executive. It cannot, in the nature of things, designate all the persons to be excluded. It must accomplish its purpose by classification and by conferring power of selection within classes upon an executive agency."

Taken as a whole, does this quotation hold that Congress must deport aliens by classes, and that it is powerless to deport a named individual? Certainly not. The import of the case is that, as a practical matter, Congress cannot name individually the aliens to be deported, and that, therefore, dictated by practical necessity, it must deport them by classes and devolve upon executive officials the duty of selection within those classes. Implicit in the statement is the principle that if, "from the nature of things," it is possible for Congress to "designate the persons to be excluded," the power to do so exists. From the nature of things, Congress, in this instance, has found it possible to designate a particular alien for deportation, and it cannot be denied that, in view of the case above cited, the power to do so is inherent in the legislative branch of the Government. The Court, in the case cited, further declared:

"The right to expel aliens is a sovereign power necessary to the safety of the country and only limited by treaty obligations with respect thereto entered into by other governments" (p. 39).

That case, as all other cases relied upon in the majority reports, involved simply the question of whether the administrative officials had met the conditions and observed the rules laid down by Congress as a prerequisite to the deportation of any alien. "Due process of law" in all such cases has reference to "procedural" due process on the part of subordinate executive and administrative officers. It is significant that no act of Congress has been declared invalid as providing for the deportation of aliens without due process of law. In every instance has the exercise of sovereign and inherent power been sustained; and the cases, of which there are a few, where deportation orders have been disturbed by the courts, have all been directed to insufficiencies in the executive action in carrying into execution the valid declarations of Congress.

The fundamental reason underlying these clear and unambiguous statements of the Supreme Court—and its cogency cannot be detracted from by the opponents in citing cases involving the question of procedural due process of executive officials—is that the question of exclusion or expulsion of aliens is a political one over which the Congress has absolute control.

The power of Congress to order the deportation of aliens being an absolute one—an inherent power of sovereignty—it therefore follows that a special act ordering the deportation of a particular alien is constitutional.

Further cases could be cited. But the principles involved are so clear, and the constitutional power of Congress so definite, that further discussion appears unnecessary.

THE LANDIS HEARING IS NO BAR TO ENACTING THE HOUSE BILL

The majority report refers to the so-called Landis hearing and asserts that "Congress would have no right to review the decision of an administrative agency to which it had entrusted decisions of a judicial or a quasi-judicial nature." It is most significant that this objection has never been raised in the consideration of special bills permitting named aliens to remain in the United States notwithstanding findings by the Immigration Service that they are in this country illegally, and notwithstanding deportation orders have been entered by the Service. That such special bills are regularly enacted, overriding the findings and decision of the administrative agency is illustrative of the power of Congress in this respect and of its unquestionable "right to review the decision of an administrative agency." Then, too, the issues in the Landis hearing and in the House bill are not the same. The sole inquiry in the Landis hearing was whether Bridges was a member of or affiliated with the Communist Party. The House bill directs the deportation of Bridges, not because he is a Communist but because his presence in this country the Congress deems hurtful.

CONCLUSION

H. R. 9766 should be enacted into law as it passed the House. The following principles govern the disposition of the matter:

1. The power over aliens is political, has been conferred upon the political departments of the Government, and is beyond the scope of judicial review.

2. An alien acquires no vested right to remain in the United States and may be deported by the Congress at any time and for any reason. His removal interferes with none of his rights.

3. Since deportation is neither punishment nor deprivation of right, the House bill is not a bill of attainder.

4. Due process of law, which restrains executive officers from arbitrary and unlawful action in carrying out the will of Congress, is not denied by the exercise of political power by Congress, power that is inherent in sovereignty. Nor can action which does not violate rights be said to violate the Bill of Rights.

5. In addition to all other cases clearly pointing to the fact that H. R. 9766 is constitutional, the case of *Tiaco* v. *Forbes*, supra, is a precedent directly in point.

6. From facts of which the Congress may and should take cognizance, it is known throughout the United States that Bridges, by reason of his alien philosophy and conduct, has placed himself in a position where he is no longer wanted in this country by its citizens, and where his continued presence here will prove disadvantageous and hurtful to the American people.

In my opinion this bill, as it passed the House, should be enacted into law, and the alien Harry Renton Bridges, "whose presence in this country the Congress deems hurtful," should be summarily deported.

WILLIAM H. KING.

## SENATE COMMITTEE ON NATIONAL DEFENSE—PROCUREMENT OF AIRPLANES

Mr. BYRD. Mr. President I ask unanimous consent at this time to submit a resolution which I ask may lie over under the rule for future consideration. I request that the resolution be printed in the RECORD.

There being no objection, the resolution (S. Res. 303) was ordered to lie over under the rule, as follows:

*Resolved*, That there is hereby established a special committee of nine Members of the Senate to be appointed by the President of the Senate and to be known as the Senate Committee on National Defense. Of the Members of the Senate selected for membership on the special committee, three shall be members of the Committee on Military Affairs and three shall be members of the

Committee on Navay Affairs. The special committee shall select a chairman from among its members. Any vacancy in the membership of the special committee shall not affect the power of the remaining members to execute its functions and shall be filled in the same manner in which original appointments to membership on the committee are made.

The special committee shall make such investigation of the manner in which the national defense program authorized by the Congress is being executed as it may deem appropriate for the purpose of obtaining such information as will enable it to make recommendations to the Senate, in the form of proposed legislation or otherwise, for action designed to expedite the execution of such program.

For the purposes of this resolution, the special committee is authorized, whenever it may deem such action advisable during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and succeeding Congresses—

(1) To hold hearings;
(2) To employ clerical and other assistants;
(3) To request the departments and agencies (including the Council of National Defense and corporations owned or controlled by the United States) in the executive branch of the Government to which funds have been appropriated, allocated, or otherwise made available to be expended for any purpose connected with the national defense, to make weekly reports to the special committee with respect to the expenditure of such funds and other matters relating to the national defense;
(4) To require by subpena or otherwise the attendance of witnesses and the production of books, papers, and documents;
(5) To administer oaths;
(6) To take testimony;
(7) To make expenditures;
(8) To sit and act with any committee of the House of Representatives having functions similar to its own; and
(9) To make reports and recommendations, in the form of proposed legislation or otherwise, to the Senate.

Mr. BYRD. I also ask unanimous consent to have printed in the RECORD as a part of my remarks a letter from the Secretary of War, Mr. Stimson, and likewise excerpts from a letter from the Secretary of the Navy, Colonel Knox. These are in proof of the fact that the statement I made in the public press Sunday to the effect that the Army, Navy, and marines have ordered only 343 fighting airplanes in the period from May 1 to August 20 is literally correct, as substantiated by the Secretary of War and the Secretary of the Navy.

There being no objection, the letter and excerpts were ordered to be printed in the RECORD, as follows:

[Letter from the Secretary of War]

AUGUST 23, 1940.

Hon. HARRY F. BYRD,
*United States Senate.*

MY DEAR SENATOR: Receipt is acknowledged of your telegram of August 20, 1940, requesting the number of combat planes ordered since May 1, 1940, and delivery dates.

As requested, the following information is submitted:

| Number of airplanes | Type | Manufacturer | Delivery |
|---|---|---|---|
| 1 | XB-28—Medium bomber, 2-engine. | North American Aviation, Inc., Inglewood, Calif. | By May 17, 1941. |
| 42 | O-49—Observation. | Stinson Aircraft Division, Aviation Manufacturing Corporation, Nashville, Tenn. | Begin June 1941; complete August 1941. |
| 56 | B-24D—4-engine bomber. | Consolidated Aircraft Corporation, San Diego, Calif. | Begin April 1941; complete October 1941. |

The information requested in your letter of August 16, 1940, is now in the course of preparation.

Sincerely yours,

HENRY L. STIMSON,
*Secretary of War.*

[Excerpts of letter from the Secretary of the Navy]

AUGUST 20, 1940.

MY DEAR SENATOR: In accordance with the request contained in your letter of August 16 I am glad to send you the following information with respect to combatant aircraft:

Combatant type of aircraft ordered since May 1, 1940:

June 29, 1940: 1 patrol bomber (experimental), cost $1,933,761. Delivery, April 29, 1942.

August 5, 1940: 243 fighters, cost $7,260,280.28. Delivery, December 15, 1940, to February 5, 1942.

BRITISH SCHEDULE OF RESERVED OCCUPATIONS

Mr. LODGE. Mr. President, I present to the Senate a publication of the British Ministry of Labor and National Service entitled "Schedule of Reserve Occupations, revision May 1940," which gives the list of all exceptions under the British draft and which a number of Senators thought should be printed as a document so that they could have it. I ask that it be referred to the Committee on Printing, with a view to its being printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SELECTIVE COMPULSORY MILITARY SERVICE—ADDITIONAL AMENDMENTS

Mr. CONNALLY, Mr. GIBSON, Mr. PEPPER, and Mr. WAGNER each submitted an amendment, and Mr. WALSH submitted amendments intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

VOLUNTARY MILITARY TRAINING—AMENDMENT TO SELECTIVE COMPULSORY MILITARY SERVICE BILL

Mr. WALSH. Mr. President, I submit an amendment in the nature of a substitute intended to be proposed by me to Senate bill 4164, the selective compulsory military service bill, which I ask may lie on the table, be printed, and be printed in the RECORD. I also request that a statement by me pertaining to the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, and the statement was also ordered to be printed in the RECORD.

The amendment is as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. WALSH to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, viz: Strike out all after the enacting clause and in lieu thereof insert the following:

"TITLE I

"SECTION 1. (a) The Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

"(b) The Congress further declares that in a free society, the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of military training and service.

"(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard as an integral part of the first-line defenses of this Nation be at all times maintained and assured. To this end it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army, the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

"SEC. 2. Except as provided in section 5 (a), it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who is between the ages of 21 and 31 on the day or days fixed for registration, to present himself for and submit to registration at such time and place, and in such manner and in such age group, as shall be determined by rules and regulations prescribed hereunder.

"SEC. 3. (a) Every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of 21 and 31 (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States. The President is authorized, whether or not a state of war exists, to afford to any qualified men between the ages of 18 and 35 an opportunity voluntarily to enlist for the training and service prescribed in subsection (b), and to induct into the land and naval forces of the United States for such training and service such numbers of the men who so enlist as in his judgment are required for such forces in the national interest. The President is authorized, whenever the Congress shall have declared that a state of war exists, to induct into the land and naval forces of the United States for training and service under this act such additional numbers of men between the ages of 21 and 31, selected in accordance with section 4, as in his judgment are required for such forces in the national interest. The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

"(b) Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service until the Congress shall declare that the national interest permits his being relieved

from such service. Each such man, after completion of the service required by this subsection, shall be transferred to a reserve component of the land or naval forces of the United States until the provisions of this act become inoperative, or until the expiration of a period of 10 years, or until he is discharged from such reserve component, whichever event first occurs; and during the period that he is a member of such reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes at least 12 months' training and service in the land forces as provided herein, and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least 2 years, shall be relieved from any liability to serve in any reserve component of the land or naval forces of the United States in time of peace.

"(c) The men inducted for training and service as provided for in this section shall, during the period of their training and service, receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a reserve component of the land or naval forces as provided in subsection (b) they shall receive the same benefits as are provided by law in like cases for members of such reserve component. Men in such training and service shall have an opportunity to qualify for promotion.

"SEC. 4. (a) The selection of men for the training and service provided for in section 3 (other than those who enlist voluntarily pursuant to this act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from all the men between the ages of 21 and 31 who are liable for such training and service and who at the time of selection are not exempt or deferred.

"(b) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification; credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas; and until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe.

"SEC. 5. (a) Commissioned officers, warrant officers, field clerks, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy, midshipmen, United States Naval Academy, cadets, United States Coast Guard Academy, and cadets of the advanced course, senior division, Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, or who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2. No exceptions from registration shall continue after the cause therefor ceases to exist: *Provided*, That the following persons who are excepted from such registration under this section shall continue to be excepted from such registration and shall be relieved from any liability to serve in any reserve component of the land or naval forces of the United States in time of peace:

"(1) Any commissioned officer, warrant officer, or enlisted man of the Regular Army who shall have served therein satisfactorily for a period of at least 3 years;

"(2) Any member of the Officers' Reserve Corps on the eligible list who shall have served therein satisfactorily for a period of at least 6 years; and

"(3) Any commissioned officer, warrant officer, or enlisted man of the active National Guard who shall have served therein satisfactorily for a period of at least 6 years, or who shall have served satisfactorily as a member of the Army of the United States in active Federal service for a period of at least 1 year and who thereafter shall have served satisfactorily in the Regular Army or in the active National Guard for a period of at least 2 years: *Provided further*, That the following persons who were not excepted from such registration under this section and who receive commissions or voluntarily enlist in the Regular Army or in the active National Guard prior to the date fixed for their registration or prior to their induction under this act shall be excepted from such registration during their service therein and, upon the completion of the service hereinafter specified, shall continue to be excepted from such registration and shall be relieved from any liability to serve in any reserve component of the land or naval forces of the United States in time of peace:

"(1) Any commissioned officer, warrant officer, or enlisted man of the Regular Army who serves therein satisfactorily for a period of at least 3 years; and

"(2) any commissioned officer, warrant officer, or enlisted man of the active National Guard who serves satisfactorily as a member of the Army of the United States in active Federal service for a period of at least 1 year and thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least 2 years.

"(b) The Vice President of the United States, and the officers, legislative, executive, and judicial, of the United States, and of the several States, Territories, and the District of Columbia, while holding such official positions shall be deferred from training and service in the land and naval forces of the United States.

"(c) Persons in the following groups shall be exempt from training and service under this act (but shall not be exempt from registration) so long as they remain in any of such groups:

"(1) Regular or duly ordained ministers of religion engaged in the regular discharge of their ministerial duties.

"(2) Members of a religious order or society, who under authority of a church or religious denomination are licensed, commissioned, or bound by vows, and whose sole occupation is religious work under the authority of such church or denomination.

"(3) Students for the ministry in theological or divinity schools which have been established and recognized as such schools for more than 1 year prior to the date of enactment of this act.

"(d) The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest. No deferment of training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. The President is also authorized, under such rules and regulations as he may prescribe, to defer the training and service under this act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally different. No deferment of such training and service shall continue after the cause therefor ceases to exist.

"(e) Nothing contained in this act shall be construed to require any person to be subject to combatant training or service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. All persons claiming such exemption from combatant training and service because of such conscientious objections shall be listed on a Register of Conscientious Objectors at the time of their classification by a local board, and the names of the persons so registered shall be at once referred by such local board to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice in the case of each such person with respect to the character and good faith of his objections, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommended (1) that the objector shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, that he shall be assigned to work of national importance under civilian direction. If, after such hearing, the objections of any such person are found not to be sustained, the objector and the local board shall be immediately notified thereof, the name of the objector shall then be removed from the Register of Conscientious Objectors, and such objector shall thereafter be liable to training and service as provided by this act. If, within 5 days after the date of such findings by the Department of Justice, the objector or the local board gives notice to the other of disagreement with such findings, the local board shall immediately refer the matter for final determination to an appropriate appeal board established pursuant to section 10 (a) (2).

"SEC. 6. The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

"SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

"SEC. 8. (a) Any member of any Reserve component of the land or naval forces who is on active duty and who, in the judgment of those in authority over him, satisfactorily completes such active duty, and any person inducted into the land or naval forces under this act who, in the judgment of those in authority over him, satisfactorily completes any period of service required under this act, shall be entitled to a certificate to that effect upon the completion of such active duty or such service, which shall include a record of any special proficiency or merit attained.

"(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such active duty or service—

"(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like status and pay;

"(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

"(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like status and pay.

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

"(d) The failure or refusal of any private employer to comply with the provisions of paragraph (B) of subsection (b) or with the provisions of subsection (c) shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act.

"(e) In any case in which no remedy is available under the National Labor Relations Act to acquire compliance by any private employer with the provisions of this section, the district court of the United States for any district in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

"(f) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of members of the reserve components of the land and naval forces of the United States who have satisfactorily completed any period of active duty and of persons who have satisfactorily completed any period of service under this act, and to aid such persons in finding employment elsewhere if such replacement in their former positions is impossible or unreasonable.

"(g) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this act.

"SEC. 9. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this act, or who counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required of him under or in the execution of this act, or rules or regulations made in pursuance of this act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. In cases of persons subject to this act who fail to report for duty in the land or naval forces as ordered, military and naval courts martial shall have concurrent jurisdiction of offenses arising out of such failure. Precedence shall be given by courts to the trial of cases arising under this act.

"SEC. 10. (a) The President is authorized—

"(1) to prescribe the necessary rules and regulations to carry this act into effect;

"(2) to create and establish a selective service system, to provide for the classification of registered men on the basis of availability for service and training and to establish local boards and such other agencies, including appeal boards and agencies of appeal, as he may deem necessary to carry the provisions of this act into effect;

"(3) to appoint, by and with the advice and consent of the Senate, and fix the compensation, at a rate not in excess of $10,000 per annum, of a Director of Selective Service who shall be directly responsible to him, and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this act: *Provided*, That any person so appointed whose salary is at a rate in excess of $5,000 per annum shall be appointed by and with the advice and consent of the Senate;

"(4) to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government, and of the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, in the execution of this act, and to require of each the performance of such duties as he directs in carrying out the provisions of this act;

"(5) to have done such printing, binding, and blank-book work in such public or private printing establishments or binderies as he may designate, and to obtain such office equipment, as he may deem necessary to carry out the provisions of this act, with or without advertising or formal contract; and

"(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this act, of any person convicted of a violation of any of the provisions of this act.

"(b) The President is authorized, under such rules and regulations as he may prescribe, to delegate any authority vested in him under this act to such officers, agents, or persons as he may designate or appoint for such purpose.

"(c) The decisions of local boards with respect to any matters within their jurisdiction shall be final except where appeals are authorized in accordance with the provisions of this act and such rules and regulations as the President may prescribe. In the administration of this act voluntary services may be accepted. Correspondence necessary in the execution of this act may be carried in official penalty envelopes.

"SEC. 11. (a) Every person shall be deemed to have notice of the requirements of this act upon publication by the President of a proclamation or other public notice requiring registration.

"(b) The provisions of this act shall be construed liberally to effect the purpose thereof the spirit always controlling the letter, and any technical deficiencies therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

"(c) If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"(d) Nothing contained in this act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

"SEC. 12. When used in this act—

"(a) The term 'between the ages of 21 and 31' shall refer to persons who have reached the twenty-first anniversary of the day of their birth and who have not reached the thirty-first anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

"(b) The term 'United States,' when used in a geographical sense, shall be deemed to include the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands.

SEC. 13. (a) All laws and parts of laws in conflict with the provisions of this title are hereby suspended to the extent of such conflict for the period in which this title shall be in force.

"(b) All the provisions of this title shall become inoperative and cease to apply on and after May 15, 1945, unless continued in effect by the Congress, except as to offenses committed prior to such date.

"SEC. 14. This act may be cited as the 'Training and Service Act of 1940.'

"TITLE II

"SEC. 201. (a) The monthly base pay of enlisted men of the Army shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30; except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, shall be $21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

"(b) The pay for specialists' rating received by an enlisted man of the Army at the time of his retirement shall be included in the computation of his retired pay.

"(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

"(d) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

"(e) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

"(f) The provisions of this section shall be effective on and after the first day of the first month following the date of enactment of this act.

"SEC. 202. Section 4b of the National Defense Act, as amended, be, and is hereby, amended to read as follows:

"'SEC. 4b. Enlisted men: Commencing October 4, 1940, the grades and ratings of enlisted men shall be such as the Secretary of War

may from time to time direct, with monthly base pay in each grade and pay for each rating as prescribed by law. The numbers in grades and/or ratings of enlisted men shall be such as are authorized from time to time by the Secretary of War: *Provided*, That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving, during his current enlistment and while he holds his present grade and rating, nor to change the present rate of pay of any enlisted man now on the retired list, nor to change existing provisions of law relating to flying cadets: *Provided further*, That the transportation privileges authorized by section 12 of the act of Congress approved May 18, 1920, shall apply only to enlisted men of the first three grades: *Provided further*, That nothing in this section shall be construed to authorize any increase in the number of the enlisted personnel of the Regular Army'."

Amend the title so to read: "A bill to provide for the training and service of additional personnel in the land and naval forces of the United States, to provide for the procurement of such additional personnel through voluntary enlistments, and to provide for the procurement of such additional personnel through selective compulsory methods in the event that war should be declared, and for other purposes."

The statement presented by Mr. WALSH in connection with his amendment is as follows:

VOLUNTARY MILITARY TRAINING

Mr. President, the amendment by way of a substitute bill which I introduced today provides for the registration forthwith of all male citizens—and aliens—between 21 and 31 years of age, but with certain exceptions as to the propriety of which there is no dispute.

The plan of registration is nearly identical with that provided for in S. 4164 as reported to the Senate.

The Walsh bill stipulates that all persons so registered shall be afforded an opportunity to have 12 months of military training if qualified under such regulation, and in such numbers as may be fixed by the President.

The provisions of the bill now pending in the Senate for the conscription of manpower on a selective basis, and with State quotas, and with various exceptions, and for deferment wherever deemed in the national interest, and for insuring, so far as possible, reemployment of those conscripted upon their discharge from service, are contained in my substitute bill in substantially identical language, but are operative only in the event of a declaration by Congress of the existence of a state of war.

That is the big and vital point of difference between the Walsh bill and the conscription bill reported by the Military Affairs Committee.

The bill contains no limit on the number of volunteer enlistments for military training and service prior to a declaration of war and no limit to the number that may be drafted for service after a declaration of war.

There can be no doubt that trained manpower is an indispensable element in our national defense. No true patriot denies that basic proposition, but it does not necessarily follow that we ought to resort blindly to conscription of untold millions of our youth for military service without delay, without argument, and without heed to the consequences.

Congress has already recognized the need for increasing the size of our naval manpower and the Naval Reserve to keep pace with the increasing number of our ships and naval bases. We have gone forward in that direction, and voluntary enlistments are exceeding our capacity and exceeding our immediate requirements.

It is perfectly evident that so far as the Navy and Marine Corps are concerned there is no need to resort to a draft. Voluntary reenlistment will give us men just as rapidly as training facilities can be provided, and as rapidly as the ships which these men are to man are completed.

I have already offered a bill to increase the number of midshipmen at Annapolis and to increase the Naval Reserve training units in colleges and universities. There are more applicants than there are places.

Let me suggest also that in considering conscription the question of whether or not college and university students should be exempted or deferred overlooks a very obvious alternative, namely, to provide the means of giving all the college youth military training along with college studies and college life.

Congress already has recognized and assented to the principle of military training in the colleges by the Reserve Officers' Training Corps plan. It is not a difficult matter to expand this organization and multiply these training camps. In the light of present conditions it is too bad that this expansion of military training in the colleges was not undertaken years ago.

We have authorized virtually unlimited expansion of our air service in the Navy and Army. We are setting out to build thousands of planes and to train thousands of air pilots. It is not a matter of a month or 6 months, but of several years, and, so far as I know, there is no one who asserts that we need to resort to conscription and the draft in order to obtain recruits in adequate numbers for the Air Corps. Under the present set-up, and at the present rate of progress, our flyers will be trained and ready as soon as the planes are ready. Particularly so if we continue to let English orders for planes have priority over our own with respect to factory deliveries.

When it comes to the Army enlistments and the need for trained Reserves, facts have given way to hysteria and been obscured by ballyhoo.

The facts are that the President last January requested funds for a standing Army of 227,000 men, deriding "enthusiastic alarmists" who clamored for more.

In May the figure had been raised to 250,000 and Congress went a little further and provided for 280,000 men. Subsequently in June—a little more than 60 days ago—General Marshall, Army Chief of Staff, in testimony before a congressional committee, requested an increase in the authorized strength of the Army to 375,000, with a statement that such an increase would "enable us to avoid, we hope, the necessity of mobilizing the National Guard."

The recruitment of men for the Regular Army on the basis of a 3-year term of service is proceeding satisfactorily, and according to the testimony of the Army officers in charge, they expect the full strength will be reached within 2 months.

There is no valid basis for a claim that it is necessary to resort to conscription and the draft in order to fill the ranks of the standing Army.

It is to be noted also that no further action by Congress is required to provide for 1-year Army enlistments for training purposes. That is permissible under existing statutes. The Army for reasons of its own has heretofore declined to accept 1-year enlistments.

Congress has now passed the requisite resolution to enable the President to muster the National Guard into the Federal service and to call up all the various Reserve Corps officers and enlisted men for active duty of a year's duration, or for longer, if the need arises.

This means that, after making allowances for resignations on account of dependencies and disqualification on account of physical disability, some 250,000 men now in the National Guard or other Reserve units are now available for training and service without any further action by Congress.

The rate at which these men will be called up will depend on the facilities and equipment and supplies. The fact is that we lack today the facilities for putting the entire National Guard and other Reserves at once into training camps. This is conceded by the War Department.

We may debate the need of drafting three or four hundred thousand men right off, and as many more in 3 months, and a third call in 6 months, all for a year's military training, but, no matter what decision we reach as to the need, the plain fact is that we lack the facilities to house and supply and train a draft army of a million men over and above the Regular Army and Navy and Marine Corps as now expanded and the National Guard and the Reserve Corps units, all of which naturally precede any draft army. This being so, and there being no escape from that fact, I see no force in the argument that the immediate passage of a conscription bill is needful in order to permit an immediate army draft.

The mustering of the State militia into the Federal service is creating a void which the States propose to fill by creating and recruiting on a voluntary basis a home guard of World War veterans and others.

In my own State of Massachusetts, plans for a home guard contemplate six regiments of infantry, one of engineers, a quartermaster corps, an ambulance unit, and a motorized squadron. Whatever congressional action may be requisite to pave the way for the home guards ought to be, and I am confident will be, promptly forthcoming.

These home guards will make a further drain upon the available materials and supplies, arms, uniforms, camp equipment, and so forth.

There is virtually no opposition within Congress to the proposal to raise the base pay of the Army to $30 per month, with corresponding increases in the upper grades for enlisted men and noncommissioned officers. This step is intended to put the Army on a parity with the Navy as respects pay. It should prove a stimulus to enlistment.

We shall have close to 1,000,000 men under arms when Army, Navy, and Marine Corps are recruited to full strength and when the Reserve Corps and the National Guard and training units already provided for are in the field.

We have the testimony of William S. Knudsen, of the Defense Commission, that it will be the middle of 1944 before we will have the full equipment for as many as 2,000,000 men.

I have favored and strongly supported all of these steps for expanding the Army and Navy, the Air Corps, and for training camps and for mobilizing the National Guard.

I favor today just as broad a plan of military training on a voluntary basis as is possible to provide for. I am confident that the volunteers will keep pace with the facilities.

I do not favor issuing to the President at the present time a blank check on the manpower of the Nation for compulsory military service. That should be only as the last resort; that should come only in the event we find ourselves in war.

The bill which I have introduced is in accord with that position. It is a realistic approach to an immensely serious matter and provides the mechanism of registration. It provides for the recruitment on a volunteer basis for all the men that we are in a position to train. It provides for conscription in the event of war without further act of Congress and without delay.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I may say to Senators that it is my purpose to move in a moment that the Senate take a recess. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. CHANDLER, from the Committee on the Judiciary, reported favorably the nomination of John D. Martin, Sr., of Tennessee, to be judge of the United States Circuit Court of Appeals for the Sixth Circuit, to fill a new position.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Marlin S. Eckerd to be postmaster at Martinsburg, W. Va., in place of W. C. Faulkner, resigned.

IN THE NAVY

Mr. WALSH. Mr. President, from the Committee on Naval Affairs I report favorably sundry routine nominations in the Navy. There is a very large list, and to save reprinting, I move that the nominations be confirmed en bloc, and that the President be notified.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc and, without objection, the President will be immediately notified.

DEATH OF REPRESENTATIVE SEGER, OF NEW JERSEY

The Senate resumed the consideration of legislative business,

The PRESIDENT pro tempore laid before the Senate resolutions of the House of Representatives, which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
*August 26, 1940.*

*Resolved*, That the House has heard with profound sorrow of the death of Hon. GEORGE N. SEGER, a Representative from the State of New Jersey.

*Resolved*, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further remark of respect the House do now adjourn.

Mr. BARBOUR. Mr. President, on behalf of my colleague, the senior Senator from New Jersey [Mr. SMATHERS], and myself, I send to the desk a resolution, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution submitted by the Senator from New Jersey will be read.

The resolution (S. Res. 304) was read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. GEORGE N. SEGER, late a Representative from the State of New Jersey.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore. Under the second resolving clause of the resolution, the Chair appoints as the committee on the part of the Senate the senior Senator from New Jersey [Mr. SMATHERS] and the junior Senator from New Jersey [Mr. BARBOUR].

Mr. BARBOUR. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was unanimously agreed to; and (at 10 o'clock p. m.) the Senate took a recess until tomorrow, Tuesday, August 27, 1940, at 11 o'clock a. m.

## NOMINATIONS

*Executive nominations received by the Senate August 26 (legislative day of August 5), 1940*

FARM CREDIT ADMINISTRATION

William E. Rhea, of Missouri, to be land-bank commissioner in the Farm Credit Administration, vice Roy M. Green, resigned.

PROMOTIONS IN THE REGULAR ARMY

TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 8, 1940

Maj. Louis Joseph Fortier, Field Artillery, subject to examination required by law.
Maj. James Bentley Taylor, Cavalry.
Maj. Remington Orsinger, Infantry.
Maj. William Stewart Morris, Infantry.
Maj. Richard Henry Ballard, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Leon Chapman Dennis, Coast Artillery Corps.
Maj. James Clay Short, Cavalry.
Maj. William Fred Lafrenz, Coast Artillery Corps.
Maj. John Deane Forsythe, Infantry, subject to examination required by law.
Maj. John Franklin Hepner, Field Artillery.
Maj. Lawrence Byron Wyant, Cavalry, subject to examination required by law.
Maj. Leslie T. Lathrop, Infantry.
Maj. James Black Muir, Jr., Coast Artillery Corps.
Maj. Edmund Hathaway Stillman, Coast Artillery Corps.
Maj. Ralph Hudson Wooten, Air Corps (temporary lieutenant colonel, Air Corps), subject to examination required by law.
Maj. Kenneth Burman Bush, Adjutant General's Department.
Maj. Charles Henry Keck, Ordnance Department.
Maj. James Thomas Duke, Cavalry.
Maj. Thomas Watkins Ligon, Cavalry.
Maj. Edward Hale Brooks, Field Artillery.
Maj. James David Brown, Coast Artillery Corps.
Maj. Wayland Bixby Augur, Cavalry.
Maj. Harold Mark McClelland, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. William Brooks Bradford, Cavalry.

TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 9, 1940

Maj. Edmund Waring McLarren, Finance Department.
Maj. Arnold Wilkinson Shutter, Field Artillery.
Maj. Abram Franklin Kibler, Field Artillery.
Maj. Cecil Ray Moore, Corps of Engineers.
Maj. Francis Sylvester Conaty, Quartermaster Corps.
Maj. Norman Lee Baldwin, Signal Corps.
Maj. Grafton Sherwood Kennedy, Ordnance Department.
Maj. William Caldwell Dunckel, Field Artillery.
Maj. Harold Clarkson Mabbott, Coast Artillery Corps.
Maj. John Waller Faulconer, Jr., Field Artillery.
Maj. Gennad Alban Greaves, Quartermaster Corps.
Maj. Francis Murry Crist, Field Artillery.
Maj. Lucas Elmendorf Schoonmaker, Coast Artillery Corps.
Maj. William Fergus Kernan, Field Artillery.
Maj. Gordon Marshall Wells, Ordnance Department.
Maj. Don Carlos Faith, Infantry.
Maj. Raymond Orr, Infanty.
Maj. Hermon French Safford, Ordnance Department.
Maj. Clifford Dean Hindle, Coast Artillery Corps.
Maj. Thomas Adam Austin, Jr., Infantry.
Maj. Morrill Ross, Field Artillery.
Maj. John Averill Steere, Field Artillery.
Maj. Leslie Edwards Babcock, Field Artillery, subject to examination required by law.
Maj. Francis Howard Wilson, Infantry.
Maj. James Charles Longino, Quartermaster Corps.
Maj. Maxton Hale Flint, Finance Department, subject to examination required by law.
Maj. Charles Swett Pettee, Infantry.
Maj. John Melville Sanderson, Field Artillery.
Maj. Sidney Hamlet Negrotto, Infantry.
Maj. Gustav Joseph Braun, Infantry.

Maj. William Henry Egle Holmes, Field Artillery.
Maj. John Lindley Gammell, Field Artillery.
Maj. Charles William Walton, Chemical Warfare Service.
Maj. Douglas Meriwether Griggs, Coast Artillery Corps.
Maj. Ward Hale Maris, Field Artillery.
Maj. Hugh John Fitz Gerald, Cavalry.
Maj. Everett Langdon Upson, Infantry.
Maj. James Paul Jacobs, Coast Artillery Corps.
Maj. Paul Joseph Matte, Cavalry.
Maj. Don Forrester Pratt, Infantry.
Maj. Murray Henry Ellis, Cavalry.
Maj. Wolcott Paige Hayes, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Ernest Cleveland Bomar, Ordnance Department.
Maj. Donovan Paul Yeuell, Infantry, subject to examination required by law.
Maj. Charles Edward Atkinson, Coast Artillery Corps.
Maj. Gustav Bismark Guenther, Cavalry.
Maj. Edward Benedict McCarthy, Coast Artillery Corps.
Maj. Leslie Frederick Lawrence, Cavalry.
Maj. Horace Waldo Forster, Cavalry.
Maj. Edwin Hubert Randle, Infantry.
Maj. Simpson Ridley Stribling, Ordnance Department.
Maj. Francis Marion Rich, Infantry.
Maj. Waldemar Adolph Falck, Cavalry.
Maj. Carl John Rohsenberger, Cavalry.
Maj. James Veto McDowell, Cavalry.
Maj. James Thomas Campbell, Coast Artillery Corps.
Maj. Howard Spencer MacKirdy, Coast Artillery Corps.
Maj. Harry Lee Hart, Quartermaster Corps.
Maj. John Henry Gibson, Infantry.
Maj. James Henry Beals Bogman, Signal Corps.
Maj. Percy Stuart Haydon, Cavalry.
Maj. Edwin Ernest Aldridge, Infantry.
Maj. Edwin Blake Crabill, Infantry.
Maj. Edmund Walton Hill, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Albert Edward McIntosh, Cavalry.
Maj. Alfred Marston Shearer, Signal Corps.
Maj. Halbert Hale Neilson, Cavalry, subject to examination required by law.
Maj. James Obadiah Tarbox, Infantry.
Maj. Truman Everett Boudinot, Cavalry.
Maj. Raymond Frank Edwards, Infantry.
Maj. Maurice Eugene Barker, Chemical Warfare Service.
Maj. Oren Anelen Mulkey, Infantry, subject to examination required by law.
Maj. Stephen Boon, Jr., Cavalry.
Maj. Harold Glaucus Holt, Cavalry.
Maj. Robert Alexis McClure, Infantry.
Maj. Graham Roscoe Schweickert, Infantry, subject to examination required by law.
Maj. Charles Gordon Hutchinson, Cavalry.
Maj. George Davis Wiltshire, Cavalry.
Maj. Arthur John Wehr, Signal Corps.
Maj. Wannie Lee Bartley, Quartermaster Corps.
Maj. Norman John McMahon, Field Artillery.
Maj. Paul Louis Singer, Infantry.
Maj. Joseph Louis Ready, Infantry.
Maj. Earl Coulson Flegel, Infantry.
Maj. Herbert Blish Wheeler, Infantry.
Maj. Wilbur Storn Elliott, Quartermaster Corps.
Maj. Kirke Brooks Lawton, Signal Corps.
Maj. Neil Smith Edmond, Infantry.
Maj. Harold Haney, Infantry.
Maj. Martin DeWitt McAllister, Infantry, subject to examination required by law.
Maj. William Henry Colbern, Field Artillery, subject to examination required by law.
Maj. Marcel Alfred Gillis, Infantry.
Maj. John William Carroll, Cavalry.

TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 18, 1940

Maj. Charles Lewis, Finance Department.
Maj. Ira Claude Nicholas, Infantry.
Maj. Clarence Walter Richmond, Quartermaster Corps.
Maj. Arthur Wilson Waldron, Coast Artillery Corps.
Maj. George Foster Hobson, Quartermaster Corps, subject to examination required by law.
Maj. William Herbert Murphy, Signal Corps.
Maj. Ben Stafford, Infantry.
Maj. Dover Bell, Quartermaster Corps.
Maj. Harold Lester Egan, Infantry.
Maj. John Lynch, Infantry.
Maj. Herbert Baldwin, Finance Department.
Maj. Albert Barnett Jones, Corps of Engineers.
Maj. Hamilton Thorn, Infantry.
Maj. John Wade McCormick, Infantry.
Maj. Robert Edward Jones, Infantry.
Maj. Clarence Howard Kells, Infantry.
Maj. Harold Ragan Priest, Finance Department.
Maj. David Cleveland Kelly, Ordnance Department.
Maj. Frank Henry Hollingsworth, Field Artillery.
Maj. Randolph Russell, Cavalry.
Maj. Arthur Francis Doran, Field Artillery.
Maj. Brock Putnam, Cavalry.
Maj. Edwin Miles Sumner, Cavalry.
Maj. Thomas Henry Green, Judge Advocate General's Department.
Maj. Harold de Beaumont Bruck, Cavalry.
Maj. Donald Anderson Young, Cavalry.
Maj. Hans Charles Minuth, Cavalry.
Maj. Christian Allen Schwarzwaelder, Quartermaster Corps.
Maj. Edwin Clarence Gere, Quartermaster Corps.
Maj. Harold Putnam Detwiler, Coast Artillery Corps.
Maj. Clarence Francis Hofstetter, Ordnance Department.
Maj. Charles Lawrence Bolté, Infantry.
Maj. Theodore Francis Wessels, Infantry.
Maj. Malcolm Fraser Lindsey, Infantry.
Maj. Horace Oscar Cushman, Infantry.
Maj. Harley Latson, Corps of Engineers.
Maj. William Maine Hutson, Infantry.
Maj. David Henry Finley, Quartermaster Corps.
Maj. Clifford Arthur Eastwood, Cavalry.
Maj. Vinton Lee James, Jr., Infantry.
Maj. William Franklin Campbell, Quartermaster Corps.
Maj. Stuart Cutler, Infantry.
Maj. John Reuben Boatwright, Infantry.
Maj. Lester Nelson Allyn, Infantry.
Maj. Henry Lester Barrett, Infantry.
Maj. Archibald Donald Fisken, Coast Artillery Corps.
Maj. Fenton Stratton Jacobs, Cavalry.
Maj. Raymond Rolland Tourtillott, Infantry.
Maj. George Albert Hadd, Infantry.
Maj. Joseph Purnell Cromwell, Adjutant General's Department.
Maj. Lawrence Locke Clayton, Coast Artillery Corps.
Maj. Catesby ap. Catesby Jones, Cavalry.
Maj. William Mayer, Field Artillery, subject to examination required by law.
Maj. James Laird Craig, Coast Artillery Corps.
Maj. Ray Maxey Hare, Quartermaster Corps.
Maj. Walter Francis Mullins, Infantry.
Maj. Henry Lord Page King, Signal Corps.
Maj. Charles Ernest Loucks, Chemical Warfare Service.
Maj. Herbert Vaughan Scanlan, Cavalry.
Maj. George Philip Seneff, Field Artillery.
Maj. Russell Gordon Ayers, Infantry.
Maj. William Allen Wappenstein, Infantry.
Maj. Charles Hayden Owens, Infantry.
Maj. Joseph William Loef, Field Artillery.
Maj. Carter Collins, Infantry, subject to examination required by law.
Maj. Hugh McCauley Cochran 3d, Coast Artillery Corps.
Maj. George Edwin Abrams, Infantry.
Maj. Albert Dickinson Foster, Infantry.
Maj. Donald Parker Spalding, Infantry.
Maj. Ercil Dale Porter, Infantry.
Maj. Harold Jack Adams, Signal Corps.
Maj. Claude Alfred White, Field Artillery.
Maj. John Franklin Farnsworth, Infantry.
Maj. William Booth Van Auken, Quartermaster Corps.

Maj. Archer Lynn Lerch, Judge Advocate General's Department.
Maj. Wendell Lapsley Clemenson, Infantry.
Maj. Moses William Pettigrew, Field Artillery.
Maj. Walter Francis Kraus, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Charles James Deahl, Jr., Infantry.
Maj. Arcadi Gluckman, Infantry.
Maj. Dale Milton Hoagland, Field Artillery.
Maj. Roy Thomas Rouse, Infantry.
Maj. Lester Martin Kilgarif, Field Artillery.
Maj. James Wilson Rice, Chemical Warfare Service.
Maj. James Polk Gammon, Infantry.
Maj. James Irving Gibbon, Cavalry.
Maj. Burton Curtis Andrus, Cavalry.
Maj. Arthur Lafayette Warren, Field Artillery.
Maj. Irwin Lytle Lummis, Infantry.
Maj. David Lewis Ruffner, Field Artillery.
Maj. Mark Milton Serrem, Ordnance Department.
Maj. Arthur William Gower, Coast Artillery Corps.
Maj. John Taylor Lewis, Coast Artillery Corps.
Maj. Ross Breckon Warren, Field Artillery.
Maj. Walter David Luplow, Corps of Engineers.
Maj. Samuel Lusker McCroskey, Coast Artillery Corps.
Maj. Arvid Paul Croonquist, Infantry, subject to examination required by law.
Maj. Oliver Boone Bucher, Coast Artillery Corps.
Maj. Clarence Ames Martin, Infantry.
Maj. Francis Stuart Swett, Coast Artillery Corps.
Maj. Henning Linden, Infantry.
Maj. George Read, Jr., Infantry.
Maj. Harold Taylor Brotherton, Field Artillery.
Maj. Miles Whitney Kresge, Ordnance Department.
Maj. Ralph de Poix Terrell, Field Artillery.
Maj. Walter Alexander Dumas, Infantry.
Maj. Edwin Emerson Keatley, Infantry, subject to examination required by law.
Maj. George Worcester Ricker, Coast Artillery Corps.
Maj. George Comfort Parkhurst, Infantry.
Maj. Don Magruder Scott, Infantry.
Maj. Robert Edward Wysor, Jr., Infantry.
Maj. James Edward Wharton, Infantry.
Maj. Edgar Allen O'Hair, Field Artillery, subject to examination required by law.
Maj. Martin Dunlap Barndollar, Jr., Infantry.
Maj. James Harold Day, Infantry.
Maj. George William Outland, Ordnance Department.
Maj. John Mead Silkman, Corps of Engineers.
Maj. Loren Archibald Wetherby, Infantry.
Maj. Bernard Butler McMahon, Infantry.
Maj. George Edwin Fingarson, Infantry.
Maj. Stanley Raymond Mickelsen, Coast Artillery Corps.
Maj. Ernest Albert Rudelius, Infantry.
Maj. William Lee Blanton, Infantry.
Maj. Thomas Brady, Jr., Quartermaster Corps.
Maj. Porter Pise Wiggins, Infantry.
Maj. Gilbert Xavier Cheves, Cavalry.
Maj. William Edward Corkill, Field Artillery.
Maj. John Thomas Zellars, Infantry.
Maj. Richard Alfred McClure, Infantry.
Maj. Carroll Gowen Riggs, Coast Artillery Corps.
Maj. John Adams Ballard, Signal Corps.
Maj. Emons Bert Whisner, Infantry.
Maj. George Wesley Griner, Jr., Infantry.
Maj. Douglas Lee Crane, Field Artillery.
Maj. Hugh Tullock Mayberry, Infantry.
Maj. Wade Carpenter Gatchell, Cavalry.
Maj. Frederic Harris Timmerman, Field Artillery.
Maj. Harry Staples Robertson, Infantry.
Maj. Philip Edward Brown, Infantry.
Maj. Andrew Jackson Wynne, Cavalry.
Maj. Olaf Phillips Winningstad, Ordnance Department.
Maj. Winfred Charles Green, Field Artillery.
Maj. Marion Irwin Voorhes, Quartermaster Corps.
Maj. George Arthur Davis, Infantry.
Maj. George VanWyck Pope, Infantry.
Maj. George Ellsworth Butler, Infantry.
Maj. Edgar Lewis Clewell, Signal Corps.
Maj. Joel Rankin Burney, Infantry.
Maj. Wilton Burton Persons, Signal Corps.
Maj. Homer Case, Coast Artillery Corps.
Maj. John Henry Gardner, Jr., Signal Corps.
Maj. Earl Cranston Ewert, Field Artillery.
Maj. Bird Little, Infantry, subject to examination required by law.
Maj. Lucian King Truscott, Jr., Cavalry.
Maj. Guy Cummins McKinley, Jr., Infantry, subject to examination required by law.
Maj. Gordon Prescott Savage, Infantry.
Maj. Harold Hugh McClune, Infantry.
Maj. Lester Earl MacGregor, Infantry.
Maj. Harold Pearson Gibson, Infantry.
Maj. Lloyd Ross Besse, Infantry.
Maj. Charles Fearn Sutherland, Infantry.
Maj. Gilbert Everhard Parker, Infantry.
Maj. Francis Beeston Laurenson Myer, Quartermaster Corps.
Maj. Arthur Seymour Nevins, Infantry.
Maj. John George Murphy, Coast Artillery Corps.
Maj. Gustave Villaret, Jr., Infantry.
Maj. Edwin Sanders Van Deusen, Quartermaster Corps.
Maj. Joe Jene Miller, Signal Corps.
Maj. George Alfred Hunt, Infantry.
Maj. Frank Johnson McSherry, Coast Artillery Corps.
Maj. John Ernest Dahlquist, Infantry.
Maj. William Eugene Farthing, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Tom Sherman Brand, Infantry.
Maj. Charles Morris Ankcorn, Infantry.
Maj. James Robinson Urquhart, Infantry.
Maj. Morrill Watson Marston, Infantry.
Maj. William Edward Bergin, Adjutant General's Department.
Maj. John Calvin Butner, Jr., Field Artillery.
Maj. Benjamin Wilson Venable, Infantry.
Maj. Edward Stanley Ott, Field Artillery.
Maj. Melvin Leslie McCreary, Field Artillery.
Maj. Herman Hollie Felix Gossett, Field Artillery.
Maj. Murray Matthews Montgomery, Field Artillery.
Maj. Lester Johnson Whitlock, Field Artillery.
Maj. A. Pledger Sullivan, Adjutant General's Department.
Maj. Harry Lee Campbell, Ordnance Department.
Maj. John Kay Christmas, Ordnance Department.
Maj. Harvey Edward, Quartermaster Corps.
Maj. Leo James McCarthy, Infantry.
Maj. Earl Franklyn Paynter, Infantry.
Maj. Ernest Arthur Williams, Cavalry.
Maj. George Price Hays, Field Artillery.
Maj. George Harrison Millholland, Cavalry.
Maj. Herbert Daskum Gibson, Infantry.
Maj. Harry Squire Wilbur, Infantry.
Maj. Ralph Julian Canine, Field Artillery.
Maj. Paul Blassengame Robinson, Infantry, subject to examination required by law.
Maj. William Lamont Coulter, Infantry.
Maj. Joseph Henry Hinwood, Infantry.
Maj. Russell Fleming Walthour, Infantry.
Maj. Timothy Asbury Pedley, Jr., Infantry.
Maj. Donald Ross Dunkle, Cavalry.
Maj. Chester Earl Davis, Cavalry.
Maj. Edwin Turner Bowden, Quartermaster Corps.
Maj. Holmes Gill Paullin, Cavalry.
Maj. Ray Edison Porter, Infantry.
Maj. Frank Exley Barber, Infantry.
Maj. John Hamilton Irving, Cavalry.
Maj. Oliver Ferguson Marston, Field Artillery.
Maj. Evan Dhu Cameron, Jr., Signal Corps.
Maj. Clarence Clemons Park, Field Artillery.
Maj. Glenn Smith Finley, Cavalry, subject to examination required by law.

Maj. William Volney Rattan, Infantry.
Maj. Rosswell Eric Hardy, Ordnance Department.
Maj. Manly Foster Meador, Cavalry, subject to examination required by law.
Maj. Zim E. Lawhon, Field Artillery.
Maj. Lloyd Zuppann, Infantry.

TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 18, 1940

Maj. John Kirkland Rice, Infantry.
Maj. Hammond Davies Birks, Infantry.
Maj. James Holden Hagan, Infantry.
Maj. Lester Smith Ostrander, Adjutant General's Department.
Maj. Charles Spurgeon Johnson, Infantry.
Maj. Manly Broadus Gibson, Coast Artillery Corps.
Maj. Charles Hayes Henry, Quartermaster Corps.
Maj. John Harold Keatinge, Field Artillery.
Maj. Hugh Andrew Wear, Infantry.
Maj. George Allan Miller, Infantry.
Maj. Stockbridge Carleton Hilton, Field Artillery.
Maj. William Russell Philp, Field Artillery.
Maj. George Anthony Horkan, Quartermaster Corps.
Maj. Charles Herman Unger, Cavalry.
Maj. Walter Harold Soderholm, Ordnance Department.
Maj. Samuel Cranmer Thompson, Infantry.
Maj. Harry Winant Caygill, Infantry.
Maj. James Elson Jeffres, Infantry.
Maj. Vennard Wilson, Cavalry.
Maj. Lewis Anderson Page, Infantry.
Maj. Alexander Oscar Gorder, Infantry.
Maj. Geoffrey Marshall, Chemical Warfare Service.
Maj. Percy Custer Fleming, Field Artillery.
Maj. Edward Maynard Fickett, Cavalry.
Maj. John Francis Roehm, Field Artillery.
Maj. Milo Victor Buchanan, Infantry.
Maj. Kearie Lee Berry, Infantry.
Maj. William Elbridge Chickering, Adjutant General's Department.
Maj. Wilbur Reece McReynolds, Quartermaster Corps.
Maj. Howell Redd Hanson, Field Artillery.
Maj. George Robert Hayman, Field Artillery.
Maj. Howard Everett Camp, Field Artillery.
Maj. James Couzens Van Ingen, Signal Corps.
Maj. Fred Currie Milner, Infantry.
Maj. Charles Frost Craig, Infantry.
Maj. Lloyd Smith Partridge, Field Artillery, subject to examination required by law.
Maj. Callie Hammond Palmer, Cavalry, subject to examination required by law.
Maj. Karl Eugene Henion, Infantry.
Maj. Harold Whittle Blakeley, Field Artillery.
Maj. Lewis Allison Hudgins, Coast Artillery Corps.
Maj. Russell J. Potts, Infantry.
Maj. William Hoover Craig, Infantry.
Maj. Ollie William Reed, Infantry.
Maj. Levi Monroe Bricker, Ordnance Department.
Maj. Louis Wilson Maddox, Finance Department.
Maj. James Gaulding Watkins, Field Artillery.
Maj. Christopher Columbus Strawn, Cavalry.
Maj. William Fulton Magill, Jr., Infantry.
Maj. Robert John Wagoner, Quartermaster Corps.
Maj. Sam Williams Anderson, Coast Artillery Corps.
Maj. Alfred Joseph de Lorimier, Cavalry, subject to examination required by law.
Maj. Everett Busch, Field Artillery.
Maj. James Taylor, Infantry.
Maj. Stewart Darden Hervey, Infantry.
Maj. Frank Joyce Pearson, Infantry.
Maj. Lester Thomas Miller, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Leo Donovan, Infantry.
Maj. Arthur Bee McDaniel, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Percy McCay Vernon, Infantry.
Maj. Richard Earl Tallant, Cavalry.
Maj. Peter J. Lloyd, Infantry.
Maj. Theodore Morton Cornell, Infantry.
Maj. Paul Vincent Kellogg, Infantry.
Maj. Herbert Ludwell Earnest, Cavalry.
Maj. Charles Spurgeon Harris, Coast Artillery Corps.
Maj. John Reed Hodge, Infantry.
Maj. Arthur Richard Walk, Infantry.
Maj. Leslie Egner Toole, Infantry.
Maj. Francis Murray Brady, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Paul Wolcott Rutledge, Coast Artillery Corps.
Maj. Eubert Harrison Malone, Infantry.
Maj. Ray Tyson Maddocks, Cavalry.
Maj. James Footville Butler, Infantry.
Maj. Richard Nelson Atwell, Cavalry.
Maj. Truman Morris Martin, Infantry.
Maj. Cecil Leland Rutledge, Infantry.
Maj. Theodore Christian Gerber, Ordnance Department.
Maj. Lawrence Leonard William Meinzen, Infantry.
Maj. John Orland Lawrence, Cavalry.
Maj. George LeConte Ramsey, Infantry.
Maj. John Johnson Albright, Infantry.
Maj. Charles Williamson Glover, Field Artillery.
Maj. Alexander Adair, Infantry.
Maj. Grant Alexander Schlieker, Infantry.
Maj. William Grant Hilliard, Jr., Infantry.
Maj. Leslie Marshall Skerry, Field Artillery.
Maj. Walter Carper Phillips, Infantry.
Maj. Anthony Joseph Touart, Infantry.
Maj. Harry John Collins, Infantry.
Maj. James Van Valkenburgh Shufelt, Cavalry, subject to examination required by law.
Maj. Henry Paul Hallowell, Infantry.
Maj. Hobart Raymond Gay, Quartermaster Corps.
Maj. Oscar Dubois McNeely, Coast Artillery Corps.
Maj. Parker Gillespie Tenney, Field Artillery.
Maj. Thomas Jeffries Betts, Coast Artillery Corps.
Maj. Buhl Moore, Field Artillery.
Maj. Mordaunt Verne Turner, Cavalry.
Maj. Norman E. Waldron, Quartermaster Corps.
Maj. Adrian Robert Brian, Infantry.
Maj. Burton Loren Lucas, Infantry.
Maj. Morris Clinton Handwerk, Coast Artillery Corps.
Maj. George Stephen Wear, Infantry.
Maj. Leo Lawrence Gocker, Finance Department.
Maj. Walter Throckmorton Scott, Infantry.
Maj. John Wilson O'Daniel, Infantry.
Maj. John Gilbert White, Field Artillery.
Maj. Harry Frank Thompson, Infantry.
Maj. Carl McKee Innis, Infantry.
Maj. Stanley Joseph Grogan, Infantry.
Maj. Rohland Andrew Isker, Quartermaster Corps.
Maj. Leonard Roscoe Crews, Coast Artillery Corps.
Maj. Charles Arthur Horger, Cavalry.
Maj. Stonewall Jackson, Infantry.
Maj. Warner Beardsley Gates, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Oscar Joseph Neundorfer, Jr., Infantry.
Maj. Webster Hamlin Warren, Coast Artillery Corps.
Maj. Ross Berry Smith, Infantry, subject to examination required by law.
Maj. Thomas Bennett Woodburn, Adjutant General's Department.
Maj. Charles William Higgins, Coast Artillery Corps.
Maj. Hugh Nathan Herrick, Coast Artillery Corps.
Maj. Stanley French Griswold, Infantry.
Maj. Edmund Jones Lilly, Jr., Infantry.
Maj. Charles Edward Dissinger, Cavalry.
Maj. Cornelius Edward Ryan, Infantry.
Maj. John Edwin Hull, Infantry.
Maj. Thomas Francis Bresnahan, Infantry.
Maj. Koger Marion Still, Infantry.
Maj. Samuel White, Field Artillery.
Maj. Gilman Kimball Crockett, Infantry.
Maj. William Warren Wertz, Coast Artillery Corps.
Maj. Thomas Edison Roderick, Infantry.
Maj. Wallace Alan Mead, Infantry.

Maj. Ray Winfield Harris, Infantry.
Maj. Evans Read Crowell, Coast Artillery Corps.
Maj. Robinson Earl Duff, Infantry.
Maj. Raymond Godfrey Lehman, Infantry.
Maj. Irvine Callander Scudder, Infantry.
Maj. James Chester Bates, Coast Artillery Corps.
Maj. Harry Edmund Pendleton, Coast Artillery Corps.
Maj. Paul Samuel Beard, Finance Department.
Maj. Edwin Allan Smith, Infantry.
Maj. Gyles Merrill, Cavalry.
Maj. Floyd C. Harding, Infantry.
Maj. James Montague Adamson, Quartermaster Corps.
Maj. Percy Lee Sadler, Infantry.
Maj. George Luther Morrow, Infantry.
Maj. Frederick Wilhelm Hoorn, Signal Corps.
Maj. Joe Carroll Rogers, Quartermaster Corps.
Maj. Frank Albert Allen, Jr., Cavalry.
Maj. Joseph Carson Stephens, Coast Artillery Corps.
Maj. Bernard Franklin Hurless, Infantry.
Maj. Guy Orth Kurtz, Field Artillery.
Maj. Louis Joseph Compton, Field Artillery.
Maj. John Henry Hilldring, Infantry.
Maj. Arthur Breckinridge Wade, Field Artillery.
Maj. John Hurst Rodman, Infantry.
Maj. William Dan Powell, Infantry.
Maj. William Charles Louisell, Infantry.
Maj. Thomas Wade Herren, Cavalry.
Maj. Alden Humphrey Seabury, Cavalry.
Maj. William Emanuel Goe, Quartermaster Corps.
Maj. Donald Brooks Hilton, Infantry.
Maj. Alexander Bull MacNabb, Cavalry.
Maj. William Leonard Ritter, Infantry.
Maj. Ralph Edwin Hill, Coast Artillery Corps.
Maj. Francis Lancaster Christian, Coast Artillery Corps.
Maj. Walton Whittingham Cox, Cavalry.
Maj. Druid Emmet Wheeler, Infantry.
Maj. Maitland Bottoms, Coast Artillery Corps.
Maj. Stewart Elvin Reimel, Ordnance Department.
Maj. Kendall Jordan Fielder, Infantry.
Maj. William Curtis DeWare, Infantry.
Maj. Hugh Donald Adair, Infantry.
Maj. Joseph Robbins Bibb, Field Artillery.
Maj. Reginald Reuben Bacon, Infantry, subject to examination required by law.
Maj. Russell Conwell Snyder, Field Artillery.
Maj. George Eddy Cook, Field Artillery, subject to examination required by law.
Maj. James Tolmie Watson, Jr., Signal Corps.
Maj. Eugene Hill Mitchell, Infantry.
Maj. John Wesley Russey, Field Artillery.
Maj. James Dennett McIntyre, Ordnance Department.
Maj. Allan James Kennedy, Infantry.
Maj. Bryan Lee Milburn, Coast Artillery Corps.
Maj. Nyal L. Adams, Coast Artillery Corps.
Maj. Virgil Norberto Cordero, Infantry, subject to examination required by law.
Maj. Leo Joseph Farrell, Infantry, subject to examination required by law.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Maj. Handy Vernon Brown, Infantry, with rank from September 1, 1939.

PROMOTIONS IN THE NAVY

Capt. Aubrey W. Fitch to be a rear admiral in the Navy, to rank from the 1st day of July 1940.

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Samuel J. Zeigler, Jr., December 8, 1939.
Palmer H. Dunbar, Jr., May 29, 1940.
Thomas M. Shock, May 29, 1940.
John L. Hall, Jr., July 1, 1940.
Samuel N. Moore, July 1, 1940.
Leo H. Thebaud, July 1, 1940.
Herman A. Spanagel, July 1, 1940.
Laurence Wild, July 1, 1940.
Frank L. Lowe, July 1, 1940.
George B. Wilson, July 1, 1940.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Edmond P. Speight, June 1, 1940.
Harry D. Power, July 1, 1940.
Khem W. Palmer, July 1, 1940.
Richard F. Whitehead, July 1, 1940.
Edward M. Thompson, July 1, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Albert E. Jarrell, September 1, 1939.
Philip S. Creasor, November 1, 1939.
Paul W. Hord, November 1, 1939.
William G. H. Lind, November 1, 1939.
Homer O. Dahlke, November 1, 1939.
Richard H. Gingras, December 8, 1939.
George E. Fee, December 8, 1939.
Harry A. Simms, December 8, 1939.
Glenn M. Cox, December 8, 1939.
Malcolm D. Sylvester, December 8, 1939.
John G. Blanche, Jr., December 8, 1939.
William W. Graham, Jr., December 8, 1939.
Cornelius M. Sullivan, December 8, 1939.
Fremont B. Eggers, December 8, 1939.
Alexander C. Thorington, December 8, 1939.
John B. Brown, December 29, 1939.
Thomas C. Parker, January 1, 1940.
Frederick P. Williams, January 1, 1940.
Phillip H. FitzGerald, January 1, 1940.
Andrew E. Harris, February 1, 1940.
Thomas J. Kimes, May 1, 1940.
Clyde M. Jensen, June 21, 1940.
Gordon B. Rainer, June 26, 1940.
Charles H. Lyman, 3d, June 26, 1940.
Dennis J. Sullivan, July 1, 1940.
Harlan K. Perrill, July 1, 1940.
Fitzhugh Lee, July 1, 1940.
Stanton B. Dunlap, July 1, 1940.
Hugh P. Webster, July 1, 1940.
Alvord J. Greenacre, July 1, 1940.
William G. Myers, July 1, 1940.
Charles F. Horne, Jr., July 1, 1940.
Joseph B. Stefanac, July 1, 1940.
Charles Adair, July 1, 1940.
William R. Smedberg, 3d, August 1, 1940.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

Edward S. Arentzen
Newell E. Thomas
Walter H. Keen, Jr.
Bruce D. Skidmore
Lawrence V. Julihn
Paul K. Taylor
John L. Kelley, Jr.
Stanley M. Zimny
William M. Stevens
Hubert B. Reece
Victor H. Wildt
Harmon B. Sherry
James R. Gustin
William B. Mason, Jr.
Widmer C. Hansen
James B. Denton
Jesse P. Robinson, Jr.
Albert S. Fuhrman
James H. Cruse
George C. Ellerton, Jr.
Richard L. Barkley
Ralph W. Cousins
Leonard E. Ewoldt
Donald V. Wengrovius
John S. Schmidt
Hugh W. Howard
James R. Grey
Shields Goodman
Jack C. Whistler
Ellis H. McDowell
Donald Gay, Jr.
Burton H. Shupper
John E. Pace
Everett G. Sanderson
John E. Pond, Jr.
Rexford V. Wheeler, Jr.
Charles M. Gore
Joseph T. Yavorsky
Kenneth E. Pound
Alfred W. Gardes, Jr.
Sanford E. Woodard
James G. Ross
William R. Lowndes
Edward B. Gibson, Jr.
James A. Pridmore
Greer A. Duncan, Jr.
William B. Brown

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, from the 1st day of July 1940:

John T. Bennett
Paul W. Wilson

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, from the 26th day of June 1940:

| | |
|---|---|
| George B. Ridout | Frederic W. Farrar |
| Ralph E. Fielding | Robert Faust |
| Wilbur E. Kellum | Carey M. Smith |
| Robert R. Leamer | Edward E. Evans |

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1940:

| | |
|---|---|
| David R. Dodge, Jr. | Robert B. Simons |
| Theodore R. Austin | William N. New |
| Eldon C. Swanson | |

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1940:

| | |
|---|---|
| Richard F. Redden | Benjamin W. Oesterling |
| William A. Smith | Gerald L. Parke |
| Joseph L. Parker | Stephen T. Kasper |
| John H. Paul | Reimers D. Koepke |

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, to rank from the date stated opposite their names:

Robert A. Shotwell, July 1, 1939.
Stephen R. Edson, July 1, 1940.
Russel H. Sullivan, July 1, 1940.
Robert F. Batchelder, July 1, 1940.

Passed Assistant Paymaster Yates Stirling, 3d, to be a paymaster in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1940.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with rank of lieutenant, from the date stated opposite their names:

Hugh L. Hendrick, October 1, 1939.
George C. Hunter, December 8, 1939.

The following to be assistant paymasters in the Navy, with the rank of ensign, from the 5th day of August 1940:

Perry Connor
James S. Spore

Assistant Paymaster Ralph M. Humes to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 26th day of June 1940.

Electrician William C. Louderback to be a chief electrician in the Navy, to rank with but after ensign, from the 1st day of March 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Burl L. Bailey, August 1, 1939.
Gordon W. Underwood, August 1, 1939.
William I. Bull, September 1, 1939.
William R. Wilson, September 1, 1939.
Theodore H. White, September 23, 1939.
John M. Grider, September 23, 1939.
Earl P. Finney, Jr., September 23, 1939.
John Corry, November 1, 1939.
William A. Thorn, November 1, 1939.
Rex B. Little, December 29, 1939.
Harry G. Moore, January 1, 1940.
Robert C. Young, December 8, 1939.
William A. Stuart, December 8, 1939.
William E. Kenna, December 8, 1939.
Bruce McCandless, December 8, 1939.
William R. Cox, December 8, 1939.
Henry C. DeLong, December 8, 1939.
George R. Luker, December 8, 1939.
Samuel F. Quarles, December 8, 1939.
Harmon T. Utter, May 1, 1940.
George O. Hobbs, May 1, 1940.
John H. S. Johnson, May 1, 1940.
Daniel C. Goodman, May 1, 1940.
Daniel S. Gothie, June 1, 1940.
Paul D. Williams, June 26, 1940.
John P. Lunger, June 26, 1940.
Terrell A. Nisewaner, June 26, 1940.
Brooks J. Harral, June 26, 1940.
George L. Bellinger, July 1, 1940.
William Winter, Jr., July 1, 1940.
Martin M. Koivisto, July 1, 1940.
Ennis W. Taylor, July 1, 1940.
Clare B. Smiley, July 1, 1940.
Malcolm T. Munger, July 1, 1940.
Nathaniel M. Dial, July 1, 1940.
Henry H. McCarley, July 1, 1940.
Charles H. Kretz, Jr., July 1, 1940.
Charles H. Smith, July 1, 1940.
Harry E. Townsend, July 1, 1940.
Philip D. Quirk, July 1, 1940.
Raymond W. Thompson, Jr., July 1, 1940.
Joseph H. Bourland, July 1, 1940.
Reginald M. Raymond, July 1, 1940.
Thomas H. Morton, July 1, 1940.
Richard L. Mohan, July 1, 1940.
Nova B. Kiergan, Jr., July 1, 1940.
Bernard H. Meyer, July 1, 1940.
Jack J. Tomamichel, July 1, 1940.
Robert W. Curtis, July 1, 1940.
Jay V. Chase, July 1, 1940.
James F. Tucker, July 1, 1940.
Robert H. Solier, July 1, 1940.
Frederick W. Purdy, August 16, 1940.

The following-named lieutenants to be lieutenants in the Navy, from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

Maximilian G. Schmidt, October 1, 1939.
James L. Kemper, November 1, 1939.
Allen B. Adams, Jr., December 8, 1939.
Mason J. Hamilton, December 8, 1939.
James G. Craig, Jr., December 8, 1939.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of July 1940:

Marion R. Kelley
Walter E. Moore
James E. Hamilton

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Terrence R. Cowie, November 1, 1939.
Joseph H. Nevins, Jr., January 1, 1940.
William Kirten, Jr., June 26, 1940.
Benjamin B. C. Lovett, July 1, 1940.
William S. Whiteside, July 1, 1940.
Robert B. Pirie, July 1, 1940.
Alexander S. McDill, July 1, 1940.
Malcolm S. Adams, July 1, 1940.
Philip S. Morgan, Jr., July 1, 1940.
Walter F. Rodee, July 1, 1940.
Elton W. Grenfell, July 1, 1940.
Frederic A. Graf, July 1, 1940.
John C. S. McKillip, July 1, 1940.
William L. Pryor, Jr., July 1, 1940.
John F. Gallaher, July 1, 1940.
Seth A. Shepard, July 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Stephen M. Archer, September 23, 1939.
Wallace C. Short, Jr., July 1, 1940.
George R. Wilson, July 1, 1940.
Jack A. Binns, July 1, 1940.
Luther C. Heinz, July 1, 1940.
Ezra G. Howard, July 1, 1940.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

Ralph A. Smith
Falkland MacK. Lansdowne
Richard B. Williams

Medical Inspector Ross T. McIntire to be a medical director in the Navy, with the rank of captain, from the 1st day of July 1940.

Surgeon Frederick C. Greaves to be a medical inspector in the Navy, with the rank of commander, from the 1st day of July 1940.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, from the 1st day of July 1940:

| | |
|---|---|
| Stanley W. Smith | Edward J. Holubek |
| Alfred F. White | Kenneth O. Turner |
| James L. Townsend | John J. Flaherty |
| James J. Dempsey | Arthur R. Frechette |
| Bernard H. Faubion | Stanley W. Brown |
| Jack H. Sault | Lewis H. Daniel |
| Carl A. Schlack | Robert S. Snyder, Jr. |
| Galen R. Shaver | Rush L. Canon |
| Frank M. Kyes | William H. Snyder |
| Lloyd W. Colton | John P. Crampton |
| James R. Justice | Kenneth M. Broesamle |
| Elmer S. Boden | Walter W. Crowe |
| Thomas O. Dillard | Ralph Bates |
| William M. Fowler | |

Passed Assistant Paymaster William J. Nowinski to be a paymaster in the Navy, with the rank of lieutenant commander, from the 26th day of June 1940.

---

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 26 (legislative day of August 5), 1940*

### PROMOTIONS IN THE NAVY

NOTE.—The nominations of all persons for promotion in the Navy, which were received by the Senate today, were confirmed en bloc. The names of the persons confirmed will be found in today's CONGRESSIONAL RECORD, under the caption "Nominations."

---

# HOUSE OF REPRESENTATIVES

## MONDAY, AUGUST 26, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Our Heavenly Father, who art the beneficent ruler of the universe, we thank Thee for Thy gracious providence.

Before we enter upon this new day, we would lift up our hearts and voices in supplication. Our wisdom is too insufficient for its tasks, our vision too narrow, our judgments too faulty, and our strength too incomplete.

We pray that Thou wilt give unto Thy servants an enlightened mind which leads to right decisions and a heart enlarged with sympathy for the needy. May we be thoughtful of those who serve us and faithful to those whom we serve.

O Thou who art the author and disposer of human life, we thank Thee for Thy servant whom Thou hast called unto Thyself. Not in sullen resignation but in glad and faithful obedience we yield ourselves to that wisdom which is too wise to err and too kind to injure. He is numbered among those who seek to do justly. He loved mercy and walked humbly with his God. We commend the members of his bereaved family to Thy love and care, and when our own life's day is done, give us all an abundant entrance into Thine own eternal Kingdom. And what we ask we ask in the Name of Him whom, having not seen, we love, even Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Thursday, August 22, 1940, was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 286) entitled "Joint resolution to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2627) entitled "An act to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. PITTMAN, Mr. NYE, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 419. An act for the relief of Luke A. Westenberger.

### MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United State were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 14, 1940:

H. R. 8318. An act for the relief of the Charles H. Amos Handle Co.

On August 16, 1940:

H. R. 9158. An act to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes.

On August 20, 1940:

H. R. 7173. An act for the relief of Walter Chwalek.

On August 22, 1940:

H. R. 5403. An act to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes; and

H. R. 10065. An act to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

### ORDER OF BUSINESS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the calendar business scheduled for today be dispensed with, and that the program originally outlined for today be the program for tomorrow.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, then, as I understand it, the same program will be carried out tomorrow that was carried out today in case the House adjourns today before the program is reached.

Mr. BOLAND. That is right.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### EXTENSION OF REMARKS

Mr. GRIFFITH. Mr. Speaker, at the request of my colleague the gentleman from Louisiana [Mr. FERNANDEZ], I ask that he may have unanimous consent to place in the Appendix of the RECORD a letter which he wrote to a friend.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks on the subject of the

benefits derived under the operation of what is known as the Social Security Act.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of matters on the Speaker's table and the business for the day, I may address the House for 10 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. ELLIS addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. VOORHIS of California addressed the House. His remarks appear in the Appendix of the RECORD.]

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may sit during the sessions of the House this week.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a suggestion on community emergency and defense plans.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. SHEPPARD]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement of 100 southern women, also a presentation speech, and I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEYER]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, today is the twentieth anniversary of the proclamation putting into effect the nineteenth amendment, which gave the women of the Nation the right to vote. Each Member of the Congress found on his desk this morning a statement by 100 outstanding southern women asking that the poll tax be eliminated. I have asked permission to extend that statement and the signatures in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, I was very much interested in the statement made by the gentleman from California [Mr. VOORHIS] in reference to the Government doing the business that ought to be done by the private industries of this country. I would like to know why there are so many contracts ready to be signed, and they have been ready for 30 days or more, but no action has been taken in reference to the manufacture of airplane motors? I heard the Packard Motor Co. had a contract pending for a long time, yet no action has been taken.

Let me call your attention to some of the things that the Government is doing here in Washington. The United States rental bill has increased by more than $500,000 during the summer. The Government was paying for annual rental on May 1, $3,966,494, and by August 15, this rose to $4,393,532. It seems to me it is about time for the Government to stop getting into business.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a study of the industrial mobilization plan, and I ask also to proceed for about 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. SHAFER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of the regular business and at the conclusion of other special orders heretofore entered, I may be allowed to proceed for 5 minutes to present some pertinent dairy facts.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

EXTENSION OF REMARKS

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a resolution received from the Superior Federation favoring the St. Lawrence seaway.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. GEHRMANN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. PITTENGER]?

There was no objection.

[Mr. PITTENGER addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include therein an editorial from the Washington News.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. HOFFMAN addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter written by the Attorney General of the State of Michigan interpreting certain provisions of the Hatch Act.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio broadcast made by me yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from Rev. C. O. Stadsklev regarding conscription.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a copy of a letter which I sent to Mr. William Allen White, warmonger No. 3 in the United States, on August 19, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BRADLEY of Michigan asked and was given permission to extend his own remarks in the RECORD.

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

R. F. BRAZELTON—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 934)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 7826, a bill for the relief of R. F. Brazelton.

The legislation proposes to reimburse R. F. Brazelton, of New Edinburg, Ark., in the sum of $180 for a loss sustained by him as the result of the destruction by fire of seven bales of cotton. This unfortunate loss appears to have been sustained while the cotton was stored in a warehouse where it had been delivered for the purpose of negotiating a loan from the Commodity Credit Corporation.

While it is to be regretted that Mr. Brazelton has been subjected to this loss, it is clear that the cotton was his property and no reason is discernible why the Government should recompense him.

It is argued in his behalf that prior to the fire he had prepared a note for use in negotiating the loan which he expected to secure from the Commodity Credit Corporation. This note does not seem to have been presented to or accepted by the Commodity Credit Corporation, and consequently the cotton was still the property of the claimant when the fire took place.

In the light of the foregoing circumstances, I see no differentiation between this claim and that of a number of others involved in a bill (H. R. 5122) which was passed during the Seventy-fourth Congress, and from which I was constrained to withhold my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 26, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the bill and message be referred to the Committee on Claims and ordered printed.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

RICHARD PAUL REHN—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 935)

The SPEAKER laid before the House the following further veto message from the President of the United States:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 5640, "To admit Richard Paul Rehn permanently to the United States."

It appears that Richard Paul Rehn is a citizen of Germany who arrived in this country as a seaman in 1926, deserted from his ship, and has been living in this country since that time. He married a woman who is an alien legally admitted to residence in the United States. The couple has one child, born in the United States. Deportation proceedings are pending against him.

The purpose of the instant bill is to legalize his entry into the United States and thereby cause an abandonment of the deportation proceedings.

By the provisions of the Alien Registration Act, approved June 28, 1940, the Attorney General has been clothed with discretion to suspend the deportation of any alien, other than those within the criminal, anarchist, immoral, or defective classes, who has proved good moral character for the preceding 5 years, if the Attorney General finds that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien.

The present case appears to be within these provisions of law. It is therefore in the interest of orderly procedure that the matter be handled administratively in accordance with the act of June 28, 1940. Opportunity will thus be afforded for a thorough examination and determination of the question of the alien's moral character during the preceding 5 years and of whether or not his deportation would result in serious economic detriment to his wife and child.

In the light of these considerations, I am constrained to return the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 26, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. McGEHEE. Mr. Speaker, I move that the bill and message be referred to the Committee on Immigration and Naturalization and be ordered printed.

The motion was agreed to.

JOHANN RUDOLF HUENEBERG—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 936)

The SPEAKER laid before the House the following further veto message from the President of the United States:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 5641, "To admit Johann Rudolf Hueneberg permanently to the United States."

It appears that Johann Rudolf Hueneberg is a citizen of Germany who arrived in this country as a seaman in 1926, deserted from his ship, and has been living in this country since that time. He married a woman who is an alien legally admitted to residence in the United States. Deportation proceedings are pending against him.

The purpose of the instant bill is to legalize his entry into the United States and thereby cause an abandonment of the deportation proceedings.

By the provisions of the Alien Registration Act, approved June 28, 1940, the Attorney General has been clothed with discretion to suspend the deportation of any alien, other than those within the criminal, anarchist, immoral, or defective classes, who has proved good moral character for the preceding 5 years, if the Attorney General finds that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien.

The present case appears to be within these provisions of law. It is therefore in the interest of orderly procedure that the matter be handled administratively in accordance with the act of June 28, 1940. Opportunity will thus be afforded for a thorough examination and determination of the question of the alien's moral character during the preceding 5 years and of whether or not his deportation would result in serious economic detriment to his wife.

In the light of these considerations, I am constrained to return the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 26, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. McGEHEE. Mr. Speaker, I move that the bill and message be referred to the Committee on Immigration and Naturalization and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to the gentleman from South Carolina [Mr. BRYSON] for Monday, Tuesday, and Wednesday, August 26, 27, and 28, 1940, on account of important business.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to a bill and a joint resolution of the Senate of the following titles:

S. 419. An act for the relief of Luke A. Westenberger; and

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, August 23, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

The SPEAKER. The Chair recognizes the gentleman from New Jersey [Mr. EATON].

THE LATE GEORGE N. SEGER

Mr. EATON. Mr. Speaker, it becomes my sorrowful duty to announce to the House the death of our beloved and honored colleague, the gentleman from New Jersey [GEORGE SEGER], which occurred this morning in the Naval Hospital. The shadow falls over us very often in these days of uncertainty and stress.

This is not the time for extended reference to the life of this fine American, but I should like to call attention to one or two facts in his career. For 18 years he has served in this House with distinction and fidelity. He was the ranking minority member on the Committee on Rivers and Harbors, and rendered unusually able service there as he did on other important committees. Measured by the test of unselfish public service he was a great citizen. In his home community he was probably unique as the best beloved man in private or public life. For 8 years, including the period of the World War, he was mayor of his city. He had two splendid boys. With his benediction and approval they enlisted in the World War and occupied posts of great importance, responsibility, and danger at the front. In recent years he found unalloyed happiness in the companionship of his daughter, wife of a former Member of this House, and their little daughters.

I find it hard to speak about him, because we were so close together in our New Jersey delegation. He was our dean, and, more than that, he was our beloved and trusted friend. I cannot do more than call attention to the rare personal qualities of this gallant American gentleman. His character is best illustrated, I think, in his relationship with his secretary. For 18 years Gordon Canfield served as secretary to GEORGE SEGER, and during that entire time there never was a moment of misunderstanding between them. He always referred to Mr. Canfield as his third son, and when last year Mr. SEGER felt that growing physical inability made it necessary to announce that he would not run again for Congress he expressed the desire that his secretary be nominated to succeed him, and the citizens of his district gladly acceded to that characteristic suggestion and nominated Mr. Canfield. This is the attitude of affectionate loyalty he carried throughout his life in his family, in his business relations, in his long public service in New Jersey, and in all his relationships in this House. He is gone; we will all go some day, and God grant that we may go with a record as gracious, human, and Christian as that made by GEORGE SEGER.

Mr. Speaker, I now yield to my friend and colleague, the gentleman from New Jersey [Mr. MCLEAN].

The SPEAKER. The gentleman from New Jersey [Mr. MCLEAN] is recognized.

Mr. MCLEAN. Mr. Speaker, I speak as one with a heart full of sorrow, as one does with the passing of a friend. But the weight of my sorrow is lightened by the many happy memories of his usefulness and the joy I had in the devotion and friendship which developed from my association with GEORGE SEGER. Although somewhat older than most of us in the New Jersey delegation, he was always an agreeable companion and friend in our working as well as in our leisure hours.

This is not the time for extensive eulogy, but we cannot let the moment pass as we are about to bear him home without an affectionate word of our admiration and esteem.

As I knew his character, the hope of his life is realized. He met his Pilot face to face as he crossed the bar. The lonesomeness of the last few years is over; he has joined his devoted wife, the companion and comfort of his life, who passed on only a few short years ago—short years for us, long and lonesome ones for him.

I know that all of you appreciate his kindly disposition. I learned to know it as a new Member. He was willing, patient, anxious to assist and guide me toward the attainment of those desires which he so well understood and knew to be the desires of those who came to serve in this Chamber. As the years went on and I came to assume with him the responsibility of an older Member I respected and profited by his wise council and mature judgment in matters of public concern. His worth is appreciated by us all, particularly those older Members who knew his kindly, conciliatory attitude, his thoughtfulness, and his consideration for all those with whom he came in contact.

As the gentleman from New Jersey, Dr. EATON, has said, it was his desire to retire from the stress and strain of public life in which he had participated since early manhood, when he was mayor of his home city. It was his desire to retire to a modest estate on the shore of a delightful lake in the hills of northern New Jersey and from there to watch the passing show of which he had been so large a part; but those of us who knew his Americanism, those of us who knew his devotion to the public service, will consider it appropriate that his career should end while he was still a Member of this body making his contribution toward the general welfare, and particularly of the people of his State and district whose confidence he enjoyed to a high degree.

On the morrow we shall take him home. We shall bear him forth to New Jersey. He will not be here again to respond to his name when called, but he will live in the hearts he leaves behind.

And to live in the hearts we leave behind is not to die.

Mr. EATON. Mr. Speaker, I would like to announce that the arrangements for the funeral are as follows:

Mr. SEGER will be buried in Passaic County Thursday afternoon at 2 o'clock.

Mr. Speaker, I send a resolution to the desk and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from New Jersey.

The Clerk read as follows:

House Resolution 577

*Resolved*, That the House has heard with profound sorrow of the death of Hon. GEORGE N. SEGER, a Representative from the State of New Jersey.

*Resolved*, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to and the Speaker appointed the following Members on the part of the House to attend the funeral: Mr. EATON, Mrs. NORTON, Mr. WOLVERTON of New Jersey, and Mr. HARTLEY.

The SPEAKER. The Clerk will report the further resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

Thereupon (at 12 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Tuesday, August 27, 1940, at 12 o'clock noon.

## COMMITTEE HEARINGS

### MEETING OF COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Thursday, August 29, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1919. A communication from the President of the United States transmitting a supplemental estimate of appropriation for the Office of Education, Federal Security Agency, for the fiscal year 1941, amounting to $53,000,000 (H. Doc. No. 930); to the Committee on Appropriations and ordered to be printed.

1920. A communication from the President of the United States transmitting a draft of a proposed provision to an existing appropriation for the Civilian Conservation Corps, Federal Security Agency, for the fiscal year 1941 (H. Doc. No. 931); to the Committee on Appropriations and ordered to be printed.

1921. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1941, in the amount of $3,878,255, together with a proposed authorization for the expenditure of $23,400 from Indian tribal funds (H. Doc. No. 932); to the Committee on Appropriations and ordered to be printed.

1922. A letter from the Chairman, Reconstruction Finance Corporation, transmitting the report of the activities and expenditures for the Reconstruction Finance Corporation for the month of June 1940 (H. Doc. No. 933); to the Committee on Banking and Currency and ordered to be printed.

1923. A letter from the Coordinator, Advisory Commission to the Council of National Defense, transmitting a draft of a proposed bill to expedite the provision of housing in connection with national defense, and for other purposes, also a copy of a letter from the Director of the Bureau of the Budget approving the draft of the bill; to the Committee on public Buildings and Grounds.

1924. A letter from the Secretary of the Navy, transmitting the draft of a proposed bill to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy; to the Committee on Naval Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 7357. A bill to amend section 4472 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semidangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods; and for other purposes; with amendment (Rept. No. 2879). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFITH: Committee on Naval Affairs. S. 2991. An act to authorize the Secretary of the Navy to accept on behalf of the United States certain lands in the city of National City, Calif.; without amendment (Rept. No. 2881). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 4271. An act to increase the number of midshipmen at the United States Naval Academy; with amendment (Rept. No. 2882). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10381. A bill to repeal sections 4588 and 4591 of the Revised Statutes of the United States; without amendment (Rept. No. 2883). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GRIFFITH: Committee on Naval Affairs. H. R. 6711. A bill for the relief of Mary Pruett Townsend; with amendment (Rept. No. 2880). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York:

H. R. 10401. A bill to extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. HORTON:

H. R. 10402. A bill to amend the act relating to rentals in certain oil and gas leases; to the Committee on the Public Lands.

By Mr. SUMNERS of Texas:

H. R. 10403. A bill to amend section 3477 of the Revised Statutes; to the Committee on the Judiciary.

H. R. 10404. A bill to amend an act entitled "An act to punish the willful injury or destruction of war material, or war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918; to the Committee on the Judiciary.

By Mr. VINSON of Georgia:

H. R. 10405. A bill to provide for adjusting the compensation of persons employed as master at arms and guards at navy yards and stations, and for other purposes; to the Committee on Naval Affairs.

H. R. 10406. A bill to authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes; to the Committee on Naval Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY:

H. R. 10407. A bill for the relief of Sam Blanchard; to the Committee on Claims.

By Mr. SASSCER:

H. R. 10408. A bill to provide for the appointment of Louis G. Llewellyn as a commissioned officer in the Medical Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. YOUNGDAHL:

H. R. 10409. A bill for the relief of Per Arne Caesar Anderson; to the Committee on Immigration and Naturalization.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9215. By Mr. BOLLES: Petition of sundry citizens of Janesville, Wis., setting forth their views concerning the United States' present defense problems, and the question of United States intervention in the present European wars; to the Committee on Foreign Affairs.

9216. By Mr. FLAHERTY: Petition of the Transport Workers' Union of America, Local No. 182, Boston, Mass., urging that all labor employed under the terms of all contracts with corporations or individuals be employed in strict accordance with the National Labor Relations Act; to the Committee on Labor.

9217. Also, petition of the Transport Workers' Union of America, Local No. 182, Boston, Mass., urging that the Government should call upon the Nation's youth to enlist voluntarily; to the Committee on Military Affairs.

9218. By Mr. FULMER: Resolution submitted by R. T. Fairey, department adjutant, American Legion, Columbia, S. C., and passed by the Twenty-second Annual Convention of the American Legion, Department of South Carolina, Charleston, S. C., July 23, 1940, endorsing and recommending prompt action on various important matters connected with the building of our defense program and the taking of vigorous action to stamp out all "fifth columnists," etc.; to the Committee on Military Affairs.

9219. Also, petition of E. Dobson Still, of Barnwell, S. C., and signed by sundry people of Barnwell, S. C., stating that they are 100 percent for the sending of aid to England without delay and requesting that as many destroyers as this country can afford to let England have without weakening our defense be made available; to the Committee on Military Affairs.

9220. By Mr. GREGORY: Petition of Sam Livingston, president, Paducah Junior Chamber of Commerce, Paducah, Ky., concerning compulsory military training bill; to the Committee on Military Affairs.

9221. By Mr. GRAHAM: Petition of the Beaver County Particular Council of the St. Vincent DePaul Society, representing parishes from Aliquippa, West Aliquippa, Ambridge, Baden, Beaver, Beaver Falls, and Midland, opposing any and all provisions which do not exempt ministers of religion, seminarians, divinity students, and brothers in the Burke-Wadsworth Selective Training and Service Act; to the Committee on Military Affairs.

9222. By Mr. THOMASON: Resolution of the Davis-Seamon Post, No. 812, Veterans of Foreign Wars of the United States, endorsing the President's plan for the formation of a home-defense unit of former service men and tendering its service and the services of its membership to the President for service in any capacity when and wherever called upon to serve; to the Committee on Military Affairs.

9223. Also, petition of residents of Royalty, Tex., expressing advocacy of preparedness and a conscription act that should exempt no person within the age limits imposed because of occupation or profession; to the Committee on Military Affairs.

9224. By the SPEAKER: Petition of Barbour, Garnett, Pickett & Keith, of Fairfax, Va., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9225. Also, petition of the American Legion, Department of the District of Columbia, Washington, D. C., petitioning consideration of their resolution with reference to the record of Gen. William Mitchell; to the Committee on Military Affairs.

9226. Also, petition of the American Legion, Department of the District of Columbia, Washington, D. C., petitioning consideration of their resolution with reference to Senate bill 4164, the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

9227. Also, petition of J. D. Mahoney, M. D., of Norristown, Pa., and others, petitioning consideration of their resolution with reference to the compulsory conscription bill; to the Committee on Military Affairs.

9228. Also, petition of the San Francisco Coordinating Council for Peace, San Francisco, Calif., petitioning consideration of the resolution with reference to the national-defense program; to the Committee on Military Affairs.

# SENATE

## TUESDAY, AUGUST 27, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, the King eternal, who dividest the day from the darkness, and turnest the shadow of death into the morning: Drive far from us all wrong desires, incline our hearts to keep Thy law, and guide our feet into the way of peace; that, having done Thy will with cheerfulness while it was day, we may, when the night draweth nigh, rejoice to give Thee thanks. Through Jesus Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. KING, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, August 26, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. KING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwartz |
| Andrews | Donahey | Lodge | Schwellenbach |
| Ashurst | Downey | Lucas | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Smathers |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Johnson, Calif. | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Colo. | Reed | White |
| Connally | King | Reynolds | Wiley |
| Danaher | La Follette | Russell | |

Mr. MINTON. I announce that the Senator from Idaho [Mr. CLARK] is absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], the Senator from Delaware [Mr. HUGHES], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. The junior Senator from Oregon [Mr. HOLMAN] is absent on public business.

The senior Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

### REPORT ON THE OPIUM AND NARCOTIC-DRUG TRAFFIC

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Bureau of Narcotics for the year ended December 31, 1939, on the traffic in opium and other dangerous drugs, which, with the accompanying report, was referred to the Committee on Finance.

### PETITIONS AND MEMORIALS

Mr. HOLT presented the petition of members of the Wiley Ford, W. Va., Church of the Brethren, praying for peace and noninvolvement of the United States in war, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland, praying for the prompt enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of pending selective compulsory military-training legislation, the rendering of aid, short of war, to Great Britain, the transfer of 50 over-age or surplus American destroyers to the British Government, and speed-up of the national-defense program, which was ordered to lie on the table.

He also presented a resolution of the Cumberland (Md.) Local of the Workers Alliance of America, protesting against the enactment in peacetime of selective compulsory military training legislation and also against involvement of the United States in war, which was ordered to lie on the table.

RELIEF OF JOHN TOMLINGSON—PETITION

Mr. AUSTIN. Mr. President, I desire to make an announcement. I have here a petition which is a rather remarkable and unusual one. It appears to be signed by about 200 persons, though I have not counted them. It comes from the One Hundred and Seventy-second Infantry of the Vermont National Guard, whose members are citizens of my State and who were in training at the First Army maneuvers in northern New York with the Eighty-sixth Infantry Brigade, Forty-third Division, North Stockholm, N. Y. It urges me, as a Senator from Vermont, to try to get the Senate to pass a certain bill—namely, Senate bill 3657 of the present Congress, introduced by Hon. Ernest W. Gibson, Sr., late a Senator from the State of Vermont—for the relief of John Tomlingson, of Rutland, Vt., who formerly was a sergeant instructor of the Vermont National Guard for over 15 years.

I announce that I shall do all I properly can do to have the Senate pass that bill.

I ask leave to file this petition, but do not ask to have it printed.

The PRESIDENT pro tempore. Without objection, the petition presented by the Senator from Vermont will be received and lie on the table, as the bill referred to is now on the calendar.

REPORTS OF COMMITTEES

Mr. OVERTON, from the Committee on Commerce, to which was referred the resolution (S. Res. 299) authorizing certain governmental agencies to make a study of workmen's compensation with a view to its applicability to seamen, and for other purposes, reported it without amendment.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 295) to pay a gratuity to Muriel Thompson (submitted by Mr. MEAD on the 13th instant), reported it without amendment.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 26, 1940, that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 419. An act for the relief of Luke A. Westenberger; and

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GIBSON:

S. 4305. A bill to provide for the common defense through the establishment and maintenance of military colleges; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

S. 4306 (by request). A bill relating to conveyances made by Indians of the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

My Mr. MINTON:

S. 4307. A bill for the relief of Anchor Stove & Range Co.; to the Committee on Claims.

By Mr. LODGE:

S. 4308. A bill for the relief of Arvy A. Lothman; to the Committee on Claims.

CIVIL LIABILITIES OF PERSONS IN MILITARY AND NAVAL ESTABLISHMENTS—AMENDMENT

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, which was referred to the Committee on Military Affairs and ordered to be printed.

AID FURNISHED BY W. P. A. TO SOUTHERN NEGROES—LETTER BY LAWRENCE M. PINCKNEY

[Mr. BYRNES asked and obtained leave to have printed in the RECORD a reply by Lawrence M. Pinckney to an article written by Mr. Archibald Rutledge and published in the South Atlantic Monthly entitled "The Negro and the New Deal," which appears in the Appendix.]

FOREIGN POLICY OF THE UNITED STATES—EDITORIALS FROM WALLACE'S FARMER

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD five editorials from Wallace's Farmer on various aspects of the foreign policy of the United States, which appear in the Appendix.]

EDITORIAL FROM PHILADELPHIA RECORD ON CONSCRIPTION

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Record of August 24, 1940, entitled "Blocking the Draft Is Blocking Defense," which appears in the Appendix.]

EDITORIAL FROM PHILADELPHIA RECORD ON WENDELL WILLKIE

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Record of August 24, 1940, relative to Wendell Willkie, which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. GURNEY. Mr. President, last evening the Senate adopted an amendment whereby the reemployment provisions of this bill were made the same as those of the National Guard bill. At this time I ask unanimous consent to reconsider the vote whereby the Senate adopted subsection (c) of my amendment, which is printed on page 16660, in reference to insurance benefits. I ask to reconsider the vote on that subsection only.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which that subsection of the amendment was adopted is reconsidered.

Mr. DAVIS. Mr. President, I offer as an amendment to subsection (c) the amendment offered by me which was adopted yesterday by unanimous consent.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to; and, without objection, the amendment as amended is agreed to.

Mr. DAVIS' amendment was to insert the following in lieu of subsection (c) of Mr. GURNEY's amendment:

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered during the period of service in such forces as on furlough or leave of absence; and shall be so restored without loss of seniority; and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time of being inducted into such forces; and shall not be discharged from such position without cause within 1 year after such restoration.

Mr. SMATHERS obtained the floor.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from West Virginia.

Mr. HOLT. I want the Senator to know that what I am about to say will take 2 or 3 minutes. Does the Senator object to that?

Mr. SMATHERS. No; go ahead.

Mr. HOLT. Mr. President, the Boston Herald has editorially decided to take to task the Senator from Massa-

chusetts [Mr. WALSH], the Senator from Montana [Mr. WHEELER], the Senator from Connecticut [Mr. MALONEY], and myself because of our discussion of the conscription bill.

I have no objection to the Boston Herald taking any Senator to task. It is its privilege to do so; but behind the Boston Herald is a story which I think the Senate should know. In other words, the Boston Herald is not disinterested in this bill. It may also interest the Senate to know that this is the same newspaper which has had filed against it charges of violation of the Wagner Act, charges of refusing to bargain with its employees, and its employees called it irresponsible, contemptible, and unscrupulous. That is not the statement of the Senator from West Virginia, but is the statement of some of its employees. It is tied up with the power interests of New England, and its directors are tied up with the firm of J. Pierpont Morgan & Co. Therefore, it is not at all without interest in this particular debate; and the directors of the Boston Herald are profiting personally as the result of this war. No wonder they want the conscription bill to go through without discussion.

I do not want to delay the Senator from New Jersey, who has so generously given me time to speak; but I ask that following my remarks there be placed in the RECORD a list of the directors of the Boston Herald, their directorships, and their connections with the war industries. Let the people have the facts, and they will find that the press in Boston is not as free as it pretends to be.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

Directors of Boston Herald: George R. Brown, John L. Hall, James Garfield, Horace A. Hildreth, Channing H. Cox, S. W. Winslow, Jr., and Casper Ranger.

Directorships of directors:

George R. Brown: United Shoe Machinery Corporation, vice president and director; Boston Herald Traveler Corporation, director; First National Bank of Boston, director; United States Smelting, Refining & Mining Corporation, director.

John L. Hall: Merchants National Bank, director; Boston Herald Travelers Corporation, director; New York, New Haven & Hartford Railroad, director; Massachusetts Fire & Marine Insurance Co., director; New York, Ontario & Western Railway, director; New York, Westchester & Boston Railway, director; Boston Railway Holding Co., director; Westinghouse Electric & Manufacturing Co., director; Connecticut Co., director.

Channing H. Cox: Old Colony Trust Co., president and director; United Fruit Co., director; Boston Five Cent Saving Bank, trustee; Boston Herald Traveler Corporation, director; Union Safe Deposit Vaults, trustee; Boston Chamber of Commerce, director.

S. W. Winslow, Jr.: United Shoe Manufacturing Corporation, president and director; Boston Blacking Co., president and director; First National Bank of Boston, director; Island Creek Coal Co., director; United States Smelting, Refining & Mining Co., member of executive committee and director; United States Shoe Manufacturing Co. of Canada, Ltd., president and director; W. W. Cross & Co., Inc., president and director; S. A. Felton & Son Co., president and director; O. A. Miller Treeing Machine Co., president and director; United Awl and Needle Co., president and director; Turner Tanning Machine Co., president and director; United Last Co., president and director; Boston Herald Traveler Corporation, president and director; Boston Sand & Gravel Co., director; United Shoe Repair Machine Co., president and director; Campbell Bosworth Machine Co., president and director; Felton United Brush Co., president and director; Security Eyelet Co., president and director; John Hancock Mutual Life Insurance Co., director; United Shoe Machinery Co. of Cuba, Mexico, and South America, director; United Last Co. (Canada) Ltd., director.

COMPANY GETS GOVERNMENT CONTRACT

In the bulletin of the Department of Labor, Division of Public Contracts, for August 24, 1940 (the last issue), the following contract is reported: United Shoe Machinery Corporation: Guns, $1,316,485.60.

It is also noted in the reports that other contracts have been let to the corporations of which the directors of Boston Herald are directors. These contracts run into millions in recent weeks.

Wall Street Journal states in its August 10, 1940, issue:

"WHAT WAR MEANS TO WESTINGHOUSE

"War, or even preparation to resist war, makes heavy demands upon the capital goods industries, and accordingly these industries make heavy demands on such companies as Westinghouse Electric to furnish them with the equipment to meet their requirements.

"To operate the machinery needed to produce munitions and other war material, power is needed, and electricity is now the generally accepted medium of securing such power. Westinghouse Electric has long been in the business of manufacturing electric generators of all sizes * * *.

"Another and equally important branch of the company's business is the manufacture of turbines to furnish the initial power to the generators to move ships and to supply energy for many other operations. The United States Navy and the mercantile marine are both equally good customers for Westinghouse turbines."

And, further, the article states that the earnings per share increased from $2.37 a share in the first 6 months of 1939 to $3.68 in the same period in 1940, and predicts an earning power of $8 or more per share for this year. The article shows the value of war and war preparations for this corporation.

Who is one of the directors? A director of the Boston Herald.

COMPANIES LOCATED IN BELLIGERENT COUNTRY

A check of the corporations listed above will show that some are located in a country that is now a belligerent.

It is also noted that two of the directors of the Herald are also directors in the United States Smelting, Refining & Mining Corporation. Those type corporations have larger profits and sales during and in preparation for war.

It is also interesting to note that this United States Smelting, Refining & Mining Corporation has been quite active in Canadian business, as evidenced by this report from Poor's Industrials Reports:

"United States Smelting, Refining & Mining Co.:

"To handle Canadian ore concentrates—a 2-year contract for handling Canadian lead concentrates was announced July 31, by M. Wallace Wooley for company. The shipments will come from Western Exploration Co., of Silverton, British Columbia, which has been idle for 2 years."

It also takes a lot of shoes to outfit a conscript or a Regular Army of many millions. It is of great commercial value for a shoe-machinery company to sell shoe machinery in production of such shoes for the soldiers. These individuals who direct the Herald have the top places in the shoe-machinery industry of our country.

TIE-UP WITH J. P. MORGAN

It will also be noted that the Morgan interest is very evident in corporations, in which the directors of the Boston Herald, are also directors. The paper itself was noted in a report by Justice Brandeis some years ago as being tied up with corporate capital in which the J. P. Morgan firm was active.

A further survey of the Herald will be submitted to the Senate at a later date. The record of Government contracts as they affect these corporations are being studied and show an interesting story of why the Herald objects to a thorough or a free discussion of conscription.

War profits will be found behind many of these drives. I do not say all those who support the program are interested in war profits, but I do say that those who are getting the war profits are nearly all lined up in this program of involvement of the United States.

The profits of the corporations, of which the directors of the Herald are also directors, show a tremendous increase in profits since the beginning of the war.

LORDS OF THE PRESS

A very interesting discussion of the Herald is found in the book, Lords of the Press. It follows:

In 1929 the Boston Herald and the Boston Traveler were exposed as being part of that vast newspaper empire which the International Paper & Power Co. had built.

In fact, the Traveler and Herald are connected with many of the major banking interests of New England. Their president is S. W. Winslow, Jr., who, in addition to the shoe directorship, is director of the Morgan-affiliated First National Bank of Boston and the John Hancock Mutual Life, and U. S. Smelting. G. R. Brown, another director, also directs shoe companies and banks. J. L. Hall, vice president, directs Westinghouse, New York, New Haven & Hartford. Channing H. Cox is president of Old Colony Trust and director in United Fruit. The Boston Herald-Traveler Corporation is known as the wealthiest newspaper outfit in New England.

When the guild asked for an increase in wages in 1938, the management replied that business conditions made it impossible. The guild discovered that the corporation had a surplus of $5,035,401 in 1936 and paid $1,000,000 in dividends in 1937. Its net profits had been running from $600,000 to $900,000 in depression years. The guild vote of 105 to 19 to strike won them a contract which meant the corporation would have to pay its employees $100,000 a year more.

The editorial pages of the Herald and the Traveler are violently anti-C. I. O.; they deplore strikes; they denounce picketing; they believe the 1936 sit-down strikes were criminal actions; and they mask their big-business special pleading by pretending that all they say is in the interests of the general public—whatever that may be.

In the Boston paper labor is reviled, vigilantes are approved, strikers are charged with violence, the police and Legionnaires are praised. All this is done by changing a few words or purposeful editing. In the New York paper labor is not treated in too friendly a way, but in Boston it actually gets a raw deal.

But what is one to expect in a press largely owned by the United Shoe Machinery Corporation and the leading banks of New England—a social conscience?

Mr. SMATHERS. Mr. President, I shall vote against the remaining amendments in the nature of substitutes for the pending bill, and then I shall vote for the conscription bill itself.

In my opinion, the last 2 months of speech making here have not changed the vote of one Senator. On the contrary, all that has been accomplished has been the loss of 2 months' time and the disgust of the American people. Therefore, I shall try to set a good example, and make the shortest speech that has been made on the floor of the Senate during the past 4 years, which is the period of my service here. The speech is this:

Let us stop serving the country with talk, with speeches. The people of the Nation, in this hour of world crisis, are demanding of the Senate action. Let us vote!

Mr. JOHNSON of Colorado. Mr. President, it has been my good fortune during the past 2 months to have heard the proponents of the peacetime compulsory conscription bill discuss it from every possible angle before the Senate Military Affairs Committee, and afterward to have sat in executive session day after day with the able chairman and six or seven other distinguished members of the committee considering and revising its many provisions. During this period we rewrote this controversial measure seven times before finally a majority of the committee could agree upon its terms. Many of the amendments which I urged were agreed to by the committee; but one of the proposed changes—an amendment which would have eliminated its compulsory peacetime conscription feature—was rejected by a decisive vote. I understand that the very able Senator from Massachusetts [Mr. WALSH] will offer an amendment along that line a little later in the day. I served notice upon the committee that I could not support the measure, and reserved the privilege of carrying my fight against compulsory peacetime conscription to the floor of the Senate.

I make this statement not only to express the profound respect and admiration in which I hold the chairman of the committee, the Senator from Texas [Mr. SHEPPARD], and the other able members of the committee who differed with me, but also that you may know that I have given this revolutionary legislation long and diligent study.

I FAVOR A DEFENSE AGAINST EVERY EVENTUALITY

I need not say to the Senate Military Affairs Committee nor to the other Members of this body that I have long believed in a strong and watchful national-defense program. My record consistently favoring a sound foreign policy, coupled with a defense sufficiently invulnerable to withstand any combination of potential enemies, has been written in the Senate in black and white; and so long as I remain here I shall wholeheartedly support such policies. No one in this Chamber can be more convinced of the absolute necessity for a thoroughly mechanized, well-balanced, and well-coordinated modern war machine, manned by skilled operators, than am I; and no one in this Chamber is more completely convinced that such a machine will absolutely insure the peace of the United States. It is only good common sense to realize that because of international uncertainties and chaos we must be prepared for any and every eventuality within the realm of likely possibility. We have too much at stake to do otherwise, and we have too much potential military power which can be easily developed to assume any unnecessary risk whatever.

BURKE-WADSWORTH BILL NOT DEFENSE MEASURE

In my opinion, no bill coming before the Senate in recent years has been so badly misinterpreted and misjudged by the Members of the Senate, the press, and the country, as has the Burke-Wadsworth bill. I say this because I know what it proposes to do and what it does not propose to do. No pending measure in recent years has contained such serious revolutionary implications and changes in the Military Establishment of this Republic. The pending measure adds nothing to national defense. The pending measure subtracts much from a good, sound, sensible, modern national defense, and at the same time it makes an insidious attack upon the principles of the democracy which we cherish. It will not add to our security from abroad, and it does add to our insecurity here at home. It does not add to our liberties. It curtails our liberties. These are serious charges, which I shall make an earnest effort to prove before I take my seat.

COMPULSORY PEACETIME CONSCRIPTION DESTROYS DEMOCRACY

The philosophy upon which a democracy is founded is that the state exists for the people, and not the people for the state. Under such a system the individual has an opportunity almost without limitation for spiritual, intellectual, and physical development; exactly the opposite is true of a Fascist or totalitarian form of government. There the state is supreme; there the state is not a means to an end; there the state is the end, and the people exist for its exaltation, and for nothing else. God never created a state, he created people; and people created the state to serve them, and not to be served by them. Conscription in peacetime violates every tenet of a democracy, and is the first step toward the Fascist state.

There has been a constant fight from the beginning of this Republic to adopt a compulsory military-service system during peacetime. Time after time Congress has refused to make the change, and the people have sustained Congress in its refusal. Today the War Department, under recently acquired leadership, is pressing the matter again with a new boldness, and is taking advantage of the hysteria which it has promoted and encouraged to impose this dangerous and hated enemy of liberty upon a free people.

DICTATORSHIPS THRIVE ON CONSCRIPTION

The adoption of this arbitrary method would be very dangerous to the spirit and traditions and purposes of American democracy, which has always sought to extend more and more liberty, and never less and less liberty. The eagerness for liberty which we have always fostered in America is completely at variance with the autocratic club of compulsory military peacetime service, which the bill imposes. Conscription in peacetime is a most radical departure from American tradition and is the first step in making our Army our Nation. Our forebears established popular government and insisted upon the supremacy of civil law over military authority in fact and in principle. The founding fathers of this Republic saw clearly that compulsory military service meant the ultimate supremacy of the military over the civil authorities, and we should be slow to undo their magnificent work. Dictatorships thrive on the assumption that the individual citizen be conscripted since he is the pawn of the state. That conception is abhorrent to free men, and that philosophy has always been repugnant to the citizens of this Republic. Germany, on the other hand, has long boasted that her Army is her nation and that her nation is her Army. Shall we cling to American traditions in this hour of conjured trouble, or shall we now, in a spirit of reaction and abandon, revert to the European system, which has driven liberty and free enterprise from that other continent? Beware, Senators, of the "camel's nose in the tent" of democracy.

CONSCRIPTION PART OF STIMSON LUGGAGE

The day the United States of America selected the Honorable Henry L. Stimson to be Secretary of War, the Burke-Wadsworth peacetime conscription proposal became a menace to our liberties. It was a part and parcel of that bad bargain. It was an essential part of the Stimson official luggage. The former Secretary of War, Harry Woodring, a wise and courageous statesman, a greatly respected leader of the American Legion, a patriotic American, and a loyal and liberal Democrat, bitterly opposed peacetime conscription, and he was, therefore, at the instigation of the Plattsburg crowd, removed and supplanted by a reactionary interventionist from Wall Street, who has been on record for 23 years as favoring conscription in the United States.

Mr. BURKE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. JOHNSON of Colorado. I am glad to yield.

Mr. BURKE. It is my understanding that the difficulty which Secretary Woodring had in the retention of his position was not because of any difficulty over selective training, but because he did not approve of steps which were under contemplation for the extension of aid short of war to the Allies. Am I mistaken about that?

Mr. JOHNSON of Colorado. No; that is all part of the same scheme. It is only a small part of a general program, just one other step.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I am glad to yield.

Mr. WHEELER. Let me say to the Senator that in talking with Sir George Paish, who was knighted by the British Government, and who came to the United States, as he confessed both to me and in his newspaper article for the purpose of trying to get us into war, he stated that a part of his program was, as he outlined it: First, he wanted conscription; second, he wanted 50 destroyers, and he wanted as his program before we got into the war, as he called it, "aid short of war." His program was exactly the program we are following at this time.

Mr. JOHNSON of Colorado. I am not surprised to learn that.

Mr. BURKE. Will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. BURKE. I think anyone in the Senate or outside who knows the senior Senator from Montana would agree with the statement I now make that if Sir George Paish, or whatever his name is—I have never seen the gentleman—sat down with the senior Senator from Montana with the idea of convincing him that he should support selective training in time of peace, or possible adequate service in time of war, Sir George Paish should be, as someone suggested yesterday, examined as to his mentality. I think we could put aside all his arguments if he sat down and seriously argued with the senior Senator from Montana as to the merits of selective training.

Mr. BYRNES. Mr. President, will the Senator from Colorado yield to me?

Mr. JOHNSON of Colorado. I will yield in a moment. I am convinced that Sir George would be an optimist to do that sort of thing. But as I understand the program, Sir George intends to go out before the country, and perhaps desires to toughen himself up a little bit by going up against the very able Senator from Montana.

I yield to the Senator from South Carolina.

Mr. BYRNES. I only wish to say to the Senator that I was not in the Chamber yesterday when the Senator from Montana was discussing the gentlemen to whom he has just referred. That gentleman telephoned me at my hotel, and I would not see him. He came to my office. I thought at the time that there are in this country several hundred economists who if they were in London would undoubtedly try to see members of Parliament to tell them what they should do about the affairs of Great Britain. They are unable to exercise any influence in the United States, and therefore would go to London. I thought this gentleman was in about the same class, and I would not even see him. But I think he was fortunate if he talked to the Senator from Montana and did not suffer the fate which the senior Senator from Virginia [Mr. GLASS] has said he would have received in his office, that he was not thrown out of the office.

Mr. WHEELER. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHEELER. The only difference between Sir George Paish and other Englishmen who are in the United States carrying on propaganda is that he was more frank than the others. Men like Admiral Standley and some others are more frank than those who are merely advocating aid to the Allies short of war.

Let me call attention to a statement made by Elliott Roosevelt, according to the International News Service. I read:

Elliott Roosevelt, son of the President, tonight declared in a radio broadcast that "we have taken a very dishonest stand toward England.

"We cheer England and frankly admit we hope she wins the war," he stated, "but we haven't the courage to come out in the open and say:

"'Your battle is our battle. If you need 10,000 planes and 20,000 pilots, you can have them * * *.' Instead, we pass a lot of meaningless laws which we claim safeguard neutrality, and then use political subterfuge and trickery to evade these laws."

I say that Elliott Roosevelt is very frank about it, and I think his criticism is justified. If we want to go to war—and God knows I do not want the country to go to war; I want it to keep out of war—if we believe, as some of these persons do, that Mr. Hitler is going to attack us a month or 2 months or a year from now, in the event he licks England—and I doubt seriously if he will be able to do that—then I would come out and say that we should now make a declaration of war. We should be open; we should be frank; we should tell the American people exactly that. But, instead of that, we are creeping up step by step and step by step. We are going down the road to war.

I have forgotten what great French general it was who said during the last war that he wanted just one small regiment of Americans in France to build up the morale of the French people.

That is what he told us then. He afterwards said he knew that if we ever sent one regiment over there we would presently send all our armies and our whole Navy, as well as supplies and equipment of every kind. The British know that if they can get us to take one step in the direction of sending military or naval supplies over there—for example, if we send 50 destroyers over there—then they will not only want 50 destroyers but airplane pilots, and after we shall have taken that next step and have sent over pilots they will want some other form of assistance.

Mr. President, we are not fooling the British. They are smarter in their propaganda than we are.

Senators should see some of the propaganda pictures shown in the motion-picture houses. They should see the propaganda being put on the screen at the Trans-Lux Theater in Washington. Every radio facility, every motion-picture house, and practically every motion-picture company in this country are carrying on a determined propaganda to get the United States into war. If someone came to the United States and said we should help Mussolini, what would we do to him?

We hear much of "fifth columnists." I say, and I firmly believe, that if we should go into this war it would mean the end of democracy in the United States of America. It would impose such a tremendous, back-breaking, crushing indebtedness on the people of the United States that we would never be able to pay it off, and the result must be inflation and probably permanent dictatorship in the United States.

Those who are advocating our entrance into the war on the side of Germany, or on the side of Italy, or that we get into it on the side of Great Britain, are, in my judgment, real "fifth columnists," whatever nation they favor. It is as unpatriotic for Americans to advocate our entrance into the war on the side of Great Britain as it is to advocate our entrance into the war on the side of Italy, or on the side of Russia, or Germany, or any other country. When it comes to the destruction of American democracy it makes no difference whether the destruction is accomplished by Russians, Englishmen, Germans, or Italians.

Mr. President, I am neither pro-German, pro-Italian, pro-Russian, or pro-English. To me those who are other than pro-American are equally abhorrent. What we should do is to look after the interests of the United States of America.

Recently I read that someone said that Henry Ford was a "fifth columnist," and intimated that he was a traitor. I do not know Henry Ford, and I have disagreed with some of his views very decidedly, but anyone who even intimates that Henry Ford is a traitor or is unpatriotic is doing a disservice to the country. At the same time some persons intimated that Henry Ford was a traitor they were urging us to do what? Practically to get into the war on the side of the Allies. Such a man is unpatriotic, but the one who is trying to keep us out of war, who is trying to preserve democracy, is, in my opinion, patriotic.

Mr. BURKE. Mr. President, will the Senator yield to me for one remark?

Mr. JOHNSON of Colorado. I yield.

Mr. BURKE. I rose at this point in the distinguished Senator's speech because I did not want to let go unchallenged the suggestion that there was a connection between the selective training for national defense and the other proposals to extend more aid to certain of the belligerents by sending destroyers, or planes, or men, or anything else. to them. The proponents of the measure can go along very fully with what the Senator from Montana said in objecting to our becoming involved in war.

The bill is a training bill to provide manpower to man the equipment for which we all voted, in order that we may have an adequate defense; not in order that we may participate in any foreign war, but that foreign war will not come to us, at least with any chance of success.

Mr. JOHNSON of Colorado. Mr. President, I thank the Senator, but I cannot agree with him at all that the measure is a defense measure. If I thought for one moment that the pending bill was a defense measure—that is, that it contained any defense features in even the remotest degree—I would not now be on the Senate floor opposing it. But I do not look upon it as a defense measure. I look upon it as going in exactly the opposite direction.

Mr. President, peacetime conscription and the policy of intervention are as inseparable as are Siamese twins. While it is true that there are supporters in the Senate who are not interventionists, I do not know of a single interventionist or a solitary warmonger in the entire United States who does not favor peacetime conscription. That is to be expected.

MILITARISM ENEMY NO. 1

Militarism has ever been the curse of Europe. Militarism, coupled with power politics, has kept it drenched in blood for centuries. It has caused every little country of that continent to be an armed camp through countless generations, and has brought impoverishment and death to great masses of humanity. Compulsory peacetime conscription is, and always has been, the right arm of European militarism. No close observer will deny that the United States is developing a pronounced military complex. Political militarism is American democracy's enemy No. 1. It threatens its future even more than does the current crop of European dictators and the subversive agents within our gates violating our generous hospitality. Militarism in a republic will never develop under a volunteer system of enlistment, for the reason that men will not volunteer to fight unless the cause is righteous, while under the conscript plan the cause has no bearing upon the service. I believe in a democratic army—a powerful volunteer army—a well-paid and well-trained army of skilled men; but I fear a totalitarian army—a conscripted army; and especially do I fear a great political reservoir of partially trained conscripted men.

THE ARMY HATES DEMOCRACY

Military officers, because of their education and training, believe in and practice the philosophy of force and seldom give a kindly thought to the philosophy of reason. That is perfectly natural and perfectly understandable. They deal altogether with the element of force—it is their very life. Their duties are based upon it. They believe, with the Prussians, that the Nation is the Army and that the Army is the Nation. Few Army officers vote in our elections. They are not interested in the operations of a democracy. I am told that 75 percent of the commissioned officers in the United States Army have never voted. They know nothing about the workings of democracy and care even less. I hold in my hand the Army Training Manual No. 2000–25, issued for the instruction of officers and soldiers. In this manual the War Department describes democracy for the benefit of its men in training in these subversive terms:

Democracy: A government of the masses. Authority derived through mass meetings or any other form of "direct" expression. Results in mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard to consequences. Results in demagogism, license, agitation, discontent, anarchy.

"The will of the majority shall regulate," and our military overlords charge that such a conception of government must result in "agitation, discontent, anarchy." One might think that was Mr. Hitler or Mr. Mussolini talking instead of the Army of the United States. For 5 years, from 1928 to 1932, this manual of "instruction" was used officially by the War Department.

CONSCRIPTS GRAVE POLITICAL MENACE

An Army officer's conception of the proper government evidently is that it should be a one-man government, and not a government wherein the majority shall rule. His whole training and experience has given him that attitude toward government. Military government, the only government with which he is conversant, is that kind of government. There are so relatively few military voters in this Republic now that they have no political influence whatsoever, but that will not be true under the Burke-Wadsworth bill.

Mr. LEE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I am glad to yield.

Mr. LEE. The Senator said a few moments ago that there was not a warmonger or interventionist in the United States who did not favor conscription. I ask the Senator, Is it not equally true that there is not a Hitler sympathizer, or "fifth columnist," or Communist in the United States that does not oppose conscription?

Mr. JOHNSON of Colorado. I suppose that statement is true. I did not say that there was not a warmonger who did not favor conscription; I said that, so far as I knew, there were no warmongers who did not favor conscription. But I do not want to class myself or any of the Members of the Senate with Communists or "fifth columnists." I do not want to do that.

Mr. LEE. The Senator does not want to classify Senators either with warmongers or interventionists, I am sure.

Mr. JOHNSON of Colorado. No, indeed; I do not. I do not want to classify Senators at all in any capacity. I want them to do their own classifying.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHEELER. It might be added that the Methodist Episcopal Church, which certainly could not be classified as "fifth columnist," Communist, or pro-Hitler has gone on record against peacetime conscription. Likewise practically all the leaders of the Catholic Church have gone on record against peacetime conscription. Also the Lutheran Church, among the Norwegians and Swedes, has gone on record against it. The Farmers' Union, which is one of the strongest farm organizations in the Northwest—and even in the State of Oklahoma—has gone on record against peacetime conscription. The American Federation of Labor, the Railroad Brotherhoods, and the C. I. O. have gone on record against peacetime conscription. I know of no church organization, no labor organization, and no farm organization in the United States which has not gone on record against peacetime conscription.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BURKE. There has been much talk to the effect that the organized churches of the country are opposed to the bill; and particular reference has been made to the Roman Catholic Church. In fact, in the early days of the debate the senior Senator from Iowa [Mr. GILLETTE] offered for the RECORD a telegram from Archbishop Beckman, of Dubuque, Iowa, whose territory includes Iowa, Nebraska, Wyoming, and other States, saying that the church is opposed to the bill. I call attention to the fact that in that respect the Archbishop was speaking only for himself.

I hold in my hand a telegram from Most Reverend James H. Ryan, Bishop of Omaha. Bishop Ryan is well known to many in Washington for his years of service at a great university here. This is what he says:

As a citizen I favor the principle of a selective military draft because I consider it the only fair, democratic, and, above all,

realistic method of preparing to meet the probability of an attack on our liberties and institutions. That the United States is faced by total warfare in the near future cannot be questioned. There is only one way to prevent total warfare and that is by total defense. Preparation for total defense cannot be fairly interpreted as an acceptance of the totalitarian philosophy, nor does it necessarily lead to totalitarianism. It goes without saying that, in common with practically all Americans, I do not approve compulsory military service beyond the present grave emergency.

I have also in my desk a letter from the Catholic bishop of Lincoln, Nebr., Bishop Kucera, and also a letter from the other Catholic bishop in Nebraska, Bishop Kona, of Grand Island, taking the identical view. One of them refers to the fact that he has communicated with the Catholic bishop in Wyoming, who shares his views. So it is not in accordance with the facts to say that those who speak with authority for the various churches of the country are opposed to the measure. Some are, because they do not believe in it. Many others believe it is the salvation of our country.

In my own time I shall offer excerpts from telegrams and letters from leaders in church activities in all denominations.

Mr. JOHNSON of Colorado. I shall be glad to have the excerpts printed in the RECORD at the conclusion of my remarks. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpts appear following the remarks of Mr. JOHNSON of Colorado.

Mr. BURKE. Mr. President, at this point I should like to read one further communication because the Methodist Church has been mentioned. This is from Rt. Rev. E. G. Richardson, Methodist bishop of Philadelphia:

While I deeply regret our Nation becoming military minded, I believe this is necessary because of world conditions. Democracy must be defended. The selective compulsory draft will provide armed forces much more quickly and democratically than any other plan. Adequate preparation will perhaps prevent war coming to us. It will certainly save many lives if war comes.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I shall be glad to yield. I should like to proceed with my remarks, but I am glad to yield.

Mr. HOLT. I merely wish to say to the Senator from Nebraska that not only has the National Catholic Welfare Conference, which is the official spokesman of the Catholic bishops, gone on record in opposition to the bill, but its representatives have appeared before the committee. Two or three bishops may be found in favor of the bill, but the organization which speaks for the Catholic bishops as a whole has gone on record against this particular piece of legislation.

Mr. JOHNSON of Colorado. I thank the Senator.

I wish to come next to a very important matter. To me it seems all important in my opposition to the bill.

Under this obnoxious measure—the Burke-Wadsworth bill—it is planned to build up a reservoir of 6,000,000 conscripts. The number has been variously stated. Yesterday I heard the number 3,400,000 mentioned.

However, we have had considerable testimony from the Plattsburg people to the effect that they think 6,000,000 is the correct number. I do not know what the number is to be, but it is to be a very large reservoir of conscripts. Knowing as we do the attitude of military men toward democratic institutions, the ultimate effect of that proposal is staggering in its political consequences. It will not be a military reservoir alone. It will be a military-political reservoir which will take over the control of the country. When the conscripts become convinced that the will of the majority will result in agitation, discontent, and anarchy, as some officers of the Army believe, the conscripts should have no hesitation in conscripting the thing they desire, be it power or property.

The Plattsburg crowd are already reaching for more and more political power, and they will realize their ambition with millions of conscripts in every community in the country. The Plattsburg crowd have enough political strength at present to place men of their choice in the President's Cabinet as Secretary of War and Assistant Secretary of War. Furthermore, they are now carrying on a Nation-wide campaign, amply financed by the money bags of the country, to force through the Congress, under the guise of national defense, a measure which will in time give them complete political control of the Republic.

This Government is founded upon the principle that it derives its just powers from the consent of the governed. That is the keystone of the institution known as democracy. Ours is a government of reason, not a government of force; and that is the pillar of its strength. The volunteer system of military training and service is in keeping with that sacred principle and is a part of it. Compulsory conscription in peacetime is a vile, offensive repudiation of free choice.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHEELER. My understanding is that Benedict Crowell, who has just been brought to Washington by Secretary Stimson, is also a member of the same Plattsburg crowd.

Mr. JOHNSON of Colorado. Yes; and they are the ones who brought the bill to us. That fact cannot be disputed. They admit it themselves and are very proud of it.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to my colleague.

Mr. ADAMS. If the United States indulges in the conscription of manpower in peacetime, is there any answer to the demand which has been made, and will be made, that if men are conscripted, industry and capital must be conscripted? If that follows, does it not then mean that the Government which conscripts men will conscript industry, and we shall have what is equivalent to a very large measure of state socialism?

Mr. JOHNSON of Colorado. That is exactly my viewpoint. I think it is also Grenville Clark's viewpoint. It will be recalled that Grenville Clark is proud of the fact that he has had a large part in preparing the bill. In testifying before the Senate Military Affairs Committee, Grenville Clark did not use the word "conscript" or the word "regiment." I do not know just what term he used, but that is what he meant. I think the word he used was "mobilize." He said that if it were not necessary to mobilize industry for this emergency, if the emergency were not so great that it is necessary to mobilize industry, the bill would have no place before the Congress at this time. That is his viewpoint.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TYDINGS. For my own information I should like to ask the Senator from Colorado and others who share his point of view and who oppose conscription in time of peace, if we were to be drawn into a war, either by having war declared on us or by our declaring war on some other country, or if both those contingencies were to happen, in the opinion of the Senator, how long would it be, with conscription and other means, before we could obtain a sufficient army to defend the United States?

Mr. JOHNSON of Colorado. I can only give the Senator my own opinion as my answer to that question.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. ADAMS. Let me ask the Senator from Maryland to tell us who is going to attack us. The measure of defense necessarily depends on who is going to attack us.

Mr. TYDINGS. Allow me to put the question a little more specifically. I am assuming a certain state of facts. I am not saying that such a contingency will happen. However, let us suppose, as some Senators have prophesied on the floor of the Senate, that Great Britain should fall. I do not say it will fall. I am merely making the assumption. Assume, likewise, as some have said, that Mr. Hitler has designs on Latin America, and that we may be drawn into a war. My question is, How long a time would be required, if we should start when the war commenced, to obtain a sufficient army to defend ourselves?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I am glad to yield to the Senator from Montana.

Mr. WHEELER. If the Senator will read the testimony of General Marshall before the committee, when I think the Senator from Alabama [Mr. HILL] and perhaps other Senators interrogated him, the Senator will find that in answer to the question, "How much of an army do you need?" he said, "We want 375,000."

Mr. TYDINGS. I was at that hearing.

Mr. WHEELER. Then he said, "We want as a possible full-time war army 500,000; then we want," as I recall his testimony, "400,000 reserves."

The general said he felt that they could get them by enlistment, but he questioned whether they could get them fast enough.

The fact of the matter is that all the quotas, as has been said here, were filled; the Army obtained everything they asked for; the last week for which the figures were given showed 8,000 in a week, which was the largest number ever obtained.

Mr. TYDINGS. That does not answer my question. The question I asked was, in effect, whether we are in peace or in war, and particularly if we are in war, how long would it take to start the machinery to draft men, train and equip them, so that they would be able to defend the country? Could it be done, for example, in 3 months?

Mr. JOHNSON of Colorado. This bill will not relieve that situation in the slightest degree.

Mr. TYDINGS. I think those who say we ought not to have conscription until war comes should give us an answer to that question. That is perfectly fair. I can understand their viewpoint; they favor no conscription at all until we are drawn into war. I am assuming that we are drawn into war some time in the future—which I hope will not come to pass—and I should like to know, in the opinion of those who would then favor conscription, how long it would take before we got an army properly trained and equipped sufficient to defend this country in the Western Hemisphere?

Mr. JOHNSON of Colorado. In answer to the Senator, I will give him my opinion, which is based upon the opinions, I understand, of military experts. If we have a good, well-trained Army of the United States first, then we can get the necessary additional army in a very short time.

Mr. TYDINGS. May I ask the Senator, from what military expert he is quoting? Who is the military expert who says all we need is a small army and we can get the others in a short while?

Mr. JOHNSON of Colorado. I am almost afraid to quote military experts, because when Secretary of War Woodring was in office they had one viewpoint, and when the head of the Department changed their viewpoint changed with the Secretary of War. Theirs is a fluctuating opinion.

Mr. TYDINGS. The Senator is perfectly honest and candid, and I admire him as a man who has definite convictions on this subject. I am not quarreling with him; I am not arguing with him; but I think he could tell me how long, in his judgment, it would probably take to secure an adequate army if we were to declare war? Would it be 6 months or 9 months or a year?

Mr. BROWN. Mr. President, will the Senator from Colorado yield to me for a moment?

Mr. JOHNSON of Colorado. I am glad to yield to the Senator from Michigan.

Mr. BROWN. I think the answer to the Senator's question involves asking him a question. How long would it take Mr. Hitler or anybody else who might be in control in Europe to send an army over the sea adequate to attack the United States? I think the lowest estimate of the number of men which has been made is approximately a million. I read a very interesting article in Harpers magazine for August which stated that it would take, merely to supply an invading army of a million men, 13,000,000 tons of shipping. How much is 13,000,000 tons of shipping? The Navy of the United States, the Navy of Great Britain, the Navy of Japan, the Navy of France, the Navy of Italy, and the Navy of Germany—and those are all the navies of importance there are in the world—aggregate but six and a half million tons.

How could Germany or any other power or any combination of powers in Europe maintain for a month—let alone get here—an army of a million men? We have a million trained men in the United States today. It seems to me that it is fantastic to expect an invasion.

Mr. TYDINGS. I do not think it is fantastic at all. Mr. President, I will try, if the Senator from Colorado will yield to me for a moment further, to show what I am driving at.

Mr. JOHNSON of Colorado. I should like first to quote from a military expert whom I know the Senator recognizes. The Senator wants some testimony from a military expert. I have it here before me. I should like to answer the question, and then I will be very happy to yield to the Senator.

Mr. TYDINGS. I will wait until the Senator quotes the military expert.

Mr. JOHNSON of Colorado. I quote from the testimony of General Marshall in answer to questions by the Senator from Alabama [Mr. HILL]:

Senator HILL. General, I want to get these figures. You have today 255,000 men in the Regular Army; is that right?

General MARSHALL. Yes, sir.

Senator HILL. As I understood it, you said a little while ago you would step those up to 375,000; then you used the figure 500,000.

General MARSHALL. Five hundred thousand is war strength, sir.

Senator HILL. That is war strength?

General MARSHALL. Yes; everything up to 375,000 is purely peace strength, except the aviation allotment of 40,000.

Senator HILL. Forty thousand men?

General MARSHALL. In other words, the figure of 335,000 would carry our ground troops to authorized peace strength.

Senator HILL. The figure of 335,000?

General MARSHALL. Yes. We then have 40,000 men provided for by appropriations, who are to be trained as mechanics, bombardiers, and specialists of that sort for the production of airplanes which will begin to be delivered the middle of next summer.

Senator HILL. But you do not include them in the 335,000?

General MARSHALL. The 335,000 is the major priority.

Senator HILL. The 335,000 is the major priority now. That is Regulars, is it not?

General MARSHALL. Yes, sir.

Senator HILL. Three hundred and thirty-five thousand major priority is the Regulars and 40,000 can come along just as fast as they can?

Mr. TYDINGS. What does that prove, may I ask the Senator?

Mr. JOHNSON of Colorado. General Marshall was testifying as to the strength of the Army in peacetime, and when he talks about an army in peacetimes certainly that is the opinion of the War Department as to the Army they need in peacetime.

Mr. TYDINGS. Let me say to the Senator I was present when General Marshall testified, and I was also present when he testified off the record. I can assure the Senator that one of the best evidences that General Marshall does not feel that such a force is now sufficient is that he advocates the very bill, or some form of it, which is before the Senate. Thus by taking the very witness the Senator himself exhibits I can prove that the Senator's position is not well taken.

Mr. JOHNSON of Colorado. As I said before, one can prove anything by these military experts because they change their minds every time there happens to be a new Secretary of War.

Mr. TYDINGS. Let me say to the Senator I am no military expert, but it happens that I did put in three full years in the United States Army along about the last World War, and I remember quite vividly many of the experiences there. As I have said on the floor of the Senate, while I was assigned to a machine-gun unit, I never saw a machine gun, nor did my division see a machine gun of the heavy type, the kind we were going to use, until we got to France. Then our machine guns were furnished by the British. We had to train in the use of those guns and learn how to fire them under all sorts of conditions. The artillery with which the division I went over with was equipped was furnished by the French. That was a considerable while after we had declared war. I personally had in my own outfit men who had not served more than 3 months before they went into battle, men who had been drafted, sent abroad, and who were sent to join the front-line troops within 3 months after they were drafted.

While I am no military expert, I tell the Senator now that it is not possible to assemble an army of a million men, well trained and well equipped, in less than from 8 months to a year's time of intensive training; it simply cannot be done. If modern wars were like those which occurred in 1776, 1812, and even in 1861 to 1865, and to some extent like the war of 1898, an army could be made ready in less time, because in those days war was a question of giving a man a musket, with a certain amount of rudimentary training, and that was sufficient. But wars today are closely coordinated undertakings of all kinds of arms under the most difficult situations, requiring a high degree of skill, a high degree of training, and a high degree of cooperation.

I should feel that the Senator's remarks about not resorting to conscription until we actually declared war would be absolutely sound if it were not for the fact that the Senator knows as well as I do that, if war were to come tomorrow and the pending bill were to pass, it would take a month or 5 or 6 weeks to set up the machinery of conscription before any man could actually be drafted—from 5 or 6 weeks to 2 months would go by. Is not that true? Then, after they were called, they would have to be taken to a camp; they would have to be trained. The Senator knows that if war should come tomorrow morning it would be a long while before these new men would be familiar with the weapons with which they would have to fight. Furthermore, if the Regular Army personnel were utilized to train the new men, obviously that personnel could not be used for defensive purposes. It would necessarily have to be depleted if it were called upon to train a million men.

I am no lover of conscription; I do not like it any better than does anybody else. The only reason I am going to support it in some modified form, in accordance with the amendments I have voted for heretofore, is that out of abundant caution I would rather have it and not need it than to need it and not have it. [Manifestations of applause in the galleries.]

Mr. ADAMS. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I will yield in a moment. The Senator from Maryland is absolutely right, of course, if we are getting ready to provide an expeditionary force. If that is the purpose, and it is expected to do that very shortly, the Burke-Wadsworth bill is particularly in line with that kind of thought and with that kind of strategy, but it is not in line with the defense of our own continent.

Now I yield to my colleague.

Mr. ADAMS. I think the Senator from Maryland should separate two things. He illustrates the World War, the absence of machine guns, and the absence of artillery. The Senator knows that today General Marshall says he has 75,000 machine guns. He has over 3,000 75's. He says of those things he has enough equipment for 1,200,000 men. We do not start as we did in 1917.

I think some of us who do not like the conscription of men are entirely in accord with going ahead and providing the critical materials—those that take 2 years or more to prepare—so that they may be ready for a full force of men. As the Senator knows, we already have under contract tremendous sums of money. We have in storage today nearly 3,000,000 rifles. I think when the World War broke out we had but a handful, and we are going ahead with the critical materials.

I think those two things should be separated.

Mr. TYDINGS. That is true.

Mr. ADAMS. All of the things that take time we should do; so that the time required for training men is a much shorter time. The men are here. That is a question of training. The critical materials are not here. They must be provided.

That is my only suggestion—that we must not confuse the war-time shortage of critical materials with the abundance which is coming at this time under tremendous appropriations.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I gladly yield to the Senator.

Mr. TYDINGS. Let me point out to my good friend from Colorado that with much that he says I agree. Obviously, if we have weapons in this emergency—we did not have them in the last emergency—we have something to work with that much sooner. But the Senator was connected with the Army in that war, and nobody knows better than he does that just having weapons is not enough.

For example, if we were to bring in a 3-inch or 6-inch field piece, or perhaps a heavy machine gun, and set it up here, there is not a Senator in this Chamber who would know how to load it and shoot it, and Senators certainly are of average intelligence. A Senator could not take that gun apart and oil it and clean it and put it together again, and if a part broke down he would not know how to take the gun apart and put the repair part in it. Then, after he learned that, he would not know how to put the gun down behind a bush and shoot over the roofs of some of these houses and carry down, for example, to the National Press Building, which would be invisible to the gunner, but there is a way in which he could be pretty sure that he was going to hit that building, because he would know how to aim from his map. He would know how much to elevate his gun to make it carry that distance.

I mention those two or three things only because they are things which cannot be learned in 24 hours or 48 hours. I myself—again using a personal illustration, which is not a good illustration—went to one of the best machine-gun schools ever held. I spent there a month of intensive training; and, so that you may think I knew a little something about it, let me say that when I was graduated I had a corps instructor's certificate in machine-gun operation.

Mr. ADAMS. Mr. President, if the Senator will yield, on the walls of the Senator's office are two certificates granted to him for distinguished service and remarkable bravery under fire. I doubt if there is a man in the city of Washington, and few in the United States, who have the testimonials of gratitude for military service and military efficiency which hang upon the walls of the office of the Senator from Maryland.

Mr. TYDINGS. I appreciate very much that statement from my friend from Colorado. As I say, I was just a little bit lucky in receiving those very extravagant references to very small acts on my part.

Mr. ADAMS. The Senator was lucky to get back. So were we.

Mr. TYDINGS. Before I go on with this point, let me say that the Senate knows that I voted for every restrictive amendment on this conscription bill. I voted to cut it down. I voted to keep the National Guard in the United States. I voted to keep the conscripts in the United States, although I think I showed that it would lead to confusion because of the conflicting policies that we had written. I am no lover of conscription; but, just as surely as I am standing on this floor, it is impossible to take a green man and turn him out as a soldier in 48 hours. It takes from 6 to 8 to 12 months to do it.

The point I am making is that those who say they would be in favor of conscription after a declaration of war start out with the fact that it would be impossible even to set up the machinery of conscription in less than 4 or 6 months after war was declared, and a tremendously valuable amount of time would be lost. Second, we should have to take men, many of whom never shot a gun in their lives, and teach them not only familiarity with the gun but all of the manifold duties of a soldier, including first aid. Every soldier has to know something about first aid. He may be shot or his companion may be shot, and he has to know how to open his bandage kit and how to apply it and how to carry his wounded comrade, if he has broken a leg or has some injury, so that the man may live. That is only one little side light.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. In just a moment I will yield.

Mr. TAFT. I am asking the Senator from Colorado if he will yield.

Mr. TYDINGS. He has already yielded to me, and I think he will allow me to complete my statement.

That is only one little side light. How many green men would know how to pick up an injured man, or how to bind his leg if his leg were broken, or how to carry him to some place of safety without doing more harm than good? There are many persons who have had that training, but the rank and file of the recruits have never had it; and that is something quite apart from handling the gun and the other incidental things that go along with it.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Just a moment. I want to answer very briefly one or two thoughts which the Senator from Maryland has expressed.

I am glad to hear the Senator say that he voted for the restrictive amendments. He will have an opportunity later in the day to vote for another restrictive amendment which I hope will please him, and I hope he will be able to support it. That is an amendment to set up all the registration machinery, set up everything, have it all ready, but not to use conscription unless we have an emergency or unless we have a war.

Mr. TYDINGS. Why does not the Senator postpone setting up all the machinery until war comes? What is the point of doing that in peacetime?

Mr. JOHNSON of Colorado. The Senator says it takes 2 or 3 months to set up the machinery. Why not set it up and have it ready?

Mr. TYDINGS. I know; but if we can do all these things after we get into war, why anticipate them?

Mr. JOHNSON of Colorado. I do not think that is a reasonable conclusion.

I wish to comment on the other thought which the Senator expressed, and then I will yield to the Senator from Ohio.

General Marshall stated before our committee that it takes 18 months to make a soldier. He said perhaps it could be done by intensive training in 15 months, but he said ordinarily it takes 18 months. The Senator spoke about expert machine-gun operators. The conscripts he is talking about will never see a machine gun. They will never see anything more than a Springfield rifle and a bayonet. That is all they will learn to use.

Mr. TYDINGS. Mr. President, the Senator is absolutely wrong. All these men will be put in with the National Guard and the Regular Army. They will be part of machine-gun battalions or artillery. There will be all kinds of training for the men. They will not just get rifles and march around. The very plan is to distribute them among all the branches of the service.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Ohio.

Mr. TAFT. I only want to suggest that the Senator from Maryland absolutely confuses two entirely different propositions. He identifies conscription with training. Training has nothing to do with conscription. The question whether or not we shall train men is one question. I am strongly in favor of training men; but the present Congress, up to date, has never authorized any man to be trained, and we have never had a training measure before us. We have in the Army as many men as we have authorized. We have not set up any training plan. That is not the question that arises here. The question is, Shall we draft men and compel them to go into the Army?

I say we can get just as many men as can possibly be handled without a draft; and the Senator's argument for training—with which I entirely agree—is no support for the present conscription bill.

Mr. JOHNSON of Colorado. Of course, the Senator from Ohio is right.

Mr. LODGE. Mr. President——

Mr. JOHNSON of Colorado. I yield to the Senator from Massachusetts.

Mr. LODGE. I am obliged to the Senator.

I have heard the statement made a number of times that all we could train men with was the old Springfield rifle, and take a few pieces of gas pipe and make them simulate guns. While it is true that we have not all the weapons necessary to equip an army of 750,000 for the field, with the 400 tanks—let us say—that we have, we can train a great many men in driving tanks and the tactics of tanks, because we can take different sets of men and use the same tanks for the different groups. Consequently, we do not have to wait until we have all the equipment in order to start training.

Mr. TYDINGS. Of course.

Mr. LODGE. We can start training with only a fraction of the equipment that would be needed with which to take the field.

Mr. TYDINGS. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TYDINGS. The Senator from Massachusetts is exactly right. Of course, if there are a few guns, they can be illustrated and explained and the men can be shown how to work them, whether they are pieces of artillery or other ordnance; and the same thing is true of first-aid kits and cooking utensils. They can be taught how to put up a tent, how to take care of a horse, and things of that kind. There are hundreds of men from the city who will have horse-drawn machines to handle. They will not know one piece of harness from another, they will not know the front end of a mule from the rear end, whether to feed it cracked corn or pancakes. [Laughter.] It takes time to teach those things. Many men who live on a farm, for example, know that a mule cannot be led by looking him in the face but that you have to turn your back on him. I have seen men in the Army look a mule in the face and nearly pull their arms out of the sockets while he stood there. [Laughter.] Those are all bits of a soldier's training.

As for training being separate from conscription, that is the most childish and puerile argument I ever heard. How in the name of common sense could men be trained if they could not be gotten into camp in sufficient numbers in any other way than that proposed?

Mr. TAFT. I say that it is a perfectly simple proposition to get a sufficient number of men.

Mr. TYDINGS. I remember very well during the World War there was a man in my town who went by my house every morning, and I remember his conversation. He was a Republican, and I was a Democrat. He would say, "Well, I see your President has written another note over there to France. If 'Teddy' Roosevelt were President, he would settle this thing in 5 minutes. He would merely serve notice on those fellows over there and there wouldn't be any war."

I said, "Well, war is a pretty serious thing. I think the President does not want to get in at all, if he can avoid it."

He said, "Oh, there is nothing to this note-writing business. All they have to do is to tell them that if it happens again we are going to war, and it will all be over."

I said, "How about getting up an army?"

He said, "Oh, that is easy. All you have to do is blow a whistle and two or three million men will respond."

War came, and it came at a time when the country was affronted on its ethical side, when it was affronted on its humane side, and they blew the whistle. How many men came? It was pitiful. They could not get enough volunteers in the country to carry water to the elephant. I say now that if this country goes to war the same condition will prevail, not because people lack patriotism, but because they have mothers and fathers, wives, and children dependent upon them.

Only yesterday I received a fine letter from a young man in my State, who said:

> I am not opposed to the Conscription Act. If my country feels that I should be trained, I am perfectly willing to take my chance and be drawn. However, there are just father and mother and myself. We have a mortgage on our house. My salary is twice as much as father's, and with my help we are able to keep up the payments and reduce the mortgage. If some way could be found so that I knew the home would not be taken from over their heads during my absence, I would be glad to go and to train so as to be ready in case of emergency, and if you can have fixed in the bill some clause or provision which will take care of that situation, I will be delighted to go out and receive this training, in case the country should call on it.

Those are the reasons why men do not volunteer more frequently.

Mr. TAFT. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. I should like to ask the Senator a question. He proposes, then, in this draft bill, to draft that man—he cannot be exempted—and the father and mother will lose the house.

Mr. TYDINGS. No.

Mr. TAFT. The Government does not make any provision, and there is no reason why they should.

Mr. TYDINGS. There is a provision in the bill to exempt such a man.

Mr. TAFT. There is no provision in the bill, if he is not the support of his father and mother.

Mr. TYDINGS. Oh, yes. If his mother and father are dependent upon him——

Mr. TAFT. Yes; but his father and mother are not dependent on him.

Mr. TYDINGS. Yes; they are.

Mr. TAFT. His mother and father simply have to give up their house. Under the Internal Revenue Act or any other act I know of they are not dependents in the circumstances assumed. That is the kind of case this draft bill would affect by picking up 800,000 men, breaking up families, breaking up occupations, breaking up men's lives, their occupations in which they will make a success, and in which they have made a little headway. It is proposed to draft them into the Army, and in many cases destroy the entire chance of success those men may have. That is the draft bill. That is what the draft bill will do if it is enacted.

Mr. TYDINGS. Mr. President, will the Senator from Colorado yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. TYDINGS. I cannot agree with the statement of the Senator from Ohio at all. In the first place, if the man referred to appears before the draft board and shows that his father and mother are dependent upon his earnings for a home over their heads, under the proposed act as we have written it that man would be exempt if he proved his case.

Mr. TAFT. The Senator——

Mr. TYDINGS. I listened to the Senator; now let him listen to me.

There are provisions in the bill which exempt men who have dependents, when there is real dependency.

I wish to ask the Senator from Ohio, Can he find a million or two million men who could be taken into the Army without any inconvenience from the standpoint of financial income at all?

Mr. TAFT. The Senator just produced a case. He says the reason why men do not volunteer, the reason why the volunteer system will not work, is that there is a man of the kind he has described who will not volunteer. Then he turns around and says we will not draft him, either. In other words, he produces this man as an argument for the draft system, and then he admits that, whether it is a draft or a volunteer system, he is not called anyway. The Senator will certainly have to produce another example of men who will not volunteer.

It seems to me the rankest lack of common sense to take 900,000 men, 80 percent of whom are employed, are already engaged in their life occupation, who have made headway in many cases, have taken positions of more or less responsibility, at least where they have the support and the confidence of their employers—to take them out for a year and let other men take their places. That is bound to happen. They may get jobs when they return, but they will not get the same positions. I say, it shows a lack of common sense to do that when there are in this country unemployed over 5,000,000 men, and when there are 250,000 men in the C. C. C. camps. I say that if an opportunity is given, if we pay these men, besides furnishing their clothing and their food and their lodging, $40 a month, and let them devote it, as much as they want, irrevocably, to the support of their fathers and mothers, there is hardly a boy in the C. C. C. camps who would not prefer to be in a training camp in the Army. We saw the figures of one poll taken in the South which showed that 60 percent said, "Yes; if you pay us $30, if you pay us in the Army as much as in the C. C. C. camps, we prefer the Army."

There is no difficulty. The situation is that we assume the Army is the most disagreeable and most unpleasant occupation in the United States. It is not. The chance of its being involved in war in my opinion is remote. The dangers involved in present enlistment in the Army are slight compared with the dangers involved in many other occupations, small compared to the dangers of men who are enlisting today in the Air Corps.

I see no trouble because of the danger element. If we make the Army an occupation which is just as desirable and just as healthy as any other occupation in the United States, I say there will not be any trouble getting men.

Suppose a man started a new industry tomorrow and said, "I want 400,000 unskilled men whom I am going to train for this industry, where they can stay." Is it not to be supposed he would be flooded with twice the number of applications he asked for? That is true of training in the Army of the United States. We should make conditions in the Army such that men will enlist. I think they should be paid $40, or even $50. I think they should be entitled to resign in 60 or 90 days, giving notice of resignation, after the first year. But they will not enter an occupation that is not comparable with other occupations. They will not give up their jobs. So I say that if we approach this problem properly, I do not think we will have the slightest difficulty in enlisting every man General Marshall says he can employ or train with the present available facilities.

Mr. JOHNSON of Colorado. I am in complete accord with the statement of the Senator from Ohio. I wish to say that I have been very generous with my time, and I will yield now for questions, but I do not wish to yield for speeches any longer.

Mr. TYDINGS. Mr. President, will the Senator yield for one question?

Mr. JOHNSON of Colorado. I yield to the Senator for all the questions he wishes to ask, but I do not desire to yield for speeches.

Mr. TYDINGS. Will the Senator tell me what, in his opinion—and I know it is a well considered and an honest opinion—would be the length of time necessary to train an army of 800,000 new men, from the time war was declared, until they were reasonably efficient soldiers?

Mr. JOHNSON of Colorado. My answer to that question is the answer which General Marshall gave.

Mr. TYDINGS. What was the estimate he gave?

Mr. JOHNSON of Colorado. Eighteen months. He said that he might do the job in 15 months.

Mr. TYDINGS. I think the Senator has answered my question. If it takes 15 months to take green men and make them soldiers, we had better not debate any further; we had better pass the bill immediately.

Mr. JOHNSON of Colorado. But the bill provides for only 12 months' training. The position of the senior Senator from Maryland is entirely correct and entirely right, if we are preparing for an expeditionary force to go across the water, but if we are preparing an army to defend the United States of America, then he is entirely wrong, and in complete error.

Mr. TYDINGS. I will not interrupt the Senator again, but lest the debate may be misinterpreted, let me make two short statements. First, I am not at all contending that this country is going to be invaded, or that this hemisphere is going to be invaded. My support of the bill in its present form is and in its final form will be bottomed on the fact that I would rather have a little more support than we need and not need it than to need it and not have it.

Mr. WHEELER. Mr. President, will the Senator from Colorado yeld?

Mr. JOHNSON of Colorado. I yield to the Senator from Montana; but I desire to get along with my remarks.

Mr. WHEELER. We have heard many statements by the Senator from Maryland and the Senator from Ohio. To me the question is, How many men do we need to defend Amer-

ica, to keep an enemy from invading our country? General Marshall answered that question. He said 500,000 for war strength. Then he said he wanted 400,000 men for a reserve. That is the testimony of General Marshall.

Mr. TYDINGS. Where?

Mr. WHEELER. I just read it to the Senate, and I quoted the general's statement in my speech on the floor sometime ago.

Mr. TYDINGS. That means the Regular Army strength, not the National Guard.

Mr. WHEELER. I beg the Senator's pardon——

Mr. TYDINGS. That is the general's statement.

Mr. WHEELER. I am making the statement now, and I say that General Marshall said that he wanted 500,000 men for war strength.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. WHEELER. I do not have the floor. I should like to finish my statement, however. General Marshall said he wanted 400,000 more for a reserve. The Senator asked, "How long will it take to train a million men?" The Senator talks as if it were expected that an army would be sent out of the country. I placed in the RECORD yesterday an article by Gault MacGowan, who wrote:

> France mobilized 6,000,000 soldiers, but couldn't hold a few German Panzer divisions supported by large numbers of Stuka fighting planes.

We are speaking about the defense of the Nation. In our first line of defense—and I think the Senator from Maryland will agree with me—is our Navy, in the second line of defense is our air force, and in the third line of defense the Regular Army.

Mr. TYDINGS. Yes.

Mr. WHEELER. For a long period I have been in favor of building up the air force. I have said that it was one of the most important elements we could have. I quoted General de Gaulle of the free French Army, and a Polish general, both of whom say that a great army is not needed and that the theories held during the last Great War were entirely different from those held today.

Mr. President, what we need is a small mechanized force. Much has been said about Hitler perhaps coming over to the United States and landing troops on our soil, and capturing and taking over our country. How will he land troops here? The Germans cannot land troops on Great Britain, 22 miles away, across the channel. Prime Minister Churchill and other Englishmen have said, "We hope the Germans will try it, because we feel that if they try to invade England we will annihilate them." Sir George Paish also said to me the other day, "We hope the Germans will try to come over to England. If they do we will annihilate them."

Mr. President, it is fine for men to get up and wave the flag and say we need this great army, and get the people worked up to a state of hysteria, but if we need the number of men it is alleged are necessary for our defense, how long will it take to train them? We now have an army of practically 375,000 men, and we shall have an additional 500,000 men, and a further 400,000 men in the Reserve. If that number of men is not sufficient to defend the United States, then General Marshall is wrong.

Mr. TYDINGS. Mr. President, will the Senator yield? I am obliged to leave the Senate Chamber.

Mr. JOHNSON of Colorado. Very well, I yield.

Mr. TYDINGS. I wish to correct one statement the Senator from Montana made. I happened to be present at the committee meeting at which General Marshall testified, and indeed it was in response to a question which I directed to him that he made the statement he did.

What General Marshall said at that hearing, in my presence, and facing me directly across the Appropriations Committee's table was this. I said:

> General, why do you not ask for 500,000 men instead of the 375,000 men?

He said:

> We plan to have 9 or 10 divisions complete and fully equipped, ready to move on 24 hours' notice, to take care of any emergency that might arise, so we can call the men on the telephone and in 24 hours have them on the way. That will take a great many of the instructors and noncoms and officers and matériel away from recruiting and training purposes. If, in addition to the 200,000 reasonably new men who have just come into the Army, you compel me to take 200,000 more, I would have to dismember my entire plans.

Later I spoke on the radio and General Marshall furnished me with a complete break-down of that force, as well as the future plans of the Army, and with that information furnished by Major Smith, of General Marshall's office, I went on the radio 2 or 3 months ago and recited what General Marshall told me, and that speech has been printed in the Appendix of the CONGRESSIONAL RECORD. But General Marshall at no time in that statement was speaking about anything except the Regular Army itself. He pointed out that to have a permanent set-up, far in excess of 500,000 men, would be a financial burden upon the country, and unnecessary even in such times of emergency as these, but that we did need a fully recruited National Guard, supplemented by some selective-service men, in order to have a force which in emergency would meet the needs of the country.

Mr. President, I do not feel that America is going to be invaded either. I am not greatly concerned about the imminence of an invasion. The pending measure to me is only additional insurance, for I know that the stronger America is the less likelihood there is that a single boy will be called out in defense of his country. There is no prize beneath the sun so inviting as the United States of America. If we leave the United States weak and undefended, we leave open to attack the richest country in the world, with three-quarters of the world's monetary gold, with more natural resources developed than in any other country—oil, lumber, and cotton.

Mr. President, I believe that preparedness will save human life, will prevent a war, but that without reasonable preparedness we invite attack and will cause the spilling of the blood of countless youths, whom a little foresight and a little sacrifice and a little training could have saved.

Mr. JOHNSON of Colorado. Mr. President, I wish to renew my statement made a few moments ago, that I shall yield only to questions from now on. I know my leader is becoming very impatient with me. He wants me to hurry along and reach a conclusion on the bill. He told me a little while ago that he would cooperate with me, and I want to cooperate with him.

Mr. BARKLEY. Mr. President, I do not think the Senator is accurate in saying that I am impatient with him. I never become impatient with my friend the Senator from Colorado, but I am sure he appreciates, as I do, the importance of getting ahead with the pending legislation. I am not impatient with the Senator. I might become impatient with his interrupters.

Mr. JOHNSON of Colorado. I thank the Senator. I recall very well that when the Senator from Maryland [Mr. TYDINGS] addressed the Senate some time ago he had charts hung on the walls of the Senate Chamber, the purpose of which was to point out the disaster which would result from not having a balanced Budget, and reducing the expenditure of Federal funds. I am surprised to hear him now advocating the expenditure of a billion dollars every year for a conscript army—a billion dollars every year from now on for that purpose.

Mr. MINTON. Mr. President, will the Senator yield to me for a question?

Mr. JOHNSON of Colorado. I yield for a question.

Mr. MINTON. The Senator from Colorado was a little astonished that the Senator from Maryland, who is known for his views with respect to balancing the Budget, should be for conscription and a defense program which might cost a billion dollars a year. Was the Senator not also surprised when he found that the great isolationist the Senator from Ohio [Mr. TAFT] who also has wanted to balance the Budget, and who presented a formula for balancing the Budget, came out and advocated a rate of pay to the men of the Army which would not only unbalance the Budget, but would make it forever unbalanced?

Mr. JOHNSON of Colorado. No; I think the statement made by the Senator from Ohio that the men should be paid $40 or possibly $50 a month was entirely constructive.

Mr. MINTON. It would not balance the Budget.

Mr. JOHNSON of Colorado. But it would give us the kind of men in the Army we need, trained, skilled men, and as many such men as we want, while the conscript provision will give us a million men who are only one-third trained, and will be worthless to us in time of need. We need experts. I am entirely in sympathy with the statement of the Senator from Ohio in regard to the pay of our soldiers, because I know that we must pay experts good money, and we ought to be willing to do so.

CONSCRIPTION OF PROPERTY WILL FOLLOW

American citizens generally look with horror upon conscription of property. They do not enthuse over State ownership. Conscription of lives and property is, in fact, the real basis for our hatred and fear of the totalitarian pagan philosophy now sweeping through the Old World, and we should be logical enough to realize that conscription, once started here, will grow until the economy of the whole Nation is enveloped in it. How short-sighted are industry and capital to be building such a Frankenstein. If we are justified in conscripting lives, how can we expect the conscripts to hesitate over conscripting property? The two eventually must go together, and the two will go together. The conscript, inwardly resenting the imposition of such drastic action upon his life, will have no compunction about conscripting property when he finds himself propertyless and discouraged with the struggle for a chance to live. Everyone who believes in a capitalistic democracy should oppose conscription of men with all of the power at his command. The Burke-Wadsworth bill marks the crossroads in the life of the Republic and is the beginning of the end. I would rather have a millstone tied about my neck and be obliterated in a thousand fathoms of ocean brine than have any responsibility in the passage of such a reactionary, liberty-destroying, revolutionary measure.

BILL PROVIDES ELIMINATION, NOT SELECTION

Total wars are not won alone by soldiers on the battlefield. The man behind the plow, the workman in the factory, the teacher, and the preacher who keep up the morale of the people, the capitalist with his money bags, industry with its labor, the physician who combats disease, the nurses who minister unto the sick, and almost every citizen of the Nation at war have their important parts to play. Probably less than 5 percent of our population will ever be needed at the front at any given time in any total war; and under modern war technique the number of soldiers is being drastically reduced day by day. It will never be a major problem in this Nation to find that relatively small percentage of men needed to be trained as soldiers. The real problem is to locate the men adapted by skill and inclination to serve in that capacity. Many erroneously think that the Burke-Wadsworth bill, since it is often referred to as a selective-draft bill, assigns men to the particular military service to which they are adapted. Unfortunately, it does nothing of the kind. It does not select soldiers on the basis of their qualifications to be soldiers. It selects them on the basis of their not being valuable for anything else. The only selective feature of the bill is contained in section 4:

(c) The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest.

It will be noticed that this provision calls for a process of elimination instead of selection. The best qualification of a soldier is that he wants to be a soldier, just as the first qualification of a scientist is an ambition and desire to be a scientist. That law is as immutable as is the law of gravity, yet it is entirely disregarded by the advocates of compulsory military service.

ROUND PLUGS IN SQUARE HOLES

Success in life comes from doing the task in society which one enjoys performing. If I be a doctor of medicine and hate medicine and everything connected with its use, then my life will be a failure, regardless of my acquired skill in the art of healing. Free enterprise and freedom of action are the basic principles of a democracy. Individual choice of action is the very soul of such a system of government. One would be a physician, another an attorney, still another a farmer, someone else a soldier; and in a democracy, each has his choice. Men should be selected by themselves according to their own inclination and temperament for a vocation.

They cannot be assigned to it arbitrarily in a democracy by the strong hand of government. Success in life comes from a recognition and application of that fundamental philosophy, and that is why the democratic way of life is so precious. Men who desire to be soldiers should have an opportunity to be soldiers if more soldiers are needed. Peacetime conscription arbitrarily would require every man physically fit to be a soldier, whether he has any such inclination or not, provided he is not considered valuable for something else. It is a process of attempting to fit round plugs into square holes, and it will never succeed. Many men are improved in mind and body by military service, while others are ruined by it. God did not create men alike in their physical aptitudes and natural reactions, and man cannot improve upon God's plan of personal choice. Totalitarian and Fascist governments ignore God's law and do not recognize the individual as being of any consequence. That is the source of the abhorrence in which dictators are held by free men who seek freedom of action.

EQUALITARIANISM IS NOT DEMOCRACY

Compulsory peacetime conscription has been constantly lauded in this debate as the democratic way to procure an army. It is nothing of the sort. No greater misstatement of fact has ever been peddled to the gullible than that hoax. Such a claim is ridiculous piffle. One is forced to believe that the spreaders of such a canard know very little about democratic processes. By such a yardstick Germany, Italy, Russia, and Japan are democracies. If for any reason one is inclined to subscribe to conscription in peacetime as being desirable, he should be honest enough not to wrap this despised Prussian invention of forced service in the "lily white robes" of democracy. If we believe that we must fight fire with fire, let us be candid enough not to pretend that there is anything democratic about that fire, for compulsory peacetime military service is positively contrary to all democratic ideology and practice. It is said that it is democratic because it falls with equal force upon those who bear its burdens. I do not admit the false claim of the equality of its imposed burden; but for the sake of argument, I shall pass that point for the moment. When all black men were pressed into slavery, the burden of slavery fell upon all of them alike, and it was, in spite of all of its hated injustices, at least equal in its application. However, that did not make it democratic. When Herod, in his efforts to destroy the Christ Child, decreed that the firstborn of every family must die, he levied upon all alike. He treated all families on equal terms. He did not discriminate. There was equality in his harsh and brutal proclamation, but it was dictatorship at its worst, and was not a democratic practice in any particular.

BURDEN NOT TO FALL ON RICH AND POOR ALIKE

However, the conscription provision of the bill does not fall with equal weight on all, as is claimed by its proponents. It falls only upon 4,000,000 persons out of a population of 130,000,000; and due to an amendment adopted yesterday will fall upon only 900,000 of them each year. The bill actually invites discrimination by authorizing the President to defer training and service in the case of anyone whose deferment will contribute to the national health, safety, or interest. Under that broad language, the President may exempt anyone and everyone whom he wishes to exempt for any reason suit-

able to his purpose. He has already hinted that college boys will not be conscripted, but he has not assured the widow's son or the boy too poor to go to college that they will be spared. The burden of consciption in peacetime will not fall on rich and poor alike. It will not fall on employed and unemployed alike. It will be borne by the boy too poor to attend college or lacking the pull to land a fat job. Suppose, however, for the sake of argument, that Johnnie Rich and Johnnie Poor were both conscripted. After completion of the imposed year of military service Johnnie Rich goes back to his coupon clipping without any inconvenience, but Johnnie Poor returns to find his little business demoralized, or his law practice ruined. The burden of a year of public service would not fall upon each of these young men with the same weight, and no act of Congress can make it so fall.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. ASHURST. When Johnnie Poor asks for a pension or a bonus he will be accused of being a patrioteer.

Mr. JOHNSON of Colorado. Very likely.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. LA FOLLETTE. Does the Senator realize that if a man has a job paying $120 a month, and he is selected for service under the bill, the result is in effect to impose a rate of 75 percent on his income?

Mr. JOHNSON of Colorado. That is exactly what happens; and in that case his property is conscripted. I am coming to that point in a moment.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Minnesota.

Mr. LUNDEEN. When the boys come marching home, if conscription goes through and we become involved in war, we shall meet another bonus bill of $2,400,000,000, or more, and we shall meet the pension problem all over again.

Mr. JOHNSON of Colorado. I do not think anyone can foresee all the difficulties we may get into.

There is no equity in the application of the bill and it is pure deception to claim otherwise. It is a bill for compulsory military training and service; and whatever selecting is contemplated will be done under rules and regulations promulgated by the War Department in whatever arbitrary manner it deems advisable. Under it poor boys—boys without jobs or influence—will be compelled to accept military training and service at a wage which Congress has outlawed as an unfair labor practice in respect to every industry engaged in interstate commerce.

LOW SOLDIER PAY THE MOTHER OF CONSCRIPTION

To pay soldiers a small wage is a tradition borrowed from Europe and is part and parcel of that other European tradition—compulsory conscription. The two go together. One is made necessary by the other. Low soldier pay is the mother of conscription. The day America pays her soldiers a wage comparable to what the cities of this country pay their policemen compulsory conscription will forever disappear and military service will be sought after by ambitious men as an honorable and dignified vocation into which they will be justified in extending their best effort. Patriotism cannot be purchased, but it can be driven from the hearts of men meanly treated.

SOLDIER MORATORIUMS A DISGRACE

An amendment to the compulsory conscription bill has been agreed to which provides a moratorium on the debts of conscripts. Because of the small pay of our military servants, that provision was perhaps advisable. However, the condition which made such a provision necessary is a disgrace to the United States. Shame on a rich Government which asks creditors needing their collections desperately to wait upon Federal employees because that wealthy Nation is paying a starvation wage to the defenders of the Republic.

In that connection I received a letter this morning which is quite interesting. The writer says:

> As regional director of the National Automobile Dealers Association, past president of the Denver Automobile Dealers Association, and a motorcar dealer for many years, I sincerely ask that your committee seriously consider the equities of all concerned before passing the above bills.

He refers to the moratorium features of the conscription bill.

He further says:

> The automobile dealers of the Rocky Mountain region are patriotic Americans with big investments and pay rolls. They are willing to do their share in our defense program by paying additiontal taxes and by releasing National Guard members and draftees in their employ, when called, in most cases holding jobs open.
>
> However, the above bills as at present written would entail great hardships on these dealers and in many cases would mean bankruptcy.

Then he suggests an amendment. He closes with this statement, which is all-important:

> Failure to take action can only result in a sharp restriction of credit in the draft-age groups and subsequent hardship to owners of property bought on credit, as well as to holders of paper. Department of Commerce figures indicate that outstanding installment paper now amounts to $4,000,000,000, which is increasing daily. In 1918 this form of selling was virtually nonexistent in most fields of business.

He mentions the fact that from now on businesses extending credit will have to curtail that credit. The boys within the draft-age limits will be blacklisted and will be unable to obtain credit. We are to select a few, but will register 4,000,000 men.

Something else will happen to them. The other day I was talking to a leading industrialist from Connecticut. He said that his company would not hire men subject to the draft; that they did not want them, could not use them, and could not afford to take the chance of having them drafted and taken away from them. So they would simply pass up the employment of such men. It will be seen that the men who are to be drafted will have their credit restricted, and their opportunity for jobs will be restricted because of this potential draft which has been placed upon them.

Shame on a great, powerful, and rich Nation that would pay a faithful servant a wage so niggardly and so much lower than he previously was earning in civil life before he was conscripted that he could not thereafter meet the obligations which he had incurred on the basis of his civil earnings! The laborer is worthy of his hire in any civilized land, and certainly the soldier is worthy of his hire in this wealthiest of all nations. What would be thought of a city that paid its policemen so low a wage that it was necessary to conscript men for that service? It would be a bad state of affairs for that city, the public, and the men in the police department; and I thank God that such an unfortunate condition does not exist in any American city. To the contrary, hundreds of ambitious and willing men are waiting to fill every police vacancy. As a result, cities are very choosy in selecting police officers, and only men specifically adapted to such duties receive the much-sought-for positions. The same condition prevails in the commissioned grades of the Army where men receive a decent salary. Millions of ambitious men would desire to join the Army if enlisted men were paid a decent wage, and they would not be fortune hunters, either, as has been stated in this debate.

Military service in peacetime is not especially hazardous. No employment is quite so healthful and so free from accidents as is peacetime military service, police service being far more hazardous and dangerous to life and limb. Every precautionary health measure known to science is thrown around the soldier. A different situation prevails during war. During the World War, when nearly 5,000,000 men served their country in a military uniform, 39,362 were killed in battle, 192,369 were wounded, and 76,757 died from other causes. In other words, 7 percent of the men called to the colors were either killed or seriously wounded in battle or died from disease. I here insert a brief table from statistics furnished by the Veterans' Administration covering World War casualties:

| | |
|---|---|
| Total mobilization of forces | 4,355,000 |
| Wounded in action | 192,369 |
| Killed in action | 39,362 |

| | |
|---|---|
| Died of wounds | 14,009 |
| Died of disease | 75,460 |
| Died of accidents | 1,109 |
| Died of other causes | 188 |
| Total deaths | 130,128 |
| Total casualties (7 percent) | 308,488 |

Mr. President, the normal death rate in civilian life of persons between the ages of 21 and 31 years of age is about 1½ percent. In peacetime the death rate of soldiers is far below that of civilians. Military service in peacetime positively is not a hazardous occupation, and men do not hesitate to join the Army because of fear of bodily injury. Army life appeals to many men, but they cannot afford to join because of the low wage paid.

THE SOLDIER'S PROPERTY IS CONSCRIPTED

When men are conscripted in peacetime, it is the earning power of the civilian, or the money due his creditors, that is conscripted. To get soldiers cheaply and far below their true value is the only excuse for contemplating such drastic action. If the Government is justified in taking the soldier's property, or the property which he is capable of earning in civil life, by conscription, why hesitate about conscripting anyone's property? Why stop with the soldier? It is said that the soldier owes his country something. The soldier has no monopoly on patriotism. The President owes his country something, but he is handsomely paid for his services, as are others in Government employ. Civil-service employees owe their country something, but they are paid for all the service they render their country. Why pay the soldier partly in cash and partly in patriotism, when everyone else in Federal employ is paid cash in full. Why are men in the military service singled out to work for a wage far below the civilian standard?

LOW SOLDIER PAY FOUNTAINHEAD OF IMPERIALISM

I have another reason for wanting the soldiers to be well paid. I want to make war a costly adventure. Nations that pay low wages to their soldiers and are able to keep their military ranks filled with conscripts place a very low monetary value on soldiers' lives. It makes wars profitable to them and is the fountainhead of imperialism. History, past and current, proves conclusively that cheap conscripted soldiers are sacrificed on the altar of imperialism without hesitation by dictators. Most wars are fought over territory and commerce. High labor costs stimulate the use of machinery in war as they do in industry. When soldiers cost real money, war machines—labor-saving war machines—will be used. The cheapest thing in the World War was human "cannon fodder," and that explains its reckless use. I want to make "cannon fodder" so costly that machinery will replace it. Perhaps some day wars will be fought by Frankenstein creations.

DISTINGUISHED WITNESSES

During this debate the testimony of many witnesses has been paraded before the Senate. I myself desire to read the testimony of a few important witnesses. I will call upon Msgr. Michael J. Ready, general secretary of the National Catholic Welfare Conference, to testify first.

As has been stated during this debate, the National Catholic Welfare Conference is a representative body of the bishops of that great church. I quote from Monsignor Ready's testimony:

> Military conscription is a matter of supreme importance to our present citizens and to future generations. This legislation is too important to be rushed through Congress until all other possible programs have been examined. The military professionals would convince us that necessary forces of men cannot be obtained by voluntary service. The newspapers tell us that a thousand men a day are enlisting in various branches of the service. It is certain that a proper, reasonable, Nation-wide appeal to the men of our country would be answered by volunteers in numbers greater than present resources to care for them. If the study and propaganda expended on this conscription bill had been applied to methods for getting voluntary enlistments, the Nation would have been better served. The possibility of a 1-year voluntary-enlistment program should be exhausted before resorting to a compulsory one. We are, after all, living at peace with the world, and our determination should lead us to the preservation of such peace.
>
> Every loyal American is in favor of a defense program which will make us so strong that no other nation or coalition of nations dare to attack us. In preparing such a defense, we should rely on the fine traditions which have made this Nation great.

Is this the statement of a "fifth columnist"? Is Monsignor Ready's voice the hypocritical and whining voice of appeasement? It is not. It is the voice of a great student of mankind. Not only is Monsignor Ready devoted, with understanding, to the ideals of his religion, but he is devoted, with understanding, to the Constitution of the United States of America and its noblest traditions. Monsignor Ready calls to our attention the well-established fact that volunteers are coming in at the rate of more than a thousand a day, and he pleads with Congress to give the volunteer system a fair trial before adopting conscription. Monsignor Ready's contention is supported by the facts as reported by Associated Press on August 19. I quote:

ARMY RECRUITING HITS WEEKLY PEAK OF 8,605

> Army recruiting, on the upgrade since late May, reached another weekly peak of 8,605 new enlistments between August 11 and 18. * * * Working toward an immediate goal of 332,922 for the total strength of the Army, to be obtained as rapidly as possible, the Army had an estimated enlisted strength today of 263,000, the largest number ever enlisted in peacetime and 3,000 more than the previous maximum statutory limit of the Army.

Next I shall call upon another great American, President of the American Federation of Labor William Green, a constant supporter of the administration and President Roosevelt. On August 5, in a much publicized statement, Mr. Green said, in part:

> The American Federation of Labor will give support to compulsory military training service legislation when such action becomes necessary in order to defend, protect, and preserve America. However, in providing an adequate army for defensive purposes, the American way should be followed first. A voluntary enlistment program should be launched by the Government designed to create an army of one million and a half men. This would be putting voluntary action before compulsion. American labor would respond to such a program wholeheartedly and enthusiastically.

It is not surprising to find this great leader, devoted as he is to the democratic processes, refusing to support the antithesis of democracy—conscription—before giving the voluntary system, the democratic way, an opportunity to function. William Green, great liberal that he is, could not and would not take any other position.

I now quote an old friend, Loren M. Edwards, D. D., minister, First Methodist Church, Colorado Springs, Colo. There is not a man or minister in all America more devoted to democracy and more loyal to the United States of America than is Loren M. Edwards. Hear him now:

> There may come an hour in our history when large-scale conscription will become a military necessity, but many of us believe that such an hour has not been reached. On the contrary, we fear that the measure now proposed in our national Congress is but another step toward war. Grave as is the situation in Europe at the moment, hysteria is not the proper mood for our national leaders. If 22 miles of the English Channel are proving a strong obstacle to Nazi invasion of England, the 3,000 miles of Atlantic Ocean might seem to be insurmountable to European attack. Our energies at the moment should be directed toward adequate naval and air defense, with wise attention to such spots in this Western Hemisphere as would offer bases for future enemy operations. Such a program should not involve the millions of men contemplated in a vast conscription scheme.

There is no answer to that profound logic. Dr. Edwards is correct. The pending conscription measure is a form of hysteria, and at the same moment a generator of more hysteria. Congress should not lend itself to that kind of promotion of evil.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I am glad to yield to the Senator.

Mr. DANAHER. I thank the Senator.

Do not these exhibits which the Senator has read indicate that the real trouble lies, after all, in the fact that our leadership has failed to define for us its objectives, or where our national interests are said to lie, or even what they are, and that while our people would gladly volunteer to defend the United States they most certainly do not wish to be drafted to fight other people's wars?

Mr. JOHNSON of Colorado. I think the Senator has stated the case exactly. At least, that is one of the difficulties. There are some other difficulties, but that is at least one of them.

In characteristic, brusque manner the dynamic militant and bristling labor leader, John L. Lewis, disposes of compulsory conscription in peacetime in these words:

The Congress of Industrial Organizations has pledged its full support to a program for meeting the needs of national defense of this country. However, we are firmly of the opinion that national defense does not and must not be based upon the destruction or curtailment of our basic democratic institutions.

Compulsory conscription in time of peace, as provided for in the Burke-Wadsworth bill, involves a very definite departure from the basic principles of the Constitution of the United States and the Declaration of Independence. Compulsory conscription would necessarily result in tremendous dislocations among the lives of millions of individuals in industry and in communities throughout our country. Basic civil liberties, including freedom of speech and freedom of press and freedom of individual initiative and enterprise, would be seriously threatened.

Democracy, which we are seeking to defend and preserve, must offer its own way of life to combat the forces which imperil civilization today.

To this end, the Congress of Industrial Organizations suggests that if there is a need for larger personnel in our armed forces, the method of voluntary enlistments be continued and relied upon to meet the needs of the present emergency. We believe that a sufficient number of voluntary enlistments could be secured if the pay for enlisted men were increased and the minimum period of enlistment reduced. Such an enlisted army, highly trained in the use of mechanized arms, would, we submit, meet our military defense problems.

When John L. Lewis has had his say there remains little to be said. He knows how necessary it is for labor to cling to the spirit and letter of the Constitution of the United States and the democracy which is espouses. This fighting liberal does not favor a departure from the basic principles of liberty and democracy because the hosts of force challenge democracy as decadent. John L. Lewis says with great truth that democracy must offer its own way of life to combat the forces which imperil civilization today. He wants our democracy to resist in its own way, and not join in their way the totalitarian doctrines of force.

The Reverend Walter H. Hellman, pastor of Peninsular Lutheran Church, Portland, Oreg., says:

America has become aroused over the proposed legislation looking to peacetime conscription of our manpower. Such legislation, if enacted, can only be the first dangerous step that leads to the scuttling of all that we hold dear as Americans. This must not, need not, be.

And L. Herbert Reynolds, pastor, Friends Church, Amboy, Ind., adds:

By whatever name it may be called, compulsory military service is the essence of dictatorship, militarism, and totalitarianism.

His Holiness, Pope Leo XIII, said:

Robust young men are taken from agriculture, or ennobling studies or trade or the arts to be put under arms. Hence the treasures of the state are exhausted by the enormous expenditure, the national resources are frittered away, and private fortunes impaired; and this, as it were, armed peace, which now prevails, cannot last much longer. Can this be the normal condition of human society?

His Holiness, Pope Pius XI, said in regard to it:

It is scarcely better than war itself, a condition which tends to exhaust national finances, to waste the flower of youth, to muddy and poison the very fountain-heads of life, physical, intellectual, and moral.

Rev. E. Cahill, S. J., author of "The Framework of the Christian State," says that conscription laws tend to override man's personal rights.

Man's natural right to free choice of work and to personal liberty of action are suspended, and other rights still more sacred are violated and endangered. Besides, owing to the immense power which the conscription laws put into the hands of a bureaucracy, one can easily understand how almost every human right of the individual citizen is imperiled.

Laws that impose compulsory military service upon the men of the state are founded upon pagan precedent and are abhorrent to the spirit of Christianity.

I have more than a thousand letters from churchmen from every portion of the United States opposing compulsory peacetime military service as being contrary to the principles of democracy, but I cannot include their very sincere testimony here.

No organization stands higher in public esteem than do the railroad brotherhoods. Through the years Congress has learned that it can place implicit confidence in them. That they consistently advocate a sound policy in public affairs is known to everyone. Their position on the compulsory conscription bill is, therefore, of great importance. Listen, Senators, to the statement of the railroad brotherhoods:

We are in general agreement with the prevailing sentiment in the United States that every support should be given to adequate measures necessary to the protection of our democratic institutions against attack from the force of dictatorship, both within and without our country. However, grave doubt exists in many quarters with respect to the wisdom of enacting a peacetime conscription bill when it is believed other adequate measures are available.

Compulsory military service in time of peace is the very antithesis of freedom. It involves an infringement on the very principles of democracy which it is invoked to defend.

Democracy means that the state exists to serve the individual. The program at present contemplated will cause hundreds of thousands of our youth to become war-minded and will, if carried out, establish the fabric of a giant war machine which experience teaches us cannot and will not be permitted to rust in peace. "War games" inevitably lead to war.

The youth of our country who are inducted into the military and naval services under the principle of conscription and who are made to serve will quite naturally acquire the viewpoint that forceful means should be adopted in all the affairs of life as an avenue to achieve desired ends. Voluntary enlistment preserves the principle of democracy in its strictest sense.

That solemn statement is signed by A. Johnston, grand chief engineer, Brotherhood of Locomotive Engineers; D. B. Robertson, president, Brotherhood of Locomotive Firemen and Enginemen; J. A. Phillips, president, Order of Railway Conductors of America; A. F. Whitney, president, Brotherhood of Railroad Trainmen; T. C. Cashen, president, Switchmen's Union of North America.

Such an emphatic indictment of the Burke-Wadsworth dictatorship bill should cause some of its advocates in Congress to give heed to the traditional railroad warning—Stop, Look, and Listen.

I ask unanimous consent to insert in the RECORD at this point a letter from Mr. J. G. Luhrsen, executive secretary of the Railway Labor Executives' Association.

The PRESIDING OFFICER (Mr. ASHURST in the chair). In the absence of objection, it is so ordered.

The letter is as follows:

AUGUST 26, 1940.

HON. EDWIN C. JOHNSON,
*Senate Office Building, Washington, D. C.*

DEAR SENATOR JOHNSON: The Railway Labor Executives' Association, representing more than 1,000,000 men, while in session in Washington gave serious deliberation to conscriptive legislation and in no uncertain terms voiced its opposition to peacetime conscription at this time for many reasons, among which some of the outstanding are:

We regard peacetime conscription as a serious menace to democracy.

There has been no demonstration that the voluntary method will not furnish the necessary manpower.

Adoption of conscription in peacetime will fasten an odious military system upon the American people for generations.

It will be a serious menace to civil and economic liberty and tend to completely destroy real American democracy.

There should be no discrimination as between manpower and big industry, and equality of treatment should control.

Yours very truly,

(Signed) J. G. LUHRSEN,
*Executive Secretary.*

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Minnesota.

Mr. LUNDEEN. The majority in the Senate will not listen to the railroad brotherhoods. I am in thorough accord with the resolutions the able Senator has read, and some time ago I had telegrams from them on our foreign policy.

In line with the statement of the railroad brotherhoods and others as to how much preparedness we should have, I have here five short editorials on our foreign policy which I should like to have printed at the end of the Senator's remarks, so as not to interfere with his remarks. These are editorials from Wallace's Farmer of Des Moines, Iowa.

Mr. JOHNSON of Colorado. I shall be very glad to have that done.

The PRESIDING OFFICER. Is there objection to the request? The Chair hearing none, it is granted. The editorials will be printed at the conclusion of the remarks of the Senator from Colorado.

Mr. LUNDEEN. I call attention at this time also to the remarks yesterday of the Senator from Massachusetts [Mr. WALSH] in which he quoted the Trohan article to the effect that it would be physically impossible to transport 1,000,000 men over here on short notice, that it cannot be done inside of 3 years, and also Villard's book Our Military Chaos, which absolutely confirms the able statement of the distinguished Senator from Colorado.

Mr. JOHNSON of Colorado. I shall be very glad to have the contribution from the Senator from Minnesota.

LABOR OPPOSES FOR SOUND REASONS

No group in America has a monopoly on patriotism and deep concern for the welfare of our country, but no group in this fortunate country of ours loves the principles of democracy with a better understanding or with more fervor than do the men and women of organized labor. It must be apparent to everyone that there is something radically wrong with a measure which is so bitterly fought by every group of organized labor. Labor knows that peacetime conscription of men is a wicked precedent that must naturally lead in time to conscription of labor and industry. The conscription of these three is fascism, a hated ideology which has crushed organized labor everywhere. It is true that this bill takes only one of the fatal steps toward fascism, but the other two steps will be easier to take if the ice be broken in this initial step.

I am reminded of an observation by the senior Senator from Arizona [Mr. ASHURST] who now graces this body by presiding over it. This is what he said:

Men do not jump halfway down Niagara Falls.

Take one step down Niagara, and you go clear to the bottom. Take one step toward fascism, and you go all the way. There is no turning back.

The conclusions are my own. I am borrowing the statement of the Senator from Arizona that men do not jump halfway down Niagara.

It will matter little in the end whether we permit fascism to creep upon us like a thief in the night, through our own gradual departure from the principles of democracy, or whether we suffer it to be imposed upon us by Mr. Hitler. The result will be the same. It is disturbing to witness Members of Congress who have consistently fought a hard fight for liberalism all of their lives now abandoning that proud position because of the current wave of fear and hysteria. This is a time for strong men who are at heart devoted to democracy and liberalism to assert themselves. Whom fascism would destroy, it first makes afraid.

IMPOSED DISCIPLINE DESTROYS CHARACTER

I am skeptical of legislation which is so severely condemned by American labor and American religionists. Seldom do these two groups guess wrong. Seldom do they take such an uncompromising stand against legislation unless the matter is of vital and fundamental importance. One can hardly dispute the argument that the world needs discipline, and the religious leaders do not deny it. Humanity has always needed discipline. The demand of the times is for discipline, but the demand of the times is for self-discipline, not imposed discipline. If one will think the matter through, he will discover why imposed discipline is character destroying; and why self-discipline, on the other hand, is the greatest character-building process known to psychologists. Imposed discipline defeats its own purpose, for men who become accustomed to it become so weakened that they cannot get along without it.

CONSCRIPTS LEARN TO USE BAYONET

The records show that the recruiting officers turn down hundreds of would-be volunteers every day for trivial and inconsequential reasons, such as ingrown toenails, decayed teeth, or a few pounds underweight or overweight, and similar temporary physical defects which might be corrected easily. Many Negroes seeking military training and service are denied the opportunity because of their color. Certainly a sincere effort should be made by the recruiting officers to enlist volunteers before resorting to the drastic process of conscription. Army men do not like to depend upon volunteers. They prefer force and arbitrary action; but they should lower their standards from the present unreasonable heights, and really attempt to secure volunteers who will make good soldiers.

Good machinery requires good operators. Delicate machinery needs the experienced hand of the well-trained and well-paid technician. Effective and complicated war machinery must be manned and maintained by the skilled soldier.

A leading Washington daily has been carrying on a campaign for a million sergeant-mechanics, and, in addition, 100,000 pilots to operate the 50,000 planes urged by the President which at present seem to be somewhere in the distant future. That paper's program is sound and full of common sense, but I have been dismayed to notice that the author of that policy is now supporting the Burke-Wadsworth bill, under the misapprehension that the million mechanics will be forthcoming under its provisions. The Burke-Wadsworth bill will not give the United States one single solitary sergeant-mechanic and it will not supply one single pilot to a country extremely short in pilots. There is not one word, or line, or paragraph in this bill which by the widest stretch of the imagination could possibly lead one to believe that it will give us one sergeant-mechanic or any other kind of a mechanic, or pilot, or technician, or operator, or maintainer of any war machine whatsoever. It does not pretend to do any such thing, and it does not do it. It proposes to give millions of conscripts a year's training in elementary military drills, manual of arms, exercises, and bayonet practice, and afterward place them in a political military reservoir for 10 years, where they can work for a program of militarism in the United States. That is all it does. It will cost the Treasury a billion dollars a year, and it will not produce one man capable of operating a single implement of war other than a Springfield rifle and a bayonet. These men, trained in the science of war as it existed 50 years ago, will stand ready to serve their country as "minutemen," but minutemen have no more place in modern warfare than does ox-drawn artillery. Minutemen went out of style with the flintlock musket.

Mr. LODGE. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I am glad to yield to the Senator from Massachusetts.

Mr. LODGE. I am astounded to hear the statement made that the pending conscription bill will not produce any mechanics or any men for the Air Corps. I do not follow the Senator at all.

Mr. JOHNSON of Colorado. The Senator will find out, if he will go into the matter, that my statement is absolutely true. I am sorry it is true. If it would provide mechanicians, and mechanics, and operators of these machines, I certainly would not be opposing it so strenuously as I am.

Mr. LODGE. It seems to me it must provide them; it cannot help providing them. How can it fail to provide them?

Mr. JOHNSON of Colorado. I do not follow the Senator's logic in that statement.

Mr. LODGE. I am sorry the Senator will not answer my question.

Mr. JOHNSON of Colorado. I answered the question to the best of my ability. I told the Senator the bill would not provide any mechanics of any kind.

Mr. LODGE. That is an assertion the Senator makes, but I do not see how he can possibly prove it. The bill calls for a registration and then a selection, and those in authority can select men they are going to use as mechanics, they can select men they are going to use as pilots, they can select men they are going to use for artillery, or in armories, or as blacksmiths, or as cooks, or as electric welders, or as radio operators.

Mr. JOHNSON of Colorado. Does the Senator believe that the bill provides a regimentation of labor?

Mr. LODGE. Certainly not. I say that the purpose of the bill is to get men for the Army; and if the bill is not going to get men for the Army, there is no use passing it.

Mr. JOHNSON of Colorado. The bill does not provide for giving anyone any training in the mechanical arts at all or in the operation of any war machines.

Mr. LODGE. Does the Senator mean that a man who is taken under the bill will not receive as good training as is given a man who enlists in the Regular Army now?

Mr. JOHNSON of Colorado. Yes; I say he will not get as good training under the proposed law as he would in the Regular Army. Of course, he will not get the same kind of training.

Mr. LODGE. Why not?

Mr. JOHNSON of Colorado. A man who enlists in the Regular Army makes that his career; he goes in for 3 years, and they give him a considerable amount of training. But the man who enlists in the Army does not get any of that specialized training until after he has been in the Army a long time. He does not get it the first year.

Mr. LODGE. I think the Senator is mistaken. I took a tour of active duty about a month and a half ago, and it so happened I was in charge of 200 recruits, who had not been in the Army more than 10 days, but we were teaching them how to drive tanks, and we were running radio schools and motor maintenance schools and carrying on all the rest of the appropriate training.

Mr. JOHNSON of Colorado. I do not agree with the Senator at all that we will get any mechanics. We will not get one single mechanic under this bill.

Mr. LODGE. The Senator keeps asserting that, but how can he demonstrate that the Army is not going to take a man and make a mechanic out of him? How can the Senator possibly so contend?

Mr. JOHNSON of Colorado. I say there is nothing in the bill providing for that sort of thing at all; not one single line in the bill.

Mr. LODGE. It is not necessary to provide it in the bill. Cannot the Army be trusted to take a man and use him as a mechanic, or as an artillerist, or a sharpshooter, if they want to?

Mr. JOHNSON of Colorado. Yes; if they were going to use them for those things, but they are not going to use them for those purposes.

Mr. LODGE. What are they going to use the men for?

Mr. JOHNSON of Colorado. The Army cannot afford to take a man who is going to be in the Army only 12 months and teach him to be the operator of a delicate piece of Army machinery. They cannot afford to do that.

I will tell the Senator what the Army is going to do with the men. They are going to teach them to handle bayonets, they are going to teach them the manual of arms, fatigue marching, camp life, and all of the fundamental things connected with Army life. They are not going to make specialists out of them. There is no chance for them to make specialists out of them.

Mr. LODGE. Does the Senator really believe that they are not going to take any of these 1-year men and teach them how to repair a truck?

Mr. JOHNSON of Colorado. I doubt whether they teach them very much about repairing trucks. Some of the men may know a little about handling a truck or repairing a truck; I do not know about that, but I am very certain that is not going to be part of the Army training.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I am very glad to yield to the Senator from Tennessee.

Mr. STEWART. For the first time this morning I heard the suggestion that the pay of soldiers be increased to $40 or $50 a month under the volunteer system, for the purpose, I assume, of making it more attractive to volunteers. As I understand, the Senator from Colorado endorses that idea.

Mr. JOHNSON of Colorado. I endorse that idea. For a man who makes it his career, not for a 12-month man, but where a man is willing to enlist in the Army and learn to handle the intricate and complex machinery that is used in modern wars, if he will go in and learn how to operate that kind of machinery, I think he should receive more pay. But I want him to make it a career. That is the difference.

Mr. STEWART. The Senator does not advocate a large standing army in peacetime, I understand.

Mr. JOHNSON of Colorado. No; but I advocate an army sufficient to take care of our needs, and I want that army to be well trained.

Mr. STEWART. I am quite in accord with the Senator in that respect. I have had a great deal of difficulty, perhaps as much as anyone in this body, in making up my mind on this question of conscription and of enforced training, because it affects me in more ways than one. Particularly am I concerned with respect to the training, taking young men between the ages of 21 and 31 from their active participation in the affairs of life, a young man who has become established in business, one has made a business connection, perhaps has started on a business career, another with prospects of promotion and an increase of salary, and all those things. We can all understand that it would bring about a very serious interruption to take him for even 12 months from the ordinary pursuits of business life and place him in a training camp.

I say frankly to the Senator that I have had a great deal of difficulty in making up my mind about it, but I believe, and it is my deliberate judgment, that the only democratic way of raising an army, whether it be for the purpose of actually participating in war, which I hope will not come to the United States, or for training men for an army, is in the selective system. It gets men in all walks of life. It does not respect the poor or the rich, if properly administered, and we assume that it would be. On the other hand the volunteer system is one which in a sense—especially if we increase the soldier's pay to $40 or $50 a month, and thereby make it attractive to poor boys—will result in that we shall have a poor man's army.

A short time ago an effort was made in the Senate to provide by law that the boys in the C. C. C. camps be given military training, and the subject was discussed. Objection was made to that effort, because it was argued, and perhaps rightly, that the result would be that we would have a poor man's army, because most of the boys in the C. C. C. camps perhaps have not been so fortunate in life as others, and, of course, the C. C. C. itself is looked upon as a division or branch of the relief set-up. So the Senate refused to provide military training for boys in the C. C. C. camps.

Mr. President, if we should increase the pay of the private in the Army and retain the volunteer system and thereby attract many needy and poor boys, would that not have the same identical effect that it was argued would obtain if military training were introduced into the C. C. C. camps?

Mr. JOHNSON of Colorado. Mr. President, I am sorry that the Senator from Tennessee—the "Volunteer State," by the way——

Mr. STEWART. Yes; and I want to say about the State of Tennessee—and I think the record will bear me out—that the State of Tennessee up to the present date has given more volunteers, so far as population is concerned, than most other States in the Union. My information is that that statement is correct, so we in Tennessee still believe in the voluntary system, and will volunteer when necessary.

As I understand, we have agreed that the country is facing a tremendous emergency, an emergency of a different kind than I have ever heard of or known of, an emergency different from any which any Senator has ever heard of or known of. During the present summer, the summer that is still with us, we have seen civilizations of Europe absolutely wiped from the face of the earth. Almost overnight a great German war machine pushed the population of Belgium and of France, as a snow plow would push the snow from the roadway, that great German war machine has pushed those populations into the ocean, as it were, and destroyed the civilizations of most of continental Europe, civilizations which have stood for centuries.

Now, an English-speaking people, on a small island, only 20 or 30 miles from the coast of the continent of Europe, are fighting the most desperate fight for their salvation. Mr. President, I admire their spunk. Thank God for fighters of that kind. I wish to God it were in our power, without committing an act of war, to help them, because they are fighting, after a manner of speaking, our fight. I am for them. God bless them, and more power to them. I should like to send them 50 destroyers—100 destroyers, airplanes, money, food. I do not want to commit an act of war, but my sympathy goes out to the British today. It goes out to them because of the fight they are making, and because I believe they are fighting our fight. I believe civilization is threatened by a bloodthirsty beast in central Europe, who would wipe America from the face of the earth and destroy our American way of living and the life we enjoy.

I believe that when we prepare to meet the emergency in the situation we should do so under the conscript system, a system whereby every boy, whether he be born in a rich family or a poor family, will bear an equal portion of the burden and, if necessary, fight like all the rest of us, without one dime of compensation.

Mr. President, I apologize to the Senator for that outburst, but I have listened to the debate and have had tremendous difficulty, as I said at the outset, in making up my mind about the question. I believe the time has come when we should act on this matter. In the last 2 or 3 days it has been urged that we act now on the matter. I think the time has come when we should vote, when we should pass the pending bill and quit debating.

Mr. President, we hear people talk about the red tape of the United States Government, about the red tape that has to be waded through in order to accomplish anything. The time has come when this deliberative body—in this instance I think we have been perhaps a little bit too deliberate—should act. The time has come when a certain measure of responsibility rests upon our shoulders. I do not want it to be said of me or any other Member of the Senate, that we have become the Chamberlains of America. We have seen the things happen which have been described in the Senate, and it is only by experience that we can profit from what has happened. I want the Senate to act. If it were a matter which simply involved me, if I personally were the only one involved, delay would not amount to so much, but I am not willing to take a chance, Mr. President, where my country is concerned. I think we ought to proceed and raise an army by the selective-service method, and I hope to God that before the sun rises in the morning the machinery will be in motion, so far as the United States Senate is concerned.

Mr. JOHNSON of Colorado. Mr. President, I observed a while ago that I did not wish to yield for a speech, but would yield for questions. I should like to proceed and finish my observations. I do not wish to be discourteous to any Senator, and shall be glad to yield for questions, but I do not wish to yield for a speech.

CITIZENS' ARMY POOR MODERN DEFENSE

Mr. President, weapons utilized in modern war cannot be effectively manned by a conscript army with 1 year's preliminary training in military drills and bayonet practice. Modern war has become a scientific combat between highly mechanized and armored forces. Instead of sketchy training of millions of raw recruits in the military drills and manual of arms, we should be providing for a moderate-sized, well-paid career army, fully equipped and thoroughly skilled in the use of the latest and most effective weapons known to science. Improvised and short-term military courses for millions of young men will prove of small value in a modern war. The bill will create in the minds of our citizens the illusion of military strength when there is actually no real military strength. Congress is proposing a form of training which might have been appropriate during the Civil War, but, Senators, this is 1940. Paul Revere and his patriotic minutemen with their trusty muskets have been dead almost two centuries. Congress ought to devote its efforts to raising the Army of the United States to its authorized strength, streamlining it and training its men in the career which they have chosen, and Congress ought not to be bringing in a million conscripts a year to be trained by an Army already badly confused and "bogged down" with its recent increments of green recruits. In time, the Army will be ready to train conscripts, but that day is many months away. The Army needs to consolidate and digest its newly added components before it is expanded further. To place upon it the training of hundreds of thousands of conscripts in its demoralized state is folly and worse. We are unwisely spreading our training far beyond the capacity of the Army to absorb its gigantic task. We are getting "the cart before the horse." We ought to concentrate on what the Army can do and do well before confusing the situation. The year 1940 calls for an Army of quality, not quantity, and it calls for an intense training of a few soldiers rather than a hit-and-miss, halfway training of millions.

NATIONAL GUARD THROUGH

The Burke-Wadsworth bill proposing a citizen army of poorly trained soldiers, has far-reaching effect upon our whole Military Establishment, and will be severely revolutionary in its military application. It is a return to the "horse and buggy" days of Paul Revere. It marks the end of a career army of well-trained and skilled soldiers. At the very time that modern warfare demands more skill in military technique, we abandon that method for a citizen army. At the very time that modern warfare begins the process of replacing men with war machines, we begin replacing war machines with great masses of men armed with bayonets. The world goes forward, and under the provisions of the bill the United States will go backward. The Burke-Wadsworth bill will mark the end, too, of the National Guard. The United States with 6,000,000 conscripts in a military reservoir will have no further need for a National Guard. The National Guard association officers realized that fact, and tried to write a saving clause into the bill, which at its best is only a wishful gesture. While the Federal Government will have no further need for a National Guard after the enactment of the pending measure, a State militia will continue to be needed by the States.

CITIZENS' ARMY OUTMODED

Twenty-three years ago, when Henry L. Stimson advocated a citizen army in magazine articles and lectures, it had some military merit, because in that day great masses of men still engaged in battle, but modern warfare technique has outmoded the system completely now. I fear that the good Secretary who is chief sponsor for this backward-looking system has not kept pace in his thinking with present-day military development. I fear that he is living in the military world of yesterday when quantity and not quality of soldiers governed. Old age is one of the natural tragedies of life, but the Congress is responsible for the military policies of the country and must remain alert and keep them up to date, and not permit outmoded military policies to be adopted by a War Department fully two decades behind the times. In Paul Revere's day, a citizen army was quite the thing, but this is the day of specialization and science. We cannot afford to turn our delicate, complicated war machines over to a citizen army knowing little about its operation and care. Modern soldiers must have expert knowledge, and they must keep up to date with rapidly changing improvements. Military service is becoming more and more a career service. Under the Stimson plan, citizen soldiers will receive a smattering of military technique of the military kindergarten variety and then they are transferred to a military reservoir awaiting call. Men in a military reservoir which is a paper reservoir have no opportunity to gain military knowledge or skill; and if they are ever called back into service their smattering of military science will be obsolete and practically worthless. This might not be true if the world would only stand still.

CAREER MEN REQUIRED

Recently I talked with an operator of an antiaircraft gun. He said that an antiaircraft gunner—I think he is called a "plotter"—must have a knowledge of higher mathematics, a

peculiar kind of reflex mind, and not less than 3 years' actual experience in firing that kind of a gun before he can be depended upon to be fairly accurate and effective. I do not doubt the correctness of that statement. We have not enough antiaircraft gunners now in our whole Army to defend one important objective. We need tens of thousands of expert antiaircraft operators and gunners. Congress is spending a billion dollars to develop experts with the bayonet, but not one vital antiaircraft gunner. The supporters of the bill are living in a "fool's paradise" if they think it provides any national defense whatsoever. Their heads are buried below their wishbones in the sands of antiquity, and they are fooling themselves and the people with the Burke-Wadsworth conscription bill—a legislative illusion. The bill is a cruel delusion and does not provide the modern requirements of good national defense. It is not preparedness; it is an alibi. It is not financially sound; it is extravagant and wasteful of men and money. Anything that wastes men's time, their most precious asset, is criminal. The bill will not improve the Army of the United States; it will demoralize it. Instead of giving us career men it will give us a great mass of half-trained citizens, patriotic and earnest, but of little value from a modern military point of view. A half-trained soldier these days is very little better than no soldier at all.

BRITAIN SHORT ON PILOTS

Britain, with millions of men under arms, is desperately short of trained men to pilot her planes and man her guns. Almost daily radio commentators call our attention to the fact that Britain is working her pilots excessively long hours because of an extreme shortage of pilots. We also have an acute shortage of such men, and the conscription bill does nothing about it. Instead it supplies a great mass of men for whom we have no need and for whom we are likely to have no need, whether we be invaded or not. We shall never need them if we have enough intelligence to produce tens of thousands of war planes and tens of thousands of pilots and mechanics to operate the planes. The Burke-Wadsworth bill does not give the United States one soldier remotely familiar with the handling of a Garand rifle, a machine gun, either light or heavy artillery, an antiaircraft gun, an aeroplane, a tank, or any other complicated piece of modern war machinery. The conscripts will be taught military drills, the manual of arms, fatigue marches, and the use of the bayonet; and the military results from the annual expenditure of a billion dollars will be exactly nothing from a military standpoint.

MACHINE AGE IS HERE

This is the machine age, and machines change each year; but the War Department evidently does not recognize that truth. Wars are now actually won in the research laboratories; for the science of war is moving toward hell at a staggering pace. Today, nations successfully adopting the latest scientific technique win their wars against their less alert foes without much difficulty. Victory goes to the skillful operator of the latest war machine. The hell raging in Europe has proved that point over and over in campaign after campaign and in conquered country after conquered country during this hectic year. A mechanized Army, manned by skilled and expert operators, has proved invincible. The current Congress has voted $14,000,000,000 for an up-to-date war machine of our own; but the Congress is making no substantial effort to develop men to operate these vehicles of destruction. Instead, we are clamoring for a half-trained civilian army which can be of little practical value in modern war. The career soldier, trained and skilled to the superlative degree, cannot be supplanted by citizen soldiers with 12 months' experience. The United States must have men who have made soldiering their life's work, trained, skilled, and proficient, to operate its $14,000,000,000 machine. Anything else would be little short of treason.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Wyoming.

Mr. SCHWARTZ. I was very much interested in the Senator's statement that the trainees would be largely concerned with ordinary drill maneuvers, and would not be given training with modern army equipment. I believe the Senator was absent from the hearing at the time Lieut. Col. H. L. Twaddle, of the General Staff, testified. He appeared on behalf of General Andrews, the Assistant Chief of Staff G–3, Chief of the Operations and Training Division of the War Department General Staff. The question came up as to the 18 months' training period, or the 12 months' training period, and how it would be used. May I read Colonel Twaddle's statement?

Mr. JOHNSON of Colorado. I shall be glad to have the Senator read it.

Mr. SCHWARTZ. Colonel Twaddle said:

> Coming back to the 18-month period, I would like to give a general idea as to how we would break down the training period. During the first 3 months the individual would be inducted into the service, processed, and given basic training. The basic training is necessary in order that the individual may become qualified for service in a unit. This would be followed by a 12-month period during which the individual would be given specialist training and unit training, in order that he may qualify as the member of a combat team.
>
> Right at this point I would like to give some emphasis to the matter of training of specialists. Modern armies are today, for a large part, made up of specialists, much more so than in the World War armies.
>
> It might be of interest to the committee to know the percentages of occupational specialists of the various arms and services which comprise our protective mobilization plan, a force of about 1,200,000 men.
>
> In the Infantry about 21 percent are specialists; Cavalry, 28 percent; Field Artillery, 48 percent; Coast Artillery, 38 percent; Engineers, 60 percent; Air Corps, 78 percent; Signal Corps, 69 percent; Chemical Warfare Service, 21 percent; Ordnance Department, 51 percent; Medical Department, 47 percent; Quartermaster Corps, 63 percent; Finance Department, 74 percent.
>
> Let us return to the 18-month period. I have explained 15 months of the 18 months. Of the 3 remaining months we feel that 2½ months at least should be devoted to the practical application of individual and unit training. In other words, we now have the individual in a team. We move him out as a part of that team into field exercises, actual work in the field, first with smaller units then with larger units up to the division, followed later by division, corps, and Army maneuvers. The latter training should culminate the trainee's service.

I merely wished to bring out the fact that it is contemplated to give the trainees 10 or 12 months of specialized training of one kind or another in handling the modern mechanized elements and in modern methods of warfare.

Mr. JOHNSON of Colorado. The Senator from Wyoming is a practical man. He has lived under many different kinds of conditions, and he knows it is not possible to take a recruit and make a specialist out of him in 12 months. Everyone else knows it. He may be given a little training, of course, but what I am urging is something more than that.

I should like to point out that in the original Burke-Wadsworth bill I find this language:

> The training of men shall include such vocational and educational training as may be prescribed, and men in training and service shall have an opportunity to qualify for officer rank.

That language was in the original bill, but for some reason or other it disappeared. I wish to read what took its place. This is the sentence which takes the place of what I have just read:

> The men in such training and service shall have an opportunity to qualify for promotion.

That is all that is said about special training.

BIG POLITICAL DEMONSTRATION

The billion dollars annually which we shall waste on Stimson conscripts would give us 300,000 sergeant mechanics, airplane pilots, skilled antiaircraft gunners, and machine-gun and tank operators, trained and ready to operate intelligently and effectively the $14,000,000,000 worth of war machines now on order. With that number of well-paid career-men experts the United States would have an Army invincible against every foe.

Mr. Hitler, or anyone else with a little gumption, can take a mechanized army of a hundred thousand men and easily defeat millions of Stimson's conscripts equipped with Springfields and bayonets. I say that he can do so because he has

destroyed three such armies this year. This is no reflection on the patriotism and courage of our men, but it is a reflection on our Secretary of War. Men in the twilight of life have difficulty in realizing that this is the machine age in warfare as well as in industry, and that military tactics of 20 years ago are outmoded and obsolete. We need an army of enlisted men who will be willing to make the operation of war machinery a career. We should be spending the taxpayers' money with an intelligent conception of the needs of modern war; but in our hysteria and in our efforts to stage a big political demonstration we are wasting our precious funds on obsolete military schemes. We are turning back the pages of history instead of going forward with the times.

FEW MEN USED IN BATTLE OF BRITAIN

In the battle of Britain, which has been raging for weeks, fewer than 50,000 men are engaged on both sides. Is not that fact tremendously significant? Does it not prove my point that this is the day of skilled warriors and not the day of mass participation? Numbers mean nothing in modern warfare. Machines and skilled operators mean everything. Col. Frank Knox emphasized that thought in his speech on August 4 last when he said:

> What would be the use of a vast defensive machine operated by untrained and unskilled men? This would be nearly as dangerous as hurling brave but unarmed men against the Juggernauts of modern war. Either course would invite destruction. * * *

And Col. William J. Donovan, the eyes and ears and mouth of Colonel Knox, in his statement the other day made this illuminating statement:

> Adolf Hitler's "blitz" conquests of Poland, of Norway, of Belgium, Holland, Luxembourg, and France are military masterpieces. In all secrecy and with incredible speed the Nazi leader built up a unique military machine, beside which all other armies in the world were obsolete. Basing his organization on experience acquired in Spain during the civil war, Hitler placed at the head of his mobilized masses a modern airplane plus tank spearhead. The German masses were not particularly impressive. They did not need to be. It was the spearhead of 50,000 men that beat France.

I am informed that in the campaign in Poland, where the total German troops were far outnumbered by the total number of Polish troops, 75 percent of the German troops never fired a gun. They did not have to do so. The spearhead that went in advance won the victory, just as it did in France.

PRUDENCE DEMANDS GOOD DEFENSE

Mr. President, while I do not subscribe to the theory that this is a time of peril rather than a time of peace, nor to the oft-repeated declaration in and out of Congress that the most serious crisis of all history is close at hand, nor that the future of the United States of America is threatened by a foreign power; yet, one must be realistic and take notice that the eastern world is in complete confusion. Hungry men are apt to become violent; and our bulging granaries may be very tempting to a starving Europe. Simple and ordinary prudence would demand that the United States prepare at once an effective defense against any eventuality. I therefore join wholeheartedly and enthusiastically those who would share our surplus food supplies with the starving hordes of Europe who are the victims of a cruel aggression; and I endorse an adequate national defense that will give us absolute protection against any potential foe or combination of potential foes. That does not mean that I join those who in the holy name of defense are secretly planning expeditionary campaigns in other continents. When I speak of our defenses, I mean defenses in this continent, and nowhere else. All sorts of international crimes have been and continue to be committed in the name of defense, and many a wolfish appetite has been and will be concealed in sheep's clothing. When men fight on their own soil it is self-evident that they are fighting a defensive war, but a so-called defensive war fought in some distant land is a very suspicious adventure. A navy well supplied with submarines and numerous small, modern, speedy destroyers and fighting craft, well balanced with heavier craft, and augmented by countless fighting planes and bombers and a relatively small, mechanized and thoroughly trained army with plenty of tanks and airplanes—both bombers and pursuit planes—has been advocated by the military experts of this country as essential and adequate. We should pay attention to men who have given the subject years of study, men who have revised their opinion in the light of the experiences of the current European war, and we should not be carried away by the hysterical politicians who are urging a huge conscript Army for its window-dressing effect.

AN EXPEDITIONARY FORCE ONLY OBJECTIVE

The President has said that no troops are to be sent to Europe, and yet the only possible justification for a large conscript army at this time is to provide an expeditionary force to be sent into the European inferno. If such an utterly reckless adventure is being contemplated by the administration, the Burke-Wadsworth bill is an excellent device for procuring the "cannon fodder" for such an unfortunate sacrifice; but if the purpose is to repel a potential invasion of our own territory, this measure makes no worth-while contribution to our defenses. If our purpose is to assist Britain with manpower, we had better get 10,000 pilots and 30,000 ground men ready at once. Her need for such a force is desperate right now, and will grow even more serious as the war continues. However, so far as I am personally concerned, I shall never vote to send one pilot or any other kind of American soldier to serve in the Eastern Hemisphere; and I am merely trying to point out to our friends who want to help England with men that a large conscript army will avail her nothing. She, too, needs skilled men and not "cannon fodder."

LET HITLER CHOOSE THE CONTEST

If we should make the attempt to conquer Hitler on the battlefields of Europe and fail, the result would be too terrible to contemplate. The cost of such an adventure in money and men would be stupendous, and the risk far more perilous than any sane nation should contemplate. Neither do I believe for one moment that Mr. Hitler can overcome us in the Western Hemisphere, nor do I believe that he will ever try to do so. It is a disgusting spectacle to observe from time to time our colleagues in this Chamber reading from Mein Kampf in fear and trembling, with eyes staring, voices choking, teeth chattering, and knees shaking. Such foolish hysteria has no place in America, much less in the Senate of the United States.

Mr. President, I did not find much to enthuse me in Mr. Willkie's acceptance speech, but I liked what he said about Mr. Hitler. I quote:

> I promise to outdistance Hitler in any contest he chooses in 1940 or after. We shall beat him on our own terms, in our American way.

Mr. Willkie is correct. Let Mr. Hitler choose the contest. Be it economic penetration into South America, a "fifth column" sabotage campaign, or war; let him choose it, and we will meet him and beat him to his knees. I also like the sentiment expressed by another American patriot, who recently said:

> I am not afraid that Hitler will come to America. I am afraid that he will not come, because I know that when he does come he will be destroyed.

That is the American spirit. This American "puts it on the line," and no one realizes that fact more clearly than does Mr. Hitler. We should urge him to come here to his destruction, for the sooner he comes the sooner will the world be rid of him. Those are brave words, but if we will proceed with our defenses in a vigorous, sane, sensible manner, and not auction them off and peddle them to every Tom, Dick, and Harry, they need not be idle words.

A STAB IN THE BACK

Hitler will never conquer the United States by force of arms. Greedy and ambitious as he is, I doubt that he has ever dreamed of so reckless an undertaking. We will never be weak enough, and he will never be strong enough in his lifetime, to crush the United States with an invading army, but his pagan philosophy of despotism is making inroads into our hearts and is stealing upon us like a thief in the

night. That is America's real danger. America must be on guard against such a threat. We hesitate to adopt his modern war technique of a small perfectly coordinated and mechanized spearhead which has proved its efficacy on the field of battle, but we embrace his diabolical political methods with pious utterances. We think that we must fight fire with fire. We hate Mr. Hitler, but we are about to strike our precious liberty a death blow by adopting his Prussian ideology of conscription. I can see the smirk on his cold expressionless face as the Senate of the United States, because of him, stabs democracy in the back.

Mr. CAPPER. Mr. President, I desire to enter one more protest on the floor of the Senate against the passage of a conscription bill in peacetime. I am strong for an adequate national defense. I believe in, and have supported, all authorizations and appropriations for a bigger navy; for a real air force, and for building up, equipping, and training an army adequate for the national defense. I shall continue to give this program my best support.

But I protest that to accomplish these things it is not necessary to saddle upon the youth of America, which means through the years upon the people of America, the militaristic spirit, the militaristic caste, that will follow in the wake of military conscription of manpower in peacetime. I say to those business interests which believe they will profit by having a conscript army to protect their holdings, that down the road they will face what property interests in the lands of Europe have come to know—conscription of property by the state as well as conscription of manpower. Making the individual the vassal of the state and the pawn of the ruler leads inevitably, though sometimes more slowly, to making all property, all finance, and all industry also the creature of the state. A conscript army, when it becomes large enough, in all history has proved to be a Frankenstein monster that turns upon and destroys its creators.

Mr. President, these views I have expressed are not the views of myself alone. I have received upward of 6,000 letters, telegrams, petitions, and memorials from my native State of Kansas protesting against the enactment of pending legislation to conscript an army in peacetime. These have come from individuals, from veterans' organizations, from farm organizations, from labor organizations, from church organizations, from businessmen, from cities, from towns, from farming communities, from isolated ranchmen, from fathers, from mothers, from young men.

I warn the Senate that the passage of this conscription bill in peacetime is more than a mistake; it may prove to be a tragedy. I will never vote for it, and I sincerely trust that a majority of the Senate will vote against its enactment.

I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a few of the many protests I have received against this legislation, which are typical of the great number of protests which have reached me recently.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
CANEY POST, NO. 1358,
*Caney, Kans., August 8, 1940.*

Hon. ARTHUR CAPPER.
*Senate Office Building, Washington, D. C.*

DEAR SENATOR: I am writing you in connection with a conscription bill now under discussion in Congress, and we, the Veterans of Foreign Wars of the United States, do hereby most vigorously protest the enactment of a conscription law in peacetime. We do feel, however, that if such law is to be enacted that it be thoroughly studied, and we also recommend that the pay of these men to be conscripted should be not less than $30, which was paid to World War veterans.

We also feel that the enlisted men should be given an opportunity to ascertain what results can be obtained by voluntary enlistment, and we earnestly request you to use all of your power—which we believe you will—to reject any conscription bill at this time.

We wish to further call your attention to the plight of the disabled war veterans of the World War, who are now in terrible distress, who are unable to obtain work and have nothing to live on or support their dependents. We suggest you mention this in your discussion on the floor of the Senate when this bill reaches the floor of the Senate, because we have had a lot of experience in dealing with this serious problem

Trusting you will give this matter your most serious attention, which we believe you will; we know that you have been a friend of the veteran in the past and we feel that you will be in the future.

Yours very sincerely,

SAM B. WOODS.

---

TOPEKA, KANS., *August 9, 1940.*

Senator CAPPER,
*Washington, D. C.*

DEAR SIR: As secretary of the North Side Farm Bureau I am requested to write you commending you on your stand on the conscription bill. We are very proud to have you for our Senator.

Respectfully,

MRS. O. D. WOODFORD.

---

KANSAS CITY, MO., *August 7, 1940.*

Senator CAPPER:

Urging you to vote against bill S. 4164.

LODGE 669, BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN.

---

GALENA LOCAL NO. 17,
INTERNATIONAL UNION OF MINE,
MILL, AND SMELTER WORKERS,
*Galena, Kans., August 3, 1940.*

Senator ARTHUR CAPPER,
*Senate Office Building, Washington, D. C.:*

DEAR SENATOR CAPPER: We are writing you in regard to the Burke-Wadsworth bill (S. 4164). We wish to advise you that Galena Local No. 17 is opposed to this measure.

We feel that this action would be contrary to our views as to true Americanism. We are certain that in case of need the American people will rally to the defense of their homeland.

With best regards, we remain,

Sincerely yours,

GALENA LOCAL NO. 17,
RICHARD W. MURRAY, *Secretary.*

---

WICHITA, KANS., *August 9, 1940.*

Senator ARTHUR CAPPER,
*Senate Office Building, Washington, D. C.:*

I am informed that the Burke-Wadsworth conscription bill will be up for consideration soon. If you will vote against favorable consideration of this bill it will be appreciated by the transportation brotherhoods in Kansas.

E. L. BEARD.

---

A PETITION TO THE CONGRESS OF THE UNITED STATES

Stand firm against all efforts to send American youth to the Old World to fight the battles of foreign nations.

Permit no "loosening up" of the Neutrality Act merely for the benefit of warmongers and profiteers. Enact and enforce adequate legislation to take the profits out of war.

Set our own house in order and rush our program for national defense to completion at the earliest possible moment, but in an honest and business-like manner.

Stop playing politics, and place the welfare of our own beloved country and maintenance of peace within its borders as our first and highest objectives.

Miss Charlene Dixon, Columbus, Kans., route 2; Charles Dixon, Columbus, Kans., route 2; Mrs. Charles Dixon, Columbus, Kans., route 2; Clyde H. Dixon, Columbus, Kans., route 2; Mrs. F. E. Dixon, Columbus, Kans., route 2; Ellen Cruse, Galena, Kans., route 1; Bob Cruse, Galena, Kans., route 1; Mrs. Laura Dixon, Columbus, Kans., route 2; Mrs. Frank Hearrell, Flint, Mich., 6805 Branch; David H. Phillips, Galena, Kans., route 1; Mae Ellen Phillips, Galena, Kans., route 1; Mrs. Fannie Phillips, Galena, Kans., route 1; Harold Phillips, Galena, Kans., route 1; Miss Margie Dixon, Columbus, Kans., route 2.

---

STATE OF KANSAS,
HOUSE OF REPRESENTATIVES,
*Leavenworth, Kans., August 20, 1940.*

Hon. ARTHUR CAPPER,
*United States Senator,*
*Senate Office Building, Washington, D. C.*

DEAR SENATOR: It is my sincere belief that many of the younger men of Leavenworth are uninformed or misinformed about conscription, and I feel that you have presented the side of the opposition clearly and succinctly, logically, and honestly.

May I extend my individual and personal vote of thanks and confidence to you and may I state that I appreciate the stand that you have taken.

Respectfully,

EDWIN J. HOLMAN,
*Member of Kansas House of Representatives.*

SALINA, KANS., *August 10, 1940.*

Hon. ARTHUR CAPPER,
*Senator, Washington, D. C.:*

Entire membership Brotherhood of Railway Trainmen Lodge desires your support to defeat Burke-Wadsworth conscription bill now before Congress.

R. V. SNIDER,
*Legislative Representative.*

---

QUINTER, KANS., *August 20, 1940.*

Hon. ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR CAPPER: I am glad for your efforts in opposition to the passage of the Burke-Wadsworth bill.

Keep up the fight untiringly that our country may be spared the blighting effects of militarism. The price of our treasured liberties was the life and blood of our colonial forefathers. Let's not allow the jingo alarmists to mislead us into passing legislation that shall endanger these liberties.

Don't let the Burke-Wadsworth bill pass.

Yours in our country's best interest,

D. W. KESLER.

---

GALENA LOCAL NO. 17,
INTERNATIONAL UNION OF MINE,
MILL, AND SMELTER WORKERS,
*Galena, Kans., July 30, 1940.*

Hon. ARTHUR CAPPER,
*Washington, D. C.*

SIR: In regard to the Burke-Wadsworth bill. Our organization is on record as opposing said bill. We believe in property rights. But we also believe in the rights of the individual to life, liberty, and the pursuit of happiness. We do not believe the present situation justifies depriving one and one-half to two million young men of their liberty and the right to seek happiness. If at some future time it becomes necessary to draft our manpower to repel invasion, at the same time the entire financial and industrial power of the Nation should also be drafted to bring about a speedy and lasting peace. We wrote you early in the session urging you to favor such measures as in your opinion were best calculated to keep us out of Europe's wars.

Thanking you for past support of such measures, and thanking you for support of similar measures, we are very sincerely yours, officers and members of Galena Local No. 17, of I. U. of M., M., and S. W., per A. G. Black, chairman, publicity committee; George Wallace and Ross Shaw, other committeemen.

A. G. BLACK.

---

GREAT BEND, KANS., *August 20, 1940.*

Hon. Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR HONORABLE SIR: Townsend Club, No. 1, of Great Bend, of about 160 members, desires to put itself on record as being directly opposed to the proscription bill now pending in Congress, and we earnestly petition you to oppose the bill when it comes to the Senate floor.

We feel that an appeal to the honor and patriotism of the young manhood of our Nation will bring sufficient volunteers to meet all present demands, however great it might be. You have made one long stride in that direction in raising the wages to $30. Put a premium on the honor and patriotism of our youth and they will gladly fight, and even lay down their lives, for the flag of our country. Conscription is a disgrace to American manhood and a confession that we have failed in making patriots and American citizens of the youth of our Nation.

Yours sincerely,

W. A. MORRISON, *Secretary.*

---

EMPORIA, KANS., *August 19, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SIR: Last night I heard your talk over WIBW, and I must and do agree with you on every point.

Our destroyers going to Britain will only weaken our defense. If these destroyers would help Britain to hold off a while longer, when they break (if they do break) our boats are gone, and cannot be replaced in the short time we would have left to do it.

I do not favor the conscription bill. It is unneeded and entirely out of line at this time. This is not our war and we should keep our hands out of it.

Very truly yours,

C. L. SOULE.

---

REDFIELD, KANS., *August 20, 1940.*

Senator ARTHUR CAPPER.

HONORABLE SIR: We thank you for the stand you are taking on the compulsory military training and hope you continue to oppose its passage.

The more we think of its principles the more we are convinced it is both un-Christian and also un-American to compel our boys to take against their wills any compulsory training.

Praying you who oppose this may be successful, we remain,

Truly yours,

MAX HARTSOUGH,
*Pastor, Paint Creek Church of the Brethren.*

BELVUE, KANS., *July 29, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR MR. CAPPER: The Tannerville 4-H Club is composed of 50 young people representing 30 families, and almost every member's family will be affected by the compulsory military training bill. Therefore the Tannerville 4-H Club, of Pottawatomie County, Kans., voted unanimously that I send this appeal to you requesting you to vote against the compulsory military training bill.

Sincerely yours,

PHYLLIS CLARK,
*Secretary, Tannerville 4-H Club.*

---

STATE OF KANSAS,
HOUSE OF REPRESENTATIVES,
*Independence, Kans., July 30, 1940.*

Senator ARTHUR CAPPER,
*Senate Office Building, Washington, D. C.*

DEAR SENATOR: Despite the results of some polls showing that the public favors conscription, the reaction I get in going about among the public is that the present conscription bill is distasteful, unpopular, and a clumsy way of going about the defense program we urgently need and favor.

It seems to me that the most popular and at the same time the most practical solution is the 1-year voluntary-enlistment plan.

What the public seems to want is a defense force strong enough to discourage any attack upon us, and to repel successfully any attack that might come.

Yours very truly,

CLARENCE P. OAKES,
*Representative Twenty-seventh District.*

---

BAKER UNIVERSITY,
*Baldwin, Kans., July 31, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

MY DEAR SENATOR CAPPER: I want to commend you most highly on the excellent address which you gave over the National Broadcasting System last night on the subject of compulsory military training. Perhaps the reason I liked it so much was the fact that you expressed my own point of view. I believe that there are a great majority of people here in the Middle West who will stand firmly back of you in the position which you are taking.

Cordially yours,

DR. NELSON P. HORN,
*President, Baker University.*

---

THE FARMERS' EDUCATIONAL AND
COOPERATIVE UNION OF AMERICA,
*Salina, Kans., July 27, 1940.*

Hon. ARTHUR CAPPER,
*United States Senate Office Building, Washington, D. C.*

DEAR SENATOR: Most farmers are with you in your fight against the conscription bill. Mr. Robert Handschin made a statement on behalf of our organizations in opposition to the passage of the Burke-Wadsworth military-training bill.

My own father gave opposition to the militarism of the old Austrian Empire Government as the principal reason for leaving old Bohemia and emigrating to the United States. I do not think the time is here when it is either necessary or expedient to compel our young men to spend one or more of the best years of their life in involuntary servitude.

I am sure that if the term of enlistment were shortened to 1 year, with inducements to reenlist to those who want to do so and are the right material for soldiers, we will get plenty of young men to enlist. The pay should also be at least in line with that given to the C. C. C. enrollees, with opportunity for study in useful industries, such as mechanics, etc.

With best personal regards I am,

Yours very truly,

JOHN VESECKY,
*President, National Farmers' Union.*

---

MINNEAPOLIS, KANS., *July 26, 1940.*

To the Honorable ARTHUR CAPPER,
*United States Senate:*

We, the undersigned, are unalterably opposed to the Burke-Wadsworth military conscription bill (S. 4164) on the following grounds:

It is undemocratic, unconstitutional, and un-American.

It will tend to regiment the people, and is therefore a dangerous step toward fascism.

On eminent authority, it is not needed for defense but for propaganda purposes.

It would throw the country open to unnecessary economic dislocations.

It is no permanent solution to the unemployment problem; it is at best a temporary dole.

For many reasons it is a dangerous and highly undesirable measure.

Therefore we urge you to use all your influence against this measure and all similar measures.

(Signed) Mrs. Minnie Sherrill, Tescott, Kans.; Albert E. Johnston, Tescott, Kans.; Mrs. Mollinda Prior, Tescott, Kans.; Retta Johnston; Mrs. Chas. Percival, Tescott,

Kans.; Mrs. Lenah Percival, Tescott, Kans.; Mrs. Jennie Heckert, Tescott, Kans.; Mrs. Art Spencer, Tescott, Kans.; Mrs. Geo. Lee, Tescott, Kans.; Mrs. A. C. Chambers, Tescott, Kans.; J. C. Sherrill, Tescott, Kans.; Mrs. C. C. Hess, Tescott, Kans.; Mrs. Vinia C. Strait, Tescott, Kans.; Emma Mulber, Tescott, Kans.; C. C. Hess, Tescott, Kans.; Mrs. Iva Anderson, Tescott, Kans.; Glenn Moon, Culver, Kans.; Oda Eutsler, Tescott, Kans.; L. S. Ruggles; Jay J. Chambers, Tescott, Kans.; L. R. McClure, Tescott, Kans.

---

MINNEAPOLIS, KANS., *July 25, 1940.*

To the Honorable ARTHUR CAPPER,
*United States Senate:*

We, the undersigned, are unalterably opposed to the Burke-Wadsworth military conscription bill (S. 4164) on the following grounds:

It is undemocratic, unconstitutional, and un-American.

It will tend to regiment the people, and is therefore a dangerous step toward fascism.

On eminent authority, it is not needed for defense but for propaganda purposes.

It would throw the country open to unnecessary economic dislocations.

It is no permanent solution to the unemployment problem; it is at best a temporary dole.

For many reasons it is a dangerous and highly undesirable measure.

Therefore we urge you to use all your influence against this measure and all similar measures.

(Signed) Mrs. Jennie W. Harley, Minneapolis, Kans.; A. R. Burger, Minneapolis, Kans.; Mrs. Clifford George, Terlton, Okla.; Clifford George, Terlton, Okla.; Georgia Davis, Minneapolis, Kans.; Ray George, Minneapolis, Kans.; Mrs. Elga N. Zuker, Minneapolis, Kans.; Mrs. Myrtle Ward, Minneapolis, Kans.; W. A. Ward, Minneapolis, Kans.; Henry Ward, Minneapolis, Kans.; Mrs. Leona Ward, Minneapolis, Kans.; Mrs. Myrtle Davis, Minneapolis, Kans.; H. C. Davis, Minneapolis, Kans.; Mrs. Allen Juigel, Minneapolis, Kans.; Effie Sharp, Minneapolis, Kans.

---

FORT HAYS KANSAS STATE COLLEGE,
HAYS, KANS., *July 30, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR MR. CAPPER: Several of us here are considerably disturbed over the proposed bill for selective draft. So far as I can learn, our people are almost unanimously opposed to the measure. I hope you will use your efforts to defeat it.

I believe if the Federal Government would raise the pay for volunteers in service to the place where it would attract worthy and capable young men into that service that they will have all the men they need. This would have two effects: First, it would be just and fair for the men to have adequate pay if they serve in that capacity; second, it would relieve the stress and interruption on ordinary businesses and pursuits of one type or another that will certainly come and very gravely disturb them, if this selective draft becomes a law.

In general, I am opposed to following in the footsteps of the European Continent that has made such a miserable failure in producing a satisfactory way of living there. The American way of life is different. I want us to keep that way of life intact and to make it distinctive in the history of the world. We are now on the way to do this. If we continue to make service in the Army and Navy, as it has been during peacetimes, a voluntary service, we are maintaining American tradition.

I hope you and the other representatives in Congress will be successful in defeating this measure and putting in its place one that will give us a satisfactory and adequate defense program without violating the very thing America set out originally to achieve.

Sincerely yours,

Dr. C. E. RARICH, *President.*

---

CLERK OF DISTRICT COURT,
*Salina, Kans., August 9, 1940.*

Senator ARTHUR CAPPER,
*Senate Office Building, Washington, D. C.*

DEAR MR. CAPPER: We are very much opposed to peacetime conscription, as we believe it is a great step in the direction of dictatorship for our country. Why not give voluntary enlistment a fair trial?

We are strong for the defense of our Nation against war and against dictatorship, both from within and from without, but we do not want to have our boys used to fight the battles of other nations, and we fear this is what will happen if they are conscripted.

Sincerely yours,

HOWARD FORD.
FLORENCE FORD.

---

THE NEKOMA STATE BANK,
*Nekoma, Kans., August 1, 1940.*

Hon. Senator ARTHUR CAPPER, of Kansas,
*Washington, D. C.*

DEAR SENATOR: Just a few lines in protest to conscription. I have lived in Kansas 60 years and have been in business here for 42 years, and this war proposition sounds so completely out of line that I feel that I must express my opinion.

We Americans do not believe in dictators—we do not feel that we need to imitate Hitler or Mussolini. Unless we take sides we have nothing to fear from Europe. It looks to me as though we intend to import all of England's population and replace them with our soldier boys to be slaughtered in the foreign war. I cannot understand why we do not take a short cut and annex ourselves to England in the first place and have the King move into our White House.

In case of aggression, I am sure that the volunteers would provide more soldiers than the United States would need, but not to fight on foreign soil. It is unreasonable to think that we should fear invasion by Germany or Italy when they cannot even cross the English Channel.

The people here are very much opposed to conscription. That would upset all of the young men's plans for an American life, and we would be following the steps of the dictators of Europe.

Hoping you will do what you can to keep this bill from passing, I remain,

Yours very truly,

M. T. MORAN.

---

FIRST BAPTIST CHURCH,
*Topeka, Kans., July 26, 1940.*

The Honorable ARTHUR CAPPER,
*Senate Chamber, Washington, D. C.*

DEAR SIR: Knowing your interest in maintaining the peace and promoting the highest welfare of our country, I am writing to register my opposition to peacetime registration or conscription, as is proposed by bills now pending.

The volunteer basis, I believe, can be made entirely adequate for peacetime defense preparation. I feel that any plan of conscription is a definite step toward war, is following the pattern of the countries with which we profess to disagree, and is a totally unnecessary interference with legitimate business and individual life.

On behalf of many of the constituency of this church, representing more than a thousand persons, and on my own behalf I trust you will oppose the bill.

Most sincerely yours,

M. RAY MCKAY.

---

CANEY VALLEY NATIONAL BANK,
*Caney, Kans., July 24, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR CAPPER: The morning papers carry the information that the Senate Military Committee has given its approval to compulsory military training legislation.

It is my opinion that the general public is very much in favor of necessary preparedness, and it is, also, my opinion that the public is not convinced of the necessity for the proposed compulsory training. There are no doubt other methods by which the Army and Navy can increase their forces to a sufficient size.

There are thousands of homes from which sons are attending colleges and universities. To many of these boys, a year's interruption in their school work would mean that their education would probably never be finished.

Yours very truly,

H. V. BOLINGER.

---

SALINA, KANS., *August 5, 1940.*

Hon. Senator CAPPER,
*Washington, D. C.*

DEAR SENATOR: We hope you will do all in your power to oppose peacetime conscription. We believe in free speech, free press. We are not in favor of a dictator for these free United States; but under the present administration we are drifting too rapidly. We trust you will do all in your power by your voice and vote to prevent peacetime conscription.

Respectfully yours,

CHAS. E. GILLUM.
*President, Gypsum Valley National Bank, Gypsum, Kans.*

---

THE PLAINS STATE BANK,
*Plains, Kans., August 1, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR: I want to add my protest to the principle of the conscription bill that is now pending before Congress and urge you to keep up your fight against it. I am certainly for you in your opposition.

Consider that I am as patriotic as the average man but at this time can see no reason for all the hysteria that is being manifested over the country. If we were in danger of invasion and were expecting to get into war soon there is no better way to raise an army than by draft. The Democrats even had to draft their candidate this time.

To me the registration and conscription of men at this time is too much like Hitlerism. No telling what it might lead to. Seems like all nations that have to have a large army or think they have to have it at all time have a way of getting into trouble.

Yours very truly,

WM. P. ELLIOTT.

FARMERS COOPERATIVE GRAIN & MERC. CO.,
*Lehigh, Kans.*

Hon. ARTHUR CAPPER,
*United States Senate,*
*Washington, D. C.*

DEAR MR. CAPPER: I hereby register my protest against the enactment by Congress of any bill that calls for the conscription of men for military service in peacetime.

Conscription embodies the worst features of the totalitarian regimes and strikes at the heart of personal liberty—the very thing we try to safeguard.

It has not been proved, and I deny, that a conscript army is required in the present situation except for propaganda purposes.

Yours sincerely,

E. G. BARKENTIN.

---

CONWAY SPRINGS WATER CO.,
*Conway Springs, Kans., July 29, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

HONORABLE SIR: Am writing to you in regard to this idea of conscription of all males from say 19 to 64 or any other age for that matter.

To make a long story short, we people out in this section feel like it is a war hysteria coming over the legislature if they pass such a bill as that.

Let's try voluntary enlistments first and then if we do not secure sufficient response, then would be ample time to use conscription.

I believe in preparedness, but I think that we need not be too much excited all at once, in fact, I feel that if we resort to conscription, when we can get along with voluntary enlistments, that we have lost our freedom, both religious and civil, when we take away from the individual the right of choice in these matters, especially unless we are absolutely up against securing enough by enlistment.

I am proud of our freedom, and I know lots of boys would enlist from choice and others would not, and we need both kinds of citizens. I hope I have made myself clear, and that you will make a concerted effort to avoid conscription, unless absolutely necessary.

Sincerely your friend,

E. J. FRANTZ.

---

STATE OF KANSAS, SENATE CHAMBER,
*Soldier, Kans., July 30, 1940.*

Hon. ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR: I take this method of expressing my unalterable objection to peacetime conscription.

I am glad you are against it, and I hope that enough legislators join you to keep the compulsory military service bill from becoming a law.

To my mind, it is just another long step toward war and dictatorship.

With all good wishes,
Very sincerely,

MINNIE M. MICKEL
(Mrs. Ben L.)

---

THE METHODIST CHURCH, ATCHISON, KANS.,
*Chicago, Ill., August 10, 1940.*

The Honorable ARTHUR CAPPER,
*Senator from Kansas, Washington, D. C.*

MY DEAR SENATOR: I think we know your sentiments well enough to be sure of your antipathy to any participation of America in this European conflict, and to use all means to legitimately avoid it.

I wanted to write you and express my own personal disapproval of the Burke-Wadsworth bill on conscription. I do not think such a plan is conducive to peace, but instead will create more of a readiness to enter whenever we have a large standing army.

Neither can I believe it is a democratic proposal. Every totalitarian and dictatorial power has always used universal conscription as a first stronghold. Democracies as a rule have not, and I would be exceedingly chagrined to have America do it now.

With sincere regards, I am,
Truly yours,

ELMER E. TILLOTSON,
*Pastor, Atchison Methodist Church.*

---

THE METHODIST CHURCH.
*Hutchison, Kans., August 6, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR: It is my sincere hope that you will vote against the pending conscription bill, no matter what form it may take. I do not believe that the draft should be used until voluntary enlistment has proved inadequate. I greatly fear the un-American and undemocratic implications of this bill. Likewise I hesitate to place so much power in the hands of an administration that has shown so much willingness to break one after another of our American traditions. Blessings on you as you work this long, hot session.

Sincerely,

Rev. NELSON S. GARDNER.

KANSAS COUNCIL OF CHURCHES,
*Baldwin, Kans., July 28, 1940.*

Senator ARTHUR CAPPER,
*Senate Building, Washington, D. C.*

DEAR SENATOR CAPPER: Your fine record in holding the fine convictions that you have in regard to national conditions has been noted and appreciated in these quarters. This is said before voicing the firm and genuine hope that you and other men like you will be able to prevent the enactment of the Burke-Wadsworth bill, now before you. The clauses in this bill dealing with civil liberties are much too extreme; and the haste in regard to conscription, before a genuine voluntary system has been tried seems unwarranted. This is the usual conviction of men on the streets here. They do not like the bill and are sullenly hopeful that it will be defeated.

Cordially yours,

JAMES S. CHUBB,
*President, Kansas Council of Churches.*

---

MOUNDRIDGE, KANS., *August 5, 1940.*

SENATOR ARTHUR CAPPER: The Eden Church, with 740 members having been in session on the 4th of August, has unanimously voted against the enactment into law of any conscription bill. However, should some form of conscription be enacted we sincerely urge your support of the conscientious objectors clause.

THE EDEN MENNONITE CHURCH.
E. W. GOERING, *Chairman.*
E. E. FLICKNER, *Secretary.*

---

PITTSBURG, KANS., *August 21, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR: Last night the Pittsburg Peace Club No. 1 held a meeting to protest the Burke-Wadsworth bill and also the proposed law to permit the President calling out the National Guard. This is only our second meeting but we had some 40 people and all opposed to war, conscription, and let the National Guard alone.

We are preparing for a great rally soon. We have determined to do all in our power to defeat anyone running for office that is in favor of either.

Mothers are rising in arms against this conscription bill. I believe that martial law would have to be declared if it became a law for the reason so many are against it. One mother said last night, "I lost a brother in the last war, another one in hospital, and if they take my boy I will fight. I'll do anything to defeat that munition bunch." Another said, "I'd rather my son would fight it out in the back yard than go to war overseas. I would at least know that he wasn't hanged and rolled in a ditch as my brothers said was done in the last war."

There was not a "no" vote to the above. We mothers are "doing things" against war now everywhere.

I am sending a copy of this to several others.

V. J. ROWE,
*Corresponding Secretary.*

---

TOPEKA, KANS., *August 4, 1940.*

Hon. ARTHUR CAPPER,
*Washington, D. C.*

DEAR SIR: The enclosed petition is the sentiment of the Kansas Conference of the Evangelical Church against the peacetime military conscription bill.

We would appreciate very much your consideration of this petition when this bill is placed before you for your vote.

Yours very truly,

CHESTER O. BURGERT,
*Conference Director of Christian Education.*

---

Through the press and radio we, more than a thousand in attendence at the summer assembly of the Evangelical Church at Forest Park, Topeka, Kans., August 4, 1940, and representing a constituency of approximately 20,000 people of Kansas, Missouri, Nebraska, and Oklahoma, note that leaders of our Government are advocating peacetime military conscription;

Whereas never before in the history of our Nation has such a policy been recommended; and

Whereas the Honorable Harry H. Woodring, until recently Secretary of War, has declared: "How any fair-minded Member of Congress could say that we have given the voluntary system of enlistment for the United States Army a fair trial and that it has broken down, and, therefore, we need the compulsory service, is beyond my understanding"; and

Whereas other outstanding Congressmen and leaders of our Nation have declared publicly against peacetime military conscription; and

Whereas the policy of the Kansas conference and the general conference of the Evangelical Church has been opposed to war as a means of settling international disputes:

Therefore we petition the Members of Congress to defeat this peacetime military conscription bill, and we request the President of the United States, Franklin Delano Roosevelt, also to use his influence to this end.

HUTCHINSON, KANS., *August 6, 1940.*

The Honorable ARTHUR CAPPER,
*United States Senator of Kansas, Washington, D. C.*

DEAR SIR: As a unit in one of the peace-loving churches of our country we earnestly protest the Burke-Wadsworth bill, now pending for passage, known as the universal peacetime conscription bill, and earnestly urge you to use your vote and influence in defeating this bill, fearing its passage would eventually lead our country into war, and for 200 years our churches have been teaching the principles of peace.

CHARLES A. MILLER,
*Pastor.*
J. F. SHOWALTER,
*President, Official Board.*
V. W. HORNBAKER,
*Secretary, Official Board.*
C. A. RUNDELL,
R. D. SHOWALTER,
*Of Hornbaker.*
E. C. HOLLINGER.
GLEN FINFROCK.

---

WASHINGTON, KANS., *August 2, 1940.*

Senator ARTHUR CAPPER:

We heartily approve of the way you are voting on the military conscription bill. We folks in Kansas certainly do not want our boys and young men drafted into the Army to be taught to fight. Far better use the money thus spent in some constructive work and not train them in the terrible work of destruction of life and property that war creates. We members and friends of the W. C. T. U. are pleased with the stand you have taken.

Mrs. Ben Evans, Mrs. Bert Bonesteel, Mrs. Ella Wilson, Mrs. J. J. Wohlgemuth, Mrs. Anna L. Gassert, Mrs. G. A. Westing, Mrs. Emma P. Brandt, Mrs. Estella Hatter, Mrs. Jennie Sackett, Mrs. Florence Nutter, Miss Josephine Evans, Miss Mabel Westing, Miss Neva Gassert, Miss Anna Gassert, C. Ben Evans.

---

THE FIRST METHODIST CHURCH,
*Harper, Kans., August 5, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SIR: Enclosed you will find a petition opposing the compulsory draft bill. I know, as did the other signers, that you do not need to be urged along this line. But we wanted to make sure that you understand how solidly the people stand behind you on this matter.

In talking to the people of this community I have found some who are not openly opposed to this compulsory draft, but I have not found one who is in favor of it. The overwhelming majority seem to be against it. Pleast accept our thanks for what you have done and are doing in this matter.

Sincerely,

GLEN W. PALMER,
*Pastor, First Methodist Episcopal Church.*

---

HAVILAND, KANS., *August 15, 1940.*

Senator CAPPER,
*Senate Office Building, Washington, D. C.*

DEAR MR. CAPPER: We wish to congratulate you on the stand which you are taking on the conscription bill. We are opposed to conscription because it is a step toward war and it is contrary to democratic principles. We are also opposed to compulsory military training.

Signed by the following members of the Haviland W. C. T. U.:

Ethel Williams, Edna Elliott, Ethel Hinshaw, Lyda Smitherman, M. Olive Rush, Lois Hardesty, Erma R. Schooley, Zuella Griffin, Evelyn H. Dunbar, Etta Asher, Ina Dayton, Elva M. Woodward, Retta Woodward, Besse M. Bradley, Anna Pollock, Florence Elliott, Lucinda K. Toadvine, J. M. Toadvine, Tillie Fankhauser, George E. Fankhauser, Minnie E. Winslow, Madge W. Bevan, Myrtle E. Phillips, Day C. Williams, Nettie M. Hodgson, Martha E. Case, Grace M. Hargadine.

---

THE FARMERS EDUCATIONAL & COOPERATIVE UNION OF AMERICA, SALINA, KANS.

RESOLUTION

*Be it resolved*, That we, the Kansas Farmers Union Juniors, now attending our Third Kansas Farmers Union Junior Camp at Eureka Park, Manhattan, Kans., oppose the Burke-Wadsworth bill now being considered by Congress.

We are unalterably opposed to the policy of conscription of our citizens for military training during peacetime and consider it to be a threat to our cherished American democracy and our free institutions. We do not want the Burke-Wadsworth bill passed. Please oppose it or any similar measures.

*And be it resolved further*, That a copy of this resolution be transmitted to our congressional delegation in Washington, D. C., and also offered for publication in our State and National Farmers Union papers.

Julius T. Gibson, Jr., Local 1152, McPherson, Kans.; Victor Larson, Local 749, McPherson, Kans.; Maxine Zimmerman, Local 1624, Belle Plaine, Kans.; Zora Zimmerman, Local 1624, Belle Plaine, Kans.; Keith Peterson, Local 749, McPherson, Kans.; Orville Rawson, Local 671, Marquette, Kans.; Nelson Bradbury, Local 1558, Winfield, Kans.; Norma Hartke, Local 404, Lost Springs, Kans.; Mary Pat Immenschuh, St. Marys, Kans.; Inez Swanson, Local 749, McPherson, Kans.; Betty Peterson, Local 749, McPherson, Kans.; Mrs. Merle Tribbey, Local 1809, Winfield, Kans.; Mrs. Will Hysell, Local 2099, Ellsworth, Kans.; Frances Hope, Local 2099, Ellsworth, Kans.; Bonnie Peterson, Local 749, McPherson, Kans.; Maxine Bughman, Local 716, McPherson, Kans.; Helen Johnson, Local 716, McPherson, Kans.; Ruth Swanson, Local 749, McPherson, Kans.; Evelyn Heffron, Local 1558, Winfield, Kans.; Leonard Groene, Local 1809, Winfield, Kans.; Lanore Gottlob, Local 1558, Winfield, Kans.; Millard Kittelson, Local 1809, Winfield, Kans.; Leon Payne, Local 1809, Winfield, Kans.; Mrs. Bernard Immenschuh, Sandy Hook, St. Marys, Kans.; Wilfred Sock, Local 929, Seneca, Kans.; Velna Higgason, Local 1095, Quinter, Kans.; Elinor Reist, Local 929, Seneca, Kans.; Leola Reist, Local 929, Seneca, Kans.; Arlene Reist, Local 929, Seneca, Kans.; Leonard Osterhaus, Local 929, Seneca, Kans.; Albert Rilinger, Local 929, Seneca, Kans.; Dorothy Larson, Local 1152, McPherson, Kans.; Margaret Carlson, Local 971, Marquette, Kans.; Ruby Larson, Local 1152, McPherson, Kans.; Foster Kutz, Clay Center, Kans.; Meryl Volen, Clay Center, Kans.; Virgil Peterson, Clay Center, Kans.; Harold B. Swanberg, Clay Center, Kans.; Esther Ekblad, Leonardville, Kans.; Ida Mae Carlson, Marquette, Kans.; Norman Payne, Local 1809, Winfield, Kans.; Mary Wilson, Local 1809, Winfield, Kans.; Leah Schmidt, Local 1809, Winfield, Kans.; Ruth Cadwell, Local 1809, Winfield, Kans.; Bernard Gibson, Local 1152, McPherson, Kans.; Laura Schantz, Local 1558, Winfield, Kans.; Dorothy Clark, Local 1916, Topeka, Kans.; Doris Heffron, Local 1558, Winfield, Kans.; Frances Bernritter, Maple Hill, Kans.; Wilma Siefert, Maple Hill, Kans.; Burdette Larson, Local 1152, McPherson, Kans.; Niles B. Gibson, Local 1152, McPherson, Kans.; Jack Rathbun, Local 2099, Ellsworth, Kans.; Ralph Sjostrom, Local 882, Lindsborg, Kans.; Verner Johnson, Local 716, McPherson, Kans.; Paul Sundberg, Local 1061, Lindsborg, Kans.; Robert Heline, Local 1061, Lindsborg, Kans.; Landis Larson, Local 1061, Lindsborg, Kans.; John Boggs, Local 2099, Ellsworth, Kans.; Emerson H. Shields, Local 404, Lincolnville, Kans.; Lloyd Dolezal, Local 2099, Kanapolis, Kans.; and Henry Hjell, Local 2099, Ellsworth, Kans.

---

RESERVE, KANS., *August 20, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR MR. CAPPER: We are writing you to let you know we appreciate your stand on the Burke-Wadsworth bill and are glad you are doing everything you can to keep this country out of the European war.

We also urge that no more powers are given to the President as we believe that each power given him is a step toward dictatorship.

We would like a copy of your speech against the Burke-Wadsworth bill. Thank you.

Sincerely,

CHARLOTTE NANCE.
MARY E. HOBBS.
WARD NANCE.
ROBERT NANCE.
LOIS KREITZER.
NETTIE E. NANCE.

---

SALINA, KANS., *August 18, 1940.*

Senator ARTHUR CAPPER,
*United States Senate, Washington, D. C.*

DEAR SENATOR CAPPER: Your work in the Senate has strengthened my hope that there are still those who mean to keep the United States for its citizens in a country principled by democracy—not dictatorship.

This is to assure you that you must vote for no conscription in peacetime. The volunteer plan must first be tried if those of the administration insist—and tried to its capacity. At any rate, our priests, religious, and seminarians of recognized schools must not be included in the conscription. The United States is more needful now of moral guidance than ever before.

The humanitarianism of the United States is well displayed in the protection of the foreign children—but we must first protect our own. It is a gross risk to permit our ships to go into foreign waters to foreign lands and bring their children to our shore. We may care for the children, but in the name of all that is right and just, do not concede to our United States' ships doing the transportation. Let the foreign children—if they must—be brought in their ships at their risk.

I have great confidence in your judgment, Senator CAPPER. It is to inform you that I am one of those who believe you will vote in justice and common sense. I wish to assure you that the aforementioned are points I believe you should stand for in that light. Keep the United States free from entanglement and insist that

she mind her own business—not the business of Germany, England, and other lands. We have plenty to take care of at home.

Sincerely,

MARY WILHELMINA BRUNGARDT.

---

THE WICHITA COUNCIL OF CHURCHES,
*In camp, Saugatuck, Mich., August 10, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

MY DEAR SENATOR CAPPER: I trust that you are opposing peacetime conscription. If it is going through please make an effort to safeguard civil liberties—as I understand it, it is proposed that any critic may be tried by court martial and given a very extreme sentence. Any such provisions are unwarranted and I hope that you will stand against them. I do not see why things should be turned over to the militarists just now. I do not oppose reasonable measures, but I think there is danger of going wild.

Sincerely,

JOHN W. MELOY,
*Executive Secretary Wichita Council of Churches.*

---

WOODBINE, KANS., *July 28, 1940.*

To Senator CAPPER,
*Washington, D. C.:*

We, the undersigned members of the Woodbine Methodist Sunday School, believe that war is sinful and does not settle the problems of nations; and we also believe that the drafting of men for military purposes and the building up of a huge military machine and putting our faith and trust in the same is wrong and will not help to promote the cause of peace and good will between nations but will rather help to bring war and strife and hatred; and we wish to go on record as being opposed to any bill in Congress that would call for any of these things or for our country to take part in any of the wars that are now being fought, and petition you to use your influence and vote against any such bills that have been introduced or will be introduced.

B. H. Oesterreich, superintendent; W. L. Brehm, Louise Ahrens, E. K. Schmidt, Mrs. Emma Tinner, Mrs. W. L. Brehm, Mrs. C. W. Hiebert, Mrs. James Bryan, Herman Brehm, Mrs. Anna Spellman, Louis C. Westrup, Mrs. L. C. Westrup, Mrs. E. L. Shank, Miss Agnes E. Smith, Edw. Brehm, Clifton W. Oesterreich, Mrs. Joe Langhofer, Mrs. Edw. Brehm, Mrs. F. O. Schmidt, Mrs. Mabel Schmidt, T. O. Schmidt, Henry Oesterreich, Mrs. Lizzie Hodel.

---

FIRST CHRISTIAN CHURCH,
*Syracuse, Kans.*

Hon. Senator ARTHUR CAPPER,
*United States Senate, Washington, D. C.:*

We, the undersigned citizens of the United States and members of the First Christian Church, being interested in the peace of our Nation and the welfare of the youth of our land, do hereby ask and petition you, as our Senator, to do all within your power to defeat the Burke-Wadsworth conscription and compulsory-training bill for times of peace.

Very sincerely,

H. W. Nicholson, Mrs. Julia Coble, L. R. Carter, Mrs. John Marsh, Mrs. D. A. Millsap, Mrs. Glen McKee, Mrs. Floyd Puckett, J. F. Puckett, W. G. Monroe, Glen W. McKee, Mary F. Osborne, Viola Osborne, Virgil Fox, Hettie Morss, Mrs. S. S. McGill, Evelyn Mueller, Daniel D. Buck, Roy Buck, Marie Kinslow, Betty Browning, Ervin Laney, Goldie Carter, Bertha Nicholson.

---

HUTCHINSON, KANS., *August 4, 1940.*

Hon. ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR: I have for years appreciated very much your work done in the United States Senate for the common people.

Of late, your opposition on our entry in the European mess. It's Europe's quarrel, not ours. The objective of their fight is not for an ideal but the supremacy of power. I am strictly against sending our boys to fight their battles.

If we had not entered their war 22 years ago this war might have been prevented.

Hearing people talk on the streets, Roosevelt will not be reelected because of his ridiculous meddling in European affairs instead of correcting depressing evils at home.

Enclosed please find a petition against conscription signed by a number of loyal citizens.

Cordially yours,

C. C. EPP.

---

FRIENDS UNIVERSITY,
*Wichita, Kans., July 31, 1940.*

Senator ARTHUR CAPPER,
*Senate Chamber, Washington, D. C.*

DEAR SENATOR CAPPER: I notice in the paper this morning a statement of your radio address in which you opposed a general conscription law.

I take pleasure in commending you for your stand because I feel that such a law is not only unnecessary, but that it is a step in the direction of fascism and militarism, which this country has been careful to avoid.

Sincerely yours,

Dr. W. A. YOUNG,
*Acting President.*

---

JEFFERSON COUNTY, KANS.

Senator CAPPER,
*Washington, D. C.*

DEAR SENATOR: Sunday morning at the Jefferson Church our pastor made the suggestion we write to you about the conscription bill now before Congress, and as everyone present wanted to write you we decided to all put our names on the one petition and send it in one letter. No one here believes in conscription, a third term for a President, or the New Deal. Hope this will help some.

Mrs. VERONA MCDONALD,
*Superintendent of Sunday School.*

We, the undersigned, protest the passage of the conscription bill now pending in Congress.

Ethel E. Wilbur, Innes Champion, Mrs. Dan Smith, Mrs. H. C. Zock, Mrs. Arthur Ousdahl, Mrs. William Eberhard, Emma Eberhard, Mrs. Frank Parker, Verona McDonald, Elsa Wellman, H. C. Zook, W. A. Wellman, W. W. Wellman, Frank Champion, Frank Parker, Eva Smurr, Rev. and Mrs. Robert Alexander.

---

SYRACUSE, KANS., *August 5, 1940.*

Senator ARTHUR CAPPER,
*United States Senate, Washington, D. C.*

DEAR SIR: In view of the evidence concerning conscription which came out in committee, we hope that you will do everything in your power to defeat the Burke-Wadsworth bill.

Sincerely,

Mr. and Mrs. O. H. CARLISLE.
Mr. and Mrs. J. W. SHERWOOD.
Mr. and Mrs. FRED COBB.
Mr. and Mrs. JOE WOELFEL.
Miss VERNA DYCK.
Miss WINONA CARLISLE.
Miss WANETA CARLISLE.

---

GOESSEL, KANS., *August 18, 1940.*

DEAR SIR: I wish to make clear my opinion about the compulsory military training bill. This is another step toward war. We cannot train for war and still stay out of it. We should train for peace.

Yours truly,

IRVIN FAST.

---

THE FIRST METHODIST CHURCH AND
THE WESLEY FOUNDATION AT THE UNIVERSITY OF KANSAS,
*Lawrence, Kans., August 3, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR CAPPER: I appreciate sincerely your championing of peace and truly democratic procedures. I wish not to bother you with unnecessary words, but in this critical hour as our country faces hysterical demands which are almost unbelievable denials of all for which democracy stands, I must again write to support your every effort in opposing the Burke-Wadsworth military conscription bill.

In my humble judgment this proposed legislation is the most insidious and serious affront to democracy that has threatened this free people in many a decade, and I know that this view is shared by untold numbers of patriotic youth and veterans of the World War.

I enclose a copy of a letter I am sending to Senator BURKE.

Please do not take your valuable time bothering to reply to me. I know you can be counted on in this hour, and you can count upon my sincere support in your efforts here and elsewhere.

Sincerely,

EDWIN F. PRICE.

---

THE FIRST METHODIST CHURCH,
*Greensburg, Kans., July 31, 1940.*

Senator ARTHUR CAPPER,

DEAR MR. CAPPER: I wish to register my opposition and that of Mrs. Brown to the conscription measure now before Congress. If there is to be any such measure passed by our Congress, it would indicate a cause for the same; hence all citizens should be taken into the confidence of their Government and told plainly why it is necessary for such action.

It will disrupt the business and industry of our Nation, and to my mind conditions should be very grave to warrant such overturn. On the other hand I should think we should be careful not to play into the hand of the propogandist.

Sincerely,

Rev. ALVA C. BROWN.

---

GARRISON, KANS., *August 17, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR: Please stand firm against conscription. Do everything humanly possible to prevent our country becoming involved

in this hideous war. To my mind, the only excuse for war is in actual defense from invasion. Be prepared to defend our own country, but stay out of our neighbors' quarrels.

I know you are opposed to warmongering, and I hope you will stand firm against this pressure for war that is being put upon the people.

Sincerely yours,

MRS. G. H. ALLEN.

---

INDEPENDENCE, KANS., *August 19, 1940.*

Senator ARTHUR A. CAPPER,
*Washington, D. C.*

MY DEAR MR. CAPPER: As a patriotic American citizen, a Christian, and also a minister of the gospel, I am asking you to please do all within your power to defeat the Burke-Wadsworth bill now before Congress.

To my mind, it is un-American.

Very truly yours,

REV. JOHN H. PARKER.

---

MANHATTAN, KANS., *August 19, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.:*

I feel it my duty to express strongly my sentiments against conscription of our youth for military training. I believe this will tend to lead us to war. Our young manhood of 1917 and relatives suffered miserably, unnecessarily, with no thanks from England or France. I believe the common people who would have to do the fighting have a right to vote on this matter. I have talked to many people, and have my first one yet to say they favor conscription. I do hope and pray America will not pattern after Germany.

Sincerely,

MRS. E. R. RUDY.

---

KANSAS Y. T. C. FEDERATION,
YOUTH'S TEMPERANCE COUNCIL,
*Fort Scott, Kans., July 26, 1949.*

Senator ARTHUR CAPPER,
*Senate Building, Washington, D. C.*

DEAR SENATOR CAPPER: As president of the Kansas Youth Temperance Council Federation, I wish to express the sentiment of that organization toward the compulsory military training bill which will be before the Senate for debate in a few days.

We, the federated members of the Youth Temperance Council of the State of Kansas, are definitely opposed to such a measure, and ask your whole-hearted support of our sentiments.

Thanking you for your cooperation along this line, I am,

Sincerely yours,

ROBERT LEE WOLF,
*President of the Kansas Y. T. C. Federation.*

---

PITTSBURG, KANS., *August 2, 1940.*

DEAR SENATOR CAPPER: Please do all in your power to keep this country out of war and work against the conscription bill, as we poor mothers and fathers love our sons and do not want them to have to go to war, as we think it is useless and wicked, and we need our sons at home where we can take care of them.

Mrs. Robert Carr, Pittsburg, Kans., route 4; Mrs. Leta Redd, Pittsburg, Kans., route 4; Mr. William Redd, Pittsburg, Kans., route 4; A. H. Mails, Pittsburg, Kans., route 4; Mrs. W. B. White, Pittsburg, Kans., route 4; Mrs. Inez Maier, Pittsburg, Kans., route 4; Mrs. Raymond E. Lee, Pittsburg, Kans., route 4; Mrs. Ardell Coots, Pittsburg, Kans., route 4; Mrs. Rose Coots, Pittsburg, Kans., rural route 4; Mr. and Mrs. Fred Hugi, Pittsburg, Kans, rural route 4; Mr. and Mrs. Glenn Parker; Mr. and Mrs. Chester M. Carr, Weir, Kans., G. D.; Mr. Otis Carr, Pittsburg, Kans., rural route 4; Robert Carr, Pittsburg, Kans., rural route 4.

---

WICHITA, KANS., *August 26, 1940.*

Senator CAPPER,
*Washington, D. C.*

DEAR FRIEND: I want to express my appreciation for your position on many of the questions arising for your consideration and decision, especially on the peace and war question which is uppermost in our minds just now.

As a citizen of voting age, I am writing to protest the bill that is now before Congress regarding conscription. To me this plan is unnecessary just now because the volunteer plan has not been given a chance. It is un-American because it is one phase of dictatorship. I can't see any future for our Nation if we begin using such undemocratic measures to carry out the war plans of a few who themselves, because of their age, would never have to face the guns. Democracy recognizes the right of the individual to choose his course of action. Conscription would be the first step in the direction of dictatorship, which does not recognize the individual.

I am asking you to continue to oppose the plan of conscription.

Respectfully,

LENA A. HADLEY.

---

INDEPENDENCE, KANS., *August 19, 1940.*

Hon. ARTHUR A. CAPPER,
*Senate Chamber, Washington, D. C.*

MY DEAR MR. CAPPER: I want to register my voice against the proposed Conscription Act, which I believe to be the most undemocratic act which has thus far been attempted by this Government.

I am a woman and have no children who will be required for military service under this act, therefore my objections are not prejudice, but when a majority of the people are definitely against such a move I cannot see how the defenders of this bill can escape the fact that it is undemocratic. So I say, Mr. CAPPER, I hope you will use your voice and your vote against this measure when and if it comes to debate and vote.

Sincerely,

LUELLA MCCOLM.

---

TOPEKA, KANS., *July 30, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.:*

We, the undersigned, express our thorough approval of your opposition to the Burke-Wadsworth conscription bill.

Rev. Ormal Miller, Nelson Antrim Crawford, Carl Gustav Tillman, M. D., Karl A. Menninger, M. D., Grace Tillman, O. C. Zehner, Rev. W. C. Barclay, John R. Stone, Justin Hillyer, James Mower, C. C. Merillat, W. C. Cameron, M. D., Ernest Zielinski, W. D. Vincent, 3d, Clara Alexander, John Alexander, Rev. John R. Golden, Rev. J. E. Bartholomew, Earl Roy, Jane Blomquist, Rev. Robt. French, Margaret French, Grace Vincent, Gerald Wineger, Francis Miles, J. B. Norton, Marion Norton.

---

HILL CITY, KANS., *July 19, 1940.*

Hon. ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR CAPPER: Please keep up the fight against the draft bill. We know you too well to think that it is necessary to urge you to do this, but as an American citizen I think I would fall short of my duty and responsibility if I failed to express my opposition to this bill. A thing Americans have never had to have is military conscription.

Yours very truly,

MABEL TAYLOR.

---

KINSLEY, KANS., *August 17, 1940.*

Mr. ARTHUR CAPPER,
*Washington, D. C.*

DEAR FRIEND: Again I must write you to fight this conscription bill, or any measure that forces our people to become a militaristic, dictator-governed people. Also this idea of every boy and girl having to take military training. There seem to be so many issues up today, that are entirely un-Christian, undemocratic, and entirely foreign to our country and its founders' principles.

We people of Kansas can always depend on you to work for a Government of righteousness and decency. I am just one of our church people, and one of the mothers against these steps.

Your friend,

DR. EDITH GERE.

---

MCPHERSON, KANS., *August 19, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SIR: I wish to thank you for the splendid work which you have done against the proposed military-conscription bill. There are four registered voters in our family all opposed to this bill. Again I wish to thank you for your opposition and I hope that you will continue the fight.

Sincerely,

SHERMAN EISENBISE.

---

THE EPWORTH LEAGUE,
FIRST METHODIST CHURCH,
*Concordia, Kans., July 31, 1940.*

Senator ARTHUR CAPPER,
*Washington, D. C.*

DEAR SENATOR CAPPER: We, the Epworth League, of Concordia, Kans., consisting of approximately 50 young boys and girls, hereby quote our truthful opinion of the conscription and compulsory military-training bill.

All these years we have been taught to do everything to make this world better. Every week we give so much of our time, thought, and money to our community and to the world as a whole. We have, each one of us, considered this bill very thoroughly and can see no possible way that it can make the world what we want it to be.

America has never had peacetime compulsory training; Europe has tried it and has suffered immeasurably from it. Why should America suffer also from something which can be avoided if we would put Christianity first instead of hatred, greed, poverty, suffering—war?

It is true that the situation is pressing and that something should be done about it, but nothing other than the hearts of the people can make the world better. It has been proven a thousand times that might is not right. Why should we be fools enough to believe differently?

We will do everything to save America, but we do not believe that this type of bill will do anything but harm and ruin democracy.

We seriously object to the passing of this bill and anything you do to make such a law possible will be against Concordia's young people's wishes.

Very sincerely yours,

THE EPWORTH LEAGUE,
BLOSSOM SWENSON, *President.*
ROBERT HICKS, *Secretary.*

Mr. BURKE. Mr. President, in accordance with the permission granted to me earlier in the day, I submit for printing in the RECORD at this point certain excerpts from letters and telegrams from church leaders in various denominations on the subject of peacetime conscription.

The excerpts are as follows:

William Church Osborn, president of the Temple of Religion, New York World's Fair: Although dealing with sin is the affair of the religious, they are inapt to impute sin to others. Hence, some of them ignore the sure inferences of facts. On the facts, four military nations are robbers with violence. Religion puts no ban on self-defense. Burglars are made unwelcome in the most pious homes. The most stern, unyielding fighters have been the religious, when their beliefs were threatened. We do not trust the fat Pollyanna promises of the sleepy warriors that all will be well. Such was the narcotic that drugged half Europe into slavery. Dreamers of peace must know that our peace can be secured only by our dangerousness. "Tender grasp the stinging nettle, and it will sting you for your pains. Seize it like a man of mettle, and quite harmless it remains." Some doubt that it should be everybody's defense and think defense may be left to those who thirst to die for their country. The answer is, this is everybody's country and everybody must defend it. I am for full selective conscription.

Most Rev. James H. Ryan, R. C. Bishop of Omaha: As a citizen, I favor the principle of a selective military draft because I consider it the only fair, democratic, and, above all, realistic method of preparing to meet the probability of an attack on our liberties and institutions. That the United States is faced by total warfare in the near future cannot be questioned. There is only one way to meet total warfare, and that is by total defense. Preparation for total defense cannot be fairly interpreted as an acceptance of the totalitarian philosophy, nor does it necessarily lead to totalitarianism. It goes without saying that, in common with practically all Americans, I do not approve compulsory military service beyond the present grave emergency.

Rt. Rev. Cammeron J. Davis, Episcopal Bishop of Western New York: I am heartily in favor of the bill in Congress providing for selective compulsory military training and service. The present emergency and the lessons to be read from the unpreparedness of France and England make this measure essential. Past experience proved that voluntary enlistment will not provide the force that is needed in time for thorough training. Without thorough training the risk to our soldiers and selves is greatly increased and the protection of our Nation is endangered. It is necessary in times like these to set aside temporarily the voluntary principle in the democratic process. But the discipline and the usefulness of military service will do much toward increasing the morale of our younger citizens who today are so often unable to find a job and will develop a better citizenship in them for the time when this emergency shall have passed. It is, of course, understood that the plan provides proper safeguard for heads of families and workers in essential industries.

Rt. Rev. E. G. Richardson, Methodist Bishop of Philadelphia: While I deeply regret our Nation becoming military-minded, I believe this is necessary because of world conditions. Democracy must be defended. The selective compulsory draft will provide armed forces much more quickly and democratically than any other plan. Adequate preparation will perhaps prevent war coming to us. It will certainly save many lives if war comes.

Theodore Fiske Savage, executive secretary, Presbytery of New York: I believe that in face of the hostile forces threatening this country, every proper means of defense should be employed, and that a greatly strengthened Army and Navy is needed. This is the responsibility of everyone who now enjoys our liberties. Compulsory service, with proper safeguards, is a far better method than any program of enlisting volunteers, with its inevitable propaganda of hate and bitterness. War is evil, but the alternative may be more evil.

Rt. Rev. William T. Manning, Episcopal Bishop of New York: In view of the present imminent threat to democracy and freedom everywhere, it is imperatively necessary for our Government to make the fullest possible provision for our own defense. Speaking both as an American and as Bishop of the Christian Church I urge upon our Congress the immediate passage of the bill for selective compulsory military training and service. Selective compulsory service is the only method which will provide adequate forces to protect our country from war and it is the only fair and democratic method. This method alone calls upon all alike for service without discrimination and with proper safeguarding for families and provision for the necessary workers in essential industries. The call is imperative. The world crisis now faces us. There is no time for delay. The bill for selective compulsory training and service should be passed immediately.

Rt. Rev. W. Bertrand Stevens, Bishop of Los Angeles: America faces grave danger and uncertainty. If military measures are taken, it must be with as complete a program as possible. Position of Scandinavia warning of futility of half measures. Conscription provides democratic way. Why is it more un-American than taxation? I am far from being a warmonger but since we face the possibility of war I believe the burden and opportunity of service should be evenly distributed. I am for immediate strengthening of forces on land, sea, and air.

The following editorials, presented by the Senator from Minnesota [Mr. LUNDEEN] during the delivery of the speech of the Senator from Colorado [Mr. JOHNSON], were ordered printed at this point in the RECORD:

[From Wallaces' Farmer of January 27, 1940]

HOW MUCH NEED WE SPEND FOR DEFENSE?

Before the present crisis in Europe developed the United States was spending close to $360,000,000 a year on its Army and around $500,000,000 a year on the Navy, or a total of $860,000,000.

Now, that is a lot of money. Yet at this session Congress may be asked to authorize expenditures of $3,000,000,000 a year for national defense. President Roosevelt admits, however, that if the budget were pared to the bone, it might be possible to get by on $1,800,000,000.

That is still quite an increase over $860,000,000.

Everybody wants the United States to be safe. Everybody wants an adequate Army and an adequate Navy. But do we need to spend one or two billion dollars more in order to get them?

It is very doubtful. Our Navy, as it stands at the present time, could meet in our own waters and defeat the combined fleets of Germany, Italy, Japan, and Russia, if by some miracle all those nations agreed to attack this country.

They would have only 19 battleships against our 15, and only 8 of those 19 are strictly first-class ships on a level with our best 12. It takes about a 2-to-1 superiority to lick a fleet in its home waters when the attack must be launched across the Atlantic or the Pacific.

Every day the war lasts, our superiority to any possible attacker will be made more evident. Germany's pocket battleships are not likely to live long as commerce raiders. One, the Graf Spee, is already out of action. If Russia and Japan clash, the Russian submarines will probably whittle down the Japanese Fleet.

What about the Army? We need a mechanized, mobile, striking force that can be hurled at any possible invader who, by a succession of miracles, managed to defeat the Fleet and win a landing on our coast. The present Army is probably large enough, though perhaps some additions to the coast-defense force and to the Panama Canal defenses are needed. Certainly the Army needs to be better equipped and handled in larger units.

Our air force is superb and is now being supplied with reserves in men, through a big college-training program, and in machines, through the pushing of war orders in the airplane plants.

If the Army and Navy are to be used for defense, we need increase expenditures only a very little. If we are to build a Navy large enough to cross the Pacific and whip Japan, then we do need to spend more. If we are to create an expeditionary force of several hundred thousand men for service overseas, then we must add to the armament bill.

Wallaces' Farmer and Iowa Homestead believes that the American people want only an Army and Navy that are adequate for their own defense. That kind of an army and navy can be bought for less than a billion dollars a year. Then why start out in 1940 to spend between one and two billion dollars more?

---

[From Wallaces' Farmer of April 6, 1940]

THEY ARE BUYING GUNS—NOT PORK

Chances for heavy exports of pork and lard to Great Britain seem to be getting worse and worse. The British have just announced that there will be no import licenses for American ham and bacon for 2 months more and possibly longer.

But many farmers still cling to the hope that eventually, maybe in 1941, maybe in 1942, if the war goes on so long, the Allies will have to come to us for meat and grain.

Undoubtedly, Europe will need our products if the war goes on for a long time. But whether Europe will be able to buy them is another matter. The plan now seems to be to use their cash for munitions and put their people on short rations. "Guns instead of butter."

When the pressure of hunger gets more acute, the Allies may want to buy food, too. But will they have money? They're now buying from us more than they sell us, at the rate of one to two billion dollars a year. If they used all their resources and gold, they could probably buy at a $2,000,000,000 rate for 3 years. If they begin buying food as well as industrial products on a big scale, they will get to the bottom of the purse in 2 years or less.

And, of course, a lot of Allied funds will not be spent here at all. Some of these available billions will go to Turkey and the Balkans, to keep those countries friendly and to cut in on German supplies. A lot will be spent in the dominions and the colonies.

As things look now, therefore, there seems little chance of a big expansion in the exports of food products to the Allies unless the United States is willing to lend them money. Sooner or later, we will see a big drive in Congress to permit such loans and to

persuade the farmer that his only hope is in trading hogs and wheat for pieces of paper.

For the time being, the real market for our farm products is at home, not abroad. That's why a pick-up in pay rolls and the expansion of the food-stamp plan and the school-lunch plan are worth more to us than European prospects right now.

---

[From Wallaces' Farmer of December 16, 1939]

THEY WANT TO SPIT IN RUSSIA'S EYE

We wish both political parties could manage to keep their shirts on about the war in Europe. Early last fall President Roosevelt and most of the Democrats were boiling with indignation at Germany and almost ready to get us into the fight. Then Republicans did the sensible thing by insisting that it wasn't our war, and by even attempting to block the repeal of the embargo on arms.

Now some Republicans seem to be running wild in their turn. Neutral while China invaded China, Italy took Abyssinia and Albania, Germany took Austria, Czechoslovakia, and Poland, they are full of fight over the Russian invasion of Finland.

Republicans, headed by VANDENBERG, of Michigan, are urging that the United States break off diplomatic relations with Russia. Breaking off diplomatic relations is the step that normally comes just before nations go to war.

The Russian invasion of Finland is a horrible crime. So was the Japanese invasion of China, the Italian invasion of Abyssinia and Albania, the German invasion of Austria, Czechoslovakia, and Poland.

But are we going to go to war about any of them? Presumably, we all want to stay out of trouble. But to spit in anybody's eye—as some Republicans recommend—isn't the best way to stay out of a fight.

Perhaps we ought to be thankful that Republicans and Democrats don't get warlike at the same time. But we wish they could both learn to keep their shirts on.

---

[From Wallaces' Farmer of February 10, 1940]

IT IS HARD FOR AMERICANS TO BE NEUTRAL

Here is one comment on a loan to Finland, from Edwin Borchard, professor of law at Yale, member of the International Academy of Comparative Law at The Hague, and coauthor of Neutrality for the United States. He says:

"American sympathies for Finland may legitimately be expressed in private contributions to the Hoover committee or any other private donation. A governmental loan to Finland, whether through the Export-Import Bank or the R. F. C., is an act of intervention and of war, exposing the United States to legitimate reprisals, now or hereafter, on the part of Soviet Russia. It, therefore, seems to me illegal and dangerous, however tempting, to advance public funds to Finland."

Professor Borchard adds that extending governmental aid to any side in a war may or may not affect the outcome, but that such action would certainly accumulate enemies for the United States. It might also be added that since Finland and Russia are at war, the Neutrality Act should be invoked. That act forbids loans to warring nations.

---

[From Wallaces' Farmer of October 23, 1937]

THE PRESIDENT'S QUARANTINE SPEECH

The neutrality situation will be a hot spot as Congress meets. The Neutrality Act directed the President to shut down on exports of munitions of war as soon as a conflict started. According to number of deaths, men engaged, damage to property, and so on, China and Japan are at war. But they haven't said so. And the State Department of the United States is still acting as if war wasn't going on.

A number of Senators and Representatives don't like this. They turned down a proposition last session whereby the administration was given the power to lay embargoes at its own discretion, and they claim that President Roosevelt and Secretary of State Hull are using a technicality to avoid compliance with the law.

There is rumbling also about the President's Chicago speech, which sounded to some a little like President Wilson's old remark about "making the world safe for democracy." The friends of strict neutrality, led by such Senators as NYE, of North Dakota, will put on a fight to get the neutrality law into action and to block any attempt of the administration to put a quarantine on the outlaw nations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1379) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge, or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between Saint Ignace, Mich., and the Lower Peninsula of Michigan, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. KELLY, Mr. O'TOOLE, and Mr. HOLMES were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10004) to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library, of Beaufort, S. C., and it was signed by the President pro tempore.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. CHAVEZ. Mr. President, the time has arrived to make a decision on a momentous matter, a matter that will affect every citizen of the country. It is a question that taxes the innermost emotions and tries the intellect of patriotic minds.

My Creator knows that I abhor war. I have stated that through my vote no American boy will be sent to a war that is not ours. And I mean it. If the people of my State want a Senator who differs with this stand, they had better vote for someone else.

I have also stated that I am in favor of an adequate national defense, a defense so strong as to bring terror to those who would think of attacking us, a defense that will protect all that is sacred to those who believe in our liberties and ideals.

In the Appropriations Committee and on the floor of the Senate, I have voted for the moneys necessary to provide such a defense.

But aside from the appropriations to buy airships, naval vessels, antiaircraft guns, cannon, ammunition, rifles, tanks, airports, and what not, there is needed personnel to man those implements. Why airplanes if we have not pilots? Why coast artillery if we have not efficient manpower to handle it? Why warships if we have not sailors?

This is one country where liberties still exist. One can still express one's self without being thrown into jail. Many are the God-sent privileges enjoyed by the citizen, but rights and privileges carry with them duties and obligations. The American people are not afraid to assume those duties in order to protect the privileges of a free people.

In carrying that idea, the pending bill provides in explicit language that policy. On page 14, line 19, of the bill, that policy is expressed as follows:

> The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

The bill further goes on to state the fact that under the selective-draft plan no reason whatever could compel this Nation to go to war unless the Congress of the country should so decide. I am quoting now from page 16 of the bill, which announces that policy. The bill applies to those who may be selected during the emergency for training.

Quoting from the bill, subsection (b), on line 4 of page 16, I read as follows:

> Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged.

Then there is a proviso, an important proviso for the American people, an important proviso for those who believe in constitutional government. It is as follows:

> *Provided*, That if during his training period the Congress—

Not the Army of the United States, or the executive department, but the Congress—

> shall declare that the national interest is imperiled, he may be required to remain in service until the Congress shall declare that the national interest permits his being relieved from such service.

In other words, it is only Congress which will have the say as to when and how the draftees shall be used.

I firmly believe in the two policies I have just quoted. If we need a million men Congress should have the duty of

providing them, and should provide them. No one dislikes conscription or the word "conscription" more than I do. I prefer the voluntary system. I believe the American people would prefer the voluntary system. I firmly believe that system should be tried first, before we try the selective draft. Being of that opinion, I shall vote for the Maloney amendment. I hope that amendment will be adopted. I should like to vote for the bill with such an amendment. I do not believe the defense program would be delayed, since it is stated that the War Department will not call anyone before January 1941.

Mr. President, because I want a defense so strong that no country dare attack us, because American ideals are worth defending, because I do not want war, because I do not want any more American boys buried in foreign fields, because I believe in the teachings of Washington and Lincoln and the ideals of Woodrow Wilson, I shall vote for the bill. That decision was not arrived at lightly. It represents my conscience and what appears to me to protect the interests—the human interests, if you please—of those who believe in the Stars and Stripes. I may add, Mrs. Chavez and I have a son who will be affected. I still think the bill is necessary and should become the law.

Mr. McCARRAN obtained the floor.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. McCARRAN. I yield to the Senator.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwartz |
| Andrews | Donahey | Lodge | Schwellenbach |
| Ashurst | Downey | Lucas | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Smathers |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Johnson, Calif. | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Colo. | Reed | White |
| Connally | King | Reynolds | Wiley |
| Danaher | La Follette | Russell | |

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum of the Senate is present. The Senator from Nevada is recognized.

Mr. McCARRAN. Mr. President, I ask the privilege of the Senate that I may deliver without interruption the remarks I have to make. I do not care to take up the time of the Senate longer than I deem it absolutely necessary to express the thoughts which are mine on this momentous occasion. I shall therefore appreciate being permitted to proceed with my remarks without interruption.

The PRESIDING OFFICER. The Chair has, of course, taken notice of the request of the Senator from Nevada, and feels that it is the duty of the Chair, as a courteous man, to notify Senators that they will not be recognized for the purpose of interrupting the Senator from Nevada.

Mr. McCARRAN. Mr. President, I address the Senate today because I must be true to the conviction that is in me. I have searched my conscience, fearing that I might be wrong. Earnestly I have listened to the discussion of the pending conscription bill. Eagerly I have read the words of those whom I respect and whose judgment carries weight. Bluntly I have questioned the rich man, the poor man, the old, and the young; the "big" man, who will stand and watch the soldiers marching by, and the "little" man, upon whose shoulders will fall the brunt of what we may decide here upon the floor of Congress.

Without prejudice I have sought conviction; and my conviction remains as staunch and true within me as any truth I know. I must oppose involuntary servitude, military or otherwise, when we are not at war.

[Manifestations of applause in the galleries.]

Mr. McCARRAN. I shall have to ask, with all due respect to those who agree or disagree, that the rule of the Senate be invoked.

The PRESIDING OFFICER. The temporary occupant of the chair begs to observe that the occupants of the galleries are guests, and welcome guests, of the Senate but they must not in any circumstance manifest any approval or disapproval of what occurs on the floor of the Senate. This rule will be enforced. A repetition might lead to exclusion from the galleries of the persons thus breaking the rule.

Mr. McCARRAN. Mr. President, I must oppose the method of conscription in this, a time of peace, because I feel it is being thrust upon us and carried through while our traditionally clear American minds are dimmed by an attitude of frenzy, frightened by the specter of a shadow from the sky. We are in a mood, a man-made mood of madness, built of war hysteria.

I oppose conscription thus imposed in time of peace because I feel it is a stepping stone toward the destruction of that very thing we would be fighting to preserve—a government that is not totalitarian.

I oppose conscription today because we are at peace. And, by the grace of God, we will remain at peace. We are not going to be "bull-d" into this war even by such as Bullitt. He did not need to tell you or me what happened in France. We all know what happened; and I am not loath to say we felt the screeching of the bombs which fell as keenly in our hearts as he heard them when they fell on Paris.

Mere recanting of these grim and bloody facts of war can lend no aid to wisdom and straight thinking. By such means we only make the frightened ones more panicked, the warmonger more triumphant, the hysterics that much louder.

Mr. Bullitt has had a great experience and knows the sight of war first-hand. We had hoped it might have left him wiser, more enlightened, less imbued with vengeance, and more inspired with vision. We might have hoped that the years since he left the State Department at the behest of a great administration would make him more truthful if not more diplomatic, and now more honestly equipped to give voice as the mouthpiece of the United States, when he stands as their Ambassador on some foreign soil. We would want to respect him and believe in his sound judgment because of his experience. We want to regard him as a diplomatic minister rather than a minister of propaganda.

But he makes that task a hard one. There are those in the Senate whom I would not call wishful thinkers, nor would I brand them as agents of dictators; and yet the honorable Ambassador to France leaves no other category open for those of us who seek as earnestly as he to prepare our country fully, wisely, and completely for the task of national defense. Perhaps our methods differ; but we who oppose conscription here today are not opposed to building our defenses or strengthening our forces against the threat of assault on America by dictators. Our votes show that more eloquently than words.

The Honorable Ambassador to France, I am sure, did not mean to imply that those of us who do not rush to force muskets in the arms of all Americans today, for fear of Hitler's war bombs over Washington, are necessarily either merely wishful thinkers or agents of dictators. The latter implication does not deserve the dignity of comment.

As to the kinds of thinkers who cling to belief in sane and steady logic, in cold, calm reasoning, in cautious, strong approaching of the problems here before us—I cannot call them wishful.

Of the late Senator Borah it was said upon this floor by one of our honored colleagues that he was courageous but not foolhardy; that he was liberal but not radical; that he was conservative but not reactionary; that he was progres-

sive, and yet was cautious—suspicious of the untried, and slow to relinquish the proven. No one ever questioned his sincerity, and few have matched his patriotism.

It is my deep conviction that if the beloved Lion of Idaho were here today, standing at his desk, he would plead with all of us to stem the tide of frightened fury that is heading us toward a futile war, and tearing down the very thing for which an American would fight—a democratic country, united in the strength of individuals who would be willing to die together for that precious thing that is America.

Mr. President, I have attempted to approach this entire question without bias and with an open mind, because the world situation will not allow us to err in our judgment. In all frankness and sincerity, I cannot do other than oppose the enactment of this dictatorial and autocratic legislation.

My objections to the proposed legislation are fundamental because the pending bill diametrically and fundamentally transgresses our democratic concept of freedom, liberty, and the Bill of Rights.

If I feel strongly about the issue presented to us, Mr. President, it is because I have an inherent repugnance to everything which threatens our democratic form of government. If we are willing to fight to prevent anyone else from destroying it, why do we not fight to prevent it being destroyed by ourselves?

I am prejudiced against anything that smacks of totalitarianism. I abhor Hitlerism and the principles which dominate Germany today. I abhor fascism and the fascistic form of government. I abhor communism and the principles that actuate the Soviet Government today.

On the contrary, I have every sympathy for the people who are waging, and will carry on the fight to banish tyranny and despotism from the earth. I hope with all my being that Hitler as a symbol of aggression will be banished from the earth. But, you cannot conquer Hitlerism if you let it conquer you in the process.

I abhor dictatorship, whether in a dictatorial form of government or a democracy, whether embodied in a colored shirt or clothed in constitutionality. The former has no place in my concept; the latter has no place where the people rule. Dictatorship to me would be abhorrent, whether in the Kremlin, on Unter den Linden, at 10 Downing Street, or at 1600 Pennsylvania Avenue.

We cannot preserve American democracy by changing that democracy into totalitarianism, by resorting to totalitarian methods—and that is exactly what the bill embodies. Military conscription has ever been the first step toward dictatorship. Military conscription has always been the cornerstone of despotic rule.

It does not require argument to demonstrate that such is the basic philosophy of the bill. On page 194 of the hearings one of the witnesses before the committee, on July 11, 1940, pointed out that the bill was more dangerous than Hitler, and he was answered by this statement from a Member, I am sorry to say, of the Senate of the United States.

> We can beat Hitlerism with Hitlerism. I think that Hitlerism is the greatest threat to civilization we know today, and the way to meet Hitlerism is with Hitlerism.

Will not totalitarianism smile with glee when its bitter enemy lowers the drawbridge which kept it out, thinking thus to make the democratic stronghold more impregnable? Does one who fears the unclean leper in the street as destructive of everything fine and decent and pure, and surely to corrupt everything sacred in life, contract the grim malady in order that he may say that he has faced the problem squarely?

Mr. President, we are being told that we face a great emergency. We believe that statement. Therefore we have voted tremendous peacetime expansion of all our forces. We have cooperated in each measure to prepare for wise defense. We have voted to call out the National Guard. We have repeatedly rendered all possible aid to Great Britain while respecting our own neutrality decrees.

Next we are told that our traditional system of voluntary enlistment to augment the Army has completely broken down—and here we pause to give cool judgment to that statement. We are advised by proponents of the legislation before us that recruits in sufficient numbers can be secured only through compulsory military service, and the press and radio have been used as the tools of those who disseminate publicity to uphold that belief. Into every home has gone a flood of what we might call propaganda, shaping that greatest force of all—public opinion—as those behind the scenes would have it shaped. From the printshop and the broadcast room has gone a strangely studied program planned to guide the public thinking. We do not as yet, thank God, have a minister of propaganda, and I hope that day may never come, as we see too clearly how the press and the far-reaching voice of radio can carry the war cry into trusting hearts.

I have great respect for those who still can do their thinking for themselves. It is the steady and unemotional approach that we need here today. We go far, it seems, to win our points. I have been amazed at the statements I have heard upon the Senate floor. It has even been asserted consistently in this body that conscription is more democratic than voluntary enlistment.

I wonder, Mr. President, if we must believe that also? I wonder if anyone can seriously contend that forced militarism is the stuff of which democracy is made?

Under the terms of the bill as reported, who is called to the service to receive the so-called benefits of this great training? Is it the people as a whole, the great mass of Americans who are willing and ready to make any sacrifice to preserve their Government? There is no such provision in the bill. Is it all those male citizens who are physically and mentally capable of serving their country?

As a matter of fact, those engaged in industries regarded as inimical to public welfare are specifically deprived of the opportunity to render service. On page 15, section 2 of this bill we find that—

> It shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who is between the ages of 21 and 31, on the day or days fixed for registration, to present himself for and submit to registration. * * *

And so forth. Thus we limit this privilege, as some would call it, to male citizens from 21 to 31 years of age. Out of the 11,000,000 available male citizens within that age limit today we will take only some two or three million for training over a period of 5 years, during which time over a million more young men each year will reach the age of 21.

Will it breed the best in attitude and moral outlook to conscript men ripe for the plucking, according to our judgment here, and leave the others, equally capable, to feel unwanted and unneeded by their Government or country?

Further analysis of the specific language employed in the bill, in that particular, will demonstrate what confusion must result. Section 3 (a) of the bill authorizes the President—

> Whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest:

Section 4 (a) provides that:

> The selection of men for the training and service provided for in section 3 * * * shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from all the men between the ages of 21 and 31 who are liable for such training and service.

Please note at this point the definite distinction between conscription for training and service, and induction into the land and naval forces of the United States.

In other words, Mr. President, not only is the Executive given the power to "induct into the land and naval forces," but he is also jointly and separately given authority to "select for training and service" any number within his judgment, without regard to a contingent appropriation by Congress. In my judgment, such a power might easily embrace the authority to enforce compulsory labor in any munitions factory, navy yard, shipyard, automobile factory, aviation plant, or

other military facility, under the guise of "training and/or service."

I contend that by the language of sections 3 (a) and 4 (a) the President is given not one but two powers, separated by the conjunction "and," namely, "to select for training and service" and "to induct into the land and naval forces of the United States." This fact is further substantiated when compared with the so-called limiting section 6, which makes no reference to "training and service."

That is not all. Compulsory military training has been defended as being the ideal method of marshaling an armed force. It is argued that conscription is the ideal way to raise an army. If, for the sake of considering the argument, we say that conscription is ideal, does that make it right? Does that make it just? Does that mean that we should therefore accept conscription without question? I could devise what many would regard as an ideal tax system, but it might be the most unjust taxation plan ever created. As an example: Suppose a bill were proposed to secure all the taxes to support the Government from men between the ages of 21 and 31, and that no other persons were required to pay taxes. Let us further suppose that some agency of the Government were empowered to select at will, arbitrarily and without standard, any part of those between 21 and 31 and require them to pay all the taxes for all the people of the United States. Will any Senator tell me that this would be the most democratic method of raising revenue to support the Government? Yet it might truly be ideal in the opinion of those exempted. Then why, Mr. President, must we have our reason affronted with the argument that conscripting men between the ages of 21 and 31, leaving all others at liberty, is the most democratic and fair way to raise an army?

This is called a selective service bill, Mr. President. To my mind it is a misnomer. There has come to be a distinction between selective service and universal service. In practice, universal service means conscripting all the men within given age limits at a given time, for service on a date certain. However, this is not true of selective service. In selective service some agency, individual, or board is empowered to select from a given age bracket only men whom those in authority deem to be fit and desirable. Section 14 provides that the act shall be cited as the Selective Training and Service Act of 1940.

Who is to do the selecting? Section 10 provides that—

> The President is authorized to prescribe the necessary rules and regulations * * * (2) to create and establish a selective-service system * * * and to establish local boards and such other agencies * * * as he may deem necessary * * *; (3) to appoint * * * a director of selective service who shall be directly responsible to him. * * *

Subsection (b) of section 10 provides that—

> The President is authorized, under such rules and regulations as he may prescribe, to delegate any authority vested in him under this act to such officers, agents, or persons as he may designate or appoint for such purpose.

Yes, Mr. President, this is called a selective-service bill, but the selection contemplated is no more democratic than any other form of involuntary servitude.

Need I remind the Senate that we are not at war, in spite of Mr. Bullitt's impassioned lullaby of death? Need I remind the Senate that we are a peace-loving Nation? Need I remind the Senate that we are a constitutional democracy?

There is a vast difference, Mr. President, between conscription in time of war and conscription in time of peace. I believe in providing an adequate national defense, and I do not believe we need to resort to the extreme of conscription to do it. I believe in expanding the armed forces of the United States, and I have voted in committee and on the floor for every appropriation bill looking to that end. But that did not and does not inevitably carry with it any need for such a step as some would have us take today. I believe—I know—we can put a force of real Americans on every ship as soon as ships are ready. I believe—I know—that we can have real Americans for every plane as soon as it is built. I believe—I know—that real Americans will be ready and willing to man every tank or other mechanism for defense when it is built.

Moreover, I say to the Senate and to the people of the country that the wars of the future will not be fought by great massed armies, but rather by skillful men in mechanized forces.

The Nazis did not take France by the power of marshalled millions. France could not save herself with all her massed conscripts. The Nazi did not overrun Belgium with goose-stepping hordes.

The conqueror in these instances overcame massed forces with small, highly trained, mechanized units. Science and speed did the work formerly accomplished by great hordes of men.

According to Winston Churchill, England has 2,000,000 men under arms. They are under arms, and that is all. The Royal Air Force, comparatively but a small unit, is holding the admiration of the civilized world and stopping the onslaught of a ruthless enemy.

Great armies will not win the wars of future years. Great skill, great training, and specialized education will be the forces which will defy invasion.

Never before in the entire history of this great Nation has peacetime conscription been seriously considered, although I am willing to concede that, as evidenced by Senate Document No. 134, better known as the M-plan, the pending measure was secretly conceived long before there was any thought of the present European war.

Our proud forefathers fought the Revolutionary War with volunteers. We fought the War of 1812 to solidify America and finally sever Old World ties, and we fought that war with volunteers. In 1848 we fought the Mexican War with volunteers.

Conscription was resorted to for the first time in our history during the Civil War, which brings an illuminating fact to mind. Of the more than 2,000,000 men in the Union Army, approximately 60,000, or less than 2½ percent, were conscripts. In other words, we fought that war with volunteers. We fought the Spanish-American War with volunteers.

Between 1914 and 1917 Great Britain used only volunteers in the World War and had 5,000,000 men to carry arms. Only after 3 long years of actual war did the British Parliament pass their conscription act in 1917, just before the United States declared war on the German Empire.

Two weeks after we entered the World War of 1917, without delay and in the chaotic spirit of that hour, we passed conscription, as England, after 3 long years of battle, had just done. We were then at war; we were not at peace, as we are today; and we did not test the volunteering method but acted quickly and decisively. Who knows if we did right?

Mr. President, those who advocate the philosophy that we must enact peacetime conscription to protect the rich heritage that is so rightfully ours are embarking on a strange inconsistency, a dangerous and untenable argument. As originally introduced, this was a bill "to protect the integrity and institutions of the United States through a system of selective compulsory military training and service."

Let us see what is embraced within that sweeping statement. Those who support this measure are informing us that they have the right to fill the ranks of the Army by compulsion. They assert they have the power to reach into every home in these United States and call forth the youth to involuntary military service at will!

We are informed, and the pending bill so provides, that persons thus inducted into the Service may be put to duty anywhere within the Western Hemisphere, either for invasion or for defense. We are informed, and the pending bill so provides, that this power is not dependent upon invasion of this country, or even upon a state of war, but rather that it belongs to the Government at all times, in peace as well as war, to be exercised in all circumstances, according to the discretion of the President. For what exercise of power do we condemn other governments which command the people in much this way?

Can such a philosophy be countenanced within the meaning of the Constitution? In what article or section of the Con-

stitution is there found the power to force an individual to sacrifice everything dear in life and even life itself, not to repel an invasion; not to execute the laws of the land; not to suppress insurrections, but merely because some officials in our Government departments, together with other interested parties—whose interest rests sometimes in strange tokens—believe in an Army of three or four million reserves?

It is true, Mr. President, that the Constitution gives Congress the power to "raise and support armies," and to "provide and maintain a Navy." It has been argued that Congress is empowered to enact all laws necessary and proper for carrying into execution the foregoing powers, and that compulsory military service, even though we be at peace, is both necessary and proper. Here, my honored colleagues would do well to pause with me and look with cold, hard reasoning on the implications herein made.

Let us assume that proponents of conscription are right for the sake of argument. Then let us look further. Article I, section 8, of the Constitution, also gives to Congress the power to borrow money on the credit of the United States, the power to lay and collect taxes, duties, imposts, and excises, among many other powers. If people are unwilling to lend money to the Government, would it then be contended that Congress could resort to a forced loan in time of peace? Perhaps that would be just; perhaps a bill now pending on the Senate Calendar would do just that thing. The pending bill to which I refer may have the support of some. In this totalitarian hour, things otherwise seemingly impossible or incautious, may be looked upon with favor. But even such a bill, which would resort to forcing loans in time of peace, whatever its merits, does not specify that all loans must be made by a given small group; that those between the ages of 21 and 31 shall contribute their wealth because they are best equipped to earn more, or have not so long been used to money, or have stronger arms to sign the checks.

Moreover, a Congress with such power as some seem to visualize in promoting this conscription act could, by the same token, set up a selective borrowing agency, empowered to select arbitrarily 2,000,000 of the 11,000,000 males between 21 and 31, and in effect say to them:

> Because we are not certain of how many voluntary loans we may be able to secure, you must lend all of your money to the Government for 1 year, and you must hold yourself in readiness for the next 10 years to make any and all loans for the support of the Government.

Would that be constitutional? Would it be just? Would it be the course of true wisdom? Would it be democratic? Would it be American? I may say, in passing, that I wonder if those among us who believe one man can thus be ever right realize the implication of that subtle phrase which frames the picture of these measures we so dutifully pass—that phrase which says, "In the judgment of the President."

Democracy is a form of government based on the judgment of the people. When did the judgment of the people, the "demos," become so dead and dumb that it would not be called upon to carry out the will of the democracy or to speak for a form of government known as democracy?

Was it for this that the American Government was so carefully built? You who fight a war to quell dictators, do not forget that within the years to come, when you and I will not be here upon this floor, there may walk here one who will not with kindness nor with pity nor with unselfish love of country administer these laws which we have set in motion. Some lowly corporal in our drafted army of today may have different thoughts than ours some 20 years from now. He may find it simple so to guide this great machine of power which we have built today that America itself may writhe beneath an unknown terror greater than our human minds can picture.

Who can read the life and writings, and read the works of Jefferson, and not ponder on the events of current history? He struggled for a diffusion of power into the majority of the people, and a limitation of power at the disposal of the Executive.

"The government that governs least, governs best," was his slogan and his motto, and behind this thought, if we read his writings correctly, was the everlasting fear that some Executive, under our constitutional system, cognizant of his popularity, determined in his policies, surrounded by his chosen Cabinet, the Commander in Chief of the Army and Navy, with the keys to the Treasury in his pocket, would declare to the world and to the people that a great emergency was present, which emergency demanded that he continue at the head of the Government.

Will the Army that we draft today in an hour of peace, will the organization that we set up with full wartime mandate, be so easily dissolved 5 or 10 years from now? Will the positions thus attained, the power acquired, be laid down without a struggle?

Will the generation at the portal of its majority, the generation that stands today on the threshold of our Nation's life, about to take its place in the Nation's affairs, find itself confronted with a creature which will be created by us here, but which it will live to curse?

Millions there are today who are watching our proceedings whose ancestors fled from clicking heels, tinsel and braid, and military dominance. Are we today to cast our votes to bring to the western world that which has been the curse of the countries of far more ancient civilizations?

Militarism stood by the side of the crowned heads, and saw them, one by one, pass out; and as those crowned heads passed out, militarism stepped in.

Were I to vote for this bill, I should consider myself unfaithful to the forefathers of my country and an incense bearer in the chamber of a dead democracy.

Oh, Mr. President, it is unwise in us not to heed the thinking of that statesman, Daniel Webster, when, in discussing a bill comparable to that now here before us, he made this statement:

> An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government.

Let us mull that over in our minds. Daniel Webster called it slavery; he labeled it "perverse ingenuity"; and Daniel Webster was not a wishful thinker nor an agent of dictators.

If we believe this conscription bill is right and just in this time of peace, in the face of our Constitution, which was enacted as a guide in times like this, then we have become convinced that we, the people, are not sovereign; that there are certain inalienable rights which the Government reserves unto itself; that ours is not a government of the people, by them, and for them, but rather a government of government.

We are being told that to perpetuate the great blessings of liberty and freedom and the constitutional rights of every American we must now surrender to the Government, "in the judgment of the President," an uncontrolled power of military conscription to be arbitrarily exercised by the Chief Executive, whether we are at peace or war. Is this America? Is this the voice of America speaking, when that Nation is the leading power in the civilized world? Can this be said to be the voice of the statesmen who founded this Government, and of the patriots who died for it? Or, rather, is this a far-flung cry from a power that sought to keep us tied to a crown when our forefathers hurled the cry "'Liberty or death"?

Is this, my colleagues, worthy as the work of those of us who have come here to represent the will and wishes of our people? Who is speaking for America today? Perhaps the letters coming to our desks are merely prattle. The press would have us think so. But I pause to consider the will, the grasping for the thing that is America, the strong belief in the rightness of our way of doing, that leads those many letters to be written.

Is it the millions who constitute the populace of this country who are today calling for conscription? Are the mothers of America calling for conscription of their sons and the sons of their neighbors? Is the youth of America calling for conscription? Are the toilers of America calling for conscription? Is that great conservative army of toilers, the American Federation of Labor, giving its support to this

bill? Published utterances answer "No," and I read from a letter of William Green, president of the American Federation of Labor, under date of August 5, 1940, in which he says:

> We do not regard the Burke-Wadsworth bill, which provides for compulsory military service, as a well-planned measure. We cannot, therefore, give it our approval and support. The American Federation of Labor will give support to compulsory military training service legislation when such action becomes necessary in order to defend, protect, and preserve America. However, in providing an adequate army for defensive purposes, the American way should be followed first. A voluntary enlistment program should be launched by the Government, designed to create an army of one million and a half men. This would be putting voluntary action before compulsion. American labor would respond to such a program wholeheartedly and enthusiastically.

Are the millions of the Congress of Industrial Organizations endorsing this program? I read from a letter of the United Construction Workers' Organizing Committee of the C. I. O., under date of August 8, 1940, in which the following statement is made:

> The many millions of loyal and patriotic Americans in the ranks of organized labor do not believe that the raising of a huge conscript army in peacetime is necessary.
>
> In common with the other unions of the C. I. O., we have pledged our support of all needed measures of national defense. We believe that national defense can best be advanced by firm adherence to American principles of democracy. It is not possible to make an effective defense of democracy while at the same time adopting totalitarian tactics.

Are the hundreds of thousands of members of the railroad brotherhood, whose membership extends from ocean to ocean, from State to State, and from border to border, supporting this conscription bill? I quote from a letter dated August 1, 1940, addressed to the chairmen of the Senate and House Military Affairs Committees, as follows:

> We are in general agreement with the prevailing sentiment in the United States that every support should be given to adequate measures necessary to the protection of our democratic institutions against attack from the force of dictatorship, both within and without our country. However, grave doubt exists in many quarters with respect to the wisdom of enacting a peactime conscription bill when it is believed other adequate measures are available. Such proposal borders closely on the principle of dictatorship, and we hold the view that regimenting our people is un-American and unnecessary.
>
> Compulsory military service in time of peace is the very antithesis of freedom. It involves an infringement on the very principles of democracy which it is invoked to defend. It imposes upon the individual a mandate to give service which he may not be in position to render without serious sacrifices on the part of himself or his family, or both; and this at a time when there are thousands of other individuals who would be glad to avail themselves of the opportunity to serve if such opportunity were not denied by the restrictive rules observed by the recruiting service.
>
> (Signed) By RAILROAD BROTHERHOODS OF AMERICA.

Would anyone have the courage to say that these great elements of national life have no regard for the welfare of their country? Will anyone have the temerity to say that these great cross sections of the people of this country do not give, and give, and give to national welfare in time of peace and in time of war?

Mr. President, it has been contended that the proposed legislation is both compulsory and voluntary. I know that everything possible has been done to liberalize it in that respect, in the hope of strengthening any chance of passage, because however liberal may be a measure at its passage, the administration of that measure will do the rest. Need I draw the attention of my colleagues to this homely fact? Departmental rules and regulations fill in the chinks and crevasses when the seductive honey which induced a Congress to approve has seeped away.

Mr. President, for 20 years the law of this country has permitted voluntary enlistment in the Army for a period of 1 year or for a period of 3 years. Has that been made known to the people of this country? Have regulations or Army publications or Army pronouncements made it known to the youth of this country that they could enlist in the Army for 1 year? If so, why have only 166 men taken advantage of this privilege accorded them by law? Out of thin air have come the regulations clouding the provisions of this law which Congress passed, and thus a liberal measure has been handcuffed by departmental handling.

I know that in this bill, as originally introduced, no provision was allowed for volunteering. I know that as a result of pressure from the public, in an attempt to anticipate the ominous rumblings, subsection (d) was added to section 11, providing:

> That nothing contained in this act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States.

In that connection let me draw attention to the explanation of the dual compulsory and voluntary aspects of the bill, which appears at page 10098 of the CONGRESSIONAL RECORD for August 9. The able chairman of the Military Affairs Committee made the following statement:

> When the men are registered, they are asked to indicate whether they want to volunteer and they are allowed to do so if they want to volunteer.

In other words, "Will you come peacefully, or do I have to blackjack you?" According to that explanation, Mr. President, they still have voluntary elections in Germany. According to that explanation, the Germans are voluntarily fighting the present war. If we are to accept such a premise, we must be blind to concentration camps, and the Gestapo, and that slow starvation which faces anyone who does not "voluntarily" support the Nazi doctrine. It almost seems that we think of seeing how close we can approach the same quicksand without sinking in it.

I am exceedingly interested in the subject of volunteering. Much has been said about it. Facts have been strangely warped to court the public fancy, leaving confusion in most minds. We are told that volunteer enlistment will not bring a sufficient number of men to man our ships and to defend our country. Nothing could be further from the truth. I grant that voluntary enlistment will not bring a rapid rise of salaries and quick promotions to many officers and officials of the War and Navy staffs, but that is not the worry of Congress today.

None other than Gen. George C. Marshall, Chief of Staff of the War Department, on page 335 of the hearings on July 12, 1940, made a statement which I call to the attention of the Senate, as it has been done before, because in these closing hours, ere a vote is taken on this momentous subject, it is well that the Senate have it again brought to its attention. I call it also to the attention of the American people.

General Marshall said:

> In June we went ahead with enlisting the force without all of the funds necessary and had to be a little cautious until the appropriation bill was passed and signed, but I think we secured 18,000 men in June. Our quota, which we assigned ourselves, was about 15,000 by the end of the month, and we had reached the 15,000 10 days before the end of the month. In other words, recruiting went ahead in good shape.

On being questioned by a member of the Senate committee present at the hearing as to whether or not that many men were actually accepted by the Army, General Marshall emphatically said "Yes."

When asked how many or what proportion were rejected because of physical and mental deficiencies, General Marshall's answer is eloquent:

> About one-third of the applicants were rejected. I might say that we have been able to secure a remarkably fine lot of men from the viewpoint of high-school and college education.

In other words, Mr. President, not only did the Army secure 3,000 more recruits than its established quota of 15,000 and do that in two-thirds the time allotted, but more than one-third of the applicants, or some 6,000, were rejected for one reason or another. Such is the picture for June.

In July the recruiting offices received 34,058 applications for enlistment, of which 23,432 were accepted.

What is far more significant and illuminating on this whole question of volunteer enlistment is a table submitted on the 24th of July by Secretary of War Stimson, which appears at page 117 of the House hearings on the second national-defense appropriation bill. There, it is conclusively shown that the present authorized Army of 375,000 men will be com-

pleted by December 20, 1940, according to the War Department's own conservative estimate. Moreover, as late as August 5—that is this month, not last year—on page 11 of the Senate hearings on the same bill, General Marshall most emphatically announced that Secretary Stimson's estimate was correct. In other words, the War Department clearly realizes, and admits, that the recruits which they desire can and will be secured through voluntary enlistment, notwithstanding the dire predictions coming from the press and radio, which make us wonder once again why we should raise the roof of reason and inflict conscription on a democratic nation not at war.

That is not all. Rear Admiral Chester W. Nimitz, spokesman for the Navy Department, testified in response to direct questioning that, even with an enlistment period of 6 years, the Navy has not had difficulty in getting voluntary enlistments. Admiral Nimitz further testified that there are now some seven thousand men on the waiting list, ready to go into training stations.

Can it be possible that anyone would assert that the Navy needs the conscription bill when it has already on its waiting list, 7,000 accepted recruits in excess of facilities with which to train them?

Thus we see the vicious circle closing in: Appropriate for conscripts; appropriate for equipment to train the conscripts; appropriate to pay the officers promoted to handle the equipment to train the conscripts * * * and one day we will appropriate what is left, to fight an economic war in which our mammoth defense giant will be eating up our very hearts, and daily growing sluggish because he cannot be used to fight the kind of war which comes to us in bombs of bankruptcy and economic chaos.

Mr. President, I am neither a prophet, nor the son of a prophet, nor an expert economist, but my humble vision causes me to say that the future problem of the Western Hemisphere, and especially of our America, is an economic problem, far more than a military problem.

Our defense can be taken care of as it has been taken care of, by the loyalty and willingness of our citizens to serve voluntarily when the threat of war is upon us. Our national strength and substance should be devoted to building ourselves so strong economically as to be able to sustain our national plan and national system against any economy that may be set up as an aftermath of the present European conflict because, regardless of who may come out the winner from the unhappy maelstrom abroad, the whirlwind of a new economy arising in central Europe will be far reaching.

The military plan under the bill now pending, entailing a gigantic national debt, a massive national military force, as well as a departure from constitutional principles, may constitute the chains that will fetter our economic liberty and bring us to our knees without resort by our enemies to their armed forces.

Better a thousand times that we preserve intact the safeguards of our liberty, insuring freedom to a free people, denying inroads to the ambitious.

Better a thousand times that we secure the most humble citizen his independence and his right to sustain himself and his dependents.

Better that we build our Nation strong in these respects so that the love of country will constitute the impetus by which an army will voluntarily spring up in time of need, so powerful that no foreign foe will threaten.

Mr. President, what are we to do with those we conscript? General Marshall wants 400,000 by January and a like number in April, and so on until we reach 1945. However, on July 12, at page 328 of the hearings on the pending bill, General Marshall himself said:

> The training of young men in large training camps on the basis of compulsory training is something that we cannot manage at the present time. We do not have the trained officers and men—the instructors—to spare. Also we do not have the necessary material. We lack the special training set-up at the moment, and we cannot afford to create it.

This from the Chief of Staff of our own War Department.

Let us compare that statement to his testimony at page 333 while commenting on a proposal to expand the Regular Army of 750,000 men, which proposal was submitted by the junior Senator from Massachusetts [Mr. LODGE]. General Marshall said:

> We would have either to organize units from the ground up without any trained personnel to leaven the mass, which would require about a year, or we would have to emasculate existing units in the Regular Army in order to provide nuclei for new units. I do not think we should take such a hazard as that at the present time. Another and still more serious effect would be that we would have to emasculate the National Guard in order to find the necessary equipment for the new units.

Mr. President, let us look at cold facts. The War Department, in the face of such assertions from its Chief of Staff, still favors the bill demanding 1,200,000 men in the armed forces, not including the Navy or Air Corps.

If it be true that a proposal—coming from someone outside the War Department—for a Regular Army of 750,000 men is not feasible and is impossible because it would emasculate the Army personnel to secure instructors, and would emasculate the National Guard to secure the necessary equipment, how can it be said that we should place more than a million men in the service by April 1 next? If 750,000 enlisted men would disrupt the armed forces of the United States, then 1,200,000 trainees thrown into the Army would make the situation just 33⅓ percent worse.

The Washington Post of August 23 has this to say concerning an official interview with General Marshall:

> When questioned by newsmen on the alleged lack of army equipment, General Marshall, Army Chief of Staff, said: "We have enough .30 caliber rifles in reserve for an army of 3,000,000 men now, and plenty of machine guns, artillery, automatic rifles, gas masks, and other essential materials for the program."

I ask, Mr. President, what has occurred between July 12, 1940, when equipping an army of 750,000 would emasculate the National Guard for equipment, and emasculate the Regular Army for instructors, and August 23, 1940—less than 40 days later—so that we are now told that the War Department has enough equipment for an army of 3,000,000 men? If we could not equip an army of 750,000 on July 12, how could it be asserted on August 23 that we can equip 3,000,000 men?

Mr. President, if conscription can be justified or excused in time of peace, it must be resorted to only for the purpose of executing the laws of the Union, suppressing insurrections, or repelling invasions, if I may be pardoned for quoting from the Constitution of the United States. The fact of an emergency does not change that premise. How forceful is the language of Mr. Chief Justice Hughes, in the case of *Home Building and Loan Association* v. *Blaisdell*, 290 U. S. 398, 425 (1934). I quote:

> Emergency does not create power. Emergency does not increase granted power or remove or diminish the restrictions imposed upon power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants of power to the Federal Government and its limitations of the power of the States were determined in the light of emergency and they are not altered by emergency.

Perfectly sincere, honest, and able Senators have solemnly declared their firm conviction that Hitler will attack the United States. They also say we must have four or five million reservists prepared for that attack, despite the fact that every fragment of evidence before the Senate and House Military and Naval Affairs Committees during the entire consideration of our national-defense program, as far back as 1938, conclusively shows that we do not need and could not use a mass army of partially trained infantrymen such as conscription would inevitably produce without facilities to handle them. It is clearly written in the record that we need a Navy second to none, to cooperate with a fast-moving mobilized force of highly trained technicians, coordinated to the *n*th degree.

Mr. President, what are the elements of emergency, either limited or otherwise, which call for hasty action, so ill-advised that even our Army experts and the Chief of Staff,

the highest authority on the subject, declared on July 12, 1940, at page 333 of the hearings, as I have previously mentioned:

> We would have to emasculate existing units in the Regular Army in order to provide nuclei for new units. I do not think we should take such a hazard as that at the present time. Another and more serious effect would be that we would have to emasculate the National Guard in order to find the necessary equipment for the new units.

Why are we lending ourselves to hysteria and promoting such hysteria in the country that the average man on the street believes we are actually at war? What is it that necessitates 400,000 trainees by October 1, 1940? Are we to be attacked before Christmas? Are we to be invaded by any foreign foe within the year? Has any aggressor nation sought to deprive us of so much as a square foot of our soil? Is there something that we have not been told which warrants the adoption of compulsory military service in time of peace for the first time in the history of this Nation, when we know that compulsory military service is the first milestone on the road to a totalitarian United States?

On March 4, 1939, we as a nation celebrated the one hundred and fiftieth anniversary of the Constitution of the United States, the establishment of a constitutional democracy in the Western Hemisphere, where individual human liberty was the paramount thought. A century and a half ago we established our beloved government and announced to the world our intention to live at peace with the nations of the earth and to bring to our people the greatest quantum of contentment and prosperity. In that period of 150 years the nations abroad which called us to their side in the World War were in fact only passing through another of the prevailing conflicts which have engaged the attention of the European nations.

In the past 150 years, Great Britain has fought a total of 54 wars, lasting, in all, 102 years. In the past 150 years the British Empire has been at war 68 percent of the time. In the past century and a half France has engaged in 53 wars, lasting 99 years. In the past century and a half France has been at war 66 percent of the time.

The major of these conflicts abroad constituted a threat to our national existence. In the light of past example, why must we view this as the deluge? Just as the greatest military strategist of his time met his fate at Waterloo, so will there be an end to Hitler's march.

A vote for conscription is a momentous "aye." It is a vote toward war, war beyond our shores, for which preparation seems to point. These things of themselves are startling enough; but even more disheartening to me is the fact that a vote for this bill is the first farewell of the American people to their proud heritage of democratic freedom. Other farewells will follow fast and furiously, if this succeeds, because where militarism steps in, it becomes a ruthless master. It brooks no contradiction; it endures no pause.

The American democracy was not set up because of a threat from any forces. The American democracy was established from a background of poignant history and grim experience. The American democracy was set up out of a love of individual human liberty, after the Army that had established that liberty in a new world had been disbanded. The American democracy was set up to insure against a militaristic tyranny and insure against any reversion to such.

Moreover, it was set up to insure against human ambition that might, in the lust for power, forget its patriotism.

Following the World War, Germany set up democracy. But that democracy arose from the ashes of militarism, and the people who were to be governed by the new form of government were not on guard. They did not have a century and a half of democratic vigilance behind them. They knew the rhythm of the goose step, the glamour of the brass helmet. They knew and were used to coming to attention when uniforms passed by.

It was easy for an ambitious one to set himself up where starved and benighted millions, knowing not the course of free government nor its blessings, were easy to be shoved in line.

Thus out of Germany's democracy comes a Hitler with his blood and "blitzkrieg."

May God hold America safe to the moorings of our traditions, and our Constitution, forged with the flame of experience and wise guidance, and tried in the changing epochs of a century and a half of democracy.

It was not democracy that led the German people on the course toward what, in my judgment, is inevitable destruction. It was the fact that, steeped in militarism for centuries, with only it to use as gage and measure, they, in their desperation, bowed down again to its fast-moving, grim ferocity.

I impute nothing when I say that a dictator is not an isolated form of humanity. The madness or inspiration that gives rise to such men springs from obscurity or from greatness. It knows neither creed nor color, race nor condition. Once conceived, it draws to its aid every facility, even democracy itself.

Mr. President, in the history of this Government there was never a more momentous vote than that which will cause a peace-loving democracy to marshal its manpower for an undeclared and unanticipated war; thus to change its entire form; thus, as I have said, to take the first step toward threatening the world, toward arousing the jealousy and suspicions of our neighbor nations, by organizing military forces for a war that has not come and that, God helping, shall not come.

By a "yea" vote you will be summoning American youth to defend the very ideal which, by so voting, you destroy. Under selective military conscription the men doomed to servitude would be expected to work and fight for something they had already lost—the right to be free men and masters of their own destinies.

Moreover, you will be taking more drastic steps than have been taken in Australia, New Zealand, or Canada, all belligerents and now at war. In spite of this, not one of these British Dominions has enacted conscription which compels their conscripts to be sent outside their territorial waters.

Is this war more threatening to us than to the actual belligerents? Is the phantom of fear more bewildering to us than to these others? Australia, a British Dominion, enacted its conscription law last January but limited the application thereof to service within the continent and continental waters of Australia, at a time when their mother country was fighting for existence.

New Zealand, likewise flying the British Union Jack, limited its call to arms to service within its borders.

The Dominion of Canada, the most powerful of all Britain's possessions, passed its Draft Act June 20, 1940, but 2 months ago. I quote section 3 of that act:

> The powers conferred * * * may not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada and the territorial waters thereof.

Mr. President, some there may be who harbor the mistaken idea that the United States is still a British colony. It is an unfortunate thought if it exists. By blood and brawn and brain we carved out an independent nation. Yet, with all that independence, and after all our history, we Americans set out, through the pending measure, to make it possible to draft American manhood when we are not at war. We would enact legislation more drastic than that of nations now at war. Is that Americanism?

We have watched Hitler build a great machine that had to roll somewhere. We saw Japan and Italy prepare for war, and then go out to find a war. Shall we build a war machine of unbridled power? Shall we fill our streets with bands and uniforms? Shall we disrupt homes with military routines? Shall we confuse the industrial stability of our Nation by creating a whirlpool of suspended action? Shall we transplant young America, full of youth and so easily molded, from normal life and intelligent education for the tests that lie ahead? Shall we create a Frankenstein, an army of conscripts led by untried officers, which will contain within its ranks a bursting power that must be used for something? When we have such a monster, then truly, in the words of benighted Bill Bullitt, "War will come to America."

With all due respect to America's No. 1 prophet, erstwhile Ambassador to Paris, who now emulates the technique of Herr Goebbels, German Minister of Propaganda, we have then ourselves transformed a possibility of war, which wisdom might have avoided, into an actuality.

American youth is not foreign to a gun. We have begun to learn the rudiments of defense; let us develop all these programs to their utmost.

I have faith in a sturdy patriotism which will come from the man aroused to action of his own free will, rather than conscription in a time of peace for a mockery of war which has not come. I have faith that great American minds which aim and strive to keep us out of war can do so, and still intelligently give aid and succor to the nations whose destiny has been to battle for their right to live.

Somewhere, democracy must be preserved. God grant that the sun keep shining always on democratic soil; but let us not throw our gift of the American way of life into the boiling sea of war hysteria, lest it become forever lost in the chaos of just such madness as we face today. No one can tell how frequently the cheek of democracy may blush during this, her trying hour. It is my fervent prayer, it is the prayer of millions who believe as I do, that if we can but throw about her the arms of protection, and walk with her through this fire, we may then see her fair form fortified by a new strength, and the spirit of the martyrs who died for her enshrined forever in the western world.

Mr. President, I could not in all conscience cast my vote against the pending conscription bill without expressing the deep convictions which I hold in my heart. No one realizes better than I the gravity of the hour and the exigencies of the crisis confronting the Congress; and, what is more, no one realizes better than I that the pending measure has been under discussion from many angles, doubtless with far more eloquence than I could command. Therefore it has been my privilege to refrain from interrupting Senators during their able discussion on the floor. I have waited until the last hour, but waited with a pent-up feeling, a feeling of responsibility, a feeling of love for my country, of respect for my God, and of thought for every youth in the land, so that we may marshal here in America a voluntary army that is in heart and soul and body imbued with American spirit, and say to the world at large, "One hundred and thirty million Americans fear no power on earth, because we have within us the defense of our principles in which we believe." [Manifestations of applause in the galleries.]

### THE DRIFT IS ON

Mr. WALSH. Mr. President, I ask unanimous consent to have read at the desk an editorial from the Boston Post, the leading independent newspaper of New England, with Democratic leanings and with the largest circulation of any morning newspaper in New England.

The PRESIDENT pro tempore. Without objection, the editorial will be read.

The legislative clerk read the editorial, as follows:

#### THE DRIFT IS ON

It must be apparent to most Americans that our ship of state is setting its sai's toward war.

The movement is accelerating day by day.

We are beginning to accept propositions which a few months ago would be unthinkable. We are girding our minds for a struggle.

It was only a short while ago that we were discussing with obvious timidity the provisions of the Neutrality Act.

Now we are boldly talking about taking over British bases, the protection of Canada, and sending destroyers to England.

The things which seemed so important yesterday in keeping out of war are trivial today.

It was not long ago that Senators WALSH and LODGE warned that export of arms would be followed by fuller and more belligerent aid.

They were shouted down by persons who ridiculed any further help.

But, as we look back, it was indeed the entering wedge.

And we may be certain that the next step will be followed by another one, until we finally cross the final, vital, tragic line of demarcation between peace of a sort and war of grim reality.

We seem to have forgotten the lessons of the World War.

We have thrown overboard our ability to view this conflict in its broad lights of imperial struggle.

We have forgotten that this Nation, to even greater measure than England, is alone and friendless among the great powers of the earth and that our wealth, our gold, and our flabby military power are a lure which will call down eventually the thunder of invading guns.

The President appears to be translating our active sympathy for the British cause into inevitable participation in the war. We say this advisedly with a large measure of concern, for it is the most adroit, secretive, and decisive campaign in the history of America.

He and a powerful array of national leaders have already linked us up with what will probably be the losing side.

If the testimony of the war experts is worth anything, England will have to launch the mightiest offensive of all time to come out even.

It is one thing for her to defend herself, but another to win back the Continent of Europe from the greatest military power, and perhaps combination of powers, on earth.

If our national existence depends upon England, then we had better enter the war now while there is still an England.

If we accept our destiny as not British, not European, and not Asiatic, but as American, we will arm ourselves as no nation has ever armed, and will again raise the ancient cry of our ancestors—"Don't tread on me!"

### SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. BARKLEY. Mr. President, I desire to make another effort to reach an agreement about limitation of debate on amendments and substitutes. Therefore I ask unanimous consent that during the further consideration of this bill and during the pendency of substitutes and amendments to substitutes and to the bill, no Senator shall speak in the aggregate more than 15 minutes. That places no limitation on debate on the bill itself. It applies only to amendments to the bill, to amendments to substitutes, and to substitutes.

I have conferred with those who are planning, so far as I can ascertain, to offer substitutes, and that arrangement is agreeable to them. I hope it may be entered into.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. Is it the purpose of the Senator to hold a night session tonight?

Mr. BARKLEY. Yes.

Mr. CLARK of Missouri. Therefore, Mr. President, I object.

Mr. BARKLEY. I feel that I ought to advise the Senate that we shall undertake to hold the session as far as possible into the night.

Mr. ANDREWS obtained the floor.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Florida yield to the Senator from California?

Mr. ANDREWS. I do.

Mr. JOHNSON of California. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwartz |
| Andrews | Donahey | Lodge | Schwellenbach |
| Ashurst | Downey | Lucas | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Smathers |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Johnson, Calif. | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Colo. | Reed | White |
| Connally | King | Reynolds | Wiley |
| Danaher | La Follette | Russell | |

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. ANDREWS. Mr. President, in view of the fact that there have been so many speeches discussing practically every phase, pro and con, of the pending measure, it had been my purpose not to have anything to say. There are a few observations, however, which I should like to make regarding the purpose and scope of this bill in the hope that it may be better understood.

After analyzing the bill and hearing the many discussions upon it, I have come to the conclusion that it is not in any true sense a conscript or draft measure. On the other hand, I feel that it is what may properly be termed a selective military service measure.

It has always been my conviction, and more so now than ever, that every American boy with a sound body and mind should have at least some military training, either in high school, college, or university, and if not there, then in the National Guard or some other organization, which would make up, in part at least, for his lack of such training earlier in life.

On this point my views are based more on experience than theory. Having been trained in a military institute and having later served as captain in the National Guard, I had a chance from first-hand observation and experience to reach the definite conclusion that the training I received had more to do with shaping whatever future usefulness I may have attained than any other training I ever received.

It is also my belief that at no time in our history would military training be more important and useful than during the present distressed world situation. We have learned that even great democracies such as our own cannot wait and feel safe from foreign attack so long as dictators are rising in the great nations of Europe to threaten world peace and every democracy in the world. Those within the prescribed age who have not received military training should certainly receive it, not only as a matter of self-preservation and protection but as a duty to this great Nation. It is my belief that we should have R. O. T. C. military training units in every high school in the United States above the tenth grade. Such training creates in our youth respect for constituted authority. The tendency in recent years and months by certain groups has too often been in the opposite direction, as evidenced recently even on the White House grounds.

The most important educational training a male youth can have in a democracy such as ours is a proper regard and respect for constituted authority. A great general once said that he who has never learned to respect and obey authority should never undertake to command others.

Recently on the Senate floor the senior Senator from Georgia [Mr. GEORGE] offered an amendment which would have permitted the members of the C. C. C. units to receive military training, and that amendment was voted down. It is inconceivable to me that such training would be detrimental in any manner to our C. C. C. boys. I think it would be time well spent. It would require perhaps an hour each day other than Saturdays and Sundays and would prepare these young men for an eventuality which we now feel has infinitely greater probability of occurring if the situation in Europe continues to menace the democracies of the world. It is difficult to imagine what might be the destiny of the people of the United States if our male citizens should refuse to take military training. If our forbears who established this Government had taken the same view we would no doubt still belong to some dominating country of Europe.

Mr. President, during the World War experience made manifest many shortcomings in our preparedness, and it will be recalled that the same opinion prevailed prior to that war that now prevails in the minds of many, namely, that it is not necessary in this democratic country for our youth to take military training, upon the theory that we are so constituted that millions of soldiers will rise up overnight, if America is threatened, to repel any invasion or uprising from any source whatever. Our experience during the World War shows that it was 12 long months after war was declared by Congress before the 2,000,000 citizen soldiers who were sent to France received sufficient military training and equipment to participate in a battle in Europe. We had neither guns, tanks, airplanes, nor other indispensable modern equipment. We had mainly to use those manufactured and furnished by our Allies.

In view of the distressed world conditions, we would be unworthy of the trust placed in us as Senators if we allowed such a deplorable situation to arise again in this emergency. Perhaps I am more mindful than some others of this situation by reason of the fact that in the past few months I have traveled over my State and conferred with many of our people who compose the rank and file of our citizens.

I have come to the definite conclusion that the people of my State, with very few exceptions, are ready to lend, within their resources and ability, such financial aid and trained manpower to their Government, as will guarantee that they and their children and their children's children shall continue to enjoy the blessings of democratic freedom, which have been handed down to us untarnished by our forebears from the days of Washington.

Frequently in my recent campaign I found it necessary to refer to the unsettled conditions of the world. Based on our experience in entering the World War in 1917 "to make the world safe for democracy," I would not be willing again to send American boys across the Atlantic Ocean to fight in the human cockpits of Europe in another World War.

Our forebears established on this continent a government which has lasted longer than any other democracy of its kind in the history of man. In our Constitution, in plain terms, and particularly in our Bill of Rights, there are set forth those canons of freedom which we, as Americans, are pledged to protect and defend with our fortunes, our lives, and our sacred honor. The rights of freedom of the press, freedom of speech, trial by jury, freedom of religion, and prohibition against taking property without due process of law, have been described by preponderant opinion of civilized, liberty-loving men as the rights of every human being, rights necessary to safeguard his happiness and prosperity. We will defend those rights at all costs, at any time and at all times, regardless of the conscientious objector, or any of those who are willing to sacrifice all these rights for any reason. There are some things worse than death itself, and among them would be to have to live under a government dominated by the outstanding European dictator who would make every citizen a political and military slave.

Like many others, I have a fixed opinion that we should by no means be drawn into another carnage of blood such as that now raging in Europe. We must realize, now more than ever before, that we accomplished little for the betterment of the human race, less for the democracies, and nothing for our own welfare, by being drawn into the World War in 1917. We entered the war not alone to avenge the ruthless destruction of American citizens in the sinking by the Germans of the *Lusitania* and similar outrages, but to try to preserve and secure the blessings of democracy for ourselves and the citizens of democracies similar to our own.

The World War experience cost America not only the lives of 50,000 of the best blood and brain in this country, who died in a foreign land, but the maiming and crippling of more than three times that number. Furthermore, we incurred a national debt of more than $35,000,000,000 as a direct result of that conflict.

The opinion has been often expressed that had the American people been prepared for the World War with an adequately trained Army and Navy and with ample equipment Germany would not have drawn us into that conflict. We were drawn into it because they knew we were not prepared and could not be prepared within at least a year. They expected to win the war in Europe before America could arm and train her soldiers and take an effective part. Therefore, by the expending of a very few billion dollars on preparedness we would have no doubt saved to the American people not only the horror of loss of our men on the battlefield but

more than $35,000,000,000 which that experience has unhappily taxed this country. Another unfortunate feature is that we advanced over $10,000,000,000 to rehabilitate the same nations which had been trying to destroy each other on practically the same battlefields for nearly 2,000 years, and for causes very similar to those involved in the present conflict.

We all know how America was drawn into the World War. We asked for no territory or prizes from that war, and received none, either in territory or reparation payments. Some well-informed people have felt that the World War was won as much on Woodrow Wilson's proposed 14 points of settlement, which were printed and distributed from airplanes by the Allies over the territory of the enemy in Europe, as by the military and naval strategy of the Allies in the days immediately preceding the armistice. Unbiased history of that era will bear out the fact that the only unselfish white hand laid on the conference table at Versailles was that of Woodrow Wilson, the Commander in Chief of the Army and Navy of the United States. He asked for nothing except the most important pledge that would, so far as humanly possible, safeguard the future peace and happiness of the world.

Notwithstanding all this effort, the treaty finally formulated was never ratified by the Congress of the United States. Those who declared at the time that the League of Nations could not succeed if the greatest world democracy did not ratify it may not have been prophets, but subsequent events are now known to all of us. We were warned at the time that the division of Europe by the treaty would perhaps be the cause of future bloody conflicts. That very thing has happened, although it took 23 years for that prophecy to prove itself. No fact has been more clearly established than that America is not the keeper of the political or civic conscience and the guarantor of the form of government of the countries of Europe.

Most of the 12 decisive battles of the world have been fought near or on the same ground over a period of 2,000 years. Nothing that America could have done would have prevented the present war in Europe, nor the World War, nor can we prevent any European war in the future. It is time for America to learn that fact and act accordingly.

We should make no more useless human sacrifices on European soil. When our first contingent of volunteers was embarking for Europe a spectator could have witnessed from one of the tall hotel buildings in New York the great leviathans of the ocean, carrying thousands of the best blood, brain, and brawn of our Nation, passing down East River in the gray dawn of the morning, and out to sea under the shadow of the Goddess of Liberty, that, with lighted torch held high, seemed to pronounce the only benediction, cold but silent, upon the bravest and best of America, many of whom were never permitted to see their native land again.

Some Senators will recall that in 2 or 3 days they received little postcards with a very simple inscription evidencing that their loved ones had embarked on a voyage through a sea infested by the most dangerous and deathly instruments of destruction ever devised by the inventive genius of man. There was no great crowd to bid them a farewell. To paraphrase the beautiful couplet in Lord Tennyson's poem—

> There was no moaning of the bar
> When they put out to sea.

I am convinced that the billions of dollars Congress has appropriated for material, bases, and armaments will be almost a useless expenditure if we fail at this hour to train our young men for a service which they may have to perform whether they are prepared or not. Can it possibly be doubted that the better prepared we are for war, the greater the probability that we shall have to encounter it, and the greater the probability we shall win if we do have to face it?

In our country we have not deemed it necessary to follow a policy of universal military service. The world situation has entirely changed in 2 relatively short years. Could it possibly be error at this time to provide that within the age limits of 21 and 31 men shall be selected, regardless of whether rich or poor, high or low, to assume an obligation which every patriotic citizen ought to feel it is his duty to assume in order to perpetuate our Government, which has been not only an example but a blessing to mankind?

I shall support the pending bill, among others, for the following reasons:

First. Because it is a long step toward ample preparedness.

Second. Because it discriminates against no one and proposes to train each for his particular place in the scheme of national defense.

Third. Because the discipline necessarily resulting from the training received will be good for the morale of all our people, and particularly for youth.

Fourth. Because it will not only inspire a greater consciousness for basic American ideals, but a patriotic respect for constituted authority.

Mr. President, many of us feel that the Government of the United States should consider establishing student training corps in each coeducational and men's college and university in America, and thus give our college men military training while they are continuing their education, and at a time when the expense would be infinitely less and the opportunities much better than at any other time in life. Students who specialize in chemistry, physics, aeronautics, engineering, and all kinds of premedical and predental work, and other specialties, could thus receive their military training coextensive with their other education. It would not only be more economical for the Government, but would cause less break in the normal lives and educational pursuits of our young men.

We should not postpone proper military training until the need for a large Army is actually present, and then resort to volunteers, as was done in 1917. We must not forget that casualties in an untrained and undisciplined army are inordinately heavy, and that casualties in war decrease in proportion to the degree that an army is disciplined and trained. We must not forget that an untrained and undisciplined army is an inefficient army, and we must not overlook the fact that the volunteer plan, while assuring the service of the red-blooded, patriotic youth of our country, would no doubt leave behind the "fifth columnists" and radical groups, of which all will admit we have too many.

The volunteer method likewise leaves behind those who care little for the welfare and perpetuation of our country and are usually the very ones who cannot safely be left behind to inherit the jobs of those who are willing to serve. The burdens of war should be borne equally and impartially. Selective compulsory military service is not only just but it is essential to the successful prosecution of any war in which we may have to engage.

Opponents of selective compulsory military service seem to overlook the fundamental principle that if America is worth defending all men should be required to do their part. If all are to enjoy the benefits of citizenship, all should live up to the responsibilities of that citizenship.

If this could be accomplished by the volunteer system, all would be in favor of it. But everyone who knows human nature is aware that if the Army and Navy had to depend on volunteers to build up a strong and well-trained force to meet a national emergency there would be no such force ready in time. There would be no question about volunteers once a foreign power landed its soldiers on American shores, but that would be too late. Such volunteers would be untrained and unfit for the task required of them. It would be infinitely unfair to them and thus they would be easy targets for the trained invaders.

We must have selective compulsory military service. It is the only democratic way. In that way we can find the slackers and the "fifth columnists." They will naturally say or do something to show their colors and their lack of sympathy for the basic ideals of our free American Government.

Less than two decades ago the Washington conference of the leading nations of the world was convened in our Capital

City. As a result a solemn agreement was entered into to reduce armaments in order that economic and friendly intercourse between nations might be fostered. In compliance with that agreement the United States conveyed thousands of tons of our naval vessels out to sea and scuttled them. The indications are that from that day on certain nations began secretly to build up not only their own navies but other instruments of destruction.

Ten years ago none of us would have dreamed of appropriating several billion dollars to rebuild our Army and Navy. Our greatest statesmen could not visualize that within a short decade or two the democracies of the world, and even our own, would be seriously threatened. We have seen dictators rise in Europe, and we have seen democracies crumble, one after another—democracies which have committed no offense, either by aggression or otherwise, on the territory or the people of any other nation.

If the people of the United States were not partially made up of immigrants from practically every civilized nation on earth, but consisted only of descendants of Colonial ancestors, it might not be necessary even at this hour to adopt compulsory military selection and service. But if the American melting pot is to remain, we must let those who become citizens of our country understand that not only must they give up their allegiance to the countries whence they came but that it is civic treason to belong to any organization in this country whose policies are dictated by the heads of foreign countries, and whose objective is to overthrow our constitutional form of government.

Those are the facts which we must face, whether we like it or not; and, so far as I and my people are concerned, we shall face them with the assurance that we shall do everything possible to secure ample and effective national defense.

FOUR HUNDRED AND FIFTY-ONE EUROPEAN WARS SINCE COLUMBUS

Mr. LUNDEEN. Mr. President, for a few moments I should like to call the attention of the Senate to the map on the wall depicting the wars of Europe since the discovery of America. It is entitled "The Minerva Survey of Wars of Europe; a Selected List of Over 450 Major and Minor European Wars and Armed Conflicts Since the Discovery of America, With Over 160 Resultant Treaties, Location of Many Combat Areas, and Reading Lists of 165 Titles," by Keyes Porter.

This list of wars and treaties has been compiled by very learned research students in conjunction with the Legislative Reference Bureau of the Library of Congress. Harvard scholars—if that means anything more than any other scholars—have been engaged in the compilation of this list of wars and treaties.

The title shows 450 wars, but we have added 1 since. According to the latest list, the number is 451, the last war being the Russian-Finnish War.

A WAR A YEAR IN EUROPE FOR 400 YEARS

Since the discovery of America, Europe has had three wars and minor conflicts more than one a year. There has been an average of slightly more than one war a year every year since the discovery of America by Columbus. I suggest to those who are interventionists that if we are to follow their doctrine we had better go over to Europe and build stone barracks so that we may remain permanently, if we are to save Europe and save democracy—if there is any democracy over there. I see no difference between the so-called democracy of the British Empire and that of the German Empire. They are both aggressors. They have both conquered, and they have both built their empires, so far as they have been able to build them, by fire and sword. Here is a list of their wars.

At this point in my remarks I ask unanimous consent to have printed in the RECORD for the information of the Senate and the country a list of the 451 wars which have been fought in Europe since the discovery of America. I include also a reading list on which the research was based, together with the names of those who made the research, and the names of the publishers, showing where the information may be obtained.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Is there objection?

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

[Minerva Survey of the Wars of Europe—selected list of 451 major and minor European wars and armed conflicts since the discovery of America, with over 160 resultant treaties of many combat areas and reading list of 165 titles—by Keyes Porter]

WARS AND TREATIES

NOTE.—This list covers only the modern era. But let no one suppose that wars suddenly started up out of nothing 450 years ago.

| No. | Year | |
|---|---|---|
| 1 | 1488–95 | Swabian League of Esslingen Wars vs. German anarchy. |
| | | Perpetual Public Peace of Diet of Worms. |
| 2 | 1491–92 | English war for Breton independence. |
| | | Treaty of Etaples. |
| 3 | 1492 | Conquest of Granada. |
| 4 | 1492 | Peasant revolt in Kempten. |
| 5 | 1492 | Spain expels Jews. |
| 6 | 1492–1503 | Turco-Hungarian war. |
| 7 | 1493 | Burgundian dispute (Austria vs. France). |
| | | Treaty of Senlis. |
| 8 | 1493 | Risings of peasants in Alsace. |
| 9 | 1494 | Savonarola drives Medici from Florence. |
| | | Treaty of Florence. |
| 10 | 1494–95 | French invade Italy, take Naples. |
| | | Treaty of Vercelli. |
| 11 | 1495–7 | Revolts of Warbeck. |
| 12 | 1497–1500 | Swedes revolt vs. Denmark-Norway. |
| 13 | 1499 | Grisons war of Swiss independence vs. Austria. |
| | | Treaty of Basel. |
| 14 | 1499–1500 | French overthrow Ludovico Sforza in Milan. |
| | | Sforza, Swiss, Germans fight back. |
| | | Treaty of Granada. |
| 15 | 1499–1503 | Turco-Venetian war. |
| | | Treaty of Constantinople. |
| 16 | 1500 | Bundschuh (Peasant Association of the Shoe) revolts against German nobles. |
| 17 | 1500–01 | Second French invasion of Italy; France, Spain reconquer Naples. |
| | | Treaty of Granada. |
| 18 | 1500–01 | Caesar Borgia conquers Romagna. |
| | | Papal creation of Duchy of Romagna. |
| 19 | 1501–02 | Peasant risings in Franconia. |
| 20 | 1502 | Russia overthrows Mongol (Golden Horde) rule. |
| 21 | 1502 | Turks take Albania. |
| 22 | 1502–04 | Franco-Spanish war. |
| | | First treaty of Blois. |
| 23 | 1503 | Venice takes Faenza, Rimini. |
| 24 | 1504 | Landshut Succession war. |
| 25 | 1506 | Spanish civil war over regency. |
| | | Treaty of Villafafilia. |
| 26 | 1507 | French take Genoa. |
| 27 | 1508–09 | War of League of Cambray (France, Spain, Empire, Papacy) vs. Venice. |
| | | Treaty of Rome—1510. |
| 28 | 1509 | Cardinal Ximinez, Regent of Castile, takes Oran. |
| 29 | 1510 | Allies dispute in Italy: Papacy, Spain, Empire, Swiss against France. |
| 30 | 1511–14 | War of the Holy League. Spain, England, Empire, Papacy, Venice against France. |
| 31 | 1512 | Aragon takes Navarre. |
| | 1512–20 | Wars of Ottoman Sultan, Selim the Grim. |
| 32 | | 1512–13 Accession with aid of Janissaries. |
| 33 | | 1514 Vs. Persia; conquest of Georgia, Armenia, Kurdistan, massacre of Shiites. |
| 34 | | 1516 Conquest of Syria. |
| 35 | | 1517 Conquest of Egypt, Palestine, and Hedjaz. |
| 36 | | 1518 Conquest of upper Mesopotamia; aided by pirates, Khair Eddin Barbarossa and Dragut, Selim establishes Barbary States. |
| 37 | 1513–14 | Scottish war of French alliance against England. |
| | | Treaty of London. |
| 38 | 1515 | Franco-Swiss war. |
| | | Treaties of Geneva, Freiburg. |
| 39 | 1520–21 | Communeros rebel in Spain. |
| 40 | 1520–23 | Dalecarlian revolt. Swedes seek independence under Gustavus Vasa. |
| 41 | 1521–25 | First war of France against Charles V (Holy Roman emperor), Italy, England in Netherlands. |
| | | Treaties of London—1525; Madrid—1526. |
| | 1521–32 | Ottoman conquests under Suleyman. |
| 42 | | 1521 Belgrade. |
| 43 | | 1522 Rhodes. |
| 44 | | 1526 Wallachia and Moldavia. |
| 45 | | 1526–29 Hungary. |

| No. | Year | |
|---|---|---|
| 46 | | 1529 Austria invaded. |
| 47 | | 1532 Ottomans checked. |
| 48 | 1522–23 | Knight's war in Germany against archbishopric of Trier. |
| 49 | 1524–25 | Second war of France against Charles V. Treaty of Madrid. |
| 50 | 1525 | Grand master of Teutonic order (duke of Prussia) invades lower Germany. |
| 51 | 1526–38 | Turks back John Zápolya in Hungarian civil war. Truce of Nice. |
| 52 | 1527–29 | Third war of France against Charles V. (War of the Holy League of Cognac.) Treaty of Cambray (Peace of the Ladies). |
| 53 | 1529 | Swiss civil war. First treaty of Kappel. |
| 54 | 1529–45 | Austro-Turkish wars. Treaties of 1533, 1547. |
| 55 | 1530 | Knights of Malta war on pirates. |
| 56 | 1531 | Swiss civil war (Parsons' war). Second treaty of Kappel. |
| 57 | 1534 | Revolt of Anabaptists in Münster. |
| 58 | 1534 | Lutheran duke restored in Würtemberg. Treaty of Cadan. |
| 59 | 1534–35 | Barbarossa takes Tunis. |
| 60 | 1534–35 | Revolt of Geraldines in Ireland. |
| 61 | 1535 | Charles V takes Tunis. |
| 62 | 1536–38 | Fourth war of France against Charles V. Treaty of Nice. |
| 63 | 1538–47 | League of Pope, Emperior, Hungary, Venice against Turks. Treaty of Constantinople. |
| 64 | 1539 | Bill of Blood (English persecute Catholics). |
| 65 | 1539–40 | Ghent revolts against Charles V. |
| 66 | 1540 | Massacre of Waldenses. |
| 67 | 1541 | Expedition of Charles V against Barbarossa at Algiers. |
| 68 | 1542 | English war against Scots. Treaty of Greenwich—1543. |
| 69 | 1542 | Pope Paul III establishes Inquisition in Rome. |
| 70 | 1542–44 | Fifth war of France against Charles V. Treaty of Crespy. |
| 71 | 1544–47 | English invade Scotland. Treaty of 1550. |
| 72 | 1544–50 | English invade France. Treaty of 1550. |
| 73 | 1545 | Massacre of Waldenses. |
| 74 | 1546–47 | Schmalkaldic war of Lutheran princes against Emperor. Interim of Augsburg—1548. |
| 75 | 1547–49 | Religious war in England. |
| 76 | 1548–53 | Turco-Persian war. |
| 77 | 1549 | Western religious revolt in England. |
| 78 | 1550 | Russia takes Kazan. |
| 79 | 1551 | Dragut takes Tripoli from Knights of Malta. |
| 80 | 1552 | Turks invade Hungary. |
| 81 | 1552 | Religious war in Germany. Treaty of Passau. |
| 82 | 1552–59 | Sixth French war against Charles V. Peace of Cateau-Cambrésis. |
| 83 | 1553–55 | Saxon war and other religious wars in Germany. Treaty of Augsburg. |
| 84 | 1554 | Revolt of Sir Thomas Wyatt in England. |
| 85 | 1554 | Russia takes Astrakhan. |
| 86 | 1555 | Turks invade Papal States. |
| 87 | 1555–58 | Queen Mary (Tudor) of England suppresses Protestants. |
| 88 | 1556–59 | War of Papacy and France against Spain in Italy. Treaty of Cateau-Cambrésis. |
| 89 | 1558–62 | Turco-Spanish War and Turkish intervention in Hungarian civil war. Treaty of Prague. |
| 90 | 1560 | Waldenses war against Savoy. |
| 91 | 1560 | English intervene in Scottish reformation. Treaty of Edinburgh. |
| 92 | 1561 | Lithuania takes Kurland, part of Livonia. |
| 93 | 1561 | Irish revolt of Shane O'Neill. |
| 94 | 1562 | English acquire Havre de Grace from Huguenots. Treaty of Hampton Court. |
| 95 | 1562–63 | First Huguenot war. Treaty of Amboise. |
| 96 | 1563–64 | Anglo-Frence war of Calais. Treaty of Troyes. |
| 97 | 1563–70 | Northern 7 years' war. |
| 98 | 1564–67 | Anglo-Spanish war. |
| 99 | 1565 | Turks attack Malta. |
| 100 | 1566 | Turks invade Austria and Hungary. Treaty of 1567. |
| 101 | 1566–76 | Civil war of League of the Gueux in Netherlands. Treaty of Ghent. |
| 102 | 1567 | Saxony takes Gotha. |
| 103 | 1567 | Second Huguenot war. Treaty of Longjumeau. |
| 104 | 1567–68 | Revolt of Mary, Queen of Scots. |
| 105 | 1568–70 | Revolt of Moors in Spain. |
| 106 | 1568–1648 | Wars of liberation of Netherlands. Treaty of Westphalia. |
| 107 | 1569 | Revolt of Geraldines in Ireland. |
| 108 | 1569–70 | Third Huguenot war. Treaty of St. Germain-en-Laye. |
| 109 | 1570 | English invade Scotland (civil war). |
| 110 | 1570–72 | Revolts of Catholics in England. |
| 111 | 1570–73 | Turco-Venetian war. Treaty of Constantinople. |
| 112 | 1570–83 | Thirteen years' war (Russia against Sweden). Treaty of Pliusa. |
| 113 | 1572 | Massacre of St. Bartholomew. |
| 114 | 1572 | Fourth Huguenot war. Treaty of La Rochelle, 1573. |
| 115 | 1574 | Turks take Tunis. |
| 116 | 1574–76 | Fifth Huguenot war. Peace of Monsieur. |
| 117 | 1575–76 | Spanish take Duiveland, Schouwen. |
| 118 | 1577 | Sixth Huguenot war. Peace of Bergerac. |
| 119 | 1577 | Polish-Danzig war. |
| 120 | 1578–90 | Turco-Persian war. |
| 121 | 1579 | Turks war in Cyprus. |
| 122 | 1579 | Desmond's revolt in Ireland. |
| 123 | 1580 | Seventh Huguenot war (war of Sowers). Peace of Fleix. |
| 124 | 1580 | Spanish take Portugal. |
| 125 | 1581 | French take Cambray. |
| 126 | 1582 | Russia yields Wielicz, Plock, Livonia to Poland. |
| 127 | 1582–84 | Russia takes Siberia. |
| 128 | 1583 | French sack Antwerp. |
| 129 | 1585–89 | Eighth Huguenot war (War of the Three Henries). Treaty of Nemours. |
| 130 | 1585–1604 | Anglo-Spanish War. Treaty of London. |
| 131 | 1586 | English aid Dutch Republic. |
| 132 | 1589–98 | Ninth Huguenot War. Edict of Nantes. |
| 133 | 1590–95 | Russo-Swedish War. Treaty of Teusin—1598. |
| 134 | 1593–1606 | Austro-Turkish War. Treaty of Sitvatorok. |
| 135 | 1594–99 | Tyrone's revolt in Ireland. Treaty of Dublin. |
| 136 | 1595 | Peasants' revole in upper Austria. |
| 137 | 1595–98 | Franco-Spanish War. Treaty of Vervins. |
| 138 | 1596 | Religious persecutions in Styria. |
| 139 | 1596 | English Fleets enter Tagus, sack Cadiz. |
| 140 | 1597–1602 | Revolt of Tyrone in Ireland. England takes Ulster. Treaty of Munster. |
| 141 | 1600 | War of Swedish succession. |
| 142 | 1600 | France invades Savoy. Treaty of Lyons—1601. |
| 143 | 1600 | Revolt of Essex against Elizabeth. |
| 144 | 1601 | Spanish, Italians invade Algiers. |
| 145 | 1603 | Revolt in Transylvania against Emperor. Treaty of Sitvatorok—1606. |
| 146 | 1604 | Swedo-Polish War. |
| 147 | 1605 | Turco-Persian War. |
| 148 | 1608 | Revolt in Ireland. |
| 149 | 1609–10 | Spain expels Moors. |
| 150 | 1609–17 | Russo-Swedish War. Treaty of Stolbova. |
| 151 | 1610 | Revival of Huguenot conflict. |
| 152 | 1610 | Archduke Leopold takes Jülich, devastates upper Austria. |
| 153 | 1611–13 | Swedo-Danish War. Treaty of Knaerod. |
| 154 | 1614 | Civil war in France. Treaty of St. Ménehould. |
| 155 | 1614–17 | War of Austria against Venice, Savoy. |
| 156 | 1615 | Civil war in France. Treaty of Loudun. |
| 157 | 1617–29 | Swedo-Polish War. Treaty of Stuhmsdorf. |
| | 1618–48 | Thirty Years' War. |
| 158 | | 1618–23 Bohemian, Palatinate period. |
| 159 | | 1625–29 Danish period. Treaty of Lübeck. |
| 160 | | 1630–35 Swedish period. Treaty of Prague. |
| 161 | | 1635–48 Swedo-French period. Treaty of Westphalia—1648. |
| 162 | 1620 | Revolt of French nobles. Treaty of Angers. |
| 163 | 1620 | Turco-Polish War. |
| 164 | 1620–26 | Austro-Spanish War. Treaty of Monzon. |
| 165 | 1620–29 | War of Huguenots. Treaties of Montpellier—1622; La Rochelle—1626; Alais—1629. |
| 166 | 1624–30 | Anglo-Spanish war. Treaty of Madrid. |

| No. | Year | |
|---|---|---|
| 167 | 1626–27 | Revolt in upper Austria. |
| 168 | 1627–28 | Huguenot and English war vs. French monarchy. Treaty of Susa—1629. |
| 169 | 1629–31 | Franco-Spanish war of Mantuan succession. Treaty of Cherasco. |
| 170 | 1632 | Revolt of Orleans, Montmorency in France. |
| 171 | 1632 | Russo-Polish war. Treaty of Polianovka—1634. |
| 172 | 1633 | Revolt of Spanish Netherlands. |
| 173 | 1633 | French take duchy of Lorraine. |
| 174 | 1635–59 | Franco-Spanish war. Treaty of Pyrenees. |
| 175 | 1637 | Revolt in Edinburgh. |
| 176 | 1637 | Revolt of Croquants in Guienne. |
| 177 | 1637–40 | French take Artois. |
| 178 | 1638–39 | Revolt of Covenanters in Scotland. |
| 179 | 1639 | First Bishops' war. Treaty of Berwyck. |
| 180 | 1639 | Revolt of Nupieds in Normandy. |
| 181 | 1640 | Second Bishops' war. Treaty of Ripon. |
| 182 | 1640 | Portugal revolts from Spain. Treaty of Lisbon—1668. |
| 183 | 1640 | Catalonia revolts from Spain. |
| 184 | 1641 | Revolt in Ireland. |
| 185 | 1641–44 | War of Castro (Pope Urban VIII vs. Italian princes). Treaty of Ferrara. |
| 186 | 1642–47 | Civil war in England, Scotland. Treaty of Uxbridge—1645. |
| 187 | 1643–45 | War of Denmark, Norway vs. Sweden. Treaty of Brömsbro. |
| 188 | 1645–69 | Turco-Venetian war over Candia. Treaty of Candia. |
| 189 | 1647 | Revolt of Naples, Sicily vs. Spain. |
| 190 | 1648 | Swiss civil war. |
| 191 | 1648 | Great riot in Moscow. |
| 192 | 1648–49 | First war of the Fronde. Treaty of Rueil. |
| 193 | 1648–51 | Cossacks revolt in Poland. |
| 194 | 1648–52 | Second civil war in England, Scotland. |
| 195 | 1649–50 | Cromwellian wars in Ireland. |
| 196 | 1650–54 | Second war of the Fronde. |
| 197 | 1652–54 | Anglo-Dutch war. Treaty of Westminster. |
| 198 | 1654–67 | Russo-Polish war. Treaties of Vilno—1656; Andrussov—1667. |
| 199 | 1655 | English bombard Algiers, Tunis, Tripoli. |
| 200 | 1655–56 | Swedo-Polish war. Treaty of Königsberg. |
| 201 | 1656–60 | Russia, Denmark, Brandenburg, Emperor war vs. Sweden. Treaties of Oliva, Copenhagen—1660; Kardis—1661. |
| 202 | 1657–60 | Turco-German war. |
| 203 | 1657–61 | Dutch-Portuguese war. |
| 204 | 1661 | Revolt of Fifth Monarchy in London. |
| 205 | 1661–62 | Pirates attack coast of France. |
| 206 | 1661–65 | Portuguese revolt vs. Spain. Treaty of Lisbon—1668. |
| 207 | 1663–64 | Turco-German war in Hungary. Treaty of Vasvar. |
| 208 | 1665 | French fight pirates at Tunis, Algiers. |
| 209 | 1665–67 | Second Anglo-Dutch war. Treaty of Breda. |
| 210 | 1666 | Covenanters revolt in Scotland. |
| 211 | 1667 | Revolt in Portugal. |
| 212 | 1667–68 | War of Devolution (France vs. Spain in Netherlands). Treaty of Aix-la-Chapelle. |
| 213 | 1670 | French take Lorraine. |
| 214 | 1670–71 | Volga Cossacks revolt. |
| 215 | 1671 | Turco-Polish war. Treaty of Buczácz, 1672. |
| 216 | 1672–78 | Dutch war. Treaties of Nimwegen, 1678–79. |
| 217 | 1673–76 | Turco-Polish war. Treaty of Zaravno. |
| 218 | 1674 | Revolt in Sicily. |
| 219 | 1675–79 | Dano-Swedish war. Treaty of Lund. |
| 220 | 1676 | English attack Barbary States. |
| 221 | 1678–82 | Russo-Turkish war. Treaty of Bakchi-serai, 1680. |
| 222 | 1679–80 | Revolt of Covenanters in Scotland. |
| 223 | 1681 | French take Strassburg. |
| 224 | 1681–83 | French bombard Algiers, Tunis, Tripoli. |
| 225 | 1682 | Hungary revolts vs. Austria. |
| 226 | 1682 | Revolt of the Strieltzi. |
| 227 | 1682–99 | War of Holy League vs. Turkey. Treaty of Carlowitz. |
| 228 | 1683–84 | Franco-Spanish war. Treaty of Ratisbon. |
| 229 | 1684–85 | French bombard Tunis, Tripoli, Genoa. |
| 230 | 1685 | Revolt of Argyle, Monmouth in England. |
| | 1685 | Revocation of Edict of Nantes. |
| 231 | 1686–87 | Russo-Turkish war. |
| 232 | 1688 | Revolt in England, Scotland. |
| 233 | 1688 | French bombard Algiers. |
| 234 | 1688–91 | War of William III in Ireland. Treaty of Limerick. |
| 235 | 1688–97 | War of League of Augsburg against France. Treaty of Ryswick. |
| 236 | 1689 | Revolt of the Strieltzi. |
| 237 | 1692 | Massacre of the Macdonalds at Glencoe. |
| 238 | 1697–98 | Revolt of the Strieltzi. |
| | 1700–21 | Northern war. |
| 239 | | 1700–09 War of First Coalition (Denmark, Russia, Poland, Saxony) against Sweden. Treaties of Travendal—1700; Altranstadt—1706. |
| 240 | | 1709–14 War of Second Coalition (Denmark, Poland, Russia) against Sweden, Turkey. Treaties of Pruth—1711; Adrianople—1713. |
| 241 | | 1715–21 War of Third Coalition (Denmark, Russia, Prussia, Poland, Hanover) against Sweden. Treaties of Stockholm—1719–20; Nystad—1721. |
| 242 | 1701–14 | War of the Spanish succession (England, Holland, Empire, Portugal: Grand Alliance against France, Spain). Treaties of Utrecht—1713; Baden—1714; Rastadt—1714. |
| 243 | 1702–05 | War of the Commisards in France. |
| 244 | 1703–11 | Revolt in Hungary. |
| 245 | 1705–09 | Cossack revolts in Russia. |
| 246 | 1714–18 | Turco-Venetian war. Treaty of Passarowitz. |
| 247 | 1715–16 | Jacobite riots in Scotland. |
| 248 | 1717–18 | Spain takes Sardinia, Sicily. |
| 249 | 1718–20 | War of the Quadruple Alliance. Treaty of London. |
| 250 | 1722 | Russo-Persian war. Treaty of St. Petersburg. |
| 251 | 1723 | Turco-Persian war. |
| 252 | 1727 | Anglo-Spanish war. Treaty of El Pardo. |
| 253 | 1730–69 | Corsica revolts from Genoa. |
| 254 | 1733–35 | War of the Polish succession. Treaty of Vienna—1738. |
| 255 | 1734 | Turco-Persian war. |
| 256 | 1736–39 | War of Russia, Austria against Turkey. Treaty of Belgrade. |
| 257 | 1740–48 | War of Austrian succession. Treaty of Aix-la-Chapelle. |
| 258 | 1741 | Revolt in Russia. |
| 259 | 1741–43 | Russo-Swedish war. Treaty of Abo. |
| 260 | 1745–46 | Second Jacobite revolt. |
| 261 | 1756–63 | Seven Years' War. Treaties of Paris, Hubertsburg. |
| 262 | 1768–72 | Civil war of confederation of bar in Poland. |
| 263 | 1768–74 | Russo-Turkish War. Treaty of Kutchuk Kainarji. |
| 264 | 1770 | Greeks revolt in Morea. |
| 265 | 1771–75 | Revolts in Russia. |
| 266 | 1772 | Revolt in Sweden. |
| 267 | 1772 | First partition of Poland by Russia, Prussia, Austria. |
| 268 | 1775 | Spanish attack Algiers. |
| 269 | 1775–83 | War of American Independence. Treaty of Versailles. |
| 270 | 1778–79 | War of the Bavarian Succession. Treaty of Teschen. |
| 271 | 1783 | Russia annexes the Crimea. Treaty of Constantinople. |
| 272 | 1784–85 | Austro-Dutch War. Treaty of Fontainebleau. |
| 273 | 1787 | Prusso-Dutch War. |
| 274 | 1787–92 | War of Russia, Austria against Turkey, Sweden. Treaties of Verela, 1790; Sistova, 1791; Jassy, 1792. |
| 275 | 1788–90 | Revolt of Austrian Netherlands. |
| 276 | 1789 | Revolt in Sweden. |
| 277 | 1789–96 | French Revolution. |
| 278 | 1792 | Russo-Polish War. |
| 279 | 1792–95 | First war of coalition against France. Treaty of Basel. |
| | 1793 | Napoleon made a general. |
| 280 | 1793 | Second partition of Poland. |
| 281 | 1794 | Revolt of Kosciusko in Poland. |
| 282 | 1795 | Third partition of Poland. |
| | 1795–1815 | Napoleonic campaigns. |
| 283 | | 1795 Revolt of 13 Vandémiare (Whiff of grapeshot). General amnesty. |
| 284 | | 1796–97 Franco-Austrian War; Italian campaign. Treaties of Tolentino, Campo Formio. |

| No. | Year | | |
|---|---|---|---|
| 285 | | 1796–99 | France establishes Cisalpine, Ligurian, Roman, Helvetian, Parthenopean Republics. |
| 286 | | 1796–1801 | War of France, Spain against England, Turkey. |
| 287 | | 1799 | Coup d'état of 18 Brumaire. Constitution of the Year VIII. |
| 288 | | 1799–1801 | War of second coalition (Russia, Austria, England, Portugal, Turkey) in Germany, Italy, Switzerland, Holland, Copenhagen (at sea). Treaties of Lunéville, Florence, Badajoz, 1801; Amiens, 1802. |
| 289 | | 1803–05 | War of third coalition (England, Russia, Austria, Sweden). Treaty of Pressburg. |
| 290 | | 1804 | Conspiracy against First Consul. Napoleon proclaimed emperor of French. |
| | | 1806 | Napoleon ends Holy Roman Empire. Act of Confederation of Rhine. |
| 291 | | 1806–07 | Franco-Prussian War. Treaty of Tilsit. |
| 292 | | 1807 | War of France, Denmark against England, Sweden. |
| 293 | | 1807 | Franco-Portuguese War. |
| 294 | | 1908 | Napoleon takes Papal States. Concordat of Fontainebleau—1813. |
| 295 | | 1808–14 | Anglo-French Peninsular War, in Spain, Portugal. |
| 296 | | 1809 | Franco-Austrian War in Austria, Tyrol, Germany, Poland. Treaty of Vienna. |
| 297 | | 1812 | Franco-Russian War. |
| 298 | | 1813–14 | War of Liberation. First Treaty of Paris. |
| 299 | | 1815 | The Hundred Days—Waterloo campaign (March 1–June 18). Second Treaty of Paris. |
| 300 | 1796 | | Russo-Persian War. |
| 301 | 1796–1803 | | Revolts in Ireland. |
| 302 | 1804 | | Serbs revolt against Turkey. |
| 303 | 1808–09 | | Russia takes Finland from Sweden. Treaty of Frederikshamm. |
| 304 | 1809 | | Revolt in Sweden. |
| 305 | 1809–12 | | Russo-Turkish War. Treaty of Bucharest. |
| 306 | 1812–15 | | War of 1812 between England and United States. Treaty of Ghent—1814. |
| 307 | 1817 | | Serbs gain autonomy. |
| 308 | 1819 | | The Manchester massacre. |
| 309 | 1820–21 | | Carbonari revolt in Naples, Piedmont. |
| 310 | 1820–22 | | Revolt of Ali Pasha of Albania against sultan. |
| 311 | 1820–23 | | Revolt of liberals in Spain. |
| 312 | 1820–47 | | Intermittent revolts in Portugal. Treaty of Gramido. |
| | 1821–29 | | War for Greek independence. |
| 313 | | 1821 | Greeks revolt against Turkey in Danubian provinces. |
| 314 | | 1821 | Turks massacre Greeks. |
| 315 | | 1821–24 | Greeks succeed against Turks. |
| 316 | | 1824–27 | Egypt intervenes against Greeks. |
| 317 | | 1826 | Massacre of Janissaries. |
| 318 | | 1827 | English, French, Russian intervention. |
| 319 | | 1828–29 | Russo-Turkish War. Treaty of Adrianople—1829. |
| 320 | 1825 | | Revolt in Russia. |
| 321 | 1826–28 | | Russo-Persian War. Treaty of Turkmanchay. |
| 322 | 1828 | | Revolt in Naples. |
| 323 | 1830–33 | | Revolts in France, Italy, Papal States, Belgium, Poland, Germany, Switzerland. |
| 324 | 1830–39 | | Civil war in Portugal, Spain. |
| 325 | 1830–39 | | Belgo-Dutch War. Treaty of London. |
| 326 | 1830–47 | | Franco-Algerian war. |
| 327 | 1831–33 | | Revolt of Mehemet Ali. Treaty of Kutaya. |
| 328 | 1834 | | Revolts in France. |
| 329 | 1836 | | Louis Napoleon revolts in Strassburg. |
| 330 | 1836 | | Revolt in Vendôme. |
| 331 | 1839 | | Revolt in France. |
| 332 | 1839 | | Chartist revolt in Newport. |
| 333 | 1839–41 | | Turko-Egyptian war. |
| 334 | 1840 | | Louis Napoleon revolts. |
| 335 | 1841–43 | | Revolts in Spain. |
| 336 | 1843 | | Revolts in Greece. |
| 337 | 1844 | | Franco-Moroccan war. Treaty of Tangier. |
| 338 | 1844–47 | | Swiss civil war. Swiss Federal constitution. |
| 339 | 1847–50 | | Revolts in Austria, Denmark, England, France, Germany, Holstein, Hungary, Ireland, Italy, Poland, Portugal, Sicily, Spain, Switzerland, Turkey. |
| 340 | 1851 | | Revolt in Portugal. |
| 341 | 1851–52 | | Revolt in France. Second French Empire. |
| 342 | 1852 | | Revolt of Montenegro, Herzegovina vs. Turkey. |
| 343 | 1853 | | Russo-Turkish war. |
| 344 | 1854 | | Austrians take Danubian principalities from Russia. |
| 345 | 1854–56 | | Crimean war (France, Britain, Turkey, Sardinia vs. Russia). Treaty of Paris. |
| 346 | 1856–57 | | Anglo-Persian war. Treaty of Teheran. |
| 347 | 1858 | | War of Turkey vs. Montenegro. |
| 348 | 1858 | | Turks massacre Christians at Jedda. |
| 349 | 1859 | | War of Austria vs. France, Piedmont. Treaty of Zurich. |
| 350 | 1859–60 | | Spanish war in Morocco. Treaty of Madrid. |
| 351 | 1860–62 | | Revolt in Sicily and wars of Garibaldi for unification of Italy. |
| 352 | 1861–62 | | Serbs revolt vs. Turks. |
| 353 | 1862 | | Revolt in Greece. |
| 354 | 1863–64 | | Revolt in Poland. |
| 355 | 1864 | | War of Austria, Prussia vs. Denmark. Treaty of Vienna. |
| 356 | 1866 | | Revolt in Spain. |
| 357 | 1866 | | Seven weeks' war (Austria vs. Prussia, Italy). Treaty of Vienna. |
| 358 | 1866–69 | | Cretans revolt vs. Turks. |
| 359 | 1868 | | Revolt in Spain. Constitution of 1869. |
| 360 | 1870 | | Italy takes Rome. |
| 361 | 1870–71 | | Franco-Prussian war. Treaty of Frankfort-on-Main. |
| 362 | 1871 | | Paris Commune. |
| 363 | 1873–76 | | Revolt in Spain. Constitution of 1876. |
| 364 | 1875 | | Palace revolts in Constantinople. Constitution of 1876. |
| 365 | 1875 | | Revolts vs. Turks in Herzegovina, Bosnia. |
| 366 | 1876 | | Revolt of Bulgars. |
| 367 | 1876–77 | | War of Servia, Montenegro vs. Turks. Treaty of Constantinople. |
| 368 | 1877–78 | | Russo-Turkish war. Treaty of San Stefano. |
| 369 | 1878 | | Revolt in Armenia. |
| 370 | 1879 | | Austrians take Novibazar. |
| 371 | 1879–81 | | Nihilists revolt in Russia. |
| 372 | 1881 | | France takes Tunis. Treaty of Kassar—Saïd. |
| 373 | 1882 | | Anti-Jewish revolts in Russia. |
| 374 | 1882 | | Anglo-Egyptian war. |
| 375 | 1882 | | Revolts in Bosnia, Herzegovina, Dalmatia. |
| 376 | 1885 | | Serbo-Bulgarian war. Treaty of Bucharest—1886. |
| 377 | 1885 | | Revolt in East Rumelia. |
| 378 | 1889–97 | | Revolts in Crete. |
| 379 | 1894–96 | | Kurds, Turks massacre Armenians. General amnesty of December 22, 1896. |
| 380 | 1897 | | Turko-Greek war. Treaty of Constantinople. |
| 381 | 1901–03 | | Macedonians revolt vs. Turks. Scheme of reform. |
| 382 | 1905 | | Revolt in Russia. |
| 383 | 1905 | | Nationalist revolt in Crete. |
| 384 | 1907 | | French occupy Morocco. |
| 385 | 1908 | | Austro-Hungarian annexation of Bosnia, Herzegovina. Protocol of February 1909. |
| 386 | 1908–09 | | Young Turk revolt. Restoration of constitution of 1876. |
| 387 | 1910 | | Portuguese revolt. Constitution of 1911. |
| 388 | 1911 | | Second Moroccan crisis. Treaty of Berlin. |
| 389 | 1911–12 | | Italo-Turkish war. Treaty of Lausanne. |
| 390 | 1912–13 | | First Balkan war (Turks vs. Greece, Serbia, Bulgaria, Montenegro). Treaty of London. |
| 391 | 1913 | | Second Balkan war (Bulgaria vs. Serbia, Greece, Rumania, Turkey). Treaties of Bucharest, Constantinople. |
| 392 | 1913 | | Young Turk revolt in Constantinople. |
| 393 | 1914 | | Revolt in Albania; intervention of Italy, Greece, Montenegro. |
| 394 | 1914–18 | | World War. Germany, Austria-Hungary, Turkey, Bulgaria vs. Russia, France, British Empire, Serbia, Belgium, Luxembourg, Montenegro, Italy, Japan, Portugal, Rumania, Greece, United States, Cuba, Panama, Siam, Liberia, China, Brazil, Guatemala, Nicaragua, Costa Rica, Haiti, Honduras. Treaties of Brest-Litovsk—1918; Versailles, St. Germain-en-Laye, Neuilly-sur-Seine—1919; Trianon, Sèvres—1920; Berlin, Vienna, Budapest—1921. |
| 395 | 1916 | | Revolt in Ireland. |
| | 1917–21 | | Russian revolution. |
| 396 | | 1917 | Democratic revolution. |

| No. | Year | | |
|---|---|---|---|
| 397 | | 1917 | Kornilov counter-revolution. |
| 398 | | 1917 | Communist revolution. |
| 399 | | 1917–21 | Polish, Finnish, Cossack, Tartar, Bessarabian, Siberian, Georgian, Azerbaijanian, Armenian, Ukrainian, Esthonian, Lithuanian, Latvian revolts. Treaties of Dorpat—1920; Riga, Moscow—1921. |
| 400 | | 1918–20 | Allied intervention and counter-revolutions. |
| 401 | | 1920–21 | Russo-Polish War. Treaty of Riga. |
| 402 | 1918 | | Revolt in Austria. |
| 403 | 1918 | | Revolt in Hungary. |
| 404 | 1918–20 | | Revolt in Germany. |
| 405 | 1918–21 | | Sinn Fein revolt in Ireland. Treaty of London. |
| 406 | 1919 | | War of Hungary vs. Rumania, Yugoslavia, Czechoslovakia. |
| 407 | 1919 | | Communist revolt in Austria. |
| 408 | 1919 | | Communist revolt in Hungary. |
| 409 | 1919 | | Revolt in Fiume. |
| 410 | 1919 | | Italy invades Asia Minor. |
| 411 | 1919 | | Revolts in Egypt. |
| 412 | 1919–21 | | Revolts in Spain. |
| 413 | 1919–23 | | Greco-Turkish War. Treaty of Lausanne. |
| 414 | 1920 | | Italy invades Albania. |
| 415 | 1920 | | Poles take Vilna. |
| 416 | 1920 | | Italy takes Fiume. |
| 417 | 1921 | | Hapsburg revolts in Hungary. |
| 418 | 1921 | | Revolts in Egypt. Constitution of 1923. |
| 419 | 1922 | | Fascist revolt in Italy; Mussolini dictator. |
| 420 | 1922–23 | | Civil war in Ireland. |
| 421 | 1923 | | Beer-cellar putsch in Munich (Hitler-Ludendorff). |
| 422 | 1923 | | Italians occupy Corfu. |
| 423 | 1923 | | Coup d'état in Spain. |
| 424 | 1923 | | Revolts in Bulgaria (Democratic, Communistic). |
| 425 | 1923 | | Lithuania takes Memel. |
| 426 | 1923–24 | | Revolts in Greece. |
| 427 | 1924 | | Revolt in Albania. |
| 428 | 1925 | | Communist revolt in Bulgaria. |
| 429 | 1925 | | Greco-Bulgarian clash. |
| 430 | 1926 | | Revolt in Croatia. |
| 431 | 1926 | | Franco-Riffian War in Morocco. |
| 432 | 1927 | | Revolt in Vienna. |
| 433 | 1930–31 | | Revolt in Spain (republic established). Constitution of 1931. |
| 434 | 1933 | | National Socialist coup d'état in Germany: Hitler dictator. |
| 435 | 1933–36 | | Revolts in Greece. |
| 436 | 1934 | | Chancelor Dollfuss of Austria massacres Socialists in Vienna. |
| 437 | 1934 | | Nazi putsch in Austria; assassination of Dollfuss. |
| 438 | 1934 | | Coup d'état in Bulgaria. |
| 439 | 1934 | | Revolt in Spain. |
| 440 | 1936–39 | | Civil war in Spain. |
| 441 | 1938 | | Germany takes Austria. |
| 442 | 1938 | | Partition of Czechoslovakia by Germany, Hungary, Poland. |
| 443 | 1939 | | Germany takes Bohemia, Moravia. |
| 444 | 1939 | | Revolt in Slovakia. Treaty of Vienna. |
| 445 | 1939 | | Germany takes Memel. |
| 446 | 1939 | | Italy takes Albania. |
| 447 | 1939 | | Germany takes Slovakia. |
| 448 | 1939 | | Germany takes Danzig. |
| 449 | 1939 | | German-Polish War. Fourth partition of Poland. |
| 450 | 1939 | | War of France, England vs. Germany. |
| 451 | 1939 | | Russo-Finnish War. |

[Minerva Survey of the Wars of Europe: Selected list of over 450 major and minor European wars and armed conflicts since the discovery of America, with over 160 resultant treaties of many combat areas and reading list of 165 titles, by Keyes Porter]

READING LIST

*Bibliographies*

Adams, Charles K. Manual of Historical Literature. 3d ed., rev. and enl. New York, Harper, 1903. 720 p.

The Cambridge Modern History, ed. by A. W. Ward, and others. New York, Macmillan, 1907–1931. 13 v., and atlas.
Excellent bibliographies at end of each volume.

Coulter, Edith M., and Melanie Gerstenfeld. Historical bibliographies; a systematic and annotated guide. Berkeley, Univ. of California, 1935. 206 p.

Guide to Historical Literature, ed. by G. M. Dutcher, and others. New York, Macmillan, 1931. 1222 p.

Langer, William L., and Hamilton F. Alexander. Foreign Affairs Bibliography; a selected and annotated list of books on international relations, 1919–1932. New York, Harper, 1933. 551 p.
See especially: Pt. I, General International Relations, p. 1–86; pt. II, The World War, p. 87–162; pt. III, The World, p. 163–164; pt. V, Europe, p. 221–421.

Myers, Denys P. Manual of collections of treaties and of collections relating to treaties. Cambridge, Mass., Harvard University, 1922. 685 p. (Harvard bibliographies. Library series. Vol. II.)

*World History*

Davies, Herbert A. An Outline History of the World. New ed., rev. to 1937. London, Oxford University, 1937. 575 p., 18 maps.
Time charts: p. 559–565; important dates: p. 557–558.

Duruy, Victor. General History of the World. Rev. and supplemented by E. A. Grosvenor, and others. New York, Crowell, 1929. 967 p., 33 maps.
Progress of Industries, Arts, and Sciences (1848–1925), p. 877–892; Summary of Events (1925–1929), p. 893–928.

Elson, Henry W. Modern Times and the Living Past. New York, American Book Co., 1938. 747 p., maps.
References at end of most of the chapters.
World chronology, p. ix–xiv.

Fienley, Ralph and William N. Weech. World History; the Growth of Western Civilization. London, Dent., 1936. 757 p., 77 maps.
Includes bibliographies.

Flick, Alexander C. Modern World History Since 1775; a survey of the origins and development of contemporary civilization. Rev. by Witt Bowden. New York, Crofts, 1935. 667 p., 18 maps.
References at end of each chapter.

Fueter, Eduard. World History, 1815–1920. Translated by Sidney B. Fay. New York, Harcourt, Brace, 1922. 490 p.

Hammerton, Sir John A., and Harry E. Barnes, eds. The Illustrated World History; a record of world events from earliest historical times to the present day; nearly 1,000 historical documents and scores of maps. New York, Wise, 1938. 1,160 p.

Hart, Albert B. A reference history of the world from the earliest times to the present. Pt. I, World History; pt. II, National Histories. Springfield, Mass., Merriam, 1921. 256 p., 6 maps.
Webster's New International Dictionary with reference history.
Includes chronologies of the periods of history.

Myers, Philip V. Medieval and Modern History. 2d rev. ed. Boston, Ginn, 1923. 687 p., 45 maps.
References at end of most of the chapters.

Pahlow, Edwin W. Man's Great Adventure; an Introduction to World History. Rev. ed. Boston, Ginn, 1938. 766 p., 57 maps.
List of books: p. 737–745.

Parsons, Geoffrey. Stream of History. Rev. ed. New York, Scribner, 1933. 611 p.

Ploetz, Karl J. Ploetz's Manual of Universal History; translated and enl. by W. H. Tillinghast; rev. and ed. by Harry E. Barnes. Boston, Houghton Mifflin, 1933. 766, lxxxix p.

Robinson, James H. Medieval and Modern Times; an introduction to the history of western civilization from the dissolution of the Roman Empire to the present time. 2d rev. ed. Boston, Ginn, 1934. 825, xliii p., 26 maps.
Bibliography: p. i-xxi at end.

Tyler, Mrs. Alice Felt. The Modern World. New York, Farrar & Rinehart, 1939. 930 p., 19 maps. (The civilization of the western world. Vol. 3.)
Bibliography: p. 903–904.
European rulers since 1500: p. 905–907.

West, Willis M., and Ruth West. The Story of Modern Progress; with a preliminary survey of earlier progress. New ed. Boston, Allyn & Bacon, 1938. 730, 54 p., 54 maps.
Select book lists: Appendix, p. 1–10.

Williams, Henry S., ed. Historians' History of the World; a comprehensive narrative of the rise and development of nations as recorded by over 2,000 of the great writers of all ages. New York, Encyclopedia Britannica, 1926. 27 v. in 15, maps.
Contains bibliographies.

*European History*

General

Achorn, Erik. European Civilization and Politics, Since 1815. New York, Harcourt, Brace, 1934. 879 p., 25 maps.
Bibliography: p. 785–833.
Chronological table: p. 733–752; European states-system (area and population): p. 753–754; Colonial empires (area and population): p. 755–757; British empire (area and population): p. 758–763.

Benns, Frank L. European History Since 1870. New York, Crofts, 1938. 925 p., 36 maps and charts.
Bibliography: p. 863–903.

Ergang, Robert R. Europe, From the Renaissance to Waterloo. Boston, Heath, 1939. 752, lxxxvi p., 19 maps.
Select bibliography: p. i-lxvi at end.
Rulers of European States: p. lxvii-lxx at end.

Ferguson, Wallace K., and Geoffrey Brunn. A survey of European civilization, ancient times to the present; ed. by Carl L. Becker. Boston, Houghton Mifflin, 1939. 1118, xcviii p., 44 maps.
Bibliography: p. xv-lxx at end.
Genealogical tables: p. iii-vi at end; List of rulers: p. ix-xii at end.

Fisher, Herbert A. L. History of Europe. New rev. and enl. ed. Boston, Houghton Mifflin, 1939. 1306 p., 12 maps.
References at end of most of the chapters.
Chronological tables: p. 1283–1285.

Gillespie, James E. A history of Europe, 1500–1815. New York, Norton, 1928. 602 p., 14 maps.
References at end of each chapter.

Grant, Arthur J., and Harold Temperley. Europe in the nineteenth and twentieth centuries (1789–1938). 5th ed. New York, Longmans, Green, 1939. 700 p.

Guedalla, Philip. The hundred years. Garden City, N. Y., Garden City Publishing Co., 1939. 400 p.
Authorities: p. 383–391.
Atlas: p. 360–381.

Hayes, Carlton J. H. A political and cultural history of modern Europe. New York, Macmillan, 1932, 1939. 2 v., 62 maps.
Vol. I. Three centuries of predominately agricultural society, 1500–1830.
Vol. II. (rev. ed.) A century of predominately industrial society since 1830.
Bibliography: v. 1, p. 812–840; v. 2, p. 848.
14 genealogical charts; rulers of European states, 1500–1930: v. 1, p. 801–811; states of world in 1939 ranked according to area and population: v. 2, p. 846–847.

Hazen, Charles D. Modern European history. 4th ed., rev. New York, Holt, 1937. 908 p., 36 maps.
References at end of each chapter.

Hyma, Albert. Europe from the Renaissance to 1815. New York, Crofts, 1931. 586 p., 30 maps.
Suggested readings at end of each chapter.

Langsam, Walter C. Documents and readings in the history of Europe since 1918. Philadelphia, Lippincott, 1939. 865 p.
Bibliographical footnotes.

Marriott, Sir John A. R. The evolution of modern Europe, 1453–1932. New York, Putnam, 1933. 431 p., 16 maps.
References at end of most of the chapters; general books: p. 421.
Includes genealogical tables.

Perkins, Clarence. A history of European peoples. Chicago, Rand, McNally, 1927. 932 p., 73 maps.
Bibliography: p. 921–932.

Riker, Thad W. A short history of modern Europe. New York, Macmillan, 1935. 890 p., 14 maps.
References at end of each chapter.

Robinson, James H., and Charles A. Beard. The development of modern Europe. Rev. and enl. ed. Boston, Ginn, 1929. 2 v., 48 maps.
Vol. I. Background of our present civilization.
Vol. II. Merging of European into world history.
References: v. 1, p. i–x; v. 2, p. i–xii.

—— ——. History of Europe, our own times; the eighteenth and nineteenth centuries, the opening of the twentieth century, the World War and recent events. Rev. ed. Boston, Ginn, 1934. 657 p.

Schapiro, Jacob S., and Richard B. Morris. Civilization in Europe. Pt. I, Ancient and medieval times; pt. II, Modern times in Europe. Rev. and enl. ed. Boston, Houghton Mifflin, 1937. 751, 1 p., 47 maps.
Bibliography: p. i–viii at end.
Table of events and dates: p. xviii–xx at end; rulers of Europe since 1648: p. xx–xxv at end.

Schevill, Ferdinand. A history of Europe from the Reformation to the present day. New York, Harcourt, Brace, 1938. 819 p., 28 maps.
Bibliography: p. 781–799.

Slosson, Preston W. Europe since 1870. Ed. by J. T. Shotwell. Boston, Houghton Mifflin, 1935. 810 p., 26 maps and charts.
Bibliographical notes: p. 759–786.

France

Adams, George B. The growth of the French nation. New York, Macmillan, 1937. 350 p., 2 maps.

Bainville, Jacques. History of France; translated by Alice Gauss and Christian Gauss. New York, Appleton-Century, 1937. 483 p.

Davis, William S. A history of France, from the earliest times to the Treaty of Versailles. Boston, Houghton Mifflin, 1919. 642 p., 12 maps.
Select bibliography: p. 617–632.
Outline chronology of French history: p. 605–610; the States-General (1302–1789), comp. by G. A. Jacobsen: p. 611–615.

Duruy, Victor. A history of France. 4th ed., rev. and continued to 1929, by M. S. C. Smith. New York, Crowell, 1929. 809 p., 18 maps.
App. I. Summary of events, 1815–1895; App. II. Summary of events, 1895–1919; App. III. Summary of events, 1919–1929.

Guignebert, Charles A. H. A short history of the French people; translated by F. G. Richmond. New York, Macmillan, 1930. 2 v.
Bibliography at end of each chapter.

Hassall, Arthur. France, mediaeval and modern, a history. Oxford, Clarendon, 1918. 319 p., 7 maps.
Genealogical tables, p. 294–297.

Huddleston, Sisley. France. New York, Scribner, 1927. 613 p. (The modern world. [A survey of historical forces.]) References at end of most of the chapters.

Hudson, William H. France, the nation and its development from earliest times to the establishment of the Third Republic. New York, Stokes, 1917. 631 p., 5 maps.
Important dates: p. 583–585; 7 genealogical tables.

Sedgwick, Henry D. France, a short history of its politics, literature and art from earliest times to the present. Boston, Little, Brown, 1929. 418 p.

Seignobos, Charles. History of the French people; translated from the French by C. A. Phillips. London, Cape, 1938. 413 p. (Bedford historical series.)

Tilley, Arthur A., ed. Modern France: a companion to French studies. Cambridge, Eng., the University, 1922. 850 p.
Bibliography at end of each chapter.

Van Dyke, Paul. The story of France from Julius Caesar to Napoleon III. New York, Scribner, 1928. 539 p.

Germany (Including Austria)

Bithell, Jethro, ed. Germany: a companion to German studies. 2d ed. London, Methuen, 1937. xii, 450 p., 2 maps.
Bibliographical note: p. ix–x; bibliographies at end of most chapters; note on literature, 1931–37, p. 427.

Bryce, James Viscount. The Holy Roman Empire. New ed. New York, Macmillan, 1932. 575 p., 3 maps.
Bibliography: p. 543–544.
Contains a chronology.

Daniels, Harold G. The rise of the German Republic. London, Nisbet, 1927. 292 p.
Bibliography: p. 287–288.

Gayda, Virginio. Modern Austria; her racial and social problems. London, Unwin, 1915. 350 p.

Germany Speaks, by 21 leading members of party and state. London, Butterworth, 1938. 407 p.

Henderson, Ernest F. A short history of Germany. New ed. New York, Macmillan, 1937. 2 v. in 1., 8 maps.
Bibliography at beginning of most chapters.
Chronological table: v. 1, p. 499–507; v. 2, p. 579–589.

Hitler, Adolf. Mein Kampf; complete and unabridged, fully annotated. Editorial sponsors; John Chamberlain, Sidney B. Fay, and others. New York, Reynal & Hitchcock, 1939. 993 p., 1 map.

Löwenstein-Schärffeneck, Hubertus, Graf von. The Tragedy of a Nation: Germany, 1918–1934. New York, Macmillan, 1934. 373 p.

Luehr, Elmer. The New German Republic; the Reich in Transition. New York, Minton, Balch, 1929. 442 p. Bibliography: p. 429–436.

Marriott, Sir John A. R., and Charles G. Robertson. Evolution of Prussia; the Making on an Empire. New ed. Oxford, Clarendon, 1937. 469 p. General works of reference: p. 448–450; bibliography at end of each chapter except 1st and 2d.

Mowrer, Edgar A. Germany Puts the Clock Back. New ed. Harmondsworth, Middlesex, England, Penguin, 1937. 278 p.

Pinnow, Hermann. History of Germany; People and State Through a Thousand Years; translated by M. R. Brailsford. New York, Macmillan, 1933. 473 p.

Rosenberg, Arthur. The Birth of the German Republic, 1871–1918; translated by Ian F. D. Morrow. New York, Oxford University, 1931. viii, 286 p. Bibliography: p. viii.

——— The History of the German Republic; translated by Ian F. D. Morrow, and L. Marie Sieveking. London, Methuen, 1936. 350 p. Notes and documents: p. 323–341.

Schuschnigg, Kurt. My Austria. New York, Knopf, 1938. 308 p.

Villard, Oswald G. The German Phoenix; the Story of the Republic. New York, Smith & Haas, 1933. 358 p. Bibliography: p. 341–343.

Ward, Sir Adolphus W. Germany, 1815–1890. Cambridge, The University, 1916–18. 3 vols., 22 maps and plans. (Cambridge historical series 8.) Bibliography: vol. 1, p. 549–576; vol. 2, p. 562–578; vol. 3, p. 402–421.

Great Britain

The Cambridge History of the British Empire; general editors, J. Holland Rose, A. P. Newton, E. A. Benians. New York, Macmillan, 1929–36. 6 vols. Volumes are numbered Volume 1, 4, 5, 6, 7, and 8. Bibliography: vol. 1, p. 823–888; vol. 4, p. 609–653; vol. 5, p. 605–634; vol. 6, p. 813–885; vol. 7, pt. 1, p. 645–718; vol. 7, pt. 2, p. 259–290; vol. 8, p. 875–965.

Cross, Arthur L. A shorter History of England and Greater Britain. 3d ed. New York, Macmillan, 1939. 1,004 p., maps. References at end of most of the chapters.

Dietz, Frederick C. A Political and Social History of England. 3d ed. New York, Macmillan, 1937, xxii, 813 p., 32 maps. Bibliographical notes: p. xxi-xxii; references at end of each chapter.

Eliott, William Y. The New British Empire. New York, McGraw-Hill, 1932. 519 p., maps. Appendixes, II–VI include documents.

Green, John R. A Short History of the English people. New York, Dutton, 1934. 2 vols., 9 maps. (Everyman's Library, edited by Ernest Rhys. Hist. No. 727–728.) Authorities at head of each section. Bibliography: vol. 1, p. ix. Chronology: vol. 1, p. xvii–xxvii; genealogical tables: vol. 1, p. xxxi–xliii.

Hancock, William K. Survey of British commonwealth. Vol. I. Problems of nationality, 1918–1936. London, Oxford University, 1937. 673 p., 3 maps.

Laprade, William T. British history for American students. New York, Macmillan, 1926. 913 p., 28 maps.
References at end of each chapter.
Important dates: p. 853–863.

Lavell, Cecil F., and Charles E. Payne. Imperial England. New York, Macmillan, 1919. 395 p., 6 maps.
Bibliography: p. 387–389.

Lee, Guy C. Source book of English history; leading documents, together with illustrative material from contemporary writers and a bibliography of sources. 2d rev. ed. New York, Holt, 1909. 609 p.
Bibliography of sources: p. 3–61.

Lunt, William E. History of England. Rev. ed. New York, Harper, 1938. 920 p., 18 maps. (Harper's historical series, under the editorship of D. G. S. Ford.)
Suggestions for further reading: p. 827–891.
Chronological tables: Kings, p. 824–825; Heads of Cabinets: p. 825–826.

Marcham, Frederick G. A history of England. New York, Macmillan, 1937. 975 p.
Bibliography: p. 938–949.
Kings of England: p. 931–935; British prime ministers: p. 936.

Oman, Sir Charles W. C., ed. A history of England, v. 1–8, London, Methuen, 1905–1934. 8 v.
See especially volumes IV–VIII.
Vol. 4. England under the Tudors, by A. D. Innes. 8th ed. 1926. 481 p., maps.
Vol. 5. England under the Stuarts, by G. M. Trevelyan. 16th ed. 1933. 566 p., maps.
Vol. 6. England under the Hanoverians, by C. G. Robertson. 11th ed. 1934. 575 p., maps.
Vol. 7. England since Waterloo, by Sir J. A. R. Marriott. 7th ed. 1925. 558 p., 11 maps.
Vol. 8. Modern England, 1885–1932, by Sir J. A. R. Marriott. 1934. 551 p., 7 maps.
Bibliography in each volume.

The Oxford History of England, edited by G. N. Clark. Oxford, Clarendon, 1934–1939. 5 v.
The Reign of Elizabeth, 1558–1603, by John B. Black. 1937. 448 p., 7 maps.
The early Stuarts, 1603–1660, by Godfrey Davies. 1938. 452 p., 8 maps.
The later Stuarts, 1660–1714, by George N. Clark. 1934. 461 p., 21 maps.
The age of reform, 1815–1870, by Ernest L. Woodward. 1939. 656 p., 6 maps.
England, 1870–1914, by R. C. K. Ensor. 1936. 634 p., 7 maps.
Bibliography in each volume.

Robinson, Cyril E. England, a history of British progress from the early ages to the present day. New York, Crowell, 1938. 892 p., 63 maps and plans.
Bibliography: p. 854–862.
Summaries and chronological tables: p. 773–850; Rulers of England since the Norman conquest: p. 863; Prime ministers of England: p. 864.

Seeley, Sir John R. The growth of British policy. Cambridge, The University, 1922. 403 p.

Ward, Sir Adolphus W., and George P. Gooch, eds. The Cambridge history of British foreign policy, 1783–1919. Cambridge, The University, 1922–1923. 3 v.
Vol. 1. 1783–1815. 628 p.
Vol. 2. 1815–1866. 688 p.
Vol. 3. 1866–1919. 664 p.
Bibliography in each volume.

Wingfield-Stratford, Esmé C. The history of British civilization. 2d ed., rev. New York, Harcourt, Brace, 1933. 1332 p.

Italy

Croce, Benedetto. A history of Italy, 1871–1915; translated by C. M. Ady. Oxford, Clarendon, 1929. 333 p.

Gardner, Edmund G., ed. Italy; a companion to Italian studies. London, Methuen, 1934. x, 274 p., 1 map.
Bibliographical note: p. viii; Bibliographies at end of each chapter.

Jamison, Evelyn M., and others. Italy, mediaeval and modern, a history. Oxford, Clarendon, 1919. 567 p.
Bibliography: p. 512–520.
List of kings and genealogical tables: p. 523–527; List of Popes: p. 538–543.

McClellan, George B. Modern Italy, a short history. Princeton, Princeton university, 1933. 319 p.
Bibliography: p. 283–298.
Chronological table: p. 299–314.

Marriott, Sir John A. R. Makers of modern Italy; Napoleon-Mussolini. Oxford, Clarendon, 1931. 228 p.
Authorities: p. 223–224.

Sedgwick, Henry D. A short history of Italy (476–1900). Boston, Houghton Mifflin, 1905. 443 p.
Books for general reading: p. 430–431.
Chronological table of popes and emperors: p. 421–437; Genealogy of the Medici: p. 428; Tables of Kings of two Sicilies: p. 429.

Trevelyan, Mrs. Janet P. (Ward). A short history of the Italian people, from the barbarian invasions to the present day. 3d ed. New York, Putnam, 1929. 595 p., maps.
Bibliography: p. 565–573.

Villari, Luigi, Italy. New York, Scribner, 1929. 391 p., 1 map.

Poland

Brandes, Georg M. C. Poland: A study of the land, people, and literature. New York, Macmillan, 1903. 310 p.

Buell, Raymond L. Poland: Key to Europe. New York, Knopf, 1939. 364 p.

Corwin, Edward Henry Lewinski. The Political History of Poland. New York, Polish book importing, 1917. 628 p.

Lord, Robert H. The second partition of Poland; a study in diplomatic history. Cambridge, Harvard university, 1915. 586 p. (Harvard Historical Studies, vol. X–XIII.)
Bibliography, p. 557–572.

Machray, Robert. The Poland of Pilsudski; incorporating Poland, 1914–1931, much condensed and carrying on the history of Poland till mid-July 1936. New York, Dutton, 1937. 508 p. maps.
Bibliography, p. 487–489.

Morfill, W. R. The Story of Poland. New York, Putnam, 1893. 389 p., 2 maps.
Authorities, p. 366–375.
Landmarks of Polish History, p. 359–363.

Orvis, Julia S. A Brief History of Poland. Boston, Houghton Mifflin, 1916. 359 p., 4 maps.
Bibliography, p. 335–336.
Includes a genealogical table.

Phillips, Charles J. M. The New Poland. New York, Macmillan, 1923. 383 p.

Russia

Headstrom, Birger R. The Story of Russia. New York, Stokes, 1933. 539 p.
Chronological tables of Russian rulers and their contemporaries, p. 519–530; maps on lining pages.

Kornilov, Aleksander. Modern Russian History, being a detailed history of Russia from the age of Catherine the Great to the revolution of 1917; translated and extended by A. S. Kaun, with an introduction and classified bibliography by G. T. Robinson. New York, Knopf, 1924, liii, 310 p., 370 p., 2 maps.
Bibliography, p. xxxvii-liii.

Malevskii-Malevich, Peter N., ed. Russia—U. S. S. R., a complete handbook. New York, Payson, 1933. 712 p., 8 maps.
Bound with this [at end]: The Soviet Union Today; being a supplement to Russia—U. S. S. R. 1936. 102 p.

Mavor, James. The Ressian Revolution. London, Allen & Unwin, 1928. 470 p.
Bibliography, p. 441–445.

Pares, Sir Bernard. A History of Russia. 3d rev. ed. New York, Knopf, 1937. 570 p., 8 maps.
Bibliography, p. 529–540.
Rulers of Russia and Their Contemporaries, p. 506–517; Population of Russia, 1800–1914, p. 525.

Platonov, Sergiei F. History of Russia, translated by E. Aronsberg, ed. by F. A. Golder. New York, Macmillan, 1925. 435 p., maps.
Bibliography, p. 417–420.
Includes genealogical tables.

Pokrovskii, Mikhail N. Brief History of Russia, translated by D. S. Mirsky. New York, International Publishers, 1933. 2 v.
Chronological tables, v. 1, p. 252–280; v. 2, p. 330–338.

Skrine, Francis H. B. The Expansion of Russia, 1815–1900. 3d ed. Cambridge, The University, 1915. 386 p., 3 maps. (Cambridge historical series, ed. by G. W. Prothero.)
Bibliography, p. 349–358.

Stewart, George. The White Armies of Russia; a chronicle of counter-revolution and allied intervention. New York, Macmillan, 1933. 469 p., maps.
Bibliography, p. 437–449.

Vernadskii, Georgii V. A history of Russia. Rev. ed. New Haven, Yale university, 1935. 413 p., 3 maps.
Bibliography, p. 358–385.

——Political and Diplomatic History of Russia. Students' ed. Boston, Little, Brown, 1936. 499 p., 17 maps.
Bibliography, p. 467–470.
Chronological lists of rulers, p. 452–457; Genealogical tables, p. 458–465.

Walsh, Edmund A. The Fall of the Russian Empire; the story of the last of the Romanovs and the coming of the Bolsheviki. Boston, Little, Brown, 1928. 357 p.
Bibliography, p. 319–331.

Spain

Brandt, Joseph A. Toward the new Spain. Chicago, University of Chicago, 1933. 435 p., 2 maps.
Bibliography: p. 403–411.

Chapman, Charles E. A history of Spain. New York, Macmillan, 1937. 559 p., 2 maps.
Bibliographical notes: p. 527–540.

Clarke, Henry B. Modern Spain, 1815–1898. Cambridge, The University, 1906. 510 p., 1 map. (Cambridge historical series, ed. by G. W. Prothero.)
Bibliography: p. 471–481.

George, Robert E. G. Spanish crown, 1808–1931; an intimate chronicle of a hundred years. New York, Scribner, 1932. 399 p.
Sources: p. 388–394.
Chronology: p. 386–387; includes genealogical table.

Hume, Martin A. S. Spain: its greatness and decay, 1479–1788. 3d ed., rev. by Edward Armstrong. Cambridge, The University, 1931. 464 p. (Cambridge historical series, ed. by G. W. Prothero.)
Bibliography of Spanish history, 1479–1788: p. 412–427.

Madariaga, Salvador de. Spain. New York, Scribner, 1930. 507 p.
Bibliography: p. 483–492.

Mendizabal Villalba, Alfredo. The martyrdom of Spain; origins of a civil war. New York, Scribner, 1938. 276 p.
Translated from the French by Charles Hope Lumley.

Merriman, Roger B. The rise of the Spanish Empire in the Old World and the New. New York, Macmillan, 1918–1936. 5 v.
Note on the general authorities on Spanish history: v. 1, p. 42–47. A bibliographical note at the end of each chapter describes the most important authorities on which it is based.

Padelford, Norman J. International law and diplomacy in the Spanish civil strife. New York, Macmillan, 1939. 710 p., 1 map.

Peers, Edgar A. Spain: a companion to Spanish studies. 3d ed. London, Methuen, 1938, xii, 302 p., 3 maps.
Bibliographical note: p. x; bibliographies at end of most of the chapters.

Sedgwick, Henry D. Spain; a short history of its politics, literature, and art from the earliest times to the present. Boston, Little, Brown, 1925. 400 p., 1 map.

Balkan States

Armstrong, Hamilton F. The new Balkans. New York, London, Harper, 1926. 179 p., 12 maps.

——Where the east begins. New York, London, Harper, 1929, 139 p., 5 maps.

Helmreich, Ernst C. The diplomacy of the Balkan wars, 1912–1913. Cambridge, Harvard University, 1938. 523 p., 3 maps. (Harvard historical studies. Pub. under direction of Dept. of history . . . vol. XLII.)
Bibliography: p. 471–495.
Austro-Hungarian military measures, 1912–1913: p. 461–462.

Miller, William. The Balkans; Roumania, Bulgaria, Serbia, and Montenegro. 3d ed. New York, Putnam; London, Unwin, 1923. 538 p., 3 maps. (The story of the nations, 44.)

Roucek, Joseph S. The politics of the Balkans . . . New York, McGraw-Hill, 1939. 168 p. (McGraw-Hill studies in political science.)
Bibliographical notes at end of each chapter.

Schevill, Ferdinand. The history of the Balkan Peninsula, from the earliest times to the present day. Rev. ed., New York, Harcourt, Brace, 1933. 614 p., 15 maps.
Contains bibliographies.
Appendix A-G contains list of sovereigns of each Balkan country.

Seton-Watson, Robert W. The rise of nationality in the Balkans. London, Constable, 1917. 308 p.
Bibliography: p. 285–295.

*Military and naval history*

Creasy, Sir Edward S. The Fifteen Decisive Battles of the World From Marathon to Waterloo. New and enl. ed., to which are added Quebec, Yorktown, Vicksburg, Gettysburg, Sedan, Manila Bay, Santiago, Tsu-shima (the Sea of Japan), and the Battle of the Marne, with some of the chief events of the Great War. New York and London, Harper, 1918. 535 p., 25 maps and plans.

Liddell Hart, Basil H. The Decisive Wars of History; a Study in Strategy. Boston, Little, Brown, 1929. 242 p., maps. Part II. The World War of 1914–18; pp. 159–231.

Mahan, Alfred T. The Influence of Sea Power Upon History, 1660–1783. Boston, Little, Brown, 1890. 557 p., 4 maps.

Mitchell, William A. Outlines of the World's Military History. Harrisburg, Pa., Military Service Publishing Co., 1937. 752 p.
Military Reading Course: pp. 741–745.

Ponsonby, Arthur Ponsonby, Baron. Wars and Treaties, 1815 to 1914. 3d ed., rev. and enl. New York, Macmillan; London, Allen & Unwin, 1919. 193 p.
Bibliography: 1 p. at end.

Shaw, Roger. One Hundred and Seventy-five Battles by Land, Sea, and Air, From Marathon to the Marne and After * * * ed. by S. C. Vestal. Harrisburg, Pa., Military Service Publishing Co., 1937. 270 p.

*International law and diplomacy*

Hill, David J. A History of Diplomacy in International Development of Europe. New York, etc., Longmans, Green, 1905–14. 3 v.
Vol. I. The Struggle for Universal Empire. 1905. 481 p., 5 maps, 6 tables.
Vol. II. The Establishment of Territorial Sovereignty. 1906. 663 p., 4 maps, 5 tables.
Vol. III. The Diplomacy of the Age of Absolutism. 1914. 706 p., 5 maps, 7 tables.
Authorities at end of each chapter in each volume.

Moore, John Bassett, ed. International Adjudications, Ancient and Modern; History and Documents, Together With Mediatorial Reports, Advisory Opinions, and the Decisions of Domestic Commissions on International Claims. New York, Oxford University, 1929–33. 6 v., maps. (Publications of the Carnegie Endowment for International Peace. Division of International Law.)
Includes references.

Mowat, Robert B. A History of European Diplomacy, 1451–1789. New York, Longmans, Green; London, Arnold, 1928. 311 p.
Footnote references.

——The Diplomacy of Napoleon. New York, Longmans, Green; London, Arnold, 1924. 315 p.
Footnote references.

——A History of European Diplomacy, 1815–1914. London, Arnold, 1933. 308 p.
Footnote references.

——A History of European Diplomacy, 1914–25. New York, Longman's, Green; London, Arnold, 1931. 343 p.
Footnote references.

Satow, Sir Ernest M. Guide to Diplomatic Practice. 3d ed., rev. by H. Ritchie. London, New York, Longmans, Green, 1932. 519 p. (Contribution to international law and diplomacy.)
List of works referred to, pp. 496–501.

Saucerman, Mrs. Sophia (Becker). International Transfers of Territory in Europe With Names of the Affected Political Subdivisions As of 1910–14 and the Present. Washington, U. S. Govt. Print. Off., 1937. 244 p. (U. S. Dept. of State. Publication No. 1003.)

*Anthropology*

Boas, Franz, ed. General anthropology, with contributions by Ruth Benedict, Franz Boaz, and others. Boston, New York, Heath, 1938. 718 p.
Bibliography at end of each chapter.

Dixon, Roland B. The racial history of man. New York, London, Scribner, 1923. 583 p., maps.
Bibliography: p. 527–570.

Kroeber, Alfred L. Anthropology. New York, Harcourt, Brace, 1923. 523 p., 17 maps.
Bibliography: p. 507–508.

——A supplement, 1923–1933. New York, Harcourt, Brace, 1933. 32 p.
Bibliography: p. 31–32.

——and Thomas T. Waterman, eds. Source book in anthropology. Rev. ed. New York, Harcourt, Brace 1931. 571 p., 5 maps.

Ripley, William Z. Races of Europe; a sociological study, accompanied by a supplementary bibliography of the anthropology and ethnology of Europe. London, Paul, Trench, Trubner, 1913. 624 p., 87 maps and diagrams.
Foot-note references.
Special list of authorities on acclimatization: p. 589–590.

*Atlases*

Goode, John P. Goode's school atlas; physical, political, and economic. New York, Chicago, Rand McNally, 1939. 286 p., 431 maps.
A pronouncing index of over 30,000 geographical names: p. 177–286.

Philip, George. Philip's atlas of ancient, mediaeval, and modern history. London, George Philip, 1938. 230 p., 333 maps.

Shepherd, William R. Historical atlas. 7th ed., rev. and enl. New York, Holt, 1929. 115 p., 338 maps. (American historical series.)

Stieler, Adolf. Stieler's atlas of modern geography. 10th ed. Gotha, Justus Perthes, 1934–.
Issued in parts; 36 parts have appeared to date, Oct., 1939.

The Times, London. The Times survey atlas of the world. London, The Times, 1920–1922. 2 v., 112 maps.

*Miscellaneous*

American Historical Review, v. 1, Oct. 1895, to date. New York, London, Macmillan, 1896 to date.
Issued quarterly.
Contains references and reviews of books on European history.
——General index to volumes 1–[30]. New York, London, Macmillan, 1906, 1916, 1926. 3 v.

Current History; a monthly magazine, v. 1, 1914 to date. New York, New York Times, 1915 to date.
Semi-monthly, Dec. 1914–Jan. 1915.

The Encyclopaedia Britannica, 11th, 12th, 13th, and 14th editions and supplements, contains articles of the highest value both on Europe as a whole and on the several states of the world.
Bibliographical references at end of each article.

English Historical Review, v. 1. Jan. 1886 to date. London, New York, Longmans, Green, 1886 to date.
Issued quarterly.
Contains references and reviews of books on European history.
——General index to volumes 1–[40]. London, New York, Longmans, Green, 1906, 1916, 1927. 3 v.

Foreign Affairs: an American quarterly review, v. 1, 1922 to date. New York, 1922 to date.
Includes a briefly annotated classified list of recent books on political science and international relations.
——Index volumes 1–10. Sept. 1922–July 1932. New York, Foreign affairs, 1934. 182 p.

The Journal of Modern History, v. 1, 1929 to date. Chicago, The University of Chicago, 1929 to date.
Each quarterly issue contains a "Bibliography" of recent books concerned with modern history since the 16th century, arranged by countries.

Statesman's Yearbook, statistical and historical annual of the states of the world for the year 1939. London, Macmillan, 1939. 1507 p., 2 maps.
"Books for reference" at end of article on each country.

ACKNOWLEDGMENTS

Grateful recognition of valuable service is due to Thomas J. Cave, Charles Ellis, Donald A. Thompson in historical research; to Wesley C. Whitmer in cartography and in the preparation of the index; to the Librarian of Congress, Archibald MacLeish, and his staff including Lawrence Martin, Chief of the Division of Maps, who made helpful suggestions; to two unnamed, most efficient bibliographers; and above all to Herbert Putnam, Librarian Emeritus, and Martin A. Roberts, Chief Assistant Librarian, both of whom have for over 20 years repeatedly and in a most friendly way promoted my various studies.

Cordial thanks are also given to the typographer, John C. Harlowe, and to the lithographer, William W. Heintz, for their aid at all stages of the work.

KEYES PORTER.

[Mr. Charles Ellis herein mentioned is a graduate of Harvard University and Mr. Thompson is a doctor of philosophy, having obtained his degree from Harvard also.]

MINERVA PRESS, INC., PUBLISHERS,
WASHINGTON LOAN & TRUST BUILDING, WASHINGTON, D. C.
Date _____ 194__

Please send me _____ copies, at 50 cents each, of Minerva Survey of Wars of Europe, by Keyes Porter.

Enclosed is check [ ]. Postal money order [ ].

Name _____ Street _____

City _____ State _____

Mr. LUNDEEN. I appreciate the fact that the Minerva Press, Inc., located in the Washington Loan & Trust Building in Washington, called this matter to my attention; and I am very glad that I can give this detailed information on the number of wars in Europe, so that our interventionist friends and world savers may have something to think about for a few moments if they will give the matter a little attention.

WORLD WAR HYSTERIA IN 1917

I remember, as a Member of the House of Representatives in 1917, the fervid oratory and the Websterian eloquence which burst upon that Chamber from the interventionists in European affairs and those whose purpose it was to save the world and save democracy. Now the same persons are wringing their hands and bemoaning the fact that the world is worse than it was in 1917. I submit that they did not do so well.

In those days I voted against the entry of America into the World War. I voted against conscription for foreign service in 1917, and I shall vote against it again in 1940.

I am against not only peacetime conscription but wartime conscription, except for defense. As clearly stated by Daniel Webster, generally regarded as the greatest constitutional lawyer we have ever had, wartime conscription for service beyond the borders of America and its possessions is unconstitutional.

Some Senator complained the other day that Webster's speech had been read into the RECORD 4 times. I fear we shall have to read it into the RECORD 40 times before some distinguished Senators will pay a little attention to it. This great constitutional lawyer said that it was not only unconstitutional but that it was an absurdity and absolutely contrary to the whole spirit of the American Constitution. I shall not go into the question of constitutionality at this time.

This simple map of Europe and the list of wars might well be a subject for study during the next few hours and days by distinguished Senators who are opposing us in this fight on peacetime conscription. They believe that we can reform the world by war.

THE NORTH STAR OF AMERICAN FOREIGN POLICY

I took occasion as far back as 1919 to include in the RECORD statements by Washington, Adams, Jefferson, Jackson, Madison, Monroe, and other great statesmen including Henry Clay, who clearly laid down a foreign policy which is the "very North Star of American foreign affairs." That policy held fast to the doctrine that we should never intervene in foreign wars but should protect ourselves at home. That does not mean that we should be pacifists and provide no defense. Of course not. George Washington, who first laid down the policy of nonintervention, was a believer in preparedness. If I may be permitted to speak for Senators who oppose the pending peacetime conscription bill let me say we all believe in preparedness; we believe in defense; we believe in sufficient preparedness and defense so that no foreign foe can invade the Western Hemisphere. We are believers in the Monroe Doctrine, as I understand Senators who have spoken on this floor.

One of tonight's newspapers—I think it is the Times-Herald—contains a statement that there are now in the armed forces of the United States more than 900,000 men under the immediate call of the President. I ask unanimous consent to put that statement, which is here on my desk, in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

[From the Washington Daily News of Tuesday, August 27, 1940]

UNITED STATES ARMED FORCES NEAR MILLION MARK

Land, sea, and air forces, active and reserve, have reached a new peacetime total of 919,807.

A survey today indicated the impetus of intensified recruiting drives would soon put them across the 1,000,000 mark.

F. D. CAN CALL GUARD

Under the pending conscription measure, the Army proposes to draft 400,000 men between 21 and 31 years into the Army by January 1, 1941, and another 300,000 in April. The President is expected momentarily to sign legislation empowering him to order out the National Guard and Reserve officers. These men are included already in the totals above.

Latest statistics on strength of the services show:

| | Enlisted men | Officers | Total |
|---|---|---|---|
| Navy | 143,747 | 10,769 | 154,516 |
| Marines | 29,985 | 1,394 | 31,379 |
| Navy Reserves [1] | 40,336 | | 40,336 |
| Marine Reserves [1] | 15,076 | | 15,076 |
| Army | 289,000 | 14,000 | 303,000 |
| National Guard | 223,000 | 15,000 | 237,000 |
| Army Reserve officers | | 120,000 | 120,000 |
| Enlisted Reserves | 17,500 | | 17,500 |
| Totals | 758,644 | 161,163 | 919,807 |

[1] Includes officers on which specific figures unavailable.

Although all are at peacetime level, the Army, Navy, Marine Corps, and National Guard are below authorized strengths. The Army's goal is 375,000 men and is receiving more than 30,000 new recruits each month. The National Guard's authorized strength is 235,000 men.

The Navy, which accepted 9,089 recruits during July, has an authorized strength of 170,000 men. It is planning to expand training centers at Great Lakes, Ill., Norfolk, Va., Newport, R. I., and San Diego, Calif., to meet expansion for a two-ocean Navy. These stations have been training about 5,000 men per month but will be expanded to handle 7,000 by October 1 and 10,000 by January 1, 1940.

TO COST OVER A BILLION

The Marines have nearly reached their authorized strength of 32,000 men. They recruited 7,198 men during July.

War Department officials are working on details of the costs of the projected National Guard mobilization and conscription programs. It was estimated that Congress probably would be asked to appropriate about $1,365,000,000 for the 935,000 guardsmen, Reserve officers, and draftees, who would see service during the current fiscal year ending July 1, 1941, if present plans are approved.

It is estimated it will cost about $1,460 for each person drafted on the basis of the $21 monthly basic pay of enlisted men.

THE CITIZENS MILITARY TRAINING CAMPS

Mr. LUNDEEN. In the statement I do not find any reference to the C. M. T. C., the Citizens Military Training Camps. Our son is a member of that corps, and, at Camp Meade, in Maryland, received training in the use of machine guns and other military equipment in 1938 and 1939. Enrollees in the C. M. T. C. number some 200,000 men and they are well trained for war. Those who have gone through military instruction such as is furnished, for instance, by the Valley Forge Military Academy, where our own son received his military training for 2 full years, and then the R. O. T. C., and the C. M. T. C. should really be added to the number of men available for national defense. That would bring the number far above 1,000,000. Some time ago I placed in the CONGRESSIONAL RECORD a statement showing that the total number of men available for immediate national defense as of January 31, 1940, was 1,015,957, and I now append at this point the table from the CONGRESSIONAL RECORD to which I have just referred.

*Armed strength of the United States, 1940*

| | |
|---|---|
| Army: | |
| Total Army strength as given by Secretary of War Woodring as of Jan. 31, 1940 | 624,200 |
| R. O. T. C. figures given for September 1939 (latest available) by Colonel Thompson, War Department | 186,750 |

| | |
|---|---|
| Army—Continued. | |
| C. M. T. C., July enrollment (does not include men that have been trained over a period of years) | 35,579 |
| Total Army strength | 836,529 |
| Navy: | |
| Officers | 10,454 |
| Enlisted personnel | 129,575 |
| Coast Guard | 12,928 |
| Marine Corps, officers | 1,419 |
| Marine Corps, enlisted personnel | 25,065 |
| Total Navy strength | 179,441 |
| Total combined strength (Army and Navy): | |
| Total Army strength | 836,529 |
| Total Navy strength | 179,441 |
| United States armed strength, Army and Navy | 1,015,970 |

(NOTE.—These figures include air-force personnel.)

Source: These statistics have been compiled from various statistics given by the Navy and War Departments, Mar. 2, 1940.

...ch 18, 1940.

Hon. ERNEST LUNDEEN,
*United States Senate.*

DEAR SENATOR LUNDEEN: Receipt is acknowledged of your letter dated March 13, 1940, in which you inquire whether the R. O. T. C. and the C. M. T. C. are considered a part of our armed forces, thus increasing the total estimated strength of the Army furnished you in response to your letter of February 27, 1940.

The strength of 624,200 men furnished you in answer to your letter of February 27 was the total strength of the Army of the United States on January 31, 1940.

The R. O. T. C., established under section 40, National Defense Act, as amended, and the C. M. T. C., established under section 47 (d) of the same act, are agencies to provide military instruction and training to civilians and are not components of the Army of the United States as contemplated under section 1, National Defense Act, as amended.

Sincerely yours,

HARRY H. WOODRING,
*Secretary of War.*

MORE THAN A MILLION

Mr. LUNDEEN. Why tell our people we have no Army, Navy, and air force, when more than a million trained men are available today—air, Army, and Navy?

I ask the Senate to examine this table and to read the letter from the Secretary of War.

BILLIONS FOR DEFENSE

The American taxpayer has poured out nearly seven billions in 7 years for defense only to be told he has no defense; he has poured out nearly $37,000,000,000 in 50 years only to be told by hysterical and ignorant people that we have no defense, and perhaps a few have a good-sized profit motive in mind.

*Appropriations for the Army, Navy, and aviation, 1890–1941**

| Year | Army | | Navy | | Combined services | |
|---|---|---|---|---|---|---|
| | Aviation [1] | Total [2] | Aviation [3] | Total [4] | Aviation | Grand total |
| 1890 | | $24,316,616 | | $21,675,375 | | $45,991,991 |
| 1891 | | 24,206,472 | | 23,136,036 | | 47,342,508 |
| 1892 | | 24,613,529 | | 31,541,646 | | 56,155,175 |
| 1893 | | 24,308,500 | | 23,543,267 | | 47,851,767 |
| 1894 | | 24,225,640 | | 22,104,061 | | 46,329,701 |
| 1895 | | 23,592,885 | | 25,366,827 | | 48,959,712 |
| 1896 | | 23,252,608 | | 29,416,077 | | 52,668,685 |
| 1897 | | 23,278,403 | | 30,562,661 | | 53,841,064 |
| 1898 | | 23,129,344 | | 33,003,234 | | 56,132,578 |
| 1899 | | 23,193,392 | | 56,098,784 | | 79,292,176 |
| 1900 | | 80,430,204 | | 48,099,970 | | 128,530,174 |
| 1901 | | 114,220,096 | | 61,140,917 | | 175,361,013 |
| 1902 | | 115,734,049 | | 78,101,791 | | 193,835,840 |
| 1903 | | 91,730,136 | | 78,856,363 | | 170,586,499 |
| 1904 | | 77,888,753 | | 81,876,791 | | 159,765,544 |
| 1905 | | 77,070,301 | | 97,505,141 | | 174,575,442 |
| 1906 | | 70,396,632 | | 100,336,680 | | 170,733,312 |
| 1907 | | 102,071,670 | | 71,817,165 | | 173,888,835 |
| 1908 | | 98,958,508 | | 78,634,583 | | 177,593,091 |
| 1909 | | 95,382,248 | | 122,662,485 | | 218,044,733 |
| 1910 | | 101,195,883 | | 136,935,199 | | 238,131,082 |
| 1911 | | 95,440,568 | | 131,410,568 | | 226,851,136 |
| 1912 | $125,000 | 93,374,756 | $25,000 | 126,405,509 | $150,000 | 219,780,265 |
| 1913 | 100,000 | 90,958,713 | 30,000 | 123,151,539 | 130,000 | 214,110,252 |
| 1914 | 125,000 | 94,266,146 | 10,000 | 140,718,435 | 135,000 | 234,984,581 |
| 1915 | 275,494 | 101,019,213 | 10,000 | 144,868,717 | 285,494 | 245,887,930 |
| 1916 | 300,000 | 101,959,196 | 1,000,000 | 149,661,865 | 1,300,000 | 251,621,061 |
| 1917 | 60,331,666 | 267,596,530 | 14,585,000 | 313,298,072 | 74,916,666 | 580,894,600 |
| 1918 | 10,800,000 | 273,046,323 | [5] 51,133,000 | 517,273,802 | 61,933,000 | 790,320,125 |
| 1919 | 952,304,758 | 10,225,478,313 | 220,383,119 | 1,573,468,416 | 1,172,687,877 | 11,798,946,720 |
| 1920 | 25,000,000 | 772,324,878 | 25,000,000 | 616,096,839 | 50,000,000 | 1,388,421,717 |
| 1921 | 33,000,000 | 392,558,365 | 20,000,000 | 433,279,574 | 53,000,000 | 825,837,939 |
| 1922 | 19,290,000 | 328,013,530 | 13,413,431 | 410,673,289 | 32,613,431 | 738,686,819 |
| 1923 | 12,895,000 | 270,563,264 | 14,803,560 | 289,336,577 | 27,698,560 | 559,899,841 |
| 1924 | 12,626,200 | 257,274,768 | 14,793,560 | 294,456,528 | 27,419,760 | 551,731,296 |
| 1925 | 12,798,576 | 256,515,279 | 15,328,500 | 275,105,067 | 28,127,076 | 531,620,346 |
| 1926 | 14,911,191 | 260,757,250 | 14,981,000 | 287,402,328 | 29,892,191 | 548,159,578 |
| 1927 | 15,256,694 | 269,339,246 | 19,256,288 | 319,650,075 | 34,512,982 | 588,989,321 |
| 1928 | 20,602,594 | 282,118,885 | 20,300,000 | 316,215,107 | 40,902,594 | 598,333,992 |
| 1929 | 24,630,268 | 311,167,469 | 31,956,000 | 362,145,812 | 56,586,268 | 673,313,281 |
| 1930 | 34,690,785 | 332,404,342 | 31,430,000 | 390,236,697 | 66,120,785 | 692,641,039 |
| 1931 | 35,823,473 | 339,106,459 | 32,033,211 | 380,572,111 | 67,856,684 | 719,679,570 |
| 1932 | 31,479,635 | 334,705,965 | 31,145,000 | 358,253,952 | 62,624,635 | 692,959,917 |
| 1933 | 25,439,131 | 289,500,024 | 25,245,420 | 317,583,591 | 50,684,551 | 607,083,615 |
| 1934 | 23,324,185 | 277,050,381 | 21,957,459 | 308,669,562 | 45,281,644 | 585,719,943 |
| 1935 | 27,396,453 | 255,526,147 | 18,643,320 | 284,658,799 | 46,039,773 | 540,184,946 |
| 1936 | 45,383,400 | 341,348,204 | 40,732,310 | 458,684,379 | 86,115,710 | 800,032,583 |
| 1937 | 59,397,714 | 383,104,859 | 38,588,270 | 526,546,532 | 97,985,984 | 909,651,391 |
| 1938 | 58,618,406 | 415,263,154 | 49,500,000 | 516,258,808 | 108,118,406 | 931,521,962 |
| Total, 1890–1938 | 1,556,835,623 | 18,974,978,096 | 766,283,448 | 11,588,498,603 | 2,323,119,071 | 30,563,476,699 |
| 1939, revised [6] | 70,856,972 | 521,839,824 | 48,075,000 | 597,542,738 | 118,931,972 | 1,119,382,562 |

[1] Army Air Service (Corps) organized in 1918.
[2] Includes appropriations for support of the Army, 1890–1922, and military activities of the War Department, 1923–39.
[3] Bureau of Aeronautics of the Navy Department organized 1922.
[4] Includes appropriations for the naval service, 1890–1922, and for the Navy Department and the naval service, 1923–39.
[5] Includes $1,000,000 available to the Secretary of War and the Secretary of the Navy for purchase of aircraft patents.
[6] 1939 figures appearing in compilation have been revised according to the U. S. Budget, 1941.

*Includes bills before committees. Does not include H. R. 8026, which authorizes the increase by 218,000 tons of the composition of the Navy under-age vessels, the increase of naval airplanes to 6,000 and lighter-than-air craft to 36, and the acquisition or construction of 125,000 tons of auxiliary vessels. H. R. 8026 passed the House on Mar. 12, 1940. No amounts were specified to meet these authorized increases.

*Appropriations for the Army, Navy, and aviation, 1890–1941*—Con.

| Year | Army | | Navy | | Combined services | |
|---|---|---|---|---|---|---|
| | Aviation | Total | Aviation | Total | Aviation | Total |
| 1940, appropriation bills [7] | 184,464,936 | 660,167,878 | 82,798,000 | 720,789,461 | 267,262,936 | 1,380,957,339 |
| Emergency Supplemental Appropriation Act of 1940 (approved Feb. 12, 1940) [8] | 1,787,358 | 109,416,689 | 28,661,000 | 137,172,238 | 30,448,358 | 246,588,927 |
| Urgent Deficiency 1940 (approved Feb. 12, 1940) [9] | | | | 28,000,000 | | 28,000,000 |
| Total, 1940 | | | | | | 1,655,546,266 |
| Military Establishment, 1941 [8] | 165,762,162 | 784,999,094 | | | 165,762,162 | 784,999,094 |
| Navy Department and naval service [9] | | | 94,202,900 | 963,797,478 | 94,202,900 | 963,797,478 |
| H. R. 7934 [10] | | | | 5,725,000 | | 5,725,000 |
| Total, 1941 | | | | | | 1,754,521,572 |
| Grand total | 1,979,707,051 | 21,051,401,581 | 1,020,020,348 | 14,041,525,518 | 2,999,727,399 | 35,092,927,099 |

[7] This money is not all available in 1940, but is included in 1940 appropriation figures.
[8] H. R. 9209, 76th Cong., as it passed the House.
[9] H. R. 8438, 76th Cong., as it was amended, passed the House, and sent to conference.
[10] Authorizes $5,725,000 for modernizing U. S. S. *New York*, *Texas*, and *Arkansas*. Referred to House Committee on Naval Affairs.

Source: 1890–1938, from ms. of Nov. 21, 1939, of the same title. 1939, 1940—U. S. Budget, 1941, statement No. 2. Emergency Supplemental Appropriation Act of 1940; urgent deficiency, 1940; Military Establishment; Navy Department and naval service totals, by telephone from the budget departments of the War and Navy Departments; Aviation figures were taken from copies of the acts and bills.

Army: 1890–1922, 1931–38—Digest of Appropriations, 1938; table C, pp. 852–859. 1928–30—U. S. Budget, 1924–31. 1939—U. S. Budget, 1940.

Navy: 1890–1938—Digest of Appropriations, 1938; table C, pp. 852–859. 1939—U. S. Budget, 1940.

1940 and 1941 figures taken from Roosevelt's Budget Details as printed in the Times-Herald, Jan. 4, 1940.

Aviation: Army: 1912, 36 Stat. 1038; 1913, 37 Stat. 571; 1914, 37 Stat. 705; 1915, 38 Stat. 353, 359; 1916, 38 Stat. 1064; 1917, 39 Stat. 622, 910, 40 Stat. 187; 1918, 40 Stat. 42; 1919, 40, Stat. 816, 848–849, 1027; 1920–39, U. S. Budget, 1922–40.

Navy: 1912, 36 Stat. 1268; 1913, 37 Stat. 343, 348; 1914, 37 Stat. 894; 1915, 38 Stat. 396; 1916, 38 Stat. 930; 1917, 39 Stat. 559, 40 Stat. 203; 1918, 39 Stat. 1169–1170, 40 Stat. 369; 1919, 40 Stat. 706; 1920–39, U. S. Budget, 1922–40.

(Thomas R. Baldwin, Nov. 21, 1939.)

That included the Regular Army, the National Guard, and nearly 200,000 in the Navy. The figure for the Navy is now more than 200,000, and much recruiting and voluntary enlistment has taken place since that time in all services. So that I estimate—and I will be glad to substantiate the estimate by definite figures—that we have today 1,250,000 men available now for immediate military service. That is a greater number than we need today to repel any possible foreign foe that might seek to invade America.

Yesterday's CONGRESSIONAL RECORD contains a statement by the distinguished chairman of the Committee on Naval Affairs, the Senator from Massachusetts [Mr. WALSH], in which he shows clearly and conclusively that it would be physically impossible for any European power or combination of powers to land in America 1,000,000 men in any less time than 3 years. For instance, he called attention to the fact that 1,000 transports of a tonnage of 10,000 each would be required. The ships are not available. They cannot be found. I ask Senators to recall now that the British at the present time are asking us to send our ships into the war zones to transport their children and other refugees. The reason given is that they have not ships available to transport them to the United States.

AMERICAN HOME PROBLEMS

I may say in this connection that it might be well for Americans to give some thought to their own children, their own dispossessed farmers, and their own ten, eleven, or twelve million unemployed, who are being forgotten in the war hysteria which seems to be rather stronger in the Congress than throughout the country, judging from the correspondence that comes to me from Minnesota. My letters from that State run about 50 or 100 to 1 against peacetime conscription.

The American Federation of Labor is opposed to peacetime conscription; the C. I. O. is opposed to peacetime conscription, the railroad brotherhoods are opposed to peacetime conscription. The C. I. O. and the A. F. of L. alone have a membership of more than 8,000,000 and the railroad brotherhoods, composed of men working on the railroads, have a membership of approximately a million. I do not expect the Senate will listen to the resolutions which these great labor organizations have adopted and sent here. I hope the Senate will do so, but I rather expect they will not. Perhaps some day these great labor organizations and the railway brotherhoods may speak at the polls of the country a language that is a little more easily understood than mere resolutions.

If I may again revert to the list of wars in Europe, I presume from now on, whenever any conqueror rises in Europe, we will be urged to go to the rescue. We will be asked to put down the evil power and to rescue the country which the majority may seem to favor at that time.

AMERICA FIRST—ABSOLUTE NEUTRALITY

We have been warned by every great statesman in the history of this Nation not to exercise excessive partiality for any one country; that we should be neutral in the quarrels of Europe, and that we should be scrupulous in our neutrality.

I hear gentlemen on the radio and on the floor of the Senate say that they are going to vote against peacetime conscription but they hope that one set of belligerents will be defeated and the other will win.

I will place in this RECORD today, as I have before, the statement that it makes no difference to me which set of belligerents win in Europe. I want the RECORD to read clearly on that point, so far as I am concerned. Empires are empires; aggressors are aggressors, and, so far as I can see, there is little if any difference between one conqueror and another. That may not be a popular statement with the press or with some of the radio speakers or publicity agencies of the country but, nevertheless, I believe that it follows the policy of Washington, Jefferson, Jackson, and Henry Clay, of absolute neutrality and America first in all things—not Britain first or Germany first or France first, but America first. That was the doctrine laid down by the fathers and founders of this Republic.

Just where do we get this idea that England is protecting us with her great shield, that the British Navy is protecting America? We are sitting now in the Senate Chamber of the Capitol of the United States which was burned to the ground by British troops in the War of 1812–14. The British troops gathered in the House of Representatives yonder and called a mock convention and inquired what to do with the Capitol. Some one moved to burn it down, and they surely did burn it down. In order to make the job complete they went up the Avenue and burned the White House to the ground.

HOW OUR EXECUTIVE MANSION BECAME THE WHITE HOUSE

Perhaps we have forgotten that it used to be called the Executive Mansion, but it was so burned and blackened and its darkened columns stood so conspicuously out in the

gloom that they painted it in glistening white and it became known as the White House after the burning by the British.

I need not refer to the Revolutionary War, but I might refer to the fact that the Alabama cases recall that during the Civil War the British blockade runners were in American waters, furnishing ammunition and guns with which to shoot down the American flag and destroy American boys; and that France was down in Mexico setting up an empire under Maximillian. That happened even within the memory of men now living in the United States.

The Grand Army of the Republic knows that story well; and yet Great Britain is the "protector" of America. She is the shield upon which we are supposed to depend.

What other countries than Britain and France have attacked America? I have never heard of Germany attacking the United States. I have never heard of any other country sending troops over here; but the British troops were here and the French troops were here, in North America, threatening the very existence of this country and this Government.

Mr. President, we are listening to a good many alarmist attacks to which I should like to refer for just a few moments. Here is a Times-Herald article of August 13, 1940:

NAZIS DECLARED READY TO ATTACK AMERICAS BY AIR—SENATOR AUSTIN BARES PREPARATIONS IN REPUBLICS TO SOUTH

Preparation for an attack by bombing planes and parachutists on South America has been made by Germany, Senator WARREN AUSTIN, Republican, of Vermont, declared last night in a radio speech.

Drew Pearson and Robert S. Allen, co-authors of the Washington Merry-Go-Round, interviewed AUSTIN because of the interest he has displayed in national defense as a member of the Senate Military Affairs Committee.

AIR-LINE PENETRATION

AUSTIN warned that Germans run the Sedta air line in Ecuador and until recently supplied 95 percent of the pilots for the Scadta air line in Colombia.

"In South America," AUSTIN said, "it is no secret that Germany has established her commercial air lines—the Condor, the Lufthansa, and others—in such a way that she already has air bases, gasoline supplies, interchangeable parts, and actual planes in operation in this vital and strategic area.

"If Germany wished to send a large number of four-motored bombing planes through Latin America across our southern boundaries, she would have the facilities to do so.

"If we consider the Panama Canal as the lifeline of American defense—and I think the entire Nation agrees with that—then we must remember that one or two carefully placed bombs can blow up the locks of the Canal and put it out of commission for 2 or 3 months.

"Therefore, German air lines in South America, to say nothing of the glider clubs, the cycling clubs—all of which train for the new Nazi strategy of parachutists—must be a matter of grave concern to the United States."

BULLITT, KENNEDY ON "OUTS"

Allen reported differences have developed between William C. Bullitt, Ambassador to France, and Joseph P. Kennedy, Ambassador to England.

"The two men won't even speak to each other now," Allen said.

COMMITMENTS IN POLAND AND FRANCE

Perhaps when some of these gentlemen have a permanent falling out we shall learn something of what happened in Europe as to commitments with Poland and France. I fear we have had some ambassadors who have been running around in Europe and making commitments for this great country that they had no business making. I am in favor of investigating their activities, and have so said on previous occasions.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LUNDEEN. Certainly.

Mr. AUSTIN. I observe that the Senator is quoting from an address I made.

Mr. LUNDEEN. Yes; I am.

Mr. AUSTIN. Does the Senator question the facts stated?

Mr. LUNDEEN. I do not question the able Senator's statement. I have very great respect for the Senator's ability and his research. I am merely reading it for the information of the public, and I am going to try to answer it if I am able to do so.

Mr. AUSTIN. I wonder if the Senator would object to having the RECORD show that similar facts—in fact, almost the same language—appear in the record of the hearings before the Military Affairs Committee of the Senate held on January 30, 1939, at pages 141 and following?

Mr. LUNDEEN. I shall be very glad to have that part of the hearings incorporated in the RECORD. I ask unanimous consent that the pages indicated by the Senator be inserted in the RECORD.

Mr. AUSTIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

[From hearings before Senate Committee on Military Affairs, January 30, 1939, on House bill 3791]

STATEMENT OF G. GRANT MASON, JR., MEMBER, CIVIL AERONAUTICS AUTHORITY

* * * * * * *

Senator AUSTIN. Will you describe the air lines covering South America and the furnishing of parts, having regard for the difference between those of foreign countries and our own?

Mr. MASON. I would be very glad to, and it might be useful to follow it through one air-line development specifically, because it is typical of what is bound to be coming in at least one or two of the other competitive air lines. But, before doing that, Senator AUSTIN, may I digress again for a moment to give a better picture of the possibilities of those air-line developments and to emphasize, if I may, the significant fact that with these Italian and German planes the Italians and the Germans are sending some able technicians who have recently been trained in special courses in diplomacy in the language of the country where they are going, in technique, in the economic theories of their fatherland, and in the political philosophies of their own country.

Senator THOMAS. Our own law prevents that, does it not?

Mr. MASON. In the case of America, evidently it does. On the other hand, there are a great many of the national air-line operations in Latin America that have many Americans in the way of pilots and technicians with them as ordinary employees. The Italians and Germans which I mentioned, allegedly, are ordinary employees also. I had luncheons with the heads of the aviation units of Italy and Germany with their uniforms off, and they were very proud of these training courses for their Germans and Italians, especially those who went to Latin America. We have no figures as to how many of them there are, but we know that there are a great many Germans and Italians, well trained in many regards, scattered around Latin America in connection with the export of aircraft.

Now, as to the air line, if I may follow the German picture specifically around Latin America, we find that the first successful commercial air line in the entire world was that in Colombia. It was started by Peter Paul von Bauer in 1919, up the Magdalena River from Barranquilla to Bogota, and that operation continued under German control and German personnel until approximately 7½ years ago. At that time, the Pan American Airways System, the American International Airlines, entered the equity of Scadta in a manner which the Colombian Government, our own State Department, and consequently the Pan American Airways have found necessary to explain as being a one-third ownership, outright, of the Scadta system in Colombia, plus an option position enabling our Pan American Airways to exercise some control over the policies of Scadta. Despite that control a somewhat difficult diplomatic picture with Colombia has prevented Pan American Airways from being successful in eliminating the German operators from the air lines. The crews of Scadta aircraft still are at least 95 percent German, and in Colombia they are, obviously, only a short distance from the Panama Canal. We can leave it with that thought, if you do not mind, and move over to the east coast.

In Brazil the Germans started operating the Condor Syndicates——

Senator THOMAS (interposing). Do you know anything about the origin of that company, whether it was foreign or domestic?

Mr. MASON. Entirely foreign. It was started—the Scadta Co.—by Peter Paul von Bauer, a German, with 100 percent German capital; Scadta is a contraction of a Spanish name. Von Bauer and others of the company arrived in Washington in the fall of 1926. They flew a Dornier-Wahl flying boat as far as Habana but could not get a permit to come into the United States. Dr. von Bauer appeared in Washington asking for permission to fly his plane through the Canal Zone up to the United States for an international air line which would be 100-percent German. He arrived at the moment that General Mitchell was being put through a court martial for various statements he had made, a rather inopportune moment for the Germans to be here, and he was entirely unsuccessful in getting any permits of any sort from the United States. But his testimony before various committees, when he tried to obtain permission in Washington from Government departments, became so interesting that Americans picked up the thought and started the international air lines of the United States. That is the part that they had to play. But they remained bottled up in Colombia, and now, as I say, the American entity has, indirectly at least, control over the Scadta system.

Senator THOMAS. Do you know any reason why Colombia was selected, of all the Latin American states?

Mr. MASON. Yes, sir; because there is difficult ground transportation over that terrain between two very important centers, Barranquilla, a seaport town, and Bogota, the capital, a large city up in the mountains, with only water communication and trails as connecting links. It took some 3 weeks to go up the Magdalena River as far as the mountains permitted, then over trails to Bogota, when the river was behaving itself, which was rare—either it was in flood or it was dried up. Frequently it took as long as 3 or 4 months to make the trip, whereas it is about a 7- or 8-hour air trip. That is why they picked that particular terrain out of the entire world. That appeared to be the most ideal place for a successful air line, and it was financially successful, without a subsidy, for that reason.

* * * * * * *

The Focke-Wulf is being developed by Germany to be operated in South America by what is known as the Syndicato Condor, a subsidiary of Lufthansa. It is to fly at least from Natal, Brazil, down to Buenos Aires in the Argentine and probably, as nearly as our Authority can judge, across the Andes through Chile and up the west coast. The Germans have other subsidiary companies in Peru. In September of last year they put through a concession contract for a German subsidiary company in Ecuador which might conceivably operate Focke-Wulf four-motored planes that would completely surround South America and cross the Andes. They are surveying routes through Brazil and possibly into Ecuador. The best American answer to that, so far as we can find in our factories, probably is the Boeing commercial interpretation of the "flying fortress."

Senator AUSTIN. Does the production and supplying of parts afford an answer?

Mr. MASON. Yes, Senator; that is very significant, because, obviously, if the Focke-Wulf is to carry through the German program they must have adequate parts and supplies, and they have built up large reserves to tide them over any disturbances or interruptions to their normal means of transportation. That is a logical reason to give for the commercial air line, but having all those reserve supplies in large quantities, it is obvious that they could fly types similar to the Focke-Wulf commercial plane around Latin America in whatever numbers they might want, whenever they might want.

* * * * * * *

Senator CLARK. If these German planes in South America would try to come up here, all they would be able to do would be to bring something and leave it? Is that correct? They would not be able to do any bombing? They might be able to bring a few Germans over to stay with us?

Mr. MASON. May I be very frank indeed? If we put our Boeing "stratosphere liner" on the Latin American service, we would build up reserve supplies for it, here and there, for use in time of trouble or on errands of mercy, such as the Chilean earthquake. And since the Boeing is the commercial interpretation of the flying fortress, that ship could utilize the supplies put in reserve down there for use by the commercial air liner.

To present the German side of that picture: If the Germans wanted to fly a military version of the Focke-Wulfe to Latin America they would have adequate supplies for military use simply because they had been operating a similar type of commercial plane.

Does that answer your question?

Senator CLARK. No; it does not. They have no military planes in South America, have they?

Mr. MASON. Those that they have bartered with Latin American countries are there.

Senator CLARK. You mean they belong to the South American countries?

Mr. MASON. Yes. But if they wished, for any reason, to deliver planes in large numbers, they have the air-line facilities to do so.

Senator DOWNEY. And they have convertible parts?

Mr. MASON. They have the convertible parts. Again, the Focke-Wulf; if instead of that type of commercial plane which carries 28 passengers and cruises at some 210 miles an hour, they wanted to send over bombers of a similar type, it is obvious to us, even though we are civil, that the parts of the commercial ships are already there and since they are interchangeable, they could be used for maintenance of the military plane. That situation is not difficult to visualize since the same plane has already made round trips across the North Atlantic, refueling on this side.

Senator CLARK. I do not know that I entirely understand your thought about the matter.

Mr. MASON. To be more specific, if they wished to send—I have no indication or thought whether they will or not—if they wished to send a large number of bombing planes, four-motored bombing planes, through Latin America to our southern boundaries, they would have the facilities to do so. They would have the fuel supplies in large reserves, they would have the parts, they would have the replacements and the personnel from place to place if they were needed on account of illness or anything else.

Mr. LUNDEEN. I happen to be one of those individuals who, I hope, will never be unwilling to listen to the other side. When I am unwilling to do so, I hope some kind Providence will take me from this earth. I want to hear both sides, and if I am wrong I want to be set right. I have every respect for the opinions of the Senator from Vermont, with whom I am in just about 100-percent disagreement on this bill.

Mr. AUSTIN. Mr. President, I think it fair to me to have the source of my information incorporated in the RECORD.

Mr. LUNDEEN. I have given that as the Times-Herald of August 13, 1940.

Mr. AUSTIN. No; I mean the source of my information. I am relying on the testimony of a witness who had lived in South America and had especially attended to such matters for 11 years before testifying.

Mr. LUNDEEN. I think the Senator will grant that we have now fully covered that point as to the authority for his statements; but I am glad the Senator interrupted me to have that point cleared.

I believe the article now branches off into some other subject, so I shall not pursue it further. It covers the point I have just mentioned.

Here is another article:

BULLITT SAYS HITLER WOULD ATTACK UNITED STATES—AMBASSADOR TO FRANCE URGES AMERICAN CONSCRIPTION

PHILADELPHIA.—United States Ambassador to France William C. Bullitt bluntly predicted a German attack on the United States if Great Britain is defeated as he urged the Nation last night to adopt conscription and send aid to the British fleet.

His words, broadcast throughout the Nation from Independence Square, carried the approval of the United States State Department.

"It is my conviction, drawn from my own experience and from the information in the hands of our Government in Washington, that the United States is in as great peril today as was France a year ago. And I believe that unless we act now, decisively, to meet the threat we shall be too late.

"Write and telegraph to your Senators and Representatives," he urged. "Write to your newspaper. Demand the privilege of being called into the service of the Nation. Tell them we want conscription."

Bullitt, the first high-ranking member of the administration to advocate naval aid, declared that "the destruction of the British Navy would be the turning of our Atlantic Maginot line."

Warning against unpreparedness, the envoy said:

"The men and women who tell you the dictators will not attack the Western Hemisphere may be honest, wishful thinkers or they may be the agents of the dictators.

"But in either case, by lulling you into a false security and retarding your preparedness for defense, they are keeping the way clear for an assault on America by the dictators. They are enemies, consciously or unconsciously, of our country and our liberties."

If Great Britain is conquered, Bullitt foresaw the whole of Europe organized into one economic unit directed from Berlin.

No country of North or South America, he said, would be able to trade with Europe except on such terms as "might be pleasing to the dictators."

In the Pacific, he asserted, "would be the Japanese Navy, cooperating with the dictators, which would be able to cut us off from our supplies of rubber and tin and would compel us to leave a large part of our fleet in the Pacific to defend Hawaii and the west coast."

The German military machine today, Bullitt declared, "is without question the most powerful ever created."

THEY WANT US TO RESCUE THE BRITISH EMPIRE

Mr. President, during this crisis of world and national affairs the American people should be given the facts concerning the impossibility of invasion of these United States. Their fears have been played upon by those who see bogeymen in the attic, and see Nazis crossing the Potomac. This is a time when America must be realistic about its defense needs, and not be stampeded into the expenditure of colossal sums for a wild and fantastic defense plan contemplating the rescue of the British Empire.

Certainly we need to build up our defenses and mechanize our troops, but we do not need peacetime conscription. There is no real basis to fear an invasion from nations beyond the seas. Such propaganda is inflicted upon the American people with a view to scaring them into peacetime conscription. These alarmists seek huge appropriations to repel an imaginary foe. It is all an insult to American intelligence.

I wish to place before the American people a statement of experts concerning the danger of invasion.

Mr. President, I have here the statement of Gen. Smedley D. Butler, former marine commander, who has fought all over the map, and whose courage and patriotism cannot be questioned by any Bullitt or any of his associates. Here is an article headed " 'A tale to frighten children.' Fears of Euro-

pean nation invading United States too preposterous to consider, says Butler."

"A TALE TO FRIGHTEN CHILDREN"—FEARS OF EUROPEAN NATION INVADING UNITED STATES TOO PREPOSTEROUS TO CONSIDER, SAYS BUTLER

Take it from an old military man, if Adolf Hitler should succeed in beating England and France and then turn his attention to the Western Hemisphere, he will run smack dab into a hornet's nest.

Gen. Smedley D. Butler, former Marine commander, who has fought all over the map, declared in a radio broadcast this week that Americans who are fearful of Nazi aggression have more important things to worry about.

Any nation that attempted to invade this country, the old "Devil Dog" declared, would be compelled to send at least a million men to make a dent against our defenses.

To transport a force of that size, Butler said, would require a thousand large ocean-going vessels. And the soldiers would have to be landed all at once, and there are not enough harbors in the country to handle the ships.

In addition to the human cargo, it would be necessary to transport 400,000 tanks, trucks, cannon carriers, wagons, etc., Butler pointed out. To supply the army for a 9 months' campaign would require 50,000,000 gallons of gasoline. On top of that the invader would have to bring machine guns and countless shiploads of ammunition. When the ships had been unloaded they would then have to return for more materials, and that would call for fuel that would not be available.

While all this was going on, Butler asked, what would the Americans be doing?

The mere suggestion that any European nation seriously considers invading the United States, in the opinion of Butler, is too preposterous to be considered. It is a tale to frighten children, he said.

Mr. President, that falls in line absolutely with the statement of the able Senator from Massachusetts [Mr. WALSH], the chairman of the Committee on Naval Affairs, whose statement in the RECORD yesterday clearly shows the impossibility of an invasion by a million men, an invasion which would require a thousand transports of 10,000 tons each.

To transport a force of that size, Butler said, would require a thousand large oceangoing vessels.

Just exactly the statement made by the chairman of the Committee on Naval Affairs.

And the soldiers would have to be landed all at once, and there are not enough harbors in the country to handle the ships.

These are not the opinions of ERNEST LUNDEEN or any of the opponents of conscription. This is a statement by Gen. Smedley D. Butler, courageous and valiant commander of the American Marines in the World War.

Mr. SHIPSTEAD. Mr. President, will my colleague yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the junior Senator from Minnesota yield to his colleague?

Mr. LUNDEEN. I am delighted to yield to the senior Senator from Minnesota.

Mr. SHIPSTEAD. After he was retired, Major General Hagood wrote an article to the same effect for the Saturday Evening Post 2 or 3 years ago.

TALES TO FRIGHTEN CHILDREN

Mr. LUNDEEN. I believe I will have some reference to General Hagood's articles in these remarks, which are rather extemporaneous remarks. I think it is about time we were giving the opinions of some of the real authorities, men who fought—generals, admirals—who know something about these matters, and not listening to a lot of tales to frighten children.

I continue reading from the article by General Butler:

The soldiers would have to be landed all at once, and there are not enough harbors in the country to handle the ships.

In addition to the human cargo, it would be necessary to transport 400,000 tanks, trucks, cannon carriers, wagons—

And so forth, Butler pointed out.

To supply the Army for a 9 months' campaign would require 50,000,000 gallons of gasoline. On top of that, the invader would have to bring machine guns and countless shiploads of ammunition. When the ships had been unloaded they would then have to return for more materials, and that would call for fuel that would not be available.

While all this was going on—

Butler asks—

what would the Americans be doing?

I can imagine some of the things which might be done. I imagine that any such invading army would never set foot on American soil, that they would go down to the bottom of the sea before they ever had any opportunity to land on any of the mainland of the United States.

The mere suggestion that any European nation seriously considers invading the United States, in the opinion of Butler, is too preposterous to be considered. It is a tale to frighten children, he said.

The distinguished commander is with us no more, he has passed to the Great Beyond, but if there ever was a patriot, and a noble, courageous warrior, it was Gen. Smedley D. Butler, a man who was unafraid in the presence of kings and presidents, and who dared to speak his mind at all times.

I read from another article now:

United States invasion fear held groundless.

Hitler unable to attack here without long and difficult preparation, expert says.

Pacific peril dismissed.

Impatience for speed in new defense program seen as Nation's chief danger by Col. Frederick Palmer, noted military expert.

Perhaps he is a "fifth columnist," or a "fifth-rate columnist"; which was it? Anyway, there has been much talk about that.

I understand that a few days ago someone spoke to the Mothers of America, who have been urging Senators to vote against peacetime conscription. They were asked if they had heard about Lindbergh's "fifth column," and their answer was:

"FIFTH COLUMN"—LINDBERGH DIVISION

Well, if Lindbergh is in command of the "fifth column" then we are in the Lindbergh division, and the isms and the others who may be un-American will have to choose some other number, because we are traveling with Lindbergh.

I should like to quote Col. Frederick Palmer, noted American expert, writing for the North American Newspaper Alliance, who says:

Whence and in what strength will any attack upon us come? Where will it hit us? How much time have we to prepare for it? Will our impatience for speed in our vast preparations defeat the very object for which we are striving?

These questions are suggested by one who is for a two-ocean Navy and the selective-service bill.

I wish to say in that connection that there are many people who believe in military training, who believe in selective service, but who do not believe in peacetime conscription. There are many who believe in conscription for defense in time of war who believe it is unconstitutional to conscript men for service beyond the dominions of America, so stated by Daniel Webster in a great speech in 1814 on the floor of the House of Representatives in this very Capitol.

I call attention to the fact that the French had 6,000,000 conscripts under arms, and experts now tell us that a spearhead of 50,000 Germans, in tanks and air armaments, broke through the lines, and, of course, other German forces followed and scattered the 6,000,000. That should illustrate to us that mechanized equipment, the air forces, and all of the mechanized machines are important, and more important than mere numbers. That is why I am glad the able and efficient senior Senator from Massachusetts, the chairman of the Committee on Naval Affairs, has put into the RECORD that remarkable statement concerning the impossibility of a million men being landed here in any less than 3 years' time.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. LUNDEEN. I am delighted to yield.

Mr. WALSH. All the information I have been able to obtain from naval experts through recent months has emphasized the fact the Senator has now expressed, and I have been convinced that our first line of defense is our Navy and our second line of defense is a large air corps, with thousands of pilots and thousands of planes. In my opinion, unless the Germans are able to outmatch the sea and airplane forces of England, they cannot conquer England. The third line of defense that would be necessary to prevent invasion, I have been taught, is a mechanized motor spearhead force, as the Senator has properly called it, or what I choose to call a professional army in charge of the so-called mechanized units. In my opinion we cannot in 1 year train and develop a professional army for that purpose and for that objective. It is

a life career; it is a Regular Army job. It is not a job of a conscript force that is changing from year to year.

The fourth line of defense, in my opinion, is an antiaircraft force with a sufficient number of antiaircraft guns. We have not that force. We have no second, third or fourth line of defense in this country that is sufficient for our defense. I think that is generally admitted and I do not charge the Army has been solely responsible.

In my opinion, one of the evils of the pending bill is that it scatters the efforts of the limited number of officers and men in the Army now, and jumps over the three really essential defenses which should be concentrated upon, and instead provides for bringing in and out of the Army for 1 year draftees who will create a constantly changing Army, and not a steady, well trained, well developed professional Army.

Furthermore one of the things I am disturbed about in regard to this matter is that I think this is going to do away with any volunteering in the future, that everyone is going to say, "Let us wait and be drafted. This conscription policy is for 5 years. We do not need to volunteer. There is no occasion for volunteering." We are likely to have little more than a changing personnel in our Army year after year.

I thank the Senator for having given me this opportunity to express my views. The Senator referred to an editorial I had placed in the RECORD yesterday. The Senator from Montana [Mr. WHEELER] inserted an editorial from an expert, an Englishman, written from London, criticising the pending bill because it was proceeding upon the old theory, of a large number of men, rather than emphasizing a small, powerful, well-trained, professional Army, with all the latest motorized, modern war machines, which the recent war in Europe has demonstrated are necessary, and not only are necessary, but are much more effective against millions of the ordinary conscripted army, who are called generally "foot soldiers."

I thank the Senator.

SENATOR WALSH ON CONSCRIPTION

Mr. LUNDEEN. Mr. President, I thank the distinguished Senator of our Naval Affairs Committee for his expert opinion on these matters. I wish the Senate would listen a little more carefully to the excellent advice he gives with respect to the defenses of our country. I cannot hope that the Senate will listen to any poor words of mine, but I do ask the Senate to listen to the distinguished chairman of our Naval Affairs Committee, who from a background of many years experience, and with knowledge obtained through much research, and through having had contacts with every admiral and general now in the military and naval branches, and from his association with experts, gives us the noble statement which he has now made on the floor of the Senate. I cannot sufficiently express my appreciation for the statement he has just made and for many speeches he has delivered in the Senate in recent days upon the matter of our foreign policy. I hope he may continue to serve in the Senate as long as it is his wish to do so.

Col. Frederick Palmer further says:

> He is not worried when he reads that the Soviet is reported as fortifying a little island in the Bering Straits. Russia does not plan an invasion of Alaska on the way through roadless Arctic expanses of mountain and forest to Oregon, across the Peace River Valley and the plains of Manitoba to Minnesota. She is not going to try to pass by the Japanese Army and the immensely superior Japanese Navy when she has only a few patrol boats and some submarines in Far Eastern waters.

That reminds me that some time ago I sat at a dinner table with an Army officer and his good wife. This fine lady had been reading an article published in some magazine which spoke of how savage and ferocious the people of Russia were, and that they were about to burst in upon America, to invade our country. She said, "Senator, are you not afraid they will come over here and invade the United States?" I said, "I am afraid they will." She said, "Do you not think they will come right over here and take our country?" I said, "I think they will. I understand they have no navy, they have no transports, but they are training all their men to swim with full equipment, and they will no doubt be landing in New York one of these days."

From that time on we had no further discussion about invasion from the navyless Russians.

I continue to read from Colonel Palmer's article:

> Japan will not turn her back on China, where her Army is fully occupied, and send her Navy in belligerent challenge to our side of the Pacific when she has much more accessible plunder in French Indochina and parts of the British Empire, should it be dismembered.
>
> This dismisses any immediate danger on the Pacific side. It is the Atlantic emergency that stirred us to the burst of immense preparations when we saw the Nazis making almost as swift a conquest of the Low Countries and France as of Poland.

In that connection let me say that we often forget that the nations in Europe are warring against one another, and nations are warring against one another in Asia. Picture the spectacle of one of these nations, or of a group of nations, leaving the other hemisphere and coming over to our hemisphere, seven or eight thousand miles away, while their mortal foes are right at their front door.

A GENERATION TO RECOVER FROM WAR

I wish to say to Senators that history will bear me out in the statement that when a great war is fought, after the war for a generation both sides are so exhausted they are not thinking of any more wars. Their people are bleeding from their wounds, they are exhausted, they are endeavoring to build up their shattered forces, both their economic and their military forces, and have no time to think of attacking any other country.

Mr. President, I ask that the remainder of Colonel Palmer's article be printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

NO MILITARY MIRACLE

> Neutral military observers, who have been over the ground as guests of the German staff, did not conclude that the German was a wonder army that wrought a military miracle. Chancelor Hitler got an astounding break in his favor in the tragic military blunder of the French high command, which permitted the thrust across the Meuse River. The Germans had an all but free swing in the air, with roads open for tanks and infantry-laden trucks for only 150 miles to isolate the Allied armies in Flanders.
>
> The French armies south of the resultant gap lost all contact in an amazingly disorganized retreat. In Flanders, after the Germans broke through the Belgian fortress system, they had only 100 miles to go to the English Channel ports. Not only the fear-stricken refugees, but the confusion of the Belgian Army, which lacked munition trains and commissariat, hamstrung coordinated resistance.
>
> While we thrilled over the gallant audacity and skill of the British Navy in protecting the evacuation of the British Army from Dunkerque, we did not realize, as it is known now, how the British Army in its retreat held off the attacks of four times its numbers. So did some French groups that fought in the Marne and Verdun spirit.
>
> Consequently, there is no reason why we should be scared or overimpressed by German might as touched by some kind of hellish, totalitarian magic. The mettle of the victorious German divisions is no better than that of those we met in France in the World War.
>
> If Herr Hitler attempts to invade Britain, he will not have continuing roads across a land frontier for his army. It will have to cross at least 22 miles of water. It will meet such resistance as that of the British in those final days in Flanders and of the stubborn little French groups—such resistance as he will meet from us, on land, sea, and in the air.

NEW PROBLEMS FOR HITLER

> But suppose he conquers Britain as swiftly as he conquered France. Many Americans would accept the danger they had envisioned as immediate. Herr Hitler's next blitzkreig would strike in our direction.
>
> His position in any overseas campaign would be reversed. Hitherto his sea tactics have been negative and destructive. He has struck at an enemy's surface sea command with bombs, mines, and submarines to destroy naval vessels and merchant shipping.
>
> Now he must have surface sea command himself. He must protect his convoys across the Atlantic from our submarines, planes, destroyers and fast cruisers, while our superiority in capital ships could overwhelm his capital ships. Suppose he conquers Britain in a month—and I venture to predict this invasion will fail—he will have to prepare for the trans-Atlantic "blitzkrieg" as he has for previous "blitzkriegs." It is a set German military tradition, to which he has held fast, not to strike until ready.
>
> He would hardly be ready before next spring. By that time we should have 15,000 planes. He could not bring planes on aircraft carriers, when his only two in construction will not be

finished. And axis partner Mussolini has none. Against long enemy plane flights, ours would be short from Caribbean bases. If our submarines and surface naval vessels were not enough, our planes would blast Herr Hitler's transports off the sea. By spring we should have an Army striking force of 200,000 men. German invasion with an equal number would be hopeless.

But we should keep constant watch and be able to match and overmatch any probable attack with sufficient sea, land, and air power and have the resources for prompt production of munitions and thoroughly trained reserves to draw upon. The danger is that we shall get an extravagant, unbalanced preparedness whose continuance in thorough form we shall neglect when we are lulled into security, with the result that one day an enemy, or a combination of enemies, will get the jump on us.

Mr. LUNDEEN. Mr. President, I ask unanimous consent to have printed in the RECORD the article by Walter Trohan, which was referred to by the Senator from Massachusetts [Mr. WALSH] a moment ago.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HITLER CAN'T INVADE AMERICA FOR 2 YEARS, SAY EXPERTS—EVEN THEN HE'D PROBABLY FAIL, THEY CLAIM, IN CITING HANDICAPS

Invasion of the United States would require the largest and most intensely organized military and naval effort the world has ever seen and even in the face of the meager defenses America has today, the chances of success of such an invasion are extremely remote.

This was the verdict of responsible Army and Navy officers and defense experts to whom was put this question: "Just what would it take to invade America with 500,000 or 1,000,000 men, and what chance would the invading force have?"

NO THREAT OF INVASION

Despite all the war hullaballoo in the country today, the experts agreed that America faces no serious threat to immediate invasion, because it would take upward of 2 years to prepare a force for invasion, and within that time the United States could make herself impregnable against any invader.

Germany spent 5 years preparing for her invasion of Britain by way of France and the Low Countries. Even at her present state of preparation for war—assuming she defeats Britain and wants to invade the United States it would take at least from 2 to 3 years to get an invading armada organized.

ONE MILLION MEN NEEDED

In the sixteenth century Philip II of Spain spent 8 years in gathering together his armada of 130 ships, manned by 8,000 seamen and 19,000 troops, which were to constitute the vanguard of an invading force against England. The armada met disastrous defeat at the hands of a far smaller foe.

Experts fixed the need of a twentieth-century armada for a force of 1,000,000 men with ample weapons, ammunition, and merchant vessels. Any attempt at invasion with a smaller force would be absolute suicide, they feel. However, the needs of any army of 500,000 would approximate half that of the larger force. The greater army would have more corps and army weapons.

WHAT INVADER NEEDS

The experts fix the needs of the force of 1,000,000, as follows:

| *Weapons* | *Quantities* |
|---|---|
| Rifles | 300,000 |
| Pistols | 100,000 |
| 37-millimeter antitank | 2,500 |
| Machine guns | 15,000 |
| Mortars | 5,000 |
| 105-millimeter howitzers | 3,000 |
| 105-millimeter guns | 2,000 |
| 155-millimeter howitzers | 2,500 |
| 155-millimeter field guns | 1,000 |
| 240-millimeter howitzers | 250 |
| 37-millimeter antiaircraft guns | 1,000 |
| 90-millimeter antiaircraft guns | 2,000 |
| Tanks | 1,500 |
| Scout cars | 1,800 |
| Motor vehicles | 200,000 |
| Airplanes | 7,500 |
| *Ammunition, in rounds* | |
| Rifle | 445,000,000 |
| Pistol | 50,000,000 |
| Machine gun | 200,000,000 |
| 37-millimeter antitank | 15,000,000 |
| 105-millimeter howitzer | 3,000,000 |
| 105-millimeter field gun | 2,000,000 |
| 155-millimeter howitzer | 2,000,000 |
| 105-millimeter field gun | 1,000,000 |
| 37-millimeter antiaircraft | 7,000,000 |
| 90-millimeter antiaircraft | 8,000,000 |
| Mortar, ammunition | 5,000,000 |
| Bombs, tons (up) | 100,000 |
| *Number of merchant ships* | *Average tonnages* |
| 1,000 transports | 10,000 |
| 2,000 freighters | 5,000 |
| 500 supply ships | 7,500 |
| 250 oilers | 8,000 |

NEED HUGE WAR FLEET

Many of these vessels would turn to supply service to maintain the Army should it get a foothold.

In naval craft the invading fleet must have a force equal to if not superior to the 400 ships in the American Navy, and because such a fleet would be operating far from home it would need a full complement of tenders and auxiliary craft of all kinds.

Granted a foreign invader had driven the American Navy from the seas—and that is quite a job because it is acknowledged to be the best trained and best equipped navy in the world—experts say the invader would still face a mass of difficulty.

RAIDS CAN'T CONQUER LAND

In all the fear of invasion being built up at present for political purposes no attention has been paid to the actual mechanics of invasion. Politicians have emphasized the possibility of air attack, but have said nothing of the difficulty an enemy would encounter in seeking to establish air bases. Nor have they stressed the fact that neither America nor any other country can be taken by air raids, but can only be counted taken when infantrymen are in actual possession of the soil after having killed or driven off the defenders.

NEEDS GOOD HARBORS

The first thing an invader needs are points of attack. In taking these into consideration, he must find harbors large enough for his fleet and with sufficient facilities to unload not only his men but also his heavy machines. Behind the harbors must be railroads and highways to take the invaders into the interior.

To capture the United States from the northeast the invader would have to take Halifax, Nova Scotia, as well as lesser harbors in Newfoundland and on Cape Breton Island. There are inlets in the area which would take the entire United States Fleet, but they have no facilities and are not improved.

Though American coastal defenses are in a state of neglect, these defects can be corrected at most in 2 years—sooner than an enemy could prepare the gigantic force for invasion—and the American coast put in such shape that no enemy would dare to make a thrust.

Even at present, with the American Navy what it is, the experts are confident that an invader could not establish himself on American soil.

Mr. LUNDEEN. Mr. President, I wish to read from a report submitted by the Senator from Massachusetts [Mr. WALSH]:

Mr. WALSH, from the Committee on Naval Affairs, submitted the following report (No. 1615) to accompany H. R. 8026—May 15, 1940.

I read from page 2 of the report, as follows:

The armies of Europe and Asia do not menace us. To be a menace they must be transported across the sea in ships. Airplanes based on the continents of Europe and Asia do not menace us. To threaten seriously our continental security they must be conveyed across the sea and operated from bases in or near this hemisphere.

The armed forces of no foreign nation or group of nations can seriously threaten our continental security if we make sure that we command the seas which separate us from all potential enemies.

IMPOSSIBILITY OF INVASION

Maj. Gen. Johnson Hagood in an article entitled "We Can Defend America" has this to say:

For the present, it will be sufficient to consider the difficulties that would be encountered by a hostile nation that attempted to invade this country. * * *

British experience during the World War indicated that about 40 pounds of general cargo per soldier per day was required to supply an army from an overseas base. In the A. E. F. we started out with that figure. We attempted to build up a 90-day reserve for an army of 2,000,000 men, but we did not get very far with it. So we arbitrarily shortened our objective. On the basis of 2,000,000 men, we would have had to unload at the ports an average of 40,000 tons of cargo per day. We shortened our objective to 30,000, but, as a matter of fact, we never reached 25,000. Our shortage was met by the Allies.

I ask, Senators, Who is going to provide the shortage for an invading foe which may come to America?

INVADING ARMY OF 1,000,000 MEN

Mr. BROWN. Mr. President, will the Senator yield?

Mr. LUNDEEN. I am delighted to yield.

Mr. BROWN. I gave a few figures earlier today on that precise subject, which perhaps the Senator from Minnesota did not hear. The estimate of experts is that it would take 13,000,000 tons of shipping to supply an army of 1,000,000 men, which the Senator from Texas says is the minimum army that can come over here and be of any effect. Thirteen million tons is a figure that none of us can comprehend without some sort of comparison.

The combined navies of the six most powerful nations in the world, the United States, Great Britain, France, Germany, Italy, and Japan, total six and one-half million tons,

or one-half the amount of tonnage which would be required to service an army of a million men in America, and there simply is not so much tonnage available for that purpose.

THEY ARE TRYING TO DO AN ORSON WELLES INVASION FROM MARS

Mr. LUNDEEN. I will say to the able Senator from Michigan that perhaps they will get the shipping from Mars. If the tonnage on earth is not sufficient, perhaps Mars will provide it. They will figure that out in their imaginations tonight, when they see the bogeys in the attic, and hear the tramp of German troops coming across the Fourteenth Street Bridge.

Mr. President, the whole thing is an insult to American soldiers, the American veterans, the Spanish War veterans, some of whom are still in the service of the United States, as well as World War veterans and members of the National Guard. It is an insult to my own son, who has been trained to the point where he is now a second lieutenant in the armed forces of our country. It is an insult to the intelligence of the great American people, 130,000,000 of them. It is an insult to our country, which contains one-half the manufacturing establishments of the earth, to say that any country can come over here and successfully invade our country.

For that reason I am quoting from some authorities, because perhaps many statements have been made without support; but let us have these statements supported by authorities. I thank the able Senator from Michigan for the figures he has given. They are conclusive and unanswerable.

This cargo consisted not only of food, clothing, big guns, ammunition, and all that sort of thing, but of such little odds and ends as 35,000 motor trucks—we needed 80,000—fifteen hundred standard American locomotives, 20,000 freight cars, 5,000 miles of standard steel rails, and three and one-half million cross ties.

Speaking of the World War conditions—

We had all of the French ports at our disposal. Our line of communication across the ocean was never seriously threatened. And all we had to do was to run our ships back and forth like ferryboats. But our difficulty was in getting the ships loaded at one end of the line and getting them unloaded at the other, and, after that, evacuating the ports. For this we had the French railways and a magnificent system of highways, none of which was in any way interfered with by the enemy.

Remember that at that time a great number of nations had declared war; we had all the tonnage and all the aid in the world at that time. All we had to do was to run our ships back and forth like ferryboats. Our difficulty was in getting the ships loaded at one end of the line and unloaded at the other, and after that evacuating the ports. For this we had the French railways and the magnificent system of highways, which were not in any way interfered with by the enemy.

Continuing:

In order that the reader may get a physical conception of what is meant by 40,000 tons of cargo per day, I will say that there are only five ports in the United States that can handle so much tonnage, and that if it could have been loaded on army trucks it would have required a daily truck train over 150 miles long.

So much for the difficulty of shipping. Had we attempted to fly it would have been just so much worse.

Mr. President, I have a further authority on the impossibility of invasion. I refer to an article by Hanson Baldwin, entitled "Wanted—A Plan for Defense," published in Harper's magazine for August 1940, at page 236. Perhaps I should not be so much concerned about this program. To my mind, this whole thing will end in a great debacle followed by a great financial crisis and depression. In as plain words as I can use I shall warn the Senate and the country, lest we go into further hysteria not justified by the facts.

Mr. Baldwin says:

The Army is this Nation's and this hemisphere's third line of defense. It is an important element of that defense (we should not make the mistake of thinking that wars can be won by sea power and air power alone), and some of its functions are particularly vital. In the past we have been committed to the principle of a small citizens' army, rather than the maintenance of a huge standing army which can be utilized effectively not in this hemisphere, but only on European or Asiatic battlefields, where the borders of hostile nations crowd across the map and mass is still hurled against mass. The mass armies of Europe or Asia cannot easily be transported to this hemisphere—can never be so transported provided we retain control of the seas and maintain a proper air defense. A small army could be transported, might elude our fleet or take advantage of its presence in another ocean to establish some beachhead in a remote area. But probably the maximum force that could be so transported—the maximum initial force that could be transported even if control of the sea were wrested from us—would not be much larger than 50,000 men. The transportation of such a force would require 375,000 tons of shipping, perhaps 40 ships, about the largest force that could conveniently be convoyed in a single operation. To supply such a force might require 650,000 tons of shipping to 2,000,000 tons monthly; in other words, perhaps half of the tonnage of the German merchant marine would have to be devoted solely to the job of supplying 50,000 soldiers. If this force were to be doubled, the shipping tonnage necessary would be doubled; to supply an army of 1,000,000 men in this hemisphere would require at the very least 13,000,000 tons of shipping.

As pointed out by the Senator from Michigan [Mr. BROWN]:

Economically and commercially the problem seems impossible; not even Britain, or a combination of Britain and Germany, has sufficient shipping to divert such an enormous amount of it from their ordinary and vital trade routes to military purposes.

I have a further article from the book, Our Military Chaos, which I ask to have printed at this point in my remarks, quoting several officers in this connection, and bearing out the statements just made.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Villard, Oswald Garrison: Our Military Chaos, New York, 1939, pp. 29–30]

If we turn next to military officers, Major General Hagood, in 1937, declared: "Considered from the defensive standpoint, America is the strongest military nation on earth—that is, it is the easiest nation to prepare for defensive warfare. It would not take much to make it invulnerable against any nation or combination of nations that might be brought to bear against it." Major General Rivers, another lifelong soldier, has repeatedly stated that an invasion of the United States by any large force is out of the question. Maj. George Fielding Eliot, the author of The Ramparts We Watch, an outstanding book on the defense of the United States, exclaims: "We should thank God that today we can pursue our national way secure as yet from the fear of invasion." Hanson W. Baldwin, a former naval officer, now the military and naval critic of the New York Times, wrote in Foreign Affairs, in April 1938, before the super-Navy expansion of that year: "The Army and Navy are at present prepared to defend both coasts of the United States against simultaneous invasions, and at the same time to protect Hawaii, Panama, Alaska, and probably South America from any attacks that can reasonably be foreseen."

NO SUPREMACY ON THE SEA WITHOUT SUPREMACY IN THE AIR

Mr. LUNDEEN. Mr. President, it has been my privilege to talk with Maj. Al Williams, Col. Charles A. Lindbergh, Brig. Gen. William Mitchell, and other great aviators. I knew General Mitchell personally over a period of years.

My record in the House and Senate shows that on every occasion I voted for top figures for airplanes. In 1919 I introduced the first Department of Air Service bill which was ever introduced in the Congress of the United States. It has been followed by a long line of bills since that time. I have a list of them with me. I have asked for aviation, and more aviation. I have stated—not without expert authority on which to rely—that no fleet of oceangoing war vessels can live in the vicinity of land-based aircraft. They must retire beyond the effective striking distance of land-based aircraft. I go further. Distinguished Senators may disagree with me, but I believe it to be true that supremacy on the sea cannot be maintained without supremacy in the air. Both are necessary. We are now seeing a classic struggle between Germany and Britain for air supremacy. If Britain can win the mastery of the air she will have mastery of the air and mastery of the sea, and, of course, Germany will then be driven back to the Continent.

GERMANY PONDERS THE 20-MILE ENGLISH CHANNEL

In that connection I am not here to say that Hitler will not try to invade Britain. Who can tell what the future has in store? But we do know that he has been standing there for about 2 months, looking at that 20-mile ditch. We do know that he has been looking at the waters of the English Channel, where the cliffs of Dover can be seen across from France. Guns are firing across that channel, but he has not

yet ventured to cross. If he pauses for 2 months or more before a 20-mile channel, I wonder how long he will pause before he tries to cross 4,000 miles of water. Perhaps we should stop and think about that for a moment.

WILBUR AND ORVILLE WRIGHT

Aircraft first saw the light of day in America. One of the Wright brothers was recently in Washington. I think the glory and grandeur of their invention and achievement can never be fully rewarded. There is no reason why America should not be supreme in the air, with our great distances from the Atlantic to the Pacific, and from Canada to the Gulf, and with the many thousands of possible airfields. I have encouraged the building of airfields and of lighted airways. I have tried in a small way to further aviation. On the floor of the House and on the floor of the Senate I have delivered more than 20 speeches in which I have tried to encourage the building of war planes and commercial planes. I am now advocating that we go down into South America and there establish lighted airways and airfields, to make it possible for American businessmen to have the shortest, quickest, and best air transportation in the world to the South American markets. Germany, France, and Great Britain are now pretty well occupied. This is our chance for Yankee businessmen to get down into South America and sew up that trade.

Mr. President, I have great respect for the opinions of men like Maj. Al Williams, the Scripps-Howard aviation editor. He says that the United States is safe from invasion. Of course, I know that that statement does not meet with the approval of some of the alarmists who cannot sleep at night because they fear that Hitler is coming right over here. Of course, he has not crossed the English Channel, but he is coming right over here! Al Williams says that the United States is safe from invasion. His statement is:

Any interpretation of the current stage of Europe's war as another threat to the security of the Americas ("mystic immunity" is President Roosevelt's "blitzkrieg" phrase) is ridiculous. What European nation, with what machinery—and how—can invade the Americas? If our security and national safety is a myth or mystic—the sole responsibility can be traced to the administration. We have spent billions of dollars for national defense, and yet the Army is at least 18 months deficient in personnel, training, and equipment, according to experts. Second, a Navy too much concerned with gunfire and submarines has neglected to provide for attacks from air power. American air power cannot muster 1,000 first-line war planes for 1 day's combat wastage, such as in the current campaign in the Low Countries.

Mr. President, in spite of that statement we go ahead and turn our bombers over to an empire in Europe. We fly them over to Canada, and even fly them across the ocean to get them to Europe as rapidly as possible. So we are deficient in training planes for our own aviators, our own Army, and our own Navy.

ARMING GREAT BRITAIN

Not only did we send over 800,000 rifles that we had on hand, but we have sent over thousands of 3-inch fieldpieces; we have sent over 132 carloads of TNT. That was the first shipment. I do not know how many more shipments have followed. I stated the other day on the floor of the Senate, we cannot keep our powder dry any more, because we have not any powder. It has all been sent over to the King.

Very well. If that is the way to defend America, go ahead and defend America in that manner; but I make my protest here on the floor of the Senate against defending America by taking the sword out of the hands of the American soldier and putting it in the hands of European nations—nations which may some day be hostile, and may some day be our antagonists.

I warned the Senate and the country against sending our planes to France. I warned against sending our armament to France. I said, "What if that armament becomes a part of the armament of Hitler and Germany?" I ask Senators now, "Where is that armament?" At Brest alone, 200 complete airplanes fell into the hands of Hitler, and 2,000 motors, with blueprints for mounting them. I have no other information except that given in the press, which I am now giving. Another press report gave as 1,637 the number of American airplanes captured in France by the German Army, and just the other day we saw a picture of a French airplane shot down in England. I understand over 800 French planes were flown across the Mediterranean and are now in the German service against Great Britain. So this thing has swung around to a situation in which both French and American planes are used against the British Empire.

I regret that this terrible struggle is going on. I have visited the British Isles a number of times. I should hate to think of Great Britain being sunk in ruins. It is a great country. It is a great empire. I am not solicitous about the British Empire. That is four and a half times as large as we are. Perhaps it is too large. I cannot say. Perhaps it should be divided. That is for history to determine. But in the case of Great Britain, with its glorious civilization, it does seem as though Germany and Britain might get around the conference table and end hostilities before these two great leaders of the white nations of Europe destroy each other.

In that connection, remember the statement which the Kaiser made, away back in the days before the World War, about the "yellow peril"; that the white nations cutting each other's throats and destroying one another on the battlefield might one day be overrun by the armies of the East, the Mongols and the "yellow peril."

AIR PROTECTION FOR AMERICA

This might all end in security for America if we had a little more air protection. Instead of stripping our country of its air defenses, why not build up our air defenses?

Maj. Al Williams says:

If we had a few hard-headed patriots in Washington today, instead of a lot of supercharged politicians who fear more for their careers than for the welfare of America, the roof would be blown off that "roaring volcano of words." Congress is to blame as well as President Roosevelt for fostering a top-heavy Navy, a woefully deficient Army, and for continuing our military aviation as a messenger for the older services.

If Mr. Roosevelt thinks we are going to be invaded, how does he think the job will be attempted? England and France have the only two navies that could even make a start. If Germany wins this war, how would the victory be achieved? Victory may be consolidated by land power, but every strategist in Europe already knows far too pointedly that any victory on the surface will be preceded by dominance in the air—by air power.

An invasion of the United States would mean a minimum of 1,000,000 soldiers.

There seems to be a general agreement that that is the minimum number of soldiers that could be brought over here and make any possible dent in our defenses.

Such an overseas force means the control of the sea communications, 3,000 miles in length—

And I say more than 3,000 miles in length—

and the availability of more than 3,000 cargo vessels. Would the Germans be fools enough to set sail for America and attempt to use the sea power against us that failed for the British against them? The Germans may be lots of things, but they are not fools in war.

But Mr. Roosevelt and Congress seem to think they would attack us with captured sea power. Nothing, apparently, will bring to this administration the air-power lessons that are biting into the mental hides of British and French politicians in this crisis. They all had a chance and ample funds to build air power that would have swamped that of Germany. But none of them could see beyond battleships and fortifications, paralleling the United States' lack of mechanical vision.

LINDBERGH'S WARNING

I want to recall here that Col. Charles A. Lindbergh in 1936, in Berlin, warned the world of the strength of the German air power. He had visited the air forces of Russia; he had said that they were not to be compared with German air power, and he had visited the air forces of all the other nations. In Europe and here in America he made clear the picture of the air situations of the different nations 4 years ago. The little critics that now swirl around his shoe tops are busy criticizing him and questioning his patriotism, but he will live so far beyond their memories that history will fail to record their existence. History will deal with the patriotism of Colonel Lindbergh and his critics.

They were warning us. Al Williams warned us; Eddy Rickenbacker, all these great men of vision, warned us in the press and on the platform and over the radio. In a small way I myself tried to do so by introducing a Department of Air Service bill here in 1919, and for 25 years, since 1915, I have urged that sort of thing.

At that time I had my first flight, and became enthused over aviation; and while I am no pilot, as our colleague in the House, Representative MAAS, and others are pilots, I have an enthusiasm for aircraft and the building of air forces, and for land-based aircraft along our coasts. I have repeatedly asked on this floor and I have been most ably assisted by the distinguished Senator from North Carolina [Mr. REYNOLDS], whose resolutions I am glad to follow—that we should acquire air bases from Greenland, St. Pierre, Miquelon, and Newfoundland down along the coast to Bermuda and the Bahama Islands, and thence down to the coast of South America; a great line of fortification and defense there.

ISLAND AIR AND NAVAL BASES FOR AMERICAN DEFENSE

If we have those island bases, if we fortify them, if we put land-based aircraft on them, what nation in the world is going even to attempt, or think of attempting, to break through those lines? And those lines are far distant from our shores. These islands are American islands. They should not be European. They should not be foreign. Over these islands should fly the American flag. I look forward to the day when there will be no flags but American flags in the Western Hemisphere. I look forward to the day when from the North Pole to Panama our flag will be supreme, so that we shall have no intrigue from Europe, Asia, and Africa coming into the other nations of North and South America and dragging them into war, and then when they are whipped they howl for us to come and aid them. That is a tiresome thing; that is a dangerous thing for American security, and the security of our people.

Al Williams further states:

American admirals and generals are telling Congress and the President just what British admirals and generals told Parliament during the rearmament period from 1935 to 1940, i. e., more warships—never mind mechanized land forces and never mind this "aircraft is a new weapon" (Secretary of the Navy Edison's enlightening comment of very recent date).

You will remember that Secretary Edison asked that we build our Navy over again, or at least rearm it, because of aircraft and because aircraft have outmoded our Navy.

Never mind going to the trouble of analyzing what kind and types of machinery should be bought to meet the changed specifications of this age's war. Just buy more of the same old junk that fitted other wars. Air power? Don't bother with it; it's a new weapon, and all it can do is win Europe's war.

If our American foreign policy (whatever under the sun it may be) is really and factually one of military defense and not aggression, we should cut our Navy in half, hold our Army to continental police force proportions, and consolidate all our air-power efforts in a department of air commensurate with that of our Army and Navy. We should build the greatest air power the world has ever seen and relax in the knowledge that we have applied the air-power lessons of Norway and the current war in truly sensible and American fashion.

I believe that will be done. I am an optimist. It may be dark and cloudy; it may be darkest just before dawn; but one of these days we are going to do these things, and when Americans get together on something they go with a great rush. We shall have an air force the like of which the world has never seen; but let us not buy any more of the old junk that Al Williams was talking about; that is useless, and will only go to the scrap heap.

No matter what the end of this war, air power has already demonstrated that it is the one single weapon which supersedes all others. Why not buy some of it? The belligerent which controls the air will win this war in Europe. Why doesn't the same rule apply to the United States—ever more definitely—with our thousands of miles of seacoasts? Why not get our house in order by uprooting the little air services maintained and jealously held by the Army and Navy and consolidating them into an American air force?

DEPARTMENT OF DEFENSE, AIR, ARMY, AND NAVY

In connection with that I call to the Senator's attention the fact that Germany has a consolidated air department; Great Britain has a consolidated air department; Mussolini and Italy have a consolidated air department; Japan has a consolidated air department. But we are running around with a little air service in the Army and a little air service in the Navy, and a little air service in the Coast Guard, and with jealousy and with different types of planes and parts which are not always interchangeable, and with a mixed situation which brings nothing but chaos. We have no coordinated air system.

I have here an article by Hugh Russell Fraser in the Inside Washington column, in which he deals with the defense program, which I ask to have printed at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

INSIDE WASHINGTON

(By Hugh Russell Fraser)

The propaganda reaches a climax. As America prepares to build up her armed forces—which, of course, should have been done long ago—the cry is becoming more and more insistent that we ought to send our naval and air force to England; that the British Navy is our first line of defense, and that if it is wiped out we are lost.

Indeed, most of the support for the nomination of Knox and Stimson to the Cabinet comes from this very source. The hysteria for aid to England before it is too late—and it may be too late before this column is in print—is so great that it may be difficult to withstand.

And the curious thing about it is this: Not one expert, military or naval, has testified that it would be possible for Nazi Germany, or any other power or group of powers to invade the United States now.

On the contrary, their testimony has been unanimously to the contrary. Yet, as this is being written, Dr. Charles Seymour, president of Yale University, is speaking over a network of radio stations and saying: "If Britain is conquered and the British Navy wiped out, there is nothing between the invader (Hitler) and us."

Now, Dr. Charles Seymour is a very brilliant and learned gentleman. He is 54 years of age and in good health. Yet he makes boldly and deliberately a statement for which he could not secure the support of any naval or military expert of this or any other country.

And it is precisely such statements, and such propaganda that are leading this Nation to the brink of the war.

What are the facts about the situation? Is it possible that Dr. Seymour has chosen to ignore them? Hardly. Or, at least, let us be charitable and assume that he has not. Then, presumably, in his anxiety to aid the Allies, he has forgotten them. If he has, then he has forgotten quite a list of facts. What are these facts? There are more than a dozen of them.

He has forgotten there are 3,000 miles of ocean between the United States and Europe;

That there is not a Nazi bomber, or any other kind of bomber, built that can make a round-trip flight of more than 1,000 miles without refueling;

That the average bomber cannot fly more than 500 miles in the direction of the United States without giving up all hope of returning to its base;

That Hitler could not even attempt to invade the New World without securing an air base in this hemisphere;

That such a base could not be secretly seized; it would have to be secured by armed invasion;

That such a base could not be secured by naval forces alone, since the seizure of territory requires the use of troops;

That there are not enough aircraft carriers in the navies of Britain, France, and Germany combined (assuming Britain and France surrendered their naval aircraft carriers to Hitler, and he could train crews to master the technical details of their operation and at the same time find adequate parts and replacements for them) to carry sufficient planes across 3,000 miles of ocean to protect a naval landing force from a navy and air force operating within a few hundred miles of its home bases;

That even if such a base could be secured it still would not be within bombing distance of the United States;

That modern Nazi bombers could negotiate only half the distance between Bermuda and the United States, or only 375 to 500 of the 690 miles, without giving up hope of returning.

That they could fly only a fourth of the almost 2,000 miles from the Azores and the United States;

That from the Cape Verde Islands, off the West Coast of Africa, they could get less than a third of the distance of 1,500 miles to Brazil;

That from the French island of Martinique, off the coast of Venezuela, they could fly only 375 to 500 of the nearly 1,400 miles to the Canal Zone.

That from Greenland, which Col. Charles A. Lindbergh has declared is utterly impractical as an air base, they could get only half way even to Newfoundland;

That they could not fly—without giving up hope of ever returning—more than a third of the distance from Greenland to the United States;

That among all the American experts from Maj. George Fielding Eliot, once described as "America's foremost military authority," to Admirals Yarnell, Stark, Leahy, Cook, Lanning, and Taussig, there is complete agreement that the United States could not be successfully invaded, and that the seizure of a naval or air base in the Western Hemisphere would be virtually impossible without the development of a new type of bomber hitherto unknown;

That further, if the British Fleet was captured tomorrow, and that if by some miracle the technical difficulties of operating it could be overcome by the Germans and that fleet added intact to their own—a well-nigh impossibility, yet assuming for the sake of the argument it could be done—an invasion of the United States would still only be possible by landing simultaneously at least 500,000 men;

That there are not enough transports in the combined British-French-German navies to land this number of troops simultaneously;

That there are only five ports on the Atlantic coast anyway big enough to accommodate such a disembarkation;

That in addition to landing 500,000 men simultaneously, tanks, antiaircraft guns, armored cars, thousands upon thousands of tons of supplies, not to mention heavy artillery, dock cranes, special landing equipment, etc.;

That, according to the latest figures, for every soldier transported by sea, there must be a tonnage displacement for equipment—including guns, tanks, ammunition, food, fuel, and reserve stores—of from 200 to 250 tons per man;

That, taking the lower figure, this would mean that the total shipping displacement of the enemy armed force would need to be 100,000,000 tons;

That unless our Navy and air force are sent to Europe and there destroyed in whole or in part, any such gigantic undertaking as the invasion of the United States under these circumstances would not only be improbable but absolutely out of the question. On this the military and naval experts are agreed.

Our duty, therefore, is to defend the Western Hemisphere. That we can, must, and should do.

Then, and only then, are we safe.

Mr. LUNDEEN. Mr. President, I have here an article by Karl H. von Wiegand, world-famous correspondent, who has interviewed various European leaders of different nations as to how they feel about air power and the possible invasion of the United States, which I ask to have inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES INVASION IMPOSSIBLE, SAYS GOERING—CALLS FEAR OF NAZI OR JAPANESE ATTACK "STRANGE DELUSION"

(By Karl H. Von Wiegand, noted foreign correspondent, and for 25 years outstanding American political observer in Europe and the Far East)

BERLIN, July 27.—America cannot be invaded from across the Pacific.

Militarily considered the idea is utter absurdity.

That's the conviction expressed to me today by Reichsmarshal Hermann Goering in a 75-minute talk I had with him, the first marshal of the German realm, who, as such, is next to Hitler, the highest ranking officer in Germany.

As creator, builder, organizer, and commander in chief of the newest, largest, most powerful, and most successful air power in the world, I thought his views might be of interest.

It was the first time since the beginning of the war that he received any foreign journalist.

"'STRANGE DELUSION'

"To Germany your fear in America of invasion from across the seas strikes us as a strange delusion, and stranger still is the delusion that the invasion is to come from Germany," said the man who commands more war planes than any other man in the world.

"With a 'moat' over 3,000 miles on one side and more than 5,000 miles on the other, America is simply not invadable by air or sea. That's particularly true if America's armaments and national defense are appropriate to or commensurate with the country's size, population, resources, and industrial production, not to mention the spirit of the people.

"Militarily it's absurd. We are not yet in an age of interhemisphere air wars.

"There is no war plane in Germany that can fly to America with a load of bombs and get back, nor is there a war plane in the United States than can fly to Germany nonstop and return without landing.

"We cannot understand why you pick on Germany as the professed cause of your fear.

NOT SO STUPID

"Where is the logic of it? What do you think we want over there?

"The American people are certainly not so simple-minded as to believe we really are so stupid as to think we can invade and conquer a country of 130,000,000 people 3,500 miles across the Atlantic.

"Even if you don't like us, give us some credit for common sense and reason," Goering said somewhat impatiently.

"There is much talk of Greenland as an air base, but Lindbergh said that was not possible," I remarked.

"Lindbergh is a great flyer, a man of great experience and with great technical experience," Goering replied. "He does his own thinking and I respect his judgment. It was his judgment that Greenland is impossible as an air base, and the best proof of his judgment is that the commercial air lines dropped plans for a base there."

"Wouldn't that also apply," I asked, "to Japan's defenses against 'an attack or invasion of Japan from overseas?'"

"Yes," said Goering, "if Japan's air force is large enough and strong enough and strategically based on land. It must be remembered that aircraft carriers have become very vulnerable to land-based warplanes, and themselves can carry no large or long-range bombers."

INVASION OF UNITED STATES UNTHINKABLE

The marshal waved further discussion of America's fears aside with the statement:

"I will only add that I underline what the Fuehrer said that the whole idea of anyone in Europe, least of all Germany, thinking, contemplating, or dreaming of an invasion of North or South America is a strange delusion which I hope will pass away just as quickly as a feeling of utmost self-reliance returns to the American people through what they consider adequate armaments and defenses on land, sea, and air."

We sat in the marshal's working room at Karinhall, his palatial hunting lodge in the forest 45 miles from Berlin. Col. Gen. Ernest Udet, chief of the technical division of Goering's general air staff, was waiting to see the commander in chief. It was difficult to keep Goering on the subject of America's fear of invasion. He considered it quite "too childish."

BERMUDA DISCUSSED

Asked if he were America's air minister, would he insist on acquiring Bermuda and the Bahamas for advance air bases for national defense, he said:

"If you don't take advantage, for national defense, of what God or nature has given you, that's up to you. If American defenses are what they should be, particularly if her air force is properly developed, built up, organized and strategically based, America can defy any power or any group of powers. No one would be so idiotic as to attempt an invasion."

Considering the importance air power has become in war, Goering could not understand why and how in the United States there has not been created a separate air ministry when all the other great powers have found such a ministry necessary or advisable.

I asked the marshal his views on air power versus sea power in light of the experiences of the war; would air replace navies and had aircraft carriers become obsolete?

AIR POWER STILL YOUNG

He leaned back in his chair and answered the question slowly, and very thoughtfully.

"Air power is still very young. It's made tremendous progress in a very few years, both technically and tactically, especially when we consider development of the land and naval branches. The future of air power is unmeasurable, but at this time it still has its limits.

"Italy's splendid air force has been hitting the British Navy hard, and Italian air power can be said to dominate the Mediterranean. German air power dominates the North Sea and the Channel.

"Air power will dominate wide stretches along coasts with land-based air forces, but in far-flung sea regions and in wide oceans navies will still have their tasks. Aircraft carriers with their wide, flat decks are relatively easy targets for bombers. In fact, this war has brought wholly new strategy and tactics predicated upon new weapons of war. So I believe something approaching revolutionary change in the design and construction of navies will follow on the heels of this war."

AIR FORCE DECISIVE IN POLAND

Goering said the air force was "quite a decisive factor" in Poland, Holland, Belgium, and France; that German armies could not have had victories or made their unprecedented advances without cooperation of air. "But still we must bear in mind that the air force could not go down and occupy the ground."

"Except parachutists," I interposed.

The marshal smiled.

"In special instances as a start, for which preparations had been made," he qualified. "Together with land fighting forces, air power was supreme on the Continent. Germany has mastery—yes, command even—of the air on the Continent, and we shall keep that mastery.

"My air force is stronger today than at the beginning of the western offensive last May, thanks to German production of planes and the small losses we've suffered. German production is still higher than British production plus American deliveries so far.

"The high German production is due in part to the astonishingly low number of types used, which made standardization easy. More than 20,000 usable planes captured since September have been used for training purposes, thereby greatly broadening my training of pilots and fighters.

ADDED TO OIL RESERVES

"It may astonish you that in Holland, Belgium, and France we found twice the amount of gasoline and oil I have consumed in all air operations since May 10, so that not only did I not have to draw on my reserves but have actually added something to those reserves."

Finally our talk arrived at the impending campaign against England. Goering said:

"My air force is completely prepared and all set for the signal or command from the Fuehrer to do our part in the general attack. I can assure you that our attacks in England so far were merely armed reconnaissance. My air force is ready. We await the command of the Fuehrer."

Mr. LUNDEEN. Mr. President, I began my remarks by referring to the number of wars which had been fought in Europe, and how the interventionists want us to go over there and solve all the European problems. My point is that we had better try to solve the problems we have in the United States, and never mind Europe and Asia. We are going to hear the cry around the earth, "Asia for the Asiatics, Europe for the Europeans, and America for the Americans." That is going to be the cry and millions on this earth will listen to it. The Asiatics will have their Monroe Doctrine and the Europeans will have theirs. We have a Monroe Doctrine now which forbids Europe to mix in our affairs here, and the other half of the doctrine is that we do not meddle in their affairs, as was so ably stated by the senior Senator from Arizona [Mr. ASHURST], whose learned eloquence I delight to hear. I wish I could have stated it half as well as the eloquent Senator did.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LUNDEEN. I am delighted to yield.

Mr. CONNALLY. A moment ago the Senator said that we passed a Monroe Doctrine which guaranteed that no one would bother us here. Is that correct?

Mr. LUNDEEN. I do not think I said we "passed" or guaranteed it. It is a declared doctrine.

Mr. CONNALLY. The Senator stated it was adopted. He said it did guarantee that European powers would not meddle with us. Is that correct?

Mr. LUNDEEN. It means that Europe shall not meddle in American affairs, as I understand it.

Mr. CONNALLY. I thought the Senator used the word "guaranteed." I was going to express great satisfaction that there was anything which guaranteed they would not bother us. We might not have to raise so many troops.

Mr. LUNDEEN. I did not use the word "guaranteed," but if we are to guarantee it, I will say to the able Senator, who is also a soldier and a veteran, he knows and I know, and all Senators know, that the only way we can guarantee anything is by being prepared for defense.

Mr. CONNALLY. Exactly.

Mr. LUNDEEN. In that regard I agree with the distinguished Senator. I am for defense. As for the views of the Senator and me—and I admire his ability and his long service here—we may differ as to how defense should be best brought about, but as to the necessity of defense, there can be no difference of opinion. I do not think there is a Senator on the floor of the Senate who does not believe in national defense sufficient to protect us from any European threats.

Mr. CONNALLY. The Senator has really anticipated my other question, which was whether it is not true that the only way we can make good our declaration in the Monroe Doctrine is to have an Army and a Navy so strong——

Mr. LUNDEEN. Do not leave out the air force.

Mr. CONNALLY. The air force is part of the Army and the Navy; it is not separate. It is all part of the military and naval force. Does not the Senator think it is necessary to have a Navy and an Army and an air force—if the Senator wants that included—so strong that no ambitious conqueror shall ever attack us here?

Mr. LUNDEEN. I fully subscribe to the Senator's statement.

Mr. CONNALLY. That is what I am trying to get right now with the pending bill.

Mr. LUNDEEN. I am very glad the Senator has stated that so well. However, the pending bill is not necessary for that purpose.

Speaking of the air force, on February 28, 1919, I introduced a bill for a department of the air service, and I stated in the CONGRESSIONAL RECORD, as appears on page 405 of the Appendix, March 3, 1919, Sixty-fifth Congress, third session, these words in reference to the development of the Department of Air Service:

The navigation of the air is the newest field just now fairly opened up to the enterprise of men and nations. In order that our people may take their proper place, and share in the development of this new science, I introduced the following bill (H. R. 16195) to create an executive department of the United States Government to be known as the department of air service. Other nations are making rapid strides in this field, and in the rivalry of securing the benefits, commercial and otherwise, from this new form of navigation I believe such a department will be a great benefit to the Government and the people of the United States.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. LUNDEEN. I am very glad to yield.

Mr. HOLT. Did the Senator read the New York papers on Sunday, and see an article written by Mr. Allen, who used to be with the Civil Aeronautics Authority, in which article he stated that the United States Government now had 80 fewer planes; that is, Army and Navy planes, than we had on the 1st day of January of this year? Speaking about defending America, it proceeds to discuss and show that the United States Army and Navy have 80 fewer planes than we had on the 1st day of January. Is that good for our defense?

Mr. LUNDEEN. Mr. President, the Senator forgets that we must take care of the King over in Europe. We must take care of the British Empire. We must see that the airplanes and war planes and bombers get over to His Majesty's service. That is where they have gone. That is where our planes are now. They have been flying over the Canadian skies until the Canadian skies are black with American planes flying to the British Empire.

Mr. HOLT. The article also states that out of every hundred planes produced in the United States in this period of which I speak, 80 percent of them went abroad. In other words, out of all the planes we are building we are shipping out of the country four out of every five. And yet we hear talk about defense.

Mr. LUNDEEN. I thank the able Senator. I wish to say in that connection that one minute we hear that we have no defense, and that we must have four or five million men conscripted, and that we have no armaments, no weapons, with which to train them, and the next minute we find armaments shipped over to defend the great empires of Europe, so that they may not fall into the discard. How does that hang together?

Mr. HOLT. Furthermore, we do not have enough planes today with which to train the boys who desire to be pilots in the United States Army and Navy. We have sent over even our pilot planes, the planes necessary for training. Of course, we have planes on order in which they may train, but it is not very easy to learn to fly a plane by watching a blueprint.

INTERVENTIONISTS ENDANGER UNITED STATES

Mr. LUNDEEN. There is one more thing I wish we had sent over there—our newspaper and columnist interventionists. If they would send some of the interventionists over, it would be a good deed done. I refer to the interventionists in the columns of the press and on the radio. If we could be relieved of them, we would get along better in our defense of the United States.

We are so intervention-minded now that we have to intervene everywhere. I see talk in the press that we must protect the British interests in China. I noticed the other day that when the British troops marched out of Shanghai, they were headed by the American Marine Band. As soon as the British left, we took over the British interests in China.

Just what sort of a connection is there between the British Empire and the United States, and what understanding may there be, and are we supposed now to take over in China? Are we supposed to have our gunboats up the Chinese rivers? Are we supposed to have our American troops on Chinese territory? Are we supposed to be in the Japanese waters over there with our warships and run the possibility of war?

If Japan ever fights America it will not be in the Hawaiian region; it will not be off San Francisco and San

Diego and Portland; it will be in Japanese waters. The Japanese are too clever to come over and tackle us here. They will want us to go over there, so that we will have to extend our lines six or seven thousand miles, and our Navy must be three or four times the size of theirs if we are to be on a parity in any such struggle.

Mr. HOLT. It is generally understood in all diplomatic circles that the United States Government and the British Government have an understanding and an agreement in the Far East. The American people do not know it, but those in charge do. It was even brought up when Captain Ingersoll went to London and discussed the matter on a so-called mission, which was not what he was sent for, but the question for discussion was the use of the United States Navy in conjunction and cooperation with the British Navy, not to protect America, but to protect the interests of the financiers of Great Britain and the United States in Asia.

I desire to bring that to the attention of the Senate, and to say that when time writes its final history, we will find disclosed more secret diplomacy and more secret understandings on the part of the present administration than has ever been known in the history of the United States, and the penalty of secret understandings will be the death of American boys.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. WALSH. A few minutes ago the Senator and I were discussing the importance of building up our mechanized forces. May I read a letter, and then comment on it?

Mr. LUNDEEN. I shall be delighted if the Senator will do that.

Mr. WALSH. This is from No. 7 Church Street, Ayer, Mass. Ayer, Mass., is about 40 miles from the city of Boston. The letter is addressed to me and reads:

AYER, MASS., *August 23, 1940.*

Hon. DAVID I. WALSH,
*Washington, D. C.*

DEAR SIR: Is there anything you can do to help me enlist in the United States Army Tank Corps? Apparently there is no way at present for a man in New England to join the Tank Corps because there are no troops in this section and as the nearest Tank Corps is evidently located at Fort Benning, Ga. I cannot afford the expense of a trip way down there.

I have just gone through a long tiresome experience in trying to join up in Boston. I have journeyed back and forth between Ayer and Boston for the last 4 days but they are unwilling to provide my transportation to the nearest Tank Corps company. After filling out numerous forms, passing the physical examination O. K., and otherwise being eligible, I am just about where I started except for an education in red tape.

If you want to go through an enlightening experience you ought to investigate what a young man has to go through in order to volunteer nowadays. Common sense demands that the way should be made easy and not difficult for men to join if the administration is sincere about wanting men.

Have just finished a 6-month term with the C. C. C. and hold my honorable discharge as well as letters of recommendation from my supervisors, so it is not a question of eligibility. My serial No. CC1-165395.

The least that Uncle Sam could do would be to pay the necessary transportation expenses to the nearest point where he can join the branch of service he desires.

This is the first time I have ever asked your assistance but your interest and kindly help given to others in their problems has prompted me to appeal to you for a solution to my difficulty which, after all, is a simple matter if some of the red tape is dispensed with. You may also be interested in having this case brought to your attention so a way may be provided to help many other fellows who encounter similar setbacks when they attempt to answer their country's call in its defense program.

Yours respectfully,

STANLEY D. HARRIS.

Upon getting that letter I called up the Army headquarters and made inquiry in reference to this case, since I wanted to answer the letter and give the writer some information. I found that the young man, in order to join the Tank Corps, would have to pay his expenses from Myer, Mass., to Camp Benning in Georgia, which I assume would cost about $20 or $25. I found out that there is no need for enlistments in the Tank Corps; that the corps has all the enlisted personnel it can handle, but when a vacancy happens, by reason of someone dropping out, a man on the spot or near the Army station is taken in; so if the young man in question paid his own expenses and went to Georgia he could, in case a vacancy took place, be taken into the service.

It is clear from that letter and from the information I have received, that certainly so far as the Tank Corps Service is concerned, which we all agree is an important service, there are no facilities at the present time for receiving additional volunteer enlisted men, and that there is no way for a young man who is not in the vicinity of one of the few stations—there is one in Georgia, and I think there is one in Kentucky, and perhaps there are others in other parts of the country—to join the Tank Corps.

It seems to me that this and other accumulated evidence tends to show that there has not been a serious effort made to increase by new inducements, as to term of enlistment and wages the voluntary enlistments. In view of the discussion we have had concerning the Tank Corps, I thought the Senator should know of this letter. I was not able to learn an answer to my question, "Do you need any more men in the Tank Corps?" I was not able to get an answer other than that if the man was on the spot, and a vacancy occurred, he could be enlisted, but if he came from a part of the country other than where the unit was located he would have to pay his own expenses to get there.

Mr. LUNDEEN. Mr. President, I thank the Senator from Massachusetts for his statement. I recall that a short time ago the Senator gave to the Senate information concerning quotas. Did not the able Senator from Massachusetts give the Senate the information that the quotas in the Army and Navy had been more than filled?

Mr. WALSH. The information I have—and I do not think it is disputed—is that up to August 1 the Army has never failed to fill, through voluntary enlistments, any quota it has fixed for volunteers to enter the Army. That is not only true of the Army, but the Navy has a long waiting list—I think the number of those on the list is 7,000—of applicants waiting to be assigned as soon as places are obtainable for them in the Navy.

The situation, as I understand, is that up to this very hour there has been no failure upon the part of the youth of America to respond to the requests for enlistment in the Army and Navy, as fixed by those services, and they have received the number of men who could be handled in a particular month. I do not think there is much question about that. Apparently one of the reasons given for this bill is apprehension that voluntary enlistments may not continue. The facts do not justify this conclusion.

Mr. McKELLAR. In peacetime.

Mr. WALSH. Yes; in peacetime. Are we not in peacetime now?

Mr. McKELLAR. Yes; we are in peacetime. But in all our wars we have had conscription.

Mr. WALSH. In some wars; that is true. Let me say that when the bill was originally proposed it was intended to be a trainee bill, and I do not think the Congress then expected or contemplated the turn the legislation has taken, to be a conscript bill for the purpose of inducting young men into the Regular Army. It is not a conscript bill to train young men physically and in military tactics in the popular acceptation of that term, in the manner in which it was used in the World War, when young men who were drafted were sent to a camp in their own locality and given training, and then put into units and sent across the Atlantic to France.

The bill is the first one I have known of in my knowledge of military affairs, that provides for conscripting men into the Regular Army, and as I have said before, I fear, because of the additional advantages that are given to those who are conscripted over those who volunteer, it will result in the breaking down entirely of the volunteer system in our country, and that we shall have a permanent and perpetual conscript system of inducting men into the Army and Navy, which I regret very much to see coming.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. HOLT. Does the Senator know of a single country in the world, in its entire history, which once it adopted compulsory military training, went back to the volunteer system? I do not know of any.

Mr. WALSH. I do not know of any, but I also would add that I am not familiar enough with the situation in other countries to make that statement positively. I rather assume, however, that what the Senator suggested is so. In my opinion that is one of the evils of the pending bill.

Mr. LUNDEEN. Mr. President, I wish to say to the very able Senator from Tennessee [Mr. McKELLAR] that there are Members of the Senate present who served in the Spanish-American War, in which there were no conscripts.

Mr. McKELLAR. Yes; I think that is true.

Mr. LUNDEEN. There were no conscripts in that war?

Mr. McKELLAR. Yes; that is true.

Mr. LUNDEEN. And in the Civil War, if I remember rightly, there were only 13,000 conscripts that got to the battlefield, although there were slightly more than that number of conscripts. However, there were no conscripts in the Spanish-American War, in which the able Senator from Texas [Mr. CONNALLY] served, and in which I had the honor to serve as a private.

Mr. CONNALLY. The Senator from Texas served in that war in a very obscure and humble position.

Mr. LUNDEEN. The private soldiers are the mainstay of the Army.

Mr. CONNALLY. If the rest of the Army had done no more than the Senator from Texas did we would have been licked.

Mr. LUNDEEN. I cannot subscribe to that statement.

Mr. CONNALLY. The Senator from Minnesota made the statement that in the Civil War only 13,000 conscripts got to the battlefield. I do not know about the Union Army, but I wish to say to the Senator that the Confederate military policy was, I think, superior to that of the Union Army, because the Union Army adopted conscription in 1863, I believe, and provided many bounties, and had a terrible scandal, and there were draft riots in New York City. But the Confederate Congress first called for volunteers, and raised a large force. The Confederate Congress then drafted automatically into the service every man who was in the army. It continued all the volunteers as draftees. So, the Senator from Minnesota is in error when he says that only 13,000 conscripted men ever got to the battlefield, because the entire Confederate Army in the early years was composed of men who were automatically blanketed into the service, something after the manner in which, at the present time, persons are blanketed into the civil service. That is my recollection of the history of that period.

Mr. LUNDEEN. I thank the Senator from Texas.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. McKELLAR. Substantially the same thing was true in the northern army—not that those who had volunteered were drafted into it, but in the northern army the men were drafted also in the same way they were in the southern army. The men were drafted in both armies, and men were also drafted in other wars in which our country has engaged.

Mr. LUNDEEN. Of course, when I spoke of 13,000 men being drafted in the Civil War I was thinking of the American Army, that is, the army which was fighting for our country. That was the only army of which I was thinking.

Mr. CONNALLY. I accept that statement, of course, but the men in the Confederate armies were drafted men, and they did some pretty good fighting.

Mr. LUNDEEN. We grant the courage of the Confederate soldier. He was a marvelous soldier and a very brave man. Nevertheless, the Confederate Army was not the army of the Nation.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. GIBSON. I am sorry the Senator from Massachusetts has left the Senate Chamber. In view of the fact that in our authorized Regular Army of 375,000 men, we have about 235,000 men, I wanted to ask him, if in the event it was found that we could not recruit the required number of men in a period of 2 months, he would be willing to back a peacetime conscription measure. What effect would failure to recruit the required number of men to fill the quota which the War Department has set have on the psychology of the people of the United States and on the psychology of the enemies of our country, of which we have many? It seems to me that such a failure would be a very dangerous thing for our country, and for that reason, and rightfully, the War Department has set a quota which it knows it can fill. I think that is the reason the War Department officials say they are able to fill their quota, but it will be noticed that the quota is a very small number per month; but if the quota provides for raising 140,000 men by December 1 or January 1, it is doubtful if the men could be obtained without a highly organized propaganda to put it over. I think that is what we are up against today.

Mr. LUNDEEN. I will say to the Senator on that point that if we pay a dollar a day to our men in the Army and assure them that they are only going to be used within the United States or its Territories or possessions of the United States, and even include the Western Hemisphere, we will have so many volunteers for our Army that we will not be able to take care of them all.

The quotas have been more than filled right along, and it is my belief that if the quotas are increased they will be more than filled. They have been filled up to date. In that statement I am supported by the statistics. If the quotas were somewhat increased or gradually increased, I believe the Army would still be able to fill our quotas.

Mr. GIBSON. Mr. President, will the Senator further yield?

Mr. LUNDEEN. I am glad to yield to the Senator.

Mr. GIBSON. In the event that the quotas were not filled—and let us assume they were not—would the Senator then favor conscription or universal service for our boys, in order to fill up the number required by the Army, or does the Senator think we should go along with those few who will volunteer their lives for their country?

PEACETIME CONSCRIPTION UNNECESSARY, UNCONSTITUTIONAL, AND FOREIGN

Mr. LUNDEEN. Let me say in answer to the Senator on that point that on the 31st of January 1940, over the signature of Secretary of War Woodring, I have a statement that there were at the call of the Government 1,015,957 men. That number consists of the Regular Army, the National Guard, the C. M. T. C., the Reserve, the Navy, and altogether the number is more than 1,000,000. We have recruited tens of thousands of men since that time, in fact I know we have, and enlarged our armed forces considerably. The Navy, which formerly had 180,000 men, including its Reserves, now has about 200,000 men. More than a million men have been obtained by voluntary enlistments, and all our military experts say that that force is sufficient to repel any possible invasion.

CONSCRIPTION FOR SERVICE OF EUROPEAN KINGS

What is a conscript army for? I fear that the present conscript army, as was our last conscript army, is for service beyond the ocean, to intervene in the quarrels of other nations, in their boundary disputes and real-estate title quarrels, and in the ambitions of kings, emperors, and empires across the sea. That is why we want conscription. In the last war, after we declared war and we were to send our men across the sea, volunteering in this country fell off. That is true. The records show it. I know what Senators and Representatives in Congress stated at that time. I do not wish to give the exact language, but these words were in the language used: "We will conscript them." They did conscript them, because the American young men did not want to go to Europe. They did not care to go over there. But there never has been a time in the history of this country when American manhood, standing on our own soil, would not come to the defense of the country and the flag more rapidly and in greater numbers than we could furnish arms for them. I think the able Senator will agree with me.

Mr. GIBSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. LUNDEEN. I am delighted to yield.

Mr. GIBSON. I do not think there is anyone more sincere in his views than is the able Senator from Minnesota. I know, because I have talked with him personally. I know that he feels very deeply on this subject. Still I should like to have his view as to how he would feel about filling the ranks of our Regular Army by conscription—if he chooses to call it that—in the event that a Regular Army such as the War Department says we need cannot be obtained by volunteers. In that event, would the Senator then favor conscription? That is the question which I tried to ask before, but I did not receive an answer.

EUROPEANS CANNOT INVADE AMERICA

Mr. LUNDEEN. That is a purely hypothetical question, and based upon supposition; but I shall be glad to answer it.

I believe in conscription for defense within the boundaries of the United States and its territories and possessions; but I believe, as Daniel Webster has said, that conscription for foreign service is unconstitutional. Yet we did that very thing in the World War, although it was unconstitutional. When war comes all rules, regulations, and constitutional provisions are shattered. There are no rules, regulations, or constitutions. There is nothing but war, and everything else is overboard. That is why we did those things.

I am sure every other Senator would join with the Senator from Vermont in his statement that if conscription were necessary for the defense of the country in repelling an invasion, suppressing an insurrection, or executing the law of the land, as the Constitution provides, if volunteers did not rise, we should not hesitate to conscript; nor would I hesitate to vote for conscription in that event. But we have not arrived at any such stage. We have more than 1,000,000 men now under the American flag, ready to serve it instantly at the touch of a button. Our experts say that that number is more than enough to repel any possible threat, especially when the nations of Europe are locked in a death struggle.

How are European nations to get over here? They are fighting to the death. There is only one supposition. In the event one side should win and take over all the power of the other side, it is supposed that immediately the victorious power would prepare a thunderbolt to hurl at us, when everyone knows that at the end of the war both sides will be so exhausted that they can hardly rise to their knees for a generation afterward. They are bleeding from every pore. They are wounded and stricken in their economy. They must set themselves in order.

Mr. GIBSON. The Senator and I are in full agreement on one point. I hope that never again will one of our boys be sent from this hemisphere to Europe. I think that is not within the purview of the bill. It seems to me the only difference between the Senator and myself is that I believe that conscription is necessary for our own defense, and the Senator does not think so. I think that is the only difference.

Mr. LUNDEEN. I accord to the Senator the same degree of sincerity which he grants to me. I appreciate his statement. But why not let the volunteer system, which has been so successful to date, go on? We do not drop successful systems. When we are succeeding we do not change our tactics and strategy. We move ahead as we have been moving, because we have been succeeding. Today we are succeeding because we are more than filling our quotas. The able chairman of the Naval Affairs Committee [Mr. WALSH] stated a few moments ago that our quotas are more than filled. Why abandon that system when we have more than 1,000,000 men? I have put the figures in the RECORD twice, and I shall be glad to put them in again, to show where we stood on the 31st of January 1940. The number of men now under our flag for defense is still greater.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. HOLT. The Senator has probably talked to dozens of fine young American boys, as I have—boys who deep down in their hearts feel that we shall get into the war and that they will be sent to Europe or Asia. For that reason they have not enlisted. Nor do they feel that they should be conscripted. They would defend this country just as eagerly as would any other soldiers, but they are becoming sick and tired of the idea of our boys being sent to some foreign country about every 25 years to protect American commerce or trade.

I do not know whether or not the Senator has had such experience in traveling over the country. I have talked with hundreds of boys. They are becoming tired of being pawns in Europe's battles. Their fathers before them played the same role, and their sons will do likewise if we get into this war and agree to go along to save the world.

INTERVENTIONISTS WOULD UNDERWRITE SECURITY OF BRITISH EMPIRE

Mr. LUNDEEN. I thank the able Senator. I wish it were only a matter of protecting American trade and commerce. However, I fear it is more than that. I fear that some of our interventionists believe it is our duty to protect the dear British Empire, that it is a pure type of democracy, and that it must not go down.

I know of the glories and greatness of the British Empire. We have all read our histories. My own good wife is of Scotch-English descent. She is a good American. I know that American citizens of English descent are good Americans. They are good citizens, just as are citizens whose ancestors came from other lands.

The British Empire has been a great and glorious empire, but it has been an aggressor empire. It has been a warlike empire and it maintains its power today with armies, navies, and aircraft, by fire and sword. It is an autocracy, not a democracy. It rules with a rod of iron, as does Germany, Italy, or any other such power. Let any Senator rise and tell me why I should die for any empire or any country on the earth except our own. The American Army is the only army in which I shall ever enlist. America is the only country in whose Army I should like to see my boy enlist. God forbid that there may be war; but if there should be, he would be in the American Army, as I was in 1898.

Why should we send our boys to Canada or to England? They are going over there and beginning to forge the chains which will gradually pull us in. Propaganda is being broadcast to the effect that we must save the British Empire, and that if it goes down civilization will go down.

CIVILIZATION WILL GO ON

Mr. President, I venture to prophesy that no matter how this war ends, civilization will go right along. Art, culture, science, learning, music, and all that is beautiful in life will go on. We are not so important in our day and age that we can snuff out the candle of liberty, science, beauty, and culture. We cannot do that in our time. The stream of nations will go down the great valleys of history. They may clash, and some of them may go down, and others may rise, but the glories of humanity will go on just the same.

No nation can claim to be spotless. None can claim that it is pure and undefiled in its conduct. None can claim that its treaties are inviolate and that it does not scatter the remnants of treaties whenever it sees fit to do so and whenever it thinks it is to its advantage. It will march and countermarch over the continents of the earth whenever it thinks it is to its advantage to do so.

ENGLISH PROPAGANDISTS SEEK TO INVOLVE UNITED STATES

I have never blamed the British for coming over here and seeking to involve us in war. I do not blame Sir George Paish for being over here. He is a good, patriotic Englishman. He is trying to do something for Great Britain. He comes into Senators' offices and tries to propagandize America into the war. So did Sir Gilbert Parker. So did Lord Northcliffe, who said that we are the most gullible people on earth next to the Chinese. If confirmation of that statement is desired, I can put it into the RECORD. Lord Northcliffe had charge of the expenditure of $165,000,000 of British money—or, rather, of American money which we loaned to the British—which was

used to propagandize us into the war. I do not blame Lord Northcliffe, Sir Gilbert Parker, and Sir George Paish. They are good, patriotic Englishmen. They are fighting for old Mother England. I do not blame them in the least. Those with whom I disagree are pro-British Americans, who want us to die for England and to spend our money for England.

I have met a great many American citizens of German origin. Perhaps some of them were pro-German, but I never heard one of them who had gall enough to ask us to lend money to Germany, or to die for Hitler and Germany. However, we are supposed to die for England on every continent on the face of the earth. I am in opposition to that policy, and I shall fight it alone, or with others, as best I can.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. HOLT. The Senator forgot to mention Sir William Wiseman, who is now an official of Kuhn, Loeb & Co., whose directors are helping to pay for the advertisement to get America involved in the war. As the Senator knows, Sir William Wiseman was in charge of the British secret service in the United States during the World War.

The Senator also forgot to mention Noel Coward, who is doing very active propaganda work in the United States at the present time. He is not registered. Many more could be mentioned.

THE AMERICANISM OF ANDREW JACKSON

Mr. LUNDEEN. I will say to the Senator that if Andrew Jackson were alive today some of the editors and full-page artists who are publishing advertisements calling for aid to Great Britain at the expense of the United States might find themselves on the scaffold; Andrew Jackson would hang them. He once threatened to hang one of the greatest Americans because he hinted at secession. We need more firm measures against such men who come over here. They are good patriotic Englishmen. They are for the British Empire, of course, and I honor them as citizens of another country; but I do not honor their activities here, and I do not want those who work with them to seek to involve America in war in behalf of another nation.

Mr. President, sometime ago I began to talk about the air force, and I wish to revert to that subject, because it is so important to the defenses of America.

I ask unanimous consent that there be printed in the RECORD at this point in my remarks two articles by Charles T. Lucey, entitled "Separate Air Force Aim of Army Officers"; and another article by Mr. Lucey entitled "Admirals and Generals Block Separate Air Unit"; also articles by Maj. Al Williams, entitled "Answer to Admirals"; and several other important articles by this famous aviation authority.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SEPARATE UNITED STATES AIR FORCE AIM OF ARMY OFFICERS

(By Charles T. Lucey)

If war comes to America, in the opinion of many Army Air Corps officers, it will bring the establishment of a separate Cabinet department of military aviation—coequal with the Army and Navy.

These officers say that just as time has underwritten Gen. Billy Mitchell's claims concerning the importance of air strength, so will it justify his demand for a great air force independent of the War and Navy Departments.

They point to the vast air expansion now under way, and to the steady increase in the relative importance of the air arm to the whole defense organization, and comment that the tail cannot go on wagging the dog forever.

OFF THE RECORD

Air Corps officers don't say these things for the record.

They have careers to consider. They recall how the late General Mitchell was court martialed when he courageously, if in defiance of traditions of military discipline, spoke his mind on the importance of the air service and criticized the influences checking it.

The Army and Navy must have discipline, and the opposition of the admirals and generals to the idea of a separate air force is well known today. Army Air Corps men who believe in a separate air arm, whose lives are bound up with flying and who are handling the great air-expansion program, say nothing out loud about an organization that many of them consider vital.

Privately many of them contend that a separate military aviation branch, headed by a new member of the Cabinet, is inevitable.

WAR WOULD HASTEN MOVE

If we remain at peace, say advocates of an independent air force, it may be years before public understanding of the importance of aviation creates a positive demand for a separate establishment—a demand they believe Congress would meet. But if war comes, they hold, need for a centralized air force would be demonstrated early.

If that reorganization came now, some officers say privately, it would save the grief and lost motion of a hurried wartime overhauling.

The United States is almost alone among leading nations in dividing its air force between Army and Navy. Germany, England, Italy, and France have had separate air departments for years.

Numerous bills providing for a separate air force have been introduced in Congress since the World War, but got nowhere.

WOULDN'T STRIP THEM

Advocates of a separate air force do not contend that the Army and Navy should be wholly without airplanes under their own control. They agree that a certain number of planes, based aboard carriers and warships, should be directly under the Navy. They agree likewise that the Army should have its immediate air force for reconnaissance and point action with ground troops.

But, aside from these units, they urge a great department of aviation, containing perhaps 90 percent of all the Nation's fighting planes. This would be a flexible force which could move wherever the mission might be most important—now with the Army, again with the Navy, at another time on its own.

This follows the German and British patterns.

In the minds of many advocates of a separate air force, the three divisions—Army, Navy, Air—should all be under a defense department which would be the high command, directing and coordinating.

WOULD END DUPLICATION

A separate air force, its advocates contend, would eliminate much duplication between Army and Navy, and would make possible important economies in plane procurement.

President Roosevelt opposes a separate air force. In his most recent fireside speech, on May 26, he said:

"One additional word about aircraft. Recent wars, including the current war in Europe, have demonstrated beyond doubt that fighting efficiency depends on unity of control.

"In sea operations the airplane is just as much an integral part of unity of operations as are the submarine, the destroyer, and the battleship, and in land warfare the airplane is just as much a part of military operations as are the Tank Corps, the engineers, the artillery, or the infantry itself. Therefore, the air forces should be part of the Army and Navy."

EXPLICIT IN OPPOSITION

The admirals are explicit in their opposition to a separate department of aviation, and they cite many reasons why they believe it is necessary for the Navy to have its own air fleet, operated by men who were trained with and who live with the fleet. Naval air action, they say, has special problems which land fliers or men from a separate aviation force would have difficulty in meeting.

The Army doesn't even wish to discuss its opposition. The attitude of most officers outside the Air Corps is that the high command has decided against the separate air force and that it would be a breach of discipline for an Army man to say anything in disagreement.

They suggest that many Air Corps men want the separate air force because it might get them some personal preferments.

And yet, establishment of the General Headquarters air force in 1934 had an objective much like that sought by those urging an independent air department.

ANNOUNCEMENT CITED

When the General Headquarters air force was established, an announcement said:

"Among the decisions reached was a definite conclusion to build up in the Air Corps a homogeneous air unit known as General Headquarters air force, comprising all military elements of aviation and adequate to meet effectively the requirement of all military and land operations.

"These operations may be in conjunction with land forces, with naval forces, or at times on distinctly air missions. This unit will supply an air force capable of rapid concentration for the defense of any of our frontiers."

Opponents of a separate air department say this General Headquarters force already provides a flexible striking power which can carry the battle anywhere. Advocates insist that we should go all the way and make the air force independent. They believe the General Headquarters force is the first step in that direction.

---

ADMIRALS AND GENERALS BLOCK SEPARATE AIR UNIT

(By Charles T. Lucey)

Advocates of a separate Cabinet department of military aviation, coequal with the Army and Navy, say the tremendous growth of our land and naval air forces dictates the liberation of these forces from the older Military Establishments.

For 20 years there has been agitation for an independent department of aviation. Numerous Government commissions have studied

the subject. But always the opposition of the admirals and generals prevailed.

Those were the years, however, when air power in the proportions of 1940 was little imagined. Our air force was a puny thing. But today, advocates of a separate department contend, aviation sets the pace for all warfare and should not be timed to the beat of an older, less mobile type of fighting.

ONE PLANE IN 1909

In 1909 the Army had one military plane.

In 1915 it had one small squadron of planes.

In 1918 there were close to 150,000 men in the Army air force. Thousands of planes were being built when the World War ended, and 400 had been in the fighting over the lines in France.

After the war the Army air force was held to about 1,000 planes and 25,000 men.

In 1939 came the first great expansion since the World War. Army Air Corps manpower advanced from 20,000 to 45,000, and plane strength from 200 to 5,500.

HITLER CALLS TURN

Hitler called the turn, and the purse strings were loosened again. Funds for 2,400 additional planes were provided, and then, for the present fiscal year Congress went "all out" and voted the Army Air Corps 95,000 men and 16,000 planes. This is more men than were in the whole Army in 1916.

If war comes to this country and an army of 2,000,000 men is raised, some Air Corps men estimate that 750,000 might be connected in one way or another with the air force.

It is illogical, they contend, for a fighting unit of such size and might—a unit with an area of influence over an enemy far beyond that of the older services—to be subordinate to these services.

Advocates of a separate air force insist that the Air Corps, in its character and mission, is as different from both the Army and Navy as these establishments are from each other.

CHEER MITCHELL VIEW

Air Corps men still cheer what the late Gen. Billy Mitchell wrote years ago:

"As important as anything else is the placing of one man in charge of aviation who can be held directly responsible for the aeronautical development of the whole country, and next, an air representative on councils of national defense who has equal power with representatives of Army and Navy.

"Not only does this give proper weight to aeronautics, both in peace and war, but the Army and Navy have always and will always deadlock on certain issues where they have equal representation. The introduction of a third service would tend to break this.

"Eventually all military power of the Government should be concentrated in a single department which would have control over all national defense, no matter whether it be on land, on sea or in the air. In this way overhead might be cut down, definite and complete missions assigned to air, land, and water forces, and a thorough understanding of the Nation's needs would result."

FEAR COURT MARTIAL

Many Army officers would have taken up for the air service the broadsword laid down by General Mitchell—but, well they know how his courage drew a court martial.

Advocates of a separate air department say that military aviation, now come of age, has no forceful official spokesman in a country which has heard the stories of the admirals and generals for decades. The head of the Army Air Corps is said to have little direct contact with Secretary of War Stimson who, of course, first got acquainted with the Army when air power had virtually no recognition.

Air Corps men concede that their division has fared well under Gen. George C. Marshall, Chief of Staff. But President Roosevelt, they point out, always has been rated a Navy man—he was Assistant Secretary of the Navy in the World War.

Everywhere Mr. Roosevelt goes he is accompanied by a military aide and a naval aide, but no representative of aviation—a detail not in itself important, but symbolic.

NEEDS SPOKESMAN

Many Air Corps men believe military aviation cannot get the recognition it needs from the Nation until it has the spokesman it lacks today.

They believe the development of aviation will not be commensurate with its military importance until there is a separate air department. They contend that General Mitchell was right in demanding that this department have its own budget, its own quartermaster and supply organization, its own procurement system and its own promotion list.

They agree that the Army and Navy should have their own limited air forces, but argue that the Nation's real fighting air force should be independent of these—able to support them or to act on its own as the character of the mission dictates.

---

ANSWER TO ADMIRAL

(By Al Williams)

Admiral J. H. Towers, Chief of the Naval Aeronautics Bureau, explains his opposition to reorganizing our national defense system into three independent but coordinating forces—Army, Navy, and Air.

Says the Admiral: "The naval aviator is part of the team. If he doesn't practice with the team he can't do his share; he doesn't know the signals nor the plays."

Admiral Towers is thinking of only one team—the Navy team. Americans are thinking of the Navy as only one of the three teams that must be coordinated in the defense of the entire Nation.

I wish someone would explain where and how the German air force that chased the British Fleet out of the Skagerrak, and almost out of the North Sea, learned all it had to know about operating against a fleet, since it didn't have a navy of its own to practice with. What signals did this Nazi air team lack when it came to making a complete mess out of the British seapower attempt to cut the German lines of communication in the Skagerrak? None, as far as the score shows.

Says the Admiral: "Airplanes are as much a part of the Navy today as its guns."

What guns? The big guns of the British Fleet have been cool since this war began, even while air power was hammering the daylights out of them. The 18 obsolete warships that were stripped of big guns, loaded with dozens of antiaircraft guns, and stationed off the coasts of England are far more effective against German air power.

Says the admiral: "Aviation is the forward pass of warfare."

Not by a long shot. It is, in fact, the entire backfield that has done all the scoring to date.

Says the admiral: "The flying man working with the fleet must know more than how to fly, because flying is only one part of the naval aviator's training."

There's nothing new about that, since flying is only a part of a military aviator's training. But there is a grim angle in the admiral's comment in that while he recommends flying as part of the naval aviator's training, it is one part of the Navy commanding officers' training that has been sadly neglected or cleverly avoided. It is nonexistent in the Navy high command.

Like all admirals, Admiral Towers stresses the alleged inability of any pilot except a naval aviator to distinguish one type of vessel from another or a friendly warship from an enemy. That's nonsense. Is a naval aviator's sight any better than an Army pilot's? And with brains enough to pass mental tests for entrance into either service, is it an impossible job for an ordinary alert airman to learn silhouttes or to distinguish one warship from another?

In fact, there is less chance of mistaking warship identity from the air than there is from the deck of another warship, as indicated by naval records to date. In the Battle of Jutland the British fired on their own ships and tried to ram one of their own submarines.

In our own naval war games naval aviators have repeatedly mistaken warship identities. Does Admiral Towers know that British warships have persistently fired on British planes all during this war? Does he know that two British Royal Air Force fighters pounced on and shot down a British bomber last June?

This business of flying seaplanes or flying over the sea is a much overadvertised myth. In two or three hours I trained some of the United States Army Air Corps officers who had never flown seaplanes to make their historic flight around the world.

Says the admiral: "If a separate air force came out to the scene of a naval engagement, and assuming they could tell our forces from the enemy—which I doubt—the bombs should be dropped on that part of the enemy's force which is most important to put out of commission."

That is an enlightening confession from an admiral—namely, that air bombs could put any warship out of commission.

According to the admirals it appears that explosives lose their destructive efficiency when dropped from aloft in the form of a bomb, but remain tremendously efficient as long as they are fired from a big gun. Then, too, is there any hope of a naval engagement in which we are likely to be involved where the opposing forces would not be quickly and completely identified if the Navy were on the job before firing began?

And even if this should happen, does Admiral Towers think airmen would be dispatched on a mission without orders as to what portion of the fleet to bomb or on what targets to concentrate?

---

UNIFIED AIR FORCE

(By Maj. Al Williams)

British troops in Norway said, "For God's sake, tell them to give us planes and anti-air guns." The same plea was heard during the Battle of France: "Give us planes, and we must have anti-air guns."

And now here's what Maj. Gen. William Haskell, in charge of the New York National Guard, says in his letter to the President: "Give us guns; you can't stick out your tongue at a tank. * * * In my command we have not received a single anti-tank gun. * * * We have two tanks in the State of New York * * * no antiaircraft 37-millimeter guns for our antiaircraft regiment (for use against dive bombers) * * * not a single .50-caliber machine gun. * * *"

Major General Haskell could also have told the President that in the Army's Louisiana maneuvers no dive bombers were available, and single-seater fighting planes were used as substitutes. And with a quarter-million Regular Army, National Guard and Reserve soldiers in the field right now there still are no dive bombers available, and only one mechanized Army unit is ready for field service.

It should be made plain to the people that Germany's dominance in the European war to date is not solely attributable to her powerful air force, nor to her mechanized or motorized land forces, nor to her U-boats. No one of these arms could have waded through Poland, Holland, Belgium, and France. Alone or acting independently, any one of them would have been wiped out or short circuited. Germany's successes may be traced to the clocklike coordination between all her services.

If the German tank and motorized units had broken the timetable schedule and burst into action without waiting for the dive bombers to clear the way and disrupt enemy back areas, the tanks and motorized elements would have been smashed and thrown back. If the air force had dashed into action ahead of schedule and developed a huge time gap between its plunge and the advance of land forces, the air-force destruction would have been wasted, and the defenses would have consolidated to offset the tardy land attack.

Coordination can be preached in the military schoolrooms, but it can be learned only by practice in the field or on the sea. The Germans, from the beginning, made their land, sea, and air forces independent of each other as far as command was concerned. Each had its own general staff, its own responsible command, and its own unified control. Without that unification accomplished coordination with other arms would have been impossible.

Navy opponents of a separate air force say that unless the fleet commander has command of both sea and air units comprising a fleet, victory is impossible. Now let's turn that claim around and ask:

"What about victory in the air? Is it possible to achieve dominance of the air over an entire continent without unified control in the hands of the chief of air operations?"

---

### Separate Air Force Held Needed for F. D.'s Plan

(By Maj. Al Williams)

The President's message to Congress visualizing 50,000 airplanes as American airpower means organization of a separate air force, comparable in autonomy and administrative structure, to the existing Army and Navy Departments—whether he knows it or not.

It means overhauling an antiquated national-defense system into three departments—Army, Navy, and Air. Immediate attack from Europe is in the President's mind alone.

There's time to build America's air power, but only on a sound foundation and not by erecting the roof first and working down. The 50,000 planes recommended by the President is as revolutionary and radical an upset of Army and Navy defense tradition in this country as the defeat of British sea power by German air power in Norway and domination of land operations by air power in Poland and the Low Countries.

But whether the President or Congress will be able to unseat the vested interests of existing national defense to clear a way for air power is open to serious question. Nevertheless, such way should be cleared before another penny is spent. Thousands more planes under the existing system will but intensify ineffectiveness of the present air services plan and completely nullify the desired objective of real American air power.

#### LACK AERIAL TACTICS

We have no aerial tactics for 50,000 planes, or adequate air research results to justify selection of types of planes, no adequate training facilities for pilot personnel in such proportions. Such air power is nothing more or less than an air army, and must be based on adequate organization.

The British were forced to consolidate army and navy air services in the last war to achieve the requisite air power, and they are deficient in air power today because they failed to adhere to this consolidation. The organization of a separate, unified, and autonomous air force was the first provision of the Germans to insure unhampered development of German air power.

#### FANTASTIC FOLLY

It is fantastic folly and wishful hoping to spend any more money in quest of American air power without covering this angle. The order of air power is organization, research, pilot training, and mass production of fighting planes.

In 1938 the Germans had 7,500 research scientists on a full-time intensive schedule to determine types of plane. England had about 400, France 175, and the United States about 250. As a result the Germans started this war by freezing types already selected, and holding seven refined types of fighters and bombers, completely tested and approved, in reserve. The British lately were forced to withdraw types from combat service, thereby disrupting production. France likewise.

The Germans today are producing about 3,300 planes per month, England about 900, and the French about 200. Careful organization of a separate unhampered air force, legally enabled to work out the destiny of air power, is the secret of German air superiority. Our Army and Navy will resist the President and Congress in the formation of a unified air force if the President and Congress propose such. Our full air strength today cannot muster 100 fighters capable of combating the 350-miles-per-hour and better of the Germans or the British. American bombers in service total perhaps 500 that are equal to European performance.

#### HAS RIGHT IDEA

Air power today must be set up to act in coordination with or independent of Army and Navy. Spotting and scouting planes with land and sea forces are not air power.

First things first. And whether he knows it or not, the President has set off a bombshell that may blast loose a foundation for real American air power.

---

#### TEAMWORK?

(By Maj. Al Williams, Scripps-Howard aviation editor)

Admiral J. H. Towers, Chief of the Naval Bureau of Aeronautics, explains his opposition to reorganizing our national defense system into three independent but coordinating forces—Army, Navy, and air. Says the admiral: "The naval aviator is part of the team. If he doesn't practice with the team he can't do his share, he doesn't know the signals nor the plays."

Towers is thinking of only one team—the Navy team. Americans are thinking of the Navy as only one of the three teams that must be coordinated in the defense of the entire Nation.

I wish someone would explain to me where and how the German air force that chased the British Fleet out of the Skaggerak, and almost out of the North Sea, learned all it had to know about operating against a fleet, since it didn't have a navy of its own to practice with. What signals did this same German air team lack when it came to making a complete mess out of British sea power's attempt to cut the German lines of communication in the Skaggerak? None, as far as the score shows.

#### WHAT GUNS?

Says the admiral: "Airplanes are as much a part of the Navy today as its guns." What guns? The big guns of the British Fleet have been cool since this war began, even while air power was hammering the daylights out of them. The 18 obsolete warships that were stripped of big guns, loaded with dozens of antiaircraft guns, and stationed off the coasts of England, are far more effective against German air power than any British battleship.

Continuing the football analogy, the admiral says: "Aviation is the forward pass of warfare." Not by a long shot. It is, in fact, the entire backfield that has done all the scoring to date.

The admiral says: "The flying man working with the fleet must know more than how to fly, because flying is only one part of the naval aviator's training." There's nothing new about that since flying is only a part of a military aviator's training. But there is a grim angle in the admiral's comment, in that while he recommends flying as part of the naval aviator's training, it is one part of the commanding officer's training in the Navy that has been sadly neglected or cleverly avoided. In short, it is virtually nonexistent in the Navy high command.

#### THE RECORD

Like all admirals, Towers stresses the inability of any pilot except a naval aviator to distinguish one type of vessel from another, or a friendly warship from an enemy. That's nonsense. Is a naval aviator's sight any better than an Army pilot's? And with brains enough to pass mental tests for entrance into either service, is it an impossible job for an ordinarily alert airman to learn silhouettes or to distinguish one warship from another? In fact, there is less chance of mistaking warship identity from the air than there is from the deck of another warship, as indicated by naval records to date. In the Battle of Jutland, the Brtish fired on their own ships and tried to ram one of their own submarines.

In our own naval war games naval aviators have repeatedly mistaken warship identities. Does Towers know that Britain warships have persistently fired on British planes all during this war? Does Towers know that two British Royal Air Force fighters pounced on and shot down a British bomber last June?

This business of flying seaplanes or flying over the sea is a much over-advertised myth. In 2 or 3 hours I trained some of the United States Army Corps officers, who had never flown seaplanes, to make their historic flight around the world.

#### A CONFESSION

Says the admiral: "If a separate air force came out to the scene of a naval engagement, and assuming they could tell our forces from the enemy—which I doubt—the bombs should be dropped on that part of the enemy's force which is most important to put out of commission." That is an enlightening confession from an admiral, namely, that an air bomb could put any warship out of commission.

According to the admirals, it appears that explosives lose their destructive efficiency when carried aloft in the form of a bomb, but remain tremendously efficient as long as they are fired from a big gun. Then, too, is there any hope of a naval engagement in which we are likely to be involved where the opposing forces would not be quickly and completely identified if the Navy were on the job before firing began? And even if this should happen, does Towers thing airmen would be dispatched on a mission without orders as to what portion of the fleet to bomb, or on what targets to concentrate?

---

### Bossing the Air

(By Maj. Al Williams)

Admiral J. H. Towers, Chief of Naval Aeronautics in presenting his reasons for opposing formation of a separate air force and a three-department system of national defense of Army, Navy, and Air, says: "I don't see how a separate air force man, knowing nothing about naval warfare, could have any means of deciding which vessels to bomb. He would probably bomb the big ships—the best targets, but the most resistant to bombing attack."

Why should airmen have to know so much about naval warfare, especially since it has changed completely within the last 20 years, and since admirals are not required to know much about aviation in order to obtain command of great aviation units?

If the admirals knew aviation and were actually pilots—I just don't mean wearing wings and flying training planes and getting the 4 hours required by law per month for flight pay—there would never have been the scandalous records of mis-used naval air forces, as disclosed in our naval war games. Likewise, many an air operation would never have been launched in dangerous flying weather, as disclosed by the records of some of our war games at sea.

IS THAT SO?

Likewise, we would not have one admiral after another in charge of naval air operations at sea who had never flown his own fighting ship on or off the deck of a carrier. Likewise, we would not have the log books of so many admirals assigned to flight commands containing just sufficient hours each month to qualify under the specifications for flight pay.

Says the admiral: "It might be much more important to bomb smaller ships trying to get around an end for a torpedo attack to drive our big ships under the enemy's guns. But a separate air force man wouldn't know that."

Assuming that a separate air force man would be an American—about which point the admiral appears to be in doubt—why couldn't a separate air force man execute orders to alter or change the objective of his attack in an action at sea, just as infantry units do in a land battle, or divisions of a fleet do in a naval battle?

BRITISH FOOLED

If Admiral Towers means that he is going to outline a naval air action against a sea fleet before the enemy is sighted and force his air command to adhere to those preconceived operation orders to the end of the battle, then the Navy needs to do some reading up on what has happened in the North Sea in this war.

That's just what licked the British Fleet, namely, British admirals believing that the German air force had not been trained with a fleet and therefore would not know how to operate against sea power, only to find out that the German pilots were halfway intelligent and able to dominate every zone of combat which heretofore had been deemed within the exclusive control of sea power.

ONLY TWO KNEW

Within the past 40 years there have been only two admirals who appear to understand that the Navy is only one arm of our national defense, and likewise that the true objective of our national defense is to protect the safety of the entire Nation, not to promote the prestige of individual arms. One was the brilliant Admiral William S. Sims and the other the late Admiral William A. Moffett.

Admiral Sims fought the entire Navy of his age in order to perfect its gunfire-control system, and was forced to go directly to President Theodore Roosevelt in order to effect this change toward efficiency.

Sims was a man of vision, and is accredited with stating publicly years ago: "In another war the best thing to do with our battleships would be to send them as far as possible up the Mississippi River out of harm's way and send our submarines and aircraft to do our fighting."

---

ONE COMMAND!

(By Maj. Al Williams)

This is the last of three articles answering the Chief of the Bureau of Naval Aeronautics, Admiral J. H. Towers, in his attempt to justify his opposition to the modernization of the American naval-defense system by effecting a three-department plan of Army, Navy, and Air.

Says the admiral: "Having an independent department of aviation isn't as important as having unity of command over all the types of fighting forces in an immediate area of combat operations."

Admiral Towers, of course, is stressing the old plea urged by every admiral and every general for all the manpower and all the forces he can possibly get under his command. Americans, however, are thinking in terms of unifying the command of all our national-defense arms—land, air, and sea.

Forgetting the Navy—for one permissible moment—and applying Admiral Towers' conception of unified command to all our defense arms, we encounter a very interesting angle. In short, that's just what the Germans did: Placing command over all fighting forces, land, sea, and air, in any combat zone under a single commander.

ONE COMMAND

When they planned the Norwegian operations, they logically determined that the air force would play an important part. Therefore, they placed General Milch, an air-force general, in complete and supreme command of this campaign. Obviously, ground troops and naval forces were also required. The former to land and take possession of land positions, and the latter to navigate supplies and reinforcements on the sea through the Skaggerak. All the army, navy, and air force were directly under Milch's command.

When the war shifted to the Continent—Holland, Belgium, and France—it was obvious that land-force operations would predominate. In this case an army general was placed in supreme command of the land and air forces and whatever naval forces were required in coastal operations.

But such a system logically necessitates the set-up of a three-departmental, coequal plan for each campaign in ratios proportionate to the necessities and objectives of that campaign. This is real unity of command for all the forces of a nation.

WORK COORDINATED

All the German fighting forces of army, navy, and air and their immediate commanders, are under the control of a supreme or high command, composed of three members from each arm and three members from the Government. This supreme command coordinates all the fighting forces.

But, applying Admiral Towers' conception of unified command for the Navy logically involves applying it to the three independent arms of our national defense. The independence is to enable each arm to achieve its fullest development without interference from the others. But when it comes to war and acting in furtherance of the national purpose, then all three arms are under the control of a supreme command.

The rest of what Admiral Towers has to say is rather confused—and I say this charitably—because the cooperation now existing between our Army and Navy is a cat-and-dog affair, where the squabbling is done behind closed doors and the purring is done in public.

COMPETITION?

Engines of similar power and type, ordered by the Army and the Navy, are purchased under different specifications, requiring two sets of inspectors, different kinds of nuts and bolts, and all kinds of variances in accessories. I should like to hear what Admiral Towers has to say about the long list of such petty but religiously enforced variances submitted to the Government recently in an effort to eliminate the waste of time and money, when the same manufacturer sells the same item to both services.

If this is the healthy competition the admiral is thinking of, then it had better be ended in the interests of getting some air-defense machinery for the United States. Service partisanship and service pride is one thing, but real efficiency in matters affecting the safety of the entire Nation is distinctly another thing—and more important.

Likewise, what about the present restrictive Navy order preventing the Army flying fortresses, with flight ranges of about 3,000 miles, from flying more than 100 miles over the open sea without permission from the Navy? Our national safety may some day depend upon the capacity of all our air force, Army and Navy, and even converted transports, flying out to sea to attack an ocean invasion. If that time comes, will the existing 15-day delay in securing said permission for Army planes to fly more than 100 miles at sea still hold?

The entire scheme of modern warfare has changed, but our Navy can be depended upon to resist change just as the British Navy resisted.

---

REAL AIR POWER FOR THE DEFENSE OF THE UNITED STATES

(Radio Address by Maj. Al Williams, May 29, 1940)

Ladies and gentlemen of America, of all ages, good evening. I have been invited to speak to you on the subject of air power and the national defense of the United States. Let us devote a moment to calm, reasoned thinking—worthy of Americans who believe in themselves, in the destiny of this Nation, and in our determination to preserve this Nation free from the hysteria and conflagrations which today are devastating many portions of the world beyond our boundaries. Let us refrain, therefore, from following the all-too-prevalent practice of making the gestures for putting out a fire by pouring gasoline on the flames. With wide-open eyes and cool minds, let us survey the situation.

MEDDLED IN INTERNATIONAL POWER POLITICS

I am speaking to you as an ordinary American citizen who wants nothing from his Government except peace, stability, and a sense of security—and who is deeply worried because for 5 years this administration has persistently meddled in international power politics and, at the same time, failed to provide an adequate national-defense system for the country.

And, above all, I am speaking tonight because I believe that it is the sheerest folly to paint a vision of adequate defense until we have, as the first essential, a separate and independent air force which can plan, develop, and operate real American air power without interference and restraint from the Army and Navy.

This recital is not for the purpose of recrimination, but is directly in line with the old-fashioned American practice of looking backward to see where we have been—in order to appreciate where we are—and where we are going.

KNIGHT-ERRANT OF THE HUMAN RACE

This country is not the knight-errant of the human race. The blood of America belongs to America—to no man or group of men—and it must not be shed or mortgaged again in foreign wars nor on foreign battlefields. That blood is for the defense of America—to the last drop. Defense of America—her safety, the peace of her people, and the ideals for which she stands—can never sanely be construed as waging a war on the battle fronts of Europe nor in Asia's zone of influence. As a knight-errant of the human race, some men would have the United States pose before the world, while the knight's armor, his sword, and his shield are made of tin and of obsolescent design.

According to military experts, about 18 months of emergency effort would be required to equip and train an American Army competent in size and power to rate consideration as a first-class fighting force. Woefully deficient in antiaircraft guns of all calibers, strategic reserves, mechanized and motorized equipment, and lacking even the cloth to make uniforms for an army—that, fellow Americans, is the status of the battle efficiency of the United States Army.

BATTLESHIPS ARE NOT FIT TO MEET NEW WEAPON OF AIR POWER

The Secretary of the Navy, himself, has admitted that our battleships are not fit to meet this new weapon of air power. After 20 years to watch the development of foreign air power—as it worked to a position of dominance in Europe's skies—the Navy now reports to us, in this crisis, that it must remodel. No; to be safe, the Navy wants to scrap all our present battleships and build a new fleet.

General Arnold, of the United States Army Air Corps, says our planes are obsolete. I am speaking primarily as an airman, and it has been my privilege to study intimately the air power of the several European nations now at war. Over a period of years I have acquired first-hand knowledge of their principles, organization, administration, policy, and air tactics. I have flown some of the foreign fighting planes whose performances are tossing war-college textbooks and the tactics of sea power and land power into the scrap heap. And in confirmation of General Arnold's appraisal, I say that there is not one squadron of American Army or Navy planes capable of meeting the performances of the British Spitfires or the German Messerschmitts and Heinkels. In the face of this disgraceful accounting our politicians are following the death march of the British admirals in preventing the full development of real American air power by opposing the creation of a unified, separate air force. Our aircraft production has been muddled through this administration's persistent dumping of everything to the Allies.

THROTTLING THE DEVELOPMENT OF BRITISH AIR POWER

The British people first lost control of the administrators of their Government, and they in turn lost control of the army and navy blocs. These naval and military blocs dominated England's rearmament period—from 1936 to the outbreak of this war—went overboard in buying battleships and the wrong kind of war tools, and in throttling the development of British air power. The British Navy could only see the necessity for defending the air over the water around England. The British Army could only visualize the defense of the air over England. Edward, Prince of Wales, upon ascending to the throne, told England that her first line of defense was no longer the British Navy but the Royal Air Force.

We are confronted by coiners of dangerous international phrases, coined in subversion of the safety and peace of America.

Congress alone can save us, and we alone—we ordinary Americans—can save Congress by telling these representatives of ours that we are determined to mend and put our own house in order; that we are demanding the formulation of a coordinated national-defense system—competently organized, administered, and adequately equipped to protect this country—and above all, a unified air force, free from Army and Navy domination.

THE GALLANT SPIRIT OF GENERAL BILLY MITCHELL

The complete answer, as I see it, is (and I can almost feel the gallant spirit of General Billy Mitchell at my shoulder as I say these words): The United States must have a separate air force under a three-way Department of National Defense—Army, Navy, and Air. The development of true American air power must no longer be left in the jealous hands of the land Army and the sea Navy and politicians. To do so is to court the present plight of England, and eventual disaster. Remember these words—because words of similar import were spoken by the airmen of England time and again to the politicians of England, but these politicians all wanted more billions for warships. They got the billions and England got the warships—instead of the air power she needs today to defend herself against the air power invader. Of course, the President tells you we need more warships—and some air power dominated by warship people. The President's information came to him second-hand. My information as to what air power could and would do was acquired first-hand—and much of it from the cockpits of foreign war planes. And that cockpit experience was shared by none of his advisors.

NEW WINGED WAR MACHINERY

Of course, the President cannot see the new winged war machinery if he depends upon advisers who are blinded with warships, and blinded as were Prime Ministers Baldwin, Chamberlain, and Churchill. Loose-thinking men tell you of the wartime weaknesses in a democracy, compared to the dictatorships. That is falsehood. The weakness of England in air power at this moment was not created in wartime. It was created in peacetime by political lobbies refusing to permit the Nation to prepare for the future. Democracy is not on trial—it is these weak leaders of democracy who are on trial. What has the form of government got to do with selecting the right or the wrong kind of war tools? Absolutely nothing—and the excuse is a red herring to cover political falsehood.

The American first line of national or hemispheric defense is to be found in American air power—not in warships, and not in the two tiny air services which act as messenger boys for the Army and Navy. Such messenger boys, under competent management abroad, have developed the capacity of destroying their one-time masters. We must now—and God knows the reason is clear—merge our two air services into a separate department and permit the airmen of America to work out the destiny of real power in the air for the protection of this country.

FAILURE OF BRITISH SEA POWER

The failure of British sea power—the greatest sea power in the world—to cut the line of German sea communications through the Skagerrak because of German air power was the death knell of sea power as any nation's first line of defense. This, with the complete dominance of air power over the present battle fronts of Europe, gives conclusive evidence that no army on the land and no fleet on the sea can move with safety within the range of air power unless control of the air over the combat zone is first established. These factual lessons must be incorporated immediately in our own national defense, and this is no time for half measures nor compromise.

A DEPARTMENTAL SYSTEM OF NATIONAL DEFENSE—ARMY, NAVY, AND AIR

We must have a departmental system of national defense—Army, Navy, and air—the civilian leaders of each to be members of the President's Cabinet. We need a supreme council of defense, headed by the Executive, with members of this council drawn from the Senate and from the House of Representatives. Under such a system the United States would revert to the American way of doing business, with the President and Congress jointly formulating the foreign policy—peace or war—the supreme council of defense interpreting that policy, and the joint board of secretaries of the Army, Navy, and air applying that interpretation. These things can and must be done—now.

Under the system of a separate air force, the main striking power of America in the air will be coordinated under a single command.

Air power dominates the European war and spells the difference between victory and defeat. None but the politically blind could fail to see this. None but the blind could refuse to recognize that air power already has relegated land and sea power to secondary positions in this war. None but those who will not see could refuse the prime lesson of this war; the need for air power, built and administered as an independent arm of national defense, comparable to the Army and Navy.

AIRPLANES TO TOSS INTO THIS WAR

The President knows all this—but I fear that the President wants airplanes in great numbers right now—to toss into this war. If he wants thousands of planes as soon as he can get them—and without waiting to build an air force first—then production of planes for Europe is his goal—not the defense of America.

A congressional committee should be formed immediately by Congress to carry out the constitutional responsibilities of formulating a modernized national-defense policy by providing a three-way plan for Army, Navy, and air departments.

We have time to do this, and now is the time.

OCEANS ARE STILL VITAL FACTORS

Oceans and extended lines of communication are still vital factors in modern warfare. President Roosevelt's panicky flight schedule for the air invasion of America is ridiculous, worthy of Hollywood and certainly not of the White House. Four hours from Greenland to Newfoundland, 5 hours to Nova Scotia, and then 6 hours to New England. As an air line commercial schedule those figures might be sustained, but given to us as the flight schedule of an air invasion of America, they are deceiving and panic-creating for ordinary people who the President knows are not able to interpret them.

Such figures, creating panic and terror, are expected to induce peace-loving Americans to plunge into this conflict now, in the belief that they would be forestalling some future disaster.

FANTASTIC ITINERARY FOR AIR INVASION

To support my argument against President Roosevelt's wild flight schedule for a foreign air invasion of the United States, I offer a single incontrovertible reason. With all their air power, the Germans could not attack and subdue England from air bases 300 to 500 miles distant. Instead, they seized air bases on the north coasts of Holland, Belgium, and France—20 to 100 miles from the coast of England. Each and every stage of Mr. Roosevelt's fantastic itinerary for the air invasion of America would have to be conquered for the establishment of major air bases for the enemy attempting the job. The President must know this—but apparently the pattern is panic first, and then war.

Assume that Germany wins and takes over British seapower. Then what? Would the Germans be fools enough to send warships against us and our air power (if we had air power), using the same ships that had failed for the British against German air power? Nonsense! The United States is in no immediate danger of air invasion, or any other kind of military or naval invasion.

NONSENSE AND BASELESS PANIC

We, therefore, have time—time to provide a competent air defense—but no more time for nonsense and baseless panic, no more time for shipping aircraft to the Allies by men who are more interested in helping the Allies in licking Germany than in saving the United States.

With real air power we could treat any invader of our shores or the shores of any of the Americas to a series of Skagerraks and Norways. If they (whoever they might be) should attack Central or South America, what would our defense be? If the attack is by air, will we invite disaster and defend the Monroe Doctrine with warships? That would be folly, after what we have seen happen in Europe. Is it not sensible that our defense of the entire Western Hemisphere should be attempted with an overwhelming air power that America can and must build—an air power that will strike and return home in far less time than warships would require to reach a distant scene of action. Air power has a most dominant place as an independent factor in the hemisphere defense as well as in the national defense of America.

LACK OF VISION IS COSTING ENGLAND THE WAR

British sea-navy admirals and land-army generals resisted the full development of British air power, and their lack of vision is costing England the war and killing thousands of men. Plans and time build air power—not money. All the $18,000,000,000 of gold in Kentucky cannot produce one expert airman or one additional plane for America tomorrow morning. The air is an atmospheric ocean. Its machinery and navigation are complicated, and mastery of them is no matter for part-time careers. We are safe against air invasion now. Who dares say how long this immunity will last? Shall we, therefore, wait until that immunity is actually dissolved before we organize to provide full experts and competent machinery? Both of which are only possible under another department of national defense.

AIR POWER BEAT THEM TO THE PUNCH

When the Allies contemplated opening up Norway as a new theater of war with preponderant sea power, air power beat them to the punch. When the Allies pressured Italy with sea power, land power, and some air power, the Italian counterthreat of real air power stymied the Allies.

No matter where we look, air power holds the trump cards. This is a fact, not a theory.

The United States can build American air power only by entrusting its development to specialists and freeing those specialists from service and party politics. From the lessons of this war sea power never will be used again by sane commanders within the range of shore-based aircraft. And under a three-department system of defense, our strategy should be shaped to fit this startlingly clear picture.

If England loses this war there will be but two sizable sea fleets left in the world, ours and that of the Japanese. The Germans never will get the British Fleet. That sea fleet will be destroyed in the English Channel attempting to prevent air invasion of England or it will be distributed to the several British Dominions, where it will be beyond the range of major aircraft concentrations.

OUR FIRST NEED, DEVELOPMENT OF REAL AMERICAN POWER

But let us never lose sight of our first need, namely, the development of real American air power, for which airplanes are the last thing to be provided. A national air-defense policy must come first—to lay down the principles of our needs, which, in every event, must encompass a separate and unified air force. From there on we will need research—aeronautical research—to find out what kind of airplanes and engines must be built. We will need a flight-training program under air-force direction to fit the selected ships and the tactics necessitated by these ships. Then—and only then—comes the mass-production program, to provide ways and means for building air-power machinery in great quantities. These are the three timing gears of air power: (1) Research, (2) pilot training, and (3) production. Let one of them falter and air power becomes air confusion.

AIR-POWER LESSONS IN THIS WAR

I, for one, resent the warning that "the American people must recast their thinking about national protection." I maintain that it is the President who must recast his thinking about national protection. We see air-power lessons in this war, but we can do nothing about incorporating these lessons into our national-defense system. That is the President's job and the job of Congress. The President is Commander in Chief of the armed forces of this Nation. He knew Germany was building 600 planes a month in 1938—and he did not then warn America to do likewise. His recent hope—publicly interpreted as a recommendation—for 50,000 airplanes has only confused the minds of laymen and experts alike. "Ship for ship," he claims for our Navy, "ours are equal to or better than those of any foreign power."

Again I say, Then what? Are our ships better able to stand up to air attack than the warships of England? Certainly not. The Secretary of the Navy himself admits that they are not. Those 50,000 airplanes—certainly we can't pay for them out of the last emergency request to Congress. Those 50,000 planes would cost between eight and ten billion dollars, and if we started to build 50,000 airplanes right now what kind would we build? Our research facilities are puny when compared to those of Germany, and that is the starting point to air power—research.

FIFTY-THOUSAND PLANES—WHO WOULD HANDLE THEM?

But even if we had 50,000 airplanes, who would handle them, and who would handle the half-million men necessary to fly and service them? The Army or Navy certainly couldn't do that job since they evidently are unable to handle their own problems now.

It is a blinding flash of the obvious that we need an entirely new department of national defense to handle the air power of the proportions now under discussion. If we had a competent air department today, and had only 10 airplanes in each category, superior or even comparable to the warplanes of Europe, we then would be 10,000 times better off than we are right now. At least we would have our home work done and we would be ready to move toward acquiring real American air power. Then—only then—would we be in position to talk in terms of mass production.

FIRST—PROVIDING AN AMERICAN AIR FORCE

But of what avail is logic or reason? The Allies don't want our Army or Navy. They want our airplanes—to make good their neglect to see the light we are trying to make Mr. Roosevelt see—now, and they want those planes right now, and Mr. Roosevelt wants to give them airplanes right now—without first providing an American air-force organization for the permanent air defense of America.

The airplanes are for Europe. Additional proof of this is to be found in the recommendation of Senator PEPPER (who has been close to the administration) to turn our present United States Army Air Corps' planes now in active service, over to the Allies.

We have been inarticulate too long; it is time for the real blood of America to take stock of these men who are running our Government, and to demand that they free themselves from bureaucratic prejudices and taboos, and heed the lessons of dominant air power which are being so cruelly taught in Europe today.

KEEPING AMERICA OUT OF WAR

Stand up, America. Stand on your feet and make known your demands for actually keeping America out of war and building a modernized, efficient national-defense system, which will cause any potential foreign aggressor to shudder at the prospect of attacking the United States. For this, all our resources and our blood. I am speaking directly and forcibly because I saw British politicians throttle and mismanage the development of air power and bring England to her present crisis—short on airpower.

THE RETURN OF THE LOCUSTS

Not one penny for any such system as recommended by the President for buying airplanes—since this system is typical of the years eaten by the locusts. And not one penny until we are sure that with a three-department national defense—Army, Navy, and air—the return of the locusts will be prevented. Real American air power is possible only under such a system, and it is the only means by which our so-called mystic security can be converted into the actual security we deserve for the safety of America, and for peace, instead of panic, in the minds of Americans.

SEPARATE DEPARTMENT OF NATIONAL DEFENSE

Mr. LUNDEEN. I also desire to place in the RECORD a list of the bills which have been introduced on the subject of a separate department of national defense and the air service.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The list referred to is as follows:

*Bills introduced in the U. S. Congress relative to creating a Department of National Defense, 68th Cong. through 76th Cong., 2d sess.*

(NOTE.—No pertinent bills were found in the CONGRESSIONAL RECORD indexes from the 62d Cong. through the 68th Cong., 1st sess.)

| Congress and session | Bill | | | | Congressional Record citation | |
|---|---|---|---|---|---|---|
| | Number | Introduced by— | Referred to Committee on— | Date | Volume | Page |
| 65th Cong., 3d sess | H. R. 16195 | Congressman Lundeen | Interstate Commerce | Feb. 28, 1919 | | 405 |
| 68th Cong., 2d sess | H. J. Res. 378 | Mr. Hill (Maryland) | Rules | Feb. 26, 1925 | [1] 66 | 4793 |
| 69th Cong., 1st sess | H. R. 46 | do | Military Affairs | Dec. 7, 1925 | 67 | 396 |
| | H. R. 447 | Mr. Curry | do | do | 67 | 405 |
| | H. J. Res. 22 | Mr. Hill (Maryland) | Rules | do | 67 | 455 |
| | S. 656 | Mr. King | Military Affairs | Dec. 8, 1925 | 67 | 481 |
| | H. R. 9044 | Mr. James | do | Feb. 8, 1926 | 67 | 3579 |
| | H. R. 10248 | Mr. McSwain | do | Mar. 11, 1927 | 67 | [2] 5443 |
| 70th Cong., 1st sess | H. R. 379 | Mr. Curry | do | Dec. 5, 1927 | 69 | 26 |
| | S. 701 | Mr. King | do | Dec. 9, 1927 | 69 | 341 |
| 71st Cong., 1st sess | H. R. 959 | Mr. Curry | do | Apr. 17, 1929 | 71 | 75 |
| | S. 208 | Mr. King | do | Apr. 18, 1929 | 71 | 105 |
| 71st Cong., 3d sess | H. R. 14060 | Mr. Williamson | Expenditures in Executive Departments | Dec. 2, 1930 | 74 | 69–70 |
| 72d Cong., 1st sess | H. R. 261 | Mr. Curry | Military Affairs | Dec. 8, 1931 | 75 | 94 |
| | H. R. 4742 | Mr. Williamson | Expenditures in the Executive Departments | do | 75 | 164–165 |
| | S. 28 | Mr. King | Military Affairs | Dec. 9, 1931 | 75 | 188 |
| | H. R. 7012 | Mr. Byrns | Expenditures in the Executive Departments | Jan. 5, 1932 | 75 | [3] 1338 |

[1] See also: Remarks in House relative to proposed department of national defense, pp. 4772, 4931; consolidation of the Army, Navy, and the air forces, p. 5183.
[2] H. R. 10248 debated, p. 12597.
[3] H. R. 7012 debated, pp. 4515–4516.

*Bills introduced in the U. S. Congress relative to creating a Department of National Defense, 68th Cong. through 76th Cong., 2d sess.*—Continued

| Congress and session | Bill | | | | Congressional Record citation | |
|---|---|---|---|---|---|---|
| | Number | Introduced by— | Referred to Committee on— | Date | Volume | Page |
| 73d Cong., 1st sess. | S. 288 | Mr. King | Military Affairs | Mar. 11, 1933 | 77 | 195 |
| 74th Cong., 1st sess. | S. 388 | Mr. King | Military Affairs | Jan. 7, 1935 | 79 | 137 |
| | H. R. 9134 | Mr. Boileau | Expenditures in the Executive Departments | Aug. 14, 1935 | 79 | 13195 |
| 75th Cong., 1st sess. | H. R. 1488 | do | do | Jan. 5, 1937 | [1]81 | 31 |
| | H. R. 5785 | Mr. Luckey | do | Mar. 19, 1937 | 81 | 2532 |
| 76th Cong., 1st and 2d sess. | No pertinent bills found. | | | | | |
| 76th Cong., 3d sess. | Senate bill by Senator Clark of Missouri. | | | | | |

[1] Remarks in House relative to amendment to create a department of national defense, 8869, 8870; H. R. 1488, vol. 83 (75th Cong., 3d sess.), p. 790.

Acknowledgement is hereby made of the aid obtained in preparing this compilation, from an earlier Legislative Reference Service manuscript of July 18, 1935, entitled "Legislative History of Bills," contemplating the union of the War and Navy Departments into a new department of national defense from the 69th Cong. to date, 74th Cong.

Mr. LUNDEEN. I also ask to have printed in the RECORD an excerpt from an article by Mr. G. Gould Lincoln in the Washington Evening Star in reference to the bill of the Senator from Mississippi [Mr. CLARK], which was referred to on this floor yesterday.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of May 26, 1940]

SINGLE DEPARTMENT OF NATIONAL DEFENSE PROPOSED BY CLARK—BILL TO ASK MERGER OF ARMY AND NAVY; CABINET SHAKE-UP REPORTS PERSIST

(By G. Gould Lincoln)

While reports continued to spread yesterday that there will be shake-ups in the Cabinet, with the War and Navy portfolios especially involved, Senator CLARK, Democrat, of Missouri, prepared to introduce a bill to merge both these Departments in a single Department of National Defense.

The Missouri Senator said such a move was necessary in the interest of better coordination. His bill will provide for three Under Secretaries, one of the Army, another of the Navy, and a third of the air forces.

"If there is no combination of the War and Navy Departments," said Senator CLARK, "there should be established a new department, that of aviation, with the Army and Navy air forces included in the new department."

As for the Cabinet shifts, it was insisted that before long efforts will be made to dislodge Secretary of War Woodring. Secretary of the Navy Edison, who has been nominated for Governor by the Democrats in New Jersey, has already announced he will resign within 30 days. It seems entirely clear that he would not be able to continue to work at his Cabinet office and campaign for election as Governor.

CONSIDERABLE FRICTION

Senator CLARK, discussing his proposal to bring about a unification of the national-defense agencies of the Government, pointed out that frequently there is a conflict over the tasks of the two present Departments, War and Navy. He mentioned the problem of the coast defenses in this connection, with the Army having control of the coast-defense guns.

He believes that much more stress must be placed on aviation in national defense, and that the way to get the best results is to coordinate the present aviation forces of the Army and the Navy.

Mr. LUNDEEN. I also ask unanimous consent to have printed in the RECORD an article by Col. W. Jefferson Davis advocating a civil air reserve.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of May 26, 1940]

COLONEL DAVIS ADVOCATES DEFENSE DEPARTMENT AND CIVIL AIR RESERVE—HEAD OF PUBLIC AFFAIRS ACADEMY URGES PLANE ORDERS ON HUGE SCALE

Declaring the salvation of mankind may depend on the national policy adopted by the United States within the next few weeks, Col. W. Jefferson Davis, member of the staff of the World War Director of Miltary Aeronautics and president of the American Academy of Public Affairs, today advocated creation of a separate department of national defense to coordinate all defense activities, the creation of a civil air reserve, and immediate and vigorous suppression of all subversive activities.

Now engaged in the practice of aviation law in Los Angeles, Colonel Davis is in Washington to attend the President's aviation conference, which will begin at the Treasury Department tomorrow, and to launch a civil air-reserve program in 40 States.

During the World War Colonel Davis was legal adviser on the staff of Brig. Gen. William L. Kenly, director of military aeronautics. During the period of allied occupation of Germany he was sent to Europe by the late Brig. Gen. William Mitchell to make a survey of legal phases of military and civil aeronautics and for a time was attached to the United States Embassy in Berlin as War Department legal adviser.

COOPERATION PROGRAM

Colonel Davis advocates the creation of a department of national defense under a secretary of national defense, who would be a member of the Cabinet, with Under Secretaries for War, Navy, and air. The work of these three branches should be coordinated by a staff charged specifically with assisting in formulation of a policy of national defense and the carrying out of such a policy, he explained.

Mr. LUNDEEN. I do not belong to the Republican Party, but I was glad to see their Presidential candidate come out for a unified air service, with a Cabinet member, a Department of Defense, including the Army, Navy, and Air, which I think is the correct method. I hope the Democratic Party will do likewise, so that there may be no preference on that point.

I ask that an article from the St. Louis Post-Dispatch, under the heading "Willkie proposes defense aviation post in Cabinet," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From St. Louis Post Dispatch of August 25, 1940]

WILLKIE PROPOSES DEFENSE AVIATION POST IN CABINET—G. O. P. PRESIDENTIAL CANDIDATE SAYS MILITARY STRENGTH RESTS PRIMARILY ON AIR POWER

NEW YORK, August 24.—Asserting that "the military strength of a nation now rests primarily upon its air power," Wendell L. Willkie suggested today the creation of a new cabinet office to handle defense aviation.

"The primary reason Germany was able to crush France and other countries and presently bring England to such distress was her development of planes," the Republican Presidential nominee told reporters.

He said that as a long-range objective there should be a secretary of defense who would have assistants in charge of air, sea, and land forces. He said, however, that it would take time to organize such a set-up.

"In the interim," he added, "We should create a Cabinet member in charge of aeronautics. The emphasis should be upon the branch of the service that today is the most important."

ON DEFENSE PROGRAM

Discussing the administration's defense program, Willkie said:

"My impression is that we are hopelessly unprepared as to airplane production, the training of men, and the gearing up of our industrial machinery to produce planes.

"We are just floundering along. Some of the failures have been due to poor organization.

"We have had the benefit of sitting as spectators at the greatest tragedy in the world's history. We do not want to continue with the obsolete machinery we now have which subordinates the most important branch of the service to the other branches."

Willkie repeated his view that "our best foreign policy consists in becoming strong at home, along both military and economic lines."

RELIEF-ROLL CHARGE

Renewing his contention that the Roosevelt administration is seeking to "pack the relief rolls" for political reasons, Willkie read figures showing that W. P. A. recipients had increased from 1,611,213 on July 3 to 1,700,284 on July 31. The statistics, he said, were from W. P. A. press releases.

"That is an increase of about 89,000," the nominee said, "and it corresponds with the increases of previous election years."

Willkie's appointment list today included Robert L. Vann, Pittsburgh Negro publisher; Emil Hurja, once statistician for the Democratic National Committee, and Charles Graham, president of the Pittsburgh & West Virginia Railway Co.

Asked about the race for the New York Republican senatorial nomination, Willkie repeated that he had no intention of intervening.

**Mr. LUNDEEN.** I also ask unanimous consent to have printed in the RECORD an address by Hon. JAMES E. VAN ZANDT, a Member of the House of Representatives from Pennsylvania, concerning the same subject, national defense.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A DEPARTMENT OF NATIONAL DEFENSE

(Radio address by Hon. JAMES E. VAN ZANDT, of Pennsylvania)

Ladies and gentlemen, 23 years ago tonight America was an armed camp, having been at a state of war with Germany a short period of over 30 days.

Congress was in session. President Wilson was given emergency powers, industry and manpower was mobilized in a supreme effort to defend our national honor, and, as we were told, to make the world safe for democracy.

On November 11, 1918, an armistice was signed, hostilities ceased, battle lines disappeared, and the air was rent with joyous sounds as bedlam broke forth in relentless fury heralding the end of the conflict. America was at peace—the war was over.

With grateful hearts and a prayer on their lips the people of America turned their attention to the many tasks yet to be accomplished. From the tomb of the past came the sound of the voice of the Great Emancipator—Abraham Lincoln—who in surveying the ruins of the Civil War uttered this advice to a heart-weary people:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

With these words ringing in their ears the American people began to realize and experience the aftermath of war.

While they lovingly buried their dead, and with compassion for the sick and wounded caused veteran hospitals to be erected almost overnight, the world's greatest depression invaded the business and industrial life of this prosperous Nation. Millions found themselves unemployed, the economic stability of our Nation was destroyed, and America was face to face with the grim reality that war is not ended on the battlefield.

From the day America entered the World War it was realized that we as a nation were woefully unprepared, and the conviction grew that never again must the security and peace of the American people be jeopardized.

While America proceeded in an orderly way to rebuild its military defense a series of armament-reduction programs were accepted by the major nations of the world which had as their objective world peace.

As a nation we religiously adhered to all treaties as a result of the World War, as well as armament-reduction programs, thus assuming a stationary position, and did nothing to promote our national-defense program. While enjoying this period of world peace, the utter disregard of certain nations became apparent as they proceeded to cast caution to the winds in their feverish anxiety to provide for what they termed their economic needs. Under this guise there developed dictatorships, who, in pursuance of their objectives, launched a period of ruthless and relentless persecution of peaceful nations that gave birth to World War No. 2.

As the world gazed in stricken horror at the invasion of the Lowlands and saw Holland and Belgium in turn devoured by the world's mightiest military machine, once more the attention of the American people was called to the necessity of an adequate national defense.

President Roosevelt, in a surprise and dramatic appearance before a joint session of Congress, revealed in no uncertain terms that "the clear fact is the American people must recast their thinking about national protection."

In other words, from the lips of our Chief Executive—the Commander in Chief of the armed forces of the United States—came the frank admission that streamlining our national defense is the paramount question of the hour.

With the President's message came a literal command, "Awake, America!" echoing those prophetic words uttered by the late Gen. William Mitchell, World War hero, who, in 1929, said:

"The coming of air power has made a greater difference in war than anything in history. Armies are mere holders of land. During the war armies only moved back and forth for 60 miles and killed hundreds of thousands. That isn't war—war is getting at the vital centers of the enemy—where they live, their food, their communications. Air power can go straight to them now, 3,000 miles away, and destroy.

"What we need in this country is a single department of national defense, with a separate department for air force, Navy, and Army. Until we have that we cannot protect ourselves. No rules or regulations or treaties can do away with the necessity of protecting ourselves. If we don't protect ourselves, no one else will."

This timely warning from an unsung hero fell on deaf ears, but there is no man to deny the truthful accuracy of what was then considered a bold assertion.

Billy Mitchell, as he was affectionately called by those who admired him as a friend, evidently knew whereof he spoke.

One has only to consider the development of the German military machine of today compared with 1914. For the past 7 years Hitler has directed the energies of the second greatest industrial country in the world toward a single national objective. Spending close to $40,000,000,000 in 7 years, there has emerged the greatest and most powerful military machine the world has ever known. Functioning at top speed, there is unfolded before the eyes of the world the threatened destruction of our former Allies—France and Great Britain.

As this mighty military machine rolls on in ruthless fashion, the Congress of the United States is eager to approve the Chief Executive's request for additional millions of dollars for national defense. Partisan politics give way to love of country and a desire to protect our most cherished possessions—peace and freedom.

In keeping with the spirit and purpose of the President's solemn warning that we in effect streamline our national defense, there is a crying need that the words of the late Billy Mitchell be translated into positive action.

The American people are entitled to a survey of our national-defense policies, which will determine the following pertinent facts:

I. The area we as a nation are expected to defend.

II. The cost of adequately protecting such area.

III. The adequacy of our present national-defense system.

IV. The advisability of a separate department of national defense to insure cooperation, efficiency, and economy among our defense forces.

The findings of such a survey will give the American people a comprehensive picture of the needs of their national defense, and once they know the area to be defended, money and manpower will unite in true American fashion in defense of their liberties.

No one will deny in the light of present world conditions that America must expand its national defenses immediately. With Congress ready to appropriate billions of dollars the time is ripe for an immediate and thorough survey to develop a maximum of security at a minimum cost.

The necessity of such a survey was conveyed to Congress when on January 10, 1940, it was my privilege to introduce House Joint Resolution 417 which provides for a Commission to survey the national-defense requirements and resources of the United States. This Commission will be truly representative of the American people since it will be composed of Members of the House of Representatives, Senate of the United States, Cabinet officers or their representatives, representatives of agriculture, labor, business, industry, and finance, retired Army and Navy officers, two aviators with at least 10 years of experience, and two women recognized for their mercies in wartime.

Under the terms of this resolution this group will function for the purpose of placing in the hands of Congress information necessary for legislation as a result of their comprehensive survey and study of the national defense, including the following:

1. The advisability of completely revising the National Defense Act in the light of events in Europe and Asia and the need for legislation to establish a peacetime defensive system, based upon the national objectives of the United States, which can be rapidly expanded into a wartime defensive system, which will carry out the national objectives of the United States.

2. The advisability of establishing a Department of National Defense, under which the armed forces of the United States would be combined and coordinated to provide for a more adequate national defense in any emergency.

3. The practicability under a Department of National Defense of promoting and accomplishing among all branches of the armed forces (a) coordination of effort and efficiency, (b) savings in purchases of military and naval material, (c) unified responsibility, and (d) elimination of duplication of effort and conflict of authority.

4. The advisability of establishing a National Defense Planning Board to formulate a long-range national-defense policy that has sufficient flexibility to meet any changes required by developments and maintain an orderly, progressive program.

5. The advisability of expanding and speeding the naval program and to examine the necessity for what is known as a two-ocean Navy.

6. The advisability of further expansion of the air forces of the Army and Navy, the number and type of planes required, and a coordinated program and policy for training personnel and cooperation between Army and naval air operations.

7. The advisability of granting Government subsidies to commercial air lines, requiring their transport planes to be convertible bombers and specifying that their pilots be commissioned in the Reserve Corps of the Army and Navy.

8. The advisability of perfecting a comprehensive program for rapidly mobilizing industry and commercial shipping into a defensive force.

9. The advisability of supplementing "educational orders" by providing an adequate "liquid fund" to be expended under the direction of the Secretary of National Defense for the encouragement of inventions, research, experiment, and development of arms, munitions, and implements of war.

10. The advisability of determining the interests and responsibilities of the United States under the Monroe Doctrine, the declaration of Panama, and the pledges made in the name of the United States by the Chief Executive to defend Canada in the event of an armed attack by any other power.

11. The advisability of determining the interests and responsibilities of the United States in the Philippines if and when that Commonwealth becomes independent in 1946.

12. The advisability of formulating a definite military and naval program in keeping with the announced policy of the United States in the Orient and the possessions of the United States from the Aleutian Islands to the Samoan Islands.

13. The advisability of acquiring territory in the Atlantic Ocean and the Caribbean Sea which might serve as enemy bases.

In other words, what I proposed in this resolution to Congress last January was that we should do a thorough job of surveying our resources of national defense before taking any action.

If the National Defense Act should be dusted off with a view of making necessary amendments—if the Navy should be overhauled fore and aft; if the Army should be given a rigid inspection; if we must secure islands in the Atlantic and Pacific to serve as air bases; if we need a separate Department of National Defense; if we need 50,000 airplanes—then in the name of God and in memory of those who gave their all that this country might enjoy peace and freedom, let us do the job without delay.

Common sense tells us that instead of doing a piecemeal patchwork job that might find us almost as unprepared as we were in 1917, the national defense must be examined and explored from every angle—to the end that an up-to-the-minute policy can be established and place us in readiness to meet any emergency.

The cry of "Keep America out of war!" is ringing in the ears of every American. The bitter memories of the World War are still fresh in the minds of all of us. Who can forget the horrors of the last World War that took from home, office, and factory the flower of American manhood, whose blood later irrigated the meadows of Europe? Who can forget the human aftermath of the World War, with its toll of wrecked bodies, economic depressions, and huge national debts?

The American people hate war, but in these trying days they recognize that the only way to avoid war is to maintain military defenses that will keep America safe, thereby adhering to the philosophy of the great American, Theodore Roosevelt—"Speak softly, but carry a big stick."

That is the type of national defense the American people want, should have, and are entitled to; and, with such national protection, every American mother will have the assurance that her son will not follow the pathway of the youth of 1917—to join in death those brave young Americans who now sleep in Flanders fields.

Mr. LUNDEEN. Mr. President, if we who are on the stage now would only turn our attention to the doctrine laid down by the fathers and founders of the Republic, if we would only follow Washington, Adams, Madison, Monroe, Jefferson, Henry Clay, and the other great men who led their country on the road to greatness and glory which America has traveled, we would have a veritable North Star, an unchangeable doctrine by which a true course in foreign affairs could be taken; we would not be in these difficult situations and have these long-drawn-out debates in the Senate of the United States.

WE MAINTAIN DIPLOMATIC RELATIONS WITH ALL NATIONS

The doctrine they laid down was friendship with all nations. Someone referred a short time ago to our enemies. I do not know of any enemy nation with which we are concerned. We have not broken diplomatic relations with any other country. With what nation have we broken diplomatic relations? With what nation are we at war today?

Some newspaper columnists and some other gentlemen may be using harsh language; perhaps they have made certain nations their pet enemies; but, so far as our country is concerned, we have not broken diplomatic relations with any other nation. We should maintain friendly relations with every other nation on the earth, and we should trade with every other nation in the world; we should enter into the quarrels and intrigues of none of them. Friendship and trade with all, entangling alliances with none. Those were the inspired words of George Washington, the Father of his Country. Let the pro-British smile their smug smiles at that if they wish, but that was the doctrine of the Father of his Country, the man who led America to greatness and glory, the man who won our independence from Europe, from conscription, from war, and war taxes—George Washington, who in 8 long years of war, finally achieved our independence and freedom from Europe.

AMERICAN PROBLEMS DEMAND SOLUTION

But now what do we find? We find splendid gentlemen, able, educated gentlemen, whom we love and revere as we meet them from day to day, asking us to go back into the whirlwind of war, death, and destruction in Europe which our fathers left. They left Europe to get away from war conscription and war taxes and misery, poverty, and destitution—to build here in America a new nation—free, independent, and far removed from European intrigues, quarrels, real-estate titles, and boundary disputes. They came here to worship God and build their churches and schools without the threat of conscription, misery, poverty, and destitution; yet today in this country we have poverty and destitution.

On the steps of this Capitol the President of the United States said that one-third of our population are ill-housed, ill-clothed, and ill-fed. Those words were uttered in 1936, as I recall, and that condition still obtains. Why? Because we entered into the quarrels of Europe. Why are we suffering from oppressive taxation today? Why are we being pressed down to the very earth by destitution and poverty? Why are men and their families being thrown out of their homes, and having their farms taken from them by insurance companies and great corporations? Why are we having corporation farming now and the number of tenants on the increase? It is because of the colossal blunder, the great error, the fatal mistake we made in 1917. That is why this thing happened to us.

OLD WORLD QUARRELS NOT FOR AMERICA

Do we want more of that? Do we want more taxes, more war, more conscription? Did we not learn enough from the last war? Is not our lesson learned completely? I warn my fellow citizens that if we have not yet learned the lesson, if we have not yet sufficiently suffered, if we enter another war we will suffer more, and there will be more poverty and more destitution in this country, until we finally learn to keep free of Europe and the kings over there and the quarrels over there, until we quit lending $11,000,000,000 to Europe. That is what we did, and Mussolini was to pay one-eighth of 1 percent during the first 10 years on the 62-year refunding loan we made him—one-eighth of 1 percent. I ask Members of the Senate, and my fellow Americans everywhere, if they could obtain money for their homes and for their businesses at one-eighth of 1 percent, the rate of interest we gave the Italian conqueror?

We helped to set Mussolini up in business. We loaned the Italians the money, then we canceled half of it, and the kings of Europe said, "We will oblige you by canceling the other half"; and they certainly did. We canceled $12,087,667,000; we wiped that out in 1926; and they said, "We will oblige you by canceling the rest." They put into arms and armament, into tanks, airplanes, and war munitions our money, which we needed for our own men and women and children in the United States, which we needed for our unemployed in the United States, which we needed for our children, for our widows and orphans, which we needed for social security. We are now getting social insecurity; we need social security, but, instead of that, we are told we must once more go down the road to war.

Well, here is one vote against it; here is one vote that is "No" on foreign war. I will never vote to send American boys to Europe; I will never vote to send them onto the battlefields of kings and emperors to take part in the quarrels over there. I will never vote peacetime conscription. I will never vote to fasten industrial slavery upon the American people, and that is what this proposed act is going to be called—the Industrial Slavery Act—conscripting American boys from the cradle to the grave.

The original bill proposed to conscript them from 18 to 65, which is from the cradle to the grave. Mr. President, if you think that plan has been abandoned by the House of Representatives, you are mistaken. Not long ago, just a few days ago, in fact, the House committee put back in the bill the provision as to age limits between 18 and 65.

I do not think the provision as to paying the men to be conscripted $5 a month which the bill first proposed has been restored.

PEACETIME CONSCRIPTION—INDUSTRIAL SLAVERY

What a glorious conscription bill this is! Conscript Americans from the cradle to the grave, from 18 to 65, at $5 a month.

Mr. President, I never thought we would have a throw-back to the Czar of Russia or to czardom or a throw-back away over from Europe. I never thought that; I thought we had graduated from that; I thought we were far removed from it; I thought certainly after we learned the lesson once we would have learned it permanently. One cannot be blamed for making a mistake once; he might make an honest mistake; but certainly if he makes the mistake a second time that is not so good.

I say here on the floor of the Senate of the United States that before we pass this bill and fasten this industrial slavery upon America we had better retire into solitude by ourselves with our conscience and our God and battle it out there before we lightly vote away the liberties of our people. I thank the Senate.

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwartz |
| Andrews | Donahey | Lodge | Schwellenbach |
| Ashurst | Downey | Lucas | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Smathers |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Johnson, Calif. | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Colo. | Reed | White |
| Connally | King | Reynolds | Wiley |
| Danaher | La Follette | Russell | |

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY] to the amendment reported by the committee.

Mr. CONNALLY. Mr. President, I ask leave to withdraw the pending amendment, and offer in lieu thereof an amendment which is a little better prepared.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the amendment offered by the Senator from Texas to the amendment reported by the committee.

The LEGISLATIVE CLERK. On page 19, beginning with line 23, it is proposed to strike out down to and including line 2 on page 20, and in lieu thereof to insert the following:

(b) The Vice President of the United States, the Governors of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of the United States and of the several States and Territories and the District of Columbia, and other executive officers of the United States, and of the several States and Territories and the District of Columbia whose continued service in the executive offices held by them is found to be necessary to the maintenance of the public health, safety, or interest, shall, while holding such offices, be deferred from training and service in the land and naval forces of the United States.

Mr. SHEPPARD. Mr. President, I think the amendment is in much improved form, and, so far as I am personally concerned, it is entirely acceptable.

Mr. WHITE. Mr. President, will the junior Senator from Texas permit me to ask a question?

Mr. CONNALLY. Certainly.

Mr. WHITE. Who would determine the question of whether the continuance in office of these persons would be necessary? Would it be the local boards?

Mr. CONNALLY. The local draft boards, my understanding is. The standard which I have put into the amendment is the same standard which applies on the next page of the bill, where the President is given authority to classify industrial and other workers, to defer those whose services may be necessary for the public safety, health, and so on.

Mr. WHITE. I am in complete agreement with the purpose of the amendment, but I was a little in doubt as to whether local draft boards should have the authority to pass on that question, or whether it should not be definitely fixed in the statute itself.

Mr. CONNALLY. It would be very difficult to fix it in the statute itself, for the simple reason that there are several million of these men, and I do not know of any other agency to handle it except the local draft boards. If they make a mistake, an appeal can be taken to the appeals board.

Mr. WHITE. Of course, it could be done by making it an absolutely statutory rule that persons holding these offices should be exempt.

Mr. CONNALLY. That is what the bill does; it exempts everybody. My purpose is to restrict it. I see no reason why a man in a subordinate position in a State government or in the Federal Government should be ipso facto exempted from the draft if he can be replaced by someone else who is not subject to the draft, perhaps, and who could perform his services. The bill really contemplates that very thing, because elsewhere it provides that men who are drafted and lose their positions shall be returned to those positions; and it provides that if a man's service was with the Federal Government his place shall be restored to him; and if it is in a State government, it is the desire of the Congress that he shall be restored to his position under the State government. So the bill really contemplates that men in these services shall serve. But the language of the bill which I am trying to amend is so broad that I am fearful that many men will evade service in the draft on the claim that they are officers of the Federal Government or officers of a State, when the offices could just as well be filled by one-legged men as by those who are subject to military service.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LODGE. It is accurate, then, to say that the amendment of the Senator from Texas definitely restricts the number of those to be exempt, and in no way increases or adds any new classification to the exemptions?

Mr. CONNALLY. No. That is the purpose of the Senator from Texas, and if the Senator from Massachusetts will compare the language of the bill and of the amendment, it will readily occur to him that that is its effect, because there is no limiting language in the bill at all. The limitation in the amendment is that the board must find that a man's continued service is necessary. In other words, if it is not necessary to continue him in the service, he may be drafted. If a position could be filled by someone else, who could perform the duties as well as the holder of the office, the office holder would not be exempt.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. DANAHER. Last night it was on my motion that the vote was reconsidered and the amendment became the pending business. Since that time I have conferred with the junior Senator from Texas about the proposed amendment, and, in my judgment, the amendment as now offered accomplishes exactly what he outlines, if it is made clear by the discussion and colloquies here that the method of finding whether or not an executive officer in fact may be dispensed with is to be in accordance with the provisions of subsection (c). At first this morning when we chatted we thought perhaps there should be an amendment inserted after the words "found as provided in subsection (c)," but the Senator from Texas has the view, which I now share, that so long as we make it clear here, it will not be necessary to interpolate that language. Is not that correct?

Mr. CONNALLY. I have no objection to inserting the addition, but it would certainly be tautology, because we have in the amendment the identical language which is contained in subsection (c).

Mr. DANAHER. I think so.

Mr. CONNALLY. It is the same standard. I will say for the record that certainly my purpose in drawing the amendment was to provide that those who might seek to take advantage of this particular exemption or deferment should

convince the local board that a man's continued service in the executive office held by him—and someone determine the question, and there is no one else to determine it except the local board—is necessary, not desirable or practicable, but necessary for the maintenance of the public health, safety, or interest.

Mr. ADAMS. Mr. President, I desire to make an inquiry as to a single word in the amendment. The Senator has included, after covering the members of the legislative bodies of the United States and of the several States and the judges of the courts, and other executive officers. It seems to me the word "other" should be stricken out, because we are not dealing with executive officers down to that point.

Mr. CONNALLY. We certainly are. We start out with the Vice President. He is somewhat of an executive. Then we have the Governors of the States and Territories, who are certainly executive officers.

Mr. ADAMS. What is the virtue of the word "other"?

Mr. CONNALLY. I do not see that it makes any diffrence whether it goes out or stays in. If it will secure the support of the Senator from Colorado, I will strike out the word "other."

Mr. ADAMS. I would recommend that that be done.

Mr. DANAHER. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. DANAHER. I ask the Senator from Colorado not to have the word "other" stricken out, and, if I may, I should like very briefly to explain my reason to him, if he will give me his attention.

The word "other" very definitely affects a class of persons who are to come within subsection (c) as distinguished from all those previously named who are automatically exempt. The word "other" is a very marked and definite dividing line, and, in my humble opinion, it is necessary to the thought.

If the Senator will bear with me a moment, let me ask the junior Senator from Texas a question. Is it not the purpose of the junior Senator from Texas automatically to exempt the Vice President of the United States, the Governors of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of the United States and the several States and Territories and the District of Columbia?

Mr. CONNALLY. To be sure; and the language very clearly automatically exempts them.

Mr. DANAHER. That is automatic, and I so interpret it. If we interpolate the word "other" ahead of the word "executive" it makes a brand new classification of executive officers whose indispensability will be tested by the local draft boards mentioned in subsection (c). I think the language as drawn by the Senator from Texas is more than adequate for the purpose.

Mr. CONNALLY. With this hung jury, I decline to modify the amendment, and I will let the Senator from Colorado offer his amendment.

Mr. ADAMS. I am not concerned; I thought the suggestion would improve the amendment. The amendment of the Senator from Texas is entirely satisfactory to me.

Let me ask the Senator a further question: I am not sure the Senator from Connecticut is correct in his interpretation that the qualifications in the latter part of the amendment are not to be read back into the first part, and, if the judgment of the draft board does not go back, because there is a conjunctive there, I am inclined to think that the Senator from Connecticut is seeing a division which is not in the amendment. Again, I am not concerned, other than as I have pointed out.

Mr. CONNALLY. I will say to the Senator from Colorado that I do not think there is any substantial disagreement between him and the Senator from Connecticut for this reason: This is the language of the amendment:

> The Vice President of the United States, the Governors of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of the United States and of the several States and Territories and the District of Columbia.

The Senator from Connecticut says they are automatically deferred. They are. After naming them, we say "and other executive officers of the United States and of the several States and Territories and the District of Columbia whose continued service in the executive offices," and so forth. That ties it to the executives only "whose continued service in the executive offices held by them." That cannot refer to the judiciary and it cannot refer to legislative officers "If found to be necessary to the maintenance of the public health, safety, or interest."

Under the amendment judges and the members of the legislatures are automatically deferred because they are among those named as to be deferred. When it comes to executive officers, only those are deferred whose continued services in particular offices are found to be necessary to the public health, and so forth. I think if the Senator from Colorado will read that again, he will see on reflection that it cannot possibly refer back to the judges and the members of the legislatures.

Mr. ADAMS. Mr. President, I will accept the decision of the Senator from Texas as final on matters of English.

Mr. GIBSON. I wonder if the Senator's thought is that this fall a great number of members of legislatures are to be elected, and would the amendment apply to the members-elect of the legislatures of various States? Most members of the present legislatures will remain in office until January 1.

Mr. CONNALLY. Certainly, it is intended to cover those who may be in service, and I do not think that anyone would draft a man after he had been elected to a legislature, because he then is a member of the legislature, although he may not have assumed his duties.

Mr. GIBSON. Some members of legislatures will go out of office, and then become eligible.

Mr. CONNALLY. That is correct.

Mr. GIBSON. And others will go into office in January. I wonder if the word "member-elect" inserted in the language would clarify the situation?

Mr. CONNALLY. I do not believe any draft board would draft a man for 20 minutes.

Mr. GIBSON. I do not think they ought to, but if such persons should once get into the service they would be obliged to stay there.

Mr. CONNALLY. I see the Senator's point, but I do not think there will be any difficulty along that line.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LODGE. Can the Senator give me his understanding—and I am asking for information—as to the relative significance of the words "deferred" and "exempted"? Will not the practical effect of the language

> shall * * * be deferred from training and service

Be that the person is exempted?

Mr. CONNALLY. Not entirely, for this reason: They are deferred, and then when all men who have not been deferred are taken into service, the authorities can, if they desire, begin over again, but the deferred person is only deferred so long as he holds his office. When he leaves office he immediately becomes eligible for the draft.

Mr. GIBSON. But so long as he is in office he is exempt. Is that correct?

Mr. CONNALLY. He is deferred. He is suspended so long as he holds office.

Mr. LODGE. But he does not come into the Army?

Mr. CONNALLY. No.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. DANAHER. I wanted to ask the Senator from Texas a final question. I meant to call to his attention the fact that I notice that the language he proposes omits mentioning the President. It commences only with the Vice Presi-

dent, and I wonder if he and I could agree that the reason we have omitted the President is that he has already been drafted? [Laughter.]

Mr. CONNALLY. If the Senator from Connecticut is correct in the view that the President has already been drafted, it looks like he is here to serve.

Mr. LODGE. Mr. President, I shall support the amendment of the Senator from Texas, because it constitutes a greater restriction, but I should like to repeat what I have said once before, that I do not enthuse over the proposition that public officials should be exempt from military service. To be sure, it is more or less of an academic question in this bill, because the bill only takes in men between 21 and 31 years of age, and there are comparatively few officials listed in this section who are within that age group, although I imagine there are several in the State legislatures.

To my way of thinking, if we go to war, and should enlarge the range of ages, we should strike out the provision exempting public officials. In my opinion no man is indispensable, and the finest thing a man can do under those conditions, in time of war, is to show the example himself.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CLARK of Missouri. The bill ostensibly applies only in time of peace, does it not?

Mr. LODGE. That is correct.

Mr. CLARK of Missouri. Then why does the Senator talk about what might happen in time of war?

Mr. LODGE. I made it very clear that due to the fact that this bill was a peacetime bill, and was limited to those of youthful age, the exemption of public officials was not a matter of great consequence. I said that in case of war I thought that language ought to be taken out of the bill.

Mr. CONNALLY. Mr. President, let me suggest to the Senator from Massachusetts that the bill itself provides that the men who are drafted for 1 year—if Congress in the meantime declares an emergency—may be continued in the service for an indefinite period. That emergency might be war. So the bill is not entirely a peacetime measure. It has within it the possibilities of war service, of course.

Mr. LODGE. Mr. President, there is always a possibility of that. That is not the point I was trying to stress. As I said, the question is more or less an academic one, in view of the fact that the range of ages is so narrow, and between 21 and 31 there are not many public officials, but, in my opinion, in time of war it would be much better not to have an exception of that kind, and I know that the Senator from Texas, when he himself was a Member of the House, took that position in his personal conduct.

Mr. WALSH. Mr. President, will my colleague yield to me for a question?

Mr. LODGE. I yield.

Mr. WALSH. I received a letter today inquiring if postmasters between the ages of 21 and 31 were deferred from service under this measure. Is it a fact that they would be?

Mr. LODGE. I do not think they would be, but the Senator from Texas can answer that question better than I can.

Mr. CONNALLY. We discussed that matter during the absence of the senior Senator from Massachusetts. Had he come in earlier he would have heard that matter discussed.

Mr. WALSH. I heard a part of the discussion.

Mr. CONNALLY. Postmasters would not be deferred unless the local boards felt that no one else could stamp letters except the postmasters themselves.

Mr. WALSH. The original amendment deferred postmasters.

Mr. CONNALLY. That is true; but my later amendment, which I hope will be adopted, limits exempted executive officers to those whose continued service in office is found necessary for the public safety, health, or interest.

Mr. WALSH. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. CONNALLY] to the committee amendment.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CONNALLY. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. No business has been transacted since the last quorum call.

The PRESIDING OFFICER. The journal clerk advises the Chair that business has been transacted since the last quorum call.

Mr. CONNALLY. What was the business? The Senator from Texas believes no business has been transacted, unless a speech is considered to be business.

The PRESIDING OFFICER. The offering of the amendment by the Senator from Texas is considered to be the transaction of business.

Mr. CONNALLY. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwartz |
| Andrews | Donahey | Lodge | Schwellenbach |
| Ashurst | Downey | Lucas | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Smathers |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Johnson, Calif. | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Colo. | Reed | White |
| Connally | King | Reynolds | Wiley |
| Danaher | La Follette | Russell | |

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Texas [Mr. CONNALLY] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PEPPER. Mr. President, I have an amendment on the desk which I ask to have stated.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. At the appropriate place in the bill it is proposed to insert the following:

> For the purpose of this subsection any person who has been required to leave any position in the employ of any private employer, other than a temporary position, within 30 days prior to the date of the enactment of this act shall be deemed prima facie to have left such position in order to perform the service required under this act.

Mr. PEPPER. Mr. President, I wish to offer a brief explanation of the amendment. I have a letter from a constituent in my State who advises me as follows:

> I am reliably informed that a certain company in this section has notified its employees in substance as follows:
>
> As soon as the draft bill is passed, that all single men in the employment of this company could consider themselves laid off until after they can show evidence that they have been rejected from the draft.

The intent of the policy of that company—which I am glad to say is nameless, because I should like not to know of its unpatriotic attitude—is to defeat the reemployment provisions of the bill. My amendment simply contemplates, in substance, that anyone who may have been disconnected from his private employment within 30 days of the passage of the bill shall be deemed prima facie to have left it for the purpose of undertaking the service contemplated in the bill. The amendment was drafted by the drafting service and submitted to the Senator from Texas [Mr. SHEPPARD], chairman of the committee, and to the majority leader [Mr. BARKLEY],

and I believe it has their approval. I hope it will have the approval of the Senate.

Mr. SHEPPARD. Mr. President, the amendment has my approval.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. Let me suggest to the Senator that if we have the extended discussions and maneuvers we have been having on the part of those opposed to the bill, he had better make the period 60 or 90 days instead of 30 days.

Mr. CLARK of Missouri. Mr. President, in view of what the Senator from Texas has said, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwartz |
| Andrews | Donahey | Lodge | Schwellenbach |
| Ashurst | Downey | Lucas | Sheppard |
| Austin | Ellender | Lundeen | Shipstead |
| Bailey | George | McCarran | Slattery |
| Bankhead | Gerry | McKellar | Smathers |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Johnson, Calif. | Radcliffe | Wheeler |
| Clark, Mo. | Johnson, Colo. | Reed | White |
| Connally | King | Reynolds | Wiley |
| Danaher | La Follette | Russell | |

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. DANAHER. Mr. President, I should like to make a few inquiries about the purport of the amendment. As I understand, if a man is employed today and tomorrow is required to leave his employment, prima facie, under the terms of the amendment, he shall be deemed to have left his employment in order to perform the services contemplated by the bill. Is that correct?

Mr. PEPPER. That is correct.

Mr. DANAHER. Suppose a man is hired to pick corn in Virginia, and the corn-picking job expires within a week, and then he is told there is no more work. Or suppose he is hired to pick apples in Connecticut in September, and after the apples are picked he is told there is no more work. Assuming that the bill is not passed until within 30 days of that date, is the Senator assuming that such person is deemed to have left his employment prima facie for the purpose of engaging in the service contemplated in the bill, and that therefore he is entitled to the benefits of the reemployment features of the bill?

Mr. PEPPER. No; I am glad the Senator made his inquiry. The amendment says "other than a temporary position." The positions which the Senator has described are all temporary positions, so the amendment would not affect that type of employment.

Mr. DANAHER. That point is now clear. Suppose the man had been employed for 6 months, or 4 months, or 3 years. What is temporary, according to the Senator's definition?

Mr. PEPPER. Like language use in any other instance, it must be construed, of course. I will say to the Senator that in no case is there more than a presumption raised in favor of the boy who has left his employment. When he asserts the right to avail himself of the reemployment provisions of the bill, the employer resisting such assertion may show that he had let the man go for cause, or for some sufficient reason not related to the enactment of the legislation. If the applicant should insist upon the provisions of the act relative to employment he would have to assert them in court, where they would be subject to rebuttal. The presumption, of course, would be rebuttable.

Mr. DANAHER obtained the floor.

Mr. ADAMS. Mr. President, will the Senator yield in order that I may ask the Senator from Florida a question?

Mr. DANAHER. I am happy to yield.

Mr. ADAMS. The purpose the Senator has in mind is a most commendable purpose—to protect a man from some unworthy employer who seeks to escape the provisions of the bill. I am wondering whether or not, in seeking to reach the commendable result, we may reach some results which are not desirable. As I understand the amendment, it refers to a certain subsection, which I do not have clearly in mind.

Mr. PEPPER. I shall be glad to refresh the Senator's mind. The Gurney amendment reads:

> In the case of any such person who, in order to perform such service, has left or leaves a position other than a temporary position—

And so forth.

Mr. ADAMS. Suppose the man were discharged from his position for what the employer says was genuine cause—incompetency, malicious acts, or something of the kind. Or suppose he were discharged and never went into the service. Would the amendment place the man who is discharged, and who does not enter the service, in a position to claim the same benefits as the man who goes into the service?

Mr. PEPPER. No; it would not apply to any one who has not entered the service under the terms of the bill, and who, after completing his service, has not claimed the right of reemployment. If he should claim that right, and the employer should say, "Oh, no; I had already let you go before the act went into effect," then the boy would be able to claim the right to the presumption created by the amendment.

Mr. ADAMS. Of course, the amendment needs that explanation.

Mr. PEPPER. Yes. I am glad the Senator made the inquiry.

Mr. DANAHER. Mr. President, there was one moment in the colloquy between the Senator from Florida and the Senator from Colorado when the words were so elided that I did not fully understand the answer of the Senator from Florida. Let me see if I can restate it so as to make it clear to me.

I understand the Senator from Florida to say that this amendment would have no application whatever unless the individual who seeks to claim its benefits actually serves in the armed forces of the United States, either naval or military, under this act. Is that correct?

Mr. PEPPER. That is correct.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 23, line 6, in section 8 (d), as amended, after the word "provisions", it is proposed to insert the following:

> And as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action.

And on page 25, in section 8, as amended, it is proposed to insert at the end thereof a new subsection, as follows:

> (e) Section 3 (d) of the act "to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service," approved August —, 1940, is amended by inserting before the period at the end of the first sentence the following: "and as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action."

Mr. WAGNER. Mr. President, I desire briefly to explain the amendment.

Mr. DANAHER. Mr. President, will the Senator yield for a question?

Mr. WAGNER. Certainly.

Mr. DANAHER. Has the amendment been printed?

Mr. WAGNER. I am sorry to say the amendment has not been printed. Part of the original amendment has been printed, but the part I have added at the suggestion of some Senators with whom I have conferred has not been printed.

All that this amendment does is a simple act of justice, and I am sure it is an inadvertence that it has not been hitherto provided for.

We now provide under the bill, in the case of one who has served under the draft and has ended his service and seeks reemployment in his former position, that in the event the employer refuses to reemploy the individual he then may petition the court for reinstatement, and then the court of course must proceed by hearing and reach a determination. It may happen that a period of 1 or 2 or 3 months will elapse before the court enters its judgment. In the meantime, if the employee is found by the court to be entitled to return to his position, he has been out of employment for a period of 1 to 3 months, and no authority is given the court to give him judgment for back pay during that period. The amendment simply provides that in addition to entering judgment finding that the employer has violated the law and that the individual is entitled to reemployment, the court may also order that he shall receive back pay for lost wages due to the violation of the law.

That is all that the amendment does as far as this bill is concerned. It also adds the same provision as an amendment to the National Guard Act, because when I submitted the amendment to several Senators it was suggested that the privileges given to those who will be drafted under the pending bill would not be accorded to those who will serve under the National Guard Act; so I am putting them on the same basis.

Mr. DANAHER. Mr. President, just a moment. I do not want to suggest the absence of a quorum, which would take some time; but I should like just a moment, if the Senator will bear with me, to correlate this amendment, which has not been printed, with the act. I saw it for the first time only 3 minutes ago.

Mr. WAGNER. The amendment was prepared by the legislative counsel.

Mr. DANAHER. Yes; but, of course, the legislative counsel naturally seeks to use language to carry out the Senator's idea. The point with me is whether or not I like the Senator's idea. Perhaps I shall not, but I probably shall. I want just a moment or two to take a look at the matter myself, if I may.

Mr. WAGNER. Certainly. The Senator understands what I am attempting to accomplish, at least; does he not?

Mr. DANAHER. The Senator from New York is trying, as I understand, to put the trainees under this bill in exactly the same position with respect to pay or loss of wages and benefits and the like that has already been accorded to those under the National Guard and Reserve components bill.

Mr. WAGNER. No; I am trying to do just the opposite. The National Guard bill and the bill which we have before us give the United States district courts jurisdiction to hear the cases of individuals who fail to have their positions restored. As the Senator from Connecticut—who is an able lawyer of long practice, particularly in the Federal courts—knows, it may take 2 or 3 or 4 weeks, or even longer, for the case to be finally determined. In the meantime there is a loss of wages, of course, by the applicant. He is not receiving any wages, because he has not been restored to his position. The amendment simply provides that in addition to the power now granted the court to restore the individual to his position if there has been a violation of law by the employer, the individual shall also have the wages lost during the period of the proceeding in court.

Mr. DANAHER. While the issue is being determined?

Mr. WAGNER. Exactly.

Mr. DANAHER. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Massachusetts to the amendment reported by the committee.

The LEGISLATIVE CLERK. On page 15, line 25, after the word "service", it is proposed to insert a colon and the following new proviso:

*Provided further*, That no person shall be inducted into the land or naval forces of the United States under this act, except pursuant to voluntary enlistment, unless and until the Congress shall have declared that a state of war exists, or has declared that the United States is threatened with invasion.

Mr. WALSH. Mr. President, only a brief word is necessary in explanation of the amendment.

This amendment in no way interferes with or delays the provisions of the pending bill relating to registration. It deals only with the act of conscripting. It provides that all of the provisions of the bill shall be in operation so far as registration is concerned, so far as determining who is eligible for service is concerned, so far as concerns making decisions by the various local boards upon those who are eligible and those who are ineligible. The amendment simply provides that the act of drafting, the process of compelling the young men of the country who have registered to become part of the Regular Army, shall not occur until after an additional act is undertaken by Congress—either a declaration by Congress that we are involved in war, or a declaration by Congress that the United States is threatened with invasion.

I repeat the words because, after all, the amendment is self-explanatory:

*Provided further*, That no person shall be inducted into the land or naval forces of the United States under this act, except pursuant to voluntary enlistment, unless and until the Congress shall have declared that a state of war exists or has declared that the United States is threatened with invasion.

The opportunity of voting on this amendment will give those of us who are opposed to peacetime draft an opportunity to indicate that we do not want to delay or interfere with peacetime efforts to prepare our country for raising speedily and quickly an army in time of invasion or upon a declaration of war—and there are many of us, because the Senator from Wisconsin [Mr. WILEY], the Senator from Colorado [Mr. JOHNSON], and other Senators have introduced similar amendments.

The issue is plain and simple: Shall we pass a bill which not only determines and fixes and establishes registration of all eligibles between the ages named in this bill but provides for actually drafting them into service in the Army, or shall we omit and postpone the act of draft and of conscription until Congress acts?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WALSH. I yield to the Senator from New Mexico.

Mr. HATCH. The Senator has used the word "service." I want to be sure that I correctly understand his amendment. Under his amendment, as I understand, there would be no possibility even of training until war had been declared by Congress, or until Congress had declared that the country was threatened with invasion. Am I correct in that understanding?

Mr. WALSH. The Senator is absolutely correct. The amendment would not permit drafting or conscripting the youth of America for actual service in the Army until Congess shall have again acted.

That is the issue. Under the pending bill, though war may never occur, though the possibility of war is a mere suspicion, a probability, a likelihood that may never occur, yet there is

authority to induct into the service these draftees for military training and for service in the Regular Army.

I do not desire to make an extended speech, but I want to say that, in my opinion, there is a tremendous enlightenment coming to the American people when they realize what is provided for in this bill. So far as I have been able to sense the understanding of this legislation from letters I have received, from persons I have talked to, from Senators with whom I have spoken, it has been supposed that this was a bill to train young men in camps or Army posts, to equip them physically, and give them the fundamental knowledge of war that they ought to have in case we should become engaged in war.

We now know that it is no such bill. We now know that under this bill the Government may put its hand upon the shoulder of any young man and say, "You are a Regular Army soldier, and you will go to Hawaii, you will go to Panama, you will go to the Mexican border, or you will go where we send you; and you will take your position side by side with the regular soldier who has been in the Army 1 month, 3 months, 3 years, or 5 years." To me, that is the fundamental objection to this bill.

Mr. ADAMS. Mr. President, will the Senator yield to me?

Mr. WALSH. I yield to the Senator from Colorado.

Mr. ADAMS. Am I correct in understanding that if the Senator's amendment should be defeated, it would be equivalent to a declaration by Congress that young men may be inducted into the active military service of the United States even though there be no imminence of war?

Mr. WALSH. The Senator has stated the situation exactly. Even though there is nothing but a suspicion that 10 years from now we may be in war, this bill, if my amendment should be defeated, would permit inducting into the Army any young man who may be between the ages prescribed and be designated as eligible by the board.

The Senator from Colorado, in his very able speech of yesterday, called attention to the very fact to which I am calling attention, namely, the tremendous awakening that is coming to this country when a father and mother discover that their boy has not been drafted to go to a local town, as in the World War, for months of training and months of acquiring the fundamental knowledge that a soldier ought to have, but, as General Marshall has said, he is to be inducted immediately into the Army, to become a soldier in the Army of the United States. This is a draft in peacetime.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. ASHURST. It should be pointed out, although it may not be necessary, that when a man enters the Army, especially as a draftee, nearly all his civil rights are suspended during the period of his service. Therefore Senators will perceive the gravity of such a bill.

Mr. WALSH. In peacetime.

Mr. ASHURST. In peacetime we propose to suspend nearly all, if not all, the civil rights of these young men. Our ancestors remained in prison until their hair fell from their foreheads, they rotted away in prison, they died, to establish civil rights, and it is proposed that at one fell swoop these young men shall have and will have their civil rights suspended.

Mr. WALSH. The Senator has stated the purport of the bill better than I could have done it.

Let us take a family of five youths within the ages provided. The first boy is working, we will assume, in a munitions factory, getting $60 a week. He is exempt or deferred. The second boy has poor eyesight, and he is exempted or deferred. The third boy is a divinity student, and he is exempt or deferred. The fourth boy holds some office or position in the Federal Government, and he is deferred. But the fifth son of the family of five is told, "For $30 a month you are from now on, and for 1 year, to be a soldier in the Regular Army." More than that, it provides that if the Congress says so, he cannot get out in 1 year. There is a provision in the bill that if the Congress declares that the national interest is imperiled a draftee may be required to remain in the service until the Congress shall declare that the national interest permits his being relieved from such service.

There is no need debating the issue longer. I am sure we agree that this proposed legislation is very solemn and very serious, and it is very troublesome to us all. None of us wants to leave our country unprotected. But I am not yet convinced that it is necessary to take this draft step.

I was very much impressed by what the Senator from Colorado [Mr. ADAMS] said yesterday, that he had patiently stood and listened in recent days to every Army and every Navy officer who appeared before the Committee on Appropriations—and let me see if I quote him correctly—and that no Army or Navy officer had convinced him that there was any imminent danger of war against this country. Am I correct?

Mr. ADAMS. That is correct.

Mr. WALSH. The Senator agrees I am correct. So here in peacetime with merely a suspicion, with war hysteria that some other nation is going to attack us, we are confronted with the responsibility of providing that the power of our Government, to repeat what the Senator from Arizona has stated, shall take away from a young man his whole prospect of the future for 1 year, all his civil rights, his opportunity to progress and advance in whatever work he undertakes for 1 whole year.

The issue is clear and distinct. There are those of us who want to hesitate until such a situation arises that the Congress thinks we are going to be invaded, before we proceed to invoke the draft.

Mr. ANDREWS. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH. I yield.

Mr. ANDREWS. Does the Senator think, in view of our experience in the World War, that we could afford to wait to train our recruits until war begins and we must meet the enemy?

Mr. WALSH. I personally think that through volunteer enlistments we can provide our country with all the troops it needs for the kind of an army which modern warfare has taught us we need. I do not think it necessary to have a large number of foot soldiers rather than soldiers trained in what I call the mechanized method of warfare. I do not think it is necessary.

All the evidence I have been able to gather from what I have read of the European war indicates that a limited number of highly trained professional soldiers, such as the Regular Army is, trained in mechanized modern warfare, are far more effective than a million or two million only partially trained men who render a year's service to their country.

One of the things about the bill which troubles me is that, in my opinion, it will annihilate the system of voluntary enlistment. That is a terrible thing to contemplate. The young men of the country will say, "Why volunteer? Every year there will be a draft, and we can go in under the draft." They can point out in the bill some advantages in being drafted which they do not get by volunteering.

For instance, if they are registered, they can immediately enter the voluntary service for 1 year. There are other provisions which seem to be of some benefit to them.

I wish to repeat, in my opinion the safety and security of this country depend, not upon a changing and ever-moving year-by-year Army, but a group of men who have volunteered to make the Army their life career, to perfect themselves in the highest kind of mechanized knowledge, and to be ready to defend the Nation in an emergency.

I personally do not feel that there is an emergency, that there is a situation now which requires the training which the distinguished Senator from Florida thinks is necessary.

Mr. ANDREWS. Does not the Senator think the volunteer system will leave untouched the "fifth columnists" and others who are now trying to undermine our Government and who would ultimately fill the jobs of those volunteers who go to the front?

Mr. WALSH. Of course, I am as much against any "fifth columnists" as is the Senator from Florida. I personally

think—and I know this is a dangerous thing to say—that the extent of the "fifth column" activities in this country has been exaggerated. Undoubtedly there are some of them, and I want to stamp them out, but I do not propose, because of fear of some few "fifth columnists," to deprive the young men of this country of their civil rights, unless there is an actual need and a national emergency.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. WHEELER. Confirmatory of what the Senator has said, I called attention yesterday to an article by Gault McGowan in the New York Sun. He said:

LONDON, August 24 (delayed by air raid).—President Roosevelt's urgent appeal for conscription, featured in the newspapers here this morning, appears in the opinion of military experts unrelated to the requirements of modern war, which becomes the affair not only of crack front-line troops but of masses mobilized behind the battle lines in the munition factories. Modern war can come to a standstill in a few days if supplies for technical troops fail.

Those who have seen modern war on the Continent unanimously agree that victory is achieved by putting the greatest number of men in one place at one time is obsolete.

Mr. WALSH. I read the article, and I was much impressed by it. It confirms what Col. Bill Donovan wrote as a result of his observations in Europe. He said that 50,000 highly trained German troops with mechanized and motorized weapons invaded Belgium and succeeded in driving back 2,000,000 French troops.

I repeat, in my opinion, we are stressing too much what I consider the fifth line of defense in this country. The Navy, which we are building up rapidly, is conceded to be our first line of defense. Our second, third, and fourth lines of defense should have the entire concentration, all the energy, all the effort of our Army officers to build them up before we scatter our efforts in the field of training soldiers for 1 year in a conscript army.

I repeat, even with a million or 2,000,000 American soldiers with 1 year's training, in the absence of a strong, powerful, large naval force, and in the absence of a strong, powerful mechanized force, in the absence of a strong, powerful antiaircraft force, in my opinion, we would be doomed in case our Navy failed to prevent an invasion of our country.

I have already talked longer than I had desired to, and I know the Senator from Kentucky wants the floor, and I yield.

Mr. BARKLEY. Mr. President, I wish to discuss the amendment very briefly.

I hope Senators will understand that if the amendment shall be adopted, we might as well not pass the bill, and we might as well not have been spending weeks in this discussion. The theory of the bill is that we will not wait until we are invaded, or even threatened with invasion, will not wait until there is a declaration of war, as in 1917, and then wait 13½ months to train an army so that it can fight. That is what occurred in the World War.

The amendment of the Senator from Massachusetts provides:

No person shall be inducted into the land or naval forces of the United States under this act except pursuant to voluntary enlistment unless and until Congress shall have declared that a state of war exists.

In other words, we could not call up anyone for training in order to get ready to fight, if we had to, until Congress declared that a state of war existed, when fighting is supposed to begin.

Or until Congress has declared that the United States is threatened with invasion.

In other words, we could not, under the amendment, call up anyone for service or training unless a war was actually in progress, or an enemy was on his way to our shores.

Mr. McKELLAR. Why pass the bill at all, if the amendment is agreed to?

Mr. BARKLEY. That is what I have said. If the amendment shall be adopted, we might as well abandon the proposed legislation.

We have debated the merits of the volunteer system. I realize that the Senator from Massachusetts and other Senators are absolutely opposed to any bill which would provide for drafting men in peacetime. It may be that there are some here who would not be in favor of it even in time of war.

I know when we went to war in 1917 it required a long and continued and bitter struggle to obtain a draft law when we were in war, on the theory that the volunteer system was the traditional system of the United States.

Mr. President, it has not been the traditional system. Washington asked that there be a draft law during the Revolution. Some States adopted such a law, but it was never very effective. Washington under the voluntary system, in the entire Revolution, never had at any one time more than 17,000 men under his command, and when he fought the battles of Trenton and Princeton he had only 3,000 men under his command.

In the War of 1812 the voluntary system was tried for a while. The British had only 4,500 soldiers on the American continent when the War of 1812 began, yet they burned the Capitol and the White House. There were only about 3,000 men here to defend the Capitol of the United States under the volunteer system. As a matter of fact, with the exception of the Battle of New Orleans, nearly all the land battles of the War of 1812 resulted in the defeat of the American forces. We were more successful in our sea battles, such as the Battle of Lake Erie and other battles.

After the Capitol and the White House were burned, Congress debated and dawdled around for weeks and months over whether there should be a draft. Both Houses passed laws, but they got into differences between themselves, and before they could adjust those differences peace was declared. [Laughter.]

In the Civil War the country started out with a volunteer system, and when Lincoln called for volunteers in 1861 the ranks were filled, but when he called for volunteers of 300,000 in 1862 the voluntary system collapsed and he could not raise 300,000 men to defend the Union.

Early in 1863 Congress passed a draft law to enlist men in the Union Army under the draft. Unfortunately it was not as successful as it might have been, because the law provided that men could hire other men to enlist for them, and fight in their places. They could pay $300 as a bonus to the Government and get out of service in the draft army.

The Confederate Congress passed a draft law in 1862, a year before the Congress of the United States passed such a law.

Not only did Washington ask for a draft law during the Revolution, but Congress actually passed a draft law in 1792 while Washington was President of the United States, and he signed that law.

So the voluntary system is not the traditional system of the United States in the raising of an army.

Of course, in the Mexican War it was not necessary to draft men. I shall not go into a discussion of that war, because our Nation was vastly superior to Mexico, and our volunteer forces were vastly superior to the Mexican forces, but, even so, on the way from Vera Cruz to Mexico City, many volunteers in the forces of the United States Army left because their enlistment had expired and they were not willing to serve any longer.

In the war against Spain in 1898 there was, of course, no need to pass a draft law.

When the World War came on we had a terrific fight. Some of the most outstanding Members of the party of which I am a member in the House of Representatives and in this body, opposed the draft law on the theory that it was in violation of the established traditions of the United States in the raising of an army.

Mr. President, tradition never won a battle on any battlefield in history. We have been hearing about the draft being in opposition to democracy, and that it destroys democracy and creates dictatorship. The history of democracies does not sustain such an assertion.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Is it not true that in the World War there were in excess of 1,300,000 volunteers?

Mr. BARKLEY. Yes, there were more than a million—probably even more than 1,300,000 volunteers, but most of them volunteered in anticipation of the draft.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. I should like to have the Senator remember as he talks to us that every single instance which he has given, in which he says that the voluntary system is not the traditional way to fill up our armies, has been in time of war.

Mr. BARKLEY. Oh, yes; in the main, but not always.

Mr. DANAHER. Every single instance the Senator has named was when a war was in progress. We are not at war.

Mr. BARKLEY. Oh, no——

Mr. DANAHER. No; but the whole scheme is one preparing to take us into war; is it not?

Mr. BARKLEY. No.

Mr. DANAHER. Is not that the reason why the Senator argues in the way he does?

Mr. BARKLEY. No; it is not only not a system to take us into war, but it is a system to prepare us so that we will not be compelled to fight a war, because there will be no aggressor who will have the nerve to attack the United States.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. DANAHER. Will the Senator name an instance in history when any country equipped itself with a large army that it did not go to war? There is not one.

Mr. BARKLEY. Many of the nations of the world, including our own, have gotten into war without preparation, and have had to wait until they got into war in order to prepare, and because they were not prepared when they got into war, many of them were defeated, because they had to wait to prepare, as we did in 1917, for 13½ months, before we could train our boys to fight in the war which we entered, when we had the British Fleet and the French Fleet, and the British Army, and the French Army, and the Belgian Army, to hold back the enemy in that particular case—which we will not have if we get into a war in the future.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. BARKLEY. Yes.

Mr. DANAHER. Let me point out that if there were a definition of where our national interests lie, or what we are going to be called upon to defend, the Senator would find a very different attitude, not only in the country but in the Senate. I will say to the Senator, that if the volunteer system shall fall down, if he chooses to use that expression—and I do not say or admit that it will, because the facts are otherwise—it will be for the simple reason that the American boys will not volunteer to fight some other country's war, but they will do what they can to defend the United States. That is the whole situation.

Mr. BARKLEY. No one is asking them to fight somebody else's war.

Mr. DANAHER. What are we taking them into South America for?

Mr. BARKLEY. We have not taken them into South America. If we take them into South America it will be our war, and not somebody else's war.

Mr. DANAHER. Will the Senator let me put a proposition to him?

Mr. BARKLEY. Yes.

Mr. DANAHER. Let me suggest this possibility to the Senator, just as a matter of tactics.

Mr. BARKLEY. Does the Senator mean tactics in war or in the Senate? [Laughter.]

Mr. DANAHER. In war. I wish I could emulate the tactics which the Senator from Kentucky so eminently uses in his place in the Senate; but let us leave the Senate out of this case, for the Senate is not going to war.

Mr. BARKLEY. No; I do not think so, at least. All its battles will be fought inside these four walls.

Mr. DANAHER. And very noisily, too. But let me say to the Senator, if we can assume a case—if any country undertook to invade any part of this hemisphere, in the light of the military facts and the strategy that has been explained to us by the Army officers—and it has been demonstrated over and over again that 3,000,000 tons of shipping would be needed to bring a million men to this country—is our Navy expected to fall dead while that is being done? Is it possible that all foreign armies, with all their equipment, are going to come across the ocean and devastate us and reduce us? Let me say to the Senator that there is not a man named as a trainee under this bill who will ever be called upon to fire a single shot unless our Navy is destroyed. Is that not a fact?

Mr. BARKLEY. Is that the Senator's proposition?

Mr. DANAHER. Is that not the fact? That is the proposition.

Mr. BARKLEY. No; that is not the fact, and I want to say to the Senator that if his theory of legislation with respect to preparation for any emergency, including war, should prevail, it would be much more likely that an enemy would come in our direction to attack us, not only across the Atlantic but across the Pacific, than if we were so prepared that they would not dare do so.

There is no use to debate possibilities here. It is infinitely better to have an army and never need it, than to need one and never have it. [Applause in the galleries.]

I hope the Chair will keep the galleries quiet. I appreciate the approval of the occupants of the galleries, but it is against the rules of the Senate to applaud. I hope that they will observe the rules of the Senate.

Mr. President, it might as well be said that we ought not to build a tank or an airplane until war starts, and then begin to build tanks and airplanes. Why go to all the trouble to get ready unless war is coming? It may not come, but in any event must we wait until it gets here before we prepare for it?

Mr. DANAHER. Mr. President, will the Senator again yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. Let me say to the Senator that that argument is wholly specious for the simple reason that, of course, our military must be built up. That is why we have been spending billions of dollars over several years. There is no question about that.

The Senator is very courteous in yielding to me. Let me say further to the Senator that if a hostile air force, let us say, were laid down on an airfield in an interior part of Brazil, and if we did not like to see that hostile air force there in Brazil, the alternatives that would confront the people of the United States at that moment would be these: We either would have to attack that hostile force 5,500 miles from the southern point of Florida, or we would have to stay at home and let Brazil defend itself. We would have to make that decision on the one hand.

If we decided that we would attack the hostile air force, let me say to the Senator from Kentucky, and sent a fleet down there, then that hostile air force would be in a position to defend Brazil identically and exactly as England is at this moment resisting invasion. We would be the attacker, 5,500 miles from our position.

If we undertook to attack the invaders of that country and rout them by land, we would find it impossible to attack them by land. We could not even reach them. But if we were going to reach them by water, then, Mr. President, all the hostile air force would have to do would be to take its airplanes out of the country, and then put the United States to the test as to whether we would or would not defend South America.

That is tactically the proposition that confronts us with reference to South America. There is no alternative possible justifying this vast army that is called for, in order to achieve hemisphere defense on such account. There is, I submit, no military answer other than the one that has been suggested.

I ask the Senator from Kentucky, on what possible basis it has been decided in the various votes that have been pushed through here by those sponsoring this proposed legislation that we will send young trainees outside the United States, boys that have never fired a gun, who do not know how to operate a tank or an anti-aircraft gun or anything else? We are going to attempt to justify their being sent to South America, and the amendments to this very legislation so show.

I ask the Senator from Kentucky, for what war are we preparing?

Mr. BARKLEY. I am not going to tell the Senator for what war we are preparing, because no one can tell the Senator for what war we are preparing, but it is the duty of the American Congress to prepare not only for probabilities but for possibilities. If I felt sure that the Senator from Connecticut were right in his military prognosis I would recommend that the President make him chief of staff instead of General Marshall. [Laughter.]

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. This debate has been going on for a little more than 4 weeks. It started a week or two before the bill came before the Senate, and has been going on ever since.

After all the debate that has taken place in the Senate, does not the Senator believe that there are in this body the greatest number of magnificent and splendid admirals, and the greatest number of magnificent and splendid generals this Nation ever had?

Mr. BARKLEY. Mr. President, I do not care to describe the military genius and prowess of the Members of this body. However, for men who have never attended either West Point or Annapolis, they know more about military affairs than any similar group with which I have been associated for a long time.

I do not wish to prolong the debate on this amendment. If I knew that the required number of men could be obtained by the voluntary system under the amendment offered by the Senator from Massachusetts I should be opposed to it because I think it would be wrong in time of emergency. Suppose the Senator from Connecticut [Mr. DANAHER] and I lived in the same block in a city and we were at war, or about to enter war. Suppose we were in the same circumstances and of the same age. Suppose the Senator from Connecticut were willing to rush forward in a romantic spirit to don the uniform of his country and fight for the flag.

Let us assume that I were not willing to do so, but preferred to stay at home and enjoy a peaceful life. Assume that I were willing that the Senator from Connecticut should do my fighting for me. I do not believe that I ought to be allowed to force the Senator from Connecticut to do my fighting. Neither do I believe that either he or I ought to have the sole power to determine whether or not our country needs us. I think the Government of the United States ought to have a voice in determining whether either of us, both of us, or neither of us, is needed, or whether we can serve in some other capacity to the best interests of the United States.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes; I yield this time, but not more.

Mr. DANAHER. I wish to read a few remarks from the hearings——

Mr. BARKLEY. Oh, Mr. President——

Mr. DANAHER. Will the Senator bear with me for only a moment?

Mr. BARKLEY. I have been doing so for a long time.

Mr. DANAHER. I read from the hearings:

> First, voluntary recruiting of the Regular Army should proceed as rapidly as we can secure the men, until the authorized limit of 280,000 is reached. If at that time the situation is as serious as it is at present, and certainly if it is more serious, recruitment of the Regular Army on a voluntary basis should continue, possibly up to 400,000 men as a temporary measure, not as a permanent increase.

Those are the words of the Chief of Staff, General Marshall. I am no rocking-chair general. I rely on him.

Mr. BARKLEY. The Senator will recall that when General Marshall made the statement he was talking about an army of 280,000. Since that time we have raised the figure to 375,000, and under the volunteer system we are nearly 90,000 short of making up the 375,000, the authorized strength of the Army.

Mr. DANAHER. It is a singular thing that all this talk about an Army of 1,300,000, with an Army of 3,000,000 or 4,000,000 men in reserve has developed since Colonel Stimson became Secretary of War.

Mr. BARKLEY. I do not know when the idea was developed in the War Department, but my recollection is that the bill was introduced in the Senate before Colonel Stimson was appointed Secretary of War. If I am mistaken about that I can be corrected; but certainly the idea of the Burke-Wadsworth bill, which we are now considering, had germinated in the minds of Members of Congress before anybody knew Colonel Stimson was to be Secretary of War.

Mr. President, I have talked longer on this amendment than I had intended. I hope it will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment reported by the committee.

Mr. WALSH. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I am not informed how he would vote on this question. I therefore withhold my vote.

Mr. STEWART (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. However, I am informed that if he were present and voting, he would vote as I shall vote. I vote "nay." I understand that the junior Senator from Oregon has a special pair.

The roll call was concluded.

Mr. WHEELER. I announce that if the junior Senator from Nevada [Mr. McCARRAN] were present he would vote "yea." He has a special pair with the junior Senator from Oregon [Mr. HOLMAN], who would vote "nay."

Mr. McKELLAR (after having voted in the negative). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and will allow my vote to stand.

Mr. TYDINGS. I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the senior Senator from Virginia [Mr. GLASS]. I am informed that the Senator from Virginia, if present, would vote "nay." I vote "nay."

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the junior Senator from Nevada [Mr. McCARRAN], the senior Senator from Nevada [Mr. PITTMAN], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

The Senator from Iowa [Mr. GILLETTE], who would vote "yea," is paired with the Senator from Delaware [Mr. HUGHES], who would vote "nay."

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

I am advised that the Senator from North Dakota [Mr. FRAZIER] would vote "yea," if present.

The result was announced—yeas 29, nays 54, as follows:

YEAS—29

| | | | |
|---|---|---|---|
| Adams | Davis | Lundeen | Vandenberg |
| Ashurst | Donahey | Murray | Van Nuys |
| Brown | Downey | Norris | Walsh |
| Bulow | Herring | Nye | Wheeler |
| Capper | Holt | Reed | Wiley |
| Clark, Idaho | Johnson, Calif. | Shipstead | |
| Clark, Mo. | Johnson, Colo. | Taft | |
| Danaher | La Follette | Tobey | |

NAYS—54

| | | | |
|---|---|---|---|
| Andrews | Ellender | Lodge | Schwartz |
| Austin | George | Lucas | Schwellenbach |
| Bailey | Gerry | McKellar | Sheppard |
| Barbour | Gibson | Maloney | Slattery |
| Barkley | Green | Mead | Smathers |
| Bone | Guffey | Miller | Stewart |
| Bridges | Gurney | Minton | Thomas, Okla. |
| Burke | Hale | Neely | Thomas, Utah |
| Byrd | Harrison | O'Mahoney | Truman |
| Byrnes | Hatch | Overton | Tydings |
| Caraway | Hayden | Pepper | Wagner |
| Chandler | Hill | Radcliffe | White |
| Chavez | King | Reynolds | |
| Connally | Lee | Russell | |

NOT VOTING—13

| | | | |
|---|---|---|---|
| Bankhead | Glass | McCarran | Smith |
| Bilbo | Holman | McNary | Thomas, Idaho |
| Frazier | Hughes | Pittman | Townsend |
| Gillette | | | |

So Mr. WALSH's amendment to the amendment reported by the committee was rejected.

Mr. DOWNEY obtained the floor.

Mr. CLARK of Missouri. Mr. President, I make a point of order. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri for the purpose of suggesting the absence of a quorum?

Mr. DOWNEY. I prefer not to yield for that purpose.

Mr. CLARK of Missouri. Mr. President, I insist on the constitutional right to have a quorum present when business is transacted. I shall be glad to have the Chair rule.

The PRESIDING OFFICER. The Chair is advised that the Senator from California does not have to yield for the purpose of suggesting the absence of a quorum.

Mr. CLARK of Missouri. Mr. President, I make the point of order that it is a constitutional matter for the Senate to have a quorum present while business is being transacted. I make a constitutional point of order. Under the decisions of the Chair in the past 2 or 3 days, the question must be submitted to the decision of the Senate.

The PRESIDING OFFICER. The Chair will overrule the point of order made by the Senator from Missouri.

Mr. CLARK of Missouri. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair be sustained as the judgment of the Senate? [Putting the question.] The "ayes" have it, and the decision of the Chair is sustained.

Mr. CLARK of Missouri. Mr. President, I insist that under the precedents of the Senate that question must be submitted to the Senate itself.

Mr. BARKLEY. Mr. President, I submit to the Chair the point of order that the Senator from California did not yield to the Senator from Missouri to suggest the absence of a quorum.

Mr. CLARK of Missouri. I insist that it is not necessary for a Senator to yield to another Senator in order that the constitutional point of no quorum may be raised because the Constitution of the United States requires that a quorum of the Senate be present when business is transacted. I stand on the constitutional point, Mr. President.

The PRESIDING OFFICER. The point of order made by the Senator from Kentucky is sustained by the Chair. The Chair recognizes the Senator from California.

Mr. CLARK of Missouri. Mr. President, I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senate has already sustained the decision of the Chair.

Mr. CLARK of Missouri. The Senate has not sustained the decision of the Chair, because the Chair gaveled the thing through.

The PRESIDING OFFICER. The Senator from California will proceed.

Mr. CLARK of Missouri. Mr. President, does the Chair rule that the Constitution of the United States, which requires a majority of the Senate to be present——

Mr. DOWNEY. Mr. President, will the Senator from Missouri yield to me?

Mr. CLARK of Missouri. I yield.

Mr. DOWNEY. I would appreciate it as a personal favor if the Senator from Missouri would allow me to proceed before he insists on his request for a quorum. I am very anxious to finish; I am tired.

Mr. CLARK of Missouri. I am very glad to yield to the request of my friend from California.

Mr. DOWNEY. I thank the Senator.

Mr. CLARK of Missouri. But I did not wish the erroneous ruling of the temporary occupant of the chair, the Senator from New Jersey, to stand as a precedent in this body.

Mr. DOWNEY. Mr. President, I always listen with respect to any statement made on the floor of the Senate by the distinguished Senator from Kentucky [Mr. BARKLEY]. I recognize his logic; I admire his integrity and so I believe the able Senator from Kentucky must agree with me, that his argument, that we need a draft now, because one was necessary in the World War, is not to be sustained unless we assume that again we are going to raise from four to five million men for the invasion of Europe or Asia. I say to the Senator that if he now believes, as in the great war, that we are going to require an army of millions for some foreign military adventure then certainly he is right in concluding we cannot raise such in army by the volunteer system.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. DOWNEY. I yield.

Mr. BARKLEY. In what I said, and in what I think, I am not assuming that we are going to be in war but, in the condition in which the world finds itself, I am assuming, not on our own account by any aggression of our own but because the situation in the world which all must recognize, that it is entirely possible—it may even be probable—that we will be dragged into war, and in that event I do not want to wait until a year or longer before we are ready to meet the enemy wherever he may be found.

Mr. DOWNEY. Mr. President, let me again repeat that I will freely admit that if the Senator believes there is a reasonable likelihood that we may again require a great Army for foreign service, then his position is consistent; but, Mr. President, I think it can be easily demonstrated by military authority that we require nowhere near three or four or five million men to defend this hemisphere.

This Senate is already committed to the construction of the most powerful navy in the world and an air force that alone should be able to defend the New World against attack by transport airplanes from the Old. We are now building in the Caribbean and at the Canal the most powerful maritime fortresses in the world. I say that when we plan to add to such military power, a highly mechanized, motorized army of almost a million men we have then completed a safe and sound program of national defense. Beyond that we should not go until some nation commits against us an overt act of war or seeks to violate the Monroe Doctrine.

Does our national safety require that we should abandon our system of voluntary enlistment and set our feet on the regimented road of compulsory military training in peactime? Consider, first, our vast population of 135,000,000. In the last three decades we have added more to our numbers than all those unfortunate people in the British Isles.

In the Great War of 1917, 1,300,000 men volunteered for service, and, according to the Senator from Utah [Mr. THOMAS], that number of voluntary enlistments could have been increased by hundreds of thousands. We are today 25 or 30 percent numerically larger than we were during that war period. There can be no doubt that that institution of a free people, voluntary military service, is amply sufficient to provide manpower beyond all present needs. Compulsory military training today does not proceed from any national necessity. It is sired by ignorance and fear. If the pending measure passes, we will have needlessly surrendered one of the great protections of a free people.

What is the military lesson of the present European war: That mastery of the air is almost certain victory; that air

power combined with fast-moving motorized, mechanized troops will destroy in a few days the great conscript armies that were invulnerable in the past. The German armies that have just conquered Europe never comprised more than a maximum of from 500,000 to 600,000 men.

The Congress of the United States has already authorized our Army to increase its strength to at least 625,000 men. These figures include our proposed Regular Army of 375,000 and the National Guard of 250,000.

Mr. President, there would be no need to worry about our Nation if we had a highly mechanized, mobile, motorized army of 600,000. That added to the great Navy and air forces we are now building, and to our Caribbean defenses, would guarantee our impregnable defense of the Western Hemisphere.

And the passage of a short period of time will reveal, I think, that all the resources of our General Staff, headed by General Marshall, will be severely strained in building into a mechanized, modern army before next summer, the 625,000 men already authorized. If our military leaders can create within the next 12 months a modern, efficient Army of six or seven or eight hundred thousand they will have made our effective defense certain. And they will have performed a titanic task. And here and now I desire to prophecy that our Army leaders will not be able to efficiently handle the manpower they ask for and that any attempt to process, equip, and train the number they now seek will only serve as a handicap in building up a thoroughly mechanized, efficient, modern army of say three-quarters of a million. And we do not need conscription for that number.

Mr. President, there is no military expert known to me, who has expressed an opinion on the subject, who has not declared that any attempt to land a large number of foreign troops on our shores is an impossibility. There is not in the world the available cargo space to land and service a great army in the Western Hemisphere. Even if there were, troops in transports could not be landed; they would fall easy prey to our Navy, our air force, our mines, and port guns. If my declaration of what all military experts declare brings upon my head the charge that I am a fool or a traitor, then may I answer that for many years I have advocated strong national defense, including a two-ocean navy. I have thought that our reliance upon the British Navy was a weak and dangerous policy.

Likewise, Mr. President, when Mr. Lindbergh told us at least 3 years ago that Germany had acquired marked air superiority over Great Britain and France, and that with her air power Germany could devastate those countries, it seemed plain to me, indeed, that we ought to begin to build an air armada in the Western Hemisphere that would dominate the New World. Likewise it seemed obvious that our Achilles heel was in our lack of tin and rubber, and that ordinary sense would require an adequate supply of those strategic war materials, and this policy, too, I have long advocated.

Then beyond that it seemed to me, Mr. President, in order to make ourselves impregnable, what we needed was not a vast conscript army of millions of men that present European experience has shown is futile but a fast, hardened, professional, motorized, mechanized army of, say, 750,000 men. It is my own opinion that we would have a stronger army, at less cost, and with less burden on our people, if this army were wholly a regular and permanent establishment, to be increased, of course, if war should come or the Monroe Doctrine be violated.

Then, finally, Mr. President, it has seemed to me that we ought to have modern, efficient military highways in America. Our greatest traffic experts tell us that the mobility and striking power of our motorized and mechanized war instruments would be doubled or trebled by improved, heavy, safe roads in country and cities alike. Yet here we are apparently oblivious to the need of modern highways in America. While road-building machines rust unused almost everywhere in the land and millions desperately seek work we fail to begin this vitally needed job of building a modern system of highways everywhere in the Nation.

Mr. President, to establish my long committment to adequate military defense, I here wish to insert in the RECORD an item published in the San Francisco Chronicle of December 13, 1938, and a paragraph from a speech of mine delivered on the floor of the Senate almost a year ago.

[From the San Francisco Chronicle of December 13, 1938]

Yesterday at Washington Senator-elect DOWNEY announced his satisfaction with President Roosevelt's foreign policies. He said the Nation should have two strong fleets, one for each ocean, and should build 100,000 airplanes "in order to assure preservation of the Monroe Doctrine against any combination of world powers."

---

[From the CONGRESSIONAL RECORD, October 9, 1939, p. 379]

So far as I am concerned, as a Member of the Senate, let me say to the military men of America: Make us safe against any foreign aggression without weakly counting upon the support or any other nation that well may fail us when we vitally need help. Whatever we ought to do by way of preparation we should do. * * * How idiotic we would be if, like the statesmen of European empires, we should allow ourselves to be overbuilt so that we could truly be said to be the prey of reasonable apprehension and fear. * * * Of course, I hate to say it, but I must say that such expenditures should come ahead of every other expenditure, even expenditures for the unhappy submerged half of the population because, after all, national defense is the supreme necessity of all.

Colonel Lindbergh and our great war ace, Eddie Rickenbacker, have suggested that if we had 25,000 more military airplanes, then even the most timid and hysterical citizen in America would know that we were absolutely safe. * * *

Mr. President, a short time ago I sat in my seat in the Senate and heard with amazement a Senator declare that the safety of the Panama Canal was endangered because Germany has some transport planes in Venezuela, Colombia, or Ecuador.

Mr. President, we have in our long-range bombers of the Navy the finest airplanes that any nation possesses, with skillful pilots, ammunition, and guns. A substantial number of these are at the Canal and in the Caribbean. They have a flying or cruising range of 1,000, 1,200, or 1,300 miles; and, except for a mere handful, they are the only planes of that kind in the entire world.

The transport planes referred to are old, antiquated, civilian ships, one time belonging to Germany, several hundred or thousands of miles from the Canal, 12 in number. And yet some of our Senators and many of our columnists are honestly alarmed lest these 12 decrepit transport planes may break through out powerful defense at Panama to wreck the Canal there.

If our military leaders, after years of preparation and hundreds of millions of expenditures, have not made our Canal safe against Japanese fishing boats and a dozen old planes or a sunken ship in the Canal, then we need new material in the Army and Navy, and that I do not believe. I think our military leaders are of the highest caliber and will, given a fair chance, vindicate that opinion.

In the Caribbean, in the Gulf of Mexico, around the Panama Canal, we have already built one of the strongest maritime bases in the world. Germany has not one ship there, one soldier, or one gun. She is 5,000 miles away, and yet the American people have been brought into a mental condition in which they are in hysteria and fright for fear something may happen to us down in the Panama Canal.

The difficulties that would confront Germany if she should attempt to develop great military bases in South America are many, obvious, and almost insuperable. Consider only one. No nation can fight a war without vast supplies of gasoline and oil. There is only one major source of supply of oil in South America, and that is Venezuela. There are some small holdings in the adjoining countries of Ecuador and Colombia, and there are insignificant wells in Peru; but the only major supply is in Venezuela. We have a strong and diversified military power within two or three hundred miles of Venezuela. The Government of Venezuela is friendly. The oil wells are in the possession of American and British capitalists. At the first overt act by the Governments of Germany or

Japan against South America our military forces could guarantee the defense of Venezuela and thereby prevent Germany from obtaining any appreciable amount of oil in South America.

With the oil of South America in our possession, think of the tremendous handicap that would be imposed on Germany if she should attempt a war in this hemisphere.

Mr. President, I assume that our President and the Army and the Navy intend to proceed with the construction of great military bases in the Caribbean. It is true that we ought to fortify the island of Trinidad, the southernmost island of the West Indies, lying directly opposite Venezuela. When that simple act is accomplished, the Gulf of Mexico and the Caribbean Sea will become an American lake; and any military expert who sericusly considers that Germany in some miraculous way could challenge our power there should be persuaded that we could occupy the Baltic Sea or the Mediterranean.

And let us note that all of Mexico lies behind our defenses in the Gulf of Mexico and the Caribbean. Germany could not strike Mexico without first destroying our forces there. And for other plain reasons the west coast of Mexico is safe from Japanese attack. With our assistance the defeat of an Asiatic expeditionary force to Mexico would be simple and sure.

Mr. President, in my humble opinion, after long discussion with military men, when we once establish our military power at the Panama Canal, the Gulf of Mexico, and the Caribbean we shall be in such a dominating position that no foreign power would dare to challenge the Monroe Doctrine or undertake the invasion of any part of the Western Hemisphere.

Mr. President, I was likewise shocked and astonished when I heard a Senator solemnly enlarge upon the likelihood of a "blitzkrieg" from Japan to the coast of California or Panama or South America. We have 10 times or a hundred times the military strength of China. To undertake the conquest of the Western Hemisphere by Japan, according to military authorities, would require 5 or 10 times the strength involved in aggression against China; yet at the end of 3 years Japan has not yet been able to consolidate her position in that nearby peaceful and weak country. Yet certain of my fellow citizens in California are in constant apprehension lest the Mikado may send a "blitzkrieg" there. If Japan were to utilize every ton of cargo space she has, her entire navy, all her fishing vessels, and all her merchant ships, she could not convoy 100,000 men to the shores of the Western Hemisphere and maintain their supplies there, thousands of miles remote from her own bases.

But we seem to have little regard here for obvious, admitted facts. When the distinguished junior Senator from Michigan gave undisputed figures showing the absolute impossibility of Germany's sending any expeditionary force to our eastern coast in excess of 50,000 men, Senators, seemed to pay no attention to it.

Mr. President, no one can ever convince me that the Japanese Army and Navy would be so insane as to attempt the conquest of a strong and powerful people five or ten thousand miles away. To me, of all the nightmares that have been dreamed in the United States, this idea that Japan may engage in a mad venture against us in the Western Hemisphere is almost the maddest one of all.

I desire now to read to the distinguished Senators who favor the bill an authority in the most conclusive language, which, I take it, they all must accept. I refer now to Mr. Roosevelt, President of the United States, and the statement I am about to read was made by Mr. Roosevelt when he was Assistant Secretary of the Navy. Said Mr. Roosevelt:

> Nobody, presumably, after all the prophets of 1914 have been proved without honor in any country, would attempt to say what would happen at the end of a military deadlock between Japan and the United States. After the first year or two of hostilities, economic causes would become the determining factor. Tableau: Japan and the United States, four or five thousand miles apart, making faces at one another across a no-man's water as broad as the Pacific. Some genius might then arise to ask what it was all about and what the use was of the atrophy of national life and development. Or, to take a pessimistic view, jingo counsels might prevail in both nations until one or the other, or both, had bled to death through the pocketbook. If then it were realized by the people of this country and of Japan that a war would be a futile gesture, attended by no sufficiently compensating results, each nation might be in a fair way to change its apprehensive habit of mind.

Mr. President, so far as I know, that is the conclusion of every military expert who has ever spoken on this subject. Oh, I wish the American people could realize to what terrible nightmares their fear and fright and confusion have driven them.

Do I hear some Senator suggesting that since Mr. Roosevelt made that statement conditions have changed? Yes; they have changed in one very material respect, and that alone. In the last 20 years a new, a fearsome, and destructive instrument of warfare has been developed. I refer to the airplane. Does that make Mr. Roosevelt's statement any less true? Oh, no. It is true now for a stronger reason than when he spoke.

Before the airplane came into existence we could have met the Japanese Navy and Japanese transports, first by our Navy, then by our fort guns, by our mines, and finally by our Army. In my opinion, if the necessity now arose in California—and I cannot imagine it ever will—we could destroy Japanese transports without a single naval vessel.

Why do I say that? Because in the atmosphere of the sky a greater navy now sails, not at 20 knots, but at 200 miles an hour. Not a single military authority—and I challenge contradiction—but admits that a few hundred planes could devastate any transports attempting to approach our American shores.

Are you apprehensive lest aircraft carriers, convoyed by some navy approaching our shores, could bomb our cities or conquer our air fleet? Consider the facts. All the aircraft carriers in the world provide space for approximately a thousand airplanes, and of this very limited number, almost one-half is in the possession of our own Navy.

Do you suggest that Germany or Japan may seize airplane bases adjacent to the coast lines of the Western Hemisphere and from those points bomb our cities or destroy our military forces? How groundless this fear. Not a single such base is in the possession of either Germany or Japan, and should they attempt to seize bases within striking distance of our shores, those bases could be reached by our airplanes or Navy before any foreign military power could be consolidated there. I have already said that the United States alone has the only great fleet of long-range bombers, whose cruising range is more than double that of the air armadas of Germany and Japan.

Mr. President, the English Channel is but 22 miles across, and for 2 or 3 months the Germans have been unable to land a single soldier over that water into England. Yet we are apprehensive that Japan may risk her Navy, her troops, her whole destiny, upon some mad attempt to land in the Western Hemisphere.

I hear some of the Senators declaring, "Oh, yes; but we may have to fight both Japan and Germany together." Let me say: We have a greater population than Japan and Germany combined, a far greater factory capacity, and wealth many times more. With these nations waging a war far distant from their bases our victory would be assured. We have seen Senators alarmed, and the columnists of the United States frightened by the assumption that Germany may fall heir to the British Navy. Of course, that may happen, and our national policy which depended upon the Navy of Great Britain was weak and fallacious for that reason. But consider—would Hitler send the British Navy over to destroy and be destroyed by our Navy, leaving Japan absolute mistress of the seas of the world? Does anyone think there is any prize that might be offered to Japan by which she would be led to risk virtually her whole national destiny in attempting to destroy our Navy around our bases with the loss of her Navy a substantial possibility?

And remember that the British Navy as it was constituted before this war began—though it is reduced now—required 250,000 men to operate, among them being tens of thousands

of the most skilled officers and technicians. Navy experts tell us that Germany could not hope to secure the sailors and technicians and officers and train them to man the British Navy in less than 18 months, possibly 2 years, and by the time that period had passed, we would be on the way to having a Navy as large as those of Japan and Great Britain combined. And it is my belief that within 2 years we will have built at least 25,000 combat planes, trained the pilots and ground crews for them, and thereby be assured of ample power to pulverize any attack on the Western Hemisphere.

Mr. President, while I have no fear of any distant army, I am apprehensive of the future of my country and of my people. I dread that the same fright, the same hysteria, the same exaggeration, the same refusal to recognize realities, may drive us on to unwise and dangerous conclusions.

One Senator was charged with having said, and he denied it, that men in war industries should be paid only the same salary as was to be paid the men who were conscripted.

Mr. President, when the next hysterical wave floods over the country, when the Nation faces the threat of national insolvency, the cry will then arise, "Oh, we cannot pay the men in the shipyards and in the airplane factories five or six or seven dollars a day. They are in war industries. They have got to work for $30 a month, plus their keep." Mr. President, that would be logical. If in time of peace we take a man out of his career and his job, and say, "Serve at $30 a month, plus your board and room," is it not logical to say in a nation whose finances are crumbling, that the employee in war industries must do likewise?

Then what is the next conclusion that hysteria and fear will drive us to? May it not be to conscript wealth—to take at first not all wealth, but the factories producing war supplies, because certainly it will be argued if we may conscript men in peacetime, in peacetime we have the right to commandeer military factories.

Let us realize that if, as we enter this crisis, we begin to sacrifice fundamental rights, in the end we may have lost free government.

We are now in a confused, hysterical, excited condition, seeing dangers which do not and cannot exist. I look with apprehension to what the future may hold for the American people if we do not begin to act calmly, courageously, tolerantly, realistically.

Wars have proceeded destructively throughout the ages. Europe has been devastated in almost every generation. The present destruction in France is slight compared with the destruction there in past centuries. Our forefathers in almost every generation were compelled to fight for some issue or in defense of themselves. If we Americans have to fight for ourselves or the Monroe Doctrine, let us not proceed in fear, hysteria, confusion, excitement.

Multitudes of Americans shiver at the name of Hitler. The other night I was talking to one. I asked, "What do you fear in the name of Hitler?" The reply was, "Oh, I am frightened at Hitler's power." I asked, "How, specifically? Are you frightened at 10,000 tanks?" The answer was, "Well, that is part of it." I said, "Those tanks are not here, and they cannot be brought here. Are you frightened at an army of 3,000,000 men?" The reply was, "Well, I guess I am." I said, "Those 3,000,000 men are not here, and they cannot be brought here. Are you frightened at 20,000 airplanes?" The answer was, "Well, I guess I am." I said, "In 2 years we shall be able to build in our own Nation more and better planes than Germany can ever produce; and Germany has not a single base in the Western Hemisphere to which she can bring a single airplane."

Mr. President, our fear and apprehension are unworthy a great people. We have almost double the population of Germany. Counting Canada, we have substantially more population than Germany and Japan combined. I suppose it is safe to say that we have three times the wealth, natural resources, and factory capacity of those two nations combined. Here we are, a great—and I hope still a virile people—twice as large as Germany, far stronger, and yet 5,000 miles from Germany we tremble in apprehension of what Germany may do to us.

Mr. President, I wish I could declare to the American people that what Colonel Lindbergh said is true—that a great air armada will make impossible the conquest of the Western Hemisphere.

We already have great bombers which can fly from Panama almost to the southern tip of South America loaded with bombs and then return to Panama; and yet we are afraid that Germany, with nothing there, may undertake the building of great military bases in the face of our rapidly developing military power.

I know that many of our governmental leaders are sincerely and fervently persuaded to the belief that some of the South American governments may form an alliance with Germany or some other dictatorial power, allow that power to seize control of the government and establish military power there. That too seems to me a strange and groundless fear. I cannot conceive that the government of a single South American country would be willing to yield its sovereign rights to a foreign dictator, I cannot believe that the people of any country would consent to their government so doing.

But you ask, may not German "fifth columnists" mobilize in some South American country and take over the government by force and violence? In that event is it not plain that the military power of the United States and other South American nations would immediately be mobilized in defense of any government or any people whose rights were being assailed by "fifth columnists"?

As for the Mexican Government and Mexican people, I know from personal knowledge that those people and its governmental leaders hate, fear, and despise Hitler as much or more than do the people of the United States. I have the certain conviction that in the event of any attempted conquest of the Western Hemisphere, the government and people of Mexico would be linked with our own people and with the Canadians in the firm defense of the North American continent and of the Mondoe Doctrine throughout the entire Western Hemisphere.

Mr. President, I know that many of our patriotic leaders fervently believe that American wealth and manpower should support the crumbling cause of the British Empire and, failing there, seek to establish the Pax Americana. I have high admiration for English culture, and for English civilization; but has it not been apparent for 20 years that the British Empire cannot survive? Why not be realists? For years the greatest historians and philosophers of England and of the world have been declaring that the British Empire is crumbling.

England has hardly more than a quarter of our population, and not a third of our wealth. Think of the structure which is built upon that tiny island—the control or subjugation of a quarter of the territories of the earth, and of almost half a billion people. Shall we uphold the British Empire in India against the wild tribes of the Himalayas, of Afghanistan, and Russia? Shall we help hold Ceylon, Burma, Singapore, China, and the South Sea Islands against Japan? Shall we battle in the Mediterranean, Egypt, and Africa against the assaults of Italy? Shall we fight Spain to protect Gibraltar? Shall we go over to Europe to engage in warfare with Germany?

Oh, Mr. President, Heaven forbid that any hysterical leadership should involve us in a mad venture in Europe or Asia. Heaven forbid that war shall come between the Old World and the New, for we shall be fighting it for endless decades. Germanized Europe could never conquer us at this distance; nor could we conquer Europe, for the self-same reasons. Shall we waste American youth and our wealth in Asiatic, African, and European wars? I pray that Heaven will protect us against such a tragedy.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield to the Senator from Massachusetts.

Mr. WALSH. It has been again and again asserted that the universal service system of training was the most democratic

method of selecting and building up an army. It has been said here that, even if by voluntary enlistments we could get a sufficiently large army, it would still be desirable and beneficial to our country to have a conscript army in time of peace. Will the Senator, who has so ably spoken on many phases of this very important question, indicate what he thinks would be the consequences of such a policy on this country and the relationship of such a policy to the European totalitarian system?

Mr. DOWNEY. Mr. President, I thank the distinguished senior Senator from Massachusetts for recalling to me the remark of the senior Senator from Kentucky that, even assuming that a volunteer army would be sufficient, he would still champion and advocate compulsory military training. I totally agree with the statement heretofore made by the distinguished Senator from Massachusetts, that such a declaration and such a policy constitute a long step toward regimentation.

As I conceive a free government, it is one that interferes as little as possible with the lives of its citizens. To make my example simple, I am well acquainted with a family with two young boys, both in their twenties. One of them is anxious to be a chemist, and expects to enter the university next fall. The other would like to have a year of military training, and would enjoy it and invite it.

If we follow the declaration of the Senator from Kentucky, we would not let the boy go voluntarily who wants to go, but we would gratuitously interfere with the rights of the boy who does not want to go.

I heard the distinguished Senator from Wisconsin in his argument suggest that because we train firemen and policemen, therefore we should train men for military life. Let us consider. A policeman, a fireman lives a hard and hazardous life. I would not want it, nor would most of the men I know. Would the Senator from Kentucky say because policemen and firemen are performing an arducus and difficult task in the public defense, that we should conscript them from the public generally; that even though there were plenty of men who wanted to be firemen and policemen, he would not let them serve but would conscript men who wanted to follow other occupations?

Mr. President, that seems a strange and unrighteous doctrine to me. I can admit if a city were burning down and there were not a sufficient number of police officers and firemen, of course, the sheriff, the mayor, or the Governor would have the right to conscript citizens generally. But I cannot agree that men should be drafted into West Point, Annapolis, the Army, or the training camps if there are enough men who want to enter there voluntarily. When voluntary enlistments are sufficient, why should we draft our manpower? Like the Senator from Massachusetts, I was shocked at the declaration of the senior Senator from Kentucky that he believed in compulsory training, in regimentation, even though it is not necessary.

While we are on that subject, let me say that some of the military men who appeared before the Military Affairs Committee took the same viewpoint, by implication admitting that we could get all the men we wanted as volunteers but said, "Still we do not want that; we want to take the men by compulsory draft."

Mr. President, one of the things that has terrified me in the last few months has been the rising tide of hate and bitterness among the American people. I have received tens of thousands of letters from California and other sections of the Nation, and those letters, whichever side they advocated, many, though not all of them, intimated that I was a fool or a traitor or a "fifth columnist" if I did not agree with them. If such a spirit continues to grow and to be inflamed by public officials and the newspapers of the country, we may reap a tragic national harvest during this crisis. I impugn the intellect and integrity of no man who has spoken on the other side. I trust that the advocates of this measure will be tolerant and fair to those who cannot willingly accept the principles of the pending measure.

The tragic year of 1929 saw the American people engulfed in an economic crisis of widespread unemployment, poverty, and desolation. We have not yet emerged from that crisis. Its causes still devastate and destroy the prosperity and well-being of our people. Only a steadily expanding public debt, which now threatens our national solvency, has prevented the total collapse of our economic structure.

Now the tragic year of 1940 sees imposed upon our first economic crisis the secondary crisis, arising from the European war. I pray that our governmental leaders may clearly perceive that we can meet the demands of this war crisis without the sacrifice of the rights and institutions of a free civilization, and may immediately recognize that the energies of our Government must be applied not only in the efficient preparedness for war, but beyond that, we must, with intelligence, courage, and vision, undertake the solution of the problems of unemployment and poverty. Failing that energetic and courageous action on our own internal problems, the end of this war crisis, whenever it comes, may well find us engulfed in such an abyss of insolvency, poverty, and unemployment, as may cause the total destruction of our Government and our civilization.

Mr. TAFT. Mr. President, I offer the amendment which I send to the desk in the nature of a substitute for the pending bill as amended.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. TAFT. Certainly.

Mr. BARKLEY. Mr. President, I have been seeking again to arrive at an agreement for a limitation of debate. I now ask unanimous consent that during the further consideration of the pending bill, and during the pendency of amendments and substitutes, no Senator shall speak more than once nor longer than 15 minutes, and that on the bill itself no Senator shall speak more than once or longer than 30 minutes.

Mr. ADAMS. Mr. President, as the Senator knows, there have been some Members of the Senate who had no objection to a 15-minute limit, but they wanted, as they stated, to have a 15-minute limitation apply in the aggregate rather than to one speech.

Mr. BARKLEY. I am glad to modify the request so as to provide that no Senator, in the aggregate, shall speak more than 15 minutes on amendments and substitutes.

Mr. HOLT. Mr. President, I myself have no objection personally but I feel other Senators who may be absent should be protected. If the Senator from Kentucky does not object, I should like to suggest the absence of a quorum, as frequently unanimous-consent requests are not agreeable to all. I repeat that I myself have no objection personally.

Mr. BARKLEY. I will say to the Senator that I have been conferring with some Senators who have now left who agreed to this proposal. I do not think there will be any objection on the part of any Senator who is not now present.

Mr. HOLT. Did the Senator from Missouri [Mr. CLARK] agree to it?

Mr. BARKLEY. I think the Senator from Montana can speak for the Senator from Missouri.

Mr. WHEELER. Mr. President, I think it is entirely agreeable to the Senator from Missouri. I may say that I talked with the Senator and, as I understood, fixing a definite hour for voting was what the Senator from Missouri objected to; but he said such an agreement as is now proposed would be entirely agreeable to him. There are some Senators who had to go home because of illness; the Senator from Nevada [Mr. MCCARRAN] happens to be ill. I have tried to notify them. I think the proposition of the Senator from Kentucky would be satisfactory to the Senator from Missouri.

Mr. HOLT. If it is satisfactory to the Senator from Missouri, I myself have no objection, but I feel that absent Senators should be protected. I do not like unanimous-consent agreements to be entered into when some Senators are out of the Chamber. I do not, of course, mean that the Senator from Kentucky would do that.

Mr. BARKLEY. I will say to the Senator I have been trying to accommodate all Senators who are opposed to the bill, and I am satisfied that the request I have made is not objectionable to any of them.

Mr. WALSH. Mr. President, may the proposal be repeated?

Mr. AUSTIN. Mr. President——

Mr. BARKLEY. I will repeat it in a moment.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Vermont?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I should like to make an inquiry of the leader of the majority. Is it correct to interpret his request that a Senator may speak only once upon both the bill and the amendments, or may he speak more than once on both the bill and amendments?

Mr. BARKLEY. The request is as follows:

That during the pendency of amendments or substitutes, which includes amendments to substitutes, no Senator shall speak, in the aggregate, more than 15 minutes, which means he may speak 10 minutes and reserve 5 and speak again on an amendment; and on the bill itself the request is to the effect that no Senator shall speak more than once or longer than 30 minutes.

Mr. AUSTIN. Is it correct to interpret the request that, if granted, a Senator could occupy the floor, if he saw fit, 45 minutes if he divided his time between an amendment and the bill?

Mr. BARKLEY. No. The effect of the request is that when an amendment or substitute is pending, a Senator has 15 minutes in the aggregate, and, when all those are disposed of, then a Senator can speak 30 minutes, or if a substitute amendment is not pending a Senator may speak 30 minutes on the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

The Chair hears none, and it is so ordered.

Mr. TAFT. Mr. President——

The PRESIDENT pro tempore. The Senator from Ohio has the floor.

Mr. TAFT. Mr. President, I ask unanimous consent that the reading of the amendment in the nature of a substitute offered by me be dispensed with, and that it be printed in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. TAFT in the nature of a substitute for the bill as reported by the committee, as amended, is as follows:

To strike out all after the enacting clause and insert in lieu thereof the following:

"That the last sentence of section 2 of the National Defense Act, approved June 3, 1916, as amended, is amended to read as follows: 'Except in time of war or similar emergency when the public safety demands it, the number of enlisted men of the Regular Army shall not exceed 500,000, including the Philippine Scouts.'

"SEC. 2. (a) The Secretary of War is authorized and directed to establish an Army Training Corps, which shall be a component part of the Army of the United States, for the purpose of providing training in the various branches of the military service, and for such purpose the Secretary is authorized to establish and maintain such camps, to prescribe such courses of training, and to make such rules and regulations as may be necessary. Pending the establishment of such camps the persons who enlist in the Army Training Corps as hereinafter provided may be assigned to units of the Regular Army or the National Guard while in the service of the United States.

"(b) Until the expiration of 1 year after the date of enactment of this act every person between the ages of 18 and 35 who is qualified for enlistment in the Regular Army shall be afforded an opportunity to enlist for a period of 12 months for the training prescribed pursuant to subsection (a), but except in time of war or similar emergency declared by the Congress the total number of enlisted men in the Army Training Corps and the men who have completed the training therein and have been transferred to the Enlisted Reserve Corps as provided in subsection (d) shall not exceed 1,500,000. Upon the expiration of 1 year after the date of enactment of this act, enlistments in the Army Training Corps shall be limited to boys who have graduated from standard high schools, standard colleges, or similar institutions and who have not attained the age of 25, and to boys who have not so graduated who are between the ages of 18 and 25, but no person who has not attained the age of 21 shall be enlisted in the Army Training Corps under this section except with the consent of his parents or legal guardian.

"(c) The persons who enlist in the Army Training Corps as herein provided shall, during the period of their training, receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that branch of the military service to which they are assigned. After their transfer to the Enlisted Reserve Corps as provided in subsection (d) they shall receive the same benefits as are provided by law in like cases for other members of such Enlisted Reserve Corps.

"(d) Each person who completes satisfactorily the 12 months' period of training in the Army Training Corps shall be transferred to and shall constitute a part of the Enlisted Reserve Corps for a period of 10 years, unless he is sooner discharged, and except in time of war any person so transferred shall be entitled to be discharged from the Enlisted Reserve Corps at the expiration of 1 year after he makes application for such discharge.

"(e) In addition to the training herein provided through the Army Training Corps, the President is authorized to prescribe standards for a course of military training to be given at high schools and colleges, with their consent and cooperation, and to last for a period of 3 or 4 years as he may determine. Such course shall consist in part of periods of study at such high schools and colleges and in part of actual military training and service at training camps designated by the Secretary of War for that purpose. The course of training prescribed pursuant to this subsection shall be deemed to be the equivalent of the 12 months' period of training in the Army Training Corps, and persons who complete satisfactorily such prescribed training course shall be transferred to the Enlisted Reserve Corps with the same rights, obligations, and benefits as the persons transferred to such corps under subsection (d) of this section.

"SEC. 3. The President is hereby authorized to provide for recruiting the Regular Army to its full strength as soon as possible, and to provide for recruiting the Army Training Corps to its full strength as rapidly as training facilities are made available. For such purpose the President is authorized to organize such recruiting force, including civilian employees, as he may find necessary to cooperate with State officials, members of the National Guard, and volunteer committees, to make expenditures for advertising and presenting the advantages of training and service in the Army of the United States, and to take such other action as he may find necessary.

"SEC. 4. (a) Effective on the first day of the first month following the date of enactment of this act, the first sentence of section 9 of the act of June 10, 1922 (relating to the monthly base pay of warrant officers and enlisted men of the Army and Marine Corps) is amended by striking out 'enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30; enlisted men of the seventh grade, $21,' and inserting in lieu thereof 'enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $50; enlisted men of the sixth grade, $40; enlisted men of the seventh grade, $30.'

"(b) Effective on the first day of the first month following the date of enactment of this act, the second sentence of section 10 of the act of June 10, 1922 (relating to the monthly base pay of enlisted men of the Navy and Coast Guard) is amended by striking out 'sixth grade, $36; seventh grade, $21,' and inserting in lieu thereof 'sixth grade, $40; seventh grade, $30.'

"(c) On the request of any man enlisting in the Army of the United States, he shall be entitled to assign, revocably or irrevocably, to any member of his family that he desires to support, such portion of his pay in excess of $10 a month as he may indicate.

"(d) Hereafter any enlisted man of the Regular Army who shall have served therein for a period of at least 12 months shall be entitled, except in time of war, to be discharged therefrom at the expiration of 90 days after he makes application for such discharge.

"Amend the title so as to read: 'A bill to provide for the enlargement of the Army of the United States and the establishment of training camps, and for other purposes.'"

Mr. TAFT. Mr. President, the amendment in the nature of a substitute which I offer proposes a volunteer system of training in lieu of the compulsory system. I have previously stated at some length the ideas which I feel should govern the training of men, and I only wish now to explain the purpose of this proposed substitute.

It seems to me that the whole procedure has put, so to speak, "the cart before the horse." We have been considering the method before we have agreed on the size of the army we want or the goal we wish to attain or what the ultimate aim of the legislation is. The Congress has never authorized an army larger than 375,000 men; it never has authorized anybody to operate training camps or to offer any training to American boys. The amendment which I offer as a substitute proposes to increase the Regular Army to 500,000 men and to authorize training camps in which there may be trained a total Reserve of a million and a half.

I have had some difficulty in arriving at the exact numbers, because the authorities on the other side, so to speak, do not agree on what the number should be. The distinguished chairman of the committee said the other day that an army of 600,000 or 700,000 would be sufficient. The President only in June seemed satisfied with 280,000. The Assistant Secretary of War has recently said we should have an army of 1,300,000; so it has been somewhat difficult for a layman to fix any figure. But the amendment fixes the figures of 500,000 for the Regular Army, plus 250,000 for the National Guard, and then the building up of a Reserve until the Reserve is a million and a half. It authorizes the enlistment of men for the Regular Army and for the Regular Reserve. It increases the pay of the Regular Army, and, of course, of those who are actually in training who have the same pay, to presumably $40 a month if the Appropriations Committee authorizes the advancement of men to the sixth class in the Army, as in the Navy.

It authorizes men after 1 year of service to give 90 days' notice of withdrawal, or, after they have been transferred to the Reserve, 1 year's notice of withdrawal.

The purpose of the amendment is to proceed with a voluntary system of enlistment. If we want an army of 750,000 today, certainly the way to get it is not through conscription. That army should be a highly trained professional army. We cannot possibly get highly trained men within 1 year. We shall have to make the Army sufficiently attractive so that we can get men to come in and spend their lives in the Army. A machine gunner or an antiaircraft gunner cannot be trained in 1 year. If we want an expert army, we can, through 1 year's training, gradually build up a Reserve which can be added to the Army.

I desire to read briefly from an article by Col. John F. C. Fuller, who was the chief general staff officer of the British Tank Corps in the World War, printed in the Encyclopedia Britannica in 1932, and prophetic of what has happened since. He says:

> The theory of conscription has run its course, and is today growing out of date. A few years hence no conscript army will be able to face an organized attack by armed motorcars, let alone by tanks and kindred weapons. It will have its use solely as an army of occupation, a force of men which will occupy a conquered area but not conquer it.
>
> The fighting armies of the future will be voluntary, highly professional and highly paid, consequently comparatively small; this is the whole tendency of present-day military evolution.
>
> * * * * *
>
> The tendency is, consequently, one toward small armies in which quality will replace the quantity theory of the present cannon fodder masses. None but great industrial powers are likely to wage wars with any hope of success, for, in spite of all opposition, gasoline power is transforming armies as surely as steam power transformed navies from 1860 onward; the result must be the same. One hundred years ago any merchantman could be converted into a warship in a few days; today, not all the merchantmen in the world could fight on equal terms a single dreadnaught.

Conscription, as provided for in the pending bill, is an utterly fallacious method of providing any such army as is there described—the kind of army which defeated the conscript armies of France, the kind of army which time has proved Colonel Fuller to be correct in judging to be the army of the present. So, it seems to me the conscript theory is utterly incompetent to supply the kind of army we need for that purpose.

I quite agree that the conscript theory of what may be called universal compulsory military training may be a better method of providing Reserves. There is something to be said, I think, for universal education for a year, when the boy is just out of school, as part of his education; but this is no education bill. This is no universal compulsory education military training bill. This bill does not take the boy as part of his education. It proposes to take men from 21 to 31, 80 percent of whom are already employed, probably in their life occupation, in which they have already made substantial progress.

The substitute which I offer proposes that boys be enlisted in training camps for training upon their graduation from high school or upon their graduation from college. I am quite convinced that if the camps are made attractive we shall have no trouble in attracting every year hundreds of thousands of boys to the training camps until we build up a Reserve of a million and a half, or whatever else may be thought to be necessary.

So the problem which is before us—the problem of supplying a small, highly professional mechanized force, plus a partially trained Reserve, without interfering with the normal progress of the life of the Nation—can be carried out through the amendment I offer, through a voluntary bill, far better than it can be carried out by the compulsory conscript bill which the Senate is considering.

Today, if we want a professional army, 1-year enlistment obviously is wholly insufficient. Three-year enlistment is not enough. We cannot let men come in every 3 years and go out. We have to make the Army sufficiently attractive so that men will stay there for the greater part of their lives, just as they stay in any other occupation; and I have no hesitation in offering a measure providing that they shall be paid $40 a month besides their clothing, their lodging, and their board. That is probably the equivalent of $100 a month, which any common laborer can get in any city in the United States; and why we should not pay men that amount when we ask them to serve, I do not know. I do not see why the Army should be unattractive. I do not see why we should have to force men into it. I do not see why we cannot make it a force which men seek, just as they seek the police and fire forces.

When an examination is given for policemen or firemen in New York City 10 applications are received for every job there is to fill.

In this country we have a democratic form of government. We may in wartime, we may at times, have to impose regimented measures. We may at times have to compel people to do something and limit their freedom; but certainly when we approach an emergency we should approach it with measures which are careful to preserve every element of American freedom that we possibly can preserve under the emergency.

I am against the pending bill because I do not think the draft is an appropriate method of carrying out the aims we have in mind, the kind of army we want to get. I am against it because I think it is a wholly unnecessary infringement on the basic principles of American democracy. I ask that the Senate adopt the substitute voluntary system, and I ask for a roll call on my amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Ohio to the amendment reported by the committee, as amended. On that question the yeas and nays are demanded. Is the demand seconded?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. In his absence, I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and vote "nay."

Mr. STEWART (when his name was called). Making the same announcement as before with reference to my pair I am privileged to vote, and I vote "nay."

Mr. TYDINGS (when his name was called). The pair I have with the senior Senator from North Dakota [Mr. FRAZIER] I transfer to the senior Senator from Virginia [Mr. GLASS]. If those Senators were present the Senator from North Dakota would vote "yea" and the Senator from Virginia would vote "nay." Being free to vote, I vote "nay."

The roll call was concluded.

Mr. AUSTIN. The junior Senator from Oregon [Mr. HOLMAN] is absent on public business.

The senior Senator from Oregon [Mr. McNARY], the senior Senator from North Dakota [Mr. FRAZIER], and the senior Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The Senator from California [Mr. JOHNSON], who, if present, would vote "yea," is paired with the Senator from Delaware [Mr. HUGHES], who, if present, would vote "nay."

Mr. MINTON. The Senator from Idaho [Mr. CLARK] is absent on account of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from California [Mr. DOWNEY], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

The Senator from Nevada [Mr. MCCARRAN] has a pair with the Senator from Oregon [Mr. HOLMAN]. If present and voting, the Senator from Nevada [Mr. MCCARRAN] would vote "yea," and the Senator from Oregon [Mr. HOLMAN] would vote "nay."

The result was announced—yeas 22, nays 56, as follows:

YEAS—22

| | | | |
|---|---|---|---|
| Adams | Danaher | Nye | Walsh |
| Ashurst | Davis | Reed | Wheeler |
| Brown | Holt | Shipstead | White |
| Bulow | Johnson, Colo. | Taft | Wiley |
| Capper | La Follette | Thomas, Idaho | |
| Clark, Mo. | Lundeen | Tobey | |

NAYS—56

| | | | |
|---|---|---|---|
| Andrews | Gerry | Lucas | Russell |
| Austin | Gibson | McKellar | Schwartz |
| Barbour | Green | Maloney | Schwellenbach |
| Barkley | Guffey | Mead | Sheppard |
| Bridges | Gurney | Miller | Slattery |
| Burke | Hale | Minton | Smathers |
| Byrd | Harrison | Neely | Stewart |
| Byrnes | Hatch | Norris | Thomas, Okla. |
| Caraway | Hayden | O'Mahoney | Thomas, Utah |
| Chandler | Herring | Overton | Truman |
| Chavez | Hill | Pepper | Tydings |
| Connally | King | Pittman | Vandenberg |
| Donahey | Lee | Radcliffe | Van Nuys |
| Ellender | Lodge | Reynolds | Wagner |

NOT VOTING—18

| | | | |
|---|---|---|---|
| Bailey | Downey | Holman | Murray |
| Bankhead | Frazier | Hughes | Smith |
| Bilbo | George | Johnson, Calif. | Townsend |
| Bone | Gillette | McCarran | |
| Clark, Idaho | Glass | McNary | |

So Mr. TAFT's amendment in the nature of a substitute for the amendment of the committee as amended was rejected.

Mr. GURNEY. Mr. President, I offer a clarifying amendment, which I have heretofore presented, and ask that it be stated.

The PRESIDENT pro tempore. There are several amendments together. Are they to be stated as one amendment?

Mr. GURNEY. I should like to have them considered as one amendment.

The PRESIDENT pro tempore. The clerk will state the amendment offered by the Senator from South Dakota.

The LEGISLATIVE CLERK. On page 15, line 5, after the words "fixed for" insert the words "the first or any subsequent"; on page 15, line 6, after the word "time", insert the words "or times", and after the word "place" in the same line insert the words "or places"; on page 15, line 7, after the word "group", insert the words "or groups"; on page 15, line 12, after the words "thirty-one", insert the words "at the time fixed for his registration".

Mr. BARKLEY. Mr. President, I understand the Senator from South Dakota has conferred with the chairman of the Committee on Military Affairs, and that there is no objection to the amendment.

Mr. GURNEY. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. GURNEY] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. President, I had prepared, and had intended to offer, an amendment somewhat similar to the amendment just considered by the Senate, presented by the Senator from Ohio [Mr. TAFT]. It was a proposal to provide for trying out longer the volunteer system before adopting the conscription system. It proposed to set up a volunteer reserve in the Army, Navy, and Coast Guard, with 4-year enlistments, and 1 year of actual training, as provided for in the pending bill, with provision for students to volunteer for 3 months a year for 4 years, so as to make up the complete service of 1 year.

There was further provision that if at the end of 90 days after the enactment of the law the President should find that enlistments did not provide a number sufficient to the needs of national defense, the same method of providing for an increased number outlined in the conscription bill should be followed.

I concluded, after hearing the result of the last vote, that it would be useless to present such an amendment, and I now ask that the amendment I had drafted and an explanation of it be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the amendment and the explanation were ordered to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. WALSH to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, viz:

On page 14, line 12, strike out the words "selective compulsory."

On page 14, after line 25, insert the following new section:

"SEC. 2. (a) For the purpose of providing an additional reserve of men available for military or naval service when needed, there are hereby established in the Army, Navy, Marine Corps, and Coast Guard of the United States, respectively, Volunteer Reserve Corps, which shall consist of persons who have volunteered for training in any such corps for periods of enrollment of 4 years. Except in time of war, such persons shall not be required, without their consent, to be employed on active service or to engage in active training for more than 12 months in the aggregate during any single period of enrollment. During periods of enrollment in the Volunteer Reserve Corps of any of the land or naval forces of the United States, persons so enrolled who are students at any recognized college or university shall not, except during any war, be required to be employed on active service or to engage in active training during any semester or term for which such person has registered at any such college or university as a resident student.

"(b) Every male citizen of the United States between the ages of 18 and 35 years who applies for enrollment in the Volunteer Reserve Corps of any of the land or naval forces of the United States and is found to be physically, mentally, and morally qualified for such service and training shall be enrolled in one of these corps.

"(c) Persons enrolled who are found to be qualified for special technical duties shall be given technical ratings, and persons enrolled who are found to be qualified for special technical training shall be given ratings as technical apprentices.

"(d) The pay, allowances, and benefits of persons enrolled in the Volunteer Reserve Corps of any of the land or naval forces of the United States shall, during the period of their training and service, be the same as the pay, allowances, and benefits provided by law for officers and enlisted men of like rank or grade and length of service of that component of the land or naval forces in which such persons are enrolled. The number of such persons in each pay grade in the Volunteer Reserve Corps shall be prescribed by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, respectively. Persons enrolled in such Volunteer Reserve Corps shall have an opportunity to qualify for promotion and shall be given priority in competition for vacancies in the regular services.

"(e) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall each make a report to the Congress at the end of each month showing the number of persons who have applied for enrollment in the branch of the Volunteer Reserve Corps under their jurisdiction, the number of persons who have been enrolled, and the number of persons who have enlisted in the Regular Army, Navy, Marine Corps, and Coast Guard."

On page 15, line 15, strike out the word "The" and insert in lieu thereof the following: "If after 90 days from the date of the enactment of this act, the President finds that the number of enlistments in the land and naval forces of the United States is not sufficient to meet the needs of national defense, he shall issue a proclamation to that effect, and thereafter, the."

---

EXPLANATION OF AMENDMENT PROVIDING VOLUNTARY TRAINING OF RESERVE CORPS, BY MR. WALSH

The amendment provides for the establishment of Volunteer Reserve Corps in the Army, the Navy, the Marine Corps, and the Coast Guard, in an effort to give the volunteer system a fair trial before resorting to conscription. It changes the present bill in two important respects: First, it provides for voluntary enrollments in a Reserve Corps for 4 years, only 1 year of which must be served on active duty, except in time of war; and, secondly, it provides that if after 90 days from the date of enactment of the act, the

President finds that the number of enlistments in the land and naval forces of the United States is not sufficient to meet the needs of national defense, he shall issue a proclamation to that effect, and thereafter conscription shall become effective. It does not delay registration.

I am convinced that voluntary enlistments have not been given a fair trial and I am opposed to the draft until it is definitely determined that voluntary enlistments will not bring our land and naval forces to sufficient strength to defend our country, our institutions, and our freedom.

There have been many obstacles in the past to voluntary enlistments that should be removed.

Can anyone blame a young man, no matter how patriotic, for not enlisting for 6 years in the Navy, 4 years in the Marine Corps, or 3 years in the Army? If he enlists, he cannot get out even in time of peace, no matter how distasteful the life may be or how his circumstances or the circumstances of his family may change. If he once enlists, practically the only way he can be discharged prior to the expiration of his enlistment is by a dishonorable or bad-conduct discharge.

At the present time practically every enlisted man who enters the Army or the Navy is enrolled in the lower ratings. He is first taught to be a soldier or a sailor. Some of them are later trained in specialists' duties. A young man interested in radio or in mechanics receives no assurance whatsoever that he can continue, while in the Army or the Navy, along the lines he is interested in and for which he is qualified.

In the Officers' Reserve Corps, doctors are put in the Medical Corps and others are assigned to the groups in which they are qualified as civilians. I can see no reason why this principle of taking into the Reserve force of the Army and the Navy, both officers and men, who are qualified for specialists' duties and train them to perform these duties in the Army and the Navy.

I believe that the amendment will accomplish by voluntary enlistments, the same purpose as the bill S. 4164, as reported to the Senate by the Committee on Military Affairs hopes to accomplish by conscription. If it is found that volunteer enlistments do not suffice, the compulsory features of the bill as reported to the Senate become effective. If conscription does become necessary, I believe that the Army should conscript mechanics, electricians, radiomen, and other trained men rather than mere foot soldiers.

The proposed amendment strikes out the words "selective compulsory" on page 14, inserts a new section, section 2 (a), (b), (c), (d), and (e), and on page 15 provides that if sufficient enlistments are not obtained in 90 days after the enactment of the act, compulsory service shall become effective.

Section 2 (a): This section establishes a Volunteer Reserve Corps in the Army, the Navy, the Marine Corps, and the Coast Guard. Enrollment in these corps is for a period of 4 years. Except in time of war, persons enrolled in these corps, shall not without their consent be employed on active service for more than 12 months during any 4-year period of enrollment. It also provides that students enrolled in these corps, shall not without their consent, except during war, be employed on active service or training service during any term for which they are registered at any recognized college or university.

It shall be noted that men enrolled in these corps are available for active duty in time of war and as far as training is concerned may be given as much training as the men who it is proposed to draft, if training facilities are available.

Section 2 (b): This section provides that every male citizen of the United States between the ages of 18 and 35, who applies and is found to be physically, mentally, and morally qualified shall be enrolled in one of these corps.

The purpose of this section is to assure that everyone who applies and is found to be qualified shall be enrolled in one of the corps established by the amendment. It is not mandatory, however, for the Government to give training to all those who are accepted. At the present time and for some time past, insofar as the Navy is concerned, we have more persons who want to enlist than can be accommodated. It is believed that a similar situation exists regarding the Army Air Corps. Can conscription be justified when we have more men applying than can be trained?

Section 2 (c): This section provides that persons found qualified for special technical duties are to be enrolled in technical ratings and that persons found qualified for special technical training are to be enrolled as technical apprentices. We have thousands of boys who can drive and repair automobiles, and who would probably be glad to enroll for 1 year's active service to drive and repair tanks, but who do not want to sign up for 3 years to merely carry a musket and drill. We have thousands of boys who would probably be glad to enter the Army or Navy for 1 year and learn things for which they have a liking.

The Army and the Navy are working on an entirely different theory. They are taking in boys and men and first making soldiers and sailors out of them and are then training some of them to become specialists.

If we are in a great emergency to get trained men, is it not more sensible to take into the Army and Navy men already trained as specialists and teach these specialists to become soldiers and sailors instead of following the reverse course? If time is the essential element, is not this the proper procedure?

The principle of enrolling persons in the ratings they are qualified to fill is not new. It is and has been employed in building up a Reserve Officers' Corps for the Army and the Navy. This section of the amendment simply proposes that a similar method be employed in building up a reserve of trained technicians.

Section 2 (d): This section provides that the pay and allowances of persons enrolled in the Volunteer Reserve Corps shall during the period of their training and service receive the same pay and allowances and other benefits as are now provided by law for officers and enlisted men of like rank and length of service of that component of the land or naval forces in which such persons are enrolled. It provides that the number of persons in each pay grade shall be as prescribed by the Secretary of the departments concerned. It also provides that persons enrolled in such Volunteer Reserve Corps shall have an opportunity for promotion therein and shall be given priority in competition for vacancies in the regular service.

The Navy has never had any difficulty getting men, even with the 6-year enlistment period. Persons in the Navy have opportunities for advancement. When the Army becomes mechanized, skilled mechanics, rather than mere "doughboys," will be required. This part of the amendment is designed to give these technical men an opportunity for advancement and to be enrolled in the technical ratings required in the armed forces and the ratings they are qualified to fill.

If the amendment is adopted, persons in the Reserve forces who find that they like Army and Navy life can then enlist in the regular service.

Section 2 (e): This section merely provides that the Secretaries concerned shall report to the Congress at the end of every month the number of persons who have applied for enrollment in the Volunteer Reserve Corps; the number accepted and the number of men enlisted in the regular service.

The amendment to section 3 of the present bill merely provides that if, after 90 days from the date of enactment of this act, the President finds that the number of enlistments in the land and naval forces of the United States is not sufficient to meet the needs of national defense, he shall issue a proclamation to that effect, and thereafter the other provisions of the bill become effective.

### EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, in view of the agreement which has been entered into for a limitation of debate, and in view of the necessary absence of three or four Senators tonight because of illness, I have no desire to proceed further with the session, because I think that under the limitation we can easily dispose of the bill tomorrow. Therefore, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

### EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of sundry citizens and officers for appointment and promotion in the Diplomatic and Foreign Service.

### IN THE ARMY

Mr. SHEPPARD. Mr. President, from the Committee on Military Affairs I report favorably the nominations of certain persons for appointment in the National Guard of the United States, and certain other nominations for promotion or transfer in the Regular Army. These nominations are entirely of routine character and total over 500 in number, and because of the large amount of printing involved, I ask for their present consideration and confirmation.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations are confirmed.

Mr. SHEPPARD. I ask unanimous consent that the President may be at once advised of these confirmations, and that the names of the persons confirmed be not again printed in the CONGRESSIONAL RECORD, but that proper reference be made to the pages on which their nominations appear.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

### THE JUDICIARY

The legislative clerk read the nomination of John D. Martin, Sr., of Tennessee, to be judge of the United States Circuit Court of Appeals for the Sixth Circuit.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified.

POSTMASTER

The legislative clerk read the nomination of Marlin S. Eckerd to be postmaster at Martinsburg, W. Va.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS

Mr. BARKLEY. Mr. President, as in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 33 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, August 28, 1940, at 11 o'clock a. m.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 27 (legislative day of August 5), 1940*

UNITED STATES CIRCUIT COURT OF APPEALS

John D. Martin, Sr., to be judge of the United States Circuit Court of Appeals for the Sixth Circuit.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES ARMY

GENERAL OFFICERS

Harold Holmes Richardson to be brigadier general, Adjutant General's Department, National Guard of the United States.

Thomas Colladay to be brigadier general, National Guard of the United States.

John Watt Page to be brigadier general, National Guard of the United States.

PROMOTIONS IN THE REGULAR ARMY

NOTE.—The nominations of persons named for promotion or transfer in the Regular Army, which were received on the 26th instant, were confirmed today and a list of their names will be found in the CONGRESSIONAL RECORD of August 26, 1940, beginning on page 10943, under the caption "Nominations."

POSTMASTER

WEST VIRGINIA

Marlin S. Eckerd, Martinsburg.

# HOUSE OF REPRESENTATIVES

## TUESDAY, AUGUST 27, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou God of might and of mercy, in these days when hearts are heavy and ways are dark, may we yield ourselves unreservedly to divine guidance. May our groping and faltering spirits be brought under the sway of the eternal truth that emancipates from all anxiety and despair.

We pray that we may live in the strength and light of Thy presence. Grant that our whole life may be an adventure of godly faith, a sacrament of divine love, and a sure prophecy of life that shall endless be.

May the blessing and benediction of the Lord, our God, be given unto our President, our Speaker, and the Members of Congress as they seek to minister unto those who are burdened by care, haunted by fear, and beshadowed by sorrow. Unite us with all who are striving to heal the heartache of humanity. Humbly and confidently we would continue to pray and labor for the coming of the brotherhood and peace.

In the name of the Christ, kingdom of our Saviour, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution:

Senate Resolution 304

IN THE SENATE OF THE UNITED STATES,
*August 26 (legislative day, August 5), 1940.*

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. George N. Seger, late a Representative from the State of New Jersey.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock antemeridian tomorrow.

The message also announced that pursuant to the foregoing resolution the Presiding Officer had appointed Mr. SMATHERS and Mr. BARBOUR as members of said committee on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) entitled "An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes."

EXTENSION OF REMARKS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article that appears in this morning's Washington Post, written by Walter Lippmann.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

FEDERAL TORT CLAIMS BILL

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution, for printing under the rule:

House Resolution 578

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 7236, a bill to provide for the adjustment of certain claims against the United States and to confer jurisdiction in respect thereto on the Court of Claims and the district courts of the United States, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

THE LATE REPRESENTATIVE SEGER

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and include a resolution unanimously adopted by the Committee on Merchant Marine and Fisheries this morning on the death of Hon. GEORGE N. SEGER, a member of that committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution is as follows:

Whereas this committee has sustained the irreparable loss of one of its best beloved and most faithful members, whose sudden departure has brought the greatest grief to all of his associates in the Congress of the United States, as well as in this committee's labors: Now, therefore, be it

*Resolved:* First. That the Committee on Merchant Marine and Fisheries records its deep appreciation of the faithful, untiring, and

efficient service of GEORGE N. SEGER, late a Representative from the Eighth District of New Jersey, whose public service has been marked with distinction, not only in the labors of this committee but also in the Congress of the United States;

Second. That this committee recognizes that in the death of GEORGE N. SEGER the Nation has lost one of its most devoted, loyal, and patriotic sons; the House of Representatives of the United States has lost one of its best beloved, most highly cherished, kindly, and genial Members; and this committee has lost one of its most faithful workers, who was always sound in judgment, wise in counsel, courageous in action, fair in deliberation, frank in discussion, and impelled by the highest ideals in his public and private life;

Third. That this committee will always hold in fondest remembrance its association with GEORGE N. SEGER and will find in his work an inspiration and an example;

Fourth. That the chairman of this committee is hereby authorized to request that a copy of this resolution be made a part of the CONGRESSIONAL RECORD; and

Fifth. That the clerk of the committee is directed to spread this resolution upon the minutes of its meetings and to transmit a copy to the family of the deceased.

EXTENSION OF REMARKS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Pittsburgh Post-Dispatch.

The SPEAKER. Is there objection?

There was no objection.

Mr. KRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an address which I delivered over the radio last Saturday.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a column written by Charles G. Sampas in the Lowell Sun, a young man who loves his country and who has faith in America.

The SPEAKER. Is there objection?

There was no objection.

Mr. THILL. Mr. Speaker, I have two requests. First, I ask unanimous consent to extend my remarks in the RECORD; also to extend my own remarks in the RECORD and to include a short newspaper article.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article appearing in this morning's Post, written by Walter Lippmann.

The SPEAKER. That article has already been placed in the RECORD.

Mr. BLOOM. It is a good article. I withdraw my request.

NEGRO C. C. C. CAMPS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GROSS. Mr. Speaker, I am informed that there are 150 Negro C. C. C. camps in the country and that there are only 2 of these camps that have colored personnel. Now, I do believe that they might as well give the colored people of this country who are capable a break, and here is one place they could at least supply colored doctors and colored chaplains for these colored boys.

If my information is correct, there are two men in the administration who are responsible for this. The one is "Honest Harold" Ickes, Secretary of the Interior, and the other is Henry A. Wallace, Secretary of Agriculture. Mr. Ickes presented Marian Anderson when she sang here in the Capital and Secretary Wallace made a speech at Tuskegee Institute. These two men were at the same time conspiring to keep qualified colored people confined in their place in the sun and now they are in turn asking for the support of these same people. They might do well to explain their actions.

QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. THORKELSON. Mr. Speaker, I rise to a question of personal privilege and the privileges of the House.

The SPEAKER. Does the gentleman desire to present a question of personal privilege and privilege of the House?

Mr. THORKELSON. Yes, sir.

The SPEAKER. The gentleman must present his resolution in writing on the question of the privilege of the House.

Mr. THORKELSON. Mr. Speaker——

The SPEAKER. Just a moment. Is the gentleman's resolution included in the papers he has sent to the desk?

Mr. THORKELSON. I will send the resolution to the desk.

The SPEAKER. Where is it? The Chair sees no resolution among these papers.

Mr. THORKELSON. I have the resolution here. Will the Chair allow me to state my complaint?

The SPEAKER. The gentleman will present the resolution.

Mr. THORKELSON. If the Chair will allow me to state my complaint, I will be glad to send it up.

The SPEAKER. The gentleman must present his resolution before he can make a statement, if it is a matter affecting the privileges of the House.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HOFFMAN. If a Member raises a question of personal privilege as well as the question of privilege of the House, on the question of personal privilege is he required to file a resolution?

The SPEAKER. The Chair did not so rule. The gentleman from Montana coupled his statement to include both questions of privilege.

Mr. HOFFMAN. May a Member not speak on his question of personal privilege, without sending up a resolution?

The SPEAKER. The gentleman may state his question of personal privilege. The Chair will state to the gentleman from Michigan that the Chair made the ruling because the gentleman from Montana coupled both the question of personal privilege and the privilege of the House, which the rule requires to be in writing.

The Chair will hear the gentleman from Montana on the question of personal privilege.

Mr. THORKELSON. Mr. Speaker, I rise to a question of personal privilege and to a question of the privilege of the House, and offer a resolution which I send to the Clerk's desk. The question which I raise may be stated as follows, and, for clarity, attention is called to the CONGRESSIONAL RECORD under date of August 14, 1940, to the matter contained on pages 10341 and 10342.

On August 14 I asked and received unanimous consent to proceed for 1 minute and then proceeded without objection to make a statement which appears on page 10341 of the RECORD, in the left-hand column.

Thereafter, another Member of the House obtained unanimous consent and addressed the House. Thereupon the gentleman from Illinois [Mr. SABATH] obtained unanimous consent to proceed for 1 minute, and according to the official transcript of the reporter of the House, the following occurred:

Mr. SABATH. Mr. Speaker, I objected to the unanimous-consent request of the gentleman from Montana [Mr. THORKELSON] to insert some articles in his statement because all his utterances and all his insertions were not based on facts, no justification, unfair, and unwarranted.

Mr. THORKELSON. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. SABATH. Oh, sit down.

Mr. THORKELSON. I want his words taken down, Mr. Speaker. He has made the statement that my information is not based on facts. You sit down yourself. You are talking too much anyway.

Mr. SABATH. When I talk, I do not talk or insert nonsense.

The SPEAKER. The Chair will rule that if the words were taken down the Chair would hold that they did not infringe the rules as far as the statement so far has been made. The gentleman will proceed.

Mr. SABATH. Every Member knows what I have said is right. The gentleman from Montana in the last few days, though he has been repudiated in his own district and defeated, has plugged up the CONGRESSIONAL RECORD with about 12 pages of stuff that is

unfit for the CONGRESSIONAL RECORD. He puts in stuff that he sends out under his frank by the thousands, misleading the American people. I know they have no confidence in him.

Thereafter, the gentleman from Illinois [Mr. SABATH] revised and extended his remarks by causing to be printed in the CONGRESSIONAL RECORD the following:

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I objected to the unanimous-consent request of the gentleman from Montana [Mr. THORKELSON] to insert some articles in his statement because I have found in the past that many of his extensions of remarks were not based on facts, were without justification, were unfair, and unwarranted.

Mr. THORKELSON. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. SABATH. Oh, sit down.

Mr. THORKELSON. I want his words taken down, Mr. Speaker. He has made the statement that my information is not based on facts. You sit down yourself. You are talking too much anyway.

Mr. SABATH. When I talk, I do not talk or insert nonsense.

The SPEAKER. The Chair will rule that if the words were taken down the Chair would hold that they did not infringe the rules as far as the statement so far has been made. The gentleman will proceed.

Mr. SABATH. Every Member knows what I have said is correct. The gentleman from Montana in the last few days, though he has been repudiated in his own district and defeated, has loaded down the CONGRESSIONAL RECORD with more than 12 pages of stuff unfit for the CONGRESSIONAL RECORD. He sends this misleading information out under his frank by the thousands at the expense of the American taxpayers, whom I know have no confidence in him.

The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him. [Here the gavel fell.]

A comparison of the official record furnished by the Reporter of the House with the printed CONGRESSIONAL RECORD shows that the gentleman from Illinois [Mr. SABATH], without having obtained permission to revise or extend his remarks, not only revised his remarks as made on the floor of the House, but he added to those remarks the following words and figures:

The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his "leaves to print" a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him.

It is of the utmost importance that the CONGRESSIONAL RECORD be a true record of the proceedings of the House. The integrity of the RECORD is destroyed by the insertion of remarks purporting to have been made on the floor of the House, but which were not so made, when no permission has been granted by the House to insert those remarks.

The remarks which have just been quoted as having been inserted in the RECORD by the gentleman from Illinois [Mr. SABATH] were not made on the floor of the House and violate the rules of the House in two particulars.

First, the remarks charge that the Member from Montana had inserted 210 pages of "scurrilous matter" in the RECORD. "Scurrilous," among other things, means "grossly offensive," "vulgar," "opprobrious."

Such remarks reflect upon the character, the reputation, of the Member from Montana; tend to hold him up to ridicule; reflect upon his ability, his reputation, and his character in his representative capacity.

They also charge him with having inserted in the RECORD a forged letter.

Each of these charges raises a question of personal privilege, which can only be taken advantage of in the manner here brought to the attention of the Speaker, for the reason that, not having been made on the floor but having thereafter been inserted in the RECORD, a demand that the words be taken down could not be made.

Even though permission to revise and extend his remarks had been obtained by the gentleman from Illinois [Mr. SABATH], the remarks inserted in the RECORD are subject to a point of personal privilege, for the reason, as just stated, that, not having been made on the floor, the gentleman from Illinois [Mr. SABATH] could not be called to account and a demand that they be taken down could not be made.

The action of the gentleman from Illinois [Mr. SABATH] also involves a question of the privilege of the House, for the reason that the last quoted remarks, beginning with the sentence, "The House will recall that in the RECORD of May 16," and ending with "I lost all confidence in him," were not uttered upon the floor, no permission to revise and extend his remarks was granted to the gentleman from Illinois and the insertion of those remarks in the RECORD falsifies the record of the House.

I therefore offer a resolution, and ask that I be recognized on my point of order.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the gentleman from the Fifth District of Illinois, Mr. SABATH, caused to be inserted in the CONGRESSIONAL RECORD of August 14, 1940, on page 10342, the following remarks:

"The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him."

And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the RECORD a forged letter; and

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD as printed contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained; and

Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it

*Resolved*, That the remarks appearing on page 15814 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him," be, and they hereby are, expunged from the CONGRESSIONAL RECORD, and are declared to be not a legitimate part of the official RECORD of the House.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. SABATH. The gentleman from Montana raises the question that the word "scurrilous" has been used. For the purpose of saving the time of the House, if he objects to the word "scurrilous" I will withdraw the word "scurrilous."

Mr. THORKELSON. I wish to be recognized on my point of order, Mr. Speaker.

The SPEAKER. The Chair would state that in looking over the matter presented by the gentleman from Montana there is only one phrase which, in the opinion of the Chair, would give the gentleman recognition as a matter of personal privilege. That is the word used by the gentleman from Illinois [Mr. SABATH] in his extension of remarks in the RECORD, the word "scurrilous." The gentleman from Illinois has stated that he is willing to withdraw that word from the permanent RECORD. In view of that fact, would the gentleman from Montana object to that?

Mr. THORKELSON. Mr. Speaker, I also want to take up the question of forgery, of which I have been accused—of using forged matter in the RECORD.

The SPEAKER. Would the gentleman answer the first inquiry submitted to him by the Chair with reference to the

offer of the gentleman from Illinois to withdraw from the RECORD the term "scurrilous" as used in his extension of remarks?

Mr. THORKELSON. Mr. Speaker, I have no objection to the withdrawal of the matter that is set forth in the resolution, but I want to clear my name of the stigma which has been cast upon it by the gentleman from Illinois. That is the reason I raised the question of the privilege of the House.

The SPEAKER. The gentleman from Illinois has asked unanimous consent, in view of the fact that the gentleman takes offense, and probably a proper offense, at the use of the word "scurrilous" on his part in his extension of remarks, that that word be withdrawn from the permanent RECORD. Does the gentleman object to that?

Mr. THORKELSON. No.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I shall object unless there is included in the request a further request to withdraw all the words regarding forgery and accusing the gentleman from Montana of being a member of a conspiracy with reference to a forgery insertion in the RECORD.

The SPEAKER. The Chair is inclined to feel that there is nothing to substantiate the assertion that the gentleman from Illinois charged the gentleman from Montana with forgery. The Chair is going by the RECORD and the papers presented to the Chair by the gentleman from Montana.

Mr. THORKELSON. I did not hear.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I shall object unless the gentleman from Illinois withdraws his remarks in his extension with reference to accusing the gentleman from Montana of introducing a forged letter in the RECORD. Unless he makes that further request, I shall object.

Mr. SABATH. The House letter has been acknowledged to be a forgery. I merely stated what had actually taken place on the floor of the House.

Mr. COX. Reserving the right to object, I wonder if it would not be agreeable to the gentleman from Illinois to amend his unanimous-consent request by asking leave to withdraw the word "scurrilous"; to expunge from his speech the word "scurrilous" because it violates the rules of the House.

The SPEAKER. The gentleman has submitted that request, and it has been agreed to.

Mr. COX. But he attached a condition. In order to save time, I am sure he is willing to amend it, because it is a violation of the rules of the House, and I am sure that the gentleman is willing to state in his own place that he had no intention of accusing the gentleman from Montana of knowingly inserting in the RECORD a forged letter.

The SPEAKER. The Chair is of the opinion that that implication can be drawn legitimately by the request already made by the gentleman from Illinois, which has been agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, do we understand that the gentleman will withdraw the language in the extension which accuses the gentleman of putting a forged document in the RECORD?

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, the gentleman from Illinois, I may say, cannot do that because the so-called House letter was put in the RECORD and was proven absolutely to be a forged letter, and the gentleman from Montana did not object to its being noted as a forged letter.

Mr. THORKELSON. The gentleman is out of order. Pardon me; that is not a correct statement. I did not say that. I said the substance matter of the letter was correct, and I am going to prove that the letter is correct.

Mr. SHAFER of Michigan. Mr. Speaker, I demand the regular order.

Mr. RAYBURN. Does the gentleman from Montana mean to say——

Mr. SHAFER of Michigan. Mr. Speaker, I demand the regular order. I make the point of order that these gentlemen are out of order.

The SPEAKER. The House is in order. The Chair is hearing the gentlemen on the broad question of personal privilege.

Mr. RAYBURN. I may say to the gentleman from Michigan, if he states that I am out of order, that I made my statement under a reservation of the right to object and was perfectly in order according to the rules of the House.

My understanding about the whole matter is that everybody agreed that the so-called E. M. House letter was a forgery. What does the gentleman from Montana say?

Mr. THORKELSON. The gentleman from Montana says he is going to prove that it was not a forgery.

The SPEAKER. The Chair, in order to get at the crux of this controversy, is now prepared to rule that the statement that the gentleman introduced a forged letter into the RECORD does not say that the gentleman from Montana forged the letter or that he introduced it knowing it to be a forged letter, and the Chair rules that that did not constitute a matter of privilege.

Mr. THORKELSON. Mr. Speaker, if there is a forged letter there must be an original. There could not be a forgery without there being an original and I want to prove the original letter.

The SPEAKER. The gentleman from Montana is not charged with having forged any letter.

Mr. THORKELSON. By inference he is.

The SPEAKER. It does not reflect upon the gentleman's action, reputation, or standing with reference to the letter itself; it merely states that he introduced this letter and it was forged—not by him.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I have not seen these papers, and, of course, I had no knowledge that this matter was coming up. But, as I understand the Speaker, he has inspected the papers, and the Speaker finds that there is nothing in the papers charging the gentleman from Montana with knowingly inserting any forged documents in the RECORD.

The SPEAKER. That is the conclusion the Chair draws from the papers that have been presented.

Mr. MICHENER. And there is nothing in the document that in any way reflects upon the integrity or the honesty of the gentleman from Montana [Mr. THORKELSON]?

The SPEAKER. Not with reference to the matter of the forged letter. The Chair does hold that the use of the word "scurrilous" as described in Webster's Dictionary is unparliamentary, but the gentleman from Illinois [Mr. SABATH] has asked unanimous consent to withdraw that term from the RECORD. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, in view of the Chair's ruling with reference to the purported forged letter not casting any reflection upon the gentleman from Montana, I shall withdraw my objection to the request of the gentleman from Illinois [Mr. SABATH].

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

Mr. MICHENER. Mr. Speaker, further reserving the right to object, forgery is unlawful in the first instance, and it is also unlawful to knowingly utter a forged instrument. As I understand, the Speaker holds that there is nothing in the RECORD or in these papers to indicate, even had the letter been forged, that the gentleman from Montana had any knowledge of such forgery.

The SPEAKER. The Chair would be inclined to hold that there is no implication whatever reflecting upon the gentleman from Montana with reference to the so-called forged letter. There is no allegation that he was conscious of the fact it was a forgery and there is nothing else seeking to bring his reputation into disrepute. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Is not the gentleman from Montana entitled to proceed on the theory that the gentleman from Illinois inserted in the RECORD certain matter which did not occur on the floor of the House, so the RECORD, as printed, is not an accurate transcript? Does not that raise a question of the privileges of the House?

The SPEAKER. The gentleman from Michigan raises the point that the gentleman from Illinois did not have permission to revise and extend his remarks?

Mr. HOFFMAN. The gentleman from Montana so stated and the matter sent up to the desk includes at least 9 or 10 typewritten lines inserted in the printed RECORD which the Member from Montana claims were never uttered on the floor of the House and for which no permission was granted for insertion in the RECORD.

The SPEAKER. Does the gentleman contend that the gentleman from Illinois did not receive permission to revise and extend his remarks in the RECORD?

Mr. HOFFMAN. That is the contention of the gentleman from Montana.

The SPEAKER. What does the gentleman from Illinois [Mr. SABATH] have to say about that?

Mr. SABATH. I obtained unanimous consent to revise the brief remarks I made on the floor of the House that day. In fact, I received two different privileges to extend and to revise.

Mr. THORKELSON. I have examined through the RECORD and he did not get permission.

Mr. SABATH. This is a statement appearing in the CONGRESSIONAL RECORD a month ago; that is all it is. It is not by me.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, that raises a question of the accuracy of the gentleman from Montana and of the gentleman from Illinois and is easily determined by a search of the RECORD.

The SPEAKER. It does not raise a question of veracity in the opinion of the Chair, but it does raise a question in reference to the RECORD itself, as to whether or not such permission was obtained by the gentleman from Illinois.

Mr. HOFFMAN. The gentleman from Montana says the gentleman from Illinois did not obtain unanimous consent.

The SPEAKER. That is purely a question of fact.

Mr. HOFFMAN. Surely.

The SPEAKER. Would the gentleman from Montana [Mr. THORKELSON] withhold his request for the time being so that the Chair may have the opportunity to find out from the Reporter's notes whether such request was granted?

Mr. THORKELSON. I will withhold the request until the RECORD may be examined. I want to make this statement in regard to the letter that has been discussed a great deal. That letter is absolutely true, as it is written in the Geneva hearings.

Mr. SABATH. What letter? The so-called House letter has been admitted to be a forgery.

The regular order was demanded.

### UNITED STATES NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 4271) to increase the number of midshipmen at the United States Naval Academy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain what the bill is and what it does, and whether it comes from the committee with a unanimous report?

Mr. VINSON of Georgia. Mr. Speaker, if the House will bear with me for one moment I shall endeavor to explain the bill so each Member can thoroughly understand it.

This is a departmental bill, recommended by the Navy Department, and in accordance with the financial program. The bill has passed the Senate. The bill was considered by the Committee on Naval Affairs and, after 2 or 3 days of hearings, it was voted out by the committee with one minority vote. One member of the majority voted against recommending passage of the bill. I may state that all the minority members of the committee voted for the bill.

The purpose of this bill is to do one simple thing, that is, to permit the alternates appointed by Members of Congress to the Naval Academy, and who passed the examination, to go to the academy as well as the principal. As you understand, every Member of the House and every Senator appoints a principal and 3 alternates. The principal has passed the examination and gone on to the academy. The alternates who passed the examination cannot enter because there are no vacancies. This bill merely permits those alternates who have qualified and have passed the examination to enter the academy just as their principal has entered, because there are vacancies at the academy. There are 145 Members of Congress who will have at the academy a principal and 1, 2, or 3 alternates, because their whole group passed.

In the report of the committee, which is now available, every Member of Congress will see the name of the boy appointed and will see from what district he goes to the academy. In other words, if you appointed a principal and your principal qualified, he is already at the Naval Academy and will commence the term in September. If your alternate passed he is also permitted to go to the academy. If your principal passed and your alternate did not pass, he cannot go to the academy.

This bill does not take in anyone but those alternates of appointees of Members of Congress and the Presidential appointees, and others, who have actually passed the examination. All they will have to do is meet the physical requirements. I hold here a complete list showing the appointments of every Congressman and every Senator as well as the Presidential appointments. They appear in the report on the bill.

Now I shall yield to Members of the House for questions.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Michigan.

Mr. DONDERO. I believe the gentleman has answered my question, but do I correctly understand that if a Member has one, two, or three alternates, all three of them will be accepted?

Mr. VINSON of Georgia. All three can go. If your principal passed and your three alternates passed they will enter the academy, and will have to enter between now and September 14.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Michigan.

Mr. MICHENER. What effect, if any, will the enactment of this bill have on the several districts? That is, assume that in my district, for instance, I had one appointment this year, the principal was admitted and all the alternates failed, but in the district of the gentleman from Georgia, let us assume, the gentleman had one vacancy and his principal and all the alternates passed. Under this measure would the gentleman then receive three or four appointments this year?

Mr. VINSON of Georgia. The gentleman is correct.

Mr. MICHENER. What effect would that have on a district next year, when, under ordinary conditions, a vacancy might hold over?

Mr. VINSON of Georgia. It does not affect the appointment next year at all. It does not affect what you are going to do on the 1941 appointments. The emergency exists to have more officers in the Navy. We have room at Bancroft Hall to take care of them. We have the instructors there. We have the boys who have passed the examinations, but they cannot go into the academy because the law states that

none but the principal can enter. This bill permits the alternates to go in as well as the principal, having passed the examination.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Suppose a Member of Congress has a principal who passed and also an alternate who passed. The principal, of course, got the appointment for this year. The alternate was not entitled to an appointment, but the Member of Congress, the alternate being just short of the age limit, makes a trade so that he can get that boy in this year. Had this law been passed a month ago that alternate could come under this law, but under the present circumstances he could not.

Mr. VINSON of Georgia. We cannot legislate to handle trades. If your principal passed, he is over there now. If your alternate passed, this bill permits him to go in, and that is all it does.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. This measure has already passed the Senate. Am I correct in stating that the real purpose of the consideration of the bill at this time is that it fits into the needs of our national-defense program?

Mr. VINSON of Georgia. The gentleman from West Virginia is absolutely correct. My principal passed and all of my alternates failed. As a matter of fact, I hardly think that in the case of the members of the Committee on Naval Affairs there are more than two alternates who can go into the academy. It is to be hoped that no Member of Congress will hesitate to give unanimous consent to the favorable consideration of this bill because he does not have something in it. The national-defense program cannot be built upon politics or upon logrolling, or upon patronage. This measure should pass because we have the boys qualified to go there and we need the officers.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Tennessee.

Mr. COOPER. Does it apply to this year only?

Mr. VINSON of Georgia. It applies to those of 1940 who go in. The examinations have already been held, and they must enter the academy between now and the 14th day of September.

Mr. COOPER. It does not apply to any alternates who may qualify next year?

Mr. VINSON of Georgia. Not at all; it does not apply to anyone who is going to be appointed in the future. It applies to appointments that have already been made.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. COLE of New York. I think the gentleman should point out that this applies to appointments made a year ago and also to those for 1940.

Mr. VINSON of Georgia. Yes; but the examinations have all been held and no new boy can be examined. It simply permits the alternates who passed the examination to go to the academy now as well as their principal who also goes there.

Mr. COX. Mr. Speaker, will the gentleman yield to me?

Mr. VINSON of Georgia. I yield to the gentleman from Georgia.

Mr. COX. How many young men will be admitted to the academy under this law?

Mr. VINSON of Georgia. The report is available in the document room——

Mr. HULL. He cannot get it there.

Mr. VINSON of Georgia. I got mine there a moment ago.

Mr. EBERHARTER. There are no copies available here.

Mr. VINSON of Georgia. On the Presidential list there are 7, in the Naval Reserve there are 21, and in the Congressionals 156, which is a total of 184, and out of the 184, approximately 15 percent will fail physically, and there is a list here of every Congressman who is involved in the matter.

Mr. MASON. The report is now available, I may say to the gentleman.

Mr. VINSON of Georgia. The report is here and the Members can all get the report and see if they have a boy going in under this bill.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Pennsylvania.

Mr. RICH. Many of the Members of Congress this past year did not have any appointments to the Naval Academy and therefore he would not be entitled to have a boy on the list, but nevertheless he may have had 50 or 75 good applications from boys who could pass both mentally and physically. This has been in the mind of somebody for sometime——

Mr. VINSON of Georgia. No; it has not.

Mr. RICH. It seems to me that the Members of Congress should have the right and the opportunity to present boys who could take this examination instead of permitting one Member of Congress to have three or four candidates enter the academy, while other Members do not have that opportunity.

Mr. VINSON of Georgia. If the gentleman had no vacancy last year, his vacancies will occur in the future, because every Member is entitled to have four appointees. If the gentleman has none now he will have an appointment when his vacancy occurs over in the academy. This does not take away a single thing from any Member of Congress.

Mr. RICH. Yes, it does.

Mr. VINSON of Georgia. But it permits those already available to go to the academy now.

Mr. RICH. Will these appointees from these particular districts be deducted from the Member of Congress——

Mr. VINSON of Georgia. Not at all; it simply means that these boys from these districts will go in now and these Congressmen when their other vacancies occur from their respective districts, recognizing the fact they cannot have more than four there at one time, will not be permitted to name more than one.

Mr. RICH. Then the Member of Congress who gets these appointments will not be permitted to have more than four boys at the academy at one time?

Mr. VINSON of Georgia. That is the law.

Mr. RICH. And this bill does not change that law.

Mr. VINSON of Georgia. Not at all.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Georgia.

Mr. PACE. I understand that these extra boys will be charged to your four-man allotment at the academy?

Mr. VINSON of Georgia. Not at all. These extra boys go in because they are qualified now, but the law and the appropriation fixes it so that there can be but four appointees at the academy from any one Member of Congress.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. MICHENER. I understand that this bill simply creates this additional number of places in the academy, without reference to existing statutes. It authorizes the admission to the academy of a group already qualified so far as changing the present law is concerned.

Mr. VINSON of Georgia. That is correct. There is nothing in this bill that repeals any existing law. It merely permits these boys who are qualified now to go in because we have the places and we have the professors and we have the accommodations there for them. It is contemplated in the appropriation bill that will be before the House the next fiscal year to have five appointees. It is contemplated a little later to have six. To have six, it will cost $10,000,000 to fix up the Naval Academy, but it does not cost anything to take care of these boys now.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. PATMAN. Let me see if I understand. Suppose a Member has four in the academy now. Under the terms of this bill, if he has three alternates who have heretofore qualified, either in 1939 or 1940, they will go in in addition to the four.

Mr. VINSON of Georgia. That is correct.

Mr. PATMAN. And then he will have seven?

Mr. VINSON of Georgia. That is correct.

Mr. PATMAN. Does the gentleman not think that we should amend this and charge those to his quota?

Mr. VINSON of Georgia. Not at all. We debated that before the committee. There is only one thing. We have an opportunity to take these boys in, but if any Member of Congress wants to object to this bill, he has the right to do so. I certainly hope, because I have but one, and the gentleman from Texas may have seven and the gentleman from Georgia [Mr. PACE] none, that no one will object to it because we need these boys; they have qualified, they have met every educational requirement, they have passed the elementary tests, and they should be entered into the academy irrespective of the fact of whether I have seven or two or have none. [Applause.]

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. KITCHENS. It is not so long ago that the academy had to let out a lot of young men who graduated down there because there was no place for them.

Mr. VINSON of Georgia. That is true, because we had no ships. That was in 1932. Since 1932 we have built and put into the Navy 111 ships.

Mr. KITCHENS. That is the point that I am raising. What have you done about permitting or arranging for these young men to go back into the service now?

Mr. VINSON of Georgia. We passed a law to permit every one of those who could qualify to come back in the following year. They are all in who qualified.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. RANDOLPH. Then it is my understanding that the Senate in unanimously passing the measure, and your committee in recommending it, have brought us a bill that is not based upon the origin of the boys that are qualified, but upon the need for the boys at the present time.

Mr. VINSON of Georgia. On the origin of those that are qualified now, and based on that need. For instance, the gentleman from Massachusetts [Mr. MCCORMACK] has in this bill, as I remember it, three men. His principal passed and his three alternates passed. He has probably four at the academy now. That will make seven. I have but one there. Do gentlemen think that I would be serving my country if I object to this because the gentleman from Massachusetts [Mr. MCCORMACK] has seven there and that I have but one? I had my opportunity, I gave it to the boys. My principal passed but my alternates did not. That applies to a great many of us, and I certainly trust that no one here will object to this because he has not the equal patronage at this time that some other man has. [Applause.]

Mr. THOMASON. Mr. Speaker, what is the situation of a boy who has now passed the entrance age requirement?

Mr. VINSON of Georgia. The age requirement is kept the same.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Certainly.

Mr. MICHENER. There is a bit of uncertainty about this matter on this side. Will the gentleman yield to the gentleman from New York [Mr. COLE], a minority member of this committee?

Mr. VINSON of Georgia. Certainly.

Mr. COLE of New York. Mr. Speaker, is not this the fact, that this bill enlarges the authority of the President of the United States to nominate candidates to Annapolis, but limits that enlarged authority to those congressional nominees who have already passed and met the physical examination?

Mr. VINSON of Georgia. That is right. Of course, the bill permits the President to do it, but he is restricted to this list in this report to these men who have been nominated by various Representatives and Senators.

Mr. COLE of New York. So that it does not in any way affect the rights of any Member to appoint candidates?

Mr. VINSON of Georgia. It involves no Member's rights as to what he can do in the future.

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. WOLVERTON of New Jersey. I would appreciate it if the gentleman would make plain what is meant by the proviso in the bill that "no such candidate shall be eligible for admission who was more than 20 years on April 1, 1940." The reason I ask the question is this: Assume a boy qualified as to age on April 1, but has become more than 20 years of age since April 1, would he be admitted to the academy under the terms of this bill?

Mr. VINSON of Georgia. The age limit requires that he be between 16 and 20, and that is holding it down to the age limit.

Mr. WOLVERTON of New Jersey. But the point I am making is that with the proviso contained in the bill, reading "that no such candidate shall be eligible for admission who was more than 20 years of age on April 1, 1940," it would not seem to preclude a boy who had not reached the age of 20 until after April 1.

Mr. VINSON of Georgia. No; it does not.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. PACE. A hurried check over this list shows that one Member of Congress has four boys. Assuming he now has four boys in the academy, that would give him eight?

Mr. VINSON of Georgia. That is right.

Mr. PACE. Then would he continue hereafter to have his regular appointments?

Mr. VINSON of Georgia. Exactly. I do not think the gentleman from Georgia [Mr. PACE] has anyone in here. As a matter of fact, going over this list, I think there is but one Member of the Georgia delegation whose alternates passed, and that is the gentleman from Georgia [Mr. COX], from the Second District. Now, some Members might have four. Some Members might have three. I certainly hope, because the gentleman from Georgia [Mr. PACE] has not anybody in here, he will not object to it because of these other boys.

Mr. COX. The gentleman from Georgia [Mr. BROWN] has that distinction, and not I.

Mr. VINSON of Georgia. I stand corrected.

Mr. PACE. I am trying to get it straight from the gentleman. One time he says these extra boys will be charged to your appointments.

Mr. VINSON of Georgia. They will not be charged. If I made such a statement it is in error.

Mr. KNUTSON. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. KNUTSON. Certainly they will be charged to the extent that when the senior cadet graduates it would not create a vacancy.

Mr. VINSON of Georgia. The four appointments are not affected at all. They will not be charged against any Member of Congress having the right to keep at the academy at least four men. It simply means that these additional candidates who have qualified can go to the academy.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. RICH. A few moments ago I asked you certain questions.

Mr. VINSON of Georgia. I was in error then. I did not catch the question.

Mr. RICH. Then we understand the ones who have the appointments now, if they have four men in the academy, if they have four on this list, can have eight men in the academy?

Mr. VINSON of Georgia. Exactly. If it happens that you have four from your district now, you could have four under this bill, and that would make eight from your district. But that would not in the slightest degree affect my right to have four at the academy.

Mr. RICH. I want to say to the gentleman that this bill comes up in the House, and we only have about a half an hour to consider it. If it is so important that it must go through, why was not notification given to the House that we would consider legislation of this kind today, and why were not the Members given an opportunity who did not have any appointment last year and who have no boys on the permanent list or on the alternate list, to get into the academy? You are giving them to some Members, while other Members do not even have an opportunity, where they have 50 or 60 candidates who could take an examination and qualify. The Navy Department could examine those boys in 24 hours, and they could be given a certificate and admitted.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. RICH. Mr. Speaker, I will object unless we have time to debate this.

Mr. VINSON of Georgia. Let us have it right now.

The SPEAKER. The gentleman has had a half an hour already.

Mr. RICH. That is all right. We have nothing else to do. We have not had very much to do for weeks, and we can discuss this matter.

Mr. VINSON of Georgia. Let me answer the gentleman from Pennsylvania. The reason why the bill is here at this time is due to the fact that the boys have gone into the academy in June. The course starts in September. The Navy Department checked up and found out that it could accommodate about 250 or 300 more in Bancroft Hall. It could not hold a new examination and get them all in there by September 14. So they said, "Here is a group of boys who have qualified; 184 from congressional appointments have qualified, and they cannot come in because their principals have gone in." The Navy Department recognizes the national-defense situation; recognizes that we have to have officers; recognizes the fact that we are paying these professors at the academy when we can educate this many more boys.

Mr. RICH. Would the gentleman object——

Mr. KENNEDY of Maryland. Mr. Speaker, I demand the regular order.

Mr. VINSON of Georgia. Will not the gentleman withhold his demand for a minute to let us iron this out?

Mr. KENNEDY of Maryland. Mr. Speaker, I yielded to the gentleman from Georgia because he said his bill would take only a couple of minutes, yet we have consumed over half an hour. We have a lot of business to transact and I must insist on the regular order.

The SPEAKER. The gentleman from Maryland demands the regular order. The regular order is, Is there objection to the request of the gentleman from Georgia?

Mr. RICH. Under all circumstances, Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. VINSON of Georgia. I am not going to bring the bill back to the House.

The SPEAKER. The gentleman from Pennsylvania has objected to the request.

## THE PRIVATE CALENDAR

### SECOND OMNIBUS CLAIMS BILL

The Clerk called the first omnibus bill on the Private Calendar (H. R. 8717) for the relief of sundry claimants, and for other purposes.

### MIKE L. BLANK

The Clerk read as follows:

*Be it enacted, etc.*

Title I—(H. R. 809. For the relief of Mike L. Blank.) By Mr. CANNON of Florida

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike L. Blank, of Delray Beach, Palm Beach County, Fla., the sum of $20,150 in full settlement of all claims against the United States for damage done to his nursery gardens and property, located in sec. 28, T. 46 S, R. 43 E., Palm Beach County, Fla., from October 2, 1933, to the date of this act, by their overflow with salt water from the Intracoastal Waterway, due to the widening and deepening of the waterway adjacent to and in the vicinity of said nursery gardens and property and the removal of the dikes along the waterway by the War Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: No. 1. Strike out all the language of title I, H. R. 809, on pages 1 and 2, and insert in lieu thereof the following:

"That jurisdiction is hereby conferred upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment upon the claim of Mike L. Blank, of Delray Beach, Palm Beach County, Fla., said claim arising out of damage done to his nursery gardens and property, located in section 21, township 46 south, range 43 east, Palm Beach County, Fla., from October 2, 1933, to the date of the passage of this act, caused by their overflow with salt water from the Intracoastal Waterway, allegedly due to the widening and deepening of the waterway adjacent to and in the vicinity of said nursery gardens and property and the removal of the dike along the waterway by the War Department. Suit hereunder may be instituted at any time within 1 year from the date of the enactment of this act, and proceedings therein, appeals therefrom, and payment of judgment thereon, if any, shall be had in the same manner as in the case of claims over which said court has jurisdiction under the provisions of the Judicial Code."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. COSTELO moves to strike out all of title I.

Mr. COSTELLO. Mr. Speaker, my purpose in offering this amendment is purely to gain an opportunity to address the House for a minute.

This bill is similar to another which previously passed the House and which met with the approval of the President. This bill authorizes Mr. Blank to go through the Federal courts and sue for damages he alleges have arisen through the work which has been done on the Intracoastal Waterway in Florida. In view of the fact that his neighbor under the same circumstances was allowed to go to the Court of Claims I believe the same redress should be granted this claimant. For this reason, Mr. Speaker, I am going to ask unanimous consent that my amendment may be withdrawn and that the claimant may be allowed to have the same relief that was granted to the claimant in an earlier case under the same circumstances.

Mr. Speaker, I ask unanimous consent to withdraw my amendment.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, the President vetoed a Senate bill very recently wherein a certain individual was granted the right to sue in the district court. Was that bill vetoed because that case was sent to the district court rather than to the Court of Claims, or was it because there was an appeal from the district court of the United States to the Supreme Court without going through the court of appeals?

Mr. COSTELLO. I am not familiar with the bill to which the gentleman refers, so I could not state, but the pending bill is identical in language to another bill which was passed by the Congress and signed by the President and is now public law. The two parties are in exactly the same situation, asking for the same relief.

Mr. COCHRAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The title was amended so as to read: "A bill to confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment on the claim of Mike L. Blank."

WILLIAM C. REESE

The Clerk read as follows:

Title II—(H. R. 1429. For the relief of William C. Reese.) By Mr. PATRICK

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William C. Reese, of Birmingham, Ala., out of any money in the Treasury not otherwise appropriated, the sum of $3,500, in full satisfaction of his claim against the United States for personal injuries sustained from the kick of a mule on October 15 or 25, 1917, while the said William C. Reese was in the performance of his duty as an employee of the Goodrich Construction Co. engaged in the construction of an Army camp as a subcontractor under authority of the United States, said injury having been sustained through the negligent or reckless act of a soldier of the United States Army in charge of such mule whilst in the performance of his duties as such soldier: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. COSTELLO moves to strike out all of title II.

Mr. COSTELLO. Mr. Speaker, the present bill provides for the payment of $3,500 to William C. Reese, of Birmingham, Ala. Mr. Reese was employed upon a project at Camp McClellan in Alabama doing construction work. At that time an Army soldier was exercising an Army mule in the vicinity of the project. William Reese had asked the soldier not to exercise the mule in the particular location, but the soldier continued to do so. Mr. Reese apparently at the time was talking to an Army officer, obtaining instructions in regard to construction work which was being done. The mule kicked Mr. Reese, and as a result he sustained injuries from which he claims to have suffered during the 20 years that have elapsed since that time. The injury took place some time between October 15 and 25, 1917. The War Department has no record of the injury. At the time Mr. Reese was eligible to receive the benefits of the insurance which was held by the contractor. The premiums for that insurance were paid for by the Federal Government in making the payment to the contractor on this project. To my mind there is no justification for the Federal Government's making a payment to Mr. Reese when he had the right to sue the insurance company.

The sole purpose of requiring insurance to be carried by the contractor was to obviate this very situation and to prevent any possibility of the Federal Government becoming liable for any injuries that might be sustained by employees engaged in construction work. These injuries were undoubtedly sustained by Mr. Reese while he was engaged in work on that construction project. He would certainly come under the provisions of the insurance policy in that event. Having failed to avail himself of that remedy, I do not believe he is entitled to come here and ask the Federal Government to grant him relief. For this reason I have offered an amendment to strike out the title.

Mr. HANCOCK. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from New York.

Mr. HANCOCK. Does the gentleman think it is a wrongful act for a soldier to lead an army mule along the road at an army post?

Mr. COSTELLO. The soldier was carrying out the orders of his superior officer in exercising the mule and was carrying it out in the particular area in which he was instructed so to do.

Mr. PITTENGER. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Why does the gentleman want to strike out the title if this man was doing what he was ordered to do by his superior officer?

Mr. COSTELLO. For the simple reason that Mr. Reese had a remedy provided under the insurance policy. He was an employee on this construction project and the contractor carried insurance to take care of injuries to employees. He was injured in the course of his duty on that work, yet he did not avail himself of the opportunity to obtain relief under that insurance policy.

Mr. PITTENGER. Does the gentleman have anything in writing to indicate the insurance company admitted liability or to show that liability was fastened on them?

Mr. COSTELLO. The fact is that the contractor had to carry the insurance policy, otherwise he could not have obtained the contract from the Government. The Government reimbursed the contractor for the amount of the premium paid for that policy.

Mr. PITTENGER. As a matter of fact, a lot of these insurance policies for one reason or another have exceptions. Might not the insurance company have held that this man out here leading the mule was not covered by the policy and perhaps that is the reason he did not pursue the remedy suggested by you?

Mr. COSTELLO. Under the policy he should have been entitled to recover because he was engaged in the actual work of construction which that insurance policy covered. While the injury was not from a falling log or from a load of bricks, he was injured during the course of his employment on that project. I cannot see any reason why the insurance company would be able to avoid payment of its obligation under the policy.

Mr. Speaker, for the reasons above, I hope the House will agree to my amendment.

Mr. PATRICK. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from California [Mr. COSTELLO].

Mr. Speaker, this is the case of William C. Reese, of Birmingham, Ala., who is making a claim which seems to be entirely justified from my analysis of the facts. This accident happened on October 15, 1917. He was in the performance of his duties as an employee of the Goodrich Construction Co. He was at an Army camp at Anniston, Ala., working under a subcontractor and was not in anywise connected with the Government. There seems to be a little error here as to exactly what he was doing. He was foreman of a work crew at Camp McClellan, near Anniston, Ala. While he was performing his duty he was twice kicked by a Government mule. Now, I have heard of folks being kicked by a Government mule all my life, but this man actually had that experience—an untamed mule was out being exercised by a soldier for the Government.

That is the extent of the situation. I cannot have the time to go into a detailed description of it.

Mr. SCHULTE. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Indiana.

Mr. SCHULTE. What amount is he asking?

Mr. PATRICK. Three thousand five hundred dollars.

Mr. SCHULTE. For being kicked by a mule?

Mr. PATRICK. Yes; he has spent the rest of his life in bad health.

Mr. EBERHARTER. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Does the record show that this claimant ever received any money whatsoever from any source as a result of these injuries?

Mr. PATRICK. No; there was no insurance that could touch it. There was no policy or anything that he had that would reach him.

Mr. EBERHARTER. He has been suffering as a result of this since that time?

Mr. PATRICK. He has been greatly an invalid. He has been unable to do any physical labor at anything.

CALL OF THE HOUSE

Mr. THOMAS of New Jersey. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Obviously there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 195]

| | | | |
|---|---|---|---|
| Allen, Ill. | Cummings | Jenks, N. H. | O'Toole |
| Allen, Pa. | Darrow | Jennings | Pfeifer |
| Arnold | Delaney | Johns | Pierce |
| Barden, N. C. | Dempsey | Jones, Tex. | Randolph |
| Barry | Dies | Kelly | Reece, Tenn. |
| Barton, N. Y. | Dirksen | Kennedy, Michael | Richards |
| Bates, Mass. | Ditter | Kerr | Risk |
| Beam | Douglas | Kilburn | Rockefeller |
| Bolton | Doxey | Lambertson | Ryan |
| Bradley, Pa. | Drewry | Larrabee | Sacks |
| Brewster | Evans | Lemke | Sandager |
| Bryson | Fay | Lewis, Ohio | Schaefer, Ill. |
| Buckler, Minn. | Ferguson | Luce | Schwert |
| Buckley, N. Y. | Fernandez | Lynch | Shanley |
| Bulwinkle | Fitzpatrick | McArdle | Sheridan |
| Burch | Flaherty | McDowell | Smith, W. Va. |
| Burdick | Flannery | McGranery | Somers, N. Y. |
| Burgin | Ford, Miss. | McLeod | Starnes, Ala. |
| Byrne, N. Y. | Ford, Thomas F. | McMillan, Clara | Stearns, N. H. |
| Byron | Fulmer | McMillan, John L. | Sullivan |
| Caldwell | Garrett | Marcantonio | Sweeney |
| Camp | Gavagan | Marshall | Taylor |
| Celler | Gifford | Martin, Ill. | Treadway |
| Chapman | Gillie | Martin, Mass. | Vreeland |
| Clark | Guyer, Kans. | Merritt | Wadsworth |
| Cluett | Hall, Edwin A. | Miller | Weaver |
| Collins | Hall, Leonard W. | Monkiewicz | White, Ohio |
| Connery | Hare | Myers | Wigglesworth |
| Cooley | Healey | Norrell | Winter |
| Corbett | Hennings | Norton | Wood |
| Courtney | Hope | O'Brien | |
| Culkin | Jeffries | O'Leary | |

The SPEAKER. Two hundred and ninety-nine Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that on tomorrow, immediately after any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BRIDGE ACROSS STRAITS OF MACKINAC, MICH.

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1379) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The Clerk read the House amendments, as follows:

Page 1, strike out all after line 3, down to and including "Legislature", in line 6, and insert "State of Michigan."

Page 2, line 16, after "and", insert "reasonable."

Page 2, line 22, strike out all after "tolls", down to and including "management" in line 1, page 3.

Amend the title so as to read: "An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, when the gentleman from California asked to send this bill to conference the other day I objected because the gentleman from Michigan [Mr. DONDERO], who was very much interested, was momentarily absent. I understand it is now satisfactory to the gentleman from Michigan [Mr. DONDERO] and the gentleman from Michigan [Mr. CRAWFORD] that this bill may go to conference.

Mr. LEA. That is true, as I understand the facts.

Mr. MICHENER. May we have the assurance of the chairman of the committee on Interstate and Foreign Commerce, that the House conferees will insist upon the House position and not agree to the Senate bill until they come back and get instructions so to do?

Mr. LEA. The agreement was that the House would insist upon the amendments of the House.

Mr. MICHENER. Yes. That is my question.

Mr. CRAWFORD. Reserving the right to object, Mr. Speaker, I am not too clear on the agreement which the gentleman from Michigan [Mr. MICHENER] has mentioned. Will the gentleman from California yield for me to ask the gentleman from Massachusetts [Mr. HOLMES] a question about this matter?

Mr. LEA. Yes.

Mr. CRAWFORD. Perhaps an hour ago the gentleman from Michigan [Mr. DONDERO] and I were discussing this matter with the gentleman from Massachusetts [Mr. HOLMES]. Is that the agreement that is now being referred to by the gentleman from Michigan?

Mr. MICHENER. Further reserving the right to object, Mr. Speaker, I am no party to any of these cloakroom conferences. The only question in which I am interested is this: The House gave consideration to this bill. It passed on the Consent Calendar, but with the express understanding that the amendments placed in the Senate bill by the House were to be insisted upon in conference. I am asking the gentleman from California, as the chairman of the conferees, for his assurance that he will insist upon the position taken by the House. I do not care what your cloakroom talk was.

Mr. CRAWFORD. Further reserving the right to object, Mr. Speaker, the reason I enter this conversation at this time is that the gentleman from Michigan was pointing out that an agreement had been made, and my name was mentioned. I do not know anything about the agreement, and that is what I want to get clear on. I do not know from whom the gentleman from Michigan obtained his information. If this bill is to go to conference and the language in lines 4, 5, and 6 is to be reinserted in the bill, of course, I shall have to object, as far as I am concerned.

Mr. MICHENER. Coming from Michigan, I am interested in this bill and am not interested in any agreement. I am simply asking that the conferees stay by the House position.

Mr. RABAUT. Mr. Speaker, I am going to demand the regular order on this bill.

Mr. WOODRUFF of Michigan. Will the gentleman withhold it for a moment?

Mr. RABAUT. I withhold it for a moment, Mr. Speaker.

Mr. KENNEDY of Maryland. Mr. Speaker, this is the day set aside for the consideration of omnibus claims bills; therefore, I demand the regular order.

The SPEAKER. The gentleman from Maryland demands the regular order.

Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KELLY, of Illinois; O'TOOLE, of New York; and HOLMES, of Massachusetts.

SECOND OMNIBUS CLAIMS BILL

WILLIAM C. REESE

Mr. PATRICK. Mr. Speaker, William C. Reese—Uncle Billy Reese, as he is affectionately known—was foreman of quite a crew of workers on a Government job. The soldiers had been warned by him not to come with their mules upon the property on which they were working. They had to be there at their jobs. Notwithstanding this, one Army man took a mule that was among a bunch of unbroken mules and led it up behind Uncle Billy while he was on the job. It kicked him behind, and that turned him around, and it kicked him in the abdomen. He has not been a well man since. We have abundant testimony from doctors stating that he is incapacitated from 70 to 80 percent. He was making over $200 a

month as a foreman then. He has not made over $100 a month since. For a long time he was in bed. Then he was a ticket taker at the gate at a terminal station out there, making $100 a month.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that the Government officials were warned not to exercise the mules at this particular property because of the danger existing there?

Mr. PATRICK. They were. They disregarded that warning, and it was while doing so that this man suffered this injury. He has been practically an invalid ever since.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Minnesota.

Mr. PITTENGER. This claim has been considered twice by the Committee on Claims and there has been a favorable report from the entire committee on it both times?

Mr. PATRICK. Both times there has been a favorable report.

Mr. PITTENGER. If you vote "yes" on the motion that is now pending, you vote to undo the work of the Committee on Claims.

Mr. PATRICK. I thank the gentleman very kindly. That certainly is true.

I believe this is an unusually meritorious bill. The gentleman has been an invalid in a measure since that time. He did not get any insurance and could not get any insurance. There was nothing in his insurance policy that would pay him for such an injury. He has never received a dime compensation. He has just simply suffered all these years, having been bedridden for a while.

This matter has been running now for over 20 years and he has been an injured man ever since and has not received a penny for it. He is a man of family and still has responsibilities. There is no way in the world of getting compensation except in this way. The original bill was for $5,000 and it is cut down now to $3,500.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. HOUSTON. I have studied this bill and I think it is a just claim and one that should be allowed and I am going to support it.

Mr. PATRICK. I thank the gentleman from Kansas.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from California striking out the section.

The question was taken; and on a division (demanded by Mr. HANCOCK) there were—ayes 27, noes 57.

So the amendment was rejected.

TITLE III.—MARIE K. TROTTNOW

The Clerk read as follows:

Title III—(H. R. 2919. For the relief of Marie K. Trottnow.)
By Mr. DISNEY

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to Marie K. Trottnow, in full settlement of any and all claims against the Government on account of the death of her husband, Alfred H. Trottnow, from injuries sustained when the vehicle in which he was riding collided with a truck of the Forest Service, Department of Agriculture, on United States Highway No. 66, near Britton, Okla., April 1, 1938.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,500 to Marie K. Trottnow, of Tulsa, Okla., as executrix of the estate of Alfred H. Trottnow, deceased, and the sum of $1,000 to Paul Lindley, of Tulsa, Okla., in full settlement of all claims against the United States on account of the death of the said Alfred H. Trottnow, and personal injuries sustained by the said Paul Lindley, as a result of a collision between the vehicle in which they were riding and a truck of the Forest Service, Department of Agriculture, on United States Highway No. 66, near Britton, Okla., on April 1, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Page 4, line 17, strike out all of title III.

Mr. HANCOCK. Mr. Speaker, if I may have the attention of the House for just a few minutes, I think I can persuade the Members of the House that this bill is without merit. It is an attempt to recover damages for personal injuries arising out of a collision between a Government truck operated by an employee of the Forest Service and a private car operated by one A. H. Trottnow, of Tulsa, Okla.

It seems that the Government truck was proceeding east on an improved highway and the private car was proceeding south, also on an improved highway. The truck therefore had the right-of-way. There was no obstruction to the vision from either direction as they approached the intersection, although the visibility was poor. There was a heavy snowfall at the time. The Government truck, as it neared the intersection, came to a complete stop, according to the testimony of the truck driver, corroborated by the testimony of the attendant at a service station immediately across the road. He entered the intersection slowly and carefully and turned north in the direction from which the private car was proceeding. The testimony is that the private car was proceeding at 35 miles an hour and that it did not diminish its speed until it got within a few yards of the intersection. At that time the truck had nearly cleared the intersection. The driver then jammed on his brakes and his car slid into the side of the truck near the rear. The accident was investigated by State policemen in Oklahoma and I want to read just a line from the report of one of these officers:

Upon asking Mr. Trottnow—

That is, the private driver—

how he happened to hit the truck, he told me he didn't know exactly, but that it was snowing pretty heavily and he was talking to the young fellow in the car with him and that after he saw the truck he tried to stop but couldn't stop in time to avoid the collision. Mr. Trottnow stated that he was traveling between 25 to 35 miles per hour, but didn't know just exactly, but Mr. Lindley—

That is, the passenger in the car with Mr. Trottnow—

told me that he had noticed the speedometer and that they were going about 35 miles per hour just before they got to the intersection.

Mr. Trottnow received injuries from which he died, and Mr. Lindley, the passenger, received minor injuries, for which he seeks damages in the amount of $1,000. The estate of Mr. Trottnow asks for $7,500, which is $2,500 more than the usual award in death cases.

All the evidence in the case indicates that the truck driver did everything that any cautious driver could possibly do to avoid an accident at that corner. He came to a complete stop, he turned to the left slowly, and looked before he started. He saw this approaching car about 250 feet away, which he thought was ample distance to permit clearance. The driver of the private car did nothing whatever to avoid the accident. If he had taken his foot off the throttle, even for a moment, or slowed down the least bit, or if he had kept his car under control, there would have been no accident. The policeman who examined the scene afterward testified that the truck had completely made the turn; that the right rear wheel was off the pavement on the right-hand side of the road facing north; and that the right front wheel was just on the pavement, facing north. It may be that the collision pushed the truck around, but it is perfectly obvious that the truck had nearly completed the turn when the other car crashed into it.

Of course, the road was very slippery and it was snowing. It was a wet snow which was melting as it hit the ground

and the private driver did exactly the wrong thing by jamming on his brakes. His car skidded and he completely lost control of his car. After the accident, his car was in the middle of the road. If he had been going more slowly or had used the ordinary care of the ordinary driver, he could have proceeded behind the truck in perfect safety. The most we ought to do in cases like this, where the evidence strongly favors the Government, or where there is a serious dispute as to the facts, is to confer jurisdiction on the district court and let the court and jury decide the case. We have no right whatever to make awards of this kind, especially when the evidence is all in favor of the Government.

There were no eyewitnesses except the truck driver and one of the claimants in this case, Mr. Lindley. All of the circumstances and all of the evidence of the disinterested witnesses corroborate and sustain the position of the Government.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DISNEY. Mr. Speaker, I rise in opposition to the amendment. With all due deference to my good friend the gentleman from New York [Mr. HANCOCK], if I were engaged in a lawsuit, I would say that he had overstated the evidence. The physical situation is important to take into consideration. All of the traffic on Highway No. 66 flows down to Oklahoma City. Up at Edmond, Okla., the heavy traffic from Wichita comes in and the heavy traffic from both those areas comes across this route to Oklahoma City on Route 66. The Government driver was driving on Route 77, which is a side road. And there is a warning sign up to keep traffic from 77 coming onto this road making rolling stops as was done in this instance.

Mr. HANCOCK. But may I call the attention of the gentleman to the testimony of the State officer that there is no stop sign there.

Mr. DISNEY. Oh, I object to the gentleman stating that. I object to the gentleman making a speech and having it taken out of my time. I will yield for a question, but not for an argument. There is a stop sign where the truck driver was to come in. He was to stop. Who says he stopped? His testimony has something to do with this job. He says he stopped.

Mr. HANCOCK. The station master across the street——

Mr. DISNEY. Mr. Speaker, if I am going to discuss this question I would like to discuss it without interruption.

The SPEAKER. The gentleman declines to yield.

Mr. DISNEY. The man in the hamburger joint whom the committee did not believe, thinks the driver stopped. What does the eyewitness say, Mr. Lindley, the only witness that really could know what was going on? He not only says that the driver of the Government truck after the accident was over—this is a part of the res gestae, right when it happened—he says that the driver of the Government truck said, "I am sorry, but I could not help it." Does that sound like a man who had completely stopped? "I am sorry, but I could not help it." Mr. Lindley, who was with Mr. Trottnow, said they were going about 35 miles an hour about 2 minutes before they met this truck, and that as soon as they saw the truck they slowed down. It was snowing, and the fellow from the side road is expected to be more careful. He owes a higher degree of duty coming from the side road where there is a warning sign than the man on the main highway with no "Stop" signs. Here is a man killed because the driver of the Government truck made a rolling stop and wheeled along to the main highway in a snowstorm. That is how it came about. Mr. Lindley says:

> I know Mr. Trottnow saw this truck at about the same time I did because I noticed he started slowing down. The truck did not stop at the "Stop" line but instead, made a rolling stop or rather just slowed down and rolled on out to the intersection. When this truck rolled up to the west edge of the highway on which we were traveling, or up to the west edge of the intersection, it seemed that the driver of the truck was going to stop as he slowed down again and seemed to hesitate.

Why should he not hesitate, with a "Stop" sign in his face and no "Stop" sign on the main highway in the face of the man who was killed?

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. ELLIS. To say that I was a member of the subcommittee to which this bill was referred. I studied it carefully and thoroughly and came to the conclusion that this Government driver who pushed in from the side road was solely and wholly to blame.

Mr. DISNEY. I thank the gentleman for that suggestion. I think that must be so. The whole committee reviewed it for a second time. First, on the original bill, before it was objected to, and second, afterward the committee went over this and discussed it thoroughly before putting the item in this bill. If any one of you were a judge of a district court, you would permit this to go to the jury as to whether or not the jury would believe the Government truck driver or Mr. Lindley, who is now alive, though still suffering from this accident. Or would you believe the Government truck driver or the man in the hamburger joint who thinks he saw something in a snowstorm but does not know anything about it. The committee decided he knew nothing about it, and it did not give credence to his testimony because it is not worthy of credence; but the res gestae statement, made at the time, was admissible, and you would admit that. Or, if you were a district judge, would you allow the testimony of Trotnow to come in, made maybe half an hour after the accident—an ex parte statement on the part of the officer?

I doubt whether, if you were a district judge, you would admit that statement, but when the Government truck driver says, "I am sorry; I could not help it," you would admit that testimony. Here is one man injured for life; another man dead. You construe a variance in the testimony in favor of the plaintiff in the case, if you sit as a juror. The Claims Committee has twice reviewed it. I believe you can take the judgement of the Claims Committee.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK] to strike out the title.

The question was taken; and on a division (demanded by Mr. HANCOCK) there were ayes 21 and noes 50.

So the motion was rejected.

Mr. HANCOCK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is no quorum present.

Mr. KENNEDY of Maryland. Mr. Speaker, I move a call of the House.

Mr. HANCOCK. Mr. Speaker, is it too late for me to object to the vote on the ground that a quorum is not present?

The SPEAKER. The objection comes too late.

The question is on the motion of the gentleman from Maryland [Mr. KENNEDY].

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 196]

| | | | |
|---|---|---|---|
| Allen, Pa. | Collins | Fitzpatrick | Kilburn |
| Arnold | Connery | Flaherty | Kirwan |
| Barry | Cooley | Flannery | Lambertson |
| Barton, N. Y. | Corbett | Ford, Leland M. | Larrabee |
| Bates, Mass. | Courtney | Ford, Miss. | Lemke |
| Beam | Creal | Ford, Thomas F. | Lewis, Ohio |
| Bolton | Crosser | Fulmer | Luce |
| Bradley, Pa. | Crowe | Garrett | McArdle |
| Brewster | Culkin | Gavagan | McDowell |
| Bryson | Cummings | Gifford | McGranery |
| Buckley, N. Y. | Darrow | Guyer, Kans. | McLean |
| Bulwinkle | Delaney | Hall, Edwin A. | McLeod |
| Burch | Dempsey | Hall, Leonard W. | McMillan, Clara |
| Burdick | Dies | Hennings | McMillan, John L. |
| Burgin | Dirksen | Hope | Marcantonio |
| Byrne, N. Y. | Ditter | Jenks, N. H. | Marshall |
| Byron | Douglas | Johns | Martin, Ill. |
| Caldwell | Drewry | Keller | Martin, Mass. |
| Chapman | Fay | Kelly | Mason |
| Clark | Ferguson | Kennedy, Michael | Merritt |
| Cluett | Fernandez | Kerr | Murdock, Utah |

| | | | |
|---|---|---|---|
| Myers | Risk | Smith, Ill. | Wadsworth |
| Norton | Rockefeller | Smith, W. Va. | Wallgren |
| O'Brien | Routzohn | Somers, N. Y. | Walter |
| Oliver | Sacks | Starnes, Ala. | Weaver |
| O'Toole | Sandager | Sullivan | Wheat |
| Pfeifer | Schaefer, Ill. | Sumners, Tex. | White, Idaho |
| Pierce | Schwert | Sweeney | White, Ohio |
| Randolph | Shafer, Mich. | Taylor | Wigglesworth |
| Reece, Tenn. | Shanley | Treadway | Winter |
| Richards | Sheridan | Vreeland | Wood |

The SPEAKER. Three hundred and five Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 5, line 5, strike out "$7,500" and insert "$5,000."

Mr. COSTELLO. Mr. Speaker, the purpose of this amendment is to reduce the amount of the appropriation authorized under this bill from $7,500 to $5,000. Five thousand dollars is the amount which was authorized by the committee. However, in this particular bill the committee, in its report, makes the statement that they are appropriating $7,500 because it appears reasonable, due to the earning capacity and life expectancy of Mr. Trottnow. It seems to me rather a dangerous precedent for this Congress to embark upon, if we are going to place the basis of the compensation that we allow on bills of this character entirely on life expectancy and earning capacity. On that basis, if a person who was earning $100,000 a year were to be killed in an automobile accident, then the Congress would be called upon to reimburse his widow in an amount proportionate to that earning capacity. I believe it is an unwise policy, and for that reason I have offered this amendment to reduce the amount to make it conform to the amount which is usually appropriated in cases of this character.

I personally feel that the bill itself should not have been passed. I state that because of the fact that the evidence as submitted by the committee's own report definitely shows that there were no "Stop" signs at the intersection of these two highways. On the contrary, approximately 250 feet away from the intersection were signs cautioning the drivers using these highways to slow down because of the nature of the dangerous curving intersection. The testimony of the man who was in the service station—not in the hamburger joint, but in the service station—definitely shows that he was watching the Government vehicle at the time it entered the intersection. He states that he saw that vehicle stop.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. No; I do not yield.

Mr. DISNEY. Mr. Speaker, I make the point of order that this debate is not on the amendment but is an attempt to go back and debate the bill that has already been passed. I make the point of order that he has no right, in common fairness, to discuss the bill itself when his amendment relates solely to the question of the amount involved. You could not do that in court.

Mr. COSTELLO. Mr. Speaker, on the point of order that my amendment is an effort to reduce the amount of the bill from $7,500 to $5,000, in substantiation of that I have made the statement that it should be reduced because it is based on an unwarranted premise by the committee which would establish a dangerous precedent; and to further substantiate my argument that the amount should be reduced I am showing that the claim itself is not meritorious and that the amount being excessive should therefore be reduced.

Mr. DISNEY. Mr. Speaker, I make the point of order that in court that is known as pettyfogging.

The SPEAKER. The Chair is of the opinion that the gentleman from California is discussing an amendment to reduce the amount of the appropriation and is justified in discussing the original amount.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HANCOCK. The gentleman from California [Mr. COSTELLO] is quoting the record itself. He is quoting from the sworn testimony.

Mr. DISNEY. And so did I.

Mr. COSTELLO. I am not surprised that the gentleman from Oklahoma [Mr. DISNEY] objects to having the evidence show that there were no stop signs on this highway, because the House has been led to believe that stop signs did exist on the highway. We have the statement of the Government driver, Craig, and we have also the statement of the Oklahoma police who investigated the accident to the effect that there were no stop signs at that intersection.

The facts show that the Government vehicle was not driving in excess of 10 miles an hour at the time of the accident. The facts also show according to the testimony of Mr. Lindley who was driving with Mr. Trottnow, that Mr. Trottnow was driving his car at approximately 35 miles an hour. Mr. Trottnow in his own statement, quoting the officer who investigated the accident, said that he was unable to avoid the accident at the time he saw the truck. He had been talking to Mr. Lindley in the car with him and said that he did not have an opportunity to stop when he first observed the truck. In other words, he came into a dangerous intersection without due caution; and to my mind the gentleman from New York was absolutely right in moving to strike out this title. I believe the claim is without merit, and certainly the Congress in passing this bill should not establish a dangerous precedent by allowing the beneficiary hereunder to receive compensation not merely for death but compensation based upon the earning capacity and life expectancy of the claimant, Mr. Trottnow, I hope the House will at least reduce the amount from $7,500 to $5,000 by adopting my amendment.

Mr. DISNEY. Mr. Speaker, let me appeal to the sense of fairness of the Members. Before this quorum call we decided against an amendment to strike out the title which carried $7,500. In other words, the House by its action has decided that the claim is a proper claim, and I take it for granted that the Members here accept as final the action of the committee when it agreed to pass the bill.

The testimony shows that Mr. Trottnow was a comparatively young man. The testimony before the Claims Committee is to the effect that he made $350 a month. If you were sitting as a district judge, you would have to instruct the jury that according to his life expectancy and his earning capacity at the time of his death he would be entitled to a verdict of as much as $53,000. That is in the testimony. He would be entitled in district court to a verdict of not to exceed $53,000—I think that is the figure; maybe it is $56,000 or $47,000; it is in that general neighborhood.

Now, based upon the merits of the claim, it becomes a question of whether or not you are going to allow $5,000 or $7,500. I take it for granted that the merits of the claim having been passed on, in all fairness you are not going back to the merits of the claim to determine whether or not you are going to allow $5,000 or $7,500. It becomes a question of whether or not the committee was wise in awarding $7,500, not the attitude of one or two persons; that is not the judgment; the judgment of the committee was that in view of the fact that he was a young man and had a long life expectancy and high-earning capacity, and according to the committee report he left some young children who should be educated, that impelled the committee in its action. The House committee finally decided, after discussing this among themselves, upon two considerations that this family ought to have $7,500.

The accident came about as a result of the fault of the truck driver. The fault was with the Government. This Congress within the last 30 minutes has decided that the fault was with the Government. Since the fault was with the Government, conclusively decided in this Chamber, then the matter of the amount, it seems to me, in all fairness can be left to the judgment of the Claims Committee.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. SCHAFER of Wisconsin. Does the gentleman think it fair to say that Congress has decided that the full amount was in order when there were only about 32 Members present before the quorum call?

Mr. DISNEY. I did not say that. The gentleman puts words in my mouth that I did not say. I say that the matter of the merits of the claim was decided.

Mr. SCHAFER of Wisconsin. By 32 Members out of the entire body of 435?

Mr. DISNEY. How else can it be decided except by the rules of the House?

Mr. SCHAFER of Wisconsin. We might have something to say about that; we will decide that later in the day.

Mr. DISNEY. I appeal to the gentleman to remember that in this case a young girl is deprived of her opportunity to be in her station of life, to have an education, as the result of a reckless truck driver killing her father. Substantially that is what happened. I think it is wholly unfair in him, and I do not feel that my friend when he stops to reason with himself will differ with me. I will be ashamed of him if he votes for this amendment after this committee determined that question. They had all the facts before them, not just some fragmentary arguments pro and con. The committee took into consideration this child's welfare. I leave it to the gentleman from Wisconsin [Mr. SCHAFER] whether or not he will put his judgment against the judgment of the entire Claims Committee and award only $5,000. This is an exceptional case.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 22, noes 83.

So the amendment was rejected.

The title was amended so as to read: "A bill for the relief of Marie K. Trottnow, executrix of the estate of Alfred H. Trottnow, and Paul Lindley."

LESTER P. BARLOW

The Clerk read as follows:

Title IV—(H. R. 3683. To carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States.)
By Mr. KENNEDY of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester P. Barlow, the sum of $592,719.21, in full settlement of his aerial torpedo patent-infringement claim against the United States as found by the Court of Claims to be due him in its decision of June 7, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. THOMAS of New Jersey. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of New Jersey: On page 6, line 1, strike out all of title IV.

Mr. THOMAS of New Jersey. Mr. Speaker, this bill proposes to pay the claimant, Lester P. Barlow, the goat bomb specialist, $592,719.21, representing the loss of royalties on certain aerial bomb patents which the Court of Claims found to have been infringed as the result of the activities of the United States during the World War.

First of all, may I say that it is difficult for me to stand here and oppose this particular title because of the very high regard I have for the chairman of the Claims Committee and also for the members of the subcommittee who reported the bill. At the same time, if every Member of the House will just read the 27 pages of the report he or she will feel as I do about it; that is, it is not fair to come in here today and ask us to pass a bill appropriating $592,000 and only have 10 minutes in which to debate the issue.

Mr. RAMSPECK. Will the gentleman yield?

Mr. THOMAS of New Jersey. I yield to the gentleman from Georgia.

Mr. RAMSPECK. Did not the gentleman overlook the fact that the Congress previously passed a bill referring this matter to the Court of Claims and only because of an error in that bill are considering this bill at all? If the bill had been properly drawn the court would have rendered judgment and it would have been paid without any question by the Appropriations Committee.

Mr. THOMAS of New Jersey. That might be the case and it might not be the case. We are called upon here today to pass on whether or not we will appropriate $592,000. May I say further that I realize this subcommittee spent 8 hours in determining the merits or demerits of this bill, but if it took the subcommittee 8 hours to determine whether or not it should approve this bill, certainly it is not fair to us to come in here and in 10 minutes be called upon to pay this goat specialist $592,000. If you will read the report you will find that the governmental agencies that have been asked to make a report on this bill differ among themselves. You will find that while the Attorney General's office is in favor of it, the War Department is absolutely opposed to it and they give pages and pages of reasons for being opposed to it.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. THOMAS of New Jersey. Just as soon as I finish one statement. Some of the reasons they are opposed to this bill in a way are very similar to some of the things that we read about in the last test during which Mr. Barlow tried to blow up the goats. I doubt very much if the improvements on the bombs at that time which he invented during the World War were much an an improvement over the bomb he had down there at the time he was trying to blow up the goats.

I now yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that the report of the committee will show that two high officials of the War Department testified before the committee that the Government did owe some money and owed it to somebody, that the findings of the Court were proper but failed to state to whom this money was due?

Mr. THOMAS of New Jersey. Yes; that is true. Some officials in the War Department did say some money was due Mr. Barlow, but it will also be recalled that they never said that $592,000 was due Mr. Barlow.

Mr. KENNEDY of Maryland. The Court said that.

Mr. THOMAS of New Jersey. We are called upon here in 10 minutes to determine whether we will pay this goat specialist $592,000. I am opposed to the bill. It ought to go to the Rules Committee and there given a rule and then it should be brought out here for unlimited debate. That is one of the reasons why I am opposed to the bill.

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from New Jersey.

Mr. Speaker, for nearly 8 years I have been a member of the Committee on Claims. For almost 6 years I have been its chairman. I have taken a certain amount of pride in the work of that committee. I have tried to perform my duties in a conscientious manner, protecting the Government in every way possible, and also I have tried to see that everyone who had proper claims against the Government was given justice.

I sponsored this bill. I have no particular interest in it other than to see that this man gets what the Congress years ago directed him to have, and that is justice. This is not a bill to merely authorize the payment of the money based on the facts just being brought out today. Years ago the Congress passed a bill authorizing the Court of Claims to hear and determine whether or not Mr. Barlow had a claim against the Government. The court considered the claim and took testimony.

A representative of the Attorney General's office appeared before the Committee on Claims, and the report will show this to be true, and testified that the Government had its day in court, had the opportunity to submit to the court every defense it had, and that this claim should be paid.

As stated by the gentleman from Georgia [Mr. RAMSPECK], if it were not for a technical error in the original bill, this claim would have been paid years ago, not only for the $592,000 plus, but as determined by the court and as instructed by the court for over a $100,000 interest in addition to said sum. Following the committee custom, we declined to allow any interest. The situation today is that this man is simply being paid the amount of money designated by the court as due him, less over a $100,000 in interest.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Is it not a fact that at the hearings of the subcommittee Mr. Holtzoff, who tried this case before the Court of Claims representing the Government, testified as follows:

I feel, representing the Department of Justice, that we are bound by the court's findings, and I have no argument to present why they should not be given effect and no reason to suggest why they should not be given effect.

On page 46 of the committee report, Major Richmond, representing the War Department, testified that it was the opinion of the War Department that Barlow was entitled to an award, but that they would not state how much, and left it entirely to the committee to decide; and we were bound by the findings of the Court of Claims in justice as to the amount. Is not that a fact?

Mr. KENNEDY of Maryland. That is absolutely correct.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Following up what the gentleman from Wisconsin has just said, I call the attention of the Members to the fact that after the Court of Claims found the claim of Mr. Barlow was meritorious, an accounting question arose and the court appointed a commissioner. This commissioner sat down with representatives from the Department of Justice and the War Department, and representatives of the claimant, and they agreed on an amount which was to be paid for a certain number of these bombs. In a letter from the Assistant Attorney General in charge of claims before the Court of Claims, he said this:

The offer contained in your letter of August 31, 1936, to Mr. Alexander Holtzoff of this Department, has been submitted to the War Department, which has recommended its acceptance.

Further, the court's opinion stated with relation to the other bombs:

The royalty of 10 percent fixed by the court's finding 4 is arrived at by accepting the sums the parties agreed upon in the license contract.

This shows that Mr. Barlow is entitled to every cent called for in this bill, and in addition, if the court's findings were followed, he would be entitled to $120,000 as interest.

Mr. KENNEDY of Maryland. That is absolutely correct.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Minnesota.

Mr. PITTENGER. May I say to the Members of this House that I have no personal interest in this bill, but I am interested in preserving the integrity of the Committee on Claims. With the gentleman from Maryland [Mr. KENNEDY] as chairman of the Committee on Claims, the Members of the House can feel sure that a bill that does not have merit does not get his O. K. [Applause.] We have had no abler chairman of any committee in this House than the gentleman from Maryland. The amount of the bill makes no difference. The question that concerns you is backing up the Committee on Claims, which has twice heard this claim and has twice made a unanimous report that this man ought to be paid.

Mr. KENNEDY of Maryland. I thank the gentleman.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I made over the radio a few nights ago.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SECOND OMNIBUS CLAIMS BILL

LESTER P. BARLOW

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey [Mr. THOMAS] to strike out the section.

The question was taken; and on a division (demanded by Mr. THOMAS of New Jersey) there were—ayes 18, noes 76.

Mr. THOMAS of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 73, nays 193, not voting 163, as follows:

[Roll No. 197]

YEAS—73

| | | | |
|---|---|---|---|
| Angell | Grant, Ala. | Ludlow | Sweet |
| Beckworth | Gross | Magnuson | Taber |
| Blackney | Hallock | Mahon | Tarver |
| Boren | Hancock | Monroney | Thill |
| Brown, Ga. | Harter, N. Y. | Mott | Thomas, N. J. |
| Buckler, Minn. | Hoffman | Nelson | Thomason |
| Byrns, Tenn. | Holmes | Norrell | Thorkelson |
| Cannon, Mo. | Horton | Osmers | Tibbott |
| Carter | Johnson, Ind. | Pierce | Tinkham |
| Cochran | Johnson, Okla. | Powers | Van Zandt |
| Cole, Md. | Jones, Ohio | Reed, N. Y. | Vinson, Ga. |
| Colmer | Kean | Rich | Voorhis, Calif. |
| Costello | Kinzer | Romjue | Warren |
| Durham | Kitchens | Schafer, Wis. | Whittington |
| Dworshak | Kunkel | Schiffler | Williams, Del. |
| Fish | Landis | Smith, Ill. | Wolverton, N. J. |
| Gerlach | Lanham | Springer | |
| Gillie | LeCompte | Stefan | |
| Gore | Lewis, Colo. | Sumner, Ill. | |

NAYS—193

| | | | |
|---|---|---|---|
| Alexander | Dickstein | Hunter | Moser |
| Allen, La. | Dingell | Izac | Mouton |
| Andersen, H. Carl | Dondero | Jacobsen | Mundt |
| Anderson, Calif. | Doughton | Jarrett | Murdock, Ariz. |
| Anderson, Mo. | Duncan | Jenkins, Ohio | Murray |
| Austin | Dunn | Jennings | O'Connor |
| Ball | Eaton | Johnson, Ill. | O'Day |
| Barnes | Eberharter | Johnson, Luther A. | O'Leary |
| Bell | Edelstein | Johnson, Lyndon | Oliver |
| Bender | Elliott | Johnson, W. Va. | Patman |
| Bland | Elston | Jones, Tex. | Patrick |
| Bloom | Engel | Jonkman | Patton |
| Boland | Englebright | Kee | Pearson |
| Bolles | Evans | Keefe | Peterson, Fla. |
| Boykin | Fenton | Kefauver | Peterson, Ga. |
| Bradley, Mich. | Flannagan | Keller | Pittenger |
| Brooks | Fries | Kennedy, Martin | Plumley |
| Brown, Ohio | Gamble | Kennedy, Md. | Poage |
| Buck | Gathings | Keogh | Polk |
| Camp | Gearhart | Kilday | Rabaut |
| Cannon, Fla. | Gehrmann | Kleberg | Ramspeck |
| Carlson | Geyer, Calif. | Knutson | Rankin |
| Cartwright | Gilchrist | Kocialkowski | Rayburn |
| Case, S. Dak. | Goodwin | Kramer | Reed, Ill. |
| Casey, Mass. | Gossett | Lea | Rees, Kans. |
| Chiperfield | Graham | Leavy | Robinson, Utah |
| Church | Grant, Ind. | Lesinski | Robsion, Ky. |
| Clason | Green | McAndrews | Rodgers, Pa. |
| Claypool | Griffith | McCormack | Rogers, Mass. |
| Clevenger | Gwynne | McGehee | Rogers, Okla. |
| Coffee, Wash. | Harrington | McKeough | Rutherford |
| Cole, N. Y. | Hart | McLaughlin | Sasscer |
| Cooper | Hartley | Maloney | Scrugham |
| Courtney | Havenner | Mansfield | Seccombe |
| Cox | Hawks | Martin, Iowa | Secrest |
| Cravens | Hendricks | Mason | Shannon |
| Crawford | Hennings | Massingale | Sheppard |
| Cullen | Hess | Michener | Short |
| Cummings | Hill | Miller | Simpson |
| Curtis | Hinshaw | Mills, Ark. | Smith, Maine |
| D'Alesandro | Hook | Mills, La. | Snyder |
| Darden, Va. | Houston | Mitchell | South |
| Davis | Hull | Monkiewicz | Sparkman |

| | | | |
|---|---|---|---|
| Spence | Tolan | West | Woodruff, Mich. |
| Stearns, N. H. | Vorys, Ohio | Whelchel | Youngdahl |
| Sutphin | Wallgren | White, Idaho | Zimmerman |
| Talle | Walter | Williams, Mo. | |
| Tenerowicz | Ward | Wolcott | |
| Terry | Welch | Wolfenden, Pa. | |

NOT VOTING—163

| | | | |
|---|---|---|---|
| Allen, Ill. | Dempsey | Johns | Risk |
| Allen, Pa. | DeRouen | Kelly | Robertson |
| Andresen, A. H. | Dies | Kennedy, Michael | Rockefeller |
| Andrews | Dirksen | Kerr | Routzohn |
| Arends | Disney | Kilburn | Ryan |
| Arnold | Ditter | Kirwan | Sabath |
| Barden, N. C. | Douglas | Lambertson | Sacks |
| Barry | Doxey | Larrabee | Sandager |
| Barton, N. Y. | Drewry | Lemke | Satterfield |
| Bates, Ky. | Edmiston | Lewis, Ohio | Schaefer, Ill. |
| Bates, Mass. | Ellis | Luce | Schuetz |
| Beam | Faddis | Lynch | Schulte |
| Boehne | Fay | McArdle | Schwert |
| Bolton | Ferguson | McDowell | Shafer, Mich. |
| Bradley, Pa. | Fernandez | McGranery | Shanley |
| Brewster | Fitzpatrick | McGregor | Sheridan |
| Bryson | Flaherty | McLean | Smith, Conn. |
| Buckley, N. Y. | Flannery | McLeod | Smith, Ohio |
| Bulwinkle | Folger | McMillan, Clara | Smith, Va. |
| Burch | Ford, Leland M. | McMillan, John L. | Smith, Wash. |
| Burdick | Ford, Miss. | Maas | Smith, W. Va. |
| Burgin | Ford, Thomas F. | Maciejewski | Somers, N. Y. |
| Byrne, N. Y. | Fulmer | Marcantonio | Starnes, Ala. |
| Byron | Garrett | Marshall | Steagall |
| Caldwell | Gartner | Martin, Ill. | Sullivan |
| Celler | Gavagan | Martin, Mass. | Sumners, Tex. |
| Chapman | Gifford | May | Sweeney |
| Clark | Gregory | Merritt | Taylor |
| Cluett | Guyer, Kans. | Murdock, Utah | Thomas, Tex. |
| Coffee, Nebr. | Hall, Edwin A. | Myers | Treadway |
| Collins | Hall, Leonard W. | Nichols | Vincent, Ky. |
| Connery | Hare | Norton | Vreeland |
| Cooley | Harness | O'Brien | Wadsworth |
| Corbett | Harter, Ohio | O'Neal | Weaver |
| Creal | Healey | O'Toole | Wheat |
| Crosser | Hobbs | Pace | White, Ohio |
| Crowe | Hope | Parsons | Wigglesworth |
| Crowther | Jarman | Pfeifer | Winter |
| Culkin | Jeffries | Randolph | Wood |
| Darrow | Jenks, N. H. | Reece, Tenn. | Woodrum, Va. |
| Delaney | Jensen | Richards | |

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Boehne with Mr. Treadway.
Mr. Coffee of Nebraska with Mr. Allen of Illinois.
Mr. Cooley with Mr. Martin of Massachusetts.
Mr. Dempsey with Mr. Bolton.
Mr. Folger with Mr. Winter.
Mr. Gavagan with Mr. Smith of Ohio.
Mr. Drewry with Mr. Risk.
Mr. Hare with Mr. Lambertson.
Mr. Ford of Mississippi with Mr. Kilburn.
Mr. Hobbs with Mr. Jeffries.
Mr. Jarman with Mr. Gartner.
Mr. Kerr with Mr. Culkin.
Mr. Woodrum of Virginia with Mr. Douglas.
Mr. Thomas of Texas with Mr. Guyer of Kansas.
Mr. Weaver with Mr. Edwin A. Hall.
Mr. Sullivan with Mr. Hope.
Mr. Robertson with Mr. Lemke.
Mr. Pfeifer with Mr. Marshall.
Mr. Starnes of Alabama with Mr. Johns.
Mr. May with Mr. Jenks of New Hampshire.
Mr. Randolph with Mr. Reece of Tennessee.
Mr. Smith of Virginia with Mr. O'Brien.
Mrs. Clara G. McMillan with Mr. Lewis of Ohio.
Mr. Satterfield with Mr. McGregor.
Mr. Kelly with Mr. Maas.
Mr. Barden of North Carolina with Mr. Andrews.
Mr. Arnold with Mr. Brewster.
Mr. Clark with Mr. Cluett.
Mr. Bulwinkle with Mr. Wigglesworth.
Mr. Dies with Mr. Vreeland.
Mr. Beam with Mr. Wadsworth.
Mr. Ferguson with Mr. Shafer of Michigan.
Mr. Collins with Mr Routzohn.
Mr. Doxey with Mr. Sandager.
Mr. Burch with Mr. McLeod.
Mr. Fitzpatrick with Mr. Jensen.
Mr. Harter of Ohio with Mr. McLean.
Mr. Michael J. Kennedy with Mr. Wheat.
Mr. Fulmer with Mr. Luce.
Mr. John L. McMillan with Mr. Bates of Massachusetts.
Mr. Lynch with Mr. Arends.
Mr. Martin of Illinois with Mr. White of Ohio.
Mr. Pace with Mr. Rockefeller.
Mr. O'Toole with Mr. H. Carl Andersen.
Mr. Richards with Mr. Barton of New York.
Mr. Schuetz with Mr. Corbett.
Mr. Kirwan with Mr. Burdick.
Mr. Smith of Washington with Mr. Crowther.
Mr. Fernandez with Mr. Ditter.
Mr. DeRouen with Mr. Leland M. Ford.
Mr. Creal with Mr. Gifford.
Mr. Barry with Mr. Dirksen.
Mr. Crosser with Mr. Leonard W. Hall.
Mr. Sweeney with Mr. McDowell.
Mr. Burgin with Mr. Harness.
Mr. Chapman with Mr. Marcantonio.
Mr. Edmiston with Mr. Darrow.

The result of the vote was announced as above recorded.

### EXTENSION OF REMARKS

Mr. WHITE of Idaho asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article from the American Jewish World.

The SPEAKER pro tempore [Mr. WARREN]. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent to put into the Appendix of the RECORD an address I recently gave over the Mutual Broadcasting System.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of Bullitt and Bergdoll, Philadelphia draft dodgers, and to include certain excerpts of record which are necessary to develop my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

### PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of matters on the Speaker's table, and the special orders heretofore entered, I may be permitted to address the House for 45 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

### SECOND OMNIBUS CLAIMS BILL

#### LESTER P. BARLOW

Mr. COCHRAN. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 6, line 8, strike out "$592,719.21" and insert "$250,000."

Mr. COCHRAN. Mr. Speaker, many Members of the House seem to be of the opinion the Congress is required to appropriate money after the Court of Claims has made a report on a resolution directing the court and granting jurisdiction to the court to investigate a claim against the Government and report its findings. Such is not the case, because if it were this bill would not contain the amount that it now contains, but would also contain the amount that the court said should be paid as interest.

I have offered an amendment to reduce this amount to $250,000. I think it is fair because no one can read this report and say that the evidence does not show many points in favor of the Government as well as points in favor of the claimant.

You can read on page 26 of the report in the letter of the Secretary of War, where the Secretary states:

On numerous occasions Mr. Barlow made to the War Department officials a desire to waive any financial returns that might come to him.

In other words, he told the War Department officials he would be willing to waive any financial returns.

My interest in this claim develops from a letter I received from the Secretary of War. Let me read in part what the Secretary of War told me. I have here his letter. He said:

In this connection it should be noted that the inventions were made at a Government arsenal after Mr. Barlow had been given

access to all confidential data and advice by Government experts who were likewise engaged in making designs in the same field. For that reason it was believed impossible to determine whether Mr. Barlow was in fact the inventor.

I do not doubt that the subcommittee went into this matter very fully. I do not doubt that the Claims Committee went into the matter very fully, but I say there is grave doubt in my mind as to whether the Government of the United States owes this tremendous amount of money to a man who back during the period of war, certainly, from patriotic motives, told the Secretary of War that he would be willing to waive any financial benefits that might come to him, and that is in your report. They are not my words.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman.

Mr. EBERHARTER. In the first place, that report, in speaking about the waiver, refers to some bombs that were invented before this claim arose and refers to altogether different bombs from those involved in this issue, and will the gentleman please answer this question: How does the gentleman arrive at a basis for paying this man $250,000?

Mr. COCHRAN. To give the man the benefit of the doubt and to give the taxpayers of the country a little break.

Mr. EBERHARTER. In other words, the gentleman has no basis whatever for his amount of $250,000?

Mr. COCHRAN. I explained why I offered the amendment. I do not yield any further. Let me tell you something about the bombs, and I want someone to contradict me if the information is not true. The bombs were sent abroad to France and the War Department tells me that the French and the English bombs were so far superior that the Barlow bombs were only used for target practice.

Mr. EBERHARTER. I will answer the gentleman's question.

Mr. COCHRAN. I will ask the chairman of the committee whether or not that statement is true. The statement comes from the War Department.

Mr. KENNEDY of Maryland. I did not hear all of the gentleman's statement.

Mr. EBERHARTER. I shall answer the gentleman. The gentleman is referring to the same bombs I mentioned a few moments ago that are not involved in this case whatsoever. Those were known as the Barlow bombs that were sent to Europe before these later bombs were manufactured.

Mr. COCHRAN. How do we know that the bombs you refer to were really valuable? The new bomb Barlow recently had did not kill the goats. You pass this bill and the taxpayers of the United States are going to be the goats. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. KENNEDY of Maryland. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, if I may have the attention of the Members of the House, I have no interest in this matter except the interest that I have in the Claims Committee and the work of the Claims Committee. I have been a member of that committee for almost 11 years. I say to you as I have said before, that I think more often than not the Government is totally unfair to people who have meritorious claims presented to that committee. The departments nearly always recommend against the payment of the claim, as the War Department has done in this case. This case was originally referred to the Court of Claims by act of Congress, and the court was directed to hear the evidence and to make a determination of the law and the facts and report back to the Congress. If you will turn to page 44 of the report, you will find that the very able, distinguished gentleman from New York [Mr. KEOGH], a member of the subcommittee, asked these questions of the attorney for the Department of Justice who represented the Government in this case before the Court of Claims.

Mr. KEOGH. Do you think the Government had an opportunity and availed itself of all defenses, general or special, it had in this case?

Mr. HOLTZOFF. Yes. While I did not agree with some of the rulings of the court, nevertheless I feel I was given every opportunity to present my contentions, and I know the court gave them thorough consideration.

Mr. KEOGH. What I would like to know is whether there is any reason why this award, as it is called, should not be upheld.

Mr. HOLTZOFF. I do not like to make a categorical answer, yes or no. I would like to say this, that this case was contested very strenuously by the Government. We presented a number of defenses, which we thought were valid, some going to the validity of the patent, some going to the title, and some going to other points. The court sustained us as to one of the six patents and threw it out and ruled against us as to the others.

We had a considerable contest as to the amount of the recovery, and the court allowed a much larger amount than we claimed was due. But I must say that we had an opportunity to present all of the evidence that we were able to secure, and an opportunity to present all defenses at length that seemed to us to be available, and, therefore, I feel that we had our day in court. And, irrespective of whether we agree with the decision or not, the Court of Claims was the tribunal established by law to make findings, and we submit to those findings and abide by them.

The gentleman from Missouri refers to what the War Department said to him. I have not the time to go into that, but I submit as a matter of common decency and justice to a citizen of the United States, that the War Department had its day in court before the Court of Claims, and that it is beneath the dignity of a great agency of this Government to come here surreptitiously and give information to a Member of Congress in contravention to a decision of a court set up by the Congress to render judgment in this matter. The only reason this bill is here today is because whoever drafted the bill in the first place failed to include in it, by technical error, the right to render judgment after the court found the law and the facts. Gentlemen know the procedure. If this bill had said, "render judgment," it would have been certified to the Committee on Appropriations and paid without any question. So all we have here today is the question of whether we are going to abide by the decision of the Court of Claims. Surely no man on this floor would say that the Court of Claims was not fair to the Government of the United States. They heard this case, they rendered three separate decisions, first on the question of the validity of the patents, second on the question of infringement, and third on the determination of the amount involved, and then they certified the result to the Congress of the United States, and this committee has eliminated the interest, to which the court said this man was entitled, and we have in this bill only the principal which the court said was the amount Mr. Barlow is entitled to because of the infringement of his patents. We ought to sustain the action of that honorable court. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title V—(H. R. 4017. For the relief of John P. Shorter.) By Mr. BLAND

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to John P. Shorter, of Newport News, Va., the sum of $7,750, the same being $2,750 in full satisfaction of his claim against the United States Government for expenses incurred by reason of collision with a Civilian Conservation Corps truck, on June 20, 1936, and the additional sum of $5,000 in full satisfaction of his claim for permanent injuries sustained by reason of the aforesaid collision, the said collision being due to the wrongful and negligent operation of said truck of the United States by its agents or employees.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Shorter, of Newport News, Va., the sum of $3,500, in full settlement of all claims against the United States for expenses and injuries sustained as a result of a collision involving a United States Civilian Conservation Corps truck, on June 20, 1936: *Provided*, That no part of the amount appropriated in this act in

excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. Without objection the committee amendment will be agreed to.

There was no objection, and the committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. COSTELLO moves to strike out all of title V.

Mr. COSTELLO. Mr. Speaker, the present bill is an accident case involving a C. C. C. truck. It provides for the payment of $3,500 to John Shorter, who was injured while riding a motorcycle and who had a collision with this C. C. C. truck. Mr. Shorter was apparently driving behind the C. C. C. truck, proceeding at a normal rate of speed. The driver of the C. C. C. truck gave a signal to turn off the highway and proceeded to do so. The point at which he turned off the road was a driveway and not a regular crossroad or cross-highway of any character. The road was not particularly well marked. The claimant in this case, on a motorcycle, was not anticipating such a turn and did not see the signal given. As a result a collision ensued and the claimant did suffer injuries.

The only question that is involved is whether the Government should be held responsible, in view of the fact that the driver of the C. C. C. truck had used normal precaution in giving the proper signal at the time of making his turn off the highway.

That, I believe, is the only question that is involved before the House in this connection. In view of the fact that this was on the Private Calendar and objected to at that time, I offer this motion to strike out the title in order that the House may determine whether or not it desires to make payment under such circumstances.

[Here the gavel fell.]

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment. In order that the facts may be fully before the House, I have been through the record very carefully, and I am going to read this statement:

On June 30, 1936, Shorter was injured in a collision between his motorcycle and a Government truck driven by a Civilian Corps enrollee accompanied by seven other enrollees, all colored.

The truck and motorcycle were going in the same direction on a straight road with unobstructed view for several miles. Shorter blew to pass, and the truck suddenly and simultaneously turned left in front of Shorter to enter a dirt road, little more than a bypath, 6½ feet wide, intersecting the highway at right angles, unmarked by any sign, and concealed by grass and weeds. Shorter was compelled to turn left also, and struck the front left fender.

Shorter was a ship's carpenter earning good wages in the shipyard. He suffered a compound fracture of the right leg and other injuries. The shattered bones protruded. He can only hobble now. His occupation is gone. The doctor says he can never work again at his trade. He was in bed 6 months and incurred $650 in bills; he lost $1,850 in wages, and his cycle of $250 value. The $3,500 allowed him barely covers expenses and lost wages.

When the accident occurred, another car with two passengers approached from the opposite direction. Another car going in the same direction had just passed Shorter and the truck. It cut in front of the truck to avoid the approaching car. When the truck cut in front of Shorter, he had to turn left also for the approaching car had to turn left on Shorter's right to avoid a collision. Shorter could not turn that way.

Was any turning signal given? The truck driver, two others in the truck, with another witness, say "Yes." These colored people, without any cross-examination, being interviewed by an officer of the Government, appeared one right after another, and three of them testified to the same thing but the others all did not say that. Other witnesses say positively that no signal was given. Shorter, the injured man, Miss Porter, who was with him on the motorcycle, and the passengers in the approaching car, who were particularly vigilant, say that no signal was given. These two were facing the truck and facing the approaching motorcycle. One car, coming the same way as the truck and the motorcycle, had passed them. These two say positively they were watching and the turning signal was not given.

The affidavits of the enrollees are about word for word the same, except that five out of eight say nothing about a signal having been given. Almost all of the enrollees say they saw no other traffic on the road at that time, yet the undisputed evidence shows one car coming toward the truck, another had just passed the truck; the motorcycle was there, and another car had passed shortly before. The result is that the enrollees say there was no other traffic, but the undisputed evidence shows that there were two other cars and the motorcycle fairly close to the truck.

There was something said in the evidence about the motorcycle having attained considerable speed, as was shown by its speedometer after the accident. The gentleman from California has said nothing about it. The speedometer was one of those which has two indicators; one shows the maximum speed allowed at any time, and the other the current speed. The speedometer is attached to the rear wheel. When the rear wheel left the ground in the accident, the accelerated revolutions caused it to show an increased speed, and the maximum indicator remained at that speed until a button was pressed. One witness said that in all accidents of this kind the maximum-speed indicator will show a high speed due to the accelerated revolutions of the rear wheel when lifted from the ground. Shorter and Miss Porter say he was not going fast, and another driver who had passed says Shorter could not have been going at a great speed or he would have gotten farther down the road than he did.

The complete evidence was not before the War Department. They did not have these affidavits at first, and when they were submitted to it, the War Department itself saw it wise to submit all this testimony to the committee and to refer to the committee the decision as to negligence. The committee has decided. The evidence of witnesses who had no interest in the result of the claim, who were not in the truck, who were not enrollees, and who were charged with the duty of looking out for signals, shows that no signal was given at the time this truck turned into this blind road which was wholly unmarked. There was nothing to indicate the intersection. According to the evidence, grass had so grown up that it concealed the intersecting road, and that an approaching car could not see that there was an intersecting road.

The evidence is irresistible in showing Shorter entirely free from negligence and that the turning signal was not given.

I ask that the claim be allowed.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title VI—(S. 760. For the relief of Mrs. Guy A. McConoha)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Guy A. McConoha, of Poplar, Mont., the sum of $425.50 in full satisfaction of all claims of such Mrs. Guy A. McConoha against the United States resulting from the loss sustained by her when dispossessed by the Government of a certain Ford automobile purchased with a like sum by the said Mrs. Guy A. McConoha, such automobile, without her knowledge, having been previously forfeited to the United States under the internal-revenue laws and laws relating to the suppression of the traffic in intoxicating liquors among the Indians: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Beginning in line 14, page 8, strike out the proviso and insert: "That no part of the amount appropriated in this act in excess of

10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. HANCOCK moves to strike out all of title VI, on page 8, line 1.

Mr. HANCOCK. Mr. Speaker, the report on this bill is rather meager, but the facts I think are simple. It seems that in 1929, while a bootlegger was transporting intoxicating liquor into an Indian reservation in Montana, his car was seized by Government agents. During prohibition days automobiles used in transporting liquor were subject to seizure and forfeiture to the Federal Government.

The car was turned over to the Ford agent in a village in Montana for temporary safekeeping, for storage. The agent proved to be a crook. He sold the car to an innocent purchaser, the claimant in this case.

When the Government agents discovered that the car had been sold they repossessed the car, completed the forfeiture proceedings, and then sold the car according to law. The woman who was victimized by the dishonest Ford salesman is now asking to be reimbursed by the Government for what she paid.

I cannot see that there is any liability on the part of the Government. She, of course, has a good cause of action against that Ford agent, and I think he is probably liable to criminal prosecution; but there is no sound legal theory under which the Federal Government can be held responsible for the loss this woman sustained.

Mr. O'CONNOR. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill involves $425.50 to reimburse a lady at Poplar, Mont., for loss sustained by her in being dispossessed of an automobile she purchased in good faith from an automobile agent at Poplar, Mont.

The gentleman from New York has not stated all of the facts. This car was being used by a bootlegger to bootleg whisky in an Indian agency in Montana. While the bootlegger was so engaged, a special officer of the Indian agency at Fort Peck seized the car and took possession of it, but the officer released the car on a bond given to him apparently by the attorney, or furnished by the attorney, for the company that sold the car to Mrs. McConoha.

The claim against the United States Government is based upon the fact that it was a United States agent or officer—a representative of the United States Government who permitted this car to get out of his possession without any authority. It is true he accepted some sort of bond, but he had no authority to accept the bond. The bond proved no good.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. A little later, if the gentleman will pardon me.

In addition to that fact, the Department of Justice points out—and it is in the report:

This loss may be traced to the unauthorized release of the seized car by a representative of the United States Government.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RAMSPECK. The claimant in this case, as I understand it, attempted to recover from the man from whom she purchased the car but he had gone out of business and the judgment was invalid.

Mr. O'CONNOR. Exactly. I thank the gentleman. Not only that, but she paid out $150 attorney's fees trying to recover for the loss of the car she purchased because of the neglect and of the act of the agent of the United States Government. The case is clear, it seems to me.

There is not a scintilla of evidence before the Committee on Claims that this claimant did not act in good faith in the purchase of the car. Let me point out to the Members that the Committee on Claims passed this bill out twice. The bill passed the United States Senate in the Seventy-fourth and Seventy-fifth Congresses. I do not need to extol this committee before the Members of this House. It has as high a standing as any committee of the House and is chairmanned by as able, as fine, as sincere, thorough, and honest a gentleman as holds a seat in this House, the gentleman from Maryland [Mr. KENNEDY]. [Applause.] I want to point out that the committee studied this bill, and twice I appeared before the committee on the merits of the bill and on the question the gentleman from Georgia asked. She could not recover from the man who sold her the car wrongfully, because he was insolvent, and, not being able to recover from him, she has the right to recover from the United States Government because of the unauthorized act of the officer. There is no reason why this bill should not be allowed. It is a just claim and it is due her because of the facts I am stating.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. HANCOCK. On what ground was the plaintiff denied relief against the Ford agency?

Mr. O'CONNOR. She recovered judgment, but her judgment is not collectible.

Mr. HANCOCK. She did have a legal claim?

Mr. O'CONNOR. She tried to assert her legal claim.

Mr. HANCOCK. But the man was insolvent.

Mr. O'CONNOR. Yes; there is no question of her right of action against the Federal Government, because the claim grows out of the original wrongful act of a representative of the United States Government releasing the car in the first place. He had no authority to do it, but he did it, and as a result the car got into the hands of an innocent purchaser. I say therefore that she is entitled to recover from the Government. I might add that the Government repossessed the car from the claimant and sold it for $415 and now has the money. This is one bill that will not really cost the Government anything, and I express the hope that the amendment will be defeated.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

SUNCREST ORCHARD, INC.

The Clerk read, as follows:

Title VII—(S. 927. To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.)

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc., against the United States for damages for the alleged wrongful seizure of certain fruit shipped in interstate commerce during the year 1926.

SEC. 2. Such claim may be instituted at any time within 2 years after the passage of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings in any suit before the Court of Claims under this act, and appeals therefrom, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

Mr. COSTELLO. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read, as follows:

Amendment offered by Mr. COSTELLO: Strike out all of Title VII.

Mr. COSTELLO. Mr. Speaker, my amendment would strike out title VII of the pending bill, which would authorize the Suncrest Orchard, Inc., to go to the Court of Claims to sue the Government because of the fact it lost several shipments of fruit which the Department of Agriculture held up pending inspection. The cause of action arose back in 1926. The Department of Agriculture found that much of the fruit shipped by the claimant was adulterated by an arsenic residue and because of this was dangerous to public health.

The claimant has previously had a trial on the merits of this case, and the jury found in favor of the Government and

against the claimant. I heard it argued here at great length the fact that in view of a judgment of a court against the Government, this Congress should not stand up and refuse to authorize payment of a claim or, as in the previous case of Mr. Barlow, permit the claimant to go back to the Government and obtain his judgment. Now you have the reverse of the situation.

The claimant has already been to court and has failed to recover judgment, and yet you are asked to allow him to go back to the Court of Claims in order that he may have further opportunity to collect from the Government.

The amount of the claim involved here is $76,000. In my opinion, the claimant does not have a valid claim. The Department of Agriculture was merely carrying out its proper function. The fruit which it withheld was, as they found, actually so adulterated by the arsenic residue from sprays as not to be satisfactory for public consumption.

Mr. LANHAM. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Texas.

Mr. LANHAM. If we were to assume that the claim was altogether just, what reason would there be even under such circumstances to have the provisions of section 2 allowing the institution of suit at any time within 2 years after the passage of this act, thus obviating the lapse of time in the operation of the statute of limitations?

Mr. COSTELLO. I am frank to state to the gentleman I do not know why a period of 2 years has been allowed. Ordinarily only a 6 months' period is granted. Perhaps it may not be fair to the claimant to make the statement, but I believe the party in interest here is in the penitentiary by reason of other violations of the pure food and drug laws. It may be on that account that the 2-year period is put into this bill in order to give him ample opportunity to exercise his civil rights.

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from California [Mr. COSTELLO].

Mr. Speaker, if the Members present will read the letter of Mr. Llewellyn A. Banks, who, with his family, was the owner of the Suncrest Orchards, which appears on the last page of the report, I am sure they will be convinced of the fact that the gentleman from California [Mr. COSTELLO] was in error in both observations upon this bill. In the first place, the Department of Agriculture is not opposing this bill. This bill gives jurisdiction to the Court of Claims to hear and determine the claim of the Suncrest Orchards against the United States, and the letter from the Acting Secretary of Agriculture states very plainly that the Department has no objection to the bill and that it does not intend to offer any objection.

The facts are as follows: Back in 1926 the Suncrest Orchards, of Medford, Oreg., shipped 100 carloads of pears to the Atlantic seaboard for export to France and Great Britain. While these pears were in transit the Department of Agriculture instituted a series of suits, and those suits are referred to in the letter of the Secretary of Agriculture. Those suits were not suits in the Court of Claims at all. They were suits to confer upon the Department of Agriculture jurisdiction to seize these pears, to examine them, and to find out whether the arsenic spray coating on them was heavier than that permitted by law. The Government seized these pears and found out that they were too heavily sprayed. It then became the duty of the Government under the law to return these pears or to release them to the owner so that he might reprocess them in such manner as to make the arsenic-spray content conform to the law. Instead of doing that, however, the very careless agents of the Department of Agriculture held these cars up for 10 days in the hottest part of the summer without re-icing them, and they thereby ruined the entire 100 carloads of pears.

This bill is to permit the Suncrest Orchards, Inc., now to present its case to the Court of Claims in order to ascertain whether the Government owes this corporation anything in damages. That is all it amounts to. I do not see how there can be any legitimate objection to the enactment of the bill.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the omnibus bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 99, noes 12.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground there is not a quorum present. I have some respect for our bankrupt Treasury.

The SPEAKER pro tempore. Obviously there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 86, not voting 163, as follows:

[Roll No. 198]

YEAS—180

| | | | |
|---|---|---|---|
| Allen, La. | Eaton | Kefauver | Plumley |
| Anderson, Calif. | Eberharter | Keller | Poage |
| Angell | Edelstein | Kennedy, Martin | Rabaut |
| Arends | Elliott | Kennedy, Md. | Ramspeck |
| Austin | Ellis | Keogh | Rayburn |
| Ball | Engel | Kilday | Reed, Ill. |
| Barnes | Fenton | Knutson | Robertson |
| Bell | Gamble | Kocialkowski | Robinson, Utah |
| Bender | Gathings | Kramer | Robsion, Ky. |
| Blackney | Gearhart | Lea | Rogers, Mass. |
| Bland | Gehrmann | Leavy | Rogers, Okla. |
| Bloom | Geyer, Calif. | Lesinski | Rutherford |
| Boland | Gilchrist | McAndrews | Sasscer |
| Boren | Gillie | McCormack | Satterfield |
| Boykin | Goodwin | McGehee | Seccombe |
| Bradley, Mich. | Gossett | McKeough | Secrest |
| Brooks | Graham | McLaughlin | Shannon |
| Brown, Ga. | Grant, Ala. | Magnuson | Smith, Ill. |
| Brown, Ohio | Green | Maloney | Smith, Maine |
| Camp | Gregory | Mansfield | Smith, Wash. |
| Cannon, Fla. | Griffith | Martin, Iowa | Snyder |
| Cartwright | Gwynne | Mason | South |
| Case, S. Dak. | Harrington | Massingale | Sparkman |
| Casey, Mass. | Hart | Miller | Spence |
| Chiperfield | Hartley | Mills, Ark. | Stefan |
| Church | Havenner | Mills, La. | Talle |
| Claypool | Hawks | Monkiewicz | Tarver |
| Clevenger | Healey | Monroney | Tenerowicz |
| Coffee, Wash. | Hess | Moser | Terry |
| Cole, N. Y. | Hill | Mott | Thomas, Tex. |
| Cooper | Hinshaw | Mouton | Thomason |
| Courtney | Hook | Mundt | Tolan |
| Cox | Horton | O'Connor | Van Zandt |
| Cravens | Houston | O'Day | Voorhis, Calif. |
| Creal | Hull | O'Leary | Wallgren |
| Crowther | Hunter | O'Neal | Walter |
| Cullen | Izac | Osmers | Ward |
| Curtis | Jacobsen | Patman | Weaver |
| D'Alesandro | Jennings | Patrick | Welch |
| Davis | Jensen | Patton | West |
| Dickstein | Johnson, Ill. | Pearson | Whelchel |
| Dingell | Johnson, LutherA. | Peterson, Fla. | White, Idaho |
| Disney | Johnson, Okla. | Peterson, Ga. | Wolverton, N. J. |
| Dondero | Jonkman | Pierce | Woodruff, Mich. |
| Dunn | Keefe | Pittenger | Woodrum, Va. |

NAYS—86

| | | | |
|---|---|---|---|
| Alexander | Costello | Harter, N. Y. | McGregor |
| Andersen, H. Carl | Crawford | Hoffman | Mahon |
| Anderson, Mo. | Crowe | Holmes | Michener |
| Andresen, A. H. | Darden, Va. | Jenkins, Ohio | Murray |
| Beckworth | Durham | Johnson, Ind. | Nelson |
| Bolles | Dworshak | Jones, Ohio | Norrell |
| Buckler, Minn. | Edmiston | Kean | Oliver |
| Byrns, Tenn. | Elston | Kinzer | Polk |
| Cannon, Mo. | Englebright | Kitchens | Rankin |
| Carlson | Fish | Kleberg | Reed, N. Y. |
| Carter | Gerlach | Kunkel | Rees, Kans. |
| Clason | Gore | Landis | Rich |
| Cochran | Grant, Ind. | Lanham | Rodgers, Pa. |
| Coffee, Nebr. | Gross | LeCompte | Romjue |
| Cole, Md. | Halleck | Lewis, Colo. | Schafer, Wis. |
| Colmer | Hancock | Ludlow | Schiffler |

| | | | |
|---|---|---|---|
| Schulte | Sutphin | Tinkham | Wolcott |
| Scrugham | Sweet | Vinson, Ga. | Wolfenden, Pa. |
| Smith, Ohio | Taber | Vorys, Ohio | Youngdahl |
| Springer | Thill | Whittington | Zimmerman |
| Stearns, N. H. | Thorkelson | Williams, Del. | |
| Sumner, Ill. | Tibbott | Williams, Mo. | |

NOT VOTING—163

| | | | |
|---|---|---|---|
| Allen, Ill. | Ditter | Johnson, W. Va. | Randolph |
| Allen, Pa. | Doughton | Jones, Tex. | Reece, Tenn. |
| Andrews | Douglas | Kee | Richards |
| Arnold | Doxey | Kelly | Risk |
| Barden, N. C. | Drewry | Kennedy, Michael | Rockefeller |
| Barry | Duncan | Kerr | Routzohn |
| Barton, N. Y. | Evans | Kilburn | Ryan |
| Bates, Ky. | Faddis | Kirwan | Sabath |
| Bates, Mass. | Fay | Lambertson | Sacks |
| Beam | Ferguson | Larrabee | Sandager |
| Boehne | Fernandez | Lemke | Schaefer, Ill. |
| Bolton | Fitzpatrick | Lewis, Ohio | Schuetz |
| Bradley, Pa. | Flaherty | Luce | Schwert |
| Brewster | Flannagan | Lynch | Shafer, Mich. |
| Bryson | Flannery | McArdle | Shanley |
| Buck | Folger | McDowell | Sheppard |
| Buckley, N. Y. | Ford, Leland M. | McGranery | Sheridan |
| Bulwinkle | Ford, Miss. | McLean | Short |
| Burch | Ford, Thomas F. | McLeod | Simpson |
| Burdick | Fries | McMillan, Clara | Smith, Conn. |
| Burgin | Fulmer | McMillan, John L. | Smith, Va. |
| Byrne, N. Y. | Garrett | Maas | Smith, W. Va. |
| Byron | Gartner | Maciejewski | Somers, N. Y. |
| Caldwell | Gavagan | Marcantonio | Starnes, Ala. |
| Celler | Gifford | Marshall | Steagall |
| Chapman | Guyer, Kans. | Martin, Ill. | Sullivan |
| Clark | Hall, Edwin A. | Martin, Mass. | Sumners, Tex. |
| Cluett | Hall, Leonard W. | May | Sweeney |
| Collins | Hare | Merritt | Taylor |
| Connery | Harness | Mitchell | Thomas, N. J. |
| Cooley | Harter, Ohio | Murdock, Ariz. | Treadway |
| Corbett | Hendricks | Murdock, Utah | Vincent, Ky. |
| Crosser | Hennings | Myers | Vreeland |
| Culkin | Hobbs | Nichols | Wadsworth |
| Cummings | Hope | Norton | Warren |
| Darrow | Jarman | O'Brien | Wheat |
| Delaney | Jarrett | O'Toole | White, Ohio |
| Dempsey | Jeffries | Pace | Wigglesworth |
| DeRouen | Jenks, N. H. | Parsons | Winter |
| Dies | Johns | Pfeifer | Wood |
| Dirksen | Johnson, Lyndon | Powers | |

So the bill was passed.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Doughton with Mr. Treadway.
Mr. Jarman with Mr. Gartner.
Mr. Duncan with Mr. Jarrett.
Mr. Fries with Mr. McDowell.
Mr. Hobbs with Mr. Jeffries.
Mr. Cooley with Mr. Martin of Massachusetts.
Mr. Kee with Mr. Powers.
Mr. Warren with Mr. Short.
Mr. Jones of Texas with Mr. Simpson.
Mr. Parsons with Mr. Thomas of New Jersey.
Mr. Murdock of Utah with Mr. Douglas.
Mr. Hennings with Mr. Kilburn.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

LESTER P. BARLOW

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to substitute the bill S. 313 for the House bill, H. R. 3683, to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States.

The Clerk read the title of the bill.

The SPEAKER. Is this bill identical with one of the bills just passed?

Mr. KENNEDY of Maryland. It is, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester P. Barlow the sum of $592.719.21, in full settlement of his aerial torpedo patent-infringement claim against the United States as found by the Court of Claims to be due him in its decision of June 7, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 3683) was laid on the table.

JOHN P. SHORTER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to substitute the Senate bill, S. 823, for the House bill, H. R. 4017, for the relief of John P. Shorter.

The Clerk read the title of the bill.

The SPEAKER. Is this bill identical with one that was passed in the omnibus claims bill?

Mr. KENNEDY of Maryland. It is, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Shorter, of Newport News, Va., the sum of $3,500, in full settlement of all claims against the United States for expenses and injuries sustained as a result of a collision involving a United States Civilian Conservation Corps truck, on June 30, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 4017) was laid on the table.

VIOLET KNOWLEN

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3976) for the relief of Violet Knowlen, a minor, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 7, strike out "$2,500" and insert "$1,500".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HAZEL THOMAS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6061) for the relief of Hazel Thomas, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 6, strike out "$5,000" and insert "$3,500".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PEARL WALDREP STUBBS AND GEORGE WALDREP

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6334) for the relief of Pearl Waldrep Stubbs and George Waldrep, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out ", and George Waldrep, father of."

Page 1, lines 7 and 8, strike out "sums of $4,000 and $1,000 respectively" and insert "sum of $1,750."

Page 1, line 9, strike out "sums" and insert "sum."

Amend the title so as to read: "An act for the relief of Pearl Waldrep Stubbs."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MARY JANIEC AND IGNATZ JANIEC

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8605) for the relief of Mary Janiec and Ignatz Janiec, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$5,000" and insert "$3,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

J. J. GREENLEAF

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 527) for the relief of J. J. Greenleaf, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KENNEDY of Maryland, RAMSPECK, and THOMAS of New Jersey.

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Mr. KENNEDY of Maryland. Mr. Speaker, the House passed the bill (H. R. 10033) with certain changes, so that the bill is now identical with the Senate bill (S. 4042) to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian Irrigation Project, Idaho. I ask unanimous consent that the Senate bill, which is now on the Speaker's desk, be substituted for the House bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill as follows:

*Be it enacted etc.*, That the Secretary of the Treasury, upon receipt of advice from the Secretary of the Interior to the effect that an appropriate and properly executed easement has been obtained, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Emory Poulson, or his heirs, an amount not exceeding $4,500: *Provided*, That the foregoing amount shall be in full settlement for any and all past and present damages to the lands or personal property of the above-named Emory Poulson in connection with the construction, operation, and maintenance of the Blackfoot Reservoir, Grays Lake, and the conveyance channel from Grays Lake to the Blackfoot Reservoir of the Fort Hall Indian Irrigation Project, Idaho, and in full payment for the easement obtained from said individual covering the right to flood, impound, withdraw at will, water on, over, and from all lands owned or possessed by said individual in connection with the future operation of said project; and the acceptance of said sum by the said Emory Poulson or his heirs shall act as a quittance of any and all rights or claims that may previously have existed against the United States by reason of such construction and operation of the said project: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents or attorneys on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a disdemeanor and upon conviction thereof shall be fined in a sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. KENNEDY of Maryland. Mr. Speaker, this concludes the business of the Committee on Claims for today.

SUPPOSE A GERMAN VICTORY—SOME PROBLEMS WE WILL HAVE TO FACE

Mr. BARNES. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARNES. Mr. Speaker, we have been following closely the course of the war in Europe and world conditions, and are now centering a great deal of our efforts upon the consideration of our defense program. We all recognize that as a natural result of this war there will be fundamental changes in economic principles and practices, whoever the victor may be. In considering those changes, and in considering our defense policy, it is necessary for us to give some thought to the commercial, economic, and political principles that would be put into force and effect in the event of certain victories, and what we should do to offset the same, or adjust our economy to the new order. At the outset, in considering this problem, I am not going to venture any solution. I will have served my purpose if I succeed in awakening national consciousness to the fact that the character of the economy that will follow the war will be a reflection of the political philosophy of the victor, and that it will be necessary for us to be prepared to meet the challenge when that time comes.

In discussing this problem, I think we should consider first some of the basic elements of the totalitarian economy, and see, in a general way at least, how that economy differs from our own. In the totalitarian state the executive has the supreme power over the law-making processes, the courts, and over all business and economic activity. This power is used to direct from the top all economic activity according to the plans and objectives of the government. In other words, the government has complete control over all labor as individuals, and dictates exactly what employment each individual should have, what rates of pay he should receive, how long he should work, and what contributions, if any, he should make to the government. It also has complete control over the production and distribution of all commodities. Prices are set, both for the producer and the consumer, even going so far as to tell the producer or businessman what he shall produce.

In the field of agriculture the government takes complete control of all farms. It sets the price at which the farmer sells his products, it tells the farmer what he can produce, and certain standards he must meet in the production of the crops; and, if the individual does not come up to the desired standard, it may even take the farm away from him. In the field of manufacturing the same is true, even going to the extent of telling the manufacturer what products can be used, his rates of pay, the price he is to receive for his products, and whether or not the same can be sold for export. In other words, in the totalitarian state all forms of private interests are declared completely subservient to the policies and commands of the rulers of the state. The individual literally has no rights, either in law or fact, save those which the rulers of the state at any particular time may choose to grant him.

This philosophy of government, which we have seen spread in Europe, and whose rulers desire to spread over the world at large, is obviously in direct contrast to our form of government, which supports the individual in the maintenance of both his private and economic liberties. We, in this country, rely for production primarily upon the incentive of gain and private profit. We leave to the individual consumer the right to buy what he chooses, and thereby

determine what is produced. The worker is left free to select his employment and to bargain individually or collectively, and to determine the conditions of his employment. It is necessary for us to realize that if we are to be confronted with a totalitarian Europe, with its form of economy, we must take steps to protect ourselves from encroachment upon our rights, and be in a position to estimate in some degree the nature of the economic problems which will confront us.

In considering the possibility of a Nazi victory we should also take into consideration the exact character and ultimate purposes of the totalitarian politico-economic system. In other words, let us see what Europe would be like under that situation. We have read many articles, books, and so forth, as to the purpose of Germany in this struggle. It must be conceded that Nazi leadership has fully informed the world of its purposes and objectives. I am not going into detail, but would like to make one quotation that I think fairly well embodies the German philosophy:

> It is the destiny of the German race to create a new Europe and a new world, organized under German dominance. The world of the democracies is a "rotten and tottering world," now in the final stages of passing away. The superior culture of the west was shown in the heroic period of European expansion when the Portuguese, the Spanish, the French, the English carried that culture to the ends of the earth. But this glorious tradition was vitiated in the eighteenth and nineteenth centuries by romantic democracy and by defeatism. The nations that had been the carriers of culture lost the capacity for self-defense, and their societies were atomized by the rise of individualism.
>
> The German people have preserved western culture free of these two defects. They realize that force is the basis of all social relationships and that as society is better organized the menace to it from disruptive movements is greater and the force exerted to maintain order must likewise be greater. Germany has the capacity to reintegrate the individual into the race. Some 60 percent of Americans and a large proportion of Englishmen belong racially in this unity, but they have failed to understand their mission. It is because of their failure that Germany has been forced to seek allies in the Italians and the Japanese.
>
> The 30 to 40 states now in Eur-Afr-Asia are far too many. The area requires a single center for its ideology, its military strength, its commercial planning. The new commonwealth will be created by the Germans, with the collaboration of the French, Italian, and Slavic peoples, who will be directed by the superior race in matters of production, distribution, and consumption, and in military matters.

I do not think you will find elsewhere a more concise expression of the totalitarian philosophy. In those few paragraphs you see the elevation of the German race to world leadership; the elevation of force as the arbiter of destiny; the suppression of the individual to the rule and worship of the state; the contraction of Europe into a political entity under the control of axis powers. In considering this last phase, some people have questioned the ability to assimilate all into one political unit. I think this is possible because they will be able to control the press, the radio, dominate the church, and close the universities. All secret organizations will be abolished; therefore, the control of all mediums of thought and expression will be in the hands of the government, not giving to the individual the opportunity of self-expression or organization, whereby unfavorable public opinion might gain headway or start a counter revolution.

In the economic field the state will replace the individual, and the competitive price system will be gone. The relation between the monetary unit and wages and prices will all be set by the government. Undoubtedly, they will furnish the directing personnel for all industry, probably even down to the shop foreman. A further unifying force will be the governing elite, whose loyalty will be retained by the offer of jobs, prestige, and security in the great political bureaucracy which this continental system would require. The propertied classes would probably support this regime, even though they might dislike all the Nazi regulations. They would do so because of the fear that a breakdown of this system would mean a proletarian revolution.

In other words, the Germans count upon political power following economic power and not vice versa. Economic pressure will accomplish their results. Territorial changes would not concern them because there would be no France nor England, except as language groups, as none of these controlled nations would have control of its own finances, economic systems, or of its customs. No orders would be taken from, or given to firms headed by personalities unfavorably regarded by the Nazis. Consequently, by this economic pressure and by the installation of fear, they could easily dominate these countries with a small group.

In considering the possibility of a Nazi victory, we must include, in our speculations, its political and economic effects in this country and in South America, including the possibility of aggression upon this hemisphere. In regard to South America, we may expect attempts of economic penetration, particularly in the Argentine and Brazil, for Germany has in the past and will continue to seek political power as a consequence of economic control. We have entered into defensive commitments with South America, which imply that we would be required to resist Nazi economic penetration there. But, even if this were not the case, it would be absolutely essential to our political and economic principles to oppose the spread of totalitarian economic policies in that section of this hemisphere.

Germany has been very successful in promoting its political influence among the small states of Europe through the negotiation of bilateral treaties and trade cartels. There is opinion that she would employ these methods in seeking a foothold in South American markets. Through her long experience with such trading methods she could organize her trading agreements and exert tremendous influence upon markets which always have been geared to the European economy. Governments with indispensable markets at stake are hardly in a position to demand favorable terms in trade negotiations. Also, she undoubtedly would control and set the rate of exchange. The rate could express the master and subject-race principle, and thereby raise the standard of living of the master people, and even go so far as to affect the relation of the various classes within the country in which they occur. Also preferential terms given to one country over another could be used to undermine the political situation in any one country. Some believe that the economic penetration by Germany into South America would bring those countries sufficiently within the German orbit without changing their sovereignty or form of government. This would be extremely advantageous to Germany, because it would free her from the responsibility of managing production in those countries.

We must recognize that economic necessity, rather than political ideology will exercise controlling influence in South America. These nations are primarily exporting nations. Surpluses are their major problems. Major and rapid shifts will be required to change their economies from a foreign to a domestic market. There has been discussion of the organization of a hemispheric cartel or pool for economic defense. I doubt whether this would work. Should this be attempted, I think the German strategy would be to attempt to divide the unit by arranging to obtain European necessities from the southernmost countries of South America, leaving the rest with large unsold surpluses and difficult internal conditions.

Coming a little closer to home, what would be the impact in our country of a German victory in Europe? As pointed out originally, it would be an impact upon the civilization of which American civilization is a part. We in the United States have in the past been accustomed to measure our resources against the resources of individual nations, but we receive a rude shock when we contrast all of the assets of the countries of Europe lumped into a continental total against our own resources. We in the past have considered ourselves as bigger and better, but would we be under this unification?

Europe in the past has been the best regional customer of the United States; Great Britain our best individual customer. If the standard of living of the populations of the German-occupied areas is reduced to that of subject peoples, the demand for the kind of goods that we produce in this country would be replaced by goods which Japan and Germany are better fitted to supply. Also the question of bilateral bargaining comes in again, and by this method, undoubtedly, Europe would close itself to American exports, except to products essential to further their own economy, and then at a very

low price. Concentration of European manufacturing power under Germany would tend to break American markets elsewhere.

Let us consider briefly how this would affect the average businessman, farmer, and laborer in this country. Under totalitarian control, the American businessman would not be dealing with a European or Asiatic businessman, but with a monoply administered by a government. He would not be engaged in free competition. Then, again, in dealing with the few open countries left, we would be competing not with foreign individual concerns, but with a highly centralized government.

Our farmers, who produce more than is consumed, would be able to dispose of their surpluses only to governments, and then in exchange for manufactured products produced by so-called slave labor, and which would undoubtedly undersell American-made products.

Will it be possible for us to maintain existing living standards while attempting to compete with a government monopoly resting on slave labor and with no financial overhead to burden production? Will a tariff, a subsidy, or labor laws, and so forth, protect our agriculture and industry against the inroads of such a system? If we let the imports in, how can we compete against them? If we exclude them, how can we dispose of our surplus?

In other words, can our economy of free prices and high labor costs successfully meet the challenge of the totalitarian system of fixed prices, managed currency, and trade by barter? Can there be an adjustment between a managed and free economy with profit to the proponents of these conflicting systems? This, in the last analysis, is the problem that will confront us in the event of a complete Nazi victory. We must concentrate our attention upon it; it requires exhaustive study. This study must be undertaken without delay, lest we suffer the fate of others who have neglected to put their defenses in order. It requires little imagination to foresee that, unless it can be avoided, a conflict between two such economic systems would end in a clash, the results of which would be devastating.

When peace comes there will be gestures toward this country and statements will be made that the totalitarian states are now satisfied nations, and that they have no interests in this hemisphere. They will state that the nations of Europe are starving and that the destruction has been tremendous, and that we, in this country, should send our money and resources over to rehabilitate them. The sending of our funds to rehabilitate Europe will appeal to certain groups in this country who believe that a satisfactory arrangement could be made, whereby world trade could be carried on and our markets reopened. In doing this, we should remember that during the period of rehabilitation these same countries could replenish certain exhausted stocks of essential materials and it might be only another breathing spell, which will be held at our expense.

Others seeking to reduce the tax burden incident to our rearmament program would seize upon peace as a reason for reduction, or even a halt in our arms program, on the theory that we can, without hesitation or suspicion, resume trade with the dictator powers. Appeasement will be the watchword of these groups.

I mention these forces for the purpose of emphasizing the necessity of cautious action. We must not be misled into another Munich. We must thoroughly understand the implications of a Nazi victory in the light of the avowed objective of the totalitarian philosophy, and we must never lose sight of the effect of economic penetration in advancing that objective. The desire for appeasement must be tempered by vigilance and, in seeking trade, we must not make it possible for those who seek to destroy democracy everywhere to obtain the means through replenished resources to pursue that aim. By clear understanding of the policies of the totalitarian powers and by the employment of our natural elements of political and economic strength, I believe that whatever the outcome of the war, it will be possible for us to regain our share in world trade without endangering our institutions and without encouraging the spread of opposing philosophies elsewhere. This will be no easy task, but it will not be impossible, if we are prepared, to meet the problem when it develops. Our influence, if properly applied, is too potent to be ignored by any dictator or combination of dictators, whose motives we clearly understand.

### PERMISSION TO ADDRESS THE HOUSE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of matters on the Speaker's desk, at the conclusion of the legislative program of the day, and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### EXTENSION OF REMARKS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by my colleague the gentleman from Virginia [Mr. DARDEN] at the annual meeting of the American Legion in Norfolk.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

### COMMITTEE ON THE JUDICIARY

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent on behalf of the Committee on the Judiciary to file a supplemental report on the bill S. 1681.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, what is this bill?

Mr. KEFAUVER. It is the court bill that we had up in the Committee on the Judiciary this morning.

Mr. MICHENER. This is the bill that provides for an additional district?

Mr. KEFAUVER. Yes.

Mr. MICHENER. And it now simply provides for the distribution of the patronage?

Mr. KEFAUVER. No; it provides for the distribution of jurisdiction.

Mr. MICHENER. I shall not object, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

### UNITED STATES HOUSING AUTHORITY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection by those having special orders for today, the gentleman from Michigan is recognized for 1 minute.

There was no objection.

Mr. DINGELL. Mr. Speaker, when we last met, the gentleman from New York [Mr. TABER] made some remarks on the floor of this House about the very much reduced activities of the United States Housing Authority today and the size of its staff. He also talked about lobbying on the housing bill.

First, with reference to the administrative expenses of the U. S. H. A., it is true that the U. S. H. A. has 1,786 employees now against 2,080 a year ago, but it is not true that its work load is less. On the contrary, it is a tribute to the efficiency of the U. S. H. A. and the productiveness of its staff that it has been able to get along with fewer employees because its work load is actually greater than last year. On page 1516 of the hearings on the independent offices appropriation bill, there are charts showing the project work units of the Authority for this fiscal year. These charts show a work load 10 percent greater for this year than last, because there are more projects under construction and management this year than last year and because this necessarily involves more work by U. S. H. A. Despite a 10-percent increase in the volume of work, the Authority is now functioning with a smaller staff.

Referring to lobbying there has been lobbying for the housing bill, but not by U. S. H. A. There has been lobbying by the host of organizations and people who are supporting this legislation and who, as citizens, are entitled to make their support and interest known to us. There have been few measures before us which have had such wide support. Labor is united behind it—including both the A. F. of L. and C. I. O. It is supported by farm organizations and State commissioners of agriculture. It is supported by various business and industrial organizations. Finally, it is supported by many governors, mayors, and other leading local officials of both parties who have had direct contact with the program in their own communities. The lobbying that my colleague from New York has described is the result of the interest of these groups and organizations.

All of these organizations and people speak in behalf of a cause which is vitally important to the welfare of this Nation today. I say, gentlemen, we should take heed of this interest and act on S. 591 at this session to enable the use of the balance of loan funds already made available to the U. S. H. A. [Applause.]

CONFERENCE REPORT

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the mayor of Sioux City.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEA asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief extract from the hearings on the Banking Act of 1935, before the Senate committee.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business in order tomorrow, Calendar Wednesday, may be dispensed with.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what will be the order of business on tomorrow?

Mr. RAYBURN. The business on tomorrow will be, first, a rule on the so-called Tennessee judgeship bill, and after that is disposed of, probably, the rule on the so-called wool-labeling bill. That will be all for tomorrow and I may say that on Thursday we will have the tax bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two subjects, and in the first to include a brief statement from the Washington News by John T. Flynn, and in the second to include a statement by the gentleman from California [Mr. VOORHIS] and also a copy of a House resolution, a very brief resolution, which I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an address by Virgil Jordan, president of the National Industrial Conference Board.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend the remarks I made this morning.

The SPEAKER. Is there objection?

There was no objection.

FIVE-HUNDRED-MILE-PER-HOUR PLANE

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is that agreeable to the gentleman from New York [Mr. DICKSTEIN]?

Mr. DICKSTEIN. It is.

Mr. HINSHAW. Mr. Speaker, this last week end I took the opportunity presented by our recess from Thursday to Monday to fly home to my district. One of the things I did while there was to visit the Lockheed Aircraft Corporation's plant in Burbank, Calif. I hold in my hand a page from the Los Angeles Times containing a photograph of the *P–38*, the fastest, most deadly interceptor-pursuit plane in the world. I was privileged to inspect this fighting plane in the Lockheed plant.

I have heard so much about it for the past year that I was most anxious to see it to confirm, with my own eyes, the fact of its existence. Members of the House will recall that I have discussed the *P–38* on several occasions, wondering why more of them had not been ordered by the Army Air Corps, and why they have not long since been in production. Now I believe production is about ready to commence, and I hope that we may soon have a large fleet of them for our own defense. I ask unanimous consent to extend my remarks and to include an article from the Los Angeles Times of August 23, 1940, concerning the *P–38*.

The SPEAKER. Is there objection?

There was no objection.

[From the Los Angeles Times of August 23, 1940]

INSPECTORS SEE 500-MILE-PER-HOUR PLANE—LOCKHEED'S NEW PURSUIT SHIP TRUNDLED OUT FOR KNUDSEN AND ARNOLD

The mobilized might of the West's military-aviation industry whirled in review yesterday before William S. Knudsen, production chief of the National Defense Commission, and Maj. Gen. H. H. Arnold, Chief of the United States Army Air Corps.

The two men, in whose hands lie the air preparedness of the United States, were on the move throughout the day, but their first official act was to inspect the world's fastest interceptor-pursuit plane just completed for the Air Corps at the Lockheed factory in Burbank.

The tiny, silver, wasp-like plane is believed to be the world's deadliest fighter, according to General Arnold.

It is designed to cruise 460 miles an hour, but refinements have been added since the first experimental model was built, and the Army hopes to bring its speed up to 500 miles an hour.

HOWARD HUGHES VISITED

Each of its two Allison motors has more than 1,000 horsepower—just how much more is one of those military secrets. It has a cruising radius of 1,100 miles and will climb to 4,000 feet altitude in 1 minute. It will be armed with four .50 caliber machine guns and one 1-inch cannon. The wing span is 42 feet and the length 38 feet.

After also inspecting bombers and other production in the Lockheed factory, Knudsen and General Arnold paid a short call upon Howard Hughes, speed flyer and designer of speedy military types of aircraft.

At noon a brief respite was given the inspection party when General Arnold and Knudsen were guests at a luncheon given by the Los Angeles Chamber of Commerce.

In the afternoon inspection tours were made through the Kinner airplane-motors factory in Glendale and the Menasco motors factory, where the Government has contracts for many engines. Numerous manufacturers of airplane parts also were called upon by the pair in their inventory of aviation production power.

PHOTOGRAPHS PERMITTED

During the day General Arnold took occasion to permit the first official photographs of a giant bomber being built for the Air Corps at the Douglas Aircraft Co. factory at Santa Monica.

The giant plane, designed to be the mightiest military bomber in the world, though still in the jigs, is rapidly taking form. Just how many of this type will be purchased depends upon the results of its tests, General Arnold said.

Orders for the powerful little Lockheed interceptor, known as the *P–38*, already number more than 900. Many of these are for England, it was indicated, but Army officials admitted that the United States Air Corps has placed its largest order for pursuit

planes with the Lockheed factory. The plane is in production, with the goal set at 100 planes a month within a year.

TESTS NEXT WEEK

The tiny plane will be tested on some secret date next week by a crew of special flyers from Wright Field, Dayton, Ohio, according to Maj. K. B. Wolfe, chief production engineer for the Army at that point.

Today General Arnold and Knudsen will go to San Diego to inspect a giant bomber being built for the Army by the Consolidated Aircraft Corporation and training models in production by Ryan Aircraft.

From San Diego the two men will leave for San Francisco, where they will continue their tour of inspection in the West, which will take them later to the large Boeing factory in Seattle.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from the American Legion Chelmsford Post, No. 212, and the resolution that that post passed.

The SPEAKER. Is there objection?

There was no objection.

CHALLENGING MR. WENDELL WILLKIE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is that agreeable to the gentleman from New York [Mr. DICKSTEIN]?

Mr. DICKSTEIN. It is.

Mr. PATRICK. Mr. Speaker, I have decided to challenge Mr. Wendell Willkie to debate with him all over the country on the platform. The President has declined to debate with him, and Mr. Willkie said it would be a waste of time for him to accept debate with Mr. Paul McNutt.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I make this challenge in all sincerity. Of course I am so unknown that the gentleman probably never has heard of me, but until a few months ago I had never heard of Mr. Willkie. It might be a waste of time as Mr. Willkie states and probably would be for him to debate with Mr. Paul McNutt—I think it would be a waste of Mr. McNutt's time; but it would not be such a waste of Mr. Willkie's time if he could step down before the people and debate with some little, obscure, unimposing Congressman such as I, and it might be perhaps the cleverest thing that he could do, the shrewdest move he could make, although I might make it more interesting for him than he would think. But, as I say, I sincerely challenge the gentleman and am sure I feel no safer in making this challenge than he did when he issued his challenge to the President of the United States.

The SPEAKER. The time of the gentleman from Alabama has expired.

The SPEAKER. Under special order heretofore made the Chair recognizes the gentleman from New York [Mr. DICKSTEIN].

"FIFTH COLUMNISTS"

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an article from the Brooklyn Eagle of Thursday, August 22, 1940. Also, I ask unanimous consent that in my address I may include a letter dated August 24 from the Reporter.

The SPEAKER. Is there objection?

Mr. HINSHAW. Mr. Speaker, I reserve the right to object. What did the gentleman say about a speech on August 22?

Mr. DICKSTEIN. Not my speech. I asked to include a short clipping from the Brooklyn Eagle, dated August 22, 1940, on the question of nazi-ism in this country.

Mr. HINSHAW. Does that have anything to do with the National Rifle Association?

Mr. DICKSTEIN. No.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I rise here to call the attention of the Congress and of the American people to a serious menace in this country today, which has been growing steadily in spite of the fact that we have a committee that is supposedly investigating un-American activity; in spite of the fact that the whole country is looking for "fifth columnists." The real "fifth columnists" have integrated their activities into the various phases of our political, economic, and social life. I rise here to call the attention of the Congress to the fact that our mails are flooding the country with un-American and anti-American propaganda, and, strange as it may seem, our own post office is distributing mail directed against the aims and purposes of the Constitution of the United States and the people of the United States. At my request, Mr. Henry Hoke, publisher of a magazine known as the Reporter, has submitted to me the following letter, containing information which I believe should be communicated to this House, and which I append herewith:

THE REPORTER OF DIRECT MAIL ADVERTISING,
*New York, N. Y., August 24, 1940.*

Hon. SAMUEL DICKSTEIN,
*Chairman, House Committee on Immigration and Naturalization, Washington, D. C.*

MY DEAR CONGRESSMAN: I am submitting as briefly as possible the information you requested.

I have been engaged in the direct-mail-advertising business for some 20 years. For 5 years I was executive manager of the Direct Mail Advertising Association. At the present time, I am publisher and editor of The Reporter of Direct Mail Advertising, the only magazine devoted to this field.

About 6 or 7 months ago I became interested in the growing use of the mails for propaganda purposes. I started studying the foreign propaganda that was sent to me by our subscribers. When I became alarmed at the growing volume, I asked many of my contacts around the country to be on the watch. I asked my son at the University of Pennsylvania, and other college boys to be on the watch for student propaganda.

As the volume of our evidence grew, I began comparing the propaganda with the known aims of Hitler and with the known strategies of direct-mail advertising in order to discover the complete set-up.

In the May issue of our magazine I released for the first time the story of how Germany is using the mail. I claimed that this use was fraudulent, and I appealed to the Post Office Department for a fraud order. I realized at the time that it might be impossible for the post office to issue a fraud order under our present laws.

I am submitting a galley proof of the article which appeared in May. Shortly after the appearance of our first release, I received, in my home, a letter from Ernst Schmitz, manager of the German Railways, 11 West Fifty-seventh Street, New York. I am attaching a reproduction of that letter, together with my reply, in which I refused to apologize.

As a result of the publicity surrounding the threat from Mr. Schmitz and my reply, I was able to obtain additional evidence which has been very helpful in proving our case.

In our report for the month of July we revealed all of the evidence we have obtained so far concerning the German campaign in the mail. I am submitting another copy of this magazine, and the story starts on page 12, and continues to page 24.

The summary of our evidence is as follows:

Before analyzing the actual pieces it is necessary to realize that the power of direct mail and the inherent value of direct mail lies in its selectivity and its secretiveness. Germany has been hammering away through the mails for years, and that hammering is intended to influence the thinking of individuals in this country, and to stimulate some definitely desired action.

It is also necessary to analyze the aims of Germany. By analyzing the statements made by Hitler in his Mein Kampf, in Rauschning's report, and in the Official Guide for the Education of the Hitler Youth it is comparatively simple to show that Hitler's mailed propaganda is built around the theories he has publicly expressed. There is definite antagonism to America and the whole scheme is built on the basic idea "divide and conquer."

Hitler is using our mails as the background of a monster campaign to divide the United States into various warring groups.

Here is some of the evidence.

Case No. 1: Boatloads of mail are coming into the United States via Siberia and other channels. Under the International Postal Union agreement, Germany simply prints the postage stamps and puts them on the envelopes addressed to German-Americans and others residing in the United States who have relatives in Germany. The United States Post Office carries this mail free under the International Postal Union agreement. Hitler's government has built one of the largest direct mail mailing lists ever conceived.

Here is what these German-Americans have been getting. (See magazine for reproductions of some of the pieces which we showed you in our personal conversation.)

Twice a week German-Americans get a 48-page bulletin entitled "News From Germany." It is mailed from Steinberg, Bavaria. Sometimes the heading is changed to British News and Views, but it is still mailed from Bavaria.

About once a week there is a bulletin in German entitled "Europaischer Kulturdienst." In these bulletins Germans are told what books to read and what radio programs to listen to. They are also given news about the wonderful state of affairs in Germany.

A few weeks ago every German-American on the list received a 36-page-and-cover 5-by-6¼-inch booklet, entitled "Jew and Gentile," by Otto Edward Lessing. It is one of the most violent attacks on the Jews yet published, and it is a good piece of evidence in

revealing Hitler's technique of attacking the Jews during the first stages of his "divide and conquer" campaign.

Several months ago the German-Americans received a 316-page book, weighing 2 pounds and 4 ounces, entitled "Die Polnischen Greueltaten an den Volksdeutschen in Polen." Postage stamps amounting to 1 mark and 50 pfennings, equivalent to about 42 cents, were attached to each piece. However, Germany only printed the postage stamps and our Government carried these books without recompense.

The book is obscene. No one in the United States would be able to mail such a book. But, under the International Postal Union Agreement, there is also no censorship.

At various intervals German-Americans in the United States receive booklets from various cities. I have seen at least 25 different samples.

This campaign is intended to intimidate Americans of German origin and to secure their cooperation in disrupting the thoughts and the unity of the United States.

I have one specimen which illustrates the "divide and conquer" principle to the nth degree. About 20 individual sheets are stapled together. Each sheet is a separate argument. About 50 of the stapled sections are shipped in a package via Siberia to the German-Americans here. They are instructed to separate the sheets and hand or mail them to the persons who would be most likely to fall for the selected topic, such as an attack on Roosevelt or an attack on the Jews, or on the press, on capital, etc. We understand that the same type of campaign was carried on in the countries Hitler has already conquered. We believe something should be done at once, either to abrogate the International Postal Union treaties, so far as Germany is concerned, or some law should be passed preventing a foreign government from soliciting or approaching residents of the United States for the purpose of selling them on a form of government opposed to our own.

Case No. 2: The German Library of Information at 17 Battery Place, New York, has been flooding the country with mail for some years. They issue a small 8- or 16-page magazine entitled "Facts in Review." They have a master mailing list of approximately 100,000 ministers, school teachers, editors of college papers, newspapers, and other centers of influence. The whole purpose behind Facts in Review is to give distorted news about the perfect form of government under Hitler and it is also intended to disrupt the thinking of the American leaders of thought. The German Library of Information also issues miscellaneous pamphlets and booklets, all along the same line of endeavor. We have gathered evidence that shows that material from Facts in Review has been entered in the CONGRESSIONAL RECORD and reprints from the RECORD have been mailed to the German Library list. We believe that this Facts in Review campaign is a fraudulent use of the mails. It is a deliberate attempt on the part of a foreign government, unfriendly to our own, to sell our ministers, school teachers, and newspaper editors on an undemocratic, brutal, and murderous form of government.

During the past month or so Facts in Review has been attempting to regain the confidence of religious leaders by printing silly and ridiculous stories on how Hitler is concerned with the spiritual welfare of his soldiers, and of how he is carefully watching and guiding the affairs of the church in Germany.

Some law should be passed as quickly as possible limiting the freedom of speech and press to Americans, or we will lose all of the freedom of the press. Why should any foreign government be allowed to misuse our freedom of the press, and undermine America?

Case three: The German Railroads Information Office at 11 West Fifty-seventh Street, New York, mails 6-page bulletins, entitled "News Flashes From Germany," to an undeterminable number of travel agents, members of the stock exchange, professional men, and prominent national advertisers. These bulletins seem innocuous and sometimes simple. Their obvious purpose is to confuse businessmen about conditions in Germany, and to help in the appeasement program.

We became suspicious of these bulletins because they seemed to be a cover-up for other activities. Ernst Schmitz, the manager, is the man who threatens to sue me for libel.

We made as thorough an investigation as we could of Mr. Schmitz' activities, although we prefer to confine our investigations to the use of the mails. Most of our findings concerning Mr. Schmitz are corroborated in the article which appeared in PM on August 22, and I am attaching a tear sheet for your information.

The Dies committee has served a subpena on Schmitz as a result of our article and the expose by PM. This is just another case of a Nazi agent hiding behind the protection of our lenient laws. They are using our hospitality to defraud. And behind their direct-mail campaign they are carrying on un-American activities. In other words, they are just plain spies gathering information for the Hitler government.

Case No. 4: The Board of Trade for German-American Commerce should be thoroughly investigated. It is publicly proclaimed as an American corporation, but it is Nazi controlled. German agents guide its policies. They publish a magazine entitled "German-American Commerce Bulletin." The whole purpose of the magazine is to wean American businessmen to the German way of thinking. There is the background for the appeasement campaign and the recently departed Westrick was mixed up with Dr. Degener, who guides the board of trade for German-American commerce. This case is an example of how the Germans use an American corporation for sending poisonous propaganda through the mails.

Some law should be passed to put a stop to it.

Case No. 5: Here is another situation which should have some action. Recently the German Government had published by Howell, Soskin & Co., New York, a booklet entitled "The German White Paper." It is reported to be stolen documents which are intended to prove that Roosevelt, Bullitt, and Kennedy were trying to get the United States into the war. Several history professors refused to write the foreword. But it was finally written by a man named C. Hartley Gratten, who has worked with various pacifist groups in Washington. This book, even though priced at $1, is being delivered to an American mailing list by the ton. Our contention is that no foreign government should be allowed to have published in the United States an attack on our Government or on the executives of our Government.

Miscellaneous: We have other miscellaneous evidence which it is not necessary to discuss here. Our contention is that if the Post Office Department cannot issue a fraud order against foreign propaganda, even though the mail seems deceptive * * * if our laws are not adequate to stop this flood of foreign propaganda * * * if the International Postal Union treaties require our postmen to deliver propaganda from Germany without recompense to the Government * * * then some action should be taken at once.

Here are my two suggestions: First, an emergency legislative act making it illegal for any foreign government or its agents to solicit or approach by mail, or in person, any resident of the United States for the purpose of influencing an acceptance of a form of government opposed to our own.

That is, if we are to save the freedom of the press and the freedom of speech * * * why shouldn't Congress limit that freedom to Americans? Why should any foreign government be able to approach American residents as individuals in an effort to sell them on a form of government opposed to our own? Why shouldn't foreign approaches to American residents be made through regular diplomatic channels?

The only other solution is a severance of diplomatic relations and an abrogation of the Postal Union treaty as far as Nazi Germany is concerned.

Germany has been arrogant in flaunting its contempt for the United States of America. Germany has flooded this country with mailed propaganda and with Nazi agents. They are disrupting the thoughts, the actions of Americans.

The time has come for action. It is high time for mail users, business leaders, and Members of Congress to work together to put an end to destructive foreign interference with our business and with our life.

Sincerely yours,

HENRY HOKE, *Publisher.*

Tons of foreign mail have poured into this country through our post office, and, of course, the mail originated on the other side, and therefore we received no compensation for the transmission of mails directed against our own institutions and Government.

I believe Mr. Hoke's letter calls for prompt action by Congress, and I intend to introduce a bill as well as a resolution to put an end to this transmission of propaganda by our mails. No other country in the world would allow the mails to be used to undermine its institutions, and as the present statutes are inadequate for that purpose, it is the duty of Congress to pass proper legislation to correct this situation.

There is no question that legislation could be enacted making it illegal for any foreign government to solicit or approach by letter or in person any resident of the United States for the purpose of influencing an acceptance of a form of government opposed to our own.

This propaganda by mail is in line with Hitler's aim and purpose to utilize the machinery of democracy in order to destroy democracy. Just as in Germany, freedom of speech which was guaranteed in the German Constitution was used by the Nazis to overthrow the republican form of government of that country, so now American mails which do not prevent the circulation of all kinds of propaganda are used to distribute anti-American publications.

The purpose of Mr. Hitler is to stir up discontent and disunion among the various groups constituting the American Nation. Gentiles are to be alined against Jews, Catholics against Protestants, the South against the North, Negroes against whites, poor against rich, capital against labor, and the like. "Divide and conquer" is the rule. In union there is strength and the totalitarian rulers do not want our Nation to remain united. Mr. Hitler and his cohorts will stir up discontent everywhere, create "fifth columns" among all the ranks of our people, and later, if they succeed in their plans, America could never rise again to its preeminent position

among the nations. Here are some excerpts from Hitler's speeches:

America is permanently on the brink of a revolution. It will be a simple matter for me to produce unrest and revolts in the United States, so that these gentry will have their hands full with their own affairs.

Again he said:

National socialism alone is destined to liberate the American people from their ruling clique. I shall undertake this task simultaneously with the restoration of Germany to her leading position in America.

Herman Rauschnigg, who was at one time a close collaborator with Hitler, and who broke with him and wrote an important book entitled "The Voice of Destruction" reports that Hitler believed he could break Anglo-Saxon influence in America, make America a German-speaking nation, and eventually use America to set up Germany as the world empire. Hitler is quoted as saying as follows:

The German component of the American people will be the source of its political and mental resurrection. The American people is not yet a nation in the ethnographical sense, it is a conglomerate of disparate elements. But it is the raw material for a nation.

And again:

We shall soon train our youth there. And we shall have men whom degenerate Yankeedom will not be able to challenge. We shall succeed in making the new political and social order the universal basis of life in the world.

I guarantee that at the right moment a new America will exist as our strongest supporter when we are ready to take the stride into overseas space.

Since the Civil War in which the Southern States were defeated in violation of all historical logic and common sense, the American people have entered upon a plane of political and racial decadence. Nothing but national socialism can deliver the American people from their oppressors and reestablish the foundation of their national greatness.

In order to understand Hitler's views concerning religion it is necessary to refer to his official guide for the education of Hitler youth, which is sort of a catechism, teaching the following lessons:

Christianity is a religion for slaves and fools.

Christianity does not differentiate between whites and Negroes.

The New Testament is a Jewish lie concocted by four evangelists.

The church is international.

Christianity is only a substitute for Judaism and was invented by the Jews in Rome.

Jesus was a Jew.

The implication of all that is that if America is to be reborn it must be only under the domination of the German master race. To accomplish this purpose the Nazis seek to weaken America from within by trying to disseminate their poisonous doctrines through all propaganda channels at their disposal.

As I said before, today foreign mail by the tons is coming into this country and is being circulated throughout the country at almost no cost to the foreign governments. It seems that under some sort of agreement reached at a universal convention, held every 5 years, the rate of postage on mail which passes in international traffic is fixed at this international convention and applies to all countries alike. The rate is based upon a fictitious gold franc. The last convention of this so-called International Mail Conference was held about a year ago in Buenos Aires, at which time it was agreed, and an agreement was signed, as to the rate of postage on international communications. The present rate is 4 centimes of 1 franc for 2 ounces. One franc is about 32.67 cents, which amounts to 1½ cents for each 2 ounces.

I feel very strongly that it could not have been the intention on the part of this Government to participate with the Nazi government or the Fascist government or any other government to enter into a contract to give them almost free mailing on foreign material if the United States Government knew then what it knows now. Instead of sending us mail of cultural or of educational or commercial value, 98 percent of the mail from Nazi Germany today is definitely attacking democracies and everything that those democracies stand for. As a matter of fact, my colleagues, as a result of this enormous amount of propaganda in this foreign mail, this Government is losing millions and millions of dollars, because for the same book that they pay almost 1½ cents you would have to pay 40 to 60 cents if you wanted to mail that first-class mail anywhere in the United States.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes; I yield.

Mr. PATMAN. When did that first begin?

Mr. DICKSTEIN. Well, it is an international convention of all governments.

Mr. PATMAN. But I mean the propaganda being sent through the mails.

Mr. DICKSTEIN. In the last 6 months it has been very heavy.

Mr. PATMAN. Is it not a fact that it began when Hitler went into power about January 1, 1933?

Mr. DICKSTEIN. We had plenty of it at that time, but when Hitler started in 1933 most of the propaganda came in by the ships of the North German Lloyd Line—20 or 30 ships a month. They would actually bring the physical literature or propaganda into the ports of New York, Philadelphia, and San Francisco, and then it would be distributed by the so-called bund organizations throughout the country and to Nazi sympathizers within our own border. However, now that the ships are not coming in since September of 1939, tons of this material are coming in by mail, at a loss to our Government of millions of dollars, and there is not one piece of mail that has any bearing upon education or enlightenment or business, but only upon propaganda, attacking race and creed and our form of government.

I have called attention to that before, but not as forcefully as I hope to do now, because at that time, 4 or 5 months ago, I did not have the positive evidence I have now. I have called attention to this fact, but the so-called Committee on Un-American Activities does not seem to care what is coming in and what is flooding the country. All we hear is another statement, another release in the press about a "pink" they found in Los Angeles or somewhere in California.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin. I know he has something to ask.

Mr. KEEFE. Do I understand that the gentleman is suggesting that the distribution of this so-called propaganda through the mails, coming in from Germany, should be curtailed?

Mr. DICKSTEIN. Not only from Germany but any other country. Curtailed; yes, sir.

Mr. KEEFE. This propaganda that is coming through the mails, that is seeking to involve us in the affairs of Europe, should be stopped.

Mr. DICKSTEIN. Yes, sir; absolutely.

Mr. KEEFE. The gentleman is aware of the fact that almost a year ago I stated upon the floor of this House that I thought the time had come when a reappraisal should be had in this country of the fundamental constitutional rights of free speech and free press. Is the gentleman now reappraising the right of free press under the Constitution?

Mr. DICKSTEIN. My position is the same as it was. I am not changing my position on the question of free speech or free rights. But if the gentleman will bear with me a moment, the point that I make now is that at this conference that was held in Buenos Aires a year ago, an agreement was entered into between all of these governments for the purpose of receiving second- and third-class mail, and it was there discussed that that material was for the purpose of national and international business, or for the purpose of education, or whatever the case might have been. It was not intended at that time that any government would be permitted to disseminate and deliberately print documentary books and papers which would try to superimpose their form of government upon others and which would seek to destroy other forms of government. That is the point I make.

Mr. KEEFE. Mr. Speaker, will the gentleman yield further?

Mr. DICKSTEIN. Yes, I yield.

Mr. KEEFE. Do I understand the complaint the gentleman is making is that the Post Office Department is not getting sufficient revenue because of this distribution, or is his complaint based upon the fact that he feels that the minds of the people of this Nation are being poisoned by the things that are being circulated?

Mr. DICKSTEIN. My friend, we will take the latter. I do not care about the revenue. We have always lost money on foreign mail, but I am protesting to this Congress and telling the American people that we must find a way to stop the sending of tons of poison into this country by foreign governments that seek to overthrow our democratic form of government or to involve us in a war.

Mr. KEEFE. Mr. Speaker, will the gentleman yield further and direct his remarks also, if he will, to those publications that have been published in this country that had been registered as being published by foreign agents such as the Daily Worker, the Communist publication that has poured poison throughout the land for years and years?

Mr. DICKSTEIN. My friend knows that I am in sympathy with his views. I am on his side on that argument. And I also tell him right now that we have a lot of domestic crackpots who use the mails to disseminate un-American propaganda. I can name about 150 domestic groups that are using our second- and third-class mail on which we lose money. I do not care so much about the question of dollars and cents but I do care about the things they put in those envelopes that are shipped throughout the country making the post office the medium of the "fifth column."

Mr. KEEFE. May I ask the gentleman if in his remarks he intends to indicate a course of procedure as to just exactly how without violation of the constitutional rights as recently proclaimed by the Supreme Court of the United States, how you are going to stop the dissemination of literature of the character he has described? That is a matter I am interested in and other people are interested in, too.

Mr. DICKSTEIN. I am glad the gentleman asked me that question because I feel I have at least a partial solution of it, and in my humble way and within my capabilities I hope to offer some solution. I ask the gentleman to examine a letter I have inserted in my remarks addressed to me by Mr. Henry Hoke, an outstanding publisher. I am sure the gentleman will find his suggestions very helpful.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PATMAN. Would the gentleman mind placing in the RECORD the names of these 150 associations?

Mr. DICKSTEIN. I would not mind, but I do not think it is exactly right because I want to give every one of them the benefit of the doubt and I am still doing some checking. I have not completed my list. So far I have reached about 75 or 80 of these domestic organizations which are helping, aiding, and assisting foreign agents in disseminating propaganda on behelf of Italy and Germany and other subversive groups in this country.

Mr. PATMAN. Will the gentleman yield further?

Mr. DICKSTEIN. Certainly.

Mr. PATMAN. I suggest that the gentleman place in the RECORD the names of the 75 or 80 he has checked.

Mr. DICKSTEIN. I think they belong in one block, and I am going to keep them in one block, because you cannot separate one from the other. The groups are tied in and interwoven from one end of the country to the other.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. SCHAFER of Wisconsin. Will the gentleman also insert the name of William Allen White, who has been disseminating foreign-invasion propaganda as well as articles and false statements in Liberty magazine attacking the gentleman from New York?

Mr. DICKSTEIN. I have not gone into his activities. We are talking about the "fifth column." What is the "fifth column"? It is invisible. We do not know where its members are. But here we continue an agreement with some foreign governments that have violated the agreement, in that they have within the last 6 months deliberately forwarded malicious, subversive propaganda to various parts of our country attacking our institutions and attacking democracies in general. I have cited some quotations from Mr. Hitler's talks showing that he intends to Germanize the United States and that he says until that is done this will not be a happy world. Those statements have appeared in propaganda material coming into the United States, propaganda sent through the mails, thus making the post office an innocent member of a conspiracy. I say, therefore, that the post office is an innocent party to the "fifth column" conspiracy in this country because the "fifth column" uses it to disseminate its foreign propaganda; and this in turn is possible because we are so foolish as to continue our side of agreements with countries that have broken their solemn pledge to us. It is up to Congress to correct this intolerable situation.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. KEEFE. I assume the gentleman receives at his office every so often the same literature that comes to the rest of us from the Friends of New Germany depicting the wonders and glories of Germany.

Mr. DICKSTEIN. That is right. There is somebody in the office of the German consul in this country who does that particular line of work with money sent him from the Nazi Government. They are directed to disseminate all kinds of poisonous un-American propaganda. It is shipped through the so-called German bund whose members claim to be 100-percent Americans.

Mr. KEEFE. The gentleman and I are in substantial accord, I believe, upon the premise that these things are taking place. I would like to ask the gentleman, however, whether he considers those things any more inimical and dangerous to the welfare of this Nation than to have upon the pay rolls of the United States Government, holding official positions, people who have been definitely identified as members of the Communist organization, or those who hew to the Communist Party line? And I am going to take the floor of the House in the next 2 or 3 days and name them on the floor of this House, tell who they are. The gentleman talks about "fifth columnists." They can be identified.

Mr. DICKSTEIN. All right, now; we are getting together. Just let us dissect this problem for a moment. We have gone into a lot of extraneous matter.

Mr. KEEFE. It is not extraneous. The evidence is conclusive.

Mr. DICKSTEIN. We do a lot of hollering about the "reds." Now, I have no use for the "reds." About a year or 2 years ago ago they picketed my house because I directed the Department to deport a few of these agitators. For months and months they walked up and down in front of my house with placards. I am ashamed to tell you what they said about me, but that does not make any difference at all. I have no more use for them than any other man on this floor. But between the two, fascism seems to be the greater danger at the moment. The "red" agitator takes a soap box and speaks his mind. I may take the next box and tell the people what I think of him and his ideas. But your Fascists, your Nazis, your "fifth columnists," your foreign agents do things on the sly. You do not know what the next step will be. Is that not true? You cannot get away from that. I say that the Communists, the Fascists, and the Nazis all belong to the same family; but between them, as I said before, the Fascists and Nazis seem to be more dangerous at present. Can you deny that? I have no use for either of them, but we must face the facts.

Mr. KEEFE. I understand the gentleman's statement to be that those who adhere to the philosophy of nazi-ism are

more dangerous than those who advocate the philosophy of communism. Do I correctly understand the gentleman?

Mr. DICKSTEIN. Well, I have just simply defined one as a little more dangerous than the other at the present time. One just talks and barks and the other acts at the present time. I say they are all inimical to our form of government, and I mean nazi-ism, communism, and fascism. But we have been paying too much attention to communism, and have given fascism a chance to take root in this country. I agree with the gentleman that all these isms are no good. But at the same time the Committee on Un-American Activities has done nothing to advise the country of the menace and danger of fascism. That is as far as I want to go.

Mr. KEEFE. May I make an observation in connection with that statement?

Mr. DICKSTEIN. My time is limited, and I have been courteous to the gentleman.

Mr. KEEFE. I concede that.

Mr. DICKSTEIN. If the gentleman has any particular thing in mind let us get down to the point.

Mr. KEEFE. The gentleman will concede, will he not, that there are communistic activities that are active and open in this country?

Mr. DICKSTEIN. That is right.

Mr. KEEFE. People who are promoting and fostering activities of sabotage, strikes, discord, and hatred, and they are doing it openly. The gentleman knows that?

Mr. DICKSTEIN. I agree with the gentleman, but this House does not seem to be interested in that——

Mr. KEEFE. I am interested in it.

Mr. DICKSTEIN. I am not speaking about the gentleman. I am talking about the Congress, and I want to justify my statement. We brought out a resolution 2 years ago to investigate the smugglers who were bringing into this country undesirable and suspicious aliens. We have been before the Rules Committee for 2 years begging for a rule. Apparently certain people did not want this investigation to take place and the Committee on Immigration and Naturalization was unable to get any action on the resolution for which it had asked unanimously.

To summarize my observations and to show you that high Government officials have been forced to take notice of the menace of foreign propaganda being carried on in our midst, I wish to insert at this time the last of a series of four articles on this subject made public by the Secretary of the Navy. The information revealed in this article substantiates all the charges that I have been making against the Nazi government for the last 7 years and brings out the fact that, unfortunately, all the predictions I made back in 1933 with regard to the spread of Nazi ideology in this country have become realities.

[From the Brooklyn Eagle of August 22, 1940]

ARMED NAZI UNIT DRILLS IN UNITED STATES, DONOVAN SAYS—"FIFTH COLUMN" HERE HELD FINEST IN WORLD—PROPAGANDA COSTS REICH TWO HUNDRED MILLION A YEAR

(By Col. William J. Donovan and Edgar Mowrer)

Since we must ascribe a huge share in Adolf Hitler's incomparable military successes to his use of Germans and "fifth columnists" in victim countries, the question arises how such a success was possible. How are Germans abroad brought to such self-sacrificing enthusiasm for the Nazi regime? How, above all, can foreigners living under relatively mild and civilized governments be induced voluntarily to betray their own countries for Hitler's Germany? It seems mysterious.

The answer is $200,000,000 spent annually on organization and propaganda abroad. The immensity of this sum is the secret. Nazi Germany is not a government—not even a "folkdom" of the sort Nazi orators talk about.

Nazi Germany is a conspiracy. Its scope is universal and its aim world dominion. Its primary agents are as many of the millions of Germans in Germany and abroad as can be induced or compelled to serve the German fatherland.

In the United States an organization of Nazis is being trained in arms. As matters now stand, it is conceivable that the United States possesses the finest Nazi-schooled "fifth column" in the world, one which in case of war with Germany could be our undoing.

Its activities begin with attempted proselyting of Germans abroad, go on to the murder and kidnaping of real or fancied enemies, and end in armed insurrection against the foreign country Hitler wishes to conquer or absorb. Such insurrections of Germans actually occurred in Czechoslovakia, Austria, and Holland. But for the firm attitude of the United States such an insurrection would, many students believe, have occurred in Brazil.

ACCEPT TRAITORS AS ALLIES

Naturally, the Nazis accept traitors as allies wherever they can find them and welcome the assistance of non-Nordics. But peoples racially akin to Germans—Scandinavians, Dutch, Flemings, German-speaking Swiss, even Anglo-Saxons—are made the object of special proselytizing as belonging to the "same blood."

The center is the Nazi Party. The tool is the Auslands organization (or organization abroad) of this party. Today this organization of Germans abroad has nearly 4,000,000 members, all of whom are conscious agents. Over 600 local groups or "supporting points" are organized in 45 or more Landesgruppen"—one in each country.

BOHLE IS SOLE DIRECTOR

The headquarters is in Stuttgart, but all the groups are directed by a single man in Berlin, Gauleiter Ernst Wilhelm Bohle, with some 800 assistants. Technically, Bohle is a "state secretary" in the German Foreign Office.

But everywhere, whether the members are Germans, naturalized Germans or non-Germans, the aim is the same, to achieve Hitler's end by trickery or terror; the organizing principle is the same, with Hitler youth and Hitler sport, marching, emblems, ruthless discipline, ceremonies in honor of Nazi heroes or Hitler's birthday parties; and in case of war they would all be on Germany's side.

In time of peace they make lists of Hitler's enemies, who are marked down for murder or kidnaping to Germany and torture when the great day comes.

There are in fact no less than seven others. The political police or Gestapo, the propaganda ministry of Dr. Paul Joseph Goebbels, the German labor front, the intelligence service of the German Army, of the German Navy, and of the German air arm, and finally the German Foreign Office with its embassies and consulates all over the world.

SPEND TWO HUNDRED MILLIONS YEARLY

Together, these eight organizations spend on propaganda, espionage, and sabotage roughly $200,000,000 a year. It seems a lot of money, but Hitler has publicly expressed his intention of keeping this service at full blast even if it means fewer divisions in the army.

When one considers that this combined service, with its 35,000 employees, can probably claim credit for the ease of Hitler's many victories, it is obvious that the same result could hardly be obtained so cheaply in any other way.

The German Gestapo of Heinrich Himmler, whose ruthless efficiency surpasses even the Russian Ogpu, employs only about 5,000 agents abroad. One of its special tasks is watching over German refugee emigrants, but it does not scorn to cast an eye even on Nazis in good standing, some of whom have been known to speak slightingly of the Fuehrer or to express a passing wish for greater personal freedom.

COLLAPSE UNDER OPPOSITION

The Nazis are strong only where unopposed. Where they are resisted, where the initiative is taken from them, they tend to collapse. The revelations in the American press of the fortunes amassed and held abroad by leading Nazis kept Goebbels busy denying it for 2 weeks.

It is hard to see why under present circumstances, in view of "fifth column" activity observed abroad, countries that do not intend to submit to the Third Reich permit any German-language publications or why they do not adopt legislation allowing naturalizations obtained under false pretenses to be annulled by executive act, or do not insist on knowing just which domestic industries and commercial houses have tie-ups of any sort with the Nazis.

Failure to do this, failure to study and combat the entire Nazi-Auslands organization may have tragic consequences. Unearthed in time, the Nazi conspiracy is relatively harmless.

Mr. Speaker, in conclusion let me thank the membership of the House for their courteous reaction to my rather long statement today. I am glad to notice that the House as a whole is beginning to realize the importance of the problem we are facing in fighting the enemy from within and that there seems to be a strong will for unity of action in this fight. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under a previous special order, the gentleman from Pennsylvania [Mr. EBERHARTER] is recognized for 10 minutes.

PRESENT FACTS AND PAST HISTORY INSURE CONTINUED DEMOCRATIC CONTROL

Mr. EBERHARTER. Mr. Speaker, now that the former machine Democrat, whose only elective political office holding seems to have been as a regular organization—"machine" if you will—precinct committeeman from the thirty-seventh precinct of the fifteenth assembly district of New York County, has endorsed the Roosevelt foreign policies, and has assured the country that he accepts the administration's domestic policies from farm program to Federal regulation of stock exchanges, we may consider the campaign open. May

I congratulate the minority party in the discarding of its futile fumbling behind its Deweys, Landons, Hoovers, Vandenbergs, Hamiltons, and Tafts and in reorganizing its shattered ranks under the banner of a leader borrowed from the minor leagues of the Democratic Party. However, this may be taken as a confession of complete bankruptcy of capacity in the veteran ranks of the once Grand Old Party.

There appeared in the Appendix of the CONGRESSIONAL RECORD, at page 4946, a most interesting set of figures, reprinted from the Hearst publications, supposed to indicate that the Republicans might possibly gain control of the House of Representatives.

In view of the fact that the Democratic Party now holds one of the largest majorities in congressional history, and the further fact that no party with a clear majority at the midterm congressional elections has, since 1855, lost control of the House of Representatives at the subsequent Presidential elections, this type of statistical reasoning might be properly called whistling one's way past the cemetery. As a matter of fact, the party holding a majority in the House of Representatives at the midterm has increased its majority in the subsequent Presidential year in every test for the past 40 years with the single exception of the 1906–8 elections, when the Republican membership had a net loss of three seats, but retained firm control of the House. The Democratic certainty of success does not rest upon historical precedent alone.

In spite of the traditional "off year" gains of the minority party in 1938, in the Seventy-sixth Congress the Republican Party now has but 170 seats, including 2 vacancies, while there is a net Democratic majority over the Republicans of 90, including 2 sure Democratic seats now vacant.

Probably the most ridiculous of the dreams of this Republican statistical juggler is the one that the Republicans will not only hold each and every one of the gains made in 1938 but that the new gains in 1940 will be as great over 1938 as 1938 was over 1936.

Even the most casual observer of politics knows that in 1938 the Democratic Party was suffering from a maximum of State and local party feuds. Party organizations in several of the most important States were in nearly complete chaos, especially in Ohio and Pennsylvania, where the major losses occurred and open sores from the primary campaigns were unhealed. Those conditions have disappeared.

It is true that spectacular announcements have been made that a number of persons who, at one time or another, supported the Democratic ticket are today enlisted under the banner of the ex-Democrat who, in his acceptance speech, could not find a single word of praise for any Republican leader or policy since Lincoln, with the exception of La Follette and Theodore Roosevelt, both of whom completely repudiated the Republican Party and all of its works. However, it is most interesting to note that, from Jim Reed to RUSH HOLT, practically every one of these new recruits either openly supported Governor Landon in 1936 or consistently opposed each and every one of the President's efforts to assist the common man. It is particularly interesting to recall that the combined efforts of the Republican Party plus that of renegade ex-Democratic leaders without followers produced the astounding total of 8 electoral votes.

In spite of the fact that the Republican minority in this Congress, after their so-called victories of 1938, now comprises but 23.9 percent of the Senate and 39 percent of the House, their party weakness is not adequately revealed until we examine the 1938 election results.

Then we find that 165 sitting Democrats in the House received over 60 percent of the total vote for Member of the House in their respective districts in 1938, while only 72 Republicans received similar votes. In addition, of the 97 remaining Republicans, 14 received less than 50 percent of the votes cast in 1938; 25 received but from 50 to 52.5 percent; 20 from 52.5 to 55 percent; 16 from 55 to 57.5 percent; while 22 had from 57.5 to 60 percent of the congressional vote.

The following list shows the districts in which the present Republican Members received less than 50 percent, or a minority of the vote cast for Member of the House:

| | Percent |
|---|---|
| 1. JOHN C. SCHAFER, Fourth Wisconsin | 31.7 |
| 2. JOSHUA L. JOHNS, Eighth Wisconsin | 37.7 |
| 3. B. J. MONKIEWICZ, at large, Connecticut | 42.9 |
| 4. WILLIAM J. MILLER, First Connecticut | 43.4 |
| 5. ALBERT E. AUSTIN, Fourth Connecticut | 43.4 |
| 6. LEWIS D. THILL, Fifth Wisconsin | 43.4 |
| 7. H. CARL ANDERSEN, Seventh Minnesota | 44.3 |
| 8. CHARLES HAWKS, Jr., Second Wisconsin | 44.8 |
| 9. JOHN G. ALEXANDER, Third Minnesota | 46.1 |
| 10. CARL HINSHAW, Eleventh California | 47.0 |
| 11. THOMAS R. BALL, Second Connecticut | 48.1 |
| 12. Thomas M. Eaton (deceased), Eighteenth California | 48.5 |
| 13. REID F. MURRAY, Seventh Wisconsin | 48.8 |
| 14. STEPHEN BOLLES, First Wisconsin | 49.1 |

Twenty-five Members received such slender majorities that an extremely slight change in sentiment from 1938 would result in defeat.

| | Percent |
|---|---|
| 1. Harry W. Griswold (deceased), Third Wisconsin | 50.1 |
| 2. EARL R. LEWIS, Eighteenth Ohio | 50.1 |
| 3. CLARENCE J. MCLEOD, Thirteenth Michigan | 50.6 |
| 4. NOBLE J. JOHNSON, Sixth Indiana | 50.6 |
| 5. JOHN M. VORYS, Twelfth Ohio | 50.9 |
| 6. CHESTER H. GROSS, Twenty-second Pennsylvania | 50.3 |
| 7. JOHN MCDOWELL, Thirty-first Pennsylvania | 50.7 |
| 8. WALTER S. JEFFRIES, Second New Jersey | 50.6 |
| 9. ALBERT L. VREELAND, Eleventh New Jersey | 50.3 |
| 10. ROBERT LUCE, Ninth Massachusetts | 50.9 |
| 11. J. FRANCIS HARTER, Forty-first New York | 50.9 |
| 12. GEORGE H. HEINKE (deceased), First Nebraska | 50.9 |
| 13. CHARLES F. RISK, First Rhode Island | 50.3 |
| 14. ROBERT J. CORBETT, Thirtieth Pennsylvania | 51.2 |
| 15. GERALD W. LANDIS, Seventh Indiana | 51.1 |
| 16. FRED BRADLEY, Eleventh Michigan | 51.3 |
| 17. WILLIAM A. PITTENGER, Eighth Minnesota | 51.0 |
| 18. ROBERT A. GRANT, Third Indiana | 51.0 |
| 19. ANTON J. JOHNSON, Fourteenth Illinois | 51.4 |
| 20. WILLIAM H. WHEAT, Nineteenth Illinois | 51.5 |
| 21. LOUIS E. GRAHAM, Twenty-sixth Pennsylvania | 52.3 |
| 22. HENRY O. TALLE, Fourth Iowa | 52.1 |
| 23. GEORGE H. BENDER, at large, Ohio | 52.4 |
| 24. JAMES SECCOMBE, Sixteenth Ohio | 50.7 |
| 25. L. L. MARSHALL, at large, Ohio | 52.4 |

A third group, 20 other districts, would be lost by even a very moderate swing away from the Democratic low of 1938. In each of the following, the Republican Member named received between 52.5 to 55 percent of the vote cast in 1938:

| | Percent |
|---|---|
| 1. FRANK O. HORTON, Wyoming | 52.8 |
| 2. FRED C. GARTNER, Fifth Pennsylvania | 53.0 |
| 3. ROBERT L. RODGERS, Twenty-ninth Pennsylvania | 53.7 |
| 4. IVOR D. FENTON, Thirteenth Pennsylvania | 53.2 |
| 5. THOMAS D. WINTER, Third Kansas | 53.4 |
| 6. MELVIN J. MAAS, Fourth Minnesota | 53.5 |
| 7. BRUCE BARTON, Seventeenth New York | 53.5 |
| 8. HENRY DWORSHAK, Second Idaho | 53.5 |
| 9. ARTHUR B. JENKS, First New Hampshire | 53.8 |
| 10. KARL M. LECOMPTE, Fifth Iowa | 53.9 |
| 11. PEHR G. HOLMES, Fourth Massachusetts | 54.1 |
| 12. Clyde H. Smith (deceased), Second Maine | 54.2 |
| 13. J. THORKELSON, First Montana | 54.1 |
| 14. JESSIE SUMNER, Eighteenth Illinois | 54.3 |
| 15. ROBERT B. CHIPERFIELD, Fifteenth Illinois | 54.5 |
| 16. OSCAR YOUNGDAHL, Fifth Minnesota | 54.6 |
| 17. JOHN TABER, Thirty-sixth New York | 54.6 |
| 18. ANDREW C. SCHIFFLER, First West Virginia | 54.8 |
| 19. FRANK B. KEEFE, Sixth Wisconsin | 54.8 |
| 20. ROBERT W. KEAN, Twelfth New Jersey | 54.9 |

Still another group of 16 districts show Republican majorities of narrow range, from 55 to 57.5 percent.

| | Percent |
|---|---|
| 1. JOHN Z. ANDERSON, Eighth California | 55.0 |
| 2. WILLIAM W. BLACKNEY, Sixth Michigan | 55.0 |
| 3. RAYMOND S. SPRINGER, Tenth Indiana | 55.0 |
| 4. JOHN C. KUNKEL, Nineteenth Pennsylvania | 55.0 |
| 5. FREDERICK C. SMITH, Eighth Ohio | 55.2 |
| 6. FOREST A. HARNESS, Fifth Indiana | 55.4 |
| 7. FRED A. HARTLEY, Jr., Tenth New Jersey | 55.5 |
| 8. HARVE TIBBOTT, Twenty-seventh Pennsylvania | 55.7 |
| 9. HARRY N. ROUTZOHN, Third Ohio | 55.8 |
| 10. GEORGE S. WILLIAMS, Delaware | 56.0 |
| 11. DEWEY SHORT, Seventh Missouri | 56.3 |
| 12. JOSEPH J. O'BRIEN, Thirty-eighth New York | 56.1 |
| 13. CHARLES L. GERLACH, Ninth Pennsylvania | 56.3 |
| 14. CLIFF CLEVENGER, Fifth Ohio | 56.8 |
| 15. U. S. GUYER, Second Kansas | 56.4 |
| 16. JAMES VAN ZANDT, Twenty-third Pennsylvania | 57.1 |

In 22 additional districts the Republican vote was from 57.5 to 60 percent of the total vote. According to the Republican statistical genius who compiled the material previously inserted in the RECORD, districts of this type are debatable.

| | Percent |
|---|---|
| 1. CLARENCE J. BROWN, Seventh Ohio | 57.6 |
| 2. CHARLES A. HALLECK, Second Indiana | 57.7 |
| 3. THOMAS E. MARTIN, First Iowa | 57.9 |
| 4. RALPH E. CHURCH, Tenth Illinois | 58.0 |
| 5. ALBERT J. ENGEL, Ninth Michigan | 58.1 |
| 6. CARL T. CURTIS, Fourth Nebraska | 58.1 |
| 7. CHARLES H. ELSTON, First Ohio | 58.1 |
| 8. FRED L. CRAWFORD, Eighth Michigan | 58.4 |
| 9. GEORGE W. GILLIE, Fourth Indiana | 58.8 |
| 10. ALLEN T. TREADWAY, First Massachusetts | 58.8 |
| 11. FOSTER STEARNS, Second New Hampshire | 58.8 |
| 12. WILLIAM E. HESS, Second Ohio | 58.9 |
| 13. BEN F. JENSEN, Seventh Iowa | 58.9 |
| 14. JAMES C. OLIVER, First Maine | 59.0 |
| 15. J. PARNELL THOMAS, Eighth New Jersey | 59.0 |
| 16. Cassius Dowell (deceased), Sixth Iowa | 59.1 |
| 17. JOSEPH W. MARTIN, Jr., Fourteenth Massachusetts | 59.1 |
| 18. Carl E. Mapes (deceased), Fifth Michigan | 59.1 |
| 19. GEORGE P. DARROW, Seventh Pennsylvania | 59.2 |
| 20. CLARE E. HOFFMAN, Fourth Michigan | 59.2 |
| 21. FRANK C. OSMERS, Jr., Ninth New Jersey | 59.3 |
| 22. CHARLES L. GIFFORD, Fifteenth Massachusetts | 59.9 |

When we recall that in contested districts, practically without exception, in both 1932 and 1936, President Roosevelt received many more votes than any other man on the Democratic ticket, and that in every election in which he has been a candidate for Governor or President he has carried districts never carried by any other Democrat, we may be assured that the Republican Party will remain a weak minority party in the House. This is especially fortunate, since the Senate is absolutely certain to remain overwhelmingly Democratic.

Present facts and past history insure to the people of the country a continuation of Democratic control of the Government. [Applause.]

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Did I correctly understand the gentleman to state that there were only two instances in his compilation where in an off-year election the party in power was defeated?

Mr. EBERHARTER. No; I did not say that. My observation was that in none of the years when a President was elected has the party which held the majority of the votes in the House of Representatives lost any of its majority except in one instance. That is in Presidential election years, not in off-year elections.

Mr. SECCOMBE. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Ohio.

Mr. SECCOMBE. The gentleman will agree, then, that in the last Presidential election there were a number of Democrtic Congressmen who rode in on President Roosevelt's coattails?

Mr. EBERHARTER. I will agree with the gentleman that in the last Presidential election there was a large number of Democrats elected partly because of the approval by the candidate for Congress of the President's policies and his personality. If you want to call it riding in on the coattails of the President, naturally, the Presidential candidate often carries with him those Members who approve of his policies, because he is the leader of the ticket. I ask the Republican Members, how in the world they can expect support from their people back home who are going to vote for Wendell Willkie when they are carrying on policies opposite to those of their leader, Mr. Willkie.

Mr. SECCOMBE. The people back in the districts have no faith in the present leadership, and they are anxious for a change.

Mr. EBERHARTER. They have no faith in the present leadership of the Republican Party, which is directly opposite from the Republican leadership in the House of Representatives on very fundamental policies affecting the future of this country. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under a previous special order, the gentleman from Wisconsin [Mr. MURRAY] is recognized for 5 minutes.

### DAIRY FACTS

Mr. MURRAY. Mr. Speaker, the New Deal operates for the temporary benefit of the few, at the expense of the many. The waste, extravagance, and uneconomic policies of the New Deal will ultimately ruin not only the many but also the minority group temporarily benefited.

This is shown in the dairy industry, where the New Deal has set up machinery to help the very few, while the dairy industry as a whole is harmed by injustices, and in time the group temporarily benefited will lose the advantages gained over the other groups. The public debt will crush it all.

No one who will take the time to nonpolitically study the agricultural situation in this country will or can deny the above statement of facts.

The constant controversy over the local milk supply brings out many angles of the entire dairy question. It reveals that the national dairy situation is complicated by prejudices, controversies, unscientific conclusions, and injustices.

The following statements are expressed in the hope of clarifying some of the issues involved:

First. Out of 100 pounds of milk produced in the United States approximately 30 pounds is immediately marketed as fluid milk, approximately 42 pounds goes into the making of butter, 6.6 pounds is used in the production of cheese, 3.8 pounds is used for ice cream, and 4.1 pounds is used for condensed and evaporated milk. The remainder is consumed on the farms; fed to calves or wasted. The fluid milk being immediately consumed, it is evident that butter is the tail that wags the dairy dog, since the amount of butter made is so large in comparison to other manufactured dairy products. The producer of milk for city consumption has a greater bargaining power with his customer than the producer of milk for manufactured dairy products. This, no doubt, is reflected in the fact that the producer acquires a better price and a more stable market for his fluid milk. The consumer demands a constant supply of milk for family use, though he may be led to use substitutes for the manufactured dairy products consumed by his family.

Second. The importance of dairy products in the human diet has been definitely recognized by the medical profession. Milk is the drink of youth, the middle-aged, and the aged. Butter is a protective food, and has a food value exceeding its calorie content. Cheese has long been recognized for its food value, and is universally known as the poor man's meat. Some authorities have recommended that 25 percent of the family food budget should be spent for milk and its products. Dairying is by far the most important branch of American agriculture. The annual value is nearly $2,000,000,000. The value of dairy products equals twice the value of each of our important farm crops. About 75 percent of the farms of the country keep one or more cows for milk production.

### THE MILK-MARKETING AGREEMENTS

Third. The present administration has inaugurated milk-marketing agreements as of 1933, 1935, and 1937. These agreements apply to the fluid milk in the milksheds of this country. The Congress delegated the power to the Secretary of Agriculture to issue marketing agreements or orders to regulate the price of milk in interstate commerce. He is also given the power to fix the price which the handler must pay the producer. Some States have State milk-control boards.

The present administration has also evolved milk-marketing agreements for the evaporated milk farmers of the Nation. This is done by establishing a minimum price for butterfat, and is based on the price of butter and cheese. Through its support of the butter-buying program, partially in cooperation with the Dairy Products Marketing Association, the administration has also made an effort to support the price of butter and keep its price from declining to ruinous low levels.

The F. S. C. C. has made large purchases of butter for distribution for relief. It has gone into the market and purchased butter around the 25-cent-per-pound mark. This or-

ganization really has not fixed the price, but has tried to make purchases of butter to keep the price from declining too much. While the prices paid by the F. S. C. C. have not intentionally been made to peg prices of butter, many people feel that the prices paid by the F. S. C. C. have assumed the aspect of price-fixing for this commodity. Many observers think this buying has caused a more uniform price. It is also to be borne in mind that there is no doubt but what the dairy-marketing agencies of the Agriculture Department would be willing to see that the farmers producing milk for manufactured dairy products also had their own marketing agreements, if and when this group has a feasible program. The need for some kind of protection for the producers of milk, used for butter and cheese, is shown in the low prices which have prevailed during the past 7 years in comparison to fluid-milk prices and in comparison to the prices which prevailed during the 7 years before the New Deal.

Fourth. I wish to call your careful attention to the fact that I am in no way trying to tear down the prices for fluid milk. This price is still low when compared with pre-New Deal prices. However, I do address myself to the problem of trying to work out a program which will give the producers of milk used in manufactured dairy products a return for their milk that is more in keeping with what it costs them to produce this milk. Criticism is easy; constructive thought on this question is difficult, and must be approached with a full understanding of the problems involved.

Fifth. The following table shows how the milk production of the United States is used:

UTILIZATION OF MILK IN THE UNITED STATES

One hundred pounds of milk produced in the United States has the following uses:

| | *Percent* |
|---|---|
| Creamery butter | 32.4 |
| Whey butter | .5 |
| Butter produced on farms | 9.2 |
| | 42.1 |
| Cheese: | |
| For American cheese | 5.2 |
| For all other | 1.4 |
| | 6.6 |
| Evaporated milk | 4.1 |
| Ice cream | 3.8 |
| (1) Consumed as fluid milk or cream on farms where produced | 11.5 |
| (2) Fed to calves | 2.6 |
| Milk consumed as fluid milk or cream in cities and villages | 29.4 |
| Total | 100.0 |

Above figures computed from "Production of Manufactured Products, 1938," chart No. 35 U. S. D. A.

SUGGESTIONS, QUESTIONS, AND CONCLUSIONS

First. If the power to fix the price for the producers of fluid milk is delegated by law to the Secretary of Agriculture why should not the power to fix the price for the producer of milk for manufactured dairy products also be delegated to the same agency?

The 30 percent of the milk producers of this Nation are not entitled to any legislation that is not enjoyed by the other 70 percent of the milk producers. If the price of the fluid milk is fixed on a cost-of-production basis why are not all farm products entitled to this same protection? In other words, any Secretary of Agriculture who has fostered legislation and is in sympathy with legislation which fixes the price for one group and which gives cost of production must, in fairness, be in favor of legislation which fixes the price for all agricultural groups. Furthermore, I cannot see how any Secretary of Agriculture who sympathizes with and fosters cost of production for one group of farmers can, in fairness, oppose legislation as submitted by our colleague the gentleman from North Dakota, the Honorable WILLIAM LEMKE.

Second. Most Members of Congress are interested in removing interstate trade barriers. Our Agricultural Department has issued a booklet one-half inch thick, rehearsing the unfairness and undesirability of these interstate trade barriers. Yet we have an artificial trade barrier in our milk markets which is erected under the guise of health requirements in connection with this milk supply. The artificial trade barriers erected around cities for milk must be carefully considered in connection with this elimination of trade barriers between States.

Third. The artificial trade barriers erected around cities under the guise of health requirements can easily be analyzed by careful study. There is no reason for anyone who has ever studied bacteriology to conclude that any germs which are injurious to human health will not as effectively cause harm when incorporated in a carton of butter as they will when found in a bottle of milk. Milk cannot be too clean but modern milk producers are producing it in a most sanitary manner and in great volume.

There is not much difference in the cost of producing 100 pounds of clean milk and the same amount of unclean milk. There are not any scientific facts to justify unnecessary handicaps in order to produce clean, desirable milk. From a human-disease standpoint it is just as necessary to have clean, wholesome milk for butter production as it is to have it for fluid-milk consumption.

It is ridiculous to talk in detail about dairy sanitation when we consider for one moment the fact that dairy products are being imported into this country and no man can, with certainty say whether the cows that produced the milk for these imports were even tested for tuberculosis or Bang's disease. In fact, no one has definite knowledge of the sanitary conditions under which the imported product is manufactured. While the American taxpayer pays millions to eradicate diseases, the imports of dairy products of unknown cleanliness merrily roll into our shores. This is a problem of long standing.

Fourth. From a practical standpoint, I maintain that we should have Federal health requirements for milk. I contend that any milk which is produced in conformity to these requirements should be entitled to be shipped to any State in the Union the same as graded potatoes or any other graded farm crop. Unfortunately, the cities can by law insist upon useless additional requirements that complicate the whole problem and add millions to the living costs of the people in the cities.

Fifth. Some fluid milk has a local high-production cost. Adjacent to many cities we find farms not really adapted to the economic production of milk. The result is a high fixed price and the consumer limits the per-capita consumption. When surpluses of fluid milk occur the surplus is made into butter or other manufactured dairy products. This weakens the butter price and the cheese price. An example of this was brought out last year here in Washington when a quart of milk was 14 cents a quart under the fixed price and cheese was 14 cents a pound, and it takes about 5 quarts of milk to make a pound of cheese.

Sixth. If we are to progress on the basis of the greatest good to the greatest number, we cannot continue to legislate to fix the price for one group of milk producers that represents 30 percent of the producers and give them from 50 cents to $1 for butterfat and then have the second group that represents 70 percent of the milk producers receive whatever they may be able to obtain. Nor can we expect to always have one branch of our Agriculture Department delegated power so that one group gets 50 cents to $1 per pound for butterfat by milk-marketing agreements; and also have another unit, the Federal Surplus Commodities Corporation buying cheese on the lowest bid. Buying on the lowest bid tends to lower the price to the farmer. The F. S. C. C. also goes into the market and supports the butter market when butterfat is only 25 to 30 percent per pound. This is not meant as criticism of the F. S. C. C. They are no doubt following the law. But one fact is evident and that is that one group of 30 percent of our producers gets the advantages of legislation that gives them a fixed price, while the 70-percent group does not have this advantage and in practice is sometimes harmed by the legislation that fixes the price for the group of 30 percent of our producers.

Seventh. It has been disturbing to note the unfairness of certain milk producers of the 30-percent class who are enjoying the benefits of a fixed Federal price, in that they support measures that are harmful to the 70 percent of the producers whose milk goes into butter and cheese. I have heard producers who were receiving fixed prices of 50 cents to $1 per pound for their butterfat try to support the Hull brand of reciprocal trade treaties which have reduced the tariff on cheese by 42 percent and have cost the cheese farmers of America millions upon millions of dollars. Cheese averaged 17.5 cents per pound the last 7 years before the New Deal. It averaged 14.7 cents per pound the last 4 Republican years. Cheese averaged only 13.2 cents per pound the first 7 years of the New Deal, and in 1938 and 1939 it averaged only 12.7 cents per pound. While cheese averaged only 10 cents in 1932, it averaged only 11 cents-plus the first 6 months of 1939. According to Bulletin 200, U. S. D. A. and W. D. A., pages 33 and 41, the farm price of butter was 35 cents per pound the 7 pre-New Deal years, 32 cents per pound the last 4 Republican years, and 26 cents for the 7 years of the New Deal. Fluid milk averaged $2.12 per hundredweight for the 6 pre-New Deal years and only $1.68 per hundredweight for the first 6 New Deal years. One minority group cannot for long expect to sit with a fixed definite price for their product and expect the majority group to absorb the surpluses of the protected minority group and also give encouragement to legislation that is harmful to the majority group.

Eighth. Many Members of the House from areas enjoying the benefits of federally fixed prices for milk were exceedingly vociferous in their praise and support of the Hull brand of trade treaties that have so materially reduced the incomes of the butter and cheese farmers.

The first treaty was made in 1935 and the tariff was reduced 2 cents per pound. This went into effect January 1, 1936. In 1936 there were 14 times as much American cheese imported as there was in 1935. In 1938 when cheese was only 12.6 cents per pound the second trade treaty was made and the tariff was reduced another cent per pound. In 1939 there were 3½ times as much American cheese imported as in 1938, even though cheese averaged only 11 cents-plus per pound the first 6 months of 1939. While some of my New Deal colleagues seem willing to secure a protected, fixed market price, and, in fact, want the American market with a fence around it for their farmers, they are also willing and eager to give the big majority of dairy farmers the uncertainties of a New Deal manipulated market and also a chance to compete with the cheap labor and living standards of Europe, Asia, and South America. We cannot continually have legislation for the benefit of the few with the American market for the minority and not in justice have the American market for the majority of our farmers. No effort has been made to reduce the tariff on butter. Six times as much milk is produced for butter as there is for cheese. Any attempt to lower the tariff on butter would meet with universal opposition while cheese is produced in a comparatively small area, with Wisconsin producing half of it. If you think the 42-percent reduction in the tariff on cheese was justified, do you believe that a 42-percent reduction in the tariff on butter is desirable? Ask any trade-treaty advocate that question.

Ninth. Would-be authorities use weasel words in saying that imports of dairy products represent less than one-half of 1 percent of our national dairy production. Some New Dealish agricultural colleges sent out this kind of information. Anyone knows that the fluid-milk market is not affected by imports on account of the nature of the business as the product must have immediate consumption. I am sure many of them have not even taken the time to look it up. However, it will be refreshing for them to know that we import in terms of years an amount equal to 7 to 10 percent of our annual production of all cheese; and import an amount of Swiss cheese equal to 20 to 25 percent of our annual production.

Tenth. What has the effect of the low prices of dairy products been on the dairy regions producing milk for butter and cheese? The undisputed fact is that the Federal foreclosures and acquirements of farms in Wisconsin have never been as high during the whole period of Federal loans as it was in 1939 after 7 years of the New Deal. In Wisconsin in 1932, 264 farms or 4 percent of the total were acquired by the Federal land bank, while 1,356 farms, or 4½ percent, were acquired by the Farm Credit Administration in 1939. If farmers receiving over 17 cents per pound for cheese for the 7 pre-New Deal years were in difficulties and they had an average mortgage of $2,300, how can anyone expect to see these farms paid for with an average mortgage of $3,000 when cheese is only averaging 13.2 cents per pound under the New Deal? If these mortgages cannot be paid with 32- to 35-cent butter, how are they going to be paid with the New Deal price of 26 cents per pound? Is it any wonder that 50.2 percent of the farms in the Seventh Wisconsin District were delinquent on January 1, 1940? As long as dairy products bring 25 to 30 percent less under the New Deal than before the New Deal the dairy farmer must look for a brighter day than the New Deal has ever given him.

Eleventh. It is not very consoling to the farmers of this country who have been driven from their homes by the New Deal because they could not pay an average annual interest of $98 to $112 per farm on an average $2,800 mortgage to find out that the New Deal has built 90,436 housing units for other groups of people in the big cities that have cost an average of $4,359 per unit and that they also subsidize this group $28,000,000 a year for 60 years or $1,680,000, and also to learn that the Federal Treasury pays $193 each year toward the rent for each of this subsidized group? More people were driven from their homes by the New Deal than homes were provided for by the New Deal, and the public debt was increased by $1,680,000,000. Is this one of the social gains of the New Deal?

Twelfth. I am happy to think that I have at least been able to equalize and reduce the interest burdens of the farmers of this country to an extent that it means the saving of tens of thousands of dollars to the farmers of my district and an annual saving of millions of dollars to the farmers of the Nation.

Strong support was given to make milk a basic commodity but the Agriculture Department gave an adverse report, and the bill was never voted on even in committee. In fairness it must be here recorded that the dairy farmers did once have the opportunity to include milk as a basic commodity. If parity payments are to be paid they must be paid to all branches of agriculture or else the program will fail.

If we fix prices for the minority we must for the majority. [Applause.]

We cannot always maintain a farm program that benefits only one-third to one-half the crop production of the country. We surely cannot wish to make an arrangement with a small percentage of the total milk producers of this country by fixing their price, and then turn around and follow practices like buying cheese on the lowest bid and buying butter at one-half to two-thirds the cost of producing it and giving it away to the farmers' customers to sit down and eat it, and expect the farmer to pay his taxes in support of such a procedure.

The farmer has furnished one-fourth to one-third the cost of feeding the people of this Nation the past 10 years, and if his food is going to be given away, there is no sense in further impoverishing the farmer.

Let us have a program that gives all farmers the same consideration with justice to all. We will then have the greatest good to the greatest number instead of continual New Deal legislation for the benefit of few at the expense of the many. [Applause.]

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 28, 1940, at 12 o'clock noon.

## COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m., Wednesday, August 28, 1940, for the consideration of Senate bill 3248, regarding the pay of immigration inspectors for overtime.

COMMITTEE ON THE JUDICIARY

There will be a hearing on Wednesday, August 28, 1940, before the Committee on the Judiciary on the bills H. R. 10365 and H. R. 10403, to facilitate preparation for national defense by amending section 3477 of the Revised Statutes. The hearing will begin at 10 a. m., and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Thursday, August 29, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Thursday, August 29, 1940, at 10 a. m., for the consideration of the defense-housing bill.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Friday, August 30, 1940, at 10 a. m., for the purpose of considering all fourth-class postmasters' salary bills.

## EXECUTIVE COMMUNICATIONS, ETC.

1925. Under clause 2 of rule XXIV a letter from the Administrator, Federal Security Agency, transmitting a report of the Superintendent of St. Elizabeths Hospital listing the detailed expenses of that institution for the fiscal year 1940, was taken from the Speaker's table and referred to the Committee on Expenditures in the Executive Departments.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 578. Resolution for the consideration of H. R. 7236, a bill to provide for the adjustment of certain claims against the United States and to confer jurisdiction in respect thereto on the Court of Claims and the district courts of the United States, and for other purposes; without amendment (Rept. No. 2884). Referred to the House Calendar.

Mr. MAAS: Committee on Naval Affairs. H. R. 10295. A bill to amend the act of June 23, 1938 (52 Stat. 944); without amendment (Rept. No. 2885). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS:

H. R. 10410. A bill authorizing the construction of certain dams and reservoirs on the White River, Ark., and Mo., for flood control and other purposes; to the Committee on Flood Control.

By Mr. KEOGH:

H. R. 10411. A bill to repeal obsolete statutes and to improve the United States Code; to the Committee on Revision of the Laws.

By Mr. LANHAM:

H. R. 10412. A bill to expedite the provision of housing in connection with national defense, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. DOUGHTON:

H. R. 10413. A bill to provide revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. DISNEY:

H. R. 10414. A bill to amend certain provisions of the Internal Revenue Code relating to manufacturers' and producers' taxes on gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. McGEHEE:

H. R. 10415. A bill to amend paragraph 19 of section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1930, and for other purposes," approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. O'NEAL:

H. R. 10416: A bill to amend the United States Housing Act of 1937, as amended; to the Committee on Banking and Currency.

H. R. 10417. A bill to amend the United States Housing Act of 1937, as amended; to the Committee on Banking and Currency.

By Mr. MOUTON:

H. J. Res. 595. Joint resolution authorizing the participation of the United States in the celebration of a Pan-American Aviation Day, to be observed on December 17, of each year, the anniversary of the first successful flight of a heavier-than-air machine; to the Committee on the Judiciary.

By Mr. COX:

H. Res. 580. Resolution to provide current information to Congress by a permanent staff during the emergency relating to national defense activities of the Federal Government; to the Committee on Rules.

By Mr. VINSON of Georgia:

H. Res. 581. Resolution for the consideration of S. 4271; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BOLAND:

H. R. 10418. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey; to the Committee on the District of Columbia.

By Mr. CRAVENS:

H. R. 10419. A bill for the relief of Lucy Lewis; to the Committee on War Claims.

By Mr. D'ALESANDRO:

H. R. 10420. A bill for the relief of John J. Jenkins; to the Committee on Claims.

By Mr. WALTER:

H. R. 10421. A bill to record the lawful admission to the United States for permanent residence of Clarice Joan Dickens; to the Committee on Immigration and Naturalization.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9229. By Mr. BALL: Resolution of the Ladies' Auxiliary to the Jewish War Veterans of the United States, for the registration of all firearms; to the Committee on Military Affairs.

9230. By Mr. THOMAS F. FORD: Resolution of the Los Angeles County Democratic Central Committee, favoring the setting up of a Home Owners' Loan Corporation office in southern California, and further requesting that this southern California office be filled with southern California residents insofar as they are qualified; to the Committee on Banking and Currency.

9231. By Mr. GREGORY: petition of Edwin J. Paxton, Sr., publisher of the Sun-Democrat, and many other prominent citizens of Paducah, Ky., urging the sale of destroyers to England; also the immediate passage of the Burke-Wadsworth selective-service bill; to the Committee on Military Affairs.

9232. By Mr. SANDAGER: Petition of the American Legion, Department of Rhode Island, advocating an adequate national-defense program for all branches of the service; to the Committee on Military Affairs.

9233. By the SPEAKER: Petition of the American Legion, Department of the District of Columbia, Washington, D. C., petitioning consideration of their resolution with reference to House bill 9974 and Senate bill 4041, to establish a Division of Aviation Education in the United States Office of Education, Federal Security Agency, and for other purposes; to the Committee on Education.

9234. Also, petition of Local Union No. 12036, Fairmont, W. Va., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9235. Also, petition of A. L. Maloyan, Long Beach, Calif., petitioning consideration of their resolution with reference to banking and currency; to the Committee on Banking and Currency.

---

# SENATE

## WEDNESDAY, AUGUST 28, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and everlasting God, whose loving hand hath given us all that we possess: Grant us grace that we may honor Thee with our substance, and remembering the account which we must one day give, may be faithful stewards of Thy bounty and of all the responsibilities which Thou hast entrusted to our care. Through Jesus Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, August 27, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Schwellenbach |
| Andrews | Donahey | Lodge | Sheppard |
| Ashurst | Downey | Lucas | Shipstead |
| Austin | Ellender | Lundeen | Slattery |
| Bailey | George | McCarran | Smathers |
| Bankhead | Gerry | McKellar | Smith |
| Barbour | Gibson | Maloney | Stewart |
| Barkley | Glass | Mead | Taft |
| Bone | Green | Miller | Thomas, Idaho |
| Bridges | Guffey | Minton | Thomas, Okla. |
| Brown | Gurney | Murray | Thomas, Utah |
| Bulow | Hale | Neely | Tobey |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Hughes | Radcliffe | Wheeler |
| Clark, Idaho | Johnson, Calif. | Reed | White |
| Clark, Mo. | Johnson, Colo. | Reynolds | Wiley |
| Connally | King | Russell | |
| Danaher | La Follette | Schwartz | |

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO] and the Senator from Iowa [Mr. GILLETTE] are necessarily absent.

Mr. AUSTIN. The senior Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The junior Senator from Oregon [Mr. HOLMAN] and the Senator from Connecticut [Mr. DANAHER] are absent on public business.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

### PETITIONS

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland and the District of Columbia praying for the prompt enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

Mr. REED presented the petition of Samuel L. Gorham, of Turon, Kans., and 210 other citizens of that vicinity, which was referred to the Committee on Naval Affairs, and the body of the petition was ordered to be printed in the RECORD, as follows:

In the interest of our national welfare, we, the undersigned citizens of Turon, Kans., do hereby urgently request that you use your utmost influence in backing the program to deliver to England 50 or 60 of our more or less obsolete destroyers in exchange for naval bases or other considerations as you might deem proper, and that such transaction be made at once, as we believe that time is most urgent.

### RESOLUTION ON CONSCRIPTION OF WASHINGTON NEWSPAPER GUILD AUXILIARY

Mr. WHEELER presented a letter from Florence Dozier, secretary of the Washington Newspaper Guild Auxiliary, embodying a resolution adopted by that organization on the subject of conscription and the national defense, which was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON NEWSPAPER GUILD AUXILIARY,
WASHINGTON, D. C.,
*Silver Spring, Md., August 22, 1940.*

Senator BURTON K. WHEELER,
*Senate Office Building, Washington, D. C.*

DEAR SIR: The following resolution was unanimously adopted at the regular membership meeting of the Washington Newspaper Guild Auxiliary, Tuesday, August 6, 1940:

"Whereas we believe that voluntary 1-year enlistment at an adequate rate of pay would provide a sufficient army for the national-defense needs of the United States: Therefore be it

"*Resolved*, That the Washington Newspaper Guild Auxiliary is opposed to the Burke-Wadsworth conscription bill."

Yours truly,

FLORENCE DOZIER.
*Secretary, Washington Newspaper Guild Auxiliary.*

### REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8474. A bill to further amend the Alaska game law (Rept. No. 2053);

H. R. 9123. A bill to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise" (Rept. No. 2054); and

H. R. 9124. A bill to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai" (Rept. No. 2055).

Mr. BROWN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 4571. A bill for the relief of LaVera Hampton (Rept. No. 2056);

H. R. 5264. A bill for the relief of Maj. Clarence H. Greene, United States Army, retired (Rept. No. 2060);

H. R. 6060. A bill for the relief of John P. Hart (Rept. No. 2057);

H. R. 6230. A bill for the relief of James Murphy, Sr. (Rept. No. 2058); and

H. R. 6457. A bill for the relief of the Wallie Motor Co. (Rept. No. 2059).

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, five lists of records transmitted to the Senate by the Archivist of the United States which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 298) to appoint a special committee to study and survey problems of American small-business enterprises (submitted by Mr. MURRAY on the 22d inst.), reported it with an amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

S. 4309 (by request). A bill to prevent the consolidation of any railroad using the Moffat Tunnel with any other railroad using such tunnel; to the Committee on Interstate Commerce.

(Mr. LEE introduced Senate bill 4310, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. BANKHEAD:

S. 4311. A bill to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

FEDERAL AID TO VOCATIONAL SCHOOLS FOR DEFENSE-TRAINING PURPOSES

Mr. LEE. Mr. President, I ask unanimous consent to introduce a bill. The bill provides for Federal assistance to the States in making surveys, studies, and recommendations for the planning, location, and enlargement of vocational schools that will provide adequately for vocational training for defense. I request that the bill be referred to the Committee on Education and Labor.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred as requested by the Senator from Oklahoma.

The bill (S. 4310) to provide for Federal assistance to the States in making surveys, studies, and recommendations for the planning, location, and enlargement of vocational schools that will provide adequately for vocational training for defense was read twice by its title and referred to the Committee on Education and Labor.

ARTICLE BY SENATOR HOLT ON "JUST AN ENGLISH LECTURER"

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by him entitled "Just an English Lecturer," which appears in the Appendix.]

"FIFTH COLUMNS"—ADDRESS BY IRA M. FINLEY

[Mr. LEE asked and obtained leave to have printed in the RECORD an address delivered by Ira M. Finley, president of the Veterans of Industry of America, to the twenty-fifth annual conference of the Veterans of Industry of America in Oklahoma City, June 30, 1940, on the subject "Fifth Columns" Above and Below, which appears in the Appendix.]

NINETEEN HUNDRED AND THIRTY-SIX GALLUP PRESIDENTIAL POLL

[Mr. LEE asked and obtained leave to have printed in the RECORD a letter from Fred Hansen, assistant attorney general of Oklahoma, addressed to France Paris, chairman, Oklahoma Democratic Central Committee, dated August 6, 1940, and dealing with the 1936 Gallup Presidential poll, which appears in the Appendix.]

THE THIRD-TERM ISSUE—STATEMENT BY JOSEPH LEIB

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD the text of the 1928 anti-third-term resolution of the Senate and a statement relative thereto issued by Joseph Leib, which appears in the Appendix.]

EDITORIALS FROM WALLACE'S FARMER ON FOREIGN POLICY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD five editorials from Wallace's Farmer on the subject of the foreign policy of the United States, which appear in the Appendix.]

CONSCRIPTION—EDITORIAL FROM THE POLITICAL DIGEST

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial entitled "Goodbye, America!" from the Political Digest, which appears in the Appendix.]

ARTICLE BY JAY FRANKLIN ON THE NOTIFICATION CEREMONIES AT ELWOOD, IND.

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article by Jay Franklin under the heading "Willkie Ceremony Held by Courtesy of New Deal," which appears in the Appendix.]

NATIONAL DEFENSE—ARTICLE BY GEN. HUGH S. JOHNSON

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Gen. Hugh S. Johnson on the subject of national defense, which appears in the Appendix.]

CENTRAL AND SOUTH AMERICA—ARTICLE BY JOHN T. FLYNN

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by John T. Flynn on Central and South America, which appears in the Appendix.]

ACCEPTANCE SPEECH OF SENATOR CHARLES L. M'NARY

Mr. AUSTIN. Mr. President, the senior Senator from Oregon [Mr. MCNARY], who is the floor leader of the minority of the Senate, yesterday made an address at Salem, Oreg., as a part of the ceremonies of announcement to him that he had been chosen as the candidate of the Republican Party for Vice President of the United States, and the acceptance of that nomination by him.

The address of the Senator from Oregon relates to public affairs, and, among other things, states his attitude as a candidate representing the party in the war crisis. I shall not undertake to read all that he said. I read only sufficient thereof to indicate his attitude as it bears upon our deliberations here; and I shall afterward have printed in the RECORD at this point, if the Senate indulges me to that extent, a copy of the whole address as set forth in the New York Times of Wednesday, August 28.

The portions of the address to which I desire to refer are as follows:

> In common with what I believe to be the overwhelming majority of my countrymen, I oppose involvement in foreign military adventures. America, as always, prefers peace. But America does not prefer the peace of appeasement; nor the surrender of our national dignity, our independence of action, our political freedom or the civilized values that we cherish.

I omit, now, several paragraphs, and come to the following:

> In the present world situation, we still have a choice. We shall be strong, in which case we shall deter our enemies at home and abroad; or we may remain weak and thus invite their aggression. For my part, I prefer the part of strength. That has been the American choice.
>
> In conclusion may I remind you that the Republican Party this year lifts the standard of hope; a standard to which all men and women of courage and clear-sighted faith in our mighty traditions may repair. Everywhere we hear that our country faces greater perils than at any time since the Republican Party preserved the Union under Abraham Lincoln. In another hour of crisis, the Republican Party, cradled in a great tradition and seasoned in government, offers to lead America out of doubt, negation, and disunity. Problems change, new dangers arise—yet remain the ancient virtues, self-reliance, faith, hope, and courage—which animated and sustained the pioneer in his quest for a greater, ever greater America.
>
> With your cooperation, we shall renew that quest; setting our country again on the path of high adventure toward her true destiny. With your help, we shall not fail.

I renew the request to have the entire address printed in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The address is as follows:

> Mr. Chairman, Governor Stassen, distinguished members of the notification committee, honored visitors, and my neighbors and friends, I accept the nomination for Vice President so generously bestowed upon me by the Republican National Convention last June. I endorse the platform and renew my loyalty to the candidate for President, the able, magnetic, and forceful Wendell L. Willkie.

This is no ordinary campaign. The impact of the wars raging beyond both our oceans, together with our urgent concern for the peace of this hemisphere, surround the political decision we are about to make with a heightened gravity. Domestic issues, linked as they are with preparedness and foreign relations, take on enlarged significance in our present mood.

For more than 7 years we have lingered in a backwater, denying our destiny; neglecting our defenses, both spiritual and material. The great energies of America have been hindered—where not actually stifled. Some have lost faith in the future; faith in work, the source of well-being. No party is solely responsible. We of the minority have, perhaps, failed in vigilance. But the overwhelming responsibility rests upon the party in power. They have the mandate.

This campaign is more than a mere contest between rival political parties. This campaign is a conflict between philosophies—philosophies of government and of action. We must choose in November whether America shall advance again along the path of her historic mission or retreat still further into the fields of futility.

I should be guilty of a narrow partisanship unsuited to the great West were I, however, to condemn the New Deal in its entirety. Candor requires me to credit this administration with certain social gains, which have made the lot of the average man more secure—if not more fruitful and satisfying. I, for one, do not choose to relinquish these advances where they are genuine; nor to detract from the humanitarian impulses actuating the President.

In this campaign I shall not seek to indict the New Deal's motives. I shall, with all the force at my command, attack the New Deal's capacity to govern and the political and economic heresies which have deflected us from our course.

NEW DEAL POLICY ASSAILED

Every administration since Washington has made progress toward fulfilling the American dream. The New Deal is exceptional in that it, alone, has sought to substitute new states of mind for old, to inculcate reliance on the Government in place of self-reliance, and to supplant hope with fear of what lies ahead.

We may forgive the New Deal's incompetence in dealing with economic farces; its inability—or unwillingness—to further the employment of idle capital and idle hands. We might overlook the confusion in theory and practice that have curbed initiative, stalled the engines of production, and multiplied debt. We are still a rich country.

What we cannot forgive is that the New Deal, finding itself unable to restore national vitality, fashioned its plan upon the thesis that America is finished, that our economy is inevitably contracting; that opportunity has been extinguished; and that, hereafter, we must look increasingly to the Government for jobs, for security, and for the oversight of our private lives.

That concept, old as human pessimism, germinates now from a Europe which has been transformed—by poverty, political immaturity, and war—into a dismal despotism. That concept is statism; the doctrine of the ascendancy of the state over the individual. I deny its validity in terms of a youthful, vital America. I charge, moreover, that the diffusion of that concept has impaired the national spirit, and, if persisted in, might well rob us in time of the will to be free.

What we need in times like these is more democracy, not less. In an earlier period of doubt and dismay, Walt Whitman, the good, gray poet of a dynamic America, thus admonished his country:

"Sail, sail thy best, ship of democracy,
Of value is thy freight, 'tis not the present only,
The past is also stored in thee."

The Philadelphia convention, meeting in the birthplace of our liberties, handed us our sailing orders; bidding us look to our vigorous past, reconstruct America, and set her anew on her course. I accept those orders in full confidence that we shall triumphantly make port in November.

LESSONS IN THE OREGON TRAIL

This occasion is, in a sense, a personal dedication. I make no apology, therefore, for personal references. Lacking only 4 years, I have served my native State of Oregon in the United States Senate for a third of its existence. In that 23 years my record has been open to the view of my countrymen. I have supported progressive measures. I have sought to conserve and employ for the benefit of all our heritage of soil, water power, and forest. I stand on that record. Not one uttered word can be expunged, not one vote recalled; nor would I wish it otherwise, considering the light that then guided me.

I should be lacking in sentiment were I not gratified by the presence of the notification committee. Many of them crossed the continent to be with us. I hope they find compensation in the grandeur of our mountains and forests and the enchantment of the Willamette Valley. I hope they may be recompensed also by the opportunity of mingling with this assemblage of free citizens of the old Oregon country, the Northwestern Empire, which once embraced all of Oregon, Washington, and Idaho and parts of Montana and Wyoming. This is pioneer country still. We here are pioneers, and the sons and daughters of pioneers; of the stock that carried American sovereignty from the Mississippi across the magnificent Rocky Mountain region to the Pacific conquering and subduing this rich domain for the Union.

Some of our visitors, flying here, crossed the old Oregon Trail in the air. Their passage across plains and mountains took only hours—instead of months. Others motored here. They reckoned traveling time in mere days. Accustomed to the ease of modern transport, it is hard to project our imaginations backward a century into the experience of the bearded men and the heroic mothers who rode uncomplainingly in covered wagons over the "iron road" from the Great Bend of the Missouri to the banks of the Willamette; following the valleys of the Kaw, the Platte, the Sweetwater, the Snake and the lordly Columbia; fording icy streams, withstanding hostile tribes, suffering hunger, thirst and sickness aggravated by strange diets and exposure—and leaving thousands of unmarked graves beside the trail.

The settlement of the Oregon country remains one of our proudest epics. At the time of the Yorktown surrender, our frontier rested on the Alleghanies. Sixty years later, the surging genius of our ancestors had pushed our borders to the Pacific. The beginning of Oregon lay in the imagination of Thomas Jefferson, the apostle of democracy, who served only two terms in the Presidency, frowning upon contemplation of a third term.

It was Jefferson who, after purchasing the Louisiana country, sent Lewis and Clark to spy out the land beyond the Rockies. Their journals kindled the interest of colonial America in the Far West. The explorer, the fur trapper and trader broke the trail. Next came the missionary, and, close behind, the homeseeker. If we pause today we may read in the old Oregon trail lessons applicable to the problems besetting us now.

THE PEOPLE MOVE ON TO THE PACIFIC

Most Americans are familiar with the broad outlines of this vast migration. They are not so familiar with the fact that it was a people's movement. The Government at Washington, absorbed in the Eighteen Forties by the acquisition of Texas and the gathering clouds of secession, virtually ignored the trend toward the Northwest. In Congress, numerous voices were raised in discouragement. It was said that Oregon lay beyond our proper aspirations as a nation; that the Rockies should mark the permanent boundary. Senator Thomas H. Benton, the Missouri giant, suggested erecting a statute of the Roman god Terminus on a peak of those mountains as a reminder of our natural limitations.

Fortunately, there were dissenters. The great Calhoun warned the Senate that, in spite of governmental objections, settlers were overrunning the Oregon country and—he suspected—the settlers, once established, would maintain themselves against the world.

No, the Government did not occupy the Oregon country. That job, thank God, was accomplished by the people. Americans had not then been instructed that they must look to Washington for inspiration and sanction for their every act. And when the pioneers found they needed to organize their rude society into lawful patterns, they made no appeal to the Government. They acted. They formed their own government.

The place where they met was Champoeg. A proud and happy sentiment encompasses me as I reflect that that hallowed place lies only a little distance from where we now meet. There, free Americans demonstrated the flexibility of the American political system; they proved that institutions forged on the Atlantic served equally as well on the Pacific and that therefore the continent could be welded into one Nation. Out of the bold and considered action at Champoeg sprang the assurance which fortified our diplomacy in acquiring title to the old Oregon country from Great Britain.

We can afford to smile at the timidity of the obstructionists who lived a century ago. In their day they thought America finished. They belonged to the tribe, seemingly numerous in each generation, which holds that the limit has been reached. Little Americans they were; the type that advocated impeaching Jefferson for his purchase and derided Seward for buying Alaska.

In like manner the little American of 1940 maintains that our race is run. The throb he hears is not the hum of America's dynamos, but the hardening of America's arteries. It is his despondent outlook that deflates the hopes of youth; insists that our industrial plant is overbuilt and that we must look forward only to a slippered senility.

We of the old Oregon country reject the hypothesis of the little American. We are optimists. We say that America is not yet half built. The little American dates the decline of American enterprise from the time when the last free land was thrown open for settlement. We hold that the theory of the last frontier is only figurative. Land, if you had to work it, never was free. Men paid for it in sweat and blood and loneliness, if not in dollars.

As long as great rivers run idly to the sea; as long as vast reaches of virgin soil await only life-giving water; as long as Americans prefer work to ease; and as long as well-being is inequitably distributed, then we say that America is not finished. Our job is to work for an integrated self-confident country, ready to undergo the discipline of the pioneer, to the end that we may not only survive in a threatening world but distribute our blessings more abundantly.

The call is for a disciplined population. I prefer the self-discipline of the pioneer to the imposed discipline of the European autocracies. The pioneer tradition is strong in our blood. All of us, whether our ancestors crossed the Atlantic in the seventeenth century or whether we ourselves came in the twentieth, are pioneers, or the descendants of pioneers. The virtues of work, thrift, and self-denial for the common good are part of our traditions. We have the tools.

What are some of the specifications for the reconstruction of America? Among the first is the preservation and fuller employment of the natural resources of soil, forest, and water power. Prudence dictates that we, at least, conserve those legacies for this and future generations.

RESTORING AGRICULTURAL EMPIRE

The prosperity of agriculture should be the first charge on the attention of any administration. Not for sentimental reasons, although society owes a real debt to those who, year in, year out, supply it with its first essentials, food and raw materials. No; the reason for our preoccupation with the farm problem is social and economic betterment. The farm stands somewhere near the center of our economy. For 75 years the farms of America balanced our foreign trade and, through exportable surpluses, provided the foreign exchange that assisted in building our factories, mines, and railroads. The first World War disrupted that profitable trade and, for 20 years, we have struggled with recurring, unmarketable surpluses.

The farm problem is by no means the exclusive worry of the farmer. In a true and realistic sense, the problem is as national as the problem of national defense. Permit me to cite an example: Statisticians find an uncanny correspondence between gross farm income and industrial pay rolls in a given year. When, as in 1929, farm income rose to $12,000,000,000, factory pay rolls also were $12,000,000,000; and when in 1932 farm income dropped to $5,000,000,000, industrial pay rolls fell off similarly.

The New Deal has administered the farm problem for more than 7 years. What is the present state of the American farmer, who, with his dependents, makes up a quarter of our population? In the year 1939 his share of the national income was the lowest since statistics have been kept. Moreover, his income during the 7 New Deal, or lean years has averaged only $7,000,000,000; whereas, during the preceding 7 years, under Republican administrations, it averaged nine billions.

Bear in mind, if you will, that the New Deal totals included all the benefit payments from the Treasury of the United States—and that the 7 prosperous Republican years include the black year 1932, which marked the depth of the depression.

Throughout this New Deal cycle, we have been confronted with the related phenomena of depressed farm prices and industrial unemployment. With the farmer producing without profit, the city worker was idle, his consuming power diminished. I have long felt that these phenomena could not be separated; that a sound policy would work toward relieving both of these disorders.

I shall discuss the farm situation in detail later in the campaign. It is a subject near my heart. For 20 years I have sought means and measures to better the lot of the agrarian producer.

For the moment, let me say that the Republican platform recommends a hopeful and affirmative farm program. It endorses the principle of parity. It advocates—and this is a departure—incentive payments to farmers willing to experiment with tillage of crops we now import. We stand pledged to continue soil-conservation payments, commodity-surplus loans; to encourage acquisition of farms by tenants and for research aimed at developing industrial uses for products of the soil. We favor continuing the food-stamp program, which serves the double purpose of assisting the needy and helping the farmer by reducing surplus crops.

The platform offers no magic formula. The problem is far too complex for any all-embracing cure. It does constitute a promise that the Republican Party genuinely seeks solutions.

A substantial solution of the farm problem may be resolved into a question of markets. Any rational plan must assign the American market to the American farmer. Beside being far and away the greatest market, it is the only one we may hope to control. The farmer is, at least, entitled to that and no Treasury benefits can compensate him for its loss.

Yet the New Deal, which, in 7 years, has failed to map out a long-range plan for reconstituting the agricultural empire, piles confusion upon confusion by following two contradictory policies at once. With one hand, the New Deal pays farmers not to sow and reap; with the other, it lowers tariff barriers so that foreign crops undersell our own in our market.

RECIPROCAL PACTS CONDEMNED

Secretary Wallace, a high-minded and sympathetic Secretary of Agriculture, may not be blamed for this second policy. Any Secretary of Agriculture would be hampered by the reciprocal trade systhem, which, in the last 2 years, has admitted competitive farm products to the value of $537,000,000 a year. That sum, it is interesting to note, approximates what the Government has paid farmers to reduce acreage and production. Experts estimate that the 35,000,000 acres withdrawn through Government payments from production correspond closely to the acreage displaced by competitive imports.

I have always opposed reciprocal-trade treaties, as formulated by the New Deal. When I spoke against their renewal last Spring in the Senate I charged that the treaties had failed to "dissipate, alleviate or liquidate the uneconomic conditions" affecting agriculture. I hold to that opinion still. Moreover, as the war spreads the areas of closed trade I gravely fear that the effects on agriculture may grow worse and we have no assurance that peace will restore foreign markets for our surpluses.

After 7 years we need a realistic reappraisal of the whole problem, and, whichever party assumes the responsibility next January, we should demand and have the formulation of a long-range policy looking to the restoration of our agriculture empire. The farmers do not wish to rely perpetually on subsidies which stop short of economic justice. They wish to re-enter the economy as independent producers. They are entitled to the fulfillment of that wish.

For years I have advocated a two-price system; a system enabling us to export without injuring the domestic price level. The McNary-Haugen Act, which looked to that end, was twice vetoed by a President. Although conditions have altered radically since the bill was last rejected, I maintain with undiminished faith that some such formula must still be sought.

Farm recovery may well be part of a greater whole. The recovery of our whole economy hinges to some degree upon removal of such obstacles to easy commerce as adverse government policies, restrictive laws, burdensome taxation and the uncertainties arising from pyramiding debt. The overall solution may only await the installation of an administration which whole-heartedly wishes again to see the United States a going concern.

RENEWING OUR FORESTS

I come to a problem that profoundly touches my emotions. We stand today in the heart of the last considerable area of virgin forest left in the United States; the majestic remnants of nearly a billion acres of timber that clothed this country when the first Europeans saw it. I was born within sight of the great trees that characteristically dominate the western scene from the Rockies to the Pacific. In my lifetime I have witnessed the growth of the lumber industry to its present huge proportions and the expansion of the social and recreational value of our forests. It is but natural, therefore, that during my years in the Senate I have made legislation affecting the forests my special province.

Everyone knows that American timber resources are being swiftly depleted. We take assurance for the future, however, from the knowledge that they may, with care and wise Government policies, be restored. Happily a substantial portion of our forest lands are being managed and utilized in ways that best safeguard social values, provide maximum employment, guarantee future supplies, stabilize streams and soils and conserve our rich endowments of natural beauty and wildlife.

Yet, much more can be done. The Government equitably could assume half of the cost of abating loss from fire, insects, and disease to the desirable point where forests might become insurable risks. Credit facilities are rudimentary and inadequate. Forest taxation too often tends, by laying too heavy an immediate burden, to compel uneconomic exploitation and forced liquidation.

Unproductive areas increasingly should be acquired for public ownership and the exploration and research arms of the Forest Service should be expanded. Deserted villages and abandoned cut-over lands are the price society pays for wasteful nudations of our forest areas. The remedy for this ruthless policy is a Government-encouraged program of perpetuating this natural resource by regulating the volume of the crop that annually can be harvested. This means balancing the budget between the growth and the cut.

POWER—A NATIONAL HERITAGE

Power is the prime requisite of modern industrial existence. A measure of America's industrial magnitude may be found in the fact that one-half the installed horsepower in the world is developed within our borders. Steam power made England the industrial colossus of the nineteenth century; steam plus electrical power has made the United States the industrial giant of the twentieth.

Yet America's water power resources are still largely undeveloped. In the mountainous parts of the Pacific West, where strong rivers run unimpeded to the sea, a major portion of the country's potential hydroelectric power still waits to be harnessed. Fortunately the principle on which this power may be made available has long been recognized. The Federal Government accepts the obligation to control floods and assure navigation. Out of these services flows the byproduct of power.

Unfalteringly the Congress has granted to the public preferential rights to power generated from navigable streams. Such power should be a common heritage. The Government, having made this power available, should have an indisputable right to control its utilization and distribution. Maximum benefits for domestic consumers, farmers, and small users of power should be the yardstick by which we measure the usefulness and serviceability of every Federal development.

Moreover, rates should be maintained at the lowest level consistent with sound amortization. Where irreconcilable conflicts arise between public and private interests in the development and distribution of power, private holdings should not be confiscated; and we now have a working precedent for such fair treatment in the recent acquisition by purchase of private companies by the Tennessee Valley Authority.

From the standpoint of the Treasury, the records of the great public power projects at Boulder Canyon on the Colorado and at Bonneville on the Columbia are reassuring. Both are liquidating their commitments to the Government, as no doubt the mighty power and reclamation development at the Coulee Dam on the upper reaches of the Columbia likewise will do. The subject of hydroelectric power deserves fuller treatment, which I expect to give it in a later speech.

ATTITUDE IN WAR CRISIS

The resources we have been considering bear pertinently on a subject uppermost in our minds as we look across the Atlantic. I refer to preparedness for defense. The last war disclosed deficits in power and farm and forest products. A shortage of power in certain eastern industrial districts deprived domestic consumers of service. Food deficiencies caused meatless, wheatless days and the plowing up of the short grass prairies in what is now the Dust Bowl.

In common with what I believe to be the overwhelming majority of my countrymen, I oppose involvement in foreign military adventures. America, as always, prefers peace. But America does not prefer the peace of appeasement; nor the surrender of our national

dignity, our independence of action, our political freedom, or the civilized values that we cherish.

The existence of aggressive despots in Europe is not new to our experience. We administered a lesson to George III. Napoleon inconvenienced our commerce. Monroe and John Quincy Adams effectually warned the Holy Alliance to keep its arbitrary hands off this hemisphere. We helped bring Maximilian's imperial adventure in Mexico to an inglorious end.

Nor have we failed to exercise our guardianship over countries within the scope of the Monroe Doctrine. Unless I mistake our temper, we are no less firm and positive today. We are not a docile people and we propose to work out our destiny on our terms.

In the present world situation, we still have a choice. We shall be strong, in which case we shall deter our enemies at home and abroad; or, we may remain weak and thus invite their aggression. For my part, I prefer the part of strength. That has been the American choice.

In conclusion may I remind you that the Republican Party this year lifts the standard of hope; a standard to which all men and women of courage and clear-sighted faith in our mighty traditions may repair. Everywhere we hear that our country faces greater perils than at any time since the Republican Party preserved the Union under Abraham Lincoln. In another hour of crisis, the Republican Party, cradled in a great tradition and seasoned in government, offers to lead America out of doubt, negation, and disunity. Problems change, new dangers arise—yet remain the ancient virtues, self-reliance, faith, hope, and courage—which animated and sustained the pioneer in his quest for a greater, ever greater, America.

With your cooperation, we shall renew that quest; setting our country again on the path of high adventure toward her true destiny. With your help, we shall not fail.

### PRINTING OF BOOK, THE POLITICS OF OUR MILITARY NATIONAL DEFENSE

Mr. AUSTIN. Mr. President, I send to the desk, for reference to the Committee on Printing, a book dealing with, and having the subject of, The Politics of Our Military National Defense, with the Defense Acts of 1916 and 1920 as case studies.

The book makes available in condensed form the history of the action of political forces within the United States of America which have shaped our military national-defense policy from 1783 to 1940.

As a contemporary study dealing with an important phase of the legislative action of Congress now developing, this book is of value for research, as well as for the light that it throws upon the way leading to national unity through understanding.

The division and arrangement in the book is a logical one that is based upon the chronology of events developing the story of our military-defense policy from Washington's barrack book of May 1783, entitled by him "Sentiments on a Peace Establishment," to the National Defense Act of 1920, characterized by the author of this book as "the constitution of our military policy."

On this base the author builds up the story of the last 20 years, principally from first-hand information collected by him from Army, Navy, Congress, press, and author.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. AUSTIN. I willingly yield, but I prefer to have the Senator wait until I finish this short statement.

Mr. WHEELER. I merely wish to ask if the book contains the minority report of the Committee on Military Affairs opposing conscription in 1916, and some of the speeches made by some of our distinguished friends and leaders on this side who are now for this bill.

Mr. AUSTIN. Mr. President, the book does not contain that report. In this brief space of 250 pages it describes the contest and conflict between two opposing ideas relating to national military defense which collided in 1916 and the 3 years preceding that time, leading up to the act of 1916, which again collided in 1920; but those theories were in conflict from the time of the Revolutionary War up to that time, and they have persisted, and are again in issue on the floor of the Senate. That is one reason why this book is so interesting and, I think, helpful.

I continue my description of this book, which I am not making solely for the present auditors of my statement. I have prepared this statement with a view of having it as concise as possible.

The author develops the distinction between the two major policies, the attrition of which upon each other has logically resulted in the type of military-training-and-service provision which would produce a small professional standing Army and a large reservoir of citizen soldiers. This was called by Washington "a well-regulated militia," and by the author "the citizen Army of America."

The opposing plans shown by this book to have been in conflict through the years were represented on the one side by such leaders of thought as Washington, John Adams, Jefferson, Madison, and Monroe, who favored universal military training, and on the other side by Secretary of War Calhoun, Gen. Emory Upton, General Sherman, Chiefs of Staff Scott and March, and Secretary of War Garrison, who favored universal military service, that is, a large professional standing Army—compulsory military training on the one hand, compulsory military service on the other hand.

The PRESIDENT pro tempore. Will the Senator pardon the Chair for calling his attention to the fact that under the rule his remarks now will be limited to 15 minutes?

Mr. AUSTIN. Mr. President, I have but a few lines more. I ask unanimous consent to continue until I shall have finished this statement.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent to continue his statement without its coming under the rule. Is there objection? There is no objection.

Mr. AUSTIN. On the one hand is a democratic system of which the Swiss military system is an example, and on the other hand an autocratic military system of which the German Army is an example.

The usefulness of this work is enhanced materially for legislators who may desire quick reference to authorities upon the subject of national defense, by the inclusion therein of a 10-page bibliography.

The author of this book is E. Brooke Lee, Jr., who wrote it in 1940 for his senior thesis at Princeton University, which awarded him the New York Herald prize for the best thesis of contemporary importance.

The PRESIDENT pro tempore. Without objection, the book referred to by the Senator from Vermont will be referred to the Committee on Printing, as requested, with a view to its being printed.

### SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. HAYDEN. Mr. President, section 7 of the pending bill prohibits the payment of bounties, the hiring of substitutes, or the payment of money to escape military service. I ask unanimous consent that that section be printed at this point in the RECORD, together with a copy of an amendment I offered to the Selective Draft Act of 1917, which became a part of the law, and a brief excerpt from the proceedings in the House of Representatives at the time the act was adopted.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

---

[From the CONGRESSIONAL RECORD of April 28, 1917]

Mr. HAYDEN. Mr. Chairman, I offer an amendment, to come in as a new section.

* * * * * * *

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Mr. HAYDEN offers the following as a new section: Page 8, after line 2, insert:

"'SEC. 3. No bounty shall be paid to induce any person to enlist in the military service of the United States, and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States, and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any valuable thing whatsoever as consideration for his release from military service or liability thereto.'"

Mr. HAYDEN. Mr. Chairman, I am offering this amendment in good faith, in a sincere desire to perfect the bill.

* * * * * * *

Mr. KAHN. I hope the gentleman from Alabama will take 5 minutes for some member of the committee to oppose the amendment.

Mr. DENT. I do not think it is necessary.

Mr. KAHN. Well, if the gentlean feels that way, I agree with him that it ought to be killed.

* * * * * * *

Mr. HAYDEN. Mr. Chairman, the gentleman from California has been unkind enough to sneeringly suggest that no argument need be heard in opposition to this amendment. I trust that a part of his suggestion will be followed, for I hope that its merits will so appeal to every Member of the House that the amendment will be adopted with but little debate.

The House has just gone on record by an overwhelming vote in favor of the selective draft as a method of obtaining soldiers for this war. I did my best to preserve the voluntary principle, and I still believe that it is right to raise armies in that way, but I must bow to the will of the majority. Since we are to have conscription, let us make it as fair and just as possible. I offer this amendment in good faith and at the suggestion of a number of Members of the House who believe that there should be a direct and positive prohibition against the payment of bounties to secure enlistments, the procurement of substitutes by men when drafted into the service of the United States, or the payment of money to escape personal military service.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BARKLEY. I want to ask the gentleman for information as to his construction of the bill, if under the bill it is not impossible to do any of these things?

Mr. HAYDEN. There is no affirmative permission in the bill to do any of these things, but there is nothing in the bill that denies the right to do them. I want a provision in this bill which will prevent the States from paying bounties to get men to make up their quota of the military forces. The gentleman from California [Mr. Kahn] stated yesterday that in the Civil War $289,900,000 was paid in bounties by the Northern States in order to obtain soldiers to fill up their quotas for the Union Army. We now have the National Guard and, if not recruited to full war strength by the voluntary system, then men can be drafted to fill up these organizations. There is nothing in this bill to prevent any State from paying bounties in order to avoid the draft and afterward making a claim against the Federal Government for the money so expended.

The gentleman from California [Mr. Kahn] also stated that the United States Government, during the Civil War, paid $363,662,000 in bounties, making a total of over $650,000,000 paid for this purpose. Let there be an affirmative declaration in this bill that bounties cannot be paid, so that the States and the Nation will be on notice not to pay them.

The gentleman from Illinois [Mr. Cannon] has told us in the course of his remarks that of the 199,000 men who were subjected to the draft in the North, but 43,000 actually served in the Federal Army. He produced statistics from The Adjutant General to show that of the remainder 73,000 furnished substitutes and 83,000 paid the $300 commutation. Nothing of the kind should be permitted in this war. There should be neither bounty jumpers nor substitutes, nor should the rich be able to avoid exposing themselves to the risk of battle by the payment of money.

The gentleman from California [Mr. Kahn] declared yesterday that this bill was not a matter for today, but that we ought in this hour to prepare a military policy that will last for all time. I appeal to you gentlemen, if we are going to pass this bill and adopt a permanent policy for raising armies in time of war, we should make this declaration now. I ask the chairman of the Committee on Military Affairs if he can see any harm that can possibly come from the adoption of this amendment.

Mr. DENT. I will state to the gentleman from Arizona, as I stated to him when he showed me his amendment, that I thought his amendment was entirely unnecessary, because there was nothing in the law that would authorize it, but I could see no harm in its adoption.

Mr. HAYDEN. I want to say that the language of the amendment is not all mine, and I have no pride about it. That part of the amendment relating to substitutes was taken from an act passed by the Confederate Congress, in Richmond, on the 28th of December 1863. The last part of the amendment, prohibiting the payment of money to escape service, is taken from section 57 of a bill introduced at the beginning of this Congress by the gentleman from California [Mr. Kahn], House bill 92. The wording that I have used is not original with me, but the bill was prepared by the General Staff and introduced by the gentleman from California [Mr. Kahn]. Now he is not willing to stand sponsor for it. I believe the House ought to go on record at this time against these three pernicious practices; that is, the payment of bounties, the employment of substitutes, and commutation in money for personal military services.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. House bill 92 is a peace proposition and not a war proposition. It provides for the training of men in time of peace. This is a war measure.

Mr. HAYDEN. That is all the more reason why my amendment should be adopted. In time of peace but few would want to hire substitutes, and no State would pay bounties except in time of war.

Mr. KAHN. The bill does not authorize the payment of bounties, and it does not permit the service of a substitute.

Mr. HAYDEN. The bill does not prohibit these evil practices; it is silent. I want an affirmative and positive declaration which shall be notice to all men that bounties will not be paid, that money cannot purchase an exemption, and that substitutes cannot be employed. There are many men now living who well remember that in the time of the Civil War all of these things could be and were done in both the North and the South. The adoption of this amendment can do no harm, and it will be laying down a proper military policy for the United States. [Applause.]

* * * * * * *

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, by an overwhelming vote this morning this House voted to adopt the system of conscription. I did all that I knew how honorably to prevent it, but when the House of Representatives has voiced its sentiments I go with it. [Applause.] I am going to vote for the volunteer amendment, and then I am going to vote for the bill at last; but that is neither here nor there. The amendment offered by the gentleman from Arizona [Mr. HAYDEN] to prevent substitutes, or paying out by a commutation tax, is the most sensible amendment, the fairest and most American that has been offered in this entire debate. If we are going to put these young men under conscription, I say do not let any rich man's son buy out of the Army. [Applause.] Any man who will send a substitute to war is a dastard and a coward, I do not care a straw who he is.

Did not they buy themselves out during the Civil War? That is the reason I want it provided here that they cannot do it in this war. This selective conscription is bad enough. It puts a premium upon favoritism [applause], it puts a premium upon bribery, it puts a premium upon corruption. [Applause.] I voted to take the word "selective" out of the bill, and if we are going to have a conscription at all, I want it to be general and absolutely fair. If poor men's sons have to go into this war, and, of course, they will—for nobody is fighting the creation of an army here, nobody is fighting against this war, but we are exercising the freedom of speech to express our opinion about what we think is the best way to raise an army—then I am everlastingly and teetotally opposed to giving rich men's sons an opportunity to back out of the war by buying their way out and letting the rest of our boys do the fighting. [Applause.] It ought to be put in the bill now and made plain, and then we would not get so many of these abusive and slanderous telegrams from all over the country. I am glad that the age limit has been raised to 40 years. I would like to have seen it raised to 45, 50, 55, or 60 or 65 or even 70 years. A lot of old skunkers all over the country who think that nobody is going to be forced into this war except boys from 19 to 25, and that their miserable, cowardly hides will be safe, have been sending these abusive and slanderous telegrams here. My friends, we want to preserve this army business as far as we can from scandal, and that is exactly what the amendment of the gentleman from Arizona does; and the sooner the people of the country know it, the better they will be off.

* * * * * * *

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. KAHN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Committee divided; and the tellers (Mr. HAYDEN and Mr. Kahn) reported that there were—ayes 188, noes 80.

So the amendment was agreed to. [Applause.]

Mr. WHEELER. Mr. President, on Tuesday, August 20, 1940, there was printed in the Livingston Enterprise, Livingston, Mont., one of the outstanding conservative, independent Democratic papers of my State, and editorial entitled "Draft Men for What?" which reads:

DRAFT MEN FOR WHAT?

Leaders who are opposing the draft seem to have caught on to its object.

There seems no real purpose at this time in enlarging the military forces, because there is not, and will not be for many months, any modernized equipment to train them with.

National Guard men who are at training centers now are using old trucks and trailers with "tank" signs painted on them in order to simulate conditions of warfare. They are not learning how to operate the modern, intricate machine which is the tank.

Instead of learning to use antiaircraft guns, modern machine guns, and other weapons, they are using imitations made of gas pipe, mounted on wire wheels.

Certainly the Army cannot be serious in asserting that the delay in the draft bill has upset plans for putting the first group of men in training by October 15, for not even the Regular Army is trained in the use of mechanized weapons. In fact the War Department is not yet decided upon the design for some of the weapons with which it intends to equip the Army.

Those men drafted now would have served their year and would be released before even seeing, much less learning to use, a modern weapon.

The purpose of the draft bill, then, must be to provide labor for defense purposes.

That is what the labor leaders assert. They say that the Army could get all the fighting men it needs by reducing the enlistment period to 1 year and making the pay the same as that for the C. C. C. What they are afraid of is that jobs ordinarily performed by civilians, at union wages, will be done by conscripts at $21 or $30 a month.

David Lawrence, Washington commentator, writing in his daily column, says:

"Much of the support for conscription is being given on the theory that the principle of an equally distributed burden of service is sound, but it is significant that the American Federation of Labor and the C. I. O. are publicly against conscription and are working hard in the halls of the Capitol to defeat the legislation. Why should they be doing this if they do not feel that the conscription bill is merely a method of regimenting workers to get jobs done that ought to be done by civilians?"

It will be 1942 before the Army can equip 800,000 men with modern weapons, William S. Knudsen says. It will be 1944 before 2,000,000 men can be equipped. There is plenty of time to try a voluntary enlistment system before then.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. I desire to make a parliamentary inquiry for the protection of Senators. There is no amendment or substitute now pending, and remarks made now are presumed to be made on the bill. Under the order which limits addresses to one speech on the bill, Senators might find themselves at a disadvantage.

Mr. WHEELER. I was not making a speech.

The PRESIDENT pro tempore. The Chair will state the parliamentary situation. There is an amendment pending, the committee amendment as amended to date.

Mr. BARKLEY. The committee amendment has been treated as the original bill, so that, of course, amendments can be made in a way that would otherwise be in the second degree. We have been treating the committee amendment as the text of the bill itself. My only object was to notify Senators who might later desire to speak on the bill not to exceed their time.

The PRESIDENT pro tempore. The Chair will hold that under the agreement no Senator may speak on the bill until the committee amendment and substitutes and amendments have been disposed of. All speeches now are on the committee amendment or some amendment to the committee amendment.

Mr. BARKLEY. Very well.

Mr. LEE. Mr. President——

Mr. HOLT. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I do not have the floor.

The PRESIDENT pro tempore. The Chair was about to recognize the Senator from Oklahoma, and will recognize him. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. LEE. A parliamentary inquiry. I did not wish to speak on the bill. I desired to take advantage of what I thought was the morning hour to insert two matters in the RECORD and to introduce a bill out of order. I ask the President pro tempore whether, if I do that, I will be prevented from speaking on the bill.

The PRESIDENT pro tempore. The Senator may speak 15 minutes in the aggregate on an amendment. He cannot speak on the bill until the amendments are disposed of. There is no morning hour today, and any speeches which are made in connection with anything are a part of the 15 minutes to which each Senator is entitled.

Mr. WILEY. Mr. President, I call up from the desk an amendment I desire to offer, and ask that it be read.

The PRESIDENT pro tempore. The clerk will read.

The LEGISLATIVE CLERK. On page 22, line 15, before the period, it is proposed to insert a semicolon and the following:

And shall have no authority to induct persons into such forces under the provisions of this act, except pursuant to voluntary enlistment, until the Congress shall hereafter declare that an emergency exists which necessitates the compulsory induction of persons into such forces.

Mr. WILEY. Mr. President, if this amendment were agreed to, section 6 would read:

The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose; and shall have no authority to induct persons into such forces under the provisions of this act, except pursuant to voluntary enlistment, until Congress shall hereafter declare that an emergency exists which necessitates the compulsory induction of persons into such forces.

Mr. President, I shall not take my full time of 15 minutes, and I should appreciate it if I could have the attention of the Senate. I have sat here hour after hour and given attention to others who have spoken, and for these brief 10 minutes I ask that a similar courtesy be shown me, not that I am entitled to it, but because I think that this is no place for closed minds, that here we are supposed to hunt out the truth and apply it to the national interest.

Mr. President, the Nation wants to be prepared. Those who do not want conscription state that if the President calls for volunteers the Nation can get all the volunteers it needs—by voluntary enlistment. Those who want the draft say we cannot get them by voluntary enlistment.

Now it is agreed by everyone that it will take at least 60 days to set up the machinery of conscription—60 days after the passage of the bill. That would bring it probably close to the first of the year.

It is also conceded by nearly everyone that no real effort has been put into obtaining volunteers, because there has been no arrangement to absorb a large number of enlistees. It appears conclusively that every quota has been met.

It appears conclusively also that our first line of defense is the Navy, with a supplemental air arm. Our second line of defense is our air force, and the third line of defense would be our Army.

Mr. President, it appears conclusively that with an adequate and up-to-the-minute navy, and with an adequate and up-to-the-minute air arm, we could not be successfully attacked.

Here is another significant and conclusive statement. It appears now that Germany's effectiveness on every front so far has been due to the fact that she had a spearhead, made up of possibly one hundred to one hundred and fifty thousand men, who were equipped with super land dreadnaughts, which spearhead had effective cooperation from the air, such cooperation consisting of bombing planes and strafing planes, and behind these superdreadnaughts were smaller ironclads. Then followed mechanized units, swift and terrible, equipped with rapid-firing guns and flame throwers. Then behind them came the infantry and trucks.

I repeat, it appears conclusively that our Army and our National Guard and our air force have not been trained in this "blitzkrieg" method of offense or defense, which means that they, too, have to learn the new technique, and this means time.

It appears conclusively that millions of men, if unequipped with ways and means of stopping these superdreadnaughts and the air armada, are like sheep before the wolf.

It appears conclusively that we are going to continue going into the red as a Nation, but twice as fast. For the last 7 years our deficits have been approximately two and one-half billion dollars a year, and it appears that this year the deficit will run five or six billions, which means that we should not do a lot of unnecessary things. It also means that we should not lose our heads.

Therefore, Mr. President, I feel that my amendment is worthy of consideration. I know that it is conceded that the noses have been counted for some time and that conscription will win. I have sat here for nearly 3 weeks now, and I have listened hour after hour, and I have now stated what in my opinion the undisputed evidence shows. Now I am asking the Members of the Senate to listen to me for an additional 5 minutes.

Mr. President, I said we represent 130,000,000 people. We should not have closed minds. When it is conceded that because of conditions as they are it will probably be January 1, 1941, before any conscript could be brought into training, not because of any delay caused by the debate in the Senate, but because the country was and is unprepared to absorb conscripts, then it appears to me that there is a way out of this controversy, there is a way out of this difference, a compromise way, if you please; there is a compromise road which we can travel without any injury to the safety of America. There is a road we should travel, because there are tens of millions of people in our country who prefer, I believe, that we should not start now to conscript.

My amendment would make possible this very thing. If the Senate accepts my amendment and passes the pending legislation, we would have a law which would operate this way—and please bear it in mind.

First. We would have the machinery for conscription set up, we would have the men registered, we would even have them selected.

Second. In the meanwhile, the President of the United States could call for volunteers in such lots as the Army should determine, and such lots as the Army could absorb and train.

Third. If it appeared at any time that the calls of the President—mind you, the volunteers are being fed in, they are coming in response to the call of the leadership of this Nation—if it appeared at any time that the calls were not being met, and any crisis or emergency was evident—and the crisis might be due to a number of causes, external or internal—then the Congress by resolution finding that fact, would immediately put the machinery of conscription into motion. The machinery is there, the men are listed, the men are selected, they have had time to take up the matter with those who employ them, and made the necessary arrangements, as well as made the necessary arrangements with their families.

Mr. President, what would be the effect, the real beneficial effect?

First. Because times have changed in the world and conscript armies, large armies, are not the thing, I believe it would be found that we would get by this volunteer method all the volunteers we needed. I believe that with a conviction which was born after listening for 3 weeks to the arguments in the Senate, and after talking to many people.

Second. We would say to a great section of our people by this very gesture that the Senate of the United States does not believe in our country going military—becoming militaristic-minded.

Third. If the President issued the call and set the facts before the people, we would have the example before the world of young democracy in action. We would see men who have been unemployed, young men in the C. C. C. camps, young men in the colleges, responding to the call.

We want an answer to Hitler. What is our answer? We are not prejudicing our plan whatsoever, but are giving America a chance. We are not saying to Hitler, "We cannot get men to defend the country unless we force them under the crack of the lash."

If the President of the United States issued a call to America, and gave its youth the facts that necessitated the men being called to the service—and, mind you, they have been responding now far beyond the quotas—the finest example that could be set to the world would be the response of our young men to the call of their country, men who want to serve, not men who are compelled to serve.

As I said, that would be a great thing. In this call I assume the President would say to the youth, "We need 10,000 men who, like the Senator from Maryland, were trained as machine gunners. We need 10,000 men to become automobile mechanics. We need 10,000 men to do this and to do that." Thus men could volunteer and be selected for service; and, mind you, all the time you are doing this, our machinery is available, and it is available as quickly as we need it, even if we pass the pending legislation as it is.

Mr. President, in my humble opinion, the people of the United States are entitled to this kind of legislation, first saying to them, "We are going to be prepared to meet any emergency by registering and selecting men, but we are not going to select anyone until 60 or 90 days are up." According to the undisputed testimony here, no one would be selected until the expiration of a period of 60 or 90 days; that is, we are not going to induct men until that time. If youth responds, why must we have a whiplash of registration?

I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

### THE GALLUP POLL ON THE PRESIDENTIAL ELECTION

Mr. LEE. Mr. President, many of our people are impressed, and some are influenced, by the Gallup poll. The Gallup poll has been published lately as showing Mr. Willkie leading President Roosevelt. I wish to call attention to the same Gallup poll of 1936, which, on August 16, showed 20 States for Mr. Landon; 28 States for Mr. Roosevelt; 276 electoral votes for Mr. Landon; 255 electoral votes for Mr. Roosevelt.

The same Gallup poll in 1936, as of September 6, showed 20 States for Mr. Landon; 28 States for Mr. Roosevelt; 275 electoral votes for Mr. Landon; 256 electoral votes for Mr. Roosevelt.

The same Gallup poll as of September 13, 1936, showed 20 States for Mr. Landon; 28 States for Mr. Roosevelt; 275 electoral votes for Mr. Landon; 256 electoral votes for Mr. Roosevelt.

Then the situation changed. The advantage swung over to Mr. Roosevelt. But the similarity of the poll with that of today is very striking. The Gallup poll, I may say, as of November 1, 1936, just before the election, showed 7 States for Mr. Landon, which was 5 more than went for him, and 42 electoral votes for Mr. Landon, which was 34 more than he received.

### SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. ASHURST. Mr. President, I shall take 3 minutes of the time allotted to me on the amendment.

Opulent with irony as are all human affairs, I do not at the moment know irony more poignant or more comic, if you choose, than the circumstance that the War Department has complained that it cannot secure adequate voluntary enlistments, when at the same time the War Department has flagrantly, openly refused to obey the law authorizing voluntary enlistment. It has been demonstrated that in various recruiting stations young men who endeavored to enlist for 1 year were told by recruiting officers that they could not enlist for a year, but must enlist for 3 years; notwithstanding that Congress on June 4, 1920, passed a law now in effect permitting enlistments for 1 year at the option of the soldier.

If the War Department, in good faith, had carried out and enforced this law, and had notified the young men that they had the right to enlist for a year if they chose, there would have been no backwardness, no slacking in enlistments.

I should be fair enough to say that in my opinion neither Secretary Woodring nor Secretary Stimson had aught to do with this deception practiced on the young men who sought to enlist for 1 year.

The War Department is a large concern. I doubt if the respective Secretaries I have mentioned actually knew that recruiting officers were discouraging voluntary enlistments. The refusal to observe this law was occasioned doubtless by some chief, who, exercising his own will in flagrant disregard of the law of Congress, refused to permit young men to enlist for a year.

Mr. President, surely I am not far from right when I say that, opulent with irony as are all human affairs, the most poignant irony is the complaint of the War Department that it cannot secure voluntary enlistments when the power of that

great Department has been used to discourage voluntary enlistments for 1 year.

Mr. VANDENBERG. Mr. President, I wish to make a matter of record a press release from the War Department for Saturday morning, August 24, for whatever bearing it may have upon the question of the extent of existing facilities to receive additional Army enlistments at the present time. This press release indicates that after all existing facilities are utilized to their maximum capacity, the various facilities which it is now proposed to create are necessary "to provide additional shelter for troops of the Regular Army and the National Guard under the present expansion program."

I call attention to the fact that the list includes new cantonments to receive and accommodate 230,000 men. In other words, it would appear from the War Department release that there is a shortage of facilities in respect to the Regular Army and the National Guard, without even approaching the subject of an additional conscript or volunteer army. There appears to be a shortage of accommodations for 230,000 enlisted men. This bears upon my sustained belief that our immediate defense problem is not more manpower but equipment and facilities for manpower now existing and already "on order."

I ask that the release be printed in the RECORD in connection with my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

AUGUST 24, 1940.

The War Department announced today that construction of cantonments in cold-weather climates and the establishment of tent camps in warm climates are being initiated in order to provide additional shelter for troops of the Regular Army and the National Guard under the present expansion program.

Due to lack of funds only a start on these camps can be made, and the full construction program to make them habitable must wait further appropriations which cannot be requested until full authority for calling the National Guard and legislation for selective service has been enacted.

In all cases existing facilities are to be utilized to their maximum capacity. Construction at the following listed locations is contemplated for units as indicated:

| Location | Units to be provided for | Approximate strength | Type of construction |
|---|---|---|---|
| Fort Clark, Tex. | 1 square division | 18,300 | Utilities and hospital facilities for tent camp. |
| Do | Miscellaneous troops | 537 | |
| Fort McClellan, Ala. | 1 square division | 18,300 | Do. |
| Do | 1 observation squadron | 163 | |
| Camp Jackson, S. C. | 1 square division | 18,000 | Do. |
| Do | 1 antitank battalion | 547 | |
| Do | 1 Field Artillery regiment | 1,245 | |
| Do | Miscellaneous units | 1,450 | |
| Fort Sill, Okla. | 1 square division | 18,000 | Do. |
| Do | 1 observation squadron | 163 | |
| Do | 1 Field Artillery regiment | 1,448 | |
| Do | Three Hundred and Forty-ninth Field Artillery. | 1,194 | |
| Do | Increase to present organization. | 65 | |
| Massachusetts Military Reservation, Falmouth, Mass. | 3 regiments | 5,625 | Cantonment, with necessary utilities and hospital facilities. |
| Do | Coast Artillery (antiaircraft). Later: | | |
| Do | 1 square division | 18,300 | |
| Do | 1 battalion Infantry | 700 | |
| Harbor defense of Boston, Mass. | 1 harbor-defense regiment | 2,319 | Do. |
| Harbor defense of Long Island, N. Y. | do | 1,798 | Do. |
| Harbor defense, Narragansett, R. I. | do | 1,798 | Do. |
| Harbor defense, Portland, Maine. | do | 1,798 | Do. |
| Harbor defense, Sandy Hook. | do | 2,319 | Do. |
| Harbor defense, Chesapeake Bay. | do | 1,798 | Do. |
| Fort Dix, N. J. | 1 square division | 18,300 | Do. |
| Fort Bragg, N. C. | Ninth Division and miscellaneous troops. | 11,050 | Do. |
| Do | 1,000-man recruit-reception center. | | |
| Camp Custer, Mich. | Fifth Division and miscellaneous troops. | 9,000 | Do. |
| Do | 1,000-man recruit-reception center. | | |
| Fort Benning, Ga. | Armored division | 16,000 | Do. |
| Do | Fourth Division | | |
| Virginia State Camp, Virginia Beach, Va. | 1 Coast Artillery regiment (155-mm. gun). | 1,986 | Do. |
| Camp Blanding, Fla. | 2 square divisions | 36,600 | Necessary utilities and hospital facilities for tent camp. |
| Do | 2 Field Artillery regiments | 2,800 | |
| Camp Shelby, Miss. | 2 square divisions | 36,600 | Do. |
| Do | Miscellaneous units | 5,250 | |
| Fort Monmouth, N. J. | First Signal Company (construction). | 148 | Cantonment with necessary utilities and hospital facilities. |
| Do | First Signal Company (repair). | 134 | |
| Fort Belvoir, Va. | Miscellaneous engineering units. | 420 | Do. |
| Fort Brown, Tex. | Increases to Twelfth Cavalry. | 364 | Do. |
| Fort Crockett, Tex. | Coast Artillery units | 446 | Do. |
| Fort Sam Houston, Tex. | Miscellaneous units, including recruit-reception center. | 4,000 | Do. |
| Normoyle General Depot. | Miscellaneous increases to garrison. | 307 | Do. |
| Fort Lewis, Wash. | Miscellaneous units | 675 | Do. |
| Do | 1 square division | 18,300 | |
| Do | Recruit-reception center for 1,000 men. | | |
| Camp Ord, Calif. | Seventh Division and miscellaneous units. | 10,000 | Do. |
| Camp McQuaide, Calif. | 1 Coast Artillery Corps regiment (155-mm. guns). | 1,986 | Necessary utilities and hospital facilities for tent camp. |
| Camp Robinson, Ark. | 1 square division | 18,300 | Utilities, hospitalization for tent camp. |
| Do | 1 Infantry regiment | 2,776 | |
| Fort Devens, Mass. | 1,500-man recruit-reception center. | | Cantonment, with necessary utilities and hospital facilities. |
| Fort Sheridan, Ill. | 1,000-man recruit-reception center. | | Do. |
| Fort Snelling, Minn. | 500-man recruit-reception center. | | Do. |
| Fort Leavenworth, Kans. | 500-man recruit-reception center. | | Do. |
| Fort Benjamin Harrison, Ind. | 1,000-man recruit-reception center. | | Do. |
| Fort George G. Meade, Md. | 1,500-man recruit-reception center. | | Do. |

Specific designation of the units which will occupy these camps will be announced at a later date.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY] to the amendment reported by the committee. On this question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a pair with the senior Senator from Oregon [Mr. MCNARY], and therefore withhold my vote.

Mr. MCKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY] and will vote. I vote "nay."

Mr. TYDINGS (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the junior Senator from Delaware [Mr. HUGHES] and will vote. I vote "nay."

The roll call was concluded.

Mr. MCKELLAR. My colleague [Mr. STEWART] is unavoidably detained on official business. If he were present he would vote "nay."

Mr. MINTON. The Senator from Nevada [Mr. MCCARRAN] is paired with the Senator from Oregon [Mr. HOLMAN]. I am advised that the Senator from Nevada, if present, would vote "yea," and that the Senator from Oregon, if present, would vote "nay."

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Delaware [Mr. HUGHES], and the Senator from Nevada [Mr. MCCARRAN] are necessarily absent.

Mr. AUSTIN. The Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Connecticut [Mr. DANAHER] is detained on official business.

The Senator from Oregon [Mr. HOLMAN] has a special pair on this question with the Senator from Nevada [Mr. McCARRAN]. If present, the Senator from Oregon would vote "nay," and the Senator from Nevada would vote "yea."

The Senator from North Dakota [Mr. FRAZIER[, if present, would vote "yea."

The Senator from Connecticut [Mr. DANAHER] is specially paired on this question with the Senator from Tennessee [Mr. STEWART]. If present, the Senator from Connecticut would vote "yea," and the Senator from Tennessee would vote "nay."

The result was announced—yeas 27, nays 55, as follows:

YEAS—27

| | | | |
|---|---|---|---|
| Adams | Davis | Murray | Tobey |
| Ashurst | Donahey | Nye | Vandenberg |
| Brown | Holt | Reed | Van Nuys |
| Bulow | Johnson, Calif. | Shipstead | Walsh |
| Capper | Johnson, Colo. | Smith | Wheeler |
| Clark, Idaho | La Follette | Taft | Wiley |
| Clark, Mo. | Lundeen | Thomas, Idaho | |

NAYS—55

| | | | |
|---|---|---|---|
| Andrews | George | Lee | Reynolds |
| Austin | Gerry | Lodge | Russell |
| Bailey | Gibson | Lucas | Schwartz |
| Barbour | Glass | McKellar | Schwellenbach |
| Barkley | Green | Maloney | Sheppard |
| Bone | Guffey | Mead | Slattery |
| Bridges | Gurney | Miller | Smathers |
| Burke | Hale | Minton | Thomas, Okla. |
| Byrd | Harrison | Neely | Thomas, Utah |
| Byrnes | Hatch | O'Mahoney | Truman |
| Chandler | Hayden | Overton | Tydings |
| Chavez | Herring | Pepper | Wagner |
| Connally | Hill | Pittman | White |
| Ellender | King | Radcliffe | |

NOT VOTING—14

| | | | |
|---|---|---|---|
| Bankhead | Downey | Hughes | Stewart |
| Bilbo | Frazier | McCarran | Townsend |
| Caraway | Gillette | McNary | |
| Danaher | Holman | Norris | |

So Mr. WILEY's amendment to the committee amendment was rejected:

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following bills and joint resolution:

On August 22, 1940:

S. 3954. An act relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

On August 27, 1940:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery;

S. 2758. An act for the relief of Wade Crawford, formerly Superintendent of the Klamath Indian Agency;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3354. An act for the relief of Nannie E. Teal;

S. 3400. An act for the relief of Capt. Robert W. Evans;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939;

S. 3710. An act for the relief of James H. Hearon;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes;

S. 4137. An act relating to transportation of foreign mails by aircraft; and

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 313. An act to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States;

S. 823. An act for the relief of John P. Shorter;

S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.; and

S. 4042. An act to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho.

The message also announced that the House had passed the bill (S. 760) for the relief of Mrs. Guy A. McConoha with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 527) for the relief of J. J. Greenleaf, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RAMSPECK, and Mr. THOMAS of New Jersey were appointed managers on the part of the House at the conference.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6334) for the relief of Pearl Waldrep Stubbs and George Waldrep.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 809. An act to confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment on the claim of Mike L. Blank;

H. R. 1429. An act for the relief of William C. Reese; and

H. R. 2919. An act for the relief of Marie K. Trottnow, executrix of the estate of Alfred H. Trottnow, and Paul Lindley.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 809. An act to confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment on the claim of Mike L. Blank;

H. R. 1429. An act for the relief of William C. Reese; and

H. R. 2919. An act for the relief of Marie K. Trottnow, executrix of the estate of Alfred H. Trottnow, and Paul Lindley.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDENT pro tempore. The question is on the committee amendment as amended.

Mr. RUSSELL. Mr. President, I desire to call up an amendment offered by the Senator from Louisiana [Mr. OVERTON] and myself, and ask for its consideration at this time.

The PRESIDENT pro tempore. The amendment to the committee amendment will be read.

The LEGISLATIVE CLERK. In the committee amendment, at the appropriate place, it is proposed to insert the following:

SEC. —. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671) is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms."

Mr. RUSSELL. Mr. President, there is nothing new or radical in the proposed amendment. In Public, No. 671, which has already been enacted by the Congress and which was approved by the President on June 28 of this year, the following provision is found:

*Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility.

The language which I have just read is found in existing law. This amendment extends the same power and privilege to the War Department as is accorded the Navy Department in the language of the statute from which I have quoted.

The pending amendment proposes a change in the general theory of the provision. The law now on the statute books permits the Secretary of the Navy to fix compensation to the owner of the plant or facility which is taken over. That provision is, of course, of very doubtful constitutionality, because it involves the taking of property without due process of law. The pending amendment strikes out the proviso which permits the Secretary of the Navy to fix the compensation of the owner of the plant, provides for the institution of condemnation proceedings under existing law, and gives the Secretary of the Navy in the case of the Navy or the Secretary of War in the case of War Department contracts the right to enter into possession of the property upon the filing of the condemnation proceedings.

Mr. President, this amendment is not offered with any idea of baiting or aspersing industry in this country. It is an effort in good faith to make the same law applicable to both departments that are now engaged in the preparedness program and to meet a condition which has already slowed down national-defense preparations. It is designed to assure against any strike of business in performing contracts which are so essential in providing matériel of war to make our national defense invulnerable.

Mr. President, Senators stated to me in discussing this amendment that the proposition should be dealt with in the consideration of the tax bill. There is no way on earth to reach by taxation a concern that absolutely refuses to make any of this matériel of war, because they can go into any line of private business or they can close up their plants; they can refuse to take Government contracts and make different kinds of machinery for private contractors rather than for Government contractors if they wish. No tax measure will reach a situation of that kind.

The testimony before the subcommittee of the Appropriations Committee, in considering the large appropriation bill which will be the next order of business, presented some very shocking facts. While we were here debating a conscription bill to take the manhood of the country into the armed forces without their consent, certain industries in this country were refusing to consider essential contracts with the Department of the Navy because they were not satisfied with the margin of profit which was allowed under existing law. The time I have will not permit me to read in detail from the hearings, but I commend them to the attention of Senators.

Admiral Furlong, in testifying before the committee, said this:

I have a contract here with a company that bid on the guns for 28 of the destroyers, or 144 guns, 5-inch anti-aircraft guns, and just a week ago, I received word from them that they cannot go ahead on it because they have received telegraphic information from five or six subcontractors saying that they cannot go ahead on it. The reason is that there is much more business in the country than they can take on without being subjected to the Vinson-Trammell Act provisions.

The testimony of the admiral made it very clear that there are certain highly specialized lines of industry in this country which are absolutely essential to producing the armaments and the machinery of war essential for the men we are proposing to call to the colors under the pending legislation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. RUSSELL. I only have 15 minutes, but I will yield briefly.

Mr. VANDENBERG. I desire to ask the Senator to explain precisely how his amendment would operate in a case such as that to which he has just referred. Would it commandeer the subcontractor, or would it commandeer the principal contractor?

Mr. RUSSELL. Only the subcontractor would be subject to the provisions of this amendment. It is merely to avoid a situation wherein the manufacture of munitions of war, one highly specialized line of business can hold up the entire contract. The contract might amount to $40,000,000 or $50,000,000 and the subcontract might not amount to over $500,000, but the article covered by the subcontract would absolutely defeat the entire $50,000,000 contract unless it could be obtained.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. RUSSELL. I yield briefly.

Mr. BARKLEY. I understand the Senator's amendment does not contemplate that the Government shall take over, in a general way, business or even land, but that, in the event the Government discovers that it needs either a tract of land or a facility, and the price cannot be agreed upon the Government is then simply authorized to bring condemnation proceedings as in other instances where the Government needs property.

Mr. RUSSELL. Exactly. The Government has the power now to take a man's property for a post office. This is only to meet the question of an existing emergency when a plant refuses to cooperate in any manner with the Government.

Mr. BARKLEY. It seems to me that the Senator's amendment is reasonable, and I am glad to support it.

Mr. RUSSELL. I thank the Senator, and I am glad I yielded to him.

Mr. HALE. Mr. President, will the Senator yield?

Mr. RUSSELL. I have only 15 minutes, but I will yield to the Senator from Maine, as he is a member of the subcommittee.

Mr. HALE. Will the Senator explain his statement that the amendment would apply only to subcontractors?

Mr. RUSSELL. I did not say it is applied only to subcontractors. The Senator from Michigan propounded the inquiry as to whether or not it would apply to a contractor who had a large contract or the subcontractor who refused to accept the Government business, and I stated it only applied to a subcontractor who had refused, because under the express terms of the amendment if a contractor is willing to proceed his plant could not be taken over under the language of the amendment.

Mr. HALE. But if the contractor says he is not willing to proceed, it then applies to him.

Mr. RUSSELL. Of course, if he refuses to proceed it applies to him, as it properly should. Here we are calling the young manhood of this country into the Army with or without their consent; we are not going to ask them, "Are you satisfied with your pay? Are you satisfied with your clothes? Do you like the mess they give you? If you do not, we will let you out, and you may go into some other line of business." The amendment says to the contractor, "Where you have a limitation on your profit of 8 percent and are not willing to go ahead with the Government and to give the men the machines with which to fight, then we will take over your plant and let it out to some other contractor who is willing to proceed to make the machines."

The President has well said that the modern machinery of warfare is worth absolutely nothing without the men to handle it, and the men without the machinery are practically helpless. Such a picture is presented today on the fields of France, where soldiers as courageous as any who ever lived were slaughtered by the thousands, because they did not have the machinery that has come to be used in modern warfare.

Mr. President, this proposition, as I have said, is not intended to reflect upon American industry. Undoubtedly 98 percent of the industry of this country is as loyal and as patriotic as any other class of our citizens. They are willing and anxious to cooperate with the Government in the preparedness program; they are doing all they can to help the National Defense Board, the Department of War, and the Department of the Navy in arriving at contracts that will furnish us the proper matériel.

This amendment says to the 2 percent who might be willing to refrain from assisting, in the hope of extorting still greater profits out of the National Treasury, "You must cooperate in the program or else we will avail ourselves of the condemnation laws of the country to take you over and put you in the hands of someone who will cooperate with the Government."

I would be willing to go much further than the pending proposition, but I think I know something of the present temper of the Senate when it comes to a question of imposing any limitation whatever on industry. This amendment does not go so far as to say that the Government shall take over all industry, but only that which refuses to cooperate in this period. To achieve complete preparedness we should make available to the national defense the wealth, the industry, and the genius of America, as well as the vitality and lives of American manhood. Men are more important than money, and I hope that subsequent legislation will see that no vast fortunes are created while men are drafted at a dollar a day. I intend to do all within my power to see that no man or class of men derive unusual benefits from the national emergency. Each should be willing to serve the national interest in the place he is best qualified to fill.

Mr. LEE. Mr. President, I rise to support this amendment. In my opinion, it is mild enough. Perhaps it should go further and even provide for drafting the management of industries which refuse otherwise to cooperate.

The Chief of the Air Ministry of France said before the Battle of Paris:

> Five hundred American war planes would make it sure that not a German would pass.

The American war planes did not arrive and the Germans did pass. I do not say that in criticism of American industry, but to show how lack of material might determine a battle upon which rests the fate of civilization itself.

During the World War we had the example of months of delay, according to reports of the committee investigating the munitions industry, caused by the Du Ponts, who refused to build a powder plant in Old Hickory, Tenn., until they had reached an agreement and come to terms with respect to the contract. I have been very much amazed at the attitude during the past few weeks of some manufacturers who have delayed taking Government contracts until they could know what the profits would be, until they could know what the tax would be, until they could know whether or not they could amortize their plant extension out of the profits of the industry.

In the World War, just before the zero hour, long lines of men in olive drab would look at their wrist watches, waiting to go over the top, waiting for the zero hour. They were men whose pay was a dollar a day and a chance to die. What would have happened to one of those men if, just before going over the top, he had turned to his officer and said, "I refuse to go over the top until you raise my pay"? He would have been court martialed.

There is inherent in every government the power to supply its own needs. A government which does not have the power to supply its own needs soon falls. That means an implied power in the government, in a national crisis, to commandeer all materials, all money, all manpower for the defense of the government.

What may a government take? A government may take everything it stands to lose in case it loses a war. In case America should be engaged in another war, if we should lose that war, we should stand to lose everything—all property, all liberty, and all rights. Therefore, the Government has inherent power to commandeer all material, all manpower, all wealth, if need be, for the defense of the country.

England did not begin to fight until she concentrated her power in the hands of one man, one organization, and gave that organization power to reach out and get the money. If need be, to reach out and take control of the factories which were slow to take government orders, and to call in the manpower.

Mr. President, this amendment will help break the bottleneck which today is hindering the United States from putting herself in a state of strong national defense. I have been amazed and disappointed to learn that all of these months have passed and contracts have not yet been let, because the manufacturers are waiting to know whether or not we are going to pass an excess-profits tax, and boldly said so, according to an article which I put into the CONGRESSIONAL RECORD. Mr. Olds, the chairman of the steel board, so stated. I have been astonished at their attitude. I think the least we can do is to adopt this amendment, which I consider very mild. It has the advantage of the power of eminent domain, in that it would give the Government the right to take possession of a factory without waiting for a decision.

Mr. President, the only way in which I can justify a vote to draft the manpower of the country, is to put industries and money on the same basis. I think we are in a desperate crisis. I have said so for a long time, and I believe it.

I do not agree with the Senators, some of whom spoke yesterday, who discount the danger that threatens this country. It has been said that we are not at war with anyone, which is true, of course, but would those Senators deny that today despotism and democracy are at death grips? I say the very philosophy of free men is at stake today, and we cannot put our heads in the sand and hide from that situation. Certainly our very liberty is in danger. The same Atlantic Ocean which has been our protection would be a highway of attack, would be our vulnerable point of attack,

should the British Navy fall into the hands of the dictators today.

I want to see our Government have the power to mobilize at once the industries of the country. I believe the adoption of this amendment will go a long way toward giving the Government that power, and it is my opinion that the power will not have to be used except in very exceptional cases.

It was argued yesterday that we are not in danger; that if we have war we can then call out the men and take all the necessary steps to defend our Nation after war comes. But, Mr. President, we cannot argue the present entirely in the light of the past, because of the modern war technique of "blitzkrieg" attacks. We should not have time to start our factories. Certainly if we need to start training men—and I believe we do—we should start our factories to work, and let them know that we mean business.

I should like to see the War Industries Board crack its whip, and this amendment gives it power to do so. This amendment will say to industry, "We expect you to take these contracts and we expect you to turn out these materials." Indeed, we are threatened. Every liberty of this country is threatened, and I believe the time for temporizing is past.

It is said, "How could any dictator land troops in this country?" In the World War, 20 years ago, we landed 2,000,000 fighting men across the same Atlantic in spite of all the German U-boats, without the loss of a single transport.

It is also argued that we are not in danger because the troops that might invade us would have to bring over their materials and supplies. Has Hitler ever depended upon supplies from Germany? Certainly not. He lives off the land he takes.

It has been argued—it was argued yesterday—that after the present war is over the warring nations will be too exhausted to be a threat to this country; that they will not be dangerous. Do you mean to tell me that Hitler would be exhausted when he would have under his control all the nations of western Europe, when he would have all the war machinery of 12 nations besides his own, when he would have under his control all the manufacturing plants, the greatest in the world, for the manufacture of war materials, when he would have several times greater shipbuilding facilities than the United States, when he would be in control of the greatest navy that floats the seas if he strikes down Britain—his own navy, the Navy of Italy, the Navy of Britain, with whatever is left of the French Navy—a total sea power several times greater than our own? When he would be flushed by victory, and the greatest treasure, America, was just across the ocean, and he had the means of crossing that ocean, do you mean to tell me he would be too exhausted as a result of the war to strike at America? Remember he would be the victor. He has strengthened himself with every acquisition. He has taken the men in the conquered countries and placed them in labor battalions, and thereby freed more Germans for fighting. It is argued that he would be too exhausted by a conflict which has really strengthened him.

Mr. MINTON. Is it not true that the same parties who are arguing now that Mr. Hitler would not have the strength to carry on after this war now going on in Europe were arguing before the war broke out that he did not have the wherewithal to conduct a war at all?

Mr. LEE. Exactly. The so-called military experts now being quoted as saying that "it can't be done" were the same ones who ridiculed the idea of parachute troops, who ridiculed the idea of Hitler going into Norway, who ridiculed the idea of Hitler being able to cross the Albert Canal. They made fun of any power being able to take the Maginot Line, or to conquer the Army of France.

I have quit believing "it can't be done." I wish to give the United States every advantage. That is why I believe we must not only mobilize our manpower, but, by the adoption of this amendment, mobilize the industry of the United States. I hope the amendment will be agreed to.

Mr. OVERTON. Mr. President, as the Senator from Georgia [Mr. RUSSELL] has stated, he and I are the co-authors of the amendment.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. RUSSELL. I intended to say, but did not in the limited time available to me, that the Senator from Louisiana is the author of the amendment, not a co-author. I merely offered the amendment in his behalf in the committee, and brought it to the floor. A situation arose when we were discussing the provisions of a House bill which I was opposing, and the Senator from Louisiana suggested and prepared an amendment relating to the method of acquisition by the Government of the plants referred to.

Mr. OVERTON. I thank the Senator for that statement. At the same time, the Senator took a very active interest in the examination of the witnesses appearing before the Committee on Appropriations in respect to the situation out of which the proposal for the amendment arises.

When hearings were being held on August 8 before the Senate Committee on Appropriations, General Moore took the stand, and stated:

> General MOORE. The Chief of Staff has asked me to correct one statement which he made with reference to contracts for airplanes.
>
> In his testimony the other day, due to a misunderstanding, he stated that contracts had already been let for four-thousand-two-hundred-odd airplanes with the manufacturers. The real situation is that these contracts have not yet been let, due to the hesitation of manufacturers on account of the present situation with reference to amortization.
>
> They desire that some definite action be taken by Congress with reference to amortization before they will sign contracts.
>
> I think General Arnold or General Brett can explain that more in detail, if desired.

General Arnold said, and I am quoting from page 67 of the hearings:

> That is what I was going to do. In connection with the statement just made by General Moore, we have not placed the contracts for those airplanes for the reasons as stated, and in addition, due to the fact that the industry feels that there are so many uncertainties, unknown quantities, that they have to contend with that they find it difficult to arrive at a fair price for these airplanes.

Thereupon he proceeded to discuss the Vinson-Trammell Act and the proposal for amortization, then pending and still pending before the Ways and Means Committee of the House of Representatives.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. TAFT. As I understand, the question about amortization only arises where a man is asked to erect a new plant, or to extend his plant or machinery in order to build airplanes. How can a man spend millions of dollars of his stockholders' money without having some definite idea of what disposition is to be made of that expenditure and what on earth he is to do with that plant, costing millions of dollars, when the present emergency is over? Is that not necessary before he actually signs a contract which not only asks him to devote his facilities to the work—that may be one thing—but asks him to spend millions of dollars in building a new plant and putting in new machinery?

Mr. OVERTON. What the Senator says may be very correct, and doubtless is correct, and I am not opposing the amortization plan, but the record of the hearings shows that the subcontractors who did refuse to contract were not subcontractors who were called upon to build new plants but subcontractors who were operating existing plants.

Mr. GEORGE. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield.

Mr. GEORGE. I wish to know whom the Senator has been quoting.

Mr. OVERTON. I was just quoting from General Moore and General Arnold.

Mr. GEORGE. General Moore and General Arnold. I wish to make the statement that under existing law the Treasury of the United States has the power to amortize any contract, either for materials purchased in a plant already in existence, or for a new outfit. I think it is time that someone in the Senate stated the simple truth. They have the absolute power and authority. They are simply "passing the buck."

Mr. OVERTON. Mr. President, I think the Senator from Georgia is absolutely correct, and one of the representatives

of the Navy or the Army, appearing before the committee, I have forgotten who it was, stated that the Treasury Department did have that authority, and had to some extent, I do not know to what extent, exercised the authority.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. LODGE. Let me congratulate the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON] on this amendment. We are giving the Government power to conscript men who are essential to war service, and it seems to me unanswerable that if we are giving the Government such power, it is only just and fair to give the Government the power to conscript industries which are essential to war service. I shall support the amendment.

Mr. OVERTON. I thoroughly agree with the Senator in the observation he has just made, and thank him for his valuable aid.

Getting down to facts again, Admiral Furlong, testifying before the committee, referred to telegrams he had received from various subcontractors. For instance, I read from page 193 of the hearings, where, referring to a telegram, he stated:

> There is one here from a bearing company. These are bearings that are needed to turn the guns on. They have to be furnished to the Goss Co., and they say:
> "Cannot recommend performance on proposed limited profit basis because manufacturing process is extremely hazardous."

Then he read the following from a bearing company in Philadelphia, which said, according to the statement of Admiral Furlong:

> With reference to the additional training gear and requirements, our factory has a large contract in progress under the Vinson Act. We protest the small margin of profit allowed, and question the advisability of accepting increased volume. Letter follows.

Here is another from a subcontractor in Milwaukee, Wis., regarding the production of gun-mount weldments, 5-inch antiaircraft:

> We protest terms permitted under Vinson Act.

The Vinson-Trammell Act permitting 12-percent profit, and that profit was reduced by an act of Congress to 8 percent, and by reason of the reduction of 4 percent these subcontractors determined that they would not go on and contract with the contractors, and therefore the Government was at a standstill, insofar as these contracts were concerned. Bids had been submitted to the departments for the construction of airplanes and for the furnishing of other matériel, and these subcontractors, learning, I dare say, through the press, that the probability was that certain legislation would be enacted by Congress which would increase their profits, undertook to withdraw, and did withdraw their bids, so that in many instances no contract could be entered into by the War or Navy Department.

Admiral Furlong further stated, as appears on page 188 of the hearings:

> I have a contract here with a company that bid on the guns for 28 of the destroyers, or 144 guns, 5-inch antiaircraft guns, and just a week ago I received word from them that they cannot go ahead on it because they have received telegraphic information from five or six subcontractors saying that they cannot go ahead on it. The reason is that there is much more business in the country than they can take on without being subjected to the Vinson-Trammell Act provisions.

I think the hearings bring out the fact that these different subcontractors, and some of the contractors, instead of contracting with the Government and coming to the aid of the Government in this critical period, undertake to utilize their plants in fulfilling contracts of private industry, rather than undertaking to carry on these contracts with the Federal Government. They find that there is more profit in dealing with a private enterprise than with the Federal Government when the Government operates under the Vinson-Trammell Act.

Mr. HILL. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. HILL. In other words, the contractors have an opportunity to deal with foreign governments, who are willing to pay higher prices, with consequently greater profits to the contractors, so they prefer to deal with these foreign powers rather than to sell their products to our Government at reasonable profits?

Mr. OVERTON. The Senator is absolutely correct; and the record of the hearing shows that the other source of competition is the orders being placed in the United States with these plants by foreign nations, particularly Great Britain. Great Britain is not controlled by the Vinson-Trammell Act, and they can offer the manufacturers much larger profits, and consequently these manufacturers take the British orders and fill them rather than take the American orders and fill them.

Mr. President, it may be that the Congress will determine to suspend the provisions of the Vinson-Trammell Act. I do not know. I may vote for the suspension. But I know that whether Congress takes that action or not it is well that there should be vested in the Secretary of the Navy and the Secretary of War, under the direction of the President, the power to condemn the manufacturing plants of those who fail to come to the aid of the Nation in this critical period—a period so critical that we are not hesitating to enact a measure which will take the young men from their occupations and their daily pursuits to train them for the bloody butchery of war.

Mr. President, I favor the pending measure. I think the time has come when we ought to prepare ourselves, not only insofar as matériel is concerned but insofar as manpower is concerned, to resist any possible attack, but shall not, idly and silently, submit to the drafting of young men—to take the son from his mother and to take the husband from his wife—to take these young men and train them for war, and if necessary, aline them in front of the enemy's guns, and then say that we cannot lay our hands upon the factories which supply the materials for war and make them bear a portion of the heavy burden.

Mr. President, the amendment goes no farther than to vest in the Secretary of War and in the Secretary of the Navy, under the direction of the President, the right to exercise that power which the Federal Government already possesses—the power of condemnation.

The PRESIDENT pro tempore. The time of the Senator from Louisiana has expired.

Mr. BONE. Mr. President, oddly enough, as I think we all know, the pending proposal is not one to conscript property or wealth. It is a proposal to pay a quid pro quo; it proposes that the Government shall go into court and condemn the property and pay good hard money for it.

So far as I am personally concerned—and I want the RECORD to show it—if we conscript boys, I am perfectly willing to do what my party and the Republican Party pledged themselves to do, and that is to conscript property exactly as we conscript men. As a part of this little record, when I am through I shall have those pledges of the Democratic and the Republican Parties printed in the CONGRESSIONAL RECORD at this point.

The Democratic Party made an honorable promise to the American people; the Republican Party made an honorable promise, in its platform, to the Republican people, not to do what the Senator is proposing, but to go far beyond it, and to draft property exactly as we draft men.

So far as I am concerned, I shall not be silent in this body. So long as we are going to conscript men we should conscript property exactly as we conscript men; exactly as my party pledged to the American people it would do.

I shall vote for the Senator's amendment.

At this point I ask to have inserted in the RECORD, as part of my remarks, the pledges contained in the platforms of the two parties, to which I referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PARTY PLATFORM DECLARATIONS ON WAR PROFITS

Democratic Party, 1924: "War is a relic of barbarism and is justifiable only as a measure of defense. In the event of war in which the manpower of the Nation is drafted, all of the resources should likewise be drafted. This will tend to discourage war by depriving

it of its profits. Those who must furnish the blood and bear the burdens imposed by war should, whenever possible, be consulted before this supreme sacrifice is required of them."

Democratic platform, 1932: "We believe that a party platform is a covenant with the people to be effectively kept by the party when entrusted with power, and that the people are entitled to know in plain words the terms of the contract to which they are asked to subscribe."

In 1924 the Republican Party made this solemn assertion:

"UNIVERSAL MOBILIZATION IN TIME OF WAR

"We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities whether utilized in actual warfare or private activities."

The Republican platform of 1928 had this to say:

"NATIONAL DEFENSE

"We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities, whether utilized in actual warfare or private activities."

In 1932 the Republican Party in its national convention weaseled a little on this important question and had this to say:

"We believe that in time of war every material resource of the Nation should bear its proportionate share of the burdens occasioned by the public need and that it is the duty of the Government to perfect plans in time of peace whereby this objective may be attained in war."

Mr. WALSH. Mr. President, I ask the attention of the Senator from Georgia [Mr. RUSSELL] for a moment. The amendment seeks to amend section 8 (b) of the act of June 28, 1940, which is the Naval Expansion Act. What is the difference between the Senator's amendment and provisions of the Naval Expansion Act except that the amendment includes the Army and the existing law applies only to the Navy?

Mr. RUSSELL. The only difference between the amendment and the existing law as respects the Navy is that the amendment permits the amount of compensation to be paid for any factory that is taken over to be determined by the courts rather than by the Secretary of the Navy.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. OVERTON. I wish the Senator in considering the matter would also consider the constitutionality of that law. In my humble judgment, it is unconstitutional. It provides for taking plants over without any process of law. Under it the President is authorized to step in and take over plants without condemnation and without hearing.

Mr. WALSH. Then the Senator claims that the language in the present law is not constitutional, but that the objective is the same as that of the language of the amendment?

Mr. OVERTON. Yes.

Mr. RUSSELL. I may say to the Senator from Massachusetts that the amendment attempts to make certain the constitutionality of the legislation. For my part I would have no quarrel with the language of the present law.

Mr. WALSH. I would say that the language was drawn by officers in the Judge Advocate's office of the Navy. It is as follows:

Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this act in the procurement or construction of items authorized in connection with national defense he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government-owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility—

And so forth. That language certainly could not be stronger unless the words "use of the power of condemnation" were substituted, instead of letting the Secretary of the Navy take over the plants.

I do not oppose the pending amendment, but certainly the main provision of the law should obtain with respect to the Army as to the Navy.

Mr. RUSSELL. Mr. President, the language merely provides the machinery the Secretary of the Navy could use. The present law says that the Secretary of the Navy has the power to take over the property. Just how would the Secretary of the Navy go about doing it? Would he call out the marines and have them take over the property, or would he have them throw out of the plant the manager of the organization which refused to cooperate?

Mr. WALSH. It ought to be done by condemnation, but it seems to me that power is implied in the power given by the law. I do not think it is necessary that we should permit any dispute to arise over that matter. Our objectives are the same.

Mr. RUSSELL. Yes.

Mr. WALSH. And the pending amendment has the advantage of including the Army as well as the Navy.

Mr. RUSSELL. Yes.

Mr. WALSH. Let me say another thing about this subject. I resent the criticism of the Congress in the matter of delay in obtaining airplanes. My investigation of the situation is this: The fact that a great flood of foreign orders has come to the existing plants that are manufacturing airplanes has resulted in an indifference upon the part of the domestic airplane manufacturer to receiving Government orders. According to the evidence presented to me by an airplane manufacturer—and I may say that, so far as I have been able to learn from the manufacturers of planes, there is a spirit to cooperate and to be helpful—the subcontractors and in the case of some plants the principal contractor has to deal with 500 subcontractors, have, in substance, said: "We are not interested in your orders. We are getting 18 percent profit in our subcontracts. We are not concerned about an 8-percent profit."

In my opinion, if the business had not been accelerated by foreign orders, every one of these airplane manufacturers would be pleased and delighted to receive the profit of 8 percent which is provided by existing law.

So, because we have offered the manufacturers the 8-percent profit, and they are getting 18-percent profit on foreign orders, we are in the position where, unless we exercise this power, we shall have to pay very much higher prices for our planes to meet the demand for increased profits.

One other word. It is only fair to say—and I challenge contradiction from any member of my committee who is here today; and I am not criticizing the policy but am stating the fact—that our own Government has given preference to foreign orders. That cannot be disputed.

That position is justified by our officials that the situation in Europe necessitates it, on the belief that by helping the belligerents in Europe we are helping to defend our own country. But basically, at the base of all this trouble, is the fact that we have encouraged foreign orders, and we have stepped aside; and the evidence before my committee shows—and I ask the Senator from Virginia [Mr. BYRD] if I am not correct in this—that delay in getting planes has been due to the fact that we have given preference to foreign countries' orders. I ask the Senator from Virginia, Am I correct in that statement?

Mr. BYRD. Mr. President, I could not agree that all the delays are due to giving preference to orders from foreign countries.

Mr. WALSH. Have the delays been due in part to that situation?

Mr. BYRD. I could not say that definitely. I know, of course, there have been some orders which have been taken by the airplane manufacturers from foreign governments. I did not hear the testimony to which the Senator refers read, from which he infers that all the delay was caused by foreign orders. Personally, I disagree with the Senator on that point. It is my understanding that Army and Navy officials

deny this reason for such delay. I do not think that all the delay or even a substantial part of it is due to the foreign contracts. I think there are many other factors involved, which should be debated at the proper time fully and completely on the floor of the Senate.

Mr. WALSH. I am glad to have the Senator's views. Evidently he thinks that there is either neglect or indifference or inertia on the part of the War Department and the Navy Department. Personally, I do not think so. I am not saying that the policy is wrong. However, from the facts which have come to me, there appears to be a disposition, a willingness, even a desire on the part of Government officials to give way to foreign orders, on the belief—which they sincerely hold—that such a policy is helpful to our national defense. I am not saying that for the purpose of criticism, but I am saying it as a reason why Congress should not be blamed for the situation.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. CONNALLY. I am not prepared to argue about the preference to foreign orders. There is probably good reason for it.

Mr. WALSH. I agree with the Senator that those who promulgated that policy had good reasons for it, in their own opinion. I am not saying that in criticism, but I am saying it in defense of Congress, and saying that we should not be blamed when we have authorized and appropriated the money for a tremendous increase in our airplanes for our defenses.

The following provisions of the law of June 28, 1940, is in relation to the subject under discussion:

SEC. 2. (a) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable, and deliveries of material under all orders placed pursuant to the authority of this section and all other naval contracts or orders and all Army contracts and orders shall, in the discretion of the President, take priority over all deliveries for private account or for export.

Mr. CONNALLY. Every factory has its capacity; and when it is filled up with one set of orders it cannot take on somebody else's order. But is it not true that that situation can be met by the amendment of the Senator from Georgia? Under the terms of his amendment, if we should need some planes we could take over a factory, regardless of its contracts with foreign countries.

Mr. WALSH. There is no doubt of it. I am in favor of action being taken under the existing law. I think that what the Senator from Georgia said is true, in part, at least, if not wholly true. There is existing law so far as the Navy is concerned. So far as I know, there is no similar law applying to the Army. So far as the Navy is concerned the Government is authorized to take over plants. It has all the necessary authority. I even went so far in my committee as to propose an amendment giving the Government such power during the emergency proclaimed by the President, not only in the case of building ships and airplanes, but in the case of buying any supplies needed for national defense.

I favor such an amendment. The members of my committee said, "That is rather an indictment of business at this time. Business seems disposed to cooperate. Let us wait and see if it is necessary later." I think their judgment was probably better than mine.

Mr. CONNALLY. I thoroughly agree with the Senator from Massachusetts. I am strongly in favor of the amendment of the Senator from Georgia; but in the case of subcontractors, if they do not produce supplies, I am in favor of letting the Government take over their plants and run them, paying them, of course, under the condemnation procedure.

Mr. WALSH. The Senator and I are in accord.

Mr. CONNALLY. Otherwise the Government would be absolutely impotent.

Mr. WALSH. Personally I think that the attitude of submanufacturers in saying, "We want 18 percent or more because we are getting it on other orders" is reprehensible.

Mr. CONNALLY. It is reprehensible.

Mr. WALSH. I think the country ought to know that the situation arises partly because manufacturers are flooded with other orders, and they make more profit on other orders. They are trying to fill those orders, and postpone action or refuse orders from our own Government.

Mr. CONNALLY. I will say further to the Senator that so far as I am concerned I am in favor of the Government establishing airplane factories of its own if necessary, thereby holding a club over the other factories. If they do not produce, we should be able to take them over. We should then know what the costs are.

Mr. WALSH. In 1934 a limit of 10 percent profit was put into the law in the case of building vessels and airplanes, to offset the movement to have the Government build all its own vessels and airplanes.

Mr. CONNALLY. It ought to do so.

Mr. WALSH. I am fast coming to serious consideration of the viewpoint of the Senator.

Mr. CONNALLY. I favor the idea of the United States building its own battleships, if need be, and not being in the control of private contractors. If the Government does not already possess such power, I favor giving the Government ample power to commandeer any commodity it needs, paying the owner, of course, according to the laws of condemnation. If we can draft manpower and blood and bodies, we certainly can draft anything else the Government needs.

Mr. WAGNER. Mr. President, I am in accord with the general sentiment expressed, and I propose to vote for the amendment, for the very persuasive reasons given by the sponsors of the amendment. However, I think the sponsors of the amendment have overlooked something which may be quite important. I have conferred with both of them, and I think they are agreeable to adding a proviso to the amendment, as follows:

*Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

The reason I am suggesting this amendment is that it may become necessary for the Government to take over a plant. I am in sympathy with what the Senator from Texas said a moment ago. The Government cannot lie prostrate at the feet of industry if industry refuses to cooperate in providing national defense. If the Government itself should take over a plant and operate it, the employees, under any reasonable construction, would be deemed to be Government employees. They would be working in Government plants, and would be as much Government employees as those working in navy yards. The moment that happens, the employees lose all their rights to social security, old-age pensions, unemployment benefits, workmen's compensation, rights under the Walsh-Healey Act, the National Labor Relations Act, and other laws which are now in existence. I am sure we should not want to deprive the workers of such rights.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. ASHURST. Doubtless during the next 8 or 10 days I shall be pardoned for resorting to such immodest procedure as to refer to objects I have achieved during my senatorial career. Senators will understand why I do so immodest a thing at this time.

The Senate is the forum in which the greatest service to the American people may be rendered. We should regard the senatorial office as the greatest office in America.

Some 28 years ago it was obvious that the various steel companies had for some time been charging the United States Government extortionate prices for armor plate. In some instances the steel companies were selling armor plate to foreign powers at a lower price than the price at which

they were selling it to their own Government. It was also proved at least in one instance that one company had palmed off on the United States some defective armor plate.

I introduced a bill, which became a law, providing for the erection and maintenance of a Government factory for the manufacture of armor plate. I have, of course, carefully watched the operation or the effect of that law. It has had a wholesome and salutary effect upon such steel companies as were then and are now manufacturing armor plate. It proved to be a wholesome and corrective law, in that if the prices for armor plate the factories proposed to charge the United States were unsatisfactory or extortionate, the Government could make its own armor plate.

Mr. President, I shall not now consume the time of the Senate in telling things I have done. For the next few days I may try to play down some of the things I have done. [Laughter.] At least, Mr. President, the effect of that law was wholesome and corrective—not that I wish the Government to make all the armor plate it uses, but such a factory of the Government resulted in the Government obtaining armor plate at reasonably fair prices, and the private factories do not now attempt to palm off defective armor plate on the United States, as they did some 40 years ago.

Mr. WAGNER. Mr. President, may the amendment to the amendment be stated?

Mr. HILL. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. HILL. Anent what the Senator from Arizona said about his bill for the construction of a Government armor-plate factory, I will say that the very introduction of the bill brought down the cost of armor plate to the Government of the United States $30 a ton.

Mr. ASHURST. I am very grateful to the Senator for his contribution.

Mr. WAGNER. Mr. President, my time has almost expired. I ask that my amendment to the amendment offered by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON] be stated, and that the pending amendment be modified by the adoption of my proposal.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to add the following proviso to the amendment offered by the Senator from Georgia and the Senator from Louisiana:

*Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WALSH. I should like to take a moment of the Senator's time to read the law of 1916, a year before we entered the World War. It will take only a minute of the Senator's time, if he will yield.

Mr. WAGNER. I yield.

Mr. WALSH. The law of 1916 reads as follows:

SEC. 120. Purchase or procurement of military supplies in time of actual or imminent war (June 3, 1916 (39 Stat. 213), sec. 120):

The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than 3 years and by a fine not exceeding $50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

The President is hereby authorized, in his discretion, to appoint a Board on Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

(Court decisions: Under this section, the President, as Commander in Chief of the Army and Navy, has the constitutional power in wartime, in cases of immediate and pressing exigency, to appropriate private property to public uses, the Government being bound to make just compensation therefor. (*United States* v. *McFarland* (C. C. A., 1926), 15 F. (2d) 823.)

(This section imposes a duty on a manufacturer to comply with an order of the United States for war supplies, although such order may prevent him carrying out earlier contracts with private persons. (*Moore & Tierney, Inc.*, v. *Roxford Knitting Co.* (D. C., 1918), 250 Fed. 278; certiorari denied (1919), 253 U. S. 498.)

This law was enacted on June 3, 1916, a year before the United States entered the World War.

I thank the Senator.

Mr. WILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. WAGNER. Mr. President, I inquire if the Senator desires to address himself to the amendment?

SEVERAL SENATORS. Vote!

Mr. WAGNER. May we have a vote on the pending proposal?

The PRESIDENT pro tempore. The Senator from Wisconsin has 4 minutes under the rule, and if he desires to discuss the amendment he has a right to do so.

Mr. WAGNER. I understood he did not care to discuss the amendment I had offered.

Mr. WILEY. I do not care to discuss the amendment.

Mr. BURKE. Mr. President, I desire to say a word. There is no opposition, so far as I know, upon the part of the sponsors of the pending legislation to the proposal offered by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON]. It seems to me that they are on unassailable ground when they say that if it is proper to apply the national will and force to bring into training the manpower of the country, of course that must also carry with it the power to see that the machines and implements of war are prepared, not putting it off 60 days or 90 days,

but to see whether business will come forward voluntarily to perform its part right now.

So, as one interested in the passage of the pending bill I hope the amendment offered will be adopted. I do not know whether or not it is the right way to accomplish the result; on that I must accept the judgment of the Senator from Georgia and the Senator from Louisiana and the others who have spoken; but with the objective I am in hearty accord.

Mr. ADAMS obtained the floor.

Mr. GEORGE. Mr. President, will the Senator from Colorado yield? I will be glad to assure him I will not take more than 2 or 3 minutes.

Mr. ADAMS. I am glad to yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, as I understand this amendment, it authorizes the Secretary of War and the Secretary of the Navy to take over any plant or manufacturing establishment and to operate it either by continuing the present employees of the plant or by people who are brought into the Federal service. If I do not understand the amendment correctly, I should like to be corrected.

If that be true, Mr. President, then, nothwithstanding the amendment to the amendment offered by the Senator from New York, we might as well know the full consequences of the proposal. If a plant is to be commandeered by the Federal Government and is to be taken over, and the power is likewise given the Government to put men in the plant to operate it, of course it will be operated regardless of whether or not those men are agreeable to the prices paid for labor. The Government cannot conscript manpower and wealth and industrial machinery and plants and men to operate them without regulating the whole thing.

Mr. President, I am not rising to oppose this amendment, but I am rising for a dual purpose. First, to say that I have always had the feeling that, whether there was any cloud in the sky, this Nation ought to build up through military training adequate reserve forces; but when it is done under the threat and hysteria of fear we have an altogether different picture. I am willing to provide for military training in this country, to assure an adequate reserve force from which the country can draw in time of need, but when conscription of manpower is resorted to, conscription of industrial plants and established businesses, the inevitable next step is the conscription of labor. When that is done, all in peacetime, I want to ask my party just one question: Is it hoped to convince the American voter that it is not intended to go to war? Do you have the faintest idea that the manpower, the industrial plants, the labor to operate those plants, and the wealth of the country can be conscripted and taken over and then say, "We are standing for peace"? Do not "kid" yourselves, gentlemen; do not try to deceive the American people. They will know that you are not preparing for peace, for national defense, but that you are preparing for war. The American people do not want war. Do not let the mouthpieces of this country persuade you that they want war.

I am not talking about this amendment except to indicate the fatal steps we are taking in peacetime, all in the name of defense, in defense of peace, all in the name of national defense to preserve peace. Do you believe you are going to make the American people think that you want peace when you do everything that was ever done by this Government in any war, although we are not in war? The implication cannot be escaped.

There is one other thing I want to say and I expect to say it many times. It is said that the reason why war contracts are not made, why manufacturers do not build airplanes and armored motor cars, why somebody does not provide this or that for the motorized units which it is desired to put into the field is that there are no amortization laws, that business groups cannot amortize their losses. There is not a word of truth in it. Under existing revenue laws the Treasury of the United States can amortize any plant it wishes to amortize. There is the possible exception of the limitation in the Vinson-Trammell Act, and perhaps one other possible exception, but that is so entirely remote that it has no practical application whatever to the building of airplanes, the building of motors, the building of anything needed by the Government. This has not anything to do with my colleague's amendment except that it is not worth while for the Treasury of the United States, or anyone else, including the public press of the country, to try to "pass the buck" to the Congress of the United States, because it does not close its eyes and swallow without consideration everything that is proposed. It is not true; not at all. The Treasury of the United States today can enter into an agreement amortizing over any period of years any plant or any facility that wishes to accept a contract to provide matériel for the national defense.

Gentlemen, I say it not because I want to persuade you but because I want to redeclare my own position, I say it because I believe it is in the heart of this Nation, that this country does not want to go into war, and there is no occasion to go into war. If we want to prepare the national defense for peace, a positive attitude of this administration would put that question at rest forever; but the dilatory attitude of the administration, the constant disposition by every proposal and suggestion to emphasize and accentuate the fears of the public mind that we are going into war, that we might as well bow to the inevitable, that we might as well get ready for it, is the thing to which I object, and it is the thing to which the American people object. Make no mistake about that. Let November come and watch the verdict of the American people.

The President can stand for national defense, the strongest possible national defense—sea, air, and land—and I will stand with him; indeed, I have stood with him in every single recommendation he has made, but I am for defense for peace, for the defense of this Nation, and positively against war. Conscript manpower, conscript plants, conscript the farmer, if you please, conscript every industry, conscript the labor to run industry, conscript the wealth of the country in peacetime, and then watch how seriously the American people will take your profession that you are standing for peace; watch the verdict, gentlemen, in November.

Let us prepare; we want to prepare; but it is astonishing to have the statement come down from the White House and the Treasury that there is a bottleneck here in the Congress, and Congress will not pass this law and will not pass that law, when the law now on the books authorizes the amortization of every facility and of every plant that is necessary for national defense in this country. It is only a matter of sitting down and doing it. The administration officials do not want to take the responsibility. They want to put it on the Congress and say, "The Congress did this, and, therefore, we are bound by it."

More than a year ago—I think it was a year and a half or 2 years ago—I said that I would stand at this desk until the end against war; and I repeat that statement, Mr. President. I protest against the country and the Congress being constantly shoved into a position where to fail to support the Executive arm of the Government is to bring about a rupture between the legislative and the executive branches of the Government. I do not know whether the President wants all the power we are giving him here or not, but I know that we cannot give it to him and convince the American people that we are not ready and resigned and reconciled to the final, inevitable, short step of actually entering the war.

Every loyalty of my heart and of my being is with the English; but I have tried to maintain, personally and officially, an attitude that would comport with what I believe to be the best interests of my country; but constantly we have seen the public mind more and more beclouded by all sorts of appeals. We have seen the feeling rise and ebb here as propaganda asserted itself and then died away, and asserted itself again; and we are now asked to do everything but actually to declare war. Why? Germany stands across the narrow English Channel. She has not conquered Great

Britain. All the probabilities are that she never will conquer England. Go into the war if you will, and you go into another 30 years' war. Submit the issue if you wish to; go up to the very brink of war, and submit the issue to the American people. They will not misunderstand it. They will understand that what you are asking them to do in November is to take a referendum on peace or war, and they are going to decide for peace.

This Nation can prepare for peace, it can perfect its national defense, it can strengthen it, for the legitimate purposes of the peace and security of this country and of the Western Hemisphere; but those in power can, also, in the name of these things—peace and security of the Western Hemisphere—involve America in a long series of European wars, longer than the Thirty Years' War in which our English ancestors were at one time engaged, a conflict stretching far ahead and into the next generation of American boys and girls who will succeed us.

Train our men—yes; I am not objecting to that. As I have said, without a single cloud upon the sky east or west over any ocean, I think it the duty of this Nation to be prepared, and adequately prepared. But when I see what is going on, when I hear statements made that Congress is holding up the defense program, I think I should make my own position clear and explicit.

Mr. President, the execution of the laws of this Nation rests in the hands of the President of these United States. The expenditure of every dollar of money appropriated for national defense is in the hands of the executive department of the Government. Not in the hands nor in the power of the legislative branch of the Government is the execution of all the laws, those for national defense as well as those for all other proper purposes.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired.

Mr. WILEY. Mr. President, the country owes a great debt of gratitude to the distinguished Senator from Georgia [Mr. GEORGE] for his courageous and lucid statement of the situation. For some time now, for some weeks, as he has shown you, there has been building up in this country an attack on business, and he has shown you that there is absolutely no ground for that attack. Today we are told that this is a bill for the conscription of wealth. It is no more conscription of wealth than it would be if I had a diamond here, and you offered me the full value for it.

Looking at this amendment, we had better see what there is in it.

What is there in the amendment? There may be a pretty good "nigger in the woodpile" here. What is it? It provides that the money of the people of this country shall take over plants and pay full value therefor. Is there anything conscripting about that? It further provides that the Secretary of War and the Secretary of the Navy shall determine when the people's money shall be used to go into business that the Government has not been in before. This amendment, together with the bill, is an omen of what is coming—total conscription, men, property, labor.

We had better watch our step. The future of America is in our keeping. Let us move slowly, when it means following in the steps of Europe. We do not want to lose our freedoms. We do not want to go to war, and yet every step we take is in preparation therefor.

As the Senator from Georgia said, we are all in favor of preparedness; we are all in favor of defending this country; but we are not in favor of taking steps that may be steps down the road to obliterating all the values that are American.

There are two ways in which this country may go to pot. One is to get mixed up in the European war. The other way is to sell our heritage for a mess of pottage; and how do we sell that heritage? First by going the way Europe went, giving away our great freedoms, our great values. One way to do that is to become so war-minded that we forget our obligations as citizens and Senators. America cannot remain free by surrendering her freedom. That is one reason why I am against conscription of men in peacetime, and that is the reason why I am against conscription of wealth and the Government getting into all the business that the Secretary of War under hysteria or the Secretary of the Navy under hysteria may think the Government should get into. When I say "under hysteria" I speak advisedly.

The Senator from Georgia gave you a clean-cut picture. He showed you that the executive branch of the Government could remedy the present situation tomorrow; and what is the that situation? It is just this, and I have had it put up to me from my own State of Wisconsin: I say that Wisconsin is half industrial and half agricultural. Men have come down here, and the Government has said to some of the manufacturers, "We want you to do this," when they are no more equipped to do this thing than I would be to manufacture some great piece of equipment. Then the Government wants a manufacturing plant which has not the necessary capital to go out and build additions and make great expenditures, but it will not provide an amortizing scheme; and yet all the time the Treasury of the United States, under the Executive, has had that power, as shown here by the Senator from Georgia. But no. For some reason the Government wants its clutch on business. The Government wants its clutch on industry. It wants its clutch on the youth of the land. Then what?

The PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. DANAHER. Mr. President, a parliamentary inquiry. I understand the pending question is the amendment of the Senator from New York [Mr. WAGNER], seeking to modify the amendment offered by the Senator from Louisiana [Mr. OVERTON].

The PRESIDENT pro tempore. The Senator is correct.

Mr. ADAMS. Mr. President, I wish to inquire whether the amendment which the Senator from New York offered has been accepted by the Senator from Georgia.

The PRESIDENT pro tempore. The Chair is not advised as to that.

Mr. RUSSELL. Mr. President, I do not know that I am authorized to accept the amendment.

Mr. ADAMS. It is the Senator's amendment.

Mr. RUSSELL. No; it is mine and that of the Senator from Louisiana, jointly. The Senator from New York made it very clear, when he presented his amendment, that he had discussed it with me, and I had no objection to it. The reason why I have no objection to it is that I do not think it amounts to a great deal, because it merely provides that no State or Federal law concerning health, and so forth, shall be suspended by the provisions of this measure.

Mr. ADAMS. I made the inquiry because I desired to offer another amendment.

Mr. RUSSELL. Speaking for myself, I have no objection to the Senator's amendment.

Mr. TAFT. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. What is the limitation on debate?

The PRESIDENT pro tempore. The limitation is 15 minutes in the aggregate on the amendment until all amendments shall be disposed of.

Mr. TAFT. I did not quite understand why the time of the Senator from Wisconsin had expired.

The PRESIDENT pro tempore. The Senator from Wisconsin had spoken 15 minutes in the aggregate on two amendments.

Mr. ADAMS. Mr. President, I wish to say, in reference to the pending amendment of the Senators from Georgia and Louisiana, that I think it is a very appropriate amendment to be attached to the bill. The amendment was submitted to the Committee on Appropriations, and the committee did not approve it. The situation in the committee was different from the situation in the Senate. It is now proposed that in peacetime—in peacetime, I repeat—we make the youth of the land subject to the absolute disposition of the Chief Executive, perhaps to the number of four or five million. We are going to distract every young man; we are going to disturb his life. No man can be secure in his position who is continually subject to the draft. Certainly if we are to take

the young men, we do not want to draw the line by not taking over the manufacturing plants. This amendment is a logical successor and corollary to the other provision. If we are going along the road of conscription in peacetime, the last thing we should conscript should be men. The first thing should be the money and the plants.

As I understand, the bill is to pass. I understand the proponents of the measure are not even willing to wait until January; they are not even willing to wait until the 6th of November; they want the bill passed and conscription begun. It is bound to disturb the economic welfare of this country whenever a young man is in doubt as to what is to be his future, in the next month or the next year.

I think there is no escape from the conclusion that every man who has a manufacturing plant should stand in the same position with the men who are drafted. This is not a matter of wartime or emergency any more than the draft of men applies to such a period. The amendment provides that at any time the Secretary of the Navy or the Secretary of War decides that in the interest of national defense—not to protect against war—he desires to take over a manufacturing plant, he may take it over.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. RUSSELL. It does not provide that as literally as the Senator from Colorado states it.

Mr. ADAMS. I am supporting the amendment.

Mr. RUSSELL. I appreciate that, but I want the Senator to quote the amendment correctly. It provides that when the Secretary of War is unable to arrive at an agreement with the owner of the plant, if it is necessary to operate it in the national defense, he may take it over. He cannot say arbitrarily that he wants to take a plant over. It must be after negotiation.

Mr. ADAMS. It means that the Secretary of the Navy or the Secretary of War may say to the owner of a plant, "I want your plant on these terms." I cannot imagine anything more absolute than that. The owner may say, "Oh, no; that is only half of what my plant is worth; I am making a lot of things for private industry in addition to defense matters, and you should not take over a whole steel plant, which is making rails and rods and nails and screws, because in one department a few shells are being made"; but, if the owner cannot agree with the Secretary of the Navy and the Secretary of War, either of them may take over the plant, and the question of compensation arises afterward.

Mr. LEE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LEE. Is that any different from saying to a boy who is earning $5 a day, "Give up your $5 a day and take a job now in the most hazardous calling in the world at $1 a day"?

Mr. ADAMS. I am accepting the Senator's premise. I do not think we should take the boy in time of peace.

Mr. OVERTON. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. OVERTON. Is there any difference between the proposal in the amendment and the right of condemnation vested in the Government when it undertakes to construct a reservoir in the West and goes to a farmer and says, "You have to give up your home and your land because we want it"?

Mr. ADAMS. I am supporting the Senator's amendment.

Mr. OVERTON. I thank the Senator.

Mr. ADAMS. Premised upon the Senator's argument, he believes in the bill, on which his amendment is most appropriate. We are condemning Hitler for his totalitarian ways, but it is proposed that we put part of them into force here; and I think this goes with it. I do not think we could justify the defeat of the amendment and pass the bill.

Mr. OVERTON. If the Senator will yield to me further, I would say that I would be in favor of the right of condemnation, whether or not there was a conscription bill before the Senate. I think this authority should be vested in someone, just as the right of condemnation is.

Mr. ADAMS. Does the Senator think that in time of peace, merely because the War Department decides that a certain thing should be done to build up the national defense, there being no emergency, no pressure, the Secretary of War should have the privilege and the liberty and the right to take over any plant? I am supporting the Senator's amendment. He need not argue with me about it.

Mr. OVERTON. I think that whenever the Federal Government needs any property or plant or facility for any purpose whatsoever in the public interest, the interest of the Federal Government is paramount.

Mr. ADAMS. Whenever the Congress says the Government can take a boy in time of peace, I will go the whole way; it can take the money and take the plants. So there is no good arguing that. I am for it.

Mr. KING. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. KING. I am prompted to interrupt the Senator by reason of the last observation made by the Senator from Louisiana. Does the Senator from Louisiana contend—I am sure that the Senator from Colorado would not assent to the contention—that any employee of the Government, any Federal agency, when he or it considers it necessary to seize the property of an individual, may do so, and if he refuses to yield it, go into court and take it away from him? I am opposed to that view.

Mr. OVERTON. Mr. President——

Mr. ADAMS. Just a moment. I have promised my support to the amendment on the bill, which, I understand, is going to be passed, so that in peacetimes, without limit—and mind you, the Senate has voted down an amendment limiting the draft to time of emergency—the Government can take the son of the Senator from Utah or the Senator from South Carolina, and put him in the Army, regardless of his wishes. Therefore, there is no reason why the plant in which the boy works should not be taken over. If we are to take over men, let us take whatever else we want. If we are are going down that road, let us be consistent, let us go the whole way. Let us not condemn Hitler on one side for what he is doing, and follow him only part way.

Mr. OVERTON. If the Senator from Colorado will yield, I wish to call the attention of the Senator from Utah to the statement I am about to make. The Senator is under an erroneous impression as to what I said. I did not contend that any employee of the Federal Government could step in and take the property or plant of anyone. I merely contended that the right of eminent domain is vested in the Federal Government, and that it should be exercised whenever public interest required that it should be exercised, regardless of the purpose for which it was exercised.

Mr. ADAMS. Mr. President, how much time have I left?

The PRESIDENT pro tempore. The Senator has 6 minutes remaining.

Mr. ADAMS. I wish to propose an amendment to the amendment, if the amendment of the Senator from New York is out of the way, so that it will be proper for me to do so. Has that amendment been accepted by the two Senators who are offering the pending amendment?

Mr. OVERTON. I am willing to modify the amendment.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. WAGNER. As I understand, the amendment now pending is an amendment to an amendment. The sponsors have said they have no objection to my amendment.

Mr. ADAMS. Have they accepted it? That is my inquiry. They have a right to accept it. My inquiry is whether I am in a parliamentary position to offer another amendment.

Mr. WAGNER. The Chair will have to decide that.

Mr. ADAMS. I am asking the Senator from Georgia and the Senator from Louisiana whether they have accepted the amendment of the Senator from New York.

Mr. RUSSELL. Mr. President, I have said on one occasion, and I state again, that I have no objection to the amendment, but so far as it becoming a part of my own amendment

is concerned, I propose to let the Senate vote on it. I shall vote for the amendment of the Senator from New York, but I do not propose to make it a part of the amendment I offered in conjunction with the Senator from Louisiana.

Mr. ADAMS. Mr. President, I have an amendment to offer, which is not presently available, and I will save what time I have remaining.

Mr. BYRNES. Mr. President, I desired to discuss at a later time the question of the status of the contracts for the construction of airplanes. I did not desire to do so at this time because I did not wish to delay action upon the bill. Because of what has been said, however, I want to make a short statement in reference to the matter.

I think there is no justification for the heat that is displayed on both sides of the question before us in the executive departments of the Government and in the Congress.

The facts speak for themselves. Boiled down the facts are these. If Senators will look at the calendar on their desks they will see when the bill appropriating funds for the War Department was passed and approved for the year beginning July 1, 1940. The bill providing for appropriations for the War Department was approved on June 13. The bill providing for the Navy Department was approved on June 11. Then a supplemental defense appropriation bill was approved June 26.

In all the talk about investigating the status of the construction of airplanes we overlook the fact that the matter has been investigated by the House Appropriations Committee; it has been investigated by the Senate Appropriations Committee; it has been investigated by the House Ways and Means Committee at meetings attended by representatives of the Senate Finance Committee. So there can be no question about getting the facts. We find in the Appropriations Committee that our difficulty is to prevent representatives of the Army and Navy from discussing the subject when other matters are pending.

After the passage of the bills to which I have referred, which were approved, respectively, June 11, June 13, and June 26, because contracts were authorized immediately upon the approval of the bills, Army and Navy officials, with the gentlemen who are serving on the Council of National Defense, endeavored to make contracts under the existing law. The existing law was the Vinson-Trammell Act. Under that act an aviation contractor could make with the War Department or the Navy Department what is called a negotiated contract. Under such negotiated contract, if the contractor lost 25 percent it was just too bad for him. If he made a profit, and the profit was over 12 percent, the Government would take all over 12 percent. It was not such a contract as we knew during the World War with a guaranteed 10 percent. It was a contract where the profit was limited, but there was no limit to the amount the contractor could lose.

So far as existing corporations manufacturing airplanes are concerned, orders were soon placed to their full capacity. The Departments then were interested in inducing businessmen in the country to go into a business with which they had no experience, and had no experts to guide them in the development of an organization. When Government officials went to businessmen asking them to take a chance in a new business, they investigated profits. According to the Army and Navy officials the net profits of all the companies for several years had averaged 4 percent.

I can see both sides of the question. The businessman said, "I am manufacturing printing presses, or typewriters, or I am engaged with the Baldwin Locomotive Works, or the Otis Elevator Co. Why should I take this risk? What profit can I make? If I get one contract and make 12 percent, and if I get another contract and lose 20 percent, that is my loss, and I am out 8 percent on the deal. If I do not manufacture airplanes, the sky is the limit. I can go over to the War Department and get an order to manufacture guns and make 50 percent profit, if I can. I can get other contracts from the War Department."

The one thing we demanded in the Congress and in the country was airplanes, and on the manufacture of airplanes we put a limitation of profits which did not apply to the manufacture of other things for the Government. Notwithstanding that, men were going into the airplane-manufacturing business. Contracts were awarded. The memorandums were drawn. Then on June 28 an act was passed by the Congress, and approved, which reduced the maximum profit from 12 percent to 8 percent. When that occurred subcontractors, who had been approached and had entered into agreements with the main contractor, or principal contractor, simply advised the principal contractor that they would not proceed with the business. They were engaged in other work. They were not engaged in the manufacture of airplanes.

When we passed the bill telling the Army and the Navy to order airplanes, the officers could not telephone downtown and have a messenger boy bring back an airplane. They had to get men to go into the airplane manufacturing business, and it was the job of the officers of the Department to induce persons who had not theretofore been in the airplane business to go into it.

When we reduced the maximum profit that manufacturers of airplanes could make, from 12 percent to 8 percent, the manufacturers notified the Army and Navy that the subcontractors had advised them they would not fill the orders. Fifty percent, and in some cases more than 50 percent, of an order was given to subcontractors by those who undertook to contract to build airplanes.

When we passed the act of June 28, the Army and Navy and the Council of National Defense were practically stopped from proceeding with contracts, because they could not get men to sign the contracts.

Then a bill was reported to the House and passed by the House. It has been on the desk of the Senate for nearly 2 weeks. It was received in the Senate on a Saturday, certainly more than 10 days ago. That bill, which has passed the House, contains a provision which repeals the provision to which I have referred—the provision which reduced the maximum from 12 to 8 percent. The bill is on the desk. If we could take it up and pass it now, we have the word of Mr. Knudsen and every other man connected with the Council of National Defense, and we have the word of the Secretary of War and the Secretary of the Navy, that businessmen tomorrow will sign the contracts that we prepared before we changed the maximum of profit. The bill is here. It is said that the fact that the bill had not been passed is not our fault; that we cannot be blamed for having failed to pass it; that we have had before us another important bill, and therefore could not get to that particular legislation. But certainly we must agree about the fact. The fact is that that bill is here, and if we could pass it tonight, in many cases, tomorrow the contracts for airplanes referred to by the Army and Navy would be signed.

Mr. President, there is a question about this matter. There will be discussion as to whether or not the proposed action should be taken. The businessmen of the country take the position, those who have been invited or requested to put their money in this business, that there should not be a limitation of profits upon one manufacturer, a manufacturer of airplanes, and not upon manufacturers of other articles ordered by the Government; that if there is to be a limitation of profit it should apply to everything manufactured for the Government. If we are to take all that a man makes, over a certain percentage, the manufacturers prefer that we take it by way of a tax bill, and have the tax apply then to those who manufacture guns, antiaircraft guns, who manufacture tanks, trucks, or anything else.

So far as I am concerned they convinced me they were right, because the one thing that we need first of all is airplanes, and I do not believe that we should place a maximum profit upon the construction of airplanes if that will delay in any degree the construction of the principal thing we want. If we impose such a limitation of profit, we should fix a similar limitation on everything else.

If the Army or Navy officials go to a contractor and say, "We want you to take this contract, but you cannot get more than 8 percent profit on the airplanes you manufacture," he

may say, "I can go over to the War Department and get a contract to manufacture tanks, on which there is no such limitation on profits. I do not want to go into this business, but for my country's sake and if you want me to do so, I will manufacture airplanes, and make as much profit as I can, in justice to my stockholders."

The problem can be approached in one way by the tax bill, but that can be done only when the House passes the tax bill. If we could pass the appropriation bill tonight and change the maximum from 8 to 10 to 12 percent, tomorrow, so far as airplane contracts are concerned, the manufacturers would be going ahead.

As to the amendment of the Senator from Georgia [Mr. RUSSELL] I wish to say that when it was first offered, because I thought it was the same as the language contained in a bill which passed the House, and which provided that the Secretary of the Navy should have power to fix the amount of money to be paid to a contractor, I was opposed to the amendment. Since it has been changed, as the Senator from Georgia changed it, I am for it. I am for it for the reason that I favor the removal of restriction upon the profits, or raising the profits to 12 percent, either one—raising them to 12 percent in the appropriation bill, or else providing in a tax bill for a tax on everything made for the Government. At the same time I want to give the Government the power provided in the Senator's amendment. I shall vote for the conscription bill, and so long as I shall vote to conscript a man and put him in the Army, and take not only his liberty for the 12 months, but his property, I do not see how I can justify refusing to take a man's business from him if he refuses to use it for the defense of his government. We do not take him; we take only his business. When we draft a boy we take him and his business. So long as I have that viewpoint I shall vote for the amendment of the Senator from Georgia.

Although this discussion may have delayed consideration of the bill—and I apologize for it—this is the first time I have spoken on the bill since it was brought into the Senate. It may enable us to obtain quicker action upon the appropriation bill after we shall have passed the pending bill.

Mr. AUSTIN. Mr. President, I think the amendment offered by the Senator from Georgia—with a slight change in it which I believe carries out the intent of the amendment—is a great improvement over the existing act. The proposal would strike out the first two provisos in section 8 (b) of Public, No. 671, which is the act to expedite national defense, and for other purposes, passed in 1939. Subsection (b) gave rather extraordinary power to the President. It probably was intended to conform to the custom in the United States of following due process of law in taking over private property for public use. The existing law did not so state. It stated that the Secretary of War was authorized to take over the property and immediately use it, either by Government operation or by operation through private contractors. I have the idea that the authors of it certainly intended that property should not be taken over without due process of law, in the ordinary method of the exercise of eminent domain.

The pending amendment clarifies that point, and makes it perfectly plain that in taking over property the Government will pursue the remedy set forth in the statute mentioned on page 2 of the amendment, namely, Forty-sixth Statutes, 1421. That is the customary method for the Government to take private property for public use. That is one reason why I think the amendment is a great improvement over existing law.

Another reason why I think it is an improvement is that it places upon the Secretary of War and the Secretary of the Navy the responsibility and the specific duty of determining the time or the occasion when it is necessary to exercise the power of eminent domain, whereas the original act placed it in the ultimate sense in the President of the United States. Therefore I favor the amendment over the existing law for that reason.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TAFT. Is the Senator aware of the fact that the proviso which is being amended was not in the bill which the Senate passed, and was not in the bill which the House passed, but was put in in conference without any authority to the conference committee? Is the Senator aware of the fact that it is not a question of comparing the amendment with the original law, but of comparing it with something which has been repealed by the House, and which should be repealed by the Senate?

Mr. AUSTIN. I am not aware of what the Senator calls attention to. I am aware of a copy of the act which I have in my hand.

Mr. TAFT. That matter has already been discussed. Because of the fact that the provision was put in by the conference committee without authority, it has already been repealed by the House, and is to be repealed by the Senate unless a substitute is passed. So the question we are considering today is not a comparison with an original provision. It is a question of new law in place of nothing.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. AUSTIN. I hope Senators will permit me to finish what I have to say, because of the limitation of time.

There are other characteristics of the amendment which improve existing law, but I shall not take time to discuss them. The element which is missing from the amendment, and which I should like to see added to it, is the phrase "pending determination of the issue." I believe that should be added at the end of the amendment as printed, so that it would then read:

SEC. —. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms pending determination of the issue.

Unless we put in the qualifying phrase we have this possible bad interpretation of the amendment—namely, that the procedure to acquire the property under the eminent-domain statute need only be commenced; it need never be finished. Under the amendment as proposed all the Government needs do is to commence proceedings and immediately it may grasp the property and, if it is my property, turn it over to the Senator from New Jersey [Mr. BARBOUR] for operation under a contract with the Government perpetually.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. RUSSELL. I have discussed this matter with the Senator from Louisiana [Mr. OVERTON], and we are perfectly willing to accept the suggestion of the Senator from Vermont.

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Georgia wish to modify his amendment?

Mr. RUSSELL. Yes.

The PRESIDING OFFICER. The Senator has that privilege; and it is so ordered.

Mr. TAFT. Mr. President, I oppose the pending amendment. While I usually agree with my colleague from Colorado, I do not follow him completely. While I sympathize with his logic, I do not follow the logic.

This is a most extraordinary provision for the confiscation, or at least the appropriation, of property. It modifies every concept of American law we have ever had, as does the draft law. If it were absolutely necessary in time of war, I should be in favor of it; but I do not believe the emergency is one which justifies the drafting of men. I shall refuse to vote for any measure to draft men, and I do not propose to vote for any measure to draft property.

This provision is extraordinary. It is said that it is intended to hit some subcontractor who will not make a contract. It goes far beyond any such provision, so far as the words themselves are concerned. Under the terms of the amendment the Government might say, "We need an additional factory to make fuses." The Government officials might look around the country and find a factory producing safety pins. They might say, "That is a good plant in which to make fuses. We want that plant." Perhaps the machinery is somewhat the same. The owner of the factory may never have dealt with the Government. He may never have been asked to make a contract with the Government. It is not necessary that he be asked to make a contract with the Government. The Government may say to the owner, "We want to use your plant. Hand it over." The business, which has been built up over a period of perhaps 100 years, is wiped out overnight. The owner may not be able to find another plant for many months. In the meantime his business will have disappeared.

I do not say that it is tremendously different in principle from the draft of men, but certainly it gives far more discretion to the Secretary of War or the Secretary of the Navy. In drafting men, they may be classified according to rule, and they may be drawn according to lot. However, in this case the matter is entirely within the discretion of the Secretary of War or the Secretary of the Navy. The Secretary may look at the plant of the United States Steel Corporation and say, "We want to make guns; so, gentlemen, we will take over the whole plant. You will discontinue all your other manufacturing. We need this plant."

Mr. BONE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BONE. I do not know whether or not the Senator from Ohio agrees with me. Personally I think we are being ruthlessly pushed into war; and I think unless there is a very great change in the attitude of mind of many in high places, and among those who control the channels of publicity in this country, war is only a short distance away. I ask the Senator from Ohio if he thinks that businessmen in this country now imagine that they are going to retain the orthodox pattern of life for themselves when the country is churned and torn by war? I wonder if the Senator thinks that the average businessman imagines that he is going to escape the impact of war, and keep the old orthodox pattern of operations?

Mr. TAFT. I think he probably does; and I think he is wrong.

Mr. BONE. He is a very quaint, old-fashioned person, with ideas which do not belong to 1940, if he thinks that his business will ever again be the same as it was.

Mr. TAFT. The amendment is inserted in a provision in the act of June 28, 1940, which provides that if the Secretary finds that he cannot make contracts, or that there is no facility or manufacturing plant to make something, the Government may build its own plant and manufacture the article. I voted for that provision; but the amendment goes a step further. It says that the Secretary may look about the country and pick out any plant he chooses, making something which may have no relation to war, and say, "That is a good plant. We want that plant." He might take the whole plant of the Ford Motor Co. and say, "Discontinue your manufacture of automobiles, because we want to operate the plant to make tanks."

The whole thing is left absolutely and completely to the discretion of the Secretary of War or the Secretary of the Navy. Either of those men may do whatever he pleases. He is not subject to any finding by the courts. He may say, "I want that plant for national defense," and tomorrow he may walk in. I say that is the most extreme delegation of authority we have considered. It differentiates the amendment from the draft bill, because it gives far more discretion and latitude.

My idea is this: There is a great emergency; I am willing to go as far as seems to be necessary to meet that emergency; but I do not think we ought to let the emergency, whatever it may be, justify our doing things that are not necessary to meet it. I feel strongly that it is not necessary to do what is proposed. If there is a manufacturer so unpatriotic that he is absolutely turning down Government orders which are necessary for the defense program, I say if the President would call him into his office, and put the question up to him, that manufacturer would accept the contract tomorrow, without any legislation by the Congress. I think it is wholly unnecessary even for the emergency which some of the Senators visualize; I think it is absolutely and completely unnecessary for the emergency which actually exists.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. WHITE. I desire to ask a question about the proposed amendment, which is giving me a little trouble. I take it that in ordinary condemnation proceedings there are two questions involved. The first question is whether the taking is for a public use; that must be determined first to justify the taking at all. Then there arises the question of damages to be paid for the taking of the property. It seems to me, as I read this amendment, it proposes to take from the jurisdiction of the tribunal set up to determine such matters the question as to whether the taking is for a public use. The Government takes the property upon the decision of the Secretary of War or the Secretary of the Navy; it takes it into its possession; it operates it, and the question as to whether it is for a public use is not involved at all in the condemnation proceedings. Is that correct?

Mr. TAFT. I think the Senator is entirely correct that Congress is delegating to the Secretary of War or the Secretary of the Navy the question whether or not the taking of a particular plant is a public use and whether or not it is necessary for the national defense.

Mr. VANDENBERG. Mr. President, I merely wish, in half a dozen sentences, to state my position on this amendment. I think the amendment is completely logical under the theory of this legislation and absolutely consistent with the remainder of the bill. I think it is the lengthened shadow of the philosophy of action upon which the bill embarks. It will be followed by other conscriptions. When I vote to conscript men, I shall certainly vote to conscript property. I have more respect for a human life than I have for a mechanical lathe. But, Mr. President, I am not voting to conscript anything in peacetime yet. There is no proof of need—yet—to abandon the American peacetime liberties of our citizenship. When we begin the abandonment, it will not ultimately end until the abandonment is complete.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment of the Senator from Georgia [Mr. RUSSELL].

Mr. WHEELER. Mr. President, ordinarily I would be absolutely opposed to this amendment known as the Russell amendment, because I think it would place in the hands of the Government, through the Secretary of War and the Secretary of the Navy, the power to confiscate property. As the Senator from Ohio [Mr. TAFT] has said, it would permit in peacetime the Government to take over a mine here or other property there and afterward settle the matter in the courts and pay whatever it wants to pay.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. RUSSELL. Does not the Senator think that the Government has that power already so far as taking land for a post office is concerned for the use of the Government?

Mr. WHEELER. That is quite a different thing.

Mr. RUSSELL. Why is it different than the Government taking a man's property so long as it is in the public interest to take it, whether it be for a post office or to provide for the national defense?

Mr. WHEELER. I see a vast difference in granting this power to the Secretary of the Navy or the Secretary of War in peacetime to take over any business enterprise in the United States they want to take over in the name of national

defense. With such a provision as this in the law, the Government can in peacetime take over any business. The business interests of the country would have constantly hanging over their heads the threat that unless they complied with every thought and every wish of the Secretary of the Navy or the Secretary of War their business would be taken over. When we pass peacetime conscription legislation and say to the young men of this country, "You have got to give up the pursuit of life, liberty, and happiness guaranteed by the Constitution because the Secretary of War or the President of the United States says he wants to take you away from your chosen occupation and put you in the Army and do with you as he wants to do," then there cannot be any excuse whatever for not also voting the same power with reference to business.

For that reason, Mr. President, I shall vote for the amendment; but when we adopt it, and before we pass the conscription bill, we ought to attach to it as an amendment a declaration of war and have it over with.

Mr. MALONEY. Mr. President, I should like to ask the Senator from Montana a question, if I may.

Mr. WHEELER. I yield.

Mr. MALONEY. In view of his explanation of why he will vote for the pending amendment, I am wondering if the Senator from Montana would feel the same way about the conscription of labor.

Mr. WHEELER. I did not understand the Senator's question.

Mr. MALONEY. I am wondering if the Senator from Montana, in view of his reason for supporting the pending amendment, would feel the same way about the conscription of labor.

Mr. WHEELER. This bill does conscript labor. It takes a man out of a factory where he is working, we will say, for $30 or $50 a week, and says to him, "Go into the Army and take $21 or $30 a month." That is conscripting labor itself; labor is conscripted under this bill. It not only takes a man's property, but it takes away his earning power and fixes his wages at $21 a month. It says, "Although you have been used to earning $75 a month, though you have a wife, perhaps, and children, you must go into the Army for $21 a month." That takes his property away. So there is a conscription of labor under the very terms of the bill.

Mr. MALONEY. That is not true.

Mr. WHEELER. I disagree with the Senator. He can put his own construction on the language of the measure, but I say when we take a man out of a factory or out of the field and put him in the Army in peacetime we are conscripting labor, and there can be no other construction put upon it, regardless of whether or not the Senator from Connecticut thinks that is true or whether he thinks it is false. Whether he thinks it is true or whether he thinks it is false, I say that the words of the bill speak for themselves. I would not stand on this floor and say that the Senator made an untrue statement, but I say the facts speak for themselves, and I submit we are conscripting labor and are conscripting property, and if we are going to conscript labor in time of peace then we ought also to conscript property, and factories. Under the bill a club is held over the life of every young man in this country whether he is put in the Army or not. There will be held over 12,000,000 of them between the ages of 21 and 31 the thought that if they say this or say that they may be taken next and conscripted into the Army. The financial crowd in New York, the bankers and the great newspapers of the city of New York, who are parading and shouting for this bill in the interest of doing patriotic service, will raise a howl when this amendment is put into the bill. They are for conscripting labor; they are for conscripting youth, and they are for conscripting anybody else, but they themselves do not want to be conscripted and have their property taken over. I agree with the Senator from Colorado and with the Senator from South Carolina that when we conscript one we have got to conscript the other.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. JOHNSON of Colorado. In the bill proposed by the Senator from Florida, the so-called totalitarian bill, everything proposed to be done under that bill, as I recall, is to be done in the name of national defense. Is that correct?

Mr. WHEELER. Certainly I understand that is so under the seven-point bill of the Senator from Florida. I again want to congratulate him—and I say it with good feeling toward my friend the Senator from Florida—because, step by step and step by step, we are following his leadership in this body and in the Congress of the United States. I have little doubt that when we pass this bill we will take the next step he suggested in his seven-point program, and will continue to take the steps he has outlined in that program.

Mr. DOWNEY. Mr. President, I must admit a total sense of inadequacy in attempting to comprehend the possible scope and effect of an amendment of this character. As I read its language it would allow the Secretary of War or the Secretary of the Navy, without any prior judicial determination of necessity, to go into any factory or into almost any business in the United States, dispossess the owner and take over the enterprise upon 24 hours' notice, leaving the proprietor the bare right in some lawsuit later on to determine the amount of his damage.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. ADAMS. The Senator is in error in one respect, for there is no requirement of 24 hours' notice.

Mr. DOWNEY. I stand corrected by the accurate Senator from Colorado. I assumed that possibly, in the bureaucratic urge that is upon us, if the General Motors Co., or the Ford Co., or the Anaconda Co. were to be taken over under this bill, probably they would be allowed 24 hours' notice.

I cannot conceive that we have reached any crisis in this country at this time by virtue of which we should be ready to place in the hands of two men the arbitrary power to take over, at their will, almost every type of business in the United States.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOWNEY. Yes; I yield.

Mr. RUSSELL. I should like to know why the Senator from California did not raise this issue when a similar provision was written into the law, Public, No. 671, one of the defense acts, which allowed the Secretary of the Navy to take over a plant and did not even give the man who owned the plant an opportunity to go to court to determine what it was worth but let the Secretary of the Navy himself fix the compensation. That measure is on the statute books at the present time as one of the defense acts.

Mr. WHEELER. Mr. President, was not that provision written into the bill in conference?

Mr. RUSSELL. I do not know about that.

Mr. WHEELER. My understanding is that that provision was written into the bill in conference, and that nobody in the Senate or the House knew that it was in the bill.

Mr. RUSSELL. I do not know about that. I think the Senator from Ohio stated that it was written into the bill in conference. I do not know where it went in, but I know it has as much binding force and effect as law at the present moment as if it had started out in the original bill and had been voted on line by line by every Member of the Senate. It is in the law at the present time.

Mr. DOWNEY. Mr. President, I freely admit that the admonition to me from the distinguished Senator from Georgia may be a righteous one. I have a total sense of inadequacy in dealing with the multifarious problems which now flow before us. I do not pretend to know more than a small part of what is happening in Washington, or even in the Senate of the United States; and, very possibly, I was neglectful in not apprehending the nature of this problem before.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. MALONEY. I merely want to ask the Senator from California not to chide himself too much, because he is in

pretty much the same position as a number of other Senators. It has been generally understood that this language got into the naval bill under at least peculiar circumstances; and I should like, if I may, in the Senator's time, to ask the sponsor of this amendment if an effort has not been made in the House to repeal this language.

Mr. RUSSELL. Oh, yes; such an effort is being made in the House; and I can readily see that quite a number of Members of the Senate would be in favor of halting or repealing any effort to lay any hand whatever on industry which might not cooperate with the Government in preparing the Government to defend itself against any aggressor from any source.

Mr. MALONEY. If the Senator from California will yield to me for just a moment more, so that he may be sure that there is no need to censure himself, I wish to say that the Members of the Senate and Members of the House have not yet been able, at least for the most part, to find out how this language got into the naval bill.

Mr. DOWNEY. I thank the Senator from Connecticut very much for extending me that help.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WALSH. In order to remove the inferences that have been made here about this language being new and original and not in either the House or the Senate bill, I ask permission to insert in the RECORD the original provision of the Senate bill and also the existing law which came out of conference and an explanation.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The bill H. R. 9822, as passed by the Senate, contained the following language:

*Provided further*, The Secretary of the Navy is authorized to employ such additional personnel * * * and to provide * * * for such public works projects, inclusive of buildings, facilities, utilities, and appurtenances thereto (including Government-owned facilities at privately-owned plants and the expansion of such plants), and the acquisition of such land, and the purchase or lease of such structures, as he may deem necessary to carry out the purposes of this act.

The Secretary of the Navy is further authorized, with or without advertising or competitive bidding, to provide out of any available naval appropriations, for the operation and maintenance of any plants, buildings, facilities, utilities, and appurtenances thereto constructed pursuant to the authorizations contained in this act, either by means of Government personnel or through the agency of selected qualified commercial manufacturers under contracts entered into with them, and when he deems it necessary in the interest of national defense, to lease, sell, or otherwise dispose of any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412): *Provided*, That the Secretary of the Navy shall report every 3 months to the Congress, each and every contract amounting to $100,000 and over, entered into under the authority of this section.

Mr. WALSH. The House did not have a similar provision, as the above provision was inserted in the bill at the request of the Navy Department during deliberations of the Senate committee.

When the House and Senate conferees met, the House conferees objected to the above language in the Senate bill on the ground that it was too broad, and submitted for the consideration of the conferees an amendment which officers of the Navy Department had prepared, which sought to modify the Senate amendment.

The language of the amendment proposed by the House conferees and adopted by both the House and Senate, is as follows:

Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this act in the procurement or construction of items authorized in connection with national defense, he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government-owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility, either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility: *And provided further*, That the Secretary of the Navy shall report to the Congress, every 3 months, the contracts entered into under the provisions of this subsection.

It will be noted that the Senate language gives to the Secretary of the Navy unlimited power and authority, with or without advertising or competitive bidding, to provide for the operation of any plants, buildings, facilities, and utilities constructed pursuant to authorizations contained in the act, either by Government personnel or through the agency of commercial manufacturers.

The House sought to limit or modify this sweeping power by language which limited this power to "Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities." The House conferees also recommended language which permitted the Secretary of the Navy to "take over and operate" such plants or facilities in the event he could not enter into contracts with the owners thereof.

Mr. President, these are the facts as I understand this whole incident.

There was no intention upon the part of anybody to do other than to lessen or to reduce the force and effectiveness of the original language as reported by the Senate committee. All that is aside, however. We are now urged that, whether the other provision got in rightly or wrongly, it should be the law. Is not that correct? Whether it got in rightly or wrongly, we are urged that it should be the law; and, so far as I am concerned, if I had my way, the law would go further than this and would provide for this power to be given to the President in dealing with every person with whom this Government is contracting for national-defense supplies during an emergency declared by the President.

Mr. RUSSELL. I should be willing to go to the same length the Senator from Massachusetts has stated.

Mr. MALONEY. Mr. President, will the Senator from California yield to me for just a moment more?

Mr. DOWNEY. Yes; I yield.

Mr. MALONEY. I have heretofore pretty clearly expressed, I think, my position on this subject; but because I have participated in this brief colloquy, I do not want to be misunderstood. I take just the opposite view from that taken by the Senator from Massachusetts in time of peace. The Senator from Massachusetts has emphasized time and again that we are considering this important piece of legislation in time of peace; and until war comes I do not want to be part of any effort to conscript business, industry, or capital, because I know that the next step after that is a definite conscription of labor, and after we do those two things it is quite needless to talk about a fight for the preservation of democracy.

Mr. WALSH. Mr. President, may I add just one word?

Mr. DOWNEY. Yes.

Mr. WALSH. All these proposals were the result of the precedent in the law of 1916, which I have read to the Senate, in which even greater power than this was given, in which it was made a felony for a manufacturer to refuse to accept orders. That was 1 year before this country entered the World War, and the language granted this extraordinary power was "in expectation of war." The law of June 28, 1940, provided for extraordinary contracts to be entered into without competition or bidding. They were merely negotiated by a contractor for airplanes sitting down with the Secretary of the Navy, and the latter, after thorough examination of all factors, saying, "I want 500 planes; what will you build them for?" "I will build them for $500,000,000." "All right. Now, let us sign the contract." That was the end of it. I claim that when we give such extraordinary power, doing away with all bidding, leaving to private negotiation the building of planes, and spending of millions of dollars, there ought to be some restriction upon the profits under the present law.

Think of it, Senators. Think how far we have gone. Under the present law, to these airplane men we say, "Name your price." They name it. "All right; we will agree to that.

Here is 8-percent profit on top of it." Now, mark that—they are given 8 percent on top of the price negotiated; and yet some of them refuse to take that and say, "We will not negotiate. We will not take that 8-percent profit," even though the Government has removed all the risk of competition, all the chance of losing money by the contractor.

I want to say to the Senator that, in view of the fact that we were building up the Navy in an extraordinary manner for the purpose of building up our defense for fear lest we might be attacked, we felt that we should follow the principle laid down in 1916, 1 year before this country entered the World War.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. DOWNEY. First, Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. MALONEY. Will the Senator from California yield to me for a very brief observation?

Mr. DOWNEY. I will yield for 1 minute. I want 4 minutes myself.

Mr. MALONEY. I do not want that long.

I should like to say that I never feel comfortable when I am in disagreement with the distinguished and able Senator from Massachusetts [Mr. WALSH], but I do not think the thought ought to be permitted to go out to the country that we are to allow airplane manufacturers or others to reap a great harvest of profit. We are now taking steps, which will culminate within the next few days, to recapture all excess profits.

Mr. DOWNEY. Mr. President, I am in entire agreement with what the Senator from Connecticut has just said. We have simple, proper, rational ways to limit profits; we do not have to place in the hands of the Secretary of the Navy or the Secretary of War the right arbitrarily, without any judicial decision of necessity, to seize practically every business in the United States.

I cannot follow the logic of my distinguished colleague and friend the Senator from Montana. I shall vote against this amendment for just the same reason that I shall vote against drafting the men of America between 20 and 30 years of age. I know that in this peacetime it is not necessary to throw every one of those men into the unhappy uncertainty of the draft law, and I know it is not necessary, to accomplish justice, to place this arbitrary and dictatorial power within the bureaucratic power of our Secretary of War and our Secretary of the Navy. If I read this law correctly, if the Secretary of War or the Secretary of the Navy should say, "This newspaper is a facility that I require to spread news or propaganda," or "This radio is necessary for public purposes," that decision would be final, and the newspaper or the radio would pass out of the hands of the proprietor.

If we want a dictatorship, if we are to pass into a socialistic era, let us go in from the front door, not from the back. Let us and the people comprehend the far-reaching and dictatorial power created under this amendment.

Again I say that I must disagree with my distinguished colleague the Senator from Montana. The same logic that will make me vote against the proposed compulsory conscription bill will make me vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER] to the modified amendment proposed by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON].

The amendment to the amendment was agreed to.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

### SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. PEPPER. Mr. President, when persons venture to enter upon an undertaking the most important thing is for them to determine whether they are going to accomplish it or not, or whether they really mean to achieve it whatever the obstacles may be. The thing which has been involved in all the efforts we have made toward national defense in the last few weeks was the question of the American people making up their mind as to whether they were really going to prepare to defend themselves against any and all forces which might be asserted, or whether they were just going to make a sort of half-hearted effort against some imaginary foe which might attack them. Underlying everything that has been said on this floor has been that fundamental question. Senators have said they were willing to have an army, but they did not think there was any danger which necessitated an army. They said, therefore, "Take volunteers, and do not conscript anyone."

If they knew there was an enemy at the gates of America, if the bloody hand of dictatorship actually hung like the sword of Damocles over the head of this Nation, if our factories and our homes were being destroyed by an invader, then would they quibble about whether they would take 60 days or 90 days or 6 months to test the volunteer system, and whether this detail or the other one had been satisfied? Then everyone would put little things aside and would put first things first, and would say, "We are determined to defend America."

Mr. LEE. It would be too late then, would it not?

Mr. PEPPER. In modern warfare; yes. The Senator from Oklahoma obviously has in mind what happened in the war of 1917. War began in Europe in August 1914 of world-shaking proportions. It lasted until 1917, in the month of April, before the Congress of the United States declared war in accordance with the sentiment of the people of the United States. Then what happened? In June Congress passed a conscription bill, and in September the first men were called into service under that law. There was a period of delay from April to September. If we had been attacked, who would have defended the country in such an interim? The little Army we had in April 1917? Let me add, if I am not incorrectly informed, the total number of volunteers in that period was some 400,000 men.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. Does the Senator have any information to the effect that after the declaration of war in 1917 the Government was not able to secure all the men it asked for by the volunteer system?

Mr. PEPPER. I do not have any such information, and express no opinion about it. I am stating a fact as I have it.

Mr. CLARK of Missouri. The fact is that the Government of the United States was never unable to secure by the volunteer system all the men they needed or asked for.

Mr. PEPPER. I am glad to have the Senator give that illuminating bit of information. It would seem to me to be pertinent to the argument which has been made by the opposition to the pending measure for some weeks past.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I think it should be stated, in that connection, that during the World War some four and a half million men were inducted into the service of the United States, and in the neighborhood of a million and a half volunteered during the entire war. As General Crowder stated in his report on the operations of the selective draft, most of those who volunteered did so in anticipation of the draft, because they would rather have it said that they had

volunteered than that they had waited until the draft took them in.

Mr. CLARK of Missouri. If the Senator from Florida will yield——

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. Let me say to the Senator from Kentucky that that statement is entirely erroneous. I know that in my own State two full regiments of the National Guard were raised after the declaration of war, purely volunteer outfits, and that the quota they were able to take was filled up in the first 2 days of the opportunity to volunteer. For the Senator from Kentucky to say that the men who volunteered in 1917 did so merely because they thought they were going to be drafted is certainly a reflection on the patriotism and the courage of the men who did volunteer at the first opportunity they had.

Mr. BARKLEY. Mr. President, I have no controversy with the Senator from Missouri over the organization of two volunteer regiments. Undoubtedly many men throughout the country volunteered because they preferred to do so. I have in mind a county in my State where there were so many volunteers the Government never did draft a man there.

Mr. CLARK of Missouri. That was Breathitt County.

Mr. BARKLEY. Yes; Breathitt County. But I am quoting General Crowder, who was provost marshal general during the World War, and inducted the drafted men into the service. While there are localities where volunteers went in, of course, in large numbers, I am speaking of the total number of men who were in the Army during the World War.

Mr. CLARK of Missouri. If the Senator from Florida will permit me, of course, every one knows that General Crowder was an advocate of the draft. He was Judge Advocate General of the Army before he became provost marshal general. He was from my State, and a very distinguished soldier from my State. Incidentally, he studied law while he was commandant of cadets at the University of Missouri. He was naturally in favor of the draft, because it made a tremendously important man out of General Crowder. If we had not had the draft General Crowder would have been an ordinary, run-of-the-mine Judge Advocate General of the Army. Naturally his inclination was to belittle the volunteer soldier, and to exalt the draft, and he very successfully did it. But for the Senator from Kentucky to rise and quote General Crowder as saying that men volunteered because they wanted to escape the draft is simply to make a statement without any foundation in fact whatever. The United States has never at any time in its history had the slightest difficulty in raising all the men it needed by volunteer enlistments, except for short periods during the Civil War, when it had a draft system, which was very unsuccessful, which permitted men who were drafted to hire substitutes, including one President of the United States.

Mr. PEPPER. Mr. President, I did not rise to debate altogether the merits of the volunteer system. Our own history eloquently attests its insufficiency for the great crises of our country. I think that if we may believe the words of the Father of Our Country, we have good admonition as to whether it can be depended upon to save the country in a moment of crisis, whatever its virtues may be, and they are many. What I was saying was that in 1917 there was the period from April to September before any troops were actually called into service. Almost a year elapsed between the time of the declaration of war in 1917 before the United States became a military factor in the World War, insofar as troops of her own were concerned.

Mr. President, it happened that by reason of having allies who were on the first line and were able to withstand the onslaughts of the enemy, our men were able to come and turn the tide of battle and the war. But times have changed much since 1917. In those days nations did at least generally declare war. There was at least some general notice that they were about to march. There was generally some evidence that they were about to attack. Nowadays, in a time which would be less than the time it would take to put the draft into effect, all Europe has been conquered. We are not dealing with an old stone age in military affairs; we are dealing with a "blitzkrieg" age. We do not have to begin to start to get ready. We have to be ready. If we are not ready on the instant we are lost forever and do not have a chance to reform our lines and recover our strength and revitalize our efforts.

Senators have talked about preparing for war, or doing things which meant preparation for war, in times of peace. I have heard the axiom all my life, "Prepare for war in time of peace." What better time is there in which to safely make such preparation? If we are to defend our country, do we wait and give the advantage to the aggressor until after the fatal strike has been made, and then say, "Oh, now in this great emergency I must resort to some miracle to defend myself."

As I have sat here day after day and listened to the debate I have let my mind conjure up the picture of what some of our able colleagues on this floor would do and say if their country were attacked by a military power like Germany, led by a mad genius like Hitler, and they were in the Executive chair, charged with the duties of the Commander in Chief to defend their country. I wonder what they would think of their own remarks. I wonder what they would think then about their lack of fear now. I wonder how they would be able to atone for the delay in the mobilization on an army for which they have unintentionally been responsible.

Mr. President, it seems to me that the first thing we should do is to make up our minds whether this thing is real, whether it is serious, whether it threatens our existence and our destiny; and if it does, take no chances about total preparation and total defense.

We hear a great deal nowadays about total war, every kind of a war, war upon every front, sparing none, not even the babe in its cradle, resort to a strategy of terror, crushing the will of the defender to defend himself.

It seems to me that the greatest exponent of peace in the world should support total preparation for defense and total insistence upon safety and security. Yet when that is proposed, Senators say, "You are for dictatorship."

I ventured to offer a program here which had in it seven points, the first of which was to confer upon the President full wartime power to prepare to defend America. Is it wrong to give a man the power to get ready, if he is permitted to exercise that power, when the moment comes for him to defend the country? In other words, what is wrong, in a great emergency, about giving to the same Executive who would defend a country in time of danger full authority to get it ready to defend itself?

I differ with some Senators in my definition of dictatorship. I call Hitler's rule a dictatorship. But I know, and the Senator knows, that he has broken down every safeguard of a free state. There is no Reichstag which is freely and fairly elected. There is no free press. There is no free speech. There is the concentration camp. There is no freedom of assembly. There is nothing that smacks of freedom or democracy; yet Senators say that because we, the Congress of a free country, pass a bill conferring upon the President the power to defend the country by law and under law, we believe in that terminology that is applicable only to that dastardly concept of government that is now called dictatorship or totalitarianism.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. CLARK of Missouri. Did not the Senator from Florida also in the same speech to which he just now referred, advocate that power be conferred upon the President to suspend all statutes or any statute that he saw fit to suspend?

Mr. PEPPER. I will read the language of one of my proposals:

> Third. Confer upon the President power to suspend all rules, regulations, and statutes, including Army, Navy, and departmental seniority regulations, which in his judgment interfere with the maximum speed in the production, transportation, or manufacture of defense material.

If that is dictatorship, make the most of it.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me I wish to ask him another question. Does the Senator know of any power that Stalin or Hitler or Mussolini have further than the power which would be conferred upon the President under that provision, and which the Senator advocated be conferred upon the President?

Mr. PEPPER. I will answer the question seriously.

Mr. CLARK of Missouri. Well, I asked the question very seriously.

Mr. PEPPER. I am sure the Senator did. But the nature of the question was such as to permit the implication that the Senator was not asking it seriously. That is the reason I said I would answer it seriously.

The PRESIDING OFFICER (Mr. HILL in the Chair). The time of the Senator from Florida has expired.

Mr. PEPPER. May I take time on the bill itself?

The PRESIDING OFFICER. Not under the consent agreement.

Mr. ADAMS. Mr. President I ask that the amendment to the so-called Russell amendment, which I offer, be stated.

The PRESIDING OFFICER. The Senator from Colorado offers an amendment to the pending amendment to the committee amendment, which will be stated.

The CHIEF CLERK. At the end of the amendment to the committee amendment, offered by Mr. RUSSELL for himself and Mr. OVERTON, Mr. ADAMS offers the following amendment:

Section (—) (a) All the provisions of section 3 of the act of March 27, 1934 (48 Stat. 505), as amended, shall be applicable with respect to contracts hereafter entered into for weapons, ammunition, and other military equipment procured by the Ordnance Department of the Army and by the Bureau of Ordnance of the Navy to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft or any portion thereof for the Army and Navy:

*Provided*, That the Secretary of War shall exercise all functions under such section with respect to such contracts for the Army, and the Secretary of the Navy shall exercise all functions under such section with respect to such contracts for the Navy.

(b) The provisions of section 3 of such act of March 27, 1934, as amended, shall, in the case of contracts or subcontracts entered into after the date of approval of this act, be limited to contracts or subcontracts where the award exceeds $50,000.

(c) All determinations hereafter required under such act of March 27, 1934, as amended, with respect to the costs and profits of War Department and Navy Department contracts shall be made by the Secretary of War and the Secretary of the Navy, respectively.

Mr. ADAMS. Mr. President, the occasion in part for the amendment of the Senator from Georgia [Mr. RUSSELL] was the difficulty in getting contracts for airplanes. The argument was made that subcontractors were not willing to furnish materials or to enter into contracts for airplanes because the subcontractors in those contracts were limited to a 12-percent profit, whereas in the vast field of ordnance, munitions, and guns, there was no limit on the profits. Accordingly, if the contractor could get a contract to make tanks and guns, he could make 18 percent or 20 percent, or whatever percent he could make.

My amendment takes the existing limitations on profits applicable to the airplane production and extends them until they apply also to the ordnance departments; so that the subcontractor will not have any monetary premium offered him to quit airplane production and go over to the production of tanks or guns; that is, it is an effort to establish a horizontal limitation upon profits on the production of war materials.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. RUSSELL. I understand I have exceeded all my time in the aggregate. Otherwise, I was going to speak in my own time.

The PRESIDING OFFICER. The Senator is correct. The time of the Senator from Georgia has expired.

Mr. RUSSELL. I want to say, since the Senator from Colorado was kind enough to yield, that I was rejoiced when the Senator from Colorado stated earlier today that he was going to support the amendment introduced by the Senator from Louisiana [Mr. OVERTON] and myself. I gathered from his remarks that he was not very enthusiastically for the amendment, and that he was opposed to it in the committee. I regret very much that he is now seeking to kill the pending amendment by offering an amendment to it which relates to an entirely different subject matter, and that he is offering it to the amendment I propose, when the custom of the Senate is that when amendments are to be offered on their merits they should be offered to the original bill rather than as a rider to an amendment which it is sought to kill by devious means.

Mr. ADAMS. The argument which the Senator from Georgia offered to justify his amendment was the very statement of fact which I made; in other words, that there were certain manufacturers who would not undertake to make parts for airplanes because, by going over to the ordnance department and getting contracts for the production of other materials they were free from profit limitations. I am seeking to help the Senator from Georgia cure the very evil at which his amendment is aimed. He goes to the point of saying that the Government can take over the plants, and by my amendment I am merely seeking to make applicable the same limit of profits upon ordnance material which now exists upon airplanes, so that the contractor for airplanes will be able to go to the subcontractor and not be under a handicap.

It seems to me to be entirely pertinent to the Senator's amendment, in view of those purposes.

I will save the rest of my time.

Mr. LEE obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield to me?

Mr. LEE. I yield.

Mr. RUSSELL. I merely wish to say that I have absolutely no objection to the amendment proposed by the Senator from Colorado. The subcommittee, when it was considering this matter in the House appropriation bill worked very determinately in an endeavor to arrive at a solution of the question of limitations of profits. I was for the limitation of profits. The Senator from Colorado and others prepared this amendment in the subcommittee and discussed it somewhat, but it is my recollection it was never even offered to the bill in the subcommittee.

Mr. ADAMS. It was offered and defeated. The Senator from Georgia voted against it.

Mr. RUSSELL. I am for the Senator's proposition. I am for drastic legislation to see that no manager or owner of an industrial organization shall become immensely wealthy out of this national emergency, when we are summoning men to the colors whether they want to go or not. But I do say that it is unfair on the part of the Senator from Colorado to seek to put his amendment on my amendment, to offer an amendment relating to an entirely different subject matter to the amendment I propose, when he knows he could offer it to the pending bill as a new proposition immediately on the disposition of my amendment.

I wish the Senator would be fair enough to withdraw the amendment and offer it to the bill as a separate proposition. I will go along with him and support the amendment to the limit of my ability if he will offer it to the bill as an independent amendment and not attempt to becloud the issue, as presented by the amendment I have already offered.

Mr. OVERTON. Mr. President, will the Senator yield to me for a brief statement?

Mr. LEE. I yield.

Mr. OVERTON. The Senator from Colorado states that his amendment will cure the situation.

Mr. ADAMS. I did not say it would cure it, but it is an effort to aid in the cure.

Mr. OVERTON. It would aid rather meagerly, because we are in competition not simply with orders for other matériel going into national defense to be used by the Federal Government, but we are also getting in competition with orders from private industry, and we are also in competition with orders from foreign governments for munitions of war.

Mr. LEE. Mr. President, I hope the amendment of the Senator from Colorado will be defeated.

The strength of democracy in normal times becomes its weakness in critical times. The far-flung liberties and privileges that people enjoy in normal times, when no danger threatens, become the danger to the democracy when there is imminence of attack.

Therefore, a democracy, to survive must have within it the power to contract and to expand, to withdraw its liberties temporarily, and then be willing to restore those liberties after the danger passes. Whenever a democracy is brought into competition with despotism, unless that democracy has within it the power temporarily to surrender those liberties and form itself into a compact fighting unit which can move quickly and without going through the democratic processes it must go through in normal times, then that democracy will not survive the danger. Therefore, it becomes necessary if there is danger—and if there is not, every Member of the Senate, by voting for $14,000,000,000 worth of appropriations for defense, has thereby convicted himself of being a profligate spendthrift—I say if there is danger, then it becomes necessary for this democracy temporarily to surrender some of the liberties of which we are so proud in normal times, and which we enjoy in normal times in order to make sure that we do not lose those liberties permanently. During the World War it was said that Woodrow Wilson had as much power as the Kaiser; but immediately upon the passing of the danger which threatened, the power was not utilized, and the customary liberties were returned to the people.

We must have confidence in our form of government and in those whom we elect to high office. If we did not have such confidence we should never elect anybody. The President of the United States has in his hands enough power to wreck the Government overnight at any time, if we should elect a man who is inclined to do so.

I think we are confronted with danger. I do not believe any Member of this body wants war. I do not like the statement of Senators implying that, because some of us look at the question from another point of view, we want to urge the country into war. I say that the attitude of some of us who believe that by making ourselves strong we are furthering peace is more easily defended and more logical in the light of the present war than the attitude of those who would keep us weak, and those who preach appeasement.

Did Ethiopia want war? Was it a draft or conscript law which got Ethiopia into war? Certainly not. Did Albania want war? Of course not. Does China want war? Did she ever want war? I say that weakness invites attack; and today it is wrong to keep America so weak that the treasures of the Western Hemisphere will be an invitation to the dictators to come over with their legions and take this treasure.

We often hear the statement, "I am for the draft, but not for a peacetime draft. I should be willing to have the Government lay its hands upon the factories if we were in war." I understand that the word "blitzkrieg" means lightning stroke. That is modern war. The people in the little country of Denmark went to sleep one night and when they woke up they were slaves of Hitler. The people of Norway went to sleep one night and when they woke up their capital was in the hands of the enemy. How much good would it have done them to say, "I favor the draft, but not in peacetime" or, "I favor the Government having power to take over a factory in time of war"?

Certainly the Government ought to have the power to take over a factory in case of war. It ought to have power to take over a radio station. It ought to have power to take a newspaper for propaganda if necessary to protect itself. If we are in danger, why should not the Government have such power? When representatives of the various nations sat down across the table at Munich, England and France were so weak that they were not in a position to deal with a man who was strong. If they had been as strong as Hitler there would have been no war in Poland or Norway. I say that weakness invites attack. I say to Members of this body that we shall be responsible for the strength or weakness of this country, and that our chances for peace increase with the increase of military power. That means the power of the Government to act after the manner of the "blitzkrieg"—like a lightning stroke. That is why it is necessary to give the Government such power if it is needed. Certainly it calls for some faith and trust. We are asked, "Why be like Hitler in order to stop Hitler? I do not think much of that argument. I think it is fairer to say that we must fight fire with fire; we must fight poison with poison; we must make it possible to temporarily surrender some of the liberties which we enjoy in normal times in order to be in a position to protect those liberties against a dictator who would destroy them permanently.

Mr. CHANDLER. Mr. President, will the Senator yield for a question?

Mr. LEE. I am sorry. I have only about a minute left, and I have a few things to say.

Mr. President, even after we had been in the World War for more than a year, not one American-made plane had reached the front. What was the result? We had to beg, borrow, and buy from the Allies such planes as we could get from them. Of course, they used their best planes for their own boys, and the planes we got were the out-of-date, less efficient planes. The result was that casualties among the American flyers were three times greater than among those of the Allies, not because our boys could not fly, but because of the out-of-date, inefficient planes we had to use. Although we had been in the war for more than a year, our factories were moving slowly.

Certainly we ought to give the Government the power to take over factories when manufacturers show indications of being reluctant, niggardly, or hanging back over prices. Every time an American boy took his place in one of those planes in the World War, death rode in the cockpit with him. That responsibility must not rest on us if war should come again—and I do not believe it will if we get ready. Our only chance to escape war is to get ready for Hitler before Hitler gets ready for us; and if we get ready, and if we are strong enough, he will not come. If we are not strong enough, make no mistake, he will come.

We shall have a war trying to defend the Monroe Doctrine, or else we shall have to abandon the Monroe Doctrine. If we abandon the Monroe Doctrine, we shall spend every cent we can raise for national defense for the rest of the existence of this Nation, and live in a state of total fear as did the little nations of Europe in their last days.

Therefore, let us promote peace by becoming so strong that we can talk to Mr. Hitler not only across the table, but across the ocean. The only language he understands is the language which is spoken from the mouths of cannons, tongues of fire; and the best arguments for peace are more airplanes in the sky. Let us send up those arguments until there are clouds of airplanes, and then tell the dictators to stay on their side of the ocean. Then we shall have peace in America.

[Manifestations of approval and disapproval in the galleries.]

The PRESIDING OFFICER. The Chair admonishes the visitors in the galleries that it is a violation of the rules of the Senate for visitors to give any expression of approval or disapproval, by applause or in any other fashion. The Chair requests visitors to observe the rules of the Senate.

Mr. CHANDLER. Mr. President, I have no desire to delay the vote on this important matter, but I should like to have the Senator from Oklahoma use as much of my time as he desires to explain, if he will, the reason for the Government taking over a newspaper for propaganda purposes.

Mr. LEE. Mr. President, will the Senator permit me to answer the question in his time?

The PRESIDING OFFICER. That would be contrary to the unanimous-consent agreement, and contrary to the rules of the Senate.

Mr. CHANDLER. As I understand, I have 15 minutes to speak on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized to speak for 15 minutes.

Mr. LEE. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield to the Senator from Oklahoma.

Mr. LEE. I wish to ask the Senator a question.

Mr. CHANDLER. I do not yield for that purpose. I yield only to permit the Senator to answer my question.

Mr. LEE. I answer by asking the Senator a question, in order to conform to parliamentary requirements.

Is it not a fact that Hitler is the first military genius in the history of the world to use the propaganda machine? He has used it so effectively that his wars have been won before his legions struck. That is why it is necessary for the Government to have propaganda in case of an acute national crisis such as we should face if we were forced into a war against Hitler. If he comes over here, we shall have to answer his propaganda, because it is through that propaganda that he has undermined many other countries. Mr. Bullitt, our Ambassador to France, said that it was propaganda which softened the people of France. We know that France did not fight as she could have fought if she had been united. She was undermined and weakened because of propaganda. Certainly we must fight the modern dictators with the same kind of weapons as they use. They use propaganda. If we are ever called upon to fight them, I want us to have every weapon they have—dive bombers, tanks weighing 90 tons, enough planes to meet them, and enough propaganda to keep our people strong. It was not until England got her propaganda going that she became united and strong. She dug out the rotten spots, strengthened the weak places, and clamped down. Today her jails are full of "fifth columnists." Only when England began to solidify and unify her people did she become strong. That is why we might need propaganda in case of war.

If the Senator is thinking of freedom of the press, is it not true that in wartime we suspend freedom of the press anyway? Is it not true that we suspend the liberty of every soldier who is called? Is it not true that we suspend the freedom of the press? When we draft a man and send him to a camp we suspend his right to speak as he wishes; and sometimes we suspend his right to life. Then, does the Senator mean to imply that if we are forced into war we would not have a right to place censorship on the press and to use every weapon that a dictator might use against us?

Mr. HATCH. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. I have just come into the Chamber, and I judged from what has been going on that the time of the Senator from Oklahoma had expired and the Senator from Kentucky had been recognized and had yielded to the Senator from Oklahoma for a question, which is the only purpose for which a Senator may yield. I recall the situation at a former session of the Senate when we were working under a unanimous-consent agreement and Senators attempted to do what I think has been attempted to be done in this instance to avoid the unanimous-consent agreement by one Senator securing recognition and permitting another Senator to speak in his time. I make the point of order that the proceedings which have just occurred are entirely out of order and are violative of the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair will rule on the point of order.

Mr. CHANDLER. Mr. President, before the Chair rules on the point of order, I should like to be heard. If one will investigate the precedents of the Senate he will find in the case of Huey Long against the Senate—and there were numerous such cases—that Huey Long got the floor and invited other Senators for a season to ask him questions. The Vice President passed on it adverse to the Senate and in favor of Huey Long.

Last year during the neutrality debate the Senator from Missouri [Mr. CLARK] undertook to do the same thing, and in that case it is my recollection that the point was decided in favor of the Senator from Missouri.

Mr. HATCH. If the Senator will allow me, the Senator from Illinois [Mr. LUCAS] was in the chair.

Mr. CHANDLER. The Senator from Oklahoma, while speaking, asserted that the Government ought to have the right to take over newspapers in order to propagandize the people of the United States. He did not have opportunity in his own time to explain his reasons for that statement. I was very anxious, without taking any side in it, for the Senator from Oklahoma to tell the Senate why he would have the Government take over a newspaper in order to propagandize the people of the United States. I do not believe the Government ought to take over newspapers or anything else or to use any situation to try to mislead the people of the United States, even if some other country does it. We should tell the people of the United States, either in or out of emergencies, the truth and not mislead them. The very fact that he suggested that Mr. Hitler had taken over the newspapers and was not careful about what he said in them, whether he told them the truth or not did not make any difference, for he wanted to have them believe whatever he told them. Of course, it would have been safer for the people of Germany not to have believed him at all. I do not believe any Senator ought to advocate the taking over of anything in time of peace or war that belongs to the people of the United States, unless it is absolutely necessary to defend their lives and property. While present, I should not like to have it appear that I approve of taking at random everything the people have—freedom of speech, freedom of the press, freedom of worship. If those rights are to be suspended, I do not intend to sit here in my chair and not raise my voice in protest. I shall not approve it.

Mr. LEE. Mr. President——

Mr. CHANDLER. I understood the Senator from New Mexico wanted me to yield, and I yield first to him.

Mr. HATCH. Mr. President, I merely wanted to say to the Senator from Kentucky that I am quite sure he misinterpreted the ruling of the Chair on the point of order which was made during the neutrality debate. The Senator from Illinois [Mr. LUCAS] was in the chair at the time. The Senator from Illinois is on the floor now and might tell the Senator from Kentucky about it.

Mr. CHANDLER. The Senator from Kentucky has some personal recollection about that because he was on hand. The Senator from Missouri is present now, and during the neutrality debate he made the point of order here that that point should not be sustained, for the reason that in the case of Huey Long against the United States Senate he got the floor and invited other Senators to ask him questions. Is that a correct statement, I will ask the Senator from Missouri.

Mr. CLARK of Missouri. I do not think there is any question about that. That has been the practice of the Senate ever since I have been familiar with the Senate.

Mr. CHANDLER. If the Chair wants to sustain the point of order, I have no objection, but I did not want the statement of the Senator from Oklahoma to pass without challenge being made from the floor.

Mr. LEE. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. The Chair will rule on the point of order. The Chair sustains the point of order.

Mr. CHANDLER. Mr. President, I have no desire to prolong the debate.

Mr. SCHWELLENBACH. Mr. President, I had not intended to participate in this debate, for a number of reasons, one of them being that I have had very considerable difficulty in making up my own mind as to how I should vote on this bill. I have come to the conclusion that I must vote against the bill, and I desire briefly to state my reasons therefor. I state them, not as an argument, but merely as an explanation of my position.

I know that many Members of this body feel that, so far as I am concerned, it is comparatively an easy matter now, because a vote on this question will not make any difference in my future life. I feel my position however, is more difficult than that which confronts most of the other Members of this body, for if a mistaken vote shall be cast upon this question by most of the other Senators, they will have an opportunity to stay here and correct the mistake, whereas

if I make a mistake in my vote upon this question that mistake will live with me for the remainder of my life. Therefore, to the best of my ability I have given consideration of the problem involved.

Mr. President, no one, no matter what side he may take in this debate, can deny that the proposal for the conscription of an army in time of peace is a historical departure so far as our method of raising armies in this country is concerned. Most of the Members of the body who have spoken upon this subject have been fortunate in being very sure about one side or the other of the argument. One group have said they were sure that Mr. Hitler was going to attack the United States; they were not quite sure as to the exact date, but they were sure that he was going to attack this country, and, therefore, we had to pass this bill to prepare against that day. Those on the other side were equally sure that Hitler could not attack the United States, because we have the protection of 3,000 miles of ocean. I am not sure about either one of those contentions; I simply do not know.

There is something, however, that I do know. I know that the reason that we fear the possibility of an attack by Hitler is that if he should attack and conquer us he would destroy here the principles of democracy which we so greatly cherish; he would destroy our democratic form of government.

We in this country inherit as our treasure not merely physical things; the greatest treasure we inherit is the right to think, to speak, to print, to be free. The reason we object so much to dictatorial forms of government throughout the world is that they have undertaken to destroy that concept in the world. Of that I am sure.

The second thing of which I am sure is that during the course of the next few years, with world economic and political conditions as they are, with our own economic and political conditions as they are, it is going to be a difficult task in this country to maintain and preserve the liberties of our democracy. No matter who may win the war now raging, no matter who may win the Presidential election in November the task of the preservation of democracy is going to be a difficult one.

The reason I speak at this particular time is that it seems to me the amendment proposed by the Senator from Georgia [Mr. RUSSELL] very properly raises the doubts I have in my mind about this bill. One cannot consistently say that upon the basis of emergency we are going to conscript manpower, take young men into the Army whether they want to go or not, and at the same time not say that we are going to conscript those who are working in munitions plants and factories. If we extend the principle to men, then, logically, it must be carried into every department of our industrial life, because everything is of importance so far as defense is concerned. We cannot conscript the young men of this country and put them into the military service without, as is proposed in this amendment, conscripting industries themselves. When the time comes and we reach the logical conclusion of the course which this bill proposes, necessarily the system of free economics in this country must be destroyed.

It may be that the emergency is such that some would favor it. We have just heard the suggestion made that the emergency is such that we should take the young men in the press gallery and use them for propaganda purposes. What assurance have we that the transfer of these authorities and the surrender of these liberties would be temporary if we follow out the suggestion just made, that the press of the country should be throttled and used for propaganda purposes?

Mr. LEE. Mr. President, will the Senator yield for a correction?

Mr. SCHWELLENBACH. Yes.

Mr. LEE. I believe the Senator will recall that I prefaced that statement by the proposition "if we were in war."

Mr. SCHWELLENBACH. I am glad to know that the Senator makes that preface, because it worried me very much to think that the Senator was contending that in time of peace we should take over the press for propaganda purposes.

Mr. LEE. The Senator also will agree that in time of war we impose a censorship on people; and I do not see that that would be any different than the proposal that the press be used for propaganda, if we are fighting against a dictator who uses the press for propaganda.

Mr. SCHWELLENBACH. I do not care to yield further; but I am afraid the Senator from Oklahoma by his second observation has described the value of his first observation. I know it to be true that if the Government takes over the industries of the country and conscripts those who work in those industries, which it must logically do if we are to take the step which is proposed here then we are going to confront the question whether or not a democracy can efficiently run business, whether all of the industries of this country can be run by means of a democratic form of government. I think it has been amply demonstrated that a democracy cannot do that, and that if we carry this thing on to its logical conclusion the net result will be the destruction of all of our liberties themselves, and the destruction of our democratic form of government.

As I said at the outset, there are certain things which many Members of this body feel sure about, and about which I do not know, but I think, frankly, that perhaps I know about as much about them as they do; but I cannot feel as sure about those things on one side or the other as they do. I know, however, that it is going to be of little value and little merit to us, in our desire to defend the democratic system in the United States, for us to take a step which, carried to its logical conclusion, would inevitably result in the complete destruction of our system of economics and of our system of government.

For that reason, reluctant as I have been to do so, I must reach the conclusion that I am opposed to this piece of legislation.

Mr. ASHURST. Mr. President, when the President nominated the able Senator from Washington [Mr. SCHWELLENBACH] for district judge, I presumed to solicit the attention of the Senate to say that the appointment was a happy one. The Senator today, by his courage and profundity of thought, has again demonstrated that he will be a very acceptable member of the Federal bench. We all feel much regret that such a superb intellect is to leave the Senate; and I am particularly struck with the Senator's profound observation that we cannot take one step, we cannot conscript men, and stop there.

On August 22 I ventured to inflict the Senate by saying that this conscription bill in time of peace touches at Saguntum; this conscription bill in time of peace sows dragon's teeth from which we will reap a terrible harvest through all the years to come. Conscription in peacetime means ultimately suppression of free speech. It means ultimately suppression of free press. During the World War we waged a heated debate on this Senate floor to prevent censorship of the press.

So, Mr. President, let us not delude ourselves as to the importance of this occasion. Some of our constituents and some of the newspapers are irritated by the apparent delay of this bill. I say that nothing good has been lost by this debate; and if the Senate is properly to function, to be a real Senate, it is a tribute to the courage and capacity of the Senate that it took its time on this question rather than allowed itself to be hurried.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. LUNDEEN. I should like to say to the Senator that I was absent from the floor of the Senate for a few minutes last evening at the time the unanimous-consent agreement was entered into. Had I been here, I would have made the first objection I have ever made in either House to a proposal to prevent unlimited debate on this question. So vital, so important, and so devastating will be this bill in American life, that so far as I am concerned I would have interposed an objection had I been present.

Mr. ASHURST. I am not oblivious to the fact that my opposition to this bill has offended some excellent citizens of Arizona. My opposition to this bill has given umbrage to

some old friends. But, Mr. President, were I to be a party to riveting shackles of militarism upon the American people, and superimposing upon the American people in time of peace, the damnable system of conscription which has devastated and ruined Europe, I could not hope for any peace with myself hereafter.

I may not have many years in the future; but I do not intend that, be they few or many, I shall be tormented and tortured all through my life by the knowledge, from which I cannot escape, that I helped to fasten upon a free people the most damnable despotism that a statesman can fasten upon a free people. I do not intend to have that specter walk side by side with me in the future.

Mr. President, this bill is supported by some of the ablest men in the Senate and in the country. When they come to reflect within a few months after their fever has abated and realize that they were hurried beyond necessity and hurried beyond the requirements of the hour, I venture the assertion that many if not most of those who vote for this bill will regret it, because they are men of conscience; and when the last hour comes and the last scene comes for them and they review their careers, they will say, "That is one vote I cast that I would recall if I could."

I said yesterday in private conversation, and I repeat here, that you cannot jump half way down Niagara. It cannot be done. When you call for conscripts in time of peace you suspend the civil rights of millions of your fellow citizens. When you call for conscripts and send men to bloody death for European nations that have fought for 3,500 years, when you presume that even engaging in another war would help to settle the affairs of Europe, your presumption is vain and futile. The business of Europe is war. Two hundred and sixty great battles have been fought upon the battlefield of Waterloo. Six thousand peace treaties have been made by European nations and not one has ever been kept—not one.

I repeat, whenever it is not necessary to do a thing it becomes necessary not to do it. This peacetime conscription is not necessary. The country, in its wise and in its calm moments, will not wish this. It will be followed by billions upon billions of dollars to be appropriated hereafter to maintain this huge, this mastodonic military machine copied from decadent Europe. Mr. President, when the men who have been drafted under this bill ask for their bonus, their pensions, and their hospitalization, will you then talk to them about the necessity of balancing the Budget? You cannot do it. This is the day and this is the occasion, if you are going to preserve the liberty of the American people, to do so. It is easy to remain in the harbor when there is a storm outside. It is not pleasant to oppose my fellow Senators on this matter in which they honestly believe and the most tragic part of this affair is that some Senators believe in this. Would to God they were insincere in their advocacy of this bill.

Mr. BURKE. Mr. President, I desire to say just a word. After listening to the fears expressed by the last two speakers—altogether unfounded fears, I am sure those who have studied this matter carefully will agree—I desire to present just one sentence from a resolution which was just delivered to me, a resolution unanimously adopted by the American Legion, Department of Nebraska, at its meeting a few days ago. I will not read the entire resolution, but will ask that it be printed in the RECORD. I present only this sentence, showing their view as contrasted with that of alarm for the freedom of our institutions expressed by the Senator from Arizona [Mr. ASHURST] and the Senator from Washington [Mr. SCHWELLENBACH]. This is what the American Legion, Department of Nebraska, unanimously said within the last few hours that they favor this selective-service measure as one "which will provide an orderly, predictable, efficient, and fair method for furnishing the manpower necessary for the full defense of our country."

Mr. President, that is all the bill provides. It provides an orderly, predictable, efficient, and fair method for the training of the manpower of our country. I offer these few remarks in order that they may stand in contrast with the wild alarm expressed by the Senator who has just spoken.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the American Legion has consistently advocated the passage of the Universal Service Act to be effective in time of war; and

Whereas present world conditions make imperative an immediate and substantial increase in our armed forces; and

Whereas the obligation to serve applies to all able-bodied citizens of the Republic regardless of age: Now, therefore, be it

*Resolved by the American Legion, Department of Nebraska,* That while we are unalterably opposed to conscription as a permanent peacetime policy, yet, in view of existing world conditions, we urge the immediate passage of legislation providing for universal registration of all male citizens of the United States between and including the ages of 18 and 65 years, and for a selective-service measure which will provide an orderly, predictable, efficient, and fair method for furnishing the manpower necessary for the full defense of our country.

Adopted unanimously.

Mr. ADAMS. Mr. President, I rise to make one statement.

The PRESIDING OFFICER. The Senator has spoken, but he has not consumed the aggregate of 15 minutes, so he is recognized for the rest of his time.

Mr. ADAMS. I desire to accommodate the Senator from Georgia and to yield to his argument. He said that the amendment which I offered to his amendment, which seeks to stop profiteering in the Ordnance Department of the Government, and to impose limitations, should not be added to his amendment. Therefore I temporarily withdraw my amendment, so that his amendment may be free from either the benefit or curse my amendment might offer to it.

Mr. RUSSELL. Mr. President, I wish to express my thanks for this manifestation of the usual fairness of the Senator from Colorado. I assure him I will support his amendment when he offers it later in the debate.

Mr. HALE. Mr. President, I am wondering what will be the immediate effect of the amendment offered by the Senator from Georgia on the immediate production of ships, arms, guns, airplanes, and munitions of all kinds, which everyone knows is of paramount importance to the country at the present time.

The occasion for the amendment was the refusal on the part of certain subcontractors to accept the terms offered by the Army and the Navy, on the ground that they could get higher pay under foreign contracts, under contracts with other branches of the Army than the air, and under contracts with private concerns.

Mr. President, we must not forget that contractors with the Navy, so far as ships and airplanes are concerned, and with the Army, so far as airplanes alone are concerned, are the only industries in the United States which are restricted by law as to the profits which are allowed. All other businesses can make any contract of any kind they desire to make, on any terms they choose, but contractors with the Army and the Navy are limited in the respect of which I have spoken.

What will be the effect of the amendment? I have felt that business has tried to help out in the present situation and has tried to do what it could to be of assistance in preparing the country for the national defense. They may not have succeeded in every case, but let me tell the Senate that the amendment which is offered is a notification to business that the Congress of the United States has very little confidence in it and feels that it is necessary to pass legislation which will make business take and like whatever we choose to put in legislation.

As I have said, our principal duty now is to prepare the United States. If we go to war, we will send our men to the front, and it has been said that because we are providing conscription of men we must have conscription of labor and business. That I deny.

If we have a war the manhood of the country is going to do the fighting, and principally the young manhood, because the young men are the ones who can do the best fighting. Are we helping these men if, in any way, we delay a program which will prepare this country so that we can give them adequate arms when they go to war? I think we should

consider that matter very carefully before we pass this amendment to which I am strongly opposed.

Mr. DANAHER. Mr. President, I should like to ask the Senator from Georgia or the Senator from Louisiana a question, if I may, with reference to their amendment. I notice that it authorizes condemnation proceedings to be conducted under the act of February 26, 1931. That appears in line 5, on page 2. Upon reference to the act one finds these words:

> Upon the filing of a declaration of taking the court shall have power to fix the time within which, and the terms upon which, the parties in possesion shall be required to surrender possession to the petitioner.

I believe that particular sentence of the original act is suspended by the terms of the pending amendment. However, with reference to the disposition of the claim of the interested party thereafter, the following language, I take it, does obtain:

> The court shall have power to make such orders in respect of incumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

Let me ask the Senator from Louisiana to assume the case of a manufacturer today, let us say, making all of the filters which are used in the hydraulic system of airplanes, and its oil-filter lines. Let us say he has contracts outstanding at this moment, 25 of which are with the Government and the rest are commercial, or private. The Government agency finds itself in some dispute with him as to whether or not, in the language of the Senator's amendment, the use or operation of the plant by him meets the satisfaction of some official—the Secretary of War or the Secretary of the Navy—and let us assume that that particular official condemns the plant of that particular manufacturer.

Will the Senator tell me what provision there is to protect that manufacturer against damage claims of private contractors with whom he is in privity? What steps, if any, does the amendment take to protect him against claims of those with whom he has legitimate contracts?

Mr. OVERTON. It seems to me that the contractor would not need any protection, so far as any statutory provision is concerned. If he is deprived of the power to perform by the exercise of the higher power of condemnation on the part of the Federal Government, he has a valid defense in any court of justice against any claim which might be made against him.

Mr. DANAHER. The Senator's position, as I understand it, is that the Government's power to take the plant is paramount, that by operation of law the contract would then be broken, and hence no claim for damages would arise out of the matter. Is that correct?

Mr. OVERTON. That is correctly stated.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON], as amended, to the amendment of the committee.

Mr. RUSSELL. I should like to have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I have a general pair with the Senator from Oregon [Mr. HOLMAN]. I am advised that if present he would vote as I intend to vote. I vote "aye."

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from North Dakota [Mr. FRAZIER], who is absent. If present he would vote as I shall vote. Therefore I am free to vote. I vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. Therefore I withhold my vote. If at liberty to vote I would vote "yea."

Mr. MCKELLAR (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr TOWNSEND], which I transfer to the junior Senator from Mississippi [Mr. BILBO], and let my vote stand.

Mr. WHEELER. I announce that the junior Senator from Nevada [Mr. MCCARRAN] is necessarily absent. If present he would vote "yea" on this question.

Mr. THOMAS of Utah (after having voted in the affirmative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am informed that he would vote "yea," as I have already voted. I therefore let my vote stand.

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Georgia [Mr. GEORGE], and the Senator from Iowa [Mr. GILLETTE] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The result was announced—yeas 69, nays 16, as follows:

YEAS—69

| | | | |
|---|---|---|---|
| Adams | Davis | Lodge | Schwartz |
| Andrews | Ellender | Lucas | Sheppard |
| Ashurst | Gerry | Lundeen | Shipstead |
| Austin | Gibson | McKellar | Slattery |
| Bailey | Glass | Mead | Smathers |
| Barbour | Green | Miller | Stewart |
| Barkley | Guffey | Minton | Thomas, Okla. |
| Bone | Hatch | Murray | Thomas, Utah |
| Bulow | Hayden | Neely | Tobey |
| Burke | Herring | Norris | Truman |
| Byrd | Hill | Nye | Tydings |
| Byrnes | Holt | O'Mahoney | Van Nuys |
| Capper | Hughes | Overton | Wagner |
| Caraway | Johnson, Calif. | Pepper | Walsh |
| Chandler | Johnson, Colo. | Pittman | Wheeler |
| Chavez | King | Radcliffe | |
| Clark, Mo. | La Follette | Reynolds | |
| Connally | Lee | Russell | |

NAYS—16

| | | | |
|---|---|---|---|
| Brown | Downey | Maloney | Taft |
| Clark, Idaho | Gurney | Reed | Vandenberg |
| Danaher | Hale | Schwellenbach | White |
| Donahey | Harrison | Smith | Wiley |

NOT VOTING—11

| | | | |
|---|---|---|---|
| Bankhead | Frazier | Holman | Thomas, Idaho |
| Bilbo | George | McCarran | Townsend |
| Bridges | Gillette | McNary | |

So the amendment of Mr. RUSSELL and Mr. OVERTON, as amended, to the amendment of the committee, was agreed to.

Mr. HAYDEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, after line 25, it is proposed to insert the following:

> (d) The President is authorized to issue a call at any time after the date of enactment of this act, and another call at any time after January 1, 1941, for qualified men between the ages of 18 and 35 to volunteer for training and service for 12 months in the land and naval forces of the United States under this act. Each such call shall be for not more than 400,000 men. The President is authorized to induct into such forces for such training and service so many of the men who volunteer pursuant to such call as are not in excess of the number of men for whom the call was issued. If, upon the expiration of 60 days after the issuance of either of such calls, the President finds that the number of qualified men who have volunteered pursuant to such call is less than the number for whom the call was issued, he is authorized to select and induct into such forces such number of qualified men selected in accordance with section 4 (a) as, when added to the number who have volunteered pursuant to such call, will equal the number for whom he issued such call. Until the expiration of 60 days after the date of issuance by the President of the second call authorized by this subsection, no man shall be inducted into the land and naval forces of the United States under any provisions of this act other than this subsection.

Mr. HAYDEN. Mr. President, I shall be much obliged if the Chair will advise me when I shall have spoken for 10 minutes.

The PRESIDING OFFICER. The Chair will be glad to do so.

Mr. HAYDEN. Perhaps the best way to explain the amendment is to state what its effect would be if adopted and made a part of the bill. The amendment in no sense affects the bill as perfected up to this time by the Senate. It is not a substitute. It is a section proposed to be inserted at the beginning of the bill, and if the bill should

become law, with this section in it, the first thing the President of the United States would do would be to direct the registration of 12 million men between the ages of 21 and 31.

The next step the President would take would be to call upon the Governors of the various States to submit the names of the members of the local draft boards. That is the process which was followed during the World War. The Selective Draft Act became law on May 18, 1917. The first registration took place on June 5, 1917. The first number was drawn on July 20, 2 months and 2 days after the act became a law. The first drafted men went into the service early in September, or more than 90 days after the law was enacted.

My proposal is that, since the Army needs 400,000 men this year, the President shall take a third step. He shall issue a call for 400,000 volunteers immediately upon the approval of the act. It will undoubtedly take at least 60 days before anyone could be drafted into the Army under the terms of this act.

I say that because it took more than 90 days when our country was at war. The President is to issue a formal call for 400,000 volunteers, and if 400,000 men volunteer within the 60 days which it will take to set up the draft machinery, then it will be unnecessary for anyone to be drafted in order to obtain the number of men required by the Army this year.

Then, the amendment provides that after the 1st of January the President may issue another call. The Army tells us that an additional 400,000 men will be needed after the 1st of April 1941; so again there would be a period of 60 days within which volunteering again could take place, and if 400,000 men should volunteer, no one for the second time would be drafted. But if there should be a failure to secure 400,000 volunteers within the 60 days after the bill becomes law, then as soon as the draft machinery became available the President would ask that the number of men between 400,000 and the number who had enlisted, be selected by the selective system throughout the United States.

Again in January, another call would be made, and if during January and February 400,000 men should not volunteer, then the difference between 400,000 and the number who have enlisted would again be secured through the draft boards.

The merit of the amendment is that it will make absolutely certain that as many men will be in the Army as there would be if the draft took place, because as I have stated, the machinery could not be set up in any shorter time.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LODGE. Could the words "at any time" lend themselves to a postponement of the whole process of registration and selection and induction?

Mr. HAYDEN. No. I used the words "at any time," so that at any time after the bill becomes a law the President may issue the call.

The amendment does not provide that he shall do it the day he signs the measure, but that he will do it as quickly as he can. It depends upon how soon the Army needs drafted men. The Senator from Massachusetts is as familiar as I am with the fact that the Army can use only about 75,000 men on the first call, and then about 115,000 men on the second, and so on, until the first 400,000 men are obtained. At the present time I doubt that the first 400,000 men obtained in either way will be actually in the Army in January.

Mr. LODGE. I am very much in sympathy with the purposes of the amendment, and I think the idea the Senator has in mind is largely to clarify the possible situation that already exists in the bill and make it apparent to the people.

I was wondering about the words "at any time."

Mr. HAYDEN. Other words could be used. We might say that the President is authorized to issue a call after the enactment of this act. He could not do it before.

Mr. LODGE. Could we not say "immediately after"?

Mr. HAYDEN. He is authorized to do it. We could not compel him to do it if he did not wish to do it. In the same way, we cannot compel the Army to ask for men before they are needed.

Mr. LODGE. What would be the objection to saying "as soon as possible"?

Mr. HAYDEN. Those words would mean the same thing, in effect.

Mr. LODGE. Would the Senator object to modifying his amendment so as to make it read "as soon as possible" instead of "at any time"?

Mr. HAYDEN. I will accept that modification of the amendment, striking out "at any time" and inserting "as soon as possible."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. HAYDEN. Mr. President, I have explained the procedure to be followed but I might add one further thing. The same idea is embodied in the substitute proposed by the Senator from Connecticut [Mr. MALONEY]. The only difference is that the Senator from Connecticut has said 60 days, or January 1, whichever is the later—which means January 1, 1941. The objection could be raised that the selective service system might possibly be set up and ready before January 1, whereas my amendment says 60 days; and we know that it cannot be set up in less time than that. Of course, the amendment of the Senator from Connecticut is a part of a substitute for the entire bill. I have taken out of his amendment this one substantive matter, and I have made it apply both to the first call and the second call. His proposal was that it should apply to the first call for 400,000 men.

I reserve the balance of my time.

Mr. MALONEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHEPPARD. Mr. President, the amendment proposed by the Senator from Arizona would put an impossible burden upon the recruiting service of the Army. He proposes something which, in view of our experience, cannot be accomplished by the voluntary system alone. The recruiting service of the Regular Army now has a tremendous task confronting it, which will require all the time and effort it can put forth during the next 4 months. It must procure the number of men still required to bring the Regular Army to its authorized strength of 375,000 men. The Regular Army now has an actual strength of between 270,000 and 280,000. The objective of the recruiting service is to reach a strength of 350,000 by November 15, and 375,000 some time in December, and not later than January 1, 1941.

Obviously, since the recruiting service is straining its efforts to the maximum to secure 95,000 for the Army by January 1, next, it is hopeless to assume that the service can take on the much larger task of securing 400,000 training recruits by the same date.

If a volunteer system alone is adopted another recruiting set-up would have to be organized and personnel would have to be trained to carry out the work. What would be the result? Further delay in acquiring the trained reserve force so imperatively needed. Every day of delay now tends to place this country in the category of another France.

Years of study and research since the World War under the requirements of the National Defense Act of 1920 have enabled the General Staff to perfect an organization for a selective system, so that today it is in readiness for immediate operation as soon as funds have been made available by Congress; 45 days from the enactment of the necessary appropriation measure the first increment of trainees will be on their way to training.

The Senator cannot base a prognosis at this time on the experience of 20 years ago because the necessary committees of the General Staff have been giving the matter constant and careful study, and they say today that the entire machinery can be put into operation within 45 days through the combined volunteer and draft system.

To those who are opposed to the bill, either on the ground that the bill should not be passed in any form except in time

of actual declared war, or on the ground that the operation of the compulsory selective feature should be postponed and not used until the voluntary system is first tried and proven a failure, I desire to state with the utmost of sincerity that a study of past history and of the results of present recruiting efforts will convince anyone that the volunteer system operating alone will not procure the numbers of trainees required by the War Department plans at the times when they are needed and in the steady flow required.

The present War Department plans call for 400,000 trainees, commencing in October, with the total thereof to be procured prior to January. These 400,000 trainees are in addition to the numbers of men required to increase the existing strength of the Regular Army and of the active National Guard to their respective authorized strengths.

In addition to such trainees and the men required to bring the Regular forces and the National Guard to full authorized strength, the War Department plans also call for an additional 400,000 trainees next spring.

In addition to such trainees and the number of men required to increase the regular forces and the National Guard to their respective authorized strength, it is estimated that in order to maintain the Regular Army at its authorized strength approximately 12,000 additional men must be procured each month to fill vacancies occurring from customary causes.

In the important wars in which this Nation has engaged, and in which it has been so unfortunate as to rely solely on volunteering at the outset, disastrous results have occurred when in each instance the volunteer system operating alone failed to procure the necessary numbers of men. Present experience with volunteer enlistments, even with the volume of approximately 30,000 during July, or even with a doubling or triplings of such volume, indicates definitely that these enlistments would fail to produce the numbers and continued volume of men required by present plans, based upon the minimum requirements for an adequate defense.

In the name of the national defense, I ask that the amendment be rejected.

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

Mr. SHEPPARD. I yield.

Mr. HAYDEN. Does the Senator know how many men are now in the Army recruiting service?

Mr. SHEPPARD. About 2,000 men and officers.

Mr. HAYDEN. Only that many in the recruiting service?

Mr. SHEPPARD. Whatever the number is, it would have to be increased.

Mr. HAYDEN. That is the point I am getting at. Is it not customary to detail officers to the recruiting service for a certain period and then permit them to go back to their regular duty, and detail others? There are many, many comissioned officers in the Army who have had experience in the recruiting service. The same is true of noncommissioned officers.

Mr. SHEPPARD. The officers of the General Staff assure me that to put this additional burden on the Army would require a tremendous increase in the recruiting service, and would disrupt the plans for training. If additional officers were required for the recruiting service the training would be seriously interfered with.

Mr. HAYDEN. I cannot follow that reasoning.

Mr. SHEPPARD. I know the Senator cannot follow it. That is why he has offered the amendment; but I assure him it is the case.

Mr. HAYDEN. It seems wholly improbable that such could be the case.

Mr. SHEPPARD. The statement of officers of the General Staff is that it would disrupt and demoralize the training plans of the Army.

Mr. HAYDEN. The difference between the Senator and myself is that the General Staff states to him that it expects to do this work in 45 days. I allow 60 days. There is a difference of 15 days.

Mr. SHEPPARD. That is 15 days too long.

Mr. HAYDEN. I am not a betting man, but I should like to bet somebody a hat that there will be nobody inducted into the Army within 45 days after the bill is passed.

Mr. SHEPPARD. We cannot afford to bet upon the security of America.

Mr. BARKLEY obtained the floor.

Mr. MALONEY. Mr. President, will the Senator from Kentucky permit me, in his time, to ask the chairman of the Military Affairs Committee a question?

Mr. BARKLEY. I yield.

Mr. MALONEY. Does the Senator from Texas feel that the rush toward enlistment will be so great that the recruiting forces cannot handle it? Do I correctly understand him?

Mr. SHEPPARD. No. I say that the Army would have to resort to all sorts of alternatives and emergency measures to obtain the required number of enlistments. It would be compelled to take men who really ought not to enlist. I did not say there would be a rush toward enlistment. I said the officers would be put to such effort to obtain the additional men that in the first place they could not get them, and in the second place, the work of training would be demoralized.

Mr. MALONEY. Will the Senator point out to me wherein the danger lies in the amendment?

Mr. SHEPPARD. I am telling the Senator that it lies in the voluntary system itself.

Mr. MALONEY. Are the Army officers afraid that enlistments will come too fast?

Mr. SHEPPARD. Not at all. They are afraid they cannot obtain the additional number required.

Mr. BURKE. Mr. President, I will say to the Senator that the vice which was pointed out by the chairman of the Military Affairs Committee is that if the amendment were adopted, the entire recruiting machinery would have to be changed. Even if the results obtained were nil, recruiting offices would have to be established from one end of the country to the other, because the President would issue his call. Even though we should be disappointed a little later, when the recruits do not come in—as everyone knows they would not come in sufficient numbers—we would have all that wasted effort while the matter was under way.

Mr. MALONEY. Mr. President, I should like to point out that the argument now being made is that the Army has not the machinery set up to accept volunteers, and it is very fearful, if we are to believe what we are now told, that if it should set up such machinery the rush of volunteers would be so great that there would be a stampede.

Mr. BURKE. Of course nothing of the kind is true, because the Army has a recruiting service geared to the number that are coming in, which was an average of 6,000 a month during last year. Certainly that number will be increased with the threat of possible compulsion at the end of 60 days. Let us say we want 400,000 men. The President is going to call for 400,000 within a very reasonable time, 75,000 first, perhaps, or whatever the number may be—and the calls will probably be spread out—and so immediately the recruiting section of the Army must set up its entire establishment.

The Army cannot be in the position of the congregation who went to a prayer meeting, after the preacher announced he was going to pray for rain, and who were sent home, the preacher saying, "Not one of you brought your umbrellas or rubbers." It will have to act on the assumption that there is a possibility that recruits will come in in the number required, and set up the machinery on that basis; and then when the volunteers do not come in, disband the machinery and go along on the entirely different line of selective service.

Mr. TYDINGS. Mr. President, regardless of the position of any Senator on this amendment, as to whether he thinks it is wise or unwise or the right or wrong thing to do, I cannot find anything from reading it which shows that the recruiting force would be any larger than the recruiting force that now exists. There is nothing in the amendment that says the recruiting force shall be increased to two or three times its present size. All the amendment says is this:

The President is authorized to issue a call at any time after the date of enactment of this act, and another call at any time after

January 1, 1941, for qualified men between the ages of 18 and 35 to volunteer for training and service for 12 months in the land and naval forces of the United States under this act.

Obviously, there would not be any more recruiting officers or recruiting sergeants under this amendment of the Senator from Arizona than we now have unless the Army wanted to assign more men to the recruiting service.

As I understand what the Senator from Arizona is attempting to do—and I should like to be advised if I am wrong—is this: The Senator says that many persons feel that if an effort is made to get recruits they will come in sufficient number and that it will not be necessary to enact a conscription bill. I myself have heard that point of view expressed on the floor.

Whether it is so or not, no one knows. Some think it is possible to get the volunteers and some think it is not possible to get them. So what happens under the amendment of the Senator from Arizona? As soon as the bill is passed and the President issues a call for volunteers in the number that would be drafted if there were no volunteers. For example, if on the 1st of November 400,000 men would be drafted and inducted into the service, immediately upon the passage of the bill the President would ask for 400,000 volunteers, as I understand. If 400,000 volunteers should enlist between the signing of the bill and the 1st of November, nobody in the country would be drafted. If 200,000 volunteers should enlist within that period, then there would be 200,000 men drafted to make up the 400,000; and if no volunteers should come in that period, there would be 400,000 drafted. But, as I understand, in neither case would there be 1 day or 1 hour or 1 minute's delay in getting the 400,000, whether the Senator's amendment should be adopted or not. If I am wrong about that, I should like to be advised, for that is the way I understand the amendment.

Mr. HAYDEN. Mr. President——

Mr. BURKE. If I may, I should like to answer the question before yielding.

I think the Senator is entirely wrong about it. There is not a single meritorious thing in this amendment which cannot be accomplished under the bill as it now stands, with its provision for the encouragement of voluntary enlistment not only between the ages of 21 and 31, but between the ages of 18 to 35, for 1 year, with higher pay, and all that. So there is all the encouragement to voluntary enlistment contained in the pending bill without this amendment. But instead of putting off the time when we are to decide whether we shall apply the selective process, as would be done under the amendment, we apply it at once; we make the decision now. That is the vital difference, and no one who believes thoroughly in the principles of the bill as reported by the committee could support this amendment, the Maloney amendment, the Walsh amendment, or any of the other amendments that are of the same stripe but colored a little differently to appeal to different people.

Mr. TYDINGS. Mr. President, will the Senator yield there?

Mr. BURKE. Yes.

Mr. TYDINGS. Then, if I have the floor, I will yield to the Senator to answer.

When the Senator from Arizona discussed this matter with me yesterday afternoon, I brought up the objection which the Senator from Nebraska is now urging, namely, that to postpone this whole thing until January, if we feel defense is necessary, would be a fatal error; that, if it is necessary, the machinery ought to be put into effect at once. The Senator from Arizona, as I understand—and I have read it in a rather hasty fashion—has so framed his amendment that 400,000 men would be obtained either as volunteers or by draft in the same period they would be obtained under the bill as written without the amendment. In other words, the call goes out for volunteers at the same time the call goes out for 400,000 to be drafted. If, in the interval between the call and the actual day of draft, 400,000 men should volunteer, then, there would be no men drafted, because there would be obtained the number of men who could be handled in that time.

Mr. SHEPPARD. The Senator says 60 days must elapse?

Mr. TYDINGS. No; I do not understand it that way.

Mr. HAYDEN. The amendment provides for 60 days.

Mr. TYDINGS. Let me explain that, and see if I am wrong. The 60-day provision, as I understand it, springs from this situation: It will take some time after this bill shall have been passed for the governors of the States to set up their draft boards in each of the counties, in Baltimore City, for example, my own State; and that is true in the other States. After that is done, numbers have to be drawn, men have to be called up to register, each man gets a number, and he finds out whether he would be in the first, second, third, fourth, or fifth draft, for example. That will take—and there is no way it can be shortened—days and weeks, at least, and possibly, 2 months, as I understand.

Mr. SHEPPARD. It will take 15 days, the experts say.

Mr. TYDINGS. I do not doubt that the experts say 15 days, but my own opinion is—and I think the experience of the World War is—that they will be lucky if they get it in twice 15 days.

Mr. BURKE. Mr. President, I think I have yielded the floor to the Senator. Will the Senator from Maryland yield it back to me?

Mr. TYDINGS. Let me finish this statement; then I will yield.

Under the amendment of the Senator from Arizona, I think the 60-day provision would be the time consumed from the passage of the bill in putting the draft machinery in motion. Therefore there would be no delay in the draft, as I understand. I now yield to the Senator from Arizona.

Mr. BARKLEY. Mr. President, I do not know who has the floor.

Mr. BURKE. The Senator from Maryland has it, as I understand.

Mr. TYDINGS. I yield to the Senator from Kentucky.

Mr. BARKLEY. The mistake the Senator from Maryland makes is that there is no authority to set up draft machinery during that 60 days, and there would be no use to set it up if 400,000 men should volunteer during the 60 days; so they would have nothing to do. The President cannot set up the draft machinery under this amendment until 60 days shall have expired, and he will have to wait until he finds that 400,000 men have not volunteered.

Mr. BURKE. Mr. President, if the Senator from Maryland will yield to me, that is what I wanted to say to him. When the Senator from Maryland says that under this amendment, if adopted, there are two things which would happen right away—the President would issue a call for 400,000 volunteers, and the selective-draft machinery would be set up at the same time—he is reciting what would happen if the bill should be adopted without this amendment and not what would happen if the amendment were adopted.

What would happen if the amendment should be adopted is that the President would issue his call. Then for a period which the Senator from Arizona fixes at 60 days, because he thinks it would take that long to get the machinery set up, we would wait to see whether it will be necessary to have any selective system at all. I think we ought to make a decision right now that we are going to have the selective-service system, and let the volunteers come in under the provisions of this bill just as abundantly as they will, and cut down the number that need to be selected under the selective-service process.

Mr. TYDINGS. Of course, if what the Senator from Nebraska says is the correct interpretation of the amendment which I hold in my hand, I would agree with him, but let me read the amendment itself:

If, upon the expiration of 60 days after the issuance of either of such calls——

Mr. BURKE. That refers to the two calls, the one for 400,000 men and the one afterward on the 1st of January for 400,000 more—not the two things happening now.

Mr. TYDINGS. Let us assume that.

Mr. BURKE. That is the fact.

Mr. TYDINGS. I proceed with the reading of the amendment—

the President finds that the number of qualified men who have volunteered pursuant to such call is less than the number for whom the call was issued, he is authorized to select and induct into such forces such number of qualified men selected in accordance with section 4 (a) as, when added to the number who have volunteered pursuant to such call, will equal the number for whom he issued such call. Until the expiration of 60 days after the date of issuance by the President of the second call authorized by this subsection, no man shall be inducted into the land and naval forces of the United States under any provisions of this act other than this subsection.

In other words, when the President says, after the first call, that he wants 400,000 more men, it will take some time to get those 400,000 men by the selective-service plan before the camps are provided, before the original 400,000 have moved on; and therefore, within 60 days after he notifies them that he is going to have a second draft, he shall again try to get volunteers; but, as I read this amendment, there is not a single day's delay. Like the Senator from Nebraska, I do not believe we shall get 400,000 volunteers. I do not believe that a large percentage of 400,000 volunteers are going to come forth; but I have heard Senators on this floor say that the volunteer system is the thing. Obviously——

Mr. LODGE and Mr. TAFT addressed the Chair.

The PRESIDING OFFICER (Mr. MILLER in the chair). Does the Senator from Maryland yield; and if so, to whom?

Mr. TYDINGS. When I finish the sentence I will yield, first to the Senator from Massachusetts and then to the Senator from Ohio.

As I say, I have heard Senators say that the volunteer system is the thing. Obviously time is a factor in this whole equation. If it were not for the time element, we should not be even discussing this matter. Therefore the Senator from Arizona has so shaped his amendment, as I understand it, that whether the men come in and volunteer in whole or in part, or are drafted in whole or in part, the same number of men will be available for training on the same day as would be the case if the amendment were not offered and the conscription bill should go through as now written.

I now yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, what does the able Senator from Maryland conceive to be the difference between this amendment and that proposed by the Senator from Connecticut [Mr. MALONEY]?

Mr. TYDINGS. The Senator from Connecticut, as I understand his amendment, proposes to postpone the whole thing until January 1. That is, there would be no conscription at all prior to January 1; and during the interval between the present time and January 1 the volunteer system would have its trial of furnishing the necessary men.

Mr. LODGE. This is simultaneous.

Mr. TYDINGS. Under the amendment of the Senator from Arizona [Mr. HAYDEN], immediately upon the passage of this bill, and even before the draft boards were set up, the President would issue a call for 400,000 volunteers. If 400,000 volunteers should come in between now and the actual time that the tentative draftees were called into service, the draftees would be notified that they need not come, because 400,000 other persons had volunteered; but if the volunteers did not come the draftees would be drafted in whole or in part to make up the 400,000, and would be available just the same as if the amendment of the Senator from Arizona had not been adopted.

Mr. HAYDEN. Exactly.

Mr. TYDINGS. Do I clear up the Senator's question?

Mr. LODGE. Yes; that clears it up, and confirms my own impression. I desire, however, to ask another question.

On August 9, the distinguished chairman of the Committee on Military Affairs, when he was explaining the bill, stated that this bill combines the voluntary and the compulsory systems. How does the amendment of the Senator from Arizona differ from the present language of the bill?

Mr. TYDINGS. It does not differ at all, except in this respect: The point of view has been expressed that perhaps none of this is necessary; that with a little more ingenuity and a little more effort, and perhaps with an increase in pay, and other things, the volunteer system will work. On the contrary, many Senators, including myself, feel that the volunteer system might work if we had 2 or 3 years in which to work it, but that it is quite unlikely that we can get volunteers in sufficient quantities in a short period of time. If the amendment of the Senator from Arizona is adopted, it will be a wide-open invitation to come in and volunteer in response to an official call by the President of the United States. Every inducement will be there for the man who wants to volunteer to come forth, and as he does come forth it will be unnecessary to draft men who, perhaps because of their jobs or their education or some other feature, might like to volunteer, but feel a reluctance to do so.

It seems to me that if the amendment of the Senator from Arizona is adopted we shall dislocate or discommode the life of the country as little as is possible in these exigent circumstances.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I promised to yield to the Senator from Ohio.

Mr. TAFT. The Senator states the argument, as I understand, that we can do this thing under the bill as it is; but if we adopt this amendment, 2 months from now it may be said, "We tried the volunteer system and it failed."

Mr. TYDINGS. That is true.

Mr. TAFT. That is why I am against this amendment and against the amendment of the Senator from Connecticut [Mr. MALONEY], because they are simply advanced as a means of proving that the volunteer system will not work. As a matter of fact, of course it will not work under those conditions. There is not a chance in the world for it to work.

The Senator from Texas has explained that the recruiting force of the Army will be fully occupied in setting up the draft. They will not have the time to do the other thing right. It cannot be done, anyway, because the Army will say, "What is the use of worrying with the volunteer system? Sixty days from now, just as soon as we can do it, anyway, we are going to draft the men. Why make any real effort?" There will not be a sincere effort to put the volunteer system into effect; and I can see that unless we do go out and make that effort it will not work. Consequently I say that those who believe that the volunteer system can work if properly handled, can work if a sincere effort is made to do it, should vote against this amendment.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TYDINGS. Just a moment.

I do not agree at all with the Senator from Ohio. In the first place, the recruiting service of the country has nothing at all to do with the draft. The Senator said it would be occupied in the draft. The recruiting service has nothing to do with the draft.

Let us put it another way. Let us assume that in the 60-day period, in accordance with the call of the President, only 75,000 men volunteer in the whole country. If they volunteer at the rate of 75,000 every 2 months, that means what? That means that only 450,000 would volunteer in an entire year. In other words, getting 75,000 in 60 days, it would be a year before we could raise an army of 450,000 men.

At least we can take the percentage of volunteers who come in during the 60-day period in response to the President's invitation to volunteer; and I am as firmly convinced as I can possibly be that the volunteer system is not going to work in times of peace in this emergency. Men are not going to volunteer and give up their jobs when their country is not at war. That is the reason why we shall not get as many volunteers today as we should get if we were actually in war. Men are not able to give up their positions and to discommode their lives, except when they know that the country is actually in war. I am, therefore——

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. Let me finish this sentence, and then I will yield. I am, therefore, confident that the volunteer system will not work; but I am perfectly willing to give it all the opportunity that it will be possible to give it without slowing down the program.

Mr. WHITE, Mr. TAFT, and Mr. BURKE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield, and, if so, to whom?

Mr. TYDINGS. I yield first to the Senator from Maine. Then I will yield to the Senator from Ohio and to the Senator from Nebraska.

Mr. WHITE. Mr. President, I desire to ask a question, and in doing so I wish to emphasize the fact that I am not making an assertion.

As I understand the Hayden amendment—I have had an opportunity to give it only a very hasty reading—it provides for periodic calls for volunteers, no call to be for more than 400,000 men. Then it says that if, after the expiration of 60 days, the President finds that the number of qualified men who have volunteered pursuant to such call—that may mean the first call as well as the last call—is less than the number for whom the call was issued, he is authorized to select and induct such number of men as, when added to the number who volunteer, will bring up the total to 400,000 men.

Mr. TYDINGS. That is correct.

Mr. WHITE. Now I ask this question: Assume that the first call for 400,000 men goes forth, and 350,000 volunteer. Then the President is authorized to select and induct into the service 50,000 men.

Mr. TYDINGS. That is correct.

Mr. WHITE. I raise the question whether——

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine is recognized in his own time.

Mr. WHITE. Then, proceeding, if that deficiency of 50,000 men appears upon the first call, and the President then inducts 50,000 men into the service, I raise the question whether he has not under this draft of the amendment as it now stands not only exhausted his authority, but there will be no right in the President thereafter to induct men into the service when deficiencies appear upon subsequent calls for volunteers. That is not the language, but I think that is the result which would follow.

Mr. TYDINGS. I do not agree with the Senator from Maine in his deduction, but it is perfectly possible that such a construction might be put on the amendment. It is the intention of the author and myself—and I cooperate with the author in this amendment—that in each separate call the number of volunteers shall be charged against the number called originally.

Mr. WHITE. I assumed that was the purpose, but I do have a very definite question in my mind whether the proposal does not fail to effectuate the purpose the Senators have in mind. I very much question whether, if on the first call the President exercised his authority, there would be any power thereafter to exercise the power of induction.

Mr. TYDINGS. If on careful thought the Senator's point of view could be reasonably maintained, the amendment could be easily corrected subsequently. I know that the author of the amendment has no such aim in mind, and I do not think the wording indicates such a meaning. If such interpretation could be put on it, in my judgment it could be corrected very easily when we came to formulate the provision finally.

Mr. HAYDEN. What I have in mind is the practical situation. The Army says that it wants 400,000 in 1940 and 400,000 in April 1941. Congress is providing for those men in increments. The Senate has also put a ceiling of 900,000 inducted in the bill. That means that if after the first and second calls some other men are required, the ceiling must be changed. We will have to replace the number of men in the National Guard when they go home. There will be another Congress here next January to correct any difficulties which arise. This is not to be a permanent statute for all time to come.

Mr. WHITE. But it is a statute designed to meet an immediate situation.



Mr. HAYDEN. Exactly.

Mr. WHITE. It struck me that if there was any force in the question I raised, correction should be made now rather than at some subsequent time.

Mr. BARKLEY obtained the floor.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BARKLEY. I wish to speak without interruption, but I will yield to the Senator, inasmuch as he was on the floor seeking recognition.

Mr. BURKE. I desire merely to say, in reference to the argument presented by the Senator from Maryland, that he presented very conclusively and effectively the argument for the selective service draft, and that the volunteer system would fail. I merely call his attention to the fact that when he interpreted the Hayden amendment as meaning that upon its adoption the President would do two things—issue a call for 400,000 volunteers and at the same time set up the drafting machinery for 400,000 selective service men—he was not interpreting the amendment correctly, because that would not happen. The only thing to be done, first, would be to issue a call for 400,000 volunteers. Then he would wait 60 days before he would take the next step.

Mr. HAYDEN. Oh, no.

The PRESIDING OFFICER. The Chair recognized the Senator from Kentucky.

Mr. BARKLEY. I ask that I may not be interrupted until I have concluded what I desire to say. I make the request in order to be fair to all Senators, and in view of the fact that interruptions frequently take up more time than a Senator has at his disposal.

The pending amendment is an effort, in another guise, to try to superimpose for the time being a voluntary system instead of the selective draft system provided for in the bill.

I am one of those who believe that if there is any need for this legislation the need exists now. We say we are in favor of preparedness, but—we are in favor of it with reservations. We are like the man who said he was in favor of law, but was against its enforcement. The situation reminds me of the preacher who said to his congregation:

> Repent ye—in a measure. Ask forgiveness of your sins—to some extent. Or you will be damned—more or less.

[Laughter.]

I regret I have to oppose the amendment offered by the Senator from Arizona [Mr. HAYDEN], because the Senator from Arizona and I are devoted friends, but, in a matter of this sort, there is nothing personal either in opposing or in supporting an amendment. Under the law as it will be written in accordance with the pending bill, while the President will be authorized to receive volunteers between the ages of 18 and 35, the receiving and the induction of those volunteers will be simultaneous with the exercise of the authority conferred under the bill to draft the men into the service. Those things will go on at the same time; and it is expected that by the 1st of January 400,000 men will be inducted into training.

I do not think anyone can dispute the fact that under the amendment of the Senator from Arizona not a step could be taken toward drafting anyone until 60 days had elapsed from the date of the issuance of the proclamation of the President.

Let us suppose the bill becomes a law on the 15th day of September—and I think that may be as early as we may expect it to be signed, because it has to go to the other House and be passed and perhaps go to conference. Let us suppose, however, the bill will become a law on the 15th day of September. Let us suppose that on that very day the President issues a proclamation calling for 400,000 men. During the 60 days following that date he could not draft anyone, under the terms of the amendment, and it would be silly to set up draft boards all over the country and have them sitting around 60 days doing nothing and incur the expense in connection with them.

If the 60 days expired before the President could draft anyone, it would mean that he could not draft into the service anyone who was registered until the 15th day of November. Of course, that would be after the election, and if anyone is politically minded that might appeal to him. But, in

view of the fact that the President of the United States, who is a candidate for reelection, has announced that he is in favor of the proposed law now, and that he wants it to take effect now, and not in November or December, and in view of the fact that the Republican nominee, Mr. Willkie, was frank enough to state in his acceptance speech, as well as in an announcement yesterday in the press, that he is in favor of the bill now, and wants it passed now, it seems to me the Senate of the United States should be as courageous as the President and the man who is trying to become President.

I do not think anyone can dispute my interpretation. Let us suppose that on the 15th day of November, under the call of the President, 100,000 of the 400,000 men should volunteer. I do not believe there would be that many. I do not think there is anyone in the Senate who believes there would be that many, including my friend the Senator from Arizona, the author of the amendment; but let us suppose that up to the 15th day of November only 100,000 should volunteer. That would mean that we would have to set up the draft machinery and draw from those who had registered 300,000 men. We could not do that between the 15th day of November and the 1st day of January. The result would be that when the 1st day of January came, the day when the Army expected to have 400,000 men for the purpose of training them, having the facilities ready for training them, they would not have them. It might be the 1st of February; it might even be the 1st of March before they would get 400,000 men.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I do not care to yield until I finish my remarks, and I will have to treat all Senators alike.

So, I say that if the amendment shall be agreed to it will be entirely possible and probable that after January 1, 1941, we will not start to draft and cannot start to draft the other 400,000 who are to be drawn into training by the 1st of April, because we will be trying to get the first 400,000 provided for under the plan of the War Department, to draw them in in increments of 400,000, to train them beginning the 1st of January, and then another 400,000 beginning the 1st of April.

It therefore seems to me that there is not much difference between the proposition upon which we are now called upon to vote and those we have already voted on, attempting to postpone in some way, to hamper, or to modify the plan to draw these men into training now, not 60 days from now, not the middle of November.

I realize that it is perhaps desirable to put this matter off a little while so that no one will be offended. I recall a passage in the eighth chapter of the Gospel according to St. Mark, the thirty-sixth verse, where Christ propounded a question that has stood out like a promontory from that day to now:

> What shall it profit a man if he shall gain the whole world and lose his own soul?

What shall it profit a political party, what shall it profit a candidate for office, to gain an election, if thereby he endangers his country, or possibly even ruins his country?

Mr. President, I hope the amendment will be defeated. I regret to say that, because I know how sincere the Senator from Arizona is, and I know how diligently he has worked on it in collaboration with a number of other Senators with whom he has conferred about it. Notwithstanding all that, it seems to me the adoption of the amendment would endanger the entire program, and would serve notice on the country that, while we are in favor of defense and preparation, we are willing to put it off as long as possible, in the hope that the romantic and adventurous young spirits of our Nation will either by propaganda or by allurements or by ridicule or by some other means be induced to rush forward and volunteer and do the fighting for our country, while others, not knowing it is their duty, hesitate, and do not come forward until their Government calls upon them, and advises them that it is their duty to serve their country.

Mr. President, as I stated last night, if I felt certain, in an emergency, that all of the 400,000 could be drawn from volunteers and all 800,000 could be drawn from volunteers, I would oppose the volunteer system, because I think it is the wrong way to raise an army. I do not believe it endangers our democracy to raise an army in the way proposed in the bill. It has not endangered any democracy that ever existed. We can go back into history and find that Greece and Rome in their glory and in their prestige and the height of their power had citizens' armies. Athens, a city of 38,000 male citizens, had a free citizens' army of 28,000. No slave was called into service. The great battle of Marathon, which was one of the greatest battles of history, was fought by a citizens' army, when Miltiades defeated an overwhelming force under Datis, who was a lieutenant under Darius of Persia.

It will be found that under the Roman Empire every free city had its own citizens' army, and no one was required to serve unless he had 6 acres of land.

Greece and Rome began to decline and fall only when, because of their wealth and luxury and power, they resorted to professional armies, and abolished their citizens' army.

In the modern sense, conscription began with the revolution in France, where that trinity of virtues—liberty, equality, and fraternity—found its beginning, and only in the nations that were at war with France was conscription finally resorted to in order that they might have a chance to stand up against the armies of the French.

Not only that, but one can go back into Biblical history. In less than 2 years from the time when Moses led the Children out of Egypt the Lord commanded him—not Roosevelt, not Stimson, not Sheppard, not General Marshall, but the Lord commanded Moses to take a census of all men over 20 years of age, and when those men had been counted it was found that in 11 tribes of Israel 603,550 men were eligible for military service. The men were counted in all the tribes of Israel except the Tribe of Levi, which was commanded to look after the temple.

Mr. President, that is the first instance of selective service in the history of the world.

So it is not true that this sort of law is destructive of democracy. It has been, in many ages in the world's history, the creator of democracy, and has sustained it.

Certainly there is no autocracy in Australia or New Zealand. Certainly there was a democratic form of government in France. Certainly there has been no instance in which the use of the services of men who were qualified for service, on a basis of equality, has resulted in destruction of the democratic ideal. So I am not afraid that our democracy will be destroyed by the enactment of this legislation. I want it preserved, and I want it preserved by equal service on the part of everyone who is qualified to serve.

Therefore I hope the amendment of the Senator from Arizona will be defeated.

Mr. CONNALLY obtained the floor.

Mr. BONE. Mr. President, will the Senator from Texas yield to me so that I may ask a question?

Mr. CONNALLY. I am pressed for time. I will yield when I get along in my remarks a little way. I do not know how much time I shall have.

Mr. President, I regret very much that I am compelled to oppose the amendment, because the Senator who is its author is a friend of mine of many years' standing, and for him I have the highest esteem. I am opposed to the amendment because it runs counter to every theory of the bill. I am opposed to the amendment because, while we ought to be getting an army now, not next year, the amendment will afford a device for delay and temporizing. We are going to play with the volunteer system, we are going out with banners and with appeals to men to enlist, to try to work up enthusiasm, and with the draft hanging over the men, eventually we will high-pressure many young men to volunteer, when perhaps under the draft they would not be eligible or would not be called into service.

The Senator from Kentucky [Mr. BARKLEY] referred a moment ago to democracy. True democracy teaches the obligation of service as well as that the citizen shall be the recipient of protection and privileges under our constitutional system. It is a poor kind of democracy which permits some men to stay at home and enjoy profit and comfort and ease, while other men are called upon to go out willingly under the voluntary system to fight perhaps, and perhaps to die, in order that other gentlemen may remain at home in comfort and ease and security.

Mr. President, I shall not vote to provide any bomb-proof shelters at home for the man who will not perform his duty, and provide the one who is willing and who volunteers, a grave on some battlefield.

Let us now consider the amendment. Every power that any government on earth possesses is possessed by the United States of America. We are just as sovereign in respect to any governmental processes as any other government on the globe. Let me say that if democracy cannot find a way, both at home and upon the battlefield, of utilizing the supreme power which other nations employ, then there is no future for democracy. If it cannot employ every resource of men, and of money, and of materials, and of equipment, that any totalitarian or monarchistic system can employ, then there is no hope for democracy, because ultimately, somewhere, somehow, the powers which can exercise these tremendous agencies will triumph over democracy.

Mr. President, there is nothing more fundamental or more basic in political philosophy than that every nation, every government, possesses the inherent power to protect itself. It possesses the inherent power to provide for its own survival, its own preservation, and its own life. The makers of the Constitution recognized that. They had been through the War of the Revolution, with its short enlistments, with no central authority that could conscript men, with no central authority that could conscript money to carry on a war, and so they set up in the Constitution such a central authority, and they gave to Congress—what? The power to raise and support armies. That power rests nowhere but right here in the Senate and in the House of Representatives.

With that power comes the responsibility. We are responsible for the kind of army we raise. We have no right to shunt that responsibility onto the shoulders of the volunteers alone. We have no right to take from one man's shoulders an obligation and put it on the shoulders of another man by urging, and by appealing to his chivalry, his patriotism, and his bravery. If, in this Republic, there is any responsibility for military service upon a single citizen, then the responsibility rests equally upon the shoulders of every citizen.

We do not draft young men until they are 21, but under the amendment there will be efforts to agitate and influence them. It does not read that way, the language does not so provide; but that is what will happen. Young men 18 years of age will be urged to rush off and join the Army, to join the colors under the pressure that—"If you do not come now you are going to be drafted later on to go." They will be under the lashings of their acquaintances and friends, and the whisperings in the neighborhood that "Bill Jones is a slacker; he is 19 years of age; he is not married; he ought to volunteer."

Senators know what impulsive enthusiastic youths will do in such circumstances. But there will not be enough of them even then. The desired quota will not be obtained under the amendment. Every Senator who is familiar with the history of recruiting in recent years knows that to be true.

Let me ask another question. Where will these men come from? I have some records here of recruiting during the present year. It is not a sectional matter and I do not want to inject sectionalism into it. We are here to legislate for the whole Nation. We are here as agents of the Nation. But if there is any obligation resting upon anybody to be trained and upon anybody to fight, that obligation rests upon every section of this Republic.

Let us see the percentage of enlistments by States for the months, January to June 1940, calculated on the basis of the male population over 21 years of age, 1930 census.

The State that heads the list is North Carolina, with a percentage of 0.0045 of the whole male population joining the Army.

Kentucky follows next with 0.0042; South Carolina, 0.0042; Texas, 0.004.

Mr. President, I shall not read all the figures, but let us see where some of the States stand. Let us see what Montana is doing toward volunteering. The figure for Montana is 0.00163, less than half the percentage for North Carolina, and about half the figure for a number of other States. The Senator from Montana [Mr. WHEELER] is one of those who want to rely upon volunteers; but they are not coming very largely from Montana.

What about Missouri? Missouri is a great old State. The figure for Missouri is 0.0011, a little less than one-fourth of the figure for North Carolina.

I do not see the Senator from North Dakota. The Senator from North Dakota wants the volunteer system. He is strong for it. The figure for North Dakota is 0.0011.

The Senator from Ohio [Mr. TAFT] is strong for the volunteer system. How are the volunteers coming from Ohio? Ohio has a figure of 0.00093. Mr. President, where are the men who are rushing to the colors? We hear statements about "a million men flying to arms." They are flying, but they are not flying to arms. [Laughter.]

The Senator from Minnesota [Mr. LUNDEEN] is very strong for the volunteer system. The figure for Minnesota in this table is 0.00084. There must have been three or four volunteers from Minnesota. [Laughter.]

Mr. President, in order to be fair to all Senators, I ask unanimous consent to have these figures printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Percentage of enlistments, by States, for the months of January to June 1940, calculated on the basis of the male population over 21 years of age (1930 census)*

| State | Percent | Men per 1,000 |
|---|---|---|
| North Carolina | 0.0045 | 4 5/10 |
| Kentucky | .00422 | 4 2/10 |
| South Carolina | .0042 | 4 2/10 |
| Texas | .004 | 4 |
| Georgia | .00386 | 3 8/10 |
| Tennessee | .0037 | 3 7/10 |
| West Virginia | .0034 | 3 4/10 |
| Wyoming | .0033 | 3 3/10 |
| Virginia | .0033 | 3 3/10 |
| Oklahoma | .0033 | 3 3/10 |
| Alabama | .00325 | 3 2/10 |
| Colorado | .003 | 3 |
| Pennsylvania | .0026 | 2 6/10 |
| New Mexico | .0026 | 2 6/10 |
| Florida | .00257 | 2 5/10 |
| Idaho | .00248 | 2 4/10 |
| Oregon | .0024 | 2 4/10 |
| Maine | .00238 | 2 3/10 |
| Mississippi | .00224 | 2 2/10 |
| Arkansas | .00216 | 2 1/10 |
| Vermont | .0021 | 2 1/10 |
| Arizona | .00203 | 2 |
| Louisiana | .00191 | 1 9/10 |
| Washington | .0019 | 1 9/10 |
| Utah | .0018 | 1 8/10 |
| Kansas | .00176 | 1 7/10 |
| Rhode Island | .0017 | 1 7/10 |
| New Hampshire | .0017 | 1 7/10 |
| Montana | .00163 | 1 6/10 |
| Nebraska | .00162 | 1 6/10 |
| Massachusetts | .00153 | 1 5/10 |
| South Dakota | .0015 | 1 5/10 |
| Indiana | .00144 | 1 4/10 |
| Delaware | .00142 | 1 4/10 |
| California | .0014 | 1 4/10 |
| Maryland | .0014 | 1 4/10 |
| Wisconsin | .0013 | 1 3/10 |
| Connecticut | .0013 | 1 3/10 |
| New York | .0013 | 1 3/10 |
| District of Columbia | .00114 | 1 1/10 |
| Illinois | .0012 | 1 2/10 |
| Nevada | .00119 | 1 1/10 |
| Missouri | .0011 | 1 1/10 |
| North Dakota | .0011 | 1 1/10 |
| New Jersey | .0011 | 1 1/10 |
| Iowa | .00094 | 9/10 |
| Ohio | .00093 | 9/10 |
| Minnesota | .00084 | 8/10 |
| Michigan | .0008 | 7/10 |

NOTE.—The fractions indicate the number of men enlisted per thousand men.

Mr. CONNALLY. Volunteers are coming from certain sections of the country. North Carolina, Kentucky, South Carolina, Texas, Georgia, Tennessee, West Virginia, Wyoming, Virginia, Oklahoma, and Alabama are the States which head the list.

Let us see about the great State of Michigan. I believe the senior Senator from that State [Mr. VANDENBERG] is strong for the volunteer system. The figure for Michigan is 0.0008, the lowest figure of any of the States. Michigan is a great, rich State, with a large population.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LUCAS. I confess that I do not follow the Senator in relation to the figure of eight-tenths of 1 percent, or whatever it is.

Mr. CONNALLY. There is a decimal point there. Does the Senator see the decimal point? [Laughter in the galleries.]

Mr. LUCAS. I do not see it.

Mr. CONNALLY. I will explain it to the Senator. There is a decimal point, three naughts and an eight. What does that mean? That means eight ten-thousandths, does it not?

Mr. LUCAS. What I am trying to ascertain, so that the Senate may obtain a clear picture, is how many men out of every 1,000 enlisted in the State of Michigan and in the other States.

Mr. CONNALLY. That is what I am trying to tell the Senator.

Mr. LUCAS. I know what the Senator is trying to tell me.

Mr. CONNALLY. These figures are based upon the total male population 21 years of age. They do not include boys 18 years old, with whom it is desired to fill up the Army under the volunteer system. The State of Michigan has a figure of .0008.

Mr. LUCAS. That is getting down to a pretty fine point.

Mr. CONNALLY. That means eight ten-thousandths of 1 percent.

Mr. President, I have in my hand a list of the number of men from each State, if any Senator cares to hear about it. Let us see how many there were from Ohio during the present year.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. CONNALLY. I ask unanimous consent to have the statement printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The following table shows enlistments for the months of January through June 1940 by State or residence, as tabulated from enlistment records received through August 3, 1940:

| | Number of enlistments | Male population 21 years and over, census 1930 | Ratio, percent |
|---|---|---|---|
| Alabama | 2,168 | 666,742 | 0.00325 |
| Arizona | 314 | 134,401 | .00203 |
| Arkansas | 1,071 | 494,948 | .00216 |
| California | 2,847 | 2,025,774 | .00140 |
| Colorado | 978 | 323,224 | .00300 |
| Connecticut | 636 | 489,250 | .00130 |
| Delaware | 108 | 76,058 | .00142 |
| District of Columbia | 184 | 160,809 | .00114 |
| Florida | 1,129 | 438,847 | .00257 |
| Georgia | 2,823 | 731,490 | .00386 |
| Idaho | 338 | 136,212 | .00248 |
| Illinois | 2,784 | 2,469,993 | .00112 |
| Indiana | 1,470 | 1,016,313 | .00144 |
| Iowa | 726 | 765,863 | .00094 |
| Kansas | 1,022 | 580,455 | .00176 |
| Kentucky | 3,053 | 718,286 | .00422 |
| Louisiana | 1,086 | 566,908 | .00191 |
| Maine | 582 | 244,320 | .00238 |
| Maryland | 704 | 500,549 | .00140 |
| Massachusetts | 1,974 | 1,287,970 | .00153 |
| Michigan | 1,254 | 1,558,021 | .00080 |
| Minnesota | 671 | 797,960 | .00084 |
| Mississippi | 1,157 | 516,082 | .00224 |
| Missouri | 1,266 | 1,137,503 | .00110 |
| Montana | 294 | 181,494 | .00163 |
| Nebraska | 680 | 419,139 | .00162 |
| Nevada | 45 | 37,588 | 0.00119 |
| New Hampshire | 255 | 145,551 | .0017 |
| New Jersey | 1,434 | 1,261,298 | .0011 |
| New Mexico | 301 | 115,667 | .0026 |
| New York | 5,471 | 4,078,340 | .0013 |
| North Carolina | 3,442 | 758,445 | .0045 |
| North Dakota | 215 | 196,028 | .0011 |
| Ohio | 1,956 | 2,095,788 | .00093 |
| Oklahoma | 2,261 | 673,398 | .0033 |
| Oregon | 801 | 331,805 | .0024 |
| Pennsylvania | 7,411 | 2,849,895 | .0026 |
| Rhode Island | 351 | 202,029 | .0017 |
| South Carolina | 1,763 | 395,234 | .0042 |
| South Dakota | 313 | 207,413 | .0015 |
| Tennessee | 2,620 | 701,194 | .0037 |
| Texas | 6,648 | 1,656,675 | .0040 |
| Utah | 254 | 136,960 | .0018 |
| Vermont | 240 | 112,374 | .0021 |
| Virginia | 2,169 | 650,357 | .0033 |
| Washington | 1,034 | 545,410 | .0019 |
| West Virginia | 1,618 | 471,779 | .0034 |
| Wisconsin | 1,169 | 917,712 | .0013 |
| Wyoming | 256 | 77,205 | .0033 |
| Hawaii | 74 | | |
| Panama, C. Z | 22 | | |
| Philippines | 29 | | |
| Puerto Rico | 188 | | |
| U. S. Army posts | 898 | | |
| Alaska | 22 | | |
| Total | 74,579 | | |

E. S. ADAMS,
*Major General, The Adjutant General.*

Mr. TYDINGS. Mr. President, have I any time left?

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. TYDINGS. Mr. President, I recognize the force of what the Senator from Texas [Mr. CONNALLY] and the Senator from Kentucky [Mr. BARKLEY] have said; but in this bill we have not followed the line of reasoning which they advocate, for the bill provides both for the voluntary system and the selective system. That is the philosophy of the bill. The amendment of the Senator from Arizona [Mr. HAYDEN] does not change that philosophy. It simply puts it into a workable formula.

As I interpret the sentiment of the country, it is, briefly, as follows: A great many people think that the Nation's defense should be increased. The bill is a step in that direction. The people want the volunteer system to hold as far as it can be made a part of the system; and they want conscription, or the draft, only as a supplementary part of that philosophy, if the volunteer system should fail to produce the number of men the country thinks is required. That is what the country wants. It does not want any more conscription than is absolutely necessary for the Nation's defense.

The Senator from Arizona has offered his amendment so that the volunteer system may go its full length; and if it should fail, then the conscription provisions of the bill would supplement it, but only to the extent that the volunteer system fails. There is no change in time. The same number of men would be available under the amendment of the Senator from Arizona as would be available under the bill without it. I do not know of any amendment which has been offered to the bill which more nearly interprets the sentiment of those who feel that some extra defense is necessary than the amendment offered by the Senator from Arizona. Certainly there could be no harm in giving the volunteer system all the trial possible, when the same number of men would be produced for training—either volunteers, or perhaps eventually conscriptees—within the time limit set forth in the bill.

I hope the Senate will be wise enough to agree to the amendment.

Mr. HATCH. Mr. President, I have not spoken on the bill. It had not been my intention to speak on it. Last fall during the long days of the debate on the neutrality measure I did not speak on that question. I did not withhold my tongue because of any lack of feeling or deep concern over the issues which were then presented or the issues which are now presented by the bill.

At this moment I rise only to say that I think the distinguished Senator from Maryland [Mr. TYDINGS], in the remarks he has just made, has altogether misconstrued the desires and wishes of the people of the country.

The people of America are not interested in any fine technical distinctions between conscription and the volunteer method.

We have talked and argued for many hours about technicalities and distinctions in which the people of America are not interested in the slightest degree.

Let me tell the Senate what the people of the country are interested in, and what they want and expect from the Congress of the United States. The people of America are concerned, as they have a right to be concerned, about events which have taken place abroad in recent months, weeks, and even days. They are concerned about war. They do not want to go to war; they hate war; they dread war; and, above everything else, they expect us, as their representatives, to adopt such measures—whether conscription or the voluntary system—as will provide for the country and our people ample safeguards and protection in the way of preparedness against war.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. TYDINGS. I am thoroughly in accord with what the Senator says, and I do not know anything I said that took issue with it.

Mr. HATCH. It was not what the Senator said that took issue with it, and I was not replying to him in particular.

Mr. TYDINGS. But the Senator, if he will recall, singled me out as if I were in disagreement with him.

Mr. HATCH. Because the Senator had said the people of the country want the volunteer method tried out, and I do not think they do at all.

Mr. TYDINGS. No; I did not say that.

Mr. HATCH. Then I misunderstood the Senator.

Mr. TYDINGS. I said, if he will allow me to correct him, that I did not think the people of the country wanted the normal life of the country dislocated any more than the exigencies of all-around, proper, and reasonable national defense would necessitate. That is what I said, and I think that is true.

Mr. HATCH. I have no quarrel with the Senator from Maryland. I think we see this thing almost alike; but I wanted to bear down upon the Senate this statement: The responsibility is ours to do everything that is necessary to defend the country against attack. I hear Senators say—I see one now upon the other side of the Chamber who has repeatedly said, "Who is going to attack us? Where is the attack coming from? Is it coming from Canada, or Mexico, or South America, or Hitler?" I do not know where it is coming from, and the people of America do not know where it is coming from; but they believe there is a possibility of danger, and the very possibility of danger places upon us the absolute responsibility and obligation to prepare in every possible way against that danger.

That is the way I look at this bill. I look at it as strictly a defensive measure. There is not any talk about offensive measures. Whom are we going to attack? Whom has America ever attacked? Neither the Congress nor the people of this country are going to stand for any attack on any other country. But if we fail, in our day and in our time, to meet the responsibility which is ours to protect against the forces which have attacked and which have destroyed countries which did not want to go to war any more than we do, the responsibility and the failure will be ours, and ours alone.

Mr. President, I do not propose to carry any such responsibility. I have voted for every measure which will provide the country with every means of defense. I expect to vote for every such measure, as much as I dislike it. I do not like armies. I do not like navies. I do not like conscription. I do not like sending our boys into the Army by any method. But so long as I am in the Senate of the United States I expect to vote for every measure calculated to defend the country against forces which would destroy everything that makes life livable and endurable.

Mr. ELLENDER. Mr. President, on August 1, while the Committee on Military Affairs of the Senate was considering the bill which is now pending, I submitted an amendment to it which was referred to the committee, and which had as its object the purposes included in the amendment of the Senator from Arizona [Mr. HAYDEN].

I will read the amendment which was proposed by me:

*Provided further,* That no person shall be inducted into the land or naval forces of the United States under this act, except pursuant to voluntary enlistment for a period of 12 months, until (1) the President shall have proclaimed the number of men which in his judgment should be inducted under this act during the 30-day period following the date of the proclamations, and (2) there has been a failure to obtain such number of men by voluntary enlistment during such 30-day period.

There is no difference between my amendment and the amendment of the Senator from Arizona except as to the mandatory period allowed for voluntary enlistments. My amendment was submitted to the Committee on Military Affairs for consideration. The committee investigated its possibilities and reached the conclusion that it did not add anything to the bill. Thereupon, the amendment was rejected by the committee. After studying the proposition in more detail, I also concluded that the amendment has no place in the pending bill. The reason is obvious: Any boy who is to be inducted into the service of the United States under the terms of the pending bill may volunteer for service at any time prior to the day upon which he is ordered to report for actual duty. Therefore the only effect my amendment or the amendment of the Senator from Arizona would have would be simply to postpone the effective date for conscription 30 or 60 days, as the case may be, beyond that which will be fixed by the President under the authority vested in him in the pending bill. It can readily be seen that there is absolutely nothing to be gained by the adoption of the amendment offered by the Senator from Arizona, but, on the contrary, it will only cause further delay in our defense preparations. The amendment should be rejected.

Mr. President, the pending bill is simply another cog in the wheel of defense.

Our military experts agree that its enactment is essential to our preparedness program. The great majority of our people want action now on the part of this Congress to put in motion the machinery to build up our defenses to their maximum strength. They realize the folly of building thousands upon thousands of intricate defense mechanisms, spending billions of dollars therefor, without at the same time training men to use those mechanisms. Wars are no longer won by the nation that can throw the greatest number of men into the conflict—the tank, the airplane, and other war machines have become the deciding factor, and the modern army needs many of such machines and many skilled men to operate them. These men cannot be trained overnight. They have to acquire their knowledge by patient training. It will be too late to teach them the fundamentals of mechanized warfare after the invader has reached our shore. A challenger to the heavyweight boxing champion would hardly wait until he got into the ring with his adversary before learning the fine points of the art of fisticuffs.

Mr. President, it is incumbent upon us to prepare our men in peacetime to meet the emergencies of war. It is my honest belief and conviction that if we make sufficient preparations now we will not be bothered by forces abroad. Let us be realists and not dreamers. We will remain free and at peace with the world just so long as we are strong enough to protect our shores from the greedy appetites of hungry nations. A large and prosperous, but weak, unprepared nation offers a tempting meal to the land-hungry dictators of the Old World, whereas a strong, unified, well-prepared nation will be adequate insurance against the fate that has visited itself during the past year upon so many of the European democracies. Yes, Mr. President, we must prepare—we must prepare now. And let us prepare in the true democratic way; let every American citizen carry his share of the burden. We must not leave the defense of our country to the patriotic and to those who seek military enlistment because they cannot find employment in private industry. The selective draft as provided

for in the pending bill is a just, fair, and equitable way to build up our reserve forces. I am confident that the Senate will support it when the final roll call is had.

Mr. President, let us put the defenses of our Nation in such a strong position that when we advance a proposition to any nation or set of nations our voice will not only be heard but our views heeded.

Mr. NORRIS. Mr. President, I was very much interested in the remarks of the Senator from New Mexico [Mr. HATCH]. I was interested because I have a great deal of faith in his judgment. The force of his argument, as I heard it, was that the amendment would retard the preparation we ought to make to be secure in our national defense.

If that be true, it is of importance, perhaps, that the amendment should be defeated. As I look at the matter, however, the amendment will have no influence of that kind. The amendment, standing alone, is not what I should like to see enacted into law; but I think it would greatly improve the bill, and for that reason I shall support it.

The truth is, as I see the matter, that we have made the preparations, we have met the contingencies without this bill, and the passage of the bill will not in any degree help us in making our defense more secure.

This proposed law is a peacetime law. It will be a permanent law. It fastens upon this country compulsory military training in time of peace. If we pass it, we shall put that policy on our statute books, in my opinion, never to be removed. It will remain there permanently, even though by the terms of the law itself it is limited as to time. If we ever get the camel's nose under the tent, we shall all see the day, not very far in the future, when the whole camel will be inside the tent.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. NORRIS. I hope the Senator will not interrupt me in my limited time.

What have we done to meet the contingency? What has the Congress already enacted into law that will meet the contingency? We have provided, as we have never provided before, the greatest step the country has ever taken in the increase of the Navy. We have provided for the greatest step the country has ever taken in building airplanes. We have provided a larger standing army than has ever before existed under any law that Congress ever passed; so that Hitler or any other man who undertakes to invade this country must first overcome the air force, he must overcome the Navy, and he must overcome a standing army of nearly 800,000 men. We have made other preparations which I have not mentioned.

Will any man say that if Hitler wins over Great Britain he will be prepared the next day to make an attack upon the United States? Is any person so unreasonable as to think that a man with any military genius whatever would undertake, with what Hitler will have left, an invasion of the Western Hemisphere, without additional preparation?

What must he do first? He must overcome our Navy and our air force, and he must overcome all the preparations for which we have provided. He must overcome the largest standing army this country ever had. Assuming he should make the attack, before he could overcome us we would have ample time to prepare an army such as could be provided for by compulsory military service, by the selective draft.

I favor that kind of preparation. We followed that plan at a previous time, during the World War. We prepared an army after the declaration of war, an army that was practically invincible. We would have ample time now, with the preparations we have already made, to make a defense against any possible combination of European powers. Before they were on our shores, before they could get to first base, we could have a trained and seasoned and hard-muscled army to meet any emergency which could possibly arise.

Why should we pass this bill, which would affect our country in time of peace? If we passed the bill tonight, we could not get ready for the organization and the selecting of the army by next week. We would find it impossible to do those things which those who favor the legislation think can be done by the operation of the proposed law.

I cannot understand why we should be so anxious to fasten upon this democracy a theory of military government which has always prevailed in every dictatorship in the world, a step which history shows will affect the generations after we are dead and gone.

This is not a bill to prepare an army to fight tomorrow; it is a bill to prepare an army to fight men and peoples yet unborn. It is a step in the direction of fastening a dictatorship upon the American Government in time of peace.

Mr. President, I can see no reason why men are afraid even of the pending amendment, which would permit the postponement of the operation of the proposed law for 90 days. In the meantime the volunteer system would be tried out.

It seems to me we should think of it, not in the terms which have been argued here, but in terms of a permanent policy of a democracy in time of peace, to fasten on it an attribute which does not belong to and cannot live with a democracy, to fasten upon it a system of everlasting military training, a system of government which is to blame, in my judgment, more than any other one thing, for the willingness with which the people in Germany carry out Hitler's policies and uphold the desperate tactics he has practiced upon innocent men.

If we lived in Europe it would be a different thing. If our country adjoined Hitler's there might be some reason for our continually living in that kind of an atmosphere. I submit that if we must live in that kind of atmosphere, if we must bid farewell to the very essence of democracy in order to preserve a democracy, there is but little difference between submitting for years, or always, to that kind of a tyrannical government, and being overcome now, and dying at once, because the finest sensibilities of democratic people will be subdued and deadened. The voice of freedom will lose its effect if permanently, in time of peace, we fasten upon our Government an attribute which comes only and lives only and can live only with a dictatorial form of government. If we wish to surrender our democracy, if we wish to embrace monarchy, dictatorship, something that is to stay with us always, we should pass the bill, of course.

There is no reason to fear that we will suffer if, with the preparations we have already made, we refuse to take this step, which to our children and our children's children will mean a denial of the enjoyment of all the finer sensibilities of human life, and make them slaves to a dictator.

Mr. President, it seems to me that as the bill now stands, the amendment would improve it. It would put off the evil day to some degree, though not as much as it should, in my opinion, until we could have time to get out of the hysterical atmosphere in which we live, and in which we act.

So, Mr. President, I hope and pray that the amendment may be added to the bill, in order that the measure may be less harmful than it would be if the amendment were not agreed to.

I reserve the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN], as modified, to the amendment of the committee. The yeas and nays have been ordered.

Mr. LODGE obtained the floor.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. Will the Senator yield to me so that in his time I may offer a modification of the amendment?

Mr. LODGE. I yield for that purpose.

Mr. HAYDEN. I propose to add at the end of the amendment the following:

> Nothing in this subsection shall be construed to require or postpone, during either of such 60-day periods, the registration, classification, or selection of persons to be adopted for training and service under this act.

I offer the change, not that it is at all necessary, as nothing can be read into the amendment which would take away any power which the President would have under the terms of the proposed act, but merely to answer the argument made by

the Senator from Kentucky. The amendment certainly will cure whatever may have needed adjustment.

The PRESIDING OFFICER. Without objection, the amendment is modified as suggested.

Mr. LODGE. Mr. President, ever since the national defense debate began, my aim has been to have a measure passed which would result in our country procuring a highly trained, highly selected personnel for the Army as quickly as possible. I have always thought that speed was important. I have also thought that the voluntary system could not produce the men with the necessary speed, and for that reason many months ago I came out in support of compulsory military training.

I intend to support the amendment of the Senator from Arizona, because it seems to me it would make for more speed in procuring men for our Army. I have been opposed to the amendment proposed by the Senator from Connecticut and other amendments which sought to provide for a voluntary enlistment period and then begin the draft process after that. But as I read the pending amendment, the two activities would go along concurrently.

During the World War, 112 days elapsed between the time when the draft law was enacted and the day the first man was drafted. Even the most optimistic estimates we can now obtain are to the effect that at least 90 days will elapse between the time the proposed law will go into effect and the day when anyone will be drafted. So we could not possibly lose anything, insofar as manpower is concerned by adopting the pending amendment. In fact, we could begin taking in volunteers immediately, and then automatically, at the end of the 60-day period, we would begin inducting the men, because the registration, the classification, and the selection would all be going on at the same time. So it seems to me that those of us who want to see speed and who want to see the greatest possible promptness in securing manpower should support the amendment.

I think Senators who have opposed the amendment on the ground that the volunteer system is undemocratic and unjust are on very consistent ground; but to my mind the relative merits of the volunteer system and the conscription system are entirely secondary to the question of getting men, and if we get men promptly, that is of greater importance than the way in which we get them.

In the bill as it now stands, the voluntary and the compulsory systems are combined and woven in together. That was made very plain by the senior Senator from Texas when he made his speech on August 9 explaining the bill. He stated it several times in the RECORD.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. I do not want to take the Senator's time.

Mr. LODGE. I am glad to yield, because if I am making any erroneous or inaccurate statements I wish to be corrected.

Mr. BARKLEY. Does not the Senator from Massachusetts think we can get any given number of men more rapidly when the voluntary and conscription systems begin together and work together, than we can when we have simply the voluntary system, and have the conscription or draft suspended for 60 days or any other number of days? Under the bill, at the beginning, as soon as it goes into effect, the two systems will work together.

Mr. LODGE. Yes; they will work right along together.

Mr. BARKLEY. They will work right along together. But under the pending amendment only one of them would work until the 60 days are over, and then it would be necessary to put into effect the other system.

Mr. LODGE. That is where I do not agree with the Senator from Kentucky.

Mr. BARKLEY. Not one man could be drawn into service, even though boards could be set up and the men registered and told they would be selected at the end of 60 days, until the end of the 60 days.

Mr. LODGE. As a matter of legal theory that is true, but as a matter of practical fact the most optimistic estimates are, as the Senator very well knows, that the men could not be inducted into service until 90 days anyway.

Mr. BARKLEY. I do not think that is the War Department's idea as to the rapidity with which it can be done, and, as I said, the War Department has had long experience to go by.

Mr. LODGE. In the war it took them 112 days to get ready.

Mr. BARKLEY. They had no experience to go by then, and now they can probably do it in half that time.

Mr. LODGE. A very great authority, whom the Senator and I both know, is of the opinion that if the bill were enacted by September 15 the earliest date they could begin to induct men is December 15, or 90 days.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MINTON. I was informed a moment ago by a member of the Army staff, who is well advised about this program, that within 30 days after the act is passed men would be inducted into the Army under the act.

Mr. LODGE. I hope the Senator will furnish us with his name and some official statement to the effect because that is very revolutionary and entirely out of accord with all previous experience on the subject.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. The Senator will remember that Gen. Hugh Johnson was in charge of the Draft Act during wartimes. It is his judgment, as publicly expressed in the newspapers, that no men will be drafted under this proposed act within 90 days, because when we were at war that was the best they could do.

Mr. LODGE. I am taking my whole position on that basis. I have tried diligently to get the facts that are available. In the World War it was 112 days before they began drafting men into the Army, and now they may be able to take 20 days off that time if they are good. If it is a matter of 30 days, as the Senator from Indiana says, then, of course "all bets are off," and we ought to start all over again, but I think there must be some misunderstanding about that.

Mr. MINTON. Mr. President, will the Senator again yield?

Mr. LODGE. I yield.

Mr. MINTON. The Senator wanted the name of the officer. I am very glad to furnish his name. I understand he is Captain Keesling, of the Army Staff, who has been here on Capitol Hill advising the Military Affairs Committee about this very bill.

Mr. LODGE. He states that within 30 days after the bill becomes law men will be inducted. Is that correct?

Mr. MINTON. They can begin inducting men into the Army within 30 days after the bill is passed, if it shall be passed. That is because of their experience in the World War, and their consideration of this matter during the time we have had the bill under consideration, and prior thereto.

Mr. HAYDEN. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield.

Mr. HAYDEN. That could be possible, but it is highly improbable because the registration has to be provided for; the machinery has to be set up in every State in the Union for men to register on a certain day. Then when a man registers, he must respond to all the questions contained in the very large questionnaire, a sample copy of which was printed in the CONGRESSIONAL RECORD.

In the meantime the Governors of the States must recommend the appointment of local draft boards; the names of the members must be sent to Washington and approved, and the boards which are to undertake the work must be set up. When the classification takes place, it must be transmitted to Washington, and then there must be a drawing. With all that mechanics it is impossible to have everything in readiness within 30 days.

Mr. LODGE. My whole theory is that a straight line is the shortest distance between two points, and I wish to get men into the Army in the quickest way, whether it is the voluntary or compulsory way.

I think the point the Senator from Indiana has raised is fundamental. It is at variance with all the information

I have been able to get, but it is a very crucial point with me anyway, because I would not want to vote for anything that would interfere with the prompt procurement of manpower.

I should like to ask whether it is possible to have the amendment go over for awhile and see if we can straighten out this question of fact.

Mr. MINTON. I have a schedule of the time, if the Senator from Massachusetts will permit me to read it.

Mr. LODGE. I shall be very glad to have it read in my time, because it is very important.

Mr. MINTON. The following schedule has been prepared by the Joint Army and Navy Selective Service Committee:

SCHEDULE OF TIME REQUIRED FROM DATE OF PASSAGE OF THE LAW UNTIL FILLING OF FIRST CALL

0 to fourteenth day: Registration preparation.
Fifteenth day: Registration.
Sixteenth to twenty-first day: Set up local board and serially number cards.
Twenty-first to twenty-fifth day: For lottery and distribution of order number.
Twenty-fourth to twenty-ninth day: Local board assign order number and mail questionnaire.
Twenty-ninth to thirty-fourth day: Return of questionnaires.
Thirty-fourth to thirty-sixth day: Run through questionnaires and sort out probable class I–A.
Thirty-sixth to fortieth day: Physically examine and induct class I–A.
Consider 0 day as the day of the passage of the act.

Mr. LODGE. What is the last number?

Mr. MINTON. Forty days.

Mr. LODGE. On the fortieth day the first draftee will enter the service?

Mr. MINTON. On the fortieth day draftees will begin to be sworn in.

Mr. LODGE. On the fortieth day the first draftee will enter the Army?

Mr. MINTON. That is correct.

Mr. LODGE. I think that is a fact which ought to be taken into consideration in connection with this amendment.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. As the Senator will remember, the statement made by the Chief of Staff before the committee was that if the bill should become a law on the 1st of September, it is hoped that some men will be brought in under the draft by the 15th of October. The Senator will remember that statement.

Mr. LODGE. I remember it. That is what I base my thought on.

Mr. HAYDEN. That is what I based my thought on. It is inconceivable to me, even after listening to the Senator from Indiana. The only way anyone could be inducted into the service by that time would be by sorting out the questionnaires—not to look them all over, but to pick out the names of a few men whom it was thought probably might well be drafted. The Senator will remember what the Senator from Indiana said. The officials would go through the questionnaires and pick out from them the names of men who probably would go. If there were any dispute a man would not go, of course.

Mr. LODGE. As I have said several times, my whole desire is speed and expedition. The Senator from Indiana has given us figures which come from an official source. There is no doubt about it. To be sure, they come pretty much at the last minute. I am wondering whether or not we might modify the period of days in order to conform to the new estimate which has suddenly appeared.

Mr. HAYDEN. Mr. President, we have acted upon our best judgment, based upon evidence before the committee. This is something which comes in at the last moment. The bill must pass the House of Representatives. There will be ample opportunity for this question to be considered there. I therefore prefer that the vote in this body be upon the 60-day period.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The question is on agreeing to the modified amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment reported by the committee. On this question the yeas and nays have been ordered. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and vote. I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I am not advised as to how he would vote. I therefore withhold my vote.

Mr. TYDINGS (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I am advised that if he were present he would vote as I shall vote. Therefore, I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. McNARY]. Not knowing how he would vote, I withhold my vote.

Mr. MINTON. The Senator from Mississippi [Mr. BILBO], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ] is detained on official business. I am advised that if present and voting, he would vote "yea."

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The Senator from Kansas [Mr. REED] is absent on account of illness.

I am advised the Senator from Oregon [Mr. HOLMAN] would vote "nay," if present.

The result was announced—yeas 41, nays 43, as follows:

YEAS—41

| | | | |
|---|---|---|---|
| Adams | Holt | Neely | Tydings |
| Ashurst | Johnson, Calif. | Norris | Vandenberg |
| Bone | Johnson, Colo. | Nye | Van Nuys |
| Brown | King | Pittman | Wagner |
| Bulow | La Follette | Radcliffe | Walsh |
| Capper | Lundeen | Reynolds | Wheeler |
| Clark, Mo. | McCarran | Shipstead | White |
| Davis | Maloney | Slattery | Wiley |
| Donahey | Mead | Smith | |
| Downey | Miller | Thomas, Idaho | |
| Hayden | Murray | Tobey | |

NAYS—43

| | | | |
|---|---|---|---|
| Andrews | Clark, Idaho | Harrison | Overton |
| Austin | Connally | Hatch | Pepper |
| Bailey | Danaher | Herring | Russell |
| Barbour | Ellender | Hill | Schwartz |
| Barkley | Gerry | Hughes | Schwellenbach |
| Bridges | Gibson | Lee | Sheppard |
| Burke | Glass | Lodge | Smathers |
| Byrd | Green | Lucas | Taft |
| Byrnes | Guffey | McKellar | Thomas, Utah |
| Caraway | Gurney | Minton | Truman |
| Chandler | Hale | O'Mahoney | |

NOT VOTING—12

| | | | |
|---|---|---|---|
| Bankhead | Frazier | Holman | Stewart |
| Bilbo | George | McNary | Thomas, Okla. |
| Chavez | Gillette | Reed | Townsend |

So the modified amendment of Mr. HAYDEN to the committee amendment was rejected.

Mr. HAYDEN subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of the proceedings on my amendment a brief statement of my attitude toward the entire bill. The statement was prepared over a week ago, and I have used it in answer to correspondents who have written to me from Arizona.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY CARL HAYDEN

August 20, 1940.

As I see it, the pending bill, "To protect the integrity and institutions of the United States through a system of selective compulsory

military training and service," must be viewed in the light of the following basic considerations:

1. For nearly 20 years after the last great war, the general opinion among democratic peoples of the world was that permanent peace had been insured and that there would never be another major conflict.

2. The situation has completely changed in that four great nations, Germany, Italy, Russia, and Japan, now have governments which pursue a policy of ruthless conquest, and the indications are that, unless they quarrel among themselves, these dictator governments will be an evil force which must be reckoned with for the next 20 years.

3. The only thing which a dictator respects is armed force. Therefore, to remain at peace the United States must have a two-ocean Navy and a sufficient number of trained soldiers to make it exceedingly dangerous for any one of these totalitarian powers, or a combination of them, to attack us.

4. Modern military might is mechanized. Of a million men in an American Army only 250,000 would carry rifles. The other three-fourths would be piloting airplanes, servicing them on the ground, operating radio equipment, tanks, antiaircraft guns, and a large number of other complicated implements of war.

5. Not only must the individual soldier become thoroughly competent in handling the particular machine that is placed under his control, but he must know how to use it in the closest possible coordination with every other branch of the service.

6. Failure to face the facts of modern methods of warfare will leave the United States just as unprepared for a surprise attack as were France and all the smaller nations on the continent of Europe which came within the scope of Hitler's ambitions.

7. Because of what I saw with my own eyes in Europe and in Asia, I have urged for more than 5 years that larger sums of money be provided for the newer types of defensive equipment. Until quite recently I could obtain but little support. Now Congress is providing more than $10,000,000,000 for expenditures during the next 2 years in naval and military armament.

8. Money having been provided for this equipment, men must be found who can be trained to use it effectively. So little of it is now available that we are told by the general staff that, in addition to the Regular Army and the National Guard, not more than 400,000 recruits could possibly be used this fall and winter. It is hoped that by about the first of next April, uniforms and other military material will be available for an additional 400,000 men. Counting on necessary discharges, the Army hopes to have what is known as the protective mobilization force of 1,200,000 men trained and available about a year and a half from now. The training of that force must be by divisions of from 12,000 to 18,000 men comprising all branches of the service.

9. To accomplish all that can be done within the next year, the following steps should be taken:

(a) The registration of men between the ages of 21 and 25 should be immediately authorized and local civilian boards should be established in each community to determine fitness for military service and the relative order in which such men should be called into service if needed. Since about 1,250,000 men become of age each year, about 5,000,000 young men would thus be subject to classification.

(b) The President should be authorized to call for 400,000 1-year volunteers and if, within 60 days after the call, that number had not enlisted, the deficiency would be made up by the local draft boards through the selection of the remainder, from quotas allotted to each State, after giving credit to the State for the number of volunteers already obtained. This same process could be repeated early next year to provide for the 400,000 men needed in April.

If Congress adopts this procedure, there will be no question about the availability of men to be trained in the use of the new mechanical equipment now in process of manufacture for the Army and the Navy. A proper foundation will have been laid to meet any sudden threat against the liberties of the American people. As has been demonstrated over and over again by unprovoked and instantaneous assaults upon nations which have neglected their defenses, peace can only be assured by preparedness.

These are my own ideas and I shall vote for amendments to the Burke-Wadsworth bill which so far as possible will carry them into effect. But no Senator can have everything his own way. I shall, therefore, vote for the bill on its final passage in the form agreed upon by a majority of the Senate.

Mr. NEELY. Mr. President, I call up the amendment I have heretofore submitted, which is on the clerk's desk, and ask for action upon it at this time.

The PRESIDENT pro tempore. The amendment offered by the Senator from West Virginia will be stated.

The LEGISLATIVE CLERK. On page 17, between lines 13 and 14, it is proposed to insert the following:

(d) The authority of the President to induct persons (other than those who enlist voluntarily)—

Mr. NEELY. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. NEELY. Mr. President, this amendment embodies the principle upon which the Senate has just voted, but it reduces the period which would elapse between any ascertained failure of the volunteer system to prove its sufficiency and the time when the President could put the conscription machinery in operation.

The amendment is as follows:

(d) The authority of the President to induct persons (other than those who enlist voluntarily) into the land and naval forces of the United States for training and service under this act shall not become effective if there shall be voluntarily enlisted, as provided in this section or under any other provision of law, in the land and naval forces of the United States (1) during the 30-day period immediately following the date of the enactment of this act, 75,000 persons; (2) during the next period of 30 days, 115,000 persons; (3) during the next period of 30 days, 210,000 persons; and (4) during each period of 10 consecutive days after January 1, 1941, such number of persons as the President deems necessary to provide for the requirements of an adequate national defense. If at the end of any such period of 30 days the number of persons voluntarily enlisted is less than the number herein prescribed for such period, such authority of the President shall thereupon become effective; or, after January 1, 1941, if at the end of any such period of 10 days the number of persons voluntarily enlisted during such period is less than the number the President deems necessary to provide for the requirements of an adequate national defense, such authority of the President shall thereupon become effective.

Mr. President, if Senators desire to record themselves in favor of the principle of voluntary enlistment, and are not afraid that the country will be invaded during the 30-day periods or the 10-day periods in which the enlistment principle is being tested, then they should vote for this amendment.

Mr. President, I demand the yeas and nays.

Mr. SHEPPARD. Mr. President, the pending bill is a carefully worked out combination of both the volunteer and the compulsory systems; and I do not think it should be modified.

Mr. LUNDEEN. Mr. President, did I correctly understand the Senator from West Virginia to say that we are not in danger of invasion during the next 30 days?

Mr. NEELY. I do not think that this country will be invaded during the next 30 days. But beyond this period I venture no predictions.

Mr. LUNDEEN. I am very glad to know that for the next 30 days we shall be safe.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. NEELY] to the amendment reported by the committee, as amended. On that question the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I announce the same pair as on the last roll call, and withhold my vote.

Mr. McKELLAR (when his name was called). Making the same announcement as on the former vote as to my pair and its transfer, I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I am advised that if present and voting he would vote "nay." Since that is the way I desire to vote, I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. MINTON. The Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Montana [Mr. WHEELER], are unavoidably absent.

The result was announced—yeas 27, nays 58, as follows:

YEAS—27

| | | | |
|---|---|---|---|
| Adams | Donahey | Mead | Tobey |
| Ashurst | Downey | Murray | Tydings |
| Bone | Hayden | Neely | Van Nuys |
| Brown | Holt | Norris | Wagner |
| Bulow | Johnson, Calif. | Radcliffe | Walsh |
| Capper | Johnson, Colo. | Shipstead | Wiley |
| Davis | La Follette | Thomas, Okla. | |

NAYS—58

| | | | |
|---|---|---|---|
| Andrews | Caraway | George | Harrison |
| Austin | Chandler | Gerry | Hatch |
| Bailey | Chavez | Gibson | Herring |
| Barkley | Clark, Idaho | Glass | Hill |
| Bridges | Clark, Mo. | Green | Hughes |
| Burke | Connally | Guffey | King |
| Byrd | Danaher | Gurney | Lee |
| Byrnes | Ellender | Hale | Lodge |

| | | | |
|---|---|---|---|
| Lucas | Nye | Schwartz | Thomas, Idaho |
| Lundeen | O'Mahoney | Schwellenbach | Thomas, Utah |
| McCarran | Overton | Sheppard | Truman |
| McKellar | Pepper | Smathers | Vandenberg |
| Maloney | Pittman | Smith | White |
| Miller | Reynolds | Stewart | |
| Minton | Russell | Taft | |

NOT VOTING—11

| | | | |
|---|---|---|---|
| Bankhead | Frazier | McNary | Townsend |
| Barbour | Gillette | Reed | Wheeler |
| Bilbo | Holman | Slattery | |

So Mr. NEELY's amendment to the amendment of the committee was rejected.

Mr. ANDREWS. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a table showing voluntary enlistments by States for the 6 months of January through June 1940.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The following table shows enlistments for the 6 months of January through June 1940, under present Army voluntary system.

| | Population | Number of enlistments |
|---|---|---|
| Alabama | 2,646,248 | 2,168 |
| Arizona | 435,573 | 314 |
| Arkansas | 1,854,482 | 1,071 |
| California | 5,677,251 | 2,847 |
| Colorado | 1,035,791 | 978 |
| Connecticut | 1,606,903 | 636 |
| Delaware | 238,380 | 108 |
| District of Columbia | 486,869 | 184 |
| Florida | 1,468,211 | 1,129 |
| Georgia | 2,908,506 | 2,823 |
| Idaho | 445,032 | 338 |
| Illinois | 7,630,654 | 2,784 |
| Indiana | 3,238,503 | 1,470 |
| Iowa | 2,470,939 | 726 |
| Kansas | 1,880,999 | 1,022 |
| Kentucky | 2,614,589 | 3,053 |
| Louisiana | 2,101,593 | 1,086 |
| Maine | 797,423 | 582 |
| Maryland | 1,631,526 | 704 |
| Massachusetts | 4,249,614 | 1,974 |
| Michigan | 4,842,325 | 1,254 |
| Minnesota | 2,563,953 | 671 |
| Mississippi | 2,009,821 | 1,157 |
| Missouri | 3,620,367 | 1,266 |
| Montana | 537,606 | 294 |
| Nebraska | 1,377,963 | 680 |
| Nevada | 91,058 | 45 |
| New Hampshire | 465,293 | 255 |
| New Jersey | 4,041,334 | 1,434 |
| New Mexico | 423,317 | 301 |
| New York | 12,588,066 | 5,471 |
| North Carolina | 3,170,276 | 3,442 |
| North Dakota | 680,845 | 215 |
| Ohio | 6,646,697 | 1,956 |
| Oklahoma | 2,396,040 | 2,261 |
| Oregon | 953,786 | 801 |
| Pennsylvania | 9,631,350 | 7,411 |
| Rhode Island | 687,497 | 351 |
| South Carolina | 1,738,765 | 1,763 |
| South Dakota | 692,849 | 313 |
| Tennessee | 2,616,556 | 2,620 |
| Texas | 5,824,715 | 6,648 |
| Utah | 507,847 | 254 |
| Vermont | 359,611 | 240 |
| Virginia | 2,421,851 | 2,169 |
| Washington | 1,563,396 | 1,034 |
| West Virginia | 1,729,205 | 1,618 |
| Wisconsin | 2,939,006 | 1,169 |
| Wyoming | 225,565 | 256 |
| Hawaii | 368,336 | 74 |
| Panama Canal Zone | 39,467 | 22 |
| Philippines (1935 census) | 13,099,405 | 29 |
| Puerto Rico | 1,543,913 | 188 |
| United States Army posts | | 898 |
| Alaska | 59,278 | 22 |
| Total | | 74,579 |

Mr. ADAMS. Mr. President, I desire to submit an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. In the committee amendment it is proposed to add a new section, to read as follows:

SEC. 302. (a) All the provisions of section 3 of the act of March 27, 1934, as amended or hereafter amended, shall be applicable with respect to contracts hereafter entered into for weapons, ammunition, and other military equipment procured by the Ordnance Department of the Army and by the Bureau of Ordnance of the Navy to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft or any portion thereof by the Army and Navy: *Provided*, That the Secretary of War shall exercise all functions under such section with respect to such contracts of the Army, and the Secretary of the Navy shall exercise all functions under such section with respect to such contracts for the Navy.

(b) The provisions of section 3 of such act of March 27, 1934, as amended, shall, in the case of contracts or subcontracts entered into after the date of the approval of this act, be limited to contracts or subcontracts where the award exceeds $50,000.

(c) All determinations hereafter required under such act of March 27, 1934, as amended, with respect to the costs and profits of the War Department and Navy Department contracts shall be made by the Secretary of War and the Secretary of the Navy, respectively.

Mr. ADAMS. Mr. President, the amendment which I have sent forward was offered earlier in the day as an amendment to the amendment of the Senator from Georgia [Mr. RUSSELL]. At his suggestion I withdrew the amendment and am now offering it and asking, if it shall be adopted, to have it placed in the bill following the amendment of the Senator from Georgia.

The purpose of the amendment is to impose a profit limit upon contracts for ordnance supplies. At the present time there are profit limitations in the case of contracts involving naval vessels and airplanes both for the Army and the Navy, but no limitations upon contracts for ordnance.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BARKLEY. I notice from a reading of the amendment that it applies to a certain section as heretofore amended or as hereafter to be amended.

Mr. ADAMS. That is correct.

Mr. BARKLEY. Does not the Senator think that is going up a blind alley, to apply it to any amendment which may hereafter be adopted?

Mr. ADAMS. I will say to the Senator that there is pending in the appropriation bill now on the calendar a provision which would lift the airplane profit limit from 8 percent to 12 percent, and this is tying the ordnance profit limit in with the airplane limit.

Mr. BARKLEY. That may be true as to the particular amendment which the Senator has in his mind, but the language would make it apply to any amendment adopted at any time hereafter.

Mr. ADAMS. It would affect the profit limit; yes. I do not think we should tie it down. I think it should be flexible, and that is the purpose. I do not think we want the gun makers and the tank makers to be left free to profiteer, while we hold down the airplane manufacturers. Then we would have the mechanics and subcontractors going over into the tank factories and away from the airplane factories.

Mr. BARKLEY. Of course, no Congress can bind a future Congress.

Mr. ADAMS. Certainly not.

Mr. BARKLEY. If in the future the section should be amended in some other way than in the manner suggested in the appropriation bill which is now on the calendar, of course Congress could do whatever it saw fit to do at that time.

Mr. ADAMS. Of course.

Mr. BARKLEY. While I am on my feet, I might suggest to the Senator that the revenue bill which has been reported, I understand, or is supposed to be reported to the House, carries a provision with respect to this matter, as I understand it. The Senator from Mississippi [Mr. HARRISON], the chairman of the Committee on Finance, is present, and knows what has been done about it. I am wondering whether it is necessary to carry the profit provision in this bill, as well as in the tax bill.

Mr. ADAMS. I think it might be well to take care of it. It seems to me there is a gap which should be filled at this time. It has been disadvantageous to the airplane manufacturers. If the excess-profits tax bill takes care of it as to airplanes the matter of ordnance can also be taken care of in that bill.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | La Follette | Schwartz |
| Andrews | Donahey | Lee | Schwellenbach |
| Ashurst | Downey | Lodge | Sheppard |
| Austin | Ellender | Lucas | Shipstead |
| Bailey | George | Lundeen | Smathers |
| Bankhead | Gerry | McCarran | Smith |
| Barkley | Gibson | McKellar | Stewart |
| Bone | Glass | Maloney | Taft |
| Bridges | Green | Mead | Thomas, Idaho |
| Brown | Guffey | Miller | Thomas, Okla. |
| Bulow | Gurney | Minton | Thomas, Utah |
| Burke | Hale | Murray | Tobey |
| Byrd | Harrison | Neely | Truman |
| Byrnes | Hatch | Norris | Tydings |
| Capper | Hayden | Nye | Vandenberg |
| Caraway | Herring | O'Mahoney | Van Nuys |
| Chandler | Hill | Overton | Wagner |
| Chavez | Holt | Pepper | Walsh |
| Clark, Idaho | Hughes | Pittman | White |
| Clark, Mo. | Johnson, Calif. | Radcliffe | Wiley |
| Connally | Johnson, Colo. | Reynolds | |
| Danaher | King | Russell | |

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present.

The question is on the amendment of the Senator from Colorado [Mr. ADAMS] to the amendment of the committee.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HARRISON. Mr. President, I wish to make a brief statement. I had not expected to say anything with reference to the pending bill, but if the pending amendment shall be adopted by the Senate, I am afraid it will bring about complications.

The President and the Council of National Defense say they have been greatly handicapped in making contracts by the provisions of the Vinson-Trammell Act, because one manufacturer is allowed a certain percentage of profit on a contract, and another is allowed perhaps a larger percentage of profit. That has caused delay in the making of contracts. So the President has urgently requested the enactment of legislation which would suspend the Vinson-Trammell Act, and the enactment of one or two other needful provisions.

The Congress has been charged with being guilty of some delay in undertaking the passage of such legislation. The Ways and Means Committee of the House has had hearings on this matter, and has favorably reported a bill dealing with the subject to the House. It is hoped that the House will pass the excess-profits tax bill, which includes the desirable provisions the administration has asked for with respect to contracts such as those under discussion. I think the measure will come to the Senate about Friday.

Mr. President, it is the intention of the Finance Committee to begin hearings next Tuesday. Notice to that effect has been sent to the members of the committee. The committee would go to work on the measure before Tuesday if it should be passed by the House earlier than Friday. Monday will be Labor Day. If the pending bill is passed by the Senate tonight, some Senators will want to go away, because of business matters. The Finance Committee will take the other bill up for consideration Tuesday. We expect to have very brief hearings on that very important bill, which includes the important provisions to which I have referred, as well as the provision with respect to excess-profits tax.

In considering the legislation which is now pending in the House we shall try to deal with everyone alike in providing for an excess-profits tax. Some may think that the tax recommended is not sufficiently high, but I think those who will be affected by the tax will think it is quite high, and it will raise considerable revenue for the Government.

Mr. President, we shall attempt to hasten the enactment of the legislation in a reasonable way, and present it to the Senate, for passage or rejection, as the Senate may decide, as speedily as we can.

I am afraid that if the provision contained in the pending amendment should be adopted it would cause further complications. I do not know what the chairman of the Senate Committee on Military Affairs, who has the bill in charge, thinks about the amendment, but I believe it should be rejected. I submit that thought to the Senate for its consideration.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CLARK of Missouri. I should like to ask my friend, the chairman of the Finance Committee, if it is not a fact that the basic bill in the House has been changed already at least four times? Is that true?

Mr. HARRISON. The proposed legislation, with respect to which our own experts and the Treasury are trying to get together, which the subcommittee reported, and upon which hearings were had in the House committee, has been greatly disfigured.

Mr. CLARK of Missouri. Let me say, if the Senator will further permit, that I have attended nearly all the hearings of the House committee, to which the members of the Senate committee were invited. I attended several hearings before the general public hearings were begun, at the invitation of my friend the Senator from Mississippi, and there have been at least four essential changes in the bill since it was first proposed.

Mr. HARRISON. At least four changes were made.

Mr. CLARK of Missouri. Yes; there were at least four essential changes.

Mr. HARRISON. Yes; four essential changes.

Mr. CLARK of Missouri. Those changes entirely revolutionized the whole theory of the bill.

Mr. HARRISON. I think so. That is why, I may say, I think there should be public hearings on the bill next week.

Mr. CLARK of Missouri. I certainly think there should be public hearings on it; but I do not think that is any reason for rejecting the pending amendment, because now we have the best chance we will ever have to write the intention of Congress into the law.

Mr. HARRISON. I have stated to the Senate that I feared the adoption of the amendment might slow down some contracts which are being made. Of course, I am in thorough sympathy with what the Senator from Colorado is trying to do.

Mr. CLARK of Missouri. Will the Senator again yield?

Mr. HARRISON. I yield.

Mr. CLARK of Missouri. The Senator knows very well, indeed, that the whole theory of an excess-profits tax is that it will simply be a cloud or a coating to the proposed change in the amortization law, and more particularly the repeal of the Vinson-Trammell Act. The Senator is certainly familiar with that.

Mr. HARRISON. Yes. I am in thorough accord with the Senator's views on that question.

Mr. CLARK of Missouri. So if we are ever to get anywhere in solving the problem, we must have an amendment such as that which the Senator from Colorado has offered.

Mr. HARRISON. If I thought there was any doubt about what the Senator says, I should be in favor of adopting the amendment, but I fear that it may complicate a situation which we are working almost every minute in the day to try to unravel in such a way as we hope may hasten adjournment.

Mr. CLARK of Missouri. Mr. President, let me say that I think I was probably the first Member of either body of Congress to suggest that Congress should remain in session. I did so because I thought that if we should adjourn the President might get us into war. I have since learned that every time the President goes on a week-end trip he comes back and asks for either $4,000,000,000 or $5,000,000,000 of additional authorizations, or for conscription, or something else equally bad. As I told the Senator from Kentucky [Mr. BARKLEY] the other day, while I think I was the first Senator to speak on the floor in favor of staying in session, if the Senator from Kentucky wishes to bring in a resolution tonight to adjourn, I shall be one of the first to support it.

Mr. HARRISON. I should have to differ with the Senator on that question. There are two important pieces of legislation which I think the Senate must consider. One is the excess-profits tax, whatever it may be, and the other is the sugar-quota bill, which has passed the House and is now before the Senate.

Mr. CLARK of Missouri. Let me ask the Senator a question about the excess-profits tax. It is estimated by the Treasury experts and by the experts of the Joint Committee on Taxation that the bill will raise $190,000,000. Every week end the President is recommending appropriations of $4,000,000,000 or $5,000,000,000. What difference would $190,000,000 make?

Mr. HARRISON. I think the Senator is mistaken about the estimate of $190,000,000. The Treasury experts did say that for 1940—which is more than half gone—the so-called average base method, which our experts prepared, would yield about $190,000,000. However, I do not accept those figures. Even according to the Treasury experts the bill before the House would raise more than $300,000,000 in the first year; and I think their estimate is that it would raise about $900,000,000 in the second year. So it will raise quite a large amount of money.

Mr. President, I have said all I desire to say.

Mr. ADAMS. Mr. President, I cannot see that there are any complications. We have a rather simple situation. Certain defense items are subject to a profit limitation. The great field of ordnance stores or munitions is not subject to a profit limitation. We are trying to do by this amendment exactly what the Senator from Mississippi plans to do. We are trying to put the various elements of defense on a uniform scale, and make the same rate of limitation which now applies to airplanes, both for the Army and Navy, apply to ordnance supplies. At the present time there is no limit on the profits which may be made on ordnance supplies. We were told in the committee by some of those interested in airplane contracts that they were having difficulty in finding subcontractors, because there was a limitation under the Vinson-Trammell Act. The contractors would rather manufacture for the Ordnance Department, with respect to which they are not subject to a profit limitation.

The bill in which the Senator from Mississippi is interested will come before us subsequent to the passage of the pending bill. It will supersede it; and if it solves the problem, I think it will be a good bill. It seems to me that there is a gap in our protective system against excess profits, which we seek to close by the amendment.

Mr. BYRNES. Mr. President, I ask the Senator from Colorado if he will agree to modify his amendment by adding, in the last subsection, the words "now or hereafter" in order to carry out the intention expressed in the first paragraph?

Mr. ADAMS. I accept the suggestion.

Mr. BYRNES. Mr. President, I wish to state what the situation with reference to the matter of restrictions upon profits from contracts would be as a result of the adoption of the pending amendment.

Under the law as it stands today there is a maximum of 8 percent upon the profit of a contractor constructing airplanes. Under the provisions of the appropriation bill, which is to follow the pending bill, the maximum will be increased to 12 percent. Today there is no restriction on the profit of a contractor having a contract for ordnance of any kind, for guns, or for matériel.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BYRNES. If the Senator will permit me to conclude my statement, I shall be glad to yield to him.

If we should adopt the pending amendment to the bill now before us, the same provisions which apply under the existing law would apply to ordnance. If we should pass tomorrow the appropriation bill which is on the calendar, then the maximum of 12 percent would apply to everything. Is that the Senator's understanding?

Mr. ADAMS. It is. The amendment follows the airplane schedule.

Mr. BYRNES. Therefore, so far as the adoption of the amendment is concerned, I do not see how it can do any harm. I will say to the Senator from Mississippi that the situation which would then exist would be as follows:

We would have passed the pending bill, which makes a uniform provision as to profit for all matériel. That is the object of it. If tomorrow we should adopt the language of the House bill, which has been recommended by the Appropriations Committee, then under the language of this amendment as it now stands there would be a uniform provision, but it would be 12 percent. When the two bills go to conference, there is no danger unless this bill should reach the President for approval before the appropriation bill. In that event, for the time elapsing between the date the President should approve this bill and the date the President should approve the appropriation bill, the maximum of profits would be lower than it would be after the President should have approved the appropriation bill.

It is not a practical question, because we know there are so many questions at issue in the pending conscription bill that the appropriation bill will get to the President and will be approved before this bill will. When that is done, by reason of the language of the appropriation bill, the maximum rate will be 12 percent. It will then be uniform as to ordnance and as to guns and as to matériel of all kinds.

When the tax bill comes in, we are hopeful that it will not be so controversial as to result in delay; but, whenever it comes in, Congress can then do, in the provisions of the tax bill, whatever it sees fit. But if the Congress should disagree about it, and do nothing on the tax bill, there would be the restriction which is provided in this bill. Therefore, I think it is a safe thing and a wise thing to adopt the amendment of the Senator from Colorado. There would then be a restriction, but it would apply to all, and the maximum would be higher than it now is.

Mr. BARKLEY. Mr. President, will the Senator yield for a question for information?

Mr. BYRNES. Yes.

Mr. BARKLEY. If we adopt this amendment to the pending bill, and then, when the appropriation bill is taken up, if the language in that bill is adopted, and then, when we pass the tax bill, if the language carried in the House bill is adopted, will there be any conflict between the provisions?

Mr. BYRNES. No. The hope of the Appropriations Committee has been that the passage of the appropriation bill would relieve the difficulties that have been claimed to exist. Certainly, the amendment of the Senator from Colorado will do no harm. It will prescribe a uniform maximum rate of profit. It will prevent the argument that a man may go to the War Department and get greater profits for manufacturing a gun than for manufacturing an airplane.

My hope is, and the hope of the Appropriations Committee was, that when the Congress takes up the tax bill it will handle the situation in its entirety, taking the whole picture. It can do it, and whenever it determines what it wants to do it can write a simple line merely repealing this provision, if it desires to do so, and repealing the House provision, and deal with the whole question as the Congress sees fit; but I do not see that this amendment will do any harm. I think it will have a trend to uniformity, which is desirable.

Mr. BARKLEY. Mr. President, may I ask the Senator a question at that point?

Mr. BYRNES. I yield to the Senator.

Mr. BARKLEY. The language referred to being already in the appropriation bill as it came over from the House, as I understand, if it is adopted here, of course, it will be out of conference, it will be out of controversy, and will be in the bill when it goes to the President.

Mr. BYRNES. Yes.

Mr. BARKLEY. Will that eliminate the necessity for the Finance Committee or the Ways and Means Committee dealing with the question of profits?

Mr. BYRNES. Mr. President, that would be solely a question as to the views of the Congress. If the Congress should be satisfied with the provision, it would

Mr. BARKLEY. Unless the two revenue-raising committees desired to make a change?

Mr. BYRNES. Unless they desired to make a change. That is one advantage of this.

Mr. BARKLEY. There would be no controversy?

Mr. BYRNES. Unless the Finance Committee should think there should be a change and should report a change there would be a uniform provision as the result of the passage of these two bills. Then the Finance Committee would determine whether it wanted to change it, and, if not, it could handle the question solely through the instrumentality of amortization. That would be a matter for the committee to decide.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BYRNES. Yes; but I have told the Senator from Massachusetts [Mr. WALSH] that I would yield to him.

Mr. WALSH. Mr. President, as I understand the present law, so far as airplanes are concerned, there is a limit of profit to 8 percent. Also, so far as naval vessels are concerned there is a limit of profit to 8 percent. They are the only two industries in the whole country as to which there is a limitation upon the profits which may be made, and that limitation is only on Government contracts. Am I correct?

Mr. BYRNES. Yes.

Mr. WALSH. Now the Senator indicates that in all probability the tax bill will repeal the provisions fixing that limitation of profits in those two particular instances on Government contracts, and put those industries, like all other industries, under a general excess-profits tax. Am I correct?

Mr. BYRNES. I am not on the committee, but I understand that that procedure has been discussed.

Mr. WALSH. This proposal is that between now and a few days from now we shall go back to the old law of 12-percent profit for the manufacture of airplanes and 10-percent profit for the manufacture of naval vessels. Is not that the proposition?

Mr. BYRNES. Not exactly. That is a proposition which is in the appropriation bill, not in this bill.

Mr. WALSH. The Senator is proposing to change the present law. That is true, is it not?

Mr. BYRNES. The amendment of the Senator from Colorado, which is pending, changes the law. It provides that all the provisions of section 3 of the act of 1934—the Vinson-Trammell Act—as now or hereafter amended shall be applicable to all ordnance supplies of the Army and Navy, making them all equal. The purpose of this particular amendment, as I read it—and I am sure I am right—is to make the rates of profit for the manufacture of aircraft guns and of ordnance of any character uniform with the rates fixed in the law which the Senator refers to, and which he introduced.

Mr. WALSH. The amendment seeks to reach out and put a new class of industries under the rate of 12 percent, limiting to 12 percent the profit of manufacturers of other munitions?

Mr. BYRNES. No; that is not exactly what the amendment does.

Mr. WALSH. But does it change the present law of 7 and 8 percent?

Mr. BYRNES. No; it does not.

Mr. ADAMS. It does not. It only fixes the rate on ordnance supplies, as to which no rate now exists. It attaches that rate to the airplane rate, and makes it follow the airplane rate wherever it goes.

Mr. WALSH. I am sorry the amendment is not in writing, so I have to ask these questions.

The proposal of the Senator is to let the law remain with the 7 and 8 percent limitation of profits on the part of manufacturers of naval vessels and manufacturers of naval and Army aircraft under contract by the Government, and to put a limitation of profits of 12 percent on other manufacturers?

Mr. BYRNES. If the Senator will allow me, I can state the matter in a second. This proposal simply means that whatever rate is heretofore adopted for airplanes shall apply to all other things.

Mr. WALSH. To what industries does the limitation of 12 percent apply?

Mr. BYRNES. If the bill were signed right now, the maximum profit would be 8 percent, because today the law is 8 percent; but the amendment refers to the Vinson-Trammell Act as now or hereafter amended. As the act now stands the rate would be 8 percent. Should the Congress pass the appropriation bill, which raises the rate to 12 percent, then under this amendment it would be raised to 12 percent.

Mr. WALSH. So the proposal, then, if I have it correctly, is to make the rate 8 percent on this class of munitions or on any matériel other than naval vessels and airplanes, and to have that rate remain until a change is made in these rates either through the appropriation bill or through the excess-profits tax?

Mr. BYRNES. That is a correct statement.

Mr. WALSH. What is the object in prescribing a limitation of profits for a few days in the case of these particular industries?

Mr. BYRNES. The Senator from Colorado [Mr. ADAMS] offered the amendment. I am not offering it, but my statement was that I saw no objection to it for this reason: If the amendment is adopted, it will apply a uniform rate. We have often had great hopes about passing a tax bill in 2 days and had it actually take a longer time. I assume that is one of the things that induced the Senator from Colorado to offer the amendment, so that there would be a uniform rate applying until such time as the tax bill was approved; that is all.

Mr. WALSH. So, even if this amendment is adopted, until some other bill is brought before the Senate there will be no change in the existing rates of 7 percent plus fixed fee contracts and 8 percent applicable to manufacturers of naval vessels and airplanes on fixed fee contracts. Is that correct?

Mr. BYRNES. That is correct; but there would be a change in the case of guns and torpedoes and ordnance for the Army. They would be on the same basis with airplanes.

Mr. WALSH. Mr. President, I wish to be heard on this amendment.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. RUSSELL. Mr. President, in my opinion the amendment offered by the Senator from Colorado should be agreed to. At the present time there is almost unspeakable confusion because of the various limitations on profits allowed those who enter into contracts with the two departments of the Government charged with national defense. The pioneer piece of legislation in limiting profits was the so-called Vinson-Trammell Act, which placed a limitation on profits which varied in amount on the different articles which might be acquired by the Navy Department, and which did not apply to purchases and contracts which might be made by the War Department.

Within the past several weeks a bill has been passed by the Congress and signed by the President which reduced the profits on airplane contracts to 8 percent in the case of contracts which were let to competitive bidding, and which limited the profits to 7 percent where contracts were negotiated without any competitive bids. In other words, under cost-plus contracts which are today entered into by the War Department and the Navy Department for the purchase of airplanes the profits are limited to 7 percent. That is the only limitation provided by existing law on contracts entered into by the War Department.

The Senator from South Carolina was in error in saying that the profits on all ordnance supplies which are now purchased are limited. When the War Department goes into the market to buy a 5-inch antiaircraft gun, there is absolutely no limit whatever on the profit which may be made by the contractor who supplies that 5-inch antiaircraft gun. When the Navy Department, the first line of defense, goes into the market to acquire a 5-inch antiaircraft gun, it is bound by the provisions of the Vinson-Trammell Act, which limits profits which a manufacturer may make to 8 percent in case the contracts are let to bidding after advertisement, and 7 percent in the case of contracts negotiated on the cost-plus basis.

This has resulted in great injury to the Navy in its purchases. The evidence before the committee considering the appropriation bill showed that the Navy could not buy armaments, they could not buy guns for ships now in course of construction, because they were limited in the profits the manufacturer might earn, whereas the Army and foreign-purchasing commissions have no limitation whatever.

I do not desire to take the time of the Senate by going into the hearings in any detail, but I do wish to make a brief quotation from the statement made by Admiral Furlong, and I hope the members of the Senate will pay attention to it. He said:

> Now, the Vinson-Trammell Act was an excellent act, and one of the first acts that put a curb on excess profits, and was an act that I was very much in favor of and operated under it for a number of years. It is a piece of pioneer legislation in its field of limiting profits that should have been extended to the purchases of all departments of the Government. The Navy had no trouble whatever—

That is, they had no trouble whatever in making contracts under this limitation of profits—

> until business picked up and the Army having increased appropriations began to buy guns without the operation of the Vinson-Trammell Act, and the foreign nations and other Government departments buying without the operation of the Vinson-Trammell Act has caused business from the Navy to be unattractive.

I asked him this question:

> Senator RUSSELL. So it is a question then of profits. They can get more profits by dealing with the British Purchasing Commission and the Army than they can by dealing with the Navy?
> Admiral FURLONG. That is right, except as to aircraft of the Army which is under the same provision.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. In that connection, insofar as Army aircraft are concerned, the provisions of the act and the amendment of the act have brought about the trouble in making contracts. General Brett testified before our committee, as the Senator will recall, as follows:

> Then when on June 28, the bill was approved, which cut the 12-percent limitation to 8-percent limitation, that threw all of our prospective contracts in the wastebasket, simply because the contractors had to readjust all of their prices and had, in connection with the intangibles, less opportunity to make a just bid and today they will not sign a contract under the 8-percent limitation because there are too many intangibles.

Referring to taxes and like things. It is for that reason, among others, that I think the sooner we enact a uniform law applying to all these purchases, putting a ceiling, if we can, on the profits contractors may make, the better it will be, and for that reason I propose to vote for the amendment. It is virtually the same provision that is in the appropriation bill which will come before the Senate after the pending bill has been disposed of, and I hope that those in charge of the bill will accept the amendment which has been offered, and take it to conference, so that a uniform act and a uniform ceiling may be provided.

Mr. RUSSELL. Mr. President, I agree with the philosophy of the Senator from Tennessee; but I do not agree with his statement that the appropriation bill soon to come before the Senate will iron out all these difficulties.

Mr. McKELLAR. I do not think it will. But it will make the provisions as to profits more uniform, and then the difficulties may be ironed out.

Mr. RUSSELL. As I understand the bill, it restores the profits aircraft manufacturers may take from the present limit of 8 percent to 12 percent, and it changes the profits which shipbuilders may make from the present limit of 10 percent to 8 percent. That is what the appropriation bill as reported by the Committee on Appropriations will do. But that provision does not touch in any way the difficulty we are encountering, because of the fact that the Navy is bound down by a limit on profits, and the Army has no limit whatever on the profits which may accrue to those contracting with the Army.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I have only a short time. I hope it will be a brief question.

Mr. TAFT. I should like to know whether this amendment does not also extend those limits on profits to contracts made under the Bureau of Ordnance of the Navy, covering the very large amount of Navy contracts which are not now covered, as well as to all Army ordnance contracts.

Mr. RUSSELL. I do not so understand. If I understand the existing law there is now a limit on the profit which may be made on any purchase the Navy Department may make.

Mr. TAFT. I think the Senator is in error. I do not think it applies to the Bureau of Ordnance of the Navy.

Mr. RUSSELL. Admiral Furlong, who appeared before the committee, testified specifically that it did apply to the Bureau of Ordnance, and used the illustration of antiaircraft guns of 5 inches which he was trying to purchase as having been held up by this provision.

This amendment has one great virtue; it makes uniform the limitation on profits which may accrue to all those doing business with both the War Department and the Navy Department. It removes a handicap under which the Navy is laboring at the present time, being bound down by the limitation on profit, while there is no limitation whatever on the War Department.

I concede this is a matter which should be dealt with in the tax legislation which we hope will soon be before the Senate, but certainly in the interim we should endeavor to make profits uniform. Then, when the tax bill comes along, and permanent law is written, we can deal fairly and equitably with all those who may do business with the War Department or the Navy Department. I assume that the tax bill will revise this amendment, which merely seeks to place all the contracts for war matériel of every kind on exactly the same basis, and limit the profits which are allowed at the present time on aircraft.

Mr. TAFT. Mr. President, I think it should be stated that the head of the Ordnance Departments of the Army and the Navy also appeared before the Committee on Appropriations and opposed the amendment, as I recall.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. RUSSELL. The head of the Ordnance Department of the Army was very vigorous in his statement against the amendment, but the testimony of the admiral representing the Navy was not, as I understood it, against the amendment. The admiral stated the Navy wanted to be put on the same basis as the Army.

Mr. TAFT. No; that was Admiral Furlong's testimony. The Senator is in error. As a matter of fact, the present limitation applies only to completed naval vessels and to aircraft. It does not apply to naval ordnance, and the effect of the amendment is to extend the profits limitation to all naval ordnance and to Army orders of every kind. The admirals and the general who appeared before us stated that it would seriously interfere with the development of the defense program, and it would. It has interfered in the particular case of aircraft, and now, instead of trying to advance the program, we are extending the same limitation to all Army ordnance, to all naval ordnance, to all kinds of orders to which it does not apply. As I understand, we are to extend this limitation on the theory that before the act goes into effect we shall repeal it in the tax law. Of all the legislation I have ever heard of, the proposed legislation seems to me to be supported by the weakest argument.

Mr. GEORGE. Mr. President, I think there is some misapprehension about what effect the tax law will have on this particular problem. The tax bill will not deal with specific profits upon specific contracts. All the tax bill which is now before the House undertakes to do is to suspend the provisions of the limitations of the Vinson-Trammell Act for a period of 5 years, or for a fixed period. The excess-profits tax will be a tax levied upon the total income of every corporation, ostensibly, at least, or theoretically for the purpose of imposing a tax upon the total net incomes of corporations during the taxable year.

One complication may arise as the result of the adoption of the amendment, or of any similar amendment. If, during the time the amendment is in force, let us say, the manufacturer of anything the Army or Navy desires to buy, contracts with the Government, and is given a guaranty of 8, 9, 10, or 12 percent, or whatever the percentage of profits may be, the contractor may say, when the excess-profits tax is applied to him, "On this specific contract I have dealt specifically with the Government and you cannot cut down the profits which I have by contract secured from the Government."

Whether or not that would be a valid plea I do not know, but the point I am trying to make clear is that the excess-profits tax will not deal with specific profits upon ships, airplanes, ordnance, or any other particular thing. It will deal only with the total income derived by the corporation from Government contracts, as well as from contracts with private individuals or private concerns.

The material point is that when we come to consider the excess-profits tax we may have some trouble because of contracts which have been made under a provision of law which authorizes the Government to bind itself to pay a specific profit, say, of 10 or 12 percent.

Mr. TAFT. Mr. President, does the Senator mind if I complete my remarks, because my time may soon expire?

Mr. GEORGE. I will obtain the floor later, and let the Senator have his time now.

Mr. TAFT. We may or may not repeal the Vinson-Trammell Act. No one knows whether the Senate will agree to do that. It has been pointed out by the Senator from Georgia that, after all, the mere imposition of an excess-profits tax may be an excuse for repealing it, but it is hardly a conclusive reason for repealing it. Whether the Senate, particularly in its present frame of mind, will repeal it, I do not know. If we do not repeal it we will extend to all contracts for orders by the Army and the Navy this profit limitation, a limitation which interferes with the development of the defense program. Of course, it is not fair to speak only of, let us say, a 12-percent profit, because the manufacturer may lose 12 percent. He takes all the risk of loss and is only limited in his profits.

In addition to that it imposes upon the contractor a special cost accounting; it makes necessary long negotiations with the Treasury Department to determine exactly how the contractor obtains a 12-percent profit and how much capital he can count in, and all sorts of complicated provisions.

It is an imposition which I think interferes seriously with the present contracts to which it applies, except possibly in the case of finished naval vessels, as to which the accounting has been worked out for many years, but I certainly do not think it should be extended to all the rest of the preparedness program.

It is urged that we adopt the draft act on the theory that we shall make some headway for defense, and because of the emergency we must adopt it tonight, we must make speed and vote on it, and then in the legislation we impose a limitation which will cause delay and interference in the real bottleneck, the production of equipment rather than enlistment of personnel.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BYRNES. I simply wish to say that the tax bill provides that section 3 of the act of March 27, 1934, the Vinson-Trammell Act shall not apply to contracts, or subcontracts for the construction or manufacture of a complete naval vessel, or any Army or Navy aircraft, or any portion thereof, which are entered into or completed in any taxable year.

If that provision is adopted, I think there will be no reason for the adoption of the amendment of the Senator from Colorado, but even if the Senator's amendment is adopted and goes to conference, the matter can be worked out, if the Congress later adopts a tax bill such as that under consideration.

Mr. TAFT. If the Senate adopts this legislation, and it is then repealed before final action on the measure, it certainly is not going to do any harm, but that is the most extraordinary method of legislating I have ever heard of.

Mr. BYRNES. If we do not adopt the tax bill, however, there will be a uniform provision enacted into law.

Mr. TAFT. Yes; exactly, covering probably four times the number of contracts to which the present limitation applies, and interfering four times as much with speeding up the national-defense program.

Mr. BYRNES. If the limitation of profits were fixed at 8 percent it would, but not if the limitation were fixed at 12 percent.

Mr. LUNDEEN. Mr. President, we have heard much argument about profits and taxes, and so forth. The farmers of Minnesota and the Northwest have some ideas about that matter, too. They look with disfavor upon armament, and profits resulting from war. I have before me three short editorials published in Wallaces' Farmer, which I ask to have printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From Wallaces' Farmer of October 7, 1939]

"DON'T SELL GUNS TO EUROPE"—SURVEY SHOWS THAT IOWA FARMERS OBJECT TO REPEAL OF EMBARGO

"Will repeal of the arms embargo help get us into war?" This question was uppermost in the minds of Iowa farm people as they answered the survey question: "The present neutrality law forbids shipments of arms and munitions to warring nations. Do you think this should be changed so that any nation could come here and buy arms on a cash-and-carry basis?"

Less than a third of Iowa's farm voters—both men and women—agreed with President Roosevelt that repeal of the embargo would be desirable.

Also half agreed with Senators LA FOLLETTE, of Wisconsin, VANDENBERG, of Michigan, and CLARK of Missouri that repeal would weaken the barriers the Neutrality Act sets up against American participation in war.

One-fifth were still undecided. The boom of oratory in Congress and of big guns over the water will probably drive these to a decision. If they divide according to the above opinions, the final count will be: Against repeal, 60 percent; for repeal, 40 percent.

Iowa farmers are already on record on the cash-and-carry plan applied to nonmilitary goods. Last winter, Iowa farm people approved such a plan by a 78-percent "yes" vote.

At that time the cash-and-carry provision was in the Neutrality Act. It expired in May. Both factions in Congress favor its restoration, and no matter how the embargo fight goes, the cash-and-carry program will go back into the law.

Last winter, also, Iowa farmers were asked if they would approve the cash-and-carry plan if its operation reduced prices of lard and pork, and 76 percent voted "yes."

The amendments now before Congress represent a compromise between the President, who declared he regretted he had ever signed the Neutrality Act, and the supporters of that act.

Instead of weakening the act, aside from embargo repeal, the amendments put back into the law the old cash-and-carry provisions and tighten up restrictions. Thus far the bill represents a victory for the group that calls itself the "peace bloc."

But on the other side, the bill drops the embargo section entirely and permits any nation to come to our shores, pay cash, and take away arms and munitions.

Under the amended act our ships would not carry goods of any kind to warring nations, our citizens would not be allowed on belligerent ships, and severe penalties would be visited on those who violated the rules. Many incidents that aroused our anger at Germany and Great Britain in 1914–17 could hardly occur again.

But if the arms and munitions embargo is also repealed the amended Neutrality Act might leave the United States as vulnerable to a war boom as in the World War. Friends of the embargo claim an arms boom would help bring a fake prosperity here, would tend to involve us in war, and would make the postwar crash more severe.

MEN SAY "YES"

No, 40 percent.
Undecided, 17 percent.
Yes, 43 percent.

The charts show the way men and women split on the issue of repealing the arms embargo. A narrow plurality of men want the embargo repealed; a majority of women want it retained.

WOMEN SAY "NO"

No, 56 percent.
Undecided, 24 percent.
Yes, 20 percent.

To find quickly Iowa farm views on various subjects, Wallaces' Farmer and Iowa Homestead has followed the method a farmer uses in taking a sample of corn from his crib to find out how the corn grades. He doesn't need to test every kernel in the crib to learn whether the corn is No. 3 or No. 4. All he needs to do is to be sure that his small sample is representative of the corn throughout the crib.

So Wallaces' Farmer and Iowa Homstead takes samples of Iowa farm families scattered over the State, with the proper balance

between age groups, men and women, Democrats and Republicans, and owners and renters.

By interviewing this sample of Iowa farm people, we have been able to discover, with surprising accuracy, how the whole Iowa farm group feels on current issues. A preelection survey in 1938 checked very closely with the actual farm vote.

The present neutrality law forbids shipments of arms and munitions to warring nations. Do you think this should be changed so that any nation could come here and buy arms on a cash-and-carry basis?

| | All farmers | Over 35 years | Under 35 years | Landon voters | Roosevelt voters |
|---|---|---|---|---|---|
| Yes | 32 | 33 | 25 | 26 | 35 |
| No | 48 | 47 | 55 | 48 | 48 |
| Undecided | 20 | 20 | 20 | 26 | 17 |

[From Wallaces' Farmer of September 9, 1939]

NO BLOOD HERE

The greatest service the United States can give the world today is to keep one great country—our own—free of war.

Starvation, mutilation, and hate will be the rewards of both victor and vanquished in a war today. The hatreds created by the 1914–18 struggle lived on to make this new war crisis. The hatreds revived by a new war would be a danger for generations to come.

The task of the United States is to keep its head above the fog of war, to refuse to share in the hatreds of conflict, and to be ready—as a friend of the common people on both sides—to help negotiate a peace without victory or revenge.

Fortunately, the United States is not menaced by anybody. No nation wants to add to its troubles now by taking us on. After a new war, both victors and vanquished would be too weak to fight us even if they were crazy enough to want to. We can concentrate on keeping out of trouble, paying the high cost of neutrality, and preserving within our borders one great area where men are exchanging goods instead of bayonet thrusts.

Our problem here is to produce and distribute enough goods to keep our people well fed, well housed, and well clad. We need not and must not degenerate to the place where one-third of our energy is spent making tools to kill other fellow citizens of the world.

---

[From Wallaces' Farmer of October 7, 1939]

FARMERS ALWAYS LOSE IN WAR

It's a lot easier to expand than it is to cut down. That's what older farmers are remembering these days when some folks talk about the benefits war demand might bring to the United States.

When war demand is strong and prices are high everything seems fine, but when the war demand stops—ouch! Remember the summer of 1920? War demands had stopped; the Federal Reserve Board pulled the plug on inflation and farmers took a beating.

That's the trouble with war demand in every line. The folks who make trucks and clothes and shoes for the armies have to trim down production fast when the war ends.

Those who make ammunition and tanks and airplanes are in a still worse state. Their business drops off 100 percent, while farmers and other industries may only have a cut of 10 or 20 percent.

One of the things that helps make a severe depression after a war is the inevitable collapse in the armament business. If the United States refuses to sell arms to anybody, we will at least keep one boom-and-bust element out of our economy.

An arms boom wastes the labor and the materials used in it. Those men and materials had just as well be used making houses and tools for our own folks, instead of making weapons for destruction abroad. And an arms boom certainly flattens out faster than anything else when peace comes.

There are enough middle-aged and elderly farmers left to remember the troubles that came after the last war. This time let's not expand until we are sure the war market will pay parity prices. If expansion should seem desirable—it may not be needed at all—then let's be ready to shrink production the second peace comes.

Mr. TOBEY. Mr. President, I am interested in the colloquy concerning the Vinson-Trammell Act because, in 1934, as a Member of the House, I was the author of the profit-limiting amendment to the Vinson-Trammell Act which placed a limitation on profits at 10 percent. The Senate adopted that limitation. At that time Senator Trammell was chairman of the Committee on Naval Affairs.

Since that act was passed, it has been revised or amended two or three times.

Admiral Peoples himself said before the House Appropriations Committee, that it was the finest piece of legislation, from the standpoint of the Navy, that was ever passed.

In the years 1934 to 1940 there have been about four million dollars plus actually returned to the Treasury, and there are contracts now under investigation in the Treasury Department and new contracts which may result in eventually bringing in to the Treasury, under the Vinson-Trammell Act, $75,000,000 to $100,000,000. I know of no other legislation that has brought such large sums back into the Treasury, but I do know of much legislation which has resulted in taking great sums from the Treasury in past years.

This profit limitation now covers only naval contracts and Army aircraft contracts. I think in justice it should also cover Army ordnance contracts. I think it should apply to all procurement by both the Army and Navy.

Mr. President, I favor the adoption of the amendment of the Senator from Colorado for these reasons. It will produce worth-while results. It is a piece of legislation which, in my judgment, is approved by the Navy and is approved by the Treasury Department.

In recent years the law has been amended to allow contractors to charge off losses against profits, and I believe it to be a fair and just law. Of course, its operations call for necessary auditing and accounting, but auditing is also necessary in connection with incomes of corporations and individuals.

I should hate very much to see the provisions of the Vinson-Trammell Act stricken off the books at the present time, except by the passage of emergency excess-profits legislation, which is contemplated, as announced by the Senator from Mississippi. That may be all right for the duration of the emergency, but I hope until such excess-profits legislation becomes law that we may adopt the Adams amendment and broaden the application of the Vinson-Trammell law to cover Army ordnance contracts as well as naval-construction contracts and contracts for Army aircraft.

Mr. HARRISON. Mr. President, I wish to ask the Senator from Colorado a question. Of course, we are all striving to accomplish the same thing; that is, to provide an equality of treatment.

We can appreciate the force of the Senator's amendment, and the motives behind it. We are trying to hasten the tax bill, making provision to suspend the Vinson-Trammell Act. On Wednesday of next week, the second day of the hearings, we expect to have a representative of the Defense Council—probably Mr. Knudsen—before the committee. If we should find, after a study of the amendment, that it would complicate the situation, and we can report our bill and obtain action by the Senate in time, I am sure the Senator will cooperate with us to remove any entanglements in the matter when the bill goes to conference.

Mr. ADAMS. I shall be most happy to help. We are trying to reach the same goal.

Mr. HARRISON. I am sure there will be no trouble about it. With that understanding, I will say to the Senator from Texas [Mr. SHEPPARD] that, so far as I am concerned, I am willing to have the amendment adopted.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Colorado [Mr. ADAMS] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. GIBSON. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont to the amendment reported by the committee will be stated.

The CHIEF CLERK. At the appropriate place in the bill it is proposed to insert the following:

While this act is in effect, in order to separate the military and naval departments as far as possible from the civil administration of the Government, after January 1, 1941, all Regular Army, Navy, or Marine Corps officers shall not be eligible to hold positions in the Government other than under the War or Navy Departments: *Provided, however*, That this shall not apply to military or naval attachés or to officers assigned to any agency established to administer this act.

Mr. GIBSON. Mr. President, this is not a very important amendment, and I shall not press it very extensively; but in theory and policy I believe it to be right. The purpose of the amendment is, so far as possible, to separate from the

civil administration of the Government the Army and Navy officers. For the time being we are creating a large temporary armed force. The cry is raised that this is the first step toward dictatorship or fascism. For that reason, and because it is a matter of sound policy for any government not to have army and navy officers in key positions of the government, I think the amendment should be agreed to. While the act is in effect, the amendment would bar any Regular Army, Navy, or Marine Corps officer from holding a position in the civil administration of the Government.

I have before me a list, furnished me by the War and Navy Departments, of officers who would be affected.

From the Army, the amendment would affect Colonel McCoach, Major Snow, and Captain Person, of the Corps of Engineers, in the District of Columbia government. It would affect Colonel Connolly, the Administrator of the Civil Aeronautics Authority; Colonel Fleming, of the Corps of Engineers, Wage and Hour Administrator; Colonel Harrington, W. P. A. Administrator; Lieutenant Colonel Somervell, W. P. A. administrator in New York; Majors Leavey, Riani, Robinson, and Wyman, and Captain Robinson, of the Corps of Engineers, who are also connected with the W. P. A.

In the Navy it would affect Commander Vickery, of the Maritime Commission, and Lieutenant Commander Easton, of the Maritime Commission.

In the Panama Canal Zone it would affect Captain Stewart, Commander Vytlacil, Commander Howard, Lieutenant Price, and Lieutenant Hinners.

Those are all the officers the amendment would affect.

Mr. President, I want it clearly understood that I have the greatest respect for every one of the Army and Navy officers who is now administering a civil branch of our Government. I think the only one with whom I have had any talk is Colonel Harrington, for whom I have the greatest respect. I think he is a very able man and a fine executive. However, I believe that when we are creating an enlarged Army and Navy, and when we need in this crisis all our officers, upon whose education and training we have spent money, they should not occupy key positions in the civil administration.

For that reason and because I believe in that policy, I have offered this amendment, to the effect that after January 1 next no Regular officer of the Army, Navy, or Marine Corps shall hold a position in the civil administration of our Government.

That is all I wish to say.

Mr. BARKLEY. Mr. President, I wish to say only a few words. From time to time authority has been granted by the Congress to the President to appoint Army officers to certain civilian positions. There are not many of them. Except in the case of Colonel Harrington, who has charge of the W. P. A., only a small part of the Government's activities would be affected. If the amendment of the Senator from Vermont were adopted, it would be impossible for the Engineer Commissioner of the District of Columbia to serve. He is serving in that capacity as the result of a law which Congress has enacted. It has been thought wise that at least one of the three Commissioners of the District of Columbia should be an Army engineer. From time immemorial one of the three Commissioners has been an Army engineer.

Only about 3 or 4 weeks ago Congress passed an act, practically by unanimous vote of both Houses, authorizing the President to appoint Colonel Connolly as Administrator of the Civil Aeronautics Authority, to succeed Mr. Hester, who had resigned.

In each case there have been special reasons why an Army officer should be detailed. The same thing is true in the case of Colonel Fleming, who is the head of the Wage and Hour Division of the Department of Labor.

Men frequently complain about politics in certain activities of the Government. If there is anything that will guarantee that partisan politics will not be brought into the administration of any division of our Government, I think it is having an Army officer in charge of it. That is particularly true with respect to the W. P. A., the Wage and Hour Division, the Civil Aeronautics Administration, and the District of Columbia. So I think it would be most unfortunate if, by this amendment, Congress should nullify what it has from time to time done in authorizing the President to place in charge of certain activities experts—engineers for the most part—engineers who are not politically minded, who are unbiased, who are for the most part straight thinkers and, in the cases to which my attention has been thus far called, good administrators.

Therefore, I hope the amendment of the Senator from Vermont will not be adopted.

Mr. GIBSON. Mr. President, I think the principle of the amendment is right. During the period when the bill the Senate is now considering is in effect and we are to draft a great number of men into the armed service of the country and train them—and I very much favor the bill—I think it is wrong in principle to use Army and Navy officers in the civil administration of our Government. I agree with the Senator from Kentucky that most of those who have been chosen—so far as I know, all of them—are able men.

Mr. BARKLEY. Mr. President, if the Senator will permit me to say so, there are not enough of them in the aggregate to have much effect on the training of the men who are contemplated in this bill, and it might very seriously affect the administration of the agencies in which they are now serving.

Mr. GIBSON. The Senator is quite correct. There are not enough in the aggregate; but when we are to have an army of 1,200,000 men, or thereabouts, what I object to is having also under the control of the Secretary of War and the Secretary of the Navy men in key positions in the civil administration of the Government. It is the principle of the thing, not the actual practice as it is now, to which I object.

I do not desire to press the matter further.

Mr. DANAHER. Mr. President, I should like to submit a question to the Senator from Kentucky, if I may. The question is, in view of the argument offered by the Senator from Kentucky, whether or not under the law as it now stands an Army officer or a naval officer who is performing a civil administration function is, while so performing that function, subject to the orders of the Secretary of the Navy or the Secretary of War, as the case may be.

Mr. BARKLEY. It is my opinion that he is not. In the special acts we have passed, we have authorized the President to make the appointment. For instance, the last one was Colonel Connolly, appointed Administrator of the Civil Aeronautics Administration. Of course that makes him, to all intents and purposes, a civil administrator. There was some provision that he should draw the difference between his salary as a colonel and the salary attached to the position of Administrator, but that is a mere incident. I do not think such officers remain under the control of the Secretary of War and the Secretary of the Navy in the same sense as if they were still actively serving in the Army or the Navy. I think they are more under the control of the Commander in Chief of the Army and Navy; that is, the President of the United States.

Mr. DANAHER. Mr. President, one other question, if the Senator from Kentucky will bear with me. Let me say at the outset that the point which has been raised by the Senator from Vermont, as a matter of principle, appeals to me; and if there is to be such a concentration of power that one can envisage an Army administrator or a Navy administrator at the head of every one of the civil departments of our Government, all answerable to the Commander in Chief, at a time when this vast Army is being raised, if in fact, as a matter of military or naval discipline, they are subject to the orders of the Commander in Chief, there may, as a matter of principle, exist a very real possibility of danger to our democratic institutions. I therefore ask the Senator from Kentucky, if such officers be subject to the Commander in Chief, should we not properly take such steps as are necessary to exempt them from being so subject while this particular bill is in force, and the powers created by it are in operation?

Mr. BARKLEY. I will say to the Senator that it cannot be done by the President except by a special act of Congress.

An act of Congress is required to authorize the President to appoint an Army officer to a civil position. An act was required to authorize him to appoint Colonel Connolly as the Administrator of the C. A. A. A special act was required to authorize him to appoint Colonel Fleming head of the Wage and Hour Division of the Labor Department.

The same thing applied to Colonel Harrington. So the Congress may control the matter, so far as the future is concerned, by refusing to enact any law authorizing the President to appoint an Army officer to any civilian position, and, of course, it may repeal the law already enacted. This amendment in effect does that by repealing at one time all the special acts which have been passed by Congress authorizing this action. Even from the standpoint of principle, with due deference to my friend from Vermont, I do not think it involves such danger to the civilian activities of the Government as to justify any worry on the part of Senators on account of it, because certainly it cannot expand in the future unless Congress sanctions it.

Mr. DANAHER. Mr. President, will the Senator permit another question?

Mr. BARKLEY. Yes.

Mr. DANAHER. We adopted today the Russell-Overton amendment, which contains language to the effect that the Secretary of War and the Secretary of the Navy may operate the plants which for one reason or another they take under their control either by Government personnel, the amendment says, or by contract with private firms. Assuming that the Government personnel should in fact turn out to be men who, for training and service within the meaning of this act, are placed in charge of operating industries which have been so sequestered or condemned, does not the Senator feel that we should not subject our civil administration, with reference to the officers whose names have been mentioned by the Senator from Vermont, to the possibility of their being placed in charge of industry?

Mr. BARKLEY. No. For instance, if the Government tried to take over by condemnation proceedings a plant manufacturing cannon, I do not see anything harmful in having some Army officer who knows cannon, and who knows what sort of cannon we need, in charge of such a factory. The same thing would apply to tanks. The same thing would apply to army trucks. Nobody can tell in advance whether or not the Government is going to take over a single plant, and I anticipate that not a single plant will be taken over by condemnation proceedings unless there has developed such a controversy or disagreement between it and the Government as to make it necessary to go into court and proceed, under condemnation proceedings, to take possession of it.

It certainly would not be contemplated, however, that the Government would take over very many plants. As stated during the debate, probably only about 2 percent of those manufacturing Government material would come under the category in which there is any disagreement, and that is such a small percentage that it would not involve much danger. But I think it would be a mistake to deprive the Government of the right to place in charge of a factory, if it took it over, some man qualified because of his experience in the Army to direct the type of product that was to be produced, and to see that the requirements of the Army were carried out to the fullest extent.

Mr. DANAHER. Mr. President, I thank the Senator from Kentucky for his courtesy and his cooperation in answering the questions which were bothering me with reference to his argument. I will say briefly that I certainly agree with the Senator from Vermont in his approach to this question, and wish to say also that his position is typically Vermont. Ruggedness and earnestness and steadfastness in principle mean something in Vermont and to him, and they stick out all over him. I respect him for his good old Vermont principle, and I appreciate his approach to the question.

Mr. GIBSON. Mr. President, I appreciate the statement of my neighbor from the Nutmeg State.

I desire to answer the question which the Senator from Connecticut asked the Senator from Kentucky.

Of course, any officer detailed to civil duty is under some control of the Secretary of War or the Secretary of the Navy, as the case may be. His job, his very future, depends upon his superior, and unless he does what that particular official desires he probably will never get a promotion. He never will be a general or an admiral at least; so that he is under his control.

I still insist that the principle is a dangerous one. It is not of practical effect just now, but it might be; and I desire to be on record as being against the principle.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. GIBSON] to the amendment of the committee, as amended.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MALONEY. Mr. President, I call up the amendment I have on the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

Mr. ADAMS. Mr. President, I ask the Senator from Connecticut to yield in order that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. MALONEY. I yield.

Mr. ADAMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Sheppard |
| Andrews | Donahey | Lodge | Shipstead |
| Ashurst | Downey | Lucas | Slattery |
| Austin | Ellender | Lundeen | Smathers |
| Bailey | George | McCarran | Smith |
| Bankhead | Gerry | McKellar | Stewart |
| Barbour | Gibson | Maloney | Taft |
| Barkley | Glass | Mead | Thomas, Idaho |
| Bone | Green | Miller | Thomas, Okla. |
| Bridges | Guffey | Minton | Thomas, Utah |
| Brown | Gurney | Murray | Tobey |
| Bulow | Hale | Neely | Townsend |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Hughes | Radcliffe | Wheeler |
| Clark, Idaho | Johnson, Calif. | Reynolds | White |
| Clark, Mo. | Johnson, Colo. | Russell | Wiley |
| Connally | King | Schwartz | |
| Danaher | La Follette | Schwellenbach | |

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Ninety Senators having answered to their names, a quorum is present.

Mr. MALONEY. Mr. President, because I have earlier explained the substitute proposal which I have offered it is perhaps a little unfair that I take even these few minutes of time as we approach a final vote on the pending bill, but there are two or three things I should like to make clear.

During the past several days I have been accused by a few people of having delayed final action on the bill. I should like now to insist that I have done everything within my limited power to help expedite consideration of the bill. Several days ago I talked with the majority leader and urged him to hold night sessions. My record as a Member of the Senate and as a Member of the House of Representatives completely sets aside any of the accusations made that I would do anything to delay preparations for national defense.

The records of the Committee on Appropriations—and I am a member of the subcommittee handling Army and Navy appropriations—will disclose that in many instances I was ahead of the Army and Navy, and they will show that I was responsible for increasing certain appropriations and adding to the material and equipment for the Army and the Navy by increasing appropriation bills. I think members of the committee will agree that, insofar as one naval appropriation bill is concerned, my suggestion and insistence were responsible for adding $100,000,000 for the purchase of airplanes.

Mr. President, I shall not use up my time in a further discussion of that matter, but I do desire to point out and reinsist that no one here has been more concerned with national defense than have I.

I stated last Wednesday that I was in sympathy with the noble effort behind the so-called Burke-Wadsworth bill. I stated at that time, and earlier, that I hoped the bill would pass in some form. I said then that I believed it was a peace measure, and I should like to say now, and again, that I regard it as a peace and protective proposal, in whatever form it may pass.

If it be true, as so many have charged here and outside, that we are drifting toward war, let me point out that much of the hysteria grows from what is said in the United States Senate.

I ask Members of this body to review the proceedings of this day as they attempt to come to a conclusion upon the substitute which I offer. I stated in the beginning that I offered it with the hope that I might help to bring about a meeting of the minds of the American people. I said then that I believed that never before in our history so much as now was there a need for national unity. I stated then, and say again, in connection with the pending bill, that the country has been tearing itself apart at a time when there was a crying need for further unity. Proof of every statement I made and every fear I expressed was given in this great deliberative body this afternoon when we heard one Senator of the United States express willingness to surrender to a dictatorship, and from another Senator of the United States a declared willingness that the Government take over the free press.

Mr. LEE. Mr. President, will the Senator yield?

Mr. MALONEY. I have very little time.

Mr. LEE. I suppose the Senator was referring to a statement I made, and if the Senator will read the RECORD he will find that I stated "in case we were in war." I am sure the Senator from Connecticut himself realizes that we must have control of the press in case of war.

Mr. MALONEY. Mr. President, I shall not now make any attempt to comment on what the Senator may or may not have said this afternoon, but I do point out that in the period of the great World War, no Senator, so far as I can remember, and certainly not the Senate as a body, made any suggestion that the Government take over the press of the country.

I mention this, not in criticism of any Member of this body but in an effort to emphasize the fact that there is a great disunity, not only throughout the country but here in the Senate of the United States. For myself, I shall not now or ever bend or bow under the lash of Senate oratory, or the whip of hysterical editorial opinion. I think there is need for this substitute proposal. I insist that it would not delay the program 1 single hour and that as quickly as under the Burke-Wadsworth bill we would have the men we may need.

Mention was made here this afternoon of politics and the coming election. Let me warn my colleagues, let me admonish the country, and let me serve notice on the administration, of which I am proudly a part, that politics will come into this issue just a little later. It will become political because some Members of the Senate have said today, perhaps in a moment of temporary carelessness, that after the enactment of the bill no more than 15 days would elapse before it would be put into effect and before men would be called for training. Later on another Senator insisted that within 40 days men would be inducted into the service.

Mr. President, just as surely as the sun will set today, the President of the United States will find it impossible to meet these pledges and prophecies of Senators, and will be charged with delaying action for political purposes. I do not believe the machinery needed to set up this program can be put into effect so quickly as some of these people, including the chairman of the Committee on Military Affairs, now believe, and I hope that the country will not expect, assuming that the proposal which I offer shall be defeated, that men will be inducted into service as quickly as these senatorial promises indicate.

What I desire to do more than anything else now, is lay two or three ghosts with which I have personally been confronted within the last 2 or 3 days. Mr. Arthur Krock, a distinguished and able columnist, who is highly regarded and widely read, wrote in his column several days ago that my proposal—and I know he did this without any intention to cast a reflection upon me—afforded the opportunity to Senators and Members of the House to completely avoid the purposes of the bill. He pointed out that it first would delay the induction of men into the service until January 1, and then stated that in section 7 of the bill provision was made that no man could be inducted into service until appropriations had been made by the Congress.

I wish to correct Mr. Krock by saying that I had nothing to do with section 7 of the bill, and that that language was in the original draft of the Burke-Wadsworth proposal. One of the sponsors of the bill, who is now in the Senate Chamber, will recall that I went to him to discuss that language, and asked him if there might not be a way properly to change the language and correct a false impression which it might give.

A little later on last week another distinguished gentleman, a former Under Secretary of Commerce, issued a long statement through the Associated Press which, in a way, challenged me. In his statement, he said he was willing to finance a poll in my State to prove that the people there, or a majority of them, were in sympathy with the Burke-Wadsworth bill, and that I was in error in stating otherwise.

I should like to say for the RECORD that I never said what is charged to me by Mr. Edward J. Noble, and, further, that I know he made the charge without any attempt at discourtesy or damage to me. I wish to point out that in my statement of a week ago, made before Mr. Noble gave his statement to the newspapers, I said that I was willing to admit a majority of the people favored the Burke-Wadsworth proposal, but that what I was trying to do was to recapture the confidence and patriotism and enthusiasm of 30 or 40 or 45 percent of our population who were in disagreement and who think that a voluntary system would attract enough men to serve.

If such an old-fashioned plan did not work, my proposal carefully and definitely provides that we will have the soldiers necessary at the proper time.

Because I have referred to the articles by Mr. Krock and Mr. Noble, I ask to have them published in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

IN THE NATION—THE LETTER AND SPIRIT OF THE MALONEY AMENDMENT

(By Arthur Krock)

WASHINGTON, August 22.—The Maloney amendment to the Burke-Wadsworth military conscription bill, which is actually a substitute for that measure, is soon to be voted on in the Senate. Its effect would be to defer conscription until January 1, 1941, while a campaign for volunteers proceeds under Presidential proclamation, but it supports the draft as a principle.

Since neither the President nor Mr. Willkie, in advocating the same principle, has specifically urged that it be immediately translated into law, many Members of Congress in both parties are using this fact to argue that, in voting for the Maloney amendment, they are not parting company with their party leaders. If the proposal should be adopted, the absence of a definite call for immediate action from the President and Mr. Willkie will have provided the successful pretext for a number of the legislators.

It was on June 18 that the President gave his second endorsement of "some form of universal compulsory Government service for this country's youth," to quote from a dispatch from Washington to this newspaper, and Mr. Roosevelt said he included "actual service with the Army and the Navy." He had previously approved "the first paragraph" of a New York Times editorial which advocated compulsory selective military training. On neither occasion did he mention the element of time.

Then on July 10, in a message to Congress, the President said:

"The Congress is now considering the enactment of a system of selective training for developing the necessary manpower to operate this matériel [for which appropriations were asked] and manpower to fill Army noncombat needs. In this way we can make certain that when this modern matériel becomes available it will be placed in the hands of troops trained, seasoned, and ready and that replacement matériel can be guaranteed."

This could logically be construed as tantamount to a request for manpower conscription at once. But the advocates of the

Maloney amendment decline to admit that it makes a point as between conscription September 1 and January 1—a 4-month lapse. On August 2, when the President made another statement on the subject, he said: "I am in favor of a selective-training bill, and I consider it essential to adequate national defense." But once again he made no specific reference as to the time element.

At Elwood, Ind., last Saturday Mr. Willkie followed the same pattern. He said: "* * * I cannot ask the American people to put their faith in me without recording my conviction that some form of selective service is the only democratic way in which to assure the trained and competent manpower we need in our national defense." But he did not say Congress should not let selective service wait on a concentrated trial of the volunteer system, and this is all the proponents of the Maloney amendment say they are proposing.

Actually they seek to erect more barriers than that to the start of conscription. Section 3 (a) authorizes the President on January 1, 1941, to begin conscription if he finds by that time that "the number of qualified men who have volunteered" pursuant to his proclamations up to December 1, 1940 "is less than the number called for in such proclamation." But in section 7 it is provided that the draft cannot begin until Congress—that is, the next Congress—has appropriated money "specifically for such purpose." This means that the volunteer drive could fail, the President could invoke the draft on January 1, 1941, and yet he would be unable to induct a single man into service until the specific appropriation was made. So the delay could be much more than 4 months, or even permanent, if Hitler were at that time on good behavior and Congress chose to believe he would continue to be.

Thus the Maloney amendment is very tempting to politicians in Congress. It offers them these several exits from trouble, not just one: Conscription cannot be under way during the campaign. It can remain an empty statute after January. A politician who wants to face both ways on conscription can vote for it as a gesture to one side and point out to the other that his vote did not necessarily bring the system any nearer.

Several of these exits would be closed if the President and Mr. Willkie, or the President alone, as the Nation's leader, should say that he believes "time is of the essence" in this as in other defense preparations—a phrase he continually uses about items of defense these days. His word to this effect could be expected to influence these Senators who are reported to be in favor of the amendment or on the fence: ASHURST, WAGNER, MEAD, SCHWELLENBACH, MURRAY of Montana, BROWN of Michigan, and ANDREWS. And Mr. Willkie's word might have the same effect on these Republicans who are said to be in a similar position: DAVIS, CAPPER, REED of Kansas, and the nominee's running mate, MCNARY.

Administration and Republican leadership pressure against the amendment seems to be lacking. If it passes for this reason, conscription will have been sacrificed for campaign purposes. The roll call should be an important political exhibit.

---

SENATORSHIP IS NOT SOUGHT BY E. J. NOBLE—URGES IMMEDIATE SELECTIVE TRAINING—HITS MALONEY'S STAND

NEW YORK., August 21.—Edward J. Noble, who recently resigned as Under Secretary of Commerce, today observed that, while his name has been mentioned in connection with the Republican nomination for United States Senator from Connecticut, "I do not seek such a nomination."

"My primary interest is in the national defense and my reason for resigning is to help hurry defense," he said in a statement.

CRITICIZES MALONEY

Criticizing the position of Senator MALONEY (Democrat, Connecticut) on the selective-service bill, Noble offered to finance a poll in any city or town in Connecticut picked by Senator MALONEY and prove that a majority of its voters favor immediate selective training.

Noble declared "someone must take off the brakes in Washington and start the preparedness program rolling with all the spirit of which a great and aroused nation is capable."

Following is the statement given out by Noble:

"Since my resignation some days ago as Under Secretary of Commerce, my name has been mentioned in connection with the Republican nomination for United States Senator from Connecticut. I do not seek such a nomination.

"As stated in my letter of resignation to President Roosevelt, my primary interest is in the national defense, and my reason for resigning is to help hurry defense.

"True, this country isn't in the war—today. Let's hope we won't be. But who can read this morning's newspapers; who can look back at the happenings of these past days, and weeks, and months, and honestly say that America isn't in grave and immediate danger? With all the terrible mistakes of conquered people staring us squarely in the face, are we going to indulge in the same tragic blunders of hesitating, fumbling, pussyfooting, doing-by-half?

DEFENSE VITAL ISSUE

"We are, unless things are done and done quickly. That is why, in my opinion, defense is the vital issue before the American people today, and the first requirement in national defense is proper training of manpower. Selective service is absolutely essential to that training—selective service not tomorrow or a vague few months away, but now! That primary need is being endangered, by political maneuvers in Washington. The selective service bill is being opposed by many members of Congress, principally by Senator WHEELER of Montana and Senator MALONEY of my own State of Connecticut. As American citizens, Senators WHEELER and MALONEY have every right to oppose the bill. I would be the last person to challenge that right. But I do most emphatically challenge their right to say that in opposing it they represent the will of their constituents.

"They have received letters from the folks back home. Perhaps more letters have been sent against the bill than for it. Some of them are sincere. Some are from persons known to the Senators. But let's not be altogether fooled—many of those letters are part of a well laid plan for sabotaging all efforts toward a strong America. I know, however, the sincere letter writers do not represent a majority opinion. If the Senators want to know what their people really think—not just the letter writers—let them take a look at the poll of the Institute of Public Opinion, the so-called Gallup poll. Over 60 percent of the people want selective training and want it now!

"I will go further; I want to tell Senator MALONEY that his own State of Connecticut—yes; his own city of Meriden—is over 60 percent for immediate selective training. The same is true of Senator WHEELER's own State and own city. The same is true in every section of American life—the rich, the poor, the young, the old, the bosses, the workers—57 to 63 percent of all of them are for it. If Senator MALONEY still doubts that, I will let him pick any city or town in Connecticut and I will pay for a thorough and accurate poll, under the Senator's own supervision, of that city or town. And I will make the same offer for Montana to Senator WHEELER.

"Someone must take off the brakes in Washington and start the preparedness program rolling with all the spirit of which a great and aroused nation is capable. I plan to give my voice and time and money to this cause for the good and safety of my country."

Mr. MALONEY. Mr. President, I should also like, if I may, to refer to an editorial that was sent to me this morning, and which I am advised was taken from the New York Herald Tribune. That editorial refers to the "fantastic Maloney substitute." I do not believe it is a fantastic proposal. I submitted my substitute within 5 minutes after the Burke-Wadsworth bill came into the Senate, and a large part of the so-called Maloney substitute has already been accepted. The pay of the soldiers has been increased, we have made exemptions for men of the church, and have accepted other proposals somewhat in keeping with the ones which I offered.

I insist it is not fantastic, and that it is a proper way to legislate so that we may preserve and strengthen the unity so sorely needed in these bewildering days and overdark nights.

I am hopeful that the substitute will prevail, and that we can bring back into the fold of our national-defense effort all the temporarily discordant and wondering and questioning elements and individuals within our country.

Mr. President, the responsibility rests entirely upon Congress. No President can create an army. No Supreme Court can establish or build up an army. It can only be done by the Congress of the United States, and in my humble judgment the place the Seventy-sixth Congress takes in history will depend largely upon the judgment it exercises as it comes to a conclusion on the pending matter.

Mr. President, no more can be expected of any man than that he live within the limits of the judgment with which he is endowed. I have not been concerned with political considerations. In a statement which I made a week ago I said I scorned the support of any of those who might find consolation in what I have said, because they disagree with conscription.

I am fully anxious to get a defense army, and as quickly as we can, not especially because I believe it is needed, but because I want to have it so that it will not be needed.

If I may repeat what I said in my previous statement:

I choose to anticipate the worst and to pray for the best.

I have not tried to destroy any of the arguments made by the sponsors of the bill. Had I so desired, Mr. President, I think I could have made some sort of a case tending to prove that we were not liable to attack or invasion. On the other hand, had I so desired I think I might have with some degree of effect drawn a picture that might have shown that we were in great danger from potential foreign foes.

What I have tried to do is find a happy meeting ground for all the people of our country—a meeting place of the

minds, a middle way, and what a former great Speaker of the House of Representatives always tried to do, and said was necessary in order to obtain good legislation. The great Champ Clark said that legislation was a matter of compromise. I have tried to stay in the pathway of his convictions. I have tried to find a compromise that would bring men together.

I was always aware that I would not draw applause from either side; that I would have no more than the friendly animosity of those in favor, and probably the bitterness of some of those opposed to this bill.

This is a great fundamental issue, Mr. President, on which the Congress in all the after years will be judged, and I beg of the Congress not to be moved by the hysteria which is now rampant into taking a leap when a step is sufficient, and which step will not only meet the defense needs of the country but result in the erasure of a discordant feeling which is in the minds of so many of our people.

Mr. BURKE. Mr. President, on the day I entered the House of Representatives as a Representative from the Second Nebraska Congressional District, it happened that the Senator from Connecticut, FRANCIS MALONEY, entered the other House representing his own district in Connecticut. After a brief period in the House, we came to the Senate together. Long ago I formed the opinion that the senior Senator from Connecticut is one of the ablest and most conscientious Members of this body—an opinion which I have not hesitated to express on many occasions.

When the pending proposal came from the Military Affairs Committee, for the revision and general improvement of the bill which I had the privilege of introducing, the first action taken, as stated by the Senator from Connecticut, was his offer of a substitute.

When I examined his substitute, I told him at once that I thought in major portion it offered an improvement both on the bill as I introduced it and on the bill as reported by the Senate Military Affairs Committee. There were very many provisions of his substitute proposal which seemed to me to offer vitally important improvements in the bill. The proposal to increase the pay of the enlisted men in the Army; the provision for exempting divinity students from the draft; and other provisions, many of them contained in his proposal, seemed to me to be sound, and could very well be written into the legislation, and have been written into it by this time. I think the Senator from Connecticut is entitled to a large measure of credit for that accomplishment.

On one point in his substitute proposal, however, I found myself in entire disagreement with him, and told him so at the time. It had to do with the proper method of selecting the manpower, the adequate, trained manpower, whether we should proceed by a selective system, whether we should face that problem frankly now and decide it, or put it off until some future time, the 1st of January, as the Senator from Connecticut suggested, or for 60 days, as the Senator from Arizona suggested today, or for some other period. It seemed to me that on that point we were in vital disagreement.

I believe the majority of the Members of the Senate and of the other House, and the majority of the people of the country, agree with the Chief Executive of the United States, the Commander in Chief of the Army and Navy, that we ought to decide the matter, and decide it now in the Senate, and pass the selective compulsory military training and service bill, with the provisions in the act encouraging enlistments, so that if a requisite number of volunteers come forward it will not be necessary to enforce the provisions of the selective service act. But we should not put off the operation of the act until some future day, holding it as a club over all who would be subject to its provisions, which would undoubtedly be the compelling force to induce many to enlist who should not leave their dependents, who should not give up their particular places in industry, but who would feel that with such a club held over them they should come forward and enlist.

I agree with the sentiment I read earlier in the day from the resolution unanimously adopted by the American Legion, Department of Nebraska, a few days ago, that the selective-service bill now before the Senate, providing for registration and selection without any postponement, is the proper method, the just and sane and only predictable way in which we can get the complete number of men we need for national defense.

I wanted to say these few words to express my very high opinion of the senior Senator from Connecticut, and say to him that for one I would disagree entirely with any attempt on the part of anyone to say that his substitute proposal was fantastic. As I have already stated, I think it has very great merit, and has contributed materially to bringing out of the Senate—I hope within the next 30 minutes or so—a much better bill than might have been passed if he had not applied his intellect and his great heart to this problem. I for one thank him for his efforts in this behalf; but I still insist that it will be far better for the Congress and the country if we reject what is left of the Senator's substitute proposal, and adopt the bill as it has been amended already in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. MALONEY] in the nature of a substitute for the amendment of the committee.

Mr. MALONEY. I ask for the yeas and nays.

The yeas and nays were ordered.

The legislative clerk proceeded to call the roll, and Mr. ADAMS, Mr. ANDREWS, and Mr. ASHURST voted when their names were called.

Mr. PEPPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The suggestion of the absence of a quorum is out of order at this time. It is too late for that suggestion to be made.

The clerk will proceed with the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from North Dakota [Mr. FRAZIER], who, if present, would vote as I shall vote. Therefore I am at liberty to vote. I vote "nay."

Mr. STEWART. I am advised that my general pair, the Senator from Oregon [Mr. HOLMAN], would, if present, vote "nay." I am, therefore, at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. GIBSON. I have a pair with the Senator from Kansas [Mr. REED], who is unavoidably absent because of ill health. I am advised that if present he would vote "yea." If at liberty to vote, I should vote "nay."

Mr. BANKHEAD (after having voted in the negative). I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. I am informed that if present the Senator from Oregon would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD. I announce that my colleague [Mr. GLASS] is necessarily absent. If present, he would vote "nay."

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO] and the Senator from Minnesota [Mr. LUNDEEN] are necessarily absent.

The Senator from Iowa [Mr. GILLETTE] and the Senator from Illinois [Mr. LUCAS] are unavoidably detained. If present, the Senator from Iowa and the Senator from Illinois would vote "nay."

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY] and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

The result was announced—yeas 35, nays 50, as follows:

YEAS—35

| | | | |
|---|---|---|---|
| Adams | Hayden | Mead | Townsend |
| Bone | Herring | Murray | Vandenberg |
| Brown | Holt | Norris | Van Nuys |
| Bulow | Johnson, Calif. | Nye | Wagner |
| Capper | Johnson, Colo. | Reynolds | Walsh |
| Chavez | King | Shipstead | Wheeler |
| Davis | La Follette | Smith | White |
| Donahey | McCarran | Thomas, Idaho | Wiley |
| Downey | Maloney | Tobey | |

NAYS—50

| | | | |
|---|---|---|---|
| Andrews | Clark, Mo. | Hughes | Schwartz |
| Ashurst | Connally | Lee | Schwellenbach |
| Austin | Danaher | Lodge | Sheppard |
| Bailey | Ellender | McKellar | Slattery |
| Barbour | George | Miller | Smathers |
| Barkley | Gerry | Minton | Stewart |
| Bridges | Green | Neely | Taft |
| Burke | Guffey | O'Mahoney | Thomas, Okla. |
| Byrd | Gurney | Overton | Thomas, Utah |
| Byrnes | Hale | Pepper | Truman |
| Caraway | Harrison | Pittman | Tydings |
| Chandler | Hatch | Radcliffe | |
| Clark, Idaho | Hill | Russell | |

NOT VOTING—11

| | | | |
|---|---|---|---|
| Bankhead | Gibson | Holman | McNary |
| Bilbo | Gillette | Lucas | Reed |
| Frazier | Glass | Lundeen | |

So Mr. MALONEY's amendment in the nature of a substitute for the committee amendment was rejected.

Mr. CLARK of Missouri. Mr. President, I move to reconsider the vote by which the Maloney amendment was rejected.

Mr. BARKLEY. I move to lay that motion on the table.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky to lay on the table the motion of the Senator from Missouri to reconsider the vote by which the Maloney amendment was rejected.

The motion to lay on the table the motion of Mr. CLARK of Missouri to reconsider was agreed to.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Shipstead |
| Andrews | Donahey | Lodge | Slattery |
| Ashurst | Downey | Lucas | Smathers |
| Austin | Ellender | McCarran | Smith |
| Bailey | George | McKellar | Stewart |
| Bankhead | Gerry | Maloney | Taft |
| Barbour | Gibson | Mead | Thomas, Idaho |
| Barkley | Glass | Miller | Thomas, Okla. |
| Bone | Green | Minton | Thomas, Utah |
| Bridges | Guffey | Murray | Tobey |
| Brown | Gurney | Neely | Townsend |
| Bulow | Hale | Norris | Truman |
| Burke | Harrison | Nye | Tydings |
| Byrd | Hatch | O'Mahoney | Vandenberg |
| Byrnes | Hayden | Overton | Van Nuys |
| Capper | Herring | Pepper | Wagner |
| Caraway | Hill | Pittman | Walsh |
| Chandler | Holt | Radcliffe | Wheeler |
| Chavez | Hughes | Reynolds | White |
| Clark, Idaho | Johnson, Calif. | Russell | Wiley |
| Clark, Mo. | Johnson, Colo. | Schwartz | |
| Connally | King | Schwellenbach | |
| Danaher | La Follette | Sheppard | |

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

CONSCRIPTION

Mr. WALSH. Mr. President, adequate defense of the United States and how it shall be achieved is a question that stands supreme above all other considerations.

It is upon that premise and with that thought uppermost that I wish to discuss the conscription bill now before the Senate.

It is a year, almost to the day, since the outbreak of the present war in Europe and the issuance by the President almost immediately thereafter of a declaration of "limited" national emergency. It is a year since the question of our own lack of preparedness and the need for strengthening and expanding our national defenses became acute.

Let me review briefly the various steps which Congress has approved and authorized in the span of the past 12 months. Some of these measures and some of the statements and promises concerning them seem already to be forgotten.

First is the question of the Navy, which is so rightly called our first line of defense. No one has ever effectually challenged the proposition that if our Navy be strong enough to control the oceans and to meet and defeat any enemy at sea, we are safe from invasion since our potential enemy must come overseas.

We need no tanks and we need no foot soldiers, except for garrison duty, if our naval power affords a real barrier to any attack.

Our naval policy has been shaped on that concept, and I have consistently championed a United States Navy second to none throughout my association with the Navy, first as a member and in later years as chairman of the Naval Affairs Committee of the Senate.

I have said over and over again that if our Navy, in all of its branches, combat ships, supply ships, naval bases, naval air force, was of sufficient size and strength we need have no fear of any foreign foe or combination of foes.

Our moves to replace obsolete naval vessels begun in 1934 and the expansion of our Navy dates from the Naval Expansion Act of 1938, wherein we authorized a 20-percent increase in combat strength above the so-called treaty-limits Navy which we had set out to build in 1934. The 1938 act also authorized our naval aircraft strength of 3,000 serviceable planes.

Last year, prior to the outbreak of the war, we accelerated the pace of our naval-construction program—which was governed in some degree by the size of appropriations for this purpose—and Congress also enacted a vitally important naval air bases bill to pave the way for the establishment of additional air bases, both on continental United States and in our island possessions.

This year, already, and still upon the assumption that the one navy was our principal reliance for our safety from attack, we authorized in the bill passed in June, a further 11-percent increase in the aggregate strength of our fleet—as measured in total tonnage. But we have not stopped at that point, and only a month ago, Congress enacted the 70-percent naval-increase bill, the so-called two-ocean navy bill. We have also voted many more naval bases. We have put through legislation to expedite the actual construction of these ships through the expansion of shipbuilding facilities and through various devices to cut red tape.

We have done all this, and as measured in dollars it runs into the billions, upon the theory that our Navy is our main reliance from the standpoint of national defense. Nothing has occurred to change my view of that proposition.

But then we came to the question of our air force and its vital importance. Congress has been told that it was the air force that was of paramount consideration. Certainly it is quite clear that the battle of England will be decided by sea power plus air power.

If Britain's sea and air power is able to withstand the German attack, England is saved. If her sea and air power succumb, I venture to predict that her army will be unable to save the day.

Congress has been of a single mind on the question of making our air force as large as possible, as quickly as possible, virtually without limit as to numbers or as to cost. With respect to the naval air force we have since January voted to increase the number of planes from 3,000 to 4,500, then raised the number to 10,000, then raised the number of 15,000. We authorized and provided funds for the training of 16,000 naval air pilots.

With respect to the Army, Congress has voted to greatly increase the number of planes and has provided the funds for the enlistment and training of 40,000 Army pilots.

The President, in an address to the Nation last May, gave assurances that the United States proposes to have 50,000 military planes. Others have spoken of stepping up our plant capacity to the point where we would be able to turn out 1,000 planes per week. The country has heard a great deal of talk about student-pilot training schools on a large

scale and on a voluntary basis. Congress has made available ample funds for that purpose.

All this was upon the assumption that with a mighty air force, with a large trained personnel of air pilots, with plant facilities to turn out new aircraft at a prodigious rate, coupled with a mighty Navy and strong naval bases, the United States would be safe from attack from any quarter—that our security was assured.

It is a tragic circumstance that the fleet, the naval bases, the air force, the great battalions of trained pilots, are not coming into being with the speed which was promised and which is commensurate with our necessities.

Many Senators were shocked, as, indeed, the country must have been shocked, by the statement of the junior Senator from Virginia that in the past 100 days only 343 combat planes have been ordered by the Army, Navy, and Marine Corps combined, and of these, none will be delivered in this calendar year and some will not be delivered until 1942. The Army has ordered only 99 and the Navy 244. These figures, he asserted, came directly from the Secretary of the Navy and Secretary of War.

We were shocked to read and the country will be shocked to learn that according to General Marshall, Army Chief of Staff, testifying before the Senate Appropriations Committee on August 5, recruiting for the Army Air Corps has been temporarily suspended because already the men enlisted outrun the available training facilities. Let me read to the Senate General Marshall's exact words on this point. He said:

> There were 40,000 men for the Air Corps provided in the First Supplemental National Defense Appropriation Act for 1941. We have recruited 8,000 of them and could recruit the remainder rapidly, but we do not want them—those particular men—right now. The Air Corps is now already in the midst of a tremendous expansion, and its lack of equipment makes it unwise to take in more men during the next 2 months.

The inadequacy of our air force and the delay which is attending its expansion is a matter of grave concern. But it does not alter the basic proposition that it is air force plus sea power upon which rests our security.

It cannot be too often asserted that from the standpoint of national defense, we do not make up for lack of planes and pilots by conscripting our young men for the Army.

Now with respect to the Army: What is the record of the past 12 months since the outbreak of the war and the declaration by the President of a state of national emergency?

The facts are that the President last January requested funds for a standing army of 227,000 men, deriding "enthusiastic alarmists" who clamored for more.

In May the figure had been raised to 250,000, and Congress went a little further and provided for 280,000 men. Subsequently, in June—a little more than 60 days ago—General Marshall, Army Chief of Staff, in testimony before a congressional committee, requested an increase in the authorized strength of the Army to 375,000, with a statement that such an increase would "enable us to avoid, we hope, the necessity of mobilizing the National Guard."

Since then, Congress, at the President's request, has passed the requisite legislation to mobilize the entire National Guard into Federal service, adding approximately 250,000.

It is against this background that we now have a bill to conscript the manpower of the Nation for military service while we are at peace. When first offered, it was without limit as to numbers. When first offered it was in the disguise of a plan for universal military training of our young men on a 1-year basis. The Senate has now agreed to an amendment limiting the permissible maximum conscription to 900,000 men.

And as for the universal military training idea, that has been pretty well exploded and the bald fact stands out in the testimony of General Marshall that the first 400,000 men drafted will be immediately filtered into the Regular Army and the mobilized units of the National Guard to bring these units up to full "wartime strength"; and that these first 400,000 draftees will see active service at once—some of them may go to Panama or Hawaii.

The second 400,000 men, which, if the bill goes through, it is proposed to call to the colors next April, are to serve as replacements in the Regular Army. These men, too, will get into the Army and into active service at once.

General Marshall's testimony on this point included this sentence:

> When you pass beyond the second 400,000 you are beginning to get into the system of compulsory training to provide trained reserves.

But, mark you, the first two installments are simply recruitments for the Regular Army and National Guard.

Congress had had a different idea. Congress and the country had had the impression that trained reserves was the whole purpose of the bill applicable to the very first draftees. Congress now sees it as a disguised plan to first double and then triple the Army.

Col. William J. Donovan, of New York, brave and famous World War veteran, with whom I am well acquainted and for whom I have the highest regard, in a radio address a few days ago advocated passage of what he referred to as this so-called "selective training and service bill." He dwelt on the fact that the time to train men was before a war commenced, not afterward. I agree with him on that proposition 100 percent.

He implied that the opponents of conscription perceived, or at least conceded no present threat to our American institutions. That may be true of some of the opponents of conscription. But it certainly is not my position. I believe that I am fully alive to our present potential perils, and appreciate that they are very great. Certainly I should not have voted for the vast armaments, the enormous expenditures for national defense, the sweeping authority vested in the President, if I were not impressed with the dangers which surround us.

But the paragraph in Colonel Donovan's address which was the most noteworthy and which betrayed the confusion of thought which has arisen in connection with the pending bill, was when he said:

> If our Army takes every man it needs, without priority or preferment, puts everybody on an equal basis, this will help breed the conviction among our people that we all have duties and obligations to our country as well as rights. It is universal military service, not the volunteer system, that is really democratic.

Many other persons have given voice to similar sentiment. Many letters which are coming to Senators urging our support of the pending bill echo the same thought that universal military service rather than the volunteer system is the democratic way.

Without debating that issue, the fact is that the conscription bill now before the Senate is a far cry from universal military service. It does not propose to take every man we need without priority or preferment. The pending bill is for compulsory military service on a selective basis, with all sorts of preferments and deferments—one member of a family to be conscripted for military service, with all its hardships and dangers, another member deferred because of dependency, a third member exempted because he is more needed in a munitions plant at $60 a week than in a training camp at $30 a month, a fourth member exempted because he is a conscientious objector, a fifth member exempted because he is a divinity student, and a sixth member exempted because of poor eyesight. How can any such plan as we have here be called universal military service and endorsed on that account?

But the question recurs, What has transpired in the past 6 weeks to make it so imperative to double and treble the size of our Army and to resort to conscription to accomplish it? We have then two questions.

First, if our fleet and our air force are our security, why an army of a million or two million men to battle with an invader that can never reach our shores? But if we are wrong on that point, if we need a large army, what proof have we that voluntary enlistment will not suffice?

With respect to the Navy, the enlistments are exceeding our capacity and our immediate requirements. It is perfectly

evident that so far as the Navy and Marine Corps are concerned there is no need to resort to a draft. Voluntary enlistment will give us men just as rapidly as training facilities can be provided, and as rapidly as the ships which these men are to man are completed.

The Senate has already passed a bill reported by me to increase the number of midshipmen at Annapolis, and to increase the Naval Reserve training units in colleges and universities. There are more applicants than there are places.

Let me suggest also that in considering conscription the question of whether or not college and university students should be exempted or deferred overlooks a very obvious alternative, namely, to provide the means of giving all the college youth military training along with college studies and college life.

Congress has already recognized and assented to the principle of military training in the colleges by the Reserve Officers Training Corps plan. It is not a difficult matter to expand this organization and multiply these training camps. In the light of present conditions it is regrettable that this expansion of military training in the colleges was not undertaken years ago.

The recruitment of men for the Regular Army not on the basis of 1-year but on the basis of a 3-year term of service at $21 per month is proceeding satisfactorily, and, according to the testimony of the Army officers in charge, they expect the full authorized strength will be reached within a few months.

There is no claim that it is necessary to resort to conscription and the draft in order to fill the ranks of the Regular Army to the authorized strength of 375,000 men.

It is to be noted also that no further action by Congress is required to provide for 1-year Army enlistments for training purposes. That is permissible under existing statutes. The Army for reasons of its own has heretofore declined to accept 1-year enlistments.

The country is being told that those who advocate postponement of resort to conscription until such time as the United States is at war are thereby refusing to prepare in advance and are content to wait until war is upon us before starting to train men for our defense. This is untrue.

It is a gross libel upon the Members of this body and of the other Chamber who have been unstinting in their support of preparedness measures, who have granted almost without question virtually every national-defense request that has come from the President. and who are now supporting enlargements of the Army, the Navy, and the Air Corps, the mobilization of the National Guard and the Reserves, and are supportingy in principle the large-scale military-training program embraced within the present bill—yet who adhere to the honest conviction that the requisite number for our standing Army and for 1 year's training can be obtained by volunteer enlistment, and that drafting for military service in time of peace is a power that ought not be exercised until every other means has failed.

To charge that a Senator who opposes immediate resort to conscription of the Nation's manpower thereby is opposed to preparedness and unmindful of our perils, begs the question. The question is not, Shall we prepare? Shall we give a million or more of young men some military training so that we may be in readiness for whatever befalls? We are to all intents and purposes unanimous on that proposition.

The question is, How shall we prepare and how shall we proceed with the business at hand of military training? Conscription is not an end but a means to an end, and if the end be preparedness for war, coupled with hopes and prayers for avoidance of war, then whether conscription is the only means to that end is a matter of argument and of difference of opinion.

For myself, I believe we can obtain, at the present time, by voluntary enlistment, all the men we can possibly provide for in our training camps, as well as in the various branches of our regular Army and Navy service.

I submit that if our military experts have reached the conclusion that it is essential to double the authorized strength of the Regular Army, that the fair and honest way to accomplish it is to present a bill to Congress for that purpose and let us raise the number of the Regular Army troops from the present limit of 375,000 to 750,000. I venture to predict that a bill for that purpose and limited to that proposition, and if asked for by the President, would encounter very little opposition and pass Congress in short order.

I am confident that a bill to extend the present R. O. T. C. military-training units to every college and university in the country, if it were proposed by the War Department, would meet with little opposition in Congress.

It is quite apparent that Congress stands ready to endorse the proposal for creation—by volunteer enlistment—of home-guard militia to replace the National Guard now being called into Federal service. Congress, if it is asked to do so, will surely authorize Federal aid and supplies for this home-guard militia.

Lifting the base pay in the Army to put it on a parity with Navy pay and presumptively to make military service more inviting meets with virtually no opposition in Congress.

The proponents aver that it is just and right that the obligations and risks of military training and service be shared by all. But as I have already said, this conscription bill does not have that result.

All of the questions of details of the operation of the system are subordinate to the basic question, namely, "Are we at a point in the United States today that universal compulsory military service is requisite for our safety?"

If the answer is "Yes," then why should we not draft labor for the shipyards as well as for the ships? Why should we not draft capital as well as manpower?

In the present bill we are following the course of the World War. We are proposing to select and compel military service at soldiers' wages—24-hour days, 30 days a month, 365 days a year service—while we exempt essential labor in factory and farms, proposing to pay premium wages for anything over 40 hours and vacations with pay. We are making cost-plus contracts as in the last war and approaching the capital and profits question along the same lines as 25 years ago.

I think the General Staff and others who are supporting this conscription bill are thinking about warfare as it was fought in 1918, and not about warfare as it is being fought today and will be fought in the future. In 1918 we were planning on raising an expeditionary force to send to France and to fight in Flanders fields. Today we are planning an army to defend our shores in the event our Navy and our air force fail to repel the invader.

I believe the conscript army to be raised by this bill will be an army that would suffice in 1918 but is totally inadequate for 1940 or 1941, unless the General Staff revises its plans and its methods.

If we are attacked, I know the Army will fight bravely and courageously, just as the Army of France fought bravely, but that it may be defeated unless we reorient our thinking about our national-defense needs.

I think that the army to be raised by this method will be mere "cannon fodder" unless we train them in new methods of warfare and give them better equipment than the equipment possessed by foreign nations, and that cannot be accomplished under any 1-year plan of training.

The article by Mr. Gault MacGowan, published in the New York Sun of August 24, in commenting upon the pending conscription bill, supports these views. I quote:

> Those who have seen modern war on the Continent unanimously agree that the theory that victory is achieved by putting the greatest number of men in one place at one time is obsolete. * * * Experts here say that the mere fact of mobilizing an army of 1,200,000 men is likely to create an illusion of national security more perilous than a standstill policy. While General Pershing raised 2 armies to finish operations in Europe the last time, 20 technical divisions probably would be enough to win victory today. * * * The aim of modern warfare is to gain the maximum advantage with the minimum expenditure of manpower, with machines bearing the

brunt of battle. Till a nation grasps the full implications of this new theory of modern war its defeat is certain.

In my judgment the Army and Navy, perhaps because of belief that invasion was not possible, have not kept abreast of new developments. The Chief of the Army Air Corps and the Chief of the Bureau of Aeronautics testified that we did not have a single Army or naval airplane equipped with self-sealing gas tanks. Our military planes did not have sufficient armor to protect our pilots. Our planes have high speed, good maneuverability. In aviation we are the equals or ahead of other countries insofar as commercial aviation is concerned and on aviation features which are also important in commercial aviation. But in the strictly military features of aviation we are almost where we were in the last war. At that time we had a few planes equipped with self-sealing gas tanks.

About 2 years ago the British Fleet withdrew from the Mediterranean on account of Italian motor torpedo boats. At the present time the United States Navy has on hand a few experimental boats and one fast motor torpedo boat built in Great Britain. We have some on order—a few may be delivered in a few weeks. Yet this country can build as fast motorboats as any other country.

Do we have an airplane-plus-tank spearhead as capable and as efficient as the Germans? Is not the answer an emphatic "No"?

David Lloyd George in a recent article stated that in the last World War British scientists soon found a method or a new device capable of meeting the German developments. He also stated that the British had soon discovered a method of making ineffective the so-called German magnetic mine.

Suppose that the English do not find a method of combating new German weapons and new methods in time? If we get into the war, suppose we do not find, in time, new methods and new defenses?

Considering all the facts, is it not apparent that:

First. In many respects are not our military officials thinking in terms of 1918 and 1919 and not in terms of today?

Second. Have we kept abreast of new developments in military matters?

Third. Is our attitude wrong? Should we not try to be ahead of our potential enemies instead of merely copying them?

Fourth. The citizens of this country are as advanced in new scientific methods as any people in the world, but that up to this time we have not taken advantage of our inventive genius to even keep up, let alone outdistance, our potential enemies.

Is it not apparent that we must revise our thinking, create better weapons, adopt newer methods? Should we not have a small, highly trained professional army whose personnel are not drafted for 1 year, but who will make the service a lifetime carrier?

A small, highly trained army of professional soldiers, and the question of short-term preliminary military training of millions of our civilian population, as Reserves, upon whom we shall call only in the event of war, are two separate and distinct propositions. In my judgment, one of the many objections of the pending bill is that these two objectives, and these two concepts, have been intermingled.

In conclusion, no statement expresses my views on other features of this question better than that of the distinguished senior Senator from Colorado [Mr. ADAMS] on Monday, August 26, when he said:

> I have sat in the Appropriations Committee day after day and have heard officials of the Army; I have heard officials of the Navy, and I have yet to hear pointed out any immediate, definite, threatening danger justifying this proposal. It is all hypothesis and speculation. Yet we are asked to provide unlimited power not for training. Senators—I will go with you in providing universal training for the youth of America—but it is proposed to put them in the Regular Army. Men are to be drafted, not for training, but for military service in the Regular Army for a year.

In this connection, I should like to reiterate statements made by the Senator from Colorado [Mr. JOHNSON], on the floor of the Senate yesterday. I quote:

> The pending measure adds nothing to national defense. The pending measure subtracts much from a good, sound, sensible, modern national defense, and at the same time it makes an insidious attack upon the principles of the democracy which we cherish. It will not add to our security from abroad, and it does add to our insecurity here at home. It does not add to our liberties. It curtails our liberties. * * * Conscription in peacetime violates every tenet of a democracy and is the first step toward the Fascist state.

And again:

> There has been a constant fight from the beginning of this Republic to adopt a compulsory military-service system during peacetime. Today the War Department, under recently acquired leadership, is pressing the matter again with a new boldness, and is taking advantage of the hysteria which it has promoted and encouraged to impose this dangerous and hated enemy of liberty upon a free people. * * *

Later on the distinguished Senator from Colorado said:

> Peacetime conscription and the policy of intervention are as inseparable as are Siamese twins. While it is true that there are supporters in the Senate who are not interventionists, I do not know of a single interventionist or a solitary warmonger in the entire United States who does not favor peacetime conscription. That is to be expected. * * * American citizens generally look with horror upon conscription of property. They do not enthuse over state ownership. * * * If we are justified in conscripting lives, how can we expect the conscripts to hesitate over conscripting property? The two eventually must go together, and the two will go together. * * * Everyone who believes in a capitalistic democracy should oppose conscription of men with all the power at his command.

Mr. DANAHER. Mr. President, I respectfully ask that the Senator from Kentucky [Mr. BARKLEY] in due course take notice of the charges which have been made in some circles—in the press and elsewhere—that the Senate has unduly prolonged consideration of the bill. I respectfully ask that he call attention for the RECORD to the fact that from the day this particular bill was introduced in this body up to the past hour, more than 24 separate amendments have been adopted, seeking and achieving corrections in important particulars in the bill as compared with the form in which it was first introduced, and in many other particulars in which principles were considered, searched out, and debated. I hope the bill will not become law, for I feel that we should be violating a fundamental American principle if we should enact it. Nevertheless, if it should become law, the principle of debate will have been sustained. It seems to me that the Senate is entitled to a word in that particular from the majority leader. I am sure that in his usual generosity he will take that view.

Mr. BARKLEY. Mr. President, the Senator from Connecticut has already stated what he wishes to appear in the RECORD with respect to the debate, but I shall take no technical advantage of that fact.

I wish to say that notwithstanding the long and hard fight over the bill, I appreciate the fact that, by and large, and for the greater part of the debate, with very rare exceptions, the Senate has conducted the debate upon a very high plane. It has been an intelligent debate. It has probably been a little longer than some of us would have preferred, but it has been a legitimate debate.

I wish to say to those who have opposed the bill that, in my judgment, no deliberate effort has been made on the part of any of them to delay the vote on the measure. Having some responsibility in regard to the conduct of the business of the Senate, I deeply appreciate that fact.

I have regretted that it has been necessary during this week to punish the Members of the Senate, in a way, by holding them in session for long hours; but I think the situation justified it, and I desire to thank all Senators for the cooperation, courtesy, and consideration they have shown in the debate and in the offering of amendments, and for the expeditious disposition of the many questions involved.

I wish especially to congratulate the Senator from Texas [Mr. SHEPPARD], chairman of the Committee on Military Affairs, for the diligence, industry, patience, courtesy, and intelligence with which he has directed the fight in behalf of the measure.

I wish to take occasion to thank the Senator from Connecticut [Mr. MALONEY], whose amendment was just defeated. He has been very greatly concerned in the advocacy of the amendment and in its presentation. The Senator from Connecticut has shown himself in every way to be a true statesman, and he has cooperated with me and others in charge of the measure not only in the limitation of debate but in the speedy consideration of the bill and all amendments. I extend to him my thanks; and I am sure I speak for the Senator from Texas [Mr. SHEPPARD] in doing so.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BARKLEY. Mr. President, I hope we may have the yeas and nays on the final passage of the bill.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. On this particular question, however, he has a special pair with the senior Senator from Iowa [Mr. GILLETTE.] I am, therefore, at liberty to vote, and vote "yea."

Mr. GIBSON (when his name was called). On this question I have a pair with the junior Senator from Kansas [Mr. REED], who is absent because of slight illness. I am advised that he would vote "nay" if present. If at liberty to vote I should vote "yea." I withhold my vote.

The roll call was concluded.

Mr. MINTON. I announce the necessary absence of the Senator from Mississippi [Mr. BILBO] and the Senator from Iowa [Mr. GILLETTE].

Mr. AUSTIN. I announce the following pairs:

The Senator from Oregon [Mr. MCNARY], who would vote "yea" if present, with the Senator from Iowa [Mr. GILLETTE], who would vote "nay" if present.

The Senator from Oregon [Mr. HOLMAN], who would vote "yea" if present, with the Senator from North Dakota [Mr. FRAZIER], who would vote "nay" if present.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY] and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

The result was announced—yeas 58, nays 31, as follows:

YEAS—58

| | | | |
|---|---|---|---|
| Andrews | Ellender | Lee | Russell |
| Austin | George | Lodge | Schwartz |
| Bailey | Gerry | Lucas | Sheppard |
| Bankhead | Glass | McKellar | Slattery |
| Barbour | Green | Maloney | Smathers |
| Barkley | Guffey | Mead | Stewart |
| Bone | Gurney | Miller | Thomas, Okla. |
| Bridges | Hale | Minton | Thomas, Utah |
| Burke | Harrison | Neely | Tobey |
| Byrd | Hatch | O'Mahoney | Truman |
| Byrnes | Hayden | Overton | Tydings |
| Caraway | Herring | Pepper | Wagner |
| Chandler | Hill | Pittman | White |
| Chavez | Hughes | Radcliffe | |
| Connally | King | Reynolds | |

NAYS—31

| | | | |
|---|---|---|---|
| Adams | Davis | McCarran | Thomas, Idaho |
| Ashurst | Donahey | Murray | Townsend |
| Brown | Downey | Norris | Vandenberg |
| Bulow | Holt | Nye | Van Nuys |
| Capper | Johnson, Calif. | Schewellenbach | Walsh |
| Clark, Idaho | Johnson, Colo. | Shipstead | Wheeler |
| Clark, Mo. | La Follette | Smith | Wiley |
| Danaher | Lundeen | Taft | |

NOT VOTING—7

| | | | |
|---|---|---|---|
| Bilbo | Gibson | Holman | Reed |
| Frazier | Gillette | McNary | |

So the bill (S. 4164) was passed as follows:

*Be it enacted, etc.*, That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard as an integral part of the first-line defenses of this Nation be at all times maintained and assured. To this end it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army, the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

SEC. 2. Except as provided in section 5 (a), it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who is between the ages of 21 and 31, on the day or days fixed for the first or any subsequent registration, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

SEC. 3. (a) Every male citizen of the United States and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of 21 and 31 at the time fixed for his registration (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States. The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest: *Provided*, That any person between the age of 18 and 35, regardless of race or color, shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces (including aviation units) of the United States for the training and service prescribed in subsection (b) if he is acceptable to the land or naval forces for such training and service: *Provided further*, That there shall not be in active training or service in the land forces of the United States at any one time in time of peace more than 900,000 men inducted under the provisions of this act. The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

(b) Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service until the Congress shall declare that the national interest permits his being relieved from such service. Each such man, after completion of the service required by this subsection, shall be transferred to a Reserve component of the land or naval forces of the United States until the provisions of this act become inoperative, or until the expiration of a period of 10 years, or until he is discharged from such Reserve component, whichever event first occurs; and during the period that he is a member of such Reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes 12 months' training and service in the land forces in time of peace, as provided herein, who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace. Persons inducted into the land forces of the United States pursuant to this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

(c) The men inducted for training and service as provided for in this section shall, during the period of their training and service, receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a Reserve component of the land or naval forces as provided in subsection (b) they shall receive the same benefits as are provided by law in like cases for members of such Reserve component. Men in such training and service shall have an opportunity to qualify for promotion.

SEC. 4. (a) The selection of men for the training and service provided for in section 3 (other than those who enlist voluntarily pursuant to this act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from all the men between the ages of 21 and 31 who are liable for such training and service.

(b) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification; credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas; and until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe.

SEC. 5. (a) Commissioned officers, warrant officers, field clerks, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted

Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy, and cadets of the advanced course, senior division, Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, or who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2. No exceptions from registration shall continue after the cause therefor ceases to exist: *Provided,* That any officer, warrant officer, or enlisted man of the Regular Army who is excepted from registration under section 2 and who shall have served therein satisfactorily for a period of 3 years, and any officer, warrant officer, or enlisted man of the active National Guard or a member of the Officers' Reserve Corps on the eligible list, who is excepted from such registration and who shall have served therein satisfactorily for a period of 6 years, shall be excepted from such registration and further duty in the Reserve components of the Army of the United States in time of peace: *Provided further,* That any officer, warrant officer, or enlisted man of the active National Guard who satisfactorily serves as a member of the Army of the United States, in active Federal service for the period of 1 year who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace.

(b) The Vice President of the United States, the Governors of the several States and Territories, members of legislative bodies of the United States and of the several States and Territories, judges of the courts of the United States and of the several States and Territories and the District of Columbia, and other executive officers of the United States and of the several States and Territories and the District of Columbia whose continued service in the executive offices held by them is found to be necessary to the maintenance of the public health, safety, or interest shall, while holding such offices, be deferred from training and service in the land and naval forces of the United States.

(c) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

(d) The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest. No deferment of training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. The President is also authorized, under such rules and regulations as he may prescribe, to defer the training and service under this act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient. No deferment of such training and service shall continue after the cause therefor ceases to exist.

(e) Nothing contained in this act shall be construed to require any person to be subject to combatant training or service in the land or naval forces of the United States, who by reason of religious training and belief, is conscientiously opposed to participation in war in any form. All persons claiming such exemption from combatant training and service because of such conscientious objections shall be listed on a register of conscientious objectors at the time of their classification by a local board, and the names of the persons so registered shall be at once referred by such local board to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice in the case of each such person with respect to the character and good faith of his objections, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend (1) that the objector shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, that he shall be assigned to work of national importance under civilian direction. If, after such hearing, the objections of any such person are found not to be sustained, the objector and the local board shall be immediately notified thereof, the name of the objector shall then be removed from the register of conscientious objectors, and such objector shall thereafter be liable to training and service as provided by this act. If, within 5 days after the date of such findings by the Department of Justice, the objector or the local board gives notice to the other of disagreement with such findings, the local board shall immediately refer the matter for final determination to an appropriate appeal board established to section 10 (a) (2).

SEC. 6. The President shall have authority to induct into the land and naval forces of the United States no greater number of persons than the Congress shall from time to time hereafter make specific appropriation for.

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided,* That the clothing or enlistment allowance authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

SEC. 8. (a) Any person inducted into the land or naval forces under this act for training and service, or who is hereafter assigned to active or training duty, who, in the judgment of those in authority over him, satisfactorily completes the service required under this act shall be entitled to a certificate to that effect upon the completion of such service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the land or naval forces under this act for training and service shall be given a physical examination at the beginning of such training and service and a medical statement showing any physical defects noted upon such examination; and upon the completion of the period of such training and service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses, or disabilities, suffered by him during such period of training and service.

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

For the purpose of this subsection any person who has been required to leave any position in the employ of any private employer, other than a temporary position, within 30 days prior to the date of the enactment of this act shall be deemed prima facie to have left such position in order to perform the service required under this act.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered during the period of service in such forces as on furlough or leave of absence; and shall be so restored without loss of seniority; and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time of being inducted into such forces; and shall not be discharged from such position without cause within 1 year after such restoration.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against the person so applying for such benefits.

(e) Section 3 (d) of the act entitled "An act to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service," approved August 27, 1940, is amended by inserting before the period at the end of the first sentence the following: ", and as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action."

(f) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of members of the reserve components of the land and naval forces of the United States

who have satisfactorily completed any period of active duty and of persons who have satisfactorily completed any period of their service under this act, and to aid such persons in finding employment elsewhere if such replacement in their former positions is impossible or unreasonable.

(g) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this act.

(h) Any person inducted into the land or naval forces for training and service under this act shall, during the period of such training and service, be permitted to vote in any general, special, or primary election occurring in the State of which he is a resident, if under the laws of such State he is entitled to vote in such election even though he is outside of such State at the time of such election.

SEC. 9. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this act, or who counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required of him under or in the execution of this act, or rules or regulations made in pursuance of this act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. In cases of persons subject to this act who fail to report for duty in the land or naval forces as ordered shall be tried exclusively in the district courts of the United States having jurisdiction thereof and this class of cases shall not be tried by the military and naval courts martial unless such person has been actually inducted for the training and service prescribed herein or unless he is subject to trial by court martial under laws in force prior to the enactment of this act. Cases brought under this provision shall be given preference for trial by the respective district courts. Precedence shall be given by courts to the trial of cases arising under this act.

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry this act into effect;

(2) to create and establish a selective service system, to provide for the classification of registered men on the basis of availability for service and training and to establish local boards, no member of which shall be connected with the military establishment, and such other agencies, including appeal boards and agencies of appeal, no member of which shall be connected with the military establishment, as he may deem necessary to carry the provisions of this act into effect. Such local boards shall have the power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions of exemption or deferment under this act and all questions of or claims for including or discharging individuals or classes of individuals from induction under this act;

(3) to appoint, by and with the advice and consent of the Senate, and fix the compensation, at a rate not in excess of $10,000 per annum, of a Director of Selective Service who shall be directly responsible to him, and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this act: *Provided*, That any person so appointed whose salary is at a rate in excess of $5,000 per annum shall be appointed by and with the advice and consent of the Senate;

(4) to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government, and of the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, in the execution of this act, and to require of each the performance of such duties as he directs in carrying out the provisions of this act;

(5) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended by the act of July 8, 1935 (49 Stat. 475), and to obtain such office equipment as he may deem necessary to carry out the provisions of this act, with or without advertising or formal contract; and

(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this act, of any person convicted of a violation of any of the provisions of this act.

(b) The President is authorized, under such rules and regulations as he may prescribe, to delegate any authority vested in him under this act to such officers, agents, or persons as he may designate or appoint for such purpose.

(c) The decisions of local boards with respect to any matters within their jurisdiction shall be final except where appeals are authorized in accordance with the provisions of this act and such rules and regulations as the President may prescribe. In the administration of this act voluntary services may be accepted. Correspondence necessary in the execution of this act may be carried in official penalty envelopes.

SEC. 11. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms pending the determination of the issues: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility."

SEC. 12. (a) All the provisions of section 3 of the act of March 27, 1934 (48 Stat. 505), as now or hereafter amended, shall be applicable with respect to contracts hereafter entered into for weapons, ammunition, and other military equipment procured by the Ordnance Department of the Army and by the Bureau of Ordnance of the Navy to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft or any portion thereof for the Army and Navy: *Provided*, That the Secretary of War shall exercise all functions under such section with respect to such contracts for the Army, and the Secretary of the Navy shall exercise all functions under such section with respect to such contracts for the Navy.

(b) The provisions of section 3 of such act of March 27, 1934, as amended, shall, in the case of contracts or subcontracts entered into after the date of approval of this act, be limited to contracts or subcontracts where the award exceeds $50,000.

(c) All determinations hereafter required under such act of March 27, 1934, as now or hereafter amended, with respect to the costs and profits of War Department and Navy Department contracts shall be made by the Secretary of War and the Secretary of the Navy, respectively.

SEC. 13. (a) The monthly base pay of enlisted men of the Army and the Marine Corps shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30; except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War and the Secretary of the Navy, respectively, shall be $21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army and the Marine Corps shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

(b) The pay for specialists' rating received by an enlisted man of the Army or the Marine Corps at the time of his retirement shall be included in the computation of his retired pay.

(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

(d) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

(e) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

(f) The provisions of this section shall be effective during the period September 1, 1940, to May 15, 1945. During such period all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby suspended.

SEC. 14. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this act, and, except as hereinafter provided, the provisions of such act of March 8, 1918, shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section

101; article 4; article 5; paragraph (2) of section 601; and section 603;

(2) the term "persons in military service," when used in such act, shall be deemed to mean persons inducted into the land or naval forces under this act;

(3) the term "period of military service," when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is inducted into such land or naval forces under this act for any period of training and service and ending 60 days after the date on which such period of training and service terminates.

SEC. 15. (a) Every person shall be deemed to have notice of the requirements of this act upon publication by the President of a proclamation or other public notice requiring registration.

(b) If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this act.

(c) Nothing contained in this act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

SEC. 16. When used in this act—

(a) The term "between the ages of 21 and 31" shall refer to persons who have reached the twenty-first anniversary of the day of their birth and who have not reached the thirty-first anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States," when used in a geographical sense, shall be deemed to include the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands.

SEC. 17. (a) All laws and parts of laws in conflict with the provisions of this act are hereby suspended to the extent of such conflict for the period in which this act shall be in force.

(b) All the provisions of this act shall become inoperative and cease to apply on and after May 15, 1945, unless continued in effect by the Congress, except as to offenses committed prior to such date.

(c) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

SEC. 18. This act may be cited as the "Selective Training and Service Act of 1940."

The title was amended so as to read: "A bill to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training."

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, I desire to make an announcement for the benefit of Senators, so that they may govern themselves accordingly.

It is our purpose to take up at once, but of course not to consider tonight, the appropriation bill which is in charge of the Senator from Tennessee [Mr. MCKELLAR]. Following that, we hope to take up the conference report on the transportation bill, and finish that. I think I am within the probabilities when I say that the appropriation bill ought not to take more than a day, if that long, and I hope we may dispose of the conference report on the transportation bill by Friday evening, so that the Senate may adjourn over Labor Day until Tuesday next.

JOHN MUDRY—VETO MESSAGE (S. DOC. NO. 272)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs and ordered to be printed:

*To the Senate:*

I have withheld my approval of S. 2686, an enrolled enactment entitled "An act authorizing the reenlistment of John Mudry in the United States Army."

The purpose of this bill is to remove the bar to reenlistment resulting from conviction on a charge of criminal negligence in the operation of an automobile which resulted in the death of several persons. The applicant was sentenced to prison for a minimum term of 2 years or a maximum term of 4 years.

In directing the Secretary of War to permit reenlistment, as well as authorizing it, the bill not only goes beyond the purpose indicated in the title but constitutes a serious encroachment upon the discretion of the Army authorities in determining the general eligibility of a particular candidate for reenlistment. While doubtless not so intended, the measure could be held to prevent consideration of other circumstances that might hereafter come to the attention of the Army authorities and warrant rejection of the applicant.

It is a practice of long standing, sanctioned by law, not to permit enlistment in the Army of persons convicted of a felony. This is a good practice, and while individual cases sometimes arise, as the one involved here, in which it causes some hardship, it is believed that the larger interests of the Army should outweigh the interest of the individual who desires reenlistment, and that the public interest will be better served by adhering to this practice. To do otherwise, moreover, would be unjust to a large number of persons who have been denied reenlistment in the past, for the same reason and without regard to individual merit or circumstance.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 28, 1940.*

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Marine Corps.

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the nomination of Alfred P. Murrah, of Oklahoma, to be judge of the Circuit Court of Appeals for the Tenth Circuit, vice Robert E. Lewis, retired.

SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS

Mr. MCKELLAR. Mr. President, I move that the Senate proceed to the consideration of House bill 10263, making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Davis | Lee | Sheppard |
| Andrews | Donahey | Lodge | Shipstead |
| Ashurst | Downey | Lucas | Slattery |
| Austin | Ellender | Lundeen | Smathers |
| Bailey | George | McCarran | Smith |
| Bankhead | Gerry | McKellar | Stewart |
| Barbour | Gibson | Maloney | Taft |
| Barkley | Glass | Mead | Thomas, Idaho |
| Bone | Green | Miller | Thomas, Okla. |
| Bridges | Guffey | Minton | Thomas, Utah |
| Brown | Gurney | Murray | Tobey |
| Bulow | Hale | Neely | Townsend |
| Burke | Harrison | Norris | Truman |
| Byrd | Hatch | Nye | Tydings |
| Byrnes | Hayden | O'Mahoney | Vandenberg |
| Capper | Herring | Overton | Van Nuys |
| Caraway | Hill | Pepper | Wagner |
| Chandler | Holt | Pittman | Walsh |
| Chavez | Hughes | Radcliffe | Wheeler |
| Clark, Idaho | Johnson, Calif. | Reynolds | White |
| Clark, Mo. | Johnson, Colo. | Russell | Wiley |
| Connally | King | Schwartz | |
| Danaher | La Follette | Schwellenbach | |

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 8 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 29, 1940, at 12 o'clock meridian.

## NOMINATIONS

*Examinations received by the Senate August 28 (legislative day of August 5), 1940*

### UNITED STATES DISTRICT JUDGE

James F. T. O Connor, of California, to be United States District Judge for the Southern District of California, vice Honorable William P. James, deceased.

### UNITED STATES MARSHAL

Virgil Pettie, of Arkansas, to be United States Marshal for the Eastern District of Arkansas. Mr. Pettie is now serving in this office under an appointment which expired June 13, 1938.

### UNITED STATES PUBLIC HEALTH SERVICE

The following named Sanitary Engineers to be Senior Sanitary Engineers in the United States Public Health Service, to rank as such from the dates set opposite their names:

Arthur L. Dopmeyer, September 5, 1940.
Edmund C. Sullivan, September 5, 1940.
Arthur P. Miller, September 5, 1940.
Frederic J. Moss, September 21, 1940.

### APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

#### GENERAL OFFICERS

*To be Brigadier Generals, National Guard of the United States*

Albert Ludlum Culbertson, Illinois National Guard.
Charles Christian Haffner, Junior, Illinois National Guard.

### PROMOTIONS IN THE REGULAR ARMY

#### TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 18, 1940

Maj. Walter Shea Wood, Infantry.
Maj. William Henry Quarterman, Field Artillery.
Maj. Benjamin Brandon Bain, Infantry.
Maj. Ira Clarence Baker, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Stanton Louis Bertschey, Field Artillery.
Maj. Cheney Litton Bertholf, Adjutant General's Department.
Maj. Ellsworth Young, Coast Artillery Corps.
Maj. Edward Reese Roberts, Field Artillery.
Maj. Walter Ernst Lauer, Infantry.
Maj. Frank Hitch Pritchard, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Albert Hugh Dumas, Infantry.
Maj. Paul Shober Jones, Judge Advocate General's Department, subject to examination required by law.
Maj. Paul Thompson Baker, Infantry.
Maj. Robert Porter Bell, Infantry.
Maj. Edwin William Piburn, Infantry.
Maj. Kenneth Stoddard Whittemore, Infantry.
Maj. Jerry Vrchlicky Matejka, Signal Corps.
Maj. Frank Huber Partridge, Adjutant General's Department.
Maj. Derril deSaussure Trenholm, Field Artillery, subject to examination required by law.
Maj. Michael Edmond Halloran, Infantry.
Maj. Idwal Hubert Edwards, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Paul James Vevia, Infantry.
Maj. Carl Julian Dockler, Cavalry.
Maj. Milton Heilfron, Coast Artillery Corps.
Maj. Olin Coke Newell, Cavalry.
Maj. Paul Steele, Infantry.
Maj. Robert Emmett Cummings, Infantry.
Maj. Louis Simmons Stickney, Signal Corps.
Maj. William Hesketh, Coast Artillery Corps.
Maj. Maurice Garver Stubbs, Infantry.
Maj. Archibald Andrew Fall, Infantry.
Maj. Frank Romaine Schucker, Infantry.
Maj. George Stewart Warren, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Mario Cordero, Coast Artillery Corps.
Maj. Henry Oscar Swindler, Infantry.
Maj. Haskell Allison, Signal Corps.
Maj. Russell Skinner, Infantry.
Maj. George Warren Dunn, Jr., Coast Artillery Corps.
Maj. John Alexander Klein, Adjutant General's Department.
Maj. Arthur Harold Luse, Ordnance Department.
Maj. William Arthur Swift, Infantry.
Maj. John Edwin Grose, Infantry.
Maj. Lawrence Archie Kurtz, Field Artillery.
Maj. Daniel Webster Hickey, Jr., Coast Artillery Corps.
Maj. Harry Reichelderfer, Signal Corps.
Maj. Alexander Russell Bolling, Infantry.
Maj. Duncan Thomas Boisseau, Field Artillery.
Maj. James Leonard Garza, Infantry.
Maj. John Dunbar Chambliss, Infantry.
Maj. Elvin Leon Barr, Coast Artillery Corps.
Maj. Douglas Eaton Morrison, Coast Artillery Corps.
Maj. Thomas Eugene Jeffords, Coast Artillery Corps.
Maj. Frank Hendricks Hastings, Coast Artillery Corps.
Maj. Joseph Hiram Gilbreth, Coast Artillery Corps.
Maj. Harold Gilbert Archibald, Coast Artillery Corps.
Maj. Daniel Howe Hoge, Coast Artillery Corps.
Maj. Reamer Walker Argo, Coast Artillery Corps.
Maj. Eugene Thomas Conway, Coast Artillery Corps.
Maj. Frederick Adelmer Ward, Philippine Scouts.
Maj. Ralph Hirsch, Field Artillery.
Maj. William Joseph Egan, Field Artillery.
Maj. Talley Dozier Joiner, Adjutant General's Department.
Maj. Robert Victor Maraist, Field Artillery.
Maj. Lawrence Patterson, Cavalry.
Maj. Lester Hardee Barnhill, Infantry.
Maj. Sterner St. Paul Meek, Ordnance Department.
Maj. Melvin Lewis Craig, Field Artillery.
Maj. Elbert Arcularius Nostrand, Infantry.
Maj. Hervey Aldrich Tribolet, Infantry.
Maj. Robert Brooks Ennis, Infantry.
Maj. Levie Wilson Foy, Quartermaster Corps.
Maj. John Cord Blizzard, Jr., Infantry.
Maj. Warren Henry McNaught, Field Artillery.
Maj. Roy Edson Craig, Cavalry.
Maj. Robert Ignatius Stack, Infantry.
Maj. John Huling, Jr., Ordnance Department.
Maj. Early Edward Walters Duncan, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Edward Marple Daniels, Quartermaster Corps.
Maj. Horace Kelita Heath, Infantry.
Maj. Bartholomew Robins DeGraff, Infantry.
Maj. Harold Napoleon Gilbert, Adjutant General's Department.
Maj. William Albert Collier, Infantry.
Maj. Leonard Harrison Frasier, Field Artillery, subject to examination required by law.
Maj. Archibald Miles Mixson, Infantry, subject to examination required by law.
Maj. Clifford Bert Cole, Field Artillery.
Maj. Albert Gresham Wing, Infantry.
Maj. William Fred Rehm, Infantry.
Maj. Edward Nicholson Fay, Quartermaster Corps.
Maj. Donald Thomas Nelson, Finance Department.
Maj. Richardson Lester Greene, Field Artillery.
Maj. George Clarence Nielsen, Infantry.
Maj. Earl Campbell Horan, Infantry.
Maj. Wallace William Millard, Infantry.
Maj. Arthur Grady Hutchinson, Infantry.
Maj. Norman Marcus Nelsen, Infantry, subject to examination required by law.
Maj. Roy Nathan Hagerty, Infantry.
Maj. Ronald Lowe Ring, Infantry.
Maj. Alfred Timothy Wright, Quartermaster Corps.
Maj. John Ainsworth Andrews, Infantry.
Maj. George Andrew Lockhart, Quartermaster Corps.
Maj. James Julian Pirtle, Infantry.
Maj. Alfred Edward Dedicke, Infantry.

Maj. Wilbur Ellsworth Bashore, Infantry.
Maj. Harold Head, Infantry.
Maj. Walter William Boon, Cavalry.
Maj. Hugh McCord Evans, Infantry, subject to examination required by law.
Maj. Michael Joseph Mulcahy, Infantry.
Maj. Harold Stokely Wright, Quartermaster Corps.
Maj. Lois Chester Dill, Quartermaster Corps.
Maj. Edward James Maloney, Infantry.
Maj. Richard Abram Jones, Infantry.
Maj. Nelson Macy Walker, Infantry, subject to examination required by law.
Maj. Milton Brandt Goodyear, Infantry.
Maj. William Ewart Gladstone Graham, Infantry.
Maj. Jesse Ralston Lippincott, Infantry.
Maj. Francis Russel Lyons, Corps of Engineers.
Maj. William Norman Thomas, Jr., Corps of Engineers.
Maj. Lee Sommerville Dillon, Corps of Engineers.
Maj. Peter Edward Bermel, Corps of Engineers.
Maj. Carl Raymond Shaw, Corps of Engineers.
Maj. Theron DeWitt Weaver, Corps of Engineers.
Maj. Frederic Franklyn Frech, Corps of Engineers.
Maj. John Elliott Wood, Corps of Engineers.
Maj. Edward North Chisolm, Corps of Engineers.
Maj. James Sproule, Quartermaster Corps.
Maj. Joseph John Schmidt, Infantry.
Maj. Arthur Bothwell Proctor, Quartermaster Corps.
Maj. George Augustine Frazer, Judge Advocate General's Department, subject to examination required by law.
Maj. Royden Williamson, Cavalry.
Maj. Charles Clement Quigley, Adjutant General's Department.
Maj. Reginald Johnston Imperatori, Coast Artillery Corps.
Maj. Raymond Greenleaf Sherman, Infantry.
Maj. William Cone Mahoney, Quartermaster Corps.
Maj. Alpha Brumage, Field Artillery.
Maj. Sherman I. Strong, Quartermaster Corps.
Maj. Lee W. Card, Quartermaster Corps.
Maj. Leighton E. Worthley, Infantry.
Maj. Gilbert Sylvester Woolworth, Judge Advocate General's Department.
Maj. Henry Mahoney Denning, Finance Department.
Maj. John Albert Shaw, Infantry.
Maj. Wesley Wright Price, Quartermaster Corps.
Maj. James Paul Lloyd, Infantry.
Maj. Thomas Asbuary Harris, Infantry.
Maj. Charles Clarke Loughlin, Infantry.
Maj. Lawrence Peter Worrall, Finance Department.
Maj. Milton Humes Patton, Cavalry.
Maj. Brom Ridley Whitthorne, Quartermaster Corps.
Maj. Gilbert Rieman, Cavalry.
Maj. Wallace Edwin Durst, Quartermaster Corps.
Maj. Hiram Edwin Tuttle, Quartermaster Corps.
Maj. John Walter Campbell, Infantry.
Maj. Samuel Alexander Greenwell, Cavalry, subject to examination required by law.
Maj. John William Thompson, Quartermaster Corps, subject to examination required by law.
Maj. George Cook Hollingsworth, Infantry.
Maj. Charles Otis Ashton, Infantry.
Maj. Joel Franklin Watson, Judge Advocate General's Department.
Maj. John Conrad Hutcheson, Quartermaster Corps.
Maj. William Downing Wheeler, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. David Ransom Wolverton, Quartermaster Corps.
Maj. William Eldon Harris, Corps of Engineers.
Maj. Gregory Sumner Lavin, Ordnance Department.
Maj. Arthur Freeman Bowen, Infantry.
Maj. Herbert Horton Lewis, Infantry.
Maj. George Ray Ford, Quartermaster Corps.
Maj. Newton Harrell Strickland, Ordnance Department.
Maj. John Vincent Rowan, Quartermaster Corps.
Maj. William Henry Beers, Infantry.
Maj. Willis Dodge Cronkhite, Infantry.
Maj. John Alexander Russell, Quartermaster Corps.
Maj. Theodore Tyler Barnett, Quartermaster Corps.
Maj. William Addison Ray, Field Artillery.
Maj. Lloyd Spencer Spooner, Infantry.
Maj. Leon Ewart Savage, Field Artillery.
Maj. Henry Mills Shoemaker, Cavalry.
Maj. Eugene Erwin Morrow, Infantry.
Maj. Kinsley Wilcox Slauson, Quartermaster Corps.
Maj. Fred Tenderholm Neville, Quartermaster Corps.
Maj. Louis Duzzett Farnsworth, Coast Artillery Corps.
Maj. Harry Martel Gwynn, Infantry.

APPOINTMENT IN THE REGULAR ARMY

Edward Casimir Rogowski to be a second lieutenant in the Medical Administrative Corps, with rank from date of appointment.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Ivan Walter Parr, Jr., Infantry, with rank from June 13, 1936.

---

# HOUSE OF REPRESENTATIVES

## WEDNESDAY, AUGUST 28, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God, our Heavenly Father, who hast called us to another day and assured us that we are still partakers of Thy life, before Thee nothing is common nor worthless in human life. We earnestly desire to enter into closer relationship with Thee. In labor, in association, and in the needful pauses, may we find cheer, high purpose, and an incentive to do the right and shun the wrong. Grant unto us wisdom to pursue splendid ends with intelligent zeal and patient effort that our service to our country may broaden, deepen, and bless all life. God bless America. It can be saved only by becoming permeated by the spirit of the Master and being made free and happy by the practices which spring out of His spirit. The Christ will give to all those who walk in His way victory over the things that seem impossible. We reverently pray that our citizens throughout our land may give their lives in a colossal sacrifice out of which was born our national unity and our continuance as a nation. Almighty God, Thou hast a plan which will preserve us from drifting into a materially minded people, from ease and from moral laxity. O speak to us that we may hear a voice, not of ourselves, that will direct the character and destiny of our land, born in the guidance and fear of our infinite Heavenly Father. The Lord bless our Speaker and the Congress. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed bills of the House of the following titles:

On August 27, 1940:

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes; and

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

House Resolution 581

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the

consideration of S. 4271, a bill to increase the number of midshipmen at the United States Naval Academy. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a letter which I received from the White House with regard to the part the Negroes are to play in the preparedness program.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRINTING OF HEARINGS BEFORE WAYS AND MEANS COMMITTEE

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2888) an original privileged concurrent resolution (H. Con. Res. 87) authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to the Excess Profits Taxation Act for 1940, and ask unanimous consent for its present consideration.

The Clerk read as follows:

House Concurrent Resolution 87

*Resolved by the House of Representatives (the Senate concurring)*, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of the hearings held before said committee during the current session on proposed legislation relative to the Excess Profits Taxation Act for 1940.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. Gladly.

Mr. MICHENER. How are these copies to be distributed?

Mr. JARMAN. This resolution results from a request of the chairman of the Ways and Means Committee, and they will be delivered to that committee for distribution.

Mr. MICHENER. In other words, this is just an ordinary committee print and anybody desiring copies will have to make application to the Ways and Means Committee.

Mr. JARMAN. Yes; that is the customary way.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Courant of Hartford, Conn., a Republican paper.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the woolen bill, and also unanimous consent to extend my remarks in the RECORD on the poll tax.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ANNOUNCEMENT

Mr. SABATH. Mr. Speaker, I desire to announce that, upon the urgent request of the chairman of the Ways and Means Committee, the Rules Committee will meet at 1:30 p. m. today.

NAVAL DEFENSE APPROPRIATION

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, no doubt the House is aware of the fact that authorization bills in the amount of $7,000,000,000 have been passed for the Naval Establishment. Approximately $3,320,000,000 of that authorization has been made available by appropriation and contract authorization. It is the intention of the Naval Affairs Committee of the House to keep the House and the country thoroughly conversant, as far as possible, with these expenditures. I therefore ask unanimous consent, Mr. Speaker, to insert in the Appendix of the RECORD a list of all negotiated contracts, with the name of the contractors and the fees and the place where the work is going on, and also to insert in the RECORD a complete list of all engineering firms that have been called in, the places for which they have drawn the designs and blueprints, and their fees.

Mr. RICH. Mr. Speaker, reserving the right to object—and I will not object—but I hope the gentleman will place in the RECORD at the same time the information as to where you are going to get the money to go ahead with these contracts.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a declaration against delay in prompt and adequate defense by representatives of the American Legion, World War Veterans, and citizens of Mississippi, in mass meetings assembled, in Jackson, Miss., on Sunday, August 25, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE LATE HONORABLE GEORGE N. SEGER

Mr. DONDERO. Mr. Speaker, at the request of the Committee on Rivers and Harbors, I ask unanimous consent to include in the CONGRESSIONAL RECORD at this point a resolution unanimously passed this morning by the committee upon the passing of our late lamented friend, Hon. GEORGE N. SEGER, of New Jersey.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution is as follows:

With profound sorrow, the Committee on Rivers and Harbors of the House of Representatives records the passing of one of its most distinguished, earnest, and conscientious members, the Honorable GEORGE N. SEGER, of the Eighth District of New Jersey.

He was the ranking minority member of this committee and had served continuously for 18 years. Always diligent and attentive to duty; always the kindly gentleman. He was always ready to contribute his voice and great ability, supported by long experience, to the advancement and progress of the Nation. His counsel and opinion held the respect of every member of this committee. His conception of public office was that it was a public trust, and no man could discharge that trust with greater fidelity and honor to the people of his district, State, and Nation than our lamented friend and colleague whose passing we mourn.

In recognition of his long and untiring services as a member of this committee and a legislator in the council halls of the Nation, we, his colleagues, wish to express our sense of personal loss in the death of our beloved and venerable friend and fellow member, and also to record our sincere appreciation for his distinguished services to the country; be it therefore

*Resolved*, That this expression of our respect and esteem be sent to the family of Mr. SEGER, spread upon the records of this committee, and offered for inclusion in the CONGRESSIONAL RECORD.

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject This Changing World.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a brief Associated Press statement appearing in the newspapers today showing that the American Legion of the State of Illinois had come out against the Burke-Wadsworth conscription bill.

The SPEAKER. Is there objection?

There was no objection.

WHO IS TO BLAME FOR CONSCRIPTING MEN AND EXEMPTING INDUSTRY?

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I see by the papers that Congress is to blame for the delay in the building of planes, making of bullets, tanks, and so forth. I have it on good authority that the United States confronts an emergency in national defense. I have it on reasonably good authority that this emergency calls for the drafting of men to use the planes, guns, and tanks. It occurs to me, Mr. Speaker, that if we have such an emergency we had better pass a true universal service bill to insure that these boys will have something with which to fight. If the emergency calls for drafting men to fight, does it not call for drafting men to work in essential industries? Is it not as logical to draft capital that does not fight as to draft soldiers that do? In my humble opinion, if there be a sit-down strike anywhere along the line, the American people will never forgive an administration that conscripts men to fight and exempts industry to work at high wages and guaranteed profits. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an editorial from the Saturday Evening Post.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that after the completion of business on the Speaker's desk and any other special orders that may have heretofore been entered, I be permitted to address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

PREPAREDNESS

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENDER. Mr. Speaker, I observe in the morning press that the President has blamed Congress for the lack of preparedness on the part of the Nation. As a matter of fact, we are to blame because we gave him the power and the money to prepare and he did not do it. We admit our mistake in entrusting it to him. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include the acceptance address of my fellow Oregonian, Hon. CHARLES L. MCNARY.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of slum clearance and include a resolution I have introduced to further investigate the program.

The SPEAKER. Is there objection?

There was no objection.

ILIJA RASHETA

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask leave to withdraw from the Committee on Military Affairs' files on the bill (H. R. 4150) for the relief of Ilija Rasheta the original Army discharge.

The SPEAKER. Is there an adverse report?

Mr. SCHAFER of Wisconsin. No, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.



ACCIDENTS IN COAL MINING

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, an Associated Press dispatch from Bates, Ark., dated August 27, carries the news that—

> Nine men were killed late today and a tenth still unaccounted for at 9:30 o'clock, after an explosion at the Bates Coal Corporation mine near here.

This is nothing unusual. Most every day we hear about persons being killed in coal-mine accidents. During the past year, or a little more, more than 1,600 coal miners lost their lives in explosions. Those lives could probably have been saved had we had an adequate Federal mine-inspection law.

I urge each Member of the House, therefore, who is interested in saving lives, to sign the discharge petition No. 35. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a radio speech made by Hon. Francis Biddle, Solicitor General of the United States, on the registration of aliens.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to insert a letter which I received from the Non-Sectarian League For Americanism and an editorial which appeared in "Der Frontkamarad," the official publication of the German World War Veterans' Organization of Chicago.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PETERSON of Florida. Mr. Speaker, at the request of our colleague the gentleman from Pennsylvania [Mr. SNYDER], I ask unanimous consent that the special order assigned to him of 30 minutes for Thursday be carried over until next Tuesday, September 3, at the conclusion of the legislative program and such other special orders as may have been entered for that day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

Mr. PETERSON of Florida. Mr. Speaker, I wish to announce the death of the brother of the gentleman from Pennsylvania [Mr. SNYDER] and ask that the gentleman from Pennsylvania be excused for the balance of the week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article from the financial page of the Los Angeles Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I have asked for this time in order to make an inquiry of the gentlemen on the minority side. Last evening a very able address was made out in Oregon by the Vice Presidential candidate on the Republican ticket. I listened to it carefully. I also listened to the acceptance speech of the Republican Presidential candidate, Mr. Willkie. There seems to be a debate between the Presidential and the Vice Presidential candidates, and I have been wondering if any Member on the minority side was going to ask unanimous consent to insert last night's speech in the RECORD. If not, I think it might be proper for me to do it. [Applause.]

Mr. HOFFMAN. Mr. Speaker——

The SPEAKER. The gentleman from Michigan.

Mr. HOFFMAN. I will ask that unanimous consent as an evidence of independence and free thinking. We do not need just one man to express our thoughts.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the address referred to be printed in the Appendix of the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ANGELL. Mr. Speaker, that was already inserted under my request to extend remarks a moment ago. [Laughter and applause.]

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Inasmuch as the request to include in the RECORD the splendid address delivered last night by Senator MCNARY has already been granted, may we thank the majority leader for his solicitude and suggest that it is reassuring to know that the distinguished majority leader recognizes the merits of the address delivered by the next Vice President.

The SPEAKER. The gentleman from Michigan has stated no parliamentary inquiry.

### PRIVILEGE OF THE HOUSE

The SPEAKER. The unfinished business before the House is the question of the privilege of the House raised by the gentleman from Montana. Does the gentleman from Montana desire to be recognized?

Mr. THORKELSON. I want to be recognized, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montana.

Mr. WOLCOTT. Mr. Speaker, I wonder if the gentleman from Montana before he proceeds would yield long enough to permit the chairman of the Committee on Roads to take up the conference report on the highway bill. I feel certain I can assure the House that this will be very brief.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. THORKELSON. I yield for that, Mr. Speaker.

### AMENDMENT TO FEDERAL AID HIGHWAY ACT

Mr. CARTWRIGHT. Mr. Speaker, I call up the conference report on the bill (H. R. 9575) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, are the minority members of the conference committee here?

Mr. CARTWRIGHT. Yes. The gentleman from Michigan [Mr. WOLCOTT], who just asked the gentleman from Montana to yield, is one of them.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 10, 21, 22, 23, 24, 28, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 25, 26, and 27, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate, insert the figure "$17,500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate insert the figure "$17,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the period at the end of the Senate amendment, insert a comma and the following: "and the total of the apportionments to each State during the 6-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: After the word "construction", insert the following: "and maintenance"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out the Senate amendment and in lieu thereof insert the following:

"SEC. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a 'right-of-way') necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

"(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency."

And the Senate agree to the same.

Amendment numbered 30: That the Senate recede from its disagreement to the amendment of the House numbered 30, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft."

And the House agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 14"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 15"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 16"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 17. Any amounts heretofore apportioned to any State under the provisions of Section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by Section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 18. Funds authorized and made available under Section 21 of the Federal Highway Act as amended may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national-defense agency."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite the construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following: "20"; and the Senate agree to the same.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
JAMES W. MOTT,
*Managers on the part of the House.*

KENNETH MCKELLAR,
CARL HAYDEN,
LYNN J. FRAZIER,
ROBERT M. LA FOLLETTE, JR.,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Authorizes $100,000,000 for regular Federal aid for the fiscal year ending June 30, 1942, as proposed by the Senate, instead of $93,750,000, as proposed by the House.

On amendment No. 2: Authorizes $100,000,000 for regular Federal aid for the fiscal year ending June 30, 1943, as proposed by the Senate, instead of $93,750,000, as proposed by the House.

On amendment No. 3: Authorizes $17,500,000 for secondary roads for the fiscal year ending June 30, 1942, instead of $18,750,000 as proposed by the House, and $15,000,000 as proposed by the Senate.

On amendment No. 4: Authorizes $17,500,000 for secondary roads for the fiscal year ending June 30, 1943, instead of $18,750,000, as proposed by the House, and $15,000,000, as proposed by the Senate.

On amendment No. 5: Strikes out the proposal of the Senate to amend the provision of the House to require that for a State to receive its Federal-aid apportionment without matching the special highway-user taxes levied by such State shall be at least equal to the average of such special taxes levied by all States.

On amendment No. 6: Strikes out the proposal of the Senate to permit States to receive Federal aid without matching if the constitution of the State provides that all special taxes on motor-vehicle transportation shall be used for highway purposes.

On amendment No. 7: Strikes out the proposal of the Senate to change the number of a condition in the provision of the House.

On amendment No. 8: Authorizes $20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1942, as proposed by the Senate, instead of $37,500,000, as proposed by the House.

On amendment No. 9: Authorizes $20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1943, as proposed by the Senate, instead of $37,500,000, as proposed by the House.

On amendment No. 10: Strikes out the proposal of the Senate to permit the use of grade-crossing elimination funds for secondary road improvements.

On amendment No. 11: Amends the provision of the House so that $7,000,000 is authorized for forest highways, and $3,000,000 for forest development roads and trails, for the fiscal year ending June 30, 1942, and like amounts for the fiscal year ending June 30, 1943, instead of $10,500,000 for forest highways, roads and trails, for each of said years, as proposed by the House; and provides method of administering forest highway appropriations.

On amendment No. 12: Strikes out the provision of the House requiring that the Secretary of Agriculture shall apportion certain forest highway funds.

On amendment No. 13: Provides method for apportioning forest highway funds to States with small forest areas.

On amendment No. 14: Authorizes $1,500,000 for the fiscal year ending June 30, 1942, for public-land roads, as proposed by the Senate, instead of $1,875,000, as proposed by the House.

On amendment No. 15: Authorizes $1,500,000 for the fiscal year ending June 30, 1943, for public land roads, as proposed by the Senate, instead of $1,875,000, as proposed by the House.

On amendment No. 16: Provides that apportionments for public-land roads shall be made on the basis of the area of such lands in each State as shown by certificate of the Secretary of the Interior which he is directed to make each year.

On amendment No. 17: Authorizes $4,000,000 for the fiscal year ending June 30, 1942, for national-park roads and trails, as proposed by the Senate, instead of $5,625,000, as proposed by the House.

On amendment No. 18: Authorizes $4,000,000 for the fiscal year ending June 30, 1943, for national-park roads and trails, as proposed by the Senate, instead of $5,625,000, as proposed by the House.

On amendment No. 19: Provides that appropriations for national park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administator.

On amendment No. 20: Provides that hereafter national parkways shall be constructed in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

On amendment No. 21: Authorizes $3,000,000 for the fiscal year ending June 30, 1942, for Indian roads, as proposed by the House, instead of $2,500,000, as proposed by the Senate.

On amendment No. 22: Authorizes $3,000,000 for the fiscal year ending June 30, 1943, for Indian roads, as proposed by the House, instead of $2,500,000, as proposed by the Senate.

On amendment No. 23: Strikes out the proposal of the Senate to amend the provision of the House which limits roadside development to publicly owned or controlled recreational areas.

On amendment No. 24: Strikes out the proposal of the Senate to amend the provision of the House to limit roadside development to recreational areas owned or controlled by the States or their political subdivisions.

On amendment No. 25: Limits roadside and landscape development with the aid of Federal funds to that approved by the Public Roads Administration.

On amendment No. 26: Makes a slight change in the form of the provision of the House, substituting the words *"Provided,* That" for the word "and."

On amendment No. 27: Limits to 3 percent, as proposed by the Senate, instead of 5 percent as proposed by the House, the amount of Federal-aid funds apportioned to any State which may be used without being matched by the State for the purchase of adjacent strips of land for the preservation of the natural beauty through which highways are constructed.

On amendment No. 28: Strikes out the proposal of the Senate to amend the provision of the House which permits limited use of Federal-aid funds for the preservation of the natural beauty through which highways are constructed, without such funds being matched by the States.

On amendment No. 29: Authorizes the Reconstruction Finance Corporation to cooperate with States in financing the acquisition of rights-of-way needed for Federal-aid road projects, as proposed by the House, but strikes out, as proposed by the Senate, the House provision that in case of default on any loan for such purpose the amount of such default may be deducted from Federal-aid highway funds apportioned to the State in default.

On amendment No. 30: Authorizes the Commissioner of Public Roads, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside developments for landing and take-off of aircraft.

On amendment No. 31: Directs the Commissioner of Public Roads to investigate the service afforded by all highways of each State and report to the Congress each year the progress made in classifying the highways into groups composed of roads of similar service importance, as proposed by the Senate.

On amendment No. 32: Authorizes the Public Roads Administration to pay transportation and subsistence expenses of employees assigned to perform engineering services beyond continental United States and to increase the compensation of any such employee during such assignment, as proposed by the Senate.

On amendment No. 33: Authorizes the reapportionment to all of the States of any funds withheld by the Public Roads Administration from any State as a penalty for diversion of road-user taxes to nonhighway purposes, as proposed by the Senate.

On amendment No. 34: Extends until June 30, 1941, or for 1 year, the period of availability of Federal funds for secondary or feeder roads heretofore apportioned to any State, as proposed by the Senate.

On amendment No. 35: Authorizes the use of Federal highway administrative funds to pay the engineering costs of surveys, plans, specifications, estimates, and supervision of construction of projects for urgent improvements on highways strategically important from the standpoint of national defense.

On amendment No. 36: Authorizes the Commissioner of Public Roads to give priority of approval to projects important to the national defense.

On amendment No. 37: Strikes out the proposal of the Senate to restrict the construction of bridges within 10 miles of an existing toll bridge.

On amendment No. 38: Renumbers the section.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
JAMES W. MOTT,
*Managers on the part of the House.*

Mr. CARTWRIGHT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. THORKELSON. Mr. Speaker, I yield if it is not taken out of my time.

The SPEAKER. It will not be taken out of the gentleman's time.

INCREASING NUMBER OF MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 4271, to increase

the number of midshipmen at the United States Naval Academy and its immediate consideration. I may say, Mr. Speaker, this is the bill we had up yesterday and for which the Rules Committee has this morning granted a rule. I hope we may obtain unanimous consent for the consideration of this bill without invoking the rule.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. RICH. Mr. Speaker, reserving the right to object, I would not have objected yesterday had I been permitted to ask one additional question of the gentleman from Georgia. It seems when we try to do something in the House they want to shove it through without giving the Members the proper notice that they should have nor the information they should have. That was the reason for my objection yesterday. May I ask the gentleman why it is that we set the date of April 1 for the age limit when it is ordinarily the first of June to be 20 years of age?

Mr. VINSON of Georgia. Because that applies to those in 1939.

Mr. RICH. It is April 1?

Mr. VINSON of Georgia. Yes.

Mr. RICH. Then I have been misinformed on that. I wondered why that amendment was placed in the bill.

Mr. HOBBS. Mr. Speaker, reserving the right to object, may I ask the distinguished and able chairman of the Committee on Naval Affairs if he has any statement that he can make to the House with respect to the 2,000 retired naval officers who have been educated at Annapolis, graduated, and commissioned but are now on the retired list? They have been adjudged by duly constituted Navy selection boards to be fitted officers, physically, mentally, and morally. They are at this moment fit to perform the duties of officers in our Navy immediately, without 4 years of schooling. Can the gentleman give us any assurance whatsoever that those men will be called back into the active service of the Nation?

Mr. VINSON of Georgia. As I understand it, there are some 2,000 officers physically qualified on the retired list. Approximately 1,000 of these officers have already been called back to service. The Navy Department states that it has not sufficient money right now to call the balance of them back, but I am in disagreement with the Navy Department on that point. I think they do have sufficient money and that these men should be called back because the Navy needs them. For instance, let us take the naval officer detailed to the Committee on Naval Affairs. When we finished the major portion of our work I asked the Navy Department to take him back to the Naval Establishment so he could do a full day's work down there. We are in need of these officers, and they should be called back.

Mr. HOBBS. May I ask the distinguished gentleman if, in his deliberate judgment, there is a real necessity for the additional midshipmen authorized by the bill?

Mr. VINSON of Georgia. It is essential to man ships that will go into commission in approximately 4 years from now. Of course, it will take 4 years for these boys to be educated.

Mr. PLUMLEY. Mr. Speaker, reserving the right to object, my inquiry relates to those officers who have been relegated to the dump heap by reason of the selection boards. Will any of them be called back into service?

Mr. VINSON of Georgia. Under the law and by the cooperation of the gentleman from Vermont [Mr. PLUMLEY], the gentleman from Pennsylvania [Mr. DITTER], and the gentleman from Alabama [Mr. HOBBS], as well as others, we wrote into an appropriation bill that any officer passed by the selection board and who is capable could not be put upon the retired list during the limited emergency. So every Member of Congress can thoroughly understand that any officer, whether he is promoted by the selection board as best fitted or if he is classified as a fitted officer by mandate of Congress, has got to stay in the service of his country unless he makes application under other provisions of the law for retirement.

Mr. DITTER. Mr. Speaker, reserving the right to object, are we to assume, then, that that change of attitude is an admission of a mistake on the part of the administration for not having taken that course prior to the emergency?

Mr. VINSON of Georgia. It is due entirely to the need for officers. It would be folly to be sending boys to the Naval Academy, on the one hand, and turning them out on the other hand after they have had 14, 21, or 29 years service when we need the officers.

Mr. DITTER. That is the procedure they have been following.

Mr. VINSON of Georgia. We need the officers now. We are keeping the officers. Anyone can take all the credit he wants to for that provision of the law. The result is what counts.

Mr. DITTER. Will this apply to the aviation as well as to the other types of officers?

Mr. VINSON of Georgia. What does the gentleman mean?

Mr. DITTER. The matter of giving way under the selection system.

Mr. VINSON of Georgia. It applies to marines and to naval officers irrespective of which division of the service they work in. The gentleman from Pennsylvania is well aware of that because by his aid and cooperation we got it through. [Applause.] I think we have covered this subject fully now, Mr. Speaker.

Mr. WALTER. Mr. Speaker, reserving the right to object, will the gentleman tell me what happened to the 20 naval aviators who were found fitted but despite that fact were relieved from duty?

Mr. VINSON of Georgia. They were not permitted to go out because Congress stepped in by placing an amendment on an appropriation bill and stayed the hand of the selection board.

Mr. WHITTINGTON. I reserve the right to object, Mr. Speaker. The report on the pending bill stipulates that the candidates named in that report will be admitted if this bill passes. I am advised that subsequent to the submission of the report other alternates for 1940 whose papers have been examined have qualified mentally. My question is whether or not, notwithstanding the fact that they are not named in the report, those candidates mentally qualified will be admitted.

Mr. VINSON of Georgia. The gentleman is correct, because the language of the bill governs instead of the language of the report.

Mr. HOBBS. Reserving the right to object, Mr. Speaker, may I ask the distinguished gentleman if this is not the status of the legislative situation: The bill reported out by the distinguished gentleman and his Committee on Naval Affairs passed both Houses but was vetoed. That bill would have accomplished the desired result in the regular, orderly legislative way, but now the only hope of those retired officers, and our only hope of their further service in the Navy is a rider on an appropriation bill, which by its terms will expire in 1 year.

Mr. VINSON of Georgia. The gentleman is correct. The bill by which we sought to accomplish the retention of these officers was vetoed. We took that provision out of the bill and put it into an appropriation bill, and it was signed.

Mr. HOBBS. But we have the assurance of the gentleman that the policy of his committee and his personal attitude is that these men as speedily as possible must be not only retained but put to work in the service of the Navy?

Mr. VINSON of Georgia. If I had my way, they would work more than any 8 hours, too. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the Naval Academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this act but were not accepted for reasons other than physical disqualification.

With the following committee amendment:

Page 1, line 9, after "disqualification", insert a colon and the following proviso: *"Provided,* That no such candidate shall be eligible for admission who was more than 20 years of age on April 1, 1940."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 581 was laid on the table.

QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. SABATH. Mr. Speaker, the gentleman from Montana has been recognized on his resolution, claiming that the matter about which he has risen involves a question of personal privilege.

The SPEAKER. And the privilege of the House.

Mr. SABATH. And the privilege of the House. I maintain that it does not, and I desire to read his resolution and leave it with the Speaker whether it does or not. This is the gentleman's resolution:

*Resolved,* That the remarks appearing on page 10342——

Mr. SCHAFER of Wisconsin. Mr. Speaker, a point of order. The gentleman is clearly out of order under the rules of the House. The gentleman from Montana has been recognized.

Mr. SABATH. This is a parliamentary inquiry.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. THORKELSON. No, Mr. Speaker. I should like to proceed on my question of privilege.

The SPEAKER. The gentleman from Montana declines to yield.

Mr. SABATH. Then, Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SABATH. My point of order is that the gentleman's resolution does not involve a question of personal privilege or even the privilege of the House, and this is the reason why I make the point of order. The gentleman's resolution states:

*Resolved,* That the remarks appearing on page 10342 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit—

And these are my statements:

The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him.

On this he bases the question of privilege on which he has been recognized. All this appeared in the CONGRESSIONAL RECORD, as I stated, of May 16. I merely restated what I stated then. I wish to state again that I asked unanimous consent to revise and extend my remarks, putting these few lines in there which had already appeared in the CONGRESSIONAL RECORD on May 16. However, I find and am informed that the RECORD does not show that I obtained unanimous consent for that. I am not going to set myself up as saying that they all made a mistake. I am satisfied that I received that consent. The reporter may not have heard me when I made that request. But in view of the fact that the same language appears in the RECORD on May 16, if there should be any question, I am willing to withdraw the remarks because they are a part of the speech I made on the floor of the House on May 15, and every word was reinserted on August 14.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order against the gentleman's point of order that it comes too late, because the Speaker had recognized the gentleman from Montana on the question of the privilege of the House and the gentleman had proceeded under that recognition and had yielded for unanimous-consent requests.

Mr. MICHENER rose.

The SPEAKER. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. MICHENER. Everything the gentleman from Chicago has said is res adjudicata as far as the rules are concerned. The Speaker has already ruled that the gentleman from Montana had a question of personal privilege and was entitled to the flocr, and has recognized him. Therefore the gentleman from Chicago is only speaking by suffrance or by permission of the Chair on the point of order.

Mr. THORKELSON. Mr. Speaker, I also want to make this statement——

Mr. SABATH. Mr. Speaker, for the purpose of saving the time of the House, if there is any question about it, I am willing that these remarks shall be withdrawn from the RECORD of August 14, because they do appear in the RECORD of May 15 also.

The SPEAKER. Does the gentleman from Montana agree to that request?

Mr. THORKELSON. I do not agree to it, because he cannot withdraw the damage done to me throughout this Nation.

Mr. SCHAFER of Wisconsin. I object Mr. Speaker.

The SPEAKER. The Chair understands that the gentleman from Montana objects.

The point of order is made by the gentleman from Illinois, and in order to clarify the procedure on matters of this sort as it affects the question raised by the gentleman's statement of personal privilege and the privileges of the House, the Chair will read for the RECORD, a very brief extract from the opinion rendered by Mr. Speaker Longworth, on March 1, 1928, according to Cannon's Precedents, volume 8, section 3462:

The Chair is not advised of any rule of the House that covers the situation directly. The general theory as to the revision and extension of remarks can be put in this language: Although a Member has the right to revise his remarks with the approval of the Speaker, he has not the right to extend those remarks except in the case where the House has expressly given permission to do so.

The Chair upon yesterday was informed of that opinion and although the gentleman from Illinois states that he did, according to his best recollection, obtain this permission, the official record, as shown by the reporters and by the RECORD itself, does not disclose that the gentleman from Illinois obtained that permission on that particular occasion to revise and extend his remarks.

On the point of order raised by the gentleman from Illinois, the Chair is recognizing the gentleman from Montana upon the basis of this paragraph from the preamble of his resolution upon which he desires to secure the recognition of the Chair:

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD, as printed, contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained.

Under those circumstances unless the gentleman from Montana and all the Members are willing to agree to the unanimous-consent request of the gentleman from Illinois that the remarks which are cited in the gentleman's motion be expunged from the RECORD, the Chair, under the rules, will recognize the gentleman from Montana on his question of privilege.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I yield.

Mr. RAYBURN. The gentleman from Montana and I had some conversation yesterday afternoon. I must be out of the hall for 15 or 20 minutes and will not the gentleman ask to revise and extend his remarks before that time, because I do want to be here when the gentleman asks to revise and extend his remarks.

Mr. THORKELSON. You mean yesterday.

Mr. RAYBURN. No; I mean today.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. RAYBURN. Mr. Speaker, I reserve the right to object and I do so for this reason. On yesterday the gentleman from Montana showed me a volume of some kind. I do not know what it is called, because I was looking at only one part

of it. He desired, he said, during the day to extend his remarks and have printed in the RECORD a so-called letter supposedly addressed to the Right Honorable David Lloyd George, and it took up 3 or 4 pages of this book and came on down and closed with "Your most humble and obedient servant," with two dashes, and no name whatever signed to it. Now, to me that is an anonymous letter and I do not think anybody wants anonymous letters printed in this RECORD or so-called copies of them. So, if the gentleman is asking now in this request that he be allowed to revise and extend his remarks in the RECORD by putting in any so-called letter to which there is no name signed, I object.

The SPEAKER. In order that there may be no confusion hereafter about this matter, is it the purpose of the request of the gentleman from Montana that the letter referred to by the gentleman from Texas be included in his extension of remarks?

Mr. THORKELSON. Mr. Speaker, my request to revise and extend my remarks does not include a request to extend this letter in the RECORD.

I am only going to discuss that part relating to myself, in which my statements seem to have been held inadequate and where I seem to have been accused of inserting forged matter in the RECORD and where I have been accused of other things that I am not guilty of.

The SPEAKER. The gentleman does state in response to the inquiry of the Chair, that his request does not include the right to incorporate in his extension the letter referred to by the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, further reserving the right to object, nor any part of it is to be included.

The SPEAKER. Is that satisfactory to the gentleman?

Mr. THORKELSON. I do not know what the gentleman means by "any part of it." If I am to discuss as to whether my remarks are accurate or inaccurate, certainly I must refer to something. I cannot refer to the majority leader and prove it by him. I must prove it by matter which I have.

Mr. RAYBURN. The gentleman cannot prove anything by referring to a letter——

Mr. THORKELSON. You do not know. I can prove it, but you cannot.

Mr. RAYBURN. If the gentleman will wait until I get through——

Mr. THORKELSON. I will wait, but I do not want the majority leader to make that statement.

Mr. TABER. Mr. Speaker, will the gentleman yield to me for a question?

Mr. RAYBURN. In just a moment. I want to say this one thing. I do not think, Mr. Speaker, that even the gentleman from Montana [Mr. THORKELSON] can prove anything by quoting from a document that is anonymous.

Mr. TABER. May I suggest that according to my understanding of the practice, no one is entitled to include any quotation from anything unless specifically allowed by the House; that if one wants to quote from a letter or quote a letter he must ask the privilege specifically to do it. A general request to extend remarks would not permit that privilege.

Mr. RAYBURN. That is correct, but as I said to the gentleman from Montana [Mr. THORKELSON], I had to be out of the House for a few minutes and I would not agree to his request unless he agrees not to ask, while I am out of the Chamber, that that letter be incorporated.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, because the gentleman is so technical——

Mr. SCHAFER of Wisconsin. Mr. Speaker, the regular order.

The SPEAKER. The Chair is indulging in the regular order. The gentleman from Montana has made a request and the gentleman from Illinois has a right to reserve the right to object.

Mr. SABATH. Reserving the right to object, Mr. Speaker, the gentleman has been so technical with me in two instances, notwithstanding he has put into the RECORD insinuations against me personally which I have ignored completely—in view of that fact, I am obliged to object, and I shall object to any extension whatsoever.

The SPEAKER. Objection is heard to the request of the gentleman from Montana.

The gentleman from Montana is recognized.

Mr. THORKELSON. Mr. Speaker, my purpose in addressing the House is not to attack any Member of the House. It is simply to clear my name of accusations that have appeared in the CONGRESSIONAL RECORD and in every paper throughout the United States. I would be the last one in this House to attack any man personally, and I have not attacked the gentleman from Illinois [Mr. SABATH]. My purpose is to prove, as I said, the remarks that I have made and inserted in the CONGRESSIONAL RECORD.

Now, let us bear this point in mind: There can be no forgery unless there is an original. It does not matter whether the instrument is signed or not. The value depends entirely upon the matter it contains.

Mr. SABATH. Mr. Speaker, I raise a point of order.

Mr. THORKELSON. I refuse to yield.

Mr. SABATH. A point of order, Mr. Speaker. The gentleman is not speaking to his resolution on the privileges of the House.

The SPEAKER. The gentleman will proceed in order.

Mr. THORKELSON. It does not make any difference whether the instrument is signed or not. Let us take our own Constitution. Suppose it was not signed. It was ratified and it was signed before it was adopted by the States, but it did not become valid until it was adopted by the States. Adoption by the States made it valid. But it was not signed by the States. It is true because of the substance matter it contains—not because of the signatures appended to it.

Now, I want to discuss the early part of the World War, the propaganda that was raging throughout the country at that time. I have made those statements in my remarks in the RECORD and they are not false; they are true.

In 1916 or 1917 Sir Gilbert Parker came to the United States and took charge of the propaganda machine that operated so successfully throughout the World War. He brought an army of over 10,000 people with him, who were engaged then, as they are now, in propaganda for the British Government. In order to bring this clearly before the Members of Congress, there was an investigation conducted in the city of New York.

There is a paragraph in this book that deals with Sir Gilbert Parker; and I now ask unanimous consent to include that report in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. SABATH. Reserving the right to object, Mr. Speaker, what report is it?

Mr. THORKELSON. It is a report by the ex-mayor of New York, Mr. Hylan, and Mr. Hirschfield.

Mr. SABBATH. Well, read it.

Mr. THORKELSON. I do not want to read it now.

The SPEAKER. Does the gentleman from Illinois object to the request that this matter be incorporated in the RECORD?

Mr. SABATH. Not knowing what the article is and due to my past experience with the gentleman, I must object.

The SPEAKER. Objection is heard to the request.

Mr. THORKELSON (reading):

BRITISH PROPAGANDA AGENCIES ARE ACTIVE IN AMERICA

There is striking significance in the uniformity with which these revisionists proclaim their purpose to rewrite American school history from a new viewpoint. A comparison of their statements in their prefaces reveals that they all seem to be subject to the same influences.

It is well known that children are highly sensitive to the spirit of an author. This is why in the writing of school history the prime essential is a true and virile patriotic spirit in the author. If this be wanting, his history, however precise it may be as to specific facts, is only a bulb without a current.

Charles Grant Miller, in the course of his testimony at one of the hearings, said:

"The history that truthfully presents our Nation's annals in such sympathetic, virile, patriotic spirit as to inculcate in our children pride in the birth and development of our Republic, honor to its

heroes, devotion to its principles and progress, and zest in its ideals and purposes—this is a true history. But the history that creeps along the verge of falsehood, alien in spirit, snarling in self-defense that it is 'not actually untrue,' and inoculating the children with suspicion of the Nation's founders, doubt as to its cardinal principles, and indifference to its democratic ideals—that history is false."

And I agree with him.

It may all be accidental, nevertheless no one can fail to note the complete accord in which all these school-history revisionists have shifted their standpoint and the striking similarity of their statements proclaiming their new attitude.

Col. Alvin M. Owsley, national commander of the American Legion, in his statement at a hearing in my office, said:

"We must keep on the alert and not let this protest that has been so well started dwindle away into nothing, for want of the real facts about the hostile forces at work. Let us find out just who or what influence it is that has undertaken to rewrite our history, to underestimate the value of our national character, and to undermine the fixed principles upon which our Nation was built."

There are certain recognized influences which have been working long and powerfully to this end.

There never has been any secret about the underlying purpose in the Cecil Rhodes scholarships. Cecil Rhodes was no idle dreamer, and his far-seeing genius and practical methods added vast domains to the British Empire. Few of his plans failed.

As already stated in this report, one of the objects of Rhodes was "the ultimate recovery of the United States of America as an integral part of the British Empire."

Cecil Rhodes laid his ambitious plans to that end, and by heavily endowing with British gold, and backed by the British Government, created agencies for their working out. Under the ingenious Rhodes scholarship scheme the best of our American young men, selected from the colleges of all our States, especially for their required "qualities of leadership," are taken to England and placed in Oxford University for 3 years, with an allowance of £300 English money a year, and are then returned to us perfect English gentlemen, advocating British-American union.

The SPEAKER. Is the gentleman from Montana now reading his own language?

Mr. THORKELSON. I am reading from the statement that the gentleman from Illinois requested me to read. I asked——

The SPEAKER. The gentleman will proceed.

Mr. THORKELSON. I asked to have this inserted.

The SPEAKER. The Chair understands the situation. The gentleman will proceed.

Mr. THORKELSON (reading):

These former American young men have formed a Rhodes Scholars' Alumni Association of America. This association has been openly active in defense of the Anglicized school histories.

When Cecil Rhodes dreamed his dream of "the extension of British rule throughout the world," and "the ultimate recovery of the United States of America as an integral part of the British Empire," he was obsessed of ambition less for political than for financial and commercial dominance. Since then the money power has shifted its seat, but the dream of world dominance remains, and the British Government is still its most effective instrument.

The money superpower is now on this side of the Atlantic, and, according to the English historian, John Richard Green, "the main current of the history of the English-speaking peoples must run along the channel not of the Thames, or the Mersey, but of the Hudson and the Mississippi." But in all the intriguing pleas for an English-speaking union those active in the movement do not seek an extension of the area of freedom under the American Constitution, but always an extension of British trade and power.

So, it is easy to see why our fundamental principles are being discredited, our history rewritten, and our ideals destroyed at behest of a superpower which is neither British nor American, knows no patriotism, and recognizes no country except as subject for exploitation.

This international money power is constantly seeking to persuade the American people to surrender their inherited sources of inspiration, strength, and guidance, and does now, largely, control the governmental policies of the United States as well as of England and other foreign countries.

America is safe only if her people will see to it that the historic truths, principles, ideals, and purposes that have served them unfailingly through a century and a half of unprecedented progress and to unparalleled prestige, be preserved unsullied in our own generation and transmitted unimpaired to our children. The antidote to the propaganda poison lies in patriotic teaching in the public schools.

Education foundations, which have come to exercise immeasurable influences upon the scholastic and public-school systems of the United States, are offsprings of the international banking power, as a glance at their interlocking directorates and a sane thought as to the habitual practices and intuitive purposes of their founders clearly reveal.

Elihu Root, chairman of the Carnegie council, illustrates at once this directness of connection, and the completness of design of the superpower.

Andrew Carnegie was another—Britisher through and through—who could dream grandly and had power to make his dreams come true. He endowed the multiform Carnegie institutions from motives which he never sought to conceal. His fondest dream was to bring about a "reunited state, the British-American Union."

The spirit of this finds expression and fruition through the Carnegie Libraries, Foundation for Advancement of Teaching, Division of Intercourse and Education, Aid for Vocational Education, Association for International Conciliation, and, by no means least seductive, the Carnegie Pension Fund for American professors and even American judges.

Direct and vital effects of these organized influences for Briticization of our scholastic and public-school systems are readily detected and clearly identified in utterances of innumerable teachers' associations in the last few years. These are fairly typified and summarized in the following excerpt from the report of the American History Teachers' Association, submitted to the United States Congress, October 22, 1918:

"Attention is directed to the old charge that the study of the American Revolution in our schools tends to promote an anti-British state of mind. It is a natural reaction to demand revision of our textbooks with a view to the cultivation of a pro-British state of mind; and that reaction is now actually in evidence."

Other influences that have been directly at work to bring about the emasculation of American history and the destruction of our national spirit and morale are not only recognizable but confessed and in some cases even boasted.

Sir Gilbert Parker, professional British propagandist, in an article in Harper's magazine, March 1918, outlined some of his methods of "putting it over" on the American people as follows:

"Practically since the day war broke out between England and the Central Powers I became responsible for American publicity," Parker wrote. "I need hardly say that the scope of my department was very extensive and its activities widely ranged.

"Among the activities was a weekly report to the British Cabinet upon the state of American opinion, and constant touch with the permanent correspondents of American newspapers in England. * * * Among other things, we supplied 360 newspapers in the smaller cities of the United States with an English newspaper."

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. THORKELSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that Lord Northcliffe came over here and spent hundreds of millions of dollars to buy up and control certain papers so they could be used to disseminate this war intervention propaganda?

Mr. THORKELSON. I want to say to the gentleman from Wisconsin that Sir Gilbert Parker did come over here and he had an army of 10,000 people working in the United States disseminating British propaganda, the same as they are doing today, and that is so recorded in Senate hearings. That is all on public record.

Mr. SCHAFER of Wisconsin. Then the real director of that British propaganda was a man who was called Lord Northcliffe. Now we have a man who is called Lord Beaverbrook in charge of the British propaganda operations?

Mr. THORKELSON. That is correct.

Mr. SCHAFER of Wisconsin. Is it not a further fact that the CONGRESSIONAL RECORD reveals that a few days ago a Senator put into the RECORD a list of the international banker contributors to the slush fund for propaganda purposes which is handled by Mr. William Allen White, warmonger No. 3 in the United States, since Ambassador Bullitt returned and replaced him as warmonger No. 2?

Mr. THORKELSON. That is right. There is a man now connected with Kuhn, Loeb & Co. who was then connected with the British military intelligence service. He is now a partner in Kuhn, Loeb & Co. He was connected with them at the time this happened.

"We advised and stimulated many people to write articles; we utilized the friendly services and assistance of confidential friends; we had reports from important Americans constantly, and established association by personal correspondence with influential and eminent people of every profession in the United States, beginning with university and college presidents, professors, and scientific men, and running through all the ranges of the population. * * *

"It is hardly necessary to say that the work was one of extreme difficulty and delicacy."

The propaganda that Parker boasts he was putting over was sixfold:

"That the Revolution was a contest between the German George III on one side and the English people and American colonists on the other."

And I want to say that the histories are now teaching that George III was a German instead of a Britisher.

"That many Americans regret the War of 1812 as most Britishers regret the acts of George III."

That "the greatest enemy of American development was Napoleon," but Great Britain saved us from conquest by him.

That is what is taught in our textbooks today.

That it was the British Foreign Minister Canning who gave us the Monroe Doctrine and made it an accepted fact.

That is in the textbooks today. That is why we are going pro-British.

The SPEAKER. Would the gentleman from Montana allow a question from the Chair?

Mr. THORKELSON. Yes, Mr. Speaker.

The SPEAKER. On what phase is the gentleman addressing himself so far as the question of privilege is concerned?

Mr. THORKELSON. I did not want to read this, Mr. Speaker. I asked unanimous consent to have it inserted in the RECORD. This is a history of the secret service I am now reading.

The SPEAKER. Conceding that, to what phase does it have reference so far as the question of privilege is concerned?

Mr. THORKELSON. With regard to whether I have uttered truths or falsehoods. I believe that is part of my resolution.

The SPEAKER. The Chair does not find any language in the gentleman's resolution where he is charged with an untruth or falsity.

Mr. THORKELSON. There is the question of whether I have stated facts or not.

The SPEAKER. The only question of privilege involved is whether or not the matter was put in without permission of the House.

Mr. THORKELSON. The gentleman from Illinois [Mr. SABATH] asked me to read it. Now, then, if he does not want me to read it, I will put it in the RECORD.

The SPEAKER. The gentleman from Illinois objected to the gentleman's request to incorporate the statement in the RECORD. He did not request the gentleman to read it. The Chair does not desire to interrupt the continuity of the gentleman's argument, but the Chair is under some obligation to see that the gentleman conforms with the rules and discusses the matter of privilege about which he complains.

Mr. THORKELSON. Then, Mr. Speaker, I ask unanimous consent to insert this article in the RECORD.

The SPEAKER. The Chair understands that the gentleman from Illinois objected to that request.

Mr. SABATH. Mr. Speaker, I object to any insertion. I have no objection if the gentleman wishes to read it, although under the rules of the House he is not even permitted to do that. But I am willing to grant him that privilege myself, and I will not object to his reading anything he desires to read.

The SPEAKER. Yes; but the Chair, in order to preserve the integrity of the proceedings on matters of privilege, has some interest in the matter.

Mr. THORKELSON. Mr. Speaker, there is a rule that is a little greater than the rules of the House. We, the people of the United States——

The SPEAKER. The gentleman is now making a point of order?

Mr. THORKELSON. I make this point of order.

The SPEAKER. The gentleman will state it.

Mr. THORKELSON. The powers not delegated to the United States by the Constitution nor prohibited by it to the States are to the States, respectively, or to the people. That part of the Constitution reserved to the people is the unwritten power of the Constitution, which Congress has taken advantage of. Article IX states that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Mr. Speaker, I am one of the people of this Nation. I am a Representative of Montana. I am a Member of this Congress and I ask for my constitutional right to present my case before the House. The State or the Chair has no right to deprive me of those rights, and I stand on my constitutional privileges in spite of the regulations of the House.

The SPEAKER. In view of that attitude, will the gentleman kindly reply to this question of the Chair: The gentleman has referred to his constitutional rights. Does the gentleman recognize that under the Constitution the House has the right to establish its own rules of procedure?

Mr. THORKELSON. I do, Mr. Speaker. I recognize that the House has the right to establish its own rules and that the House may also punish a Member for disorderly behavior, and that the House may expel a Member by the concurrence of two-thirds of the House. Mr. Speaker, that occurs in article I, section 5, in the second paragraph.

The SPEAKER. The Chair overrules the point of order.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. THORKELSON. Yes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent, then, in order that we may have good feeling all around and that the gentleman's constitutional rights may be preserved, that he may be permitted to extend his remarks in the RECORD.

The SPEAKER. Objection has already been made to that.

Mr. HOFFMAN. Does the gentleman make any objection to that?

Mr. SABATH. I do. I object to that. No question of personal privilege has arisen here. This is a question of the privilege of the House.

Mr. THORKELSON. This is by the chairman of the Rules Committee. I have been annoyed by him ever since I have been in this House, and I am tired of it.

The SPEAKER. The Chair is endeavoring to carry out the rules of procedure. The gentleman from Montana will proceed.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a question?

Mr. THORKELSON. Not just this moment, please. I should like to have 6 hours to finish it up.

The SPEAKER. The gentleman declines to yield.

Mr. THORKELSON. Mr. Speaker, am I permitted to extend this in the RECORD or not? Am I denied my rights to advise the American people about facts that are happening in this Government, to warn them of what is happening in this Government? Is a Member of Congress denied the right to advise the people of this Nation what is transpiring here? I would like to know whether this is a British Congress or whether it is the Congress of the United States.

### CALL OF THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Wisconsin is raising a highly constitutional question. The Chair will count. [After counting.] Ninety-one Members are present, not a quorum.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 199]

| | | | |
|---|---|---|---|
| Allen, Pa. | Clark | Ford, Leland M. | Kilburn |
| Arnold | Cluett | Ford, Miss. | Kirwan |
| Austin | Cole, Md. | Ford, Thomas F. | Lambertson |
| Barden, N. C. | Collins | Fulmer | Larrabee |
| Barton, N. Y. | Connery | Garrett | Lemke |
| Bates, Mass. | Cooley | Gavagan | Luce |
| Beam | Corbett | Gifford | McDowell |
| Bland | Cox | Guyer, Kans. | McGranery |
| Bolton | Culkin | Hall, Edwin A. | McLeod |
| Bradley, Pa. | Darrow | Hare | McMillan, Clara |
| Brewster | Delaney | Harrington | McMillan, John L. |
| Buck | Dempsey | Hart | Maciejewski |
| Buckley, N. Y. | Dirksen | Harter, Ohio | Martin, Ill. |
| Bulwinkle | Doxey | Hope | Martin, Mass. |
| Burch | Drewry | Jeffries | Merritt |
| Burdick | Elliott | Johnson, Ind. | Mitchell |
| Burgin | Fay | Johnson, Lyndon | Monkiewicz |
| Byrne, N. Y. | Ferguson | Johnson, W. Va. | Mott |
| Caldwell | Fernandez | Jones, Tex. | Murdock, Utah |
| Carter | Fitzpatrick | Keller | Myers |
| Casey, Mass. | Flaherty | Kelly | Nelson |
| Celler | Flannery | Kennedy, Michael | Norton |
| Chapman | Folger | Kerr | Pfeifer |

| | | | |
|---|---|---|---|
| Pierce | Sandager | Sullivan | Wallgren |
| Randolph | Sasscer | Sutphin | White, Ohio |
| Reece, Tenn. | Schaefer, Ill. | Sweeney | Wigglesworth |
| Richards | Schultz | Thomas, N. J. | Woodrum, Va. |
| Risk | Shafer, Mich. | Tolan | Zimmerman |
| Routzohn | Sheridan | Treadway | |
| Ryan | Snyder | Voorhis, Calif. | |
| Sacks | Starnes, Ala. | Vreeland | |

The SPEAKER. Three hundred and seven Members have answered to their names, a quorum.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. THORKELSON. Mr. Speaker, I do not wish to take up much of the time of the House, but I should like to proceed with my discussion. Naturally, I cannot substantiate my statements made here in the House unless I can produce my evidence. I am going to do that.

I have said the Carnegie Foundation is un-American, that it is pro-British, and that the Carnegie Foundation has brought about a change in the teachings of the public schools. In the first place, I want to call your attention to this article that appeared in the papers sometime ago when the question arose of whether we should retain the Star-Spangled Banner as the national anthem. Then again, I want to call your attention to an article headed, "Carnegie millions used to foster internationalism in United States. Colleges, libraries, civic organizations invaded with pro-League gospel." Then I want to call your attention to this, "League Court propaganda subsidized in United States colleges." This is a long time back. I want to call your attention to this drive that was made to bring us into the League of Nations. That has been going on for a long time. I want to call your attention to the fact that statements have been made by me to the effect that money had been appropriated by Congress to Great Britain, and that Great Britain had used such money to loan it to foreign nations and to buy up oil fields in the United States. Those statements have been denied, but I want to call your attention to this sheet here. This is a copy of the New York American of Sunday, February 22, 1925, and it shows a facsimile of two checks that were issued by the United States Government to the House of Morgan and endorsed by the House of Morgan. In my statement an allusion is made that this money was given to Japan. It was loaned to Japan by Great Britain so she could build a fleet in order to be a competitor of the United States. The purpose of that was to build up the Japanese Fleet so that England could maintain dissension between the United States and Japan in order to divert us from trading with foreign nations.

Now, the time is short, but I want to call your attention to the fact that in every war Great Britain has furnished the United States with a blacklist; and what is that blacklist for? The blacklist is simply to stop our trading with South America and other countries; and Great Britain then goes around and says, "The United States will not trade with you, but we will." In other words, she is using that weapon to destroy the trade of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I will in just a moment.

You may not believe my statement, but here is a photostat of a blacklist that appeared in the New York Herald, Monday, April 22, 1918. This is one of them, and here is another blacklist that was issued by Great Britain to the United States which we observed and actually destroyed our own trade in observing this blacklist. We have blacklisted over 5,000 firms in many nations in the world, and even in the Scandinavian countries. You can readily see that when we adopt anything like that, or when we observe anything like that given to us by a foreign power, we absolutely destroy our own trade.

It has been said in a statement in regard to the remarks that I made that it was not true that American officers had been decorated by the British Government. I have here Whitaker's Almanac, the 1920 edition, and you will find that the officers were decorated by the British Government as K. C. B. or K. G., or whatever it may be, but a gentleman, Mr. Low, made the statement that this was wrong, because the accolade had not been given to them; in other words, they had not been dubbed as "sir knight," and that the title of "sir" would not apply to them. He suggested that titles be canceled and taken out of the almanac because it had made the American people suspicious, and the officers were then deprived of the titles given to them by the British Government. So you see all these statements are absolutely true.

Then there was the statement about the British films and the moving-picture industry, and it was stated that that could not be right, because it did not happen until December. The fact is that the moving-picture industry was bought in May, and was so stated in the New York Times of Friday, May 16, 1919, and I shall read the heading to you:

> Europe field for pictures—Famous Players-Lasky and the British interests in a three-million corporation composed of American and foreign actors—Construction of big studios to be made at once—The League of Nations is the first film.

That is exactly what this statement says, but it occurred 1 month ahead of the statement. So the man who made that statement knew what he was talking about, and I know what I am talking about when I tell you these facts. I am simply trying to bring these facts before the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a brief question at that point?

Mr. THORKELSON. In just a moment.

I have discussed the Anglo-Saxon Federation and I have discussed the British Israel Federation. The Anglo-Saxon Federation was started by Cecil Rhodes and the British Israel Federation is a movement that was carried on from that. That is the background of all these things that we see throughout the United States.

Now, you might think I am crazy when I make that statement, but if you will take a dollar bill out of your pocket and if you will look at the back of that dollar bill you will find the symbol of the British Israel Federation on the back of your dollar bill, and you will find this inscription, "Novus ordo seclorum"—the new order of the ages.

Now, I am going to take you back to something else. Maybe none of you has seen these pictures. This is a picture of the Illuminati, the picture carried on the back of the dollar bill and by the British Israel Federation as their symbol or insignia. This is the early planning that occurred 100 years ago. Now, who do you think is the author of this planning?—one of the Roosevelts, if you please, who lived 100 years ago, Mr. Clinton Roosevelt, and that is the planning that F. D. Roosevelt, or President Roosevelt, is now carrying on.

Now, you do not have to take my word for it, because you will find this symbol on the back of your dollar bill, and that should be sufficient evidence for anyone.

I want to read this to you also. I want to read to you what Clinton Roosevelt said, because that is interesting.

The SPEAKER. Does the gentleman expect, before he finishes, to address himself to the question of privilege?

Mr. THORKELSON. I am, in proving the statement I have made in regard to the federation is correct. If I am wrong, I will be glad to be corrected.

The SPEAKER. The gentleman will proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. THORKELSON. I yield briefly.

Mr. SCHAFER of Wisconsin. The gentleman has a great many books and records substantiating the facts that he put in the CONGRESSIONAL RECORD. He has now brought those books and records to the attention of the House and I now rise to ask if the gentleman will not kindly ask unanimous consent that the Clerk slowly read his pending resolution, because that is the matter which is now before the House and we will be called upon to vote on that resolution.

Mr. THORKELSON. That is what I am going to do as soon as I read this statement. I want to read this statement

and then I am going to quit. I want you to listen to this. This was said a hundred years ago:

> Should not every man have a certain amount of land as his own exclusive property?
>
> Any individual might have a site for a house and garden, and even a farm, where it might be difficult to bring large numbers to labor together, as in some mountainous regions; but where large numbers might congregate, they should labor together under leaders in the fields and in factories under foremen and officers, precisely as soldiers in an army do.

That was said 100 years ago and that is what we have today.

Mr. Speaker, I ask unanimous consent that the resolution may be read.

The SPEAKER. The gentleman asks unanimous consent that the resolution again be read. Is there objection?

Mr. GREEN. Reserving the right to object, what is the substance of this resolution?

Mr. THORKELSON. As to whether I have inserted in the RECORD information that is correct or not correct. Also the question arises that is not considered at this time, as to whether I inserted a letter that was not correct—a so-called forged letter. Of course, I contend I did not, because I can prove that this report is absolutely true and I think the people of this Nation ought to know it. I do not desire to hurt the feelings of any Member of Congress. You ought to know that I would not do anything in the world to hurt anyone. That means every Member of this House, but I have taken an obligation to preserve and defend this Constitution of the United States. I have done that over 40 years ago and I am going to honor that obligation; yes, I want to honor that obligation. The reason I brought this before the House is because I want the Members of Congress to know and I want the people of this Nation to know what is transpiring here today.

In these statements that I made I can prove each and every one of them. If the House will give me an opportunity, I will prove, without any question, that every statement I have made in this House is absolutely correct. After you hear those statements you will agree with me that the people ought to know about them.

The SPEAKER. Is there objection?

Mr. GREEN. Reserving the right to object, what is the resolution? I do not understand the purport of it.

Mr. THORKELSON. It is a question of personal privilege.

The SPEAKER. The gentleman asks unanimous consent that the resolution may be read for the information of the House. Is there objection?

There was no objection.

The Clerk again reported the pending resolution.

The SPEAKER. Has the gentleman concluded his remarks?

Mr. THORKELSON. Yes, Mr. Speaker.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Montana.

The resolution was agreed to as follows:

> Whereas the gentleman from the Fifth District of Illinois, Mr. SABATH, caused to be inserted in the CONGRESSIONAL RECORD of August 14, 1940, on page 15814, the following remarks:
>
> "The House will recall that in the Appendix of the RECORD of May 16, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at the cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him."
>
> And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the RECORD a forged letter; and
>
> Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD as printed contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained; and
>
> Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it
>
> *Resolved*, That the remarks appearing on page 10342 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the RECORD of May 16, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confident of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him," be, and they hereby are, expunged from the CONGRESSIONAL RECORD, and are declared to be not a legitimate part of the official RECORD of the House.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I have made.

The SPEAKER. The gentleman from Montana asks unanimous consent to revise and extend the remarks he has made. Is there objection?

Mr. RAYBURN. Mr. Speaker, I object.

## FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 939)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

*To the House of Representatives:*

I return herewith, without my approval, a bill (H. R. 10141) to confer jurisdiction on the Court of Claims to hear and determine the claims of the First, Second, and Third National Steamship Cos., arising out of transactions involving deposits of certain sums of money by the companies with the United States Shipping Board and for reimbursement of expenditures made by the companies for purposes other than the operation of the vessels *Independence, Hoxie,* and *Scottsburg.*

The Shipping Board in 1920 delivered three vessels to the claimants, who in turn deposited certain moneys with the Government. Subsequently a dispute arose as to the terms of the agreement, and the vessels were retaken by the Shipping Board. The companies thereupon demanded the return of the deposits. The Shipping Board refused to comply with these demands, and the three companies in 1925 instituted suits in the Court of Claims.

As a result of negotiations between the parties, a compromise agreement was finally reached on October 7, 1935. By its terms the Government paid to the companies the sum of $250,000 in full settlement of all claims arising out of these transactions. On November 4, 1935, the suits in the Court of Claims and the Government's counterclaims were formally dismissed.

I refrained from approving a bill covering the same subject matter during the Seventy-fourth Congress on the ground that the bill provided for a waiver on the part of the Government of the defenses of res judicata and accord and satisfaction.

The bill under consideration differs from the previous measure only in that it does not specifically propose to waive the defenses of res judicata and prior settlement. The language in this bill, leaving it for the court to determine whether the payment was "in full payment of the just claims of said companies," may possibly be construed as waiving the defense of accord and satisfaction. The statute of limitations is expressly waived.

The enactment of the bill would permit the companies again to litigate their claims and might deprive the Government of the defense that the claims had been settled by mutual agreement. If the validity and binding force of the settlement is to be disputed by the claimants, the Government should clearly be permitted to raise the defense that the claim has been adjusted.

In view of the fact that the claimants have had their day in court, and that under the terms of this bill the Government might be deprived of the defense of prior settlement, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 28, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal; and, without objection, the message and bill referred to the Committee on Claims and ordered to be printed.

There was no objection.

UNITED STATES DE SOTO EXPOSITION—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 940)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

*To the House of Representatives:*

I am returning herewith, without my approval, H. R. 9751, "For the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes."

The bill establishes a commission, to be known as the United States De Soto Exposition Commission, to assume the functions of the Ackia Battle Memorial Commission established by the act of August 27, 1935; and the De Soto Exposition Commission is required, under the bill, to prepare plans and programs, subject to the approval of the Secretary of the Interior, for commemoration, in the year 1941, of the four hundredth anniversary of the first crossing of the Mississippi River by Hernando De Soto, to be held at Memphis, Tenn., as well as the commemoration of the two hundred and fifth anniversary of the Battle of Ackia, and other features of De Soto's expedition to North America, to be held at such places as the Commission shall determine. The bill also authorizes the Secretary of the Interior to erect a memorial, of such type as he may deem appropriate, to commemorate the history and accomplishments of the Chickasaw Indians. Section 6 of the bill authorizes the appropriation of such sums as the Congress shall determine, for expenditure in such a manner as the Secretary of the Interior shall deem to be advisable, in carrying out the purposes of the act, and makes available to the Commission the unexpended balance of funds appropriated for the use of the Ackia Battle Memorial Commission.

On June 10, 1940, I withheld my approval from House Joint Resolution No. 385, which proposed the establishment of the Greenville Memorial Commission, for the reason that it was evident that the enactment of the resolution would commit the Government to future expenditures, the size of which could not be predicted. While the bill H. R. 9751 does not authorize the appropriation of any specific amount, its approval would, in effect, commit the Federal Government to future expenditures, the amount of which cannot, at this time, be determined. Moreover, it seems to me that the present need for Federal funds in the expansion of the national-defense program should take precedence over expenditures of the character set forth in the bill.

There is also for consideration the fact that, notwithstanding the participation by the Federal Government, to the extent of $100,000, in the 1939 Pan American Exposition at Tampa, Fla., in commemoration of the four hundredth anniversary of the landing of Hernando De Soto at Tampa Bay, the present bill would permit the De Soto Exposition Commission to plan and supervise an indefinite number of continuing commemorations, a proposal that represents a departure from the established policy of Government participation in a single celebration at a fixed time and place, and with a specific limitation as to the amount of the Federal contribution.

I regret, therefore, that, for the reasons above indicated, I do not feel justified in approving the bill H. R. 9751.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 28, 1940.*

The SPEAKER The objections of the President will be spread at large upon the Journal; and, without objection, the bill and message will be referred to the Committee on the Library and ordered to be printed.

There was no objection.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 530.

The Clerk read as follows:

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1681, an act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. McLEAN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from New Jersey makes the point of order that a quorum is not present. Evidently there is no quorum present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 200]

| | | | |
|---|---|---|---|
| Allen, Pa. | Dempsey | Kerr | Rockefeller |
| Andrews | Dirksen | Kilburn | Routzohn |
| Arends | Doxey | Kirwan | Rutherford |
| Arnold | Drewry | Lambertson | Ryan |
| Barden, N. C. | Duncan | Larrabee | Sacks |
| Barton, N. Y. | Ellis | Lemke | Sandager |
| Bates, Mass. | Faddis | Luce | Sasscer |
| Beam | Fay | McDowell | Schaefer, Ill. |
| Bland | Ferguson | McGranery | Schulte |
| Bolton | Fernandez | McLeod | Shafer, Mich. |
| Bradley, Pa. | Fitzpatrick | McMillan, Clara | Sheridan |
| Brewster | Flaherty | McMillan, John L. | Smith, Conn. |
| Buckley, N. Y. | Flannagan | Maciejewski | Snyder |
| Bulwinkle | Flannery | Magnuson | Sparkman |
| Burch | Ford, Miss. | Marcantonio | Starnes, Ala. |
| Burgin | Ford, Thomas F. | Martin, Ill. | Sullivan |
| Byrne, N. Y. | Fries | Martin, Mass. | Sweeney |
| Byron | Fulmer | May | Thomas, N. J. |
| Caldwell | Garrett | Merritt | Thorkelson |
| Cannon, Mo. | Gavagan | Miller | Tolan |
| Chapman | Gifford | Mitchell | Treadway |
| Clark | Guyer, Kans. | Mouton | Voorhis, Calif. |
| Clason | Hall, Edwin A. | Myers | Vreeland |
| Cluett | Hare | Nelson | Wallgren |
| Cole, Md. | Harness | Nichols | Ward |
| Collins | Harrington | Norton | Weaver |
| Connery | Hart | Pfeifer | White, Ohio |
| Cooley | Hawks | Pierce | Wigglesworth |
| Corbett | Hope | Randolph | Winter |
| Crowe | Jacobsen | Reece, Tenn. | Woodrum, Va. |
| Culkin | Jones, Tex. | Reed, N. Y. | |
| Darrow | Kelly | Richards | |
| Delaney | Kennedy, Michael | Risk | |

The SPEAKER. Three hundred and one Members are present, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for one-half minute to make an announcement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOLAND. I wish to announce to the House that the members of the Military Affairs Committee were unable to answer this roll call because of the fact they are in session on a very important matter.

SECOND REVENUE ACT OF 1940

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 2893), which was referred to the House Calendar and ordered to be printed:

House Resolution 583

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee

of the Whole House on the state of the Union for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a report from the Committee on Ways and Means on the bill (H. R. 10413) to provide revenue, and for other purposes, and that individual Members may have the same right to file supplemental views.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a resolution passed by the American Legion, of Jackson, Miss., on last Sunday, the 25th of August.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and to include therein an editorial from the Daily Telegram of Adrian, Mich., on the Mackinac Straits Bridge financing.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a consolidated statement showing appropriations and expenditure for the Army and the Navy during the fiscal years 1933 to 1941, inclusive.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by my colleague the gentleman from Pennsylvania [Mr. GERLACH].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

The SPEAKER. The gentleman from Colorado is recognized for 1 hour.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER] and yield myself 2 minutes.

The SPEAKER. The gentleman from Colorado is recognized for 2 minutes.

Mr. LEWIS of Colorado. Mr. Speaker, this resolution (H. Res. 530) is a rule to make in order the consideration of the bill (S. 1681) reported by the Judiciary Committee, being a bill to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

The bill will be fully explained by the members of the Committee on the Judiciary.

This is an open rule providing for 1 hour of general debate after which, as usual, the bill will be read for amendment under the 5-minute rule.

Mr. Speaker, I reserve the balance of my time and ask the gentleman from Michigan [Mr. MICHENER] if he will use some of his time.

Mr. MICHENER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there are in the State of Tennessee today four United States district judges. One of these judges was appointed in 1938, if my memory serves me correctly. There was a question raised at that time whether or not this additional judge was necessary or needed. There was no particular district that needed another judge. The committee, following a custom which it thought proper, appointed what is known as a "roving" judge. This was a judge for the entire State of Tennessee, with jurisdiction to act within any district. This arrangement has been satisfactory, so far as the committee is advised.

Mr. Speaker, some time ago a bill was introduced to create another district in Tennessee. The result would be that there would be no more judges, but the judge who is now mobile and who can go about and render service anywhere in the State would be assigned to a given territory or a limited district. Then his jurisdiction would be confined to that territory, just the same as any other judge is limited to his territory. The real difference would be that this roving judge would not be mobile, in the first place, and, in the second place—and, in my judgment, the important thing back of this bill—that judge, the roving judge, under this bill would staff his court. He would name a referee in bankruptcy, the clerks, and the other employees that go with a court.

That bill was introduced and reported by a majority of the committee. It came before the Rules Committee and a rule was granted on that bill some time ago; but later on certain members of the Judiciary Committee gave more consideration to the matter. I have been shown a statement from a Tennessee paper made by the chairman of the committee stating he could not support that bill. After that happened an amendment was offered in the committee, on yesterday or the day before. The Judiciary Committee met and considered the amendment to the original bill on which the rule was granted, and that amendment is really what will be considered here today. The amendment that is going to be offered by the committee is different from the bill reported, and on which a rule has been granted, in that it does not create a new district directly. The effect of the bill, however, is to accomplish the same purpose. It does not authorize the appointment of a new clerk and a new staff that would naturally go with a new district. So under this ingenious amendment that is to be offered you will have another district created; you will have the same officers in there who are there now—and I am referring to the office, not the individual. The individuals will be changed. But the power of appointing those officers, or the patronage in the district, will be removed from the senior judge, where it now rests, to this new judge who was appointed in 1938.

We are told that this will cost nothing, that there will be no additional officers added; but it will do this just as sure as I am standing here, and I want you to put a tack in this statement: If the bill goes through, in the next session of Congress you will have legislation to provide this district which we are establishing today with the same district officers as all other districts have, and if the conditions warrant a district and there should be a district there, then there should be a district clerk, a referee, and all the others there.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield myself 3 additional minutes.

Mr. HANCOCK. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from New York.

Mr. HANCOCK. The bill makes a temporary judge permanent, does it not?

Mr. MICHENER. Yes. The gentleman from New York, a member of the committee, has called attention to the fact that this roving judge was appointed to take up the slack where needed and is a temporary judge. The office was not to be made permanent. It was never so intended. When his time expired there was not to be another judge appointed in his place without the Congress taking action. This ingenious bill here would make that temporary judge a permanent judge and give him a district, the very thing the committee decided after careful deliberation should not be done in 1938. The business in that district since that time

does not in any way, shape, or manner warrant this permanent judge.

This bill does something else. A letter was written by the gentleman who introduced the bill to the Attorney General. You will find the Attorney General's reply in the supplemental report filed yesterday. This bill does some unusual things. Under the law in every district in the United States today the court names the clerk. The clerk names his deputy clerks. But, if this bill goes through, this new judge would be authorized to name the staff, and in addition to that he will be authorized to name the deputy clerks. The Attorney General calls attention to the fact that he does not want to recommend it. He is not so strong for it. He is not as brave, when it comes to patronage, as some people are here just before an election. He says, however, that if the Congress wants to adopt such a thing as a policy he will not object, because he is not the policy-making part of the Government. He is the Attorney General of the United States. He is appointed, and he states that in his judgment this should not be done.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS], chairman of the Committee on the Judiciary.

Mr. SUMNERS of Texas. Mr. Speaker, I believe there is some confusion in the minds of Members of the House with reference to what is proposed to be done by this bill. The gentleman from Michigan [Mr. MICHENER] stated correctly the preliminary steps taken with reference to this proposed legislation. The amendment that will be submitted will do what could have been done by the creation of a new district. It will avoid the expense of a marshal, the expense of a district attorney, and it will locate this roving judge. It will move one division from the central district of Tennessee into the eastern district of Tennessee. It will put two judges in the eastern district of Tennessee instead of creating a new district. It will also give to this new judge the right when he is located to designate the officials to serve in his court, that is all; and and is why my Republican friends here are disturbed. That is what they do not like. They want the senior judge, located not in this place where the new judge is located, to name the officials who serve in this junior judge's court. That is what is the matter with them.

The issue is clear. You will see them lining up on that The Attorney General favors the amendment which will be offered. The judge is there in Tennessee, the business is there, we are doing the common-sense thing by locating this judge, giving him definite jurisdiction and giving him control over the people who serve in his court. Now, why is that not right? Why do they insist that a judge who is not located there and who does not have primary responsibility should name the officials of the court where this judge is to be located? That is the chief thing in this controversy with regard to this bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. JOHNS], who formerly, I believe, was from Tennessee.

Mr. JOHNS. Mr. Speaker, I became interested in this bill because of my love for a former Member of this House, Judge McReynolds. I do not believe I would have taken any interest in this proceeding at all except that I found that for several years back, as early as 1937, they were trying to get a bill through the Senate to create this district in Tennessee. Judge McReynolds during his whole lifetime was opposed to this because, he said, they did not need an extra judge or extra district down in Tennessee.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Michigan.

Mr. MICHENER. Is it not correct that Judge McReynolds was a former Member of the House and chairman of the Committee on Foreign Affairs, and represented the district now represented by the gentleman from Tennessee [Mr. KEFAUVER]?

Mr. JOHNS. That is correct.

CALL OF THE HOUSE

Mr. BALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 201]

| | | | |
|---|---|---|---|
| Allen, Pa. | Darrow | Johnson, Ind. | Randolph |
| Arnold | Delaney | Jones, Tex. | Reece, Tenn. |
| Barden, N. C. | Dempsey | Kelly | Richards |
| Barton, N. Y. | Dies | Kennedy, Michael | Risk |
| Bates, Mass. | Dirksen | Kerr | Routzohn |
| Beam | Ditter | Kilburn | Sacks |
| Bland | Doxey | Kirwan | Sandager |
| Bolton | Drewry | Lambertson | Sasscer |
| Bradley, Pa. | Durham | Larrabee | Schaefer, Ill. |
| Brewster | Faddis | Lemke | Shafer, Mich. |
| Buckley, N. Y. | Fay | Luce | Sheridan |
| Bulwinkle | Ferguson | Lynch | Smith, Va. |
| Burch | Fernandez | McDowell | Smith, Wash. |
| Burgin | Fitzpatrick | McGranery | Smith, W. Va. |
| Byrne, N. Y. | Flaherty | McMillan, Clara | Snyder |
| Caldwell | Flannagan | McMillan, John L. | Starnes, Ala. |
| Carter | Flannery | Maciejewski | Sullivan |
| Casey, Mass. | Folger | Marcantonio | Sweeney |
| Celler | Ford, Miss. | Martin, Ill. | Thomas, N. J. |
| Chapman | Ford, Thomas F. | Martin, Mass. | Tinkham |
| Clark | Fulmer | Mason | Tolan |
| Cluett | Garrett | Merritt | Treadway |
| Cole, Md. | Gavagan | Miller | Vreeland |
| Collins | Gifford | Mills, La. | Ward |
| Connery | Guyer, Kans. | Murdock, Utah | White, Idaho |
| Cooley | Hall, Edwin A. | Nelson | White, Ohio |
| Corbett | Hare | Nichols | Wigglesworth |
| Culkin | Hendricks | Norton | Winter |
| Cummings | Hope | Parsons | Wood |
| Darden, Va. | Jeffries | Pfeifer | Woodrum, Va. |

The SPEAKER pro tempore [Mr. HOOK]. Three hundred and nine Members have answered to their names. A quorum is present.

On motion of Mr. LEWIS of Colorado, further proceedings under the call were dispensed with.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

Mr. JOHNS. Mr. Speaker, as I stated a few moments ago when the call of the House was ordered, I rose to speak here at this time principally because of my great friendship and love for Judge McReynolds, the Congressman who served this district so ably for so many years. From the time this movement was started in the Senate to create this district, Judge McReynolds has opposed it. Judge McReynolds, perhaps better than anyone else, knew whether or not they need a judicial circuit down in Tennessee in addition to what they have. He was on the bench there for 20 years, and he served here in Congress, of course, for many years.

On March 31, 1937, Judge McReynolds was quoted in the Chattanooga Times as follows:

> Commenting on the proposal to create a new Federal judicial district in this part of the State, Congressman Sam D. McReynolds said last night, "There is no need for a new district or a new judge."

When the bill was finally passed in May 1938 creating these new districts there was just one district where there was a limitation placed on the powers of the judge, and that was in Tennessee. That act provided one district judge for each of certain combinations of districts, and then stated:

> Eastern and Middle Districts of Tennessee: *Provided*, That no successor shall be appointed to be judge for the Eastern and Middle Districts of Tennessee.

I have been informed that this bill has not been approved by the Bureau of the Budget, and there will be no appropriation for it. Of course, the amendment presented this afternoon, which dispenses temporarily with the appointment of additional officers of the court, would probably overcome that objection, but this is only temporary. As soon as you get another permanent judge down in Tennessee, you will have to have another set of officers as soon as the next Congress may create it.

Something was said here this afternoon about this new judge's appointing new officials. Of course, he might appoint the same officials, but the chances are that he would not and that he would displace the experienced men who are there in favor of others. The Attorney General does not approve of this, but he says he has no objection to it if the Congress of the United States sees fit to create this district and make a new permanent judge and establish that policy. Then it is all right with him.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Alabama.

Mr. PATRICK. As I understood, this is not a bill to create a new judgeship, but is merely to assign a judge whose position has already been created.

Mr. JOHNS. That is right. This is to be made a permanent judgeship, however. This other man was just appointed as an extra judge; that is all.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. The gentleman is speaking about Judge McReynolds. Does the gentleman know that Judge McReynolds himself introduced a bill to create a permanent judgeship in Tennessee in this section?

Mr. JOHNS. When?

Mr. KEFAUVER. On January 14, 1938. I have the bill here, if the gentleman wants to see it.

Mr. JOHNS. Is that a companion bill to the one that was introduced over in the Senate?

Mr. KEFAUVER. No; I do not believe it was.

Mr. JOHNS. That is when one was introduced over in the Senate, and it is probably a companion bill. The limitation was placed in it that no successor shall be appointed to be judge for the Eastern and Middle Districts of Tennessee.

Mr. KEFAUVER. There is no limitation placed in the bill that Judge McReynolds introduced in the House, and I have the bill here if the gentleman wants to see it.

Mr. JOHNS. That is what this bill here provided for, on May 31, 1938. That is a later bill.

Mr. KEFAUVER. I do not want the gentleman to misrepresent what Judge McReynolds thought about it, because here is a bill that shows what he thought about it.

Mr. JOHNS. I am only quoting from the language of the RECORD at that time. Of course, assuming that we would want to create another district down there, we have a roving judge.

I do not know whether you appreciate it or the Members of this House appreciate it, but here is a district of Tennessee with approximately less than 3,000,000 people. There are only two other States in the Union that have four judges. One of them is Texas and the other is New York. There are seven States that have three judicial districts of which Tennessee is one. Sixteen States have 2 Federal judicial districts and 23 States have only 1 judicial district. For example, California, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin have only two judicial districts, while such States as Connecticut, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, and New Jersey have only one judicial district. Wisconsin has over 3,000,000 inhabitants and there is one district in Wisconsin that has over 2,000,000 inhabitants, while with this new district down in Tennessee the population would be something in the neighborhood of 400,000 people in this new district.

There is no necessity, of course, for creating a permanent judgeship there. This judge who is a roving judge now can be called to any district to try cases and there is no use providing another permanent one and later on having to add about $40,000 a year for extra help for this judge.

If every district judge in the United States should have a district created for him it would cost the Federal Government $4,300,000 additional expense, and if you treated the other States the same as you are seeking here to treat the State of Tennessee it would mean the creation of 86 new districts at a cost of $4,300,000 of additional expense. If a new judicial district is created for every 400,000 people, as would be the case here in Tennessee, there would be 425 judicial districts in existence instead of 79, or 346 additional Federal judicial districts that would be created in order to do justice to the remainder of the country.

For these reasons I am opposed to the creation of a permanent judge down there. You have one there now who is performing his duties and the only purpose of this bill is to make this a permanent judgeship so you can create some new appointments for this judge and add to the expense of the Government later on by about $40,000 a year. I am opposed to it because Judge McReynolds showed in the RECORD that he was opposed to it up until the time of his death. I do not know anything about the bill referred to by the gentleman from Tennessee [Mr. KEFAUVER] and, so far as I know, he has been opposed to it all along. The bar of the district down there has always opposed it. They do not think it is necessary. The sixth judicial district is opposed to it and they do not feel it is necessary. I do not know anybody who wants it except the judge himself might want it made permanent.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield.

Mr. KEFAUVER. Does the gentleman know that the bar passed a resolution asking for this legislation, or rather for a district court?

Mr. JOHNS. When did they pass that resolution?

Mr. KEFAUVER. The resolution was passed about 3 years ago, and I have the resolution and I have a letter from the president of the bar association urging the passage of this legislation, and likewise I have letters and telegrams from all the other bar associations in that section.

Mr. JOHNS. This information was furnished me by a member of the bar of Chattanooga, Tenn., for whom I have great respect, and I do not think he would try to mislead anyone, and I would want to see the resolution that the gentleman has, if he has one showing that they approved it, because this gentleman wrote to me that he was opposed to this bill and did not think it was necessary. He also stated that he did not think the bill creating this man a permanent judge was necessary, but that as long as it had been done and he is a roving judge, he might still remain so, but that they do not need to create another or an additional judgeship.

Mr. Speaker, I yield back the balance of my time.

Mr. MICHENER. Mr. Speaker, I yield 9 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, this bill originally provided for the creation of what is known as the mountain district in Tennessee. At the time it was introduced Judge Darr had been appointed to fill the position of roving judge. He was appointed on the idea that there was a temporary congestion in the dockets in the courts of the eastern and middle districts of Tennessee. It was not a permanent office, and when he passed out then the office expired.

This bill as originally introduced creating this mountain district came under the ban of the opposition of the distinguished chairman of the Judiciary Committee, who stated he could not support it because it was not necessary. I listened with a good deal of interest to the statement of the distinguished and beloved chairman of the Judiciary Committee, who said that certain of his Republican friends were distressed because if this substitute for that bill was adopted the Democratic judge would throw out some Republican officeholders and put in some Democrats. Now, Mr. Speaker, I have been a judge and I have seen the time in Tennessee when, in order to obtain a free and untrammeled judiciary, I, as a Republican, supported Democrats for judgeships, and I have done it many times, and I will do it again if it is necessary to keep the judiciary out of politics. [Applause.]

Now, let us see what is attempted to be done here. This amendment does by indirection what the original bill sought to do directly; that is to say, it makes this temporary judge a permanent judge, so that no matter how light the docket becomes there still will be a judge there filling this position.

In addition to that it, in effect, according to the letter of the Attorney General, creates a new judicial district in Tennessee, thereby having as many judicial districts in Ten-

nessee as exist in the great State of New York and in the State of Texas.

It is said that the coming of governmental agencies down there has created a volume of business in these courts. I know that is not true. Something has been said about the T. V. A. creating litigation. All the litigation that has ever arisen in the Federal courts as a result of the T. V. A. coming to Tennessee has consisted in condemnation suits, which never go before a district judge. Those suits are filed, and they automatically go before three commissioners, who go on the land, look at it, hear testimony, and fix its value. Then, if either the T. V. A. or the landowner is dissatisfied with the finding of those commissioners, an appeal lies to a three-judge court. So there is no increase in litigation as the result of the coming of any Federal agency.

I have looked at the dockets—certified copies of the dockets of the Federal court at Chattanooga and Winchester—and there is not enough business there to keep this new judge busy 60 days in the year.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. McLAUGHLIN. Is the gentleman aware of the fact that in the report of the judicial conference of 1939 the following words appear:

> It appears that in the following districts where dockets are reported to be current a year ago there is now congestion to greater or less degree.

Under that statement is listed the middle district of Tennessee.

Mr. JENNINGS. Yes; but I know from personal investigation that there is no congestion down there. There is not enough work down there to keep that judge busy 60 days in the year.

Mr. McLAUGHLIN. Will the gentleman yield further?

Mr. JENNINGS. No; not any further.

Mr. MICHENER. Will the gentleman just yield briefly?

Mr. JENNINGS. I yield to the gentleman.

Mr. MICHENER. The testimony before the committee in the first place was that there was not enough business in the new district proposed for 30 days a year, not 60 days. That is the bill which Judge Sumners would not support.

Mr. McLAUGHLIN. Will the gentleman yield now?

Mr. JENNINGS. No; I do not yield further. The gentleman from Michigan is right about that. I just wanted to have a good margin. [Laughter and applause.] If this judge becomes a permanent judgeship and this amendment becomes law, we will have four United States district judges in Tennessee. This judge is an excellent gentleman. We will not only have to have clerks and referees but district attorneys and marshals, and you will have to buy spurs for those judges and other officials to keep their feet from sliding off the desks. [Laughter and applause.]

In addition to that, let me call your attention to this: In the eastern district of Tennessee under this proposed amendment there will be 24 counties in that district. But there will be only 17 counties in this mountain district. There is only one of those counties that has any considerable business, and that is Hamilton County in which Chattanooga is located. In the middle district there are 33 counties and in the western district 21.

So you see, this mountain district is just a little district down there for the purpose of creating offices.

Now, I want to be absolutely frank about this matter. I like to see good things come to Tennessee. I expect if you create four or five or six judicial districts in Tennessee there are eminent and splendid lawyers who would willingly and graciously accept a Federal judgeship in Tennessee. It grieves me to have to oppose this measure which brings more judges and more officials to Tennessee, but I conceive it to be my duty as a Member of this House to oppose any such unnecessary increase and expense to the taxpayers.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. ROBSION of Kentucky. Kentucky has a greater population than Tennessee. It has more court business than Tennessee. It has only two districts and an additional roving judge. Why should there be four districts in Tennessee?

Mr. JENNINGS. There is no reason under the sun, except the insatiate desire for public office on the part of some people, who are like the old man of the sea, and the fisherman's wife who kept calling for more and more and more. [Laughter.]

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. SHORT. Do I understand if this measure passes, Tennessee will have more judges than the great States of Pennsylvania, or Ohio, or Michigan, or Missouri, or California?

Mr. JENNINGS. More judicial districts and more judges than any other State in the Union of like population.

Mr. SHORT. Does the gentleman think it is necessary for national defense? [Laughter.]

Mr. JENNINGS. Oh, it is not necessary at all. We do not need it.

Now, let me call attention to something else. The original act creates this temporary judgeship, but under this amendment, if it becomes law, the temporary judge will become a permanent judge, with a successor to be appointed. It actually goes to the length of empowering this district judge to appoint a deputy clerk at Chattanooga. Just thing of it! Under the guise of a general statute, in order to grab off a little piece of patronage pie you give a district judge the right to appoint a deputy clerk.

This rule ought to be defeated. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, in view of the fact that there seems to be some misunderstanding as to just exactly what this bill does, I ask unanimous consent to include in my remarks the supplemental report on this bill filed August 27, 1940.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

> The above bill, after having been reported on June 4, 1940, has been further considered by the Committee on the Judiciary and a substitute amendment has been agreed to by the committee, to strike out all after the enacting clause and insert new provisions, hereinafter discussed.
>
> The bill S. 1681 proposed to take the southern division of the eastern district and the Winchester (southern) division of the middle district from those districts and make them into the mountain district of Tennessee. The roving judge provided for the eastern and middle districts under the authority of the act approved May 31, 1938 (52 Stat. 584), would be the judge of such new district court.
>
> There has not been a new Federal judicial district created since April 21, 1928, although a number of additional judges have been provided from time to time as the need appeared. Some objection has therefore been made to the creation of the new district, the mountain district of Tennessee. The proponents of the bill have offered the substitute amendment which has been approved by the committee.
>
> Under the substitute amendment instead of creating a new district, Van Buren County will be transferred from the northeastern division of the middle district to the Winchester division of the middle district and the Winchester division so constituted will be transferred from the middle district to the eastern district of Tennessee.
>
> The roving judge, with headquarters at Chattanooga, appointed pursuant to the act referred to above, is given authority and jurisdiction over the Winchester division and the southern division of the eastern district, and becomes a district judge for the eastern district of Tennessee. This judge is given authority to appoint officials serving his court. He is constituted as a permanent judge, and your committee feel that it is both reasonable and expedient to so equitably divide the work between the four judges of Tennessee and confer definite authority or jurisdiction upon the roving judge.
>
> Concerning the transfer of Van Buren County to the Winchester division, that county is a small, mountainous county of about 6,000 population, situated nearer to Winchester than Cookeville in distance, and because of recently constructed highways is generally recognized as properly belonging in the Winchester division.
>
> James County is eliminated from the southern (Chattanooga) division of the eastern district. James County was merged with

Hamilton County some years ago and is no longer a county, and there appears no reason for continuing to carry it as a county within such division.

While the adoption of S. 1681 as originally reported would have entailed some expense, the adoption of the substitute does not, as no additional employees or officers are provided for, no additional judge is necessary, and no new facilities for holding court will be necessary as such facilities already exist.

DEPARTMENTAL OPINION

Following is a letter from the Attorney General concerning the proposed amendment. The minor objections regarding appointment of deputy clerks and the provision concerning venue, referred to by the Attorney General, have been corrected.

AUGUST 20, 1940.

Hon. ESTES KEFAUVER,
*House of Representatives, Washington, D. C.*

MY DEAR MR. CONGRESSMAN: This acknowledges your letter of August 16, with which you enclosed a proposed amendment in the nature of a substitute for the bill (S. 1681) entitled "An act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee."

Under existing law (U. S. C., title 28, sec. 188) the State of Tennessee is divided into three districts, known, respectively, as the eastern, western, and middle districts of Tennessee. There is one district judge in each district, and in addition there is a fourth judge who is a judge for the eastern and middle districts. The proposed substitute would designate specific terms of court in the eastern and middle districts of the State to be held by the last-mentioned judge, and other terms in the eastern and western districts to be held by the judges for such districts, respectively.

This appears to be a desirable arrangement, since it would assign specific duties to the district judge for the eastern and middle districts and at the same time leave him available for service elsewhere in the districts, if such a course appears desirable. Provisions of the same type are found in the law regulating the duties of the district judge for the northern and southern districts of West Virginia (U. S. C., title 28, sec. 194).

The existing law provides that no successor shall be appointed to the judge for the eastern and middle districts of Tennessee (U. S. C., title 28, sec. 4w). The proposed amendment would repeal such limitation. No reason appears why this should not be done, since the creation of the fourth judicial position as a permanent office was recommended by the Judicial Conference and by this Department.

I find no objection to the adoption of the amendment to the bill in the nature of a substitute, or to the enactment of the bill as amended.

I desire to call your attention in this connection to some provisions of minor importance. The amendment would authorize the district judges to appoint the various court officials, enumerating such officials. Deputy clerks are so enumerated. Under existing law, deputy clerks are appointed by the clerk (U. S. C., title 28, sec. 7). On the other hand, I find no objection to the proposed change in that regard, if it appears desirable to the Congress.

The second sentence of section 2 (a) of the proposed amendment contains a provision that for the purpose of determining jurisdiction and venue the southern division of the eastern, and the Winchester division of the middle districts shall be considered a separate and distinct judicial district. This seems hardly necessary in order to carry out the objective of the legislation, and yet may possibly constitute a source of confusion for litigants and members of the bar. In this connection, I desire to refer to a conference between you and Mr. Alexander Holtzoff, of this Department, in which you suggested the possibility of transferring the Winchester division of the middle district to the eastern district. I find no objection to such a course, if it will serve the convenience of the bar and litigants.

With kind regards,
Sincerely yours,

MATTHEW F. MCGUIRE,
*Acting Attorney General.*

Mr. LEWIS of Colorado. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Speaker, I am extremely sorry that members of the minority party have seen fit to try to draw a red herring in front of this bill which deals with a local situation that needs to be corrected in the section of the country affected, a district in which not one of the Members who has spoken has ever practiced law or maintained a law office except the gentleman from Wisconsin [Mr. JOHNS], and that was 25 years ago or longer, I believe. I personally have practiced law in the eastern and middle district courts of Tennessee for 13 years and am personally familiar with the situation.

Let me say in the first place that I have telegrams, recommendations, and resolutions from the bar associations of most every sizable town in the section affected approving the making permanent of this judgeship and locating this judge in a particular jurisdiction. I am mighty sorry that in a discussion of this kind it is necessary to mention, as some of my colleagues have seen fit to mention, the opinions of departed Members, but a very beloved late Member of this House has been mentioned in this connection. This was Judge McReynolds, one of the most influential Members of the House—a man highly respected and admired in his district and State—my close personal friend. The truth is that Judge McReynolds was for a permanent court there and wished to give a judge permanent and fixed jurisdiction down in that section. His attitude cannot be better stated than to introduce here and to show anybody who wants to see it, a bill that Judge McReynolds filed on January 14, 1938 (H. R. 8971), which provided for the location of a permanent judge at Chattanooga in this very section we are talking about.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. MICHENER. There is no question but what the gentleman from Tennessee, Mr. McReynolds, did introduce a bill, but did he appear before the committee and urge the creation of this judgeship or say that he would be for it unless the judge was made temporary? It was one of those bills introduced for a bar association.

Mr. KEFAUVER. I may say in answer to the gentleman from Michigan that I have copies of letters that Judge McReynolds wrote Judge Howell, of Nashville, and Mr. George Armistead, president of the Tennessee Bar Association at that time. In the letter to Mr. Armistead he stated:

> I have heretofore been in favor of creating another court with its headquarters at Chattanooga, but it is impossible. After talking to Mr. CHANDLER, of the Judiciary Committee, a Member of Congress from our State, I concluded to introduce a bill providing for the appointment of another judge for eastern and middle Tennessee, evidently one that is badly needed.

Every letter I have here where he has written about it he has recommended a permanent judgeship in this section.

I think some Members on the minority side may know and have a very high respect for the clerk of Judge McReynolds' committee, Mr. Ike Barnes. I have a letter here from Mr. Barnes in which he said—and he has told me personally—that the judge favored this, and that if he were living he would be here today working for it.

Mr. JOHNS. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. JOHNS. Who is responsible for the proviso in the present act that this is to be a roving judge?

Mr. KEFAUVER. I may say to the gentleman from Wisconsin that in all the judgeships created back at that time, some 37 of them, I think, that provision was put in generally, as a matter of course.

Mr. JOHNS. Is it not a fact that there was no such provision except the one for Tennessee?

Mr. KEFAUVER. I think it was in most of the bills creating judgeships about that time.

Mr. JOHNS. The gentleman means in May 1938?

Mr. KEFAUVER. I think that is correct. Now, if I may continue for just a minute, I think we must look at the picture in Tennessee to see what the situation is.

Tennessee, as all of you know, has had four separate and distinct districts and large cities. All of these cities are more than 120,000 in population, and they are located in separate and distinct parts of the State. Memphis is in the southwestern part of Tennessee, Nashville is in the north-middle section, Knoxville in the northeastern section, and Chattanooga is in the southeastern section. We have three judicial districts and have had since 1880. Memphis is the headquarters of the western district, Nashville of the middle district, and Knoxville of the central district.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. KEFAUVER. I yield.

Mr. TABER. Could the gentleman tell us the present status of the court cases in these three districts?

Mr. KEFAUVER. I have the record here to show that the judges in the eastern district, taking the average of all the judges in Tennessee, try and dispose of more cases as an average than other judges throughout the United States on an average.

Mr. TABER. How many?

Mr. KEFAUVER. I think that ought to come later when we are discussing the details of the bill, and I will take it up at that time.

Back in the early 1930's there was a terrific congestion of the dockets down at Chattanooga and Nashville, and also to some extent in middle Tennessee. You could not get some cases tried for 2 or 3 years. Sometimes when you got a judge to try the cases he would take them under advisement for 2 or 3 years, so that the lawyers were unhappy and the litigants were unhappy. At that time the bar associations down in our section and in the Chattanooga section recommended the creation of a mountain district, the purpose of which was to take the Winchester division out of the middle district and put it in the mountain district along with the Chattanooga division and have a judge there in charge of that particular jurisdiction. This was not possible. A roving judge was created. This roving judge would first be in middle Tennessee, then he would be in east Tennessee. He has no status and he has no particular jurisdiction.

In Chattanooga we might have one session in which one judge would act on a demurrer or a pleading and in the next session the other judge would come down and take up the case where the first one left off. This was very unsatisfactory to the members of the bar and to litigants. While the situation has been remedied to a great extent, the bar associations, the lawyers, the litigants, and most everybody wanted the judge in that section to have a definite jurisdiction. They wanted him to be there so that when an injunction or some other extraordinary process came up for issuance they could find him and have it acted upon.

I want to say another thing and I am sorry I have to say it. We ran into a situation where the judge of the eastern district of Tennessee, who was in Knoxville—a very fine, eminent man, a splendid jurist, and I will not say anything against his ability or personal character—would try a very important case and then take it under advisement. He was so busy and overworked that the next time you would hear from some of the cases would be a year or so later. Some of these cases involved $100,000, $500,000, or more. Please do not understand that I mean to personally criticize this judge who is my personal friend.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. KEFAUVER. Mr. Speaker, what is now proposed is simply to take the Winchester division of the middle district, and Winchester is in or close to the Chattanooga trade area, and place the Winchester division of the middle district in the eastern district and give this judge who will decide the cases and who will dispense with the litigation primary jurisdiction in those two divisions. Winchester and the counties composing that division are in or near to the Chattanooga trade area and the bar associations in that section have expressed a willingness to be associated with the Chattanooga division. This does not call for the appointment of an additional officer. It does not call for the expenditure of one dime of additional money. We already have the quarters there and all we want to do is to have the judge there where he can hold court, where we will know who will hold court, where he can go into a case at the beginning and carry it through to a conclusion.

Mr. HANCOCK. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. HANCOCK. What is there to prevent this roving judge from making his headquarters in Chattanooga and transacting this business under the present arrangement?

Mr. KEFAUVER. The jurisdiction and the right to hold court there is vested in the district judge of the eastern district and not in this judge. He has no status as to the particular places he is to hold court fixed by law.

Mr. HANCOCK. He can be assigned to hold court in Chattanooga, can he not?

Mr. KEFAUVER. It has not been fixed by law so we can be sure it will be that way.

Mr. GORE. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Tennessee.

Mr. GORE. Under the arrangement of this bill the judge who will have primary jurisdiction would be the most recently appointed judge?

Mr. KEFAUVER. That is correct.

Mr. GORE. I want to say to the House he is a splendid judge. The Winchester area would be delighted to have this primary jurisdiction established so that litigants and counsel will know to which judge to go to make their pleas.

Mr. KEFAUVER. I thank the gentleman. I may say to the Members present that these counties in the Winchester division and the Chattanooga division, with one exception, are all in the district represented by Mr. GORE and in my district; so I think the two of us are in a position to know what the situation is.

Mr. Speaker, I am only interested in getting a situation straightened out down there. We want a judge who is going to be there all the time and who is going to try our cases. We do not want to have a case under one judge one term and under another judge the next term. I think this is a very meritorious bill. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HANCOCK), there were—ayes 57, noes 59.

Mr. KEFAUVER. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 166, nays 134, not voting 129, as follows:

[Roll No. 202]

YEAS—166

| | | | |
|---|---|---|---|
| Allen, La. | Doughton | Kocialkowski | Rayburn |
| Anderson, Mo. | Duncan | Kramer | Robertson |
| Barnes | Dunn | Lanham | Robinson, Utah |
| Barry | Eberharter | Leavy | Rogers, Okla. |
| Beckworth | Edelstein | Lesinski | Romjue |
| Bell | Edmiston | Lewis, Colo. | Sasscer |
| Bloom | Ellis | Lynch | Satterfield |
| Boehne | Faddis | McAndrews | Schuetz |
| Boland | Flannagan | McArdle | Schulte |
| Boren | Fries | McCormack | Schwert |
| Brooks | Gathings | McKeough | Scrugham |
| Brown, Ga. | Geyer, Calif. | McLaughlin | Secrest |
| Bryson | Gore | Mahon | Shanley |
| Buckler, Minn. | Gossett | Maloney | Shannon |
| Byrns, Tenn. | Grant, Ala. | Mansfield | Smith, Conn. |
| Byron | Green | May | Smith, Ill. |
| Camp | Gregory | Mills, Ark. | Smith, Va. |
| Cannon, Fla. | Griffith | Mills, La. | Smith, Wash. |
| Cannon, Mo. | Harrington | Mitchell | Smith, W. Va. |
| Cartwright | Harter, Ohio | Monroney | Snyder |
| Casey, Mass. | Havenner | Moser | Somers, N. Y. |
| Claypool | Healey | Mouton | South |
| Cochran | Hennings | Myers | Sparkman |
| Coffee, Nebr. | Hill | Norrell | Spence |
| Coffee, Wash. | Hobbs | O'Connor | Steagall |
| Colmer | Hook | O'Day | Sumners, Tex. |
| Cooper | Houston | O'Leary | Sutphin |
| Costello | Hunter | O'Neal | Tarver |
| Courtney | Izac | O'Toole | Tenerowicz |
| Cox | Jacobsen | Pace | Terry |
| Cravens | Jarman | Parsons | Thomas, Tex. |
| Creal | Johnson, LutherA. | Patman | Thomason |
| Crosser | Johnson, Lyndon | Patrick | Vinson, Ga. |
| Crowe | Johnson, W. Va. | Patton | Walter |
| Cullen | Kee | Pearson | Weaver |
| D'Alesandro | Kefauver | Peterson, Fla. | West |
| Darden, Va. | Keller | Peterson, Ga. | Whelchel |
| Davis | Kennedy, Martin | Pierce | Whittington |
| DeRouen | Kennedy, Md. | Poage | Williams, Mo. |
| Dickstein | Keogh | Rabaut | Zimmerman |
| Dingell | Kilday | Ramspeck | |
| Disney | Kleberg | Rankin | |

NAYS—134

| | | | |
|---|---|---|---|
| Alexander | Andresen, A. H. | Austin | Bolles |
| Allen, Ill. | Andrews | Ball | Bradley, Mich. |
| Andersen, H. Carl | Angell | Bender | Brown, Ohio |
| Anderson, Calif. | Arends | Blackney | Carlson |

| | | | |
|---|---|---|---|
| Case, S. Dak. | Gwynne | Lewis, Ohio | Schafer, Wis. |
| Chiperfield | Hall, Leonard W. | Ludlow | Schiffler |
| Church | Halleck | McDowell | Seccombe |
| Clason | Hancock | McGregor | Short |
| Clevenger | Harness | McLean | Smith, Maine |
| Cole, N. Y. | Harter, N. Y. | Maas | Smith, Ohio |
| Crawford | Hartley | Marshall | Springer |
| Crowther | Hawks | Martin, Iowa | Stearns, N. H. |
| Curtis | Hess | Mason | Stefan |
| Ditter | Hinshaw | Michener | Sumner, Ill. |
| Dondero | Hoffman | Monkiewicz | Sweet |
| Douglas | Holmes | Mott | Taber |
| Dworshak | Horton | Mundt | Talle |
| Eaton | Hull | Murray | Thill |
| Elston | Jarrett | O'Brien | Thorkelson |
| Engel | Jenkins, Ohio | Oliver | Tibbott |
| Englebright | Jenks, N. H. | Osmers | Tinkham |
| Fenton | Jennings | Pittenger | Van Zandt |
| Fish | Jensen | Plumley | Vincent, Ky. |
| Gamble | Johns | Powers | Vorys, Ohio |
| Gartner | Johnson, Ill. | Reed, Ill. | Welch |
| Gearhart | Jones, Ohio | Reed, N. Y. | Wheat |
| Gehrmann | Jonkman | Rees, Kans. | Williams, Del. |
| Gerlach | Kean | Rich | Wolcott |
| Gilchrist | Keefe | Robsion, Ky. | Wolfenden, Pa. |
| Gillie | Kinzer | Rockefeller | Wolverton, N. J. |
| Goodwin | Knutson | Rodgers, Pa. | Woodruff, Mich. |
| Graham | Kunkel | Rogers, Mass. | Youngdahl |
| Grant, Ind. | Landis | Rutherford | |
| Gross | LeCompte | Ryan | |

NOT VOTING—129

| | | | |
|---|---|---|---|
| Allen, Pa. | Delaney | Kelly | Richards |
| Arnold | Dempsey | Kennedy, Michael | Risk |
| Barden, N. C. | Dies | Kerr | Routzohn |
| Barton, N. Y. | Dirksen | Kilburn | Sabath |
| Bates, Ky. | Doxey | Kirwan | Sacks |
| Bates, Mass. | Drewry | Kitchens | Sandager |
| Beam | Durham | Lambertson | Schaefer, Ill. |
| Bland | Elliott | Larrabee | Shafer, Mich. |
| Bolton | Evans | Lea | Sheppard |
| Boykin | Fay | Lemke | Sheridan |
| Bradley, Pa. | Ferguson | Luce | Simpson |
| Brewster | Fernandez | McGehee | Starnes, Ala. |
| Buck | Fitzpatrick | McGranery | Sullivan |
| Buckley, N. Y. | Flaherty | McLeod | Sweeney |
| Bulwinkle | Flannery | McMillan, Clara | Taylor |
| Burch | Folger | McMillan, John L. | Thomas, N. J. |
| Burdick | Ford, Leland M. | Maciejewski | Tolan |
| Burgin | Ford, Miss. | Magnuson | Treadway |
| Byrne, N. Y. | Ford, Thomas F. | Marcantonio | Voorhis, Calif. |
| Caldwell | Fulmer | Martin, Ill. | Vreeland |
| Carter | Garrett | Martin, Mass. | Wadsworth |
| Celler | Gavagan | Massingale | Wallgren |
| Chapman | Gifford | Merritt | Ward |
| Clark | Guyer, Kans. | Miller | Warren |
| Cluett | Hall, Edwin A. | Murdock, Ariz. | White, Idaho |
| Cole, Md. | Hare | Murdock, Utah | White, Ohio |
| Collins | Hart | Nelson | Wigglesworth |
| Connery | Hendricks | Nichols | Winter |
| Cooley | Hope | Norton | Wood |
| Corbett | Jeffries | Pfeifer | Woodrum, Va. |
| Culkin | Johnson, Ind. | Polk | |
| Cummings | Johnson, Okla. | Randolph | |
| Darrow | Jones, Tex. | Reece, Tenn. | |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Illinois (for) with Mr. Simpson (against).
Mr. Arnold (for) with Mr. Miller (against).
Mr. Ford of Mississippi (for) with Mr. Luce (against).
Mr. Doxey (for) with Mr. Thomas of New Jersey (against).
Mr. Collins (for) with Mr. Bates of Massachusetts (against).
Mr. Pfeifer (for) with Mr. Wigglesworth (against).
Mrs. Clara G. McMillan (for) with Mr. Cluett (against).
Mr. Barden of North Carolina (for) with Mr. Kilburn (against).
Mr. Nelson (for) with Mr. Reece of Tennessee (against).
Mr. Bulwinkle (for) with Mr. Polk (against).
Mr. Clark (for) with Mr. Dirksen (against).
Mr. Durham (for) with Mr. McLeod (against).
Mr. Fay (for) with Mr. Culkin (against).
Mr. Cooley (for) with Mrs. Bolton (against).
Mr. Gavagan (for) with Mr. Routzohn (against).
Mr. Michael J. Kennedy (for) with Mr. Corbett (against).
Mr. Warren (for) with Mr. Gifford (against).
Mr. Sullivan (for) with Mr. Edwin A. Hall (against).
Mr. Richards (for) with Mr. Guyer of Kansas (against).
Mr. Starnes of Alabama (for) with Mr. Jeffries (against).
Mr. Murdock of Utah (for) with Mr. Hope (against).
Mr. McGehee (for) with Mr. Johnson of Indiana (against).
Mr. Schaefer of Illinois (for) with Mr. Lambertson (against).
Mr. Randolph (for) with Mr. Treadway (against).
Mr. Kelly (for) with Mr. Vreeland (against).
Mr. Satterfield (for) with Mr. Barton of New York (against).

Until further notice:

Mr. Beam with Mr. Carter.
Mr. Dempsey with Mr. Winter.
Mr. Hare with Mr. Shafer of Michigan.
Mr. Kerr with Mr. Lemke.
Mr. Bland with Mr. Leland M. Ford.
Mr. Woodrum of Virginia with Mr. Darrow.
Mr. Drewry with Mr. Martin of Massachusetts.
Mr. Fernandez with Mr. Risk.
Mr. Burch with Mr. White of Ohio.
Mr. Hart with Mr. Sandager.
Mr. Kirwan with Mr. Wadsworth.
Mr. John L. McMillan with Mr. Burdick.
Mr. Buck with Mr. Marcantonio.
Mr. Folger with Mr. Fitzpatrick.
Mr. Byrne of New York with Mr. Brewster.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. KEFAUVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1681, with Mr. RAMSPECK in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. KEFAUVER] is recognized for 30 minutes, and the gentleman from New York [Mr. HANCOCK] is recognized for 30 minutes.

Mr. KEFAUVER. Mr. Chairman, I have no one who wishes to speak at this time.

Mr. TABER. Is no one going to explain the bill and tell the story?

A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. I have sent to the desk asking if there were any hearings on this bill but have been unable to find any. I ask if there were any hearings held by this committee on this bill. This seems to be a mystery bill. It seems funny to bring in a bill without hearings.

The CHAIRMAN. In answer to the inquiry of the gentleman from New York, the Chair would suggest that the gentleman direct that inquiry to the gentleman in charge of the bill and not to the Chair.

Mr. KEFAUVER. I will say to the gentleman that hearings were held on the bill.

Mr. TABER. Are the hearings available?

Mr. KEFAUVER. There are no printed hearings.

Mr. TABER. No hearings?

Mr. KEFAUVER. They called in witnesses on the bill.

Mr. TABER. It seems funny to bring in a bill here without having printed hearings available. It is not the custom.

Mr. SUMNERS of Texas. If the gentleman will yield, I will say that we do that over in our committee frequently.

Mr. TABER. I am surprised that anyone would do that.

Mr. SUMNERS of Texas. We are for economy over on our side.

Mr. TABER. That is not economy, because it is a cover-up program to cover up the facts.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Who is that that talks about economy? Show me the gentleman on that side of the House who mentioned economy. I have been looking for him for 7 years.

Mr. SUMNERS of Texas. I do not believe the gentleman will ever find him, because if the gentleman gets right close to him he will go the other way.

Mr. RICH. Take this statement that is issued by Mr. Morgenthau and see where we have gone in the red this year—$668,526,000 since July 1. It seems to me nobody has the right to talk about economy over on that side.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. HANCOCK. As I understand, an amendment is to be offered by the gentleman from Tennessee. Before we start the discussion, will the gentleman be good enough to read the amendment which he proposes to substitute for the bill?

Mr. KEFAUVER. I may say to the gentleman that committee prints of the amendment have been available at the desk all along.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Michigan.

Mr. MICHENER. I do not quite understand just where the gentleman is at as far as procedure is concerned. We have the bill, which has a number. There has been a committee amendment recommended. Does the gentleman contemplate moving to strike out everything after the enacting clause and inserting the amendment, and then discussing the amendment, or is he going to discuss the old bill, which the chairman has refused to support?

Mr. KEFAUVER. I say to the gentleman that the committee amendment will be offered to the bill. The committee amendment has been printed and is available. I believe it would be proper to discuss the committee amendment, although it speaks for itself. It is available.

I should like to yield to the gentleman from New York one-half the time available under this rule. Does the gentleman want to use any time?

Mr. MICHENER. He has that under the rule.

Mr. HANCOCK. I believe it would be more orderly if the gentleman from Tennessee would state exactly what he means by this bill. He stated at the opening he intended to do so, and to give us some idea of the volume of litigation in the district.

Mr. KEFAUVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I thought that under the rule a fairly full explanation was made of the situation. To begin with, as I said a few minutes ago in speaking on the rule, Tennessee has four separate important and rather populous areas, the Memphis, the Nashville, the Knoxville, and the Chattanooga areas. We have three districts with Knoxville as the headquarters of the eastern district, Nashville the headquarters of the central district, and Memphis the headquarters of the western district.

In the eastern district the judge holds court at Greenville, which is in the extreme northeastern part of the State, and at Knoxville and at Chattanooga. Generally speaking, over the course of the years the business in the eastern district has been almost twice that of either one of the other districts, just about double the business in either one of the other districts and, generally speaking, the business in the eastern district has been about equal between the Chattanooga court and the Knoxville court. Chattanooga is a little bit larger city than Knoxville and has a substantial trade area around it.

Back in the early thirties there was a very heavy congestion of the docket in the eastern district and in the middle district, as found in the conference report and the statement by the Attorney General. I personally knew about that and experienced it, because we would have to wait sometimes a year or two in order to get our cases disposed of. One reason for that very heavy congestion, and the chief reason, of course, was the amount of business that had to be done. Another reason—and I say this not in a personal or a critical way—but the record has been made and that shows that the judge of the eastern district of Tennessee when he would take cases under advisement would sometimes hold them under advisement for a rather long time before he would decide them, and these were important cases. I have one here in which I was counsel.

Mr. MICHENER. Mr. Chairman, will the gentleman yield right there?

Mr. KEFAUVER. Yes.

Mr. MICHENER. If that condition exists and there is not 30 days' work in the district for a judge in a year, is there not something wrong with the judge, and is not the remedy to do something about the judge rather than to establish another district?

Mr. KEFAUVER. I will say to the gentleman that these were very complicated cases and required a lot of study. Some of them involved $500,000 or $1,000,000 or $1,500,000, and the judge was literally swamped with work, as I will show here in a few minutes. The judge, as I have said, is a fine high-type man and an excellent jurist and I have no complaint against him. Anyway, the bar associations and the litigants and the people generally, particularly in the Chattanooga district, became very much interested in doing something about the situation. So it was generally proposed to create a mountain district to take in the Chattanooga area and the Winchester division of the middle district which is in that area. This was not done and so a roving judge was recommended who was to rove between the eastern district and the middle district. This roving judge was appointed pursuant to the act of May 31, 1938, and he has been a very splendid judge and is making a good record. He takes his cases and decides them promptly and gives you a quick hearing. He lives in Chattanooga and he is down there now.

This helped the situation a great deal, but it was not satisfactory entirely for the reason that this roving judge had no status and had no definite jurisdiction. He might be in Chattanooga at one term of the court and the next time, when the term of court came there, he would be in another section of the State and the other judge would have to come down and take up the cases where the roving judge left off and vice versa. So there has been a strong demand, and is now a very strong demand, for having a judge with a permanent jurisdiction located in the Chattanooga and the Winchester divisions.

The work in the State of Tennessee would be equitably divided between the four judges if this roving judge were given the Chattanooga and the Winchester divisions, the judge of the eastern district, the senior judge, retain the Knoxville and the Greenville jurisdiction, and the middle judge given the Nashville and the Cookeville and Columbia jurisdiction, and the Memphis judge given everything west of the Tennessee River, over in the western part of the State. So pursuant to the demand of the bar associations and the lawyers in this section for a permanent judgeship, someone who would be there and to whom they could go and present their writs and applications for extraordinary process, the Senate bill (S. 1681) was introduced in the Senate and passed by the Senate. When it came over to the House, and after it was reported by the Committee on the Judiciary, a good deal of opposition developed to it for the reason that it would cost about $25,000 or $30,000 on account of having an additional staff, and during this time of national emergency when we want to spend money for preparedness and economize on everything else, there was very substantial opposition to it, although I thought the bill had a great deal of merit and ought to be passed, and I still think so. So in order to meet that opposition, including the effective opposition of the chairman of the Committee on the Judiciary, this amendment, a committee print of which has been passed around, was adopted by the Committee on the Judiciary and will be offered when the proper time comes as an amendment to the Senate bill (S. 1681). Frankly, the amendment is presented because we could not pass the bill as it passed the Senate.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. PARSONS. Will the gentleman explain just what the committee amendment will do to the original bill?

Mr. KEFAUVER. Yes.

Mr. PARSONS. And right at this point I would like to know whether or not the constituents of my colleague really want this bill passed.

Mr. KEFAUVER. I say to the gentleman that I have telegrams and resolutions here and a letter from the president of the Chattanooga Bar Association asking for the passage of the mountain district court bill. The reason they want that is because they want a permanent judgeship, but since they cannot have that they want a permanent judge who will have a definite jurisdiction.

Mr. PARSONS. Does this involve the appointment of an additional judge?

Mr. KEFAUVER. No; it does not; and I will come to that in a moment. But in answer to the gentleman's inquiry as to whether or not our constituents want it, as I said before,

this section is represented almost entirely by the gentleman from Tennessee [Mr. GORE] and myself, and in our opinions a majority of the lawyers and people in our sections are in favor of it. The gentleman from Tennessee [Mr. GORE] has spoken for the sections in his district. Senator STEWART, from Tennessee, is a resident of and practicing attorney at Winchester; he is an exceptionally able lawyer and a former attorney general, and he knows the situation, and he is very much interested in having this judge fixed with a definite jurisdiction. He is supporting the bill very strenuously.

I have telegrams from the Coffee County Bar Association, from the Winchester Bar Association, the Fayetteville Bar Association, the Moore County Bar Association, a number of leading attorneys of the Rhea County bar.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield myself 10 additional minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. Let me go on for just a minute, please.

The president of the Chattanooga Bar Association—I know they want it, and as a practicing attorney in that section I can say it is desirable. As a matter of fact, I think the chairman of the Judiciary Committee, Judge SUMNERS, and the Attorney General, and any other agency who has studied the situation knows that a roving judge is very unsatisfactory. In the first place, he cannot advance because he has no definite jurisdiction. In the second place, he has no control over the dockets at any particular place. He just goes here and there and picks up where somebody else leaves off, and never has any definite jurisdiction.

Mr. HEALEY. Will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. HEALEY. I wanted the gentleman to explain about a roving judge. He is a duly appointed judge of the court—a United States Federal judge, is he not?

Mr. KEFAUVER. Yes. A roving judge is a regular district judge. He is already there, but the only thing about it is he does not have anywhere to hang his hat.

Mr. HEALEY. And you want to tie him down?

Mr. KEFAUVER. We want to tie him down.

Mr. KNUTSON. Hog tight? [Laughter.]

Mr. KEFAUVER. Now, the proposed amendment simply takes the Winchester division of the middle district which consists of about seven counties and which is right adjacent to the Chattanooga area, and places the Winchester division in the eastern district of Tennessee. Then the Winchester division, along with the Chattanooga division, which is the southern division of the eastern district, is placed under this roving judge's care. He is made an additional judge of the eastern district of Tennessee and he has charge of the dockets there. He has charge of the cases there. He will sit there and hold court term after term, except when transferred to some other district, as can be done by the senior circuit judge, or he may go into the other parts of the eastern district by agreement with the other judge of the eastern district. So that this bill brings about the result that the people want. This does not call for the creation of any new office or any new employees.

Mr. TABER. Will the gentleman yield right there?

Mr. KEFAUVER. I yield.

Mr. TABER. It makes the roving judge a permanent judge, instead of the office just continuing as long as this judge lives?

Mr. KEFAUVER. I will come to that in just a minute.

Now, we already have full headquarters for the judge at Chattanooga and also at Winchester, so that there are no new facilities needed. There is no new officer or employee added to the staff.

The chief objection that has been made to this bill is that after this judge is given jurisdiction and a definite status—and I think everybody must agree that that should be done; I know the lawyers and everybody down there want it, and that includes some members of the minority party—after he is given a definite status and jurisdiction, then he has a certain responsibility. He is responsible for the proper conduct of this division that he has charge of. If he has to be there and if he has to be responsible, is there any reasonable argument against giving him the power to appoint those officials who will personally work for him in those divisions? That is the only other part there is to this bill. If he is to be responsible for the conduct of some commissioner, should he not have the right of control over that commissioner? Take it the other way. If the other judge, who is up at Knoxville, does not have primary responsibility for the trial of cases and the conduct of the Chattanooga and Winchester courts, if he is not going to have the chief responsibility for the conduct of the courts in those two divisions, how can there be any politics, or how can there be anything except reason in not letting him have control of the men who are going to work under the judge who has the responsibility? Why should he want to retain them? He is not charged primarily for anything they do. They do not work under him. We all know that in order for a judge to do effective work, the employees through whom he works have to be responsible to him. That is only sound common sense.

Something was said about a deputy clerk at Chattanooga. If you will read this bill you will see that he will have to be appointed by the clerk at Knoxville, because the general law provides, title XI, sections 6 and 7, that the clerk of the district court appoints his deputy clerks. So that he will continue to appoint the clerk at Chattanooga, and there is no clerk at Winchester.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. GORE. In that connection, there seems to be some misunderstanding that this will create either a new judgeship or new clerkship or some new position. Is it not true that this bill does not create any new position, but gives primary jurisdiction of the Chattanooga area to the roving judge?

Mr. KEFAUVER. The gentleman is correct.

As I said a few minutes ago, the record shows—and I have personally practiced law in this section and know how busy the court there is—the record shows over a period of years that about one-half of the work in the eastern district is done at Chattanooga. If you put the work that is done at Winchester into the Chattanooga division it will just about equalize the work all through the State. As to whether the amount of work done in the district courts of Tennessee makes this judgeship necessary, let me say that in 1938 when this roving judge was appointed and provided for, an additional judge was found to be needed for this section, and that is the reason that bill was passed. If you will notice in the letter of the Attorney General which is on page 2 of the supplemental report this statement is made:

> The existing law provides that no successor shall be appointed to the judge for the eastern and middle districts of Tennessee. The proposed amendment would repeal such limitation. No reason appears why this should not be done, since the creation of the fourth judicial position as a permanent office was recommended by the judicial conference and by this Department.

That is a statement made by the Acting Attorney General.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. SPENCE. Who assigns the roving judge to the additional district, and who designates the additional cases he shall try?

Mr. KEFAUVER. The way it works out is that the various judges agree where he is to go. He goes where they call him. He does not have anybody in particular to assign him. That is the way it works out and it is a very unsatisfactory situation.

A new judgeship was needed in 1937. This section of Tennessee has been growing very rapidly during the last 10 years. The census shows that the counties in which these two divisions are located have increased more than 10 percent in population. A great many new industries have come into this section, and the work in the Federal courts is increasing and can be expected to increase. As stated by the Acting Attorney General, they see no objection to making this judgeship permanent.

Mr. PEARSON. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. PEARSON. With reference to the increase as shown in the census figures for the State of Tennessee in the last census, is it not true, literally true, that the largest increases registered in the State were in the counties which will be affected and served by this judgeship?

Mr. KEFAUVER. The gentleman is correct about that; and I may say that in the last 10 years the population of Tennessee has increased by approximately 400,000, and a large part of this increase is in this particular section.

In the United States there are 187 acting district judges. I have compiled statistics showing the work done by the average district judge. You will find on page 202 of the Attorney General's report that the average number of criminal cases filed in a district is 186.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KEFAUVER. I yield.

Mr. HANCOCK. I notice that the Attorney General calls attention to the fact that under your bill the judge would have the appointment of deputy clerks. The general law is that deputy clerks are appointed by the clerk.

Mr. KEFAUVER. Answering the gentleman I may say that his suggestion was complied with, and that matter is left with the district clerk under this proposed amendment.

The average number of criminal cases handled by a judge is 186. In the eastern district of Tennessee it was 369. The average terminated was 190; in the eastern district of Tennessee it was 404.

The average defendants' cases filed in criminal cases was 276; in the eastern district of Tennessee it was 636. Terminated: The average was 283; in the eastern district of Tennessee it was 696.

Civil cases filed: The average was 115; in the eastern distrist of Tennessee it was 225. Terminated: The average was 128; in the eastern district of Tennessee it was 242.

Let me say to the members of the committee that I would not be here just to ask for something of no importance, to talk about something that was just a political matter, because I expect to again go down there and practice law some time. But I know of my own personal knowledge the amount of litigation and the conduct of the courts will be helped by having the judge there made permanent. I have no personal criticism to make of anyone or of the work they have or are doing.

This bill does not cost one penny. Not one new officer or employee is provided for. If this judge is to do a good job he has got to have these men who are under him responsible to him, and if the roving judge is fixed with a definite jurisdiction and made permanent, the situation will be more satisfactory. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, I think no one should hesitate at least about supporting the committee amendment. The committee amendment will improve the bill, but even with the committee amendment the bill will still contain a feature to which I am opposed, and that is that it still will make a temporary judgeship permanent.

You will recall that a few months ago we had a bill before us creating a number of judgeships throughout the country. I was on the subcommittee that considered that bill. In the House I supported it, although it contained some judgeships of which I did not approve. I was led to support that bill partly because it contained a provision I have long advocated and which I had hoped would be the permanent policy of the Congress, and that is that all judgeships hereafter created, so far as possible, would be temporary judgeships.

This roving judgeship in Tennessee is temporary, but this bill proposes to make it permanent. If you will read the surveys that have been made of the judicial work of this country, you will be impressed, I believe, by the fact that the work is not entirely satisfactory; and I think you will come to the conclusion that this condition is not because we do not have sufficient judges in America. I think we do. The trouble is we do not have them in the right places. I have not been able to understand why, for example, Tennessee should have four judges or why Oklahoma should have four.

Many times a temporary situation arises such as occurred in New York in the days of prohibition, or as occurred in Florida because of the land boom and the subsequent crash. In my judgment, Mr. Chairman, the difficulty with our judicial system is that there is not enough flexibility.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I think we are all conscious of the correctness of what the gentleman states, but in attempting to cope with that situation does the gentleman realize the system has been built up by which a judicial conference annually meets, composed of the presiding judges of the circuit court of appeals of the various circuits, headed by the Chief Justice of the Supreme Court of the United States, who make recommendations concerning additional judges, and does not the gentleman also realize that the judicial conference made a recommendation for an additional judge in this particular district?

Mr. HANCOCK. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from New York.

Mr. HANCOCK. Did the gentleman ever hear of any judgeship being abolished, no matter how small the business of the court became?

Mr. GWYNNE. I may say, in answer to both gentlemen, that of course we have created the judicial conference. In considering the last bill, the subcommittee did not create any new judgeship that had not been recommended by the judicial conference. We did not believe, however, that we should allow a judgeship to be created simply because it was recommended by the judicial conference. During the past year we have created an administrative officer of the court, whose duty it is to keep in touch with the functioning of the courts throughout the country and to make reports to the Congress. I believe the Congress will have better information in the future from this source in regard to the functioning of our judicial system.

What we need is a revamp of the districts and divisions and maybe the circuits in this country, and, as an aid to that, should retain the provision of the law that all judgeships hereafter would be temporary, so that when a vacancy occurs the Congress could then reexamine the subject under consideration and get the advice of the judicial conference and administrative officer of the courts.

Mr. PATRICK. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Alabama.

Mr. PATRICK. I am from the State of Alabama, and we have only three judges down there while they have four in Tennessee. Of course, we are a lot more law abiding. We do not have as many lawsuits as they have in Tennessee. May I ask the gentleman if as a member of that committee he has ascertained whether there has been a tremendous increase in population in this area in Tennessee?

Mr. GWYNNE. Yes, I understand so. The population of Tennessee is now about 2,000,000.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. KEFAUVER. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. The population of Tennessee is about 3,000,000 according to the last census.

Mr. GWYNNE. Even admitting the population to be 3,000,000, it seems to me Tennessee is over-judged with four judges.

Mr. GORE. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Tennessee.

Mr. GORE. The gentleman cited the situation in New York, I believe, in which an emergency arose and additional judges were needed. He will also bear in mind the Tennessee Valley development. I hold in my hand three full pages of cases pending at the time this document was copied involving the T. V. A. That has been a circumstance that has caused an emergency down there.

Mr. GWYNNE. That may be a reason for giving them an additional judge, but what reason is there now for making this judgeship permanent?

Let us wait until a vacancy occurs, then decide it upon the facts then before us. Let us not abandon so quickly this policy that I think is a good one, and that is that the Congress keep this thing at all times under its control by making these judgeships temporary as far as possible.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, I can well understand the desire of the new dealers to create as many additional Federal judgeships as possible so that they will be able to take care of as many as possible of the many who are going to fall by the wayside this fall.

Mr. KEFAUVER. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. I hope the gentleman does not say seriously that this creates a new judgeship. We already have the judge there.

Mr. KNUTSON. I may say to the gentleman that I am only making a general observation. That judgeship is temporary. You seek to make it permanent.

Mr. Chairman, Minnesota and Tennessee are about the same in population. In Tennessee they have three judicial districts, whereas in the State of Minnesota we have but one judicial district, yet we have a much larger territory to cover than has Tennessee. The gentleman from Tennessee had much to say about their roaming judge, and he laments the fact that one of the judges is a roamer; that is, he roams from one district to another, and, therefore, does not have the standing that a permanent Federal judge should have.

We have four judges in Minnesota and they all roam. They hold court in all parts of the State and they are available to hold court in all parts of the State. If the judge they have down there in Tennessee is roaming outside the confines of his State, I would suggest that they hog-tie him and keep him at home.

I understand there are many moonshine cases down in that district, but such a situation can be cured by conferring upon police courts jurisdiction to handle violations of the Federal liquor laws.

Mr. Chairman, I ask in all seriousness if we are not overdoing this matter of creating new judgeships? If the gentleman from Tennessee really wants to improve the court procedure down in his State, why does he not bring in a bill to consolidate the three districts in Tennessee so that the judges can roam from the Mississippi River eastward up into the moonshine country, and rotate them so that they will not all jump into the moonshine country at one time?

I hope the pending bill will be defeated. It should be defeated. I do not like this idea of trying to fasten a permanent burden of $10,000—yes, probably eighteen or twenty thousand—a year upon the American people at a time when we are going into the red $4,500,000,000 annually. I think we should have a roll call on this bill so that we may find out who are and who are not sincere in their desire to practice economy.

Mr. KEEFE. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. KNUTSON. I hope the gentleman will not take me off my feet. Is the gentleman for the bill?

Mr. KEEFE. I would like to have more Members here to hear the gentleman's speech.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Alabama.

Mr. PATRICK. I believe the gentleman has been down to Tennessee and seen them carry on court there. Does not the gentleman concede that really they need more judges and that there is more activity per trial in Tennessee than in the average State?

Mr. KNUTSON. I do not think they need more judges, rather they need more industrious judges.

Mr. PATRICK. Does the gentleman remember the Stokes trial down there?

Mr. KNUTSON. That was the evolution trial?

Mr. PATRICK. Yes.

Mr. KNUTSON. I do, and in light of that case I should say that rather than needing more judges they need better judges.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. In the gentleman's opening remarks he stated that Minnesota and Tennessee were the same in size. I believe the gentleman meant not geographically speaking but as to population.

Mr. KNUTSON. As to population, yes. Minnesota is 4 times as large geographically as is Tennessee.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Wisconsin.

Mr. JOHNS. Does not the gentleman really believe they need more activity from the judges they have down there, rather than another judge?

Mr. KNUTSON. I think so. I am beginning to believe the judges in Tennessee must belong to the C. I. O.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I sometimes wonder if it would not be a good idea to go along with some of these judgeship bills, providing extra judgeships that are not needed, so that when it comes time to appoint members of the United States Supreme Court it would not be necessary to appoint professors or persons who have no previous qualifications as judges.

Mr. KNUTSON. Of course, there must be cushions for the lame ducks to light on. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I do not like to be in the position of coming before this Committee just to oppose legislation that has approval of the majority of this Committee. I have tried to listen to this debate from the very beginning until now and have listened very carefully; I have not yet heard of one single sound reason why this judgeship should be made permanent. As I understand it, this judge was appointed about 2 years ago as a so-called roving judge to take care of a situation that arose at that particular time that had to do with litigation affecting especially the T. V. A.

It seems to me this legislation is like a lot of other legislation that comes on the floor of the Congress. We propose a piece of temporary legislation, then come along a little later and make it permanent. Up to this time we do have our hand on this situation, not very heavily, because, as I understand, this man is appointed for life, but someone somehow gets the idea that this judgeship ought to be made permanent.

What I think ought to be done is to redistrict the State of Tennessee. Just divide the State somewhere nearly equal among the judges you have. From what I have heard this afternoon, I do not believe you really need a new judge, if every judge would get busy and do his share of the work as he should do it.

Something was said about comparative figures as far as population is concerned. You will not find very many States in the Union that have as many judges on the basis of popu-

lation as this State. In my State, and I admit conditions are somewhat different, we have one judge. We have practically 2,000,000 people. But certainly I cannot understand why you are entitled to so many judges, providing each judge does the work he ought to. What I believe has happened, from what the gentleman has just told us, is that you have too little work for about two of your judges and maybe a little more work than one ought to have for the other.

Therefore, why not send this bill back to the committee? Let it go back to the committee and let us redistrict the State, or, better still, let us just kill the bill and leave the thing the way it stands. You are not losing anything. You are just holding your hand a little bit on the situation, not much, because I do not believe you will find very many cases in our entire history where, after you have created a judgeship, you ever abolished that judgeship. Instead of that, you go along and you increase judgeships.

The distinguished gentleman from Texas said a while ago, "We are in favor of saving money, we are in favor of economy." If you would just begin to be in favor of economy, here is one chance to use it a little. If you still want the Congress to keep its hand lightly on a situation of this kind, here is a chance to do it. Let us not pass this legislation and make this judgeship permanent, because after you have done that you will never recall it, never in your generation or mine.

With all due regard for the gentleman who brought this bill to the floor of the House, and I have the very highest regard for him, at a time when we have so much important legislation to be considered, and have taken the afternoon for it, just to say that this position should be made permanent—I say that the judge has his job permanently now, as long as he lives; but you want to have it so that not only this man can have the position but that judges can follow him from now on to eternity, as far as that is concerned. Let us not do it.

One thing more, I believe this bill creates another judicial district. In doing so, it creates other positions so that you not only have added a charge of $10,000 annually for the salary of the court, but additional expenses to the extent of probably $25,000 or $30,000 annually. Mind you, it is not the taxpayers of the judicial district in Tennessee that pay this bill. It is the taxapyers throughout the country that will have to take care of it. Mr. Speaker, this is not a political question at all. It is just a question of using your good, hard common sense. I don't think the argument this afternoon has shown the necessity for making this court permanent and feel sure, too, that it has not shown the necessity of creating the additional expense. Let us have the courage of our convictions for once in our lives, and either recommit this bill or kill it, because you are not hurting anything, and at the same time you might do the country some little spark of good. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we are now considering the proposition to make permanent a judge who was put in there because of temporary conditions. Now, there is not any very great overload of work which is required to be done there. The work is being cleaned up reasonably and it is not fair that we should go ahead and provide more judges for the population in Tennessee on a permanent basis than almost anywhere else in the United States. There is not going to be any more litigation there after these condemnation proceedings that they might have had in the last 4 or 5 years are ended and after the people have been paid off in connection with these various matters. There will not be any more litigation there than there is in other places in the country. As a matter of fact, the farm population of the State has dropped as a result of Government operations down there, and, while the population may have increased in some other respects, the Federal activities will show a continuous decrease, and therefore we should not go ahead and make this job permanent at a time when there is no justification for doing so.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. KEFAUVER. If the gentleman will examine the various reports of the Attorney General, he will see that during the course of the years this district in Tennessee has had about twice the amount of criminal actions than the average district in the United States.

Mr. TABER. Why should it have twice as many? What kind of cases are they—moonshine cases?

Mr. KEFAUVER. Various sorts of criminal cases, and I may say to the gentleman that there is a great amount of Federal property in connection with the T. V. A. and if you do anything in connection with that property that is unlawful, that is a Federal offense and that is one reason for the great number of criminal cases; and, of course, that property will continue to be there and will continue to be owned by the Federal Government and the situation will continue in that way.

Mr. TABER. Yes; but nine-tenths of the civil cases that are involved, which have taken considerable time, are temporary cases. There will not be the condemnation proceedings and all that sort of thing and those are the things that take time. These petty criminal cases are almost of the police court variety and they are shoved onto the United States court as a result of statutes that have been passed in the last few years and they will not take a great amount of time. They will be cleaned up pretty rapidly just as they are in other parts of the country and we will not have any overload and there will not be anything for these folks to do as soon as the overload resulting from the T. V. A. is cleaned up.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. PATRICK. Is the gentleman on the Judiciary Committee?

Mr. TABER. Oh, no.

Mr. PATRICK. Did the gentleman attend the hearings on this measure?

Mr. TABER. Oh, no; but I have been over the Attorney General's report and I have found that the overload of cases is not more than it is in most places where there is considerable business. It is not anywhere near as heavy as it is in Texas and it is not near as heavy as it is in New York and it is not as heavy as it is in Illinois. When we come to consider the civil cases that the Government has been involved in and that are going to be cleaned up, we can be assured that that will be the end of the story. We have provided a temporary judgeship there to take care of a temporary situation, one which we know is going to be temporary and which is going to be cleaned up, and when it is cleaned up there why should we have a permanent proposition on our hands? That is the issue for the House to decide. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 7 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I think we all thoroughly understand by this time that the bill creating the office of this so-called roving judge has accomplished its purpose. Now it is attempted here by this bill to freeze that office or to rivet it upon the people.

It has been said here that there has been a growth of industry and an increase of litigation down there at Chattanooga and in that eastern section of Tennessee. I say to you as a lawyer who has practiced in east Tennessee all my life that there is a decrease in litigation all over east Tennessee and in all its courts, and that is due to the fact that industrial accidents which formerly either rested upon the common law or the violation of some statutory regulation resulting in death or personal injury to employees, have been supplanted by our workmen's compensation statutes, which are universal in all States, and that has largely reduced the volume of contested litigation, and, as has just been observed, the great volume of litigation in a Federal district court consists of minor infractions, like a violation of the liquor laws, and for the most part the poor fellows who get into that sort of trouble are guilty, and they catch them with the goods on them or with the stuff still on their overalls, and they have

sense enough to come in and submit themselves to the mercy of the court.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. KEFAUVER. May I ask the gentleman if he has examined the Attorney General's reports and if they do not show over a course of years that there has been a gradual and a steady increase in the number of cases?

Mr. JENNINGS. My colleague from Tennessee, Mr. KEFAUVER, I do not want to spread all over the United States; I want to shoot at the bull's-eye. We shoot at the mark down in Tennessee.

Mr. KEFAUVER. That is just it.

Mr. JENNINGS. I do not want to argue with you, my good friend; I want to tell you what this bill is. I am not undertaking to talk about the whole United States; I am restricting myself to the operation of this bill.

Nowhere does the Attorney General urge the passage of this bill, but he says in his letter, "I haven't any present objection to it." But he does say this:

> The second sentence of section 2 (a) of the proposed amendment contains a provision that for the purpose of determining jurisdiction and venue, the southern division of the eastern and the western division of the middle districts—
>
> That is the district that this judge will preside over—
>
> shall be considered a separate and distinct judicial district.

They are putting the camel's head under the tent, and the purpose is to get the animal under the tent and have another judicial district in Tennessee.

Mr. REES of Kansas. Will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. REES of Kansas. Is not this the fact, that if there is a new district created, in place of the statement made about $10,000 salary, would it not create an additional expense of $6,500?

Mr. JENNINGS. Oh, yes. There would be a district attorney, assistant district attorney, United States marshal, deputy United States marshal, probation officer, clerk and deputy clerks, and that is what they want—more patronage.

Mr. KEFAUVER. Will the gentleman yield?

Mr. JENNINGS. Yes; I yield.

Mr. KEFAUVER. The gentleman has referred to some language in the letter of the Attorney General. That was eliminated from the proposed amendment?

Mr. JENNINGS. Now, let me go back to the real purpose of this bill. It is stated in all seriousness—and I want to examine the logic that is back of this proposal to freeze this temporary judgeship into a permanent judgeship—it has been said here by an able Member of this House that if this roving judge down there should be localized and confined to the precincts of those 17 counties comprising this new district, so to speak, that his mind could not properly function, and that his judicial processes would be interfered with, and that there would be sand in the bearings and water in the gasoline if he could not appoint and control the deputy clerk of that court. Did you ever hear of such logic as that, that the judge's consideration and weighing of evidence and the application of principles of law thereto would be impeded and interfered with if he did not have the right to name the deputy clerk of the court over which he presided? That is the kind of argument that is made, that this judge will be worried and his deliberations will be interfered with if he cannot name that deputy clerk. Now, that is a lot of money to pay on the part of the people to give the judge the right to name the deputy clerk. It may be that under this language he is given the right to name a referee. Now, can we afford to put that sort of a burden upon the taxpayers, all the people of this country, just to give a judge in Tennessee the right to name a referee and a deputy clerk?

Mr. LEWIS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. LEWIS of Ohio. I would ask the gentleman whether or not in the State of Tennessee in the State courts the clerk is not elected by the people?

Mr. JENNINGS. Oh, yes. In the State court he is elected by the people, but the clerk of the Federal court is appointed by the judge.

Mr. LEWIS of Ohio. Does the gentleman think that the fact that the State court clerks are elected by the people and not chosen by the judge interferes with the deliberations of the judge?

Mr. JENNINGS. Oh, no. That was just so farfetched that it seemed to me the weightiest reason advanced for the idea of freezing this temporary judgeship into a permanent judgeship and creating a new district, that it just appealed to my sense of the ludicrousness of things, and that is why I stressed it. [Laughter and applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I have only 2 minutes remaining and I yield that to the gentleman from Alabama [Mr. HOBBS].

Mr. KEFAUVER. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. HOBBS].

The CHAIRMAN. The gentleman from Alabama [Mr. HOBBS] is recognized for 6 minutes.

Mr. HOBBS. Mr. Chairman, one of the funniest things in the whole world of humor is when any Republican is about to be separated from a piece of patronage. No matter how little claim of right he may have, all Republicans condemn the deprivation as an outrage. They squirm into that holier-than-thou attitude, and insist that anyone who gives a thought to political pie is vile—quite beneath their celestial notice.

Mr. JENNINGS. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the distinguished gentleman from Tennessee.

Mr. JENNINGS. Then do you mean by that statement to admit that the sole purpose of this bill affecting the judiciary of this Nation is to take a piece of candy away from a Republican officeholder and give it to a Democrat?

Mr. HOBBS. I would not hesitate to admit it for the sake of the argument, although it is only half true. When you charge it, even if thereby you falsify the record to some extent, I am willing to accept your challenge. If you Republicans had any sense of justice or fair play, you would not insist upon the obnoxious practice of forcing a Republican appointee of a Republican judge living in a distant city into the official family of a Democratic judge in a Democratic city.

The eternal fitness of things should make taboo the forcing of a Democratic appointee of a Democratic judge in Chattanooga into the staff of a Republican judge in Knoxville. No more should you, because of the accident of having a Republican judge up there in Knoxville, seek to intrude Republican appointees of the Knoxville judge to strut before self-respecting, God-fearing people of a decent Democratic city at Chattanooga. [Laughter and applause.]

I was not born or raised in Tennessee, but I know a little bit about it. I cast my first vote in Tennessee for the Honorable Joseph W. Byrns, late distinguished and beloved Speaker of this House. [Applause.]

I went to school there and I know how University of Tennessee men hate the intestinal investiture of Vanderbilt. That great State university that has lately developed some prowess on the gridiron, is at Knoxville. As Tennessee hates Vanderbilt, so Knoxville hates Chattanooga, and with far less cause.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield to the distinguished gentleman from New York.

Mr. ANDREWS. I was wondering if the real reason for wanting this bill passed now was not because there is a possibility of a change in administration?

Mr. HOBBS. Why, sir, if we were so utterly foolish as to indulge that false assumption for one moment, we ought to be committed to a lunatic asylum for imbecilic doodles! Such a suggestion is subhuman. You Republicans have no more chance than a snake has hips, and you know it; and you know that that little Philadelphia snowball is dwindling every moment. It will be relegated to the limbo of forgotten follies

in November just as your sunflowers died in the same month of 1936.

But I refuse to be led aside into a discussion of political issues, as much as I would love to accommodate the gentleman.

Our good friend, the gentleman from Minnesota [Mr. KNUTSON], comes here, and the first thing he does is to ignore the Constitution and say that we are trying to pass this bill to take care of some "lame duck" Democratic Members who are going to be defeated, when he knows, in those moments when his mind is at equipoise without the overweaning influence of political considerations [laughter], that the Constitution of the United States provides unequivocally that no sitting Member can be appointed to a judgeship created during his term of office. He also ignores the facts. The judge this bill domiciles in Chattanooga lives there and is already a judge. When he says that this would cost from $15,000 to $20,000 a year forever, he again forgets the facts. There is not a word in this bill to substantiate such a contention; at most it is a remote contingency a lifetime hence.

Much has been said about the fact that the gentleman from Texas, Judge SUMNERS, was opposed to the original bill. We all know the real reason the distinguished gentleman from Texas, our honored and beloved chairman of the Judiciary Committee, was against it. He had an idea born in his mind, sired by an innate prejudice against the creation of any new districts anywhere, and mothered by economy. When the gentleman from Texas, HATTON SUMNERS, came to Congress 26 years ago, more or less, he went back home after his first session, and the panhandler who took his bags—they did not have redcaps in those days—said: "Howdy, Mr. Hatton. Ah sho is glad you is back. You have done gone off and got to be a great man. We sho is proud to have you back home. You ain't got a quarter you could give an old nigger, is you?"

The gentleman from Texas, Judge SUMNERS, very much flattered, coming home from his first term, immediately started to fish around in his pockets. The search continued till every pocket had been explored. "I declare, Jim, I did have a quarter; but I cannot find it now."

Jim replied: "Mr. Hatton, please look again, 'cause if you had it, you still got it." [Laughter and applause.]

That is the real reason why the gentleman from Texas, HATTON SUMNERS, opposed this bill in its original form—it would have cost some money. But we have now remodeled it, streamlined it. It does not spend a thin, slick dime now.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield there?

Mr. HOBBS. Yes, sir; I am happy to yield to the distinguished gentleman from Iowa.

Mr. GWYNNE. Would the gentleman streamline it further? Would the gentleman support an amendment which would strike out that part of the bill which makes this temporary judgeship permanent?

Mr. HOBBS. No, sir; I would not. I am for the pending substitute for the original bill, just as your committee and mine reported it out.

It will correct the persisting wrong at which it is aimed. There should be no hesitation in curing that evil, and I favor a permanent cure. [Applause.]

When you Republicans give Democrats the power to name the secretaries to work in your congressional offices, I might vote with you to keep a Republican empowered to name the staff of a Democratic judge. We do not wish any such inequitable power, nor should we or you have it. But until you make such an offer I shall never, no, never, consider voting with you on any such issue.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Alabama has expired, all time has expired.

The Clerk read as follows:

*Be it enacted, etc.*, That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into four districts, to be known as the eastern, mountain, middle, and western districts of Tennessee.

"(b) The eastern district shall include two divisions, constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington; and the western division, which shall include the territory embraced on such date in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union.

"(c) Terms of the district court for the eastern division of said district shall be held at Greeneville on the first Monday in March and the third Monday in September; and for the western division at Knoxville on the fourth Monday in May and the first Monday in December.

"(d) The mountain district shall include the territory embraced on January 1, 1937, in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, to be known as the Chattanooga division; and the Winchester division, which shall include the territory embraced on such date in the counties of Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren.

"(e) Terms of the district court for the said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November, and at Winchester on the first Monday in March and the first Monday in October.

"(f) The middle district shall include three divisions, constituted as follows: The northeastern or Cookeville division, which shall include the territory embraced on January 1, 1937, in the counties of Clay, Cumberland, Fentress, De Kalb, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White; the Columbia division, which shall include the territory embraced on such date in the counties of Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, and Wayne; and the Nashville division, which shall include the territory embraced on such date in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson.

"(g) Terms of the district court for the northeastern division of said district shall be held in Cookeville on the third Monday in April and the first Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the Nashville division at Nashville on the second Monday in March and the fourth Monday in September: *Provided*, That suitable accommodations for holding the courts at Cookeville and Winchester shall be provided by the local authorities without expense to the United States: *And provided further*, That witnesses attending court shall be paid mileage for the shortest and most direct route from the home of the witness.

"(h) The western district shall include two divisions constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, and Weakley, and the waters of the Tennessee River to the low-water mark on the eastern shore thereof wherever such river forms the boundary line between the middle and western districts of Tennessee, from the north line of the State of Alabama, north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of said river; and the western division, which shall include the territory embraced on such date in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton.

"(i) Terms of the district court for the eastern division of said district shall be held at Jackson on the fourth Monday in March and the fourth Monday in September; and for the western division at Memphis on the first Monday in April and the first Monday in October.

"(j) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville and at Greeneville. The clerk of the court and the marshal for the western district shall each appoint a deputy, both of whom shall reside at Jackson. The offices so maintained shall be kept open at all times for transaction of business of the court."

SEC. 2. (a) The district judges for the eastern, middle, and western districts of Tennessee in office immediately prior to enactment of this act shall be the district judges for such districts, as constituted by this act; and the district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be, during the remainder of their present terms of office, the district attorneys and marshals for such districts, as constituted by this act.

(b) The district judge appointed, under authority of the act approved May 31, 1938 (Public, No. 555, 75th Cong., 52 Stat. L. 584), for the eastern and middle districts of Tennessee shall be the judge of the District Court for the Mountain District of Tennessee and hold court in Chattanooga and Winchester. The President is authorized to appoint, by and with the advice and consent of the Senate, a marshal and district attorney for said mountain district. The said district judge for said mountain district shall have the same right to appoint a clerk and other court officials in his district that other judges in the other districts of Tennessee now have, and the clerk of the court of said mountain district shall maintain an office in charge of himself or a deputy at Chattanooga and at Winchester.

SEC. 3. All provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. KEFAUVER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. KEFAUVER: Page 1, strike out all after the enacting clause and insert the following:

"That section 107 of the Judicial Code, as amended, is amended to read as follows:

"'SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"'(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"'(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"'(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

"'(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this act shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

"'(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the act approvad May 31, 1938 (52 Stat. 584), whose official residence shall be at Chattanooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the some compensation as other district judges. The said district judge shall have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this act.

"'(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

"'(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson.'

"SEC. 2. All provisions of law inconsistent with the provisions of this act are hereby repealed."

Mr. KEFAUVER. Mr. Chairman, the amendment that has been offered takes the Winchester division of the central or middle district of Tennessee, some seven counties, I believe, and places it in the eastern district of Tennessee; then the roving judge, who has already been appointed, and who is already down there, is made a district judge of the eastern district of Tennessee. He is given primary jurisdiction to hold court at Chattanooga and Winchester and he is placed in charge of the docket at those two places. He will be the junior judge in the eastern district of Tennessee.

The senior judge will retain control over everything of a district-wide nature. The junior judge, who will have charge of the Chattanooga and Winchester dockets, will have charge of those employees and officers serving his courts who do not have district-wide authority, and he will have the right of their appointment. This does not include the deputy clerk, as the deputy clerk is appointed by the district clerk and he is responsible to the district clerk.

The quarters are already provided. No new quarters are necessary, no new officers are necessary, no new employees, and there is no additional expense involved. This is a committee amendment which has been passed by the Committee on the Judiciary, and it is submitted as a committee amendment.

Mr. GWYNNE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. GWYNNE to the committee amendment: On page 6, line 1, after the period in line 1, strike out the next sentence.

Mr. GWYNNE. Mr. Chairman, I will not make any further statement than I have already made on this bill in general debate. The purpose of my amendment is to strike out that part of the committee amendment which makes this temporary judgeship permanent, and this, in my opinion, is the real objection to the bill.

If we intend to follow the policy that we have heretofore adopted, and a policy which I think will mean a lot for the judiciary of the country, I see no reason why we should not adopt this amendment and let this temporary judgeship remain temporary until some situation arises which might then lead the Congress to a different conclusion. I trust this amendment will be adopted.

Mr. JOHNS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I made a statement here this afternoon that when these judgeships were created there was no limitation placed on the judgeships, except the one down in Tennessee. I have since that time obtained a copy of Public, No. 555,

which is of course the present bill. I find this language, which I quoted to you this afternoon, under subsection (f):

One district judge for each of the following combinations of districts: Eastern and western districts of Arkansas, eastern and middle districts of Tennessee: *Provided*, That no successor shall be appointed to be judge for the eastern and middle districts of Tennessee.

I am satisfied in my own mind that when Congress created these judgeships it had in mind this judge would only be a roving judge, temporarily appointed, and he would never be made permanent. Here is a State with a population of 3,000,000, as stated this afternoon. They had these districts at that time and there was no use of creating as many districts in Tennessee as there is in a State like New York or in a State as large as Texas. What the Congress is doing today, if it passes this bill, is to create a permanent judgeship here when Congress never had in mind that one should be so created.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I do not care to discuss the amendment to the amendment. The matter has been discussed fully on the floor of the House. May I say that this additional judgeship was found necessary years ago. The section has grown very rapidly and the judges have more to do than they have in the average district throughout the United States. I do not think there is any merit in the amendment to the committee amendment offered by the gentleman from Iowa [Mr. GWYNNE].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the Committee amendment.

The question was taken; and on a division (demanded by Mr. HANCOCK), there were—ayes 74, noes 79.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Tennessee.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAMSPECK, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, pursuant to House Resolution 530, he reported the same back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HANCOCK. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 122, answered "present" 1, not voting 153, as follows:

[Roll No. 203]

YEAS—153

| | | | |
|---|---|---|---|
| Allen, La. | Byrns, Tenn. | Cullen | Fries |
| Anderson, Mo. | Camp | D'Alesandro | Gathings |
| Barnes | Cannon, Fla. | Davis | Geyer, Calif. |
| Barry | Cannon, Mo. | Dickstein | Gore |
| Beckworth | Cartwright | Dingell | Gossett |
| Bell | Casey, Mass. | Disney | Grant, Ala. |
| Bloom | Claypool | Doughton | Gregory |
| Boehne | Cochran | Duncan | Griffith |
| Boland | Coffee, Nebr. | Dunn | Harrington |
| Boren | Cooper | Durham | Harter, Ohio |
| Boykin | Costello | Eberharter | Havenner |
| Brooks | Courtney | Edelstein | Healey |
| Brown, Ga. | Creal | Edmiston | Hendricks |
| Bryson | Crosser | Evans | Hennings |
| Buckler, Minn. | Crowe | Flannagan | Hill |
| Hobbs | McAndrews | Patton | Somers, N. Y. |
| Hook | McArdle | Pearson | South |
| Houston | McCormack | Peterson, Fla. | Sparkman |
| Hunter | McGranery | Peterson, Ga. | Spence |
| Izac | McKeough | Poage | Steagall |
| Jacobsen | McLaughlin | Rabaut | Sumners, Tex. |
| Jarman | Magnuson | Ramspeck | Sutphin |
| Johnson, LutherA. | Mahon | Rankin | Tarver |
| Johnson, Lyndon | Maloney | Rayburn | Tenerowicz |
| Johnson, Okla. | May | Robinson, Utah | Terry |
| Johnson, W. Va. | Mills, Ark. | Romjue | Thomas, Tex. |
| Kefauver | Mills, La. | Sabath | Thomason |
| Keller | Monroney | Sasscer | Vincent, Ky. |
| Kennedy, Martin | Murdock, Ariz. | Satterfield | Voorhis, Calif. |
| Kennedy, Md. | Myers | Schulte | Walter |
| Keogh | Norrell | Schwert | Weaver |
| Kleberg | O'Connor | Scrugham | West |
| Kocialkowski | O'Day | Secrest | Whelchel |
| Lanham | O'Leary | Shanley | Whittington |
| Lea | O'Neal | Shannon | Williams, Mo. |
| Leavy | O'Toole | Smith, Conn. | Zimmerman |
| Lesinski | Pace | Smith, Va. | |
| Lewis, Colo. | Patman | Smith, Wash. | |
| Lynch | Patrick | Smith, W. Va. | |

NAYS—122

| | | | |
|---|---|---|---|
| Alexander | Gamble | Jonkman | Rich |
| Allen, Ill. | Gartner | Kean | Rockefeller |
| Andersen, H. Carl | Gearhart | Keefe | Rodgers, Pa. |
| Anderson, Calif. | Gehrmann | Kinzer | Rogers, Mass. |
| Andrews | Gerlach | Knutson | Rutherford |
| Angell | Gilchrist | Kunkel | Schafer, Wis. |
| Arends | Gillie | Landis | Seccombe |
| Austin | Goodwin | LeCompte | Short |
| Ball | Graham | Lewis, Ohio | Smith, Maine |
| Bender | Grant, Ind. | Ludlow | Smith, Ohio |
| Blackney | Gross | McDowell | Springer |
| Bolles | Gwynne | McGregor | Stearns, N. H. |
| Bradley, Mich. | Hall, Leonard W. | McLean | Stefan |
| Brown, Ohio | Halleck | Maas | Sumner, Ill. |
| Carlson | Hancock | Marshall | Sweet |
| Chiperfield | Harter, N. Y. | Martin, Iowa | Taber |
| Church | Hawks | Michener | Talle |
| Clason | Hess | Monkiewicz | Thill |
| Clevenger | Hinshaw | Moser | Thorkelson |
| Cole, N. Y. | Hoffman | Mott | Tibbott |
| Crawford | Holmes | Mundt | Tinkham |
| Crowther | Horton | Murray | Van Zandt |
| Curtis | Hull | O'Brien | Vorys, Ohio |
| Dondero | Jarrett | Oliver | Williams, Del. |
| Dworshak | Jenkins, Ohio | Osmers | Wolcott |
| Eaton | Jenks, N. H. | Pittenger | Wolfenden, Pa. |
| Elston | Jennings | Plumley | Wolverton, N. J. |
| Engel | Jensen | Powers | Woodruff, Mich. |
| Fenton | Johns | Reed, Ill. | Youngdahl |
| Fish | Johnson, Ill. | Reed, N. Y. | |
| Ford, Leland M. | Jones, Ohio | Rees, Kans. | |

ANSWERED "PRESENT"—1

Kilday

NOT VOTING—153

| | | | |
|---|---|---|---|
| Allen, Pa. | Darrow | Kelly | Robsion, Ky. |
| Andresen, A. H. | Delaney | Kennedy, Michael | Rogers, Okla. |
| Arnold | Dempsey | Kerr | Routzohn |
| Barden, N. C. | DeRouen | Kilburn | Ryan |
| Barton, N. Y. | Dies | Kirwan | Sacks |
| Bates, Ky. | Dirksen | Kitchens | Sandager |
| Bates, Mass. | Ditter | Kramer | Schaefer, Ill. |
| Beam | Douglas | Lambertson | Schiffler |
| Bland | Doxey | Larrabee | Schuetz |
| Bolton | Drewry | Lemke | Shafer, Mich. |
| Bradley, Pa. | Elliott | Luce | Sheppard |
| Brewster | Ellis | McGehee | Sheridan |
| Buck | Englebright | McLeod | Simpson |
| Buckley, N. Y. | Faddis | McMillan, Clara | Smith, Ill. |
| Bulwinkle | Fay | McMillan, John L. | Snyder |
| Burch | Ferguson | Maciejewski | Starnes, Ala. |
| Burdick | Fernandez | Mansfield | Sullivan |
| Burgin | Fitzpatrick | Marcantonio | Sweeney |
| Byrne, N. Y. | Flaherty | Martin, Ill. | Taylor |
| Byron | Flannery | Martin, Mass. | Thomas, N. J. |
| Caldwell | Folger | Mason | Tolan |
| Carter | Ford, Miss. | Massingale | Treadway |
| Case, S. Dak. | Ford, Thomas F. | Merritt | Vinson, Ga. |
| Celler | Fulmer | Miller | Vreeland |
| Chapman | Garrett | Mitchell | Wadsworth |
| Clark | Gavagan | Mouton | Wallgren |
| Cluett | Gifford | Murdock, Utah | Ward |
| Coffee, Wash. | Green | Nelson | Warren |
| Cole, Md. | Guyer, Kans. | Nichols | Welch |
| Collins | Hall, Edwin A. | Norton | Wheat |
| Colmer | Hare | Parsons | White, Idaho |
| Connery | Harness | Pfeifer | White, Ohio |
| Cooley | Hart | Pierce | Wigglesworth |
| Corbett | Hartley | Polk | Winter |
| Cox | Hope | Randolph | Wood |
| Cravens | Jeffries | Reece, Tenn. | Woodrum, Va. |
| Culkin | Johnson, Ind. | Richards | |
| Cummings | Jones, Tex. | Risk | |
| Darden, Va. | Kee | Robertson | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Illinois (for) with Mr. Simpson (against).
Mr. Arnold (for) with Mr. Miller (against).
Mr. Ford of Mississippi (for) with Mr. Luce (against).
Mr. Doxey (for) with Mr. Thomas of New Jersey (against).
Mr. Collins (for) with Mr. Bates of Massachusetts (against).
Mr. Pfeifer (for) with Mr. Wigglesworth (against).
Mrs. Clara G. McMillan (for) with Mr. Cluett (against).
Mr. Barden of North Carolina (for) with Mr. Kilburn (against).
Mr. Nelson (for) with Mr. Reece of Tennessee (against).
Mr. Bulwinkle (for) with Mr. Polk (against).
Mr. Clark (for) with Mr. Dirksen (against).
Mr. Mouton (for) with Mr. McLeod (against).
Mr. Fay (for) with Mr. Culkin (against).
Mr. Cooley (for) with Mrs. Bolton (against).
Mr. Gavagan (for) with Mr. Routzohn (against).
Mr. Michael J. Kennedy (for) with Mr. Corbett (against).
Mr. Warren (for) with Mr. Gifford (against).
Mr. Sullivan (for) with Mr. Edwin A. Hall (against).
Mr. Richards (for) with Mr. Guyer of Kansas (against).
Mr. Starnes of Alabama (for) with Mr. Jeffries (against).
Mr. Murdock of Utah (for) with Mr. Hope (against).
Mr. McGehee (for) with Mr. Johnson of Indiana (against).
Mr. Schaefer of Illinois (for) with Mr. Lamberton (against).
Mr. Randolph (for) with Mr. Treadway (against).
Mr. Kelly (for) with Mr. Vreeland (against).
Mr. Kilday (for) with Mr. Harness (against).
Mr. Coffee of Washington (for) with Mr. August H. Andresen (against).
Mr. Vinson of Georgia (for) with Mr. Barton of New York (against).
Mr. Byron (for) with Mr. Case of South Dakota (against).
Mr. Ellis (for) with Mr. Ditter (against).
Mr. Cravens (for) with Mr. Hartley (against).
Mr. Colmer (for) with Mr. Schiffler (against).
Mr. Parsons (for) with Mr. Douglas (against).
Mr. Kramer (for) with Mr. Wheat (against).

General pairs:

Mr. Cox with Mr. Englebright.
Mr. Darden of Virginia with Mr. Mason.
Mr. Drewry with Mr. Martin of Massachusetts.
Mr. Cole of Maryland with Mr. Robsion of Kentucky.
Mr. Mansfield with Mr. Welch.

Mr. KILDAY. Mr. Speaker, on this vote I voted "yea". I have a pair with the gentleman from Indiana [Mr. HARNESS], who would vote "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes."

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an extract from my statement on the Burke-Wadsworth bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Northwestern Lutheran.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, twice, last week and this week, I had permission to address the House for 10 minutes. On each of those days there was no legislation. I ask unanimous consent that on Wednesday of next week, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, in view of the fact that tomorrow the tax bill is coming up, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement on the tax bill signed by myself and seven colleagues.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. GEYER of California asked and was given permission to extend his own remarks in the RECORD.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Fraternal Order of Eagles, with a resolution. Secondly, I ask unanimous consent to extend my own remarks and include therein a letter from the Walnut Growers of California, with certain inclusions, including short tables.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER, for the rest of this week, on account of the death of his brother.

To Mrs. MCMILLAN, for the balance of this week, on account of illness in family.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute to ask the majority leader a question.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. What is the program for tomorrow and Friday?

Mr. RAYBURN. Tomorrow the tax bill only and on Friday the so-called wool labeling bill, and that will be all for this week.

Mr. MICHENER. And we will then adjourn until Tuesday?

Mr. RAYBURN. Until Tuesday; yes.

The SPEAKER. Under the previous order of the House the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. THILL. Mr. Speaker, will the gentleman yield me 30 seconds?

Mr. HOFFMAN. I yield.

Mr. THILL. Mr. Speaker, Sir George Paish, British economist, has recently admitted that he would carry on British propaganda activities in this country. His speaking tour was planned for the purpose of dragging this country into war. There is no more despicable activity than that carried on by Nazi, Fascist, Communist, and British war propagandists who, by fair means or foul, carry on their nefarious business.

Hundreds of alien agents are registered with the State Department and this country is making no strenuous effort to check up on their activities. I propose that immediate steps be taken by Congress to investigate war propagandists in this country and enact legislation to deport them. Nazism, fascism, communism, and British imperialism are foreign to Americanism and these foreign "isms" should not be tolerated in our country. [Applause.]

SENATE DECLARES DICTATORSHIP

Mr. HOFFMAN. Mr. Speaker, Wednesday, the 28th day of August, today, should long be remembered by those of us who have the privilege of being in Congress, for today it was that the Senate declared the provisions of the Constitution should no longer prevail in this land of ours and that we should have a dictatorship. That conscription bill you have heard about was under consideration over there and this amendment was proposed and adopted:

The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows—

This is the amendment:

*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Depart-

ment, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms, pending the determination of the issue: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GEYER of California. I am personally opposed to the conscription bill; but does not the gentleman believe that if we do that with respect to manpower, there is no good reason why we should not also conscript material wealth? Would the gentleman mind elaborating on that?

Mr. HOFFMAN. Of course, we have had conscription of a sort. We have had conscription of property for the last 3 or 4 years in a modified form; but this amendment adopted by the Senate takes property right now without any act on the part of the Congress, without any act on the part of the court. Out of the window goes that provision of the Constitution which declares that the property of the citizen shall not be taken from him without due process. Now, I am sure the gentleman from California realizes that within the last 3 or 4 years we have been appropriating money here, you know, for relief.

No one, or very few anyway, felt free to vote against relief bills because when they did they were charged with being—well, lacking in charity and kindness and all that, and so in a way, by force of public opinion, many were forced to part with property, through taxation, and that was a sort of conscription, do you see? Then you know that money, instead of being used for relief, was used to buy votes.

Now, the administration realizes that the people are on to this spending program and this wasting of money, this spending to save, to create prosperity, those foolish ideas that have not gotten us anywhere, and so the New Deal must have a new issue. In order to be reelected to a third term the President must have a war and with his war he has to have all of the—well, you might say appurtenances or the window dressing that goes with a war.

He not only has been talking about war, not only giving offense to foreign nations by what he said and did, but he has been putting on the stage here in America all of the trappings of a war; he has been whipping up a war spirit. To distract attention from his record of incompetency in domestic affairs he had to create that feeling of fear, of hate, of revenge against Hitler. He had to hold before the people a picture of how close this war was to us and with it he had his demand for billions of dollars which we were forced to vote for, because we could not take the chance of a foreign invasion which he might bring on. He had frightened us half to death, or he had frightened many of the people so that they were after us to vote this money for defense. And we voted it. That was one of the little shows that he brought out on the platform with him when he crowded himself onto the stage of world affairs, and fit companion is he of Hitler and Mussolini.

Then he came along with this conscription bill. Going to take the youth. Now, I am getting to your proposition. Weeks ago—I think I put it in the RECORD, but I know I put it out in the district—my idea of that was that if we are to conscript the youth of the land, if we are to take young men between 21 and 31 and force them to fight away down in South America so that Roosevelt can be our third-term President, if we are going to do that, then let us let the tail go with the hide, as they say out in the country, and conscript property, too. Now, I ask you, do you agree with me? Do you approve of this last paragraph which says that notwithstanding any of the acts of Congress, notwithstanding any laws we have passed on conscription of property and men, that employee standards should remain the same? Do you?

Mr. GEYER of California. I will answer the gentleman like this——

Mr. HOFFMAN. Can you answer that "yes" or "no"?

Mr. GEYER of California. No.

Mr. HOFFMAN. All right.

Mr. GEYER of California. I will say that if we agree the emergency is so great that it is necessary to take men, then we should take property, but I would like to take the property first before we take the men.

Mr. HOFFMAN. And divide it.

Mr. GEYER of California. No. You added that. I did not.

Mr. HOFFMAN. Now, I asked you a question and you did not answer. I asked you this: If there is an emergency which, of course, you assume there is, and you must have that assumption in your mind or you never could justify conscription, but if we are to have conscription of men and property, is there any reason why the men who work in factories should be exempt?

Mr. GEYER of California. No; I agree with you on that.

Mr. HOFFMAN. In my opinion, if you are going to take men to serve in South America or even here in America, when we are not at war, but certainly if there is a war, if you are going to take men for that purpose, is there any reason why you and I should sit here in Congress and draw $10,000 a year while those men serve for $30 a month? I will tell you what I favor: If you are going to have conscription, let us have it all down the line.

Mr. GEYER of California. I agree with you 100 percent.

Mr. HOFFMAN. Everyone?

Mr. HILL. Certainly.

Mr. HOFFMAN. Let us all ride on this platform of national defense.

Mr. HILL. But you spoke about dividing the wealth. Of course, we do not believe in that, but when you take a man to be a soldier, do you divide him up? Of course, you do not. You make him serve. That is what we want to do with wealth—to make it serve our country in its defense.

Mr. HOFFMAN. Are you willing to serve in the House for $30 a month and your board and clothing? I am.

Mr. HILL. Of course not, unless every big industrialist is forced to do the same and forego his excess profits.

Mr. HOFFMAN. Of course not. Why not? [Applause.] I note that after you answered "of course not" you added "unless every big industrialist is forced to do the same and forego his excess profits." I have no objection to the addition.

Mr. SCHAFER of Wisconsin. The gentleman should not worry, because an amendment which I intend to offer will be germane. The Col. Julius Ochs Adler New Deal compulsory military-service bill had a 65-year age limit and exempted Members of Congress from the draft. I propose to offer an amendment to specifically include all Members of Congress up to the age of 65 in the first draft, and let them serve in Uncle Sam's Army or Navy for $21 a month instead of $10,000 a year. This draft-wealth amendment incorporated by the Senate will not draft the wealth of Barney Baruch or the multimillionaire warmonger Roosevelts, or any of the warmonger international bankers who are furnishing the money for William Allen White to disseminate war-intervention propaganda.

Mr. HOFFMAN. At the risk of some repetition, let me get back now to the thought I had in mind when I began to speak.

There has been no declaration of war, and, though the administration has been steadily driving toward the involving of this country in war and though it has been guilty of many unneutral acts, Congress has not declared war. True, our Government, under the direction of the President, though not engaging in overt acts of war, has been taking part as an active belligerent by the furnishing of munitions of war. Nevertheless, though the administration has carried on as though we were at war, the people as a whole have assumed or at least they have not realized that we were engaged in war.

The conscription bill pending before the Senate is based upon the President's assumption that inevitably, sooner or

later, the United States must by armed forces become an active and aggressive participant in that war.

The President realizes only too well that the record of his incompetency, his waste, and his extravagance, the use of Federal power and money to sway the voters, has caught up with him. He realizes that his spending, his patronage, the powerful inducement which he and his supporters can hold out to the voters are not sufficient to re-elect him for a third term. He knows that only as he is successful in making the American people believe that they are in danger from an invasion by Hitler and in further convincing them that he is the only man competent to guide us through such an emergency can he hope for a re-election. Without a re-election his drive to do away with our constitutional form of government; to establish him as absolute ruler must fail; to accomplish his purpose a war or a fear of war is necessary. Hence, he not only engages in provocative acts and utterances, utterances and acts which would tantalize a far more patient man than Hitler into action, but he sets in motion here in the United States all of those activities which ordinarily accompany and are a part of a war.

On May 16, in his address to Congress, he pointed out that this country was in danger of invasion by Germany from Greenland, from the West Indies, from South America, and that St. Louis and Kansas City and Omaha were only 2¼ hours from what might be German bombing bases.

He followed that by a demand for something like $10,000,000,000 for national defense, and Congress yielding to his demands, gave him the money; then came the demand for the conscription of the youth of our land and for the placing under his authority of the National Guard. First disguised as a preparedness measure, it now has developed into a demand for the creation of a standing army of over a million men, with authority to use that force anywhere in the Western Hemisphere.

Today, apparently confident that he is firmly seated on a throne, with absolute power at his disposal, there went through the Senate the amendment to the conscription bill which I quoted, and by which the provision of the Constitution protecting the citizen in his right to property is abrogated, and the President is more securely seated on his throne in the White House.

Not long ago there was slipped through the House by subterfuge a somewhat similar amendment. That grant of power also went through the Senate but there was a promise made in the House that it would be repealed. But today the administration obtained passage by the Senate of the amendment I have quoted. That amendment gives the President of the United States, through the Secretary of War and through the Secretary of the Navy, the power and the authority to take over private property at discretion.

What is there left of constitutional liberty here in the United States when this bill as amended is once signed by the President? Men can be taken from their homes, from their businesses, and drafted into the United States Army. Thus in times of peace, the property of the individual can be taken from him at the President's discretion.

One thing the bill does do. Note the last sentence, it is this:

*Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Do you get the meaning of that; the youth of the land are to be taken from their homes and to be, at the President's discretion, sacrificed on the battlefields of the western continent; yes, anywhere in South America; but those who remain at home as employees in factories shall continue their work in places of safety at the same rate of pay under the same hours as though no emergency, no war, existed. Why this proviso—it was to secure the support of the so-called labor vote—that is, the organized labor vote—the vote of the men who are working in factories. In short, American manpower, American property is to be conscripted. The lives of draftees are to be endangered, the property of the homeowner is to be taken from him, but none of the President's social reforms, so-called, are to be disturbed. France met disaster under that theory. The administration is following the same road.

If men are to be conscripted in time of peace, and I intend to vote against peacetime conscription, I see no reason why a like sacrifice should not be demanded of property owners, those who remain at home in safety and in comparative comfort. And a like sacrifice of factory workers. Why not all get in the same boat?

A week ago I suggested that if loyal Americans were to be conscripted and required to serve for $30 a month and if the Communists and their "red" sympathizers and those of us who were not drafted were to remain at home, some drawing wages or salaries many times that of soldiers, we should make conscription universal and that doctors, lawyers, clerks, merchants, farm workers, should then submit to Federal regulations which would give to them clothing and shelter and $30 a month compensation during the duration of the emergency. In this classification I would include not only those mentioned but I would include Congressmen and Senators.

I would include every Federal official, the President of the United States and his wife, the Members of the Cabinet, the new dealers, and all of their communistic friends. Such a provision in the conscription law would quickly end the propaganda for war and conscription. If the need of our country is so great that we must again send an army across the seas, then let all who remain at home make not a like sacrifice for that would be impossible, but let them be required to do their part and undergo the same hardship and make the same sacrifices as near as may be to those made by the draftees.

If such a requirement was made there would be fewer votes for conscription, for involvement in the foreign entanglement against which Washington warned us. And out of the picture would go Roosevelt, his dream of a third term, his obsession of being ruler of the Western Hemisphere.

Mr. Speaker, there are others who want to speak now, and I yield back the balance of my time. [Applause.]

The SPEAKER pro tempore (Mr. GORE). Under the previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 15 minutes.

Mr. FISH. Mr. Speaker——

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield briefly.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks at the point where I answered the gentleman from Michigan, if I may.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, I do not know what the gentleman is going to insert.

Mr. HILL. I am going to explain that I have other expenses, just as the gentleman has; and, secondly, that I am willing to be taxed to the limit on my salary.

Mr. HOFFMAN. The gentleman will put them in at that place and give me a chance to see them?

Mr. HILL. Yes.

Mr. HOFFMAN. So I may revise what I said after that?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none, and it is so ordered.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I have taken this time most reluctantly at this late hour. I understand there will be no other chance to speak until after the end of next week, or within the next 10 days, and I want to answer certain charges that have been published in the press against the National Guard. Before I do so, however, I wish to refer very briefly to some remarks made by the majority leader, who tried to take the Republicans to task this morning by pointing out a conflict of opinion between Wendell Willkie and Senator MCNARY in their acceptance speeches.

I wonder what the majority leader would have to say about a statement that appeared in today's paper by Elliott Roosevelt, one of the sons of the President, who, in speaking about

our attitude toward Great Britain and what it should be, has this to say:

> Your battle is our battle. If you need 10,000 planes and 20,000 pilots you can have them. If you need 100 destroyers we will build them for you.

I wonder if there is any conflict between the opinions of Elliott Roosevelt, the son of the President, and the President of the United States? I am reminded of the Biblical saying—

> The voice is Jacob's voice, but the hands are the hands of Esau.

I am inclined to believe that the hands are the hands of Elliott Roosevelt, but the voice is the voice of the President of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. Mr. Elliott Roosevelt might be interested in selling the British airplanes. If the gentleman will come to my office I will take him down to a safety deposit box and show him the affidavit of Anthony H. S. Fokker before the Senate committee investigating the munitions industry on September 18, 1935, in which he testified that he, Mr. Fokker, was to receive $500,000 and Elliott Roosevelt $500,000 commission on the sale of 50 Lockheed-Douglas military airplanes to the Russian Communist butchers in Moscow. The commission for Elliott Roosevelt was excessive, Mr. Fokker stated in his affidavit, because Elliott Roosevelt said that he could hijack the United States Treasury through the Export-Import Bank and get the money for the purchase of the planes into the hands of the Russian purchasing commission and put sufficient pressure on the commission so that it would buy those planes. Mr. Elliott Roosevelt is no doubt speaking as an ace military airplane salesman.

Mr. FISH. I thank the gentleman for supplying the motive. I was not aware of the motive, but I am convinced that both the President and his son, Elliott, are of one mind on intervention and war.

Mr. SCHAFER of Wisconsin. Jimmy will no doubt insure the planes, as he did the "clipper" planes of the Pan American Airways, which received Government subsidies of millions of dollars from the New Deal. Many of the planes for the British mentioned by Elliott Roosevelt in the press article which the gentleman has referred to will no doubt be sold by Elliott, insured by Jimmy, and equipped with vanishing cream, beauty rest mattresses, and Sweetheart soap by Eleanor. [Applause.]

Mr. FISH. Mr. Speaker, an article appeared in the Washington Times-Herald of yesterday, an anonymous letter published upon the front page, supposed to be written by a member of the National Guard who had taken part in the war maneuvers held in the northern part of New York last week. This anonymous letter makes certain specific charges against the guard and the failure of the guard in those maneuvers.

I happened to have attended those maneuvers in my capacity as a colonel in the Reserves, and also as an observer and liaison officer directly for Lt. Gen. Hugh A. Drum. I believe those maneuvers demonstrated the highest kind of morale and spirit among the officers and men. The maneuvers themselves were a great success from every point of view. These charges that have been made by this unknown guardsman in my opinion are utterly unwarranted, absolutely false, and I believe deliberately malicious. He goes on to say that something like three-quarters of his outfit were sick with ptomaine poisoning. The record shows, and we can only go by the record, that sickness in that maneuver consisting of 100,000 men of the National Guard, Regular Army and Reserve officers was less than one-half of 1 percent, whereas the average sickness in maneuvers of this kind runs around 2½ percent.

I had an opportunity probably more than anyone there to cover all the different units because I had a car put at my disposal and I was regarded as a neutral and could go wherever I wanted to. I went to corps headquarters, division and brigade headquarters, to regimental post commands, to the front-line battalions, and the outposts. Day and night I was in touch with both the officers and the men. I knew of no insubordination whatever or never heard of any until I read the anonymous letter in the Times-Herald. The charges that are made against the morale, discipline, and efficiency of the National Guard should be answered, because the attention of Congress has been called to them specifically by the Times-Herald. Mr. Speaker, I want to take this opportunity to say that there are no more loyal Americans than the members of the National Guard. [Applause.] They have proven their loyalty. They proved it long before those of us who are now so interested in national defense due to war hysteria began even thinking in terms of national defense. They sacrificed their time and their jobs because they believed in national defense years ago, and they volunteered and served in the guard. There is every reason to believe that those volunteers make better soldiers than those who are forced to serve even against their will, as they would be by any conscription in peacetime.

In comparison to the Regular Army the enlisted men of the National Guard are of a higher type than that of the Regular Army and given the proper equipment and adequate training the National Guard man will make a better soldier than those in the Regular Army. I doubt if that statement will be denied by any well-informed Regular Army officer.

I am a Reserve officer with the kindliest possible feeling toward the Regular Army. I was brought up opposite West Point and I know a great number of Regular Army officers and have faith in them. I do not think you will find a higher type of citizen in the United States than our Regular Army officers, but there is much to be desired among those who have enlisted in our Regular Army. As between the enlisted men of the Regular Army and the National Guard I will take the National Guard every time.

In these maneuvers, of course, there was a sad deficiency in matériel. We did not have sufficient tanks, antiaircraft guns, airplanes, and antitank guns, but as far as the maneuvers were concerned they went off like clockwork. The staff work was excellent, the troops were transported there, fed, clothed, and put in the line with little or no confusion.

They carried out their mission according to the plans of General Drum and his staff, and I have not one single word of criticism after 2 weeks spent as an observer at those war maneuvers, the greatest single war maneuver ever held in the United States in times of peace or since the World War. I hope the other war maneuvers in other sections of the United States will be as successful as those that were held in the northern part of New York State.

General Drum asked me to submit a report, which has nothing to do with the charges that were made by this anonymous guardsman. Let me say about this guardsman: He was a member of the Twenty-ninth Division, a Maryland-Virginia division, which confronted the First Regular Army Division, supposed to be the crack division of the United States Army. It was a motorized division, by the way. Some of the Regular Army officers thought that the First Division, being motorized, and a part of the Regular Army, would overrun the Twenty-ninth and Twenty-eight National Guard divisions, which were opposing them. Just the opposite occurred. The motorized division took the defensive and got out of touch with the Forty-third Division on its flank. The Maryland-District of Columbia-Virginia outfit, the Twenty-ninth, and it happened to be the Fifth Maryland Regiment, seeing the opening, siezed the opportunity to get into the rear of the First Division, and captured the bridges in its rear over which it had crossed. The Twenty-eighth Pennsylvania Division outflanked the First Division on the other flank and took 300 of its trucks. Within 24 hours after the battle had commenced the First Regular Army Division was completely surrounded and would have been destroyed except that for the purpose of carrying on the maneuvers the umpires had to let it get back into its original position.

That is nothing against the First Division, but it is something in favor of the National Guard divisions, their officers and staff, and particularly the Twenty-ninth Division. We

have in this House as Assistant Parliamentarian Lieutenant Colonel Roy, who took part in those maneuvers. He is a lieutenant colonel in the Twenty-ninth Division of the District of Columbia Guard. [Applause.] I have discussed this matter with him, and he is in entire accord with my views that these charges are utterly unwarranted and are false. I believe they are deliberately malicious. It may be a planned attempt to undermine the confidence of the Members of Congress in the National Guard, because this was called to the attention of the Members of Congress, maybe in order to turn them in favor of some kind of conscription as opposed to the volunteer system.

Mr. Speaker, in the time remaining to me I want to read a report that I wrote for General Drum, through the channels, on the maneuvers held last week in northern New York. It is, as follows:

HEADQUARTERS DIRECTOR,
FIRST ARMY MANEUVERS,
*Canton, N. Y., August 22, 1940.*

To: Col. C. W. Wickersham, Infantry Reserve.
From: Col. Hamilton Fish, Special Reserve.

The military-training program organized and conducted by Lt. Gen. Hugh A. Drum during the month of August in St. Lawrence County, in northern New York, far surpassed anything of its kind since the World War.

The war maneuvers simulating actual battle conditions for three Army Corps consisting of approximately 100,000 men composed of elements from all branches of the service, including Regular Army, National Guard, and Reserve officers, was conducted with great skill and efficiency, and run according to a prearranged schedule with clocklike regularity.

The transporting, feeding, and providing for an Army of 100,000 soldiers in peacetime is a difficult problem in itself. There was not a single hitch in this program essential to the success of large military maneuvers.

The actual battle maneuvers that followed the preliminary training were conducted in such a realistic manner that both officers and men learned from actual experience under battle conditions to put into effect what they had acquired from months and years of military training. This combat exercise following preliminary military training is invaluable and absolutely essential in order to train an army to meet any potential enemy.

The largest peacetime maneuvers held in the United States since the World War were run smoothly, intelligently, and with a minimum of confusion, and were highly instructive and of great military value in promoting the national-defense program and the actual defense of our country.

The spirit shown by officers and men throughout the maneuvers was excellent. The entire personnel were imbued with a desire to learn the art of war which was demonstrated by the intense interest and cooperation shown by all elements of the service participating in the maneuvers.

One of the indirect results of the large-scale peacetime maneuvers was to promote a better understanding, respect, and cooperation between Regular Army, National Guard, and Reserve officers, and of equal importance the appreciation of our armed forces by the press and the public. The peacetime maneuvers were conducted in such an admirable manner as to gain the confidence and the support of the American people who are vitally interested in national defense.

RECOMMENDATIONS

A. Immediate appointment of an appropriate Army Board to consider and report on the adoption of a uniform for both officers and enlisted men. Present uniforms are lacking in uniformity and have little or no camouflage in the field. In addition the uniform of the enlisted men are far from smart and that of the officers far from being uniform.

B. Equipment. New Allis-Chalmers tractors for 155 G. P. F. so hastily constructed that they are literally shaking the bolts out everytime they are used. Tractors with 60 hours' use are almost unserviceable. The exhaust pipe on the hood permits noxious gases to blow into the driver's face making him ill. Immediate investigation urged before large numbers of these tractors are ordered.

C. Stress the importance of continued training in establishing more adequate, intelligent, and speedier liaision between front-line battalions and the air service. Room for much improvement, practice, and coordination.

D. The use of tanks and motorized artillery and infantry into compact, rapid, hard-striking units to envelop the flanks of the enemy or to break through the center in order to disrupt the rear communications is of major importance and ought to be immediately put into effect by the War Department.

E. Artillery psychology needs shaking up in order to attune to the use of tanks, armored and scout cars and the possibility of effecting heavy and critical losses on attacking enemy infantry and cavalry by direct fire at 1,000 to 1,500 yards when field of fire affords opportunity. Use of artillery should be more aggressive and more flexible.

F. The liaison from division and brigade to front lines should be more effective. The regimental commander often has no idea of the location of the brigade or division CP. There should be more motorcycles assigned to both division and brigade headquarters. Both division and brigade should take more initiative and go after information instead of waiting for it.

G. The northern section of New York State has proved to be admirably adapted for war maneuver purposes and training during the summer months.

Strongly urge the immediate expansion of Pine Camp, N. Y., by acquisition of 50,000 acres of additional land to make it an effective and permanent artillery training center. Also, the acquisition of 200,000 acres of land by the Federal Government or State, 20 miles south of Pine Camp for permanent maneuver grounds. This land is well adapted to maneuvers and training purposes, consisting largely of abandoned or poor farms and can be bought at a comparatively small cost. There is available a stretch of land 30 miles from north to south and 18 miles from east to west. I am convinced, after inspection, that the best interest of both the State and Nation would be served by immediate purchase of these lands in order to establish a permanent military training and maneuver site in northern New York irrespective of the developments in Europe.

HAMILTON FISH,
*Colonel, Specialist Reserve.*

In conclusion, Mr. Speaker, I want to take this opportunity to say that the American volunteer, given adequate training and equipment, is the equal, if not the superior, of any soldier in any army in the world. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include the report to which I referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. FISH]?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 45 minutes.

## THE RIGHT OF FREE SPEECH

Mr. WOODRUFF of Michigan. Mr. Speaker, sometime ago I had occasion to address this House in protest against an unfair and un-American attack on the character of a man who winged his way over the ocean to France. Alone, unaided except by his supreme and magnificent faith, he wrote a saga of the air, and embellished and emblazoned by his heroic exploits one of the most shining pages in American history. I rose on the other occasion to deliver my remarks in defense of this man's right to speak his views, not because he needed my humble defense, but because my own ideals of Americanism, and my own sense of decency and fair play impelled me to speak.

Again I rise in this Chamber, Mr. Speaker, to address my colleagues not in defense of the Lone Eagle, but in defense of the fundamental right of free speech. It is true that again Col. Charles A. Lindbergh is one of the individuals involved. But I want to say to you, sir, that every restriction sought by the New Deal administration or by any others to be placed upon the freedom of speech of Col. Lindbergh, every limitation sought to be laid upon his rights, as a citizen, to express his sentiments and his views, every false insinuation leveled at him, every unfair epithet applied to him, is fundamentally directed at every citizen in these United States who believes in his or her right to express opinion or sentiment upon those matters which vitally concern them.

We must remember that we cannot limit the speech of one without potentially limiting the speech of all. The moment we accept in this country the technique of character assassination in order to prevent free and frank discussion, we have set up that weapon of character assassination not against one citizen of this Nation alone, but against all citizens of this Nation. If such a technique were accepted in this country, it would be a technique not against an individual or a political party, as such, but against the whole Constitution and the Bill of Rights.

The first time Colonel Lindbergh was attacked for his addresses, it might possibly have been ascribed to an unwise overzealousness on the part of the New Deal proponents. But it has happened again. There is a singular, and exceedingly sinister, aspect of this second attack which I believe the members of this House will see as I see as a deliberate, dangerous, unfair, and un-American practice which has grown

up in the New Deal administration. Almost as soon as it became known that Colonel Lindbergh was going to deliver an address over the air, and 2 days before he did so, the New Deal appointed one of its ablest spokesmen to answer Colonel Lindbergh, even before the administration possibly could know what he was going to say. Now, what does this mean? What does it indicate, Mr. Speaker?

You will recall, sir, that following the President's attempt to pack the Supreme Court, his vengeance and that of his anonymous cohorts sought to satisfy itself by the purging of those Senators whose patriotism and innate integrity prevented them from yielding to the demands of the Chief Executive that they strike down the independence of the judiciary. The new dealers boasted that they were going to purge those men. They were to be liquidated from public life, said the White House janizaries. These administration "hatchet" men were, as Col. Hugh Johnson would say, going to do an "ax" job on them. Where did these new dealers get their terms of "purge" and "liquidate?" Why, Mr. Speaker, those terms came across the seas from the delectable Mr. Stalin's terror-ridden Russia. Those terms fell from the lips of the fellow travelers who infest the New Deal bureaucracy from end to end.

I see in this second dastardly and cowardly attack on Colonel Lindbergh the policy of purging and liquidating official opponents and critics being extended to the citizens in private life who dare to disagree with this arrogant bureaucratic power in Washington that calls itself the New Deal administration.

I see in this attack on Colonel Lindbergh, Mr. Speaker, an attempt to do an "ax" job on him, just as these new dealers are ready to do an "ax" job on me or you or anybody else who dares to raise his voice against their policies.

Deliberate and inexpressibly shameful falsifications are involved in this second attack on Colonel Lindbergh. There was not a single administration spokesman in official position or out of it who charged Colonel Lindbergh with being biased in favor of the Nazi Government because that Government had decorated him, who did not know the truth about that episode. Why, Mr. Speaker, the whole Nation knows that decoration was unsought and unexpected by Colonel Lindbergh. It was suddenly thrust upon him at a function in the American Embassy under circumstances that to have refused to accept it would have been grossly insulting to a government that was at peace with his own and which was his host. Although his critics might not be able to understand this fact, Colonel Lindbergh, in addition to being a brave and able man, is an American gentleman.

The fact of the matter is, and the whole of America knows this, Colonel Lindbergh has medals from every country in the world. It takes showcases in the St. Louis Museum even to display his collection of medals. When his would-be detractors employ that argument to try to discredit Colonel Lindbergh, they are not saying what he would do for a medal; they are revealing what they would do for a medal.

Now, Mr. Speaker, what does this attack mean? What are we to see in this assault upon a brave and able and an honorable and patriotic gentleman who not only does not have to seek medals, who has been loaded with honors by every nation in the world, but who, instead of seeking publicity, as his traducers intimated, has gone to the most unusual lengths to avoid publicity? What does it mean? It means that there is not an individual, priest or layman, man or woman, great or humble, who cannot expect to be "smeared," and to have an "ax" job done on them by these new dealers if they dare to criticize a single act of this corrupt political bureauracy which sets itself up as being sacrosanct.

Now it matters not at this time whether Colonel Lindbergh was right or wrong in his statements; but it does matter that because he disagreed with the administration one of its official spokesmen should declare him to be the leader of the "fifth columnists" in this country.

A "fifth columnist" is sometimes a traitor, and always a menace to a country. Colonel Lindbergh has not sold out to any country. He is pro-American. But he disagreed with the present administration, and is, therefore, in its view, dangerous. For a second time, deliberately and unfairly, it was pointed out that he received a medal from the Nazi Government. Such innuendo is deliberately false.

It is interesting to note that there is a consistency in these attacks on Colonel Lindbergh and others who have the honesty and courage to disagree with some of the policies of the present administration. The papers announced 2 days before the speech an administration spokesman would answer on the night after the Lindbergh talk.

What does this mean? It means that the administration has a well-planned and subtle technique in which anti-administration speakers are to have the finger of shame pointed at them in an underhanded attempt to discredit what they say. They are to have the dagger of innuendo plunged into their backs to the hilt. They are willing to strike at the very heart of our great constitutional Republic—the right of free speech. They do not attack the arguments of Colonel Lindbergh. There is no fair discussion. They do not directly deny the right of Mr. Lindbergh or others to speak. The attack is much more insidious than that. They rank the man who dares to disagree with their policy with Judas, with the Benedict Arnolds of the past, so that he who disagrees must be doubly brave to withstand not only attacks upon the principles for which he argues but upon his character and reputation as well.

What is the underlying principle back of this attack? Five years ago there were men in Germany who disagreed with the policies of the leader. They were accused of being traitors to the fatherland. Does not this attack on Colonel Lindbergh seem strangely parallel? This type of political technique to eliminate opposition to the leader is very familiar in Russia also, where permanent liquidations of those opposed to administration policies take place regularly. Invariably they are "traitors," or "fifth columnists," because they disagree with the policies of the "leader." This is a criminal offense in Russia and Germany.

And who in this House can deny that the basic principles of Government administration in Russia and Germany are not the same? Who can deny that their leaders reached their power by the same methods? Of course, we in this country have no concentration camps, no Siberia, but do we not have the beginnings of such—when those who disagree with the present administration are held up to the public scorn of the people as traitors? Does there not seem to be a similarity in principle between the actions of the dictators in Europe and the trend of the defenders of administration policy in this country?

We should all have deep respect for the right of free speech. We know that it has been won through oceans of blood; through thousands of individual sacrifices by obscure persons unknown to history, who realized that their only hope for the peace, prosperity, and happiness of their posterity could come through free speech. For with free speech came liberty automatically, and with liberty came opportunity and the right to work and to acquire possessions. That right has made this country the most enlightened the world has ever known.

Free speech made possible the creation of our Constitution. How without daring free speech could our founding fathers have formulated the document that for 150 years has been the marvel of men, the foundation of the security of the people of the United States, and the envy and the hope of the downtrodden people of Europe?

In this country we have had cases where known Communists, working for the definite destruction of our Constitution, were haled into court. They have successfully used for their defense the claim that their constitutional right of free speech was being denied them. These leaders of the present administration were silent in these cases. They did not name such persons "fifth columnists." It is to be remembered, however, that the Communists did not publicly disagree with the administration.

This, I believe, is the first time in our history that a man disagreeing with an administration has been placed in the hateful category of "traitor." Thomas Jefferson, to be sure,

was called an anarchist. Alexander Hamilton was named "the Kingmaker." Our fifth President was called "Monarch" Monroe. But at no time was there ever any hint that these men did not have the best interests of their country at heart.

Without free speech the path toward totalitarian government becomes broad and easy. The first and most powerful obstacle to such a government, is free speech. Without it the acquisition of power in the hands of one man becomes easy.

We have seen how centralization of government obtained in totalitarian countries. We know that they were founded upon a strong tax on production by the central government and by the obliteration of free speech. This latter was made possible by arbitrary censorship of public means of communication; by the decision of one man as to whether a radio program or a pamphlet or a speech was good or not good for the people. This attitude was stimulated by the constant cry of "traitor" by the defenders of the leader toward those who disagreed with them.

In the past 8 years the whole administration has tended to become strongly centralized. While praising Thomas Jefferson as the great Democrat, it has belied the very essence of his political creed. I refer, of course, to local autonomy in government so that the people may be protected from the tyranny of bureaucratic rule. "That government rules best which rules least," said Jefferson. And yet today we have more government than ever before in our history. And now this trend has reached the point where spokesmen of the New Deal faith accuse those who disagree with them of being "fifth columnists."

This attitude undermines the very foundations of the principles upon which our Government is based. The major doctrine of our political system is the inviolability of the individual. This is at stake today. The pattern and form of our Government is that of a representative Republic, based upon the Bill of Rights.

Countertrends to the Bill of Rights undermine and emphasize those policies destructive to the freedom of the people.

It is absolutely vital to this Nation that the right of free speech be sustained and not abused by false accusation and witnesses.

The big issue confronting us today is concentration of power, and free speech is the people's weapon against it. The power of the people, both political and economic, has been aborted in its distribution. Power belonging to the citizens of this Republic has been taken from them. It has been delegated to individuals and bureaus. To preserve the Constitution and continue the progress we have made in the past these powers must be given back to the people.

Definitions of the issues must be clarified by free discussion and not confused by name calling. The old American principle that government is a liability to be borne by the people for the sake of peace and order has been smeared over by a new concept of government contrary to our ideals and our faith. This new—or rather very ancient—concept maintains that bureaus and the power of one man are assets without which the people cannot survive. To follow out this concept means the growing centralization which we have today.

The idea is not new. For 5,000 years of government it bore monotonous repetition in all nations. It remained for the members of the Constitutional Convention to figure out a working mechanism of government conformable to the laws of human liberty.

Yet we have seen the power of the people taken from them and placed in the hands of irresponsible bureaucrats not even elected by them. We have been told that this must be because things are not as they were; that opportunity has disappeared in this country; that we have reached the limits of our growth. Is this true? And if it be true, must we forego the liberty and the productive enterprise that have made us a Nation with the highest standard of living the world has ever known? Must we now follow the already well-beaten track of European war lords? Must this philosophy of defeat be silently admitted so that those of us who do not agree will avoid the stigma of being called "fifth columnists"?

Today we face major problems. The decisions that we make will affect not only this Nation but the history of the entire world. To accuse a man who disagrees with you of being a traitor in an effort to silence all opposition to a concept of government at variance with the whole spirit of the Constitution is not conducive to constructive thought nor helpful in making those decisions which is our responsibility as legislators.

To thus try to silence free speech is to place this administration and its leaders above the great contributors of political thought who have made this Government possible. The Constitution is based entirely upon the responsibility of the Government to the citizen, while the citizen supports the Government. To take away his power in government, to foist weighty and intricate rules made by equally anonymous and intricate bureaucracies upon him, and then, if he disagrees, to call him traitor is to destroy the basic idea of self-government.

Our old leaders whom we revere were not wrong. Were Jefferson, Washington, Monroe, Jackson, Lincoln wrong because they believed in self-government and free speech?

Mr. Speaker, to abuse and threaten free speech is the road to dictatorship. The trend is obvious to those who will look. More and more is the emphasis placed upon the leader instead of his policies. Hence the third-term attempt. More and more is the power of the people placed in his hands. The very reason for a Constitution eventually disappears as such a trend progresses.

Our Constitution was created to prevent the giving of too much power to any one man. If this power be given to him despite this, then there is no need of a Constitution, and self-government of, by, and for the people becomes an empty phrase over which historians can speculate a century hence.

For it is not the "forgotten man" that we must worry about today. It is the forgotten Constitution, and its principles, we must remember. It has lived for 150 years. That is longer than any written Constitution has ever lived in the history of the world. Under it, a tiny nation, sneered at by arrogant European governments, grew and prospered beyond all reckoning. It grew from 3,000,000 people to 130,000,000 in a century and a half, one hundred and thirty millions who enjoy today the highest standard of living the world has ever known. Our culture is so far superior to that of any other nation as to be beyond comparison, and it is today the responsibility of the House of Representatives that it be maintained.

We attained our present standards not by the orders of a leader or by the arrogant regulations of bureaucracies, but by free speech and all those things that follow where free speech leads. The heart of free speech and its principles rest in this chamber, and I predict that the powers granted the bureaucracies and the New Deal will be given back to the people through the actions of this House. For I think we are all aware that freedom of spirit in this country follows only fair assumptions by one man about another, or by one nation about another; and they are, by and large, Christian assumptions based on sincerity and honesty. These things being true, it ill behooves anyone to accuse another of being a "fifth columnist" because he dares voice his sentiments as a citizen. The action is not American in thought. It is European in concept and is contrary to our whole idea of government and the spirit of our Constitution. And it is not quaint, though some may think so, to admire and respect our Constitution, for it remains the most dangerous document to dictators in the world today and its essence is free speech. [Applause.]

The SPEAKER pro tempore. Under a previous special order, the gentleman from Nebraska [Mr. CURTIS] is recognized for 15 minutes.

### FARM CONDITIONS IN NEBRASKA

Mr. CURTIS. Mr. Speaker, on several previous occasions I have called the attention of the House of Representatives to the extreme drought conditions existing in many of Nebraska's counties. I trust that I will not bore the House by further discussing that situation at this time. Over a wide-

spread territory in the heart of Nebraska the farmers are experiencing their seventh consecutive year of total crop failure. There were some spring rains this year and the prospects for wheat and other small grain at one time looked very good but another devastating drought came and for many sections there was no wheat or other grain at all. On one previous occasion I told the House of Representatives of the information handed to me by a local representative of the Federal land bank, located at Hastings, Nebr. This organization had leased out 97 farms and they report to me that the total income for wheat for those 97 farms was $403, or less than $5 per farm. In addition to that, the corn was entirely burned up and there would be no corn at all. It was destroyed by the drought long before the formation of ears on the stocks began.

This has created a great shortage in feed. This serious situation exists not only for the farmer who has had to receive Government help in the past, but it is a far-reaching problem that touches all of the farmers. It is resulting in the drying up of the milk cows, and the intense heat in some instances has thrown the hens in the farm flocks to an early moult, thus greatly lessening the number of eggs received. The price of corn and of forage feed is very high, so that it is practically prohibitive for the farmers to buy it on their own. Many farmers are compelled to sell their milk cows and the price is running around $21 per head.

Unless some arrangement is made to send feed into this territory it will mean that a great many farmers will have to dispose of all of their cows, pigs, and chickens, and go on relief. This not only creates a very disturbing and serious problem for the coming winter, but it means that they will be unable to carry on on a self-sustaining basis when another season arrives.

I proposed to this Congress that surplus corn now in Government storage be released in this drought area in sufficient quantities, so that the family-type farms may keep their milk cows and a few hogs over the winter to start in with next year, and that they may feed their flocks of chickens. We are not asking that the Government make an outright gift of this corn but we feel that these drought-stricken American farmers should be permitted to buy this corn on the same basis as foreign countries buy it. Recently the United States Government sold approximately 50,000,000 bushels of corn to Great Britain at 50 cents a bushel. In the name of humanity and in all fairness I cannot see why these distressed American citizens are not allowed the same privilege of taking some of that surplus corn off the market.

Another proposal that has been made is that the farmers be permitted to borrow corn from the Government. They could then give a contract to pay which contained an option that they would repay in bushels, instead of dollars, in a period of 3 to 5 years. The amount of corn that any farmer would be allowed to be based upon the acres of corn planted this year. It has been suggested that he be permitted to buy say 10 bushels per acre, based upon the amount of corn that he planted and took care of. This is far less than what a normal yield of corn would be. Such a plan would mean everything to the distressed farmers of Nebraska. But in addition to that, think of the gain that would come to the United States Government. It costs the Government of the United States about 10 cents per bushel per year to keep this stored corn. The Government would save that amount, and at a later period receive the same number of bushels of corn. I am informed that the Government of the United States owns outright at this time about 95,000,000 bushels of corn.

The last-mentioned plan for the borrowing of corn has been suggested to me by a number of farmers and other citizens of Nebraska. It was first proposed by Mr. Hugh Butler, prominent farmer and businessman. It has met with the approval not only of Nebraska farmers but many of the public-spirited citizens of Nebraska. They believe that this Butler corn-loan plan is worthy of sympathetic consideration by the Department of Agriculture.

Yesterday morning I spent the time at the Department of Agriculture discussing the condition of these drought-stricken farmers and urging that feed be made available to them along the line that I have suggested. I talked with a number of men in the Department of Agriculture. In the absence of Mr. Milo Perkins, of the Federal Surplus Commodities Corporation, I talked to the vice president, Mr. Philip F. Maguire. He gave careful and sympathetic attention to my mission there and made some helpful suggestions. I was unable to personally see either Mr. Carl B. Robbins or Mr. John D. Goodloe, of the Commodity Credit Corporation.

I also had an interview with Mr. G. S. Mitchell, assistant to Mr. Baldwin in the Farm Security Administration. Mr. Mitchell was familiar with the drought condition prevailing throughout my territory and while the plan I proposed was not entirely within the jurisdiction of the Farm Security Administration, I did appreciate the kind attention he gave to the matter.

Mr. Claude R. Wickard, the newly appointed Secretary of Agriculture was out of the city and will be out until after Labor Day. I had an interview with the Under Secretary of Agriculture, who appeared to be in charge, Mr. Paul H. Appleby. It would perhaps be unfair for me to suggest that my interview with Mr. Appleby was not satisfactory, because the man was very, very busy.

I think, however, that this Congress, as well as the drought-stricken and hungry farmers of Nebraska, would be interested in knowing why Mr. Appleby was so busy. Mr. Appleby was so terribly busy that it was hard for the needs of these poor, drought-stricken farmers to enter his consciousness. In fact, Mr. Appleby just had a lot of things to do. Apparently, Mr. Appleby has been selected to mobilize the vast and far-reaching organization of the Department of Agriculture, to pernicious and unlawful political activities for the election of Henry Wallace and Franklin D. Roosevelt, the Hatch pure-politics law notwithstanding.

Our conversation was interrupted by four telephone calls. I believe the people ought to know about those telephone calls. All four of them were of a political nature. First, he got a call from some New Deal henchman and they discussed matters relative to the campaign. Among other things, Mr. Appleby said that he would see that the party calling was furnished with several copies in advance of Mr. Wallace's acceptance speech. Now, to keep these New Deal bureaucrats in power, I expect such a mission was more important than the problems of the distressed farmers of a great State.

After this telephone call we again started to talk about the Nebraska situation and there was another telephone call from some New Deal lieutenant. This time Mr. Appleby discussed the speaking schedule. It seems as though they had been lined up for September but thought it unwise to make any arrangements for October. Two or three times in that conversation he referred the man to Mr. Ed Flynn, the chairman of the Democratic National Committee. I could not believe my ears, just think of it, that the great Department of Agriculture was more interested in farmers' votes than in farmers' welfare. After this conversation about the speaking dates we again resumed our talk about the Nebraska farmers. I was under the impression that the Department of Agriculture existed for the Nebraska farmers and the farmers in the other 47 States, but apparently I was mistaken in that assumption. Soon he was called to the phone again. It was another political conversation. This time it appears as though someone had some material to suggest that should go into the Honorable MARVIN JONES' speech of notification of Henry Wallace at Des Moines. I am glad to say, however, that Mr. Appleby made the statement that he thought the gentleman from Texas, Mr. MARVIN JONES, had already written his own speech. And I say "Hurrah for Mr. JONES." I am proud of him. But at any rate the conversation revealed that someone, somewhere, had some ideas that ought to go into that speech and they talked it over. Mr. Appleby thought that it probably should be looked over anyway.

After the Marvin Jones speech had been discussed we again started to take up something about some feed for the hungry livestock in the State of Nebraska. But there was another interruption. This time it was another telephone

call from a Mr. Early; if I remember correctly, that is the name of the secretary to the President. At that time I found it necessary to leave, and thus ended my conference in behalf of American citizens whom I represented.

I want to say to this House and to the Nation that these New Deal bureaucrats, who make political capital of human misery, and who will resort to anything to perpetuate themselves in power, will have to answer to the American people. We know as long as they are in charge of things that there will be no prosecutions under the Hatch Act, neither will there be any dismissal of the offenders.

The policy denying to distressed and worthy American citizens the same opportunity to buy cheap corn as extended to the citizens of foreign lands can never be defended before the American people. The humanitarianism of the crowd that love Argentine beef better than American beef is but a sham, a pretense, and a fake. [Applause.]

Gentlemen, this is a great tragedy. That great Department of Agriculture, created to help American farmers, organized and started out by that illustrious and distinguished Nebraskan and Secretary of Agriculture, J. Sterling Morton, must be returned to the American farmers. The New Deal political vultures must be cast into oblivion, from whence they came. [Applause.]

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from South Dakota.

Mr. MUNDT. The gentleman is an able and tireless worker for the people of his district and is recognized as a real friend of the farmer. The gentleman has given us a very interesting and intriguing review of his experience in visiting the Department of Agriculture. The gentleman's concluding remarks, expressing the belief that a Department of Agriculture should exist primarily to aid the farmers, calls to my mind the fact that when we were discussing parity payments for the farmer, both times in this Congress we had considerable difficulty in convincing some of our colleagues on both sides of the aisle from the metropolitan areas that the farmers needed parity, needed some assistance from the Government.

The bipartisan bloc which we formed to secure these parity payments, and to which both the gentleman from Nebraska and I belonged, suffered considerably from the handicap that neither the Secretary of Agriculture nor President Roosevelt had made any recommendations in the Budget for such parity payments. I believe that had they made such recommendations we would have had a much easier time in our fight to secure the parity payments for agriculture.

Mr. CURTIS. At the same time other officials in the Department of Agriculture were having the people back home put the "bee" on Congress and directing the attention of the people to them as responsible, when there was no Budget estimate for such payments. Mr. Wallace should have made the request for the payments to the Bureau of the Budget.

Mr. MUNDT. I imagine that when the speech of acceptance is made in Des Moines somebody will be claiming credit for parity payments who was not fighting on the firing line when we needed him during that battle and when he was making his annual budgetary recommendations.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Wisconsin.

Mr. MURRAY. Does the gentleman know who Mr. Appleby is?

Mr. CURTIS. No; I do not.

Mr. MURRAY. My information on him is that he graduated from Grinnell College, the same one, I believe, from which Mr. Hopkins graduated, and that he is not an agricultural man and has never been to an agricultural college.

I believe it is time the people of this country recognize that in view of the fact that we have a 50-year background of agricultural colleges all over the United States we cannot accept the program of putting professional politicians in the Department of Agriculture. It is a reflection on our agricultural colleges that in 50 years' time we have not developed men who are capable of being even Under Secretary of Agriculture. They may make good vote getters, but it is wrong to the farm people of this country.

Mr. CURTIS. I thank the gentleman for his contribution.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I have been very much interested in the gentleman's observations. Today I was amazed to hear—and I hold here documents to prove it—that in 1937 and 1938 the President of the United States vetoed twice, once each year, a bill that would give us a lower rate of interest upon these same loans by the Federal Land Bank yet we recently had in our State a great meeting attended by this same Secretary of Agriculture in behalf of a so-called debt-adjustment bill, leading the farmers in our State to believe that they were so much in favor of reducing the rates of interest.

[Here the gavel fell.]

### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.

### ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Thursday, August 29, 1940, at 12 o'clock noon.

## COMMITTEE HEARINGS

### COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Thursday, August 29, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Thursday, August 29, 1940, at 10 a. m., for the consideration of the defense-housing bill.

### COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Friday, August 30, 1940, at 10 a. m., for the purpose of considering all fourth-class postmasters' salary bills.

### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940 at 10 a. m. on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

## EXECUTIVE COMMUNICATIONS, ETC.

1926. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting a supple-

mental estimate of appropriation for the Public Health Service, Federal Security Agency, fiscal year 1941, amounting to $52,600 (H. Doc. No. 941), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 581. Resolution for the consideration of S. 4271, an act to increase the number of midshipmen at the United States Naval Academy; without amendment (Rept. No. 2887). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 87. Concurrent resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to the Excess Profits Taxation Act for 1940; without amendment (Rept. No. 2888). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts; without amendment (Rept. No. 2889). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9982. A bill to require, during an emergency, the shipment and discharge of seamen on certain vessels of the United States before shipping commissioners, and for other purposes; with amendment (Rept. No. 2892). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 583. Resolution for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes; without amendment (Rept. No. 2893). Referred to the House Calendar.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 10413. A bill to provide revenue, and for other purposes; without amendment (Rept. No. 2894). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2895. Report on the disposition of records in the Federal Works Agency, United States Housing Authority. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2896. Report on the disposition of records in the Federal Works Agency, Work Projects Administration. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2897. Report on the disposition of records in the Civil Service Commission. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2898. Report on the disposition of records in the Department of the Interior. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2899. Report on the disposition of records in the Department of Agriculture. Ordered to be printed.

Mr. SOUTH: Committee on Interstate and Foreign Commerce. H. R. 10398. A bill to amend part II of the Interstate Commerce Act (the Motor Carrier Act, 1935), as amended, so as to make certain provisions thereof applicable to freight forwarders; with amendment (Rept. No. 2901). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. H. R. 9625. A bill for the relief of Moses Limon and Ida Julia Limon; with amendment (Rept. No. 2890). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10244. A bill for the relief of Dr. Michel Konne and Pauline Lucia Konne; without amendment (Rept. No. 2891). Referred to the Committee of the Whole House.

Mr. JENKS of New Hampshire: Committee on Naval Affairs. H. R. 7916. A bill granting 6 months' pay to Lillian M. Reymonda; with amendment (Rept. No. 2900). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10422. A bill to eliminate, as a source of potential danger in case of invasion or threatened invasion, certain gas tanks in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AUSTIN:

H. R. 10423. A bill to authorize a preliminary examination and survey of the Byram River and its tributaries in the State of Connecticut for flood control, for run-off and waterflow retardation, and for soil erosion prevention; to the Committee on Flood Control.

By Mr. NORRELL:

H. R. 10424. A bill to authorize the construction of drainage facilities in levees on the south bank of the Arkansas River below Pine Bluff, Ark.; to the Committee on Flood Control.

By Mr. KEAN:

H. Res. 582. Resolution providing for an investigation of the slum-clearance and low-rent housing program; to the Committee on Rules.

By Mr. FISH:

H. Res. 584. Resolution requesting the Secretary of the Navy to transmit information on airplane contracts; to the Committee on Naval Affairs.

H. Res. 585. Resolution requesting the Secretary of War to transmit information on airplane contracts; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10425. A bill granting a pension to Leo P. Thomas; to the Committee on Invalid Pensions.

By Mr. PETERSON of Florida:

H. R. 10426. A bill to provide for placing Leland Cavanah Poole on the retired list of the United States Navy as a lieutenant (junior grade), United States Navy; to the Committee on Naval Affairs.

By Mr. REECE of Tennessee:

H. R. 10427. A bill granting a pension to Mary A. Green; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9236. By Mr. DICKSTEIN: Petition of Dr. Bernard Drachman, president, Jewish Sabbath Alliance of America, and many others; to the Committee on Military Affairs.

9237. By Mr. GREGORY: Petition of P. W. Ordway, president, representing Young Business Men's Club of Murray, Ky., favoring material aid to the Allies, etc.; to the Committee on Military Affairs.

9238. By Mr. LYNCH: Petition of the National Maritime Union of America, opposing peacetime conscription; to the Committee on Military Affairs.

9239. Also, petition of the Trade Union Athletic Association, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

9240. Also, petition of the United Office and Professional Workers of America, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

9241. Also, petition of Local No. 1, Brotherhood of Telephone Workers, opposing peacetime conscription; to the Committee on Military Affairs.

9242. By Mr. SUTPHIN: Petition of the Lions Club of Freehold, N. J., urging speedy passage of the Burke-Wadsworth bill, calling for selective compulsory military training; to the Committee on Military Affairs.

9243. By Mr. WARD: Petition of sundry citizens of the First District of Maryland, to transfer at least 60 of our overage destroyers to Great Britain; to the Committee on Military Affairs.

9244. By the SPEAKER: Petition of the American Legion, Department of Mississippi, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9245. Also, petition of the Grand Aerie, Fraternal Order of Eagles, Marion, Ohio, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

# SENATE

## THURSDAY, AUGUST 29, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 12 o'clock noon, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, Holy Ghost, sanctifier of the faithful, visit, we pray Thee, this people with Thy love and favor; enlighten their minds more and more with the light of the everlasting gospel; graft in their hearts a love of the truth; nourish them with all goodness; and of Thy great mercy keep them in the same, O blessed Spirit, whom with the Father and the Son together we worship and glorify as one God, world without end. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, August 28, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | Lee | Sheppard |
| Andrews | Donahey | Lucas | Shipstead |
| Ashurst | Downey | Lundeen | Slattery |
| Austin | Ellender | McCarran | Smathers |
| Bailey | George | McKellar | Smith |
| Bankhead | Gerry | Maloney | Stewart |
| Barkley | Gibson | Mead | Taft |
| Bone | Glass | Miller | Thomas, Idaho |
| Bridges | Green | Minton | Thomas, Okla. |
| Brown | Guffey | Murray | Thomas, Utah |
| Bulow | Gurney | Neely | Tobey |
| Burke | Harrison | O'Mahoney | Townsend |
| Byrd | Hatch | Overton | Truman |
| Byrnes | Hayden | Pepper | Tydings |
| Capper | Herring | Pittman | Vandenberg |
| Caraway | Hill | Radcliffe | Van Nuys |
| Chandler | Holt | Reed | Wagner |
| Chavez | Hughes | Reynolds | Walsh |
| Clark, Idaho | Johnson, Calif. | Russell | Wheeler |
| Clark, Mo. | Johnson, Colo. | Schwartz | White |
| Connally | La Follette | Schwellenbach | Wiley |

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], and the Senator from Utah [Mr. KING] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from New Jersey [Mr. BARBOUR] is attending the funeral of Mr. Seger, late a Member of Congress from the State of New Jersey.

The following Senators are unavoidably absent:

The Senator from Oregon [Mr. MCNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota [Mr. FRAZIER], the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. NORRIS], and the Senator from North Dakota [Mr. NYE].

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. A quorum is present.

### JUNE REPORT OF THE RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of June 1940, including statement of loan and other authorizations made during that month, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

### MRS. GUY A. M'CONOHA

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 760) for the relief of Mrs. Guy A. McConoha, which was, on page 2, line 2, to strike out all after the word *"Provided"*, down to and including "$1,000" in line 14, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. WHEELER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

### SURETY BONDS FOR NAVAL-CONSTRUCTION CONTRACTS

Mr. WHEELER presented telegrams and a letter relative to surety bonds for naval-construction contracts, which were ordered to lie on the table and to be printed in the RECORD, as follows:

BILLINGS, MONT., *August 26, 1940.*

Hon. B. K. WHEELER,
*Senate Office Building, Washington, D. C.:*

We are vitally interested in the passage of amendment to H. R. 10263, striking out provision authorizing Navy Department to waive performance and payment bonds required by law for many years. We and others in similar business will be deeply grateful if you will support this amendment.

C. M. HOINESS.

---

HELENA, MONT., *August 24, 1940.*

Senator B. K. WHEELER:

H. R. 10263, now before Senate, would have effect of waiving surety bonds on naval-construction contracts. We submit the Government is entitled to and has insisted upon a guaranty of completion of all contracts heretofore awarded and cannot consistently make exceptions to such important work as naval construction. We respectfully ask your support of amendment which will be introduced on Senate floor restoring present provisions of Miller Act requiring such bonds.

Thanks and kindest regards,

MONTANA ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES,
By MARK FARRIS.

---

MONTANA ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES,
By MARK FARRIS.

Senator B. K. WHEELER,
*Washington, D. C.*

MY DEAR SENATOR: Enclosed is confirmation of telegram which we sent you today.

We will appreciate your support of the amendment to H. R. 10263, which will be introduced on the Senate floor and which restores the present provisions of the Miller Act requiring surety bonds on construction contracts awarded by the Government.

The Government has consistently required surety bonds on all kinds of contracts which it has awarded heretofore, and we can see no good reason to except naval construction, especially in these days of "fifth columnist" activities. In other words, we feel that if we are going to build ships, let us do it in an orderly and businesslike manner. Suretyship is the only guaranty that a contract will be completed according to specifications.

Thank you for your kind consideration of this important piece of legislation.

With kindest personal regards, I am,

Respectfully yours,

MARK FARRIS, *Treasurer.*

BRITISH SCHEDULE OF RESERVE OCCUPATIONS (S. DOC. NO. 273)

Mr. HAYDEN, by unanimous consent, from the Committee on Printing, to which was referred the manuscript submitted by Mr. LODGE on the 26th instant, entitled "Schedule of Occupations Exempt from Conscription in Great Britain," reported favorably thereon with the recommendation that the manuscript be printed as a document; and

On motion by Mr. HAYDEN, it was,

*Ordered*, That the manuscript of a schedule published by the Ministry of Labour and National Service of Great Britain, showing a list of occupations of British men and women possessing skill or experience that is required for the maintenance or production of essential services which are totally or partially exempt from conscription, be printed as a Senate document.

THE POLITICS OF OUR MILITARY NATIONAL DEFENSE (S. DOC. NO. 274)

Mr. HAYDEN, by unanimous consent, from the Committee on Printing, to which was referred the manuscript submitted by Mr. AUSTIN on the 28th instant, entitled "The Politics of Our Military National Defense," reported favorably thereon with the recommendation that the manuscript be printed as a document; and

On motion by Mr. HAYDEN, it was,

*Ordered*, That the manuscript of the Politics of Our Military National Defense, with the Defense Acts of 1916 and 1920, as case studies, being the history of the action of political forces within the United States of America which has shaped our military national defense policies from 1783 to 1940, be printed as a Senate document.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Idaho:

S. 4312. A bill authorizing the printing of additional copies of the Annual Report of the Forest Service; to the Committee on Printing.

By Mr. HILL:

S. 4313. A bill to amend the Tennessee Valley Authority Act, as amended, by striking therefrom subsection (k) of section 4 and substituting therefor a new subsection (k); to the Committee on Agriculture and Forestry.

S. 4314. A bill granting permanent total disability rating to veterans suffering service-connected tuberculosis disability if such disease remains active after 2 years' hospitalization; to the Committee on Finance.

By Mr. STEWART:

S. 4315. A bill for the relief of W. W. Carlton; to the Committee on Claims.

By Mr. BAILEY:

S. 4316. A bill to repeal sections 4588 and 4591 of the Revised Statutes of the United States; to the Committee on Commerce.

By Mr. ANDREWS (for himself, Mr. PEPPER, Mr. GEORGE, and Mr. RUSSELL):

S. 4317. A bill for the relief of Frank P. Walden and Viola Harp; to the Committee on Claims.

By Mr. ANDREWS:

S. 4318. A bill to extend the benefits of the act of December 17, 1919, as amended, to the widows of certain officers and enlisted men who died subsequent to July 15, 1919, and prior to December 17, 1919; to the Committee on Military Affairs.

By Mr. MEAD:

S. 4319. A bill authorizing the transfer of land owned by the United States back to the Spring Park Club, of Richfield Springs, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY:

S. J. Res. 292. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission; to the Committee on Commerce.

By Mr. WHEELER:

S. J. Res. 293. Joint resolution providing for the inclusion of employees of express companies under the provisions of section 7 of the Fair Labor Standards Act of 1938; to the Committee on Interstate Commerce.

ALICE GERTRUDE COLLINS

Mr. GLASS submitted the following resolution (S. Res. 305), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Alice Gertrude Collins, widow of William J. Collins, late superintendent of the Senate Press Gallery, a sum equal to 1 year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TRIBUTE TO THE ADAMS FAMILY OF COLORADO

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a tribute to the Adams family of Colorado by Alva A. Swain, which appears in the Appendix.]

A TRIBUTE TO THE ISOLATIONISTS—EDITORIAL BY RICHARD L. NEUBERGER

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial entitled "A Tribute to the Isolationists," written by Richard L. Neuberger and published in the Oregon Labor Press, issue of August 9, 1940, which appears in the Appendix.]

ARTICLE FROM AMERICAN FEDERATIONIST ON CONSCRIPTION

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article entitled "Labor Weighs Conscription," published in the American Federationist, which appears in the Appendix.]

FOREIGN POLICY OF THE UNITED STATES—EDITORIALS FROM WALLACES' FARMER

[Mr. LUNDEEN asked and obtained leave to have printed in the Appendix of the RECORD several editorials from Wallaces' Farmer relating to the foreign policy of the United States, which appear in the Appendix.]

SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 10263), making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Without objection——

Mr. VANDENBERG. Mr. President, before the Senator from Tennessee proceeds, may I suggest that he make a general statement regarding the bill?

Mr. McKELLAR. I shall be very glad to do so; but may we have permission that the committee amendments be first considered?

The PRESIDENT pro tempore. Without objection, it is so ordered.

POSTMASTER GENERAL JAMES A. FARLEY

Mr. MEAD. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I shall be glad to yield to the Senator from New York.

Mr. MEAD. Mr. President, today it is indeed fitting and proper that we take official notice of the coming retirement from the office of Postmaster General of the United States of my friend and fellow New Yorker, the Honorable James A. Farley. He is a proven executive, a great statesman, a fine gentleman, and the outstanding political leader of our day. On August 31, 1940, his resignation from that post will become effective—an important day of transition in the life of the Postal Service, in fact of the whole Nation. Hence, as a member of the Post Office Committee of the Senate and as junior Senator from New York, I rise to recall his efficiency and organizing ability during the 7½ years he was in charge of the Postal Service, to pay public tribute to those unsurpassed qualities of heart and mind which characterize him as a man and as a citizen, and, on behalf of the Senate of the United States, to acknowledge with appreciation the invaluable contributions which he has made to date to his country in the course of a career of manifold activity. Let us now

applaud him for his well-deserved success, for tasks well done, and wish him Godspeed.

The life of Jim Farley is the glamorous epic of a man of boundless courage rising to high place by virtue of indomitable spirit and unflinching character, against a background of American opportunity.

It is a story which makes us all proud to be Americans. Who is not familiar with Jim's early life—his struggle to make good, though thrown upon his own resources as a result of uncontrollable circumstance at an early age, and his truly phenomenal rise to preeminent leadership and power?

But there are other aspects to Jim Farley's character than the fighting qualities which go to make up moral stamina, and these have added prestige and trust and public confidence to his name. I speak of his sincerity of purpose, honesty, and integrity, and, last but not least, his capacity for friendship. These have been apparent in both his public and his private life.

I have had the pleasure of knowing Jim Farley intimately for many years. His abiding loyalty and steadfastness gave vital meaning and spiritual significance to his friendship. Only that can explain the remarkable personal following which he enjoys. Men and women from every walk of life—from the humblest to the highest ranks of society—know and regard Jim Farley as a personal friend. Tales of his capacity for friendship have already become legend.

His private family life has been edifying, his public career noble and inspirational. As a private citizen and a public servant he has been above the slightest reproach, utterly devoid of the slightest moral weakness. In this respect he measures up to the highest and finest ideals of his country and of his faith. No man has been more scrupulous in the performance of his public and private obligations in the entire history of the Republic, a towering example of adherence to the ideal American way of life.

What have been the specific fruits of his life's labors thus far? Let us strike a balance in order to appraise impartially the concrete effects of his long and exacting stewardships, as executive leader of a great political party, as influential adviser in the councils of state, and as Postmaster General of the United States. What has he accomplished in the domains of practical and theoretical politics and administration? What impress has he already made upon the contour of American history?

In the first place, he is perhaps most popularly known as the master political technician of two mighty Presidential campaigns which will echo down the passageways of time as manifestations of profound changes in the attitude of the electorate toward the relation of government to the promotion of the social interest. Jim Farley directed and piloted the practical political phase of two national elections which in effect wrought a social transformation in the mode of operation of American democracy, modernizing its instruments and endeavoring to preserve all that was essential, worth while, and basic in the democratic process.

Secondly, in addition to his unusual record in the sphere of practical political organization and direction, never hitherto equaled, he has championed, in the abstract realm of political philosophy, ideas and doctrines which ring true when tested upon the granite of sound American standards. His conception of the science of government as a means for the advancement of the common social good, justly balanced against the sacred rights of the individual human being, was the dominant factor in determining his reaction to all controversial political, sociological, and economic issues. For over 7 years, great has been the influence which he has exerted in molding the pattern of American political destiny to fit this governmental philosophy. The fulfillment of this mission alone ranks him for all time with the immortal statesmen of our glorious democracy.

Behind his actions as a practical political leader there is also clear-cut theory. Functionally and realistically he perceived in the survival of the two-party system of government one of the best guaranties of the American type of democracy. He believes that the efficiency of such a system depends to a great extent upon party regularity and political partisanship. In his political creed, therefore, there is no room for mere opportunism.

But thirdly, there is a less widely known phase of Jim Farley's public service, overshadowed, no doubt, by his more glamorous and spectacular accomplishments, but still of extreme importance, in regard to which I now particularly wish to speak. I refer to what he has done for the Postal Service. A study of the facts from 1933 to the present time reveals that the Postal Department has made great strides forward, chiefly because of his administrative skill and aptitude.

When President Roosevelt appointed Mr. Farley to the office of Postmaster General in 1933, the economic condition of the Post Office Department, like the general financial status of the country, was very deplorable. Postal revenues had been steadily declining since 1930. With the increase of postal expenditures the net postal deficit mounted steadily each year until it totaled $152,246,188 for the fiscal year ending June 30, 1932, the last fiscal year before he became Postmaster General. The total postal revenues for that fiscal year amounted only to $588,171,923, a new low from the previous peak of $705,484,098, recorded for 1930.

However, as compared with a net postal deficit of over $50,000,000 for the fiscal year ended June 30, 1932, figures for the year ending June 30, 1940, show a net operating postal surplus of approximately $8,000,000, the sixth annual net operating postal surplus during the 7 years he was Postmaster General. Postal earnings for the last fiscal year reached a new all-time high of about $766,000,000.

I shall not here attempt to enumerate in detail his many achievements as Postmaster General, because they are more fully explained in the account of his stewardship which I shall submit for the RECORD.

But as a legislator in both House and Senate for more than 20 years, and in particular as a member of the Post Office Committees in both branches of Congress, in virtue of which I had occasion to be in constant association with the Postmaster General on legislative matters affecting the Postal Service, I can attest—and I believe I can speak for the other committee members—to the amazing moral and material improvement of that Service. I can say without fear of contradiction that by his appointment of qualified career men in key positions, exemplified by the selection of the present Second Assistant Postmaster General, the Honorable Smith W. Purdum, by his appointment of Vincent Burke as postmaster of the Capital City of Washington, by his requiring of them 100-percent devotion to duty, by his inspiration and example of industry, and by his peerless leadership, Jim Farley raised the morale of the Post Office Department employees to heights never before attained in the history of that Department. During his administration there was built up a marvelous spirit of mutual trust, admiration, and respect between the general and his assistants, who truly came to love him. Without any exaggeration, it is my honest conviction that James A. Farley will be ranked by future historians as the greatest Postmaster General since Benjamin Franklin.

Jim Farley's long participation in public life has been obviously at a great personal financial sacrifice. It was inevitable that the time should come for him to accept a position in private business, which long ago recognized the value of his talents and ability. Fortunately, however, we have his assurance that he will continue an active interest in Democratic affairs. Those of us in New York who are interested in the good government of our State sincerely hope he will retain his post as New York State chairman for many years to come. Somewhere in his writings he has stated that "once the germ of politics gets in the blood, it seldom gets eradicated." May this observation prove to be a pledge of his continuance in political activities of major importance.

May this observation, as I conclude this merited tribute to a great character, to a fine friend, and to a remarkable leader, prove to be a pledge of his continuance in political activities of major importance.

Mr. President, I ask the privilege of extending my remarks by inserting a statement issued by Mr. Farley as he prepared to leave his post. I also ask to have published in the Appendix of the RECORD several editorials recently published in the press throughout the country paying tribute to Postmaster General Farley.

The PRESIDENT pro tempore. Without objection, it is so ordered.

[The editorials referred to appear in the Appendix.]

The statement of Postmaster General Farley is as follows:

STATEMENT OF POSTMASTER GENERAL JAMES A. FARLEY

As I prepare to leave my position as Postmaster General of the United States on August 31, 1940, I cannot praise too highly the more than 300,000 postal employees throughout the country for the splendid cooperation and assistance that they have rendered to me and to my staff at the Post Office Department during the last 7 years.

I doubt if the Postal Service has ever been operating on a more efficient basis than it is at the present time, the credit for which belongs to those loyal public servants who perform their duties throughout the day and night in every branch of the service in order that the mails may go through with speed and regularity.

When I assumed charge of the Post Office Department on March 4, 1933, the Postal Service was being operated at huge annual net deficits, that for the last fiscal year before I became Postmaster General (1932) amounting to the staggering sum of $153,000,000. Through the adoption of sound business principles and by the practice of economy wherever possible without impairment to the Postal Service generally, we have succeeded in bringing the postal revenues and expenditures into balance, with respect to those services that are rendered to the public for hire.

During 6 of the 7 years that I have been at the head of the postal establishment, we have recorded net operating postal surpluses of several million dollars per year, that for the fiscal year just ended amounting to $8,000,000 during a 12-month period when postal revenues reached a new all-time high of $766,000,000. Conversely, we have reduced postal expenditures by millions of dollars while at the same time providing many new and varied services to the public. In this connection this was accomplished without any reduction in personnel; rather, on the contrary, it has been necessary to add thousands of new employees to the Department's rolls in order to keep pace with the increased volume of business that has been brought to the Postal Service through promotional and publicity campaigns to acquaint postal patrons with the many services which are accorded for their benefit and about which, previously, many thousands knew little or nothing.

During my 7 full fiscal years as Postmaster General there has been expended by the Post Office Department a total of $5,219,135,436.36; $3,852,782,165.29 of which has been paid out for postal salaries; $1,107,972,490.27 for the transportation of mail, and $258,917,401.78 for the purchase of supplies and the rendition of other services.

The net aggregate postal surplus for this period amounted to $39,638,752.52.

At this time I shall not attempt to recount the many improvements that have been made in the Postal Service during the past 7 years, but there are a few which I think are worthy of mention, namely, the reduction of the hours of labor per week from 44 to 40; the extension of the Air Mail Service by thousands of miles, including the inauguration of trans-Atlantic and trans-Pacific service, which has been accompanied by a fourfold increase in airmail poundage; the erection of some 1,500 post offices in every section of the country, involving an expenditure of approximately $315,000,000; the issuance of new and more attractive postage stamps, which has increased the sales of stamps to collectors from $300,000 per year to $4,00,000, which figure represents a source of what might be termed clear profit to the Government, as most of these stamps purchased by collectors are never used for postal purposes; the establishment of rating and merit systems for employees in every branch of the service; the lengthening of rural mail routes by several hundred thousand miles, so that rural patrons now served by this great system have been increased by more than three million; the stabilization of the position of postmaster by legislation which has placed first, second, and third-class postmasters under the civil service, one of the most significant extensions to the merit system in many years.

In addition to these postal accomplishments, the Post Office Department has performed several outstanding services for other Government departments and agencies during the past 7 years. Among these have been the handling and payment of millions of dollars to the veterans of the country in the form of bonus payments; the registration of workers under the social-security program; the taking of a census of the unemployed; the selling of millions of dollars' worth of United States Savings bonds for the Treasury Department; the shipment of several billions of dollars of gold for the Treasury Department; and the sale of hunting licenses through post offices for the Department of Agriculture.

In leaving the Post Office Department I am taking with me memories of some of the finest associations and friendships that it has ever been my privilege to enjoy. I shall ever be grateful for the cooperation and assistance which I have received from everyone in the Postal Service.

The success that has been attained in placing the Post Office Department on its present high plane of efficiency is due largely to the individual effort and loyalty of everyone connected with the Postal Service, and it will always be a source of great pride to me to know that not once during the 7 years that I have served as Postmaster General was there even the slightest hint of scandal of any kind, which again is a tribute to the trust and honesty of postal workers.

Mr. VANDENBERG. Mr. President, I wish to add just a word to what the able junior Senator from New York [Mr. MEAD] has said, because I feel a deep personal concern in the situation to which he addresses himself.

Mr. Farley and I have been vigorous political opponents for many years, but just as long we have been close personal friends. I consider him one of the great and most colorful public figures of this generation. He is also one of the rarest human souls who has blessed our time. I wish to join in the compliment presented to him.

There are no political divisions when we assess realities of human character and of friendship. I wish Jim Farley every success as he returns to private life. I may say parenthetically that I am glad he is returning to private life. His party is dropping a masterful pilot, his Government is losing a faithful public servant, but his country retains his patriotic devotion, and countless people retain a loyal friend.

Mr. SMITH. Mr. President, I am about to leave the Senate Chamber, and I wish to make one statement about Jim Farley. I know, and it is universally known, that when he made a promise he kept it. He kept his word. No finer characteristic is possessed by any man.

Mr. McKELLAR. Mr. President, I wish to express my hearty approval of what the distinguished junior Senator from New York [Mr. MEAD] has said about Postmaster General Farley. I did not know Mr. Farley until a short time before he became the manager of President Roosevelt's campaign and afterward chairman of the Democratic National Committee. But since that time I have known him very intimately. As chairman of the Committee on Post Offices and Post Roads of the Senate, I have been thrown into very close touch with him throughout his entire administration of the office of Postmaster General.

I have found Mr. Farley at all times one of the most efficient, one of the ablest, one of the most successful administrators of the Post Office Department we have ever had. He has been fortunate in gathering good men around him, and he has managed his Department with remarkable ability and skill. No department of the Government is in better shape at this time than is the Post Office Department.

Personally, Mr. Farley is one of the most delightful of men. He is very highly educated, a well-informed scholar. He has a remarkable acquaintance with history. I have often wondered when he found the time to do as much reading as he evidently does. Not only does he keep up with current affairs, but he is very familiar with the history of this country and the history of the world in times past.

In addition to making one of the best Postmaster Generals the Nation has ever had, I think it can be safely said that Mr. Farley has been the best chairman of the Democratic National Committee in its history. He has been a remarkable success. He is naturally a leader of men. Kindly, generous, big-hearted, big-brained, he has made a wonderful record in his comparatively short public life.

I am sorry the Government and the people of the United States are to lose Mr. Farley's services as Postmaster General; and, while we have an able chairman of the Democratic National Committee now, I regret, indeed, we will not have the advantage of Mr. Farley's experience and of his great ability at the head of that committee.

I take great pleasure in joining the Senator from New York and the Senator from Michigan in their high estimate and praise of this honest, straightforward, efficient, vigorous-minded, splendid official of the Government of the United States.

Mr. BARKLEY. Mr. President, I would not want this opportunity to pass without adding a word on my own behalf to what has been said about Jim Farley. It is not always easy

for a man to attain the reputation of being unusually efficient in his public service. Many men strive to attain that reputation and that characteristic, but because for some reason nature has been unkind they may not be able to succeed.

I have known Mr. Farley during the last 8 or 9 years, and it has seemed to me that nature fashioned him for public service. He has been efficient, not in one capacity only, but in many. I have not known anyone within my recollection who at the same time had charge of so many activities as did Mr. Farley. He was not only Postmaster General, chairman of the Democratic National Committee, and chairman of the New York State Democratic Committee, but he had other interests which required his attention.

In addition to being efficient, meticulously efficient, in the three capacities I have mentioned, any two of which would absorb most of the energies of an ordinary man, Mr. Farley has been able to accumulate what I believe to be as large a body of personal friends throughout the United States, if not the largest, ever enjoyed by any public servant or public character.

I regret his departure from the Post Office Department, and without any invidious comparison between him and any of his predecessors or his successors, I regret that he finds it necessary to retire from the Democratic National Committee.

I wish Mr. Farley the greatest possible success in private life, and I am sure he will have it; but, even more than that, I trust that his interest in public affairs, his experience, his wise counsel, and his knowledge of all sections of the country—the latter an attribute not always found in those who live in a particular section—will continue to be at the service of his country and his generation.

In the prime of life as he is, vigorous in mind and body, I am satisfied that Mr. Farley will enjoy a long and successful career in whatever branch of service he chooses to engage.

Mr. BONE. Mr. President, lest I charge myself with being ungracious because the opportunity is now offered me, and of which I might not take full advantage, I wish to say that in the years I have known Mr. Farley and been privileged to have contacts with him I have found him to be the high type of public servant and fine and gracious gentleman who has been so aptly and ably described here today.

I think the public service is losing one of its finest and highest types when Mr. Farley goes out of public life.

I have personal reasons to appreciate him, perhaps more than some, because of his always gracious kindness toward me. The kind offices of Mr. Farley, the chairman of the Democratic National Committee, have been extended to me in many helpful ways. I share the views expressed here by my brethren concerning him and his public service.

Mr. WAGNER. Mr. President, with the indulgence of the Senate, I wish to add to what has already been said my personal tribute to the retiring Postmaster General, the widely beloved statesman and great American, James A. Farley.

My friendship and association with Jim Farley go back many, many years. The qualities which today endear him to the American people he has always possessed in the same degree—profound personal loyalty and absolute integrity, deep convictions, and broad social outlook, executive ability, and driving will toward leadership in public causes. It was these qualities that made possible his brilliant record as a Cabinet officer, charged with the direction of one of the largest public enterprises in the world. It was with these qualities that he endowed political leadership with a new worth and dignity unprecedented in our national life. And it is these self-same qualities that make up the character of the man and insure his continued success in the years to come.

Jim Farley began his career with no resources except these qualities of head and heart. His career and his achievements exemplify the rich promise of this land of ours, the opportunities that come to men of courage and ability, however humble their birth or station.

In the last 7 years the Democratic Party has worked steadily and courageously to fulfill its promise of a New Deal for the American people. The merits of our program are today being hammered out on the anvil of public debate. The greatest tribute that can be paid to our party and its leadership is the endorsement by the opposition of our objectives and the broad principles of the legislation we have fostered.

These achievements of the Democratic Party are bound up in the achievements of Jim Farley. To him goes full and unstinted credit as the master builder of party victory. Without his splendid capabilities and genius in party organization the great successes of recent years could not have been achieved.

In his own right, Jim Farley has been a brilliant champion of the objectives and the principles we have advanced. The sincerity and earnestness of his convictions won the program immeasurable support, and his eloquence and Nation-wide friendships brought it many converts. He marched side by side with us in the years of up-hill struggle to gain recognition in the public forum of the needs and aspirations of the common man. And with us he labored successfully in the crowded years since 1933 to restore the faith and the stake of the common man in the democratic way of life.

Together with his innumerable friends throughout the length and breadth of the land, in and out of the Democratic Party, I profoundly regret that Jim Farley has found it necessary to leave the public service. My own State of New York, however, has this advantage over the Nation as a whole: We are insisting upon retaining him as our State chairman. His close association with us there, and with the national committee organization and its splendid new chairman, make certain that we will have the benefit of his counsel and his guidance in the campaign that lies ahead.

In retiring to private life, Jim Farley carries with him the love and affection of the people of America and the kindest felicitations of all those who, like myself, have been privileged to know and work with him, in the ranks of the Democratic Party, and in the cause of alert, liberal, and warm-hearted government.

Not long ago, at a great gathering of Jim Farley's friends meeting in his honor, I was privileged to deliver a tribute to his leadership in political and public life. I ask unanimous consent that this address be printed as part of my remarks.

The address is as follows:

My friends and fellow Democrats, we meet tonight in a spirit of complete unity.

We are united in our support of a Democratic administration in Albany which has given the people of the Empire State progressive and courageous government, under the sound guidance of a great Governor—Herbert H. Lehman.

We stand united on the superb record of the Democratic administration in Washington as it enters its eighth year of ever-increasing service to the American people.

We are united in our devotion to the great humanitarian who has led our Nation and our party during these 8 years of progress—Franklin D. Roosevelt.

We are united in our esteem and affection for the front-rank statesman and beloved American whom we all gather to honor tonight—James A. Farley.

And we are united in our determination to win another overwhelming victory for America and for the Democratic Party in the elections next November.

All my life I have been a Democrat. I have seen our organization, in city, State, and Nation, taste the sweetness of many stirring victories and the bitterness of many disheartening defeats.

If, as a battle-scarred veteran, I may offer counsel to the young and eager soldiers just entering the fray, I would say this:

Now that we are in power, we are called the majority party. At times, in the past, we have been called the minority party. But, looking back over the long years, it seems to me we have been in the minority only when we were divided. Whenever we stood together we carried the electorate with us, because our liberal principles and our progressive record appealed to the conscience and the intelligence of the American people. If we hold unanimously to these liberal principles today—if we pledge ourselves in unison to extend this progressive record—we shall continue to be the majority party in 1941.

Nobody knows better than the opposition that Democratic unity means Democratic victory. That is why in quarters hostile to our interests and fearful of our success we hear whispers of disharmony in our ranks. Just where, I ask, is there dissent from the justice of our principles and the soundness of our program?

To make business free, we have protected its desire to be fair—protected it from sharp practices in the market place, in the sale of securities, and the handling of bank deposits. To expand the outlets for private industry, we have built great public works, encouraged home ownership, and vastly increased the purchasing power of the masses of the people.

Where is there any disagreement about this program for helping business? Is it in the Democratic Party, whose policies turned business losses into profits? Or is it among the Republican leadership, who in the face of the greatest calamity which ever befell our business system, stood hopelessly and helplessly by?

In the interest of the farmer, the present administration has helped him grow better crops at lower costs, electrified his farm, almost doubled his income, and fought consistently to attain equality for agriculture.

Is the confusion in farm policies in our camp? Or is it in the camp of the Republicans, who for 12 years promised the farmer everything and gave him nothing? The ideas about agriculture now being expressed by the leading Republican candidates, remind us of the man who mounted his horse and rode off in all directions.

To the factory worker, we have brought release from sweatshop hours and pauper's pay. The industrial freedom to which American labor has so long aspired, has become an accomplished fact.

In the city and on the farm, those overtaken by economic insecurity are being sustained in body and spirit by old-age pensions, unemployment insurance, aid to the crippled and the blind, maternal welfare legislation, and now the beginnings of health protection. In C. C. C. camps and in the National Youth Administration, those who were known as the lost generation in 1932 are being taught to assume the duties of useful citizenship, and given the chance to do so. The children in our slums are being moved into housing projects that are clean and safe.

On all these vital human issues, where are there any basic differences among the leaders and among the rank and file of the Democratic Party?

Above all, in the storm-tossed world about us, the ceaseless vigilance of the Roosevelt administration has kept this Nation in the path of peace. In the death-laden war zones of Europe, not a single American ship has been damaged, not a single American life has been lost. We will continue to keep out of the wars that rage overseas. We will continue to guard against subversive activities in our midst, and to build an Army, Navy, and air force prepared to defend the political liberty and the territorial integrity of the Western Hemisphere. Our party is united in this traditional American foreign policy, having but one objective—the peace and security of our own land and our own people. Unlike some Republican candidates, we do not have one foreign policy for the Atlantic seaboard and another for the Middle West.

All these achievements of the Democratic Party are bound up in the achievements of the man we honor tonight. The Democratic Party and Jim Farley are one and inseparable. Without his masterful organization and untiring devotion, the great successes of recent years would never have been won.

But Jim Farley is more than a master-builder of party victory. In his own right, he is a foremost exponent of democratic principles, a statesman of high patriotism, national vision, and executive ability. His great heart, his profound convictions, and his simple eloquence have won converts to our progressive banner the country over. No one has expressed more clearly, no one has felt more sincerely, the liberal impulses which set our program in motion and fixed its permanent imprint on the pattern of American life.

Our honored guest has another quality which to me is the supreme test of a man in public office. Like our great President, he has in rare degree the gift of tolerance. For this reason, Jim Farley is an invaluable spokesman and leader of the party of Thomas Jefferson.

We cannot treasure too highly the practical application of this spirit of tolerance—its vital importance at a time when the world is torn by hatred, bigotry, and strife.

Jim Farley's standing is not measured only by the vast throng here tonight. He has the confidence and affection of the people of America, in North and South, in East and West. He started his career with no resources except his own talents and character. The story of his steady upward climb to national fame and national office embodies in full measure the rich promise of American opportunity. He has risen to meet progressively greater tasks with ever-increasing ability, until today no office within the gift of the American people is too high for him to fill with great distinction.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4271) to increase the number of midshipmen at the United States Naval Academy, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 87), in which it requested the concurrence of the Senate:

*Resolved by the House of Representatives (the Senate concurring)*, That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of the hearings, held before said committee during the current session, on proposed legislation relative to the Excess-Profits Taxation Act of 1940.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 313. An act to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States;

S. 823. An act for the relief of John P. Shorter;

S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.; and

S. 4042. An act to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho.

## SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Mr. McKELLAR. Mr. President, the senior Senator from Michigan [Mr. VANDENBERG] asked that a statement be made with respect to the pending measure, and I take pleasure in making a general statement at the beginning of the consideration of the measure.

The bill provides for an eventual total appropriation of $5,023,169,277. That amount is divided into contractual obligations and actual appropriations. As the bill passed the House the amount of money actually appropriated was $2,234,191,957. If Senators will read the committee report, they will find these figures. As the bill passed the House the amount provided for contractual authority was $2,728,960,000.

The Senate committee has increased the amount of money appropriated by the sum of $34,507,320. The contractual obligations have been increased by the Senate to the extent of $26,510,000. That makes the total which I stated a moment ago.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. VANDENBERG. Are the contractual obligations, obligations which will not fall due in the present fiscal year?

Mr. McKELLAR. That is the situation. Let me say to the Senator what he already knows, but which may be repeated at this time, that the purpose of the bill is tremendously to increase our Navy; in other words, to make it a two-ocean Navy, and at the same time prepare our Army along the lines that have been argued for in the Senate during the last 4 weeks in connection with the consideration of the selective-service or draft bill.

Mr. VANDENBERG. The Senator does not mean that the pending bill includes all appropriations for the conscript army?

Mr. McKELLAR. No; it does not include any appropriation for the personnel of the draft. The bill provides for artillery, for airplanes, for machine guns, for rifles, for ammunition, for every kind of equipment for the Army under the national-defense program which has been inaugurated.

Mr. VANDENBERG. What I am trying to get at is this: Do I correctly understand the Senator that the expenditure in the present fiscal year is contemplated at $2,265,000,000?

Mr. McKELLAR. Two billion two hundred and sixty-eight million dollars, in addition to what has already been appropriated for similar purposes under previous bills passed this year.

Mr. VANDENBERG. Can the Senator tell me whether any estimate is available as to the additional amount which will be necessary to pay for mobilizing the National Guard and for raising the conscript army?

Mr. McKELLAR. I cannot give the exact figure. It is more than $1,000,000,000, but the figure cannot be given until the

selective service bill has finally passed, and the Budget estimate is made up and sent to the Congress for action.

Mr. VANDENBERG. I thought, perhaps, there was some unofficial information which could be given.

Mr. McKELLAR. Perhaps I can give that. I said the amount would be over a billion dollars. The general estimate is about $1,200,000,000, according to the testimony presented before our committee.

Mr. VANDENBERG. I will not detain the Senator a second longer if that is all there is.

Mr. McKELLAR. I am indebted to the Senator, and I am perfectly willing to answer any question I can.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TAFT. The Senator stated that one of the purposes of the bill was to provide a two-ocean navy. I notice that the amount for replacement of naval vessels and armor totals about $225,000,000. The Senator does not mean, does he, that that amount would provide the two-ocean navy?

Mr. McKELLAR. Oh, no.

Mr. TAFT. Can the Senator estimate about how much more it will cost to build a two-ocean navy in addition to what is appropriated in the bill?

Mr. McKELLAR. The testimony does not disclose the exact figure, but it is approximately $4,000,000,000, as I remember the general amount.

Mr. TAFT. The general amount would be about $4,000,000,000, of which the pending bill would appropriate, I judge, in the neighborhood of about $225,000,000?

Mr. McKELLAR. Yes. Two billion two hundred and sixty-eight million dollars; and there is provision for contractual obligations amounting to about that much more.

Mr. TAFT. Yes; but I mean, included in this $2,000,000,000 is really only about $200,000,000 for the two-ocean navy—for the construction, that is, of the two-ocean navy, as I understand the figures?

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. BYRNES. Of course, I assume the Senator is talking about the Navy which is now in contemplation, and which has been called a two-ocean navy.

Mr. TAFT. The Navy authorized by the recent naval authorization bill.

Mr. McKELLAR. The beginning of construction of which is authorized; yes.

Mr. BYRNES. The statement to the committee was that the total cost of these ships is estimated to be $4,000,000,000, of which $2,750,000,000 is for the construction and the machinery portion, and of which $25,000,000 is needed in 1941 for initiating construction. The corresponding armor and ammunition cash requirement is $10,000,000.

Mr. TAFT. So I am approximately correct. Therefore, in addition to the $5,000,000,000 included in the pending measure it will cost in the neighborhood of $4,000,000,000 more to complete a two-ocean navy, or the present authorized Navy?

Mr. BYRNES. Over a period of 6 or 7 years there would be that expenditure.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. VANDENBERG. Can the Senator tell me from the data before him how much of that total amount will be necessary for new destroyers in order to create the new Navy?

Mr. BYRNES. The statement is that the total needs of the Navy for patrol craft cover the following types, at estimated unit costs as shown:

One hundred and sixty-five patrol vessels, $1,250,000.

One hundred and ten submarine chasers, $350,000.

Motor torpedo boats, $335,000.

Motor antisubmarine boats, $300,000.

So far as I know at this moment, there is no break-down showing exactly the number of destroyers. If I can find the information, I shall give it to the Senator.

Mr. VANDENBERG. I thank the Senator.

Mr. McKELLAR. Mr. President, I shall cover very briefly the House provisions, if the Senator desires. If he will look on page 2 of the bill for the Quartermaster Corps there is about $8,000,000 for the general make-up of the Army. The Quartermaster Corps covers every part of the Army.

For clothing and equipage for the Army there is $150,064,813 presently appropriated, and there are contract authorizations of $50,700,000.

For Army transportation there is an appropriation of $87,500,610, and there are contract authorizations of $7,150,000.

For military posts the House allowed $70,001,915, and the Senate committee increased the amount to $73,001,915. The House allowed $12,000,000 for contracts for Army posts, and $14,000,000 was allowed by the Senate committee.

For acquisition of land for military purposes the figure is $7,600,885.

The Signal Corps was given $60,646,752, of which $45,600,000 is for the equipment of airplanes, furnishing artillery for airplanes.

The Air Corps of the Army is probably one of the largest items. Five hundred and twenty million, eight hundred and two thousand and three hundred and four dollars additional was appropriated directly, and contracts were authorized to the extent of $1,002,600,000.

In the Medical Department there is a comparatively small sum, and the same statement is true of the Corps of Engineers.

For the Ordnance Department, $540,162,645 was allowed for present appropriations, and $902,000,000, or nearly $1,000,000,000, for contract obligations.

For the Chemical Warfare Service, $12,028,641 was allowed for appropriations, and $15,400,000 for contract obligations.

For seacoast defenses, such as antiaircraft guns, $16,533,491 was allowed for present appropriations, and $20,100,000 for contractual obligations.

The next item is for expediting production. The Senator is familiar with the fact that we must expedite production. There is appropriated for the Secretary of War $162,500,000 for that purpose.

With respect to the Navy Department, if the Senator will look on pages 7 and following of the bill, he will find that there are some comparatively small items. Then for the Bureau of Yards and Docks, and for Public Works, Bureau of Yards and Docks, the appropriations are tremendously increased all over the country. For the navy yard at Boston $750,000 is allowed for building and accessories, and $565,000 for improvement of distributing systems. There are appropriations for the navy yards at Charleston, Mare Island, New York, Norfolk, Pearl Harbor, Philadelphia, Portsmouth, Puget Sound, and various others, and for naval stations and submarine bases all over the country.

That accounts for the very large additional appropriations which are made.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WILEY. I notice on page 14 that there are appropriations for the naval training station at Great Lakes, Ill. In the past year and a half I have had opportunity to talk with some of the naval men. I wonder if there is any appropriation in this bill for shipbuilding on the Great Lakes, in the construction of torpedo boats or destroyers.

Mr. McKELLAR. This is not a shipbuilding bill.

Mr. WILEY. I realize that.

Mr. McKELLAR. There are no appropriations for that particular purpose. I call the Senator's attention to the report which was made. Much of the increase of thirty-four and a half million dollars made by the Senate committee is to be found in projects at various navy yards and naval stations which have been added to the list which the House had. Increases were made in the appropriations for the Navy Yard at Charleston, S. C., for the Naval Academy at Annapolis, Md., and for the naval training station at Great Lakes, Ill. If the Senator will look at the third item in the report under the Bureau of Yards and Docks, he will see—

Naval training station, Great Lakes, Ill.: Improvement of power plant, $450,000.

There are other additional facilities, amounting in all to $1,750,000.

There is also an additional appropriation for the naval training station at Newport, R. I.; for the naval training station at Norfolk, Va.; the naval training station at San Diego, Calif.; the naval ammunition depot at Charleston, S. C.; the naval torpedo station at Newport, R. I.; and the marine barracks at Parris Island.

It will thus be seen that a very large proportion of the increase in the Navy Department is to be found in projects which are being added to.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TAFT. I ask the attention of the Senator from South Carolina [Mr. BYRNES], to see if I am correct. On page 53 of the House hearings Admiral Robinson testified that the appropriation in the bill provides for laying down all the tonnage provided under House bill 10100, plus the over-age-tonnage battleships allowed under the 1934 act. On page 51 it appears that in House bill 10100, 250,000 tons of destroyers are authorized. So I take it that the bill provides the initial funds for laying down 250,000 tons of destroyers, in addition to those which we now have.

Mr. BYRNES. There is specific language authorizing the laying down of those destroyers.

Mr. McKELLAR. Mr. President of course this is a very large bill, one of the largest appropriation bills the Appropriations Committee has reported in a long time; but it is made necessary by the condition in which the Nation now finds itself. Our naval officers believe that under the circumstances our Navy should be tremendously increased. I join in that opinion. I think it should be. I think it is our duty to increase our Navy. It is hard to have to expend all these funds, but in my judgment in this crisis they ought to be expended; and I believe substantially the entire Congress and the vast majority of our people are in favor of this preparation. I think we ought to make it. I think our naval officers have made a splendid start in this direction by their recommendations to the committee.

The committee has studiously, vigorously, actively, and painstakingly gone over every item which has been submitted. Each item has been discussed. We have gone into it very carefully, and the committee has reported the bill with the increases I have stated. I very much hope that the Senate will agree to them.

As to the Army, we all know that we must increase our Army. That question has been before the Senate for weeks, and there is no need further to discuss it. We should go forward as recommended by our Army officers, who are as able and capable as our naval officers. I am neither an admiral nor a general. I do not believe my opinions about these matters are as good as the opinions of the experts in the Army and Navy whom we have employed to do this very work. I believe they have made the very best recommendations possible. I think we ought to stand by our Army and Navy. We must trust them, in any event. We have trusted them in the past. They have never failed us, and they will not fail us this time.

I very much hope the Senate will endorse what the committee has done and what the Army and Navy officers have recommended, and that we may thus build up a two-ocean Navy and a substantial Army to look after and defend the interests of our great country.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. VANDENBERG. I wonder if the Senator has information available on certain points in which I am interested. He has referred to the fact that the appropriations necessary to handle the mobilization of the National Guard are yet to come. On last Saturday the War Department advertised for bids for cantonments to care for about 230,000 men, and the statement defining the operation indicated that the cantonments are for the National Guard and the Regular Army. Can the Senator tell me under what appropriation specifically this construction of cantonments for 230,000 men is proceeding? I realize it has nothing to do with the pending bill.

Mr. McKELLAR. I have not the figures in my mind, but appropriations have been made in preceding bills for that purpose. In addition to that, the Senator will recall we appropriated quite a large sum, $200,000,000, as I recollect, to be placed in the hands of the President, and a considerable portion of that fund was to be used in that behalf.

Mr. VANDENBERG. I should like to know how long the money to build these cantonments for 230,000 men has been available to the executive branch of the Government?

Mr. McKELLAR. I would have to look up the dates when the appropriations were made to answer the question.

Mr. VANDENBERG. We hear a great deal about congressional delays. I was wondering just how long it took the War Department to proceed with the construction of these cantonments?

Mr. McKELLAR. I think the money has been available since some time in June.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. THOMAS of Oklahoma. The idea of building cantonments to take care of a large number of soldiers is a matter of recent origin. It is my understanding the money is not yet available for the construction of those cantonments. In the first place, cantonments would not be needed unless the National Guard should be called into service, and, secondly no Army cantonments will be needed until the conscription bill shall be enacted. The President signed the National Guard bill yesterday, as I understand.

Mr. McKELLAR. It has been very recently signed, and, of course, the buildings could not be constructed until the authority had been given by the Congress.

Mr. THOMAS of Oklahoma. The conscription bill has not yet been passed by both Houses; so the authorities do not know whether they will have need to take care of the conscriptees.

Mr. VANDENBERG. Mr. President, the Senator said he thought no funds had been appropriated to build these cantonments. I am referring to the announcement from the War Department on August 24 that arrangements were being made as of that date to proceed to the construction of cantonments for 230,000 men. So, obviously, there must be appropriations to that extent. What I am trying to find out is in what bill that appropriation was made.

Mr. THOMAS of Oklahoma. As I understand, the money was taken out of the funds referred to by the Senator from Tennessee, which were appropriated by Congress to the President, and which has now been allocated for that purpose.

Mr. VANDENBERG. The statement does not show that to be so. If that is the case, what is that bill and what was the date of its passage? Can the Senator give me that information?

Mr. BYRNES. If the Senator will look on the back of the calendar he will find that June 26 was the date of approval of the act referred to.

Mr. VANDENBERG. That is what I want to know. I thank the Senator.

Mr. McKELLAR. Mr. President, I wish to call the Senator's attention to an appropriation in this very bill.

Construction of buildings, utilities, and appurtenances at military posts, * * * $73,001,915.

That is on page 3 of the pending bill. So under that appropriation a part of the fund can be used for the purpose the Senator has just mentioned, but, of course, it has not been appropriated as yet. The House has passed the appropriation bill, but it has been held up in the Senate by the consideration of the draft bill.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. THOMAS of Oklahoma. Heretofore money has been appropriated to be used in the discretion of the President. It may be that money has been used to make plans for actual construction, but it is obvious that no cantonments would be

constructed or ordered constructed before this time, because no one knew that the National Guard bill would pass and no one now knows that the conscription bill will finally pass; so the plans are all conjectural. At the present time plans are rather definite.

Mr. President, if the Senator from Tennessee will yield further, let me say that the Congress is criticized oftentimes for following the recommendations of the War Department.

Mr. President, the officials of the War Department are made up of picked and specially trained men. Under our system there are selected from the country at large boys of the best ability who are placed in special schools, at West Point in the case of the Army and at Annapolis in the case of the Navy. In those two schools these boys are trained intensively for 4 years. They must be well prepared to get into these institutions. After they have been graduated and enter the actual service, those who devote themselves most assiduously to their work, who have become the most proficient or have made the best records, are picked out and selected for special training. In the case of the Army they are sent to special schools, such as the one at Fort Sill, for example, for artillery training, Fort Riley for cavalry training. Later on they are sent to Fort Leavenworth to be trained in executive capacities, which fits them for the higher ranks of the Army service. Then, later on, the most efficient officers are sent here to Washington to take the course in the Army War College.

So, finally, the most efficient, the most active, and those who make the best records, after having been trained all their lives, find their way into the Navy Department and the War Department here in Washington. Then the most capable of these officers are finally advanced to the key positions in the War Department and in the Navy Department. They are the officers and officials, trained all their lives, thereby becoming specialists, who advise the Congress.

As I see the situation, if we have any experts in America, such experts are the officers of the War Department and the Navy Department, who appear before our committees and advise us as to what should and should not be done. So we are justified, I think, in taking their recommendations. If they do not know how to organize, develop, and train an Army, and advise the Congress, then we have no one to fall back on. So I am glad that we have such experts to advise us, and personally I am glad to follow their recommendations.

Mr. McKELLAR. I thank the Senator, and agree with what he has said. As a matter of fact, we are compelled to follow them. I think our Army officers and our naval officers are second to none in ability and frankness and devotion to their duties and to their country. I want to say that I have been tremendously impressed by the remarkable ability of these men who have appeared before the Appropriations Committee during this crisis.

### INCREASE OF NUMBER OF MIDSHIPMEN

Mr. WALSH. Mr. President——

Mr. McKELLAR. I yield to the Senator from Massachusetts.

Mr. WALSH. Mr. President, the colloquy between the Senator from Oklahoma and the Senator from Tennessee reminds me that there is on the desk a House amendment to a very important bill that can be disposed of in a moment. It is a bill increasing the number of midshipmen at the Naval Academy. It is a Senate bill to which the House has added an amendment. I ask the Chair to lay before the Senate the amendment of the House of Representatives.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4271) to increase the number of midshipmen at the United States Naval Academy, which was, on page 1, line 9, after "disqualification", to insert:

*Provided*, That no such candidate shall be eligible for admission who was more than 20 years of age on April 1, 1940.

Mr. WALSH. I move that the Senate concur in the House amendment.

Mr. VANDENBERG. Mr. President, is that the bill which allows first alternates previously appointed to matriculate?

Mr. WALSH. Yes; that is the bill. The House added an amendment to the bill providing, in effect, that those appointed must be between the ages of 16 and 20. The bill as it passed the Senate took care of alternates who had been appointed in 1939 and 1940 who were between the ages mentioned, as we assumed and believed, but the House wanted the age limit set forth and adopted an amendment to that effect; and I approve of it.

Mr. VANDENBERG. How much will the enactment of the bill increase the personnel of the academy?

Mr. WALSH. By about 250, assuming that they all pass the physical examination.

Mr. McKELLAR. What will be the total at the Naval Academy after this accretion?

Mr. WALSH. Between 2,300 and 2,400.

The Senator knows, of course, that there is a law permitting the appointment of five midshipmen by each Senator and Member of the House of Representatives, but the appropriations so far made available have only permitted four such appointments.

Mr. McKELLAR. Yes.

Mr. HILL. Mr. President, I should like to inquire how many men will the adoption of the House amendment eliminate from entering the academy because of insistence on the age provision?

Mr. WALSH. None at all, because the naval officers and the Naval Affairs Committee had assumed that nobody except those within the present age limits could legally anyway be admitted, and the age limit is 16 to 20. The House evidently wanted to make it certain.

Mr. HILL. They wanted to make it clearer that those appointed must come within the usual regular requirement as to age.

Mr. WALSH. Exactly. I do not think the amendment is necessary, but I do not see any harm in it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts that the Senate concur in the House amendment.

The motion was agreed to.

### ADDITIONAL COPIES OF HOUSE HEARINGS ON EXCESS-PROFITS TAX BILL

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 87, which was read, as follows:

House Concurrent Resolution 87

*Resolved by the House of Representatives (the Senate concurring)*, That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of the hearings held before said committee during the current session on proposed legislation relative to the Excess Profits Taxation Act for 1940.

Mr. HAYDEN. I move that the Senate concur in the House resolution.

The motion was agreed to.

### SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Mr. McKELLAR. Mr. President, I think I have said all I desire unless there are some further questions to be asked.

Mr. TAFT. Mr. President, I should like to bring out one other fact in connection with the money appropriated for army equipment. Will the Senator state how large an army we are now providing for with relation to equipment?

Mr. McKELLAR. An army of 1,200,000. There are some amounts appropriated in the bill for what are known as critical items, which may be used for a larger army. That is because it takes such a long time to manufacture such articles, but that is not a substantial matter.

Mr. TAFT. I wanted to call attention to General Marshall's testimony, on page 3 of the Senate committee hearings:

The first is to provide about 80 percent of the commercial or essential items of equipment for the protective mobilization-plan force of approximately 800,000 men in ground units, plus 100,000 in the Air Corps and 300,000 replacements.

Or a total of 1,200,000 men.

There is the further provision to provide critical (noncommercial) items of equipment for 800,000 men in addition.

So this bill contemplates an army of 2,000,000 men, as I understand it.

Mr. McKELLAR. No.

Mr. TAFT. That is what I wanted to bring out—if that is the Senator's understanding.

Mr. McKELLAR. That applies only to what are known as critical items. It does not apply to the general number, which is 1,200,000 men.

Mr. President, if there are any other questions, I shall be glad to try to answer them. Does the Senator from New Hampshire desire to ask a question, or does the Senator from Maine desire to do so?

Mr. WHITE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Maine.

Mr. WHITE. I desire to ask a question about an item appearing on page 12. It is a Senate committee amendment appropriating $1,985,000 for additional facilities for the Naval Academy.

I recall that the committee visiting the academy last year—I think the Senator from Massachusetts [Mr. WALSH] was head of the committee—made various recommendations, and I think one of those recommendations was for the acquisition of additional land. Does this appropriation meet the recommendations of that committee of a year ago?

Mr. McKELLAR. It is my understanding that it does. However, part of this $1,985,000 is for the maintenance of additional students. They have to have buildings in which to live, and this money is to be used in that behalf.

Mr. WHITE. But I think the senior Senator from Massachusetts will recall that the visitors' committee of last year definitely recommended the acquisition of a considerable acreage of land, and I wondered whether or not this appropriation met that recommendation.

Mr. WALSH. I do not think so.

Mr. BYRNES. Mr. President, this appropriation does not contemplate the acquisition of land, but does include provision for some additional accommodations for the additional midshipmen made necessary by reason of the passage of the bill.

Mr. WALSH. What is the amount?

Mr. McKELLAR. One million nine hundred and eighty-five thousand dollars. The Senator from Massachusetts may have the figures in his mind.

Mr. WALSH. No. I am under the impression, and I think it is right, that it is more for the purpose of remodeling existing facilities. The laundry has been moved from Bancroft Hall, and the authorities are either going to build a new laundry or they have built one; and the part of the building which was used for laundry purposes has been converted into rooms for the additional midshipmen.

Mr. McKELLAR. There was testimony before our committee that there would have to be additional housing space for the additional cadets who are to come in.

Mr. BYRNES. Mr. President, if the Senator will yield to me——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. McKELLAR. I do.

Mr. BYRNES. The House provided $750,000 for what they call temporary housing for midshipmen, $220,000 for temporary classroom facilities, and $30,000 for improvements to grounds and walks.

The representation made to the committee which caused the increase to the amount carried in the bill was that by reason of the passage of this bill, with the increased number of midshipmen, it was evident that we should have to have these additional quarters, and that we should not construct temporary housing when more permanent construction could be provided, and that under the expansion of the Navy it was evident that there would for some time be a need for it; but the building the Senator has in mind is to provide temporary classroom facilities at a cost of $220,000, I think.

Mr. WALSH. Mr. President, in answer to the Senator from Maine, I will state that I do not think any of the recommendations for expanding the acreage, or for other improvements recommended by the Board of Visitors, are included in this bill. These are practically all emergency improvements made necessary by reason of the increase in the number of midshipmen.

Mr. BYRNES. The Senator is correct. There is no provision here for the acquisition of land.

Mr. WHITE. If the Senator will permit me, I was not critical of this appropriation, but I know that the committee which visited the academy last year was very profoundly impressed with the necessity for securing additional acreage to meet the expanding needs of the academy. It was very much congested; it is very much congested at this time; and sooner or later—I know the committee thought the sooner the better—additional land must be secured, and I was hopeful that this bill made provision for it.

Mr. BYRNES. No estimate for that purpose was submitted to the Appropriations Committee.

Mr. VANDENBERG. Mr. President, may I ask the Senator just one more question?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. McKELLAR. Certainly.

Mr. VANDENBERG. Can the Senator give me this final figure: What will be the over-all total of all national-defense appropriations for the present fiscal year after this bill is passed?

Mr. McKELLAR. I have not those figures. Does the Senator mean for all national defense?

Mr. VANDENBERG. Yes; I mean the total appropriations up to date.

Mr. McKELLAR. For this year?

Mr. VANDENBERG. For the present fiscal year.

Mr. McKELLAR. It is $5,077,073,586, plus this bill.

Mr. ADAMS. Mr. President, I think I can give the Senator the total, including this bill.

Mr. VANDENBERG. That is what I want.

Mr. McKELLAR. I should be glad to have the Senator do so.

Mr. ADAMS. It is $10,165,223,000.

Mr. VANDENBERG. And that is excluding the anticipated appropriations to handle the mobilization of the National Guard and to handle the conscript Army?

Mr. ADAMS. And it does not include the money appropriated to build an additional dam on the Tennessee River.

Mr. McKELLAR. That has already been appropriated.

Mr. VANDENBERG. So the whole thing will ultimately come to approximately $12,000,000,000. The final total will be, conservatively, $12,000,000,000.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. THOMAS of Oklahoma. It is my understanding that when the bills shall have passed which are now under way—that is, the National Guard bill and the conscription bill—the Departments will ask for another billion dollars with which to take care of expenses incident to placing such laws in operation.

Mr. VANDENBERG. Mr. President, if the Senator will permit me, I should like to make an observation in passing.

I know the country's enthusiasm for national defense, and I share it. I think we ought not to forget, however, that it costs money and that, sooner or later, somebody will have to

pay the bills; and the tremendous gap between the resources available to pay the bills and the bills themselves is something that ought to give somebody a little pause.

A few weeks ago we passed what we called a national-defense tax bill, rather simulating the idea that we were paying for national defense. It totaled probably not more than $700,000,000 for the present year, although it exhausted the imagination of the Treasury in finding things to tax. We are now engaged in writing an excess-profits tax bill which, the last time I saw it, would raise just $190,000,000; so the extra tax resources which our imaginations thus far have been able to produce total about $900,000,000, while the appropriations for this fiscal year alone for national defense will run between eleven and twelve billion dollars.

That is not said in any criticism of the defense appropriations. I have voted for every one of them, and I intend to vote for this bill; but I never hear anybody say anything about how we shall pay for these things, and I am merely suggesting that that subject is just as deserving of study and exploration and consideration as any other, because, in the final analysis, the public credit is the first line of national defense.

Mr. McKELLAR. Mr. President, I may say to the Senator from Michigan that, notwithstanding what he has just said, I am quite sure the Senator believes that at this time in our history we ought to prepare ourselves against what we know to be happening to other nations.

Mr. VANDENBERG. I so stated.

Mr. McKELLAR. Then why criticize the method of our defense?

Mr. VANDENBERG. I just stated that I was not criticizing the method of our defense.

Mr. McKELLAR. If we have to defend ourselves, let us appropriate the money and defend ourselves, and not criticize what is done all the way along the line. It will put in the minds of persons in foreign nations, and especially some of their leaders, the idea that we are not all agreed on defense. I know the Senator from Michigan feels that we should spare no expense in the defense of the great country which he and I and all other good people love.

Mr. VANDENBERG. Mr. President, it is a very curious thing to me that a rather modest and simple inquiry as to where we shall get the $11,000,000,000 we are spending should be promptly described as a criticism of the program. I have not criticized the program. In the very statement I made 3 minutes ago I said that I had voted for every dollar of it, that I expect to vote for this bill, and that I favor total defense. I simply took the liberty of referring to the probably relatively inconsequential fact that the protection of the public credit is also part of the national defense, and that we ought to address ourselves to that subject just as carefully as we are addressing ourselves to this one.

Mr. McKELLAR. The credit of the United States has never been better than it is today.

Mr. BRIDGES. Mr. President, no Member of the Senate has been a more ardent supporter of the defense measures pending before this body during the past year and during my entire service in the Senate than have I. I shall also vote for the pending bill. I voted for the selective service and draft bill yesterday and I shall continue this policy, for I do not believe we can afford to gamble with the safety and security of this country. But I do believe we should get the greatest amount of defense for the least amount of money spent. I do not believe we should have "boondoggling" in national defense, as we have had it in some Government projects. I do not know whether we have in any way. I hope not. I think it a very appropriate time to bring up and discuss for just a moment some items appearing in the press this morning and in the CONGRESSIONAL RECORD of yesterday.

I have before me clippings from the New York Herald Tribune of this morning and one from the Washington Post entitled:

CHIP ROBERT'S FIRM GETS $930,000 IN NAVY FEES—ARCHITECTURAL WORK GIVEN TO COMPANY OF NATIONAL DEMOCRATIC SECRETARY

WASHINGTON, August 28.—Fees amounting to more than $930,000 on recently negotiated Navy contracts have been paid to the architectural firm of Robert & Co., of Atlanta, of which Lawrence Wood (Chip) Robert, Jr., secretary of the Democratic National Committee, is president.

I shall read from the Herald Tribune article, and then ask to have it inserted as a part of my remarks, as well as the article from the Washington Post, in order to save the time of the Senate.

The information, placed in the CONGRESSIONAL RECORD today by Representative CARL VINSON, Democrat, of Georgia, chairman of the House Naval Affairs Committee, was given to the committee as the result of an inquiry instituted after Members had questioned Real Admiral Ben Moreell, Chief of the Navy's Bureau of Yards and Docks, in the course of the hearings on the Navy's public-works bill.

The committee voted to ask the Navy Department for all information on the contracts. A list, dated August 27, captioned "Contracts With the Navy (Negotiated) for Engineering and Architectural Services" was received today, in which Robert & Co. had rendered architectural services as follows:

1. Pensacola: Aircraft storehouse, ground-school building, and gymnasium building. Construction cost, $1,060,054; architects' fee, $45,000, or 4.25 percent.
2. Pensacola: Boilers, wells, outside services, etc. Construction costs, $210,615; fee (lump sum), $9,500, 4.5 percent.
3. Black Point, Fla.: General storehouse, aircraft storehouse, and P. & O. storehouse. Costs, $654,564; fee, $18,300, or 2.8 percent.

I might say there is one item listed in the CONGRESSIONAL RECORD that changed the number of projects, which would change the figures mentioned in the newspaper report. I mention that as the one listed at Jacksonville, for a million dollars, with a fee of $30,000. But there is some question in my mind whether that has been awarded or not, due to it having no contract number or date of award. It would bring the total to a different sum than the articles state. The other items are:

4. San Juan, P. R.: Temporary aviation-patrol facilities. Costs, $225,000; fee, $9,560, or 4.5 percent.
5. Pensacola: Officer-of-the-day building. Costs, $30,000; lump sum fee, $1,200, or 4 percent.
6. Black Point, Fla.: Overhaul and repair shop, bachelor officers' quarters, administration building, roads, and services. Costs, $2,668,848; fee, $83,000, or 3.11 percent.
7. Naval air stations, Miami and Jacksonville: Aviation facilities. Cost, $8,982,000; fee, $315,000, or 3.5 percent.
8. Corpus Christi, Tex.: Aviation facilities, $13,028,000. Fee, $450,000, or 3.46 percent.

The total fees awarded to the Robert firm was $931,560, and the total amount contracted for in connection with the projects amounted to $26,859,081, or, if the unlisted one should be added, it would add a million dollars to the total amount, and $30,000 to the fees.

I believe it was an excellent thing for this to be brought out and this disclosure made. With the high sense of political morality which is attributed to the President of the United States by some, now that this matter has come to light, he will probably want to look into the matter; at least, he should.

We passed the Hatch Act, to improve political morals. We have had investigations in the past. Some of them have been "witch hunts" and others have been legitimate. But here is something which on its face smells. In my judgment it is disgraceful to have the secretary of the Democratic National Committee awarded contracts totaling about $27,000,000 with fees totaling almost a million dollars by this administration. The American public deserves to know what influence has been brought to bear by Mr. Robert.

Here on the floor of the Senate I demand of the President of the United States, if he is sincere in what he says about political morality, if he does not approve of this type of dealing and if he wants to keep the defense program clean and above reproach, to request the resignation of Mr. Chip Robert as secretary of the Democratic National Committee at once. In addition it might be wise for the Attorney General of the United States to investigate how Mr. Robert's firm secured these contracts. It would be very interesting to me to know whether bids were sought or whether they were just passed out. I understand they were awarded on a cost-plus basis or some sort of a basis without bids. This is a very serious matter, something which the people of this country in making available billions and billions of dollars—which I approve—for national defense, should know about. The people

want to know whether the money is honestly spent and just how it is utilized. The public is entitled to know who is getting the contracts and how they are getting them. I think this is a subject which is worthy of investigation. These contracts were with the exception of one all awarded before the recent change in the administration of the Navy Department, while Mr. Edison was Secretary of the Navy, and the other shortly after the change. The details were all worked out before the new Secretary took office. I believe the President of the United States will be derelict in his duty unless he demands of Mr. Robert his resignation and demands it without delay.

Mr. President, not to occupy the time of the Senate further, I ask leave to put into the RECORD newspaper articles from the Herald Tribune of New York and the Washington Post of this morning and also a statement which today I have issued to the press upon this subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

SENATOR BRIDGES DEMANDS PRESIDENT ASK RESIGNATION OF "CHIP" ROBERT AS SECRETARY OF DEMOCRATIC NATIONAL COMMITTEE AS RESULT OF DISCLOSURE OF NAVY AWARDS TO HIS FIRM

AUGUST 29, 1940.

Senator STYLES BRIDGES, of New Hampshire, today issued the following statement:

"The disclosure in the House Naval Affairs Committee that the firm of Robert & Co., of Atlanta, of which Lawrence Wood 'Chip' Robert, secretary of the Democratic National Committee, is the head, has been awarded 8 out of 66 Navy Department contracts, of an estimated total $26,859,081, and of which the fees estimated to go to Robert & Co. amount to $931,560, constitutes one of the gravest scandals on the escutcheon of the Roosevelt administration.

"The President should immediately demand the resignation of Mr. Robert as secretary of the Democratic National Committee and, in addition, it would seem that an investigation of the entire matter might properly be made by the Attorney General of the United States.

"It is to the credit of CARL VINSON, chairman of the House Naval Affairs Committee, and Democratic Representative from Georgia, as well as Representatives BEVERLY M. VINCENT, of Kentucky, and COLGATE DARDEN, of Virginia, both Democrats, that they should have brought to the public attention these awards to a firm of which the head is an active politician and who holds an important office in the Democratic National Committee.

"It is quite probable that the awards to this firm may constitute a violation of the Hatch Act, if, indeed, other Federal statutes have not been violated. In any event, the procedure by which the Robert firm secured the awards smells to heaven on its face and certainly should be the subject of the most rigorous investigation.

"Mr. Roosevelt's acute sensibilities on the subject of political morality, and his efforts to impart a lily-white character to the administration's defense preparations, must, indeed, have received a severe shock in the disclosure that Mr. Robert, who worked so actively for his nomination for a third term, in Chicago, has been so promptly rewarded.

"He should immediately demand the effacement of Robert from the national campaign picture and should, I believe, join with others in demanding the investigation that is plainly called for and which the public has a right to expect."

---

[From the New York Herald Tribune of August 29, 1940]

CHIP ROBERT'S FIRM GETS $930,000 IN NAVY FEES—ARCHITECTURAL WORK GIVEN TO COMPANY OF NATIONAL DEMOCRATIC SECRETARY

WASHINGTON, August 28.—Fees amounting to more than $930,000 on recently negotiated Navy contracts have been paid to the architectural firm of Robert & Co., of Atlanta, of which Lawrence Wood (Chip) Robert, Jr., secretary of the Democratic National Committee, is president.

The information, placed in the CONGRESSIONAL RECORD today by Representative CARL VINSON, Democrat, of Georgia, chairman of the House Naval Affairs Committee, was given to the committee as the result of an inquiry instituted after members had questioned Rear Admiral Ben Moreell, Chief of the Navy's Bureau of Yards and Docks, in the course of the hearings on the Navy's public-works bill.

The committee voted to ask the Navy Department for all information on the contracts. A list dated August 27, captioned, "Contracts with the Navy (negotiated) for engineering and architectural services," was received today, in which Robert & Co. had rendered architectural services as follows:

1. Pensacola: Aircraft storehouse, ground-school building and gymnasium building. Construction cost, $1,060,054; architects' fee, $45,000, or 4.25 percent.

2. Pensacola: Boilers, wells, outside services, etc. Construction costs, $210,615; fee (lump sum), $9,500, 4.5 percent.

3. Black Point, Fla.: General storehouse, aircraft storehouse, and P. & O. storehouse. Costs, $654,564; fee, $18,300, or 2.8 percent.

4. San Juan, P. R.: Temporary aviation-patrol facilities. Costs, $225,000; fee, $9,560, or 4.5 percent.

5. Pensacola: Officer of the day building. Costs, $30,000; lump sum fee, $1,200, or 4 percent.

6. Black Point, Fla.: Overhaul and repair shop, bachelor officers' quarters, administration building, roads and services. Costs, $2,668,848; fee, $83,000, or 3.11 percent.

7. Naval Air Station, Miami and Jacksonville: Aviation facilities. Cost, $8,982,000; fee, $315,000, or 3.5 percent.

Total fees to Robert & Co., $931,560, in 8 out of 66 contracts. Total costs of Robert-contracted projects, $26,859,081.

Although the information was placed in the record without official comment by the Naval Affairs Committee, members had previously recalled that President Roosevelt in the early days of the New Deal forced the resignation of Arthur Mullen and Bruce Kremer as Democratic national committeemen from Nebraska and Montana, respectively, because they had established law offices in Washington and were practicing before Government departments.

Mr. Robert recently was reelected secretary of the Democratic National Committee at the organizational meeting for the 1940 campaign, which took place after Edward J. Flynn had been chosen to succeed James A. Farley as chairman.

In the hearings on the Navy's public-works bill Admiral Moreell disclosed that Mr. Robert's firm had received engineering contracts in the Navy's $24,000,000 project at Corpus Christi, Tex., and the $20,000,000 expansion at Jacksonville, Fla.

Representative BEVERLY M. VINCENT, Democrat, of Kentucky, said he had heard "complaints" that the contracts were not being awarded "fairly." Another committee member, Representative COLGATE DARDEN, Democrat, of Virginia, said that he did not believe the secretary of the Democratic National Committee should have his business firm bid on Government contracts.

"It just isn't good policy," Representative DARDEN remarked. "It doesn't look good to the man in the street, who thinks the politician's position had something to do with his firm receiving the contract."

One committee member accused the Navy Department of trying to cover up the information and said if it wasn't forthcoming he would air the matter on the floor of the House.

In requesting Admiral Moreell to file the information which was forthcoming today, Chairman VINSON said: "You want to be just like Caesar's wife all the time. You want to be above any criticisms or suspicion because we all know that every contractor who does not get a contract is going to make a mountain of a mole hill. I have implicit confidence in you and so has Congress, and we expect you to run the Navy's business in a manner that justifies that confidence."

---

[From the Washington Post of August 29, 1940]

"CHIP" ROBERT'S FIRM GETS BIG SHARE OF DEFENSE FEES

Chairman CARL VINSON (Democrat), of Georgia, of the House Naval Affairs Committee, yesterday inserted in the CONGRESSIONAL RECORD statistics on negotiated Navy Department contracts showing that Robert & Co., Atlanta, got 8 out of 66 awards.

The estimated cost of the eight projects involved, the compilation showed, was $26,859,081, and the Robert & Co. fees totaled $931,560, representing percentages ranging from 2.8 to 4.5 percent of individual contracts.

Robert & Co. is the engineering and architectural firm of Lawrence Wood (Chip) Robert, secretary of the Democratic National Committee.

The House Naval Affairs Committee called for the information on Robert's contracts after two Members, Representatives BEVERLY M. VINCENT (Democrat), Kentucky, and COLGATE DARDEN (Democrat), Virginia, questioned Rear Admiral Ben Moreell, Chief of the Navy's Bureau of Yards and Docks, about the negotiated contracts of the Navy Department.

The Robert & Co. contracts were:

1. Pensacola, Fla.: Aircraft storehouse, ground school building, and gymnasium building. Cost, $1,060,054; fee, $45,000; 4.25 percent.

2. Pensacola, Fla.: Boilers, wells, outside services, etc. Construction cost, $210,615; fee (lump sum), $9,500; 4.5 percent.

3. Black Point, Fla.; General storehouse and P. & O. storehouse. Cost, $654,564; fee, $18,300; 2.8 percent.

4. San Juan, P. R.: Temporary aviation-patrol facilities. Cost, $225,000; fee, $9,560; 4.5 percent.

5. Pensacola, Fla.: Officer of the day building. Cost, $30,000; lump-sum fee, $1,200; 4 percent.

6. Black Point, Fla.: Overhaul and repair shop, bachelor officers' quarters, administration building, roads, and services. Cost, $2,668,848; fee, $83,000; 3.11 percent.

7. Naval air station, Miami and Jacksonville: Aviation facilities. Cost, $8,982,000; fee, $315,000; 3.5 percent.

8. Corpus Christi, Tex.: Aviation facilities. Cost, $13,028,000; fee, $450,000; 3.46 percent.

The PRESIDING OFFICER. The clerk will state the first amendment of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Title I—War Department—Military Activities", on page 2, line 9, after the word "exceed", to strike out "for any bureau or office more than 10 percent of the

amount heretofore appropriated therefor for personal services for the fiscal year 1941" and insert "one-fourth of 1 percent of the total amount of cash appropriated for the Army by this act", so as to read:

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental, and in addition, to the appropriations under the same heads in the Military Appropriation Act, for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, and including under each appropriation the employment of persons and the procurement of supplies and services, printing, and binding, and communication service, at the seat of government and elsewhere (the amount for personal services at the seat of government, other than for field service employees, shall not exceed one-fourth of 1 percent of the total amount of cash appropriated for the Army by this act), as follows:

The amendment was agreed to.

The next amendment was, under the subhead "Military posts", on page 3, line 16, after the word "thereto", to strike out "$70,001,915" and insert "$73,001,915"; in line 20, after the word "of", to strike out "$12,000,000" and insert "$14,000,000"; in line 21, after the word "available", to insert a colon and "*Provided*, That of the foregoing cash appropriation and contract authorization $3,000,000 in cash and $2,000,000 in contract authorization shall be available for storage for aviation gasoline at various locations"; and on page 4, line 2, after the word "prosecuted", to strike out "with the approval by the Attorney General prior to his approval" and insert "prior to the approval by the Attorney General", so as to read:

Construction of buildings, utilities, and appurtenances at military posts: For construction and installation of buildings, flying fields, and appurtenances thereto, $73,001,915, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of $14,000,000, for the purposes for which this appropriation is available: *Provided*, That of the foregoing cash appropriation and contract authorization $3,000,000 in cash and $2,000,000 in contract authorization shall be available for storage for aviation gasoline at various locations: *Provided further*, That all construction for the Military Establishment which has been authorized, or may be authorized prior to July 1, 1942, may be prosecuted prior to the approval by the Attorney General of title to the lands upon which such construction is to be placed, to such extent as may be deemed necessary or advantageous by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the heading "Title II—Navy Department—Naval Establishment, Office of the Secretary," on page 8, line 9, after the words "Miscellaneous expenses" and the comma, to strike out "$50,000" and insert "$136,000, including not to exceed $11,700 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), and not to exceed $2,167 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 8, line 19, after the numerals "1941", to strike out "$3,189,780" and insert "$3,689,780", so as to read:

Naval Reserve, including training for Reserve midshipmen, to be expended without regard to the limitations specified under this head in the Naval Appropriation Act for the fiscal year 1941, $3,689,780.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 9, line 6, after the words "Ordnance and ordnance stores, Navy" and the comma, to strike out "$60,293,000" and insert "$67,293,000, and, in addition, the Secretary of the Navy is authorized, prior to July 1, 1941, to enter into contracts to an amount not in excess of $15,000,000 for the purposes for which this appropriation is available."

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

BUREAU OF MEDICINE AND SURGERY

Medical department, $1,350,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 9, after line 16, to insert:

MAINTENANCE, BUREAU OF YARDS AND DOCKS

For maintenance, Bureau of Yards and Docks, including the purchase of 12 motor busses at a cost not to exceed $4,500 each, $2,000,000: *Provided*, That the limitation fixed in the Naval Appropriation Act for the fiscal year 1941, approved June 11, 1940, for expenditures for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, and so forth, is increased during the fiscal year 1941 from $100,000 to $110,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Works, Bureau of Yards and Docks", on page 10, line 5, after the word "respectively", to strike out "$37,750,000" and insert "$48,315,000", so as to read:

Toward the following public-works and public-utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, $48,315,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 10, line 16, after the figures "$35,000", to insert a semicolon and "miscellaneous shipbuilding facilities, $465,000", so as to read:

Navy Yard, Charleston, S. C.: Outside power connection to public-utility company, $50,000; services to fitting-out pier, $35,000; miscellaneous shipbuilding facilities, $465,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Naval Academy, Annapolis, Md.: Additional facilities, $1,985,000.

The amendment was agreed to.

The next amendment was, on page 14, line 4, after the figures "$130,000", to insert a semicolon and "temporary storehouses, $500,000", so as to read:

Destroyer base, San Diego, Calif.: Brig and marine guard building and accessories, $80,000; barracks and mess-hall building and accessories, $450,000; shop buildings, $220,000; cruiser graving dry-dock and accessories, $3,000,000; improvement of power plant and distributing systems, $130,000; temporary storehouses, $500,000.

The amendment was agreed to.

The next amendment was, on page 14, line 9, after the figures "$25,000", to insert "improvement of power plant, $450,000; improvement of sewage-disposal system, $125,000; and temporary construction and facilities for additional enlisted personnel, $1,750,000", so as to read:

Naval training station, Great Lakes, Ill.: Outside power connection to public-utility company, $25,000; improvement of power plant, $450,000; improvement of sewage-disposal system, $125,000; and temporary construction and facilities for additional enlisted personnel, $1,750,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 12, to insert:

Naval training station, Newport, R. I.: Temporary construction and facilities for additional enlisted personnel, $800,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 15, to insert:

Naval training station, Norfolk, Va.: Temporary construction and facilities for additional enlisted personnel, $1,950,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to insert:

Naval Training Station, San Diego, Calif.: Temporary construction and facilities for additional enlisted personnel, $1,250,000.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

Naval ammunition depot, Charleston, S. C.: Ammunition storage facilities, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 17, line 5, after the figures "$750,000", to insert a semicolon and "extension of ad-

ministration building, $200,000; extension of barracks for school for torpedo men, $150,000", so as to read:

Naval torpedo station, Newport, R. I.: Extension of fuze and primer building, $100,000; administration building, $280,000; extension of dispensary building, $20,000; extension of sea wall, $55,000; magazine buildings $5,000; coal-handling equipment for power plant, $50,000; reconstruction of yardcraft building and improvement of water front $105,000; alcohol and paint storehouse, $20,000; torpedo assembly plant and accessories, $750,000; extension of administration building, $200,000; extension of barracks for school for torpedo men, $150,000.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the figures "$10,000", to insert a semicolon and "repairs and replacements to make good storm damage of August 12, 1940, $1,750,000; additional construction for increase in Marine Corps personnel, $2,000,000", so as to read:

Marine barracks, Parris Island, S. C.: Power and ice-plant building and accessories and equipment, $500,000; outside power connection to public-utility company, $10,000; magazines, $10,000; repairs and replacements to make good storm damage of August 12, 1940, $1,750,000; additional construction for increase in Marine Corps personnel, $2,000,000.

The amendment was agreed to.

The next amendment was, on page 24, line 10, after the word "select", to strike out "$750,000" and insert "$250,000", so as to read:

Facilities for Reserve midshipmen at such location as the Secretary of the Navy, with the approval of the President, may select, $250,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 20, to insert:

Receiving barracks for crews of ships going into commission at various locations, $2,200,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

Storage for aviation gasoline at various locations, $2,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Aeronautics", on page 25, line 18, after the word "plants", to insert "and outfits for messes of aviation cadets and bachelor officers at air stations"; in line 19, to strike out "$170,000,000" and insert "$180,000,000"; in line 23, after the word "new", to strike out "airplanes" and insert "aircraft"; and in line 24, after the figures "$375,000,000", to insert a colon and the following additional proviso: "*Provided further*, That not to exceed $1,000,000 of the total amount herein appropriated and available for contractual obligation may be used for the procurement of nonrigid lighter-than-air craft", so as to read:

Aviation, Navy, including plant expansions and facilities in private plants and outfits for messes of aviation cadets and bachelor officers at air stations, $180,000,000: *Provided*, That in addition to the amount herein appropriated, the Secretary of the Navy may prior to July 1, 1941, enter into contracts for production and purchase of new aircraft and equipment, spare parts, and accessories in an amount not to exceed $375,000,000: *Provided further*, That not to exceed $1,000,000 of the total amount herein appropriated and available for contractual obligation may be used for the procurement of nonrigid lighter-than-air craft.

The amendment was agreed to.

The next amendment was, under the subhead "Replacement of naval vessels", on page 28, line 8, after the words "approval of", to strike out "this act" and insert "the Second Supplemental National Defense Appropriation Act, 1941", so as to read:

The first paragraph of section 2 (b) and subdivision (1) of such section 2 (b) of the act approved June 28, 1940 (Public, No. 671, 76th Cong.), are hereby amended to read as follows:

"(b) After the date of approval of the Second Supplemental National Defense Appropriation Act, 1941, no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

"(1) to pay into the Treasury profit in excess of 8 percent (in lieu of the 10 percent specified in such sec. 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year."

The amendment was agreed to.

Mr. McKELLAR. Mr. President, in view of the adoption by the Senate yesterday of what was known as the Overton-Russell amendment, the provision in lines 22, 23, and 24, on page 28, as proposed to be amended, should be stricken out, and I ask unanimous consent that that be done. As proposed to be amended the provision would read:

The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), are hereby repealed.

Mr. VANDENBERG. What page?

Mr. McKELLAR. On page 28.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Navy Department," on page 29, at the end of line 4, to strike out "$13,680" and insert "$20,000", so as to read:

Salaries: For compensation for personal services in the District of Columbia, as follows:
Office of the Secretary of the Navy, $20,000.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. McKELLAR. Mr. President, I have a number of amendments which the committee has directed me to offer. The first one I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, line 7, it is proposed to insert the following:

*Provided further*, That the Secretary of War may, with respect to contracts for public works for the Military Establishment entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the fiscal year 1941, or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a).

Mr. VANDENBERG. What is the purpose of that amendment?

Mr. McKELLAR. In the cost-plus contracts, plus a fee, an examination has to be made before the payment is made, and there is no necessity for bonds at all in connection with them. The amendment will save the Government the amount of the cost of the bonds.

Mr. HAYDEN. The testimony before the committee was that the probable saving would be somewhere between $400,000 and $800,000.

Mr. VANDENBERG. Does this provide for performance bonds?

Mr. McKELLAR. Yes.

Mr. VANDENBERG. Why is it that the performance bonds are not necessary? Perhaps I am dull.

Mr. HAYDEN. Suppose that a contract is let to the lowest bidder. He may be qualified to do the work or he may not, but if he can get a bonding company to give him a bond he obtains the contract. If it is to be a cost-plus-a-fixed-fee contract, three responsible firms able to carry out the contract are called upon to submit proposals and the work is awarded to one of them.

A representative of the bonding companies came before our committee and it was developed that on the ordinary competitive-bid contract they asked a premium of 1½ percent. They agreed to make a bond on cost-plus-a-fixed-fee contracts for four-tenths of 1 percent. Certainly they would not cut the amount from 1½ percent to four-tenths of 1 percent if there was any real risk involved, and the committee thought we had better save the money.

Mr. VANDENBERG. The rule is, then, that under the noncompetitive system of bidding the financial responsibility of the bidder is explored in advance and considered to be conclusive?

Mr. HAYDEN. Exactly.

Mr. McKELLAR. If he fails to carry on his contract, the Government is right there with its agents to make examination and to prevent the Government from having any loss.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee on behalf of the committee.

The amendment was agreed to.

Mr. McKELLAR. On behalf of the committee, I send another amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6, after line 7, it is proposed to insert the following:

RESERVE OFFICERS' TRAINING CORPS

Funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be detailed for duty in connection with the Reserve Officers' Training Corps.

Mr. McKELLAR. When these officers are called for duty it is manifest that they should be paid, and that is all the amendment authorizes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee on behalf of the committee.

The amendment was agreed to.

Mr. McKELLAR. On behalf of the committee I offer another amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, after line 19, it is proposed to insert the following:

SEC. 101. The first sentence of the seventh paragraph of section 127a, National Defense Act, as amended by section 20 of the act of June 15, 1933 (48 Stat. 161), is hereby amended to read as follows:

"In time of war or national emergency determined by the President any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment."

Mr. McKELLAR. That has been done in all crises of this kind, and we merely reenact previous law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee on behalf of the committee.

The amendment was agreed to.

Mr. McKELLAR. On behalf of the Committee on Appropriations I now send another amendment to the desk and ask that it be stated. I ask that the clerk also read the pencil interlineation in the amendment.

The LEGISLATIVE CLERK. On page 7, after line 19, it is proposed to insert the following:

SEC. 102. The Secretary of War may allocate to the Corps of Engineers any of the construction works in their usual line required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated.

Mr. VANDENBERG. I wish to inquire if that is not a complete change in procedure in respect to Army construction work.

Mr. McKELLAR. The Quartermaster Corps of the Army has charge of construction work generally, but the Corps of Engineers is at times in a better position to do some kinds of construction work than is the Quartermaster Corps, and has done such work heretofore; so the amendment merely gives to the President authority to allot funds to the Corps of Engineers when it is believed they can do the work better.

Mr. VANDENBERG. Am I incorrectly informed that heretofore whenever this particular transfer has been sought to be made, it has always been declined or refused?

Mr. McKELLAR. I cannot say. It cannot be done now unless provision is now made, because there is no law providing for the allotment of funds. The amendment gives the President the power to allot funds in those cases where the Corps of Engineers can do the particular kind of work better or more expeditiously than the Quartermaster Corps can do it. That is all the amendment provides. The Secretary of War has charge of both the Quartermaster Corps and the Corps of Engineers.

Mr. VANDENBERG. Does that mean that funds appropriated to the Quartermaster Corps are transferred?

Mr. McKELLAR. They could be transferred and used interchangeably with the Corps of Engineers.

Mr. VANDENBERG. My only interest in the matter was that I saw a memorandum which indicated that this sort of thing had been attempted repeatedly heretofore, and that the experts in the department themselves had always heretofore succeeded in stopping the transfer of the construction responsibilities from the Quartermaster Department to the Corps of Engineers.

Mr. McKELLAR. I cannot say anything about that. Under the amendment the Secretary of War is given that power. The Secretary of War should certainly have the power to allot funds either to the Quartermaster Corps or to the Corps of Engineers if the work can be done better by the one or the other organization.

Mr. VANDENBERG. That sounds reasonable and persuasive.

Mr. McKELLAR. I thank the Senator.

Mr. VANDENBERG. I was simply challenged by the fact that, as I understand, heretofore there has always been a rather severe controversy rotating around this subject, and that this is the first time the Quartermaster Corps has lost and the first time the Corps of Engineers has won.

Mr. McKELLAR. This is one of many controversies that arise in the various departments.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHITE. Does the proposal mean that funds may be transferred to the Corps of Engineers only for the purposes for which they were made available to the Quartermaster Corps?

Mr. McKELLAR. That is correct, as I understand.

Mr. WHITE. So the purpose of an expenditure will not be changed.

Mr. McKELLAR. Not at all.

Mr. WHITE. But only the person or the agency which may expend the funds will be changed.

Mr. McKELLAR. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR] on behalf of the committee.

The amendment was agreed to.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WALSH. Is there a provision in the bill which repeals the section of law now in operation which limits to 7 and 8 percent the profits of airplane manufacturers and shipbuilders who contract with the Government for Government planes and ships?

Mr. McKELLAR. If the Senator will look on page 28 of the bill, he will find a House provision which changes that.

Mr. BYRNES. There is no question about it.

Mr. WALSH. Does the House language approved by the Senate committee make any change in the existing law with reference to the margin of profit that can be made on Government contracts for airplanes and for naval vessels?

Mr. McKELLAR. It does; but the Senator from Georgia [Mr. RUSSELL] yesterday——

Mr. WALSH. This bill repeals the provision of law making 8 percent and 7 percent the limit of profit on Government contracts for naval vessels and naval planes, and substitutes 12 percent. Am I correct in that statement?

Mr. ADAMS. I think the answer can be made very briefly. The bill as it came from the House raised the limit of profit on airplanes from 8 to 12 percent.

Mr. WALSH. Mr. President, the original law which was passed in 1934 limited to 10 percent the profit on airplanes and 8 percent on naval vessels. That law was passed in 1934, when there was no authority to make Government con-

tracts for naval vessels or for airplanes, except by competitive bidding. That has been the law up to this year.

In 1939, last year, in an appropriation bill, without any discussion by Congress, and certainly without my knowledge, the figure of 10-percent profit on airplanes was changed to 12 percent. That was before the European war began.

The testimony before the Committee on Naval Affairs was that it was not known how that change happened to be made. The officials of the Navy did not ask for it, but they said it was put in the bill in the nature of a rider. It was also testified that they had no trouble—I am speaking about a year ago—in getting all the airplane contracts they wanted, at 10 percent profit. So until the naval expansion measure was passed this year, 12 percent profit was permitted on airplane construction and 10 percent for the building of naval vessels.

The Committee on Naval Affairs said:

> In this bill we are giving sweeping powers to the Navy Department, and the War Department has similar powers. We are doing away with all competitive bidding of every kind and description, and we are providing for two kinds of contracts; one a negotiated contract, where the sum that will be paid for the building of a certain number of planes or for naval vessels is agreed upon.

The other is a contract which says:

> We will pay all the costs, whatever they are, and give you a profit besides.

In June, when we were confining these extraordinary powers to an emergency, and there was talk of possible later conscription of the youth of the country, we said:

> We have now removed competitive bidding in the case of contracts for building naval vessels or airplanes. How can we possibly retain the present law, which gives a profit of 12 percent in the case of airplane manufacturers and 10 percent in the case of builders of naval vessels?

So we provided in the law that when a contract is entered into without competitive bidding, but by mutual agreement on a fixed price, the profit shall be 8 percent; and that when a contract is entered into with the understanding that the Government will pay all the costs the profit shall be 7 percent.

That is the law at the present time. The provision in the bill repeals that law, and, as I understand, goes back to 12 percent for everybody, including airplane manufacturers and naval-vessel builders. I ask the Senator from Colorado whether or not my understanding is correct.

Mr. ADAMS. No; it applies only to airplane manufacturers.

Mr. WALSH. What happens to naval vessels?

Mr. ADAMS. I understand there is no change in that respect.

Mr. WALSH. Is that correct?

Mr. BYRNES. There is no change whatever in the contracts as to naval vessels. The Navy officials represented to the committee that they were entirely satisfied.

Mr. WALSH. I am glad to hear that. They have always so represented. Naval-vessel builders have accepted the situation. In view of the fact that there is no more competitive bidding, and that the Government is to pay all the costs, including part of the salaries of their officers, naval shipbuilders have said they are satisfied with 7 percent. The airplane manufacturers said, "We are not satisfied. We want the old 12 percent." Mind you, they had only 10 percent from 1934 to 1939, when there was competitive bidding, when every manufacturer knew about every contract which the Government intended to make, and had a chance to set his figures.

It is now proposed, the day after we have voted to draft for 1 year the lives of American youth, to repeal a law limiting the profits of airplane manufacturers to 7 and 8 percent, and to increase the profit to 12 percent. What will the country say about such action? How can it be justified?

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. WALSH. I yield.

Mr. RUSSELL. I am not at all sure that the effect of the provision in the bill before us is not to remove any limitation whatever.

Mr. WALSH. Even on naval vessels?

Mr. RUSSELL. On the profits which may accrue to the manufacturers of airplanes. The section which it is proposed to amend limits them to 8 percent. The law which limits them to 8 percent repealed all laws in conflict with the 8 percent. The provision in the House bill removes the 8-percent limitation, and does not undertake to revive the old 12-percent limitation in express terms. It may be done impliedly; but to my mind there is some question as to whether or not there would be any limitation on airplane profits if the provision in the House bill should be agreed to.

Mr. WALSH. I understand that the Senator is not in sympathy with the provision in the House bill.

Mr. RUSSELL. No; I am not in sympathy with the provision in the House bill. I think the amendment offered yesterday to the conscription bill by the Senator from Colorado [Mr. ADAMS], equalizing the War and Navy Departments with respect to the limitation of 8 percent, should apply in all cases.

Mr. WALSH. Let us know what we face when we go back home and the history of this session is reviewed. We draft the boys, and say to them "Go to camp, wherever you are sent." In my town 1,000 will be registered, and 40 will be taken; yet within 24 hours we proceed to increase the profits of those who are building naval vessels and aircraft which may be used in a war.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. LA FOLLETTE. If one of the 40 boys who are to be taken from the home town of the Senator from Massachusetts happens to be earning $120 a month, the effect of taking him for a year will be to levy a 75-percent tax, so to speak, upon his income. A tax of 75 percent will be levied upon him, and it is now proposed to increase the ceiling on the profits of airplane manufacturers at least to 12 percent. If the construction of the Senator from Georgia is correct, all limitation would be removed.

Mr. WALSH. Exactly.

Let me add that in the naval legislation of this year there is a provision authorizing the Department to negotiate without competitive bidding in the building of bases throughout the country. Contracts have been let for the building of large naval bases in Puerto Rico, the Canal Zone, Hawaii, and on the coasts of this country, at a profit of from 4 to 6 percent. Contractors are glad to have the work at a profit of 4 or 5 percent. The statute established a limitation as high as 10 percent in such negotiations, and the record shows that every single one of the base contracts has been accepted on the basis of a profit of between 4 and 6 percent. That is what happened when authority was given to enter into such contracts and proceed to build the bases.

The airplane manufacturers have very properly complained about the attitude of subcontractors in refusing to accept 8-, 10-, or 12-percent profit, because they are so rushed with private and foreign orders that they have been able to raise their prices so as to make in excess of 18-percent profit on foreign and private orders.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. TAFT. Will the Senator explain how the percentage is arrived at? On what is it based? How is the percentage of profit measured? Is it a percentage on the property involved? Is it a percentage of the gross?

Mr. WALSH. The Navy Department negotiates a contract with an airplane manufacturer for a given number of planes. Let us say the price in the contract is $10,000,000. The Government says, "You will build this number of planes for $10,000,000. We will give you, on top of that, 8-percent profit for yourself." That is one form of contract.

Mr. TAFT. I do not quite see the justice of it. In some industries there may be a tremendous capital investment,

and if the percentage were figured on the contract price it would give a very small return on the capital. In other cases it might give a very much larger return on the capital. I do not see the justice of the particular standard of profit limitation.

Mr. WALSH. What would the Senator make it—anything they wanted?

Mr. TAFT. I do not know. It may be entirely correct as it is. Eight percent may be correct, or 12 percent may be correct. A man may have $1,000 invested, on which he receives a return of 6 percent. It does not follow that when 6-percent profit is allowed on the gross price of a contract, it is in any way comparable to the return on the money invested. It might be that in the case of an airplane manufacturer 10 percent would give him only 6-percent return on the money invested in the business. On the other hand, in making tanks possibly 10-percent profit would give a 10-percent return.

It seems to me that what the Senator suggests is subject to some criticism.

Mr. WALSH. Does not the Senator think that before the contractor would agree to 10 percent he would consider the return on his investment, his costs, and everything else?

Mr. TAFT. I am asking the Senator how it is done.

Mr. WALSH. I say that is the way it is done.

Mr. TAFT. The only question I raise is whether or not, when a man receives 12-percent profit on a contract, it really means a return of 12 percent. It may sound like a tremendous profit, and yet if it is 12 percent on the gross price of the contract it may have very little relation to the return on the property invested, or the risk involved.

Mr. WALSH. The Senator will agree that if the Navy Department enters into a contract for a given number of airplanes, an amount must be reached which is agreeable to both sides.

Mr. TAFT. Yes.

Mr. WALSH. If that amount is reached, does not the Senator think 8-percent profit is reasonable, fair, and even generous?

Mr. TAFT. I have not the faintest idea, and I do not see how I could tell.

The Senator has made one point which I think is perfectly justified. If 10 percent was reasonable and acceptable before the war, I do not quite see why it should not be sufficient now. That point I understand, but I do not quite understand the justice of a limitation of that particular kind.

Mr. WALSH. The other form of contract which is in general use is that of the Navy Department—and I suppose it is true of the War Department so far as airplanes are concerned, under which the Department says in effect, "Will you build a hundred planes for the Navy Department?" "Yes; I will." "Let us have an understanding; I will not bind you to any price, but I will pay you the exact cost to you, and I will give you 10-percent profit on top of that." Is that a fair contract?

Mr. TAFT. That would seem to me to be perfectly fair.

Mr. WALSH. This bill proposes to change that form of contract so as to make the profit 12 percent.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. OVERTON. As I understand the operation of the law, it applies not only to the principal contractor but applies also to the subcontractor. I will give an illustration, and I will ask the Senator from Massachusetts if I am not correct. Say that a contract is for a million dollars, and a subcontract is let for $100,000. The subcontractor proceeds to execute the subcontract. It costs him $150,000; he loses $50,000, and for that he has no claim against the Government at all. Let us suppose, on the other hand, that he fulfills the subcontract at a cost to himself of $80,000. Then, the principal contractor pays the subcontractor $100,000, but the Government steps in and says "You are entitled to $80,000, the amount the subcontract cost you, plus 8 percent or $8,640, and you shall pay back into the Treasury the difference between the $100,000 and the $88,640. That is the way I understand it, and it was the way it was explained to us.

Mr. WALSH. Perhaps we are in accord. As I understand, the chief contractor—if I may use that word—in the case of erecting a building, for instance, knows that he has to have a subcontractor for plumbing, a subcontractor for heating, a subcontractor for glass, and for other things. Each determines how much money he wants for his particular part of the job. Then all the figures are added together and the man who assembles and builds the structure, the chief contractor, fixes his amount, and that is the amount of the contract. He says to the Government, "I want that amount," and he gets 8 percent on it. There is no negotiation with the subcontractor as to 8 percent or 6 percent or 7 percent; he can fix whatever price he wants to fix; 20 percent, if he desires; and, because he fixes 18-percent profit or more on the materials he furnishes, when the chief contractor goes to the Government the price is so exorbitantly high that the Government cannot accept the bid and says, "You have been building these planes right along for this price; why are you bidding—because we are doing away with competitive bidding—at such an advanced price? We are willing to give you 8 percent upon it." Do I make plain to the Senator what I understand to be the process?

Mr. OVERTON. I do not know that I exactly follow the Senator, but, as I understand, the Vinson-Trammell Act applies not only to the contractor but to all subcontractors under the main contract; they can make a certain percentage and no more. If they lose on the contract, it is a dead loss to them; if they should make more than 8 percent, they would have to repay the difference above that into the Treasury whether they were contractors or subcontractors.

Mr. WALSH. The Vinson-Trammell law applies only to competitive-bidding contracts. There is an entirely different situation when the contractor takes a chance of loss. Here are contracts where there is no loss, where it is impossible to have a loss, where there is a hand-out from the Government of 8 percent under some circumstances and of 7 percent under others.

Mr. OVERTON. That is a negotiated contract, is it not?

Mr. WALSH. Yes; a negotiated contract or a cost-plus contract. It is proposed now because we are in an emergency, because we are in fear of war, because we want to increase our defenses, that we shall increase their profits and remove the chance of loss, do away with competitive bidding, and give them the same profit that we gave them at the time when they were subjected to competitive bidding and took all the loss themselves.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. McKELLAR. The matter which the Senator objects to is found on page 28 and was put in the bill by the House.

Mr. WALSH. I understand that.

Mr. McKELLAR. The Senator is talking about a very important matter, one which appealed to me very strongly, I will say to him.

Mr. WALSH. I would expect it to do so.

Mr. McKELLAR. But we have not finished the committee amendments, and I am wondering in that connection if the Senator has an amendment to this bill which he intends to offer to rectify the trouble which he seeks to cure.

Mr. ADAMS. Mr. President, if the Senator will allow me, I have suggested an amendment which I think will meet the point raised by the Senator from Massachusetts [Mr. WALSH].

Mr. McKELLAR. Very well, but I should like to conclude with the committee amendments.

Mr. WALSH. Mr. President, the Senator has been very indulgent and I ask his pardon, but I understood there was no amendment on this subject to be offered and I had expected members of the Appropriations Committee, having the point of view they have, to offer such an amendment, else I would not have interrupted the Senator. I am happy to know

that the Senator from Colorado has an amendment that will correct the situation I have been discussing.

Mr. ADAMS. Mr. President, let me ask if what the Senator has in mind would not be accomplished by striking out on page 28 all beginning with line 4 down to and including line 21. That would strike out the whole provision.

Mr. WALSH. Will the Senator offer such an amendment?

Mr. ADAMS. I will be glad to.

Mr. WALSH. Again I ask the indulgence of the Senator from Tennessee. I wanted to find out what the sentiment of the committee was. I could not understand there being a unanimous report recommending the acceptance of the House language.

Mr. McKELLAR. It is a matter which was very thoroughly discussed and there was considerable differences of opinion.

Mr. WALSH. Therefore, the minority viewpoint in the committee will be presented. I thank the Senator, and I am sorry that I interrupted. As a matter of fact, I wanted to leave the Chamber at 2 o'clock, but I find now I ought not to do so.

Mr. McKELLAR. Mr. President, I ask that the amendment offered by me be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 19, it is proposed to insert the following:

SEC. 103. Section 1 (c) of the act of July 2, 1940 (Public, No. 703, 76th Cong.), is amended by deleting therefrom the words "for supplies or construction" and the words "of such supplies or construction."

Mr. McKELLAR. This amendment would put the Army in the same position the Navy is in in reference to construction work.

Mr. LA FOLLETTE. Mr. President, will the Senator explain that a little more in detail?

Mr. McKELLAR. The Senator from Georgia [Mr. RUSSELL] is familiar with that amendment, and I will ask him to explain it.

Mr. RUSSELL. Mr. President, this amendment merely places the Army and the Navy on exactly the same footing in relation to advance payments to contractors with the War and Navy Departments. In the haste of all the preparedness legislation we have inadvertently in many cases extended privileges to the Army which have been withheld from the Navy, and extended privileges to the Navy which are not available to the Army. The immediate purpose of this amendment is to make it possible for the War Department to contract with civilian flying schools on the same basis that the Navy Department is permitted to contract with them. At the present time a great many pilots are being trained in civilian pilot schools, and this amendment would merely put both Departments, both of whom are training pilots, in exactly the same position.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. For the committee, I offer another amendment.

Mr. ADAMS. Mr. President, would the Senator mind if I offer the amendment I suggested a few moments ago, inasmuch as it would follow the discussion we have had in the RECORD?

Mr. McKELLAR. I would not object to it at all if the Senator from South Carolina [Mr. BYRNES], who has paid particular attention to that matter, were here. He was here a moment ago, and I will send for him. Will the Senator let us proceed until the Senator from South Carolina comes in?

Mr. ADAMS. I thought perhaps it would preserve the continuity of the discussion to offer the amendment now.

Mr. McKELLAR. I can understand the Senator's position. When the Senator from South Carolina returns to the Chamber we will be glad to have the amendment considered.

The PRESIDING OFFICER. Is there objection to the Senator from Colorado offering the amendment out of order?

Mr. McKELLAR. Let the amendment be offered.

Mr. ADAMS. Then I move to amend the bill on page 28 by striking out lines 4 to 21, inclusive.

Mr. McKELLAR. Let the matter wait until the Senator from South Carolina returns to the Chamber.

Mr. ADAMS. Very well.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will lie on the table.

Mr. McKELLAR. I offer another amendment on behalf of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 8, line 14, it is proposed to insert:

*Provided*, That the first proviso under the appropriation "Miscellaneous expenses, Office of the Secretary," contained in title I of the act making appropriations for the Navy Department and the naval service for the fiscal year 1941, is hereby repealed.

Mr. McKELLAR. Under the present law the commandant of a navy yard has also to be commandant of a district. This amendment would allow separate officers to be named for those positions.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. McKELLAR. I now offer for the committee another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 25, line 15, it is proposed to insert the following:

The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects mentioned in this act.

Mr. McKELLAR. The men covered by the amendment are experienced and it is desired to retain them on the roll.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. McKELLAR. I offer another amendment, which the committee has directed me to offer.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 28, after line 24, it is proposed to insert the following:

There may be detailed to the Bureau of Navigation not to exceed at any one time 25 enlisted men of the Navy in lieu of the 7 enlisted men as authorized by the Naval Appropriation Act for the fiscal year 1941, and to the Bureau of Operations not to exceed at any one time 12 enlisted men of the Navy in addition to those detailed to Naval Communications and the Office of Naval Intelligence.

Mr. McKELLAR. That provision is required because of the increased number of the establishments.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. McKELLAR. I offer another amendment on behalf of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 29, after line 22, it is proposed to insert the following:

SEC. 302. No insurance firm, corporation, or association, or individual insurer, shall be acceptable as an insurer for any contractor or subcontractor performing any contracts for the United States of America, or any Department thereof, in connection with the national-defense program, unless such firm, corporation, association, or individual is licensed to do an insurance business in the State or Territory in which the contract is to be performed.

Mr. McKELLAR. Mr. President, that amendment is offered because of testimony given before the committee to the effect that certain large insurance companies organized under foreign governments, and having no officer here on whom process could be served, were making some of these

bonds. I understand that the practice has been discontinued; but, out of abundance of caution, the committee wanted the provision to go into this bill.

Mr. LA FOLLETTE. Mr. President, I understand that if this amendment is adopted it will mean that every contractor who gets a contract from the Government will have to obtain his insurance from companies which are licensed to do business in the State in which the contract is to be executed. The contractor obtaining a contract from the Federal Government might be domiciled in one State and the contract might be executed in another, but the contractor would have to get his insurance from companies which were authorized to do business in the State in which the contract was to be performed.

I cannot quite see why contractors should be required to buy insurance in the State in which the contract is to be executed any more than that they should be required to buy their materials in the State. If my information is correct, this amendment will ultimately mean additional cost to the Government, as, of course, the cost of insurance will have to be figured into every one of these contracts. Therefore, the Government will be the loser, because insofar as the contractor has to pay a higher insurance rate, that will be figured into the cost to the Government; and ultimately the Government will have to pay more than it would pay if the contractor were able to procure his insurance on a competitive basis.

Mr. McKELLAR. Mr. President, this amendment grew out of the fact that a certain very famous insurance company, not having a license to do business in the United States, for some reason has been receiving a large bonding business. It has no agencies on which process can be served. It has no business house that can be subjected to the laws of our country. It is not licensed to do business in our country, and it was thought that such a bond was practically without value; and, in my judgment, it is.

There is some force in the contention the Senator has suggested. We do not want to confine bonds to any one State; but that could be easily remedied by the insertion of the words "the United States," so that it will read "licensed to do an insurance business in the United States and in the State or Territory in which the contract is to be performed."

Mr. SCHWARTZ. Mr. President——

Mr. McKELLAR. I yield to the Senator from Wyoming.

Mr. SCHWARTZ. I think one of the things connected with this particular question is the fact that it is desired by insurance men throughout the United States that an insurance company wishing to come into a State and transact business therein should qualify under the laws of the State. When that is done, of course, an incident of the transaction is that the local insurance men get commissions on insurance that is written, but I understand that that does not increase the cost of the policy at all. When an insurance company located in Maryland or somewhere else writes insurance in one of the Western States in which it is required to conform to the State laws, the cost of insurance is so much; and if the insurance company goes into another State where it is not required to do that, and writes exactly the same kind of policy, the cost is the same. I think the Government will not save anything by failure to require an insurance company to qualify to do business within the State where the risk is involved.

Mr. LA FOLLETTE. Mr. President, my information—if I may be permitted to say so in the time of the Senator from Tennessee—is that a large number of mutual companies which have low rates do not necessarily take out licenses in States unless they have a sufficient amount of business to warrant it. Very reputable and excellent companies may not find it necessary to obtain licenses in all the 48 States. If this amendment should not be adopted, the contractor would be at liberty to get his insurance as cheaply as he could get it from a reputable and a safe company which was satisfactory to the Government. If, however, we should establish the principle or policy embodied in this amendment, it is my understanding that the contractor would have to give up his insurance relationship with a particular company if it was not licensed to do business in the State where the contract was to be executed.

I have been informed that there is one State from which most of the insurance companies have withdrawn because of some particular provision of the State law. If contracts are to be executed in that State, it will mean that the contractor must obtain his insurance from companies situated within the State, and the rates will be higher, and that will ultimately be reflected in the cost to the Government.

Mr. President, why should we say that a contractor shall be confined and restricted in buying insurance any more than that he shall be confined and restricted so far as concerns the purchase of materials that go into the performance of his contract? I confess I cannot see the logic of it, and I should not like to see anything done here along this line. The contracts in question will cost the Government enough at best, and I should not like to see anything done by the Congress which will ultimately result in an increased cost to the Government.

Mr. McKELLAR. Mr. President, if the Senator will offer an amendment which will simply exclude foreign concerns unless they secure a license to do business in this country, that will be acceptable.

Mr. LA FOLLETTE. Would the Senator be willing to withhold this amendment for a few moments?

Mr. McKELLAR. I shall be glad to do so.

Mr. PEPPER. Mr. President, will the Senator yield to me?

Mr. McKELLAR. Yes.

Mr. PEPPER. I hope the Senator from Tennessee will not readily yield to the suggestion of the able Senator from Wisconsin because there are a good many of us who heartily agree with the amendment as the committee offers it, and we should like to support the Senator from Tennessee in behalf of the committee.

Mr. McKELLAR. That matter may be taken up later.

I now offer the amendment, which I send to the desk, and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Tennessee, on behalf of the committee, will be stated.

The CHIEF CLERK. On page 29, after line 9, it is proposed to insert the following:

SEC. 201. To the President for allocation to the War Department and the Navy Department for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps for housing persons engaged in national-defense activities under their direction, without regard to section 3709 of the Revised Statutes, in localities where the President determines that there is an acute shortage of housing which impedes the national-defense program and that the necessary housing would not otherwise be provided when needed, $100,000,000, to be immediately and continuously available until expended.

Mr. WAGNER. Mr. President, I desire to offer an amendment to the amendment which has just been offered. I have conferred with the Senator from Tennessee and those in charge of the bill about it.

Mr. McKELLAR. Will the Senator let the amendment be read for the information of the Senate?

Mr. WAGNER. Yes. I was about to state that I have submitted the amendment to the Senator from Tennessee, and he is agreeable to it.

After the word "direction", in line 6, I move to add the following:

And for allocation to such other agencies of the United States as the President may determine for the construction of housing projects for persons engaged in national-defense activities, or for loans—at such rates of interest as the President may fix—for the construction of such projects.

Then, in line 7, after the word "determines", I move to insert "upon the recommendation of the War or Navy Department."

Mr. HAYDEN. Mr. President, if the Senator will yield, let me see if I understand the situation. As the amendment is

reported to the Senate, this money is appropriated for expenditure by the War or Navy Department.

Mr. WAGNER. For housing.

Mr. HAYDEN. Yes. If the War Department or the Navy Department wants to use some other governmental agency, such as the Housing Administration or the Public Works Administration, it may do so. What governs us, I think, is that it should be upon the recommendation of the War Department or the Navy Department.

Mr. WAGNER. Exactly.

Mr. McKELLAR. I would say, instead of on the recommendation of the Department, on the recommendation of the Secretary of War or the Secretary of the Navy. Is not that the wording?

Mr. WAGNER. That is the wording.

Mr. McKELLAR. I see no objection to it.

Mr. HILL. Mr. President, as I understand, the practical effect would be that if the War Department recommended and certified that a particular project was needed for the national defense, the President then could allocate some of this money for that project, and he could say that the United States Housing Authority, or the Public Works Agency, or any other agency qualified to do the job, should do it instead of the War Department.

Mr. WAGNER. Yes. A new corporation which has been formed by the Reconstruction Finance Corporation, known as the National Defense Corporation, might also be authorized

Mr. McKELLAR. It would be on the recommendation of the Secretary of War or the Secretary of the Navy.

Mr. WAGNER. Unless it were requested by those two Departments, of course, it could not be done.

Mr. HILL. The force of the Senator's amendment is that it means that all appropriate agencies will be available for this work. The agency which can do the job best is the one we would expect the President to select to do the job.

Mr. WAGNER. Exactly; of course, if it could not otherwise be provided. In other words, if private industry were able to provide for the housing, then, of course, the Government would not engage in the construction at all.

Mr. TYDINGS. What increase does the Senator propose?

Mr. WAGNER. Not a cent.

Mr. TYDINGS. It is not proposed to use this authorization as a slum-clearance proposition?

Mr. WAGNER. Oh, no. No subsidy is involved at all.

Mr. TYDINGS. If a project is under way, like that at Pensacola, Fla., they need many buildings to house the personnel, and the money would be used only in a case of that kind?

Mr. WAGNER. Only in a case of that kind.

Mr. TYDINGS. It is not a peacetime, orthodox program, but is a part of the emergency program?

Mr. WAGNER. It is a part of the emergency program.

Mr. McKELLAR. It is all temporary work.

Mr. PEPPER. There are a number of places in Florida which otherwise could not afford housing facilities.

Mr. WAGNER. I have all that information.

Mr. McKELLAR. I have no objection to the amendment, so far as I am concerned.

Mr. CONNALLY. Mr. President, as is usual, every little bureau and department is jealous of its jurisdiction, and when anything shows up which looks like meat in the pot, they all want it.

The National Council for Defense sends a bill to me and asks me to introduce it. It has already been introduced in the House of Representatives, and a House committee is holding hearings on it at this moment, or was this morning. It is a bill to provide for the appropriation of $150,000,000 for housing, to be expended and administered under Mr. Carmody's organization, the same organization which builds post offices and courthouses.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WAGNER. Both the Public Buildings Administration and P. W. A. are under the jurisdiction of Mr. Carmody. I was communicated with this morning by members of the National Defense Council, and I think we will hear from them in a day or two. They have already made the request before a committee of the House, I believe.

Mr. CONNALLY. I have it here in my hand. They have been up here two or three times.

Mr. WAGNER. This happened since the pending bill was prepared. They had a conference, and as a result of the meeting of the entire council, they felt it more desirable not to designate any particular agency in the construction of these housing projects, because evidence came before them showing that the decision as to which bureau or department should undertake the work depends upon the community and upon the need.

In some cases a mere temporary housing project would be wanted. In others a permanent housing project would be desired. The Army and Navy already have exercised the privilege that was given to them in selecting the United States Housing Authority to construct projects in different sections of the country through their local housing authorities. There is one in the Senator's State, I am sure. Altogether, the United States Housing Authority now is cooperating in the construction of 16 different projects in the United States at the request of the War and Navy Departments, in cases where they both determined that it would be more efficiently and more economically done through the Authority. I have a list of those projects which I should like to submit to the Senator.

The amendment I have proposed provides that the construction cannot take place through another agency unless the Navy or the War Department requests that some other agency besides itself do the work.

For instance, there is a project in Pensacola, Fla., which the Navy Department has asked the housing authority of the city of Pensacola to handle. That request came in at the beginning of July, and today the project is already under construction. If the Senator is interested, I call his attention to the fact that there are 16 of these projects.

Mr. CONNALLY. One serves as a symbol of all.

Mr. WAGNER. I am not proposing that we in any way increase the appropriation, but that we give authority to the Army and Navy. They are short-handed. Admiral Moreell, as well as Major Wilson, testified before the Committee on Appropriations that they are not equipped to furnish all of this housing with the speed that is necessary in order to house the workers and the enlisted men and their families. Some of the projects which are actually in process of construction now are for the families of enlisted men, and others are for workers employed upon shipbuilding and other national-defense equipment. They conceded that the shortage all over the country, particularly of housing for industrial workers in defense industries, is critical. I have a number of editorials from leading newspapers throughout the country which call attention to the fact that, while factories have been started in their communities, the turn-over is tremendous because workers and their families, required to live in jails and in temporary tents, left the job on that account.

Mr. CONNALLY. There is no argument about that. We would not vote for this amendment if we did not need some housing.

Mr. HAYDEN. The Senator is not objecting to the amendment; he is commenting upon a further proposition in addition to that which has been submitted to him.

Mr. CONNALLY. It is not exactly in addition. It is the same objective, but they want it done by the Housing Authority. I am not insisting on it.

Let me say to the Senator from New York that if the money should be allocated to the Housing Authority, and it is going to administer it under the present housing law, under which the Government collects only about half the rent it should receive, I am not for it. Those who will occupy these houses are going to get good wages, and they should pay the Government rent. I am not in favor of allocating any money to the Housing Authority under this or

any other bill if we are to give the occupants about half the rent on a 60-year basis.

Mr. WAGNER. As a matter of fact, the amendment which we adopted some time ago to the naval bill prohibits the use of any subsidy. There is no subsidy involved in my amendment at all.

Mr. CONNALLY. I am glad to hear that.

Mr. WAGNER. A good deal of the money will come back to the Government, because it is disbursed in the form of a loan. The authority will administer the buildings and collect the rents, and the rents will be used to amortize the debt.

Mr. CONNALLY. That is the local authority?

Mr. WAGNER. Exactly.

Mr. CONNALLY. I am not very sympathetic with that. I think that if the Army needs some housing, it should at least have the authority itself to go out and build the housing, or it should be able to call upon some agency of the Government to go out and build the housing for it. The same applies to the Navy Department and to the Marine Corps. I am not in favor of turning money over to the local housing authorities not selected by the Government at all. They select their own people. I am not in favor of turning over a lot of money to those folks to exploit the local situation at the expense of the Government.

Mr. WAGNER. The local authorities, of course, are under the supervision of the Federal Government.

Mr. CONNALLY. In a sense; in a sort of a distant sense.

Mr. WAGNER. No; they are very carefully scrutinized. I will say for the administration of the U. S. H. A. that there has not been a breath of scandal in connection with any project it has furthered.

Mr. CONNALLY. I am not attacking the Housing Authority; but if I am running an army which wants some housing, I should know where I want it and how much of it I want and how it should be handled. The same applies to the Navy. I see no reason for going out and bringing in an outside agency to do that sort of work.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I have to yield to the Senator from New York.

Mr. WAGNER. I agree with the Senator, and that is the reason why the amendment puts the entire discretion in the War and Navy Departments. I am sure that, even under this provision, if it is more desirable for the Army or the Navy to have the Housing Authority administer these houses after they are constructed, it has a perfect right, under arrangements with the departments, to do so. That is a matter of discretion.

Mr. McKELLAR. Mr. President, I wish to ask the Senator from New York a question. As I understand, his proposed amendment to the amendment of the committee merely gives the Secretary of War and the Secretary of the Navy the right to use these other agencies in constructing the housing. If it means anything else, I cannot agree to it.

Mr. WAGNER. No.

Mr. McKELLAR. That is what the Senator from New York has assured me it means, and that it means nothing else. I will say to the Senator from Texas that it merely gives to the Secretary of War and to the Secretary of the Navy the additional right of selecting one of these other agencies to build these houses in the event the Secretary of War or the Secretary of the Navy sees fit to do it.

Mr. CONNALLY. I shall place in the RECORD, simply to show the facts, a letter from the office of the Defense Housing Coordinator. Senators know that now we must have a coordinator in respect to everything. I have here also a letter from the Advisory Commission for the Council of National Defense. We ought to have a little more coordination between these various agencies. I have also before me a bill which is all prepared, which will authorize $150,000,000, and in the House committee they are now having hearings on it. I was urged 3 days ago to introduce the bill in the Senate, but I declined to do so until I knew more about what the program of the Army and the Navy is to be. The bill proposes to provide that the Public Works organization—I do not know what the new name for it is.

Mr. McKELLAR. Public Works Agency.

Mr. CONNALLY. The Public Works Agency, of which Mr. Carmody is the head, which builds post offices and other buildings, desires to do all this work on the request of the Army and the Navy. I have not introduced the bill. I thought I would wait and see what the House does about it. If it shall pass the bill, and it shall be sent to my committee, I will have to take it up and act on it. That simply illustrates that there is no harmony here. Here are the Army and the Navy who want to do this work, and here is the Housing Authority which runs in and wants to do it, and here is the Public Works Agency which wants to do it.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WAGNER. The representatives of the Army and the Navy have requested this amendment.

Mr. CONNALLY. I understand. Is this the Senator's amendment written into the committee amendment?

Mr. WAGNER. Yes. What I add is the matter which is underscored.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. CONNALLY. If the Senator from New York has concluded, I will yield.

Mr. GREEN. I wish to draw the attention of the Senator from Texas to the fact that, as he is reading the language, he will find that it simply provides for construction. It has nothing to do with administration. It simply provides for construction in case the Army and Navy think that some other agency can best attend to the work of construction.

Mr. CONNALLY. Does the Senator contend that the Navy will administer the housing after it has been built?

Mr. GREEN. The language has nothing to do with that. It simply provides for the construction of the housing by some other agency.

Mr. CONNALLY. Who is to administer the housing? Who is to collect the rent?

Mr. GREEN. The Army and the Navy.

Mr. CONNALLY. I do not see anything about it in the amendment of the committee, offered by the Senator from Tennessee.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. Naturally all the houses provided for the Navy Department are under the control of the Secretary of the Navy, and those provided for the Army are under the control of the Secretary of War.

Mr. WAGNER. The money to finance the defense housing projects I have mentioned came from funds recaptured by the U. S. H. A. through economies in the construction of some of its slum-clearance projects. They had succeeded in reducing the cost of construction in many of these projects around the country below the estimated loan that was required, and that sum which came back to the U. S. H. A. was used, because the Army and the Navy needed action at once.

Mr. CONNALLY. Are they administering those recaptured dollars under the old law that would give above 50 percent of the rent free?

Mr. WAGNER. No. Let me assure the Senator there is no subsidy involved in this matter at all. But the funds were available, and we adopted an amendment to the Navy bill when it was before the Senate which gave to the U. S. H. A. the authority to build these projects at the request of the respective departments, and the projects are in the course of construction now. That was Public, No. 671, approved in June of this year. The situation is critical with reference to the housing shortage. If I had the time, I could show the Senator editorials from all over the country in respect to that situation. That shortage is interfering with the production of defense material. It is interfering even with shipping, because in many cases there is a lack of housing for men employed in shipbuilding. I have one or two editorials before

me. For instance, here is one, if I may read it, published in the Times, of Seattle, Wash.:

In the navy yard of Bremerton, with a pay roll higher than at any peak during the World War, men, women, and children are sleeping in jails, on the grass in the city parks, in parked automobiles.

Mr. CONNALLY. Mr. President, I do not mind continuing to yield to the Senator, but I think we all admit that there is a necessity for housing, or we would not advocate these measures.

Mr. McKELLAR. Mr. President, I am willing to accept the amendment suggested by the Senator from Texas. It seems to me that it would not be necessary to read editorials dealing with this question. I hope the Senator from New York will not do so.

Mr. WAGNER. That will be a matter of adjustment between the Army and the Navy and the other agency, if they select an outside agency to do the construction work.

Mr. CONNALLY. I wish to make the language as clear as possible, otherwise we shall have conflict. If the Army is to administer its housing after it shall have been constructed we ought to say so, and if the Navy is to administer its housing after it shall have been constructed we ought to say so. There is nothing in the amendment offered by the Senator from Tennessee which says anything about administration. Under it the housing would simply be built up, and after completion the agency building it would go and leave it.

Mr. McKELLAR. If the Senator offers an amendment along the line suggested by him I am sure it would be acceptable.

Mr. CONNALLY. I am not sponsoring any such language. I merely suggest the situation with which we are confronted.

Mr. WAGNER. I suggest to the Senator that we leave the matter to the two departments as to the administration, because, in some instances, undoubtedly they would want the local authority to do it, and in other cases they may want to do it themselves.

Mr. CONNALLY. It ought to be under the administration of the Army or Navy, as the case may be. Here we have a project. Unless the Navy or the Army can control the housing, it will result in interfering with their programs.

Mr. WAGNER. The United States Housing Authority is constructing these projects now at the request of the Army and of the Navy, and there is absolute harmony between those organizations. It was the Army and the Navy that suggested that such construction be done.

Mr. CONNALLY. Where did the Housing Authority get the money?

Mr. WAGNER. I explained that a few minutes ago. I hope I shall not be lectured for upholding my amendment.

Mr. McKELLAR. Oh, no.

Mr. CONNALLY. I will say to the Senator from New York that I am very glad to yield to him, but I wish to ask him a question with respect to his amendment. He proposes to amend the amendment submitted by the Senator from Tennessee on behalf of the committee, by inserting the following language:

And for allocation to such other agencies of the United States as the President may determine, upon the recommendation of the Secretary of War and the Secretary of the Navy, for the construction of housing projects for persons engaged in national-defense activities or for loans (at such interest rates as the President may fix)—

What has that matter of loans to do with the situation?

Mr. WAGNER. That is the very point I was making a moment ago. Instead of the Government spending that money outright, it will provide for a loan to the local housing authority, if the authority is selected to do the construction work.

Mr. CONNALLY. Then the housing authority will control that project?

Mr. WAGNER. No; only to the extent of the loan. If the Senator will bear with me a moment I think I can make that clear. That is simply to make certain that there is no subsidy involved in any of this construction. The loan is made for the construction of the housing, and then the loan that the Government makes is amortized and paid back as the rent is collected from the occupants, because, as the Senator himself said, workers getting a good wage can afford to pay a fair rent. This is simply a method we use to procure the return of the money to the Federal Government through the payment of rents. If that provision were not contained in the bill, then there could be complaint that there was no provision for loans and that the money would be spent outright by the Government without any hope or thought of its return. I think that is a very necessary provision from the standpoint that the Senator himself has been arguing.

Mr. CONNALLY. I shall not take up any more of the Senate's time.

Mr. WAGNER. If the Senator insists upon the amendment he suggested, it is all right with me.

Mr. CONNALLY. What amendment?

Mr. WAGNER. As to who shall administer the housing.

Mr. CONNALLY. So far as I am concerned I want it to be made very clear that if the Army is going to take the responsibility of saying, "Build us some houses over here," it should also have the responsibility for administering that project after it is built.

Mr. WAGNER. Very well.

Mr. CONNALLY. I am not in favor, under the plea of national defense, of dishing out a lot of money to local bodies and others that are more concerned with the promotion of their own localities than they are concerned with national defense. If the Army needs housing, here it is. If the Navy needs housing, here it is. But I am not going to vote to hand out another dollar to these local housing administrations for construction which may result in that money may be owed to the Government which it will never get back.

Mr. ELLENDER. Mr. President, let me call to the attention of the Senator from Texas that of the 17 projects which were mentioned by the Senator from New York a while ago there are 3 of them——

Mr. CONNALLY. In my State?

Mr. ELLENDER. Which are managed by the Navy Department, one by the War Department, and all the rest of them by housing authorities in the localities where the projects are built. So there is an agreement between the War Department and the Navy Department with respect to the operation of the project after it is constructed.

Mr. McKELLAR. Mr. President, the Senator from Texas said that he did not know which Department would have control of the houses. This is what the amendment says:

for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps—

That means that they will be constructed and operated under the direction of the Army, Navy, or Marine Corps. The rents to be charged will be set by the Army, the Navy, or the Marine Corps, and those agencies will have absolute control of the houses. There is no reason in the world why that language would not cover it.

Mr. CONNALLY. I thank the Senator. I am glad to have that language called to my attention. At the moment I was looking at the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

Mr. President, for the information of the Senate, I ask unanimous consent to have printed in the RECORD at this point correspondence with the Advisory Commission to the Council of National Defense, and a copy of the bill which the Advisory Commission to the Council of National Defense submits, and which it recommends for enactment. I shall not press the matter, because I cannot compete with the Appropriations Committee.

There being no objection, the correspondence and draft of a bill were ordered to be printed in the RECORD, as follows:

THE ADVISORY COMMISSION TO THE
COUNCIL OF NATIONAL DEFENSE,
OFFICE OF THE DEFENSE HOUSING COORDINATOR,
*Washington, D. C., August 26, 1940.*

Hon. TOM CONNALLY,
*453 Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: In accordance with the telephone conversation this afternoon between you and Hon. FRITZ G. LANHAM, M. C.,

you will find attached copy of letter transmitting to Vice President Garner, August 24, 1940, a draft of proposed legislation "To expedite the provision of housing in connection with national defense, and for other purposes." Enclosed also is a copy of a letter from the Director of the Bureau of the Budget, approving such draft as in accordance with the President's program.

Inquiry developed today that the letter to Vice President Garner had been forwarded to him in Texas. Consequently, you will find attached copies of the above with some minor revisions, as suggested by Congressman LANHAM, Budget approved.

Inasmuch as this is vital to the national defense, it is felt that it will be well if this legislation were introduced with all convenient speed. In the House the bill is being handled by the Public Buildings and Grounds Committee, FRITZ G. LANHAM, chairman.

Cordially yours,

C. F. PALMER, *Coordinator.*

---

OFFICE OF THE DEFENSE HOUSING COORDINATOR,
*August 24, 1940.*

Hon. JOHN N. GARNER,
*Vice President of the United States, Washington, D. C.*

MY DEAR MR. VICE PRESIDENT: Enclosed herewith is a draft of proposed legislation "To expedite the provision of housing in connection with national defense, and for other purposes." Enclosed also is a copy of a letter from the Director of the Bureau of the Budget, approving such draft as in accordance with the President's program.

It is felt that it would be well if this legislation were introduced with all convenient speed.

Very truly yours,

C. F. PALMER, *Coordinator.*

---

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D. C., August 23, 1940.*

Hon. C. F. PALMER,
*Coordinator, the Advisory Commission to the Council of National Defense, 677 Federal Loan Agency Building, Washington, D. C.*

MY DEAR MR. PALMER: I have your letter of August 23, 1940, transmitting the original and one copy of a draft of a proposed bill to expedite the provisions of housing in connection with national defense, and for other purposes.

The original of the draft of bill is returned herewith, and you are advised that there would be no objection to its presentation for the consideration of the Congress.

Very truly yours,

HAROLD D. SMITH, *Director.*

Enclosure: Original of draft of bill.

A bill to expedite the provision of housing in connection with national defense, and for other purposes

*Be it enacted, etc.—*

TITLE I

SECTION 1. In order to provide housing for persons engaged in national-defense activities and their families in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities, the Federal Works Administrator (hereinafter referred to as the "Administrator"), acting through the Public Buildings Administration, is authorized—

(a) To acquire (without regard to secs. 355, as amended; 1136, as amended; and 3709 of the Revised Statutes) improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sec. 322 of the act of June 30, 1932, 47 Stat. 412, as amended; the act of March 3, 1877, 19 Stat. 370; or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under the acts of August 1, 1888, 25 Stat. 357; March 1, 1929, 45 Stat. 1415; and February 26, 1931, 46 Stat. 1421).

(b) By contract or otherwise (without regard to secs. 355, as amended, 1136, as amended, and 3709 of the Revised Statutes; sec. 322 of the act of June 30, 1932 (47 Stat. 412); or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof, or the submission of estimates therefor) to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof, or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches therein, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and portable or demountable structures, interchangeable parts or units: *Provided*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract: *Provided*, That the average cost per family dwelling unit shall not exceed the sum of $3,500, exclusive of expenses for administration, land acquisition, public utilities, and community facilities.

SEC. 2. As used in this act (a) the term "persons engaged in national-defense activities" shall include (1) enlisted men in the naval or military services of the United States, (2) employees of the United States in the Navy and War Departments assigned to duty at naval or military reservations, posts, or bases, (3) workers engaged or to be engaged in industries connected with and essential to the national defense; (b) the term "Federal agency" means any executive department or office (including the President), independent establishment, commission, board, bureau, division, or office in the executive branch of the United States Government, or other agency of the United States, including corporations in which the United States owns all or a majority of the stock directly or indirectly.

SEC. 3. The sum of $150,000,000, to remain available until expended, is hereby authorized to be appropriated to carry out the purposes of this act in accordance with the authority therein contained and for administrative expenses in connection therewith: *Provided, however*, That the Administrator is authorized to reimburse, from funds which may be appropriated pursuant to the authority of this act, the sum of $3,300,000 to the emergency funds made available to the President under the act of June 11, 1940, entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes" (Public, No. 588), and the sum of $6,700,000 to the emergency funds made available to the President under the Military Appropriation Act, 1941, approved June 13, 1940 (Public, No. 611).

SEC. 4. When the President shall have declared that the emergency declared by him on September 8, 1939, to exist has ceased to exist (a) the authority contained in section 1 hereof shall terminate, except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under this act shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest.

SEC. 5. Where any Federal agency has funds for the provision of housing in connection with national-defense activities, it may, in its discretion, make transfers of those funds, in whole or in part, to the Adminstrator, and the funds so transferred shall be available for, but only for, any or all of the objects and purposes of and in accordance with all the authority and limitations contained in this act, and for administrative expenses in connection therewith.

SEC. 6. Moneys derived from rental or operation of property acquired or constructed under the provisions of this act shall be returned to the appropriation authorized by this act and shall be available for expenses of operation and maintenance, including administrative expenses in connection therewith.

SEC. 7. Notwithstanding any other provisions of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Administrator, acting through Public Buildings Administration, with respect to any property acquired or constructed under the provisions of this act, is authorized by means of Government personnel, selected qualified private agencies, or public agencies (a) to deal with, maintain, operate, administer, and insure; (b) to pursue to final collection by way of compromise or otherwise all claims arising therefrom; (c) to rent, lease, exchange, sell for cash or credit, and convey the whole or any part of such property and to convey without cost portions thereof to local municipalities for street or other public use: *Provided*, That any such transaction shall be upon such terms, including the period of any lease, as may be deemed by the Administrator to be in the public interest: *Provided further*, That any lease authorized hereunder shall not be subject to the provisions of section 321 of the act of June 30, 1932 (47 Stat. 412).

SEC. 8. In carrying out the provisions of this act the Administrator is authorized to utilize employees and facilities of the Federal Works Agency and of its constituent units, and any funds appropriated pursuant to this act shall be available for transfer to any such agency in reimbursement therefor.

SEC. 9. The Administrator may enter into any agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof, with respect to any real property acquired and held by him under this act, including improvements thereon. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision, as the case may be, upon such property if it were not exempt from taxation.

SEC. 10. Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to this act shall not deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property.

SEC. 11. The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 12. If any provision of this act, or the application thereof to any persons or circumstances, is held invalid, the remainder of this act, or application or such provision to other persons or circumstances, shall not be affected thereby.

SEC. 13. At the beginning of each session of Congress, the Administrator shall make to Congress a full and detailed report covering all of the transactions authorized hereunder.

Mr. ELLENDER. Mr. President, I ask unanimous consent to place in the RECORD a table showing the number of na-

tional-defense housing projects, where they are built, the number of dwelling units, and so forth.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*National defense housing projects*

I. DEFENSE HOUSING PROJECTS APPROVED BY THE PRESIDENT

| Place | Agency recommending project | Post or defense activity involved | Number of dwelling units | Agency to construct and operate housing project |
|---|---|---|---|---|
| Pensacola, Fla | Navy Department. | Extension of aviation training operations at naval air station. | 200 | The housing authority of the city of Pensacola, Fla. |
| Portsmouth, Va | do | Extension of shipbuilding program at navy yard | 600 | Housing authority of the city of Portsmouth, Va. |
| Columbus, Ga | War Department. | Expansion of operations at Fort Benning | 614 | The housing authority of the city of Columbus, Ga. |
| Corpus Christi, Tex | Navy Department. | Construction of new naval air station | 250 | Housing authority of the city of Corpus Christi, Tex. |
| Montgomery, Ala | War Department. | Expansion of operations at Maxwell Field | 424 | The housing authority of the city of Montgomery Ala. |
| Newport News, Va | Navy Department. | Assignment of several shipbuildings to Newport News Shipbuilding & Dry Dock Co. | 500 | Housing authority of the city of Newport News, Va. |
| Rock Island, Ill | War Department. | Expansion at United States arsenal at Rock Island, Ill | 300 | Rock Island city housing authority. |
| East Moline, Ill | do | do | 100 | Rock Island county housing authority. |
| Portsmouth, N. H | Navy Department. | Expansion of navy yard activities | 400 | Navy Department. |
| Canal Zone | do | do | 400 | Do. |
| Puget Sound, Bremerton, Wash. | do | do | 600 | Bremerton housing authority, Bremerton, Wash. |
| Charleston, S. C | do | do | 400 | Charleston housing authority, Charleston, S. C. |
| Mare Island, Calif | do | do | 600 | Navy Department. |
| Anchorage, Alaska | War Department. | Expansion of military activities | 325 | War Department. |
| Newport, R. I | Navy Department. | Expansion of naval activities connected with naval torpedo station, naval training station, and naval hospital. | 262 | The housing authority of the city of Newport, R. I. |
| Hartford, Conn | Local authority and U. S. Housing Authority. | Expansion of activities at plants for manufacture of Army ordnance and of airplane engines, airplanes, and ordnance facilities. | 1,000 | Housing authority of the city of Hartford. |
| Hampton Roads, Norfolk, Va | Navy Department. | Expansion of shipbuilding activities | 500 | The housing authority of Norfolk County, Va. |
| | | Total approved, 17 projects | 7,475 | |

II. DEFENSE HOUSING PROJECTS PROPOSED FOR SUBMISSION TO PRESIDENT WHICH WILL CONSUME BALANCE OF AVAILABLE FUNDS

| | | | | |
|---|---|---|---|---|
| Moline, Ill | War Department. | Expansion at United States arsenal at Rock Island, Ill | 200 | Moline housing authority. |
| Jacksonville, Fla | Navy Department. | New naval air base | 400 | The housing authority of the city of Jacksonville, Fla. |
| Fort Knox, Ky | War Department. | Expansion of military forces | 505 | War Department. |
| Selma, Ala | do | Expansion of military post | 208 | Selma housing authority. |
| Bridgeport, Conn | Local authority and U. S. Housing Authority. | Expansion of activities at plants for manufacture of airplanes, ordnance facilities, and defense machine tools. | 1,250 | The housing authority of the city of Bridgeport. |
| Seattle, Wash. (Sand Point) | Navy Department. | Increase in facilities of naval air station | 200 | Seattle housing authority. |
| Rantoul, Ill | War Department. | Expansion of Army landing field | 100 | Champaign County housing authority. |
| | | Additional number being submitted, 7 projects | 2,863 | |
| | | Total approved and to be approved, 24 projects | 10,338 | |

Mr. CONNALLY. Mr. President, much has been said about the Council of National Defense, and the slowing-up of activities. It seems to me very probable that the multiplicity of organizations dealing with national defense is one of the causes for what some Senators charge to be unnecessary delay. If the Army wants to do something, not only must it have its own consent, but the matter must clear through the Council of National Defense. I hope that agencies which are superimposed on top of other agencies may be coordinated, and that instead of being the cause of delay they will try to speed up the program of national defense.

We have appropriated billions of dollars to buy war supplies, but if we are to get them we must have an efficient and speedy administration of the agencies which are handling them. We have three different agencies clamoring for jurisdiction and authority to say where the houses shall be built and how they shall be built. I am perfectly willing to vote for the appropriation, but I want the Army and Navy to have the decision as to where the housing shall be built and the type of housing which shall be built. I want the Army and Navy to have the administration of the housing, because if the employees are to be housed it is very necessary that these agencies have control of the housing. I do not want any local housing authorities filling up the buildings with persons who are not engaged in national-defense work.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment offered by the Senator from Tennessee [Mr. MCKELLAR]. The amendment, as proposed to be amended, will be stated.

The CHIEF CLERK. The amendment offered by the Senator from Tennessee reads as follows:

SEC. 201. To the President for allocation to the War Department and the Navy Department for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps for housing persons engaged in national-defense activities under their direction——

At this point the Senator from New York [Mr. WAGNER] proposes to insert the following words:

and for allocation to such other agencies of the United States as the President may determine, for the construction of housing projects for persons engaged in national-defense activities, or for loans at such interest rates as the President may fix for the construction of such projects—

The amendment offered by the Senator from Tennessee continues—

without regard to section 3709 of the Revised Statues, in localities where the President determines—

At this point it is proposed by the Senator from New York to insert the following words—

upon the recommendation of the War or Navy Department—

The remainder of the amendment offered by the Senator from Tennessee is as follows—

that there is an acute shortage of housing which impedes the national defense program, and that the necessary housing would not otherwise be provided when needed, $100,000,000, to be immediately and continuously available until expended.

Mr. GEORGE. Mr. President, there is no doubt that under the terms of the amendment as just read the President may allocate this sum to other agencies, and then they may proceed with the construction; or loans may be made, and under the terms of the amendment as read the control of the housing would not be in the Army, the Navy, or the Marine Corps. That is perfectly clear. In the first instance the allocation is made by the President to the Army, the Navy, or the Marine Corps——

Mr. WAGNER. Upon the recommendation of the War or Navy Department.

Mr. GEORGE. I understand. In the first instance the appropriation is made through the President, for allocation to the Army, the Navy, or the Marine Corps, for the construction of houses under their direction, and to be managed by them. The amendment offered by the Senator from New York adds the words:

And for allocation to such other agencies of the United States as the President may determine——

Mr. WAGNER. No——

Mr. GEORGE. I listened to the reading of the amendment.

Mr. WAGNER. Upon the recommendation of the War or Navy Department.

Mr. GEORGE. No.

Mr. WAGNER. Will the Senator from Tennessee read that part?

Mr. McKELLAR. It reads:

And for allocation——

Mr. WAGNER. Will the Senator read the part which follows, providing that it shall be upon the recommendation of the War or Navy Department?

Mr. GEORGE. The Army and Navy are to recommend where the housing is to be constructed; but the President may allocate the money to any other agency, and that agency may use it as it pleases.

Mr. McKELLAR. Let me read it to the Senator.

Mr. GEORGE. Mr. President, may the amendment, as amended, be again stated?

The PRESIDING OFFICER. The amendment, as amended, will be stated.

The CHIEF CLERK. On page 29, after line 9, it is proposed to insert the following:

SEC. 201. To the President for allocation to the War Department and the Navy Department for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps for housing persons engaged in national-defense activities under their direction, and for allocation to such other agencies of the United States as the President may determine, for the construction of housing projects for persons engaged in national-defense activities, or for loans at such interest rates as the President may fix for the construction of such projects, without regard to section 3709 of the Revised Statutes, in localities where the President determines, upon the recommendation of the War or Navy Department, that there is an acute shortage of housing which impedes the national-defense program and that the necessary housing would not otherwise be provided when needed, $100,000,000, to be immediately and continuously available until expended.

Mr. GEORGE. Mr. President, the only thing the Army, the Navy, or the Marine Corps has to do with the allocations made to such other agencies as the President may select is that the Army, the Navy, or the Marine Corps must say, "We need housing in this vicinity or locality." That is all there is to it. This is simply another way of continuing and extending loans to such agencies as the United States Housing Authority. Such agency, of course, would be in control of the property after the temporary purposes of the Army or Navy had been met.

If the Senator wishes to do what was very clearly stated by the Senator from Texas [Mr. CONNALLY], who unfortunately is not in the Chamber at the moment, it can be accomplished by providing in the amendment:

And to other agencies on the recommendation of the Army, the Navy, or the Marine Corps.

Of course, that does not amount to very much.

Mr. WAGNER. Mr. President, that is exactly what I intended to do, and if that can be accomplished by the transposition of certain words I am quite willing to put the words wherever the Senator suggests. I thought, and I still think, that the meaning is very clear, that the money may not be allocated for construction of housing to any other agency except upon the recommendation of the War or Navy Department.

Mr. GEORGE. The only thing the War or Navy Department would have to do with the matter is the selection of locations.

Mr. BARKLEY. Mr. President, while Senators are confering about the matter, I send to the desk and ask to have read a letter from the Secretary of War to the President on the question of housing.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read as follows:

The PRESIDENT,
*The White House.*

DEAR MR. PRESIDENT: In each of the localities in and about Montgomery, Ala.; Fort Knox, Ky.; Tampa, Fla.; McChord Field, Wash.; Aberdeen Proving Ground, Md.; and Benicia Arsenal, Calif., there is an expansion of national-defense activities of the War Department, which results in greatly increasing the Army personnel (including married enlisted men and civilian employees) to be stationed at the several military reservations, posts, or arsenals near these localities. It is necessary that housing be made available for persons engaged in these national-defense activities because there is an acute shortage of housing in the said localities which impedes the national-defense program and because the necessary housing will not be provided otherwise than as herein recommended.

* * * * * * *

Sincerely yours,

HENRY L. STIMSON,
*Secretary of War.*

Mr. McKELLAR. Mr. President, while the amendment is being perfected——

Mr. GEORGE. The amendment is now ready.

Mr. McKELLAR. Very well; let it be read from the desk.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The LEGISLATIVE CLERK. On page 29, after line 9, it is proposed to insert the following:

SEC. 201. To the President for allocation to the War Department and the Navy Department for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps for housing persons engaged in national-defense activities under their direction, and for allocation to such other agencies of the United States as the President may determine upon the recommendation of the Secretary of War or Secretary of the Navy for the construction of housing projects for persons engaged in national-defense activities, or for loans (at such interest rates as the President may fix) for the construction of such projects, without regard to section 3709 of the Revised Statutes, in localities where the President determines, upon the recommendation of the War or Navy Department, that there is an acute shortage of housing which impedes the national-defense program, and that the necessary housing would not otherwise be provided when needed, $100,000,000, to be immediately available and continuously available.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. WAGNER. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a letter addressed to me by the Director of the Budget, a number of editorials from leading newspapers with reference to the housing shortage; also a letter from Mr. Green, president of the American Federation of Labor, suggesting the change which has been made; a letter by him to the President, and the answer of the President approving the amendment which has just been adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

**The matter referred to is as follows:**

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D. C., August 19, 1940.*

Hon. ROBERT F. WAGNER,
*United States Senate.*

MY DEAR SENATOR WAGNER: With your letter of August 15 you transmitted a copy of a proposed amendment to the pending supplemental national-defense appropriation bill to provide for housing for defense workers. The provision for additional housing is a necessary incident to our defense program.

While the Bureau is thoroughly in agreement with the objectives to be attained by your proposed amendment it is felt that a somewhat more flexible method is necessary to insure that the defense program be not impeded. I am, therefore, suggesting a modification of your proposal which I believe will permit the President to more widely utilize existing construction agencies of the Federal Government. In this amendment the proposed amount is likewise reduced to $150,000,000, since the information available to this Bureau indicates that for the present this sum should prove adequate.

There is set forth below the modified amendment to which the Bureau of the Budget would offer no objection if included in the pending appropriation bill.

"For all necessary expenses, including acquisition of real property or interests therein, to enable the President to provide housing and facilities incidental thereto for persons engaged in national-defense activities in areas where it is determined by the President that there is or otherwise would be an acute housing shortage which would impede or delay the national-defense program, $150,000,000, to be immediately and continuously available until expended and to be expended, without regard to section 3709, Revised Statutes, in such manner and by such agencies of the United States as the President may determine."

Sincerely yours,

HAROLD D. SMITH,
*Director.*

| *Nature of need* | *Units* |
|---|---|
| 1. Navy Department need for housing married enlisted personnel and civilian employees estimated at. Admiral Moreell estimated (page 201) that there was an immediate need for about 20,000 units for married enlisted personnel and 30,000 units for civilian employees at naval and other establishments engaged in shipbuilding and naval construction. | 50,000 |
| 2. War Department need for housing married enlisted personnel and civilian employees estimated at. Major Wilson estimated (page 226) an immediate need for this amount of housing for noncommissioned officers at Army posts and for civilian employees at Government arsenals and at military posts. | 40,000 |
| 3. Industrial workers in defense industries. There is an immediate need for housing for such industrial workers (based upon incomplete reports so far received from about two-thirds of the States) estimated at. This housing is needed for industrial workers engaged in expanding industries essential to the national-defense program, such as the manufacture of airplanes and airplane engines, shipbuilding, production of ordnance facilities, and defense machine tools, and other industries which are filling orders under the defense program. | 40,000 |
| Total estimated need (based only on reports received to date) | 130,000 |

4. Typical quotations from current local newspapers throughout the country showing needs for housing of military and naval personnel and for industrial workers.

Times, Seattle, Wash.: "In the navy yard city of Bremerton, with a pay roll higher than at any peak during the World War, men, women, and children are sleeping in jail, on the grass in the city park, in parked automobiles, on makeshift beds in garages, and in tents pitched at the outskirts of the community, caught in an unprecedented housing shortage.

"Rents have risen once, twice, three times this year. An apartment fetching around $35 a month in Seattle is worth $50 in Bremerton. A $90-a-month Navy chief petty officer has to pay $50 a month for a good beach residence. The city's 'best' apartments are $75 a month. A tent site costs $10 a month.

"A garage on the road to Kitsap Lake, converted into a bedroom, commands as much as $30 a month.

"At police headquarters yesterday officers said that some nights as many as six and seven newcomers to Bremerton are given shelter in the city jail.

"'And they have money in their pockets, too,' said a desk officer. 'They're not bums and they have good jobs. They arrive in the city and go from door to door asking for a place to live. There aren't any places.'

"The officer said Bremerton's Evergreen Park has 'sleepers' each night and said the State patrol has reported seeing tents pitched along the main highways and along side roads miles away from Bremerton."

Record, Philadelphia, Pa.: "Rear Admiral A. E. Watson, commandant of the Fourth Naval District, has requested the Philadelphia Housing Authority to build 1,000 family units for the use of married employees of the navy yard. * * * He is not speaking as a social reformer. He is speaking as an expert on national defense.

"A survey of housing needs, ordered by the Navy Department, has indicated that unless new homes are built it will be difficult to find quarters for the men employed in Philadelphia on our national defense program."

Inquirer, Philadelphia, Pa., re New Jersey housing conditions: "Fort Dix, N. J. The atmosphere of an old-time 'boom town'—complete with high rents, housing shortage, and everything—has begun to envelop the communities surrounding this World War training camp, as plans proceed apace to reconstruct it for new national-defense uses.

"Already Fort Dix authorities are studying plans for a low-cost housing project to be financed by the United States Housing Administration in view of reports that rents in the surrounding towns of Pemberton, Brown Mills, Wrightstown, New Egypt, Juliustown, Jobstown, and Cookstown have jumped from 25 to 100 percent."

Virginian-Pilot, Norfolk, Va.: "Told by Rear Admiral Joseph K. Taussig, commandant of the fifth naval district, that the Navy needs at least 1,000 low-cost dwelling units in Norfolk to house married enlisted personnel, the local housing authority yesterday applied to the United States Housing Authority for the earmarking of $4,000,000 for the erection of 1,000 units.

"* * * Admiral Taussig said, '* * * the married Navy enlisted man * * * constitutes a real housing problem.' There are about 1,600 Navy enlisted men's families in the area now, and others can be expected as the size of the Navy increases, he said. * * *."

5. Typical reports from local officials revealing critical need for housing persons in defense activities.

Prospective arsenal employees now refusing work in Rock Island (Ill.) owing to housing shortage:

"Lack of housing compels many hundreds local industrial workers to live in other cities. Only 35 Rock Island dwelling units not occupied. All of these substandard. Housing situation acute even without increased demands for arsenal workers. Prospective arsenal employees refusing work owing to housing shortage."

Housing situation in Newark, N. J., as bad or worse than during World War:

"We will have a situation as bad or even worse in our vicinity as we had during the World War. I was mayor of the city of Newark at that time. * * * Today, in my section we have a new plant * * * which makes airplanes. * * * There is the Federal shipyards right across the river from us and they are building ships and they are going to get more contracts and they will increase to a very great extent the number of employees. * * * The Curtiss-Wright airplanes has a plant located nearby. * * * Must provide additional housing in the city of Newark, because today we have a very small percentage of vacancies * * *. I know that the moment this defense program gets under way * * * Newark will be one of the many cities throughout the country to have to house additional people, and something will have to be done about it."

Naval station reopened at Key West, Fla., and not a house available for families of men:

"Key West has a serious housing shortage. It has been made more acute in the past months by the reopening of our naval station and the enlargement of its personnel. There is at the present time not a house or apartment available for any of these families."

Expansion of aircraft and shipbuilding industry confronted with acute housing shortage as five major plants in Los Angeles, Calif., increase employment from 19,000 to 40,000:

"Los Angeles acute housing problem principally related to aircraft industry. Five major plants today employ 40,000, while January 1, same plants employed but 19,000. All plants plan for extensive increase over present employment and all plants located in districts with existing housing shortages. Navy fleet base, air and water facilities, being tremendously increased. Shipbuilding employment immediately increasing from 400 to 5,000. All these increases to be considered in relation to over-all industrial employment. Increase of 90 percent in Los Angeles County during past 12 months."

Can't see how new defense plans can get running in Pittsburgh, Pa., unless housing provided:

"The special need of housing in the district I come from—Pittsburgh, Pa.—where perhaps is concentrated the greatest industrial plants in the world. Recently * * * plants were built * * * and no housing has been built to accommodate the workers. * * * These plants produce the basic materials which will be used in rearmament. I can't see for the life of me how these plants can get to running * * *. I can't see how the workmen in those plants are going to be housed unless some program is developed for the housing authority. We in Pittsburgh have repeatedly consulted with owners of these plants, particularly the United States Steel Co., with the idea of inducing them to build homes. They say, 'We don't want to go into the real-estate business. We had experience in the real-estate business and don't want more of it.'"

6. Typical quotation of an airplane manufacturer.

A typical statement of the position of defense industry in America is this one from the United Aircraft Co. of Hartford, Conn.:

"The entire aircraft industry is faced with the problem of getting enough skilled labor to work on the new defense orders. This problem is very critical in Hartford, Conn., where many thousands

of workers have to be drawn from other towns and where there are practically no houses to accommodate them once they get here. There is a constant labor turn-over which seriously impairs the efficiency of our operations."

Various types of housing necessary: Even though the present emergency may be of short duration, it is a mistake to assume that only temporary housing construction is desirable. Both temporary and permanent housing are needed.

(1) Temporary housing: In certain areas where military and naval posts are far removed from cities and housing is needed because of a temporary increase in military and naval personnel at such posts, temporary housing is certainly advisable. Similarly, in remote communities where there are located proving grounds or other dangerous industries which would be in existence only during the emergency, temporary housing is the type needed. In fact, in any case where there is doubt as to the need for the housing after the emergency temporary housing should be built.

(2) Permanent housing: In many communities there has long been an acute and serious shortage of decent housing even prior to the emergency. In such communities it would be very wasteful to construct housing of a temporary nature because it costs little more to put up the permanent housing which is needed and which can be used after the emergency. Such communities comprise a large number of cities which are near military or naval bases, such as Columbus, Ga.; Portsmouth and Newport News, Va.; Charleston, S. C.; Newport, R. I.; and Montgomery, Ala. A large number of cities where defense industries are located are also in this category, such as Bridgeport and Hartford, Conn.; Camden, N. J.; Akron and Youngstown, Ohio; Detroit, Mich.; and Pittsburgh, Pa.

During the World War it was found that temporary makeshift housing was unsatisfactory in such industrial communities, even during the emergency, since the workers housed in them were dissatisfied and often left the community after they were trained for their jobs. This large labor turn-over seriously hampered production and the filling of war orders.

To get full value for the money expended it is elementary economy that the money should be spent in a way which will result in the maximum return or benefit. Where it is clear that there is a need only for temporary housing, only temporary housing should be built. Where, however, it is clear that there will be a need for the housing after the emergency and a relatively small increase in construction cost is involved, housing should be constructed which can be used after the emergency.

In any case the housing will be built with an estimated life corresponding to the estimated period of the need.

ALL GOVERNMENT AGENCIES NEEDED

1. Why Army and Navy can't do all: A growing part of the housing need in connection with the defense program is arising in connection with expanding defense industries. Workers will have to be brought into communities where manufacturing plants are being expanded to fill defense orders. These workers will have to be furnished with housing. At this time when the War and Navy Departments have such a tremendous job, there is no reason for imposing upon them the additional job of constructing and operating housing in industrial cities in order to meet the needs for these industrial workers. The energies of the War and Navy Departments should not be diverted from the essential military and naval tasks which they alone can do. The Navy Department must concentrate its energies in the building of ships. It should provide only that housing which its staff is already equipped to provide—such as housing actually located on naval posts.

2. Other agencies ready to help: We are more fortunate today than we were during the World War, because there now exist many qualified agencies to help in providing the housing needed. We have Federal as well as local agencies available. In the Federal Government, we have the United States Housing Authority, the Public Buildings Administration, the P. W. A., W. P. A., F. H. A., R. F. C., and a number of other agencies all of which have facilities which may be utilized. In our own local communities we have local public housing agencies which are thoroughly familiar with local housing conditions and are ready to serve. There exist today 450 of these local public housing authorities. These local authorities are operated by public-spirited business and civic leaders in the local communities who are appointed by the mayors and serve without compensation. Any of you who have inquired in your communities know that these local public housing agencies are doing a splendid job. The President should be able to use these local functioning agencies to provide some of the housing, just as he should be able to use the facilities of the various agencies of the Federal Government.

3. Examples of what local authorities have done: At the request of the War and Navy Departments, a number of local housing authorities have already undertaken housing projects to provide housing for persons engaged in national-defense activities. For example, local authorities are building housing at Portsmouth, Newport News, and Norfolk, Va., to meet the needs of men who are being brought there for work in the shipbuilding program at the navy yard; at Corpus Christi, Tex., to house men brought to the new naval air station; at Columbus, Ga., for families of married enlisted men who are being added to the staff at Fort Benning; at Pensacola, Fla., for naval personnel engaged in the expanding aviation training operations; and at Rock Island and East Moline, Ill., for civilians being hired to work at the expanding Government arsenal.

In each case, these local authorities are building housing at the request of the War and Navy Departments. In 18 cities, there are now housing authorities which are engaged in the construction of a total of about 8,000 dwellings for persons engaged in national defense activities. These local authorities are setting a record for speedy construction. Two shifts of workers are being used and new homes will be occupied in some cases within 120 days after the construction contract has been let. In all cases, these local authorities will have tenants moving into their projects in less than 6 months after the ground breaking. This is an example of the results achieved when we devote existing machinery to defense purposes.

The homes built by these local authorities in established communities will be community assets which, after the emergency, can be used for families from the slums. Yet, these soundly constructed homes are being built at construction costs which are only a little higher than what it would cost to put up temporary makeshift housing that would be of no use after the emergency.

(Note: Attached is a list of defense housing projects undertaken to date with funds loaned by U. S. H. A.)

HOUSING MISTAKES IN LAST WAR

*1. Lack of adequate housing agencies; only two emergency war housing corporations used*

Even when steps were taken during the last war, only two emergency agencies were utilized, the United States Housing Corporation and the Emergency Fleet Corporation. Before these agencies could organize and "get going" the war was over.

Today there are a number of Federal agencies which are each qualified to do a part of this job. Moreover, there are hundreds of local public agencies available all over the country which are already organized and experienced in building housing on a large scale. If the present housing needs are to be met in time, these available agencies should be utilized.

*2. Facts on deplorable situation*

During the World War steps to meet the pressing housing needs were not taken until too late. A very graphic picture of actual disastrous results in war industries because of housing conditions is presented by the following excerpts from Government and other contemporary reports describing housing conditions during World War years.

Three hundred and sixty percent monthly labor turn-over in Elizabeth, N. J., due to housing conditions, so company stops advertising for men it can't keep:

"The turn-over here is 360 percent per month—550 percent unskilled and 130 percent skilled labor; the men brought to Elizabeth have to pay such high rents. There are tenements available, but they are in such poor condition that they are practically uninhabitable. The company has built dormitories but they are overcrowded. It is taking on 100 men a day. In the next 3 months 8,000 men are needed. * * * The company has stopped advertising for men because it cannot keep them."

Mechanics coming from long distances leave after a few days because can't find living quarters within reasonable distance of Portsmouth, N. H.:

"It is impossible to obtain living quarters anywhere within reasonable distance of the navy yard * * * a large number of the best mechanics, accustomed to a fair standard of living, are unwilling to put up with these conditions although in many cases they have come here from long distances at great expense. They work only a few days and then leave, while their experiences influence others to stay away."

Can't increase or even maintain force at Washington Navy Yard because men unwilling to live away from families for whom they can't find housing:

"* * * unless prompt measures are taken to relieve the scarcity of housing, it will be impossible for the factory to increase or even maintain its present force, as many of the new men who have come from a distance with the expectation of bringing their families to Washington later, have been unable to find accommodations and are unwilling to remain permanently without their families."

Discontent and dissatisfaction with housing conditions in Alabama nitrate towns causes 400 percent labor turn-over in spite of high wages:

"The housing facilities at present existing are entirely inadequate to provide for this large influx and, while a large number engaged in construction work are housed in cantonments at the side of the works, many are living in town under congested conditions, which in addition to the potential dangers from overcrowding, are causing discontent and dissatisfaction. This is clearly reflected in the large labor turn-over, estimated at 400 percent, which obtains in spite of high wages."

Workers request their discharge because they can't obtain reasonably comfortable housing in navy yard at Mare Island, Calif.:

"The growing need for additional employees at this yard necessitates a solution of the housing problem in Vallejo. It is almost impossible for employees coming from other places to secure accommodations and men taken on often request their discharge as they are unable to obtain reasonably comfortable accommodations in Vallejo within their means * * *."

Disastrous delays in delivery of war materials because housing not available in Bridgeport, Conn.:

"It was stated that during the past 2 years the Bridgeport pay roll had increased at the rate of $500,000 per week. High rents were stated to be absorbing fully a quarter of this. Owing to the decline of home building after the outbreak of the European war, the city had become dangerously overcrowded. Practically all the Bridgeport industries were engaged in war work. Existing plants had been extended, unused plants had been rehabilitated, and new plants

had been built. With no new housing available and with existing quarters crowded far beyond the point of comfort or safety there could be but one result. The plants working on cost-plus contracts were bound to draw labor away from those working on fixed-price contracts and thus contribute to disastrous delays in the delivery of war materials."

Thus, the housing emergency during the last war translated itself into a labor emergency which seriously hampered production and the filling of war orders. This can be prevented during the present emergency only by taking immediate steps to assure the rapid providing of the necessary housing.

MOST OF MONEY TO BE RETURNED TO GOVERNMENT

Rents will be charged in all projects and will be applied toward the repayment of the cost of constructing these projects. In the case of projects constructed for industrial workers in defense industries, it is expected that the incomes earned by such workers will make it possible to charge sufficient rents to return the cost of the projects to the Government with interest. In the case of projects for married enlisted personnel, the rents charged should be sufficient to return most of the cost of the project to the Government. The probabilities of a full return of a project's cost to the Government is naturally greater in the case of those projects which involve permanent construction and can therefore be used after the emergency. In the case of projects undertaken by local agencies, the moneys would be advanced only in the form of repayable loans. Thus, the money to be appropriated for defense housing will not only be for an essential defense purpose, but will involve an investment on which we can confidently expect that most of the money will be returned to the Government.

---

AMERICAN FEDERATION OF LABOR,
*Washington, D. C., August 27, 1940.*

Hon. ROBERT F. WAGNER,
*United States Senate.*

DEAR SENATOR WAGNER: You will, I am sure, be interested in seeing the enclosed copy of a letter which I wrote to the President recently with regard to defense housing and a copy of the President's reply to me.

I am gratified to know that the President's views are in accord with those that you and I hold and that are embodied in your proposed amendment to H. R. 10263, now before the Senate.

There is no need to stress to you the vital interest which the American Federation of Labor has in the provision of adequate housing accommodations for the workers who are making their contribution to our country's defense efforts. I know you will agree that on the proper housing of workers in defense industries will depend much of the speed and effectiveness of defense production.

I do want to say to you that the American Federation of Labor has studied carefully and considered with grave deliberation the methods for carrying defense housing work forward most efficiently and economically.

It is of special importance that our painful experience with defense housing of more than 20 years ago be neither forgotten nor overlooked in making the necessary provision for our present defense housing needs. Construction of mushroom cantonments and flimsy shacks cannot provide adequate shelter for defense workers. Such housing, moreover, is an outright waste, because it cannot be put to productive use at the conclusion of the emergency and serves to produce new slums which blight the community for years to come.

We believe, further, on the basis of long experience and study, that while private enterprise has a large place in the provision of housing, the adequate housing of defense workers cannot be accomplished without a substantial amount of public housing devoted to this purpose.

We know also that the provision of this public housing quickly and smoothly and with the maximum of economy requires the use of those local and Federal agencies which have already demonstrated their skill in this field. Labor will, of course, cooperate with all fair efforts to provide defense housing. But labor can cooperate most effectively and make the largest contribution to this program through the use of those laws and those agencies which have accumulated operating experience, which have developed adequate labor standards, with whose work labor is familiar, and in whose policies labor has complete confidence.

That is why I am particularly impressed with the wisdom of your amendment insofar as it makes available for the construction of defense housing not only the facilities of the War and Navy Departments, but also the facilities of all such other local and Federal agencies upon which the President may call to do this job. It is a tremendous job, involving many types of construction adaptable to the needs of different communities and different types of occupants, such as the families of enlisted men, civilian employees of our military establishments, and workers in the expanding industrial plants. To do this job well the tested and best-equipped facilities of our Government should be put to work, yet wasteful duplication of functions and creation of surplus agencies and personnel should be avoided. Your proposed amendment meets these requirements excellently. Labor believes that only a broad and flexible approach to the problem, embodied in your proposed amendment, can meet even the most immediate need.

Sincerely yours,

WM. GREEN,
*President, American Federation of Labor.*

JULY 29, 1940.

The PRESIDENT,
*The White House.*

MY DEAR MR. PRESIDENT: Knowing your keen desire to develop the national-defense program in a way which would utilize to the fullest extent resources and facilities at our disposal, I wish to urgently call your attention to the pending national-defense housing program, in which labor is so vitally concerned.

On Thursday, August 1, the House will consider the Navy Public Works bill, H. R. 10200, which has been reported by the Naval Affairs Committee. Section 2 of this bill would make available $250,000,000 for use in the building of defense housing projects. Public, No. 671, approved June 28, 1940, provided the means of undertaking a national-defense housing program and set up the machinery for it, but authorized no funds. This bill, H. R. 10200, would provide the funds necessary to carry it out.

After the Naval Affairs Committee unanimously reported H. R. 10200, the press carried reports that Congressman VINSON was planning to offer an amendment on the floor to substitute a direct appropriation of $25,000,000 for the construction of housing by the Navy Department for workers in defense industries located in cities.

This should not be done. Organized labor is deeply interested in the development of an integrated and sound program of defense housing which would make adequate housing facilities available to industrial workers and at the same time assure the fullest possible utilization of these facilities to fill the need for workers' housing after the emergency. Our careful study of the entire defense housing problem has disclosed a number of compelling reasons why section 2 of H. R. 10200, as reported by the committee, should be kept intact.

There are now local housing authorities in almost 500 cities in the country who are thoroughly familiar with the problems and housing needs of their communities. These agencies are most qualified to undertake housing projects for industrial workers and to develop a coordinated and balanced defense housing program in cooperation with the United States Housing Authority. The Navy and War Departments could properly supervise the building of naval and military housing, but there is no reason why they should be made responsible for housing industrial workers. H. R. 10200, in the form reported by the committee, would operate under the plan embodied in Public, No. 671, which would enlist all available agencies to the extent that each is qualified to undertake a particular type of projects. By using all available agencies we can be assured of the development of the best housing projects with the greatest possible speed and efficiency.

Under H. R. 10200 the funds for construction would be obtained through the issuance of U. S. H. A. bonds which ultimately can be paid out of the rents and income from the projects constructed. This would obviate the need for direct appropriation and would place no added burden upon the Federal Budget.

The plan embodied in Public, No. 671, and H. R. 10200 would prevent the infringment of defense housing on the private-housing market, as it requires that no project be undertaken if private enterprise could meet the need. At the same time, it is clear that the vast bulk of defense housing cannot and will not be provided by private enterprise because private builders cannot assume the risks of undertaking housing projects when the immediate housing need results from the sudden migration of armies of industrial workers to areas of expanding defense activities, and the permanent housing needs remain uncertain.

By operating under Public, No. 671, the President can utilize the U. S. H. A. and the local housing authorities under a plan which will assure that after the emergency the defense housing would automatically be converted into low-rent housing projects for persons of low income now compelled to live in slums. The construction of defense-housing projects now with a view to this future use will avoid flimsy, temporary housing which is costly and wasteful in the end. This approach would, moreover, preclude the possibility of diverting the energies of the Navy and War Departments from the essential task of naval and military expansion which they alone can do. It will be wasteful, burdensome, and impractical to impose upon the Navy and War Departments the job of developing and operating housing in cities during the emergency and of disposing of this housing after the emergency, instead of devoting all their energies to the essential task for which they are qualified.

To start a national-defense housing program which will prevent our program of national defense from bogging down, $250,000,000 is the minimum needed. There is a tremendous and urgent need for housing of the industrial workers who are being brought to areas of expansion of defense industries. We must provide homes immediately for these workers or we will again be faced as we were during the World War with large labor turn-overs in our defense industries and a slow-up in production.

In the light of these considerations, I call upon you for support of the housing provisions in H. R. 10200 as reported by the committee. I believe it is imperative that steps be taken at once to avoid the adoption of any substitute amendment which would cut the funds to be provided for defense housing, and which would misdirect the authority in the administration and development of a program so vitally important to the welfare of our workers in the defense of our Nation. I strongly believe that the adoption of the amendment as reported by the Naval Affairs Committee

would remove the threat of a grave jeopardy to labor and avoid bogging down the whole defense program. I earnestly urge your personal action in this vitally important matter.

Respectfully yours,

WILLIAM GREEN,
*President, American Federation of Labor.*

---

THE WHITE HOUSE,
*Washington, August 23, 1940.*

Mr. WILLIAM GREEN,
*President, American Federation of Labor,*
*A. F. of L. Building, Washington, D. C.*

MY DEAR MR. GREEN: I have your letter of July 29, 1940, in support of the item of $250,000,000 (contained in the Navy public-works bill, H. R. 10200), for implementing the national-defense housing program authorized by title II of the act approved June 28, 1940 (Public, No. 671, 76th Cong.).

I am in general accord, as I think you know, with your views on the subject of national-defense housing; and, following the elimination of the item in the Navy public-works bill, I authorized the Director of the Bureau of the Budget to advise Senator WAGNER, as per the attached copy of the Director's letter of August 19, that it would be agreeable to my budget program to have inserted in the second supplemental national-defense appropriation bill (H. R. 10263), a defense housing-appropriation item of $150,000,000 to be expended in such manner and by such agencies as the President should determine.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

---

AUGUST 19, 1940.

Hon. ROBERT F. WAGNER,
*United States Senate.*

MY DEAR SENATOR WAGNER: With your letter of August 15 you transmitted a copy of a proposed amendment to the pending supplemental national-defense appropriation bill to provide for housing for defense workers. The provision for additional housing is a necessary incident to our defense program.

While the Bureau is thoroughly in agreement with the objectives to be attained by your proposed amendment, it is felt that a somewhat more flexible method is necessary to insure that the defense program be not impeded. I am therefore suggesting a modification of your proposal which I believe will permit the President to more widely utilize existing construction agencies of the Federal Government. In this amendment the proposed amount is likewise reduced to $150,000,000, since the information available to this Bureau indicates that for the present this sum should prove adequate.

There is set forth below the modified amendment to which the Bureau of the Budget would offer no objection if included in the pending appropriation bill.

For all necessary expenses, including acquisition of real property or interests therein, to enable the President to provide housing and facilities incidental thereto for persons engaged in national-defense activities in areas where it is determined by the President that there is or otherwise would be an acute housing shortage which would impede or delay the national-defense program, $150,000,000, to be immediately and continuously available until expended and to be expended, without regard to section 3709, Revised Statutes, in such manner and by such agencies of the United States as the President may determine.

Sincerely yours,

HAROLD D. SMITH, *Director.*

Mr. McKELLAR. Mr. President, I ask unanimous consent to return to the amendment which was offered a few moments ago to which the Senator from Wisconsin raised objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is before the Senate.

Mr. LA FOLLETTE. Mr. President, if it is agreeable to the Senator to modify his amendment, I suggest that it be modified in the following manner:

On line 7, after the word "business", strike out the words "in the" and insert the words "in a", and after the word "State", strike out the remainder of line 7 and 8, and insert "of the United States", so that it will read:

unless such firm, corporation, association, or individual is licensed to do an insurance business in a State of the United States.

I send it to the desk, and ask that it be read.

Mr. McKELLAR. Let it be read by the clerk.

The PRESIDING OFFICER. The amendment, as proposed to be modified, will be stated.

The CHIEF CLERK. On page 29, after line 19, it is proposed to insert the following:

No insurance firm, corporation, or association, or individual insurer shall be acceptable as an insurer for any contractor or subcontractor performing any contracts for the United States of America, or any Department thereof, in connection with the national-defense program, unless such firm, corporation, association, or individual is licensed to do business in a State of the United States.

Mr. McKELLAR. Mr. President, that is all right.

Mr. PEPPER. I hope the Senator will give others a chance to comment on the proposal.

Mr. McKELLAR. Certainly. I yield the floor.

Mr. PEPPER. Mr. President, I have not had a chance to secure a copy of the amendment as proposed to be modified, but as it was first offered the effect of it is that the insurer shall be qualified to do business under the law of the State where the work is being carried on. In other words, if in the State of Mississippi a national-defense project is being constructed the contractor would obtain insurance relative to that project from an insurance company qualified to do business in the State of Mississippi. The amendment of the Senator from Wisconsin would provide that if the project is being carried on in Mississippi the contractor could take out an insurance policy with a company qualified to do business in Delaware, or any other State in the Union. It seems to me——

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. Mr. President, that is all right for this reason. There ought to be competition in insurance. The purpose of the amendment was simply to prevent a foreign corporation, illegally doing business in the United States, from obtaining such insurance. The amendment does not undertake to limit insurance to a certain State; it was never intended to do that; it ought not to do that. There ought to be competition in insurance. For that reason, I agreed to the suggestion of the Senator from Wisconsin. I think it is very proper, and I hope it will be adopted.

Mr. PEPPER. Mr. President, I had not yielded the floor; I thought the Senator desired to ask a question.

Mr. McKELLAR. I merely desired to make that statement.

Mr. PEPPER. Mr. President, the amendment as it was offered by the committee, it seems to me, does the right thing of requiring the insurance company that insures a contractor to be qualified to do business in the State where the contract is being performed.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. I have not given this matter any thought, and I have a little difficulty in understanding exactly what the Senator is proposing as a proper course. Suppose, for example, there was an insurance company qualified under the laws of Florida and there was another insurance company qualified under the laws of Kentucky, and that a contractor building a project in Kentucky should desire to give an insurance company in Florida the insurance on the project, why should he not have the right to do so?

Mr. PEPPER. I am afraid I did not make myself clear to the Senator. I am afraid he did not understand the original amendment. Let me read the original amendment which was offered by the committee:

SEC. 302. No insurance firm, corporation, or association, or individual insurer, shall be acceptable as an insurer for any contractor or subcontractor performing any contracts for the United States of America, or any department thereof, in connection with the national-defense program, unless such firm, corporation, association, or individual is licensed to do an insurance business in the State or Territory in which the contract is to be performed.

Mr. TYDINGS. Mr. President——

Mr. PEPPER. If the Senator will allow me to proceed for a moment, under the original amendment the general requirement of a State that an insurance company that does business within its borders shall qualify under the laws of the State is preserved, but the amendment of the Senator from Wisconsin would change that, and say that a contractor may insure a contract that is being performed in the State of Georgia with some company that is not qualified to do business in the State of Georgia.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. As I understand the effect of the original amendment, if the United States Government was building a project in Florida the contractor could not insure the project in any company except one authorized to do business in Florida.

Mr. PEPPER. That is the original amendment.

Mr. TYDINGS. If Florida itself were building the project, in my judgment, the position of the Senator from Florida would be sound; but the particular project is not a Florida project; it concerns the whole United States of America, and every other insurance company that is a bona fide going concern ought to have a right to do business there, assuming that it is qualified to do it in the State where it does its main business. I do not think it would be proper to limit the insurance to the State in which the contract is to be performed when all the people of America must pay for the project.

Let me illustrate further, if the Senator will yield to me for a moment. In my State, for example, there may be practically no Federal projects; in the Senator's State or in some other State there may be four or five large projects. I am glad if that be so; I am not criticizing that; but, if the insurance business, too, is to be concentrated in that State, it seems to me there would be a lack of proportionate distribution of what may be called the defense program. It so happens in the Senator's State, because of its admirable location and climate—Californians take no issue—that there are many defense projects under way. The contractor who is building a project should not be necessarily a qualified contractor for the State of Florida; he might come from Michigan or Massachusetts or Rhode Island or Louisiana. So it would be with the insurance company. It seems to me if the insurance company is eligible to do business in any part of the United States it ought to be eligible to insure the work in the State of Florida.

I do not know whether the Senator from Wisconsin has modified the amendment in line with my remarks, but I hope he has, and, if his modification carries out the idea I have expressed, and throws the business open to the whole country I should like to vote for the amendment as modified.

Mr. PEPPER. That is the purpose of the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. LA FOLLETTE. The effect of the modification which the Senator from Tennessee has made in his own amendment is to provide that if an insurance company is licensed to do business in any State of the Union it may qualify as an insurer upon these contracts.

With the indulgence of the Senator from Florida, I should like to point out that my only concern about this matter is that there shall not be imposed such a limitation as in the end will result in the contracts costing the Government more money than they need to. We all know that they are going to cost the Government plenty under any circumstances. Why should we prevent competition and the lowest possible insurance rate, any more than we should provide that all the material should come from a certain State, regardless of what it costs, and all the tools should be purchased in a particular State, regardless of what they cost?

Mr. TYDINGS. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. The Senator from Florida will yield the floor, and then other Senators may say anything they wish to say.

Mr. TYDINGS. I should like to ask the Senator from Wisconsin a question without taking the Senator from Florida off the floor.

Mr. PEPPER. If the Senator will let me conclude my remarks, the Senator then may make any comments he wishes.

I rose simply to oppose the amendment offered by the Senator from Wisconsin on the theory that I saw no reason why the general effect of a State law requiring any insurance company doing business in that State to qualify under the laws of the State should be dispensed with. I do not think it is similar to the analogy of materials being brought in from other States, because, generally speaking, it is not necessary to pass the qualifications of a State law to bring in material of a certain sort; and, after all, it is the Government which is going to use the material. But the laws of the several States require that insurance companies doing business in those States shall qualify under the laws of the States; and this amendment is intended to defeat that requirement of the State laws. I do not see any reason why a company which is domiciled in Delaware or Maryland or Massachusetts or any other State should not have the same right to get one of these Government insurance contracts. There is no question about competition in that sense; but they all ought to be required to qualify under the laws of the State in which the contract is being performed.

That is the only comment I desired to make.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. PEPPER. I yield to the Senator from Georgia.

Mr. RUSSELL. When this matter was submitted to the committee it developed that certain insurance companies which were not authorized to do business in the United States, and were not subject to the tax laws of the United States, had obtained business particularly with respect to some contracts negotiated at the Panama Canal. The amendment offered by the Senator from Wisconsin, of course, would not affect that phase of the question, but I happen to recall that the specific insurance involved in the case brought to the attention of the committee was a contract of insurance to pay the claims of any workmen who might be injured during the course of the construction of the project. It occurs to me that if the courts of the State in which the contract is being performed do not have jurisdiction of the insurance company, the poor workman who may be injured on a project would be forced to leave his own State and go off somewhere else to obtain jurisdiction of his cause to secure his rights under the workmen's compensation law. I assume that that is the reason why the words "State or Territory" were placed in this amendment, because the case which was brought to our attention only involved a contract of insurance to pay claims arising under workmen's injury in the course of construction of a project, and certainly I do not want to approve or agree to any amendment which will require some workman who falls off a scaffold in Florida to go to Wisconsin or anywhere else to obtain redress for injuries received in the course of his employment.

Mr. PEPPER. Mr. President, I thank the Senator from Georgia very much. That is the sort of thing I was trying to get at.

In the very nature of things, a great many of the persons employed on these contracts will be local people. Most of them will be workingmen. As the able Senator from Georgia has pointed out, if the contractor fails to live up to his obligation to pay his laborers it is the insurance company that is the insurer. I do not understand that the United States Government will pay the laborers if the contractor does not pay them. So the worker ought to have resort to somebody on whom he can get service, and the same thing applies to materials bought in the local community.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Maryland.

Mr. TYDINGS. Under a provision adopted earlier in the day, which I hope will be corrected, there will be absolutely no insurance at all on these contracts, either for workers or for materials.

Mr. HAYDEN. It depends entirely upon the kind of contracts.

Mr. TYDINGS. I mean, it is optional whether there shall be any bonds for performance or for proper workmanship. I think the provision was inadvertently put in; but up to the present time it would be perfectly possible to let a contract

involving millions and millions of dollars without the contractor giving any bond at all for the character of the materials or the quality of the workmanship used in fulfilling the contract.

Mr. HAYDEN. Only in the case of cost-plus and fixed-fee contracts; no other kind of contract.

Mr. TYDINGS. In the case of that particular kind of contract, if the Senator will yield, there is more need for a bond than in any other kind, because the lid is wide open, and it would be perfectly possible for a contractor to take the full amount of his pay without paying his subcontractors. That has been done, and the Government has had to go down into its pockets the second time after it had paid the first time for materials.

Mr. HAYDEN. That was during the World War; was it not?

Mr. TYDINGS. I do not remember the date.

Mr. PEPPER. Mr. President, I will only add that while I do not personally agree with that policy, as I assume the Senator from Maryland does not agree with it, whether that is the legal requirement or not I believe we will all agree that as a matter of practical business the contractors will obtain insurance; and, if they do obtain insurance, there should be some way in which the companies can be amenable in the courts of the State.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. It was my understanding that the Senator from Tennessee had modified his amendment.

Mr. JOHNSON of Colorado. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Colorado will state the point of order.

Mr. JOHNSON of Colorado. This is a divisible legislative question, and I insist that it be divided.

Mr. LA FOLLETTE. Then I make the point of order, under the rule, that this is general legislation on an appropriation bill.

Mr. McKELLAR. Mr. President, I have a motion to suspend the rule.

The PRESIDING OFFICER. The Chair sustains the point of order raised by the Senator from Wisconsin.

Mr. McKELLAR. Mr. President, several days ago I gave notice of a motion to suspend the rule, and I ask that it be voted on.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee to suspend the rule for the purpose of offering an amendment.

Mr. LA FOLLETTE. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is the demand seconded?

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | Lee | Sheppard |
| Andrews | Donahey | Lucas | Shipstead |
| Ashurst | Downey | Lundeen | Slattery |
| Austin | Ellender | McCarran | Smathers |
| Bailey | George | McKellar | Smith |
| Bankhead | Gerry | Maloney | Stewart |
| Barkley | Gibson | Mead | Taft |
| Bone | Glass | Miller | Thomas, Idaho |
| Bridges | Green | Minton | Thomas, Okla. |
| Brown | Guffey | Murray | Thomas, Utah |
| Bulow | Gurney | Neely | Tobey |
| Burke | Harrison | O'Mahoney | Townsend |
| Byrd | Hatch | Overton | Truman |
| Byrnes | Hayden | Pepper | Tydings |
| Capper | Herring | Pittman | Vandenberg |
| Caraway | Hill | Radcliffe | Van Nuys |
| Chandler | Holt | Reed | Wagner |
| Chavez | Hughes | Reynolds | Walsh |
| Clark, Idaho | Johnson, Calif. | Russell | Wheeler |
| Clark, Mo. | Johnson, Colo. | Schwartz | White |
| Connally | La Follette | Schwellenbach | Wiley |

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

The yeas and nays have been requested on the motion of the Senator from Tennessee that the rule be suspended in accordance with notice, which is in due and legal form, heretofore presented by the Senator from Tennessee.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question before the Senate is, Shall the rule be suspended? Two-thirds of the Senators must vote in the affirmative, if the rule is to be suspended in accordance with the notice of the Senator from Tennessee.

Mr. McKELLAR. Mr. President, when I offered this amendment it was adopted by the committee, and if I have a right, I should like to withdraw the motion.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. McKELLAR. The question is whether or not I have the right to withdraw the motion.

The PRESIDING OFFICER. Without objection, the Senator from Tennessee will be permitted to withdraw the motion. The order for the yeas and nays is vacated, if there is no objection.

Mr. McKELLAR. Mr. President, I offer an amendment in my individual capacity, not as a member of the Committee on Appropriations.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to strike out line 23 on page 9, and to insert in lieu thereof the following:

SEC. 302. Nothing in titles 1 and 2 hereof shall be deemed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. L. 1011, U. S. Code) or the provisions of the act of June 30, 1936 (49 Stat. 2036, U. S. Code, title 41, secs. 35–45), to any contract or contracts to which the provisions of either or both of such acts would otherwise apply.

SEC. 303. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in the act of June 19, 1912 (37 Stat. 138, U. S. Code, title 40, secs. 324, 325), shall be computed on a basic day rate of 8 hours per day, and work in excess of 8 hours per day shall be permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay.

Mr. McKELLAR. Mr. President, in explanation of the amendment I wish to say that it merely repeats what is the law now, in case it were possible there might be ground for some department assuming that the proposed law repealed the former laws on the subject of wages. I have submitted the amendment to the War Department, the officials of the War Department examined it, and say they have no objection to it, that it is exactly what they propose to do anyway. I ask that the amendment be agreed to, in the interest of justice to laboring people.

Mr. DANAHER. Mr. President, on what page does the amendment appear?

The PRESIDING OFFICER. The clerk will state, for the information of the Senate.

The CHIEF CLERK. Line 23, page 9.

Mr. DANAHER. There seems to be some typographical error.

Mr. THOMAS of Utah. I think it should be page 29.

Mr. McKELLAR. Yes; that was a mistake.

The PRESIDING OFFICER. After line 22, on page 29.

Mr. DANAHER. Let me assure the clerk that that makes a vast difference. I now ask that the amendment be restated.

The PRESIDING OFFICER. Without objection, the clerk will restate the amendment.

The CHIEF CLERK. After line 22, on page 29, it is proposed to insert the following:

SEC. 302. Nothing in titles I and II hereof shall be deemed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. 1011, U. S. Code, title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036, U. S. Code, title 41, secs. 35–45), to any contract or contracts to which the provisions of either or both of such acts would otherwise apply.

SEC. 303. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the

character specified in the act of June 19, 1912 (37 Stat. 138, U. S. Code, title 40, secs. 324, 325), shall be computed on a basic day rate of 8 hours per day and work in excess of 8 hours per day shall be permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay.

Mr. AUSTIN. Mr. President, I cannot recall what the several statutes, which are merely mentioned by number, provide. I should like to ask the Senator from Tennessee what they are.

Mr. McKELLAR. One is the Bacon-Davis law, and the other is the Walsh-Healey Act. They are the law now. This merely brings the bill clearly within those laws so far as the provisions for the 8-hour day and time and a half for overtime are concerned.

Mr. AUSTIN. I understood three acts were referred to.

The PRESIDING OFFICER. The clerk will again read the acts referred to.

The Chief Clerk read as follows:

The act of August 30, 1935 (49 Stat. 1011, U. S. C., title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036, U. S. C., title 41, secs. 35–45), * * * the act of June 19, 1912 (37 Stat. 138, U. S. C., title 40, secs. 324, 325).

Mr. AUSTIN. What is the third act?

Mr. McKELLAR. That is the 8-hour-day law.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Utah. Mr. President, in connection with this amendment, I ask unanimous consent to have inserted in the RECORD as a part of my remarks the statement which I send to the desk.

The PRESIDING OFFICER. Is there objection?

There being no objection the statement was ordered to be printed in the RECORD, as follows:

SUGGESTED AMENDMENTS TO H. R. 10263 (SECOND SUPPLEMENTAL DEFENSE APPROPRIATION ACT, 1941)

*I. Application of Walsh-Healey and Davis-Bacon Acts to contracts covered by this appropriation bill*

Title I of H. R. 10263, in the paragraph beginning on page 6 of the bill captioned "Expediting production," authorizes the Secretary of War under certain circumstances to make contracts without regard to the provisions of section 3709 of the Revised Statutes. Section 3709 of the Revised Statutes is the section which provides that contracts shall be let through public bidding.

Title II of the bill, in the paragraph beginning on line 25 on page 24 and continuing through line 8 on page 25, authorizes the Secretary of Navy to negotiate cost-plus-a-fixed-fee contracts without competitive bidding. The effect of the provisions in titles I and II may be to suspend the Walsh-Healey Public Contracts Act and the Bacon-Davis Act.

The Walsh-Healey Public Contracts Act provides that the contracting agencies of the United States Government, including the War and Navy Departments, shall require stipulations in bids that the contractor will pay the prevailing wage as determined by the Secretary of Labor and shall not work his employees more than 40 hours a week without payment of time and one-half the regular rate of pay for hours in excess of 40.

The Bacon-Davis Act provides that employees of construction contractors on public works of the United States shall pay the prevailing wage rate in the community where the work is being performed.

The Walsh-Healey Act contains a provision in section 9 exempting contracts for the purchase of materials, supplies, articles, or equipment as may usually be bought in the open market. The Department of Labor, with the approval of the Comptroller General, has construed this section as referring to contracts awarded without advertising for proposals.

The Bacon-Davis Act, which requires a predetermination of prevailing wages for laborers and mechanics engaged in construction contracts for public buildings and public works, does not contain this exemption, since there is no advertised specification—no law. Section 1 of that act does, however, state that the prevailing-wage provision shall be contained in the "advertised specifications for every contract in excess of $2,000."

Inasmuch as both the Walsh-Healey Act and the Bacon-Davis Act normally apply to contracts let after competitive bidding, it may be argued that the suspension of the public-bidding statute, as provided in the pending bill, will in effect suspend the application of the Walsh-Healey Act and the Bacon-Davis Act insofar as War and Navy Department contracts are concerned.

Inasmuch as the only purpose in authorizing the suspension of the bidding statute in the pending bill is to eliminate the necessity of advertising for proposals for contracts in connection with the national-defense program, it would not appear that it was the intention of the sponsors of the pending legislation to suspend the provisions of the Bacon-Davis Act and the Walsh-Healey Act. In this connection, when the naval speed-up bill was pending (Public, No. 671, 76th Cong., approved June 28, 1940), a provision was inserted in the bill that the authorization for the Secretary of the Navy to suspend bidding statutes would not impair the benefits conferred upon labor in Government contracts by the Walsh-Healey Act and the Bacon-Davis Act. This provision was inserted with the full approval of the Committee on Naval Affairs and was adopted by the Senate and agreed to by the House conferees. It would seem that since the Senate made this a matter of legislative policy on that occasion, a similar provision should be inserted in the pending bill.

*II. Application of the 8-hour law to contracts covered by this appropriation bill*

Prior to the approval of the Naval Expedition Act (Public, No. 671) on June 28, 1940, the hours of work of laborers and mechanics engaged upon public-works construction were subject to the 8-hour law of 1912. This law forbids the employment of laborers and mechanics subject to its provisions for more than 8 hours per day. The President is authorized under other existing legislation to suspend the provisions of the 8-hour law of 1912 in time of emergency provided overtime in excess of 8 hours per day is paid for at not less than time and one-half. However, at the time of passage of the Naval Expedition Act, the President had not exercised his authority to suspend the 8-hour law of 1912 and permit overtime under the circumstances outlined above. In this situation the Congress included in the Naval Expedition Act a provision (sec. 5 (b)) suspending "the provisions of law prohibiting more than 8 hours' labor in any one day of persons engaged upon work covered by Army, Navy, and Coast Guard contracts." No provision was made for the payment of overtime rates in excess of 8 hours' work and the suspension of the 8-hour law is limited to Army, Navy, and Coast Guard contracts.

As a result of this provision in the Naval Expedition Act, the situation, with respect to hours of work upon defense projects, is in a very confused condition. On the one hand laborers and mechanics engaged upon construction projects for the Army, Navy, and Coast Guard are left entirely without the protection of maximum-hour legislation. On the other hand the suspension of the 8-hour law being limited to Army, Navy, and Coast Guard contracts produces confusion and discrimination since the strict provisions of the 8-hour law of 1912 will be applicable with respect to defense construction work carried on under contracts with agencies other than the Army, Navy, or Coast Guard. In these circumstances it is extremely desirable that this whole subject be simplified in accordance with the principles already enunciated by the President with respect to labor standards on national-defense projects. It is, therefore, proposed that the rigid limitations of the existing 8-hour law of 1912 be modified by permitting work in excess of 8 hours per day but subject to the requirement that overtime work be compensated at not less than time and one-half the regular rate of pay.

The amendment which is proposed to effectuate the purposes outlined above is attached.

Strike out line 23 on page 9 and insert in lieu thereof the following:

"SEC. 302. Nothing in titles I and II hereof shall be deemed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. 1011, U. S. C., title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036, U. S. C., title 41, secs. 35–45), to any contract or contracts to which the provisions of either or both of such acts would otherwise apply.

"SEC. 303. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in the act of June 19, 1912 (37 Stat. 138, U. S. C., title 40, secs. 324, 325), shall be computed on a basic day rate of 8 hours per day and work in excess of 8 hours per day shall be permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay.

"SEC. 304. This act may be cited as the "Second Supplemental Defense Appropriation Act, 1941."

Mr. HATCH. Mr. President, I send an amendment to the desk which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 8, after line 19, it is proposed to insert the following:

The paragraph under the subheading "Naval Reserve" of title I of the Naval Appropriation Act for the fiscal year 1941 is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That nothing in the immediately preceding proviso shall be deemed to prevent the use of any such appropriation for the purpose of paying the pay, allowances, travel, or other expenses of any such officer or enlisted man of the Naval or Marine Corps Reserve who may surrender such pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Navy or Marine Corps.

Mr. HATCH. Mr. President, if it is desired, I will explain the amendment. It merely corrects a provision of existing law which should be corrected. I have spoken to the Senator

having the bill in charge, and several other members of the committee, and they agree the amendment should be adopted.

Mr. McKELLAR. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico [Mr. HATCH].

The amendment was agreed to.

Mr. MILLER. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to strike out line 25, on page 24, and lines 1 to 8, inclusive, on page 25, and to insert in lieu thereof the following:

Contracts for the construction of all public works and public-utility projects (including purchases and supplies therefor) provided in this title may be made by the Secretary of the Navy in the same manner as contracts authorized under section 2 of Public Law No. 671, approved June 28, 1940: *Provided*, That the fixed fee to be paid the contractor as the result of any contract entered into under authority of this title shall not exceed 6 percent of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy): *And provided further*, That in determining the cost to the contractor, the Secretary of the Navy shall not include any recoveries due to accidents or damages to persons or property resulting from the negligence of the contractor or his employees, but nothing contained herein shall prohibit the Secretary of the Navy from including insurance premiums in determining the cost to the contractor: *And provided further*, That the Secretary of the Navy may accept materials required for any project authorized by this act to be located outside of the continental limits of the United States at such place or places as he may deem necessary to minimize insurance costs.

Mr. MILLER obtained the floor.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McKELLAR. I did not know whether or not the Senator intended to explain the amendment. I merely wanted him to do so.

Mr. MILLER. I do not know whether or not I shall be successful, but I shall endeavor to explain what that amendment would accomplish. Under the terms of the bill the lines which are proposed to be stricken out provide for the execution of contracts under the act of April 25, 1939, which permits the Secretary of the Navy to waive performance and payment bonds, as is required by the general law. We seek to put the contracts under the act of June 28, 1940, which does not contain the provision authorizing the Secretary of the Navy to waive performance and payment bonds.

Mr. President, to be perfectly frank, if the amendment should be adopted, then in order to make the rule uniform, it would be necessary for the Senate to reconsider the amendment which was offered by the Senator from Tennessee [Mr. McKELLAR] on behalf of the committee, which was adopted and which authorized the Secretary of War to waive the requirement of performance and payment bonds.

I have no particular interest in this matter, but I found upon investigation somewhat of a chaotic condition existing with reference to the requirement for insurance. The Secretary may in certain instances require it, and in others he may not. I realize the necessity for lodging certain discretion in the officials charged with the execution of this program; but years ago, as chairman of one of the subcommittees of the Committee on the Judiciary of the House of Representatives, after 2 or 3 weeks' hearings, I reported what has later been termed the Miller Act. The terms of that act required the filing of a performance bond and also the filing of a payment bond. At that time we had before us representatives of the Treasury Department, representatives of the War Department, representatives of the Navy Department, and, in fact, the representatives of every department of the Government which was involved in construction contracts. The committee found—and the testimony was uncontradicted, there was no dispute—that it was a matter of economy in the case of such contracts for the Government to require the dual bonds, one the performance bond and the other the payment bond.

Mr. HAYDEN. Mr. President, the Senator is referring, is he not, to cases of open, competitive bidding?

Mr. MILLER. Yes.

Mr. HAYDEN. So far as the Committee on Appropriations is concerned, we are entirely in agreement with the Senator. The exception that is permitted by the language in the bill, as passed by the House, applicable to the Navy Department, and which was extended by our committee to apply to the War Department, relates solely to cost-plus and fixed-fee contracts.

Mr. MILLER. I am willing to admit that for the sake of the argument. Suppose it does apply only to the cost-plus contract, plus a reasonable fee——

Mr. HAYDEN. That is all fixed in advance.

Mr. MILLER. That is all fixed in advance. But then the subcontractors come in. Under the Miller Act, those two bonds are required, which protect the subcontractor, and protect the laborer against the failure of the subcontractor to pay him, and likewise protect the contractor as well as the Government.

As I have said, Mr. President, I am not personally concerned about this matter. I am interested in having an orderly execution of this program. The testimony given before the House subcommittee to which I referred, showed conclusively that it was a matter of economy on the part of the Government to require dual-purpose bonds.

Mr. President, I am not prepared to say what rates are charged for bonds; I do not want this program to cost the Government a dime more than it ought to cost; but I am advised that the rates have been reduced to the minimum. If the Committee on Appropriations—and no Senator has more respect than have I for the members of the Committee on Appropriations—inform the Senate that they have considered the question, and that in their judgment it is to the best interest of the Government to let these contracts go, willy-nilly, as the Senator from Texas said, without the requirement of payment and performance bonds, very well, because it does not seem as though any contracts are going to be let in Arkansas anyway, and I know that no Arkansas firm is going to get any of them unless the Council of National Defense changes its position considerably.

Mr. HAYDEN. The Senator from Arkansas asked whether the Committee on Appropriations had certain testimony given to it. I will say to the Senator that the provision on page 28 of the bill adopted by the other House applies solely to the Navy. General Gregory, the Quartermaster General, came before our committee and asked that the same provision be made applicable to the Army, which has been done by the amendment offered by the Senator from Tennessee on behalf of the committee. This is what the general said:

Under the ordinary lump-sum contract there was a time when a subcontractor or materialman might have very great difficulty in obtaining payment for materials or subcontracts from the main contractor. So, in order to obviate that situation, Congress in 1935 required that on construction contracts the contractor furnish a bond which would guarantee payment to his subcontractors and the materialmen.

The general is referring to the Miller Act. The general then said:

On a cost-plus-a-fixed-fee contract the Government itself pays the contractor as receipted bills are presented to the Government. In other words, it is the Government's money, not the contractor's money, which pays for the material.

Then the Senator from Tennessee [Mr. McKELLAR] asked the cost, and requested the general to place in the record a statement of what the saving would be to the Government. That will be found on page 55 of the hearings. It sets out the whole matter, and it winds up with this statement:

The probable savings would lie somewhere between $400,000 and $800,000—

On the business we propose to do under this law.

Mr. MILLER. Mr. President, let me say to the Senator from Arizona, that, frankly, if the bonds are to be waived by the Navy Department they ought to be waived by the Army. To say the least, the Army ought to have the right to waive them.

Mr. HAYDEN. That is what the committee thought.

Mr. MILLER. But the question presented to the Senate is, I think, of sufficient moment for the Senate to pass on it. We

are waiving those bonds which we have heretofore deliberately decided were proper and necessary, and which served a useful purpose. That is the issue raised by the amendment, and that is the issue upon which I desire the Senate to pass.

Mr. AUSTIN. Mr. President, it has been repeatedly shown that a good, adequate bond to protect furnishers of labor and of materials is almost an absolute necessity in dealing with the Government of the United States. Time after time losses have been suffered by subcontractors who provided labor and materials because of the character of bond the contractor furnished to the United States under existing law and the regulations of the United States, a bond which was one of those blanket affairs which gave priority, naturally, to the Government of the United States, and in case of the failure of the principal contractor to perform, the Government's claim was generally liquidated out of the bond, if the bond was good for anything, at the expense and in some cases the entire loss to the subcontractor. The condition was almost scandalous, and the Committee on the Judiciary of the Senate has worked ever since I came into this body in 1931 upon various proposals of legislation that would require a separate bond for the subcontractor who furnishes labor and materials.

Senator Logan, of revered memory, introduced several such bills in the Senate. They were reported by the Judiciary Committee, but so far as I can remember they were never passed by the Senate. In any event, that improving and very necessary legislation which was proposed never became law.

My understanding of the pending amendment may be incorrect, because I have had no copy of the amendment to read. I could not find the typewritten copy, and there is nothing but a typewritten copy. It is a very important matter affecting the affairs of many persons.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I shall be glad to yield in a moment.

As I gather the situation from so much of the conversation as was audible on this side of the Chamber, the amendment would waive the requirement of any bond at all in the case of certain contracts; that is, any bond which would take care of the providers of labor and materials. Is that true?

Mr. TYDINGS. That is true.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. MILLER. The provision of the bill which we are seeking to strike out authorizes the Secretary of the Navy to waive the requirement of a bond, which refers to the payment bond now required under the general law. The purpose of the amendment is to strike out that provision, so that the Secretary of the Navy, as well as the Secretary of War, must require the filing by the contractor of a performance bond, together with a payment bond, as now provided by the general law.

Mr. AUSTIN. I am very glad to hear that. I am heartily in favor of it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TYDINGS. The Senator from Vermont, the Senator from Arkansas, and other Senators know that the reason why the provision to eliminate bonds was put in the law in the first instance in connection with the defense program was primarily upon the theory that such bonds would entail delay; and the argument was made that everything which entailed delay should be brushed aside.

It so happens that the giving of bonds for performance and payment would result in not a second's delay. They may be given at any time, either during the progress of the work or before it commences; so that the primary objective of eliminating the bonds does not exist. The object was to save time. If the amendment of the Senator from Arkansas were adopted not a minute would be lost.

Mr. AUSTIN. I thank the Senator from Maryland.

Mr. McKELLAR. Mr. President, the purpose of the amendment is to strike out the provision of the bill at the bottom of page 24 and the top of page 25 which applies to the Army the present law as it affects the Navy. What is the present law, which was approved April 25, 1939? Let me read it:

SEC. 4. (a) To enable the Secretary of the Navy to accomplish without delay or excessive cost those public works projects authorized by this act to be located outside the continental limits of the United States, he is hereby authorized to enter into contracts upon a cost-plus-a-fixed-fee basis after such negotiations as he may authorize and approve and without advertising for proposals with reference thereto. Approval by the President shall be necessary to the validity of any contract entered into under authority of this section. The fixed fee to be paid the contractor as a result of any contract entered into under authority of this section shall be determined at or before the time such contract is made, and shall be set forth in such contract. Such fee shall not exceed 10 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy. Changes in the amount of the fee shall be made only upon material changes in the scope of the work concerned as determined by the Secretary of the Navy whose determination shall be conclusive.

* * * * * * *

(c) In any project the contract for which is negotiated under authority of this section, the Secretary of the Navy may waive the requirement of a performance and a payment bond and may accept materials required for any such project at such place or places as he may deem necessary to minimize insurance costs.

(d) Any contract negotiated under this section may, in the discretion of the Secretary of the Navy, contain provisions under which any loss of or major damage to the plant, materials, or supplies of any contractor, not due to his negligence or fault or to the negligence or fault of his agents or servants, while the same is necessarily in transit upon or lying in the open sea for the purposes of the contract, will be investigated by a board of naval officers appointed for the purpose and reported to the Secretary of the Navy, who will transmit to the Congress the findings of fact and his recommendations in the premises.

Before our committee we had testimony about this matter. Admiral Moreell testified as follows:

This matter of bonds on contracts was discussed before the committee in some detail by the War Department. Senator HALE sent to me a statement from Senator TYDINGS in which he had an amendment which would require the Navy to have bonds on negotiated contracts. Now, under present law we are not required to have bonds on negotiated contracts except when the Secretary of the Navy feels that they are necessary to protect the interests of the United States. We have been operating under that law since last June.

Senator HALE. That is only on public-works contracts?

BONDS NOT REQUIRED ON PUBLIC WORKS NEGOTIATED CONTRACTS

Admiral MOREELL. Public-works contracts; yes, sir. We have negotiated now some $250,000,000 worth of public-works contracts. To date we have had no occasion to feel that we have done the wrong thing in waiving payment and performance bonds. When we negotiate a contract we pick out the very best contractors, the people who are the most reliable and whose reputations and past records are such as to warrant our confidence.

The bond that is taken on an ordinary bid contract is designed to protect two parties. First, the materialman and labor that furnish their material or labor to the contractor. That is the payment bond. The performance bond protects the United States Government. The laws are worded so that, in effect, we are practically forced to award a contract to the low bidder, because almost any bidder can get a bond, and the Comptroller General has ruled that any bidder who can get a bond is a responsible bidder. The result of that is that we very often are placed in the position of having to award a contract on a lump-sum bid to an unreliable contractor. The bond in that case, the performance bond, does provide a measure of protection to the United States Government.

This is the part to which I wish to call especial attention:

In the case of a negotiated contract, the payment bond serves no useful purpose, because we are assured when we pay the contractor that he has already paid the labor and paid the material men, because he must produce bona fide evidence of having done so before he can get any money. So those people are protected.

It was upon testimony of that kind, and that testimony in particular, that the Senate committee applied this provision to other contracts than Navy contracts, when contracts are awarded on a fixed-fee basis. In the case of competitive contracts, bonds must be furnished for their faithful performance. The Department says it is absolutely useless to have bonds in the case of fixed-fee contracts. Why should the Government pay such large sums, amounting to hundreds of thousands of dollars, for bonds in such cases?

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HAYDEN. There is another interesting piece of testimony following that which the Senator has read.

Mr. McKELLAR. I hope the Senator will read it.

Mr. HAYDEN. Admiral Moreell said:

I learn that the bonding companies have agreed to reduce their premiums for bonds from the usual 1½ percent on lump-sum contracts to 0.4 percent on a fee contract. Well, that willingness to reduce to practically one-fourth of the usual fee is an indication

that they recognize that the fee contract is a different type of contract, and that the Government does not need the same degree of protection that the Government needs on a lump-sum contract.

Then Mr. McKell, representing the bonding companies, appeared before the committee. The Senator from Colorado [Mr. ADAMS] asked him what the rates were, and he stated that there had been a reduction. The Senator from Colorado asked him when the reduction was made, and he replied that it had been made on the 15th of last July. We were holding hearings on the 15th of August. The bonding companies had been asking a premium of 1½ percent. Within 30 days before Mr. McKell appeared before the committee and asked for this amendment the premium had been reduced from 1½ percent to four-tenths of 1 percent. That was admitted in the hearings. The record clearly indicates that the bonding companies are running no risk, or they would not reduce the premium. Even on the basis of a premium of four-tenths of 1 percent, on such a vast volume of business there would be a saving to the Government of $400,000 to $800,000 a year.

Mr. MILLER. Mr. President, aside from the bond question and the language at the top of page 25 which we are seeking to strike out, why is it provided that the provisions of section 4 of the act approved April 25, 1939, "shall be applicable to all public-works and public-utilities projects provided in this title, regardless of location"? We passed a law on June 28, 1940, dealing with the same kind of contracts, limiting the fee to 7 percent.

Mr. McKELLAR. I shall be very happy to explain it to the Senator.

Mr. MILLER. That is aside from the bond question.

Mr. McKELLAR. Let me tell the Senator about this language.

Section 4 originally provided that such contracts might be made only outside the United States, in places such as Panama, the Philippines, or elsewhere. The plan was found to work well. The Navy Department found that it was able to make favorable contracts in that way, and the plan was then applied to all Navy contracts. The committee concluded that if it worked well in foreign or quasi-foreign navy contracts outside the limits of continental United States, and was afterward found to work well within continental United States, it ought to be applied to other public agencies. Therefore it was applied to all public-works and public-utilities projects provided in this title, regardless of location.

Mr. MILLER. Mr. President, I understand that, but, as a matter of fact, by reaching back and taking that section and putting the contract under it, do we not raise the amount they may earn from 7 percent under the act of 1940 to 10 percent under the act of 1939?

Mr. McKELLAR. No. If the Senator will read the proviso he will see that it shall not exceed 6 percent.

Mr. MILLER. Then I want to call the Senate's attention to the fact that, while there is a proviso as to 6 percent, it is proposed to go back and adopt section 4 of the act of 1939, and thus nullify the 6 percent profit provision. Is that what we are doing?

Mr. McKELLAR. We do not nullify but reduce the profit, I think, from 7 percent to 6 percent.

Mr. MILLER. We nullify the profit provision of section 4 of the act of 1939.

Mr. McKELLAR. We do not nullify it but we amend that by reducing it.

Mr. MILLER. To 6 percent.

Mr. McKELLAR. Yes.

Mr. MILLER. That is the point.

Mr. TYDINGS obtained the floor.

Mr. DANAHER. Mr. President——

Mr. TYDINGS. I will be glad to yield to the Senator from Connecticut for a question.

Mr. DANAHER. I wish to ask a question of the Senator from Arkansas.

Mr. TYDINGS. Will the Senator allow me to develop a few points, and I will be glad to yield to him in a few moments?

Mr. DANAHER. Very well.

Mr. TYDINGS. The Senator from Arizona [Mr. HAYDEN] made the point that originally bonds cost 1½ percent, but now the bonding companies had reduced the premium to four-tenths of 1 percent.

Mr. HAYDEN. That is in the case of cost-plus, fixed-fee contracts; it is 1½ percent on competitive-bidding contracts, as it used to be.

Mr. TYDINGS. Why was the reduction made? In the old bonds in the case of competitive bidding the bonding companies had to guarantee that the contractor would perform in full the work to be performed by the contractor within the price allotted. Under this particular class of contracts the contractor has no limit on what the work will cost; he is guaranteed a fee for the work he does; he is guaranteed a profit for the work he does; the Government pays the profits for material and labor. The contractor does not have to go down in his pocket for a single dime.

Mr. HAYDEN. But the Government would have to go down in its pocket and pay the bonding premiums.

Mr. TYDINGS. Let us be fair about it. There is much difference in guaranteeing that a man will build a house for so much money and guaranteeing that the workmanship and materials in the house will be good, first class, and in accordance with specifications.

A contractor may find that the work will cost 25 percent more than he thought it would cost and then the bonding company would have to come in and finish the house if the contractor walked off the job. But none of those risks is present here. The whole basis of any insurance is that the greater the risk the larger the premium, and the less the risk the smaller the premium. So that, instead of being criticized for reducing their rates, the insurance companies have come in with a new rate predicated on the reduced risk. That is all there is to that phase of the matter.

The Senator from Tennessee read at great length an old law and many of us——

Mr. McKELLAR. It was a law of April 1939. It is not very old.

Mr. TYDINGS. That is right. He read a law, but many of us did not pay attention to what the law provides. Let me read a section of the law which he read and let us see what it means. Here is what the law says:

(d) Any contract negotiated under this section may, in the discretion of the Secretary of the Navy, contain provisions under which any loss of or major damage to the plant, materials, or supplies of any contractor, not due to his negligence or fault or to the negligence or fault of his agents or servants, while the same is necessarily in transit upon or lying in the open sea for the purposes of the contract—

Listen to this—

will be investigated by a board of naval officers appointed for the purpose and reported to the Secretary of the Navy, who will transmit to the Congress the findings of fact and his recommendations in the premises.

In other words, if the contractor suffers a loss, and the loss is not due to any fault of his own, as in the case of goods being washed away in a big storm, even though he is on this kind of basis the Navy will appoint a board of inquiry. We will have a bill here before the Claims Committee and we will pay him not only for the material he put in the job, but for the material he lost at sea; and we do that in the interest of economy.

What is the alternative proposition? The alternative proposition is to do what we have done for 150 years and in this period of partial hysteria not depart from sound business methods and procedure. If there is no necessity of the contractor performing his work within a certain given price, therefore, there is no necessity to bond him for that; but there still exists the necessity, which is in all bonds, of seeing that the materials furnished are of the quality specified, that the workmanship is of the quality specified, and that the subcontractors are paid.

There have been numerous cases of subcontractors furnishing work or materials under contracts similar to this, the principal contractor drawing down his money, and it subsequently being learned that the subcontractor was not

paid. If the contractor said, "I have no money to pay you with," the Government had to pay twice, except that before the Government paid it called on the bonding company. Some $20,000,000 have been paid to the United States which ordinarily would have come out of the Treasury had there been no bond. That is nothing more than ordinary insurance. We have done this for 50 years.

As for delay, as a reason for eliminating the requirement for bonds, every Senator on the floor knows that there is not one second of delay attached to it. It does not take 5 minutes to get a bond, for it is only for payment and performance, and nothing else in the world. It has nothing to do with the ability of the contractor to finance the job within a certain sum, which is nine-tenths of the risk of the ordinary building bond.

I hope we will, while we have time, walk back the road, for, mark my words, if we leave every bar down in the case of these contracts, which are not open to public bidding, but which are open to negotiation, guaranteeing the contractor a fixed fee, with no restraint, politics as big as this Capitol is going to obtrude itself and the Senate and the country will be humiliated because the transaction was not surrounded with reasonable business prudence and ordinary business procedure.

I beseech the Senate not to turn its back on the Miller amendment, because, in the long run, it will be dollars in the Treasury. It will be an incentive against political interference; it will be a guaranty of good material and finished workmanship and against repayment of bills that already have been paid to some particular agency which is doing a job for the Government. To have none of these restraints, to have none of these restrictions, in spending billions of dollars on a cost-plus basis is to me absolutely ridiculous. If in normal times it is necessary to have bonds far in excess of the one covered in the Miller amendment, in this day of speed and haste, and I might even say of election time, it might prove well for us to look ahead and not have ourselves to blame for possible inefficiency and dishonesty which may result because of no restraint at all being placed upon the expenditure of billions of dollars.

I, therefore, ask Senators not to look at this matter in any narrow sense. Of course, the bond will cost some money. It is impossible to get something for nothing, but the rate is a little more than a quarter of what the other rate used to be when the entire project within a certain price was the thing guaranteed by the bonding company.

In the long run, Congress will regret taking off all these restrictions, and I already want to go on record as regretting that I voted for the first negotiated contract. I think it was a mistake, and I think we have made that mistake often enough. There may have been three or four isolated cases which we might have singled out in which speed was of such transcendent importance that we might have brushed aside all restrictions, but in the majority of the work undertaken I doubt if there would have been any delay at all if we had proceeded with competitive bids. Already, some of us are beginning to wonder whether or not the negotiated bid, with its guarantee of sure profit and the wide-open door on every one of these things, from buying a tin hat up to building quarters for a thousand men, was not a mistake. I am sure we should have limited the negotiated contracts to things in which the element of time was so important that it was wise to do it in that way, but we should not have wiped out all restrictions, as we have done, and allowed all these contracts to be negotiated, to be given to favorites, perhaps—I do not say they have been; to be given to favorite concerns—I do not say they have been; to be given to favorite localities—I do not say they have been; to be given to favorite Senators or Representatives or to business people or to supporters—and I do not say they have been. All of those things are possible, however, when the contract may be given out without any regard at all to competition. Then to take off the lid, and to have no bond for performance or for payment, is little short of silly when these matters are not rush matters, and when requiring the bond will not delay a single project a single minute.

Mr. WHEELER. Mr. President——

Mr. TYDINGS. I yield to the Senator from Montana.

Mr. WHEELER. I have two or three telegrams and letters from my State which I think refer to the subject about which the Senator is now talking. One of them says:

> We are vitally interested in the passage of amendment to H. R. 10263 striking out provision authorizing Navy Department to waive performance and payment bonds required by law for many years.

Is that the provision to which the Senator refers?

Mr. TYDINGS. That is the provision. All the Senator from Arkansas is attempting to do is to compel the company which gets one of these negotiated contracts at least to give bond that it will furnish the quality and character of material specified, and pay the subcontractors for the material when it is furnished.

Mr. WHEELER. Let me say to the Senator that I am very much interested in what he has been saying about negotiated contracts. I do not care how honest the man is who has to deal with these matters; he may be just as honest and just as conscientious as anybody in the world, but human nature is such that he is bound, either consciously or unconsciously, to let the contracts go to his friends or to some favored class.

I agree with the Senator that in my judgment it was a mistake to open the door wide except in a very few instances in which it was imperative to do so, and any other course might possibly have held up the national defense. I think we shall live to regret the day when we did it; and I think it will be found that before we get through, this administration and this Congress will be severely criticized for it, because I have never known a thing of that kind to happen without graft and corruption and favoritism creeping in. It is almost humanly impossible to keep them out under those conditions and circumstances.

Mr. TYDINGS. Mr. President, the Senator from Tennessee [Mr. McKELLAR], who is in charge of this bill, is one of the most independent and zealous Senators I know of in protecting the Government's interests, and I do not want to sneak up behind a lot of encouragement and pats on the back to take advantage of his softer side; but I say to him now that in my own mind I am just as confident as I can be that if we do not put in this bill some provision for the payment of bills and the performance of work, he himself at some future date will rise on the floor of the Senate and express his regret over the situation, and offer legislation to correct it.

I ask the Senator from Tennessee if he will not at least do this: Will he not accept this amendment and take it to conference, where it can be further considered? Then if, in spite of all our points and propositions, the amendment still seems to him and to his associates to be unwise, and they want to reject it, that will be one thing; but I ask him not to oppose the amendment at this date without further hearing, because it means too much to our Government and to our people.

Mr. HAYDEN. Mr. President, I desire to ask the Senator a question about the telegram referred to by the Senator from Montana [Mr. WHEELER]. Can he give any guarantee that if we accept this amendment the gentleman who represents the Associated Casualty and Insurance Companies will not then telegraph to the States from which all of the House conferees come and have every insurance agent in the State send them telegrams to be sure to accept the amendment?

Mr. TYDINGS. I do not even know who the agent is. I never saw him or met him in my life, and naturally my guarantee would not be worth anything; but I will say this to the Senator: So far as I am concerned, directly or indirectly, the committee will have a free hearing, without any interference that I can prevent. All I should like to do is, before we close the door on these billions upon billions of negotiated contracts which are given out without any reference to competition, which are wide open, which guarantee millions of dollars of profit to the individuals, that we make sure we have not gone too far in eliminating all restraints upon them; that is all.

It seems to me that is a reasonable request; and all I ask is that the Senator who is in charge of the bill take the amendment to conference for further study. If he finds there that the matter is not in the state I have pictured it, that is one

thing; but I have a feeling that as he goes deeper into the subject he will find that the amendment is worth while.

Mr. AUSTIN. Mr. President, of course I am speaking on first impressions, because I knew nothing about this amendment until it was read at the desk.

If the only reason for the provision in the pending bill on page 24, line 25, is the reason stated here—namely, haste, velocity, speed—I ask what has happened since June 28, 1940, to make it necessary for the Congress to take away from a large segment of the population of the United States a right that it has had to be protected in Government contracts. Is there any other situation confronting us than the one we had on June 28, 1940? Only 2 months ago we passed the law enabling the Government to expedite national defense in building the Navy; and section 2 thereof, to which the Miller substitute points, authorized the Government to negotiate contracts instead of adhering to the bid method. But I call the attention of the Senate to the affirmative statement in that section of the act of June 28, 1940, which would be kept in all its vigor by the Miller substitute, namely:

*Provided further,* That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the act of August 24, 1935 (49 Stat. 793).

Two months ago we were careful to protect those who provide labor and materials to the general contractor in these contracts with the United States Government. It is an excuse of very little validity for maintaining that provision in the bill as it appears here to say that on a cost-plus basis the Government does not have so much risk. That does not justify utterly disregarding the rights of the materialmen and labor.

It has always been difficult for the citizen to have his interests protected here. I wonder why? We, as one House of Congress, should have just as much regard for the interests of the citizens of the United States as we have for the structure of government and the power of government. Of course, in a cost-plus contract the Government may withhold payment and protect itself, if it is vigilant; but if it has no more regard for the citizen than we appear to have, it will not be withholding payment for the citizen any more than we are now protecting the citizen. Why should we waive this affirmative protection to the citizen on which we insisted 2 months ago?

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Arizona.

Mr. HAYDEN. What I am puzzled about is this: The Senator insists that this procedure is not now permitted by law; and yet Admiral Moreell testified before our committee:

Under present law we are not required to have bonds on negotiated contracts except when the Secretary of the Navy feels that they are necessary.

Mr. AUSTIN. When did he testify?

Mr. HAYDEN. He testified on the 14th day of August of this year.

Mr. AUSTIN. I must confess that he or somebody else had forgotten the law. I have it right in my hand—an act approved June 28, 1940—and I have read to the Senate this provision:

*Provided further,* That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the act of August 24, 1935 (49 Stat. 793).

Mr. HAYDEN. There seems to be some confusion in the statute.

Mr. AUSTIN. There seems to be.

Mr. HAYDEN. I rather think that what the admiral was referring to was public-works contracts, which are different from contracts for building ships.

Mr. AUSTIN. Oh, no, Mr. President. Section 2 refers to public-works contracts to this extent:

That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plants, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding, upon determination that the price is fair and reasonable—

And so forth and so forth. It is dealing with a public contract. We are now asked by the bill to extend this beyond naval vessels, and the other things mentioned in the act, to public works. It is provided in the proposal made to us, and which we desire to strike out—

The provisions of section 4 of the act approved April 25, 1939, shall be applicable to all public works and public-utility projects provided in this title, regardless of location.

That title related to public works without the territorial bounds of the United States, and the proposal we are considering would extend the terms of the act of 1939 to public works within the United States.

The proposal of the substitute is to make applicable to these works, wherever located, the statute we passed 2 months ago relating to negotiated contracts, which provided that the bonds provided by the law referred to should be furnished.

Mr. McKELLAR. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I yield.

Mr. McKELLAR. I am frank to say to the Senator that I have less concern about the bonds than I have about the cost-plus contracts themselves. I should like to hear what the Senator has to say about the contracts. We have provided for them in certain classes of cases, but I am not at all sure that such a policy is for the best interest of the Government.

Mr. AUSTIN. I think it is a very bad policy for a man who is undertaking to build something and requires something with which to do it. I think it is a bad policy for him, and I think it is a bad policy for the Government of the United States. If there is any way, however, by which time can be saved, it is in that element of the negotiation of the contract, and I assume the provisions for employing the negotiated contracts instead of the contracts by competitive bidding were for the purpose of expediting national defense.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WHITE. Without any regard to past provisions of law and without regard to what the present law is, is it not the Senator's view that as these contracts increase in number and increase in variety, and as the amounts involved multiply, there goes with those conditions a very greatly increased burden on the Government of protecting by appropriate bonds the people of the United States and the Treasury of the United States?

Mr. AUSTIN. Undoubtedly.

Mr. ADAMS obtained the floor.

Mr. TYDINGS. Mr. President, is the Senator going to argue at some length?

Mr. ADAMS. I wish to make a suggestion or two. The amendment does not merely take out the provision which the House inserted, which relieves the War Department of requiring bonds, but it repeals a section of the existing statute giving that privilege to the Navy Department.

Mr. TYDINGS. That is correct.

Mr. ADAMS. In other words, if the naval officers were correct in their statement that they were saving from $400,000 to $800,000 a year, that saving would be lost.

The naval authorities came to us and said they were quite satisfied, that it was making money for the Navy, that they had written a large number of contracts. I can see that it is perfectly proper to come in when we are considering an appropriation bill and debate the provision inserted in the House, but I question whether we should go back of that. Of course, I have received a good many telegrams from surety agents in my State who naturally and properly desire to protect their commissions. That is their right. They would be failing in their duty if they did not protest.

If we were advising private clients, of course, we would want them to take out performance bonds of this kind. If the Government were having only one contract and a default would be fatal to the Government, of course it should take out

the insurance. I think the only question is whether or not the same principle should be applied in these cases which the Government applies in its fire-insurance cases; that is, that it owns a multitude of properties, and that while there may be a loss, it can carry its own insurance; that is, that the premiums amount to more than the losses would be.

There will be cases, of course, of a subcontractor who is incompetent or a subcontractor who is dishonest, a principal contractor or a subcontractor who does not pay his laborers. The only question is whether or not in the most of these cases the Government had better carry insurance, rather than require bonds.

I do not have a very deep concern about the matter. The premiums have been reduced to a reasonable amount, and I think this provision in the bill is largely responsible for the reduction. It has accomplished a very good result up to this time.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. MINTON. How would a materialman or a laborer go about getting his money if he were not paid, if there were not a performance bond, and he had to look to the Government? He could not sue the Government.

Mr. ADAMS. What was said to the committee was that the departments had inspectors and auditors, that the pay rolls were submitted to them, and that they did not pay the contractors until they brought receipts from the employees; that they ascertained what material had been furnished, and did not pay the contractors until they had receipts from the material men. Of course, it is possible to perpetrate a fraud.

Mr. MINTON. Suppose a man should perpetrate a fraud, suppose he should say to a laborer or materialman, "Of course, I have not paid you, but as soon as I get my money from the Government I will pay you," and then he never paid the materialman or the workman. There would not be any way in the world for them to get their money. But if there were a performance bond, that kind of procedure would not keep the materialman and the laborer from getting their money.

Mr. ADAMS. I think that is quite true, and I have a good deal of sympathy with that thought. The question came before the committee. We heard both sides before the committee, as to what was best for our client. Our client is the Government.

Mr. MINTON. At the same time, we have some obligation or duty, it seems to me, toward the people who do business with the Government.

Mr. ADAMS. We have.

Mr. MINTON. The Senator, as a lawyer, knows how difficult it is for anyone who deals with the Government, and who happens to feel that an injustice has been done him, to get into court and even have a hearing on his case.

Mr. ADAMS. I understand that. I also know it is rather difficult to collect from surety companies in court.

Mr. MINTON. I have collected much more for clients from surety companies than I ever have collected from the Government.

Mr. TYDINGS. Mr. President, what the Senator from Colorado says is absolutely unanswerable, namely, that if a single contract were involved, and an individual were about to take a terrific loss on one contract, he would have little or no alternative, if he were prudent, than to protect himself, but with a large number of contracts, the Government being supported by the taxpayers, and dealing in billions, can probably be its own insurer, and it may or may not make money. The chances are it might save money by that procedure.

However, there is a difference, which the Senator from Wisconsin has pointed out, between Army procedure and Navy procedure, and there is a general conflict in this whole matter. I should like to appeal to the Senator having the bill in charge to take the amendment offered by the Senator from Arkansas to conference, there to consider the whole picture again. As I stated a moment ago, I do not ask him to give a guaranty as to what he will do in the conference, but we are anxious to have the question reheard and reconsidered in the interest of the Government, and in view of what has come out in the debate, I believe the request is reasonable, and I ask the Senator from Tennessee if he will not consider it favorably.

Mr. ADAMS. Mr. President, let me add a word further. My initial preference in the matter was toward the requirement of the bond. That is, when the matter first came before the committee I felt that way. I listened to the Navy and Army officers, and they presented a rather good case. I do not like to criticize any individual, but there was a gentleman representing the surety companies who did not help his case. I think that if he had stayed in whatever is his home city his case would have been better. But I do not have any hard and fast notions about the matter, and I am inclined to think that the suggestion of the Senator from Maryland is a wise one.

Mr. McKELLAR. Mr. President, I once went around the world with the senior Senator from Maryland [Mr. TYDINGS], and since that time he has had undue influence over me. I do not know how he manages it, but he does.

This is a complicated arrangement, and, as I stated a while ago, I am not so sure that I believe as strongly in the cost-plus fixed-fee contracts as I did before the argument was made. If the other members of the committee do not protest, I shall be willing to take the amendment to conference and see what we can work out.

Mr. TYDINGS. Mr. President, I wish to thank the Senator for his consideration and his fairness, and I believe the matter will receive a fair hearing in conference. All we can ask is that the whole question be reexamined in the interest of the public welfare.

Mr. DANAHER. Mr. President, the Senator from Arkansas [Mr. MILLER] explained the amendment, but there is one phase of it as to which there has been no subsequent comment, and in view of the statement just made by the Senator from Tennessee, it seems to me that a question or two may be in order.

Let me ask the Senator from Arkansas if the matter of casualty liability is not completely independent of anything that has been said up to now with respect to surety liability?

Mr. MILLER. Yes.

Mr. DANAHER. As I understand the amendment of the Senator from Arkansas, it provides that the Government will allow nothing to any contractor for losses paid by way of damage claims, whether by way of workman's compensation, or negligence claims, or otherwise, if they be casualty cases; is that true?

Mr. MILLER. Yes.

Mr. DANAHER. But under the Senator's amendment the Government does hold out an allowance which is the equivalent of an insurance premium, which would therefore be an invitation to the contractor to insure against that very type of liability. Is that not so?

Mr. MILLER. That is correct.

Mr. DANAHER. Mr. President, I thank the Senator from Arkansas. There has been no development of that point, and no matter what the situation between the House conferees and the Senate conferees may be in conference, that particular phase of the amendment of the Senator is entitled to serious consideration, for on whatever basis cost-plus contracts may be estimated, or whatever may be done with reference to a 4-percent premium, there is no basis in the world for saying that the United States Government should be held liable in unlimited damage claims without being adequately protected, and there is no reason why the Government should step into the shoes of contractors and allow them to set off against the Government as part of their costs enormous sums recoverable for loss of limb or eyes or other tortious claims.

That is an important phase of the matter, and, in my humble judgment, the Senator from Arkansas has most adequately and completely covered it. However, I should like the RECORD to show that there is a phase of this matter which has not been covered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. MILLER].

The amendment was agreed to.

Mr. BYRNES. Mr. President, I offer an amendment which I send to the desk, and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 8, after line 15, it is proposed to insert:

Training, education, and welfare, Navy, Naval Reserve Officers Training Corps, $210,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. MILLER. Mr. President, will the Senator from Tennessee yield to me to move to reconsider the vote by which the Senate adopted the amendment offered by the Senator from Tennessee [Mr. MCKELLAR] on behalf of the Committee on Appropriations, on page 4, line 7?

Mr. MCKELLAR. Let that matter go to conference. It is not necessary to reconsider the action taken by the Senate.

Mr. MILLER. Very well, I shall not press that motion, since the matter will go to conference.

Mr. ADAMS. Mr. President, earlier in the day I filed an amendment to strike out lines 4 to 21, inclusive, on page 28. My amendment was based upon the impression which I had gained from reading the statutes that if the provision now in the bill remained in it airplane contracts would be left without any ceiling. I was inclined to differ with the report of the committee in the House, which said that it would leave a 12-percent limit. In other words, there had been a limitation of 12 percent in the law of 1939. That was changed in 1940, and then the pending bill would revise it. I questioned whether or not the repeal of the section which was contained in the language I sought to strike out would reinstate the 12-percent limitation.

My own judgment is that it would not do so, but I have consulted with the legislative drafting counsel, and with the Senator from South Carolina [Mr. BYRNES], and they take a different view of the matter. They seem to feel that perhaps some discord might arise, and I am willing to accept their legal judgment, and not press my amendment, merely reserving my own legal opinion to myself after having been overruled by superior talent.

The PRESIDING OFFICER (Mr. HERRING in the chair). Without objection, the amendment offered by the Senator from Colorado [Mr. ADAMS] is withdrawn.

Mr. MEAD obtained the floor.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me for a moment?

Mr. MEAD. I yield.

Mr. LA FOLLETTE. I should like to inquire of the Senator from South Carolina [Mr. BYRNES] whether the amendment which has just been adopted provides money for the naval R. O. T. C.

Mr. BYRNES. Mr. President, it is provided in the amendment which was just adopted. The Senator from Wisconsin spoke to me about the matter earlier in the day. The amendment provides for increased personnel, and for the extension of the student body at some of the existing naval Reserve units.

Mr. LA FOLLETTE. I thank the Senator.

Mr. MEAD. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 24, after line 10, it is proposed to insert the following:

Third Naval District: Graving dry dock and accessory construction, New York Harbor, participation with the Port of New York Authority, $10,000,000.

Mr. MEAD. Mr. President, I desire to bring to the attention of the Senate a project which has already received the approval of the Senate Naval Affairs Committee, as well as the approval of the Senate itself, and it has the recommendation of the President, the Advisory Commission for the Council of National Defense, the Navy Department, and the Port of New York Authority. The project I have in mind calls for the construction of a graving dock to lift the largest naval and marine ships now afloat or in contemplation. This project was recommended by the President as a defense measure over a year ago. As I said a moment ago, it received the approval of the Senate Naval Affairs Committee and the Senate itself. It calls for joint participation on the part of the United States Government and the Port of New York Authority.

When the proposal reached the House it was, of course, referred to the House Naval Affairs Committee, where objection was made to subsidizing a local authority by the Federal Government, and the point was made that the Federal Government should make the appropriation in its entirety and control the project itself.

As a result of the situation which developed in the House, the project is stalemated. But coming before the committee, so ably represented on the floor of the Senate by the senior Senator from Tennessee [Mr. MCKELLAR], Rear Admiral Ben Moreell, of the United States Navy, Chief of the Bureau of Yards and Docks of the Department, made this statement:

GRAVING DRYDOCK, NEW YORK HARBOR

I would like to bring also to the consideration of the committee an item for constructing a maximum-size drydock in New York Harbor. A bill has passed the Senate to authorize participation by the Navy with the Port of New York Authority in constructing such a dock. However, the bill has struck a snag in the House Naval Affairs Committee—apparently because of the opposition of certain members to the principle of subsidizing another agency. In view of this situation, I have made a survey of available data and have determined that we can construct our own drydock in New York Harbor with a proportionately small increase in total expenditure. The Bureau of the Budget approved an item of $7,000,000 for this project, of which $3,000,000 was to be in cash. By increasing the total value of the project to $10,000,000, half in cash and half in contract authorization, we can obtain a drydock owned entirely by the Government. I am strongly in favor of this project—

Said Admiral Moreell—

It has been strongly recommended as an item of great importance by the General Board of the Navy. However, the additional amount of $3,000,000 has not been approved by the Bureau of the Budget. I would like to say that the House Appropriations Committee struck that item out of the bill because of the opposition of the House Naval Affairs Committee to a subsidized dock.

Mr. President, I meet the objection raised against the item by the House Naval Affairs Committee, because in the two amendments I have sent to the desk I provide the money and make possible the future authorization of the balance required, and at the same time strip the project of the authority to participate with the New York Port Authority, hoping that this meeting of the issue will receive the approval of the House. By reason of the fact that this may be one of the last opportunities or perhaps the last opportunity to consider the matter before the recess of the Senate, and in view of the recommendation the project has received from every associated and interested authority, I ask the chairman of the committee to take the matter to conference. I hope that in the interim the objection of the House will have been removed.

Mr. MCKELLAR. Mr. President, so far as I am concerned, speaking as an individual member of the committee, I am willing to take the matter to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD].

The amendment was agreed to.

Mr. MEAD. I offer the second amendment, which I have sent to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 10, line 5, it is proposed to strike out "$37,750,000" and insert in lieu thereof "$48,315,000."

The amendment was agreed to.

Mr. MALONEY. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 5, between lines 11 and 12, it is proposed to insert the following:

For prosecution of the revised flood-protection project by dikes at East Hartford, Conn., in accordance with the plans recommended in Senate Document No. 32, Seventy-sixth Congress, $249,000.

Mr. MALONEY. Mr. President, I am very hopeful that the Senator from Tennessee will be willing to take this amendment to conference. It previously passed the Senate on two occasions, once in a separate bill, and once in another appropriation bill. It had the unanimous approval of the Appropriations Committee, but suffered a fatality in the House because there were attached to it at that time other flood-control projects which the Congress did not feel were of sufficient importance.

Mr. McKELLAR. What is the amount involved?

Mr. MALONEY. Two hundred and forty-nine thousand dollars.

Mr. McKELLAR. So far as I am concerned, I shall be glad to take the amendment to conference.

Mr. MALONEY. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. MALONEY].

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I ask that the clerks be authorized to renumber the sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BRIDGES. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H. R. 10263) was passed.

Mr. McKELLAR. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. McKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

Mr. BRIDGES. Mr. President, I wish to make a brief observation. I think it is rather a sad commentary upon the United States Senate when we pass a $5,000,000,000 appropriation bill without having a record vote.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. CONNALLY. The Senator from New Hampshire could have made the point of no quorum, and could have obtained a record vote if he had really wanted one.

Mr. BRIDGES. I am for the bill, and I am glad it passed by unanimous consent; but I should like to have seen a record vote on an appropriation of $5,000,000,000.

Mr. McKELLAR. Mr. President, I should have had no objection whatever to a record vote. However, on all preparedness measures we have voted unanimously whenever we have had a record vote, and I imagine we should have voted unanimously today. If there is any Senator who is against the bill, I do not know who he is.

### FIVE BILLION DOLLARS IN 5 HOURS; $1,000,000,000 PER HOUR

Mr. LUNDEEN. Mr. President, I wish to say that I was engaged in conversation with the able and distinguished Senator from Maine [Mr. WHITE]. Before we had a chance to turn around in our seats the $5,000,000,000 bill was passed. I supported a call for a quorum. It was declared not a sufficient number, and the bill was put through in the twinkling of an eye.

I am against the bill, and I want the RECORD to show it. We have passed appropriations and authorizations in this session for $16,000,000,000. The bill carries an amount of $5,077,000,000. Another $1,000,000,000 has been contracted for by the selective service bill, so far as the Senate is concerned; and I assume the House will pass it. There is another billion dollars in the column for the Reconstruction Finance Corporation; and some $14,000,000,000 were appropriated in the first two sessions of this Congress, making a total of $37,000,000,000 or thereabouts. We may have another $3,000,000,000 appropriation or deficiency before we adjourn, a total of about $40,000,000,000. I say that such figures are fantastic and astronomical. It means panic and depression. It means bankruptcy. I am against this hysteria going any further, because we are bankrupting America. I include here a table prepared by the Honorable JOHN TABER, of the House Appropriations Committee, showing appropriations and authorizations for this third session of the Seventy-sixth Congress.

TABLE 1.—*Appropriations and contract authorizations incurred by the 3d sess. 76th Cong. (1940)*

| | | |
|---|---|---|
| Agricultural and Farm Credit: | | |
| Regular | $918,603,918.00 | |
| Permanent | 112,052,045.00 | |
| Reappropriations | 9,305,000.00 | |
| R. F. C. funds | 150,000,000.00 | |
| | | $1,189,960,963.00 |
| District of Columbia: | | |
| Regular | 48,765,080.00 | |
| Permanent | 3,873,821.00 | |
| Contract authorizations | 600,500.00 | |
| Reappropriations | 17,500.00 | |
| | | 53,256,901.00 |
| Independent offices: | | |
| Regular | 1,120,240,528.00 | |
| Permanent | 279,027,166.00 | |
| Contract authorizations | 2,000,000.00 | |
| R. F. C. funds | 2,000,000.00 | |
| Reappropriations | 6,141,620.00 | |
| | | 1,409,409,314.00 |
| Interior: | | |
| Regular | 135,383,330.00 | |
| Permanent | 13,505,940.00 | |
| Reappropriations | 16,203,900.00 | |
| Contract authorizations | 10,220,000.00 | |
| | | 175,313,170.00 |
| Labor-Federal Security: | | |
| Regular | $1,023,282,690.00 | |
| Permanent, tr | 140,176,723.00 | |
| Permanent, annual | 9,550,000.00 | |
| Special fund | 15,869,750.00 | |
| Reappropriations | 41,406.00 | |
| | | 1,188,920,569.00 |
| Legislative: | | |
| Regular | 23,671,220.00 | |
| Permanent | 608,600.00 | |
| | | 24,279,820.00 |
| Military: | | |
| Regular | 1,499,323,322.00 | |
| Permanent | 18,799.00 | |
| Contract authorizations | 323,229,636.00 | |
| | | 1,822,571,757.00 |
| War Department civil functions: | | |
| Regular | 222,718,717.00 | |
| Permanent | 2,423,700.00 | |
| Contract authorizations | 103,500,000.00 | |
| | | 328,642,417.00 |
| Navy: | | |
| Regular | 1,308,171,138.00 | |
| Permanent | 2,430,000.00 | |
| Contract authorizations | 182,741,612.00 | |
| | | 1,493,342,750.00 |
| State, Justice, and Commerce: | | |
| Regular | 107,149,000.00 | |
| Permanent | 4,185,280.00 | |
| Reappropriations | 600,000.00 | |
| | | 111,934,280.00 |
| Treasury-Post Office: | | |
| Regular | 1,032,801,095.00 | |
| Permanent | 3,397,997,215.00 | |
| Reappropriations | 31,000,000.00 | |
| | | 4,461,798,310.00 |
| Supplemental deficiency: | | |
| Regular | 252,340,776.00 | |
| Contract authorizations | 2,450,000.00 | |
| | | 254,790,776.00 |

TABLE 1.—*Appropriations and contract authorizations incurred by the 3d sess. 76th Cong. (1940)*—Continued

| | | |
|---|---|---|
| Urgent deficiency: | | |
| Regular | 57,541,300.00 | |
| | | $57,541,300.00 |
| First deficiency: | | |
| Regular | 92,035,408.52 | |
| | | 92,035,408.52 |
| Second deficiency: | | |
| Regular | 85,891,777.23 | |
| Contract authorizations | 53,575,000.00 | |
| | | 139,466,777.23 |
| Relief: | | |
| Regular | 1,157,711,357.00 | |
| R. F. C. funds | 125,000,000.00 | |
| | | 1,282,711,357.00 |
| Supplemental national deficiency: | | |
| Regular | 1,479,777,147.00 | |
| Contract authorizations | 289,136,761.00 | |
| | | 1,768,913,908.00 |
| | | 15,854,889,777.75 |

WILLIAM J. COLLINS

Mr. BARKLEY. Mr. President, I am sure Members of the Senate were deeply grieved and distressed to read in the newspapers this morning of the death of Mr. William J. Collins, who for 31 years has been connected with the United States Senate. During that long period he served in a number of capacities, and more recently had been the head of the press gallery of the Senate.

Yesterday Mr. Collins died at the age of 62. All those who knew him and were associated with him had the greatest respect for him. He was a man of the highest standards of moral conduct, official integrity, patriotism, and loyalty to American institutions. The untimely death of a man no older than he was seems a real pity. In whatever capacity he served he worked not only to the satisfaction of those who employed him, but to the pride of those with whom he associated.

I am sure I express the feelings of all Senators in regretting his premature death, and expressing appreciation of his loyalty, devotion, and industry, and his high standards, not only during his service in connection with the Senate but during his entire life.

In connection with my remarks, I ask unanimous consent that there be printed in the RECORD a copy of the resolution adopted by the Standing Committee of the Press Gallery of the Senate upon the death of Mr. Collins.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY STANDING COMMITTEE OF PRESS GALLERY

Whereas in the untimely death of William J. Collins, superintendent of the Senate Press Gallery, the Washington correspondents have lost an outstanding friend and coworker; and

Whereas William J. Collins, during his 32 years of service in the Senate Press Gallery, has gained high recognition and respect from members of the press and public officials: Therefore be it

*Resolved*, That the standing committee of correspondents in behalf of the members of the Press Galleries express to the family of William J. Collins their deep sorrow at the passing of a prominent associate.

STANDING COMMITTEE OF CORRESPONDENTS.
ALFRED F. FLYNN,
*Chairman, Wall Street Journal.*
JOHN R. BEAL,
*Secretary, United Press Associations.*
EDWIN W. GABLEMAN,
*Cincinnati Enquirer.*
WILLIAM EDWARD JAMIESON,
*Houston Chronicle.*
PAUL J. MCGAHAN,
*Philadelphia Inquirer.*

COAST GUARD—REPORT OF BOARD OF VISITORS

Mr. BAILEY. Mr. President, I ask leave to file the Annual Report of the Board of Visitors to the Coast Guard Academy, and request that the report be printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON COMMERCE,
*July 9, 1940.*

The PRESIDENT OF THE SENATE,
The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN: Pursuant to the act of July 15, 1939 (Public, No. 183, 76th Cong., 1st sess.), the following Senators and Members of the House of Representatives were designated in January this year to constitute the 1940 board of visitors to the Coast Guard Academy.

Senators: Hon. JOSIAH W. BAILEY, of North Carolina, chairman, Committee on Commerce, United States Senate, ex-officio member; Hon. W. WARREN BARBOUR, of New Jersey; Hon. CARL HAYDEN, of Arizona; Hon. JOHN H. OVERTON, of Louisiana.

Members of the House of Representatives: Hon. SCHUYLER O. BLAND, of Virginia, chairman, Committee on Merchant Marine and Fisheries, House of Representatives, ex-officio member; Hon. EUGENE B. CROWE, of Indiana; Hon. FRANCIS D. CULKIN, of New York; Hon. LOUIS LUDLOW, of Indiana; Hon. JOHN TABER, of New York; Hon. LINDSAY C. WARREN, of North Carolina.

In accordance with the provisions of section 7 (b) of the act of April 16, 1937 (50 Stat. 67), the Secretary of the Treasury designated 9 a. m., Saturday, May 4, 1940, for convening of the board at the Coast Guard Academy, New London, Conn.

The following changes in membership were made in accordance with statutory provisions: Hon. ALVA B. ADAMS, of Colorado, vice Hon. CARL HAYDEN, of Arizona; Hon. BENNETT CHAMP CLARK, of Missouri, vice Hon. JOHN H. OVERTON, of Louisiana; Hon. JAMES A. O'LEARY, of New York, vice Hon. LINDSAY C. WARREN, of North Carolina.

Senators BAILEY and ADAMS, accompanied by Representatives CROWE and O'LEARY, left Washington at 9 a. m., May 3, arriving at New London at 3:38 p. m. At 5:33 p. m. Senator BARBOUR arrived. The superintendent of the academy, Capt. E. D. Jones, United States Coast Guard, entertained the Members present at a dinner at the Mohican Hotel, which was attended by a number of the senior officers from the academy. Later in the evening motion pictures depicting phases of cadet life were shown the board members in the academy gymnasium.

Representative LUDLOW, who was not able to leave Washington until the evening of May 3, arrived at New London at 3:50 a. m. on the 4th. Representatives BLAND and TABER intended to reach New London early on May 4 by Coast Guard plane. However, it was necessary to cancel this flight on account of unsatisfactory flying conditions, and, accordingly, these Members were unable to attend the New London meeting.

After breakfast at the quarters of the Superintendent, a formal meeting of the Board was held at the academy.

The first act of the Board was the election of Senator JOSIAH W. BAILEY as chairman. Commander (E) Ellis Reed-Hill, United States Coast Guard, continued to act as secretary to the Board.

The Chairman invited Admiral R. R. Waesche, Commandant of the Coast Guard, and Capt. E. D. Jones, superintendent of the academy, to be present at the meeting. The session was also attended by the Coast Guard Academy Advisory Committee, consisting of five members prominent in the field of education. The members attending were: Prof. H. L. Seward, Yale University, chairman; Dean J. W. Barker, Columbia University; Dean H. E. Clifford, Harvard University; Prof. G. E. Russell, Massachusetts Institute of Technology; Judge T. W. Swan, United States Circuit Court of Appeals.

Captain E. D. Jones addressed the meeting dwelling particularly on the need for additional accommodations to take care of the prospective increase in the number of cadets. This includes a new infirmary and ordnance building, extension of cadet barracks, additional boat facilities, and extension of the library to take care of the books now on hand and for future increases, and the urgent need for replacement of the training schooner *Chase* lost in the hurricane of 1938.

A general discussion of matters affecting the instruction of cadets and methods of obtaining cadet material followed.

Professor Seward, chairman of the advisory committee, described the formation of his committee and told of its accomplishments in laying out the present curriculum as a result of the committee's original recommendation in 1934. He added that the recent inspection of the academy by the Engineering Council for Professional Development had resulted in this body certifying the academy and classifying it in the upper 10 percent of technical colleges in the United States.

The Board then inspected the academy grounds, buildings, and shops and reviewed the battalion of cadets, after which the Board had luncheon with the cadet battalion.

The Board left the academy at 2 p. m. on May 4, arriving at Washington 8:20 p. m. the same day.

The Board of Visitors finds itself favorably impressed with the administration of the academy, with the type of instruction being given the student body, with the well-planned curriculum due to the untiring efforts of the Coast Guard Academy Advisory Committee, with the splendid personnel of the cadet corps, and with the physical plant except for certain needed additions required because of the expansion of the cadet body to meet present urgent need for additional officers.

The needs apparent at this time are made as recommendations by this body after a thorough study of the problem, after discussion with the Coast Guard administrative officers, and after consideration of the carefully prepared report of the advisory committee, a copy of which is appended hereto.

The Board of Visitors therefore recommends appropriations for the following items:

1. Infirmary and ordnance building: $300,000. This will release the second floor in the administration building, Hamilton Hall, for instructors' offices, conference and reading rooms, and will make possible the use of the present offices in the academic building, Satterlee Hall, now used by the instructors, as additional classrooms. It will also permit the use of the present armory space in the gymnasium, Billard Hall, for locker space for the increased number of cadets.

2. Extension of the library: $100,000. Present studies seem to point to the advisability of joining the present library wing of Hamilton Hall to the engineering building, McAllister Hall. This would more than double the size of the present reading room and would open up present unused space over the lobby, with extension over the wings of McAllister Hall for bookstacks, all of which would be on one level.

3. Extension of the cadet barracks, Chase Hall, to quarter 300 cadets, 2 in a room: $20,000. This will involve the extension of the north wing of this building to provide the additional cadet rooms and toilets, and the extension of the present messroom to join this wing.

4. Boathouse and wharves: $200,000. This would provide a boathouse and additional stowage for boats which are now entirely inadequate for the program of instruction in seamanship and small-boat sailing.

5. Recommendation replacement for schooner *Chase:* $200,000. This recommendation reaffirms a similar one made in the report of the Board of Visitors (1939). This vessel is urgently needed for the instruction of cadets in the handling of sails and is made necessary by the loss of the schooner *Chase* in the hurricane of 1938.

The Board of Visitors wishes to commend very highly the Coast Guard Academy. It is really a very unusual and most useful institution. It is regretted that it is not as well known as it should be to the American public since it is an institution of which our country may well be proud. Its standards are high. It has an able faculty and its curriculum is one of the best in the country. One of the Advisory Committee, composed of five persons of distinction in the field of education, stated to the Board that the Coast Guard, as a school of engineering, ranks amongst the first 10 in this country. The Congress ought to know that this Advisory Committee, composed of eminent representatives of our foremost institutions of learning, has prepared an extraordinarily fine curriculum and the Coast Guard has established it.

We are attaching hereto copy of the report of this Advisory Committee as made to the Board of Visitors.

The Board of Visitors would be remiss in its duty if it did not make special mention of the unusual service of Capt. E. D. Jones, who is now retiring. The period of his service has marked a great advance in the institution from every point of view, and he is entitled to the thanks of the Congress and his country for the excellent service which he has rendered as superintendent.

Respectfully submitted.

JOSIAH W. BAILEY, *Chairman.*
BENNETT CHAMP CLARK.
W. WARREN BARBOUR.
JOHN H. OVERTON.
S. O. BLAND.
FRANCIS D. CULKIN.
LOUIS LUDLOW.
JAMES A. O'LEARY.
EUGENE B. CROWE.
LINDSAY WARREN.
ELLIS REED-HILL,
*Secretary to the Board.*

RECOMMITTAL OF A BILL—RIVER AND HARBOR NATIONAL-DEFENSE IMPROVEMENTS

Mr. BAILEY. Mr. President, I ask unanimous consent that House bill 9972, authorizing the improvement of certain rivers and harbors in the interest of the national defense, be recommitted to the Committee on Commerce. The bill was reported in the regular order, but we have since received a communication on the subject from the President. In view of the communication, I wish to have the advice of the committee on the bill as a whole.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, I wish to announce for the benefit of the Senate that it is planned to take up the conference report on the transportation bill tomorrow. I presume consideration of the report will be concluded tomorrow.

It is also the plan to adjourn over Labor Day—Monday—and in order that we may adjourn until Wednesday instead of Tuesday it will be necessary to hold a short session on Saturday. If consideration of the conference report on the transportation bill shall be concluded tomorrow, it is planned that no business shall be transacted Saturday. We plan to meet simply because it is necessary in order to adjourn until Wednesday. That will give Senators who are going away for Labor Day 1 more day in which to return to the Senate; and there being nothing urgent for Tuesday, I think such an arrangement would be the most satisfactory. Senators may make their arrangements accordingly.

Mr. AUSTIN. Mr. President, I have no objection to that plan.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

Mr. MILLER, from the Committee on the Judiciary, reported favorably the nomination of Virgil Pettie, of Arkansas, to be United States marshal for the eastern district of Arkansas.

The PRESIDING OFFICER (Mr. MINTON in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Alfred P. Murrah to be judge of the United States Circuit Court of Appeals for the Tenth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination of Judge Murrah.

The PRESIDING OFFICER. Without objection, the President will be notified.

DIPLOMATIC AND FOREIGN SERVICE OF THE UNITED STATES

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service of the United States.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until tomorrow, Friday, August 30, 1940, at 12 o'clock meridian.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate August 29 (legislative day of August 5), 1940*

UNITED STATES CIRCUIT COURT OF APPEALS

Alfred P. Murrah to be judge of the United States Circuit Court of Appeals for the Tenth Circuit:

DIPLOMATIC AND FOREIGN SERVICE

Samuel H. Wiley to be a consul general.

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE

Charles W. Adair, Jr.
H. Gardner Ainsworth
Stewart G. Anderson
Irven M. Eitreim
C. Vaughan Ferguson, Jr.
Scott Lyon
W. Horton Schoellkopf, Jr.
Harry H. Schwartz
Bromley K. Smith
Henry T. Smith
Oscar S. Straus, 2d
John L. Topping
Livingston D. Watrous

TO BE FOREIGN SERVICE OFFICERS OF CLASS 1

William C. Burdett
Nathaniel P. Davis
John G. Erhardt
Charles Bridgham Hosmer
Robert D. Murphy
Avra M. Warren

TO BE FOREIGN SERVICE OFFICERS OF CLASS 2

Willard L. Beaulac
William P. Blocker
Howard Bucknell, Jr.
Richard P. Butrick
Cecil M. P. Cross
Hugh S. Fullerton
H. Freeman Matthews
Rudolf E. Schoenfeld
George P. Shaw

TO BE FOREIGN SERVICE OFFICERS OF CLASS 3

Ellis O. Briggs
Herbert S. Bursley
Curtis T. Everett
Samuel J. Fletcher
Walter A. Foote
Waldemar J. Gallman
Sydney B. Redecker
Edwin F. Stanton
Fletcher Warren

TO BE FOREIGN SERVICE OFFICERS OF CLASS 4

Howard Donovan
Albert M. Doyle
Richard Ford
Thomas McEnelly
Edwin A. Plitt
Christian M. Ravndal

TO BE FOREIGN SERVICE OFFICERS OF CLASS 5

Lewis Clark
Cabot Coville
John H. Morgan
Edward J. Sparks

TO BE FOREIGN SERVICE OFFICERS OF CLASS 6

James C. H. Bonbright
James W. Gantenbein
Herve J. L'Heureux
Sheldon T. Mills
Edward T. Wailes

TO BE FOREIGN SERVICE OFFICERS OF CLASS 7

William E. Flournoy, Jr.
Guy W. Ray

TO BE FOREIGN SERVICE OFFICERS OF CLASS 8

John K. Emmerson
Beppo R. Johansen
U. Alexis Johnson
Carmel Offie
Edward E. Rice
Max W. Schmidt
William E. Yuni

PROMOTIONS IN THE NAVY

MARINE CORPS

*To be majors*

James P. S. Devereux
Alfred R. Pefley
Edward W. Snedeker

*To be captains*

Edward L. Hutchinson
Joseph L. Dickey
Maurice T. Ireland

*To be first lieutenants*

Joseph L. Stewart
Jack F. Warner
Keith B. McCutcheon
Austin C. Shofner
Fred R. Emerson
Ronald R. Van Stockum
Robert H. Ruud
Zedford W. Burriss
Fletcher L. Brown, Jr.
Gregory J. Weissenberger
Lawrence C. Hays, Jr.
Robert D. Heinl, Jr.
Hugh R. Nutter
Charles R. Boyer
Harry N. Shea
Alfred T. Greene
Virgil E. Harris
Brooke H. Hatch
Golland L. Clark, Jr.
Parker R. Colmer
Tom M. Trotti
James D. Hittle
Neil R. MacIntyre
James A. Embry, Jr.
Donald N. Otis
William W. Lewis
Richard A. Beard, Jr.
Frank G. Umstead
Sidney M. Kelly
Marvin C. Stewart
Freeman W. Williams
William F. Lantz
John F. Dunlap
David W. Silvey
John P. Coursey
Charles N. Endweiss
Clair W. Shisler
Edmond M. Glick
William F. Prickett
Charles J. Quilter
Howard F. Bowker, Jr.
McDonald I. Shuford
William J. O'Neill
John J. Gormley
Glenn E. Fissell

POSTMASTERS

FLORIDA

Nancy L. Dickens, Deerfield Beach.
Nelson S. Jackson, Pierson.

KENTUCKY

Richard L. Frymire, Irvington.

MARYLAND

George A. Hohn, Port Deposit.

MISSISSIPPI

Grady E. Hill, Calhoun City.

NEBRASKA

Frank D. Conley, Madison.
Ralph P. Kilzer, South Sioux City.

---

# HOUSE OF REPRESENTATIVES

## THURSDAY, AUGUST 29, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

God of infinite grace and wisdom, under the canopy of Thy goodness and greatness, we gather in faith and humility, lifting up our hearts and voices in adoration, in confession, in thanksgiving, in supplication, and in renewed consecration.

We pray that our discordant spirits may be quickened and brought into harmony with Thy will and with all that is beautiful in life and in nature. May it be the goal of our aspirations to be more Christlike in spirit, more divine in effort, and more helpful to all who are in need.

In these times of trial and adversity, may we realize that Thy sustaining power is sufficient for the needs of the darkest day. May we have the glad assurance that we are never alone and that in the strength of our Lord we may rise victorious above all doubts and fears and the storms and tumult of the world.

Grant that at the close of this day we may have the joy of partnership with Thee in seeking to bring in the kingdom of righteousness and peace.

In the name of the Christ, our Lord and King, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4164. An act to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

### EXTENSION OF REMARKS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement made by Secretary of State Hull.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TARVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein certain data, showing the number of voluntary enlistments in the United States Army during the last fiscal year and the number per 100,000 of population from each State.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

### PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute, and I ask also unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. DICKSTEIN addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein brief editorial comment.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet on Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two clippings, reports as to the financial condition of certain companies.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FEDERAL INSPECTION OF COAL MINES

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLER. Mr. Speaker, I simply want to call the attention of the House to the fact that petition No. 35 is on the Speaker's desk, which I hope those of you who have not signed it may proceed to do so for these reasons: It is a petition to bring out of the Committee on Mines and Mining of the House, Senate bill 2420, providing for Federal inspection of coal mines of the country in conjunction with the State authorities.

Since this bill was introduced there have been killed in the coal mines of this country 1,538 coal miners, most of whom could have been saved with proper inspection; in other words, more than 4 times as many coal miners as there are Members of this House have been killed in the coal mines for lack of proper inspection and proper enforcement of the law, which this bill would largely contribute toward correcting.

Let us look at the facts. Since the introduction of the identical bills by Senator NEELY and myself on May 16, 1939, up to July 22, 1940, 1,538 coal miners have been killed in the coal mines of the United States. These miners left behind them 1,126 widows and 2,531 orphans by actual count, to say nothing of the mothers and fathers, brothers and sisters of the unmarried victims of these killings in our coal mines.

Here are the dates on the Neely-Keller bill. Identical bills introduced by Senator NEELY and myself on May 16, 1939. The Senate, after hearings, passed the bill, S. 2420, January 18, 1940. It was referred to the House Committee on Mines and Mining January 23. A subcommittee was appointed to consider S. 2420 on March 7. This subcommittee began hearings on the bill May 16, 1940, exactly 1 year after the introduction of the original bill, H. R. 6352. The subcommittee reported to the full Committee on Mines and Mining on August 15, 1940. And there the bill rests. The petition to discharge the committee was filed August 22, a little more than a year and 3 months after the bill was introduced. Whatever was the cause of this extraordinary delay no one will question the complete justification of taking the bill from the committee.

While this bill was pending four major mine disasters filled the newspaper with the terrible deaths in four different States, as follows:

First. July 14, 1939: Explosion in the Duvin Coal Co. mine at Providence, Ky. Number of men killed, 28, leaving 23 widows and 50 orphans.

Second. January 10, 1940: Explosion at Bartley No. 1 mine, McDowell County, W. Va., Pond Creek Pocahontas Co., affiliate of Island Creek Coal Co. Number of men killed, 91, creating 70 widows and 143 orphans. Eleven children have been born since the explosion; seven more children expected.

Third. March 16, 1940: Explosion at Willow Grove Mine, Neffs, Ohio. Belmont County; M. A. Hanna Co. Number killed, 72, leaving 59 widows and 117 orphans.

Fourth. July 15, 1940: Explosion at the Sonman Mine, Cambria County, Pa.; Sonman Shaft Coal Co., near Portage, Pa.; affiliate of the Koppers Coal Co. Number of men killed, 63, leaving 34 widows and 103 orphans.

To this toll of death 10 men were killed in Arkansas within the last few days; widows and orphans not reported.

This is an appalling series of disasters, entirely preventable by proper mine inspection and proper management of the mines by the operating companies.

As will be observed, this list only accounts for 264 dead—186 widows and 418 orphans, out of the nearly 6 times that number cited above. Where, then, are the other 1,274 dead, with their widows and children? It lies just here: Only major disasters are made public. Any less than 10 is only recorded by the Bureau of Mines and not announced or discussed, or any reason assigned as to what caused the deaths. The Bureau of Mines has no authority in law to do anything except only what the mine operators agree to. The death of 1 or 2 or 3 or any small or unimportant number of killings like 8 or 9 just does not count. These deaths by small numbers in the out-of-way places in the mines—the cry of half a dozen widows and 15 orphans is just happening constantly in all the coal States. The mangled, the misshapen, the gassed, the cripples of the industry have no account given to them. They just exist. And when we ask for a more thorough, more honest, more humane law, we encounter an industrial control many of whom have not learned that—

The real interest of humanity is also the foundation of true economics;

That whatever benefits human beings also benefits the industry which they carry on;

That you cannot legislate broadly even in the interest of childhood without in the end applying the same principles to the interests of men and women;

That the entire subject of economics is one to be considered only in the interest of humanity as a whole;

That whatever injures any part of humanity injures all of it.

I do not intend to imply for a moment that mine owners and operators are all or any very large part of them are callous or inhumane. Quite the contrary is very generally true. But the industry has been permitted to become so thoroughly competitive as to be in many cases destructive. So that, to save the business, human life is sacrificed. There is only one remedy for this—to compel by law the taking care of the lives and health of the men who make the business itself possible. This can be done. And when it is done no hardship will be imposed on any operator, because all alike will be operating under the same law, with no advantage of any one over any other.

I understand that since there are already 170 names on this petition to take this bill out of the hands of the Committee on Mines and Mining, the matter of taking it up by the committee for reconsideration is being discussed.

Gentlemen of the committee, I trust you may take no such action. Seven months is long enough for any committee to consider any bill on any subject. If the members of the Committee on Mines and Mining want to do anything in the matter, let them do what the gentleman from West Virginia, JENNINGS RANDOLPH, a member of the committee, has done, after working for the bill in this committee arduously. He came forward immediately this petition was placed on the Speaker's desk and signed the petition and went to work among our colleagues to induce them to sign it. This is the work of a real man.

Under the rules we are not permitted to copy the names on these petitions, so I do not know whether other members of

the Committee on Mines and Mining have signed this petition to bring this bill before this House. I believe that some other members of the committee must have followed JENNINGS RANDOLPH'S fine example. And I am hopeful that all the others may do likewise. It would be an earnest of their wish to have the Members of this House pass on this bill to prevent bloodshed of innocent men engaged in a vital industry of this country.

There are some excellent Members of this House who have made a rule not to sign any petition to take any bill from any committee. But I appeal to them in the name of humanity to sign this petition to give the coal miners of America the protection to which every man in industry has a perfect right. I appeal to them in the vital interest of the 1,126 women who have been widowed while we have been sitting here waiting for our committee to bring out this bill. I hope that the cries of 2,531 orphans may justify them in breaking a self-imposed rule. More still, may I not hope that they may be more than willing as nearly as possible to prevent next year from bringing another 1,126 widows and another 2,531 orphans to cluster around open graves of another 1,538 toilers—our fellow servants, flesh of our flesh, and blood of our blood.

Do you think me overaccentuating this appeal? Ask the gentleman from Illinois, FRANK FRIES. He is one of the excellent thinkers of this House, honest, keenly intelligent, who does not need any advice or information from anyone on this subject, because he grew up in the coal mines of Illinois and knows all the facts first hand. He will tell you from his own experience how this killing of a few at a time goes on constantly and that these mass killings may happen in Illinois or any other coal-producing State any day, but that competent examiners with enforcement of the rules can to a large extent prevent all these killings in the coal mines. Every time one miner is killed in Great Britain we kill three. Every time one miner is killed in France we kill four. Every time one miner is killed in the Netherlands we kill six.

These countries all have national inspection laws. There are killed on an average year after year 1,800 coal miners in the United States. Each full session of the Congress 3,600 coal miners are slaughtered, 2,640 women are widowed, and 6,000 children left fatherless. And in 1938, an average year, there were 69,000 men injured. There are 11½ times as many deaths in the coal-mining industry as compared with the injuries in other industries.

When the American people get these facts before them they are not going to ask whether you have any coal miners in your district. They are not going to care what State you come from. They are going to look you straight in the face and ask you whether you voted to protect the coal miners against death, their wives against widowhood, their little ones against orphanage and poverty.

And if you are unaware of it, they will tell you that every safety measure for the protection of workers from the beginning of the industrial revolution to the present day have been resisted by the employers of labor. They would likely call to your attention that all the important safety measures have only come about through the enactment of law or the certainty that law would be enacted to compel such measures if not agreed to ahead of the enactment of law. And then they would state the fact to you that every time the employers have resisted the enactment of safety measures always on the plea that it would ruin the business; that in fact every safety measure ever enacted into law did in truth not only result in the benefit to the laborer, but has inevitably resulted in greater profits and greater security to the employer as well.

This is a fact beyond dispute. The list of safety laws to which this rule applies is as long as the moral code and well known to every student of economics. The same result will of necessity follow the enactment of this law. I only ask you to give it a chance to be heard. There on the Speaker's desk is the petition No. 35. I plead with you to sign that petition to stop the inexcusable bloodshed in the coal mines of America.

### PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PATRICK. Mr. Speaker, it has been 36 hours now since I had the audacity to issue a challenge to the gentleman from Indiana, Ohio, and New York, Mr. Wendell Willkie, to go about the country from platform to platform in debate. Similar challenges have been issued since his nomination, but for some reason they have fallen by the wayside. I gave him the opportunity, and it is open at present, to enter into debate with a modest unknown. It would be for him a very democratic and clever gesture. It may be that the gentleman is beating about the bushes at this time trying to find some substitute. I want to serve notice that I will accept no substitute. If he does not take it himself I shall not debate.

I am not going to keep this open always. I cannot afford to hold it open a great length of time and keep the country waiting. So I will have to close it in a few days.

Thank you very kindly. [Applause.]

[Here the gavel fell.]

### EXTENSION OF REMARKS

Mr. SPRINGER, by unanimous consent, was granted permission to extend his own remarks in the RECORD.

### ACCIDENTS IN COAL MINES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the observation made a few minutes ago by our colleague from Illinois [Mr. KELLER], joint author with Senator NEELY of the so-called Federal mine-inspection bill, is an excellent one. I do trust there will be added to petition No. 35, which is on the desk, the names of Members on both sides of the aisle, which will allow that measure, which passed the Senate unanimously, to come before this body for consideration, debate, and vote. As one who comes from a congressional district that abounds in bituminous coal mines, I feel there is need for legislation of this type. It will not be in direct opposition to the authority now lodged in the States, but will allow the Federal Government, working with the State governments, to more nearly discover occupational diseases and offer remedies and go into the problem of improving safety and health of the men who go beneath the earth in the bituminous and anthracite coal mines of this country. Accidents, taking large toll of life, are continuing in this industry—and this bill, if passed, may help to stop such disaster.

I do trust we will have an opportunity to debate the measure in this body. [Applause.]

[Here the gavel fell.]

### EXTENSION OF REMARKS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an up-to-date table, a summary by States, of voting rights of persons in the military service.

The SPEAKER. Is there objection?

Mr. SMITH of Illinois. Mr. Speaker, reserving the right to object, I would like very much to know in detail what this is before I withdraw my objection.

Mr. CRAWFORD. Mr. Speaker, my interest in this was prompted by the publishing of several conflicting reports on this particular subject. So I requested the Law Division of the Legislative Reference Service of the Library of Congress to prepare for us a summary covering soldier voting rights in the 48 States. This study consists of about 15 pages, double-spaced matter, covering all States, and the nature of it is as I have suggested. That is my reason for making the request.

May I say this, Mr. Speaker, that if such a study has been previously introduced I do not want to put this into the RECORD at the present time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, in this morning's issue of a local paper, I find an editorial, the caption of which is "What happens after wealth is conscripted?" The last paragraph has a lead, "Made in Moscow."

It is quite true, the idea of conscripting wealth might have originated in Moscow, but so, too, did the idea of conscripting men.

The editorial then continues:

> This red-hot slogan, "Conscript the wealth if you conscript the men," is just the kind of catchy business to lead a lot of good people into something they don't want.

Then the editor expresses the thought that, if we conscript wealth, we shall have a dictatorship, although he does not use those words.

After making a "squawk" about conscripting wealth, he then writes:

> The next time you hear it ("Conscript the wealth, if you conscript the men") ask the shouter just what it means.

In a sentence, let me give the editor the answer. It means that those who have been advocating the peacetime conscription of the youth of this land, those who want to see this country in war—the so-called "warmongers" and war "profiteers," are going to learn by a bitter experience of their own that the American people do not intend again to let American youth be the sole sacrifice to be offered up on the altar of either an ambitious politician or a profit-seeking individual or class.

The phrase means that, if we again have a war other than a purely defensive war, the money changers and the profiteers and the advocates of war are going to be compelled to pay their share of the price.

And, oh, how they wiggle and squirm and squeal because it now appears that they are caught in the toils of their own conspiracy to involve us in a foreign war in order that business may go on as usual; that "war babies" may prove profitable sources of income; that millionaires and multimillionaires may again arise over the shadow of wrecked homes and blighted lives.

Yes, it means that, if we are to fight another war, each and every individual is to be forced to assume his share.

I do not believe in, and I will not vote for, peacetime conscription. But if we are to have conscription of men, let us have conscription of property. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I have in my possession a copy of a speech recently delivered in San Francisco by Richard M. Neustadt, regional director of the Social Security Board on the Pacific coast. In the course of his address to the regional conference of unemployment compensation administrators, Mr. Neustadt mentioned the work being done by the State employment service in Oregon. He then made this statement:

> It was a shock to find that the man who directed this placement job had never read Grapes of Wrath, which, in my judgment, should be compulsory reading for everybody dealing in any way with the problem of agricultural labor.

What a fine statement for an official dealing with unemployment and social problems to make. Are we to believe that a Federal official, holding down a responsible position, has decided to chart his course from the contents of a highly sensational novel—a novel that is long on fiction and very short on fact? I know that I reflect the sentiment of a great many Californians by saying that the idea is utterly repugnant and ridiculous. I suggest that an investigation of Mr. Neustadt and his methods would be entirely in order at this time. [Applause.]

THE MINE-INSPECTION BILL

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHANNON. Mr. Speaker, I was here and voted to establish the discharge rule. I have never made much use of it, but I do appeal to my fellows in this body to place their signatures on petition No. 35, to discharge the Mines and Mining Committee from further consideration of the Federal mine-inspection bill. It is worth the time and effort of this House to consider it, and if its passage means the keeping alive of only one father of a group of children it is a most worthy accomplishment. Remember that 1,538 men who went down into the bowels of the earth have died in these places since the first attempt was made in this Congress to put the measure through. It is now tied up, and the only way it can see the light of day is through the discharge route. Let us bring it out and discuss it.

I make this appeal too late, of course, to serve the miners who are gone, and their widows and children. But I do earnestly appeal for those miners who are living but who, perhaps, may meet a similar fate within a very short time. [Applause.]

[Here the gavel fell.]

THE VETO OF THE DE SOTO EXPOSITION BILL

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I have asked unanimous consent to proceed at this time to call the attention of the Members of the House to the President's veto of yesterday on H. R. 9751, being the bill that provided for the authorization of funds for a celebration of the United States De Soto Exposition and for the celebrations that may be held anywhere in the Mississippi Valley. I want to direct your attention to the fact it went so far in the authorization of expenditures that the President could not take it. Here is what he said in part, and I quote:

> While H. R. 9751 does not authorize the appropriation of any specific amount, its approval would in effect commit the Federal Government to future expenditures the amount of which cannot at this time be determined.

Here is a bill so broad in its scope in authorization of Federal expenditures that the President himself could not approve it. If you will look at the record, you will find that quotation pretty much similar to that which was said on this side of the aisle. I think four Members on this side of the House spoke against it. Not one of the majority even lifted his voice against it. Then look at the roll call and you will find mighty few on the majority side who even voted against it. It carried by a good majority. For once the President evidently took the view of the membership on this side of the House. When we pass such authorizations as that one, and a number have already passed this House, we will never begin to reduce the tremendous debt that is almost overwhelming this country. When authorizations and expenditures are necessary, we should vote for them. When they are like this one, we should have the courage to turn them down.

Mr. RANKIN rose.

Mr. REES of Kansas. I want to say that I have the greatest respect for the ability and integrity of the distinguished gentleman from Mississippi who worked so diligently for this measure. He is one of the finest Members in this House. But I think his judgment concerning historical facts is so much better than in the expenditure of the public funds. I do not criticize him personally; this measure is of special interest to people in his part of the country.

Now, Mr. Speaker, we spent a good part of a legislative day considering that measure and the amendments—a measure that I feel should not have been brought to the floor. Be that as it may, this afternoon we are to consider a tax bill containing approximately 100 pages, introduced only yesterday, and we are limited to 2 hours' debate under the rule, and with the further provision of no permission to offer amendments. Is it not a pretty strict rule on a measure with so far-reaching consequences and designed to raise from three to six billion dollars annually? I am not in favor of prolonged debate, but if we could spend a lot of time on H. R. 9751, then why not give the tax measure a little more consideration while we are at it? It should take more than the 2 hours to explain a measure of such importance and do it properly.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. I am glad to know that the Members on the other side of the House, the ex-Republicans, are now falling in behind the President of the United States. Being without a leader, and without a candidate, they are seeking every opportunity now to agree with the President on immaterial matters. So I hope they will get right now on material matters and quit their nagging and their carping criticisms and try to help us in our effort to put the country on its feet and protect it in the present crisis. [Applause.]

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include a quotation from the press.

The SPEAKER. Without objection, it is so ordered.

Mr. SABATH. I object.

Mr. RAYBURN. He said his own remarks.

Mr. SABATH. If he wants to extend his own remarks, I do not object.

Mr. THORKELSON. I asked permission to see if the gentleman would object.

The SPEAKER. Will the gentleman from Montana kindly repeat his request?

Mr. THORKELSON. I said, Mr. Speaker, that I asked unanimous consent to extend my own remarks to see if the gentleman would object, for I expected him to object. I realize that I have no rights here to put anything in the RECORD, but I wanted to be sure of it.

The SPEAKER. The gentleman will kindly repeat his request.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to insert my own remarks in the RECORD and to include quotations from the press, and the gentleman objected.

The SPEAKER. No; the gentleman has not objected.

Mr. SABATH. Mr. Speaker, I do not object to the gentleman's own remarks, and I never did; only the insertions that are not justified. I do not object, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to include in my remarks a very strong editorial from the Lowell Sun.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix of the RECORD.]

PERMISSION TO ADDRESS THE HOUSE

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. BOLLES]?

There was no objection.

Mr. BOLLES. Mr. Speaker, I was delighted to hear the gentleman from Mississippi say that the Republican side of this side had gotten behind the President. I think he has the elephant in front of the cart. In the first place, the President of the United States in his veto of the De Soto bill simply took for his text speeches that were made on this floor by members of the minority side, and for the first time in many months the President has come over and become a convert. I expect after a while he will take to the "amen" corner.

Mr. Speaker, I did intend to make a few remarks this morning on the "blitzkrieg" on Congress. Everything that is done in this country that seems to be wrong is blamed on the Congress and not the administration. The very, very peculiar thing is that so many of the newspapers and all the administration officials blame whatever waiting or disturbance there may be in operating the defense program upon Congress. I defy them to prove it. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend the remarks I expect to make on the tax bill today and to include some papers.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. CARLSON]?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JENKINS]?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. KNUTSON]?

There was no objection.

Mr. BENDER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BENDER]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make on the tax bill today and to include certain data and material in connection with those remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

Mr. RICH. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

THE TAX BILL

Mr. SABATH. Mr. Speaker, I call up House Resolution 583, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 583

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes, and

all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. Mr. Speaker, later I shall yield 30 minutes to the gentleman from New York [Mr. FISH] on the rule.

Mr. Speaker, this is really the first time during my many, many years of service in Congress that the Ways and Means Committee unanimously agreed on an important bill. Not only that, but all of the Members of the Ways and Means Committee who appeared before the Rules Committee requested this most drastic rule that has ever been presented to the House; and in compliance with that request of the majority and the minority, a unanimous-consent request on their part, the Rules Committee granted this rule; therefore, I am not in position today to deny that this is not a drastic or gag rule. Consequently, the gentleman from Michigan [Mr. MICHENER] will be justified today in designating it as such if he desires; but this is as much a Republican as a Democratic rule.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Michigan.

Mr. MICHENER. As the chairman of the Rules Committee knows, I was occupied on the floor yesterday and could not and did not attend the meeting of the Rules Committee. Therefore, I knew nothing about the rule, but I understand that this is a House organization rule, and even the chairman of the Rules Committee, who is now addressing the House, choked when he had to report out this gag rule.

Mr. SABATH. Yes; but I could not refuse the unanimous request of the Ways and Means Committee. Although I am regarded, which I admit, as being a new dealer and progressive Democrat, I have never refused to seek the cooperation of the Republicans and give credit when credit was due them which, unfortunately, has not been very often.

This is a drastic rule, admittedly. It provides for 2 hours' general debate. After the 2 hours' general debate, the bill will be considered for committee amendments only. Only the members of the great Committee on Ways and Means will have a right to offer amendments, and no amendments to these committee amendments will be in order. All points of order against the bill are waived. So we have a really stringent rule. However, the matter is of vital importance, and inasmuch as Congress has been charged frequently with delaying the national defense, and as money is required for us to proceed expeditiously, we feel that there should be no delay in raising additional funds with which to meet the expenditures incident to a really effective and adequate national defense.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to my colleague.

Mr. COX. I should like to make the observation that the committee reporting this rule would regret that any Members of the House should feel that any right is being denied them. Nobody likes this kind of rule. The committee reporting it does not like to report closed rules. The Committee on Ways and Means, requesting the rule, I know with great reluctance, came to the conclusion that it should ask for this kind of rule. However, common sense, Mr. Speaker, impelled us to the conclusion that it was the only sensible way of considering the bill. This rule preserves the integrity of the measure, which is exceedingly technical and complicated. I dare say that no one, or if there be any, very few, Members of the House not members of the Committee on Ways and Means, have anything of a comprehensive understanding of the entire measure. I know it was difficult for the Committee on Ways and Means to put it together. They have had to rely upon experts. I am sure, in presenting their arguments to the House, in the event the rule is adopted, they will very frankly say they have had to rely upon experts. This does not mean that we are delegating to some in the various departments power to legislate for us. It does mean, however, that we have accepted their findings on the questions involved, and upon that predicate the proposal which is offered here this morning.

Again I wish to say that while we do not like it, and regret having been compelled to report this type of rule, we trust there will be no disposition on the part of anybody to attack the committee for reporting the rule, to attack the rule, or to criticize the Committee on Ways and Means for coming to the conclusion that it should ask for this kind of rule in order to protect the integrity of the bill.

Mr. SABATH. I thank the gentleman from Georgia [Mr. COX] for explaining the underlying reasons why this rule was granted; and I regret that I am obliged to disagree with the gentleman's remark that the committee has accepted the expert's recommendations on the bill.

Mr. COX. I did not mean that in the sense that one might construe the gentleman's remark. I meant, of course, that they have had to depend upon the expert knowledge of the experts and have confidence in their integrity and in their high purposes to serve the welfare of the country.

Mr. SABATH. I have been reliably informed, Mr. Speaker, that the Committee on Ways and Means had this bill before it for more than 2 weeks. This is not the bill that was originally recommended to the committee, but is a compromise and better bill. To that extent I feel that the chairman of the Committee on Ways and Means and each member of that committee, including, of course, the members of the minority, are entitled to the thanks of the House for the painstaking and intelligent deliberation they gave this important measure.

Of course, the bill does grant certain privileges to the industries of the United States. It really eliminates the Vinson-Trammell profit restriction, but in lieu of that the bill increases the excess-profits tax up to 50 percent. I presume the committee was compelled to eliminate the Vinson-Trammell restriction because some of the leading industrialists refused to cooperate with the Government and refused to accept orders and proceed with the defense program without definite information as to a new tax bill.

I know, Mr. Speaker, that if that had been done by the labor of America they would have been condemned from one end of the country to the other, so I hope that in the future no one will charge the labor of America, because they desire to earn a sufficient wage on which to exist, with hindering the Government in its national-defense program. Mr. Speaker, I reserve the balance of my time, and now yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, the chairman of the Rules Committee is quite correct. This is a very harsh and drastic rule, perhaps the harshest and most drastic rule that has come before the House in many years. It limits debate upon this important issue to 2 hours, and it provides that there shall be no amendments to the bill. In other words, it is an out-and-out gag rule of the most vicious character.

Mr. SABATH. I admitted that.

Mr. FISH. I am not opposing it; I am trying to tell the membership of the House why the Rules Committee reported this rule and to say to the House that the Rules Committee is nothing but the servant of the House and that the Members can work their will on this rule. But I propose to tell you briefly why the Rules Committee, Republicans and Democrats

alike, brought this bill in under a gag rule. First, the members of the Committee on Ways and Means on both sides, very able and conscientious Members of the House, appeared before the Rules Committee with a unanimous report from the Ways and Means Committee. That committee has given, I understand, 1 month's study to this very complicated problem of taxation. The members of the Ways and Means Committee, both Republicans and Democrats, ask that we give this type of rule because they feel that if the bill was open to debate and amendment we might be here for a week or more, that there might be several hundred amendments offered, and the net result would be to add confusion to a very complicated problem.

Mr. COX. Mr. Speaker, will the gentleman yield there?

Mr. FISH. Yes.

Mr. COX. The members of the Ways and Means Committee further impressed upon the Rules Committee in their appearance before us on yesterday that one amendment might necessitate, maybe, 500 other changes in the entire bill. In other words, this was something, in their judgment, that should be accepted in its entirety and not be thrown out of joint by the adoption of amendments by the House to some particular portion of the bill.

Mr. FISH. That is precisely what the members of the Ways and Means Committee said, and they said there might be several hundred amendments and one amendment alone might so complicate the bill as to result in confusion and practically no bill at all.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. MILLER. Assuming all the gentleman says is true as to amendments, why only 2 hours for general debate? I have a list of questions that have accumulated in the past month from people who have written me asking for information, and in 2 hours we cannot get enough information from the members of the committee, and we do not know much about it except what we get from them, even to intelligently answer our mail. I, for one, would prefer to sit here all evening and late into the night in general debate in order to get the information and then stop there.

Mr. FISH. I think the position taken by the gentleman is a proper one. I do not know why the Rules Committee should not have provided at least 3 or 4 hours of debate; and if the House wants an additional hour, I rather believe that the majority leader, the chairman of the Rules Committee, and the chairman of the Ways and Means Committee would agree to provide for an additional hour of debate without causing any hardship to any Member of the House.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Tennessee.

Mr. COOPER. With respect to the very appropriate question asked by the gentleman from Connecticut [Mr. MILLER] I just invite attention to the fact that we have prepared and submitted a very comprehensive and exhaustive report on this bill and it includes all necessary explanations, and even illustrations and examples of the application of the bill.

Mr. MILLER. Mr. Speaker, will the gentleman yield further?

Mr. FISH. I yield, very briefly.

Mr. MILLER. In that connection may I ask the chairman of the subcommittee if we will have a liberal supply of the report? I have had numerous requests for information, as I have said, and I believe the report would cover them, but my experience has been that 2 days after a bill has passed the House we can never get any copies of the report.

Mr. COOPER. The reports are now available and if it should happen that an additional supply is needed, the gentleman may depend upon the Ways and Means Committee requesting a reprint of the required number of copies.

Mr. MILLER. I appreciate that very much.

Mr. FISH. I will say to the gentleman from Connecticut that I will give him some time on the rule if he wants it. I have provided some time for him if he needs it.

Mr. MOTT. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FISH. I yield.

Mr. MOTT. What is the merit to the argument that the House must operate under a closed rule of this kind? When the bill goes over to the Senate, they have unlimited debate there and any kind of amendment can be offered.

Mr. FISH. I think there is a great deal of merit in what the gentleman says, because I honestly believe that this rule probably will be adopted and the bill passed by the House and then it will go over to the Senate where they have no closed rule and where various and sundry amendments will be offered, and this bill, may be so drastically changed that you may not even recognize it when it comes back here.

That has happened many times before and will probably happen again. But I think there are many Members of the House who believe that the proper procedure on this bill is to expedite action. On Tuesday we are going to take up the conscription bill. It is expected to finish the conscription bill by the end of the next week. Therefore, if we act today, the excess-profits tax bill would be in the Senate for its consideration all of next week while we have the conscription bill before us.

Mr. MOTT. There may be something to that, but I do not think there is any merit to the contention that the House must necessarily operate under a gag rule while the Senate is entitled to operate under open debate.

Mr. FISH. I am entirely in sympathy with the gentleman. The Members of the House have the power, if they are opposed to this rule, to vote it down. But the Republican and Democratic members of the Ways and Means Committee, some of the most capable Members of the House, made a very good case before the Rules Committee and convinced us that it was in the interest of expediting legislation and of national defense to limit debate and to limit amendments. Although I understand the gentleman's argument, the House can work its will on the rule.

Mr. KNUTSON. Will the gentleman yield?

Mr. FISH. I yield.

Mr. KNUTSON. The gentleman is absolutely correct in what he says. It would be impossible to prepare a tax bill on the floor of the House. It would be amended in such manner as to make it inoperative.

Mr. COX. Will the gentleman yield?

Mr. FISH. I yield to my colleague.

Mr. COX. It should be made perfectly clear that there is no politics in this rule and no politics in the debate. There is no occasion for any direct attack upon anybody or upon any group of business or otherwise.

Mr. FISH. I agree with the gentleman absolutely. This is a unanimous request from the Ways and Means Committee by members who have given a month's study to it.

Mr. COX. The gentleman understands that members of the Ways and Means Committee, who have considerable background in the writing of the tax laws, will not themselves propose any substantial amendment to a bill without consulting with the Secretary of the Treasury and the experts who appear before them.

Mr. FISH. I realize that this bill is not a perfect bill and probably no member of the Ways and Means Committee will say that it is a perfect bill. This is a bill they have gotten together and agreed upon as the best possible bill that they could bring in and get through this House and enacted into law. Probably no member of the committee would claim that the bill in its present form is 100-percent perfect.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. MICHENER. If there is anyone in the House who has constantly, in season and out of season, objected to gag rules, it is I, but if there ever was an excuse for a gag rule or a closed rule, that exists today. [Applause.] We face an emergency. One of the greatest emergencies which we face is to raise money in order that we may carry on our preparation for national defense, and this bill will help do that. We are told that contracts for airplanes and other

material are held up and awaiting this law. Time is of the essence.

Mr. FISH. I thoroughly agree with the gentleman, but I would like to point out to the House that this bill does not go very far toward raising revenue in order to pay for the national-defense program. The national-defense program calls for expenditures by Congress this year of $5,000,000,000. We have authorized expenditures of between fourteen and fifteen billion dollars. This bill will only raise $300,000,000 the first year, and in the second year it is hoped it will raise a great deal more. But for this year alone it is claimed that it will only raise $300,000,000 and our expenditures will be $5,000,000,000.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. FISH. For a very brief question.

Mr. SMITH of Ohio. I can understand how this closed rule might be applied to the amortization provisions, but I do not understand why we should have a closed rule with respect to the other provisions.

Mr. FISH. To explain to the gentleman, I will have to explain the bill. There are three provisions in this bill. There is the amortization provision, permitting the companies to amortize over a 5-year period or 20 percent a year.

There is a second provision, which is a very difficult one, of setting up a rule or standard so that a company itself can choose to come under the excess-profits tax on the basis of average earnings for the last 5 years or of its invested capital. The bill sets up two standards. It leaves it to the company to determine on what basis the excess-profits tax will be assessed, whether it will be on the average earnings for the last 5 years or whether it will be on the capital invested. The gentleman himself can see that that in itself is a very difficult problem to formulate in order not to cause any hardship to American industry.

The third provision is to repeal the Vinson-Trammell law, which provides for a limit of 7- or 8-percent earnings on airplanes and battleships.

That is practically what this bill does, but the committee itself and every member will tell you that in reaching a final decision on the bill they had to spend 30 days of hard labor to bring in a tax bill of this kind. I have always opposed gag rules. I think this is the first gag rule I have supported, but I will support it like other Members of the House, in the interest of national defense during the national emergency.

I want to point out that this is not a war-profits tax bill. It has nothing to do with a war-profits tax. I hope to heaven we will not get into war, but if we do, of course we must have a war-profits tax, and I will support such tax up to 90 percent any time the Ways and Means Committee brings it in.

This, however, is not a war-profits tax but is an excess-profits tax that applies to all industries alike—to all companies and all corporations alike. To some extent this bill is unfair because those industries that do not benefit from war contracts are taxed exactly the same as those that do. Those industries which have been going along in their ordinary way will be taxed exactly the same way as the Du Pont companies will be taxed and other munitions manufacturers. Do not get this situation confused. This is not a war-profits tax bill. I am rather inclined to believe, however, that the Senate may consider a war-profits tax and add it to this bill. This is a general excess-profits tax bill that will only raise three hundred million the first year.

Mr. Speaker, if we have the right to conscript flesh and blood, certainly we have the right in Congress to conscript wealth and the almighty dollar. Those who originally sponsored and advocated the conscription bill came mostly from the city of New York. I think I know every one of them—most estimable gentlemen, utterly unselfish in their views. They believe in conscription in peacetime. They have believed in it for 20 years. They believe in putting it into effect as a permanent proposition. No one has the right to quarrel with their viewpoint or the question their integrity or patriotism.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, I differ with them. I am absolutely opposed to conscription in peacetime. I want to give the volunteer system a chance, and I propose to offer on the floor of the House as an amendment to the conscription bill the same amendment proposed by the Senator from Arizona [Mr. HAYDEN], which was beaten by 2 votes yesterday, which provides a 60-day leeway to try out the volunteer system.

But, Mr. Speaker, there is a good deal of humor in this whole situation. The very man who sponsored peacetime conscription at the Harvard Club—that litle group of business and professional men; it did not come from the people; it did not come from the farmers or the wage earners, or the National Grange, or the American Federation of Labor; it come from this little group of men mostly representing wealth in the city of New York. The humor of it is that as soon as you have conscription of soldiers it follows logically, as the night follows the day, that you must have conscription of wealth—that you must have conscription of the almighty dollar. The last war proves that. The sponsors of peacetime conscription and these rich men in my district, who are hollering their heads off, probably will be the ones most affected because, as soon as we have conscription in peace or war, we shall have conscription of wealth, property, and the dollar. That is logical, and that ought to be the case, as it is the only fair thing for Congress to do.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. FISH. No; I would rather proceed.

Mr. Speaker, this is a tax-defense measure, probably only the beginning of many other tax-defense measures if we become more and more involved, but there is one event that happened a day or 2 ago to which I want to call your attention. The papers in this country, and particularly in the East, are almost unanimously for conscription in time of peace; but I do not believe the people back home are. The day before yesterday a primary was held in the State of California. A very great American, Senator HIRAM JOHNSON, the greatest and most outstanding isolationist Member of Congress, went before the people of his State in three different party primaries and won all three hands down—Republican, Democratic, and Progressive. Senator JOHNSON has led the fight to keep America out of all kinds of entanglements, out of the League of Nations, out of the World Court, and has fought consistently to keep America out of foreign wars. This great American isolationist, this man who helped lead the fight in the Senate against conscription in time of peace, carried all three party primaries by a 3-to-1 vote. [Applause.] In spite of the press, in spite of the moneyed opposition, both in the East and in the West, in spite of President Roosevelt, the voters of all parties, except the Communists, were for him. That was the voice of the people really speaking on foreign affairs, and I hope that Republicans and Democrats alike in this House will study those figures, analyze them, and take a lesson from them. And I hope that my candidate for President, Wendell Willkie, will stop following the foreign policies of the New Deal, will stop aping the foreign policies of President Roosevelt, Henry L. Stimson, Frank Knox, and Ambassador Bullitt, and instead follow the policies of HIRAM JOHNSON of Americanism, and keeping America out of foreign wars, and if he does he will sweep the Nation and be elected the next President of the United States. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Speaker, if I were the only man to do it I would vote against this rule. I am going to vote against this rule, for I was elected to represent the people of the Twelfth District of California with as much intelligence as I can bring to the job. I was elected to conscientiously consider as a member of a legislative body the law under which they are to live. I was not elected to delay or block important legislation. I have never done so. But I do consider it my very first duty in these times to try to see that the terribly important steps we are forced to take

are taken with the greatest care, the greatest consideration for basic justice, and the greatest concern for the very values, ideals, and form of government we are seeking to protect.

We are given this rule upon the excuse, forsooth, that nobody can understand the bill. Believe me, Mr. Speaker, the time has come when it is as clear as crystal to me that a far-flung attack upon the legislative body and upon every Member of House or Senate who would insist on careful rather than precipitate action is under way. We forward that attack by adopting this rule. It would take 5 or 6 hours at least for the able gentleman on the Ways and Means Committee, the chairman of the Tax Subcommittee, Mr. COOPER, of Tennessee, to stand up here in the Well of this House and answer the necessary questions with regard to the bill and to explain it thoroughly. I wish he had the time to do it. [Applause.]

I stayed up the whole of last night studying this bill, and I know something about it. I do not understand it completely, but I do understand it as best I can right now. In the extension of my remarks I am going to show that there are two large loopholes in it and that further provision for the protection of small and growing business could have been made.

I think the committee has done a pretty good job on the whole. I believe it is a better bill than it was before. They have tried to meet these different things, but this is a problem so difficult, so complicated that the House could well afford to sit today, tonight, tomorrow, tomorrow night, and Saturday and Saturday night, and may I point out, Mr. Speaker, that if we did that we would get the bill to the Senate just as quick as you are going to get it there under this rule. I tell you, Mr. Speaker, this rule ought to be voted down in the interest of democratic government itself.

The last citadel of democratic government is in the House and Senate of the United States. I am not for delay. I am for proceeding as rapidly as we can by means of working harder. I would not delay the passage of this bill one day. It has matters in it of great importance, I know. It is true, for example, that industry needs to know as soon as possible just what Congress is going to do. For this and other reasons it is going to be mighty difficult to vote against the bill. I have been contending for a long time that under present conditions an excess-profits tax was a matter of great importance and certainly I could not very well fail to vote in favor of it, but I shall feel exceedingly bad to have to vote for a bill when I know that I have been powerless to offer such amendments to the bill as I know ought to be made and when it has been considered by the House in the most superficial way. This rule is wrong, and I am against it.

SPIRIT OF THE PEOPLE

The American people stand ready today to make any sacrifice and shoulder any burdens which may be necessary to protect their country. There can be no question about that. But the American people have an inborn sense of fair play and their spirits are bound to be dampened when they feel an unfair thing has been done in Washington and to be buoyed up when they know that their Representatives are honestly trying their best to see justice done.

It is tragic but true that every single time this Nation has ever faced a national-defense crisis there have been great fortunes made and those who started out with the greatest degree of economic power have increased that power, while those who were weakest have grown weaker still. This was true in the Revolutionary War, the War of 1812, the War between the States, and the World War. It is the solemn purpose of some of us that this should not happen again. We know we have a hard job to prevent it. We know we shall be bitterly attacked for our efforts. We know it will be falsely said that we are interfering with the defense program. But we shall not be. For the most essential element in the whole defense armor of the Nation is a people united in heart and inspired with the knowledge that at the end of the crisis they can look forward to greater justice, greater equality of opportunity, and a better-balanced national life than they had at its beginning.

This tax bill cannot be considered all by itself. It has got to be considered in connection with many other things. If, for example, there is to be any conscription of manpower, then certainly the time has also come when we must say that the necessary materials and weapons of defense must be turned out forthwith even if some risk has to be run or some possibility of profit sacrificed.

The same causes that are today making a few industries extremely fortunate have taken from American agriculture practically all of its foreign market and deprived some other peacetime industries of part of their business. There must in justice be something done to adjust this inequality between various industries.

Furthermore, this is not just a tax bill that is being considered. It is also a bill to suspend all limitations on profits to be made on Government defense contracts; it is also a bill to allow companies which expand their plants or build new ones to deduct from their income for tax purposes 20 percent of the cost of the new plant each year. The reason for these measures that is given is that they are necessary to get industry to go ahead and take orders from the War and Navy Departments. Already competitive bidding has been done away with, which means practically that the Government will pay just about what it is asked to pay for the defense materials it buys. I am afraid it also means that most of this business will go to the biggest corporations with the little ones left out. The taxing power is the only thing that remains if the public interest is to be protected and if war millionaires are not to be one of our chief products. Yet there are some people who have suggested that the thing to do is just abolish competitive bidding, repeal the profit limitation, and provide the generous amortization provisions and then pass no excess-profits tax bill. In other words, these people are just asking us to say that the sky will be the limit so far as profits on the Nation's necessary defense orders are concerned. And Congress is criticized in certain sections of the press because it will not do exactly the thing I have just outlined. I am glad the Ways and Means Committee did not yield to this pressure. I trust the Congress will not. And I am not advocating delay. I am only advocating that we do the right thing.

REASONS FOR EXCESS-PROFITS TAX

Furthermore, unless the bill is an effective one, we will make possible a serious maldistribution of income not only as between the recipients of large profits on the one hand and the rank and file of the people on the other, but also as between those industries which will inevitably find themselves in a favored position on account of the national crisis, and those other industries, such as agriculture particularly, whose markets have been drastically curtailed as a result of it.

It is an axiom of our economic system that if exorbitant profits are made by some and not promptly reinvested there will inevitably be less purchasing power for goods produced by other farmers or manufacturers and they must consequently suffer loss. The total purchasing power of the Nation is always equal to the total cost of production unless new money is being injected into the system from some source. For all these reasons, but particularly for the sake of having the people of the United States know that the Congress is bending every effort to prevent unfair advantage being gained by anyone as a result of the national-defense effort, I believe passage of an excess-profits tax is most important and I think the very best effort of every Member of Congress should be expended upon it.

Now what do we have in connection with the excess profits tax part of the bill? We have here the problem of what to do about profits over and above normal profits. We are not considering whether anybody should be able to make money or not. We are considering what is to be done about profits which are over and above a normal, fair, and adequate rate of return. The question is, To what extent shall profits in excess of regular, normal earnings be returned to the people on whose shoulders the principal burdens of this defense program rest?

This bill which we now have before us provides maximum excess-profits tax rates of 45 percent under the invested-capital plan and 50 percent under the average-earnings plan. These rates are applied only on excess profits of more than half a million dollars. They will be regarded by many people as very heavy rates. They are; but in times like these I believe they should be and my own belief is that these top rates should, if anything, have been somewhat higher than they are. I say this not because I like taxes—no one does. I say it because I believe it is fair to the rest of the people of America.

Of course, one of the most important and difficult problems is that of determining what "normal profits" are to be. Especially in the case of small or new corporations is this important. I hope their problem has been met in this bill and will make a suggestion regarding it in a moment. Now, obviously there should be a certain minimum allowance for normal profits. If, in the 4-year period 1936–39, which is used to determine normal profits, a company only made 2 percent or 3 percent on its investment, it is nevertheless under the invested-capital plan allowed to increase this to 5 percent—or 7 percent on the first $500,000 of capital—before we begin calling its earnings excess profits. This is a fair and necessary provision.

But there ought also to be a top limit on what can be called normal profits. For example, under the average-earnings plan in this bill we permit companies to average the amount they earned in the last few years and call this normal profits—or excess-profits credit—no matter how big it is. Here is what will happen: The bill requires any corporation which elects to use this plan to pay an additional 4⅙-percent tax on its regular income-tax payment. This, as I understand it, is intended as a sort of penalty tax and in the case of many corporations it may discourage use of the average-earnings plan. This would be desirable. But in the case of some of the largest and most powerful corporations in the country, which I feel sure will elect the average-earnings plan, they will not pay any excess-profits taxes unless they make profits of more than 18 percent, 25 percent, or in some cases more than 30 percent.

For example, for the 3 years 1936, 1937, and 1938, when many businesses were not enjoying particularly prosperous conditions, some corporations made very handsome profits.

Here is what some corporations did in 1936, 1937, and 1938, and therefore what their excess-profits credit will be if no ceiling is provided as a limitation on such credit:

*Average profit for 1936, 1937, and 1938 in percent of invested capital*

| | |
|---|---|
| Chrysler Corporation | 42.03 |
| General Motors | 22.19 |
| Packard Motors | 8.91 |
| Consolidated Aircraft | 21.51 |
| Curtiss-Wright Corporation | 9.48 |
| Douglas Aircraft | 17.00 |
| Iwing Air Chute Co | 33.85 |
| Lockheed Aircraft | 9.19 |
| Glenn L. Martin Co | 16.88 |
| North American Aviation | 14.41 |
| Spenz Corporation | 39.23 |
| United Aircraft Corporation | 17.53 |
| Wright Aeronautical Corporation | 30.34 |
| Allied Chemical & Dye Corporation | 15.83 |
| Dow Chemical Corporation | 13.31 |
| E. I. du Pont de Nemours Co | 14.45 |
| Union Carbide & Carbon Co | 15.97 |
| United Carbon Co | 17.17 |
| Liggett & Myers Tobacco Co | 16.65 |
| Philip Morris Co | 35.38 |
| R. J. Reynolds Tobacco Co | 23.43 |

These figures are entirely reliable, for they are the figures submitted by the corporations themselves to the Securities and Exchange Commission. They are for profits as percentages of invested capital—defined as net worth plus long-term debt.

Some of the above figures are to be compared with others, such as 9.19 percent profit for Lockheed Aircraft and 8.91 for Packard Motors, two corporations which, I understand, have been most cooperative with the defense program. They are also to be contrasted with the very modest earnings of corporations in other lines of business. But until these corporations show profits of more than the amounts indicated in the above table, they need not, under the bill, pay any excess-profits tax at all, though they will pay the extra 4⅙ percent on their regular income tax. My belief is that either a limit should be placed on the amount that can be claimed as excess-profits credit or else the penalty tax rate should be more than it is, or else that the average-earnings plan should be dropped entirely and adjustments made in the invested-capital plan more favorable to small and new corporations than its present provisions.

It must be remembered that in the end the American people are paying for the increased business which caused these additional earnings to be made, and that the patriotism and sacrifice of the people is the base on which the whole thing rests. It is true we are not at war, but it is also true that our efforts should be in the direction of greater equality of opportunity and better spread of income which are and have always been fundamental objectives of the American Nation.

SMALL CORPORATIONS

Our efforts should be to encourage small enterprise and discourage monopoly. I recognize the effort the committee has made in various places in the bill to give consideration to the small corporations. But it seems to me a more effective plan would have been to give a corporation complete exemption from the excess-profits tax of additional earnings up to, say $10,000, or even $15,000, provided its net income for normal tax purposes was not in excess of $50,000. Such a plan would have freed a great many small businesses from the complicated job of making returns under this bill.

AMORTIZATION—IT ALL DEPENDS ON WHOSE MONEY IS RISKED

I realize fully that the matter of pushing forward the defense program is of primary consideration. I want to believe that American business stands ready to cooperate in this respect on the basis of fair and just returns and that its cooperation does not have to be purchased. It is obvious that a private corporation cannot afford to construct extensive new plant facilities or to retool its plant if all it has to look forward to is the meeting of a peak demand for national-defense material over a comparatively short period of time. Therefore, I am personally of the opinion that in the munitions industry itself such peak demand needs should be met by means of the construction of plants or the purchase of tools by or for the Government itself and the leasing of such facilities on a fair basis to those capable of running them. But if a private corporation does risk its own money and construct additional plants and facilities to meet the demand of national defense, then I understand the importance of special amortization allowances to such a corporation. This is provided, of course, in the bill. But I believe the words, "to the extent that such cost has been actually borne by the corporation," should have been inserted in the proper place in order to avoid what seems to me to amount to the Government practically giving plants and facilities away.

For in connection with defense contracts there can easily be cases where a corporation does not risk its own funds nor take any chances whatsoever. For example, suppose a corporation sets up a subsidiary and secures an R. F. C. loan for the construction of a new plant, the R. F. C. having no other security than the new plant to be built out of its loan. Suppose further, that the business of this new plant will be the filling of orders for the War Department with prices fixed high enough to pay off the R. F. C. in the amortization period, so that one agency of the Government will be paying to the company through its purchases the income necessary to repay the R. F. C. loan. In such a case, the corporation has taken no risk at all itself. But as I understand it, even in such a case it is proposed that it would receive a 20-percent amortization credit each year. The whole purpose of this special 5-year amortization provision is, as I understand it, to compensate business for risks which it may take. Under a circumstance such as I have outlined, it certainly seems to me, after the

amortization is complete, that the plant should belong to the United States. Its costs would have been completely amortized and the corporation would have received the profit from the contracts given it by the Government. As a matter of fact, I think many businessmen would prefer to have the title to these facilities in the Government all the way through, for were this the case not only would they be protected against loss but in future no trouble over the matter could possibly arise. Since nothing in this bill would prevent a situation such as I have outlined, I earnestly hope the R. F. C. and the Defense Council will do their best to protect the public interest in matters of this kind.

I sincerely believe that democracy is on trial now as it has never been before, and believing that, I think the Members of Congress have a responsibility which is so tremendous that it terrifies one to think of it. The consideration of this tax bill presents one phase of how this responsibility is developed, and, I think, one example of how difficult it is for Members of Congress to exercise or have an opportunity to exercise and meet that responsibility. I wish to make a proposal regarding how I think we can better discharge it.

During the World War, Congress adopted an excess-profits-tax law and without doubt the House and Senate committees thought at that time that they had written a measure which was clear and which would involve no great difficulty for the administrators. But what actually happened was that bureau chiefs practically assumed the responsibility, and perhaps had to assume the responsibility, of writing their own excess-profits-tax law by means of opinions, rules, and regulations.

For example, long after the war in 1924 a select committee of the Senate made an investigation of the Bureau of Internal Revenue and found among other things that it was 8 years after the law was adopted before the Solicitor of the Bureau of Internal Revenue issued his opinion setting forth the principles upon which the amortization deductions were to be decided. For 8 years, the report indicates, employees in the Bureau of Internal Revenue floundered around, one group deciding it one way and another group another way. Obviously, it is not fair either to the taxpayers or to the Government.

Railroads, for example, were denied the benefit of the amortization provisions of the law but some railroads, owned by industrial corporations, got amortization allowance. One claim of a great corporation to the effect that war orders had compelled it to build plants from 34 to 40 percent in excess of its post-war necessities was approved on the basis of statistical computation. But testimony before the Senate committee showed that at the very time the corporation was claiming it had excess plant facilities, it was before the Federal Trade Commission pleading it did not have sufficient plant capacity to meet demands.

Another corporation claimed amortization of $55,000,000. The Senate committee questioned $27,000,000 of this deduction, but the Commissioner insisted the claim was closed and could not be reopened. When the committee proved that if the Bureau would use actual production figures of the corporation instead of estimated figures, millions of dollars of the amortization claim could not be supported, the claim was reopened.

These are only examples and to a certain extent they are ancient history. But the object of my mentioning them is to prevent their happening again and to urge that both for the sake of taxpayers and the Government steps be taken to see that the same sort of uncertainty does not take place in the carrying out of the law now under consideration. For otherwise the regulations and administrative decisions adopted by the Bureau may become more important than the law itself and it will be difficult, if not impossible, for Members of Congress to know what is being done or to effectively carry on their responsibility to the taxpayers, the Government, and the people.

It is true that, as a result of the Senate investigation, Congress created the Joint Committee on Internal Revenue Taxation and, while that step was good, frankly I do not believe it has solved the problem. The Members of the House have little opportunity to make use of the joint committee and, in fact, I doubt that many Members of the House, aside from those on Ways and Means, know what this joint committee or its experts are doing. I would make two suggestions:

First. The Congress should require the Bureau of Internal Revenue to submit its regulations for the administration of this act, and the joint committee should be required in this bill to take responsibility for reporting to Congress its approval of the regulations. We should develop a method of maintaining a day-by-day check on the law. I can see no other way of improving the law and of permitting Members of Congress to exercise their responsibility.

Second. Congress on a number of occasions has voted against making income-tax returns a public record. There is no reason to believe that Congress would change its opinion if that issue were now raised. Members of Congress and supporters of secrecy insist that the income-tax payers should not be divulged by the Government. But is there any reason why we should not require in this bill that the Bureau report to the Congress the amount of deductions a corporation has claimed for amortization, for depletion, and for depreciation? Perhaps those reports might help to accomplish what I desire—to inspire interest on the part of Members of Congress in what these provisions in the tax laws mean in practice.

On all the points I have covered in this speech I had prepared amendments. There is, of course, no opportunity to offer them. But I have tried at least to write my record on the matter and to make suggestions which might possibly have some influence on the future course of this legislation.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, the gentleman from California [Mr. VOORHIS], who just spoke, expressed my opinion on this rule almost exactly. This rule, in my judgment, is a buck-passing rule between the Rules Committee and the Committee on Ways and Means. They brought the rule in here with the idea that we, as Members of the Congress, should accept the bill as it is in toto. We have no say whatever in changing it. The Members cannot change the tax bill if you adopt the rule. The only ones that have any rights or any privileges at all in connection with the bill are members of the Ways and Means Committee. The other Members of the House must sit here like a bunch of boobs and take it, if you like it or not, if it is just or wrong. There are not 40 Members of the House who know anything at all about the tax bill before us.

Mr. Speaker, as far as voting for taxes is concerned, I have to support the bill because I have to vote for taxes to keep this Nation from sinking. You have to vote for taxes to keep this Nation from going on the rocks, from going to bankruptcy. For 7 long years we have been squandering and blowing in the money of the taxpayers of this Nation to the extent of 100 percent, practically, more than we have taken in. I have opposed most of this squandering. We find ourselves in a terrible situation at this time—financially—spending, war talk, "fifth column," and so forth.

Mr. HAWKS. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Wisconsin.

Mr. HAWKS. May I make the remark that the members of the minority and majority who have spoken have done a pretty good job of implying that we who are against the rule are for slowing up national defense, which is not true?

Mr. RICH. Well, they do the most insinuating things around here that I have ever seen in my life. Unless a man has a little bit of the initiative of his own and is not afraid to battle this New Deal, you will not get up here and speak. It takes a lot of intestinal fortitude to get up here and tell them what you think, but I have never hesitated in that respect. The New Deal is leading to dictatorship, to the break-down of our form of government.

Let me call your attention to the rule as it is presented to us—

All points of order against the said bill are hereby waived.

In other words, all the rules of the House of Representatives that have been established and which we have been following are waived when you adopt this rule. Is not that a sweeping admission of dictatorship?

No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.

We just simply say that we will do away with all of the rules of the House in order to stick this bill down the throats of the Members of Congress, and on to the taxpayers even if we do want to increase taxes, and if I were doing anything I would increase taxes now rather than decrease them. We must raise more money or spend less and I am for spending less on many worthless functions this New Deal has placed us in. I have to vote for taxes to save the Nation and I am going to vote for them. But there are a lot of things I would add to the bill if I were doing it. If we are going to conscript the boys of this country in peacetimes, if we are going to make this a great militaristic Nation, and God forbid that will ever happen, I say that we have just as much right to take the industries of this country and put them to work, and take those fellows who have been writing to me saying that we must have conscription and stick them in the front-line trenches so that they could stand the gaff of war. I think if we did that they would not be so blamed anxious to have us go into war. [Applause.]

Mr. Speaker, what does this legislation do? It raises $305,000,000 for 1940 and $700,000,000 for 1941, a picayune amount, considering your spending, and they say that this is a national-defense bill. You ought to have a bill providing for five times as much. Every year for the past 10 years you have been going from a billion and a half to $4,000,000,000 in the red.

You have appropriated for national defense and authorized for national defense at this session of Congress $14,702,000,000, and now you bring in a national-defense tax bill for $700,000,000 for 1941, or only one-twentieth of your spending. When the former tax bill, passed about 2 months ago for $1,007,000,000, was enacted it was then shown that we would be over five billions short of a balanced budget for 1941; now with the national-defense appropriations coming since that time shows that if all the money is appropriated and spent that has been authorized we will have a deficit of around ten to fifteen billion dollars, depending on the contract authorization. That means that you will have to raise the national debt from forty-nine billions to sixty or seventy billions in a year or else tax the people till their backs break. We certainly are heading for disaster. I say to you the worst is yet to come. We must have sound men at the head of our Government or else America is doomed to lose its freedom, its independence, and its form of government.

Mr. Speaker, you cannot get sufficient time to condemn any of this sort of legislation. It is a terrible situation. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. BOEHNE].

Mr. BOEHNE. Mr. Speaker, I shall confine all of my remarks to title 2 of this bill, which is listed as "Amortization deduction." I do this because I think it is of extreme importance that this particular provision of this bill be viewed in the proper perspective. From various sources, it is intimated that this liberal treatment of amortizing the cost of new buildings is considerably out of the ordinary. With this thought, I disagree.

This bill follows the recommendation of the Subcommittee of Internal Revenue Taxation in that corporations are allowed a deduction for excess profits-tax purposes for the amortization of new facilities, which are certified by the Advisory Commission to the Council of National Defense and either the Secretary of War, or the Secretary of the Navy, as necessary in the interest of national defense during this present emergency.

The effect of this is that such new facilities as are required may be amortized over a useful life of 5 years upon what may be called a straight line method, that is at the rate of 20 percent per year. A very necessary proviso, however, states that if the emergency should be terminated prior to the expiration of such 5-year period, such amortization should be on a straight line basis over a shorter period.

Considerable confusion of thought appears to exist in the minds of some persons as to the nature of the benefit which will be conferred upon corporations supplying the required new facilities under this title. Some say that in the enactment of this title, we confer a bonus, a bounty, or a windfall upon the corporations electing to make use of the proposed provision. The effect of the treatment of amortization as outlined in this title can be shown very clearly, first, by explaining to you the provisions of existing law, and second, by an understanding of the difficulties which have been encountered in the application of existing provisions to the situation created by the existence of a national emergency.

Existing law states that all taxpayers are permitted a reasonable allowance for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence. Now, what is the reason for such a provision? Federal income taxes are based upon the net income of a specified period which is designated as the taxable year. The production of net income usually involves the use of capital assets which wear out, or are consumed in such use. The wearing out, or consumption usually is gradual, extending over a period of years. In such cases, it is called depreciation and the period over which it extends is the normal useful life of the asset.

It is elemental that in determining the true net income derived from the operation of a trade or business, all operating costs or expenses must be deducted. The consumption of capital represented by depreciation or obsolescence is very definitely an operating cost or expense, and must be recognized the same as other operating costs or expenses.

Of course, it is no secret that the anticipated normal useful life of an asset may be shortened by the progress of the arts and sciences, changed economic conditions, by legislation or otherwise. This lessening of the useful life of the asset from such causes is termed obsolescence. Therefore, obsolescence may be defined as the process of becoming obsolete, brought about by the progress of the arts and sciences, changed economic conditions, and so forth, whereby it can be predicted with reasonable accuracy that property used in the trade or business will be useless at a definite future date prior to the expiration of the normal useful life of the property.

The Government is asking corporations to risk private capital in the expansion necessary to give us the articles needed for our national defense. The manufacturer, quite naturally, asks his counsel whether or not he can amortize a new facility over its expected 5-year useful life, and if so, how. Only the present statutes and regulations can answer that question.

In every instance, the Bureau of Internal Revenue has held that the burden of proof concerning the time when obsolescence starts is entirely upon the taxpayer. Quite a number of actual cases could be cited to substantiate that statement.

The conclusion that is, therefore, reached from such cases and from the actual experience of taxpayers has been such that no certain answer can be given to a manufacturer regarding what rates he may use, because in the first place, it may be his opinion that the emergency may last 5 years, yet his opinion is not enough, and he cannot now be sure of giving the positive proof required. In the second place, the exact future point when the end of the useful life of the new facility can be definitely fixed is very uncertain.

The effect of this uncertainty, the inability to predetermine the rate of depreciation under existing law naturally has had a retarding effect on the defense program. The Treasury Department, the War Department, the Navy Department, and the Defense Commission have been unanimous in expressing their opinion that there has arisen in the midst of contractors, who desire to create the facilities the Government requires, a barrier of uncertainty as to the conditions under which they are to operate. Private capital cannot be expected to be made readily available in the face of such uncertainties. I

want to believe that it is willing to cooperate if it knows the rules under which its stockholders' money is to be risked.

From a purely business standpoint, the risk of loss of capital is considerable in expending stockholders' funds for specialized plants or equipment where no legal assurance of orders over the 5-year period is given, particularly in the face of past experience where the termination of the emergency will lead to no further orders, cancellation of present ones and to possession of a useless plant.

In the case of all of the major contracts which have been negotiated under the defense program, after days and weeks of attempting to apply the present tax provisions to the individual problems of the manufacturers, rather than risk their own capital, these contractors have insisted upon the use of Government appropriations to furnish the required additional facilities. Unless this is changed by the adoption of this title, then governmental capital alone will be required to finance the major portion of the cost of construction of these facilities.

The manufacturer in his dealings with the Government must fix what must be the expected useful life of the additional facility, which he is being asked to make available. The changes in our national economy as affected by the defense program are the complicated factors in the light of which the rule of reason must be applied. The thousands of items required to carry forward successfully this program to insure our national defense require the introduction of some standard of reasonableness. The Congress by now fixing what is reasonable in the light of present circumstances can secure prompt action, for once a fixed standard of reasonableness is decided upon, the problem of the manufacturer resolves into a simple one of mathematical computation. The subcommittee and later the full committee, therefore, recommended that a fixed standard of 5 years, or a 60-month period, be used at the manufacturer's election in determining the useful life of emergency facilities.

Now, just what do these amortization provisions do? First, they fix the useful life of facilities certified to be necessary in the national defense as 5 years. They remove all problems of proof.

Second, there is no bounty, bonus, or windfall involved. Introducing certainty into the present provision is a desirable improvement. It is designed to give the manufacturer, who is asked to furnish needed new facilities, only a fair break.

Finally, the effect of the clearing-up process is to give a straight-line basis—20 percent a year—as against a low initial percentage for most of the useful life with a very high percentage over the last few years of useful life.

Furthermore, under the proposal in title 2, amortization is on a straight-line basis over a fixed useful life of 5 years, subject to a shortening if the emergency terminates at an earlier date. Under no method may more than 100 percent be deducted from gross income subject to tax at the going rates.

In the present national emergency, business is asking no favor of the Government when it merely desires the certainty that private capital expended to construct, or used to acquire, a needed new facility, certified to be necessary for the national defense, may under this law be amortized over a 5-year useful life, which is what business is being told is the present program. If the emergency lasts longer—6, 7, or 8 years—no further deductions have been requested or will be allowed. The proposed amortization provisions will do no more than is fair and just. It will certainly aid national defense. [Applause.]

Mr. SABATH. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SHANNON].

Mr. SHANNON. Mr. Speaker, this is not a "gag" rule; it is legislative infamy gone mad.

In the very early days of this Republic, Hamilton taught that the public needed managers; Jefferson preached no—that the people can be trusted. And so, it was concluded by the founders that we were to establish a representative government.

The Ways and Means Committee and the Rules Committee have taken over the passage of a bill to provide revenue, and for other purposes, comprising 105 pages. Under the proposed rule there shall be a bit of mouthing on the bill—general debate. The people's representatives may chatter a little bit on the subject but no Member shall be permitted to offer an amendment, even if it be so simple an amendment as to change a "V" to an "A," unless he be a Member of that august body called the House Ways and Means Committee; and if an amendment is offered by one of these men any one of the rest of the 410 Members of Congress cannot even offer an amendment to that amendment. It is frankly stated that the members of the committee are in doubt about the bill itself, and they are afraid that somebody might do violence to it if permitted to act in any way upon it.

The citizen at home, as he wakes up on the cold gray dawn of election in November, should feel, "Have I any voice in government after all? When I send men to Congress, those who permit selective groups such as the Rules Committee and the Ways and Means Committee to deny me, through my Representative, any voice in the making of legislation, truly my Member of Congress is a mere automaton in legislation of this kind." [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Connecticut [Mr. MILLER].

Mr. MILLER. I agree with every thought expressed by the gentleman from California [Mr. VOORHIS]. While I realize the necessity of maintaining the integrity of this tax bill, there is no excuse or reason for limiting debate to 2 hours, as suggested by the gentleman from California [Mr. VOORHIS]. We could discuss this bill today, tomorrow, and even Saturday and still have a bill ready for action by the Senate as soon as if we passed it this afternoon.

I have had numerous letters asking questions about certain provisions of this new tax bill. Unless some of these questions are answered during general debate by members of the Ways and Means Committee, it is impossible for me to even reply to my mail intelligently. I am not going to try to discuss any of the excess-profits-tax features of this bill, but will confine my remarks to the section providing for amortization of plant expansion by industries who are furnishing the needed material for our national defense and the suspension of the provisions of the Vinson-Trammell Act.

At the outset I wish to challenge the statement just made by the gentleman from Illinois [Mr. SABATH] that leading industrialists in the aircraft industry of this country have refused to accept orders because of the profit limitations of the Vinson-Trammell Act. The Secretaries of War and Navy and representatives of the National Defense Commission have testified before committees of this House that that is not a fact; that the aircraft industry has not refused to proceed as rapidly as possible. Aircraft and engine manufacturers have said that it was impossible to determine the price of the product until they knew what was to be done about amortization and what items of overhead will be allowed under the Vinson-Trammell Act. Further than that, contractors providing parts for aircraft industry have stated that they would prefer not to accept orders from airplane manufacturers because of the restrictions of the Vinson-Trammell Act. Orders received by numerous subcontractors from airplane-engine contractors, for example, have amounted to only 15 percent of the total business of the subcontractor. These subcontractors do not want to change their whole system of accounting just because of this aircraft business, particularly at a time when they can take all the orders they can handle from munitions, machine-gun, and tank manufacturers. Figures in the hands of the Navy Department definitely prove that the cost of aircraft and ships has been increased since the enactment of the Vinson-Trammell Act.

Recently an article appeared in Nation magazine accusing aircraft industries of conducting a sit-down strike. Around the same time this article appeared, the United Aircraft

Corporation, of which Pratt & Whitney Engine Co. is a part, was carrying on negotiations with the Ford Motor Co. As a result of these negotiations, the Ford Motor Co. has been authorized to manufacture 4,000 Pratt & Whitney engines at a royalty of $1 per engine. At any other time and under any other circumstances Pratt & Whitney would have collected from 1 to 5 percent in royalties on these engines. That transaction, on the basis of $1 per engine, netted Pratt & Whitney $4,000 instead of the regular royalty of $800,000 to which it would have been entitled under a 1-percent royalty. Compare such patriotism with that of Robert & Co., of Atlanta, Ga. Robert & Co. is the engineering and architectural firm of Lawrence Wood "Chip" Roberts, Secretary of the Democratic National Committee. This firm has received royalties or fees totaling $931,560, representing percentages ranging from 2.8 to 4.5, on individual naval contracts.

At the press conference of the Secretary of the Navy this morning, Mr. Knox, in announcing the completion of negotiations with Pratt & Whitney for the procurement of a large number of aviation engines for the Navy Department, definitely denied that there had been any delay or sit-down strikes on the part of United Aircraft Corporation. He praised the fine spirit of cooperation shown by the officials of United Aircraft and wanted them to have full credit for the fine spirit of patriotism. Secretary Knox pointed out that the fact that Pratt & Whitney had been willing to take this order and agreed to expand its plant, in the absence of congressional action, proved their good sportsmanship.

Instead of penalizing the two industries to whom we look for a large part of our national-defense equipment—the aircraft and shipbuilding industries—we should extend every reasonable assistance to them, as well as cooperation.

Sometime I hope that the chairman of the House Naval Affairs Committee will take the time to explain to Members of Congress and our good friends in the press gallery, the actual restrictive measures of the Vinson-Trammell Act, and that he will point out that under that plan, aircraft-engine manufacturers can and have lost large sums of money on these cost-plus-a-fixed-fee contracts. These losses are brought about because of the numerous intangible items of expenses that are not taken care of by the auditors working under the Vinson-Trammell Act.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. MILLER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. I am thoroughly in accord with the decision of the Committee on Ways and Means that the act should be suspended for the time being. It is working a hardship.

Mr. MILLER. I know the gentleman is, but I said I wish he would explain the workings of these negotiated contracts, because in conversation with Members of the House I have found that many feel that it is impossible for a manufacturer to lose. I talked to the president of the United Aircraft Co.—we will name names—Mr. Eugene Wilson, and he told me here in Washington yesterday morning that at no time in any of the negotiations with the War Department or the Navy Department had he or any representative of his company brought up the question of suspending the Vinson-Trammell Act or passing this amortization plan. He has authorized the expenditure of millions of dollars on nothing more than the understanding that this measure we have before us would pass. I think that at least the units with which I am familiar, the United Aircraft and Pratt & Whitney, have been very fair in their dealings with the Government. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I do not know of anybody in whose devotion to his duties and in his patriotism I have greater confidence than the gentleman from California [Mr. VOORHIS], but, unfortunately, he does not realize that no such important and technical a measure as this can be written on the floor of the House. It is a complicated measure. It requires a great deal of intelligent study before such a bill is properly drafted and acted upon.

Mr. BOEHNE. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Indiana.

Mr. BOEHNE. I was interested, Mr. Speaker, in the statement made by the gentleman from Connecticut a few moments ago, and I believe it would be of interest to the House to know that at 10:30 this morning I was in a certain office in one of the bureaus downtown which has much to do with the defense program in order to find out where some of the plants, aircraft and otherwise, were to be built, and I was told that everything was being held in abeyance until the passage of this bill that we propose to pass today.

Mr. SABATH. There might have been some misgivings as to title 2 of this bill, but after the intelligent explanation of the present situation by the gentleman from Indiana [Mr. BOEHNE], I feel that no one can possible question the action of the Committee on Rules in granting a rule for its immediate consideration.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I am truly sorry that I cannot yield now. The gentleman refused to yield, and I cannot yield at this time.

The same is true with reference to my beloved friend from Missouri. He takes offense because the full House has no opportunity under the proposed rule to offer amendments and also because the bill is not to be taken up under the 5-minute rule. My aggressive friend and colleague from Missouri [Mr. SHANNON], whose progressive views I greatly respect, further charges that we are following Hamiltonian instead of Jeffersonian doctrines. In answer let me state that we are here as the duly elected representatives of the people, acting for them, and therefore his charge is not justified.

Mr. Speaker, ladies and gentleman of the House, the gentleman from Michigan [Mr. MICHENER] stated that it must have been with reluctance that I voted for and reported this bill. In that he is correct, but in view that he has followed my course in opposing drastic and "gag" rules and now states that conditions demand and justify the passage of this rule, I am relieved of any qualms as to my action. I cannot justify setting myself above the unanimous action of the Ways and Means Committee, and in view of the fact that the Republicans joined with the Democratic members of the committee, there was nothing for me or the Committee on Rules to do except to grant the unanimous request of the Ways and Means Committee that has devoted weeks of constructive and intelligent study and consideration to this measure.

I do not know what the gentleman from New York [Mr. FISH] will do when the time comes to act. I agree with him that this is not a war measure. I, for one, will say this: When we do adopt a conscription measure, when we vote to conscript labor, I shall vote to conscript capital also, and I hope the gentleman will do likewise, so that we may do equal justice to all.

Mr. Speaker, I believe this legislation is urgently needed for national defense and, consequently, I hope the rule will be adopted and the bill speedily enacted into law.

Mr. Speaker, I now move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the passage of the resolution.

Mr. VOORHIS of California. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Postmaster General James A. Farley.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief excerpt from the Tacoma Labor Advocate, my home-town newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein The Eagle's Pledge to America.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include the leading editorial from the Times-Herald of this morning.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

### THE SECOND REVENUE BILL OF 1940

Mr. DOUGHTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10413) to provide revenue, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10413) to provide revenue and for other purposes, with Mr. O'NEAL in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. DOUGHTON. Mr. Chairman, the bill now before the Committee for consideration is the result of 4 weeks of arduous work and careful study by the Committee on Ways and Means.

Much has been said about bringing this bill up under a closed or a "gag" rule. So far as I am concerned, as chairman of the Committee on Ways and Means, ordinarily I would not favor bringing a bill of this nature in under a closed rule or under one that prohibited amendments, and had it not been that it was the unanimous opinion of the members of our committee, both the majority and the minority, that it was the only feasible and practical way to bring this involved, intricate, and difficult bill before the House for consideration, I would not have appeared before the Rules Committee and asked for a closed rule. However, under the circumstances, I feel that the rule under which this measure is brought before the House is fully justified. Had it not been, I am sure the membership, both the majority and the minority, would not have concurred in that viewpoint.

Mr. Chairman, I am very happy to say that the bill has the unanimous approval and support of our committee.

During our 4 weeks of strenuous work, there was not a partisan expression heard. Realizing that national defense is not a partisan question but that it is by far the most important question now before the Congress and before the American people, we went about our work free from any hope of party advantage and during the entire consideration of the measure no one could have even suspected by anything that was said or done that there were any political parties. The minority members of our committee are entitled to the same credit for what has been done as the majority members. The same is true, of course, of any blame or criticism that may be attached to or directed against our work.

I shall only undertake to give a brief outline of the main purposes and provisions of the bill, leaving to the distinguished chairman of our subcommittee, Mr. COOPER, and other members of the committee the work of its further explanation.

The bill has two essential and fundamental aspects: First, it clears the way for action on the part of those corporations whose efforts and cooperation are needed to furnish materials and weapons for our national defense; next, it limits the profits of all corporations by an excess-profits tax, which, while it will allow a fair return free from excess-profits tax, will, we believe, substantially restrict the enrichment of already wealthy persons and prevent the creation of "war millionaires" as a result of our national-defense program.

In modern warfare the manufacturers of guns, ammunition, airplanes, and battleships are not the only persons who stand to profit by the defense expenditures. Almost every industry in America will feel the stimulus which the enormous armament program will give.

If we should attempt to segregate those increased profits due directly to the defense activities from other increased profits, we would confront an insuperable problem. No one could say just where such a line should be drawn.

It will be recalled that during the recent debate on the revenue bill of 1940 we promised the early consideration of an excess-profits tax. Soon thereafter the President, in a message to Congress, urged the adoption of such a tax with steeply graduated rates.

The matter was referred to a subcommittee of the Committee on Ways and Means, which, under the chairmanship of the gentleman from Tennessee [Mr. COOPER], after full consideration reported its recommendations to the full committee on August 8. Hearings were immediately begun and from the 9th to the 14th of August all those who desired to testify were heard.

We gave hearings to every interest, to every individual who desired to come before our committee and have a hearing on this very important question. We did not feel that it was fair to the American taxpayer, to our committee, or the Government to undertake to write a tax bill as involved and as important as this without giving the taxpayers an opportunity to be heard.

We are well aware that the bill is not perfect and we know, furthermore, that if we worked for 6 months or 6 years it would still be imperfect. It will be remembered that the last excess-profits tax law was enacted in 1921 and repealed in 1925. As a result of that excess-profits tax law there has been a tremendous amount of litigation, and the Treasury encountered serious difficulties and expense in its administration.

The committee has been criticized in the press for what has been termed "delay" in bringing out this bill. It may be that the press and Members will take it upon themselves to criticize the committee for the complicated nature of the bill and the report accompanying it.

I shall not apologize for either the "delay" or the complication. I want to explain the reasons for both, for apology is neither necessary nor appropriate.

This bill deals with American corporate business engaged in every form of enterprise known to man—with corporations of all types and sizes, from the colossal corporate giants with their multitude of interlocking and associated companies to the small single corporation. It covers the most widespread and the most concentrated—the enterprises of a single endeavor and those engaged in manifold activities.

To deal with the taxation of corporate business is to deal with it as we find it. If corporations make their affairs complicated, we must have a complex corporate tax structure.

Our taxes must follow the intricacies of business and not attempt to bend business to the pattern of simplicity we should all like to see in taxation. A simple statute which would be adequate to tax equitably the corner grocery store simply will not work when applied to the United States Steel Corporation. A statute which seeks to tax the war profits as they should be taxed may cause a serious hardship to a small business.

In this respect I should like to refer to the rule under which we are proceeding. If amendments other than committee amendments are allowed, it would be possible to completely wreck the whole structure of this bill. The admission of a single change which was not thoroughly thought out by experts might play havoc with the delicately balanced provisions of the bill. And it would be necessary to have it recommitted to the committee in order that the changes or amendments might be ironed out so that the entire bill would not be wrecked.

The committee has had the duty of restricting to as great a degree as possible the loopholes through which the clever might escape. At the same time we have done our best to prevent the imposition of undue hardships on any taxpayer.

The gentleman from California [Mr. VOORHIS] said this morning that there were loopholes in the bill. He perhaps knows more about it than those of us who have studied it for 2 months. Perhaps he is better prepared to write a tax bill overnight than the committee after 4 weeks of arduous study, but I doubt if he could convince the House of that fact.

As I have stated, the bill is not perfect and will not be made perfect, but Congress will be in session hereafter. There will be ample opportunity afforded to correct any injustice, by amendments, that may be found in this legislation or any other legislation. The thing to do now is to get this legislation on the statute books so that our national-defense program can go forward.

My good friend the gentleman from Georgia [Mr. VINSON], the able chairman of the Committee on Naval Affairs, knows that our defense program is being delayed on account of this bill not being passed and the contractors not knowing just what laws they will be required to operate under.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. VINSON of Georgia. The gentleman is absolutely correct. It will aid the national-defense program by the immediate enactment of this bill and by the suspension of the laws which were enacted in peacetimes, and which should be suspended during this emergency.

Mr. DOUGHTON. And would not further delay on the part of Congress in the favorable enactment of this legislation subject us to severe criticism?

Mr. VINSON of Georgia. Absolutely. I trust this bill will pass before 5 o'clock this evening.

Mr. DOUGHTON. I thank the gentleman for his contribution.

In the consideration of this bill these tasks have faced us constantly.

We do not say that we have produced a short, simple statute that anyone can read and understand. Nor do we deny that a better one cannot be produced.

What we do say is this: We have been conscious of the magnitude of the job facing us, we are genuinely aware of the difficulty which it entails. We know, in short, that there is no simple solution to a problem which is itself so complex, so involved, and so intricate.

And for those who ask why did you not do it sooner and why did you not do it more simply, we say that you can no more hope to tax American corporate enterprise by any simple formula conceived without thought, labor, and time than you can expect to build a skyscraper in a day and a half with a shovel and a few wheelbarrows of turf and dirt.

The bill suspends the profit-limitation provisions of the Vinson-Trammell Act. These provisions apply only to manufacturers of Army and Navy aircraft and manufacturers of naval vessels. While removing the profits limitations applicable to these particular contractors, we have substituted therefore a general excess-profits tax applying not only to the incomes of munitions contractors but to all corporate incomes from every source.

The bill also allows special amortization with respect to additional facilities necessary in the production of articles essential to our national defense. This special amortization is no more than an acceleration of the depreciation allowed under provisions of existing law. Every purchaser of commodities pays in one way or another for the plant and equipment necessary to the production of those commodities. In this respect, it is not of great importance whether the Government in purchasing war materials pays for the plant and facilities necessary in their production in a lump sum or whether such payment is reflected in the price of the materials purchased. The use of the special amortization provision is limited to those facilities which are certified by the advisory commission to the Council of National Defense and the Secretary of War or the Secretary of the Navy as the case may be, as being necessary in the interest of national defense. These plants and facilities are erected for a special purpose, namely, the production of war materials. When the emergency is over, they will, in the main, be useless. For this reason, the bill permits a very rapid depreciation of the cost of such facilities. Assuming that the emergency will be over in 5 years, the bill permits a complete write-off of this cost within the 5-year period.

The bill also provides the excess-profits tax. As I have said before, this tax is of general application, not limited to war contractors nor any other specified type of corporate activity. It is estimated that it will raise additional revenue of more than $300,000,000 for the calendar year 1940 and more than $700,000,000 for the years in which the defense program is fully operative.

The bill measures excess profits by two alternative methods, the use of which in almost every case is at the election of the taxpayer. Realizing the complications involved in measuring excess profits by use of the invested capital of a corporation, we believe that taxpayers should be given an opportunity to compute their tax by another method if they so desire. The bill provides that corporations may compute their excess profits on the basis of the excess of their income for the taxable year over the income for the base period, which is the years 1936 to 1939, inclusive. While corporations which select this method are required to pay an additional tax on their normal tax net income, for this privilege I am certain that this allowance will result in making the tax more equitable among taxpayers and less harsh in a great many cases.

If this method alone were permitted, it might work hardships in a great many cases; therefore, the bill provides an alternative method which is based upon invested capital.

In any case, corporations are not required to pay any tax under this bill with respect to their earnings which do not exceed 7 percent of the first $500,000 of their invested capital and 5 percent on their invested capital in excess of $500,000. In addition, corporations with excess-profits net incomes not greater than the specific exemption of $5,000 are not only not required to pay any tax but do not even have to file returns. Of the almost 500,000 corporations in the United States, it is estimated that this bill will not subject more than 50,000 to the excess-profits tax. Small corporations which do not have excessive earnings are thus taxed at a very low rate or not at all.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. ALEXANDER. I have a telegram here from the publisher of the Minneapolis Tribune, one of the large papers in the northwestern section of the country, in which he says that the proposed excess-profits tax based on average earnings over the years 1936 to 1939 will drive the paper mills out of Minnesota. As I understand it, we import into this country about 76 percent of our paper pulp needs. We are trying to build an industry in Minnesota.

Mr. DOUGHTON. What facts or what evidence does he submit along with that assertion?

Mr. ALEXANDER. He says that either the years preceding 1938 should be left out of the plan or the return should be permitted on the assets. Unless this is done, there is great danger that the paper mills will be driven out of Minnesota.

Mr. DOUGHTON. Where would they go?

Mr. ALEXANDER. They would go to Scandinavia, to Canada, to Russia.

Mr. DOUGHTON. Where would they go to manufacture paper?

Mr. ALEXANDER. They would go out of business; that is where they would go.

Mr. DOUGHTON. Does the gentleman really believe they would go to Russia?

Mr. ALEXANDER. They would go to foreign countries.

Mr. DOUGHTON. It is easy, of course, for anyone who knows nothing about the provisions of this bill to criticize it; there is not any doubt about that. While there possibly will be some inequalities in this bill, I am sure there is nothing in it that will put any legitimate industry out of business. I am sure this will be testified to by every member of our committee.

The CHAIRMAN. The Chair neglected to inquire how much time the gentleman from North Carolina yielded himself. The gentleman has now consumed 20 minutes.

Mr. DOUGHTON. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. DOUGHTON. I yield to the gentleman from Michigan.

Mr. CRAWFORD. In title II, the amortization deductions, why was the date July 10, 1940, selected? And, secondly, is the door absolutely closed to those who built specific defense facilities prior to July 10, but, of course, did not have a certificate? And is there any way they can get any relief whatsoever?

Mr. DOUGHTON. I do not know that there would be any way in which they could get special relief. The gentleman understands, of course, there had to be some arbitrary date fixed from which to begin the operation of this law and it was felt that July 10 was the fairest date, that representing the time when the matter was first brought to the attention of Congress, and a time when no industry had any reason to feel there would be an excess-profits tax imposed upon them. What preparation and expenditures they made was, of course, at their own risk.

Mr. CRAWFORD. This case I refer to is a case where the company, based on defense orders placed by the Federal Government, did expand its facilities 25 percent by a clear-cut 25-percent addition to the plant. As I read this language that company is absolutely barred from any relief under title II.

Mr. COOPER. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Tennessee.

Mr. COOPER. The reason the date July 10 was selected as the date, as indicated by the chairman of the Committee on Ways and Means, is because that is the date the statement was given out from the White House that as a result of a conference there held, attended by Mr. Knudsen of the National Defense Council and others, this program would be recommended. I also invite the gentleman's attention to the fact that if the facilities are completed after July 10, why they come under this provision.

Mr. CRAWFORD. If they can obtain their certificate?

Mr. COOPER. If a certificate is issued.

Mr. DOUGHTON. Mr. Chairman, I will only take a short time further and then I shall yield to the gentleman from Tennessee [Mr. COOPER], who had more to do with the preparation of this bill and perhaps understands it more fully than anyone else. If this bill becomes law in its present shape or form, I am sure that no taxpayer in the United States will have reason to complain.

We have done all that the Congress can do at this time. It will remove certain difficulties in the way of carrying forward our national-defense program. I am sure the American people are willing and anxious that this program go forward. That is a question on which the people seem to be united, and I hope they will be as united and as enthusiastic in paying the bills and helping support the expenses necessary for the national-defense program as they are united and enthusiastic for the program itself.

This tax is going to place upon the American people an additional tax burden of substantial proportions. I am convinced that they want a thoroughly adequate defense program. Now we shall see whether they are willing to pay for it.

An additional test will be placed upon our patriotism. If we properly value our heritage, our liberty, our freedom, I am convinced we will pay gladly this or any other reasonable tax which we may impose upon ourselves.

Mr. Chairman, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

There was no objection.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. TREADWAY], who is indisposed, may be permitted to extend his remarks in the RECORD at this point in reference to the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CROWTHER]?

There was no objection.

Mr. TREADWAY. Mr. Chairman, during the consideration of the defense tax bill last June, the Republican minority of the Ways and Means Committee offered two motions which formed the basis of the pending measure. In the first place, we proposed that the Treasury Department be instructed to prepare and report back to Congress a plan of excess-profits taxation designed to prevent the creation of any new "war millionaires" as a result of the huge expenditures contemplated under the national-defense program. Secondly, we offered an amendment to the then pending defense tax bill providing for a 5-year amortization plan in connection with new plants and facilities constructed for the purpose of furnishing defense equipment.

The committee accepted our first proposal, and a paragraph was written into the committee report on the defense tax bill directing the Treasury to submit an excess-profits plan not later than the next session of Congress, whether a regular or special session. This direction was subsequently modified by the conference committee so as to require the submission of the plan not later than October 1.

With regard to the question of amortization, the Treasury Department, while not opposing our proposal, insisted that it should not be enacted except in connection with an excess-profits tax. Accordingly, the committee directed the Treasury to include the question of amortization in its studies. I shall insert in the RECORD at this point, without reading, the paragraph from the committee report on the defense tax bill above referred to, and also the resolution of the conferees.

The matter referred to is as follows:

EXTRACT FROM REPORT OF HOUSE WAYS AND MEANS COMMITTEE ON DEFENSE TAX BILL OF 1940

During the executive sessions there have been discussed proposals to provide special amortization for national-defense industries and to provide for the imposition of excess-profits taxes. These two measures—each in itself requiring a complicated and exhaustive legislative project—must be considered together. It is the desire of this committee, which is favorably reporting a bill which will enable a larger proportion of our citizens to participate in the responsibility of providing an adequate national defense than has ever been the case before, that there shall not be an opportunity for the creation of new war millionaires or the further substantial enrichment of already wealthy persons because of the rearmament program. Accordingly, we have instructed our technical assistants and the appropriate Treasury officials to accelerate their work in these two fields so that bills will be prepared for submission not later than the opening of the next session of Congress which, if passed by the Congress, may become retroactive and apply to income earned during the calendar year of 1940, or may become effective upon any other date which Congress, in the light of information it then possesses, may deem advisable.

---

RESOLUTION ADOPTED BY HOUSE AND SENATE CONFEREES ON DEFENSE TAX BILL OF 1940

*Resolved by the committee of conferees on H. R. 10039,* That the committee is firmly of the opinion that an excess-profits tax should be enacted as soon as possible and should be made applicable to the calendar year 1940, and all taxable years beginning in 1940 and

to all subsequent years. In pursuance of this policy the Treasury Department is urgently requested to submit to the Ways and Means Committee of the House and to the Finance Committee of the Senate not later than October 1, 1940, a plan for such tax, together with supporting data and drafts for proposed legislation.

At the time these directions were given, the committee was told by the Treasury Department that it would take at least 2 months to prepare a bill. Mr. Beaman, our legislative counsel, stated that the committee would have to consider and decide some 300 policy questions before he could draft the measure. The committee thus clearly realized that it would be impossible to write an excess-profits bill overnight. If the situation then existing had not been disturbed, we would undoubtedly have had a much better bill than is now presented. However, on July 1, the date the defense-tax increases went into effect, the President submitted a message to Congress urging the prompt enactment of an excess-profits tax. This meant that the Treasury and the staff of the Joint Committee on Taxation had to forget all about drafting a carefully considered excess-profits tax plan and hastily throw something together. As a consequence, we have the pending hodge-podge bill.

At the outset of my remarks, I should like to say just a few words with regard to the amortization question. It is recognized, of course, that the principal factor in holding up contracts for the production of defense equipment has been the uncertainty as to whether corporations would be permitted to recover, during the emergency period, the cost of new plant facilities necessitated by the expanded defense program, which would be of no use to them in their normal peacetime activities. If the Treasury had not insisted upon this question being tied up with the matter of an excess-profits tax, which everyone recognized would take considerable time to draft, we would not have had the present "log jam" in getting the defense program under way. Moreover, there is no doubt in my own mind but what the Treasury, if it so desired, could have solved the problem of amortization without any legislation whatsoever. The law has always provided that taxpayers shall have as a deduction in computing their tax a reasonable allowance for depreciation, wear and tear, and obsolescence of property used in the trade or business. In administering this law, the Treasury permits the amortization or depreciation of the property over its useful life. The useful life of a plant or of machinery devoted exclusively to the production of defense equipment would, in my opinion, be the period of the emergency. Thus it seems to me that on either count I have mentioned, the responsibility for the delay in getting the defense program under way rests upon the Treasury and not upon the Congress. If the Treasury had either used its existing authority, or had not opposed the enactment of the amortization provisions as a separate measure, the defense program would be much further along than at present.

While it was the intention of the Republican minority to follow up the amortization allowance with an excess-profits tax, there was no reason why the consideration of the latter could not have been deferred long enough to give it adequate study. In the situation we are now in, we have had to write the excess-profits tax "under duress," so to speak, in order to enact the two propositions together at the earliest possible date. I am sure that we could have brought forth a much better excess-profits tax bill if we could have considered it separately and without the pressure we have had on us to hastily draft something and get it on the statute books. Congress could have enacted an excess-profits tax as late as next year and made it applicable to the present taxable year. It will be recalled that the War Revenue Act of 1918 was not enacted until February 24, 1919.

It is not my purpose to enter into any detailed discussion of the pending measure. It is not perfect, by any means. I feel that it could be much improved. In some respects, it is a much better bill than was originally recommended by the tax subcommittee, particularly as regards the treatment of corporations which have had very low earnings during the base period which is to be used as a "yardstick" in measuring excess profits. I should have preferred to have seen the exemption under the invested capital alternative increased to a flat 8 or 10 percent such as was provided under prior excess-profits measures and under the so-called La Follette amendment to the defense-tax bill, which was eliminated in conference. As the bill now stands, corporations which have had poor base-period earnings will pay a relatively higher excess-profits tax than those which have had good earnings in past years. They will be forced to pay an excess-profits tax on profits which in some cases are not excess, but merely normal or subnormal.

In order to tax excess profits, it is, of course, necessary to define the term. Under the bill, such profits are regarded as the increased earnings over the average of the base period 1936 to 1939, inclusive.

In the case of corporations which have been earning less than 7 percent on the first $500,000 of their invested capital and 5 percent on the excess over that amount, they are given a minimum exemption of these amounts, in addition to the specific credit of $5,000. Those which have been earning up to 10 percent may continue to earn that same percentage of invested capital free of excess-profits tax, but the maximum allowance under this method is 10 percent.

Corporations may, if they choose, adopt the so-called average-income method of computing their tax, and simply pay excess-profits tax on their increased income over the average of their base period, irrespective of the percentage of return on their invested capital. This alternative will be resorted to by those corporations which have had relatively good base years. However, they will be obliged to pay an excess-profits tax ranging from 25 to 50 percent, instead of from 20 to 45 percent as in the case of corporations electing the so-called invested-capital alternative. In addition, they will be obliged to pay 4.1 percent more normal tax on their entire net income. The effect of these two penalties on corporations availing themselves of the average-income alternative will be to force many of them to adopt the other method of computing their tax, which, of course, will be less beneficial to them.

As originally recommended by the tax subcommittee, the bill would have produced $190,000,000 of revenue the first year, and probably in the neighborhood of $500,000,000 annually thereafter. However, it developed at the hearings that this plan would have placed practically the whole burden of the tax on those corporations which were least able to pay, which were those which had had losses or very poor earnings in the base period. The committee realized that modifications would have to be made to take care of that situation. Some such modifications have been made, including several suggested by the Republican minority. However, the committee has wound up with a bill that will now produce upwards of $300,000,000 the first year, and from $500,000,000 to $1,000,000,000 thereafter. It has granted a small measure of relief to those corporations which most needed it, and put an additional burden on those which have had somewhat higher base earnings. The effect of that additional burden has not yet been fully explained to the committee.

The Republican minority is entitled to take credit for having been instrumental in securing at least two changes which relieve the so-called little fellow and the hard luck corporation from some of the burden which otherwise would have been unjustly placed upon them, namely, the increase in the minimum percentage of allowable return under the invested-capital alternative, and secondly, the elimination of the subcommittee's recommendation that corporations with impaired capital be required to reduce the amount of their invested capital to the extent of their operating losses. The latter provision was particularly unjust, since it would have put a greatly increased burden on the business which had been operating at a loss.

One reason I have not gone into any detailed discussion of the bill is that I do not feel qualified to do so. We had to take the bill pretty much on faith, as presented to us by the

drafting experts. The provisions relating to corporate reorganizations, covering some 40 pages, have not even been read in the committee. We were simply told what the provisions attempted to do, and were assured that they accomplished that purpose. This bill may serve to prevent the creation of any millionaires out of the defense expenditures, but unless I miss my guess it will result in creating some new millionaires among the lawyers and accountants who may regard themselves as competent to advise taxpayers how to make out their returns under this bill. I doubt even if many lawyers will be able to qualify as experts on the reorganization provisions.

Following is an example of the type of language with which taxpayers will be confronted in trying to understand the bill:

SEC. 759. * * *

(b) Preferential rate amount of transferee:

(1) Taxable year of exchange in case of control: In the case of a transfeee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange the transferee's preferential rate amount for the taxable year in which the exchange takes place shall be the sum of—

(A) Its preferential rate amount immediately preceding the exchange or its invested capital (computed as if the taxable year closed on the day preceding the day of the exchange), whichever is the smaller, multiplied by the number of days in the taxable year up to and including the day of the exchange plus

(B) Its preferential rate amount for the taxable year after the exchange multiplied by the number of days in the taxable year remaining after the day of exchange,

divided by the number of days in the taxable year. For the purposes of this paragraph and subsection (c) of this section "exchange" includes a liquidation described in paragraph (5) of this subsection, and such exchange shall be deemed to have taken place on the day such liquidation was completed.

Whatever bill may be enacted at this time, I feel sure that modifications will have to be made at the next session of Congress. All that can be said in defense of the present bill is that it is the best that could be obtained at the present time under all the circumstances. I shall vote for the bill, because it is necessary that the three main provisions—amortization, suspension of the Vinson-Trammell Act, and excess-profits taxation—be enacted at the earliest possible moment in order that the defense program may get under way. However, I feel that the Ways and Means Committee should not consider its job done when this bill becomes a law. It should immediately give further consideration to the subject with a view to working out an improved plan of excess-profits taxation for presentation at the next session.

We should by all means have an excess-profits tax, but it should be geared to effectively reach all profits which are in fact "excess," and it should not subject to an excess-profits tax profits which are only normal or subnormal. It is, in my opinion, a mistake to use an excess-profits tax as a means of raising a given amount of revenue. As has been well said, under the ideal situation such a tax, if it were truly effective in preventing excess profits, would produce no revenue at all. While we need all the revenue we can raise not only to finance national defense but to pay our ordinary operating costs, we should raise it in a forthright manner in accordance with sound principles of taxation. The proper way to write an excess-profits tax bill is to set up a fair and equitable base, with such rates as may be considered just, and then let it produce whatever revenue it will, which may be much or little, depending upon whether excess profits are in fact being made. The pending bill has not been written on this basis, which accounts largely for its imperfection.

Under the special rule by which the bill is being considered, we must either accept the bill in its present form or reject it. For the reasons stated, I shall vote for its passage, but in closing I again want to urge the need for more thorough consideration of this whole matter, so that the imperfections which are so apparent in the present bill may be corrected.

Mr. DOUGHTON. Mr. Chairman, I yield 25 minutes to the gentleman from Tennessee [Mr. COOPER]. [Applause.]

Mr. COOPER. Mr. Chairman, I desire to join with the chairman of the Committee on Ways and Means in expressing appreciation to the minority members of the subcommittee of which I have the honor to be chairman, as well as the members of the full Committee on Ways and Means, for the splendid spirit of cooperation that has been shown throughout the consideration of this important measure. All of the deliberations of the subcommittee and the full committee have been entirely free of any spirit of partisanship and only the highest patriotic motives characterized the attitude of all members of the committee.

As a result of that fine effort of cooperation, this bill comes before the House today with the unanimous approval of all members of the Ways and Means Committee, not only so far as the bill itself is concerned, but on every item in the bill. There was not a division on a single provision included in this bill.

Mr. Chairman, three important measures now pending in the Congress are of vital importance to our national-defense program. One is the compulsory military training bill, which passed the Senate last night after several weeks of consideration there. That measure will provide the manpower necessary for the defense of this country. The second is the appropriation bill which has passed the House and is now pending in the Senate to provide the money to pay for this, and the third is the pending bill, H. R. 10413, providing for the necessary material and equipment essential for the national-defense program.

It will be appreciated if I may be permitted to proceed briefly in explanation of the bill without being interrupted, and then I shall be glad to follow my usual custom of yielding for any question that may be asked, and I shall endeavor to give the best information I can with respect to this bill.

As has been indicated by those who have preceded me, there are three subjects covered by this bill. First is that of amortization. It is provided here that for new plants, plant expansion, and equipment that may be certified by the Advisory Commission to the National Defense Council and the War Department or Navy Department, as the case may be, as being necessary for national defense, the cost of these facilities may be amortized over a period of 5 years. That means 20 percent a year amortization that may be taken on these facilities that are certified as being necessary for national defense.

It is also provided that a taxpayer may continue, if he prefers, to take the ordinary depreciation as is now provided under the law and later, if the emergency ends within the 5-year period, and if he decides that he prefers to take this special amortization, he has the right to do so.

It is also provided that if the emergency should end by a proclamation of the President of the United States, or if the Secretary of War or the Secretary of the Navy certifies that this particular facility is no longer needed for national defense, thereby terminating the period in less time than 5 years, the taxpayer then has the right to go back and have the amortization given him over the period of time that the emergency does exist. As an illustration, if the emergency ends in 3 years instead of the 5 years as is contemplated, instead of taking 20 percent for 5 years he may take 33⅓ percent for 3 years.

The second provision is with respect to the Vinson-Trammell Act. The bill provides for the suspension of the Vinson-Trammell Act and other laws relating to that for such time as the excess-profits tax is in effect. It will be remembered that under the Vinson-Trammell Act profits are definitely limited. There is permitted only 10 percent of the contract price as a profit for naval vessels and 12 percent of the contract price for aircraft for the Army and Navy, and for parts. Subsequent legislation has further reduced that limitation, and it now stands at 8 percent and 7 percent.

As has been indicated by those who preceded me, information has been presented to the Committee on Ways and Means by responsible officials of the Government—the Secretary of War, the Secretary of the Navy, Mr. Knudsen, head of the Advisory Commission to the National Defense Council, and others—that contractors are hesitating in entering into contracts because of these restrictions and limitations that are imposed, not so much, they say, because of the exact amount involved, but especially because of the enormous amount of

bookkeeping and record keeping they have to go through in order to comply with the law.

An illustration was given. Say one company has a contract to furnish only $25,000 worth of material of some kind. It is manufacturing a large quantity of that same product, and all the rest of it goes into the ordinary channels of trade. Yet for that particular $25,000 worth that may find its way into a naval vessel or into aircraft it has to keep all these records and books so as to be sure it does not violate the provisions of the Vinson-Trammell Act or the other acts limiting the profit.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The gentleman should no doubt call the attention of the House to the fact that there is so much competition—and the Vinson-Trammell Act relates only to aircraft for the Army and the Navy, and warships—that the subcontractors can get other business and therefore are not anxious to get business falling under the provisions of the Vinson-Trammell Act.

Mr. COOPER. That is true, and I was going to point that out. It will be remembered that the Vinson-Trammell Act applies only to two items. One is naval vessels, and the other is aircraft. Under this defense program we have a vast number of other things that are being provided, tanks, trucks, guns, munitions, and all the other things that are necessary for national defense. Therefore, the limitation under the Vinson-Trammell Act applies only to two items, naval vessels and aircraft. By suspending that and applying the excess-profits tax, profit-limiting rules are made to apply to everybody alike, and for all types of equipment and material that may be found necessary for national defense.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from New York.

Mr. COLE of New York. Further, the Vinson-Trammell Act applies only to naval aircraft, and there is no profit limitation on Army aircraft.

Mr. VINSON of Georgia. Yes, there is.

Mr. COOPER. It applies to both. My recollection is that it applies to both Army and Navy aircraft, and parts.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. I have in my hand a statement from the Bureau of Aeronautics indicating that they tried to offer the large aviation companies contracts involving over a thousand airplanes. The corporations are willing to take the contracts. They are not concerned about the profit. However, the subcontractors are unwilling to take the contracts, as the gentleman from Tennessee has just pointed out, on account of the bookkeeping required under the Vinson-Trammell Act.

I wish to take this opportunity to congratulate the Committee on Ways and Means for breaking the bottleneck and cutting the red tape and bringing a bill in here that will enable industry to do its part in preparing this country.

Mr. COOPER. Of course, this provision applies to contractors and subcontractors alike.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. I am glad the committee has recommended at least the suspension of the provisions of the Vinson-Trammell Act, but in view of the reasons assigned for so doing, as so clearly presented by the distinguished gentleman from Tennessee, now occupying the Well, and whose work as chairman of the subcommittee in charge of this legislation, is so outstanding, I wonder why the committee did not recommend the outright repeal of the act? That is what I have thought might, in the interest of fairness to all, be done.

Mr. COOPER. Yes; the committee gave consideration to that, but certainly we would not feel disposed to recommend the outright repeal of it because we believe it should be suspended as long as we have an excess-profits tax. I do not believe any of us would want to take the position that we should just take the bridle off and let munitions makers and people engaged in supplying materials for national defense make all the profit they want to make, and just go their way rejoicing, without having any limitations imposed at all. However, we did feel that, inasmuch as you have a limitation under the provision of an excess-profits tax, it was not necessary to have two limitations for the same purpose.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Minnesota.

Mr. MAAS. Is the gentleman familiar with the fact that since the enactment of the Vinson-Trammell Act the costs to the Navy have gone up tremendously, because it has narrowed competition very materially? The smaller concerns have virtually been precluded from bidding on Navy business. There is no question involved of permitting unbridled profits if you repeal the Vinson-Trammell restriction outright, because you have plenty of check on them through your general taxes. If they make any excess, you take it away, anyway, even outside of your excess-profits tax.

Mr. COOPER. No; you do not, either.

Mr. MAAS. I should like to speak toward the outright repeal of the Vinson-Trammell restriction.

Mr. COOPER. I may say I cannot yield any further on that, but for my part I cannot support an outright repeal of the Vinson-Trammell Act. I am willing to suspend it for such time as we have this excess-profits tax.

Mr. CARLSON. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Kansas.

Mr. CARLSON. The gentleman from Tennessee does not believe that repealing the Vinson-Trammell profit-limit feature will be overcome by the excess-profits tax?

Mr. COOPER. No; it will not, completely.

Now, if I may, I should like to proceed with a brief discussion of the excess-profits tax as provided in this bill.

There are only two principles upon which an excess-profits tax can be based. One is that of average earnings of the business, and the other is the invested capital of the business. This bill applies only to corporations. The bill embraces both of these principles; that is, the average earnings and the invested capital. A base period is provided embracing the years 1936, 1937, 1938, and 1939. The same base period applies to both plans provided under the bill; that is, the average-earnings plan and the invested-capital plan. The taxpayer who has a full base period has the right to exercise his option as to which one of these two plans he wants to use.

It is also provided that a specific exemption of $5,000 is given to all corporations under both plans. I might give a brief illustration to show the effect of this $5,000 specific exemption. Take, for instance, a corporation with $50,000 capital. That means $5,000 is 10 percent of the $50,000, and therefore there is 10 percent of that amount that is exempt.

The bill also provides for the first 7 percent—that is, 7 percent of the first $500,000 of invested capital—to be exempt. So, in effect, the $50,000 corporation would have an exemption of 17 percent before there would be any application of the excess-profits tax. This is designed especially to benefit and assist small corporations, and we believe it will be effective in that respect.

Out of 478,000 active corporations in this country, the estimate is given the Committee on Ways and Means that only 70,000 of those will have to pay any excess-profits tax.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield.

Mr. HINSHAW. I brought up a question to one of the members of the gentleman's committee a while ago concerning a partnership which had become a corporation within the year, a profitable partnership and a profitable corporation——

Mr. COOPER. I get the gentleman's question. There is no provision made for that, for the obvious reason that a partnership has paid taxes throughout the years on an entirely different basis from that on which corporations

pay. You just cannot fit a partnership into the same type of structure that you can fit a corporation.

Mr. HINSHAW. The reason I brought up the question was because, having organized themselves into a corporation within the year——

Mr. COOPER. I hope the gentleman will not take any more of my time on that question, as I have tried to answer the gentleman's question.

Mr. HINSHAW. No consideration has been given to that, then?

Mr. COOPER. Yes; we considered every phase of it.

Mr. HINSHAW. But it has not been taken care of in the case of a business——

Mr. COOPER. A business that has gone along as a partnership and has now been incorporated is what the gentleman refers to and I presume what the gentleman has in mind is whether or not their experience as a partnership has been taken into consideration here.

Mr. HINSHAW. Exactly.

Mr. COOPER. That has not been done.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield.

Mr. DISNEY. The gentleman may be coming to it, but it seems this is an opportune time to call attention to the fact that a benefit particularly to the small corporations is their deficits are not deducted when their invested capital is being considered.

Mr. COOPER. That is correct.

Carefully prepared provisions are included in the bill to maintain a proper balance between corporations selecting these two plans. That was an extremely difficult matter to work out, and a carefully prepared schedule of rates is provided to make the excess-profits tax as fair and equitable to all corporations as is possible under the circumstances. I might give you an illustration to show how that would work. Take, for instance, a corporation that has been in existence for a number of years, has been having splendid profits throughout that time, perhaps has been making 30 or 40 or 50 percent during the base period, and therefore if it could take the average-earnings plan alone, it would pay no tax, and yet it may be in competition with a new corporation or a corporation that has a deficit or a low-earning record, which may be producing the same products or the same commodity, and this new corporation having to take the invested-capital plan would be cut off at 10 percent—all above the 10 percent would have to pay the excess-profits tax—whereas its competitor, more fortunately situated, that had been earning 30 or 40 or 50 percent throughout the base period, would not have to pay any tax at all. Therefore, in order to maintain a proper degree of balance between the two plans, the committee has worked out and rather carefully prepared two schedules of rates that apply to the two plans.

In addition to that, the bill provides that if a corporation elects to take the average-earnings plan, it is required to pay as a part of its excess-profits tax an amount equal to 4.1 percent of its normal tax net income in order to be permitted to take that plan.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield.

Mr. VOORHIS of California. I recognize, of course, that the committee has made an effort to equalize the differences between these two plans, but still there is no top limit, is there, to the amount of earnings that the corporation can have had in the base period if it chooses the average-earnings plan? In other words, its percentage of earnings to capital in the base period may have been very high indeed, and still be counted as excess-profits-tax credit; and my question is whether the gentleman honestly thinks that the so-called penalty tax that is provided there is sufficient in the case of some of the corporations which in that base period made very large earnings.

Mr. COOPER. I understand the gentleman's question. It is entirely possible that even the plan that we have worked out here and the balance that we have tried to maintain may not be sufficient to be absolutely perfect, but bear in mind a corporation that selects the average earnings base is first required to pay 4.1 percent of its net income—the basis of its normal corporation tax. In addition to that, the schedule of rates applicable to the corporation taking the average earnings base pays 5 percent more excess-profits tax than the corporation under the invested-capital plan.

Mr. VOORHIS of California. I know. I would like to say to the gentleman that I figured for a specific corporation——

Mr. COOPER. I hope the gentleman will not detain me long enough to cite specific cases, because any number of illustrations could be given.

Mr. VOORHIS of California. It would pay five times as much under the average-earnings plan as under the invested-capital plan.

Mr. COOPER. Any number of illustrations could be given. You might conceive a situation where a great discrepancy would obtain, but your committee, after giving 4 weeks of intensive study, day and night, and devoting a considerable part of its time even before that, worked out this plan as the very best we can present to the House.

Mr. CROWTHER. Will the gentleman yield?

Mr. COOPER. I yield.

Mr. CROWTHER. Is it not a fact that if they have had these high earnings they are now paying under the existing law an excess-profits tax, which is still in the law, in addition to this excess-profits tax which we have now?

Mr. COOPER. That is true, if their earnings have been excessive in comparison with their capital stock. The excess-profits tax, as contained in the law now, is provided for the purpose of protecting the capital-stock tax. Of course, if their profits have been excessive in comparison with their capital stock, they have been paying that excess-profits tax.

Mr. CROWTHER. That is, if it is declared value?

Mr. COOPER. Yes.

Mr. VOORHIS of California. The existing excess-profits tax is not a very substantial tax, though, is it? As the gentleman from Tennessee has said, it is merely for the purpose of protecting the capital-stock tax.

Mr. COOPER. Now, let me give you a brief illustration as to the way the average-earnings plan works. Assume that a corporation has made $50,000. That is, has an average of $50,000 for the years in the base period of 4 years. In the taxable year 1940 the corporation has $65,000 income. Now, you take the $50,000 which was its average over the base period from the $65,000 for the taxable year and that leaves $15,000. Then you take $5,000 specific exemption from that, and that leaves $10,000, to which the rates applicable to the average-earnings plan would be applied.

The invested-capital plan applies to the same base period of 4 years. The average invested capital over the base period is the basis for the credit. On the first $500,000 of invested capital 7 percent is exempt. All over $500,000, 5 percent is exempt. In other words, a corporation is allowed to make whatever it did make during the base period up to 10 percent. As an illustration, if a corporation made 7 percent throughout the base period on its invested capital, it is still allowed to make 7 percent on its current invested capital. If it made 8 percent, it is still allowed to make 8 percent; 9 percent, it is still allowed to make 9 percent; 10 percent, it is still allowed to make it. Now, if it makes 11 percent, that extra 1 percent would have to pay the excess-profits tax.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. COOPER. Now, if I may proceed for a moment, as I endeavored to explain a few moments ago it was apparent that was a definite advantage given to a corporation that could use the average-earnings plan as against the corporation that had to use the invested-capital plan. Therefore, this rate structure was constructed for the purpose of taking care of that situation. As I have also explained, the corporation selecting the average-earnings plan is required to

pay an additional 4.1 percent of its normal tax net income. Then, in addition to that, the rate schedule applies as provided in the bill.

The amount of excess profits, under the average-earnings method, for the first $20,000 the rate is 25 percent. Under the invested-capital method it is 20 percent. For the next $30,000, under the average-earnings method, it is 30 percent. Under the invested capital method it is 25 percent.

The next $50,000, under the average-earnings method, it is 35 percent. Under the invested-capital method it is 30 percent.

The next $150,000, under the average-earnings method, it is 40 percent; under the invested-capital method it is 35 percent.

The next $250,000, under the average-earnings method, it is 45 percent; under the invested-capital method it is 40 percent.

All over $500,000, under the average-earnings method, it is 50 percent, and under the invested-capital method it is 45 percent.

Corporations, under the average-earnings plan, are allowed 8 percent of their new capital, and are allowed 6 percent of their reductions in capital. New capital is capital coming in after the beginning of the taxable period. Under the invested-capital plan, 10 percent up to $500,000, and 8 percent above $500,000 of new capital is allowed.

One other important matter that doubtless many Members may be interested in, and many questions have been asked concerning, is with respect to borrowed capital.

We have worked out a provision with respect to borrowed capital that provides that for the amount of borrowed capital which added to the equity capital does not exceed $100,000, the corporation is allowed to take 100 percent. To illustrate, let us assume that a corporation has $50,000 of equity capital and borrows $50,000, the total amount thereby being $100,000: They are allowed 100 percent of the borrowed capital in determining invested capital. For so much of the borrowed capital added to the equity capital as does not exceed $1,000,000 they are allowed 66⅔ percent. Over $1,000,000 they are allowed 33⅓ percent. This gives an idea of the amount of borrowed capital in relation to equity capital that may be included.

As has been pointed out by others, your committee has made an honest effort to work out a most difficult and complex problem in the very best manner it could under the circumstances. We believe it is fair to state that we have brought you a bill that will work as great a degree of equity and fairness to all the corporations of the country as is possible, and that it maintains a proper degree of balance between those who use the average-earning method and those who use the invested-capital method so that the greatest degree of fairness will result to all of them.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield.

Mr. CRAWFORD. Referring to the language in line 15, page 88, under the amortization provision, "or acquisition." Suppose Corporation A built, completed, completely built a defense addition to the plant prior to July 10, 1940, and subsequent to July 10, 1940, transferred title to the plant to Corporation B, a real-estate holding concern, we will say. Then if Corporation B can obtain a certificate, that plant might be subject to the amortization provision?

Mr. COOPER. The gentleman is correct.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield.

Mr. JOHNS. What would be the situation of a corporation which was capitalized we will say at $3,000,000 in 1932, which had losses in 1932, 1933, and 1934; that as a result of these losses its capital was impaired we will say to the extent of $1,000,000, so that its capital was reduced to $2,000,000; that its earnings during the remainder of the time were approximately the same as they were prior to the reduction in capital: Would not this bill be pretty hard on such corporation?

[Here the gavel fell.]

Mr. CROWTHER. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee. He has been interrupted by several Members on our side of the aisle.

Mr. COOPER. I thank the gentleman.

Answering the gentleman from Wisconsin, I am unable, of course, to give the gentleman a definite answer without having all the factors before me, but my impression is that it would not.

Mr. JOHNS. That it would not be?

Mr. COOPER. That it would not be.

Mr. MILLER. Mr. Chairman, will the gentleman answer a question?

Mr. COOPER. With pleasure.

Mr. MILLER. Assuming a corporation received $1,000,000 from a foreign government for plant expansion, I take it they would not be entitled to amortization. My question is: Would that be considered the same as borrowed capital, or where would it come into the tax structure?

Mr. COOPER. That would not come under the amortization provision. The question there is one of whether the amount paid by the foreign government was an addition to income or an addition to capital. That depends upon the nature of the transaction.

Mr. MILLER. Would it be considered borrowed capital? I am trying to figure where that would come into the tax structure. There are cases like that.

Mr. COOPER. I would have to have more details to be able intelligently to answer the gentleman, but certainly it would not come under the amortization provision.

Mr. MILLER. I had in mind cases where foreign countries have fully paid for plant expansions.

Mr. COOPER. They are not included under the amortization provision.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield for a question?

Mr. COOPER. Gladly.

Mr. VOORHIS of California. I wish to ask a question about the amortization feature. I understand perfectly, of course, the argument that when a corporation risks some of its money to build defense facilities they have got to know as nearly as possible where they stand, and I think this provision is sound; it is all right with me. But what happens to a corporation which instead of risking its own money borrows the money from one Federal agency, takes an order from another Federal agency, is paid for the goods by the second agency in an amount large enough to pay off the first agency's loan, is allowed to deduct interest on its loans from its income for tax purposes, and still get the amortization? Does the bill contain any provision to take care of such a situation? I cannot see why it should apply in such case where the only money has been Government money from beginning to end.

Mr. COOPER. There is a provision in the bill, of course, to the effect that where the Federal Government either directly or indirectly pays for the facility, at the end of the emergency the owner cannot dispose of that facility without the consent of the Secretary of War or the Secretary of the Navy.

Mr. VOORHIS of California. But it still belongs to him; is that correct?

Mr. COOPER. Yes; that is true.

Mr. VOORHIS of California. Even though the Federal Government has paid for it?

Mr. DUNCAN. He still owes the money to the Federal Government.

Mr. VOORHIS of California. But he has repaid it out of the orders he has got.

Mr. COOPER. It belongs to him. Title, of course, is in him, but he still owes the Government for it just as if he had borrowed the money from a bank.

Mr. JACOBSEN. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield.

Mr. JACOBSEN. There have been a good many suggestions and inquiries regarding the provision for average earnings. Is there any other basis than just dividing 4 years' profits by four?

Mr. COOPER. I am glad the gentleman asked that question, because perhaps a little further explanation should be given. In both the average-earning method and the invested-capital method I have endeavored to explain here, a corporation may take any 1 of those 4 years that it has a deficit year and count that as zero. If I may, I will give the gentleman an illustration. Take, for instance, a corporation that made $100,000 in 1936; it lost $100,000 in 1937, and it made $100,000 in 1938 and 1939. Of course, under an averaging method this $100,000 made in 1936 would be wiped out by the loss of 1937, so that we would have $200,000 divided by 4, or $50,000. The bill provides that a corporation shall count 1 deficit year out of the 4 at zero. You then have the other 3 left, and so you divide $300,000 by 4 and have $75,000 instead of the $50,000. Of course, if a corporation has more than 1 deficit year, it uses the year it has the largest deficit and counts that as zero and does include the other years at what they are, subtracting them from the total and dividing the result by 4.

Mr. COFFEE of Washington. Will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. In the case of the Boeing Airplane Works of Seattle, I have been advised by its president that during the years immediately preceding the emergency they expended a large amount of money seeking information and making laboratory tests on a heavy bomber, the flying fortress.

Mr. COOPER. I understand the gentleman's question, because they have been to see all of us.

Mr. COFFEE of Washington. I wanted to inquire about that.

Mr. COOPER. The gentleman will find that that is taken care of in the bill.

Mr. COFFEE of Washington. That is what I want to know.

[Here the gavel fell.]

Mr. CROWTHER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the World War, we were advised, created 22,000 millionaires. It is quite possible that these fortunes were not all acquired by those who were engaged in manufacturing war materials. Undoubtedly many of such huge fortunes were the result of stock-market ventures.

Nevertheless, the American people decided that if ever such conditions again developed that measures should be adopted to prevent such unjust enrichment.

Twenty-two years have passed since the enactment of the 1918 excess-profits tax, and we now realize the necessity of similar legislation. This measure before the House is designed to curb excess profits and in the process contribute some revenue to a sadly depleted Treasury. I refer to our Nation's financial problem at this time because the Secretary of the Treasury, who appeared as the first witness at the public hearings suggested that the debt limit which was raised four billions a few weeks ago in the defense revenue act of 1940 to a total of forty-nine billions would very soon have to be again raised to a new total of fifty-eight billions unless additional revenue was provided.

It is difficult to prophesy just how much revenue this bill will produce. The experts have been frank enough to acknowledge that their figures may be characterized as a guess rather than an estimate.

Having before them a very clear picture of what business is likely to do in 1940, their opinion as to the revenue to be received from this new source is fairly accurate. If it was possible for them to visualize what is to happen at home and abroad during the coming years they would no doubt be able to give us a fairly accurate estimate of revenue for those periods.

It is perhaps totally unnecessary to remind you that this bill will by no stretch of the imagination balance the Budget. That is not the purpose of this proposed legislation, but it will help materially, if the predictions as to future revenue are fulfilled.

Your committee had constantly in mind during the consideration of this bill the absolute necessity of encouraging our stable industries such as were not likely to benefit particularly from the acquisition of war contracts. We realized that our complete economy must be maintained at least at its normal level. Every effort was made to relieve the so-called hardship cases that were brought to our attention.

Difficult problems have arisen due to the fact that we have adopted an arbitrary period of 4 years, 1936, 1937, 1938, and 1939, which we designate as the base earning period. We have, however, given the taxpayers the right of election to use the percentage income as the base during the same period.

The 1918 act produced nearly $7,000,000,000 in revenue, but the litigation that followed in its wake resulted in tremendous refunds to the taxpayers. Just how much was refunded the Treasury reported it was unable to determine, and I presume the reason was that the refunds were tied up with refunds of normal income tax. That statement is my own analysis of the situation and I have no conclusive proof that it is correct.

Certainly we hope that there will be no repetition of the extensive litigation that followed the enactment of the previous act of 1918.

Except in cases of real emergency, I do not favor the policy of retroactive taxation.

This bill will measurably penalize every taxpaying corporation in the country for the year 1940, as will be manifested by their increased tax payments on March 15, 1941.

Many people are under the impression that an excess-profits tax applies only to those industrial organizations which are specifically engaged in the production of essential defense material and equipment.

To have the bill apply only to such corporations would be practically an impossibility. Government contracts for defense equipment involves the services of hundreds of subcontractors, and an attempt to so differentiate would result in hopeless confusion.

The policy adopted by the committe regarding special amortization is extremely liberal and should be sufficient assurance to industry that the Government desires to be eminently fair in the matter.

Taxation has been described as "getting the most feathers from the goose with the least squawking."

That there will be some squawking over this excess-profits tax is as certain as sunrise. Its inequities will be stressed and all its critics will be certain that they could have written a much better bill. I speak of inequities because they will always appear in man-made legislation. It is impossible to avoid them, for our varied types of corporate structure present a complex and complicated problem that frequently stumps the experts who have made a life study of this subject.

Mr. Chairman, our revenue problems are going to be with us for a long time. While, as I have suggested, there may be some squawking, I believe our great American industrialists will accept the burden with good grace and loyally support the defense program.

Mr. McCORMACK. Will the gentleman yield?

Mr. CROWTHER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. In connection with the corporations that come under the invested capital provisions of the bill, the committee was very strongly of the opinion that the Treasury Department, where there are differences between the Treasury and the corporation or the taxpayer as to capital investment, should make every effort to adjust it without the corporation or the taxpayer being compelled to go to court or to engage in litigation. We would have written a different bill and made specific provision for a hands-across-the-table transaction with a closing-out agreement, but we were told that the Treasury Department had that power under law now, and that they intended to exercise it so that there would be as many agreements as possible arrived at without litigation between the taxpayers and the representatives of the Government.

Mr. CROWTHER. I thank the gentleman for his contribution. Let me say that in the 1918 act the sole base used for the determination of excess profits was the invested capital.

During the period following there were 14,000 cases of litigation. Fourteen of them are still in existence—for 1919 and 1920—and have not been settled. So we are hoping that we shall avoid the flood of litigation that followed the act of 1918. Ninety percent of the litigation was the result of the difficulty in determining what the invested capital really was.

Mr. Chairman, the committee lent its best efforts to the preparation of this bill and may I at this time extend my appreciation on behalf of the minority members of the committee to the majority, my chairman the gentleman of North Carolina [Mr. DOUGHTON], and the gentleman from Tennessee [Mr. COOPER], chairman of the subcommittee, for the fine spirit of harmony and cooperation that was manifested during the consideration of this bill. Neither politics nor partisanship entered into the proceedings.

Mr. Chairman, taxes have been a troublous subject all down the centuries. When the Savior was asked by the citizen, "What shall we render unto Caesar?", that was a question of taxation.

National preparedness is our "Caesar," and to that cause we must give full measure of our dollars and our devotion. [Applause.]

Mr. CROWTHER. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, I am confident that I speak for every Member of this body when I say that all favor a strong national defense. If by toil and sweat we can avoid the blood and tears now engulfing Europe, it must be done, and done at once.

Our job is to make America strong; strong in planes and tanks and ships. But strength does not lie in arms alone. It requires industrial strength, a vigorous and healthy industry, capable of supplying our needs in arms and equipment. And it also requires financial strength, a sound treasury, a sound national credit, a sound tax structure.

At the very outset of our great defense effort we are in danger of foundering for lack of a plan. This is a strange omission on the part of the New Deal. We have been living in a planned economy for the last 8 years. We had short-lived illusions of prosperity in 1936; it was "planned that way." We have had all manner of plans, from food-stamp plans to plans for harnessing the tides. But when it comes to the vital, practical matter of financing national defense, there has been no semblance of a plan.

Our finances are in a precarious state. We have virtually exhausted our $45,000,000,000 debt limit; by next June we shall have used up the additional $4,000,000,000 of borrowing power which we voted in June. Our peacetime expenditures for the last fiscal year, prior to the defense emergency, were nine and one-half billion dollars, approximately three and one-half billion dollars more than the revenues. This condition has prevailed every year since 1933. On top of this, we now propose to add a vast and as yet undefined program of defense expenditure. On August 9, according to the Secretary of the Treasury, this projected expenditure totaled fourteen and seven-tenths billion dollars. And that, we know, is only a down payment.

In the name of common sense, it seems to me we ought to know what the Military Establishment is that we propose to acquire, and what it will cost, even if we can only make the roughest estimates at this time. If what we need, let us say, is a two-ocean navy, an army of 2,000,000 men, and 50,000 airplanes, we ought to know what it will cost to build, and how much it will cost to maintain from year to year. Then we can sit down and figure out a sound plan to foot the bill. We shall undoubtedly have to borrow some more; we can decide how much, and set our debt limit accordingly. We shall need additional taxation; we ought to impose taxes honestly and openly on incomes and other sources, and we should bend every effort to increase the incomes subject to tax. We shall have to economize; the Treasury, like every citizen, will have to pull in its belt and cut down on nondefense expenditures.

Unless we adopt such a plan—and I do not speak lightly—we shall come face to face with inflation, and all its devastating consequences. There is no escape from it.

Up to the present time, I have seen no indications of a sensible approach to the problem. Defense has been financed on a day-to-day, hand-to-mouth basis. What would the Treasury Department think, I wonder, of a businessman who came to his board of directors on the 1st of January and said: "I don't believe I'll need any new money this year; I think I can get by on what I have." Then he comes around again in June and says: "I believe I will need $3,000,000,000; no, I mean $4,000,000,000 to get through the year." And finally in August he turns up again and says: "What I really needed all along was $14,000,000,000." Yet this is precisely the procedure the Treasury has followed in requesting increases in the debt limit from our committee at this session of Congress. And the 1941 fiscal year is now only 2 months along.

The tax problem has been handled in a similar extraordinary fashion. Only 2 months ago we were suddenly requested to provide the revenues to amortize, over 5 years, a special series of defense obligations amounting to $3,000,000,000. Three billion dollars became $4,000,000,000 overnight. At breakneck speed we passed a bill calculated to raise $1,000,000,000 annually, two-thirds of which was carefully earmarked for defense purposes. What has become of the special defense fund to amortize defense expenditures over 5 years? What has become of the principle of earmarking revenues for defense purposes? No reference was made to either object in the discussions of the pending bill, although it is supposed to be a tax levied on defense emergency profits. The special defense fund was hastily conceived and has been just as hastily abandoned.

The pending bill is another example of aimless haste in the formulation of tax policies and principles. In the report of our committee on the defense-tax bill in June, we recommended—and I concurred in that recommendation—that studies be undertaken with a view to enacting an excess-profits tax as soon as possible after January 1, 1941, which would be retroactive to 1940 incomes. That would have given ample time for preparation of Treasury recommendations and for careful deliberations by Congress. In the conference report the Treasury was instructed to present its recommendations not later than October 1. Less than 2 weeks later, however, on July 1, the President suddenly called for the immediate enactment of a steeply graduated excess-profits tax. Since that time the business of preparing a bill has been conducted in an atmosphere of frenzied haste. A subcommittee report was submitted on August 9 and hearings began on that report the same day, before anyone even had a chance to read it. The print of a bill was not available until yesterday. Today it is brought to the floor, and we are confronted will a bill more than a hundred pages long dealing with one of the most complicated and technical subjects known to the tax laws. It contains extensive changes in the plan proposed in the subcommittee report. These changes were prepared wholly by members of the majority and the Treasury Department over the week end, brought in to the full committee, and passed by the majority in an hour or two Monday afternoon.

We are asked to give such a bill our approval today and speed it on its way. It may have the majority's approval and blessing. It does not have mine. I have not had time to study or digest it. I do not pretend to understand its ramifications and effects. And I do not think any Member of this body fully understands it.

The alleged necessity for this extravagant haste is the national-defense program. It is rightly said that contractors for new defense facilities need to know as soon as possible the provision Congress will make for amortizing their cost. But the majority evidently forgets that we of the minority proposed to attach the amortization provision to the defense-tax bill in June, but we were voted down. It could have been passed weeks ago. It could still be passed in 2 days if the majority would consent to separate it from the rest of the bill. But they will not do so. They must shoulder full responsibility for the delay.

It is also said that industry must know its tax liabilities under this bill before it will go ahead on the defense program.

I do not agree with this contention. There is a vital difference between amortization and the excess-profits provisions in this respect. Amortization is a problem of recovering your cost; taxes fall only on profits after cost has been recovered. You cannot ask a man to risk his shirt without knowing whether he will ever get it back; but you can expect him to go ahead while Congress decides how it will tax his profits.

Even if I concede that knowledge of tax liabilities in advance is desirable, I do not think that the passage of this bill today would aid the objective. A hastily drafted, makeshift, inequitable tax bill will detract from, not add to, certainty of tax computation. Under this bill, as it now stands, it will take months to compute tax liabilities. And even then there is no assurance that the law will not be changed again before the ink has dried on this bill. I remind you that this is the eleventh major tax bill in 7½ years of the New Deal.

I am still in favor of an excess-profits tax—the one we contemplated last June, which was to be written calmly and deliberately by Congress before next January 1. The purpose of that excess-profits tax, which I endorse, was to prevent the creation of war millionaires, and unjust enrichment from profiteering and speculation as a result of the national-defense program. I submit that it was also intended to safeguard normal activities and normal profits not arising from the defense program; to avoid inequities and discriminations; and to aid in the development of a sound program to finance national defense.

The excess-profits tax proposed by the majority serves none of these essential purposes. I do not propose to criticize the bill in detail. For reasons I have already stated, it is impossible to do so. But there are certain general objections to the bill which are apparent on its face.

First, it subordinates every other consideration to the purpose of raising revenue. My understanding of an excess-profits tax is that it is intended to prevent excess profits, and to the extent that it succeeds in preventing them, it will not and should not produce revenue. No one knows better than I that we need additional revenues. But I believe we should raise them directly and openly. We should not, as this bill does, impose taxes on normal profits under the pretense that we are taxing only excess profits.

The bill purports to exempt normal profits. Superficially, it appears to allow either the average earnings of the last 4 years, or a return on invested capital, as normal profits exempt from tax. I agree that this would be a fair and logical way of determining normal profits. But, when one examines the limitations upon the use of either method, it is impossible to escape the conclusion that what we are really taxing is normal profits.

Consider, first, the average earnings method. This is universally conceded to be a fair way of measuring normal profits. It is used both by England and Canada at the present time. But, in order to use this method, under the bill, a taxpayer must pay an additional normal tax on all its profits of more than 4 percent. Then its excess profits, if any, will be subjected to a rate of tax 5 percent higher than that imposed on taxpayers using the invested capital method. This means that the small, undercapitalized company; the company depending chiefly on borrowed capital; the company whose earnings are attributable to skill, initiative, and brains instead of invested capital—all will suffer severe penalties. The overcapitalized, "watered-stock" corporations will escape. What is this but a penalty tax on normal profits? In the undistributed profits tax, the majority devised a penalty tax on corporations unable to distribute earnings. Now they devise penalty taxes on corporations using a fair and equitable method of determining normal—not excess—profits.

Or consider, on the other hand, the invested-capital method. Suppose a corporation has no earnings, or abnormally low earnings, in the last 4 years and turns to invested capital for computation of a normal profit. What rate of return is deemed a normal profit under the bill? The majority say 5 percent, except for corporations with less than $500,000 invested capital, which may earn 7 percent. This is obviously insufficient. Fixed charges on bonds and debentures and preferred-stock dividend requirements frequently are higher than 5 percent. Yet profits devoted to these normal purposes are taxed as excess profits. A fair return on invested capital should be at least 8 percent or 10 percent. A corporation which has not earned that return has not earned a normal profit.

There are many other provisions of the bill which appear to me to be inequitable, arbitrary, and discriminatory. No provision is made for consolidated returns, although it is admitted that they are essential. and the only reason for their omission is that we have not time to draft a satisfactory provision. I do not think a satisfactory provision has been made for corporations which have suffered losses in the last 4 years, although it is conceded that a loss is the antithesis of profit, and the average of profits and losses of the last 4 years is not a normal profit. We should allow a taxpayer to select any 3 of the last 4 years as a base-period credit, and we would have done so if the majority's desire for revenue had not overcome its desire to do equity.

I am not satisfied with the treatment of new corporations, which are required to use the invested-capital method, even though they have been in existence 2 or 3 years. I do not like the substitution of tax basis for cost of property in computing invested capital. I am not convinced that the measurement of excess profits over a single 12-month period is a fair treatment of corporations with widely fluctuating incomes. My list of objections, doubts, and reservations might be extended to far greater lengths.

This I am sure of: We ought to take more time to consider this bill and to improve it. We ought to take time to avoid the mistakes we made in 1917 and 1918 with the excess-profits tax. We ought not to commit the same fatal error of plunging headlong into an excess-profits tax without adequate consideration of the consequences. As the bill stands, there is a grave risk that it will check the expansion of defense industries and jeopardize the whole defense program. It will serve to freeze production and employment at present subnormal levels. It will stop the healthy development of small, growing businesses and compel them to come to the Government for financial aid. It will paralyze normal peacetime activities essential to pay the costs of the emergency and to support our economy when the emergency has passed.

We ought not to take such risks. Our greatest service to the national defense in this critical period should be to develop the soundest and most equitable excess-profits tax that it is possible to write. [Applause.]

Mr. CROWTHER. Mr. Chairman, I yield such time as he may desire to the gentleman from Colorado [Mr. LEWIS].

Mr. LEWIS of Colorado. Mr. Chairman, since yesterday, when printed copies of H. R. 10413 were first made available to Members of the House, there has not been time to make careful analysis of the provisions of the proposed excess-profits tax, with particular reference to its effect upon small corporations which for several years have been operating at a loss, or with only a meager income and which, in 1940, hope to make a reasonable profit on their operations. I refer particularly to those corporations which will derive no direct benefit whatsoever from the national-defense expenditures. The majority of large and well-established corporations with ample or excess capital will suffer no prejudice. But those corporations which have been struggling to survive with limited capital and those corporations which have been unfortunate during the last few years and which have managed to make some money in the year 1940 will be obliged to pay the top rates. The same is true of new industries such as the new air-transport corporations and also of corporations engaged in hazardous business involving capital risks, such as mining corporations. A mining corporation may make five investments in separate mining ventures and in only one be successful, but the profits from this one successful venture will be heavily taxed. A mining company may operate 4 or 5 years at a loss on one property and then make a substantial profit in 1 year. For this 1 year it will pay the top rates.

I cannot avoid the conclusion that the result of the proposed excess-profits tax will be to discourage initiative—the American spirit of taking a long chance in the hope of winning a great prize. I apprehend that the result of this tax will be to hamper industry, to increase unemployment, and to bring into the Treasury less than the needed revenue.

During the World War an excess-profits tax was enacted. The comparatively limited revenue derived therefrom, and the great amount of controversy and litigation which resulted, should not recommend to the Congress the imposition of a similar tax at this time. It is clear, I believe, that much more revenue could be secured, more equitably and with fewer deterrents to business, less opportunity for avoidance, and less controversy, by imposing a supertax of 10 to 15 percent on corporate net incomes in excess of $25,000.

The revenue to be derived from the proposed excess-profits tax is estimated to be about $300,000,000. By imposing a supertax as above suggested, two or three times that amount of revenue could be secured. I have always understood that the principles which should be borne in mind in enacting a tax bill are, first, to raise as much revenue as possible; second, to cause as little friction, controversy, and litigation as practicable; and, third, to reduce to a minimum economic disturbance. Tested by these three principles, the proposed excess-profits tax should be rejected and the tax rates on corporate net income in excess of $25,000 should be increased.

The theory of excess-profits taxes is that a corporation is entitled to a reasonable or some kind of a return upon its invested capital before it is subject to an excess-profits or supertax. The theory is somewhat similar to that of rate making in public utilities. However, in principle there are some distinct differences. Furthermore there is a conflict with the principle of taxation that a taxpayer should pay taxes in accordance with his ability to pay. A corporation with an invested capital of $1,000,000 and earnings of $100,000 is better able to pay a tax of $50,000 than a corporation with an invested capital of $10,000 and earnings also of $100,000.

In normal times the primary purpose of all tax laws should be to raise revenue. In times of war or an emergency the laws should not only be designed to raise revenue but they also should not place burdens on or create dislocations in business so that inefficiency and waste result and accomplishment in respect to war or emergency measures fails. At the present time the Government needs revenue, but even more it needs, with the least possible delay and interference, defense.

I maintain that at this time an increase in corporate income-tax rates will more effectively accomplish both of the above purposes than an excess-profits tax.

I. THE PROPOSED EXCESS-PROFITS TAX WILL NOT YIELD AS MUCH REVENUE AS REASONABLE RATE INCREASES

I do not know what the estimate is as to the revenue that the proposed excess-profits tax will yield, but I imagine this estimate does not exceed $300,000,000. Also I do not believe that it is possible thus to estimate intelligently what the excess-profits tax will yield as there are too many unknown factors. However, assuming that the national corporate net income for the year 1940 should be $10,000,000,000, a rate increase of 10 percent would yield $1,000,000,000. At present the corporate tax rate is 20.9 percent, so an increase of 10 percent at this time would not be unreasonable. It should also be kept in mind that individual tax rates are high and the Government derives large revenues from corporate distributions. Generally the greater the corporate taxes the less there is available to distribute to shareholders.

It is comparatively simple to estimate what the yield will be when corporate tax rates are increased. The Treasury Department can make such an estimate. It is believed that a rate increase of 10 percent will yield a great deal more than the proposed excess-profits tax; but in any event this question can be satisfactorily answered by the Treasury Department.

II. THE PROPOSED EXCESS-PROFITS TAX WILL PLACE TERRIFIC BURDENS UPON BUSINESS

Principles of invested capital were never satisfactorily or finally determined under the Revenue Acts of 1917 and 1918. Invested capital is difficult to determine for 1 year, but the proposed law requires the determination of invested capital for 5 years. Complicated computations will be necessary on account of distributions, additions to capital, income, and excess-profits-tax liability, inadmissible assets, and so forth. The entire machinery is so delicate that if any error is made in respect to any item or any computation, the entire computation is erroneous. In addition, numerous practical obstacles are presented.

For example: Any corporation which has not had its net income finally determined for any one of the years 1936, 1937, 1938, and 1939 cannot ascertain its invested capital for any one of these years or for the year 1940. It is unnecessary to state that innumerable corporations have now or will have controversies in respect to the above years. Any corporation which has a depreciation case—and there are many—cannot determine its invested capital for the base years or current year.

Reorganizations—taxable and nontaxable—stock dividends, stock split-ups, all kinds of compromise settlements in the past with the Bureau of Internal Revenue present involved and possibly insoluble problems.

Inadequate records not only for the base and current years relating not to income but to invested capital may make it actually impossible to determine invested capital.

Valuations which are always difficult will be increasingly important, and additional services not only of lawyers, accountants, tax experts, and consultants but also of engineers of all types will be necessary. Bookkeeping, clerical, and accounting work will be increased greatly.

Borrowed capital with a contra interest adjustment, which in itself is illogical as far as invested capital is concerned, will raise a number of problems.

Special cases will present problems which cannot conceivably be foreseen. It must be recognized that corporate business and corporate structures in this country are complicated and to attempt to apply such a complicated tax law may quite possibly result in chaos from an accounting and tax viewpoint.

Very few corporations will be able to determine their excess-profits-tax liability correctly. Contingent tax liabilities with all of their attendant evils will result. In a number of cases, it will be difficult if not impossible for years to determine whether corporate distributions are out of capital or out of earnings, and therefore shareholders or the Bureau will not know whether such distributions are taxable or nontaxable. For some 27 years efforts have been made by Congress to define and determine net income. The Bureau, taxpayers, and the courts have likewise struggled with the problem, and this job is not completed. Is it necessary to emphasize what the situation will be when it becomes necessary to determine something even more difficult—invested capital?

III. THE PROPOSED EXCESS-PROFITS TAX WILL BE INEQUITABLE

Small corporations which have not had sufficient income to employ expensive accountants and lawyers in the past and which are also not able to afford such expenses in the present, will be penalized.

Corporations which have been struggling to survive with limited capital will pay the top rates. Corporations which have been unfortunate in 1936, 1937, 1938, and 1939 and which manage to make some money in the year 1940 or subsequent years will likewise pay the top rates.

Corporations successful in 1936, 1937, 1938, and 1939 with ample capital very probably will not even be subject to the tax.

Is there anything fair in cracking down on an unfortunate corporation with small capital and relieving the large and prosperous corporations with ample or excess capital?

The relief provisions are inadequate and, it would in fact be impossible to devise relief provisions which would take care of all abnormal cases.

The personal holding corporation provisions do not and cannot take care of the cases where limited capital is necessary and services of other than the principal stockholders are availed of.

Corporations engaged in hazardous businesses involving capital risks, such as mining companies, will be definitely penalized. A company may make five investments in mining ventures and only one will be successful, but the profits from this one successful venture will be unfairly taxed.

The aviation companies and the air lines which have been in a process of development will probably be unfairly taxed.

Corporations which develop successful processes, patents, or discover new and successful methods of operations will probably be penalized. Ingenuity and brains will be disproportionally taxed.

I do not believe that it takes a great deal of imagination to determine that the proposed excess-profits tax will not be taxation according to the ability to pay, but will actually discourage individual initiative, development of new businesses and new ideas, and will be in direct conflict with what I understand to be the American way of business.

IV. THERE WILL BE INNUMERABLE LOOPHOLES AND OPPORTUNITIES FOR THE AVOIDANCE OF THE PROPOSED EXCESS-PROFITS TAX

The history of income taxation has been a continuing game of taxpayers and tax experts discovering loopholes to avoid the tax and Congress by legislation blocking such loopholes—and, at that, there are still a few left. Invested capital, with all kinds of complicated adjustments, will offer very attractive opportunities to shrewd taxpayers and tax experts to play with. To mention only a few of the very obvious possibilities of tax avoidance: First, intercorporate juggling of capital between a parent and its subsidiaries. The proposed law does not permit consolidated returns. Second, officers' salaries; third, borrowed money. A taxpayer may possibly save taxes by borrowing more money than is necessary. Fourth, excessive invested capital. Contributions of capital may be made to a corporation by wealthy stockholders although not actually needed, thus freezing capital and making it nonproductive when it is needed.

Congress has attempted by previous laws to force distributions when the profits are not necessary in the business. The proposed excess-profits law discourages distributions to shareholders. In an operating business, and not a personal holding corporation, it is difficult to determine when a corporation is availed of to prevent the imposition of taxes upon its shareholders. In any event, the distributions could be made, the tax paid thereon and contributed back to the corporation—with the result that the invested capital would be increased, and legally so. But the result would be bad economically, and the excess-profits tax would be decreased.

There are at present large sums of taxes in controversy for the years 1936, 1937, 1938, and 1939. In order to secure an exemption and relieve itself from a 40-percent tax, a taxpayer might well concede the additional net income for prior years and pay a tax thereon—possibly of 19 percent. The Bureau might find itself in the somewhat paradoxical position—and I must say refreshing one— of arguing that the taxpayer did not have the additional income in the prior years and did not owe the taxes for such years.

By considering individual corporate cases loopholes will be discovered which cannot be anticipated now—and of this I am quite sure.

To summarize: A tax law which will not yield substantial income, which is a burden and a deterrent to business, which is inequitable, and which can be, in part at least, avoided, should not be considered by the Congress, and other means or forms of taxation should be sought.

V. MUCH MORE REVENUE CAN BE SECURED, MORE EQUITABLY AND WITH LESS DETERRENTS TO BUSINESS AND FEWER OPPORTUNITIES FOR AVOIDANCE AND CONTROVERSY, BY IMPOSING A SUPERTAX OF 10 TO 15 PERCENT ON CORPORATE NET INCOME IN EXCESS OF $25,000

I have not intended to convey the impression that the revenue from taxes should not be increased and that taxpayer corporations should not pay more. I believe they should pay more, but not by means of the excess-profits tax.

I believe that the Government is different from any taxpayer in that it has a perpetual existence—or we all believe and hope that it will have. Furthermore the Government has means of financing not available to taxpayers. Therefore, I do not believe that the Government needs to consider a small unit of time or because of an emergency frantically attempt to meet all of its fiscal problems in any 1 year or a series of years. In fact our Government has not been doing so.

In prosperous times income taxes should be substantial—a surplus should be accumulated or at least the national debt reduced. In periods of depressions income taxes should not be heavy or at least not drastically heavy. However, in a time of war or an emergency it is necessary to have heavy taxes and likewise an increase of the national debt.

Businessmen expect increased taxes and substantial increases; but the burden of this increase should be equitably divided. The profits of a corporation, after taxes, are used generally in three ways: First, dividends; second, plant expansion; third, debt retirement. From the standpoint of the defense program, the use of profits for the expansion of plants and the payment of debts, thus providing funds for reinvestment, is wise; and, from the standpoint of taxation, the distribution to stockholders is good. Therefore, too excessive tax rates on corporate income—for example, as high as 80 or 90 percent—would not be wise. Plants would not be constructed, debts would not be paid, and there would be an adverse contra effect upon the tax revenues from individual taxpayers. However, a corporate tax rate as high as 30 or 33⅓ percent is not unreasonable. In fact I believe the rate could go to 50 percent in an emergency without any bad or inefficient effect.

It must be kept in mind that repairs and depreciation charges are deducted from gross income so that cash is greater than true net income. This depreciation money provides for periodical plant replacement and is vital to industry.

At present the corporate tax rate is 20.9 percent. I believe a tax law somewhat along the following lines would be acceptable to business, would actually yield substantial revenue, and would be equitable.

First. Normal tax rate of 20 percent.

Second. Repeal of present capital-stock tax and excess-profits tax law.

Third. Permission to file consolidated returns.

Fourth. Supertax rate of 10 percent or 15 percent on net income in excess of $25,000.

I believe there will be no great hardship for any corporation to pay 20 percent on its net income to the extent of $25,000; and thereafter a supertax of 10 percent to even 15 percent, regardless of what its invested capital may be. Generally a corporation in active and prosperous times with two-thirds of its income available for dividends, plant expansion or business expansion, and debt retirement, is not in a difficult position.

It should also be recognized that the present law provides for a net loss carry-over which is quite advantageous to corporations and which should be continued.

Also, I believe the 5-year amortization of war facilities should be permitted. Looking at taxation from a long-range viewpoint the early amortization of war facilities may not have a great effect upon tax revenues.

It is assumed that the activity on account of the defense program will have the effect of increasing the profits not only of corporations making planes and tanks but these expenditures will increase the profits indirectly of other corporations. Not only war contractors will benefit by the defense program but business will generally. [Applause.]

Mr. CROWTHER. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CARLSON] such time as he may desire.

Mr. CARLSON. Mr. Chairman, we are now considering another piecemeal tax measure. Congress recently enacted what was called a special defense tax bill which will produce about $1,000,000,000 in revenue annually. Today we present a bill that will produce approximately $300,000,000 during the present year. It is estimated that it should raise $700,000,000 in 1941. An analysis of our Federal income and our Federal expenditures should convince anyone that this piecemeal method of tax legislation must soon be superseded by a complete revision of our tax structure. This problem must be realistically dealt with or we face bankruptcy and ruin.

Secretary Morgenthau, appearing before our committee on August 9, stated that the recent $4,000,000,000 increase in our Federal debt limit will have been exhausted by June 30, 1941. Mr. Bell, speaking in behalf of the Treasury, in-

formed us that if we did not get additional revenue under present tax laws or from other sources the debt limit would have to be increased $9,000,000,000 by June 30, 1941. This would mean increasing our national debt limit to $58.000,000,000 and no one can tell how much higher, if we continue spending money at the present rate. The Treasury advised us that the receipts for the current fiscal year will amount to $6,367,000,000 and that the total expenditures will probably exceed $12,000,000,000, leaving a net deficit of $5,700,000,000. The Treasury statement shows that Congress had voted appropriations and contract authorizations on August 5 of this year totaling $14,702,000 for national defense. This does not include moneys that will be required for training a conscript army or ordering out the National Army. No doubt this will require an additional one and a half billion dollars. This vast expenditure of money will have to be met by taxation and when this occurs the citizens will become conscious of a real tax burden.

The following tables were submitted by Secretary Morgenthau on his appearance before our committee on August 9:

*Appropriations and contract authorizations for national defense* [1]

| | Army | Navy | Total |
|---|---|---|---|
| Appropriations made | $2,320,000,000 | $1,867,000,000 | $4,187,000,000 |
| Appropriations pending | 1,662,000,000 | 601,000,000 | 2,263,000,000 |
| Contract authorizations approved | 577,000,000 | 312,000,000 | 889,000,000 |
| Contract authorizations pending | 2,250,000,000 | 498,000,000 | 2,748,000,000 |
| Total | 6,809,000,000 | 3,278,000,000 | 10,087,000,000 |
| 2-ocean navy and other construction previously authorized | | 4,615,000,000 | 4,615,000,000 |
| Total | 6,809,000,000 | 7,893,000,000 | 14,702,000,000 |

[1] As of August 5, 1940.

Does not include any estimate of costs of bill to authorize selective compulsory military training and service or bill to authorize the President to order the National Guard into active military service.

*Revised Budget summary*

| | 1941 | | |
|---|---|---|---|
| | Revised Aug. 5, 1940 | Revised June 3, 1940 | In Budget |
| I. Receipts: | | | |
| Internal revenue | $6,448,000,000 | $5,732,800,000 | $5,649,600,000 |
| Railroad Unemployment Insurance Act | 7,000,000 | 6,800,000 | 6,800,000 |
| Customs | 300,000,000 | 300,000,000 | 273,000,000 |
| Miscellaneous receipts | 221,000,000 | 221,400,000 | 221,400,000 |
| Total | 6,976,000,000 | 6,261,000,000 | 6,150,800,000 |
| Deduct net appropriation to Federal old-age and survivors insurance trust fund | 609,000,000 | 608,700,000 | 602,800,000 |
| Net receipts | 6,367,000,000 | 5,652,300,000 | 5,548,000,000 |
| II. Expenditures: | | | |
| Legislative, judicial, executive | 37,000,000 | 37,000,000 | 37,600,000 |
| Civil departments and agencies | 1,060,000,000 | 940,000,000 | 952,200,000 |
| General public works [1] | 586,000,000 | 556,000,000 | 541,300,000 |
| National defense [2] | 5,000,000,000 | 3,250,000,000 | 1,939,700,000 |
| Veterans pensions and benefits | 562,000,000 | 560,000,000 | 560,700,000 |
| Aids to agriculture (including Farm Security Administration, 1941) | 1,090,000,000 | 950,000,000 | 1,028,800,000 |
| Aids to youth | 375,000,000 | 375,000,000 | 308,000,000 |
| Social security | 427,000,000 | 437,000,000 | 436,900,000 |
| Work relief (including Work Projects Administration, 1941) | 1,400,000,000 | 1,400,000,000 | 1,122,800,000 |
| Refunds | 70,000,000 | 71,000,000 | 71,000,000 |
| Interest on public debt | 1,100,000,000 | 1,100,000,000 | 1,100,000,000 |
| Transfers to trust accounts | 226,000,000 | 225,000,000 | 225,200,000 |
| Supplemental items (regular) | 125,000,000 | 100,000,000 | 100,000,000 |
| Total expenditures (exclusive debt retirement) | 12,058,000,000 | 10,001,000,000 | 8,424,200,000 |
| III. Net deficit | 5,691,000,000 | 4,348,700,000 | 2,876,200,000 |
| IV. Debt retirement | 100,000,000 | 100,000,000 | 100,000,000 |
| V. Gross deficit | 5,791,000,000 | 4,448,700,000 | 2,976,200,000 |

[1] Excludes Army and Navy. [2] Includes public works.

HIDDEN TAXES

As our tax burden increases the average citizen will have less money to spend for the necessities and conveniences of life. The average income in the United States, according to some experts, is about $480 per year. Of this income, approximately 31 percent goes for taxes, either direct or indirect. This is a real burden and will become a much greater burden within the near future. Unfortunately, not all taxes are visible, and the average citizen little realizes the number of hidden taxes that he pays. Fortunately, we accept taxes, large and small, as we accept changes in the weather. A study in a midwestern town revealed the following hidden taxes:

Out of every $1 spent for new automobiles, 15 cents is tax.

Out of every $1 spent for furniture, 13 cents is tax.

Out of every $1 spent for rent, 25 cents is tax.

Out of every $1 spent for wallpaper, 10 cents is tax.

Out of every $1 spent for movie tickets, 12 cents is tax.

Out of every $1 spent for insurance, 3 cents is tax.

Out of every 10-cent package of cigarettes, 7.4 cents is tax.

Out of every $1 spent for men's clothing, 10 cents is tax.

Out of every $1 spent for shoes, 7 cents is tax.

Out of every $1 spent for electricity, 12 cents is tax; for gas, 15 cents.

Out of every $1 spent for bus fare, 6 cents is tax.

Out of every $1 spent for meat, 8 cents is tax.

Out of every $1 spent for sugar, 18 cents is tax; for matches, 13 cents; for soap, 5 cents; for beer, 34 cents; for vegetables, 9 cents; for canned goods, 8 cents; for cocoa, 20 cents.

Out of every $1 spent for proprietary medicine, beauty preparations, or shaving cream, 20 cents is tax.

Out of every $1 spent for bread, 15 cents is tax.

Out of every $1 spent for diamond rings, 17 cents is tax.

Out of every $1 spent for railroad fare, 11 cents is tax.

Out of every $1 spent for guns and shells, 20 cents is tax.

Out of every $1 paid on telephone bills, 15 cents is tax.

Out of every $1 paid for milk and dairy products, 10 cents is tax.

Out of every $1 spent for automobile upkeep, 37 cents is tax.

EXCESS-PROFITS TAX

War profiteering has always been an object of scorn and hatred. At a time of war or national emergency it is unthinkable that any individual would be permitted to enrich himself. The citizens of our country have not forgotten the enormous profits made during the World War and are determined that this must not happen again. The pending bill is introduced for the purpose of curbing excess profits, but I seriously question its effectiveness. It is true that it is called an excess-profits tax, but an analysis of this bill reveals suspension of the Vinson-Trammell Act and a most liberal amortization. It is estimated that the corporation profits for 1940 will run in the neighborhood of $9,000,000,000. As this tax bill is proposed to yield $300,000,000, it would mean an effective rate of about 3½ percent. The bill, as presented to the House, provides exemptions which will exempt approximately 85 percent of the corporations in the United States. This means, of course, that the remaining 15 percent will pay a higher average rate.

During the World War the combined war and excess-profits taxes worked out to an effective rate of 15 percent in 1917, 30 percent in 1918, and 15 percent in 1919. Despite the high rates of that tax measure, it is reported that during the World War 22,000 citizens rose from financial obscurity to millionaires. If they did this at a time when we were collecting one and a half to two and a half billion dollars in war and excess-profits taxes, what can we expect from a $300,000,000 excess-profits-tax collection?

The following table shows the excess-profits tax and income of all active corporations in the United States in millions of dollars:

| Year | Net income before taxes | War and excess-profits taxes |
|---|---|---|
| 1917 | $11,141 | $1,639 |
| 1918 | 8,646 | 2,506 |
| 1919 | 9,526 | 1,432 |
| 1920 | 7,292 | 989 |

AGRICULTURE AND WAR PROFITS

The farmers' position on the proposed legislation was well presented to the Ways and Means Committee by Mr. E. A. O'Neal, president of the American Farm Bureau Federation, when he stated:

American agriculture does not ask for any special preferred position or extra profits out of the war. Farmers are ready to do their part; they are not going to refuse to produce essential food and fiber unless they are guaranteed their normal profits and a liberal share of excess profits as well. Farmers have produced and are continuing to produce an abundance of food and fiber. The fact is our agriculture is going to suffer tremendously as a result of the present war. Already surpluses are accumulating, due to the curtailment of our export markets. We have confined our requests to repairing the damage done by these trade dislocations and to maintaining a parity relationship between agriculture, industry, and labor.

Agriculture has already suffered a severe dislocation and inequality because of the present European war. This will be greatly increased as the war continues and our Nation enters into a great national-defense program. It is unfortunate but true that the farmer is in no position to get any material advantage from the expenditure of this vast sum of money. His products may increase some in price, but increased costs of labor, manufactured commodities, and additional tax burdens will further increase his present disparity. Exports of articles and munitions of war are rapidly increasing, while agriculture's foreign markets are disappearing. The Department of Agriculture states that the farmer's prices have continued to slide downward, while the prices of products which the farmer must buy have remained high since the outbreak of the war. The index of prices paid by the farmers is now 122—1910–14 equal 100—while the prices received by farmers have dropped to 95. Thus the farmer's dollar has only a purchasing power of 78 cents. On the other hand, industry is reporting marked gains. Thus the first 100 corporations reporting on their profits for the first half of 1940 had an aggregate net income of $113,658,828. This is an increase of 60.5 percent over the $70,818,878 of net profits made by these same corporations in 1939. The 5 corporations showing the greatest gain netted an average increase of 197.8 percent over the same period last year. Their net profits showed a total gain of $23,282,972 over the first half of last year. The following table gives the increase and gain of the 5 corporations showing the greatest gain:

| | Increase | Percent gain |
|---|---|---|
| General Electric | $9,501,380 | 58.0 |
| Republic Steel | 5,366,142 | 495.3 |
| Atlantic Refining | 3,913,000 | 289.2 |
| Libby-Owens-Ford Glass | 2,521,935 | 94.9 |
| Caterpillar Tractor | 1,194,134 | 51.6 |

These great gains are the result of war and national-defense expenditures. Hundreds of other corporations in the United States can be expected to make larger profits through the manufacture of aircraft, tools, machines, shipbuilding, and chemicals. Since the defense program is not fully under way, it is reasonable to assume that enormous profits might be expected from these transactions.

VINSON-TRAMMELL ACT

The bill under consideration provides for a suspension of the profit-limiting provisions of the Vinson-Trammell Act. We are advised by representatives of the National Defense Council that this should be done in order to relieve conflicts in the purchase of defense material. It is only fair to state that this act, passed on March 27, 1934, which provided a maximum profit of 12 percent for the construction of naval and aircraft equipment, is unfair in that it applies only to this branch of the service. On the other hand, I feel certain we are making a mistake. Congress enacted this legislation because of complaints of excessive costs and excessive profits in naval construction. This act was passed in what might be called normal times. On June 28, 1940, Public, No. 671, Congress unanimously passed an amendment to the original act reducing the 12-percent profit to 8 percent. We are advised that this reduction of from 12 to 8 percent seriously affected the signing of contracts for the construction of naval vessels and aircraft. Admitting these are not normal times, it no doubt would have been better to have left the limitation at 12 percent. Under these restrictions we are advised that only a limited number of combat aircraft has been secured. I am wondering if the real reason for removing this profit limitation was not the fact that 11,000 planes have been ordered by the British and French Governments during the past 2 years and about 3,000 have been delivered. The remaining 8,000, all of which are to be delivered to Great Britain, represent about $1,000,000,000 worth of business on which profits should be 20 to 25 percent. In the event of a British collapse, most of these planes would be taken over by our Government at a profit not in excess of 5 to 6 percent under the Vinson-Trammell Act. With operations of the Vinson-Trammell Act suspended, one can readily see how much additional we are going to pay for aircraft necessary for our defense program.

The citizens have not forgotten the cost-plus contracts of the World War; nor have they forgotten the excessive profits made at that time. Suspension of the profit-limiting provisions will be an encouragement to return to the excessive profits of the World War and a real loss to the taxpayers of this country. Congress and the citizens should closely scrutinize the contracts that are to be awarded after the provisions of this act are suspended. [Applause.]

Mr. CROWTHER. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I have tried to study this excess-profits tax bill, especially in the few hours that the final draft has been available to us, and I join other Members of the House in wondering what it does and does not do. Certainly it does not raise much revenue, and certainly it will cause many a headache to many an accountant and tax expert in and out of the Treasury, to say nothing of lawyers and their clients, the taxpayers. It is probably well done, but who can say until the Treasury rulings come hailing down?

A few moments ago I questioned the gentleman from Tennessee [Mr. COOPER], a most valuable member of the Committee on Ways and Means, concerning the fate of the partnership which has recently become a corporation. He replied that they were not protected under the terms of this bill because they do not have a history as a corporation. What about that, and are all small new companies, struggling to become established, to be penalized under these terms?

However, there is little use discussing that matter here as we are operating under a "gag" rule which limits debate to 2 hours and prevents any amendment except those offered by the Committee on Ways and Means. As my colleague from California said earlier, if we had an open rule, we could stay here all this week end working on this bill and still have it ready for consideration by the Senate next Monday morning as is planned.

However, for purposes of the record, I submit the following letters which I presented to members of the Ways and Means Committee for their consideration. The subject matter was considered, so I am informed, but nothing was done about it. I sincerely hope that the plight of such as these may be recognized before the bill becomes law.

The letters follow:

RICCARDI & WEBSTER, LAWYERS,
*Pasadena, Calif., August 16, 1940.*

Hon. CARL HINSHAW,
*House of Representatives, Washington, D. C.*

DEAR CARL: I notice in current newspaper dispatches that the committee dealing with the subject of proposed excess-profits taxes advocates the plan allowing corporations which were in existence during the whole of the base period the option of determining their excess-profits credit on the basis of earnings realized over the preceding 4-year period, while those which came into existence subsequent to January 1, 1936, must compute their excess-profits credits on the basis of invested capital.

I happen to have been in close contact recently with three business reorganizations, two of which represent the incorporation of partnership businesses, and the third a corporation recently formed taking over the business and assets of a prior corporation. If I correctly interpret the report above referred to, a partnership business which has become incorporated at any time subsequent to January 1, 1936, and which has transferred its entire assets to the corporation in exchange for capital stock of the latter and without any revaluation of assets, such reorganization being a non-taxable reorganization—that is to say a reorganization in which there is a mere change of capital structure whereby the corporation carries on in corporate form precisely the same business based on the same assets throughout as had supported the partnership business—such a corporation would be denied the optional privileges above mentioned and would be compelled to compute its excess-profits credit exclusively on the basis of invested capital. I think a plan of this nature would work serious injustice to such corporations

While my information is not exact, it runs in my mind that the excess-profits credit allowable on the basis of invested capital is 10 percent. One of the three businesses above named during the past 4 years has earned in excess of 25 percent on invested capital. If by reason of the fact that it now has a corporate structure operating the same assets and business, it must compute its excess-profits credit solely on the basis of invested capital, the result will be a serious discrimination against this particular corporation and other corporations that happened to be in existence prior to the initial date of the base period, notwithstanding that the identity of the business remains precisely as before, and in practical effect the only difference is the technical form through which such business is administered and carried on. Such a plan to my mind constitutes a discrimination not based upon intrinsic differences in classificaton of taxable entities but is purely arbitrary and wholly disregards the actual identity of the business. From a practical standpoint, there is no more justification for the discrimination which would be thus effected than were such discrimination based merely upon a formal change of name under which a business operates. It has the effect of penalizing all corporations organized within the base period, in which the only factor of differentiation is the mere formal change of ownership from that of an individual ownership to that of a corporate ownership.

The burdens of taxation cannot be fairly distributed unless the tax laws are based upon a recognition of substance rather than form. In any case in which the identity of the business remains unchanged, the mere fact of corporate ownership brought into effect within the base period should not subject such corporation to such a serious inequality of tax burdens. In all three of the organizations referred to above this arbitrary discrimination would result in serious detriment as between them and competing organizations in which the latter happen to have been organized in corporate form at an earlier date notwithstanding that in each of these cases mentioned there has been not the slightest change or alteration in the business structure of the organization itself other than that of mere corporate form.

It is, of course, obvious that my professional contact as a practicing attorney with these three organizations represents merely a minute fraction among thousands of similar instances which exist all over the country. To my mind the importance of this problem can hardly be exaggerated. This legislation should provide in effect that where the substantial identity of a business has been unchanged during the entire base period, the optional method of computing the excess-profits credit should be available to such business and regardless of the fact that it may have become incorporated during the interval. I hope that you will give this matter your careful study and will do everything you can to impress this point of view upon your colleagues, to the end that proper provision may be made to avoid the discrimination above mentioned.

These must be stirring times in Washington. I know you must be under a tremendous pressure. I wouldn't burden you with a long letter like this if I didn't feel quite strongly the importance of this subject. I suppose you haven't the slightest idea when you will again be in Pasadena. I hope that sometime in the not too distant future we will have an opportunity of again seeing you and getting some first-hand impressions of what is going on in Washington.

With kindest regards, I remain
Yours very truly,

WILTON W. WEBSTER.

---

AUGUST 14, 1940.

The Honorable CARL HINSHAW,
*House of Representatives, Washington, D. C.*

MY DEAR CONGRESSMAN: Newspaper reports indicate that there is being considered in Washington a severe new excess-war-profits tax, apparently made necessary by the rearmament program. If the newspaper reports as to the nature of the taxes now being considered are accurate, I am opposed both to the manner of taxation that has been suggested and to the passing of any drastic tax law with such speed that there isn't plenty of time to examine the possible bad effects. If our understanding of the proposed taxation is correct, it would, in our case, be practically confiscatory.

There is probably no large howl in Washington yet against the proposed tax. I have found that small businessmen haven't read the newspaper reports very carefully. If, as, and when a drastic unfair law is enacted, there will be plenty of "howling."

I think I am in perfect sympathy with the idea that there should be no excess profiteering on the rearmament program. Any American would be opposed to the idea of creating a whole new crop of "war millionaires" as a result of the present emergency. No real American would want to capitalize on his Nation's present predicament. In bringing out a law to prevent such abuse, it is highly important, however, that the law be carefully framed so as not to destroy new or small American businesses which are not involved in the rearmament program.

Perhaps our business is typical of a small, new business that has nothing to do with rearmament. The fact that we have nothing to do with the rearmament is amply illustrated by the fact that as early as October 1938, when we were about a year old, we volunteered the facilities of our plant to the War Department, and were told that they could think of nothing that we could make to help them out.

Let's take a look at the history of our company and see how the proposed tax law would work out in our case. A little over 3 years ago, a few individuals started this business. We knew there would be plenty of obstacles, and there have been. But we had the typical American desire to own a business of our own. We were not rich men. We couldn't put a lot of money into the business. We had lucrative positions, but we left them to start this business, feeling that we could make up through hard work, diligence, and thrift whatever we might lack in capital.

We wanted to manufacture paper drinking cups. The first thing that we had to do was in itself somewhat risky. We had to hire engineers to develop the machinery, bearing in mind that the machinery and the product must both steer clear of a maze of prior patents. Naturally, when the engineers started to work, we had no idea as to whether or not they would be successful. We had to risk money to find out. Fortunately they were successful.

We had to go to the expense of protecting our project with patents, and we knew that the large, established companies in the industry would probably involve us in patent litigation in order to try to get rid of us. One of them has done so. They have involved us in continuous patent harassments. That costs us a lot of money, and until our position is cleared up, it means that our business is operating under certain unnatural risks.

We worked long hours in overcoming our many problems. We put in a great deal of extra time and a great deal of extra thought. We had to plan each move carefully. With a limited capital, we were entering into competition with "big fellows" who had plenty of capital, who had financed publicly before, and who could probably get publicly all of the additional capital they would ever need. We have developed this business. We now employ about 75 people. If the American Government will give us a chance, we will probably employ more as time goes on.

We have ambition to expand, to add new products to our line, and increase the sale of our present products. There is certainly nothing wrong or immoral about that—rearmament or no rearmament. It is the sort of an attitude that America has always striven to foster.

As we expand, we need money for developmental expenses, for new equipment, for supplies, and for financing sales. That money for expansion cannot come from the public. The public is not interested in small businesses like ours. Neither can it come from our present stockholders. They have invested in this business, already, enough to get it off to a good start. The funds for that expansion must come out of earnings. That's not unusual either. Americans have always expected businesses to grow that way.

Earnings must also provide suitable reserves for any possible business recessions, and for possible declines in profits due to changing conditions within our industry. If, through taxes, you take away most of our earnings, how are we going to survive the next bad period in business?

Perhaps even our financial history is typical. The first year we were in business, we lost money. The second year we made money, and the third year we did pretty well. Our average profit for the 3 years is nominal. We expected ultimately to exceed that average quite materially. Otherwise we would not have been justified in risking the time and money to start this new business.

During those 3 years we haven't paid any dividends. * * * We haven't been able to. The Government fared a lot better than that, however. While there were no income taxes during the year when we lost money, there were a lot of other taxes, including Federal taxes. While our stockholders have gotten no dividends, the Government—the American people—have received from us in the form of taxes, a substantial amount of money. We had to keep in the company whatever earnings we could accumulate. Our taxes during the first 3 years of operation were substantially equal to the retained earnings. Certainly we couldn't be accused of profiteering.

Now, there comes an emergency. We are willing to do our part in that emergency. Even if no new taxes were levied, our contribution would probably increase. The President has already told

us that his whole program is based upon an $80,000,000,000 national income. The rearmament program, therefore, would have to increase general business quite a bit before the Nation reached what the President has already stated is a normal level of business activity. If as a result of reaching that level, our paper-cup business increases, our regular income taxes will naturally increase, too. Our earnings could increase materially without our running the risk of being considered either plutocrats or profiteers.

Let's see how the proposed bases for the war-profits tax would apply to a business like ours. In the first place, we must concede the fact that our profits are not war profits, because we do not and cannot make war materials.

One base that has been suggested is the average earnings for 5 years. The aim of the legislation seems to be practically to preempt the profits above that point. In the first place, we haven't even been in business 5 years. If we must accept our average earnings for 3 years, that base is manifestly unfair. It includes the time when we were getting started, and certainly includes no normal years. If an average of 5 years' profits is to be considered normal, you have to take a business that is considerably older than 5 years, if you want to achieve a fair base. Some of our competitors have been in business for a great many years. Their businesses are more or less stabilized. If both they and we were to take the average profits for any given period as a base, naturally we'd be the ones who would be placed in an unfair position.

The second base that has been suggested is the return on invested capital. As I have previously pointed out, our invested capital was necessarily low. We had to make up for the deficiency with extra diligence and thrift; but we can't put those two factors in a balance sheet to arrive at a fair base for taxation. The return on our invested capital might seem high. The return on our extra effort has not been high. We are in a business where ideas are almost as important as machinery. Our selling job must be intensive, and necessarily expensive. Our plant investment can be relatively small, but a nominal return on that plant investment doesn't compensate us for the amount of work we have to do. We have to make our dollars as well as our people work more diligently. Even our inventories are probably low in comparison with our volume of business.

As contrasted with this, our big competitors have had years and years to build themselves up. They started accumulating assets and cash reserves even before corporate income-tax laws were first enacted. They don't have the problem of making dollars work harder. Their ratio of invested capital is probably much higher than ours. That means that in a small business like ours the odds are already against us. It also means that if you are going to prevent an autocracy of big business, you are going to have to make it possible for small concerns like ours to accumulate reserves out of earnings so as to stay in the competitive picture.

The question has also arisen as to what constitutes big profits. Newspaper reports seem to indicate that some Members of Congress consider any business that earns in excess of a very small sum of money to be a big business. Ours is not a big business—and it would not be whether we made $25,000, $50,000, or $100,000 a year. After all, those profits would have to be divided 15 or 20 ways. The average profits per investor would still be low, and the return on our invested energy would also be low.

I reiterate that I am in favor of the objectives of the proposed legislation. I am not in favor of profiteering on rearmament. I am in favor, however, of giving the small business a chance to exist and to expand. Unless you do that you remove the incentive to start small businesses, and you remove the incentive to keep them going. I realize that we must rearm, and that we must sacrifice to carry out that program. I don't feel that we should in the process "kill the goose that lays the golden egg." I feel that if the sacrifice unnecessarily involves the future of the many, many small businesses, that we may in the process of rearming destroy the freedom of opportunity which the rearmament program in itself is designed to defend.

I would appreciate your comments.

Very truly yours,

A. S. BOWES.

---

PASADENA, CALIF., *August 15, 1940.*

Hon. CARL HINSHAW,
*Representative, Washington, D. C.*

DEAR SIR: We have just been reading the report of the Subcommittee on Internal Revenue Taxation of the Committee on Ways and Means relative to excess-profits tax and special amortization. On page 4 of this report we read:

"Thus corporations which were in existence during the whole of the base period are allowed an optional method of computing the excess-profits credit, while those corporations which were in existence during only a part of the base period or which came into existence in 1940, or later, may compute their excess-profits credit only on the basis of invested capital."

This paragraph as written does not appear to us to give a fair break to a business which was operating during the entire base period, but operated during a portion of it as a copartnership and then transferred the partnership business to a corporation in a nontaxable reorganization without any revaluation of assets or any change whatsoever in the assets and liabilities, the only change being merely the transfer of the partnership interest to the corporation for stock. In other words the operations of the business were the same for the entire 4-year period, the only change being in the capital set-up, that is the change from a partnership form of doing business to a corporate form of doing business.

We would, therefore, suggest that the proposed excess-profits bill include in it a provision to take care of the above situation. Unless this is done we feel that our business would be unfairly penalized and undoubtedly there are a great many firms in the same situation.

We would appreciate your giving due consideration to the above problem, so that taxpayers who changed their capital structure during the base period but whose operations were otherwise the same, will not be prevented from having the option to choose the basis of computation of excess-profits taxes.

Yours very truly,

MARKET BASKET,
By R. W. CARLSON, *Secretary.*

Mr. CROWTHER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I agree with the statement of the gentleman from Kansas that it is quite likely that there are several members of the committee who are not especially happy over this bill. I am one. I am going further and say that no doubt there are many Members on both sides of the aisle who are not especially happy over the bill. The principal reason is that they do not understand it. This is a most difficult piece of legislation. No Member will claim that he understands it thoroughly.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. The gentleman is always so courteous that, although I have not gotten fairly started, I shall yield to him.

Mr. DISNEY. Is not the committee somewhat in the attitude of the sign which was placed over the piano in a dance hall in Dodge City in the roaring days, that stated, "Don't shoot the piano player, he is doing the best he can"? [Laughter.]

Mr. JENKINS of Ohio. I believe the gentleman's statement is very appropriate. I am not sure, however, that the taxpayers will be so considerate as the gunmen were of the piano player; they might shoot us when they realize what we have done to them.

At any rate, this bill was not prepared in the committee with the degree of pleasantness and unanimity that has been indicated here today. The committee considered this bill from every angle, and the bill was changed many times. The bill you have before you today, intricate as it is, is really a wonderful improvement over the first bill. We have improved it in many ways. It has gone through the crucible of discussion. I do not want to give all the credit to the Republicans on the committee for these improvements, because we are not entitled to all the credit, but we are entitled to a very large share of the credit. The theme song of everybody connected with the reformation of this bill was to make it more workable and more acceptable to the little taxpayer.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the distinguished gentleman from Massachusetts.

Mr. McCORMACK. May I make this observation in a friendy vein? As one member of the Committee on Ways and Means, I am very glad on any tax bill, with which nobody is satisfied—certainly I am not satisfied with any tax bill and neither is anyone else that I know of—to have my Republican friend and his colleagues take the credit if they want it.

Mr. PLUMLEY rose.

Mr. JENKINS of Ohio. Let me answer the gentleman, and than I shall be pleased to yield to the gentleman from Vermont [Mr. PLUMLEY].

I have said on this floor many times that we Republicans have to vote for every tax bill. Why? Because we are going to have to pay this colossal debt you new dealers have piled up. We have to start now. We just have to do that. We have $50,000,000,000 of debt, practically all of which the New Deal has piled upon us and that we have to pay. Who is going to pay it? The people are going to slide Franklin D. Roosevelt and his new dealers out on the 5th of November. These new dealers will probably look with considerable pleasure on the discomfiture of the Republicans

striving with bent backs to carry the tremendous load of debt which they accumulated on their New Deal honeymoon—that is the principal objection I have had with the New Deal. They have laughed at their capacity to fool the people while spending their billions. We Republicans appreciate the fact that we have got to pay, and we are going to pay, and we are going to start today. We have never been against any tax bill because we know that we have got to pay it, and the sooner we start the better. Does that answer satisfy the gentleman? [Laughter and applause.]

Mr. PLUMLEY and Mr. McCORMACK rose.

Mr. JENKINS of Ohio. I now must yield to the gentleman from Vermont.

Mr. PLUMLEY. I would like to ask the gentleman, notwithstanding his statement with respect to certain improvements which have been made in the bill, if I am incorrect in my assumption that inasmuch as no amendment to it can be made here, they will have to be made somewhere else in order to make it possible for the bill to effectuate its intent and purpose.

Mr. JENKINS of Ohio. I think the gentleman is absolutely right.

Of course, we cannot expect to prepare and pass a perfect bill, as our distinguished chairman said, but if I had it as my task to prepare, of course, I would make some changes in it. If the gentleman is asking for my own opinion, and I respect the gentleman's opinion because he is one of the tax experts of this Nation, and his long experience in tax matters has made him an expert, I would have come here with a bill providing for this amortization program and providing for the suspension of the Vinson-Trammell Act, and then I would have taken more time to consider that part of the bill which deals with the excess-profits tax.

The tax will not be collected until next March and there is no special hurry about it. We had better wait until we have time to do this job scientifically. We had better wait to see whether or not we are going to have any real excess profits. In addition, I should want you to understand this: The most intricate tax bill possible to prepare is an excess-profits tax bill. Why do I say that? We have had only one of them in my recollection and I do not recall when we have had any other, but an excess-profits tax is a tax that necessarily ought to be applied only in emergency cases. It is a punitive tax and in theory it is not intended to produce much revenue but is intended to be a deterrent against high-pressured business tactics. It should be levied carefully and only in emergencies.

With respect to the battle we had in the Ways and Means Committee with reference to the protection of the small taxpayer, I want to reiterate that we as Republicans do not claim all the credit, but we do claim credit for having done some things to this bill for the benefit of the small taxpayer.

Now, what did we do? I have not time to go into the details about that, but here is one thing we did. We raised a general tax exemption from 6 to 7 percent, which is a 1-percent advantage. Let me illustrate. We permit a corporation to earn 7 percent instead of 6 before the tax is applied. This means much to all corporations, especially the small one.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. In just a moment.

Mr. McCORMACK. Who made the motion?

Mr. JENKINS of Ohio. The gentleman from Massachusetts made the motion, and let me tell you this. At the time the gentleman from Massachusetts made the motion he incorporated with it a reduction in the $5,000 exemption, which was greatly to the disadvantage of the little taxpayer. The gentleman's motion would have been very satisfactory if he had not done that. He cannot claim to be a friend of the little taxpayer now, because his motion contained a provision to cut the exemption down from $5,000 to $4,000. Does the gentleman want to ask me another question? [Laughter.]

Mr. McCORMACK. The gentleman from Ohio, of course, is so serious minded that he is incapable of distinguishing between what is a friendly vein and a serious vein, and the gentleman is to be complimented for having a serious state of mind. The gentleman says that the reduction from $5,000 to $4,000——

Mr. JENKINS of Ohio. Is the gentleman going to ask me a question or make a speech?

Mr. McCORMACK. The gentleman spoke about the reduction from $5,000 to $4,000. As a matter of fact, my motion was to increase from 6 percent to 7 percent on the first $500,000 of capital invested and from 4 to 5 percent above that, which is of invaluable assistance to all business, and a reduction from five to four, which was incorporated so we would not lose $35,000,000 of revenue and in order to accomplish the greatest good and the gentleman knows that. Later, we all agreed unanimously to return to the $5,000 exemption.

Mr. JENKINS of Ohio. Yes; but, my friend, I wish you had never made that reduction from five to four. That was fatal and I will never forgive you for that. Bless your life, I love you, but I cannot forgive you for that.

Mr. McCORMACK. By that the gentleman means he will forgive, but not forget.

Mr. JENKINS of Ohio. Yes; that is right. The gentleman knows I have great respect for him and for his ability.

Mr. McCORMACK. That is better.

Mr. JENKINS of Ohio. Now, what else were we able to do? Let us follow this through. There was one other proposition we were able to carry through for the benefit of the small taxpayer and that was a real benefit, but I cannot explain that to you now in detail as I do not have the time, but here in effect is what we did.

We provide for this sort of increase. For instance, the tax we had in the original bill was a percentage tax that would run the same on the big taxpayer as the small one. The gradations were fewer and more abrupt. Under the present bill the gradations are in certain number of dollars and not in percentage. The result is that most of the small companies, because they are small, will have a small total of earnings although they might have a large percentage of earnings. For instance, a $100,000 corporation with a 20-percent earning will only have $20,000 in earnings; and if the lowest bracket is fixed at $20,000, the rate of tax will be the lowest possible rate. While, on the other hand, a $1,000,000 corporation, earning 20 percent, will have a total earning of $200,000. The first $20,000 of this will carry the smallest tax, but the remainder will be at a much higher rate. In large earnings the tax will run up to as much as 50 percent; in small companies it will not, because the earnings will never be large enough to get out of the lower brackets. This is a tremendous lift to the small companies. I know of a case in Cleveland, Ohio, for instance, where, under the first bill, 60 percent or more of the earnings of a small company would have been taken; but, under the present bill, a more just arrangement is provided.

Now, I have had brought here a blackboard. Many of you are old school teachers, and this will seem natural to you. When I was a young fellow I was a school teacher, and I wish I was half as good a Congressman as I was a school teacher. Let us look into this matter more closely by the use of figures.

We may be able to go through with this. I do not offer this as a matter of elucidation to the tax experts. I do not offer it as any enlightenment for the gentleman from Massachusetts [Mr. McCORMACK], because he is far above that. He is in the algebra class. This is very elementary and for the elementary students. But I think probably some of you would not feel slighted if I suggested quietly that you may not know much about this bill, and if you are in that class you are welcome to listen to what I have to say from now on, for I confess I do not know much about it either. You see, we have here on this blackboard two groups of figures, as it were. Each represents an example of a method of levying this excess-profits tax. One method is known as the average-earning method, and the other is known as the invested-capital method. Now, suppose I start with an incorporated company of $100,000. That is a large corporation

in many places, but, generally speaking, for tax purposes it is a small corporation. Now, let us follow these figures through. I appreciate that what I say will not read well in the RECORD, for gestures and pointings are not recorded by the reporter. The bill provides what they call a base. This is just as important in this computation as is home base for a baseball player. That is the most important base in a ball game.

Now, here we start with the year 1936. Suppose this corporation made $15,000 in 1936; $15,000 in 1937; $10,000 in 1938; $20,000 in 1939; and $25,000 in 1940. The total of those first four is $60,000. Divided by four the average is $15,000. You may ask what would result in case there is a loss in 1 or 2 of those years. That would be interesting for me to develop but I cannot stop for that now.

Now, let us see how that works out. We would have to figure first what would be the average taxation that this taxpayer had made on these different payments. I have not figured it out exactly. I have estimated it at $2,000. The tax experts say that is about it. Let us take it at $2,000. Very well. We take that off the average base, and that leaves $13,000 as the base on which all these other computations will be made.

Now, I come over here to 1940. We are going to figure how much this corporation will have to pay in 1940. As we have already shown, it is going to make $25,000. The estimated normal income tax it would have to pay on $25,000, the regular corporation tax, let us say about $3,000. Deducting that amount from the $25,000 there remains $22,000.

From the $22,000 earnings, which is all it has left after deducting the normal tax, take this $13,000 base, and this leaves excess profits of $9,000. That is what it has to pay on. That is his excess profits. Every corporation is allowed $5,000, the small ones the same as the large ones, and the large one no more than the small one. That is why I say the $5,000 is the most precious figure in these whole computations to the small taxpayer, because he gets the same as the large one. Deducting $5,000 from $9,000, you have $4,000 upon which you are going to compute the tax. Four thousand dollars at 25 percent. That is the lowest bracket. Four thousand dollars is in the lowest bracket. All under $20,000 goes into that first bracket. Most all small corporations will come within the lowest bracket. These bracket figures run up from 25 percent to 50 percent. The large corporations with a large volume of income will come under the large brackets; many will come in the 50-percent class; while most of the small ones will get the lower figure—25 percent of $4,000, that is, $1,000.

Now, what more must the little man pay? Anyone who decides to pay his tax under the average-earnings method of computation has to go back and deduct 4.1 percent of his net earnings, or in this case 4.1 percent of $25,000; this is about $1,000. You will wonder why that 4.1 percent. The effective rate of normal tax on corporations at the present time is 20.9 percent. In order to make it even 25, they add this 4.1 percent. They estimate that the average-earnings method has about a 4.1 percent more favorable result than the other method. This $1,000 from the 4.1-percent addition taken with the other $1,000 on the $4,000 above shown makes a total excess-profits tax of $2,000. That is approximately what the taxpayer will pay according to this example.

Now let me proceed to this group of calculations over here. This is the invested-capital method. We start with a $100,000 corporation just as we did before. This illustration is more intricate. We will take the same earnings exactly—$15,000 for 1936, $15,000 for 1937, $10,000 for 1938, $20,000 for 1939, and $25,000 for 1940. That will be an average of $15,000, or an average of 15-percent profit. This bill allows for a 10-percent average, or in this case $10,000. This is the base. If the earnings had only averaged 8 percent, the base would have been $8,000, or 4 percent would have been $4,000; but 10 percent is the limit allowed. But I have worked this illustration out just as I have the other one. Since 10 percent is all that is allowed, I discard the $15,000 and accept $10,000 as a base.

Starting with net earnings for 1940 of $25,000 we take off $3,000 for estimated normal tax, the same as I did in the other case. That leaves $22,000. Take off the $10,000 base that the law permits and I figure out there remains $12,000. When we will come to actual practice in these computations we will not have easy figures like these to work with. I have selected easy figures, and given the easiest possible illustration. Should you have as an actual case a company which, for illustration, lost $5,000 in 1936 and $10,000 in 1937, you would have a much lower base and more difficult computations. And should you have a case where a corporation had not been formed in 1936 or 1937 or 1938, or if you had a case where company A was formed in 1936 and lost money through 1937 and was then merged into company B, which had been incorporated in 1938 and had made money in 1938 but lost money in 1939, you would be in trouble. Changes like these could be a ceaseless, endless, difficult task.

Now, let us go back to our calculations. Here is the $10,000 base; $12,000 excess-profits tax. The taxpayer is entitled to a $5,000 exemption. Take this from the $12,000 and we have $7,000 to work on. I only had $4,000 in the other illustration.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CROWTHER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. JENKINS of Ohio. As I have just shown, $5,000 from $12,000 leaves $7,000. I take the same computation here as I did there. If you will notice in the first illustration, we computed this tax in the lowest bracket, which is 25 percent. Computing the tax under this invested-capital method, the lowest bracket is 20 percent; 20 percent of $7,000 makes $1,400. On this kind of a set-up it will be better, for this taxpayer to select this invested-capital method. But in a slightly different set-up of profits and losses the other method might prove better to the taxpayer. That is the reason that we provided in the bill that the taxpayer should have the right to select which method he should follow in computing his tax.

As I have stated, the difference between $1,400 and $2,000 represents why a choice is desirable. But, generally speaking, it is better to take this system of average earnings.

It is likely that this is the system that the big corporations will take, for they have all had enough business to show a little profit in the last 4 years, and for that reason they will have a larger base than if they had been losing money, as did most small corporations. The higher the base the better the advantage. So the higher the base the more acceptable the average-earnings method is, and that is the reason this will be generally the most acceptable to the large corporations. But the new corporations which have not been in business for 4 years will have no choice. They must take the invested-capital method. The representative of the Secretary of the Treasury who appeared as an expert before the Ways and Means Committee admitted that under the first bill proposed the burden of this excess-profits tax would fall on the small corporations and on the new corporations. Under the present bill, they still are to some disadvantage, but this bill will raise more money and the increase will come largely from the large corporations.

Most of the complaint against this bill is now coming from the big taxpayers. To compel the burden to be carried by the small corporations was not right. It was wrong; we opposed it, and it was changed. It is not yet, however, a model tax bill, but you can go home and tell your small taxpayers that an honest and positive effort has been made to relieve the injustices of the first bill. This bill which we are now considering is considered reasonably fair by both sides; and that is the reason there was a unanimous report by the committee, because we feel the best has been done for the most deserving. [Applause.]

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield if my time has not expired.

Mr. McCORMACK. I was very much interested in the diagram the gentleman has presented on the blackboard. It is a very good picture. I was wondering if my friend deducted from the excess profits, the amount $12,000 subject to the excess-profits tax in the upper illustration, the normal tax the corporation had paid which, of course, is a deductible item?

Mr. JENKINS of Ohio. I have here, I think; yes.

Mr. McCORMACK. I mean the normal tax would be taken as a deduction from the amount subject to the excess-profits tax.

Mr. JENKINS of Ohio. I have made this deduction to cover these. I make it down here.

Mr. McCORMACK. Of course, that would determine the base, but that $2,000 paid would be deductible from the $12,000 also. It is a deductible item, as I understand it.

Mr. JENKINS of Ohio. I think, I will say to the gentleman from Massachusetts [Mr. McCORMACK] that this computation is correct. While I do not claim to be a great expert on these complicated computations, I think these illustrations are proper. After I had prepared these computations I had three of our experts look over them, and they declared that they were correct. Of course, you will notice that I have indicated where I have made estimates. If any of the Members would flatter my efforts by wishing to copy my computations, I emphasize the fact that where I have indicated estimates the figures should be accepted as estimates.

Mr. McCORMACK. But it would be deductible anyway.

Mr. JENKINS of Ohio. I thank the gentleman from Massachusetts [Mr. McCORMACK] and I hope he will find my figures correct. [Applause.]

[Here the gavel fell.]

Mr. CROWTHER. Mr. Chairman, I yield such time as he may desire to the gentleman from Idaho [Mr. DWORSHAK].

Mr. DWORSHAK. Mr. Chairman, I protest against the passage of this bill under the rule which has been adopted here. This rule precludes consideration of a measure that is so far-reaching in its effect that it may be utterly destructive to many business corporations, whose continued production is absolutely necessary to our national defense.

This bill is brought into the House on the theory that it constitutes a tax upon excess profits, and it has been heralded that this is the crowning effort of this administration to prevent the making of war millionaires or of defense millionaires. I am as much opposed to profiteering by business as any Member, and I will support a measure which not only taxes excess profits which are really excessive profits, but will go further and say that I will support a measure which will make it impossible to make excessive profits on national-defense orders.

This bill, however, does nothing of the kind and it fails in this respect, because it does not properly fix the base for what may be called normal profits. Under the provisions of this bill, corporations which during the past 4 years have struggled to keep in operation and furnish employment would be penalized.

If we take the position that the last 4 years were normal years in business and the profits made by corporations were normal profits, why then does this bill penalize the corporation which takes this as a base by adding an additional 4.1 percent to the normal corporation tax for such concerns? This is clearly an attempt to blackjack all corporations into selecting the other base permitted, that of a certain average profit upon invested capital. I should like to have the chairman of this committee tell me if the committee has any estimate whatever as to the additional cost to the Government of collecting this tax in the event that all corporations select the second method and the Bureau becomes involved in endless argument over what constitutes invested capital of the reporting corporations. The effect of using this base will be to penalize corporations which do not make any larger profits than the average profits of the past 4 years. When you consider the fact that unquestionably costs will be higher and profits correspondingly less because of that fact, you can readily see that the selection of this base will actually impose a penalty upon corporations which are not enjoying excessive profits, but in reality are not making as much money as the average of the past 4 years.

I protest against a bill of this kind so ambiguous and involved that it is difficult to explain. I challenge this bill because it is not an excess-profits tax bill but a bill designed to further a political proposal of making it appear that this administration is seeking to do something that is not accomplished by its terms.

This bill embraces the amortization feature and the suspension of the Vinson-Trammell Act profit restrictions, which should be segregated from the bill and acted upon without any delay. To tie them up with this involved controversial, discriminatory, unintelligible measure which we are here asked to pass today without any possible opportunity for adequate study and understanding is a travesty upon the processes of orderly government.

Mr. CROWTHER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LELAND M. FORD].

Mr. LELAND M. FORD. Mr. Chairman, I believe I am the only man in the House who is against this bill. Unfortunately, I can get only 5 minutes to talk against it. One hour and fifty-five minutes were allowed to those for it.

The title of this bill reads: "To Provide Revenue, and for Other Purposes." It provides comparatively little revenue. What the other purposes may be I do not know, but it is my opinion it is going to harass and injure an already overtaxed and overregulated business. It is going to dissipate the very thing we have been trying to accomplish here for months; namely, quick production and a defense program. It is going to take away inducement, the thing that impels businessmen to go ahead and accomplish a program. Why cannot business be left alone under the ordinary American way to go ahead and produce as it has always produced?

This bill is brought to us under a "gag" rule. I particularly resent the "gag" rule not only on this bill but on any other bill. We heard the statement made here today that this bill should be sent over to the body at the other end of the Capitol because they might put some things in the bill that should be put into it. Have we abdicated? Have we as a House of Representatives, thrown our responsibility to the winds? If there are other things that should be in the bill and we know it let us face our responsibility and write the bill as it should be written. I do not like this procedure. It is a wrongful procedure.

We could not get any copies of the bill. I understand there were 4 secret copies of the bill known as committee copies but the committee copies were not offered to the public nor to Members of this House. I did not get any copy. I like to look over a bill I have got to act on in order that I may study it and know what I am to consider.

The gentleman from Ohio said there were many who did not understand the bill. I believe he is right. I believe about 90 percent of the Members do not understand this bill or know what is in it; and, under the "gag" rule, unfortunately, we are not going to be permitted to find out what it is all about because we are not given proper time for discussion. I think this is the most undemocratic procedure that could be foisted upon a body of this kind. My people did not send me here to have somebody slip me a blank piece of paper to vote for something that may be written on the paper which I am not allowed to see. I want time to examine this bill. We should have adequate time in which to consider it and then be allowed to take the parts of the bill that should be carried out at the present time and enact them into law, leaving those parts such as the excess-profits provision until later, until it can be given careful consideration.

This bill was conceived in speed and was born in a hurry. I think the result will be the slow assassination of business. The bill should be thoroughly analyzed. Business has already taken an awful whipping and an awful beating from the Government. The Government has business punch drunk and groggy from ill-considered, ill-conceived, hurried, and

impractical legislation, regulation, and taxation. The Government had to come to this same business asking for help for this program and it should and will get it, but it will not get it if it is going to destroy business. It has taken incentive out of business for doing business.

With reference to the revenue part of this bill, I am going to make some suggestions, briefly, four. I think the time has come to do several things. One, quit taxing our people beyond their ability to pay. You will note I stated in the RECORD a short time ago that 22 utilities were now paying 99 percent of their net income in taxes. That is what I mean by ability of a taxpayer to pay. Two, quit wasting the tax money that you are already collecting. Three, cut out all the unreasonable, undesirable, unnecessary, and socialistic functions of government in which you have been engaging and indulging; and, four, to go back, recheck, and reconstruct our whole financial structure, cutting out some of the following items, which will add up to $3,953,000,000; save this money and pass it on to the taxpayers and do not raise taxes. If you do that this particular tax bill will not be necessary.

Some of the suggestions I am going to make about saving this money I will point out, as follows, and this is from a statement of receipts and expenditures of the Government furnished me by the Treasury Department: Agricultural Adjustment, $937,000,000 estimated 1940. You may not cut it all out, but you could cut some of it out. Social Security, $378,000,000. I do not think it is necessary to build up such a tremendous reserve. Other expenses: Commodity Credit losses, and so forth, one hundred and seventy million; Tennessee Valley Authority, forty-one million; employment relief-direct relief, ninety-five million; work relief—W. P. A., and so forth—one thousand five hundred and thirty-two million. These large amounts on relief should not be as high in face of all the new additional work being done; loans, subscriptions to stock, and so forth, net two hundred and sixty-three million; old-age reserve account, five hundred and thirty-seven million. These items should be greatly curtailed and some entirely cut out. It is necessary now that we not only have a real national-defense program, but also to preserve our economic structure. Our greatest weakness in national defense is the money we owe. The money we owe also affects our economic structure. If we are to save these things we must cut out wasting money and spending unnecessary money; then we will not have to call on our people for more taxes.

[Here the gavel fell.]

Mr. CROWTHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Chairman, here is a measure consisting of 105 pages which is brought to the House to be passed in 2 hours. It is accompanied by a report consisting of 45 pages. In the 2-hour discussion there will be just a little more than 1 minute allowed for every page of this important bill. I received a copy of this bill just about 20 minutes before the matter came up. I was among those who voted against the "gag" rule, as I have voted against every "gag" rule. While I shall vote for the measure because I heartily believe in the excess-profits tax feature of it, I do protest that kind of procedure in what is supposed to be a deliberative body. I do not know whether or not the excess-profits taxes proposed are sufficient. Nobody knows how many loopholes there may be in this measure. It does seem to me that many people might make large fortunes out of the profits from defense preparations, either directly or indirectly, and get away with it.

I am opposed to what I regard as the double-amortization feature of this bill, which would not only permit, under the laws which we previously passed here, the adding of the cost of facilities and equipment to the contract price which these industries may receive for manufacturing materials needed at this time, but also after it is all over with they can come back in under a very loose system and charge up still more for amortization. I do not like that feature of the bill which does away with the provisions of the Vinson-Trammell Act. I have but limited time to speak on the measure, but it does seem to be that days rather than 2 hours should be given to its consideration.

[Here the gavel fell.]

Mr. CROWTHER. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. SANDAGER].

Mr. SANDAGER. Mr. Chairman, like many other Members of the House, I deplore the speed with which the excess-profits tax bill is scheduled to be rushed through today. Why this unseemly haste? What reason is there for this scramble to set up the nets to trap the war profits which the administration so confidently expects will be made, particularly when it is realized that a vast bulk of contracts under the 1940 appropriations of Congress for the Army and Navy are yet to be awarded?

So complicated is the language of this measure, so hurriedly has it been thrown together that I doubt if any member of the Committee on Ways and Means could fully explain it to the House. I say this because I have talked to several of them and have asked them direct questions on certain phases of the measure with particular relation to the effect that it would have on industries in my State, particularly in the textile industry, and the replies range from a flat and frank "I don't know" to such lucid suggestions as "read the bill through carefully" or "study the committee report."

I have endeavored to follow both of these latter suggestions, and I must confess that I share what seems to be the common mystification of the House Members as to what it all means. One committeeman frankly admitted that the bill was being put through under forced draft, but hoped that as a result of Senate hearings a more palatable revision might be possible. The only objection to that ray of comfort for the American businessman is that, according to reports, the Senate hearings will be limited to 3 days, and it hardly seems credible that in such a short space of time there would be an opportunity for much improvement over the "lamb's stew" which is before us today.

If the committee members, who have devoted many days to framing this legislation, do not understand its provisions, which they frankly admit, how can we expect businessmen who have not had the benefit of advice from a staff of technical experts to determine what their tax liabilities are under this measure?

Furthermore, it is a known fact that the Treasury Department has not made definite settlement of income-tax returns beyond the year 1936 in the case of many corporations which will be directly affected by this bill. This measure in no respect embodies the provisions which businessmen were led to believe would be offered by the subcommittee report on which hearings were held. In addition, it does not appear that a single recommendation which was offered by businessmen at the joint hearings of the House and Senate committees was incorporated in this bill.

This is bound to create confusion, uncertainty, and misgivings in the minds of corporation heads from coast to coast, and particularly business concernes which do not have before them the more or less consoling expectancy of war profits. This is particularly true of the textile industry, which for a century and more was the bulwark of Rhode Island's industrial set-up, but which has been sick ever since 1922. I greatly fear that we are unwittingly placing upon this industry, which is striving pluckily to keep its head above water, tax burdens which may force some of the mills to close their doors and throw into the streets their thousands of weavers, thus adding to unemployment, with consequent cost of relief maintenance, and, of course, ending all hope of tax revenue from these sources.

There are two features of the bill that I wish particularly to discuss in their relation to textiles. They are, first, the matter of the excess-profits credit, and secondly, the matter of consolidated returns.

EXCESS-PROFITS CREDIT

*A. Application to textile industry*

In its report, the subcommittee recommends that in the case where the taxpayer corporation was in existence during the whole of the base period—the years 1936 to 1939, inclusive—it be given an election of either of the following methods of computing its excess-profits credit.

(a) It may take as a credit against its net income for the taxable year its average earnings for the base period. The amount so arrived at shall be increased by 8 percent of the additions to capital occurring after the beginning of the taxpayer's first taxable year under the excess-profits tax, and decreased by 6 percent of reductions in capital during the same period; or

(b) It may take as such credit an amount equal to the percentage of its invested capital for the taxable year which its earnings during the base period bears to its invested capital for the base period, but not to exceed 10 percent or be less than 5 percent. With respect to the first $500,000 of invested capital in the taxable year, the minimum is 7 percent instead of 5 percent.

A few days ago several textile concerns with plants located in Rhode Island and Connecticut submitted to me a statement from which it appeared that during the base period from 1936 to 1939, inclusive, none of the companies had earned a profit, so that the excess-profits credit for these companies would be computed according to the second method recommended by the subcommittee. The ratio of the specific exemption and excess-profits credit to the invested capital of these companies ranged from a low of 4.18 percent to a high of 4.45 percent.

Accompanying the statement submitted was a table prepared by Arthur N. Sheldon, of Providence, R. I., one of the leading textile-mill engineers of the country, from which it appeared that the experience of these companies was not exceptional in the textile industry. This table covered a period beginning with the year 1928 and ending with the year 1939, and contained a study of a number of representative textile companies located principally in New England. The companies studied range from a minimum of 33 in 1939 to a maximum of 53 in 1931. During this entire period of 12 years the entire group of companies studied showed an aggregate net loss of $55,859,086.

During the 4 years from 1936 to 1939, inclusive—the base period recommended in the subcommittee's report—the companies studied showed an aggregate net loss of $1,026,364.

I submit that the proposed allowance as an excess-profits credit of approximately 5 percent of invested capital in the case of the major portion of an industry subject to such obvious hazards as the textile industry and crippled as it is by the tremendous losses suffered in the past decade is wholly inadequate.

It is generally known that the textile industry in New England has for some years been on the verge of complete collapse. This industry constitutes one of the principal industries of New England, and in the case of Rhode Island it constitutes at least half of the total industry of the State. During the past decade mill after mill throughout New England has been closed, never to open again, and numbers of mills have been torn down to relieve the owners of the burden of local taxation on plants that were no longer operated.

To limit the excess-profits credit for this sick industry, or the major portion of it, to 5 percent of invested capital is to ignore the conditions above described and to deprive the companies in the industry from being restored through reasonable profits to a sound financial basis.

It should be noted that the allowance of a certain percentage of borrowed money as a part of invested capital is probably not, in the great majority of cases in the textile industry, a relief but is rather a burden, for the reason that many companies are paying more than 4-percent interest on borrowed money. This is naturally to be expected in the case of an industry with the poor record of earnings and the hazards which the textile industry has. The remedy for this would be to increase the rate of the excess-profits credit above the 5 percent allowed in the subcommittee's report.

The subcommittee's report allows a rate of 8 percent of invested capital to corporations which were not in existence during the base period. It is difficult to see why at least as great a rate should not be allowed to corporations which were in existence during that period. As a matter of fact, there would appear to be even greater reason for allowing as large a rate to such corporations because of the crippled condition in which most of them find themselves as a result of the large losses suffered during the past decade.

Under the 1918 law the excess-profits credit was 8 percent. At that time the industries of the country had not been through a long period of depression, as is the case at the present time. Moreover, the present income-tax rate is 20.9 percent, whereas under the 1918 act the rate was but 12 percent. If 8 percent was a reasonable rate for the excess-profits credit in 1918, it would seem that a flat rate of 10 percent is fully justified at the present time. In no event should it be less than 8 percent.

*B. General observations*

The object to be attained through any tax legislation is to produce revenue. The higher rate does not necessarily produce the greater revenue. In fact, the contrary is the case where the rate is excessive.

The allowance of a rate of 8 or 10 percent on invested capital is going to make comparatively little difference in the Government's revenue during the early life of the act, and through the encouragement of private investment and the stimulation of industry it should eventually lead to substantially greater revenue than a lower rate of exemption.

The Federal deficit during the last fiscal year, ended June 30, 1940, was $3,741,249,136. Even with the additional revenue of $1,000,000,000 per annum which it is estimated will be produced by the Revenue Act of 1940, approved June 25, 1940, and the added revenue of from $190,000,000 to $400,000,000 per annum which it is estimated will be produced by the proposed Excess Profits Tax Act now under consideration, there would still be a deficit of about $2,500,000,000 on the basis of the expenditures for the last fiscal year, despite the fact that the personal-income tax rates have now been raised to a maximum of 86.9 percent and the corporation income-tax rates to 20.9 percent, the highest income-tax rates in the history of the country.

An increase in tax rates is obviously not the solution. The solution lies rather in first, a reduction of expenditures through the elimination of all expenditures for nonessential purposes, and the keeping of all appropriations for purposes other than national defense within the lowest limits required by the actual necessities of the situation and second, a large increase in our national income through the stimulation of private enterprise by allowing business to make a reasonable profit.

In 1929 the national income was $81,000,000,000. In 1939 it was but $69,000,000,000, despite the fact that there had been an increase in population of approximately 10,000,000 people between those 2 years. There is no reason to believe that a national income of $100,000,000,000 could not be produced if the existing restrictive laws and regulations which harass and hamper business were amended or repealed and business were assured that reasonable profits would not be denied it through excessive and confiscatory taxation. Such action would put back to work the millions of unemployed who are capable of working, and would greatly benefit agriculture as well as industry. The result would be a great reduction in the relief load and in the sums required for such purposes as public works and the A. A. A., with very large savings resulting. In addition, the greater national income which would result from the increase in business would produce a much larger national revenue through a lower tax rate applied to a higher base. Is it not obvious that this is the course to be followed?

*C. Conclusion*

In these circumstances, and for the reasons already given, I submit that an excess-profits credit of not less than 8 percent, and preferably 10 percent, of invested capital should be allowed.

More specifically, I submit that a corporation should be allowed the following excess-profits credit:

A specific exemption of $5,000, and in addition an amount equal to the average annual earnings of the corporation during the base period, plus 10 percent of any increase and minus 10 percent of any decrease in invested capital for

the taxable year as compared with the average invested capital for the base period, the credit, however, in any event to be not less than 10 percent of the corporation's invested capital for the taxable year. I suggest also that the base period be any 3 of the 4 years from 1936 to 1939, inclusive, which the taxpayer may select. The variation in results of those 4 years was such that a more nearly normal income in most industries would be obtained by allowing a corporation to choose 3 out of the 4 years.

II. CONSOLIDATED RETURNS

Affiliated corporations should be permitted to file consolidated returns. The activities in which corporations must necessarily engage in order properly to carry out the defense program are likely to make it at least desirable, if not necessary, to organize separate corporations for these various activities. Corporations, however, will undoubtedly attempt to continue business with their existing organizations if they know that profits of one organization may be taxed without the right to deduct the losses of another branch of the same business, which is separately incorporated. On the other hand, if consolidated returns are neither permitted nor required, businesses which are really a single unit may split up into various units in order to get an increased benefit from exemptions. This would be particularly true if the subcommittee plan of exemptions at one rate up to $500,000 of invested capital and a smaller rate above $500,000 should be adopted. In short, the treatment as a single tax unit of corporations which in fact constitute a single business enterprise is both theoretically and practically sound and will accomplish justice and prevent tax avoidance. [Applause.]

Mr. COOPER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BUCK].

Mr. BUCK. Mr. Chairman, had it been possible under the rule, I would have offered the following amendment:

Page 37, after line 17, insert a new section, as follows:

"SEC. 725. Corporations engaged in mining of gold, etc.: In the case of any corporation engaged in the mining of gold, or of any strategic or critical mineral, the portion of the adjusted excess-profits net income attributable to such mining shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess-profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess-profits net income."

I have a sincere conviction that income from corporations which are engaged in the mining of gold the price of which is fixed by Presidential regulation under law and which commodity must be sold only to the United States Government, and income derived from strategic and critical minerals needed for defense purposes are such income as cannot be considered under any circumstances as profiteering income.

For that reason I offered the amendment I have just read in executive session of the Ways and Means Committee. I regret to say that it was not approved, but I think it should be presented to this committee. I do not think that the rejection of the amendment was due to any haste that our legislative committee displayed, but, if I may say so respectfully with regard to my colleagues, to a lack of understanding as to the gold-mining situation.

I shall confine my remarks to the gold-mining situation, but there is no question in my mind that corporations engaged in production of strategic and critical minerals are in the same position.

As to gold, it takes small operators a year or two at least before they get started, whether they are engaged in gold dredging or direct mining. Costs are expensive and there is delay involved in moving from one location to another. Mining gives a great many people work and they, in turn, consume ordinary products. Smaller miners seem to be worrying quite a bit over this situation.

The deep-vein miner who does not do at least 2-years work of development ahead thinks he would go to the dogs quickly if he did not keep up that character of work. Naturally that is the best assurance that men will be kept at work, machinery purchased, and the orderly processes kept rolling no matter what the output of the mining is.

Preliminary work, investment in machinery equipment, the probable rise in labor costs as a result of the defense program all must be taken into consideration. It is absolutely true that very few gold mines pay dividends. The Treasury Department cited examples of four large corporations that were making profits on the present basis but they are not representative.

Whether they were or not, however, is beside the question because the Federal Government should not levy an excess-profits tax on any commodity which it directly regulates as to price and as to which it gives no subsidy.

The price of gold is fixed by Presidential regulation under law and costs of labor are more or less fixed by law under the Wage and Hour Act. Where, then, can be the excess profits that should be taxed? That there may be profits is unquestionable, and under the present law, unless the amendment that I have proposed is adopted, they will be taxed, but they will not be excess, in view of the fact that the Federal Government itself has laid down already the formula on which they may now be earned.

Mr. Chairman, I realize that under existing circumstances it is useless for me to debate the matter further, and with the consent of the House I have extended my remarks on this subject in the hope that action in this respect may be taken in the other body.

Mr. COOPER. Mr. Chairman, I yield the remainder of the time to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Chairman, during the course of the remarks of my distinguished friend the gentleman from Ohio [Mr. JENKINS], the gentleman and I engaged in a colloquy. The gentleman reacted in a way that is usual for him, as this fine colleague of ours, being born serious, naturally has to react to everything in a serious manner.

During the course of his remarks he made some reference to a motion made by me in committee, for which I assume the responsibility, and he unintentionally created an erroneous impression. The gentleman undertook to claim the credit for the Republican members. They are entitled to all the credit in the world for increasing the exemption from 6 to 7 percent and from 4 to 5 percent. This increase means a lot to business. All the members are entitled to credit for the increase. It happened that I made the motion in the committee. I should like to have gone a little higher. Six and eight percent is what I should like to have gone to, but every percent we increased it meant a loss of about $35,000,000. In order to offset that loss, I linked up with the motion the additional suggestion to decrease the specific exemption from $5,000 to $4,000. As a matter of fact, that is where it would do the least harm. This does not necessarily mean that I did not want the $5,000 specific exemption, but in order to get through what I considered necessary to accomplish the greatest amount of good both were linked up so that we would have no loss of revenue. Fortunately, we are able to have the $5,000 specific exemption, which was adopted by unanimous action.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. The gentleman deserves a good deal of credit for his effort to raise this to 7 percent. I wish to ask the gentleman if it is not true that the distinguished ranking minority member of the committee, the gentleman from Massachusetts [Mr. TREADWAY], from the beginning as a representative of the Republicans insisted that that should be raised to 10 percent.

Mr. McCORMACK. Certainly. I do not know that he wanted to raise it to 10 percent, and I do not believe we want to put him in that position, but I do think it was 8 percent. However, everyone is entitled to credit. As a matter of fact, it is a fine example of representative government that an important committee like this, on a far-reaching bill, can report the bill to the House unanimously. It is a great example to the country of what real, constructive, representative government means, when men of different political

parties, sitting around the table, take off their coats, as we might term it, and get to work in order to bring out a bill that fairly accomplishes the objective we have in mind.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Wisconsin.

Mr. JOHNS. The President, on July 1, 1940, in his message asked that an excess-profits tax be applied to all individuals and all corporate organizations without discrimination. I see this bill relates only to corporations.

Mr. McCORMACK. The gentleman is correct.

Mr. JOHNS. Has the committee in mind another bill relating to individuals?

Mr. McCORMACK. No. The reason is that the present income-taxes for individuals go up, with the normal and the surtax rates, to 70 percent. In the World War, of course, rates were considerably lower than that. You have to take into consideration in formulating an excess-profits tax for corporations that the corporate rates in the World War were much lower than they are now and the income-tax rates were also considerably lower than they are now.

May I observe also that in the committee a motion was made to reduce the specific exemption from $5,000 to $3,000. That motion was made by a Republican. [Applause.]

[Here the gavel fell.]

Mr. COOPER. Mr. Chairman, I ask unanimous consent that, on page 29, line 1, "(3)", where it appears the second time in such line, be stricken out and that there be inserted in lieu thereof "(2)."

This simply corrects a typographical error.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COOPER. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. COOPER: Page 38, after line 14, insert:

"(g) Domestic corporations satisfying the following conditions:

"(1) If 95 percent or more of the gross income of such domestic corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

"(2) If 50 percent or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business."

The committee amendment was agreed to.

Mr. DISNEY. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. DISNEY: Page 38, after line 14, insert:

"(h) Any corporation subject to the provisions of title IV of the Civil Aeronautics Act of 1938, in the gross income of which for any taxable year beginning after December 31, 1939, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess-profits net income for such year is zero or less."

Mr. CROWTHER. Mr. Chairman, I should like to ask the Member of the majority, the gentleman from Oklahoma [Mr. DISNEY], if this is satisfactory to the Treasury and to those who were immediately concerned in this proposition?

Mr. DISNEY. Yes. For the benefit of the members of the Committee, at this time I may say that Mr. Sullivan, a representative of the Treasury; Colonel Gorrell, representing the air lines; and Major Hinckley, representing the Civil Aeronautics Authority, met and agreed on this language, which expresses what the committee was trying to do, although it did not have the language worked out as of yesterday. This is accepted as a committee amendment.

This amendment relates to air lines which transport air mail. Under the present law they are paid by the United States on a scale determined with reference to their earnings from other sources.

It has been brought to the attention of the committee that the air-mail subsidy amounts, when included in gross income, might result in their having an excess-profits net income.

This amendment provides that if, for any year, excluding the subsidy they have no adjusted excess-profits net income they are exempt for that year. If they do, however, have an excess-profits net income excluding the subsidy, then they are subject to the excess-profits tax on their excess-profits net income, including in gross income for this purpose the amount of the subsidy.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. COOPER. Mr. Chairman, there are no further committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'NEAL, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H. R. 10413) to provide revenue, and for other purposes, pursuant to House Resolution 583, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REPORT FROM COMMITTEE ON RULES

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT FROM COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may have until midnight to file a report on the bill H. R. 10132 and that the minority members may have the same time within which to file their views.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a table which I have prepared.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Buck amendment pertaining to the present bill on gold mining.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that in the revision and extension of my remarks made in the House, I may include two letters.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JARRETT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Oil City Derrick.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein an article on the bills (S. 3350) and (H. R. 10101).

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to place therein a short article from a newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio speech I delivered on August 13.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. POLK, for 3 days, on account of important business.

To Mr. BOEHNE, for 1 week, on account of important business.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks and include certain testimony from the hearings before the Committee on the Judiciary.

The SPEAKER. Is there objection?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 313. An act to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States;

S. 823. An act for the relief of John P. Shorter;

S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.; and

S. 4042. An act to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Friday, August 30, 1940, at 12 o'clock noon.

## COMMITTEE HEARINGS

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Friday, August 30, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Friday, August 30, 1940, at 10 a. m., for the consideration of the defense-housing bill, H. R. 10412.

COMMITTEE OF THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Friday, August 30, 1940, at 10 a. m., for the purpose of considering all fourth-class postmasters' salary bills.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m., on Wednesday, September 4, 1940, for the consideration of Senate bill 3248, regarding the pay of immigration inspectors for overtime.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940, at 10 a. m., on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1927. A letter from the Acting Secretary of Agriculture, transmitting a copy of a proposed amendment to the act of January 31, 1925 (43 Stat. 803; 5 U. S. C., sec. 521), which provides for the administration of oaths, affirmations, or affidavits for use in any prosecution of proceeding in the enforcement of any law committed to this Department; to the Committee on the Judiciary.

1928. A letter from the Chairman, Railroad Retirement Board, transmitting copy of the recommendations of the Railroad Retirement Board based on the actuarial valuation, as of December 31, 1938, of the assets and liabilities under the railroad retirement acts, with the report of the Board's actuary and statement of approval of the actuarial advisory committee; to the Committee on Interstate and Foreign Commerce.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10253. A bill for the relief of Eugene Gruen and his wife, Kate; with amendment (Rept. No. 2902). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 10132. A bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service; with amendment (Rept. No. 2903). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELSTON:

H. R. 10428. A bill to provide Federal police protection for any Presidential nominee; to the Committee on the Judiciary.

By Mr. RANDOLPH:

H. R. 10429. A bill to authorize the Pennsylvania Railroad Co., by means of an underpass, to cross New York Avenue NE., to extend, construct, maintain, and operate certain industrial side tracks, and for other purposes; to the Committee on the District of Columbia.

By Mr. VOORHIS of California:

H. R. 10430. A bill to provide a balanced program of national defense, to offer opportunity for constructive service to the Nation by its citizens, and to create a national service

and training program in the United States; to the Committee on Military Affairs.

By Mr. WHELCHEL:

H. R. 10431. A bill to provide forms and penalty envelopes for the return of certain reports required to be made to the Secretary of Agriculture; to provide compensation for the making of such reports; and for other purposes; to the Committee on Agriculture.

By Mr. BLAND:

H. J. Res. 596. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. PLUMLEY:

H. J. Res. 597. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17, of each year, the anniversary of the first successful flight of a heavier-than-air machine; to the Committee on the Judiciary.

By Mr. MARCANTONIO:

H. J. Res. 598. Joint resolution providing for the repeal of Public, No. 670, Seventy-sixth Congress (ch. 439, 3d sess.); to the Committee on the Judiciary.

By Mr. ROBERTSON:

H. J. Res. 599. Joint resolution to amend section 13 (a) of the Fair Labor Standards Act of 1938; to the Committee on Labor.

---

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10432. A bill for the relief of Mor (Morris) Honig, his wife Franciska (Francesca), and their sons Vilmos (William) and Pal (Paul); to the Committee on Immigration and Naturalization.

By Mr. HOOK:

H. R. 10433. A bill for the relief of Basil Paul Vagin; to the Committee on Immigration and Naturalization.

By Mr. KELLER:

H. R. 10434. A bill for the relief of Arthur Smith; to the Committee on Military Affairs.

H. R. 10435. A bill granting an increase of pension to Elizabeth Knaus; to the Committee on Invalid Pensions.

H. R. 10436. A bill to record the lawful admission for permanent residence of Erik Uno Johansson; to the Committee on Immigration and Naturalization.

H. R. 10437. A bill to record the lawful admission for permanent residence of Olga Gutwirth; to the Committee on Immigration and Naturalization.

---

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9246. By Mr. FULMER: Resolution submitted by W. H. Buford, commander, and W. H. Pettigrew, adjutant, North Augusta Post, No. 71, the American Legion, North Augusta, S. C., endorsing the conscription bill, and giving immediate aid to Great Britain; to the Committee on Military Affairs.

9247. By Mr. GREGORY: Petition of J. W. F. Williams and others, of La Fayette, Ky., requesting material aid for Great Britain; to the Committee on Military Affairs.

9248. By Mr. LYNCH: Resolution of Local Union, No. 488, United Brotherhood of Carpenters and Joiners of America, Bronx, N. Y., urging that the prevailing rate of wages and hours, as provided for under the laws of the State of New York and the United States Government, shall become a part of each and every contract or appropriation let or given by the United States Government for defense purposes; to the Committee on Military Affairs.

9249. Also, resolution of United Automobile Workers of America, Local 259, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

# SENATE

## FRIDAY, AUGUST 30, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Lord, our Heavenly Father, Almighty and Everlasting God, who hast safely brought us to the beginning of this day: Defend us in the same with Thy mighty power, and grant that this day we fall into no sin, neither run into any kind of danger; but that all our doings, being ordered by Thy governance, may be righteous in Thy sight. Through Jesus Christ, our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, August 29, 1940, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Connally | Johnson, Colo. | Shipstead |
| Andrews | Danaher | Lee | Slattery |
| Ashurst | Donahey | Lucas | Smith |
| Austin | Downey | Lundeen | Stewart |
| Bailey | Ellender | McKellar | Thomas, Idaho |
| Bankhead | George | Mead | Thomas, Okla. |
| Barkley | Gerry | Miller | Thomas, Utah |
| Bone | Gibson | Minton | Townsend |
| Bridges | Glass | Murray | Truman |
| Bulow | Green | Overton | Tydings |
| Burke | Guffey | Pepper | Vandenberg |
| Byrd | Gurney | Pittman | Van Nuys |
| Byrnes | Harrison | Radcliffe | Wagner |
| Capper | Hatch | Reed | Wheeler |
| Caraway | Hayden | Reynolds | White |
| Chandler | Herring | Russell | Wiley |
| Chavez | Hill | Schwartz | |
| Clark, Idaho | Holt | Schwellenbach | |
| Clark, Mo. | Johnson, Calif. | Sheppard | |

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Iowa [Mr. GILLETTE], the Senator from Delaware [Mr. HUGHES], the Senator from Utah [Mr. KING], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from New Jersey [Mr. BARBOUR] is attending the funeral of Mr. Seger, late a Member of Congress from the State of New Jersey.

The following Senators are unavoidably absent:

The Senator from Oregon [Mr. MCNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota [Mr. FRAZIER], the Senator from Maine [Mr. HALE], the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. NORRIS], the Senator from North Dakota [Mr. NYE], and the Senator from Ohio [Mr. TAFT].

The PRESIDENT pro tempore. Seventy-three Senators having answered to their names, a quorum is present.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon,

and that Mr. TAYLOR, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 10413) to provide revenue, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 760. An act for the relief of Mrs. Guy A. McConoha; and

H. R. 9575. An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

PETITION AND MEMORIAL

Mr. VANDENBERG presented a statement in the nature of a petition of several citizens of the State of Michigan relative to the naturalization of aliens, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

We, the undersigned, having pondered and delved into a problem confronting these United States with reference to a material state of affairs of a goodly number of aliens now resident in this country and calculated to number some 4,000,000 persons; that a considerable percentage of these individuals have been residents for a period of 10 years or more, but due to their age and inability to grasp the somewhat intricate scholarship of the English language, and who are anxious to exhibit their patriotism, and more specifically agreeable to participate in the affairs of government, have, by means of present existing legislation, been deprived of the sacredness of citizenship, and believing that these United States are, engaged in the act of registering aliens, that there has been cast a reflection upon the term "alien" as would lead one to believe that they are more or less undesirable and subjected to suspicion and unwanted remarks.

It is further the belief of the undersigned that in keeping with the defense program now in progress, it becomes necessary to raise such other and additional revenues as will assist in the building up of machination both in manpower and material; that the following resolution may be utilized for the purposes of raising additional funds to aid in the maintenance and continuation of democracy for which and upon which this country has been founded.

Further that the aliens having adopted these United States as their country wish to definitely assert themselves in order to prove that it is not a synthetic adoption: Therefore, be it

*Resolved*, That Congress of the United States enact such further and enabling legislation as will provide for the naturalization of any and all aliens that have legally entered and have been residents over a period of 10 years and upward so that they may become naturalized within 1 year from the time of the enactment of this remedial legislation and, further, be it provided that each applicant be caused to pay the sum of $50 for naturalization fees in order to defray the setting up of a special bureau for the foregoing purpose and to the end that said funds shall be designated to be used for defense purposes of these United States.

JOHN MESSINA.
Judge PATRICK H. O'BRIEN.
Judge D. J. HEALY.
Judge WILLIAM J. CODY.
NORMAN M. SNIDER.
JOSEPH KOSKI.
Judge ROBERT E. SAGE.

Mr. HOLT presented a statement in the nature of a memorial of 1,100 citizens of the State of Massachusetts, remonstrating against a policy of internationalism and any proposal to send American soldiers or sailors to battle in foreign countries, and also praying for the exposure of foreign war propaganda in the United States, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4311) to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes, reported it without amendment and submitted a report (No. 2061) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3991. A bill to authorize the disposal of tools and equipment on the New England hurricane damage project (Rept. No. 2062); and

H. R. 10080. A bill to amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937 (Rept. No. 2063).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD:

S. 4320. A bill to provide for a review of certain claims arising under the War Minerals Relief Acts; to the Committee on Military Affairs.

By Mr. PEPPER:

S. 4321. A bill for the relief of J. H. Churchwell Wholesale Co., of Jacksonville, Fla.; to the Committee on Claims.

By Mr. MEAD:

S. 4322. A bill for the relief of Salomon George Kaufmann, his wife, Doris Kaufmann, and their child, John Michael Peter Kaufmann; to the Committee on Immigration.

HOUSE BILL REFERRED

The bill (H. R. 10413) to provide revenue, and for other purposes, was read twice by its title and referred to the Committee on Finance.

AMERICAN FORUM ARTICLES ON VITAL ISSUES OF THE DAY

Mr. PEPPER. Mr. President, I ask unanimous consent to have referred to the Committee on Printing, with a view to its being printed as a Senate document, a compilation of articles contributed over a period of several months to the American Forum, many of which were contributed by Members of the Senate. It is an excellent collection of the views of many public men on the vital issues of the day, and I believe it will be a very valuable Senate document.

There being no objection, the compilation was referred to the Committee on Printing with a view to its being printed.

WARREN ZIMMERMAN—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4126) for the relief of Warren Zimmerman, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the figures "$304.08" insert "$580.26"; and the House agree to the same.

ALLEN J. ELLENDER,
H. H. SCHWARTZ,
ARTHUR CAPPER,
*Managers on the part of the Senate.*
AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
*Managers on the part of the House.*

The report was agreed to.

C. Z. BUSH AND D. W. KENNEDY—CONFERENCE REPORT

Mr. BURKE (for Mr. BROWN) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3481) for the relief of C. Z. Bush and D. W. Kennedy, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the figures "$1,204.50" insert "$1,704.50"; and the House agree to the same.

PRENTISS M. BROWN,
H. H. SCHWARTZ,
ARTHUR CAPPER,
*Managers on the part of the Senate.*
AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
*Managers on the part of the House.*

The report was agreed to.

PRINTING OF SELECTIVE COMPULSORY MILITARY SERVICE BILL

Mr. BURKE. Mr. President, I am informed that it requires an order of the Senate to secure the printing of Senate bill 4164, the selective training and service bill. The number necessary has been fixed at 2,000. This is the Senate bill with all the amendments adopted during the course of the debate in the Senate. Since the House committee has reported its own bill, it appears that the only way to have the bill printed as it passed the Senate is to get an order, so I ask unanimous consent that an order be entered for the printing of 2,000 copies of the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ATTITUDE OF WASHINGTON NEWSPAPER GUILD ON CONSCRIPTION

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the RECORD a letter addressed to me by Mr. C. Belmont Faries, secretary of the Washington Newspaper Guild, relative to the attitude of the guild toward conscription.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON NEWSPAPER GUILD,
*Washington, D. C., August 30, 1940.*

Senator BURTON K. WHEELER,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR WHEELER: Attention of the officers of the Washington Newspaper Guild has been directed to a statement of the Washington Newspaper Guild Auxiliary opposing conscription inserted in the CONGRESSIONAL RECORD of August 28.

A hurried reading of the statement has given many persons the entirely mistaken impression that this represented the viewpoint of the Washington Newspaper Guild on conscription.

The executive committee of the Washington Newspaper Guild was called upon to take a stand on the conscription question at its meeting of August 22, and passed the following resolution, directed to the American Newspaper Guild international executive board:

"The Washington Newspaper Guild executive committee strongly urges the international executive board to take no action either favoring or opposing the Burke-Wadsworth bill, or conscription as a national policy."

The officers took the position that conscription was a matter of momentous and yet controversial nature that each Member should decide for himself, and that it was not wise to attempt to commit the membership to any one view.

The guild auxiliary, an organization of wives of guild members, has no direct affiliation with the Washington Newspaper Guild.

We hope this communication will be inserted in the CONGRESSIONAL RECORD.

Sincerely yours,

C. BELMONT FARIES, *Secretary.*

ACCEPTANCE SPEECH OF HON. HENRY A. WALLACE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the text of the speech delivered on August 29, 1940, by Hon. Henry A. Wallace, accepting the Democratic Vice Presidential nomination, which appears in the Appendix.]

THERE ARE NO ISLANDS ANY MORE—BY EDNA ST. VINCENT MILLAY

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a poem written by Edna St. Vincent Millay, entitled "There Are No Islands Any More," which appears in the Appendix.]

FUNDS FOR THE T. V. A.

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial from the Tampa (Fla.) Tribune, issue of July 18, 1940, entitled "A Peculiar Omission," which appears in the Appendix.]

WHERE IS THE RECOVERY?

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial from a recent issue of the Tampa (Fla.) Sunday Tribune entitled "Where Is the Recovery?" which appears in the Appendix.]

MR. WILLKIE'S STAND ON DRAFT

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article from the Philadelphia Record of August 30, 1940, under the heading "Willkie's stand on draft to aid F. D. R.—Guffey," which appears in the Appendix.]

ADDRESSES AT CONVENTION OF THE NATIONAL COLORED DEMOCRATIC ASSOCIATION

[Mr. MINTON asked and obtained leave to have printed in the RECORD addresses delivered at the convention of the National Colored Democratic Association held in the Eighth Regiment Armory, Chicago, Ill., Sunday, July 14, 1940, which appear in the Appendix.]

EDITORIALS FROM WALLACES' FARMER ON FOREIGN POLICY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD five editorials from Wallaces' Farmer on the foreign policy of the United States, which appear in the Appendix.]

ARTICLE BY JOHN T. FLYNN—PLAIN ECONOMICS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by John T. Flynn, under the heading "Plain economics," recently published in the Washington Daily News, which appears in the Appendix.]

ACQUISITION OF AIR AND NAVAL BASES—EDITORIAL FROM THE NEW YORK DAILY NEWS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial published in a recent issue of the New York Daily News, under the heading "Let's get the title first," which appears in the Appendix.]

CONSTRUCTION OF SUPERHIGHWAYS—EDITORIAL FROM THE NEW YORK DAILY NEWS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial under the heading "Let's borrow this back from Hitler," recently published in the New York Daily News, which appears in the Appendix.]

REGULATION OF INTERSTATE CARRIERS—CONFERENCE REPORT

Mr. WHEELER. Mr. President, I ask permission to withdraw the first conference report on Senate bill 2009 submitted to the Senate on April 26.

The PRESIDENT pro tempore. Without objection, the report is withdrawn.

Mr. WHEELER. I now ask unanimous consent to submit the last conference report which was brought in.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

(See H. Rept. No. 2832, printed in the House proceedings of August 12, 1940, p. 10147.

Mr. McKELLAR. Mr. President, what is the difference between the two reports?

Mr. WHEELER. I expect to explain that. I ask unanimous consent for the present consideration of the report.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I will say to the Senator from Montana that I have no disposition to interfere with taking up the report. I intend to make a point of order against the conference report.

Mr. WHEELER. I understand that.

Mr. CLARK of Missouri. But if the Senator desires to make an explanation of the report, I shall be glad to withhold any point of order until after he has made it.

Mr. WHEELER. The Senator from Tennessee asked me the difference between this conference report and the other one. I will say briefly that the main difference between this conference report and the one formerly submitted is as follows:

When the bill originally came over from the House it containd the so-called Harrington amendment and also the Jones amendment. The conferees could not agree with reference to the Harrington amendment, and sent it back to the House, and agreed upon a report which was unsatisfactory with reference to the so-called Harrington amendment, and some of the labor organizations fought it. Then the report came back with the Jones amendment. The Jones amendment was modified in the last conference report, and so was

the Harrington amendment, and as the report now comes back it is satisfactory to Representative JONES and also to the labor people.

The bill which is the subject of the conference report, Senate bill 2009, was originally introduced by me at the request of the President of the United States. It passed the Senate on May 25, 1939, by a vote of 70 to 6. The President appointed a committee of six to consider the bill, the committee being composed of members of the railroad executives and members of the railroad labor organizations, and they agreed upon a report which they made to the President. I introduced a bill along the lines of the report with the exception of certain portions of it to which I did not agree. The bill then went to the Senate Committee on Interstate Commerce, and the full committee held long hearings on it. Everybody who wanted to be heard was heard, including labor, shippers, farmers, truckers, bus people, and water carriers. Never since I have been a member of the Senate Committee on Interstate Commerce have there been such full and complete hearings.

After the long hearings before the Interstate Commerce Committee I appointed a subcommittee to revamp the bill.

The subcommittee was composed of three Democrats and two Republicans. We then went into executive session, but again we heard the representatives of the shippers, the truck and bus people, the labor people, and everybody else concerned; and I venture the assertion that the bill was given more careful and more thoughtful consideration than any other bill which has ever come before the Senate in my time.

The bill has been a very controversial one. As stated, it came before the Senate and finally passed the Senate by a vote of 70 to 6. When it went over to the House our bill proposed a codification of the whole Interstate Commerce Act. The Interstate Commerce Commission were not favorable to the codification at that time because they felt that they perhaps could do a better job if they took a longer time. The bill passed the Senate in that form, however, and went to the House. The House struck out everything after the enacting clause and wrote their own bill, but their bill was almost identical with the bill which passed the Senate except as to form and three or four matters, to which I shall call the attention of the Senate.

The House bill provided specific amendments of parts I and II of the Interstate Commerce Act, and a new part—part III—of that act providing for regulation of water carriers. As the bill passed the Senate, as Senators will remember, it provided for the regulation of water carriers; and as the measure passed the House it was in substantial conformity with the Senate bill.

After a lengthy conference, the conferees have agreed upon a bill which follows the form of the House amendments, but which, I believe it can be fairly said, contains legislation on every important point included in the Senate bill.

As originally reported, the conference substitute did not contain three amendments made from the floor of the House by Representatives JONES, HARRINGTON, and WADSWORTH, respectively. The House voted to recommit the bill with instructions to its conferees to insist upon such amendments. After further consideration, the conferees again reported out the bill with substitutes for the Jones and Harrington amendments. With these amendments the bill was passed by the House on Monday, August 12, by a vote of 247 to 74.

One of the things which apparently has caused some confusion in the minds of those opposing this legislation is the changes made in the provisions of the Panama Canal Act. I hope I may have the attention of the Members of the Senate to this particular amendment, because this is the one amendment and the one change that has aroused a great deal of misapprehension in the minds of some persons engaged in water transportation. After the Senate hears my explanation I think they will come to the conclusion that as a matter of fact we have not changed the intent and purpose of the Panama Canal Act in the slightest degree.

I shall read the provisions of this act, found in paragraphs 19, 20, and 21 of the present law, and I hope I shall not bore the Senate when I do so.

The present law reads as follows:

From and after the 1st day of July 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere—

I call attention to the word "elsewhere" because that is one of the things upon which the opposition has based so much of its talk—

with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

That constitutes an absolute prohibition against a railroad owning, directly or indirectly, any interest in any shipping company whatsoever. That is section 5, paragraph 19.

Paragraph 20 reads:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

That is the way it reads.

The Commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the Commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said Commission shall be final.

When those two sections are read together it will be seen that while the first contains an absolute prohibition, the second was clearly intended to modify the first provision by saying that under certain conditions, as specified in the law, the Commission might, where it did not do away with competition and did not put somebody out of business, permit the one vessel or vessels to remain in operation, or they could grant a new license.

Because of the use of the term "paragraph" some contended that that related only to paragraph 20. But if the word "paragraph" is used, then the whole paragraph becomes absolutely meaningless. So, when the bill came to the Senate as originally passed, we changed the word "paragraph" to "section," so as to carry out the intent of the law as it was interpreted by the Interstate Commerce Commission in several cases, and there was not one appeal from a decision of the Commission in that regard.

It will be noted that the language in the section provides that the determination by the Commission shall be final.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. OVERTON. What is the question before the Commission for determination under the paragraph? Is it not the question whether the railroad carrier is in competition with the carrier it undertakes to acquire?

Mr. WHEELER. No. Paragraph 21 provides:

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce * * *.

And so forth. Under paragraphs 19, 20, and 21 the Commission could grant an extension or could grant a new line.

Mr. OVERTON. Is there anything in the provision the Senator has read which authorizes the Interstate Commerce

Commission to permit a railroad to acquire a competing carrier by water?

Mr. WHEELER. Oh, yes, where it is in the public interest.

Mr. OVERTON. The question is whether or not it is competing.

Mr. WHEELER. No. I beg to differ. It seems to me the language is perfectly plain, and they have done it in three or four instances, and never has the question been carried to any court. I read it again:

If the Interstate Commerce Commission shall be of the opinion that any such existing specific service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration the Interstate Commerce Commission may * * *.

And so forth.

Mr. OVERTON. If, then, the acquisition does affect competition, if it reduces it or puts an end to it or in any way affects it, the Interstate Commerce Commission is without authority.

Mr. WHEELER. That is correct, and that obtains today. We leave absolutely the same provisions and the same conditions in the law, as I shall call to the attention of the Senate.

The provision as it passed the Senate in Senate bill 2009 was that—

It shall be unlawful for any railroad company or other common carrier subject to this act to regulate commerce except, on and after the date this amendatory act takes effect, a common carrier by water that is not owned, leased, operated, or controlled—

And so forth. No change was made which would affect the law. When we came to section 10, which is the same as section 20 of the Interstate Commerce Act, instead of using the word "paragraph," we used the word "section," because it was apparent that the word "paragraph," in order to have any meaning in the measure, must have referred to a section, otherwise that provision would have been meaningless. We left in the provision that—

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension of the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce—

And so forth. We did not change the purport of that provision in the slightest.

As the bill came from the House it provided that—

From and after the 1st day of July 1914, it shall be unlawful for any carrier, as defined in section 1 (3), or (after the date of the enactment of this amendatory section) any person controlled by such a carrier, or affiliated therewith, to own, lease, operate—

And so forth. As that paragraph came from the House it was practically the same as the other two paragraphs.

Then we come to section 16 of the House bill, which conformed to paragraph 20 of the Interstate Commerce Act, and this language was used:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of facts arising under paragraph 15—

Paragraph 15 being the same as paragraph 19 of the original act:

Such application may be filed for the purpose of determining whether any existing service is in violation of such paragraph and may pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. It is a fact, is it not, that that changes existing law to the extent that any railroad which is brought into the operation of a ship line since July 1, 1914, in violation of the law, would be confirmed in the right to operate?

Mr. WHEELER. No, indeed. That is a misconception. The entire language cannot be read in any other way than that I have indicated. I am reading the House language. If they met the specifications provided in section 17 of the House bill, or section 21, then they were permitted to carry on and to operate. We have not changed the sense of that provision in the slightest degree. We changed the language in section 20, where the word "paragraph" was used, to "section."

Mr. CLARK of Missouri. I agree with the Senator from Montana that that is immaterial; but under the Panama Canal Act railroads were specifically excluded from the operation of ship lines either on the inland waterways or in the intercoastal traffic. It is true that the Interstate Commerce Commission, being a railroad-minded Commission, did finally come along in the Missouri-Pacific case, over the protest of Commissioner Mahaffie and Commissioner McManamy, and undertook to change the clear provisions of the law.

Mr. WHEELER. Let me read the language of the original Interstate Commerce Act to the Senator from Missouri. The first provision of paragraph 9 absolutely forbade what the Senator has suggested. Then it was modified by paragraph 20, and in paragraph 20, as I stated a moment ago, it is provided:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

Then we come to the next paragraph, which provides:

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water, whether other than through the Panama Canal, is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may by order, etc.

So that when we read those three paragraphs in the section together, there is no one who can come to any other conclusion than that I have stated, because otherwise the language in paragraph 20 would have to be construed as meaningless. When the courts come to put a construction upon one paragraph they must of necessity take into consideration the language of the whole section. Otherwise, they would not be doing their duty, as is required under the well-known principle of law that a court must place an interpretation on the law which will make the law itself reasonable and workable, and construe it in accordance with the intention of the Congress. Otherwise, one would have to say that the Congress of the United States in adopting paragraph 20 did something which was meaningless and of no moment whatsoever.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MILLER. I should like to have the Senator refer to page 13 of the conference report. The Senator has been talking about subsections (14) and (15), on page 13 of the conference report, as being substantially the existing law, and being the existing law at the time of the passage of the bill by the Senate and the House. Am I correct in that statement?

Mr. WHEELER. That is correct.

Mr. MILLER. The new matter which the conference committee inserted in the report is carried on page 14, in subsection (16). Is that correct?

Mr. WHEELER. No; the new matter is carried in subsections (15) and (16).

Mr. MILLER. The conferees had a perfect right to rewrite subsection (15) because that subject was dealt with by both the House and the Senate. Is that not correct?

Mr. WHEELER. Yes.

Mr. MILLER. The Senator's version of subsection (15) is merely a rewriting of the work of the House and the Senate in subsection (15).

Subsection (16) is an entirely new matter injected into the bill by the conferees, is it not?

Mr. WHEELER. No. Let me say——

Mr. MILLER. Well, is it or is it not?

Mr. WHEELER. Let me call the Senator's attention to the fact——

Mr. MILLER. Will the Senator answer the question, please?

Mr. WHEELER. I will answer the question in my own way. I do not intend to have the Senator limit me to answering yes or no. I have been on the witness stand too many times to be trapped into doing anything of that kind. If I had not had long experience in the trial of cases, I might fall for that.

Let me say to the Senator that the bill went to the House, which struck out everything after the enacting clause. So the House did not agree to the language of the Senate bill. Consequently, when the bill came to the conferees, it came, not as language which had been agreed upon by both Houses but as language adopted by the House in its bill. Consequently, being language adopted by the House in its bill, we could change its form in conference.

Mr. MILLER. But, as a matter of fact, it came back as a subject dealt with by the Senate and the House?

Mr. WHEELER. Yes; but I——

Mr. MILLER. No; but it was a subject dealt with. Subsection (16), however, is a subject which was not dealt with by either the House or the Senate?

Mr. WHEELER. We dealt with the whole section.

Mr. MILLER. Is it not a fact that the conferees decided in their wisdom that neither the House nor the Senate knew what they were doing when they passed the bill and that subsection (16) was needed to implement what the Congress had done?

Mr. WHEELER. Not at all.

Mr. MILLER. Well, that is what was done, is it not?

Mr. WHEELER. Not at all.

Mr. MILLER. Will the Senator yield to me again?

Mr. WHEELER. I yield.

Mr. MILLER. Will not subsection (16) in the conference report have the effect of utterly abolishing the law which prevents railroads from acquiring a controlling interest in water carriers?

Mr. WHEELER. I think I can clear the matter up, if the Senator will permit me to do so.

Mr. MILLER. I shall be glad to have the Senator do so.

Mr. WHEELER. The Senator is referring to what was section 21 of the Interstate Commerce Act. The Senate in paragraph 21 of the Senate bill changed section 11 of the Interstate Commerce Act, which provided:

If the Interstate Commerce Commission—

We struck out "Interstate Commerce"—

shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may by order extend the time during which such service by water may continue to be operated beyond July 1, 1914—

We struck out "July 1, 1914"—

In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission—

And we struck out "Interstate Commerce"—

and shall be subject to the—

We struck out "the" and put in "this"—

act to regulate commerce—

We struck out "to regulate commerce"—

and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision shall be filed—

And so forth. So the Senate, as a matter of fact, changed each and every one of the subsections. The bill went to the House, which struck out all the Senate provisions, and the bill went to conference in that form. So the House never at any time accepted the changes which the Senate had made in the bill.

Mr. MILLER. Mr. President, I grant that the House did not accept the Senate bill and that the House substituted one amendment for the entire Senate bill, but the question I am asking the Senator is this: Subsection (16), which is found on page 14 of the report, is entirely new matter injected by the conferees; is it not?

Mr. WHEELER. No. I have tried to say to the Senator that it is not new matter in the sense that the Senator speaks of it as being new matter.

Mr. MILLER. Well——

Mr. WHEELER. Let me finish my answer. I say it is not new matter that was injected into the bill. I repeat what we did was to amend each and every one of those subsections The measure went to the House, and the House struck out all the Senate enacted and passed a substitute, with various changes in the sections. When the bill went to conference, the conferees modified subsection (17), of which the Senator spoke. We did it because the Interstate Commerce Commission said the language ought to be clarified to make it simple and specific, so that there could not be any question about what was intended. We modified the language simply to clarify it. We did not in the slightest degree change the context of the section itself, and it was not intended to do so.

Mr. MILLER. I appreciate the fact that the Senator has given a great deal of consideration to the bill, and I appreciate his sincerity of purpose. However, let me ask him another question. The conferees dealt with the modifications of and amendments to the Interstate Commerce Act, that were carried in both bills in some form or other, as shown in the report down to the end of subsection (15) on page 14. Is that not right?

Mr. WHEELER. I do not follow the Senator. There is so much noise in the Senate Chamber I cannot hear him clearly.

Mr. MILLER. The Senator stated that the conferees modified certain sections of the Interstate Commerce Act which the Senate and the House had acted upon. I am not finding any fault with the conferees dealing with those sections which were modified by legislation passed upon by the House and the Senate. I ask, however—and I should like to have a definite answer—is not subsection (16), on page 14, entirely new matter, and does it deal with a single section in either the Senate or the House bill?

Mr. WHEELER. I will explain to the Senator——

Mr. REED. Mr. President, will the Senator yield?

Mr. WHEELER. I will yield in a moment. Let me say to the Senator from Arkansas, that in order to get the meaning of subparagraphs (15), (16), and (17) it is necessary to read them together.

Mr. MILLER. The Senator is speaking about paragraphs in the Interstate Commerce Act?

Mr. WHEELER. Yes; I am talking about all three of the subsections, because they are differently numbered. In the Interstate Commerce Act they are numbered (19), (20), and (21).

Mr. MILLER. I understand.

Mr. WHEELER. In the bill as it is now before us the subparagraphs are numbered (14), (15), and (16) of section 5. So when we speak of amending, we did not simply amend one paragraph so as to clarify it alone, but we tried

to make the whole section clear. The reason why we inserted the word "section" instead of "paragraph" in paragraph (15), was to make it plain that subsection (15) referred not only to subsection (14) preceding it, but it likewise referred to subsection (16).

When we come to subsection (16), there was a disagreement between the House and the Senate with reference to subsection (16). I understand the point the Senator is trying to make. He is trying to pick out one sentence in subsection (16) and say, "You wrote in some changes in that particular sentence, which was not changed in the House and was not changed in the Senate."

As I tried to explain to the Senate, the reason why that was changed was to make it conform to the changes which had been made—in other words, to simplify and clarify it. But the substance of that subsection is not changed in the slightest degree, according to the interpretation put on it by the committee; nor is it changed in the slightest degree according to the interpretation put on it by the Interstate Commerce Commission. So, as a matter of fact, those engaged in the shipping industry are in exactly the same position they occupied before this amendment. In fact, they are in a better position.

What I was about to say is that the shipping interests are further protected under this bill. They are much better protected than they were under the old bill, if they would recognize that fact, for the reason that under the present law the Interstate Commerce Commission may not issue a permit to a railroad company to buy a steamship line, but it may permit a railroad to cut rates, which would put the little fellow out of business. Under this bill the Commission may do exactly what it could do under the old bill with reference to granting permission, but it may not permit a railroad to cut rates in order to put the little fellow out of business, because the bill provides that the rates must all be regulated at the same time. To strengthen that provision so that the inherent advantages of each form of transportation may be recognized we wrote into the bill in conference provisions which went further than either the Senate or the House had gone in trying to protect those engaged in the shipping industry.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MILLER. I know the able Senator from Montana is definitely of that opinion. I know perfectly well the Senator would not report a bill unless he thought it was in the interest of the people of the United States. I think every Member of the Senate is willing to concede that, and gladly concedes it.

Mr. WHEELER. I thank the Senator.

Mr. MILLER. The record justifies such a concession or admission on our part.

The conferees have correctly handled the mechanical part, with reference to various substitutions, striking out sections, and so forth; they have done that correctly; but the point I am trying to make is that the provisions of subsection (16) are new matter. I understand why the conferees think it was necessary to insert those provisions, but the point I am making is that it is a question for the Senate to say whether or not they should be in the bill.

Mr. WHEELER. Of course, it is for the Senate to pass upon every single thing the conferees did. I would not assume to speak for the Senate, and say that it must adopt everything the conferees have done. So far as I am personally concerned, I will say to the Senator that I undertook this job unwillingly, perhaps, only after the President of the United States had requested me to undertake it, and after the Committee of Six had begged me to do so.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. I am asking for information. I recognize that the Senator knows much more about this kind of legislation than does the Senator from Texas. I do not want the Senator to conclude that I am trying to put him on the spot or cross-examine him. However, I wish to ask this question:

When the bill originally passed the Senate, it did not repeal the Panama Canal Act; did it?

Mr. WHEELER. No; indeed.

Mr. CONNALLY. When the bill passed the House, it did not repeal the Panama Canal Act; did it?

Mr. WHEELER. No.

Mr. CONNALLY. The conference report does.

Mr. WHEELER. No; absolutely not.

Mr. CONNALLY. It modifies it.

Mr. WHEELER. No.

Mr. CONNALLY. Does it not amend the Panama Canal Act?

Mr. WHEELER. It amends it; but I have tried to make it plain——

Mr. CONNALLY. Suppose we say that it does not repeal the Panama Canal Act, but amends it. The bill, when it passed the Senate, did not amend the Panama Canal Act.

Mr. WHEELER. Yes.

Mr. CONNALLY. In the same way in which the conference report amends it?

Mr. WHEELER. Not in exactly the same way.

Mr. CONNALLY. If it is not in exactly the same way, then that matter was not in conference.

Mr. WHEELER. I beg the Senator's pardon. If I become earnest with the Senator, I hope he will understand.

Mr. CONNALLY. I want the Senator to be earnest.

Mr. WHEELER. I have the unfortunate habit, in debate, of appearing to be too much in earnest.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. McKELLAR. I am asking purely for information. Subsection 16 gives the carrier the right to have or acquire an interest in a common carrier by water, under the conditions mentioned therein.

Mr. WHEELER. That is correct.

Mr. McKELLAR. Was that power given in the Senate bill?

Mr. WHEELER. Yes.

Mr. McKELLAR. It was given in the Senate bill?

Mr. WHEELER. Yes.

Mr. McKELLAR. Was it given in the House bill?

Mr. WHEELER. Yes.

Mr. McKELLAR. It was given in both?

Mr. WHEELER. It was given in both.

Mr. REED. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. REED. Let me say to the Senator from Tennessee—and I am sorry the Senator from Arkansas [Mr. MILLER] has left the Chamber—that the conference report does not confer on the Interstate Commerce Commission any jurisdiction which it did not have under the original Panama Canal Act, nor does it subtract any power. There was an ambiguity as between the three paragraphs in section 5 of the Interstate Commerce Act. We removed that ambiguity, but we have not changed in the slightest degree the power of the Interstate Commerce Commission, which was given to it in the original act, and which has been carried through all the 26 years without a single case decided under the Panama Canal Act being appealed to the courts. So we have no court decisions or interpretations for the simple reason that no appeals were taken.

I do not want to break in too much on the time of the Senator from Montana. There is a common misconception that the original Panama Canal Act was a prohibition against a railroad owning any interest in a competing carrier by water. It is nothing of the kind. If we consider only the first paragraph of the Panama Canal Act, that may be true; but, as the distinguished Senator from Montana has explained, the first paragraph is modified by the language of the subsequent paragraphs. All through the years that power has been vested in the Commission. We have not added to it or subtracted from it, not have we changed the intent of the original Panama Canal Act in any way.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. If it has not been added to, subtracted from, or changed, why was the language changed?

Mr. REED. I said there was an ambiguity.

Mr. CONNALLY. The Senator said it had not been changed at all.

Mr. REED. Mr. President, I insist upon the Senator from Texas quoting me correctly.

Mr. CONNALLY. I am quoting the Senator to his face, and he may correct me if he objects.

Mr. REED. I said that we have not added to or subtracted from the power of the Interstate Commerce Commission granted under the original Panama Canal Act.

Mr. CONNALLY. I accept the Senator's statement. We have not added to it and have not subtracted from it. If that does not leave it just as it was, I cannot understand.

Mr. REED. Not necessarily as to the language.

Mr. CONNALLY. Let me ask the Senator one further question.

Mr. WHEELER. Mr. President, I have the floor.

Mr. CONNALLY. Will the Senator yield to me?

Mr. WHEELER. I yield.

Mr. CONNALLY. The Senator from Kansas brought out the ambiguity, and I wish to ask him a question about it. The Senator from Kansas said that we did not change the law; we merely removed some ambiguities. If we remove an ambiguity by law, we change the law. I do not care whether it is a two-eyed ambiguity or a one-eyed ambiguity. We change the law because, if we have a law which somebody does not understand and cannot construe, and we say, "It is ambiguous, and we will make a new law, making it unambiguous"; if that is not legislation, then we have no business meeting.

Mr. WHEELER. There is no question at all about it. We amended the bill as it passed the Senate. Let me read what Commissioner Eastman said. I think every Member of the Senate who knows Commissioner Eastman knows that he is one of the most sincere, able, and conscientious men in public service. I have not always agreed with him, but he is one of the most conscientious and able public servants ever to serve in the city of Washington.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. I entirely agree with what the Senator from Montana said about Commissioner Eastman, but does the Senator think he is any more patriotic or high-minded than Commissioner Mahaffie, who dissented in the Missouri-Pacific case, which is the only thing which brought about the ambiguity?

Mr. WHEELER. I do not want to draw comparisons between them, but Commissioner Eastman has probably had more experience in dealing with the construction of the Interstate Commerce Act. He is recognized, both by his enemies and by his friends, as the outstanding authority in the United States upon transportation matters.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. I am not going to dissent from Commissioner Eastman, but what has Commissioner Eastman got to do with the point of order in the Senate? I am not attacking the motives of the Senator from Montana or the Senator from Kansas; I believe they are doing what they think is right; but the question here is not the desirability of this legislation; it may be very desirable; but the point is that the United States Senate has the right to consider this legislation originally and not the conference committee. I desire to make clear that I am not attacking the Senator's motives, or anybody else's motives, or Mr. Eastman; I think Mr. Eastman is a very great man; I believe he knows a great deal about transportation and I am sure his motives are lofty, pure, and fine. However, the point here is not what Mr. Eastman may think about something but whether or not the conference committee had any authority, under the rules of the Senate and the precedents, to include matter in this report that was contained neither in the Senate nor the House bill.

Mr. WHEELER. Let me say to the Senator that that is not a correct statement of fact. It is apparent to me that if the Senator from Texas, able lawyer as he is, had carefully read and studied the law, he would have studied it, as I have and as have the ablest Members of the House of Representatives, he would come to the same conclusion we have come to. I know that the water carriers have opposed this legislation and fought it upon every ground they could, and have tried to convince some Senators that the conference report exceeds the authority of the conferees. That is only a smoke screen to defeat the proposed legislation.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I will yield in a moment. I do not say it is a smoke screen on the part of any Senator, but I say it is a smoke screen on the part of the water carriers who have fought this proposed legislation in every conceivable way and by every representation that could possibly be made with reference to it. They have sent out propaganda. All I am trying to do is to get the Members of the Senate themselves not to accept the propaganda that has been sent out but to take the law and the facts. If they will do that, and not be fed up by the stuff which is being disseminated, I think they will come to a different conclusion.

Personally, I have no interest in this legislation; it does not mean one iota to me whether it passes or fails; but I feel that it is good legislation, and, as I have said, I undertook it because the President wanted me to do so. I am not referring to Commissioner Eastman because I think he is pure and undefiled or anything of that kind, but I speak of him because of his ability, and I want to show the construction he places and the construction the Interstate Commerce Commission place upon the law.

Mr. SHIPSTEAD. Mr. President, will the Senator yield there?

Mr. WHEELER. Let me proceed for a moment, and then, I will yield, first to the Senator from Missouri, who asked me first, and then to the Senator from Minnesota.

The provisions of this act, found in paragraphs (19), (20), and (21) of section 5 of the Interstate Commerce Act involve many ambiguities and uncertainties of language, and, without administrative interpretation, they would have been impossible of practical application. Under such circumstances administrative interpretation is controlling unless overruled by the courts. The Commission's interpretation of these provisions has not been challenged in the courts, although such interpretation has been followed for many years by the Commission.

These paragraphs are not clear on the question of installation of new water service and on the acquisition of interests in water lines by rail carriers.

However, in the case of *Southern Pacific Co.'s Ownership of Atlantic Steamship Lines* (77 I. C. C. 124), the Commission found, following prior cases decided by it, that these paragraphs should be considered as a whole.

We should not pick out isolated sentences in this section and say the conferees changed them. In determining this question we have got to take the section as a whole and to show that the conferees so changed the intention of the section as a whole in such manner as to constitute a violation of their instructions from the Senate and the House.

I may add that this matter came before the House of Representatives; the same point of order was ruled upon, as I understand, in the House of Representatives by the Speaker of the House, and he decided against the contention that is now raised here.

Mr. CLARK of Missouri. Mr. President, will the Senator yield on that point?

Mr. WHEELER. I should like to finish reading the quotation, but I yield.

Mr. CLARK of Missouri. Since the Senator is quoting the decision in the House, let me suggest to the Senator that

until the decision of Vice President GARNER about 2 years ago on the agricultural-appropriation bill there had been for many years one set of rules in the House and another set of rules in the Senate as to the question of conferees exceeding their jurisdiction. The Speaker of the House was following a long line of decisions in the House.

Mr. WHEELER. That is correct.

Mr. CLARK of Missouri. Until the ruling of Vice President GARNER a couple of years ago there had been a uniform line of decisions in the Senate on the other side.

Mr. WHEELER. Let me say to the Senator that I know he is far more familiar with parliamentary rules of both the House and the Senate than I am, because I am not a student of them and never claimed to be; but the fact is, as the Senator says, the Speaker of the House ruled upon this question, and he made the same ruling that Vice President GARNER made on the agricultural bill in deciding an identical point of order. The Senator will concede that, will he not?

Mr. CLARK of Missouri. Yes; I think there is no question about it.

Mr. President, may I suggest to the Senator from Montana that I withheld the point of order on the theory that the Senator from Montana might desire to make a general statement with reference to the conference report?

Mr. WHEELER. That is correct.

Mr. CLARK of Missouri. The debate, however, has run into a discussion of the point of order. I suggest to the Senator from Montana, if he will yield to me further, that it might be well for me to make the point of order and have the discussion properly applicable to the matter before the Senate.

Mr. WHEELER. I do not want to yield for that purpose at this time. I should like to go through the report, and would prefer not to have the point raised at this time.

Mr. CLARK of Missouri. The Senator will agree that I did not raise it but withheld the point of order for that reason, but if we are going to discuss the point of order, I think I should make the point of order.

Mr. WHEELER. Let me say to the Senator that I did not intend to discuss the point of order. It was brought up by someone else. I was trying to discuss the report.

Mr. CLARK of Missouri. I will be glad to yield to the Senator's wishes in the matter, but I think, if we are going to discuss the point of order, it might well be before the Senate.

Mr. WHEELER. I have no objection, if the Senator wants to make the point of order.

Mr. CLARK of Missouri. I make the point of order that the conference report involves an excess of the jurisdiction of the conferees. I do that on the ground, in the first place, that the conference report in the case of the Miller-Wadsworth amendment has excluded a matter agreed to by both Houses. In the second place, that in a partial repeal of the Panama Canal Act and the Motor Transport Act the conferees have injected new matter never considered by either House.

Furthermore, Mr. President, while the old practice of the Senate, based on the decision of President pro tempore Cummins, was well settled, I recognize the fact that the decision of Vice President GARNER, made a couple of years ago, on the agricultural bill was to the effect that wherever one House has stricken out all after the enacting clause of a bill the whole subject is before the conferees for discussion and that anything germane might be included in the conference report.

I make the further point of order, Mr. President, that this conference report in the matter of the repeal pro tanto of the Panama Canal Act and the Motor Transport Act includes matter not germane to the matter submitted to the conferees, and, therefore, in order to sustain the conference report, it will be necessary to go much further than has ever been gone by the Senate and much further than has ever been gone by the House except in the opinion of Speaker BANKHEAD on this subject the other day.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The point of order is made; the point of order is not debatable unless submitted by the Chair. The Chair will state, however, that he intends to submit the question to the Senate. The Chair would like, in the meantime, to read a few precedents before submitting the point of order.

Mr. WHEELER. Mr. President, I do not understand the statement of the Chair.

The PRESIDENT pro tempore. The Chair said the point of order is not debatable unless the question is submitted by the Chair to the Senate. The Chair intends, after reading certain precedents, to submit the question to the Senate for its determination. The Chair should like, in the meantime, to proceed to read a few precedents.

Mr. WHEELER. Mr. President, I think we ought to have a quorum, and I suggest the absence of a quorum.

Mr. SHIPSTEAD. Mr. President, is the Presiding Officer about to rule on the point of order for action without debate?

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The Chair will answer any parliamentary inquiry subsequent to the call for a quorum. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Connally | Johnson, Colo. | Shipstead |
| Andrews | Danaher | Lee | Slattery |
| Ashurst | Donahey | Lucas | Smith |
| Austin | Downey | Lundeen | Stewart |
| Bailey | Ellender | McKellar | Thomas, Idaho |
| Bankhead | George | Mead | Thomas, Okla. |
| Barkley | Gerry | Miller | Thomas, Utah |
| Bone | Gibson | Minton | Townsend |
| Bridges | Glass | Murray | Truman |
| Bulow | Green | Overton | Tydings |
| Burke | Guffey | Pepper | Vandenberg |
| Byrd | Gurney | Pittman | Van Nuys |
| Byrnes | Harrison | Radcliffe | Wagner |
| Capper | Hatch | Reed | Wheeler |
| Caraway | Hayden | Reynolds | White |
| Chandler | Herring | Russell | Wiley |
| Chavez | Hill | Schwartz | |
| Clark, Idaho | Holt | Schwellenbach | |
| Clark, Mo. | Johnson, Calif. | Sheppard | |

The PRESIDENT pro tempore. Seventy-three Senators having answered to their names, a quorum is present.

The Senator from Missouri [Mr. CLARK] has made a point of order against the conference report, alleging that the conferees have included in the conference report matter which was not committed to them, and that they have stricken out certain provisions which were included in both the Senate and the House bills, contrary to section 2 of rule XXVII of the Senate.

Section 2 of rule XXVII reads as follows:

> 2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

The Chair will present to the Senate some of the leading precedents with regard to the interpretation of this rule. The Chair will state that these precedents are contradictory.

There is no doubt that a conference between the two Houses of Congress is essential to the accomplishment of legislation. It would be within the power of either branch of Congress greatly to injure the Government, if not to destroy it, by refusing to perform its functions as a legislative body. In the very nature of things, comity must exist between the two branches of Congress.

It is a necessary theory that if either branch introduces and passes legislation and messages it to the other House, it is the duty of the other House to consider such legislation, and approve it, reject it, or amend it. It is in that manner alone that legislation may be enacted by Congress.

It is hardly possible to conceive that if one branch of Congress passed a bill dealing, for instance, with transportation, the other House of Congress could satisfy its duty by substituting another bill, for instance, authorizing the President

of the United States to sell destroyers to some belligerent government. That would not be a meeting of the two bodies on the legislation initiated. If such action were taken by one of the bodies and a conference were asked for, the other body naturally would refuse the conference, because it would not be on the subject initiated by the first body.

There have been rules of procedure and precedents in the House of Representatives from almost the beginning of the Congress which have been quite uniformly followed down to the present time, rules precedents which were antagonistic to the views of this body. I believe it has been universally held in the House, for instance, that when the House strikes out all after the enacting clause of a Senate bill and substitutes an amendment in the nature of a substitute for the Senate bill, that in that event the whole matter is in conference, and that the conferees have the right to write a new bill in lieu of the two bills submitted to the conference, and that the House would sustain that action, and the House has sustained such action.

The Chair has an opinion by Vice President GARNER on that subject in which he cites the precedents of the House, and in that ruling he quotes extensively from a ruling upon the subject by the Honorable Champ Clark, who at one time was a distinguished Speaker of the House. The Vice President took the ground in this opinion, which the Chair will read in part, that following the ruling of the House, and its precedents, where the House struck out all after the enacting clause and substituted another bill as an amendment, section 2 of rule XXVII of the Senate did not apply.

Let me read portions of this ruling by Vice President GARNER. The Chair will read only portions of it in order to save time, but I will ask to have the ruling printed in full at the end of my remarks, with the citations of precedents.

This ruling by Vice President GARNER was made during the consideration of the Agricultural Adjustment Act of 1938.

The Vice President stated:

H. R. 8505, the Agricultural Adjustment Act of 1938, was passed by the Senate with an amendment in the nature of a substitute. When the conference report was taken up in the Senate on February 10, 1938, Mr. SCHWELLENBACH, of Washington, made the point of order that the House bill and the Senate amendment, relating to the dairy industry, insofar as they presented the substance of the matter, were identical, the language being the same; that the corresponding provision inserted in the conference report was different from both the House and Senate provisions, and that the conferees, in inserting such provision, had left out matter agreed to by both Houses, and, therefore, under rule XXVII, paragraph 2, had exceeded their authority.

On February 11, 1938, the Vice President (JOHN N. GARNER), in the following language, overruled the point of order:

"At the outset the Chair will state that the merits of the bill do not concern him in making the ruling on the pending point of order, nor can the Chair take into consideration the question of the wisdom or the good faith of the conferees. The only point the Chair can take into consideration is whether the conferees have exceeded their powers, wisely or unwisely.

"There are rules of the Senate and rules of the House of Representatives. The particular rule of the Senate referred to a moment ago by the Senator from California [Mr. JOHNSON] has been one of the rules of the Senate, as the Chair recalls, since 1918. It has been part of the House rules for nearly a century. The first ruling in the House of Representatives on this particular question was rendered on March 3, 1865, by Mr. Colfax, the Speaker, who was later Vice President of the United States and President of the Senate. From that time until this 10 Speakers of the House of Representatives have passed on this particular question. All their decisions, remember, Senators, are based upon one fact, and that is that when one body strikes out all after the enacting clause and inserts a new bill the entire rule is reversed. Rule XXVII, clause 2, specifically does not apply then. The Senate decided by a vote of 41 to 34 when voting on a ruling by the then Vice President, Mr. Dawes, to which I shall call attention a little later.

"The Chair will say that in 1865 Speaker Colfax began this line of ruling, and in 1911 the matter was thoroughly surveyed in the House of Representatives under Speaker Clark. The Chair will now ask the clerk to read to the Senate the ruling of Speaker Clark, in order that the Senate may understand the philosophy with respect to the particular question now pending."

The Chair will read only extracts from Speaker Clark's ruling, as the whole ruling will be placed in the RECORD. Speaker Clark said:

The Chair has no doubt that at least one contention of the gentleman from Illinois is correct. That is, that if it is a mere dispute about amounts or rates, the conferees cannot go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair, at least, four great Speakers of this House have ruled on the proposition * * *.

* * * * * * *

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted, it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Speaker Cannon incorporated into this opinion, because the question ought to be definitely settled, during the life of this Congress, at least.

Again he quotes from a quotation by Speaker Clark of a ruling by Speaker Gillette, when Speaker Gillette said:

And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy. He then continued:

Again the Vice President in the same ruling quoted a former decision by Vice President Dawes. He quoted Vice President Dawes as follows:

The Chair would remark that when the amendment of the Senate is a new bill in the nature of a substitute instead of various amendments to different parts of the bill, the whole status of conference is changed under the precedents. Under the line of argument which the Chair followed the other day in holding that new matter when germane could be put in as an amendment under those circumstances, he would seem to be justified now in overruling the point of order. The status of conference being changed where the Senate substitutes a bill as an amendment, the precedents, in effect, held that the restrictions of rule XXVII, paragraph 2, do no apply, and he so rules. The point of order is not well taken.

The Senator from Nevada, the present President of the Senate pro tempore, appealed from that ruling, and the Senate sustained the ruling of the Chair (Vice President Dawes) by a vote of 41 to 34.

Then the Vice President made the ruling I quoted, on August 6, 1935, presumably in support of his position. The present occupant of the Chair contends it is not in support of his position. The Chair quotes the following language from the ruling made by the present occupant of the chair August 6, 1935, as follows:

It will be observed that while this matter is treated in both the Senate and House bills, they are at entire variance of their treatment of it. Therefore both of the sections were in conference.

Under the interpretation of the present occupant of the Chair, where all after the enacting clause of a House bill is stricken out and an entirely new bill inserted by the Senate, the question arises as to whether or not the language used as a substitute for the two sections is germane and carries out the intent of both bodies with regard to such particular legislation.

The Chair simply calls attention to that because the only question that was involved on the point of order was whether or not the language adopted by the conference committee carried out the intent of both bodies with regard to their position.

When the Vice President had finished his ruling, and overruled the point of order, Mr. Duffy of Wisconsin appealed from the ruling of the Chair. The appeal was laid on the table by a vote of 48 yeas to 31 nays.

The Chair calls attention to the fact that that was on the adoption of the conference report on the Agricultural Adjustment Act of 1938, which was a very important measure.

When the Chair calls attention to the inconsistency of the Senate with regard to these conflicting rules, it becomes evident that Senators, instead of voting upon the point of order, frequently were voting upon whether they wanted the conference report adopted or not adopted. That is very unfortunate. The Chair is informed that the House acts uniformly to sustain the rules, precedents of that body.

There is the ruling of the Vice President to the effect that when the Senate amends a House bill, or a Senate bill is amended by a House bill, by striking out all after the enacting clause, and substituting the other body's bill, rule

27 does not apply. That is a question which the Senate will have to determine.

Let us go back to a few other decisions on this matter. The Chair has before him an opinion by the late Senator Jones of Washington, when he was occupying the Chair. His ruling absolutely contradicts the ruling of Vice President GARNER and Vice President Dawes. The ruling by Senator Jones was made on August 25, 1922.

On August 25, 1922, the Senate had under consideration the conference report on the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes. The Senate passed the bill with a substitute amendment.

There again we have an amendment, in the form of a substitute.

Mr. Shields, of Tennessee, made the point of order that the conferees had exceeded their authority in eliminating from the report in two instances matter agreed to by both Houses, namely, (1) the provision requiring judges to be residents of the districts for which appointed; and (2) the provision requiring the Attorney General upon the request of the Chief Justice to make a report of the business of the several courts of the United States with particular reference to cases or proceedings to which the United States was a part, together with such recommendations or requests as may be deemed proper.

Also, that the conferees had exceeded their authority by inserting in the report matter that was not the subject of discussion or within the scope of the bill in either the House or Senate with reference to the appointment of a judge for the middle district of Tennessee.

After debate, the presiding officer, Mr. Jones of Washington, sustained the point of order as follows, and the Chair will read this opinion, which is short, but quite clear:

The rule that is invoked reads as follows:

"Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference."

This rule was adopted to meet a practice of the Senate that had become an abuse and to which objection had often been made. It is clear and definite in the limits which it imposed upon the action of the conferees. It has not often been invoked since its adoption, when when invoked it is controlling upon the Senate. Whether the objection made is technical or substantial, if it comes within the terms of the rule, no discretion is left in the presiding officer.

The first objection to this conference report is based upon the provision of the House bill that reads:

"The Attorney General shall, upon the request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper. The Attorney General shall not be a member of said conference."

That is the provision placed in the bill by the House. As the bill passed the Senate it contained this provision:

"The Attorney General shall, upon request of the Chief Justice, report to the said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party."

That language is identical with the language of the House as far as it goes, and the Chair thinks that it states a distinct matter, or proposition, and that the further provisions in the House bill—"together with such recommendations or requests as may be deemed proper" and "the Attorney General shall not be a member of said conference"—are in substance and statement two additional matters, and it seems to the Chair that the first matter stated in the House provision was adopted in the bill as it passed the Senate and comes clearly within the prohibition of the rule against omitting matter adopted by both Houses.

The next objection is based upon this language. The House bill provided:

"Said judges shall be residents of the districts for which appointed and shall receive the same salary and allowances and shall possess, exercise, and perform the same jurisdiction, powers, and duties as is now provided by law."

The Senate provision is:

"Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed and shall devote his time to the duties of his office and shall not engage in any other employment for which he receives compensation, and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor."

The Chair thinks there are several independent matters contained in each one of these provisions. There is the provision, "Said judges shall be residents of the districts for which appointed." That is a distinct matter. The Senate bill provided: "Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed."

These two propositions are identical in substance and almost in language. They have nothing to do with the qualifications of the judge or with the salary which he shall receive. In other words, both Houses provided that each judge should reside in his district or circuit.

The point is made that this is covered by existing law. That may be true, and yet the Senate and the House both seemed to think that a provision of this sort was necessary, and inserted it. The rule says that a matter passed upon by both Houses shall not be eliminated. No discretion is left to the conferees as to whether it is covered by existing law or not.

It seems to the Chair that the point of order on that matter must be sustained.

The next proposition is with reference to the provision relating to the middle district of Tennessee. The House made provision for an additional judge for this district. It is conceded that under existing law the present judge is the judge for the eastern and the middle districts of Tennessee. The Senate made no provision for an additional judge for the middle district. The provision as finally agreed to and submitted by the conferees takes away the jurisdiction given to the present judge by existing law in the middle district and limits his jurisdiction to the eastern district.

The question of limiting the jurisdiction of the existing judge is not submitted to either House; neither House gave it any consideration whatever; and the Chair believes it to be new matter in the conference report and prohibited by the rule.

The Chair sustains the point of order on all three grounds. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 11766.)

Strange to say, there was no appeal from that decision, and that decision is diametrically opposed to the decision of the Vice President.

Another very important decision was rendered on this same question with regard to a conference report on legislation affecting Muscle Shoals.

On February 19, 1925, Mr. NORRIS, of Nebraska, raised the following points of order against the conference report on the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, the Muscle Shoals properties, which had been passed by the Senate with a complete substitute: That the conferees had exceeded their authority in contravention of paragraph 2 of rule XXVII, as follows:

First. By the insertion of the following new matter relative to the employment by the President of officers or agents to carry out the purposes of the act:

The President is hereby authorized and empowered to employ such advisory officers, experts, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and the sum of $100,000 is hereby authorized to enable the President of the United States to carry out the purposes herein provided for.

Second. By the insertion of new matter relative to the rental to be paid for dam No. 2, as follows:

The lessee shall pay an annual rental for the use of said property an amount that shall not be less in the aggregate than 4 percent for the period of the lease on the total sum of money expended in the building and construction of dam No. 2 and upon dam No. 3 after completion, which shall be paid in full each year unless it be shown that due to expenditures in development and improved equipment for the production of fertilizer, as provided herein, the lessee may be granted a deferred payment, which shall draw interest at the rate of 4 percent annually after the first 6 years of the lease period at either or both dams: *Provided, however,* That no interest payment shall be required upon the cost of the locks at dam No. 2 and Dam No. 3, nor upon an additional amount to be determined by the President as representing the value of this development to navigation improvement.

Third. By inserting the following new matter relating to the production of nitrogen:

In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessor or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of

these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period * * *: *Provided*, That if in the interest of the President, the interest of national defense and agriculture will obtain the benefits resulting from the maintenance of nitrogen fixation plant No. 2 or its equivalent in operating condition by so doing, then he is authorized to substitute the production of fertilizers containing available phosphoric acid * * *.

Fourth. By the insertion of the following new matter relative to construction work on dam No. 3 and the approach to the locks in dam No. 2:

The appropriation of $3,472,487.25, the same being the amount of the proceeds received from the sale of the Gorgas steam-power plant, is hereby authorized for the continued investigation and construction, by contract or otherwise, as may be necessary to prosecute said project to completion. Further expenditures to be paid for as appropriations may from time to time be made by law.

After a lengthy debate, the President pro tempore (Albert B. Cummins, of Iowa) sustained the points of order in the following language:

The Chair recognizes that the points of order made by the Senator from Nebraska present questions which are not only exceedingly important but exceedingly difficult, and upon which there is an opportunity for wide differences of opinion. These differences will never be settled finally until they are settled by a decisive vote of the Senate itself. In the ruling the Chair is about to make the text of the House bill is entirely disregarded, for, in the opinion of the Chair, it cannot be fairly claimed that the two Houses in their original action agreed upon any point or upon anything. There were, of course, some features of similarity, but these features of similarity were so connected with other considerations and so influenced by other provisions that the Chair is forced to the conclusion that the jurisdiction of the conference committee was neither expanded nor limited by anything contained in the original House bill as compared with the Senate bill. This means that, in the judgment of the Chair, the points of order must depend upon a comparison of the Senate bill with the report of the conference committee. It is urged on the one hand that when so compared new matter will be found in the conference report, and that therefore the report is objectionable under rule XXVII. It is urged, upon the other hand, that the phrase "new matter" does not prohibit in a conference report matter which is germane to the subject or subjects of the bill.

The subjects of the Senate bill were—

First. The disposition by lease of certain specified property belonging to the Government situated at or near Muscle Shoals, Ala.

Second. In the event of a failure to lease, or in event of the cancelation of the lease, the operation of the property so leased, together with other property by a Government-owned corporation.

There can be no doubt that the changes made in the Senate bill in conference are germane in a broad, general sense to the subjects dealt with in the Senate bill; and if that is the test to be applied, the points of order must be overruled.

The Chair, however, finds itself unable to interpret the second paragraph of rule XXVII with the breadth contended for by those who seek to sustain the conference report. This paragraph of rule XXVII to which reference has been made is as follows:

"Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference."

The Chair has already observed that there was nothing agreed upon by both Houses, and that part of the rule will not be further considered. There remains to be considered the prohibition that "conferees shall not insert in their report matter not committed to them by either House," and the requirement that "new matter" must not be inserted in a report. What is "new matter"? It is quite impossible to define this phrase with that accuracy and precision which will make any rule announced applicable to the infinite variety of cases that will arise. It may be remarked, however, that some 3 or 4 years after the adoption of paragraph 2 of rule XXVII the Senate amended rule XVI, relating to the consideration of appropriation bills, and the amendment provided:

"The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation; and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill; and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations."

It has seemed to the Chair that the words "new matter," as found in rule XXVII, and "new legislation," as found in rule XVI, must mean practically the same thing. The fact of the identity of these two phrases makes it all the more important that the ruling upon the points of order now before the Senate shall be correct. Without attempting to define "new matter," the Chair is of the opinion that it was intended when this paragraph of the rule was adopted to restrict the general parliamentary law as frequently announced by the Speaker of the House of Representatives. The House knew when it sent the bill to conference that the rule of the Senate forbade the insertion of "new matter" in the conference report, and the Chair assumes it adopted that plan for bringing the two Houses into agreement with full understanding of the limitation placed upon the Senate conferees.

The Chair does not desire to be understood as holding that every change made in the bill by the conference report constitutes "new matter." It is of the opinion that, in order to bring the change within the spirit of rule XXVII, "new matter" must be of substantial import; that is to say, a change affecting in a substantial way the plan proposed in the Senate bill.

It is the judgment of the Chair that many such changes appear in the conference report. The Chair has been in some doubt with respect to the propriety of pointing out these changes which, in the judgment of the Chair, bring the conference report under the prohibition of the rule. It has, however, concluded not to name the specific instances in which, as viewed by the Chair, the rule has been violated. The Chair has been in grave doubt with regard to that matter. He has before him at the present instance a half dozen or more instances which, in his judgment, violate rule XXVII in the conference report. The points of order insofar as respect the insertion of new matter in the conference report are sustained.

Mr. Underwood, of Alabama, took an appeal from the decision, which, after debate, was sustained by the Senate—yeas 45, nays 41. (CONGRESSIONAL RECORD, 68th Cong., 2d sess., pp. 4124-4137, 4243-4250, 4310-4314, 4321-4326.)

The Chair calls attention to the fact that that is about the same vote by which the ruling of Vice President GARNER was sustained, indicating, as stated before, that it is unfortunate that there is evidence before the Senate of long years' standing that very frequently Senators, instead of voting on the question of violation of the rule, vote on whether or not they want the conference report agreed to. The Chair thinks a majority of this body wants this conference report agreed to if it contains what was in the bill when the Senate passed it.

It is impossible for the Chair to review the provisions of the Senate bill or the provisions of the House bill. They are voluminous. It is practically impossible for the Chair to review the conference report, which carries numerous amendments and changes. All the Chair is attempting to do is to lay down the various definitions of the rule. With all due respect to the Vice President, for whom the Chair has the highest regard, he does not believe that the precedents of the House of Representatives, which provide that the conferees have a very wide latitude and may write a new bill in the case of an amendment in the form of a substitute apply to the Senate, since the adoption of this particular rule on March 8, 1918. Each body has its own rules, and neither body can suspend or affect the rules of the other.

Mr. Jones of Washington stated in his ruling that the annoyance to the Senate of having to act on conference reports under the rules of the House had made the Senate rule necessary. Before the adoption of the rule in 1918 a conference report would come into the Senate based upon an amendment consisting of a substitution of one bill for another bill after the enacting clause, which would contain new legislation never considered by either body, or the elimination of legislation agreed to by both bodies. Prior to March 1918 there was no provision or rule in the Senate by which a point of order could be made. A Senator had only one remedy, and that was to vote against the conference report, as now appears to be the case if the Vice President is correct in holding that an amendment by the substitution of the House bill for the Senate bill eliminates rule XXVII.

If the ruling of Vice President GARNER is correct, then the Senate has been deprived of the opportunity to consider, discuss, reject, or approve the new legislation submitted in the conference report.

As to whether the matter is relevant or not, the Chair does not consider material. Under the rule, there is no question of relevancy. The rule provides that no new matter may be added and that no matter agreed on between the two Houses may be excluded. Whether or not new matter has been inserted in the report, the Chair does not know, and does not attempt to decide. It is evident that the repeal of the La Follette Seamen's Act would be relevant to this proposed legislation. Yet if the conferees should have included a provision in the conference report repealing the La Follette

Seamen's Act, each Senator would feel that he was entitled to the privilege of debating that question and rejecting the proposal separately or amending it to suit himself. Yet the Chair does not think anyone can question that the La Follette Seamen's Act would be relevant to the general regulation of rates and operations of railroads, motor carriers, and steamboats.

The Senate has a right to determine for itself whether or not a matter is sufficiently relevant to be included with the ordinary subject matter dealt with. Senators have a right to vote against it. But if the ruling of Vice President GARNER is correct and is to be followed, because there was an amendment by substitution instead of section by section, then every Senator is denied the right to vote separately on any new legislation that may be placed in the bill. A conference report is not open to amendment. If adopted, it becomes the law.

It seems to the Chair that if the ruling of Vice President GARNER is correct, rule XXVII is set aside by the simple procedure of the House amending the Senate bill by substitution, and then each Senator may be denied the privilege of debating the new provisions and the privilege of voting on it and is compelled, under such a ruling, either to vote for the conference report, the majority of whose provisions he favors and for which he voted in the Senate, and accept the new matter in the conference report in doing so, or voting against the conference report, which in part, if not in greater part, he favors, because objectionable matters are put in which were never under consideration by either the House or the Senate.

The Chair sees no distinction between amending a Senate bill by amending every section of it separately and amending every section of it by a substitute bill. If the substitute bill is different in language for the entire language of the Senate bill, then it constitutes an amendment of every section of the bill. If the substitute House bill only changes the language of half the Senate provisions, then it agrees with half, and there is an amendment to the other half, which would be in conference.

The substitution of a House bill for a Senate bill or a Senate bill for a House bill is purely a matter of convenience. It does not change one iota the questions that would be in conference between the two Houses. It is simply a fiction. Both bills deal with the same subject, or are supposed to deal with the same subject; both bills, as a matter of fact, are identical in some particulars, while in other particulars there is only a difference of language. If conferees can take a provision of the Senate bill which is a little different in language and form from the provision in the House bill, both having in view the accomplishment of the same purpose, and say, "We will not try to adjust these two amendments, but we will strike both out," notwithstanding the Senate rule, then, to a certain extent, it makes futile the labors of the Senate and the similar labors of the Members of the House.

The House is satisfied with such procedure. The House, probably because of its numerous Members, has been forced into somewhat of committee control of legislation. The Senate has never had any such theory of legislation. The Senate contends that no provision of a bill has a right to become law without each Senator having the opportunity to debate the subject so long as he wants to and to reject it or approve it or amend it.

The Chair stated in the beginning that it was impossible for him to ascertain the facts in the case of this report in the limited time he has had, or to attempt to determine whether those facts constitute presenting new matters of legislation, or whether they constitute the striking out of legislation agreed on by both Houses. Therefore the Chair respectfully submits the question to the Senate for its determination. The question is, Are the points of order raised by the Senator from Missouri well taken? When the time comes to vote, those who believe the points of order are well taken will vote "yea," and those who believe to the contrary will vote "nay."

The statement on the Authority of Conferees in Cases of Substitute Bills, which was ordered to be printed in the RECORD on the request of the President pro tempore, is as follows:

AUTHORITY OF CONFEREES IN CASES OF SUBSTITUTE BILLS

On February 27, 1919, the Senate proceeded to consider the conference report on the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, the Senate having passed the bill with a substitute.

Mr. MCKELLAR, of Tennessee, made a point of order against the conference report that the conferees had exceeded their authority by eliminating matter passed by both Houses, citing rule XXVII of the Senate.

Mr. MCKELLAR then called attention to the proviso in the bill, as passed by the House, reading as follows:

"*And provided further*, That the names of such contractors and the amounts of such partial or final settlements shall be filed with the Clerk of the House, for the information of Congress, and printed in the CONGRESSIONAL RECORD or in the Official Bulletin or as a public document 10 days before confirmation and payment is authorized upon such contracts."

This provision, he contended, was substantially similar to the following proviso incorporated in the bill as it passed the Senate:

"*And provided further*, That the names of such contractors and the amounts of such partial or final settlements shall be filed with the Clerk of the House, for the information of Congress, and printed in the CONGRESSIONAL RECORD or as a public document within 10 days after such confirmation."

The Vice President (Thomas R. Marshall, of Indiana) overruled the point of order as follows:

"The Chair has heretofore gone to great lengths in sustaining the rule of the Senate with reference to the insertion of new matter and the omission of matter agreed to by the two Houses. In an early opinion after this rule was adopted, the point of order was sustained where there was a section of the original bill of the House and a section of the original bill of the Senate which were identically the same. That ruling went further than the precedents of the House of Representatives have been from the days of Speaker Colfax down. Those rulings are uniformly to the effect that where the House passed a bill and the Senate strikes out all after the enacting clause and passes another bill, when it goes to conference the matter is practically in the hands of the conferees to report such a bill, germane to the subject of the conference, as the conferees may think proper, and then it is for the two Houses to say whether they will adopt the conference report. As heretofore stated, however, the Chair, being extremely desirous of sustaining this rule of the Senate, did sustain a point of order under circumstances of a bill enacted by the House, all after the enacting clause stricken out, and a new bill inserted in the Senate, where in both bills there was a section identical in language.

"Now, let us see where we are.

"This is a proviso contained in each bill. It is not identical in the two bills at all, beyond the fact that each required the names of the contractors and the partial or final settlements to be filed with the House for the information of Congress. There it ends, so far as the terms are identical in the two bills. After that, in the House bill it is to be printed in the CONGRESSIONAL RECORD or in the Official Bulletin or as a public document 10 days before confirmation and payment as authorized upon such contract. The Chair is inclined to think that the important thing in the bill was the requirement that it be printed somewhere 10 days before confirmation and payment. In the Senate bill it is to be printed in the CONGRESSIONAL RECORD or as a public document within 10 days after such confirmation.

"The Chair thinks that there were just about 20 days in controversy before the conferees, and that they had a right to strike the proviso out. The Chair overrules the point of order. If Senators desire either provision retained, they can vote to reject the conference report for that reason." (CONGRESSIONAL RECORD, 65th Cong., 3d sess., p. 4412.)

---

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

On August 25, 1922, the Senate had under consideration the conference report on the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes. The Senate passed the bill with a substitute amendment.

Mr. Shields, of Tennessee, made the point of order that the conferees had exceeded their authority in eliminating from the report in two instances matter agreed to by both Houses, namely, (1) the provision requiring judges to be residents of the districts for which appointed; and (2) the provision requiring the Attorney General upon the request of the Chief Justice to make a report of the business of the several courts of the United States with particular reference to cases or proceedings to which the United States was a part, together with such recommendations or requests as may be deemed proper.

Also, that the conferees had exceeded their authority by inserting in the report matter that was not the subject of discussion or within the scope of the bill in either the House or Senate with

reference to the appointment of a judge for the middle district of Tennessee.

After debate, the presiding officer (Mr. Jones, of Washington) sustained the point of order as follows:

"The rule that is invoked reads as follows:

" 'Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.'

"This rule was adopted to meet a practice of the Senate that had become an abuse and to which objection had often been made. It is clear and definite in the limits which it imposed upon the action of the conferees. It has not often been invoked since its adoption, but when invoked it is controlling upon the Senate. Whether the objection made is technical or substantial, if it comes within the terms of the rule, no discretion is left in the presiding officer.

"The first objection to this conference report is based upon the provision in the House bill that reads:

" 'The Attorney General shall, upon the request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper. The Attorney General shall not be a member of said conference.'

"That is the provision placed in the bill by the House. As the bill passed the Senate it contained this provision:

" 'The Attorney General shall, upon request of the Chief Justice, report to the said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.'

"That language is identical with the language of the House as far as it goes, and the chair thinks that it states a distinct matter, or proposition, and that the further provisions in the House bill—'together with such recommendations or requests as may be deemed proper' and 'the Attorney General shall not be a member of said conference'—are in substance and statement two additional matters, and it seems to the Chair that the first matter stated in the House provision was adopted in the bill as it passed the Senate and comes clearly within the prohibition of the rule against omitting matter adopted by both Houses.

"The next objection is based upon this language. The House bill provided:

" 'Said judges shall be residents of the districts for which appointed and shall receive the same salary and allowances and shall possess, exercise, and perform the same jurisdiction, powers, and duties as is now provided by law.'

"The Senate provision is:

" 'Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed and shall devote his time to the duties of his office and shall not engage in any other employment for which he receives compensation, and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor.'

"The Chair thinks there are several independent matters contained in each one of these provisions. There is the provision, 'Said judges shall be residents of the districts for which appointed.' That is a distinct matter. The Senate bill provided: 'Every judge shall reside in the district or circuit or one of the districts or circuits for which he is apponted.'

"These two propositions are identical in substance and almost in language. They have nothing to do with the qualifications of the judge or with the salary which he shall receive. In other words, both Houses provided that each judge should reside in his district or circuit.

"The point is made that this is covered by existing law. That may be true, and yet the Senate and the House both seemed to think that a provision of this sort was necessary, and inserted it. The rule says that a matter passed upon by both Houses shall not be eliminated. No discretion is left to the conferees as to whether it is covered by existing law or not.

"It seems to the Chair that the point of order on that matter must be sustained.

"The next proposition is with reference to the provision relating to the middle district of Tennessee. The House made provision for an additional judge for this district. It is conceded that under existing law the present judge is the judge for the eastern and the middle districts of Tennessee The Senate made no provision for an additional judge for the middle district. The provision as finally agreed to and submitted by the conferees takes away the jurisdiction given to the present judge by existing law in the middle district and limits his jurisdiction to the eastern district.

"The question of limiting the jurisdiction of the existing judge was not submitted to either House; neither House gave it any consideration whatever, and the Chair believes it to be new matter in the conference report and prohibited by the rule.

"The Chair sustains the point of order on all three grounds." (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 11766.)

---

NEW MATTER

On June 6, 1932, during the consideration of the conference report on H. R. 10236, the Revenue Act of 1932, Mr. Howell of Nebraska, made a point of order against the conference report in that the conferees had inserted a provision, in Senate amendment No. 180, which was not authorized by either the House bill or the Senate amendment.

The Vice President [Charles Curtis] overruled the point of order, and in his opinion, with respect to "new matter," said:

"The term 'new matter' contained in the rules (rule XXVII, paragraph 2) embraces, as the Chair thinks, matter that is entirely irrevelant to the subject matter."

Mr. Howell took an appeal from the ruling of the Chair, but the decision was sustained by the Senate by a vote of 42 yeas, 33 nays. (Senate Journal, 72d Cong., 2d sess., p. 554.)

---

AUTHORITY OF CONFEREES WHERE ONE HOUSE HAS PASSED A BILL OF THE OTHER BODY WITH A SUBSTITUTE

On February 19, 1925, Mr. NORRIS, of Nebraska, raised the following points of order against the conference report on the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, the Muscle Shoal properties, which had been passed by the Senate with a complete substitute: That the conferees had exceeded their authority in contravention of paragraph 2 of rule XXVII, as follows:

1. By the insertion of the following new matter relative to the employment by the President of officers or agents to carry out the purposes of the act:

"The President is hereby authorized and empowered to employ such advisory officers, experts, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and the sum of $100,000 is hereby authorized, to enable the President of the United States to carry out the purposes herein provided for."

2. By the insertion of new matter relative to the rental to be paid for Dam No. 2, as follows:

"The lessee shall pay an annual rental for the use of said property an amount that shall not be less in the aggregate than 4 percent for the period of the lease on the total sum of money expended in the building and construction of Dam No. 2 and upon Dam No. 3 after completion, which shall be paid in full each year unless it be shown that due to expenditures in development and improved equipment for the production of fertilizer as provided herein, the lessee may be granted a deferred payment, which shall draw interest at the rate of 4 percent annually after the first 6 years of the lease period at either or both dams: *Provided, however,* That no interest payment shall be required upon the cost of the locks at Dam No. 2 and Dam. No. 3, nor upon an additional amount to be determined by the President as representing the value of this development to navigation improvement."

3. By inserting the following new matter relating to the production of nitrogen:

"In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period * * *: *Provided,* That if in the interest of the President, the interest of national defense and agriculture will obtain the benefits resulting from the maintenance of nitrogen fixation plant No. 2 or its equivalent in operating condition by so doing, then he is authorized to substitute the production of fertilizers containing available phosphoric acid * * *."

4. By the insertion of the following new matter relative to construction work on Dam No. 3 and the approach to the locks in Dam No. 2:

"The appropriation of $3,472,487.25, the same being the amount of the proceeds received from the sale of the Gorgas steam-power plant is hereby authorized for the continued investigation and construction by contract or otherwise as may be necessary to prosecute said project to completion. Further expenditures to be paid for as appropriations may from time to time be made by law."

After a lengthy debate, the President pro tempore [Albert B. Cummins, of Iowa] sustained the points of order in the following language:

"The Chair recognizes that the points of order made by the Senator from Nebraska present questions which are not only exceedingly important but exceedingly difficult and upon which there is an opportunity for wide differences of opinion. These differences will never be settled finally until they are settled by a decisive vote of the Senate itself. In the ruling the Chair is about to make the text of the House bill is entirely disregarded, for, in the opinion of the Chair, it cannot be fairly claimed that the two Houses in their original action agreed upon any point or upon anything. There were, of course, some features of similarity, but these features of similarity were so connected with other considerations and so influenced by other provisions that the Chair is forced to the conclusion that the jurisdiction of the conference committee was neither expanded nor limited by anything contained in the original House bill as compared with the Senate bill. This means that, in the judgment of the Chair, the points of order must depend upon a comparison of the Senate bill with the report of the conference committee. It is urged on the one hand that when so compared new matter will be found in the conference report,

and that, therefore, the report is objectionable under rule XXVII. It is urged upon the other hand that the phrase "new matter" does not prohibit in a conference report of matter which is germane to the subject or subjects of the bill.

"The subjects of the Senate bill were:

"First. The disposition by lease of certain specified property belonging to the Government situated at or near Muscle Shoals, Ala.

"Second. In the event of a failure to lease or in the event of the cancelation of the lease, the operation of the property so leased together with other property by a Government-owned corporation.

"There can be no doubt that the changes made in the Senate bill in conference are germane in a broad, general sense to the subjects dealt with in the Senate bill, and if that is the test to be applied, the points of order must be overruled.

"The Chair, however, finds itself unable to interpret the second paragraph of rule XXVII with the breadth contended for by those who seek to sustain the conference report. This paragraph of rule XXVII to which reference has been made is as follows:

" 'Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.'

"The Chair has already observed that there was nothing agreed upon by both Houses, and that part of the rule will not be further considered. There remains to be considered the prohibition that 'conferees shall not insert in their report matter not committed to them by either House' and the requirement that 'new matter' must not be inserted in a report. What is 'new matter'? It is quite impossible to define this phrase with that accuracy and precision which will make any rule announced applicable to the infinite variety of cases that will arise. It may be remarked, however, that some 3 or 4 years after the adoption of paragraph 2 of rule XXVII the Senate amended rule XVI, relating to the consideration of appropriation bills, and the amendment provided:

" 'The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill, and if the point is sustained the bill shall be recommitted to the Committee on Appropriations.'

"It has seemed to the Chair that the words 'new matter' as found in rule XXVII and 'new legislation' as found in rule XVI must mean practically the same thing. The fact of the identity of these two phrases makes it all the more important that the ruling upon the points of order now before the Senate shall be correct. Without attempting to define 'new matter,' the Chair is of the opinion that it was intended when this paragraph of the rule was adopted to restrict the general parliamentary law as frequently announced by the Speaker of the House of Representatives. The House knew when it sent the bill to conference that the rule of the Senate forbade the insertion of 'new matter' in the conference report, and the Chair assumes it adopted that plan for bringing the two Houses into agreement with full understanding of the limitation placed upon the Senate conferees.

"The Chair does not desire to be understood as holding that every change made in the bill by the conference report constitutes 'new matter.' It is of the opinion that in order to bring the change within the spirit of rule XXVII 'new matter' must be of substantial import; that is to say, a change affecting in a substantial way the plan proposed in the Senate bill.

"It is the judgment of the Chair that many such changes appear in the conference report. The Chair has been in some doubt with respect to the propriety of pointing out these changes which, in the judgment of the Chair, bring the conference report under the prohibition of the rule. It has, however, concluded not to name the specific instances in which, as viewed by the Chair, the rule has been violated. The Chair has been in grave doubt with regard to that matter. He has before him at the present instance a half dozen or more instances which, in his judgment, violate rule XXVII in the conference report. The points of order insofar as respects the insertion of new matter in the conference report are sustained."

Mr. Underwood, of Alabama, took an appeal from the decision, which, after debate, was sustained by the Senate—yeas 45, nays 41 (CONGRESSIONAL RECORD, 68th Cong., 2d sess., pp. 4124–4137, 4243–4250, 4310–4314, 4321–4326).

---

On February 26, 1925, the Senate had under consideration the conference report on the bill (H. R. 11444) readjusting postal salaries and increasing postal rates.

Mr. HARRISON of Mississippi made the point of order that the conferees had exceeded their authority by inserting new matter.

After debate, the President pro tempore (Mr. Cummins, of Iowa) overruled the point of order, saying: "The Chair thinks the Senator from Mississippi (Mr. HARRISON) has misunderstood the ruling of the Chair made with respect to the point of order raised against the conference report on the Muscle Shoals bill. With that suggestion the Chair overrules the point of order." (CONGRESSIONAL RECORD, 68th Cong., 2d sess., p. 4698.).

---

On February 3, 1927, the Senate had under consideration the conference report on the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. Howell, of Nebraska, in opposing the report, made the following point of order:

"I make the point of order against the conference report that the clause repealing the joint resolution (approved in December 1924) was not in the radio bill when passed by the Senate; it was not in the radio bill when passed by the House, but was inserted by the conferees, and, therefore, it is new matter inserted contrary to the rule."

The Presiding Officer (Mr. Oddie, of Nevada), after debate, overruled the point of order, saying:

"The Chair is prepared to rule on the matter, and holds that where one House strikes out all after the enacting clause of a bill and inserts new language, as was done in this case, the conferees are given wider latitude in dealing with the subject; and matter that is germane to the matter in dispute may be dealt with by the conferees without subjecting the report to the point of order that the conferees have exceeded their authority in inserting new matter."

Mr. Howell appealed from the ruling of the Chair, but subsequently withdrew the same, and made a point of order on another ground, as follows:

"The bill which passed the House came to the Senate, was passed, and was referred to conferees. The conferees had the bill under consideration for some weeks, whereupon Senate Joint Resolution 125 was passed by the Senate and House. Of course, that resolution was not contemplated by either House at the time the bill (radio bill) was passed, and therefore was new matter when inserted in the bill by the conferees (citing a part of rule XXVII, part 2). It must be evident that this resolution, passed long after the bill was in the hands of the conferees, was new matter, and that any reference thereto in the report, even in the way of a repeal, renders the conference report out of order."

Mr. Howell, in reply to an inquiry by Mr. Watson, of Indiana, stated that the point of order involved the same question.

The Vice President (Charles G. Dawes, of Illinois) overruled the point of order, saying:

"The Chair takes the same view of the matter taken by the preceding Presiding Officer (Mr. Oddie, of Nevada), that where one House strikes out all after the enacting clause of a bill and inserts new language, as was done in this case, the conferees are given wide latitude in dealing with the subject; and matter that is germane to the matter in dispute may be dealt with by the conferees without subjecting the report to the point of order that the conferees have exceeded their authority in inserting new matter."

Mr. Howell took an appeal from the decision of the Chair, but the appeal was laid on the table by a vote of 48 yeas, 14 nays. (CONGRESSIONAL RECORD, 69th Cong., 2d sess., pp. 2877–2880.)

---

On February 8, 1927, during the further consideration of the foregoing conference report, Mr. Howell made a further point of order against the conference report on the ground that the conferees had stricken from the report the following matter agreed to by both Houses: "(with due consideration of the right of each State to have allocated to it, or to some person, firm, company, or corporation within it, the use of a wave length for at least one broadcasting station located or to be located in such State, whenever application may be made therefor)."

The Vice President (Charles G. Dawes) overruled the point of order, saying: "The Chair would remark that when the amendment of the Senate is a new bill in the nature of a substitute instead of various amendments to different parts of the bill, the whole status of conference is changed under the precedents. Under the line of argument which the Chair followed the other day in holding that new matter when germane could be put in as an amendment under those circumstances, he would seem to be justified now in overruling the point of order. The status of conference being changed where the Senate substitutes a bill as an amendment, the precedents in effect hold that the restrictions of rule XXVII, paragraph 2, do not apply, and he so rules."

Mr. PITTMAN, of Nevada, appealed from the ruling, the appeal being laid on the table by a vote of 41 yeas, 34 nays. (CONGRESSIONAL RECORD, 69th Cong., 2d sess., pp. 3258–3262, 3336).

---

On June 5, 1934, during the consideration of the conference report on the bill (S. 3170) to revise air-mail laws (the House having adopted a substitute for the Senate bill), Mr. Copeland, of New York, raised the following questions of order, viz, that the conferees had exceeded their authority by inserting on page 2, in paragraph (d) of the report, the provision including the eastern and western coastal routes among primary routes; by inserting on page 1, section 3, the word "initial" in the phrase "for initial periods of not exceeding 1 year;" by providing, on page 1, that the right of appeal should be to the Comptroller General instead of to the Interstate Commerce Commission; and by inserting radically new or changed language in subsection (a).

After debate, the Presiding Officer (Mr. BARKLEY, of Kentucky) overruled the points of order in the following language:

"The Chair is ready to rule. The Chair has been trying to compare the House and Senate bills while the argument has been in progress. It is not easy to do so because the sections do not correspond. It is a well-recognized rule that where either House strikes out the language of the bill sent to it by the other House and inserts language of its own, the conferees have a wider field for the adjustment of differences than they would ordinarily have

where the bill passed by one House is amended by the other House section by section. In that case, it is easy for the conferees to determine just what the specific differences are, where part of the language of a House bill or a Senate bill is stricken out and new language inserted; but where either House strikes out all the language coming to it from the other body and inserts its own language, necessarily, in order to reach an agreement and adjust the differences, there must be more flexibility and power existing in the conferees. That has been for a long time recognized in the rules of the Senate and of the House of Representatives.

"Where the language in either bill which is stricken out is indefinite or where there is no reference at all to the subject matter as to which the other House inserts language, then the conferees have almost unlimited power, so long as their amendments are germane to the proposal of either the House or the Senate bill.

"The Chair does not think the insertion of the word 'initial,' referred to by the Senator from Maine [Mr. WHITE], constitutes such a departure as would vitiate the conference report on that account. While the language in neither bill contained the word 'initial,' the bill as written by the conferees, using the word 'initial,' does not apparently or substantially change the effect of the language contained in both the House and the Senate bills.

"With reference to the point of order made against subsection (d) of section 3, it seems that the Senate bill provided that the Postmaster General might designate certain routes as primary and secondary routes and might include at least four transcontinental routes, without further reference to eastern or western primary routes. The Chair does not think the use of the word 'may' the second time has any effect whatever. The Postmaster General had full discretion, under the language of the Senate bill, to establish such primary and secondary routes as he might see fit.

"In the absence of any language in the House bill on the subject either permitting or prohibiting the Postmaster General from establishing primary or secondary routes, the Chair is of the opinion that he could do that even under the language of the House bill by regulation, because there is nothing in the bill to prevent it.

"There being no language in the House bill on the subject and the insertion of the words 'eastern and western coastal routes' being germane to the four routes already provided for in the Senate bill, the Chair does not think that inserts new matter to such an extent as to vitiate the conference report.

"For the same reasons stated with reference to the other point of order the Chair overrules the point of order made by the Senator from New York [Mr. Copeland]."

The Chair subsequently said:

"Of course, it is perfectly obvious that where neither House has a provision with reference to a matter, the conferees cannot insert anything with reference to it; but the House having struck out all the language of the Senate bill and included nothing upon the controverted points, the Senate conferees and the House conferees had the right to make such changes as might be germane to the language of the Senate bill that were not included in the House bill." (CONGRESSIONAL RECORD, 73d Cong., 2d sess., pp. 10487–10492.)

On August 6, 1935, the Senate had under consideration the conference report on the bill (H. R. 6511) to amend the air-mail laws and to authorize the extension of the air mail service. The Senate passed the bill with a substitute amendment.

Mr. WHITE, of Maine, made the point of order that the conferees had exceeded their authority by inserting at the end of section 6 the following:

"And the Commission shall make a report to the Congress, not later than January 15, 1936, whether or not, in its judgment, a fair and reasonable rate of compensation on each of said eight contracts, under the other provisions and conditions of said act, as herein amended, is in excess of 33⅓ cents per mile; together with full facts and reasons in detail why it recommends for or against any claim for increase." And by inserting at the end of section 10 the following language:

"There is authorized to be used from the appropriations for contract air-mail service for the fiscal year ending June 30, 1936, a sum not in excess of $25,000 for the purpose of auditing the books and records of air-mail contractors by the Post Office Department."

After debate, the President pro tempore (Mr. PITTMAN, of Nevada) overruled the points of order, as follows:

"A point of order is made by the Senator from Maine [Mr. WHITE] against the language in the conference report [citing the above language].

"The point of order is based on the allegation that new legislation is carried in the conference report not contained in either the Senate or House bills. In the Senate bill this language appears with regard to the 33⅓ cents per mile:

"'*Provided*, That where the Postmaster General holds that a low bidder is not responsible or qualified under this act, such bidder shall have the right to appeal to the Comptroller General, who shall speedily determine the issue, and his decision shall be final: *Provided further*, That the base rate of pay which may be bid and accepted in awarding such contracts shall in no case exceed 33⅓ cents per airplane mile for transporting a mail load not exceeding 300 pounds. Payment for transportation shall be at the base rate fixed in the contract for the first 300 pounds of mail or fraction thereof plus one-tenth of such base rate for each additional 100 pounds of mail or fraction thereof, computed at the end of each calendar month on the basis of the average mail load carried per mile over the route during such month, except that in no case shall payment exceed 40 cents per airplane mile.'

"In the House bill, in section 6 (a), as amended, this matter is provided for. The last part of the section says:

"'In no case shall the rates fixed and determined by the said Commission hereunder exceed by more than 20 percent the limits prescribed in section 3 (a) of this act.'

"It will be observed that while this matter is treated in both the Senate and House bills, they are at entire variance of their treatment of it. Therefore both of the sections were in conference.

"Under the interpretation of the present occupant of the chair, where all after the enacting clause of a House bill is stricken out and an entirely new bill inserted by the Senate, the question arises as to whether or not the language used as a substitute for the two sections is germane and carried out the intent of both bodies with regard to such particular legislation.

"As to the provision which is the subject of the last point of order—citing the authorization of $25,000—the Chair calls attention to the fact that the Senate bill carries no provision for auditing the books, while the House bill, in section 10, as amended, carries this provision:

"'All persons holding air-mail contracts shall be required to keep their books, records, and accounts under such regulations as may be promulgated by the Postmaster General, and he is hereby authorized, if and when he deems it advisable to do so, to examine and audit the books, records, and accounts of such contractors, and to require such contractors to submit full financial reports in such form and under such regulations as he may prescribe.'

"That requirement is found alone in the House bill. The Senate did not have to accept that provision; if it did accept that provision, it could accept it with such conditions as it saw fit. It did accept the provision with this condition:

"'There is authorized to be used from the appropriations for contract air-mail service for the fiscal year ending June 30, 1936, a sum not in excess of $25,000 for the purpose of auditing the books and records of air-mail contractors by the Post Office Department.'

"That addition to the House provision certainly is germane, and it is a reasonable condition to impose upon the adoption of the House provision for auditing the books.

"The former provision which the Chair has discussed, which requires a report to Congress, is absolutely germane to the issue raised by the different sections of the two bills. Being germane and the language not being identical in both bills, it was a reasonable adjustment of the differences in that particular between the two Houses.

"The Chair overrules the points of order." (CONGRESSIONAL RECORD, 74th Cong., 1st sess., pp. 12549, 12550. Senate Journal, p. 575.)

---

### AGRICULTURAL ADJUSTMENT ACT OF 1938

H. R. 8505, the Agricultural Adjustment Act of 1938, was passed by the Senate with an amendment in the nature of a substitute. When the conference report was taken up in the Senate on February 10, 1938, Mr. SCHWELLENBACH, of Washington, made the point of order that the House bill and the Senate amendment relating to the dairy industry, insofar as they presented the substance of the matter, were identical, the language being the same; that the corresponding provision inserted in the conference report was different from both the House and Senate provisions, and that the conferees, in inserting such provision, had left out matter agreed to by both Houses, and, therefore, under rule XXVII, paragraph 2, had exceeded their authority.

On February 11, 1938, the Vice President, JOHN N. GARNER, in the following language, overruled the point of order:

"At the outset the Chair will state that the merits of the bill do not concern him in making the ruling on the pending point of order; nor can the Chair take into consideration the question of the wisdom or the good faith of the conferees. The only point the Chair can take into consideration is whether the conferees have exceeded their powers, wisely or unwisely.

"There are rules of the Senate and rules of the House of Representatives. The particular rule of the Senate referred to a moment ago by the Senator from California [Mr. JOHNSON] has been one of the rules of the Senate, as the Chair recalls, since 1918. It has been part of the House rules for nearly a century. The first ruling in the House of Representatives on this particular question was rendered on March 3, 1865, by Mr. Colfax, the Speaker, who was later Vice President of the United States and President of the Senate. From that time until this, 10 Speakers of the House of Representatives have passed on this particular question. All their decisions, remember, Senators, are based upon one fact, and that is that when one body strikes out all after the enacting clause and inserts a new bill, the entire rule is reversed. Rule XXVII, clause 2, specifically does not apply then. The Senate decided by a vote of 41 to 34 when voting on a ruling by the then Vice President, Mr. Dawes, to which I shall call attention a little later.

"The Chair will say that in 1865 Speaker Colfax began this line of ruling, and in 1911 the matter was thoroughly surveyed in the House of Representatives under Speaker Clark. The Chair will now ask the clerk to read to the Senate the ruling of Speaker Clark, in order that the Senate may understand the philosophy with respect to the particular question now pending."

The Chief Clerk read as follows:

"The desire of the present occupant of the Chair is to rule fairly; and so far as I am individually concerned, I would rather have it said of me, after I have finally laid down the gavel, that I was the fairest Speaker that the House ever had, than that I was the greatest.

"The gentleman from Wisconsin last Saturday made a remark which deserves the consideration of the House, and that was that

no Speaker could afford to render a decision for temporary benefit to his party fellows without considering the ultimate and general effect of it. That is absolutely true.

"The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

"The Chair has no doubt that at least one contention of the gentleman from Illinois is correct. That is, that if it is a mere dispute about amounts or rates, the conferees cannot go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Speaker Colfax, who was subsequently Vice President; Speaker Carlisle, subsequently Senator and Secretary of the Treasury; Speaker Henderson; and Speaker Cannon. The Chair does not know anything about the parliamentary clerks to Speaker Colfax and Speaker Carlisle, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Speaker Henderson and Speaker Cannon had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine, Mr. Hinds.

"All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted, it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Speaker Cannon incorporated into this opinion, because the question ought to be definitely settled, during the life of this Congress at least."

The Vice President continued:

"Senators will observe that that was the universal opinion, so far as the House of Representatives is concerned, down to the time of Speaker Clark.

"The Chair desires to call the Senate's attention to the decisions in the House of Representatives following Speaker Clark's decision, which include decisions by Speaker Gillette and Speaker Longworth. They have gone a little bit further than Speaker Clark did. Speaker Gillette quoted from the Manual:

" 'And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy.'

"He then continued:

" 'The Chair, on that ground, overrules the point of order.'

"In other words, Senators, the House has held, under a rule similar to Senate rule XXVII, paragraph 2, that there is no limit to the power of the conferees when one House strikes out all after the enacting clause of the bill of the other House and substitutes an entirely new bill.

"What has been the action of the Senate upon this rule? The Chair desires to call the Senate's attention to a ruling in the Senate on February 8, 1927; and the Chair may add that it seems to him that he should follow the ruling in the Senate, especially when the Senate, by majority vote, upholds that ruling.

"On February 8, 1927, Mr. Howell, of Nebraska, made a point of order against the conference report on a bill for the regulation of radio communications, stating that the conferees had exceeded their authority by leaving out matter agreed to by both Houses, in contravention of paragraph 2 of rule XXVII, as follows:

" 'Conferees shall not insert in their report matters not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.'

"That seems to be definite language and, as the Senator from California has said, subject to no equivocation. But that rule applies to a bill ordinarily passed by one body and amended, section by section and paragraph by paragraph, by the other body, and does not apply to an entire new bill submitted by one body as a substitute for the bill of the other body.

"The Chair will now read the ruling of Vice President Dawes, as set out in the Senate Journal for the Sixty-ninth Congress, second session, page 157, as follows:

" 'The Chair would remark that when the amendment of the Senate is a new bill in the nature of a substitute instead of various amendments to different parts of the bill, the whole status of conference is changed under the precedents. Under the line of argument which the Chair followed the other day in holding that new matter when germane could be put in as an amendment under those circumstances, he would seem to be justified now in overruling the point of order. The status of conference being changed where the Senate substitutes a bill as an amendment, the precedents in effect hold that the restrictions of rule XXVII, paragraph 2, do not apply, and he so rules. The point of order is not well taken.'

"The Senator from Nevada, the present President of the Senate pro tempore, appealed from that ruling, and the Senate sustained the ruling of the Chair (Vice President Dawes) by a vote of 41 to 34.

"On August 6, 1935, the President pro tempore of the Senate (Mr. PITTMAN) himself made a ruling upon this identical question. The Senator from Maine (Mr. WHITE) made a point of order against the conference report on H. R. 6511, a bill to amend the air-mail laws, that the conferees had exceeded their authority by inserting new matter. The President pro tempore overruled the point of order, and in his opinion made these remarks:

" 'It will be observed that while this matter is treated in both the Senate and House bills, they are at entire variance in their treatment of it. Therefore, both of the sections were in conference.

" 'Under the interpretation of the present occupant of the chair, where all after the enacting clause of a House bill is stricken out and an entirely new bill inserted by the Senate, the question arises as to whether or not the language used as a substitute for the two sections is germane and carries out the intent of both bodies with regard to such particular legislation.'

"In other words, Senators, it is the reasoning of all the parliamentarians who have ever considered this rule, so far as the Chair can ascertain from all the precedents, that the philosophy should be that where one House passes an entirely new bill as a substitude for the bill of the other House, there is very little limitation placed on the discretion of the conferees, except as to germaneness.

"In this particular case, the House having passed a bill with reference to conservation of soil, or other provisions with reference to farming, and the Senate having substituted an entirely different bill, it seems to the Chair that, according to the philosophy of previous rulings referred to, the conferees would have the power to do what they have done in this instance—write an entirely new bill—and the Chair overrules the point of order."

Mr. Duffy, of Wisconsin, appealed from the ruling of the Chair. The appeal was laid on the table by a vote of 48 yeas to 31 nays (CONGRESSIONAL RECORD, 75th Cong., 3d sess., vol. 83, pt. 2, pp. 1772–1773, 1820–1822; Senate Journal, 75th Cong., 3d sess., p. 158, 161, 162).

---

AUTHORITY OF CONFEREES

[Cannon's Precedents of the House of Representatives, vol. 8, sec. 3288, p. 774]

Syllabus: Where an amendment of one House proposes to strike out a paragraph of a bill of the other, whether a substitute therefor is proposed or not, and the amendment has been disagreed to, the conferees have the whole subject before them, and may report any provision germane thereto.

On August 23, 1912, the House of Representatives was considering the conference report on the Post Office appropriation bill.

Mr. Murdock made the point of order that the conferees had exceeded their authority by receding from disagreement to Senate amendment No. 60 and agreeing to it with an amendment providing an appropriation of $35,000 for transporting the mails across the Mississippi bridge at St. Louis, not in dispute between the two Houses.

The Speaker (Champ Clark, of Missouri) overruled the point of order, and said:

"The rule is clear, and it is a hundred years old, a little more than a hundred, because it was established on the 23d day of June 1812 by Speaker Clay. The rule is that a subject that is in a conference report must have been treated either by the House or by an amendment of the Senate, or by a House amendment to a Senate amendment. It must be germane. That is all that there is to it.

"Now, let us see. Speaker Cannon stated the matter in two or three sentences once in a very comprehensive manner, thus:

" 'It is true that if the whole paragraph in the bill as it passed the House had been stricken out'—

"And that is practically the case here—

" 'and a substitute therefor proposed by the Senate; or if the Senate had stricken out the paragraph without proposing a substitute, and the House had disagreed to the Senate amendment, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane.'

"That statement cannot be improved upon as to the rule. Let us see how this case fits the rule. The House provision was that—

" 'No part of this appropriation shall be paid for carrying the mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular mileage rates for the transportation of the mail by railroad routes.'

"What is the subject of the words I have read? Why, it is carrying the mail from East St. Louis, Ill., to the city of St. Louis, Mo. That is all there is to that. What does the Senate amendment do? It treats of identically the same subject, and nothing else. If there ever was a case that fits the rule as laid down by Speaker Cannon, in which he followed all his predecessors, it is this one, and the point of order is overruled" (CONGRESSIONAL RECORD, 62d Cong., 2d sess., pp. 11755–11759).

---

AUTHORITY OF CONFEREES

[Cannon's Precedents of the House of Representatives, vol. 8, sec. 3267, p. 752]

Syllabus: When a section is stricken out and a new text inserted, the conferees may incorporate any germane matter.

On March 3, 1915, the conference report on the agricultural appropriation bill was under consideration in the House of Representatives, when Mr. Henry, of Texas, submitted a point of order that the report contained matter not in dispute between the two Houses.

He based his point of order on the provision for a joint farm-credits committee incorporated in the conference report in lieu of a

provision for a rural-credits bureau carried in a Senate amendment stricken out by the House.

The Speaker (Champ Clark, of Missouri) overruled the point of order as follows:

"The point of order raised by the gentleman from Texas has been repeatedly passed on. In the first place it seems to the Chair that the only correct way in which to regard the matter now in controversy is to consider this rural-credit amendment offered by Senator McCumber as a separate subject, distinct from the bill proper. What happened about that was this: The Senate inserted the McCumber amendment, treating the whole subject of rural credits, and it was sent over to the House in that form. The House struck out the whole of the McCumber amendment. That is, it agreed to a substitute for the entire McCumber amendment. It did not leave a single line or word of the McCumber amendment. That put it exactly in the same situation as if everything after the enacting clause of a bill was stricken out. And it has been held so often and so far back and by so many Speakers that, where everything after the enacting clause is struck out, the conferees have carte blanche to prepare a bill on that subject, it seems to the Chair that question is no longer open to controversy. The Chair will refer to just one or two of the rulings. * * *

"The case as to the immigration bill, which was passed on some three or four Congresses ago, is precisely on "all fours" with this. In paragraph 6424 of Hind's Precedents, volume 5, the syllabus, to use the legal phrase, is this:

" 'Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill, the managers have the whole subject before them and may exercise a broad discretion as to details.'

"The only change I would make in that language is to say that they have carte blanche on the subject.

* * * * * * *

"The only thing for the Speaker to pass on at this juncture is whether or not the conferees exceeded their authority. Not only by the decision of the present Speaker on two different occasions, but by half a dozen of his predecessors, it brings this provision which the conferees brought in here within the rule, and the point of order of the gentleman from Texas is overruled." (CONGRESSIONAL RECORD, 63d Cong., 3d sess., p. 5469.)

Mr. ADAMS. Mr. President——

The PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. WHEELER. I yield to the Senator from Colorado.

Mr. ADAMS. Mr. President, I desire to make an inquiry. As I understand, the Chair has laid down what he believes to be the correct rule with which, as I understand it, I am in entire accord. But the Chair also says that he does not feel that he is equipped to pass upon the question of fact, and he is going to submit it to the Senate, which is in an equal state of inability to pass on the question of fact. That is my difficulty as one of the jurymen or judges. The Chair who has given some study to the matter has passed it back to the Senate on the question of fact. I should like to vote to sustain the Chair's interpretation of the rule, but I want to know whether it applies to the particular case——

The PRESIDENT pro tempore. Does the Senator ask his question as a parliamentary inquiry?

Mr. ADAMS. No; I did not intend it as such.

The PRESIDENT pro tempore. The Chair will take it as such for this reason: The Chair is willing to confess, after attempting for 1 day to read the two bills and the conference report, that he has been totally unable to determine the facts, and the Chair is aware that the Senator from Colorado may be as ignorant of this bill as is the Chair—which the Chair hopes he is not—but there are Senators in this body who took part in framing the Senate bill, and some who took part in the conference, who must know more about it than the Chair does and can explain it to the Senate.

Mr. ADAMS. I should like to ask the Chair as to which Senator he would refer us to secure accurate information? I hardly suppose that is a parliamentary inquiry.

The PRESIDENT pro tempore. The Chair doubts it.

Mr. WHEELER. Mr. President, I wish to call attention to the situation in which we find ourselves. In the first place—and I should like to have the attention of the Senator from Colorado and of the lawyers of this body—the main contention of the Senator from Missouri is that the conferees wrote new matter into the Panama Canal Act, which was not germane.

Mr. CLARK of Missouri. And also into the Motor Transport Act.

Mr. WHEELER. And also into the Motor Transport Act.

Let me say, in the first instance, that we took up sections 19 and 20 and 21 of the Interstate Commerce Act and amended them. We did so because it was apparent from reading them that they were not clear and it was difficult for anyone to state exactly what the Congress had in mind in enacting those provisions, and in order properly to construe the section it was necessary to read sections 19, 20, and 21 in conjunction with one another.

I called attention earlier in the day to the fact that the Panama Canal Act, in the first provision, section 19, absolutely prohibits any railroad from owning or operating or having any interest in any steamship line operating through the Panama Canal or elsewhere. Then we come to the second section, section 20, which follows section 19 and says:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install—

What?—

to install new service not in conflict with the provisions of this paragraph.

The word "paragraph" does not make sense there, because there is nothing in that paragraph on the subject; so of necessity it must refer to the whole section. So the section provides first that the Interstate Commerce Commission may, under certain conditions and under certain rules laid down, permit railroads to own steamship lines. Second, if we read the word "paragraph" as "section," it expressly says "or for the purpose of asking an order to install new service not in conflict with the provisions of this section." When the bill came to the Senate we changed the language from "paragraph" to "section," so that it would make sense, and the bill passed the Senate in that way. Then we amended section 21 of the Senate bill, and it went to conference in that form.

When we got into conference the House modified the whole section in a different way. In that modification we changed the language of section 21, which is complained of, so as to make it plain, and to clarify the language so that there could be no question in the mind of anybody as to what was meant.

I submit to any lawyer in this body that it is impossible to read that language and say that we have in the slightest degree changed the intention and the purposes of sections 19, 20, and 21, as they exist today. Those who oppose the report say, "You repealed the Panama Canal Act." Nothing of the kind is true. We left section 19 almost identically as it is at the present time. We changed section 21 by changing the word "paragraph" to "section," and we made one or two other clarifying changes.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. WHEELER. Yes.

Mr. SMITH. Section 19 of the Panama Canal Act forbids a railroad to own any steamship line or any water carrier at all, either operating through the Panama Canal or elsewhere.

Mr. WHEELER. That is correct.

Mr. SMITH. If subsequent enactments by law change that prohibition and give the railroads power to do it, then section 19 is modified to that extent.

Mr. WHEELER. It is modified at the present time in the present law. We did not change the modification of that section at all.

Mr. SMITH. But sections 20 and 21 dealt with a different proposition from the absolute prohibition contained in section 19.

Mr. WHEELER. I beg to differ with the Senator. Let me read it to him. There seems to be a misunderstanding with reference to it.

In paragraph 19 there is an absolute prohibition. Then paragraph 20 modifies section 19, and says:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section—

That is clearly a modification. If we give the Commission power to determine whether an existing line is in violation of the section, that is a clear modification of the other section.

Mr. SMITH. But does not the Senator interpret section 20 to be a tightening of section 19?

Mr. WHEELER. No.

Mr. SMITH. That the carrier must come and give evidence as to whether it is in violation of section 19?

Mr. WHEELER. No; for the simple reason that if section 19 stood alone, every railroad company in the country would have to eliminate itself from the field of water transportation. There was no qualification at all in section 19.

Mr. SMITH. Does the Senator interpret section 20 as having reference to a modification of section 19? Read it again and see if it refers to water carriers.

Mr. WHEELER. Yes; it says:

Jurisdiction in hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier.

What does that mean? We are dealing with the Panama Canal Act, and we are dealing with water carriers through the Panama Canal.

Such application may be filed for the purpose of determining whether any existing service is in violation of—

Of what?

of this section—

Not paragraph 20, but "of this section," dealing with the Panama Canal alone—

and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. As I understand, if standing alone, without any other provision, section 19 would absolutely prohibit a railroad from owning or operating a steamship.

Mr. WHEELER. That is correct.

Mr. BARKLEY. But section 20 is a relaxation of the rigors of section 19 by giving to the Interstate Commerce Commission the right, power, and jurisdiction to determine the fact.

Mr. WHEELER. That is correct.

Mr. BARKLEY. So section 20 does not strengthen section 19, but rather relaxes the rigors of it.

Mr. WHEELER. It relaxes it under certain conditions.

Mr. SMITH. But the point is, here is a prohibition in section 19 which is clear and unmistakable. Then section 20 says that the Commission must investigate and see whether or not there is a violation of the law. Section 21 refers to vessels which are being operated. One contradicts the other.

Mr. BARKLEY. As a matter of fact, if there were nothing there but section 19, there would be nothing for the Interstate Commerce Commission to investigate. It would be absolutely prohibited from acting, no matter what the facts were; but section 20 gives the Commission the right to determine whether there shall be some deviation from the prohibition.

Mr. SMITH. But in section 19 the position is taken that no railroad shall operate or have any part or parcel in the operation of a water carrier.

Mr. WHEELER. That is correct.

Mr. SMITH. Sections 20 and 21 assume that when section 19 was passed some ships were already owned by the railroads, and sections 20 and 21 give them easement as to what they will do with those ships; but what was section 19 written for?

Mr. BARKLEY. The whole act must be read together.

Mr. WHEELER. Section 19 says that not only shall the Commission have power to ease this prohibition and say that the operation of existing water services by railroads is all right, but it goes further than that and says—

Or for the purpose of asking an order to install new service.

Mr. SMITH. What is the use of section 19? Section 19 prohibits such operation, and sections 20 and 21 nullify section 19.

Mr. WHEELER. I will say to the Senator that I did not write this law.

Mr. SMITH. I hope the Senator did not.

Mr. WHEELER. I am taking the law as it is written. I say to the Senator that the Interstate Commerce Commission took these three different sections and tried to interpret them so that they would make sense, and they could not come to any other conclusion than the one I have indicated. I submit to the Senator that there have been three or four decisions by the Interstate Commerce Commission, and never has an appeal been taken from any of them, and they stand today as the law with reference to this matter.

Mr. SMITH. I do not wonder that there has not been an appeal, because nobody knows what the act means. It is a reflection on Congress, in so important a matter as our transportation, so to write an act that nobody knows whether or not there may be a monopoly by virtue of the power of the railroads; and it seems to me we ought to deal with it so that there will be no confusion.

Mr. WHEELER. That is exactly what we tried to do. Let me say to the Senator that what all of us tried to do in this conference report was not to change the intention of the statute as it is at the present time, but to clarify it so that there could not be any confusion either in the minds of the Commission or in the minds of anybody else. That is all that we did; and the act stands there exacty as it does today, under an interpretation which must be put upon it by the courts if it should go to any court in the land.

Every lawyer in this body, I am sure, recognizes the fact that when a case is presented to a court, the court has to take the different paragraphs in a section and so weave them together that they make common sense, and he has to try to find what the intention of the Congress was.

Mr. SMITH. Mr. President, my attention was called to this question when this matter was before the committee, of which I am a member, and I could not reconcile the flat prohibition to the Interstate Commerce Commission, "You cannot allow the railroads to engage in water transportation and truck transportation, because it is evidently monopolizing the business of different competing lines of transportation." Now, they relax in section 20, according to the interpretation, and finally throw the whole thing out the window in section 21, and give them the power to establish convenience and necessity and noncompetition.

Mr. WHEELER. I am sure the Senator is not criticizing the committee for its action, because what we did was merely in an effort to clarify the language which had already been written. I submit that the language was not clear.

Mr. SMITH. Why not simply repeal paragraph or section 19, and put section 21 in? That covers the ground.

Mr. WHEELER. This is the position in which we found ourselves; we were dealing with the whole transportation problem.

Mr. SMITH. Yes.

Mr. WHEELER. And this matter was brought to us. This was one of the things they wanted in order to clarify the language.

Mr. ELLENDER. Who wanted to clarify it?

Mr. WHEELER. The Interstate Commerce Commission were the ones who suggested the clarifying language.

Mr. ELLENDER. Had not the Interstate Commerce Commission previously rendered doubtful decisions as to those three sections?

Mr. WHEELER. I do not think they were doubtful. I think the decisions of the Interstate Commerce Commission were in exact accord with the intent of Congress. They

placed exactly the correct interpretation and the only honest and just interpretation they could place on the statute.

Mr. ELLENDER. If there was no doubt about the decisions, why amend the act? Why not allow the courts to pass upon the question?

Mr. WHEELER. If we are writing a bill and revamping the law and we come across some imperfections, some things which do not make sense, we should clarify them, so that he who runs may read, so that not only the Interstate Commerce Commission and the courts, but the layman on the street may take up the law and read it and say, "This is what it means." That is what we attempted to do.

Let me say to the Senator from South Carolina that, as the measure now comes before the Senate, it protects those engaged in transportation by water as they have never been protected before. It used to be that a railroad company could buy a steamship company which competed with some other steamship company, and it would immediately cut the rates, and because the smaller steamship company did not have the money and the railroad did have the money to back it up, the railroad could throw its competitor off the water.

Under the pending bill that could not be done, because the Interstate Commerce Commission would say, "You cannot indulge in cutthroat competition." One of the things we are seeking to do under the bill is to prevent cutthroat competition.

Mr. SMITH. Mr. President, the Senator knows that section 4 has been a bone of contention since the Interstate Commerce Commission was established.

Mr. WHEELER. The Senator is talking about the long-and-short haul?

Mr. SMITH. Yes. I am talking about water competition, permitting a railroad to impose a rate to a port which would put a steamship out of competition.

Mr. WHEELER. That is correct.

Mr. SMITH. All the coastal shipping was driven out of existence by that means. We go a step further now and say, "Not only is section 4 still operative, but we will allow you to buy the steamships."

Mr. WHEELER. No; the Senator has a misconception. No one in the Senate has been more familiar with section 4 than I have, because the people of my State have been fighting section 4, and have been interested in it, and ever since I have been in the Senate I have been fighting to keep section 4, the long-and-short-haul provision, in the law. A bill providing for the repeal of section 4, the long-and-short-haul clause, passed the House of Representatives on two or three different occasions since I have been chairman of the Committee on Interstate Commerce, and I deliberately and premeditatedly held it up in committee when a majority of my own committee was for it. I did not bring it up because it would put the shipping people out of business, in my judgment. But I cannot agree that we should put the railroads in a strait jacket, and then let the competing forms of transportation loose to compete and cut the rates. I argue, and I submit to any fair-minded man in this body or anywhere else in this country, that if I am to be regulated, then my competitor should also be regulated.

If this bill shall not be enacted, and water carriers shall not be regulated by the same body and in the same way in which the railroads and the busses are regulated, then we should repeal the laws regulating the railroads and let them indulge in cutthroat competition all over this country. That is what would happen, because a bill which would have brought that about passed the House twice, and would have passed the Senate if it had not been for my holding it up.

Mr. SMITH. The Senator must recognize that the costs of certain forms of transportation should inure to the benefit of the shipper. The railroads are corporations, they own their rights-of-way, they have established themselves to make money, and they have the right to keep trespassers off their property. They own the roads, they own the rights-of-way, and they run the roads for their own benefit. Trucks and busses are public carriers, but they utilize the highways, just as a barefoot man or a man rolling a wheelbarrow does. The cost is nothing like the cost incident to keeping up a railroad.

I am a friend of the railroads, from a public standpoint. I believe that the railroads will be here forever, because they have certain advantages—in the long haul, for instance, and for handling heavy tonnage—and they provide certain conveniences which cannot be obtained otherwise, or have not been up to the present time. But we have no right to say to a method of transportation which is essentially cheaper, necessarily cheaper, than the railroads, "You have to pay the same tax and be put under the same jurisdiction as to expense." Naturally it is more expensive.

Mr. WHEELER. Mr. President, let me say to the Senator, in my own time, if I may, that we are not seeking to do that, and the bill does not do that. If the Senator were familiar with the legislation proposed in the bill, he would know that in the very beginning we say, "It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this act, so administered as to recognize and preserve the inherent advantages of each."

Mr. SMITH. Mr. President, I wish to make one further statement, then I will not engage in the debate further.

I have been in the Senate so long that I know that the preamble, the statement of what we profess to set out, generally contains a joker which nullifies the whole thing. I will use an illustration.

During the war, when we were fixing prices, the then Senator from Minnesota, Knute Nelson, said to me, "You are for this bill?" He was referring to a bill from a committee of which I was chairman or a member. I said, "Yes. It fixes $2 a bushel on wheat, and from there on the sky is the limit."

"Well," he said, "I have read the bill, but there is a joker in it somewhere. Two dollars will be what the farmer will get."

I said, "Oh, the Senator is mistaken."

It was a voluminous bill. The bill had been in operation but a short time when we discovered that it provided that the Food Administrator should have the right to fix the price of any food in which he thought there was profiteering. Of course he fixed $2 a bushel as being the maximum and the minimum for wheat.

It was all right to say to wheat growers, "We will give you $2, and from there on the sky will be the ceiling," and then provide that the man who had the law in charge could declare what he thought was profiteering, so that he could say that anything above $2 a bushel would be profiteering. That ended it.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Montana yield to the Senator from Colorado?

Mr. WHEELER. I yield.

Mr. ADAMS. My particular interest now relates to the point of order which is pending. Subsections (19), (20), and (21) were in the existing law?

Mr. WHEELER. That is correct.

Mr. ADAMS. As I understand, the modifications were made originally in the Senate bill?

Mr. WHEELER. Yes.

Mr. ADAMS. Now, the question is whether or not the changes which the conference committee made are outside the differences between the modifications in the Senate bill and the House bill?

Mr. WHEELER. Certainly not. What the conferees did, for example, was to pick out a sentence in subsection (21)—it would be subsection (16), I think, of the Senate bill—and change the language.

Mr. ADAMS. Of course there is no restriction on changing the language, but there is on changing the substance.

Mr. WHEELER. That is correct. We did not change the substance, and I will say to the Senator, that the substance

of the language in subsections (19), (20), and (21) is exactly the substance of the present law.

Mr. ADAMS. As I understand the situation, while there are separate subsections (19), (20), and (21), in substance subsections (20) and (21) are provisos attached to subsection (19), and if, instead of subsections, provisos were inserted before subsections (20) and (21) one would get the substance?

Mr. WHEELER. If instead of making separate paragraphs, provisos had been inserted, so the subsections would have been joined together, one would get the substance, and it would make the language clear all the way through. Change of language is all that was accomplished. The change of language does not change the substance in the slightest degree. On the contrary, the substance is exactly the same.

Let me clarify the answer previously made to a question asked by the Senator from South Carolina [Mr. SMITH]. In conference, at the request of the water carriers, we specifically wrote in certain language, as follows:

> In the exercise of its power to prescribe just and reasonable rates, fares, and charges of common carriers by water, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the effect upon movement of traffic of the carriers for which the rates are prescribed.

We wrote in that language to protect the water carriers.

Mr. REED. Read the following sentence.

Mr. WHEELER. The following sentence is:

> And the needs of the public interest for adequate and efficient water transportation service at the lowest cost consistent with the furnishing of such service.

Let me say to the Senator from Louisiana [Mr. ELLENDER], whom I know is interested in water transportation, that in conference we went further to protect the water carriers than had been done in either the House bill or the Senate bill.

Mr. ELLENDER. Mr. President, let me ask the Senator a question: Suppose the sections under debate at present had not been modified at all in conference; could the Interstate Commerce Commission, under either the sections adopted in the Senate or the House, provide for the acquisition by a railroad of motor transportation or water-carrier transportation?

Mr. WHEELER. Yes. There is no question about it. They have done it.

Mr. ELLENDER. They did it; but it is a question whether or not they had the right to do it.

Mr. WHEELER. There is no question in my mind that they had the right to do it, and there is not the slightest doubt in my mind that any court in the country would uphold such a decision. If those interested in the matter had not supposed that the decision was correct, does not the Senator suppose that there would have been an appeal to higher courts in the Southern Pacific case and in certain other cases?

Mr. ELLENDER. Yes; but, by the same token, if the parties interested had thought the position taken was a correct one, they would not come to the Congress and ask for a change in the law.

Mr. WHEELER. They did not ask for it.

Mr. ELLENDER. Why was the change made in the law?

Mr. WHEELER. Is the Senator speaking of the railroads or the water carriers?

Mr. ELLENDER. I am speaking of the modification of the three subsections referred to.

Mr. WHEELER. Let me say in the first place that the Interstate Commerce Commission did not ask for the modifications which were made by the Senate. The modifications were placed in the Senate bill when the measure was passed on by the Senate. The Interstate Commerce Commission did not ask for those changes. They were placed in the measure by the Senate. We thought that would clarify the situation. Afterward the House inserted certain language in the bill which it thought would clarify the provisions. When the bill went to conference the Commission went over the bill and thought that neither the House nor the Senate language quite clarified the matter, and the Commission suggested some clarifying language, which no one considered to be of any moment, except that it would make the intention of the Congress more plain and simple.

Mr. ELLENDER. Is it the Senator's contention then that the clarifications made in those three subsections do not change the substance of the measure as passed by the Senate and by the House?

Mr. WHEELER. Yes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. I realize how difficult it is for us to separate our convictions on the question of water and rail transportation from a point of order. The only question that is now pending before the Senate is whether the conferees exceeded their authority. If I understand the situation, what the conferees did was to attempt to clarify paragraphs or subsections (19), (20), and (21). Both Houses dealt with those paragraphs.

I recall when the bill was under consideration in the Senate. Being a member of the Interstate Commerce Committee, and living on the Ohio River, and 30 miles from the Mississippi, I am naturally interested in water transportation and I do not want to see it driven off the waters. I have done all I could through legislation to encourage the improvement of navigation on the rivers of the United States.

However, the question that confronts me, and I am sure it confronts all Senators, is simply whether the conferees went beyond their authority in rewriting or clarifying these three paragraphs.

There is no doubt that what the conferees did is germane both to the Senate and the House bills.

Mr. WHEELER. Yes.

Mr. BARKLEY. There is no doubt that under the rulings of the Senate, even in its votes on the question of points of order—and I happen to remember some of those points of order—the Senate has gradually and more and more veered toward the House position, that when one House strikes out all the language in a bill and writes an entirely new bill, the conferees have infinitely wider discretion in adjusting the matter, and even writing a new proposal on its own account, than is true when a few sections are amended, as they come in a bill, page by page.

I was a member of the Committee on Interstate and Foreign Commerce of the House. It was the only committee I was ever on in the House, because it is regarded as one of the major committees and a Member of the House can be a member of only one such committee. When we passed the Esch bill in 1919 in the House—it became the Transportation Act of 1920, because it was finally signed in 1920—we merely amended, page by page, the Interstate Commerce Act. The bill came over to the Senate. Senator Cummins, of Iowa, was chairman of the Committee on Interstate Commerce at that time, and the Senate committee struck out the entire bill and wrote a new bill, which was known as the Cummins bill. Later it became the Esch-Cummins bill. But the Cummins amendment was a complete bill, striking out the entire House bill.

I happened to be a member of the conference committee on the part of the House and we spent 6 weeks, including Christmas Day, trying to adjust the differences, and the conferees wrote an entirely new bill on the theory, which was sustained by the Senate, and by the House also, that when the House had amended, section by section and page by page, an act already in existence, and the Senate struck it all out and wrote a new bill, the conferees had what Speaker Clark used to call almost carte blanche in rewriting the bill.

I recall that on one occasion, when I happened to be in the chair in the Senate, a bill came over from the House dealing, as I recall, with air-mail contracts. The Senate struck out the entire bill and wrote a new bill. When the conference report came back, the word "initial," which was not in either bill, had been inserted by the conferees, so it applied to "initial payments" and "initial situations," which greatly limited both bills as they had passed the House and Senate. I happened to be in the chair, and based upon the precedents which had been established by Vice President Dawes, and in

one case by Vice President Marshall, and which have been later sustained by Vice President Garner, I overruled the point of order, and the Senate did not question the ruling. There was no appeal taken, as I recall, from the ruling. So it seems to me that in the vote we are to cast, in the face of the situation that the Chair does not feel called upon to rule because he is not familiar with the facts, we must not lose sight of the fact that we are voting on a point of order. We are voting to establish a precedent by which the Senate may be governed in the future; and we cannot afford to vote on the point of order according to our convictions, sentiments, or inclinations with respect to water or rail transportation.

Mr. WHEELER. That is correct.

Mr. BARKLEY. I remember that when we passed the bill in the Senate I interrogated the Senator from Montana particularly on the point. We were trying to coordinate all transportation facilities of an interstate character. We gave to the Interstate Commerce Commission power, under certain circumstances, to fix rates by water, rail, bus, and other interstate transportation facilities. As I recall, at that time I undertook to emphasize the fact that while we were giving the Interstate Commerce Commission jurisdicion over water transportation, we were not compelling the Commission, or even advising it, to use the same yardstick with respect to rates and practices in connection with water transportation that was to be used with regard to rail transportation, or even bus transportation.

It seems to me that the matter which is in dispute, and upon which the point of order is made, is germane to both bills. The Senate dealt with the Panama Canal Act in 1920 and 1921. The House dealt with it in a little different way. The House struck out all the Senate bill and wrote a new bill. It seems to me that not only did the conferees have wider discretion and a wider field in which to operate in arriving at an adjustment of the differences between the two Houses, but also that they remained within the borders of that field. No one can doubt that what the conferees have done is germane to both bills.

Mr. WHEELER. That is correct.

Mr. BARKLEY. In view of the latitude the conferees have under those circumstances, it seems to me there is no question that the point of order ought not to be sustained.

Mr. WHEELER. I thank the Senator.

Let me call the attention of Members of the Senate to what we were confronted with. We went into the conference, and we had before us the rulings of the House of Representatives for years and years and years. We also had before us the latest rulings of Vice President GARNER and Vice President Dawes. They were the latest rulings of the Senate. So, when the question was raised, because of the fact that we wanted to write the best kind of a bill we could, we felt that we could do one of two things. We did not say, "What did somebody do 10 or 15 years ago?" but "What is the latest ruling of the Senate?" The latest rulings of the Senate, by Vice President Dawes and Vice President GARNER, were to the effect that when everything after the enacting clause is stricken out, the conferees have wide latitude. It was like writing a new bill. We followed both the precedents of the House and the precedents of the Senate.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. ELLENDER. Did the Senator, as a conferee, think it proper to delete from the Senate bill language which was adopted not only by the Senate but by the House?

Mr. WHEELER. To what language does the Senator refer?

Mr. ELLENDER. I refer specifically to language which was adopted by the Senate as well as by the House. Let me read it:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the services rendered.

Mr. WHEELER. Certainly I thought it was proper, and I will tell the Senator why. The Senator from Arkansas [Mr. MILLER] and everyone else know perfectly well that I agreed to take the provision to conference; but it was offered in the last days of the debate, and I took it to conference with the tacit understanding that I would not try to keep it in.

Mr. ELLENDER. But the House had adopted it.

Mr. WHEELER. If that language had stayed in the bill, passenger rates and rates on agricultural products would have been raised, and it could not be made to work as a practical matter. With that provision in the bill, there would be no legislation on the subject.

Mr. ELLENDER. The Senate passed upon the question, and the House passed upon it. I do not believe the conferees acted fairly and squarely when they struck it out.

Mr. WHEELER. That may be the Senator's opinion, but I am sure that, so far as I was concerned, I felt differently. I discussed the matter with various Senators. That provision was offered in the last days of the debate, and it was taken to conference with the understanding which I have stated.

Mr. ELLENDER. That very clause prompted a number of us to vote for the bill. I know it prompted me to do so.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. I have heard the Senator go over this matter three or four times. He merely said he would take the provision to conference. What is meant when a Senate conferee takes a provision to conference? That action should mean that he will stand for and fight for it because it is the action of the Senate. If the Senator had had a conflict on this matter he might have had some excuse to abandon the position of the Senate; but he did not have any conflict on it, because the House conferees had a mandate of almost precisely the same sort.

The only difference between the Miller-Wadsworth amendment as it was included in the Senate bill and the Miller-Wadsworth amendment as it was included in the House bill was one unimportant proviso. On that basis, the Senator from Montana according to his own statement having agreed to take it to conference, if I know anything about parliamentary practice in either House of Congress, such action means that a Senate conferee will take the provision to conference and stand on the Senate provision until he is overpowered by the resistance of the House. Based upon such a situation as that, the conferees completely struck out the provision.

Mr. WHEELER. I was easily overpowered.

Mr. CLARK of Missouri. Who overpowered the Senator?

Mr. TRUMAN. Mr. President——

Mr. CLARK of Missouri. If the Senator will yield, I shall be glad to have him tell who overpowered him. The House, by unanimous vote, had included a substantially similar provision.

Mr. TRUMAN. Mr. President, if my colleague will yield to me, I can tell the Senator what overpowered the Senate conferees. The amendment of the Senator from Arkansas [Mr. MILLER] was offered on the floor of the Senate toward the close of the debate on the bill.

Mr. CLARK of Missouri. It does not make any difference when it was offered.

Mr. WHEELER. Just a moment. I yield to the junior Senator from Missouri.

Mr. TRUMAN. The amendment was offered toward the close of the debate on the bill. It had had no consideration whatever by any committee. What it would do to the bill, or what it would do to transportation, had not been considered by anybody. It was accepted toward the close of the debate.

The same thing was true of the Wadsworth amendment in the House. Representative WADSWORTH himself admitted on the floor of the House that he had no idea of the ramifications and the effect of his amendment on transportation. If it were left in the bill, it would absolutely put every short-line railroad in the country out of business, and deprive every little interior town in the country of transportation. We considered that question thoroughly in the conference; and under the rulings of the Vice President in the Senate and the rulings in the House as far back as a century, we felt that

we had a right to take out the amendment in order to save the bill.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me for the purpose of answering what my colleague has said?

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. The Senator says Representative WADSWORTH changed his mind. That does not change the fact that a majority of the Senate conferees took it upon themselves to override the unanimous will of the House of Representatives and the unanimous will of the Senate. There is no dispute about either amendment.

Mr. TRUMAN. There was no vote on either amendment.

Mr. CLARK of Missouri. They were accepted by unanimous consent, so there was a vote. The fact that the amendments were offered in the latter stages of consideration certainly has no influence on the matter, because many amendments are so offered.

Mr. TRUMAN. Those amendments were offered with but one idea in view, and that was to kill the bill.

Mr. CLARK of Missouri. Why did the Senator from Montana accept them?

Mr. WHEELER. Mr. President, let me make an explanation. I talked to the Senator from Vermont [Mr. AUSTIN] about the matter at the very time it came up. In some respects the Senator's argument might seem to be logical. But suppose we should go into a conference and find a provision which nobody had studied, which had not been debated on the floor of the Senate, and which had not had any consideration by anybody in the committee or anywhere else; and suppose that after we reach the conference we find that if the amendment were adopted it would wreck every short-line railroad and every branch-line railroad in the country. Does the Senator think that then we ought to keep it in, regardless of whether or not we feel that under the rule we are authorized to take it out?

Mr. CLARK of Missouri. If the Senator will permit me to answer his question, I will answer by saying in the first place that I think when both Houses have unanimously agreed on a provision, the conferees have absolutely no right to set themselves up as a super-Congress and try to legislate over the heads of both the Senate and the House.

Mr. WHEELER. The Senator's father, as Speaker of the House, ruled otherwise; and the Senator wrote several of the decisions.

Mr. CLARK of Missouri. Let me say that there is a long line of decisions in the House——

Mr. WHEELER. The Senator wrote them.

Mr. CLARK of Missouri. I followed the precedents in the House of Representatives.

Mr. WHEELER. Certainly.

Mr. CLARK of Missouri. The precedents in the Senate have been almost unanimously contrary to that view, except in the case of the opinion of Vice President GARNER, which was sustained on appeal by the very narrow margin of two votes.

Mr. WHEELER. I beg to differ with the Senator. Vice President Dawes so held in 1927, and he was sustained.

Mr. CLARK of Missouri. Mr. President, inasmuch as the Senator has brought up the question, the difference between the House and Senate is that in 1918 the Senate took the trouble to protect this great body against the excesses of conferees by adopting a specific rule against such practices, as was held by President pro tempore Cummins.

As is well known, the Vice President served for a long time in the House of Representatives; and, with all the respect and affection I have for him, I know very well that in making his decision, which was sustained by only two votes on appeal, he was following the experience of his long service in the House of Representatives. However, the practice in this body has always been otherwise.

Will the Senator from Montana permit me to ask him another question?

Mr. WHEELER. Yes.

Mr. CLARK of Missouri. The Senator said that since the provision had not been discussed or debated in the Senate the conferees were entitled to cut it out, notwithstanding the fact that both Houses had acted on it unanimously. I recall considerable discussion between the Senator from Arkansas and the Senator from Montana.

Mr. WHEELER. I did not say there was not any discussion.

Mr. CLARK of Missouri. Let me ask the Senator from Montana what discussion there was of the innovation repealing the Panama Canal Act or repealing the Motor Transport Act, which was not in either bill, and which was not even mentioned or discussed on the floor of the Senate and which neither committee dared bring into the Senate and submit to a vote in either body?

Mr. WHEELER. The Senator is just as wrong as he ever was in his life. He simply is not familiar with the situation. I have tried to explain it to him, and I thought I had done so, but it is apparent to me that my friend from Missouri still has not read the bill and does not understand it.

He is so able a lawyer that if he had read the bill carefully, and understood what had been done, I know that he himself would come to the conclusion that we had not changed the language.

He says we did not dare to bring the provision into the Senate. I say to the Senator that I dare to bring anything into the Senate of the United States in which I conscientiously believe. I have never feared to bring anything on the floor of the Senate in which I believed; I believe in this, and I know it to be right.

Mr. CLARK of Missouri. Mr. President, I certainly did not intend to question the courage of the Senator from Montana, for nobody can do that; but I have read very carefully the provisions of the bill; I have read very carefully the changes made in the Motor Transport Act and in the Panama Canal Act. I have read the decisions of the Interstate Commerce Commission which enter into this matter, and which I intend to discuss later in my own time. Let me state further that I completely disagree with the Senator from Montana in his conclusion; and let me say further that I withdraw any remark which the Senator from Montana may have taken as an aspersion on his courage——

Mr. WHEELER. No; I did not.

Mr. CLARK of Missouri. Because, as the Senator knows, I am not only extremely fond of him but a great admirer of his ability and courage. But let me add that while on the final passage of the bill, as the Senator has remarked several times, we secured only six votes in opposition to it; if there had been in it such a provision as is now in the conference report we would have secured 60.

Mr. WHEELER. The truth about it is that the language in the conference report does not change the purport of the bill at all.

Mr. TRUMAN. Mr. President——

Mr. WHEELER. I yield to the Senator from Missouri.

Mr. TRUMAN. I want to correct the statement that the appeal from the decision of Vice President GARNER on the agricultural bill was voted down by 2 votes. The vote on the appeal of the decision was 48 to 31, and the appeal from the decision of Vice President Dawes in 1927 was voted down by 48 to 14. Confirmation of this statement is in the CONGRESSIONAL RECORD, Seventy-fifth Congress, third session, volume 83, part 2, pages 1772–1773, 1820, and 1822, and CONGRESSIONAL RECORD, second session, pages 2877–2880.

Mr. WHEELER. I do not desire to take up more time of the Senate except to call attention to the point of order and to say that if it is desired by Senators to kill the bill then they should vote to sustain the point of order, because that will end the bill.

I repeat that this bill was introduced by me at the request of the President of the United States who appointed a committee to study it. I introduced it and we worked on it for a long time. There has never been a bill presented to the Senate of the United States since I have been a member of the body that has had more careful thought and study and longer hours devoted to it by able Members of the House of Representatives and of the Senate than has this bill. We had before us in the conference committee the so-called Miller-Wadsworth amendment.

The principal objection to this bill in the House was caused by the elimination of the Miller-Wadsworth amendment. This amendment as it passed the Senate reads:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers for the service rendered.

When the bill was submitted by the House, they added to the Senate bill the following proviso:

> "*Provided*, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

If the Miller-Wadsworth amendment should be adopted, it would make every railroad company in this country, if a question of rates was raised, increase its rates on every branch-line railroad. Not only that, but the Wadsworth amendment provides that the Commission is to permit a floor to be placed under rates. It must be compensatory and in addition it must cover all overhead and all allowances of costs, meaning overhead, including taxes. There is considerable freight in this country that is carried at a low level of freight rates on a narrow margin because of competitive conditions or because it will not move at a higher freight rate. Many agricultural commodities are in this category, as are passenger fares.

If the Miller-Wadsworth amendment should go into effect let me say that the wheat of North Dakota, Minnesota, South Dakota, and eastern Montana could not be moved to the seacoast and meet the competition of grain from Australia. We would not be able to move the commodities that are produced all through the great Middle West section of this country and have them compete with the grains and commodities from other countries.

In this country there is great need of cheap transportation because of the wide spread of the country and the fact that productive centers are scattered throughout the Nation. The effect of the amendment would be to raise the freight rates on a large part of the heavy commerce of the United States. Passengers in the United States are carried at a heavy loss which has been approximated at $100,000,000 a year. If the Miller-Wadsworth amendment was adopted by the railroads theoretically it would have to recover that $100,000,000 by higher fares. Obviously it could not do so. It would simply mean that the rates would be raised and it would have less traffic on the railroads and less income. As I have said, there are certain movements of freight traffic on the railroads, or anywhere else for that matter, that will not move unless it has a cheap rate. Much of that includes agricultural products. The rates on these articles are not fixed on a full allocated cost which would include overhead and profit and all the other things, but they figure what the out-of-pocket cost is to move that freight and add something to it on the theory that it is better to make a little profit than not to move the freight at all. There are rates like that all over the country. There are rates made on a basis other than the full allocated cost which have been made effective simply to equalize the competitive advantages of different communities trying to get into a consumer market. The Wadsworth amendment means that a rail carrier could not reduce a rate below the full allocated cost in order to move the traffic that would otherwise not be moved. It seems to me the effect of this would be to raise the rates over the country, particularly on agricultural commodities. I do not believe anyone wants that done. There is no sound economic reason why it should be necessary for each rate to pay its share of all costs and at the same time contribute something to profit. If rates were made on this theory the classification of goods and commodities for rate-making purposes would be next to impossible and as a consequence rates on many commodities, particularly farm products, would be greatly increased. If this amendment goes into effect it appears to me that practically every branch line of the country will be seriously affected. The reason is that the amendment provides that no rate shall be reduced below the cost of operating a particular line. It is well known that branch-line transportation is more expensive than main-line transportation. Under our rate structure, rates charged on grain, for example, from a certain point on the main line to the city of Chicago is identical with that which is charged on the branch line. The rate on the branch line would have to be raised, and the same thing would be true as to passenger fares.

This amendment had the most vigorous objection of the legislative committee of the Interstate Commerce Commission headed by Chairman Eastman. The Commission pointed out that there are two kinds of costs, out-of-pocket costs and full-allocated costs, which are quite different. The amendment is not clear as to what maner of cost is meant, and it is also uncertain what is meant by a compensatory return. In stating why the amendment was objectionable, the Commission said:

> In the past, the freight rates of railroads, and also of other carriers, have taken into consideration, not only cost of service, but value of service or "what the traffic would bear." This had the result of putting a somewhat disproportionate burden on the higher-valued commodities, particularly those capable of a comparatively heavy car loading, but in general was approved by public opinion. The intense transportation competition of the present day, including the ability of many shippers to provide their own transportation, is tending rapidly to break down this method of constructing rates, and it may be that eventually it will be impossible to give much, if any, weight to the so-called value of the service.
>
> Let us suppose, for example, a situation where competing railroads, coastwise steamship lines, and trucks are all maintaining, to their own and the shippers' satisfaction in general, a comparatively high level of freight rates on various packaged goods of high value, and some carrier, for the sake of a temporary advantage, undertakes to cut these rates. If this must be allowed, ultimately all the competing rates will be reduced and a hole created in carrier revenues which may make it necessary to increase rates on traffic less able to stand the burden. We think that it should not be allowed, and that the Commission should be in a position to prevent such a train of events by exercise of its authority over minimum rates.
>
> In our judgment, the provision in question is not necessary in order that the public at large may enjoy the benefit and economy afforded by each type of transportation. The requirement in the rate-making rule that the Commission give due consideration to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed and also to the need in the public interest, of adequate and efficient transportation by such carrier or carriers at the lowest cost consistent with the furnishing of such service, coupled with the admonition in the declaration of policy in section 1 that the provisions of the act be so administered as to recognize and preserve the inherent advantages of each mode of transportation, will afford adequate protection in this respect. If experience should show that further protection is needed, contrary to our expectation, Congress can then amend the act, but such a restriction as is now proposed is, we believe, both unnecessary and undesirable.

Mr. MILLER. Mr. President, I should like to discuss this question not from the standpoint of the merits of the conference report but strictly from the standpoint of the point of order.

As to whether or not the point of order should be sustained, I wish to lay down two propositions which to me seem vital and which are now squarely before the Senate, the determination of which may have a profound effect upon the future legislative action of this body.

It seems to me that if we are to maintain constitutional consideration of legislation, such consideration as contemplated and provided by the Constitution and which has the sanction of more than 150 years of national existence, then the point of order must be sustained.

I make that statement upon the assumption that the Senate conferees—and it matters not what their good faith may have been; I am not impugning their good faith—have transcended their authority in representing the Senate in conference. If that fact is established, then there is but one action the Senate can take, and that is to sustain the point of order.

I should like to have the RECORD contain the rule under which the conferees were proceeding, and I should like to have the Nation know just exactly the limitations on the conferees.

Clause 2 of rule XXVII is as follows:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

That is one proposition; they shall not strike from their report matter agreed to by both Houses. The next proposition is:

If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CLARK of Missouri. Is it not a fact that that rule was adopted in 1918, taking the Senate directly and purposely out of the classification of the House rulings on the subject, for the reason, as stated by the Presiding Officer, Senator Wesley Jones—one of the ablest men who sat in this body in my lifetime, a very experienced parliamentarian, who had served in both bodies of the Congress—that it was desired to abate the practice, which had become a nuisance, of the conferees of this body setting up their will against the will of the majority or the whole of the Congress, as the case might be? In this case we have three men setting themselves up against the unanimous decision of the Members of this body.

Mr. MILLER. The Senator is correct. I have read the decision of Senator Jones on that question. As I say, in my opinion, this question is not only important for the welfare of the Senate, but unless the point of order is sustained the independence of the Senate is destroyed. We are no longer an independent legislative branch of the Government.

Mr. CLARK of Missouri. Mr. President, will the Senator further yield?

Mr. MILLER. I yield.

Mr. CLARK of Missouri. Is not the principle involved exactly the same principle of hornbook law, which is familiar to every freshman student in a law school in the United States, and certainly to anybody who has practiced law for any length of time, that the authority of the agent never can exceed the authority delegated to him by the principal?

Mr. MILLER. That is primary and fundamental.

Mr. CLARK of Missouri. In other words, in this case, after the two principals in the matter, the House and the Senate, had deliberately, by unanimous action, instructed their agents that they desired the Miller-Wadsworth amendment, the conferees, the agents of the House and the Senate, took it upon themselves to strike it out.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MILLER. I yield to the Senator from New Mexico.

Mr. HATCH. The eminent lawyers on both sides have just agreed that the authority of the agent never can exceed the authority conferred by the principal. They lay that down as a fundamental principle of law. Do they stand on that principle?

Mr. MILLER. I think as a general proposition, yes.

Mr. HATCH. Have the Senators ever heard of the doctrine of ratification?

Mr. MILLER. Yes; I have heard of the doctrine of ratification, but the doctrine of ratification does not destroy the original doctrine.

Mr. HATCH. Ah, Mr. President, but it is an important exception.

Mr. MILLER. That is true.

Mr. HATCH. And it is an exception which is applicable right here. The Senate may ratify anything that is done.

Mr. MILLER. Certainly the Senate may ratify; but the proposition to which I desire to address myself is whether or not the Senate should bind itself in the future by ratifying the unauthorized action of the conferees.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kansas?

Mr. MILLER. I do.

Mr. REED. Since the Senator from Arkansas and the Senator from Missouri desire to consider this matter from a technical standpoint, I call the attention of the Senator from Arkansas to the fact that the amendment as it came from the House was not the amendment voted on by the Senate.

Mr. MILLER. I will take care of that.

Mr. REED. There had been an addition which changed the amendment.

Mr. MILLER. Yes; I understand that.

Mr. REED. The Senator from Arkansas is aware of that?

Mr. MILLER. I am aware of it.

Mr. REED. Technically—and that is the standpoint from which the Senator from Missouri and the Senator from Arkansas are arguing—that changes the situation.

Mr. CLARK of Missouri. No; the Senator misunderstands what I was saying. I say that the House amendment and the Senate amendment were substantially identical. I know there was an additional provision in the House amendment; but the long line of decisions in this body set out conclusively, and the decision of President pro tempore Cummins recognized, that there might be some difference in language which could be reconciled, but a substantially identical proposition could not be eliminated from the bill.

Mr. REED. Mr. President, if the Senator will yield again, I will not bother him much longer.

Mr. MILLER. I yield. The Senator does not bother me at all.

Mr. REED. The Senator from Missouri and the Senator from Arkansas ought not to argue upon technical grounds when they admit that the technical grounds upon which they argue have no foundation in fact.

Mr. CLARK of Missouri. Mr. President, I do not admit anything of the kind.

Mr. REED. Well, that is the truth, whether the Senator from Missouri recognizes it or not.

Mr. CLARK of Missouri. It is not true at all.

Mr. MILLER. Mr. President, I think by the time I shall have finished what I have to say the Senate will not be in doubt on what I base my argument. It is not a technical argument. I propose to show that the Senate conferees violated not only the letter but the spirit of the rule.

This is what has happened, Mr. President: On the 24th day of May 1939, I submitted this amendment, while the Wheeler bill—Senate bill 2009—was under consideration:

In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered.

The amendment as offered by me also carried one additional sentence.

I undertook to discuss the amendment on the floor of the Senate. It is true that the amendment had not been referred to the Committee on Interstate Commerce. I undertook to discuss it as best I could. In the discussion on the floor a considerable colloquy about it occurred between me, the Senator from Kansas, the Senator from Montana, and other Senators.

The Senator from Montana [Mr. WHEELER] said this:

The amendment, in my judgment, would not do what the Senator from Arkansas wants to do with reference to discrimination.

I may say, in explanation of that statement of the Senator from Montana, that the Senator from Arkansas had been complaining against discrimination under the freight-rate structure, insofar as the Southwest regions of the Nation were concerned.

Continuing, he said:

Let me say to the Senator that the amendments we have already put into the bill go much further toward accomplishing the purpose the Senator has in mind than would this amendment. I am in thorough accord with the statements made by the Senator from Arkansas with reference to discrimination. I think they ought to be stopped, and if the Commission pursues the investigation and follows what we have laid down in this bill, many of the

discriminations between territories will be eliminated. A great many of them are absolutely arbitrary, and it seems to me without any justification.

In order to overcome the objections of the Senator from Montana, this is what occurred—and I read from the RECORD:

Mr. MILLER. Mr. President, will the Senator yield?
Mr. WHEELER. I yield.
Mr. MILLER. In the Senator's own time, and supplementing what the Senator has so well and so forcefully said—that it is the intention of the bill to protect each and every system of transportation or carriage of goods or persons—let me again call the attention of the Senator to the terms of the amendment. It simply says that—
"In order that the public at large may obtain the benefit and economy afforded by each type of transportation"—
Truck, boat, and railroad—
"The Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered."
Mr. WHEELER. Let me say to the Senator that so far as the first sentence of the amendment is concerned, I should not have any particular objection to it. It is the second provision which I think is objectionable.
Mr. MILLER. If the Senator has no objection, I am perfectly willing to strike out the last sentence.
Mr. WHEELER. If the Senator is willing to strike out the last sentence, I am perfectly willing to take the amendment to conference and see what I can do with it.

Mr. SHIPSTEAD. Mr. President, what was the last sentence?

Mr. MILLER. The last sentence, which I struck out, was that it should be unlawful to establish rates for a type of transportation which should not be compensatory, as therein defined, whether such rates were established to meet competition or for other purposes.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CLARK of Missouri. When the Senator from Montana made the statement to the Senator from Arkansas that he was willing to take the amendment to conference and see what he could do with it, did not the Senator understand that that meant that the Senate conferees would use their very utmost endeavors to procure the inclusion of that provision in the law, and that if the House had no objection, which apparently in this case the House did not, it would automatically be put into the law?

Mr. MILLER. I thought that would occur. Let me continue in order to keep the record straight:

Mr. MILLER. Mr. President, I should like to modify the amendment by striking out the last sentence, beginning on page 2 of the amendment, line 13, and as modified I offer the amendment.
Mr. NORRIS. The Senator has a right to modify his amendment.
Mr. MILLER. I understand that, and I am now offering the amendment in its modified form.
Mr. NORRIS. I congratulate the Senator on being willing to do that. As I see it, that relieves the amendment of any possible objection.

So the amendment was modified, and, as modified, was adopted by the Senate. The Senator in charge of the bill did not urge any further objections to it, and said he would take it to conference. It did go to conference.

What happened in the House? The bill went to the House, and at the time the bill was considered in the House Representative WADSWORTH, of New York, offered the identical amendment, to which he added a proviso, and I wish to call the attention of the Senate to the words and to the situation.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. SCHWELLENBACH. Did the Senate bill go to a House committee, and was the amendment stricken out by the House committee, and was the bill so reported to the floor of the House?

Mr. MILLER. The entire Senate bill was stricken out.

Mr. SCHWELLENBACH. I realize that, but as the House amendment, if that is the language they use in the House, was reported to the House, it did not include the provision the Senator suggested?

Mr. MILLER. It did not include the Miller-Wadsworth amendment as reported by the committee.

When the bill was being considered on the floor of the House Representative WADSWORTH offered the identical provision, word for word, sentence for sentence, to which he added a proviso. Now catch the distinction:

*Provided*, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

There was no change whatsoever in the amendment which had been solemnly adopted by the Senate and was solemnly adopted by the House. It is true the House put a limitation on the amendment, and only a limitation.

What happened in conference? The bill went to conference. On April 9 the conferees filed a conference report in the House and in the Senate.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. OVERTON. What action did the House take? Did they adopt the Wadsworth amendment by unanimous consent?

Mr. MILLER. They adopted it; yes. I will not say it was adopted by unanimous consent, but they adopted the identical amendment which the Senate had adopted, and with the additional proviso against interfering with the long-and-short-haul provision.

Mr. OVERTON. I make the inquiry because I understood from what the Senator from Missouri said that it was adopted in the House by unanimous consent.

Mr. MILLER. They do not do that in the House to any extent, as the Senator knows. But it was adopted, and became a part of the bill.

Mr. OVERTON. There was no recorded vote against it?

Mr. MILLER. No; there was no recorded vote against it. The bill was sent to conference. The bill as passed by the House contained the same amendment as that adopted by the Senate, with the proviso added, and I submit to the good judgment of the Senate that the proviso does not alter in any respect the substance of the amendment.

Mr. OVERTON. Will the Senator yield again?

Mr. MILLER. I yield.

Mr. OVERTON. The only matter in conference, then, in respect to the Miller-Wadsworth amendment, would have been the proviso.

Mr. MILLER. That is all in the world that was in conference.

Mr. OVERTON. The Miller amendment, adopted by the Senate, was not in conference at all, because it was agreed to by the House, with the addition of a proviso; so all that was in conference was the proviso.

Mr. MILLER. That is all that could have been in conference, under the rules of the House, and under the rules of the Senate.

Mr. President, if we are to maintain orderly constitutional legislative functioning of the Senate, the Senate must so find, for it is admitted that the Senate conferees made no attempt to bring the bill back for instructions. The conference report came up in the House and was rejected, and the House conferees were specifically instructed, and these were the instructions:

That the managers on the part of the House insist on the inclusion in the report of the committee of conference of the provision adopted by the House known as the Wadsworth amendment, which reads as follows.

Then follows the amendment which the Senate had adopted, which I had previously offered in the Senate.

Thus we have this anomalous situation, a situation which has never before existed, so far as I know, in the annals of legislative history: We have the House instructing its conferees to bring back a report with the Miller-Wadsworth amendment included; we have the Senate conferees acting free and independent of any instructions.

Mr. President, I desire to submit and leave to the imagination of Senators the gigantic exertion put forth by the Senate conferees to sustain the Senate's position, in the face of the instructions the House conferees had that they must insist

upon the amendment. How can any such legislative action as that be explained? As I have said, I am not condemning the motive of anyone, but I am concerned in the precedent. How can this body accept a conference report when the conferees say, "Yes, we rejected the amendment, because it is not workable?"

I do not care to discuss the merits of the Miller amendment at this time, because it is not proper to discuss them now. There was a time when that would have been proper. Had the conferees representing the Senate thought the Miller amendment should not have been adopted, why did they not come back to the Senate with the report, "We are confronted by this situation: The House conferees have been instructed to insist upon the Miller-Wadsworth amendment, and the Senate has acted upon it, but we believe that we should be instructed to recede from our position and resist the amendment." Why did they not come back for instructions?

No; they took it upon themselves and in their wisdom said, "We will decide here and now that that amendment is a foolish amendment, that it is not what it should be, and therefore we will substitute our own judgment for the judgment of the Senate and the judgment of the House."

Mr. President, that is what has occurred; and the question is whether or not the Senate shall accept the conference report under those conditions.

As I have said, I do not care to discuss the merits of the Miller amendment, further than to say that if the Senate conferees want to take the bill back and return to the Senate and ask for instructions on it, I shall be perfectly willing to debate it at any proper time when the parliamentary usage will permit. But that is neither here nor there. Let us admit, for the sake of the argument that the amendment was inadvisable; it would not be the first legislative mistake the Congress ever made.

I wish to say that we could not select a conference committee the personnel of which would be better than that which handled this bill; there could not be a conference of more sincere and honorable men, honest in every respect. But that is not the question. They make a plea of confession and avoidance. They say, "Yes, we did not bring back the amendment. The amendment was adopted by the House and it was adopted by the Senate, but notwithstanding the House conferees were instructed to insist upon their position, we got them to abandon it in the face of this solemn action of the Senate."

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CONNALLY. The Senator just stated that the particular amendment was agreed to by both Houses.

Mr. MILLER. Yes.

Mr. CONNALLY. Then, is not the deletion of it a violation of Senate rule XXVII?

Mr. MILLER. There is no doubt in the world about it.

Mr. CONNALLY. Is not the conference report subject to a point of order on that ground?

Mr. MILLER. That is what I have been basing my argument on.

Mr. CONNALLY. I beg the Senator's pardon.

Mr. MILLER. I base my argument upon clause 2 of rule XXVII.

Mr. CONNALLY. Let me suggest to the Senator, in that connection, that my conception of rule XXVII is that it is a limitation upon the power of conferees.

Mr. MILLER. Certainly.

Mr. CONNALLY. Mr. President, the House rules and the House's conception of what its conferees have authority to do in no wise affect the Senate.

Mr. MILLER. Not in the least.

Mr. CONNALLY. The conferees, under the Senate conception, under rule XXVII, are simply our attorneys in fact, as it were, to go out and do something for the Senate. Their master, the Senate, when it gives them the authority, tells them, "You can go out and confer, but you cannot insert something that is not in either bill, and you cannot delete something that is in both bills."

Action by the House or rulings by many Speakers have nothing to do with this matter, because in 1918 the Senate said, "We will confer with the House, but the Senators we appoint to confer shall not do these things, and if they do, the conference report will be, in effect, recommitted."

It seems to me that abstruse questions of what Mr. Speaker may have said in the House prior to 1918, or subsequent to 1918, have nothing to do with the Senate's duty with respect to this particular matter.

If I appoint a man to buy for me a bay horse, restricting his purchase to a bay horse, he cannot come back and deliver me a gray horse. All we authorize the conferees to do is to come to agreement, if possible, with the House conferees, but in doing so they cannot put in new matter or take out old matter, and they have done both.

Mr. MILLER. I thank the Senator for his contribution.

Mr. BARKLEY. Mr. President, the illustration given by the Senator from Texas may not be exactly precise, because there is no way to change the color of a bay horse. If I order a man to buy a bay horse, he has to buy a bay horse or nothing. But if I order one man to buy a bay horse, and another man to buy a gray horse, and they cannot buy either a bay or a gray horse, but can buy a sort of mixed-color horse, and bring back a roan horse, they may still be within the instructions with respect to the horse. [Laughter.]

Mr. MILLER. Mr. President, I agree with the Senator from Kentucky, but in this case the conferees did not bring back either. They just "drapped it," as the old Negro says. They changed the entire provision. If, as they had a perfect right to do under the existing procedure, they had remodeled the measure, redrafted it, or done whatever was necessary to do, as the conferees did with respect to certain portions of the Panama Canal Act, very well, but the thing I complain about is their simply dropping certain parts of the legislation; in other words, bringing back no horse at all, neither a bay nor a gray.

Mr. President, there is only one other matter to which I wish to call attention, because as I stated in the beginning of my remarks, I desire to confine my argument to the question which is before the Senate, which is the parliamentary situation. I hope the merits of any of the proposed amendments will not be debated, because they are absolutely immaterial at this point. If the point of order is sustained that ends the matter, and the conference report goes back. For that reason I shall not enter into a discussion of the merits of the bill.

There has been much said about the effect on the Panama Canal Act of the action taken by the conferees. Let me call the attention of the Senate to what happened in that connection, as I construe it.

There is incorporated in the conference report under subsection (16) entirely new matter that is not included in either of the bills. Mind you, Mr. President, subsections (14) and (15) of the conference report, on page 13 thereof, come within the rule—that is, the conferees remodeled and redrafted the provisions—but in dealing with subsection (16) they have not complied with the rule.

Mr. President, that is all in the world I have to say about this matter. I assume that the world will go on, whatever we may do about the conference report, whether it is adopted or not adopted, but the question I desire to submit to the Senate, and have the Senate in its solemn judgment pass upon, is, Will the Senate uphold the action of its conferees when they admittedly delete from legislation a provision which is included in both the House and Senate bill, upon the plea that, in their judgment, however sound their judgment may be, the amendment is not desirable? If that is to be the practice of the Senate, then let me respectfully suggest that we are yielding to the conferees of the Senate power we never even imagined we would yield to anyone. We are yielding to a delegation of three or five men the power, in the secrecy of their conference chambers, to draft legislation which may determine the fate, the happiness, and the welfare of 130,000,000 people; and the Senate sits here impotent and unable to cope with the situation.

That is the question before the Senate in respect to the conference report.

UTILIZATION OF INDUSTRIAL RESOURCES—STATEMENT BY MR. WENDELL WILLKIE

Mr. RUSSELL. Mr. President, yesterday Mr. Wendell L. Willkie, erstwhile industrial magnate and today the Republican candidate for the Presidency, issued a statement——

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me at that point?

Mr. RUSSELL. I yield.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Connally | Johnson, Colo. | Shipstead |
| Andrews | Danaher | Lee | Slattery |
| Ashurst | Donahey | Lucas | Smith |
| Austin | Downey | Lundeen | Stewart |
| Bailey | Ellender | McKellar | Thomas, Idaho |
| Bankhead | George | Mead | Thomas, Okla. |
| Barkley | Gerry | Miller | Thomas, Utah |
| Bone | Gibson | Minton | Townsend |
| Bridges | Glass | Murray | Truman |
| Bulow | Green | Overton | Tydings |
| Burke | Guffey | Pepper | Vandenberg |
| Byrd | Gurney | Pittman | Van Nuys |
| Byrnes | Harrison | Radcliffe | Wagner |
| Capper | Hatch | Reed | Wheeler |
| Caraway | Hayden | Reynolds | White |
| Chandler | Herring | Russell | Wiley |
| Chavez | Hill | Schwartz | |
| Clark, Idaho | Holt | Schwellenbach | |
| Clark, Mo. | Johnson, Calif. | Sheppard | |

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Seventy-three Senators having answered to their names, a quorum is present.

Mr. RUSSELL. Mr. President, yesterday Mr. Wendell L. Willkie, who recently took over the Republican Party and is its nominee for the Presidency, issued a statement strongly denouncing the action of the Senate in adopting an amendment with which I was identified, which was offered to the so-called compulsory military service bill to provide for the utilization of the industrial resources of this Nation in the defense program when an agreement cannot be arrived at between the owner of a plant and the department of the Government which is in need of essential military equipment.

The statement made by Mr. Willkie is rather lengthy and contains a great many misstatements of fact. However, I assume it may be taken as a correct statement of Mr. Willkie's philosophy of government, and that it sets forth his ideas of the relative values of human beings who are American citizens, and dollars which are the property of American citizens.

If I correctly understand Mr. Willkie's statement, he is a strong advocate of drafting the blood and the lives of American youth, even over the protests of the men who may be affected; and today in the Senate we bask in his commendation of our action in drafting manpower in this hour of national emergency. But Mr. Willkie is violently opposed to the action of the Senate affecting business. If I read his statement aright, he is opposed to any action whatever by the Government of the United States, not suggested by business itself, which will assure that the boys whom we have voted to draft into the Army will have the proper implements and machinery of war with which to protect themselves and defend our common country. In other words, it is Mr. Willkie's position that it is an act of highest patriotism to vote for a draft of young men and their lives, but arrant demagoguery to say that all of our resources and every segment of our national life shall respond in this hour of emergency when needed.

Mr. President, Mr. Willkie is given to asking questions. I should like to propound a question to Mr. Willkie. I ask him to tell the American people whether or not he favors any limitation whatever on the swollen profits which may accrue to the manufacturers of war supplies in this period when we are spending billions of dollars to prepare our Nation for any eventuality. Does Mr. Willkie favor a limitation of 100 percent on profits, or 50 percent, or 20 percent? Or does he think that business and industry should be unrestrained in dipping their hands into the Public Treasury during this period of enormous expenditures for the machinery of war?

Today we are faced with a situation in which the Government must have arms and machinery of war. Unless some steps are taken by the Government to prevent profiteering, certain industries are in a position to fix the amount of profits which they will receive on Army and Navy contracts. I ask Mr. Willkie to take the American people into his confidence and tell them whether or not he favors any limitation whatever; and if so, what form of restraint he would use and what amount of profits he would assure to industries who may try to bleed the Government in this hour of need when time is so important.

Mr. Willkie has had vast experience in attempting to defeat some efforts of the National Government to restrain big business and huge combines. In his statement he seeks to wave aside the act of 1916, which relates to the utilization of industry in time of emergency, and he makes the bald statement that—

> No such sweeping powers were ever heretofore granted to a President of the United States, even in time of war.

I quote that statement verbatim from Mr. Willkie's statement as carried in the metropolitan press, which is supporting him in this campaign. The statement is misleading and will not stand the light of truth. The act to which he refers, approved June 3, 1916, and found in Thirty-ninth Statutes, page 213, not only gives the President the power to commandeer any plant needed to supply the Army with necessary equipment, but also empowers the Secretary of War to fix the price of any material of war which the Army may need. Under the terms of the act of 1916, if the President should submit a contract to the head of an industrial organization at a fixed price, and the industry should refuse to accept the contract, not only would the head of the organization be subject to having his property commandeered, but the law goes so far as to say that the head of the industrial organization would be guilty of a felony and be subject to prosecution in the criminal courts. Upon conviction he could be sent to the penitentiary for as long as 3 years and fined as much as $50,000. That law is still upon the statute books today. It was passed in peacetime, not when the country was at war.

I observe that Mr. Willkie quotes approving from a statement which was made by President Woodrow Wilson in relation to this subject. Quoting Mr. Wilson, he says:

> The highest and best form of efficiency is the spontaneous cooperation of a free people.

No one could dispute the quotation from President Wilson; but I point out, Mr. President, that the President whom he uses to illustrate his position was the President who signed the act of June 3, 1916, providing for taking over an industrial plant and sending to the penitentiary the owner who refuses to cooperate with his Government at a time when it is necessary to secure matériel of war.

Mr. President, I wish to read to the Senate the essential portions of the act of June 3, 1916. Upon a reading of the act any person can judge for himself the accuracy or inaccuracy of Mr. Willkie's charge that we are seeking to sovietize this country and that there is anything novel or revolutionary in the amendment adopted by the Senate. I quote the essential part of the statute:

"SEC. 120. Purchase or procurement of military supplies in time of actual or imminent war (June 3, 1916 (39 Stat. 213), sec. 120):

"The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, or corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, or corporation or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, or corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts

theretofore placed with such individual, firm, or corporation, or organized manufacturing industry, and any organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army, and any organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required—

Listen to the penal section—

and any organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than 3 years and by a fine not exceeding $50,000.

The compensation to be paid to any organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

No such penal section is found in the amendment of which Mr. Willkie complains. Under it the owner of the plant has a right to have the value of his plant fixed in a court of justice and not arbitrarily by the Secretary of War, as in the old law, which has been on the books for over 24 years.

Mr. President, if we may judge the accuracy of all Mr. Willkie's statements in this campaign by the yardstick which he establishes when he states that no such power as that conferred by the modest amendment adopted by the Senate has ever been granted, I fear we shall have to search through other sources for the truth.

The amendment adopted by the Senate merely provides that the power of condemnation, which the Government already has in so many instances, shall, during the life of the bill for the conscription of manpower, a period of 5 years, be extended to industries that are essential in the arming and equipping of those men to perform the duties for which they are called.

The power of eminent domain, by the very nature of things, has resided in the Government since we have had a government. The power of eminent domain is an essential part, an inherent attribute, of sovereignty, and certainly, in this hour, when even Mr. Willkie himself says that we are facing a very great crisis which justifies the conscription of manpower, we cannot do less than provide the power to the Government which may be utilized to see to it that the men called to the colors are armed and equipped.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. RUSSELL. I yield.

Mr. McKELLAR. Perhaps the Senator will recall that when this amendment was first proposed it gave the power to the Secretary of War to take over property in the same way as provided in the act from which he has read, but, upon consideration, the committee substituted for that the power of condemnation, as I recall, and it was due to that fact that the power of condemnation was granted by the amendment.

Mr. LEE and Mr. CLARK of Missouri addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Oklahoma.

Mr. LEE. Under the power of eminent domain the Government in peacetime has taken property for post offices, for customhouses, for postal roads, and, I believe, for military roads and forts.

Mr. RUSSELL. And for forestry roads.

Mr. LEE. Yes; I think there ought to be a new popular song dedicated to Mr. Wilkie—"I did not raise my dollar to be a soldier."

This brings the issue right home. Mr. Willkie, in the same interview, expresses his approval again of a selective-draft system to take boys; he is perfectly willing to draft the young men of this country, and, if need be, send them to their death, but he objects to the Government taking property as provided in the Russell amendment. I hope the Senate will indulge me while I read the amendment:

SEC. —. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671) is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms."

Mr. Willkie is unwilling that such a procedure as that provided in the amendment should be made a part of the same law which would say to the young men, "Even though you started in business, you must quit all your business relations and come serve; even though you are about to get married, you must suspend your plans and come serve; even though you are working for $5 a day you must surrender $4 a day and come to work for $1 a day." In spite of all those temporary suspensions of the guaranties of human liberty under the Constitution, Mr. Willkie has so much love for his property rights that he says that is a sweeping power, and that all the 69 Senators who voted for it are willing to set up a dictatorship.

I should not be surprised if Mr. Willkie should accuse me of wanting to set up a dictatorship; but when he accuses the Senator from Vermont [Mr. AUSTIN], when he accuses the Senator from New Jersey [Mr. BARBOUR], when he accuses the Senator from Kansas [Mr. CAPPER], when he accuses the Senator from Pennsylvania [Mr. DAVIS], when he accuses the Senator from California [Mr. JOHNSON], when he accuses the Senator from Massachusetts [Mr. LODGE], when he accuses the Senator from North Dakota [Mr. NYE], when he accuses the Senator from Minnesota [Mr. SHIPSTEAD], and when he accuses the Senator from New Hampshire [Mr. TOBEY] of wanting to sovietize this country and set up a dictatorship, it seems to me that he is going a long way to protect his dollars which are too sacred to be used to defend this country against aggression.

Mr. RUSSELL. It seems that Mr. Willkie has about divorced himself from the political party he recently married, at least insofar as the members of that party in the Senate are concerned. He disagrees with those of his party who voted against conscription of men, and he disagrees with those of his party who voted for the utilization of the industrial resources of the country. He has therefore placed himself in direct issue with every Republican Member of this body on one or the other of these questions.

Mr. CLARK of Missouri. Mr. President——

Mr. RUSSELL. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. When I read Mr. Willkie's vaporings in the public press this morning, I wondered if he had ever read the record of one of the country's largest munitions companies which, during the crisis of the last war, at a time when men who had been conscripted to fight for a dollar a day, and get killed, in many cases, for a dollar a day, were making the sacrifice necessary for the protection of the Nation, this company haggled with the Government for a period of 5 or 6 months as to the exact compensation the company should receive and the amount of bonus which its officials and laboring men should receive for building a powder plant

which the Government very much needed—the Old Hickory plant in Tennessee?

I wonder if that is why Mr. Willkie is so anxious to protest against the amendment offered the other day by the Senator from Georgia [Mr. RUSSELL] and adopted by nearly a unanimous vote of the Senate. I wonder if he also had in mind to protect such bonuses as were received by Mr. Eugene Grace, president of the Bethlehem Steel Co., and the president of the Bethlehem Shipbuilding Co., who testified before the Munitions Committee in very violent terms against any payment of a bonus to the men who were conscripted or the men who volunteered for service in the last war at a dollar a day, but who, when asked by myself exactly how much he received as a bonus during the 2 years the United States was engaged in the war, testified, as I recall, that he received the very modest bonus of $2,888,000 for his services in making steel, a very safe risk, at Bethlehem, Pa., I wonder if it is such people as that that Mr. Willkie is concerned to protect.

Mr. RUSSELL. Mr. President, Mr. Willkie would not have to look back into the history referred to by the Senator from Missouri. In the present emergency there have been some few illustrations of manufacturing enterprises which refrained from contracting for necessary supplies because those industries were seeking greater profits than those allowed by law. As I stated when this amendment was pending, at least 98 percent of the industries of the Nation have shown a willingness to cooperate wholeheartedly on the rearmament program. This amendment was designed to reach and affect the 2 percent who might wish to exact the last penny of profits from the Federal Treasury.

Mr. OVERTON, Mr. CLARK of Missouri, and Mr. MINTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. RUSSELL. I yield next to the co-author of the amendment.

Mr. OVERTON. Mr. President, I do not think we ought to be too critical of Mr. Willkie in his own present emergency. Mr. Willkie's campaign has been lagging. We go to the moving pictures, and we see the likeness of Mr. Willkie thrown upon the screen, and it meets with very faint and scattered applause. Next, we see the picture of President Roosevelt cast upon the screen, and it meets with a spontaneous outburst of loud and prolonged applause.

We look in the newspapers today, and no longer does Mr. Willkie appear in the big headlines. They describe something the President has done. Mr. Willkie is being gradually relegated to the second page, the third page, the fourth page, fifth, or thirteenth page of our big dailies; and, before long, we shall have to look for him in the advertising columns.

Therefore, when this amendment was adopted by the Senate, I dare say that some of Mr. Willkie's eager but misguided friends felt that now at long last he had an issue with which he could go before the people.

In his acceptance speech he presented no issue to the people. On the contrary, his acceptance of the Republican nomination was practically an endorsement of the administration of President Roosevelt. So his friends rushed to the telephone and told Mr. Willkie that now was his opportunity; and so he came out with this blast against the Senator from Louisiana and the very able Senator from Georgia.

I desire to say further, if the Senator from Georgia will permit me to continue, that Mr. Willkie states that this amendment was offered by two New Deal Senators, the inference being that it is an administration measure. I do not know whether the administration approves of this amendment or disapproves of it; but I think I can speak for the Senator from Georgia, and I know I can speak for myself, when I say that we offered this amendment without consulting with the administration or any representative of the administration or the majority leader. We simply consulted among ourselves, and we offered the amendment. Is not that correct?

Mr. RUSSELL. That is correct.

Mr. OVERTON. There is one other matter to which I wish to call the attention of the Senate, and it is this:

Mr. Willkie, although a lawyer and presumably an able lawyer, apparently overlooks the fact that what the Senator from Georgia and the Senator from Louisiana did was to amend a much more drastic act which exists today upon the statute books of the United States. That statute provides:

> That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation—

To do what?—

> to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further,* That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility.

That is the law. The Secretary of the Navy under existing law may step in and take over any plant without the owner's consent, without the intervention of any court of justice, and may fix the price for the plant. What the Senator from Georgia and I did was to take that provision of the law and make it constitutional. We provided that there should be due process. We provided that when the Secretary of the Navy—and we added the Secretary of War—desired to take over a plant as being essential and necessary to national defense, after being unable to enter into an agreement as to its use and operation by the owner, they should do what? That the Secretary of War or the Secretary of the Navy, under the direction of the President, should go into the courts of justice and proceed under due process of law by condemnation of the plant or facility needed for national defense.

Instead of undertaking to create a dictatorship, as declared by Mr. Willkie, we are proceeding under the Constitution of the United States.

Is there such a thing as dictatorship to be found in our courts of justice? Is it dictatorship when we say that the Secretary of the Navy may not commandeer a plant without due process of law; that he shall go into court, and that the court shall fix the price, instead of the Secretary of the Navy fixing it?

Mr. President, I desire to say just one other thing, if I may. I do not want to trespass too much upon the generosity of the Senator from Georgia.

Mr. Willkie admits that we are confronted with an emergency. He admits it because he has publicly declared that now is the time to enact the selective training and service bill. He declared that now is the time, by reason of the great emergency confronting the people of this country, that our young men should be drafted from their occupations and their pursuits and for 1 year placed in military training, and, if need be, be prepared to meet the fire of the enemy's guns in case of war. Therefore Mr. Willkie has recognized the existence of a great emergency confronting our people; and yet in that emergency he is perfectly willing to draft these young men, but he is entirely unwilling to draft recalcitrant plants and facilities necessary for national defense and make them subserve the general purpose.

I thank the Senator from Georgia for yielding to me.

Mr. MINTON. Mr. President——

Mr. RUSSELL. I yield to the Senator from Indiana.

Mr. MINTON. As I get the position of Mr. Willkie, as portrayed by the daily press, it is to the effect that drafting factories is a dictatorship, and that the power which the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON] put into the so-called conscription bill is the exercise of an extraordinary power. Is that what the Senator from Georgia understands?

Mr. RUSSELL. I understood that to be Mr. Willkie's mistaken belief. At least, that is what Mr. Willkie said was his belief.

Mr. MINTON. Mr. Willkie says that is an extraordinary power which the Government should not exercise in this time of crisis. I merely want to point out to the Senator from Georgia, who is a good lawyer, the fact that Mr. Willkie is

the head of a holding company which controls and owns a number of companies operating utilities. If one of those utilities wanted your land to run its power line across, if it wanted to get control of a water power or land on which to build a power plant, or if it wanted to take your very home and run its power line right through your home, these utility companies have the same right and power of condemnation and of eminent domain that the Senator from Georgia and the Senator from Louisiana were proposing that their own Government should exercise if it needed the property. Is not that true?

Mr. RUSSELL. The Senator from Indiana is absolutely correct; but, then, according to Mr. Willkie's ideas, it is all right to trust a huge utility empire with the power of eminent domain, with the power to run a man off his own property, with power to move people from their homes where, perhaps, they and their ancestors before them have lived for a hundred years; but if the same power is given to the Government to condemn the utility companies in the public interest, that is an awful outrage and a violation of the Constitution of the United States. I am glad I do not agree with Mr. Willkie's views.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Indiana.

Mr. MINTON. I do not think we ought to be too hard on my old friend Willkie. He is out in Indiana now. He has transferred his campaign to Indiana.

Mr. RUSSELL. I thought the Senator rose to defend him, and I am surprised to hear his present statement.

Mr. MINTON. I would have to defend my old friend, and I do not think we ought to be too rough on him. He has had to transfer his campaign out to Indiana and run it from Indiana, from the back yard out there. We have seen pictures of him sitting in the back yard, on the grass, with the boys all gathered around him—a very dignified way for a Presidential candidate to be interviewing his visitors—but he is running the campaign from the back yard. The reason why he had to do that, of course, was because his apartment on Fifth Avenue did not have any back yard. But we have had a dry summer in Indiana this year, and there are a good many chiggers in the grass, and I think the chiggers are eating on Willkie a little; so I would not be too hard on him. [Laughter.]

Mr. BARKLEY. Mr. President——

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. In the statement issued yesterday by Mr. Willkie he refers to the fact that in his acceptance speech he challenged the President to a joint debate, face to face, on the issues in the campaign, and he still seems to be hankering for a debate. He says it ought to be conducted because of the issues involved in the campaign, and that the Overton-Russell amendment constitutes such an issue upon which he wants to debate face to face with the President.

Inasmuch as on the yea-and-nay vote last Wednesday in the Senate 10 Republicans voted for this amendment and only 8 Republicans voted against it, I am wondering if I would be guilty of any impropriety in suggesting to Mr. Willkie that when he opens his campaign at Coffeyville, Kans., he debate this issue with the Senator from Kansas [Mr. CAPPER], who voted for the amendment of the Senator from Georgia and the Senator from Louisiana.

Or, if Mr. Willkie is not willing to take on the Senator from Kansas, when he goes up to Vermont I wonder if he will debate it with the senior Senator from Vermont [Mr. AUSTIN], the assistant Republican leader of the United States Senate, or with the junior Senator from Vermont [Mr. GIBSON], who also voted for the amendment.

When Mr. Willkie is up in New Jersey, as I presume he will be, I wonder if he would not be willing to take on the Senator from New Jersey [Mr. BARBOUR], who voted for the amendment.

If none of these satisfy him as to debate, I wonder, when he is out in California, if he would be willing to debate this issue with the Senator from California [Mr. JOHNSON], whose nomination he hailed the other day as a repudiation of the New Deal, but who voted for this amendment which Mr. Willkie describes as an attempt to socialize and sovietize the United States.

Or, if he is not willing to debate with the Senator from California [Mr. JOHNSON] I wonder if when he goes into New Hampshire he would debate with the junior Senator from New Hampshire [Mr. TOBEY]. If he will agree to debate this issue with the junior Senator from New Hampshire, I will go all the way from here to New Hampshire to hear the discussion. [Laughter.]

If Mr. Willkie is anxious for a debate, and still wishes to debate with the President of the United States, who has not said anything about this amendment, there are at least 10 opportunities in 10 different States for Mr. Willkie to debate the issue with members of his own party in the Senate who voted against his convictions, and whom he by inference denounces because they voted for the amendment.

Mr. BYRNES. Mr. President, if the Senator will yield, I only wish to have the RECORD complete. While the Senator from Kentucky says that of the 18 votes Republican Senators cast there were 10 in favor of the Russell amendment and 8 opposed, I should be fair and the Senator from Kentucky should be fair and say that, in addition to the 10 Republicans who voted for the amendment, there were 3 Republican Senators who were paired in favor of it, the Senator from Oregon [Mr. HOLMAN], the Senator from North Dakota [Mr. FRAZIER], and then, last, the Senator from New Hampshire [Mr. BRIDGES]. If the junior Senator from New Hampshire [Mr. TOBEY] happens to be absent when Mr. Willkie goes to New Hampshire, I desire to be present when the debate takes place between the senior Senator from New Hampshire [Mr. BRIDGES] and Mr. Willkie.

Mr. BARKLEY. I thank the Senator for the correction. I might also add that among the Senators listed here as Republicans voting for the amendment is the Senator from Minnesota [Mr. SHIPSTEAD], who has recently remarried the Republican Party in Minnesota in order that he may get into its primary, and probably be nominated by it, and with a better chance of election. So that there were 13 Senators who voted for the amendment who are now listed as Republicans, whereas only 8 voted against it.

Let me also ask the Senator from Georgia if it is not a fact that when we passed the Army appropriation bill some 2 months ago we did not provide authority and an appropriation for the War Department to buy 54,000 acres of farm land to add to Fort Knox, Ky., and if we did not also authorize and appropriate money for the purchase of several thousand acres of land to add to Fort Sill, in Oklahoma, all of which is farm land. Mr. Willkie's righteous indignation did not rise in his bosom because we were trying to socialize and sovietize the farms of the United States which have to be taken over in order to provide military training facilities, but only in case of a munitions factory or some other factory turning out indispensable goods does he rise and protest against an amendment which has been applied to all other kinds of property which the Government wanted to take over, but could not agree on a price.

Mr. RUSSELL. Mr. Willkie has found nothing socialistic and nothing subversive of the institutions of the American Government in the power of eminent domain which has been expressly operating in this Nation since its beginning. He does not come into the picture requesting a repeal of the power of eminent domain exercised by the Power Trust, as was so ably brought forth by the Senator from Indiana, to take from an individual his farm or his home or his factory if necessary for the operation of its power plant. It is only when the proposition is made that we should use the same machinery of law which has always been utilized in condemnation proceedings, in other cases by extending the power to industries which do not cooperate with the preparedness program, that Mr. Willkie gives voice to his outraged indignation.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. Of course, I agree with the statement the Senator from Georgia has made and the statements of other Senators in reference to this matter. But I wish to suggest to the Senator that perhaps we had better not be too hard on Mr. Willkie. It will be remembered that Mr. Willkie has been a member of the Republican Party but a few weeks, or, at most, a few months, and he has not had time to become acquainted with the Republicans, or acquainted with what they believe, or acquainted with what they stand for. So we might be a little easy on him at this time because of his ignorance of public affairs and his ignorance of legislation.

Mr. RUSSELL. I have no desire to be hard on Mr. Willkie, but why should we be so considerate of him when Mr. Willkie comes into the Senate and, absolutely fair and impartial as between all of the members of his newly adopted party in the Senate, slaps every one of them. He slapped those who voted against conscription of men and he slapped those who voted in favor of this very mild amendment relating to property. Since Mr. Willkie has invaded the Senate and has taken this line as to the members of his party, I see no reason why we should hesitate to point out the inaccuracies and inconsistencies in Mr. Willkie's position.

Mr. BURKE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield; and I am sure that we will now have Mr. Willkie sufficiently defended.

Mr. BURKE. The question of who is to debate with whom and when and upon what subject seems to arouse a great deal of amused interest in the Senate, and I think that should be carried a little further. Of course, we are discussing this matter now only because there is a Presidential campaign in the offing. As I understand the position of the Senator from Georgia—and I will say that I supported the amendment he offered, and that offered by the Senator from Louisiana [Mr. OVERTON]——

Mr. RUSSELL. I regret that Mr. Willkie also slapped his new-found friend, the Senator from Nebraska. [Laughter.]

Mr. BURKE. What I was saying was that I heartily supported the amendment offered by the two Senators, and made a statement of my reasons for doing so, and I feel that that was the right decision, under all the circumstances which existed at the time. But, as I understand the position of the Senator from Georgia now, it is that for anyone, particularly a candidate for President, to oppose that action is to take a position which is undemocratic, un-American, and "fraught with peril to our free institutions." And, if I may couple that up with this idea of a general debate, it occurs to me that, since Mr. Willkie is not running against himself but is running against a candidate for a third term, it might be very well, when we are arranging for these debates, to have our distinguished leader debate with himself, or the Senator from Tennessee, I believe, or any of the 16 Democratic Senators here who a few short years ago recorded themselves in the Senate as believing firmly that to permit any variation in the tradition that has prevailed against any occupant of the White House staying there more than 8 years would be undemocratic, un-American, "and fraught with peril to our free institutions." If we are to do all this debating, I would like to see some of the Democratic Senators here debate that issue, along with the other. I heartily approve in general of the discussion and the enlightenment which has been offered by the Senator from Georgia this afternoon, but I do not want it limited to that narrow field.

Mr. RUSSELL. Mr. President, Mr. Willkie was the man who suggested the debate, not I. Mr. Willkie is the man who has been clamoring for the debate all over the country. But I wish to say to the Senator from Nebraska that I have not said there was anything un-American in Mr. Willkie's statement. He is entitled to his views on this subject and I defend his right to express them even though I heartily disagree with him. I only hope that no one imposes any restriction on Mr. Willkie's statements, because if Mr. Willkie makes two or three more statements as bad and inaccurate as this one, by November people will be asking who Wendell Willkie is.

Mr. BURKE. If the Senator from Georgia did not denounce the statement of Mr. Willkie as in essence undemocratic, un-American, "and fraught with peril to our free institutions," certainly the Senator from Oklahoma, the Senator from Kentucky, and the Senator from Indiana did so within the last few moments.

Mr. MINTON. Mr. President, I did not make any accusations against Willkie. I defended him. I tried to explain him. [Laughter.]

Mr. RUSSELL. I would be the last to attempt to curb Mr. Willkie's freedom of speech. I think Mr. Willkie's freedom of speech will eliminate him as a national figure. I want him to be absolutely free to make a statement every day.

Mr. McKELLAR. Mr. President, will the Senator yield to me to reply to a statement made by my good friend the Senator from Nebraska?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator from Nebraska spoke of my having signed a statement against a third term.

Mr. BURKE. No; not about the Senator's having signed a statement. I was referring to the 16 Democratic Senators who are still in this body and who voted here, as a matter of record, in favor of the La Follette resolution in 1928. If the Senator from Tennessee was not one of the 16——

Mr. McKELLAR. I was one of the 16, and I am delighted to say to the Senator why I voted for it. I think I have already stated it on the floor of the Senate. I was against that candidate for a first term; I was against him for a second term; and heaven knows I would have been against him for a third term. [Laughter.]

Mr. BURKE. Mr. President, if the Senator from Tennessee would read once more the resolution to which he gave his support in 1928, he would find that it did not say at all what he says now he was voting for, but it declared that any variation from this rule in the case of the then President, or any President at any time, would be undemocratic, un-American, "and fraught with peril to our free institutions." If the Senator wants to qualify that now and say it was only a partisan vote, and cast because of the then particular occupant of the White House, he may salve his own conscience that way, but it will not stand up under scrutiny.

Mr. McKELLAR. I am not bothered about it. I thought I was right then, and I think I am right now. [Laughter.]

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I shall speak only a moment longer and then I shall be glad to yield.

Mr. GURNEY. Will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. GURNEY. Does the Senator know of any instances of the Government taking over business places under the law of June 3, 1916?

Mr. RUSSELL. I understand that there were two cases that have been determined by the courts, not by the Supreme Court, which arose under the operation of that act. I have not studied those cases and I do not know just exactly the facts that were involved.

Mr. GURNEY. Does the Senator know of any instance of the Government taking over businesses or factories under the law which has been in effect for a few months this year?

Mr. RUSSELL. I do not.

Mr. GURNEY. Let me predict then, if the Senator will permit, that I believe he will find the businessmen of America backing the defense program 1,000 percent. Therefore, I think the arguments being indulged in this afternoon are, so to speak, "much ado about nothing."

Mr. RUSSELL. I assume the Senator's opinion that it is "much ado about nothing" extends to Mr. Willkie's statement, which covers the same subject matter, so his nominee for President will be included in his remarks that it all is "much ado about nothing."

Mr. President, I think the amendment in question is more important than that. I do not think it is subject to the criticisms Mr. Willkie has made of it, and I know that Mr. Willkie is incorrect in his analysis of the act of 1916. I assume that Mr. Willkie's statements are made in the effort to keep his dying campaign alive, just as all his wild challenges to joint debate.

The Senator from Kentucky has well suggested that these debates might be held on this particular issue to which Mr. Willkie perhaps attaches so much importance, but which the Senator from South Dakota says is worthy of no notice at all, with members of his own party who disagree with him. This is one issue, Mr. President, upon which I feel so keenly that I would not object to meeting Mr. Willkie at any time in a joint discussion of the criticism he made of the amendment. I think I would even be willing to meet him in the forum where meet the board of directors of his power combination to discuss this question with him.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I understand how the Senator's speech has been misappropriated under the rules of the Senate, and I do not want to make a speech. I would suggest though, that while we are arranging for debates, we might get one of the boys who is to be drafted and does not want to go, and before the election let him debate this subject with Mr. Willkie.

Mr. RUSSELL. The draftees and their families will be among those who render their decision on Mr. Willkie's views in November. They and their families will not debate the question with him on the stump, but they will be in the jury box rendering a decision on his views as to which is most important, the conscription of men or the provision restricting the profits of industry.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. GREEN. In view of the remarks of the Senator from South Dakota [Mr. GURNEY] that all this discussion amounts to "much ado about nothing," and is of no importance, does not the Senator from Georgia think that the statement of Mr. Willkie divides itself along two different lines? First, it discloses his philosophy of government, which seems to be to look after property rather than human life, and, second, it discloses his lack of power of leadership. I believe leadership is most important in any great emergency, and if Mr. Willkie's statement is an illustration of his leadership over members of his party, does it not also illustrate what his leadership will be if he should ever have occasion to lead the whole country?

Mr. RUSSELL. Mr. President, in my opening remarks I said that Mr. Willkie's statement was so replete with misstatements that it would not be worthy of unusual attention did it not embody his philosophy of government and his opinion as to the relative value of human beings and of money. As to the Senator's other proposition, I do not believe there is a single member of Mr. Willkie's party in the Senate whose votes accord with Mr. Willkie's expressed views, and I do not think many people in this country will agree with him all the way.

The vast majority of the American people, Mr. President, are determined that no individual shall seize on the present emergency as an occasion for making millions of dollars of undeserved profits. I do not believe that the American people will agree with Mr. Willkie that it is sacrilegious for the Government to lay its hands on industry in any event, but that it is perfectly proper for the young manhood of America to be drafted without their consent into service when needed in our Armies.

For my part, I supported selective military service, but I propose to do all within my power to prevent any "preparedness millionaires," and to keep anyone from making undue and unusual profits out of the expenditures for defense we are compelled to make.

MOUNTAIN JUDICIAL DISTRICT, TENNESSEE

Mr. WILEY obtained the floor.

The PRESIDING OFFICER. Will the Senator from Wisconsin yield so the Chair may lay before the Senate a message from the House of Representatives?

Mr. WILEY. I have been trying to obtain the floor for a considerable time, and should not like to have any action taken which would cause me to lose the floor.

The PRESIDING OFFICER. So far as the present occupant of the Chair is concerned, the Senator from Wisconsin will not lose the floor if he will yield.

Mr. WILEY. I yield.

The PRESIDING OFFICER (Mr. MILLER in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, which were, to strike out all after the enacting clause and insert:

That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in

April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

"(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this act, shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

"(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the act approved May 31, 1938 (52 Stat. 584), whose official residence shall be at Chattanooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges. The said district judge shall have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this act.

"(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

"(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson."

SEC. 2. All provisions of law inconsistent with the provisions of this act are hereby repealed.

And to amend the title so as to read: "A bill to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes."

Mr. McKELLAR. I move that the Senate concur in the amendments of the House.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BURKE. I am familiar with the bill as it was reported by the Senate Judiciary Committee and passed by the Senate, in reference to this judicial district in Tennessee. Will the Senator from Tennessee explain the difference between the House amendment and the bill as passed by the Senate, so that we may have an understanding? I recall the particular objection raised to the bill as it was reported to the Senate, that it would involve considerable additional expense in the matter of marshals, district attorneys, and so forth. I should like to know what the House amendment provides.

Mr. McKELLAR. I shall be very glad to explain. The Senate bill provided for a district attorney, a marshal, and a clerk of the court. Those provisions were left out by the House, so that the work would be done by deputies, and at the same cost which now pertains to that particular holding of the court.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. STEWART. The House amendment provides for a roving jurisdiction, which necessarily saves the expense of a new district.

Mr. McKELLAR. That is true.

Mr. GURNEY. Mr. President, I understand that a Senator who is necessarily absent today is much interested in this particular measure. If it will not inconvenience the Senator from Tennessee, I ask that the matter go over until next week.

Mr. McKELLAR. May it go over until tomorrow?

Mr. GURNEY. I am very sorry, but the Senator to whom I refer will not return until next week, relying on the statement that nothing of any importance would be taken up in his absence. I hope the Senator will agree to let the matter go over.

Mr. McKELLAR. Under the circumstances, there is nothing else for us to do but let it go over.

Mr. BURKE. Mr. President——

Mr. WILEY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wisconsin will have the floor in just a moment.

Mr. BURKE. Mr. President, the explanation made by the Senators from Tennessee in reference to the House amendment impresses me as bringing before us now a bill which, so far as I can see, is superior to the bill as it passed the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota that the matter go over for the time being?

Mr. McKELLAR. Under the circumstances, I shall not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UTILIZATION OF INDUSTRIAL RESOURCES—STATEMENT BY WENDELL L. WILLKIE

Mr. WILEY. Mr. President, I have listened for about 2 hours to the discussion relating to a gentleman who heads one of the great parties in this country, and who is absent from this Chamber. I wonder how those sitting in the galleries reacted to such a proceeding, and whether or not such an approach is sportsmanlike, fair, or decent.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WILEY. No; I wish first to have my say, and then I shall be glad to yield for questions.

Mr. BARKLEY. If the Senator will permit me, I should like to suggest——

Mr. WILEY. Mr. President, I have sought for 4 hours to obtain the floor; and I intend to exact my right as a Member of the Senate to be heard without interruption, even by the majority leader.

Mr. BARKLEY. I am not trying to take the Senator from the floor.

Mr. WILEY. Mr. President, I ask that the majority leader be directed to resume his seat.

Mr. BARKLEY. I will say to the Senator——

Mr. WILEY. Mr. President, I ask that my rights be protected.

The PRESIDING OFFICER. If the Senator will give the Chair an opportunity, the Chair thinks there will be no question about the protection of his rights. The Senator declines to yield.

Mr. WILEY. That is correct.

The PRESIDING OFFICER. The Chair will endeavor to protect the Senator in his right to the floor, and Senators will respect that right.

Mr. WILEY. I thank the Presiding Officer.

Mr. President, the Senate is the greatest deliberative body in the world—sometimes, when someone is absent and cannot defend himself. When I heard the discussion, there came to my mind a field day 25 years ago, when a 10-second man was to run a race, and he had one competitor. But when an accident happened and he could not be present, the 15-second fellows came into the race.

Mr. President, the act of 1916, to which reference was made, provides that in time of war, or when war is imminent, the President shall have certain authority. However, the act does not contain authority to take over newspapers. Newspapers would be included within the word "facility." If the Senator who talked so glibly about a great American will read the newspapers of today, and see how the men who think react to what was said in the debate, he will find out how America thinks.

Mr. President, the Democrats have had their "field day" today; but Willkie will have his in November. Then it will be seen that the American people understand what he was

talking about. He was not talking about what Senators have been trying to camouflage. He was not saying to the American people that in a great emergency, when we take manpower, we should not also take wealth. What he was saying was what the Senator from Washington [Mr. SCHWELLENBACH] said yesterday. The Senator from Washington is one of the great Democratic Senators. He was born in my State. The President has honored him by nominating him to one of the high courts of the country. What did the Senator from Washington say? He saw what was implied in this particular provision. He saw that it was not merely a case of delegating authority to the Secretary of War and the Secretary of the Navy to take over, in emergencies, or in time of war, factories needed for the national defense. No; he saw what millions of American see. There are two ways to lose our liberties. One is by the front door—the way of Hitler. The other is by the back door—surrendering powers and rights in this country to a gang of misfits who will see to it that our great values are dissipated.

Mr. President, what did the Senator from Washington say? I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks an article by Raymond Clapper, entitled "Offside on This One."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News]

OFF-SIDE ON THIS ONE

(By Raymond Clapper)

Watch out for this one, you who believe in the necessity of free speech, in the privilege of truth to be heard, who believe that public discussion is the facility through which we test the wisdom of what we are doing.

The charge was made in the Senate that the conscription bill just passed gives the Government power to seize newspapers and radio stations for propaganda use. This point was made by Senator DOWNEY, of California, in objection to the Overton-Russell amendment, later adopted, giving the Government power to commandeer any "existing manufacturing plant or facility" for national defense.

Senator DOWNEY said, "If I read this correctly, if the Secretary of War or the Secretary of Navy should say, 'This newspaper is a facility that I require to spread news or propaganda,' or 'This radio is necessary for public purposes,' that decision would be final and the newspaper or radio would pass out of the hands of the proprietor.

He was not challenged. On the contrary, Senator LEE, of Oklahoma, went into a plea that in wartime everything should be drafted. The Government ought to have power to take over radios and newspapers for propaganda.

"Is it not a fact," asked Senator LEE, "that Hitler is the first military genius in the history of the world to use the propaganda machine? He has used it so effectively that his wars have been won before his legions struck. That is why it is necessary for the Government to have propaganda in case of an acute national crisis such as we should face if we were forced into a war against Hitler."

Senator CHANDLER, of Kentucky, took issue. "I do not believe," he said, "the Government ought to take over newspapers or anything else or to use any situation to try to mislead the people of the United States even if some other country does it. We should tell the people, either in or out of emergencies, the truth and not mislead them."

Senator SCHWELLENBACH, of Washington, joined in: "We in this country inherit as our treasure not merely physical things; the greatest treasure we inherit is the right to think, to speak, to print, to be free. The reason we object so much to dictatorial forms of government throughout the world is that they have undertaken to destroy that concept. What assurance have we that the transfer of these authorities and the surrender of these liberties would be temporary if we follow out the suggestion just made, that the press should be throttled and used for propaganda purposes?"

Senator LEE's come-back: "I prefaced that statement by the proposition, 'if we were in war.' In time of war we impose a censorship on people; and I do not see that that would be any different than the proposal that the press be used for propaganda, if we are fighting a dictator who uses the press for propaganda."

On that basis we should do everything Hitler is doing, not only in wartime but in our peacetime preparations. If Senator LEE is logical he should favor concentration camps in peacetime. That's one way Hitler made Germany strong. Or better still, why not hire Hitler? Surely he could establish his own methods here better than any of us could.

Twenty-four hours late, Senator RUSSELL explained to the press when questioned that he did not think his amendment would include commandeering of the press but only of manufacturing. Then why not make the amendment say so? Make it clear that the facilities subject to commandeering do not include the press, radio, or motion pictures.

The American people can give up a good many things in the interest of national defense, but if they give up the right to discuss their own affairs then they have surrendered completely to the thing they are supposed to be arming against. That would not be national defense. It would be national surrender.

Mr. WILEY. Mr. President, I wish to read a few lines from what was said. First, it will be remembered that even the distinguished and lovable Senator who sits by my side most of the time, the junior Senator from Kentucky [Mr. CHANDLER], when the challenge was thrown in his face, reacted. He saw the danger. What did he say? He said:

I do not believe the Government ought to take over newspapers or anything else or to use any situation to try to mislead the people of the United States even if some other country does it. We should tell the people, either in or out of emergencies, the truth and not mislead them.

That was not the argument of the distinguished Senator from Oklahoma [Mr. LEE]. He argued for the way of Hitler. He argued that the thing to do is to use a club to make the people other than free.

Mr. President, I do not think the Legislature of this country will stand for that sort of doctrine. What we heard the other day is an indication of a frame of mind which is too prevalent among the leaders of this country, who think that they, and they alone, know how to lead.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. WILEY. Mr. President, I prefer not to yield at this time, because I wish to follow through with my argument, which is not very coherent, because I have not had time to prepare it.

Mr. SCHWELLENBACH. I understand that the Senator referred to some remarks which I had made. I hope the Senator will not infer from what I said that I said anything which would justify Mr. Willkie's statement. I think the Senator had better read my remarks again.

Mr. WILEY. Mr. President, I have already put the Senator's remarks in the RECORD. They are a part of Mr. Clapper's article. Of course, I expect the distinguished Senator to remain faithful to his leader; but I was proud the other day when he felt that the liberties of the people of this country were endangered, and when he voted against the amendment and against the bill. I give credit to him for what he has done.

Mr. President, something was said about an argument in which the President of the United States was asked to engage with Mr. Willkie. Let me say again that no smoke screen attempted to be thrown in this body today will take the minds of the American people off the issue. What is the issue? War or peace. No such statement as we heard last night by Mr. Wallace will help to clarify the issue.

Mr. President, I ask that there be printed at this point in my remarks a clipping from the Washington Daily News of this day in which Mr. Wallace's acceptance speech is discussed. He followed the practice which was exemplified here this afternoon of using the paint brush effectively. However, the people who listened, and the Democratic editors who commented on that speech, showed clearly that he had not done a constructive thing. What is more, what has happened here today and the statement made in the speech of last night emphasizes again the statement of Mr. Willkie that some folks have the jitters. I think they had better have them, because in November the American people will say that the leadership we have had for 7½ years has not done the job which it promised to do when it took over in March 1933. The job was: Balance the Budget, reduce the expenses of government, cut down bureaucracy, give the farmers a larger income, and reemploy the unemployed, to make America truly a country of industrial, social, and economic health. That ought to be done, Mr. President, but has not been done.

The PRESIDING OFFICER. Is there objection to the inclusion in the RECORD of the document requested? Without objection, it is so ordered.

The matter referred to is as follows:

MR. WALLACE ACCEPTS

Roosevelt was mentioned 28 times in the Wallace acceptance speech and Hitler 23. Wendell Willkie, who is running for President, wasn't mentioned once.

The Wallace address was an ardent reiteration of the doctrine of Rooseveltian indispensability. It took, or attempted to take, the 1940 campaign completely away from the home grounds and planted it squarely in Europe. Hitler was made the issue and Roosevelt, of all the 130,000,000 of our population, the sole salvation.

All opponents of Roosevelt were classified as nothing less than "reason for rejoicing in Berlin." Only Roosevelt understands what it's all about, what the rise of Hitler has meant. All attacks on him have provided aid and comfort to Adolf.

As for democracy, on that Roosevelt holds the patent rights. It is strongly hinted that though democracy is commonly assumed to tolerate opposition to the party in power, opposition in this particular case—opposition that dares raise its voice against Roosevelt—falls little short of treason. For, in the words of Wallace, "Whatever the motive, the effect was the same—these attacks on Roosevelt and his program played into the hands of Hitler."

Only Roosevelt has the knowledge, the experience, and the wisdom to be President. He is indispensability personified—the one and only. Without him Hitler would rejoice and we shall assuredly walk the "path of destruction and lost freedom." That is the theme. Woe is me!

Accepted, there would be but one thing to do. Close the campaign now and elect by acclamation for a third term in one ringing shout—Franklin Delano Roosevelt.

The theme fits the New Deal philosophy—the philosophy which fondles the belief that, in all things, including Presidents, there are no new frontiers.

How many agree will be determined, however, on the first Tuesday after the first Monday in November 1940.

Mr. WILEY. Mr. President, something was said about Mr. Willkie being the head of a power company. Why can we not tell the truth? He is not the head of any power company. He was the head of a billion-dollar organization. First he was a country lawyer in Indiana, a man of integrity and ability, whose experience was of the kind which makes men know how to value other people's money. He graduated from the university of hard knocks. He learned that when he handled other people's money he was a trustee, and he had not the right to spend that money like a drunken sailor. When he was put in charge of this billion-dollar organization, which was on the way to bankruptcy, did he increase rates? No; he cut the rates in half. What else did he do? He made every man who worked for the organization respect and honor and love him. He satisfied stockholders; he satisfied bondholders; and when he left the organization a month or two ago, instead of a bankrupt organization he had made a billion-dollar organization a thing of value, and he had cut the rates so that the farmer and the consumer and the businessman got the benefit of them.

If there is anything that the country needs, it is a general who can do that very thing for the country—not one who knows how to spend but does not know how to balance; not one who can make a thousand promises and fulfill none. Willkie has made good every promise he has made. The job of the present administration has not been done, and the people of the country know it.

The second issue is, war or peace? Mr. President, what do you suppose this additional power means to the people of the country? Have they not a right to infer that the present leadership is getting them close to the volcano? When they talk about giving to the Secretary of War and the Secretary of the Navy the absolute power to condemn, that cannot be camouflaged and called conscription of wealth. What a foolish idea that is.

The third issue is the third term. Should Roosevelt or any other individual be elected to a third term? My answer is, No! This issue involves a great deal, even the life of the Constitution.

The fourth issue is Roosevelt's foreign policy. We know that you Democrats are putting so much heat on this so-called foreign-policy argument that it is hoped the people will overlook the third-term issue, and overlook the fact that the domestic job has not been done.

At this time, Mr. President, I ask that there may be inserted in the RECORD Gen. Hugh Johnson's article of this day entitled "One Man's Opinion." In this article, among other things, General Johnson says:

> The debate from which these two quick odors rose was hardly more sanitary. It was on the amendment for permitting the commandeering of manufacturing plants. It was rushed in to permit Senators up for election—
>
> Get that!—
>
> who were politically terrified about voting for necessary selective service to lay the ground for a fake campaign alibi by saying: "I would not vote for conscripting men until I had voted for conscripting wealth. I value a life more highly than a lathe." The latter hypocritical inanity was actually used in the debate.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

The article is as follows:

ONE MAN'S OPINION

(By Hugh S. Johnson)

Senator PEPPER wants the President to have the power to suspend all statutes in preparing for defense and, imagining that he is Patrick Henry, shouts: "If this be dictatorship, make the most of it." It happens to be Patrick Henry in reverse. Senator JOSH LEE wants the President to have power to take the newspapers and radio for propaganda—in other words, to suppress truth and tell lies to the American people. Josh says, in effect, that we must become Nazis to fight Hitler.

All this was in debate on an amendment to the selective-service law to permit the Government to condemn and take over any existing manufacturing plant when it is unable to arrive at an agreement with the "owner of such plant or facility for its use or operation."

Nobody ought to take Senators LEE and PEPPER seriously. They haven't enough on the ball to be listened to or make the news in orderly debate in ordinary times when they wouldn't dare pull any such nonsense as a screaming proposal to destroy democracy and Hitlerize America in a supposed defense of democracy and Nation-wide rejection of the whole philosophy of the Nazis. These poor boys are underprivileged Senators—publicity-starved. They don't even get any exercise except hurdling the Constitution and jumping at conclusions.

It is niggardly to begrudge them this rare chance to put their names in print by shrieking as war-maddened a lunacy as Chief Crazy Horse in an old-time Sioux sun dance.

If it is important at all, it is only as a warning to what a sane Senate can be incited to do and suffer in growing mania—which is centered mostly on Capitol Hill and not in the country. That feverish atmosphere is a poisonous one in which to plan and legislate our preparation for defense. It has already resulted in a selective-service bill that may be later improved but is now as full of holes as a cane-chair bottom.

The debate from which these two quick odors rose was hardly more sanitary. It was on the amendment for permitting the commandeering of manufacturing plants. It was rushed in to permit Senators up for election, who were politically terrified about voting for necessary selective service, to lay the ground for a fake campaign alibi by saying: "I would not vote for conscripting men until I had voted for conscripting wealth. I value a life more highly than a lathe." The latter hypocritical inanity was actually used in the debate.

The actual amendment was perfectly correct in principle and will be objected to by no informed person although hastily—and, therefore, nonsensically—worded. The fake or fraud in it is that it is no more a conscription of wealth than the usual and frequent peacetime process of condemning a right-of-way for a railroad across a farm is a conscription of wealth. It authorizes the taking of private property for public use exactly as contemplated by the Constitution. But also, as specifically provided by the Constitution, the owner is entitled to just compensation, and if the statute had not provided for that—as it did—it would be waste paper. Just another hunk of hypocritical hokum to impose upon the trust and credulity of a long-suffering people. There are few more discreditable episodes in recent legislative history.

On top of all that, the amendment is perfectly sterile. The Government isn't asking people for their plants. It wouldn't know what to do with them if it got them. It is blunderingly seeking favorable contracts for production. It might use the commandeering of a plant as a threat to get lower prices, but it would be a bluff. It wouldn't get lower costs for the Government to take, pay for, and operate any plant. It would make the final cost of the product much higher.

What this contract situation needs is a statutory power of priority and compulsory orders, but this panicky, politically terrified Congress doesn't seem to have the time or the courage—or something—to study, learn, and attack our real problems of defense head-on.

Mr. WILEY. It is about time that the people of the country recognized that in election years some folks use words and phrases and sentences without thinking what their import is. The amendment we are talking about says that the Government has a right to take over factories and facilities by paying the value thereof. The other day, when I spoke against that amendment, I said there was a nigger in the wood pile. We saw something of that nigger here the other day when we saw that our distinguished friend, Mr. "Chip" Robert, came through with approximately a million dollars' profit on Gov-

ernment contracts. Back in the days when I was district attorney of a little county in the Middle West, when I found that an undertaker who was a member of the county board was burying the pauper dead at $50 each, I stopped the practice, and said that no official or anyone else connected with the county could have a contract with or get money from the county. But in these days people connected with the Democratic campaign can profit from Government contracts. That is a wonderful example to set before the people of the country. I do not say that there is anything about the matter that smells criminally, but, boys, it does smell just the same.

Mr. President, there are other issues. The job that was to be done by this administration has not been done. One of those issues is war or peace. At some other time we shall discuss the other issues before this body.

Mr. President, on arriving in my office yesterday afternoon, after the Senate had adjourned, I found a significant telegram awaiting me. We have not had the privilege for a couple of days to listen to the distinguished Senator from Arizona [Mr. ASHURST] expound, in his wonderful way, bits of philosophy, but this brief telegram caused me to fall into a philosophical mood; it caused a flood of mixed emotions, and made me to think of the past and the present and the future—the past 22 years, just the span of youth.

Twenty-two years ago, Mr. President, we were at war. Our boys were in the Argonne, in France, in England, and in Russia.

Twenty-one years ago the war was over, though some of our boys were in Germany, on the Rhine. Versailles was still to be. The voice of democracy, however, was in the ascendancy everywhere. The great experiment of the League of Nations was under way. Peace, glorious peace, seemed to be an accomplished fact.

Then followed years when nations undertook to repair the damage of the Great War. We had the Washington Treaty limiting armaments. The Kellogg Pact outlawing war followed. Then came the depression years, and now we have the impact upon the world of communism, fascism, and nazi-ism.

Mr. President, what does the future hold? This telegram caused me to think about that. Twenty-one years hence, what will the picture be? How will the youth of 21 in 1961, looking back upon 1940, interpret this period? There are some things he probably will not find in history's pages. He will not be able to see clearly some of the significant facts; so I am stating now, Mr. President, a few conclusions:

First, an awakening America, sensible to the fact that we are a virile people, full of enterprise, vision, and initiative; that the prophets of decay who asserted that America has reached her zenith are being cast off.

Second, an America with an awakening sense of unity—unity between labor, capital, farmer, and professional men, and, thank God, even between Republicans and Democrats; an America alert to any challenge. Awake! Your country and mine, Mr. President, stands in spite of the wasters. She is not bankrupt financially, morally, or in ideas.

Third, realizing her need, America is getting rid not only of the racketeers of her great values but of the fake political magicians. Like a strong man, she is arousing herself from the sleep produced by the mesmeric fakirs. She was almost hamstrung by sonorous phrases, magic formulas, superficial and reckless thinking, and delusive devices. No, America is not dying. She is very much alive, and the day of individualism has not gone.

Fourth, an American awakening to the things of the spirit. Her churches are full of honest seekers after truth. All economic groups, including employer and employee, producer and consumer, are seeking to develop a spirit of confidence and good will—a spiritual democracy where man may find the real meaning of brotherhood, eliminating strife and finding the fellowship of men of good will. There is a growing consciousness that, with God's help we as a nation can stand upright, fearlessly meeting every challenge, and not be entangled in the bondage of slavery.

Fifth, the home, the school, and the church are the front line of defense against the pagan European idea of communism, fascism, and nazi-ism. This line is holding firm, teaching the obligations of self-sacrifice, protection to the weak, faith in God, the triumph of right, love of country, and preparing strong men for the larger duties of the world; that liberty in the social, economic, political, and religious fields are now and ever will be the prize of eternal vigilance, teaching also the greatness of America, the beauty of her mountains and plains and valleys, of her lakes, and rivers, and hills; of the greatness of her cities and hamlets and farmsides; and the strength and vitality of her people; teaching the high adventure of being an American in this age of challenge and dawn. And the Senate of the United States in this period is not hysterical, unbalanced, or panicky. No, it deliberately faces the Nation's problems with faith, hope, and calmness.

Mr. President, what about 21 years from now? Will the youth born today have to be a conscript? Will Europe be aflame again with war, or, Mr. President, will we of this generation have found the way out from the curse of war? I hope we will not have to transmit that problem to the generation to come. I hope we will transmit to the generations that follow the liberties of America unmarred and unimpaired.

Mr. President, the telegram which caused me to philosophize in this manner did not announce, as so many recently received in the Senate have, the renomination of a Senator. What about it, you ask. It announced the birth of a boy child in my own city of Chippewa Falls, Wis. In his veins flows the blood of England, Wales, Norway, Germany, New England, and perhaps Scotland. But he is an American, and he owes allegiance, thank God, only to his Maker and to America.

I congratulate this young soul on coming into the theater of action at this time. I shall expect great things from him. He will be named Alexander, or "Alec," after me. He is my first grandson.

### POSTMASTER GENERAL JAMES A. FARLEY

Mr. CHANDLER. Mr. President, I appreciate the generous comments made by the junior Senator from Wisconsin concerning me. I am sorry that I did not have the opportunity of being in Wisconsin yesterday, where I am certain the Senator also would have liked to be, to welcome into the world his new grandson. The Senate would have missed his speech if we had been in Wisconsin yesterday, as well as the one I am now making.

Mr. President, tomorrow one of our most distinguished fellow citizens, affectionately known to the people of the United States as Jim Farley, will retire from the Cabinet of the President of the United States. Recently he retired as chairman of the Democratic National Committee. He has held both positions during the last seven and a half years with credit to himself and with honor and distinction to the country. As he goes back to private life, as one of his warm personal friends during a period of 10 years I desire to speak briefly concerning his activities not only as a member of the party but as an official of the Government of the United States.

I think Senators on both sides of the aisle, whether Democrats or Republicans, will join me in saying that during these 7½ years Jim Farley has been an efficient public servant of the people of the United States. It is a long way from his birthplace at Stony Point, N. Y., to Chicago, where he had the opportunity of having his name placed in nomination for the Presidency of the United States. I told the children of Jim Farley, after Senator CARTER GLASS had spoken in his behalf at that great Democratic convention, that I would rather have had those words said of me by the distinguished Senator from Virginia than to have won the Democratic nomination for the Presidency of the United States.

Yesterday, with some of my colleagues, I had the pleasure of attending a luncheon which was given here for Jim Farley, and we listened to a speech which was in the nature of a valedictory, at least for the present, to his political life.

I wish to say that it is my belief that the country is fortunate in being able to produce in this generation a man with the character, grit, and determination of Jim Farley. I predict for him as he goes out into private enterprise, using the same attributes which have characterized his dealings with men in public life, that he will be just as successful there as he has been in his dealings with the members of his party.

Mr. President, I should like to remind Mr. Farley that triumph and disaster, success and defeat, are seasonable, are temporary, are imposters. We neither suffer one nor enjoy the other except for a season, and sometimes the season is short. But to Jim I say that he has enjoyed, perhaps in larger measure than others, during these seven and a half years, the good will of his fellow citizens, and I heard him say yesterday that he left public office with substantially no regrets, because he realized he had had his chance and that he has done his level best.

I agree with the poet who said—

> The worldly hope men set their hearts upon
> Turns ashes, or it prospers and, anon,
> Like snow upon the desert's dusty face
> Lighting, a little hour or two, is gone.

At 52, Jim Farley is still a young man. Either in politics or business he will have numerous opportunities in the future. Upon this occasion I ask of my fellow Senators, and those who love him as I loved him, who believe in him as I believe in him, who know that he is honest and courageous and that his word is good, to join me in saying, "Good-bye, Jim; take keer of yourself. May God be with you in your future endeavors. May the length of your shadow never grow less."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Doyle Phillips to be postmaster at Philippi, W. Va., in place of L. E. Poling, resigned.

The PRESIDING OFFICER (Mr. MILLER in the chair). If there be no further reports of committees, the clerk will state the nomination on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Virgil Pettie to be United States marshal for the eastern district of Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the calendar.

TREATY WITH CANADA—RAINY LAKE

Mr. BARKLEY. Mr. President, I wish to state that there is on the Executive Calendar, Executive A (76 Cong., 1st sess.), a convention between the United States of America and Canada, signed at Ottawa, September 15, 1938, providing for the emergency regulation of the level of Rainy Lake and of other boundary waters in the Rainy Lake watershed. It is very desirable that the convention be ratified. The State Department is very much interested in it and the Dominion of Canada is very much interested in it. The Committee on Foreign Relations favorably reported it unanimously. There is no opposition to it. It is simply a question of having an opportunity to consider the convention and ratify it. In view of the situation, I hope the Senate may take action on the convention now. The Senator from Minnesota [Mr. SHIPSTEAD] is interested in it and has been urging its adoption ever since it has been on the Executive Calendar.

The PRESIDING OFFICER. It is in order to consider the convention at this time.

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive A (76th Cong., 1st sess.), a convention between the United States of America and Canada, signed at Ottawa September 15, 1938, providing for emergency regulation of the level of Rainy Lake and of other boundary waters in the Rainy Lake watershed, as recommended by the International Joint Commission established pursuant to the provisions of the treaty signed at Washington on January 11, 1909, relating to questions arising between the United States of America and Canada, which was read the second time, as follows:

The United States of America and His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, in respect of Canada.

Desirous of providing for emergency regulation of the level of Rainy Lake and of the level of other boundary waters in the Rainy Lake watershed, in such a way as to protect the interests of the inhabitants of the United States of America and Canada, and,

Accepting as a basis of agreement the following recommendations made by the International Joint Commission in its final report dated May 1, 1934, on the Reference concerning Rainy Lake and the boundary waters flowing into and from that lake, and particularly in answer to question 2 of that Reference, namely, "that it would be wise and in the public interest that the Commission be clothed with power to determine when unusual or extraordinary conditions exist throughout the watershed, whether by reason of high or low water, and that it be empowered to adopt such measures of control as to it may seem proper with respect to existing dams at Kettle Falls and International Falls, as well as any future dams or works, in the event of the Commission determining that such unusual or extraordinary conditions exist."

Have resolved to conclude a convention for that purpose and have accordingly named as their plenipotentiaries:—

The President of the United States of America:

John Farr Simmons, Charge d'Affaires ad interim of the United States of America at Ottawa;

His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, for Canada:

The Right Honourable William Lyon Mackenzie King, Prime Minister, President of the Privy Council and Secretary of State for External Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows:

ARTICLE I

The International Joint Commission, established pursuant to the provisions of the treaty signed at Washington on the 11th day of January 1909, relating to questions arising between the United States of America and Canada, is hereby clothed with power to determine when emergency conditions exist in the Rainy Lake watershed, whether by reason of high or low water, and the Commission is hereby empowered to adopt such measures of control as to it may seem proper with respect to existing dams at Kettle Falls and International Falls, as well as with respect to any existing or future dams or works in boundary waters of the Rainy Lake watershed, in the event the Commission shall determine that such emergency conditions exist.

ARTICLE II

This convention shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect immediately upon the exchange of ratifications which shall take place at Ottawa as soon as possible.

In witness whereby the undersigned plenipotentiaries have signed the present convention and have hereunto affixed their seals.

Done in duplicate at Ottawa this fifteenth day of September A. D., 1938.

JOHN FARR SIMMONS. [SEAL]
W. M. MACKENZIE KING. [SEAL]

The PRESIDING OFFICER. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive A, Seventy-sixth Congress, first session, a convention between the United States of America and Canada, signed at Ottawa September 15, 1938, providing for emergency regulation of the level of Rainy Lake and of other boundary waters in the Rainy Lake watershed, as recommended by the International Joint Commission established pursuant to the provisions of the treaty signed at Washington an January 11, 1909, relating to questions arising between the United States of America and Canada.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate took a recess until tomorrow, Saturday, August 31, 1940, at 12 o'clock meridian.

## CONFIRMATION

*Executive nomination confirmed by the Senate August 30 (legislative day of August 5), 1940*

UNITED STATES MARSHAL

Virgil Pettie to be United States marshal for the eastern district of Arkansas.

# HOUSE OF REPRESENTATIVES

## FRIDAY, AUGUST 30, 1940

The House met at 12 o'clock noon.

Rev. Rupert Naney, D. D., pastor, Olivet Baptist Church, Oklahoma City, Okla., offered the following prayer:

Our Father, help us to remember that a nation's fortune lies in its peoples, and that their strength lies in righteousness. Lift the people of our Nation by an inspiration unto all things high and holy. Give unto our institutions the strength that comes from honor, justice, and liberty based upon the leadership of Him who came to bring good will unto all men. God bless the President of this Republic and those who labor with him, the Congress of the United States, and in a special manner the Members of this House and their presiding officer, the Speaker, that righteousness may be preserved and accentuated in all their actions.

"Let the words of our mouth and the meditations of our heart be acceptable in Thy sight, O Lord, our strength and redeemer." In Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had agreed without amendment to a concurrent resolution of the House of the following title:

H. Con. Res. 87. Concurrent resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to excess-profits taxation, 1940.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10263. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 760. An act for the relief of Mrs. Guy A. McConoha; and

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy.

SUPPLEMENTAL APPROPRIATIONS FOR NATIONAL DEFENSE

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, with Senate amendments, disagree to the amendments of the Senate and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what is the nature of the bill?

Mr. TABER. Mr. Speaker, this is the appropriation bill providing approximately $5,000,000,000. The Senate has added a number of amendments that should have very careful consideration.

Mr. MICHENER. The gentleman from New York thinks it should go to conference?

Mr. TABER. Oh, yes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. TAYLOR, WOODRUM of Virginia, CANNON of Missouri, LUDLOW, SNYDER, O'NEAL, JOHNSON of West Virginia, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

EXTENSION OF REMARKS

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I made before the Roanoke Kiwanis Club.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD the speeches made in connection with the notification ceremonies of Henry A. Wallace, candidate for Vice President on the Democratic ticket, at Des Moines, Iowa, on August 29; the speech of the gentleman from Texas [Mr. JONES]; and a letter from the Speaker of the House in connection therewith.

The SPEAKER. Without objection it is so ordered.

There was no objection.

THE FOREIGN SERVICE

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I present a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 576

*Resolved*, That the Secretary of State is hereby respectfully requested to make and transmit answers to the following questions to the House of Representatives:

1. How many foreigners were on the staffs of the diplomatic and consular offices of the following countries, as of August 1, 1938: Germany, Japan, Italy, Great Britain?
2. How many foreigners were on the staffs of the diplomatic and consular offices of the following countries, as of August 1, 1939: Germany, Japan, Italy, Great Britain?
3. How many foreigners were on the staffs of the diplomatic and consular offices of the following countries, as of August 1, 1940: Germany, Japan, Italy, Great Britain?
4. What is the scope of their duties or activities?
5. What is their compensation?
6. What are the terms or period of their employment?

Mr. BLOOM. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter I have sent to certain people in my district.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WARD asked and was given permission to extend his own remarks in the RECORD.

REPORT OF BOARD OF VISITORS TO THE COAST GUARD ACADEMY

Mr. BLAND. Mr. Speaker, on behalf of the 1940 Board of Visitors to the Coast Guard Academy I desire to present their report and ask unanimous consent for its insertion at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The report referred to follows:

UNITED STATES SENATE,
COMMITTEE ON COMMERCE,
*July 9, 1940.*

The PRESIDENT OF THE SENATE.
The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN: Pursuant to the act of July 15, 1939 (Public, No. 183, 76th Cong., 1st sess.), the following Senators and Members of the

House of Representatives were designated in January this year to constitute the 1940 Board of Visitors to the Coast Guard Academy:

Senators: Hon. JOSIAH W. BAILEY, of North Carolina, chairman, Committee on Commerce, United States Senate, ex officio member; Hon. W. WARREN BARBOUR, of New Jersey; Hon. CARL HAYDEN, of Arizona; Hon. JOHN H. OVERTON, of Louisiana.

Members of the House of Representatives: Hon. SCHUYLER O. BLAND, of Virginia, chairman, Committee on Merchant Marine and Fisheries, House of Representatives, ex officio member; Hon. EUGENE B. CROWE, of Indiana; Hon. FRANCIS D. CULKIN, of New York; Hon. LOUIS LUDLOW, of Indiana; Hon. JOHN TABER, of New York; Hon. LINDSAY C. WARREN, of North Carolina.

In accordance with the provisions of section 7 (b) of the act of April 16, 1937 (50 Stat. 67), the Secretary of the Treasury designated 9 a. m., Saturday, May 4, 1940, for convening of the Board at the Coast Guard Academy, New London, Conn.

The following changes in membership were made in accordance with statutory provisions: Hon. ALVA B. ADAMS, of Colorado, vice Hon. CARL HAYDEN, of Arizona; Hon. BENNETT CHAMP CLARK, of Missouri, vice Hon. JOHN H. OVERTON, of Louisiana; Hon. JAMES A. O'LEARY, of New York, vice Hon. LINDSAY C. WARREN, of North Carolina.

Senators BAILEY and ADAMS, accompanied by Representatives CROWE and O'LEARY, left Washington at 9 a. m., May 3, arriving at New London at 3:38 p. m. At 5:33 p. m. Senator BARBOUR arrived. The Superintendent of the Academy, Capt. E. D. Jones, United States Coast Guard, entertained the members present at a dinner at the Mohican Hotel, which was attended by a number of the senior officers from the academy. Later in the evening motion pictures depicting phases of cadet life were shown the Board members in the academy gymnasium.

Representative LUDLOW, who was not able to leave Washington until the evening of May 3, arrived at New London at 3:50 a. m. on the 4th. Representatives BLAND and TABER intended to reach New London early on May 4 by Coast Guard plane. However, it was necessary to cancel this flight on account of unsatisfactory flying conditions, and accordingly these members were unable to attend the New London meeting.

After breakfast at the quarters of the Superintendent, a formal meeting of the Board was held at the academy.

The first act of the Board was the election of Senator JOSIAH W. BAILEY as Chairman. Commander E. Ellis Reed-Hill, United States Coast Guard, continued to act as secretary to the Board.

The Chairman invited Admiral R. R. Waesche, Commandant of the Coast Guard, and Capt. E. D. Jones, Superintendent of the Academy, to be present at the meeting. The session was also attended by the Coast Guard Academy Advisory Committee, consisting of five members prominent in the field of education. The members attending were Prof. H. L. Seward, Yale University, chairman; Dean J. W. Barker, Columbia University; Dean H. E. Clifford, Harvard University; Prof. G. E. Russell, Massachusetts Institute of Technology; Judge T. W. Swan, United States Circuit Court of Appeals.

Capt. E. D. Jones addressed the meeting, dwelling particularly on the need for additional accommodations to take care of the prospective increase in the number of cadets. This includes a new infirmary and ordnance building, extension of cadet barracks, additional boat facilities, and extension of the library to take care of the books now on hand and for future increases, and the urgent need for replacement of the training schooner *Chase*, lost in the hurricane of 1938.

A general discussion of matters affecting the instruction of cadets and methods of obtaining cadet material followed.

Professor Seward, chairman of the advisory committee, described the formation of his committee and told of its accomplishments in laying out the present curriculum as a result of the committee's original recommendation in 1934. He added that the recent inspection of the academy by the Engineering Council for Professional Development had resulted in this body certifying the academy and classifying it in the upper 10 percent of technical colleges in the United States.

The Board then inspected the academy grounds, buildings, and shops and reviewed the battalion of cadets, after which the Board had luncheon with the cadet battalion.

The Board left the academy at 2 p. m., on May 4, arriving at Washington at 8:20 p. m. the same day.

The Board of Visitors is favorably impressed with the administration of the academy, with the type of instruction being given the student body, with the well-planned curriculum due to the untiring efforts of the Coast Guard Academy Advisory Committee, with the splendid personnel of the Cadet Corps, and with the physical plant, except for certain needed additions required because of the expansion of the cadet body to meet present urgent need for additional officers.

The needs apparent at this time are made as recommendations by this body after a thorough study of the problem, after discussion with the Coast Guard administrative officers, and after consideration of the carefully prepared report of the advisory committee, copy of which is appended hereto.

The Board of Visitors therefore recommends appropriations for the following items:

1. Infirmary and ordnance building, $300,000. This will release the second floor in the administration building, Hamilton Hall, for instructors' offices, conference and reading rooms, and will make possible the use of the present offices in the academic building, Satterlee Hall, now used by the instructors, as additional classrooms. It will also permit the use of the present armory space in the gymnasium, Billard Hall, for locker space for the increased number of cadets.

2. Extension of the library, $100,000. Present studies seem to point to the advisability of joining the present library wing of Hamilton Hall to the engineering building, McAllister Hall. This would more than double the size of the present reading room and would open up present unused space over the lobby, with extension over the wings of McAllister Hall for book stacks, all of which would be on one level.

3. Extension of the cadet barracks, Chase Hall to quarter 300 cadets, two in a room, $200,000. This will involve the extension of the north wing of this building to provide the additional cadet rooms and toilets and the extension of the present messroom to join this wing.

4. Boathouse and wharves, $200,000. This would provide a boathouse and additional stowage for boats which are now entirely inadequate for the program of instruction in seamanship and small-boat sailing.

5. Recommendation replacement for schooner *Chase*, $200,000. This recommendation reaffirms a similar one made in the report of the Board of Visitors (1939). This vessel is urgently needed for the instruction of cadets in the handling of sails and is made necessary by the loss of the schooner *Chase* in the hurricane of 1938.

The Board of Visitors wishes to commend very highly the Coast Guard Academy. It is really a very unusual and most useful institution. It is regretted that it is not as well known as it should be to the American public since it is an institution of which our country may well be proud. Its standards are high. It has an able faculty and its curriculum is one of the best in the country. One of the advisory committee, composed of five persons of distinction in the field of education, stated to the board that the Coast Guard, as a school of engineering, ranks among the first 10 in this country. The Congress ought to know that this advisory committee, composed of eminent representatives of our foremost institutions of learning, has prepared an extraordinarily fine curriculum, and the Coast Guard has established it.

We are attaching hereto copy of the report of this advisory committee, as made to the Board of Visitors.

The Board of Visitors would be remiss in its duty if it did not make special mention of the unusual service of Capt. E. D. Jones, who is now retiring. The period of his service has marked a great advance in the institution from every point of view, and he is entitled to the thanks of the Congress and his country for the excellent service which he has rendered as Superintendent.

Respectfully submitted.

JOSIAH W. BAILEY,
*Chairman.*
BENNETT CHAMP CLARK,
W. WARREN BARBOUR,
S. O. BLAND,
FRANCIS D. CULKIN,
LOUIS LUDLOW,
JAMES A. O'LEARY,
EUGENE B. CROWE,
ELLIS REED-HILL,
*Secretary to the Board.*

### PERMISSION TO ADDRESS THE HOUSE

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. MERRITT addressed the House. His remarks appear in the Appendix of the RECORD.]

### NAVAL RESERVE TRAINING CORPS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4272) to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," and ask for immediate consideration.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, has the bill the unanimous support of the committee?

Mr. VINSON of Georgia. I may state to the gentleman from Michigan that the bill has the unanimous endorsement of the Naval Affairs Committee and has been reported to the House by direction of the Naval Affairs Committee, by the distinguished gentleman from New York [Mr. COLE], a member of the committee.

It is a bill which permits the Navy Department to expand in the various colleges the Naval Reserve Training Corps. Under the law today, 11 universities have 2,400 students composing what is ordinarily referred to as the Naval R. O. T. C. This bill provides for the extension of this corps to include 7,200 students.

The money was made available in the Senate yesterday and there are some 16 more universities which will be permitted to have students in the Naval R. O. T. C.

These 13 universities that have made application are as follows: Holy Cross, Western, Brown, Temple, University of Pennsylvania, University of Virginia, Washington and Jefferson, Duke University, North Carolina State, University of Houston, University of Texas, Texas A. and M., and Carnegie.

Mr. MICHENER. That does not include Wayne University?

Mr. VINSON of Georgia. That university has the right to make application. These are 13 universities only and 4,800 students will permit approximately 16 more universities to establish a Naval R. O. T. C. These universities have not been designated. They are merely applying to be designated just as soon as the Congress passes the authorization act to make it 7,200 instead of 2,400.

Mr. MICHENER. Then the determination has not yet been made?

Mr. VINSON of Georgia. The determination has not yet been made. It is up to the various universities throughout the country to qualify under the method now established by the Navy Department.

Mr. HINSHAW. I may say that I received word that the University of Southern California has also applied.

Mr. RICH. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does not the gentleman believe that this is the best and cheapest way that we can train young men for the service of our country and that we had better give these universities the opportunity to train these young men not only in the Navy but in the Army?

Mr. VINSON of Georgia. The gentleman is absolutely correct, and I call the attention of the Members of the House to the fact that there will be presented to the House in a few days a bill to commission the 2,400 boys who have already entered the R. O. T. C. and who have qualified after 4 years' training. This bill will give them a commission in the line of the Navy and in the Marine Corps instead of taking all of our officers in the Navy from the Naval Academy. It will help the Navy get the viewpoint of students in the line of the Navy and it will enable the students to get the viewpoint of the Naval Academy.

Mr. THOMASON. Does not the gentleman think that also ought to be extended to the Army R. O. T. C., because we have right now about 200 applications pending for R. O. T. C. units, and not only that, but under the Reserve Officers Act there are also a few thousand young Reserve officers who are well qualified in the same way as the naval officers?

Mr. VINSON of Georgia. What the gentleman says is correct, but my committee can only deal with naval matters. The Committee on Military Affairs, of which the gentleman from Texas is a distinguished member, should take that up.

Mr. THOMASON. What assurance has the gentleman that he will get the appropriation?

Mr. VINSON of Georgia. It was put in the bill yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON].

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes" (43 Stat. 1276; U. S. C., title 34, sec. 821), as amended by the act approved August 6, 1927 (50 Stat. 563; U. S. C., supp. V, title 34, sec. 821), is hereby further amended by deleting the words "twenty-four hundred" in the last line of the section, and by inserting in lieu thereof the words "seventy-two hundred."

With the following committee amendment:

Page 1, line 7, strike out "1927" and insert "1937."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. KELLER]?

There was no objection.

Mr. KELLER. Mr. Speaker, I want to call the attention of the House again to the subject that I took up for 1 minute yesterday and to state that on page 11229 in the RECORD of today you will find that I have worked out the actual statistics in relation to the killings that have been taking place in our coal mines. On that I worked until midnight because I felt the House wanted the facts in the case and not anyone's guesswork. You will find it all set out there. It will show the information, backed up by statistical statement, that every time this House meets in a regular session, during that 2-year period there are 3,600 men, on the average, slaughtered in the coal mines of the United States; it leaves 2,600 widows and 6,000 orphans, and it seems to me that under such bloody conditions as that the House ought to be willing to sign the petition and bring out the bill for open discussion and vote on the floor of the House. I hope you who have any doubt about it will take the time to read this and see whether you will not be able to do what I am asking you to do in this matter.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech by our colleague the gentleman from Virginia [Mr. ROBERTSON].

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HENNINGS]?

There was no objection.

Mr. HENNINGS. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include an editorial by Ernest K. Lindley.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HENNINGS]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from Amerasia.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEYER]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial comment relative to national defense.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an Associated Press dispatch appearing in the Chattanooga Times of Sunday, August 18.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. HILL]?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

RESERVE OFFICERS' TRAINING CORPS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMASON. Mr. Speaker, I very heartily approve of the bill just passed by the gentleman from Georgia [Mr. VINSON], the distinguished chairman of the Committee on Naval Affairs. In that connection, however, I wish to call the attention of the House to the fact that the Army R. O. T. C., in my judgment, is even more important than the Navy R. O. T. C. There are at present approximately 200 applications pending in the War Department for new R. O. T. C. units throughout the country. Universities and colleges are clamoring for senior R. O. T. C. units, and there are a great

many high schools begging for junior R. O. T. C. units. It is my deliberate judgment that that is the finest training the boys and young men of this country can receive. The War Department says that in view of the National Guard training bill and the probable passage of the draft bill they do not have the officers to take care of these new R. O. T. C. units, but I think the necessary officers can and should be provided. This is about the most important training the young men of this country can receive. We should provide the necessary money and instruct the War Department to approve every application that meets the requirements. We should also take steps to give permanent commissions in the Regular Army to all those fine young officers who have qualified under the Thomason Act. They are honor students of R. O. T. C. schools with 4 years' active training and an extra year in the Regular Army. There are none finer, not even West Point. [Applause.]

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Washington Daily News of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, the Republican candidate for President made a most revealing and disappointing statement which is reported in the press this morning. He says he wants to defend free men and a free Nation. He congratulates the Senate on the passage of a conscription of manpower bill, but he says he is absolutely opposed to any measure which would enable the Government of the United States to conscript, if necessary, the use of plants to make available to those men the necessary weapons with which to defend themselves and their Nation in case of need. In other words, it seems to me that his position is utterly inconsistent, that he stands for a draft of manpower but opposes, even if voluntary negotiations have been tried and failed, a draft of the necessary industrial plant to supply those men with the weapons and military equipment that should be available for their use. I cannot understand it. I think it utterly inconsistent, and I think this position puts human life in one category and property in a more favored one. I believe he has drawn an issue for the campaign in the statement he has made. [Applause.]

[Here the gavel fell.]

RESERVE OFFICERS' TRAINING CORPS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I take this time simply for the purpose of reemphasizing and endorsing what the gentleman from Texas [Mr. THOMASON] has said about the R. O. T. C. units in the schools. I know from my own experience and from the great popularity of these R. O. T. C. units throughout the country and the demand in my own district that the need is great. I have talked to the War Department, and they gave me the same reason they gave my colleague—that they did not have the officers to take care of these units. However, I believe the R. O. T. C. is one of the finest means on earth to train these boys while they are in school, and this military training will be very helpful. I hope my good friend the gentleman from Texas [Mr. THOMASON] and his Committee on Military Affairs will continue to bombard the War Department until they work out some way whereby these R. O. T. C. units can be established. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on World War Veteran Wendell L. Willkie.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, this is a time when we ought to work for national defense. We are trying to do that. However, I cannot see the advisability of the Committee on Naval Affairs or any committees of this House or the Government awarding to the engineering and architectural firm of Lawrence Wood "Chip" Robert, secretary of the Democratic National Committee, eight contracts, totaling $26,859,000, under which they receive a commission of $931,560. We should not give any favoritism to any firm nor more work than they can get out and complete for national defense in the least possible time. Time is the element we need in these national-defense projects.

Mr. Speaker, think of them giving the secretary of the Democratic National Committee eight contracts when there are many architects in the country who would be glad to have one of these jobs so that they could get money enough to handle their business and look after their families. It is wrong to give the secretary of the Democratic National Committee these eight contracts carrying the following fees for the contracts: $45,000, $9,500, $18,300, $9,560, $1,200, $83,000, $315,000, $450,000—some fees! Would not lots of architects be glad to have any one of them? We ought not to give this money to the secretary of the Democratic National Committee for political faithfulness or for political preferment. Out of 66 contracts awarded, why should this servant, as secretary of the Democratic Party, receive 8 contracts, or one-eighth of the total? Are there not other needy architects that want jobs? Are there not other good architects that can do the work in Florida—think of six Florida contracts, one in Puerto Rico, fee $9,560, and the largest one at Corpus Christi, Tex., cost $13,028,000, and a fee of 3.46 percent, or $450,000. Some jobs for the secretary of the Democratic National Committee!

[Here the gavel fell.]

FARM INCOME

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, this man Wallace in his speech yesterday said that the President's troubles were multiplied by partisan opposition. I do not know where that partisan opposition is, since he is in such body and soul control of Washington and the whole country as he is. Wallace also goes on to say that the farmers' income for this year is $8,900,000,000; that it includes Government loans, commodity loans, and the amount of food raised and consumed. It is bad enough to count in that figure the amount of money or value of food raised and consumed, but when Wallace is willing to count the farmers' rising debt as income it is adding insult to injury. It is no wonder to me that Roland F. Morris, of Philadelphia, that great American, did just what Jim Farley is going to do tomorrow—walk out on him. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I have two requests to submit. First, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a press release given out by the War Department on August 24, with

reference to additional construction projects for Army shelters.

I also ask unanimous consent, Mr. Speaker, to proceed for 1 minute.

The SPEAKER. Is there objection to the requests of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, the press release which I have secured permission to insert in the RECORD, is one of the most glaring examples of the inability of the Roosevelt administration to govern. They are proposing to place the National Guard, when it is called, in cantonments, 134,000, and in tents for winter training, 183,000. This is the most ridiculous thing I have ever known to be presented to the Congress, putting troops that are called into service in tents for winter training in peacetime.

I hope that this Congress will not permit that operation to go on, but that we will insist upon cantonments being provided for all of them in the wintertime. It is absolutely ridiculous. We can a good deal better afford to pay for the cantonments than we can for compensation to those who will be sick as a result of this incompetence. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include excerpts from Harpers Magazine and from other monthly and weekly publications.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. THORKELSON. My second request, Mr. Speaker, is unanimous consent to extend my remarks in the RECORD and to include excerpts from the Alien Menace, and also from the press.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WOODRUFF of Michigan asked and was given permission to revise and extend his own remarks in the RECORD.

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I was interested last night in hearing former Secretary of Agriculture Wallace, now a candidate for Vice President of the United States, talk about the "fifth column." I could not reconcile his words with the actions we see here in Washington, namely, Mme. Perkins' refusal to deport Harry Bridges, also Attorney General Jackson's refusal to deport Harry Bridges. I am going to ask the former Secretary why it is that these two officials in the Cabinet of the President of the United States refused to deport Bridges, and actually aid these "fifth columnists." Where do they go to get their real help and aid? They come right here to Washington. I think the Vice Presidential candidate should answer this question, and it is an open question. [Applause.]

EXTENSION OF REMARKS

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from Walter I. Hird, a fellow townsman.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a brief radio address I delivered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.



Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an enclosed table concerning our export trade.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent that at the conclusion of all legislative business and any prior special orders on Wednesday next I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a keynote address of Hon. Paul V. McNutt, before the State Democratic convention of Connecticut.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks and to include therein excerpts from a statement made yesterday by Wendell L. Willkie.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

WOOL PRODUCTS LABELING ACT

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 528.

House Resolution 528

*Resolved*, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 944, a bill to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Colorado [Mr. LEWIS] is recognized for 1 hour.

Mr. BOREN. Mr. Speaker, I would like to inquire of the gentleman from Colorado what disposition he expects to make of the time under the rule. Will there be an opportunity for those of us in opposition to the rule to be heard?

Mr. LEWIS of Colorado. I have not been recognized as yet.

The SPEAKER. The gentleman has been recognized.

Mr. RICH. Mr. Speaker, a point of order.

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Oklahoma for a question?

Mr. LEWIS of Colorado. Yes, I do, Mr. Speaker.

Mr. BOREN. The question I want to ask the gentleman from Colorado is what disposition does he contemplate making of the time under the rule?

Mr. LEWIS of Colorado. Various applications have been made for time. Does the gentleman desire some time?

Mr. BOREN. I do desire 10 minutes' time myself and I want to speak for one or two others on this side who are opposed to it.

Mr. LEWIS of Colorado. Probably we shall divide the 30 minutes, of which I shall retain control, equally among

those who are for and those who are against the rule. This is the first intimation I have had that the gentleman desires any time.

Mr. BOREN. Can the gentleman assure me we will have time under the rule, that is, those who are opposed to the rule?

Mr. LEWIS of Colorado. I think the gentleman can be assured of that. I regret the gentleman did not speak to me before, because I have received many applications.

Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER]. At this time I yield myself 4 minutes.

CALL OF THE HOUSE

Mr. RICH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present. This is important legislation and we ought to have the Members present to listen to it.

The SPEAKER. The Chair is of the opinion that there is no quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 204]

| | | | |
|---|---|---|---|
| Allen, Pa. | Disney | Jennings | Oliver |
| Andresen, A. H. | Ditter | Johnson, Ind. | Osmers |
| Andrews | Douglas | Jones, Tex. | O'Toole |
| Arnold | Drewry | Kee | Pfeifer |
| Ball | Eaton | Kefauver | Reed, N. Y. |
| Barton, N. Y. | Elliott | Kelly | Risk |
| Bates, Mass. | Ellis | Kennedy, Martin | Rockefeller |
| Beam | Evans | Keogh | Sacks |
| Bradley, Mich. | Ferguson | Kilburn | Satterfield |
| Bradley, Pa. | Fernandez | Lambertson | Schaefer, Ill. |
| Buck | Fish | Larrabee | Schiffler |
| Buckley, N. Y. | Flaherty | Lemke | Schwert |
| Bulwinkle | Flannagan | Luce | Scrugham |
| Byrne, N. Y. | Folger | McGranery | Sheridan |
| Caldwell | Ford, Miss. | McKeough | Simpson |
| Celler | Ford, Thomas F. | McLean | Smith, Ill. |
| Chapman | Garrett | McLeod | Somers, N. Y. |
| Clason | Gearhart | McMillan, Clara | Starnes, Ala. |
| Collins | Gifford | McMillan, John | Sullivan |
| Connery | Gore | Mansfield | Sweeney |
| Corbett | Green | Martin, Ill. | Thomas, N. J. |
| Crowther | Guyer, Kans. | Martin, Mass. | Treadway |
| Culkin | Hall, Edwin A. | Miller | Vreeland |
| Darrow | Harness | Murdock, Utah | Wadsworth |
| Delaney | Hart | Myers | Wallgren |
| Dempsey | Hartley | Nelson | Walter |
| Dies | Hook | Norrell | White, Ohio |
| Dingell | Hope | Norton | Wigglesworth |
| Dirksen | Hunter | O'Day | |

The SPEAKER pro tempore [Mr. LANHAM]. Three hundred and fourteen Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. LEWIS] is recognized.

Mr. LEWIS of Colorado. Mr. Speaker, at this time I yield myself 4 minutes.

Mr. Speaker, this House Resolution 528 is an open rule for the consideration of the bill (H. R. 944) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes. The rule provides for 2 hours' general debate, after which the bill shall be read for amendment under the 5-minute rule. This bill—H. R. 944—is commonly referred to as the Wool Products Labeling Act of 1939.

Mr. Speaker, this bill was introduced early in this the Seventy-sixth Congress, namely, on January 3, 1939, by the well-beloved, now deceased, Member from our State, Hon. John A. Martin, who so ably for many years represented the Third Congressional District of Colorado until his untimely death last December. If John Martin were here, it would not be necessary for many others to speak on this subject because he was so thoroughly versed in regard to it and supported it with such enthusiasm and intelligent zeal. This bill was one of John Martin's favorite measures. He was the author and sponsor of H. R. 944, the bill that will be brought before the House by this rule.

The report on this bill on behalf of the Committee on Interstate and Foreign Commerce was prepared by John Martin.

Mr. Speaker, I believe it would be fitting that at least extracts from this report, constituting perhaps the greater portion of it, should be inserted in the RECORD at this point in connection with my remarks. I ask unanimous consent for that privilege.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The matter referred to is as follows:

Mr. Martin of Colorado, from the Committee on Interstate and Foreign Commerce, submitted, on June 22, 1939, the following report to accompany H. R. 944:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 944) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

FOREWORD

Throughout the lengthy consideration of H. R. 944, titled the "Wool Products Labeling Act of 1939," both in the hearings and in the committee's consideration of the bill, it has been the constant aim of the committee to produce practicable and workable regulatory legislation entailing as little burden as possible on the various branches of the industry affected.

A comparison of H. R. 944 as introduced and the bill as reported by way of an amendment, both of which will be before the House for such comparison, will show the marked success resulting from the fair and thorough treatment of the legislation by the committee. Many suggestions and amendments proffered, not only by the industry but by Members opposed to the legislation, no matter how liberal it might be made, were accepted by the committee and are embodied in the pending bill. The committee assures the House that nothing has been left undone to make this a fair, workable, and practicable piece of regulatory legislation.

It is submitted that it may be left to the very able Federal Trade Commission, with its extraordinary record of support by the Federal courts, to fairly administer the act and search out defects and inequities for the further consideration of the Congress.

HISTORY OF THE PROPOSED LEGISLATION

Representatives of numerous large national organizations—the National Federation of Women's Clubs, American Federation of Labor, American Farm Bureau Federation; National Grange; National Farmers' Union, National Farmers Guild, National Wool Growers' Association, home economics and consumers' organizations, and the United Textile Workers of America—stated at the hearings that for the past 20 to 25 years they have been endorsing and urging legislation requiring truth in fabrics or fiber identification, in order that the consumer might know what he was purchasing, and be protected, insofar as law may be able to protect him, against the imposition of shoddy and reused materials, and materials other than wool, being sold under the guise of pure or virgin wool.

The campaign for fiber identification took active and concerted form 3 years ago with the introduction in the Seventy-fifth Congress of wool-labeling bills in both Houses, and extensive hearings were held on such bills. The Senate passed a wool-labeling act near the close of the last Congress and a House subcommittee on interstate commerce favorably reported a House bill, but too late for action.

Bills were again introduced at the incoming of the Seventy-sixth Congress, and extensive hearings have been held by the committees in both bodies. The House hearings occupy 500 pages, added to nearly 300 pages in the preceding Congress. The Senate Committee on Interstate Commerce has favorably reported what is known as the Schwartz bill, S. 162, a companion bill to H. R. 944.

NEED FOR THE LEGISLATION

Heading the list of materials used in the manufacture of garments as in widest use and most subject to the use in manufacture of shoddy, rags, and reclaimed or reused wool fibers, the testimony shows that of some 500,000,000 pounds of wool fabricated into garments annually, nearly one-third of it comes under the heading of reused wool. This percentage threatens to increase through the greatly augmented importation of rags under the trade treaties and a reduction of 50 percent in the tariff. As an example, the volume imported increased from 99,000 pounds in January 1938 to 1,119,000 pounds in January 1939, or an increase of 1,100 percent.

Recent figures obtained from the monthly report of the Bureau of Foreign and Domestic Commerce of rag importation from the United Kingdom for the use of the textile industry in the United States, show the rapid growth of such importation, as follows: First 4 months 1938, 170,261 pounds; first 4 months 1939, 2,817,113 pounds; percentage of increase, 1,554.

The legislation, while strongly endorsed by wool and stock growers and farm organizations generally, is not simply or even mainly

to benefit the wool industry, but to protect the 90 percent of the American people who must, as the hearings disclose, purchase garment suits at a cost of $25 or less. The legislation is not needed for people who can pay $75 or $100 for a suit of clothes. It is the workingman, the farmer, the millions of clerks and office workers, and the great miscellany of employment in the lower income brackets who need protection.

The movement originated, not with the groups pressing for this legislation, but with unfair and deceptive acts and practices originating in the industry. The legislation is a logical and necessary part of the growing body of legislation to protect the consuming public in the field of food, drugs, meat inspection, honest weights and measures, and only recently by the passage by the House of a seed-labeling act much more drastic than the pending bill.

NEED FOR THE LEGISLATION AFFIRMED BY THE FEDERAL TRADE COMMISSION

It is objected to the legislation that the Federal Trade Commission now has ample power under existing law to deal with the unfair competition and deceptive acts and practices aimed at in the bill and that therefore it is not needed. The committee's answer is that a representative of the Commission appeared before the committee on all these bills, including the pending bill, in support of the legislation. Letters from the Chief Counsel and the Chairman of the Commission will be found on pages 6 and 7 of the hearings, and on pages 11 to 23 the testimony of Mr. Henry Miller, assistant director, trade practice conferences of the Commission.

In answer to a question from the committee as to the need for the legislation, Mr. Miller, on page 17 of the hearings, said:

"The present power of the Federal Trade Commission does not go to the extent, nor is it implemented to the extent, that this present bill will implement it, and which it is believed is necessary in order to cure the evil resulting in nondisclosure, as distinguished from the evil resulting from an actionable disclosure or a false disclosure."

Mr. W. T. Kelley, chief counsel, in his memorandum for the Commission (hearings, p. 6), states:

"The bill is designed to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of shoddy, substitutes, and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products. The evils which it is the purpose of this bill to correct occur in connection with "wool" and "part wool" products and in relation to fabrics and articles which simulate wool or part-wool products. The evils to be corrected by the bill also relate to the unrevealed use or presence of reclaimed wool or shoddy in fabrics. In my opinion the bill, if enacted into law, will accomplish the desired purpose."

Hon. R. E. Freer, Chairman, in answer to a letter of inquiry for Mr. Lea, chairman of the committee, as to the cost of the legislation, among other things (hearings, p. 7), states:

"By way of partial explanation, I may point out that matters covered by the measure are the source of many complaints coming to the Commission from the public and from businessmen; and a substantial part of our regular personnel and funds is necessarily required for handling these matters in the work of effecting as much relief as is possible under existing law. It appears that the bill, if enacted, would so clarify the situation in respect to destructive or harmful practices in the marketing of wool products as to simplify and facilitate the administration of the laws relating to transactions in interstate commerce. A larger proportion of voluntary compliance may also be expected, and a consequent diminution of the types of complaints now required to be handled by the Commission would probably result. A more effective utilization of the Commission's present facilities for protecting the public interest could no doubt be accomplished."

Such statements from the authority charged with the administration of the law should dispose of the contention that it is not needed.

IMPROVEMENT OF THE LEGISLATION

As the result of the successive hearings, and close analytical study of the proposed legislation, several revisions of prior bills have been made, and it is the opinion of your committee that the result is a greatly improved bill, more definite, workable and liberal than the original bills. Many liberalizing and clarifying amendments were made in the pending bill, H. R. 944, and on all of them the committee agreed.

If the Congress is to enact fiber identification legislation under the principle laid down in the bill, it is agreed that the pending bill fairly achieves the objective. The division in the committee occurs over the question whether any such legislation should be enacted. The Federal Trade Commission approves it. A majority of the committees of both Houses approve it. Organizations representing practically all the workers', farmers', women's, and consumers' organizations of the country testify that it should be enacted. No such organizations have appeared against it.

ANALYSIS OF THE LEGISLATION

Section 1 titles the legislation the "Wool Products Labeling Act of 1939."

Section 2 deals with definitions. The major controversy over the legislation centered on the proposed definition of wool, and the crux of the controversy was over the use of the word "virgin" wool, and the classification of wool as "virgin wool" and "reclaimed wool." The objection of certain manufacturers and distributors to the use of the term "virgin" wool, is significant. It is not in dispute that the manufacturer and dealer likes to have his product known as "virgin" wool, as "pure" wool, as "all" wool, or as "100-percent" wool. They want it on the label but some do not want it in the law. It is conceded that the fiber of wool has no satisfactory substitute. It was claimed, among other things, that the virginity of the wool was not a true test of its superiority; that there were many grades of virgin wool, the lowest of which were inferior to the better grades of reclaimed or reused wool.

Section 2 eliminates the terms "virgin wool" and "reclaimed wool." The section defines three classifications of wool, to wit: "Wool," "reprocessed wool," and "reused wool."

"Wool" is defined as the fiber from the fleece of the sheep or lamb or hair of the Angora or cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna), which has never been reclaimed from any woven or felted wool product.

In prior bills wool which had been spun or knitted was excluded from the definition of wool, but in the pending bill, spun and knitted wools are included in the definition, as are the various forms of wool waste which have never been woven or felted.

The term "reprocessed wool" means wool which has been woven or felted into a wool product and subsequently reduced to a fibrous state without having been used by the ultimate consumer.

The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product and subsequently reduced to a fibrous state after having been used by the ultimate consumer.

The committee especially stresses as an achievement in definiteness and simplification the three classifications of wool, reprocessed wool, and reused wool, and the requirement of the percentage of each classification on the label. All bills which have been introduced, and all endorsements of the legislation, aim at fiber identification by some formula distinguishing between the original wool fiber and reclaimed or reused wool fiber. The committee is in agreement that the definitions in this bill achieve fiber identification as far as practicable without encumbering the label with refinements which would make it burdensome to the industry and meaningless to the purchaser. The purchaser will at least know whether the garment came off the backs of animals or of humans.

MISBRANDING DECLARED UNLAWFUL

Section 3 declares unlawful, and an unfair and deceptive act or practice, the introduction, or manufacture for introduction, or the sale, transportation, or distribution, in interstate commerce, of any misbranded wool product.

The section excludes common and contract carriers, and exportation to foreign countries of wool products branded in accordance with the laws of such countries.

WHAT CONSTITUTES MISBRANDING

Section 4 deals with the label and declares a wool product misbranded if it is falsely or deceptively labeled, and if the label does not show—

(a) The percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 percent of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool if said percentage by weight of such fiber is 5 percent or more; and (5) the aggregate of all other fibers. Unavoidable variations are permitted where due care has been taken. The percentages must be shown on the label in words and figures plainly legible;

(b) The maximum percentage of the total weight of nonfibrous loading, filling, or adulterating matter;

(c) The name of the manufacturer of the wool product or the name of one or more persons subject to section 3, the section which prohibits misbranding.

The section carries a provision that it shall not be construed as requiring designation on garments or articles of apparel, of fiber content of any linings, paddings, stiffening, trimmings, or facings, or inconsequential fiber contents, provided they are not represented as containing wool. Section 14, at the end of the bill, excludes from the act, carpets, rugs, mats, or upholsteries.

ENFORCEMENT RESTS ON LABEL

Enforcement of the act rests on the label, attached in the first instance by the manufacturer, and backed by the manufacturer's records. It is agreed that the manufacturer knows the identity and quality of the fibers going into his product, and keeps a record. Very considerable efforts were made by the opposition during the hearings to shift enforcement from the label to laboratory tests, which tests they claimed to be inadequate to detect reworked or reused fiber in the fabric, therefore enforcement will fail.

A witness from the Bureau of Animal Industry stated that the percentages of virgin wool and reworked wool in the fabric may be measurably determined by the laboratory test (hearings, pp. 407–408). A witness from the Bureau of Standards stated that this cannot be done (hearings, pp. 48–49).

If the reused fiber can be integrated in a garment beyond detection by the laboratory test, it is all the more reason for the legislation, with enforcement placed on the label, backed by the records of the manufacturer, under penalty for falsification.

In the case of numerous products required to be labeled under the Pure Food and Drugs Act and similar legislation, chemical analyses cannot determine, or cannot determine accurately, certain differences or the presence of certain adulterants. But in all these cases the maker knows his composition, and the law makes it an offense to falsely or incorrectly label the product.

PROTECTION TO DISTRIBUTORS, WHOLESALERS, RETAILERS

The provision permitting substitute labels in lieu of that of the manufacturer eliminated from the bill the controversy ranking next in importance to that of the definition of wool. It is highly desired by the wool trade that distributors, wholesalers, and retailers shall have the right to use their own label, and this they may do, provided it carries the required fiber identification under the law.

Much attention was given to the question of retailer protection and this was accomplished by eliminating—

"persons who receive any wool product from or through interstate commerce, and having so received, sell or deliver for pay, or offer to resell or so deliver to any other person."

RETAILER AMENDMENTS ADOPTED

Six amendments suggested for the protection of retailers by Mr. David R. Craig, president of the American Retail Federation, were incorporated in substance and effect in the bill. In offering the six amendments, Mr. Craig said:

"Retailers do not oppose the bill, but offer these amendments which they believe would make the bill more workable and practical (hearings, p. 359)."

Mr. Craig also suggested the classifications of "reprocessed wool" and "reused wool", instead of "reclaimed wool" (hearings, p. 360).

Objections raised by the Retailers National Council are completely cured by amendments.

AFFIXING OF LABEL

Section 5 relates to the affixing of stamp, tag, label, or other identification.

The person manufacturing, or first introducing into commerce a wool product, shall affix the label, and the same, or substitutes containing identical information, must remain affixed to the product until it is sold to the consumer. The name of the manufacturer need not appear on the substitute label. Removal, except for lawful substitution, or mutilation of the label, is declared an unfair method of competition, and an unfair and deceptive act or practice under the Federal Trade laws.

ENFORCEMENT OF THE ACT

Section 6 invests the Federal Trade Commission with jurisdiction of the act, and the power to make rules and regulations and prescribe procedure; authorizes and directs the Commission to prevent violations of the act in the same manner, by the same means, and with the same powers it possesses under the Federal Trade Commission Act; and subjects persons violating the act to the penalties, and entitles them to the privileges and immunities of the Federal Trade Commission Act.

The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any wool products subject to the act; and to cooperate with any department or agency of the Government in the enforcement of the law.

The manufacturer is required to maintain proper records showing the fiber content of all wool products and to preserve such records for at least 3 years. It was stated repeatedly to the committee that manufacturers now regularly keep such records.

CONDEMNATION AND INJUNCTION PROCEEDINGS

Section 7 provides for condemnation and injunction proceedings, and for seizure for confiscation by process of libel, but the person affected is given the opportunity after notice to comply with the provisions of the act.

Condemned wool products are to be disposed of, in the discretion of the court, by destruction, by sale, by delivery to the owner upon payment of costs and charges and the giving of bond to observe the provisions of the act in the further handling of the products, or by charitable disposition.

The Commission may bring suit in the district court of the United States or any territory for the district where the accused person resides or transacts business, to enjoin such violation, and on proper showing a temporary injunction or restraining order may be granted.

IMPORTED WOOL PRODUCTS

Section 8 provides for the exclusion of misbranded wool products from the United States, except products made 20 years prior to such importation, unless stamped, tagged, labeled, or otherwise identified in accordance with the provisions of this act; and all invoices of such wool products are required to set forth the information required under this act and under the act of June 17, 1930.

The section also deals appropriately with falsification of invoices, or failure to furnish the required information, or perjury in the consignee's declaration, and such persons may be prohibited from importing any wool products, except upon filing, with the Secretary of the Treasury, bond in double the sum of the value of the products and duty thereon. A verified statement from the manufacturer or producer of the products showing their fiber content may be required by the Secretary of the Treasury.

GUARANTY

Section 9 relates to guaranty, a subject to which much consideration was given. The section provides that no person shall be guilty under section 3 (misbranding) if he establishes a guaranty received in good faith, signed by the manufacturer or person from whom the wool product was received.

The guaranty may be either a separate guaranty specifically designating the wool product guaranteed, or a continuing guaranty may be filed with the Commission applicable to all wool products handled by a guarantor.

CRIMINAL PENALTIES

Section 10 provides that any person who willfully violates section 3, 5, 8, or 9 (b) of the act shall be guilty of a misdemeanor and on conviction subject to a fine of not more than $5,000 or imprisonment of not more than 1 year, or both.

Whenever the Commission has reason to believe a violation exists it shall certify all pertinent facts to the Attorney General for appropriate proceedings.

Section 11 provides that the act shall be in addition to and not in substitution for or limitation of other acts.

Section 12 fixes the effective date as 6 months after the date of passage.

Section 13 is the usual separability clause.

Section 14 exempts carpets, rugs, mats, or upholsteries, as heretofore noted.

STATEMENTS OF ENDORSERS SUPPORTING THE LEGISLATION

The need and the demand for fiber-identification legislation, as well as the history of the movement to secure such legislation, are touched upon in the various group statements made at the hearings. It is considered of value to Members to subjoin excerpts from a few of these statements.

Mrs. Ernest William Howard, department chairman of the legislative committee of the District of Columbia Federation of Women's Clubs (hearings, p. 297):

"I wish to record the support of the District Federation of Women's Clubs for the Martin wool-labeling bill, in accordance with the action, February 17, 1939, of the legislative committee, composed of representatives from 31 individual clubs in the District of Columbia.

"This support is in line with the past declarations of the General Federation of Women's Clubs, with which the District federation is affiliated.

"The general federation, however, did not approve this particular bill, H. R. 944, which is now before you, because the federation does not endorse bills by name nor number because that would be committing the general federation to the support of amendments and changes in the bill. Its policy is to endorse principles of legislation. Thus, it endorsed the principle of fiber identification at the convention at Kansas City in May 1938. Every woman at that convention understood from the discussion that differentiation of virgin wool and reclaimed wool, shoddy, was involved in that resolution. In support of this I quote from the statement made on July 9, 1938, before the House committee holding hearings on the Schwartz-Martin bill, page 103, of Mrs. Roberta Lawson, at that time president of the General Federation of Women's Clubs [reading]:

" 'We women are deeply concerned over knowing the truth about fabric content, whether it be virgin wool or substitutes for virgin wool, and this concern extends to all other fabrics.'

"Furthermore, the delegates to the Kansas City convention came authorized by their individual organizations to vote on this resolution. Every one of the 14,500 affiliated clubs voted on the fiber identification resolution. Every one of the 2,000,000 women received a copy of this resolution for fiber identification and had an opportunity to vote on it in connection with the instructions to the delegates to the Kansas City convention. And the Kansas City convention voted in favor of this resolution by a vote of 106 to 1. Mrs. Ketterer, chairman of the legislative committee of the General Federation of Women's Clubs, has sent me a copy of the resolution, which I wish to insert in the record.

" 'RESOLUTION NO. 9. FIBER IDENTIFICATION

" '*Resolved*, That the General Federation of Women's Clubs in convention assembled, May 1938, commend the Federal Trade Commission for the protection which it has afforded to consumers and urge its continuance of this work until fibers in common use are accurately identified; and be it further

" '*Resolved*, That Congress be urged to supplement the powers of the Federal Trade Commission so that the Commission may extend further protection to the consumer by bringing about fuller informative labeling.' "

Hon. John M. Baer, former Member of Congress, publicity director of the Union Label Trades Department, American Federation of Labor:

"The union label trades department of the American Federation of Labor urges the passage of this measure, as it has supported previous bills aimed at protection of the consumer, especially the provisions that would force disclosure of the reclaimed wool or shoddy content of wool products.

"Our department represents 51 directly affiliated international unions of the American Federation of Labor, with a membership of over 1,000,000. In addition, our department's activities have the loyal support of the 4,500,000 members of the American Federation of Labor. Furthermore, the American Federation of Women's Auxiliaries of Labor, representing 2,000,000 women, is organized under our department" (hearings, pp. 295–296).

Miss Julia K. Jaffray, chairman, Department of Economic Adjustment, New York City Federation of Women's Clubs, Inc.:

"On behalf of the New York City Federation of Women's Clubs, which includes over 200,000 women living in Greater New York and the majority of whom purchase supplies for their households, we submit the following resolution which was adopted at a convention of the federation held at the Hotel Astor, New York City, on February 3, 1939. The resolution is as follows:

" 'Whereas the Schwartz bill which was passed by the United States Senate last June and the Martin bill which is the corresponding House of Representatives bill and which was favorably reported by the committee to which it was referred, have been reintroduced in the present Congress, and,

"'Whereas these bills provide for the identification of virgin and reclaimed wool and instruct the Federal Trade Commission to require the accurate labeling of all wool products which provisions are in harmony with the principle endorsed by the New York City Federation of Women's Clubs that all fibers in common use must be accurately identified: Therefore be it

"'*Resolved*, That the New York City Federation of Women's Clubs in convention assembled endorses the principles of these bills; and be it further

"'*Resolved*, That copies of this resolution be sent to Senator Harry H. Schwartz and Representative John A. Martin'" (hearings, p. 265).

Mrs. Katharine McFarland Ansley, executive secretary, American Home Economics Association:

"For some 15 years the association has stood for the general principle of fiber identification. To confirm this stand the following resolution was passed at the 1937 annual meeting of the association:

"'Whereas various agencies are engaged in efforts to secure identification of fibers in fabrics and garments: Therefore, be it

"'*Resolved*, That the American Home Economics Association endorse this movement and that its members lend their assistance in every way possible.

"'*Resolved*, That a copy of this resolution be sent to the Federal Trade Commission'" (hearings, p. 249).

Mr. W. R. Ogg, in charge of the Washington office of the American Farm Bureau Federation:

"The American Farm Bureau Federation is a national organization of farmers, supported by membership dues of farmers, composed of members in State organizations located in 40 of the 48 States. The American Farm Bureau Federation has been advocating legislation such as is now involved in the Schwartz-Martin bill since 1920. I have here a resolution adopted at the annual meeting of the American Farm Bureau Federation in 1920, which resolution is as follows:

"'We urge the prompt enactment by Congress of a law which will compel garments or fabrics containing shoddy or other substitute for fiber to be plainly marked as such'" (hearings, p. 437).

Mr. Edward A. O'Neal, president, American Farm Bureau Federation, in a lengthy and informative statement (hearings, pp. 496, 497, 499), says:

"For nearly 20 years the American Farm Bureau Federation has consistently urged action by Congress to protect wool growers and consumers against misrepresentation and deception in the sale of woolen goods. In 1920 the annual meeting of the American Farm Bureau Federation adopted the following resolution:

"'We demand of Congress the prompt enactment of a law which will compel clothing and fabrics containing shoddy or other substitutes for virgin wool to be plainly marked as such.'

"The American Farm Bureau Federation strongly supports the Schwartz-Martin bill and urges its speedy enactment by this Congress. We oppose amendments that will weaken and injure the effectiveness of this measure. We likewise oppose inadequate substitutes such as S. 1496."

Mr. Fred Brenckman, Washington representative of the National Grange:

"For more than 20 years the National Grange has advocated and strongly supported truth-in-fabric legislation which would require woolen manufacturers to disclose the fibers used in their products, including the use of virgin wool and of substitutes including reclaimed wool, or, as it is more generally known, shoddy.

"Records of past hearings on previous bills similar in purpose to H. R. 944 now before this committee show that authorized representatives of the Grange appeared before House and Senate committees as early as 1919, 1920, 1921, and in 1924, and in subsequent years, including 1938. In each instance the National Grange advocated strongly the enactment of this legislation because it believes that once it becomes a law it will result in the same benefits to the consuming public that followed the passage of the Pure Food and Drug Acts, meat-inspection, and other laws, all of which the Grange has actively sponsored and supported" (hearing, p. 157).

Mr. Edward E. Kennedy, representing the National Farmers' Guild:

"I am here representing the National Farmers' Guild. This national organization was formed in February 1939, and is made up of the 10 Farmers' Union State organizations which I have represented here for the past 2½ years.

"I wish to also say, by way of further identification, that for 5 years prior to that I was secretary of the National Farmers' Union and represented that organization here in Washington.

"Mr. Chairman, we have for these many years favored the adoption of wool-labeling legislation, and we are in favor of the passage of Congressman MARTIN'S bill, H. R. 944, not only from the standpoint of our people as producers, but from the standpoint of our people as consumers of wool and woolen products (hearings, p. 447)."

Mr. G. F. Holsinger, president, Virginia Farm Bureau Federation:

"HARRISONBURG, VA., *April 8, 1939.*

"Hon. CLARENCE F. LEA,

"*Chairman, House Interstate and Foreign Commerce Committee, House of Representatives, Washington, D. C.*

"DEAR CONGRESSMAN LEA: I am enclosing you a copy of a resolution passed by the delegate body of the Virginia Farm Bureau Federation at their annual convention in Staunton, Va., on March 17, endorsing the Martin bill (H. R. 944) which is before the House Interstate and Foreign Commerce Committee.

"We hope you will report favorably and the bill will be passed at this session of Congress" (hearing, p. 501).

Mr. J. B. Wilson, legislative representative, National Wool Growers' Association:

"I want at this time to present the resolutions passed by the National Wool Growers' Association at their seventy-fourth annual convention in San Angelo, Tex., on January 26 of this year. This is resolution No. 36 [reading]:

"'36. We urge the prompt enactment of S. 162, introduced by Senator SCHWARTZ, and H. R. 944, introduced by Representative MARTIN, known as the truth-in-fabrics bill.

"'We especially urge that fabrics containing reworked wool be labeled to show the exact amount of such reworked wool'" (hearing, pp. 418–419).

Mr. Francis J. Gorman, president, United Textile Workers of America:

"I have supported the principles of this legislation for 20 years. Our organization first became interested in the problem of truth in fabrics many years ago. It has been part of our legislative program for a long time, and our officers have repeatedly appeared before legislative committees and the Federal Trade Commission in favor of the same" (hearings, pp. 404–405).

MANY MANUFACTURERS FAVOR

The Senate subcommittee hearings on S. 162, companion bill to H. R. 944, lists by name 29 woolen manufacturers as having written letters favorable to wool-labeling legislation in answer to inquiries sent out by the New York City Federation of Women's Clubs. The list does not contain the name of the Forstmann Woolen Co., Passaic, N. J., whose assistant to the president, Mr. Glen Gardiner, testified at length in behalf of the legislation (hearings, pp. 466–481). Mr. Kirt E. Forstmann, executive vice president of the Forstmann Co., testified before the subcommittee in behalf of the wool-labeling bills in the Seventy-fifth Congress (hearings, pp. 108–138), as did Mr. Charles F. H. Johnson, president of the Botany Worsted Mills of New Jersey (hearings, pp. 387–404). These manufacturers recognize that wool labeling will protect their industry against the shoddyists and sweatshoppers.

COST OF ADMINISTRATION

The cost to the Treasury Department is estimated by Mr. John W. Hanes, Acting Secretary, at $55,200 annually. The Federal Trade Commission states that no additional cost will be entailed on that agency.

Mr. LEWIS of Colorado. Mr. Speaker, at this time I reserve the balance of my time, and I yield 5 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Speaker, it is interesting to me to find any opposition to this bill, especially from anybody who comes from any cotton-producing section of the country. Roughly, I suppose every Member knows exactly what the law is about and what it purports to do. It has passed the Senate three or four times—the last time by a vote of more than 2 to 1, if that is any matter of interest to this body.

It might be regarded as an expansion of the Federal Trades Act.

If there is anything that America as a country wants to see established as a national principle, in my opinion, it is that general situation in which dealings can be had man to man, straight, open, and aboveboard. I do not think any legislation has come along that is so plainly a part of such a system of doing business in America since the Pure Food and Drugs Act.

As to the rule, I think there should be no difficulty in adopting it; for the Commission to handle the work made necessary by the bill that is made in order by the rule is already in existence; it is already organized for the carrying on of this very sort of work, the Federal Trade Commission.

The object of the bill which the rule makes in order is simply to label that which goes to the public so that when Mr. and Mrs. America walk into the open market to buy a piece of cloth or a suit of clothes they can know whether it is virgin wool or reworked wool, or what its real wool content is.

The hearings show some appalling things. It is astounding to realize that approximately one out of every three suits of clothes labeled as made of woolen fabric may be made in whole or in part of wool that has been used before and recarded or reworked. If you were to buy an automobile, how would you like to know that every third car on the market was a used car, nothing but an old car run under a good hood and sold as a new one? Only this morning I was talking to officials of the Federal Trade Commission, and learned that in 80 percent of the cases it can be determined precisely whether a fabric has been used before or not, a

very high mark. On the other side of the picture I believe some of the testimony was to the effect that in about 2 percent of the cases used wool, seconds, recarded, refabricated wool was better than virgin wool. Even though this be true, the bill is justified on sentimental grounds, if the other reasons were absent; for Mr. and Mrs. America, when they walk in to buy a piece of fabric or a suit of clothes of virgin wool, should be able to know that they are getting virgin wool.

It is disconcerting that this situation has gone along as far as it has without there being a law in the United States whereby all business dealings of this nature are open and aboveboard, setting up standards and practices so we can know what we are getting in all the embraced commodities. Here is another step in that direction. The bill may not be perfect, but it goes a long way in protecting the public. [Applause.]

How would the young man feel who steps out proudly in a suit represented to him as being made of wool imported from Australia, to know that the suit was made of recarded wool that somebody had worn before?

I regret that time does not permit me to develop further facts along this line.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield myself 2 minutes.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2 minutes.

Mr. MICHENER. Mr. Speaker, this rule makes in order the bill (H. R. 944) commonly known as the truth in fabrics or the virgin-wool bill.

This bill is an old acquaintance of most Members of Congress. Personally I have known of it in Congress for 20 years. Extensive hearings have been held on this bill and its predecessors extending over this long period of time. I believe all Members have a general idea as to what the bill is intended to accomplish. I shall not attempt to explain the details but will leave that to the committee reporting the bill.

I shall support the bill. I doubt, however, whether it will ever render to the farmer or the wool grower the benefit they think they are going to get. The following large national organizations: The National Federation of Women's Clubs, American Federation of Labor, American Farm Bureau Federation, National Grange, National Farmers' Union, National Farmers Guild, National Wool Growers' Association, home economics and consumers' organizations, and the United Textile Workers of America are urging this legislation.

This legislation, while strongly endorsed by wool and stock growers and farm organizations generally, is not simply or even mainly to benefit the wool industry, but to protect the 90 percent of the American people who must, as the hearings disclose, purchase garment suits at a cost of $25 or less. The legislation is not needed for people who can pay $75 or $100 for a suit of clothes. It is the workingman, the farmer, the millions of clerks and office workers, and the great miscellany of employment in the lower income brackets who need protection.

The movement originated not with the groups pressing for this legislation, but with unfair and deceptive acts and practices originating in the industry. The legislation is a logical and necessary part of the growing body of legislation to protect the consuming public in the field of food, drugs, meat inspection, honest weights and measures, and only recently by the passage by the House of a seed-labeling act much more drastic than the pending bill.

Mr. Speaker, I reserve the balance of my time and yield 7 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, this measure, known as the Truth in Fabrics Act or the wool-labeling bill, in my judgment, is legislation that should have been enacted a long time ago. Efforts to obtain the enactment of legislation requiring woolen manufacturers to label their products with a statement of fiber content, have been made for a period of over 30 years. When this legislation was first introduced, it was supported chiefly by the American wool growers, and opposed by woolen manufacturers. At that time, adulteration of wool products was limited in scope. The constantly increasing use in recent years of substitute fibers by the wool industry has occasioned a Nation-wide demand for remedial legislation. This demand is supported by millions of consumers, womens' clubs, civic groups, farm and labor groups, retail merchants; also woolen-garment manufacturers who realize the ethical and economic importance of giving consumers truthful information regarding the products they buy.

I believe there are at least two particular and definite reasons why this bill should pass. First, for the protection of the consumers of this country, and in fairness to the producers who are engaged in the wool industry, as well as to those manufacturers who compete with unfair competition from those who use substitute and inferior products.

There was a time when such legislation may not have been so important. In view of modern inventions and considering all kinds of substitutes which are now being used in the manufacture of textile goods it has become necessary that the people who buy goods purporting to contain wool, have assurance they are getting the quality and kind of goods for which they pay. This measure, mind you, does not prevent any manufacturer, wholesaler or retailer from selling used wool, shoddy wool, or even substitutes of any kind if he chooses to do so. It simply says that if he is going to sell such products he must put it right on the label.

This kind of legislation is not an innovation. We have the Pure Seed Act, and the meat inspection law. We also have the Pure Food and Drug Act, designed to help protect consumers in their selection and purchase of food and drugs by requiring that the content be properly described on the label. It was enacted some years ago. It has been amended within the last 3 or 4 years. There was considerable objection to that measure when it was being considered by Congress, but do you think the people of this country want that law repealed? Not for a minute.

This bill is designed to help protect the consuming public against an abuse that has been going on for many years whereby people are led to believe they are buying woolen merchandise, or merchandise containing pure or virgin wool, when in truth and in fact, in many cases, such goods contain only a small amount, if any, wool at all; and where shoddy and second-hand wool has been worked over and made up into clothing and other products and sold as ordinary woolen material. Right here let me call your attention to a report released by the chairman of our committee, wherein he stated that the evidence before the committee disclosed that about 50 percent of the fiber used by wool-manufacturing industries in this country is other than virgin wool. In other words, one-half of the so-called woolen products is composed of shoddy and second-hand wool.

Let me direct your attention to some rather enlightening information compiled by the United States Tariff Commission covering the period from 1919 to 1935. In 1919, out of a total of 433,000,000 pounds of all fibers consumed in the woolen industry, 264,000,000 pounds consisted of raw or virgin wool; 28,000,000 pounds of animal hair; 17,000,000 pounds of cotton; recovered wool fiber, rags, and clippings, 80,000,000 pounds; and wool waste, 43,000,000 pounds.

Now, here is what happened by 1935: Out of approximately 449,000,000 pounds consumed in the woolen industry, the percentage of raw wool used declined from 61 percent in 1919 to 49 percent. The amount of wool fiber, rags, clippings, and so forth, had increased from 80,000,000 pounds to 111,000,000 pounds. In other words, the evil has grown progressively worse and nothing is being done to check it.

While we are on this subject, I would like to call your attention to some additional figures that I think are quite informative. In the last 6 months of 1938, we imported from foreign countries 574,870 pounds of wool waste. That was bad enough. Then we cut the tariff on wool rags in half and reduced the tariff on wool waste by 40 percent. So that during 1939 the business was found to be so profitable to certain importers in this country that during the last 6 months of 1939 the imports had jumped from a little over a half million pounds to 4,439,255 pounds, with a value of approximately $1,500,000. In the last half of 1939

we imported seven and one-half times as much wool waste and wool rags as in the last half of 1938. In 1939 we imported a total of 8,417,818 pounds, with a value of about $3,000,000. Even in the first 6 months of 1940, in spite of war conditions, we imported 750,000 pounds of this stuff. Is it not about time a situation of this kind should at least be regulated?

I think Mr. Brenckman propounds a rather pointed question in an article in the National Grange Monthly when he asks whether the American people ought to be clothed in European rags and not even know it. He called attention to the phenomenal increase in the amount of discarded woolen rags and products being imported in this country to be processed, made into clothing and sold as woolen products in competition with our own woolen goods. In view of this situation the American consumer is certainly entitled to the protection that is afforded under the terms of this bill.

But that is not the whole story. Through inventive genius manufacturing concerns have been able to produce goods in competition with woolen articles, inferior in quality, but not discernible to the average individual. Let me say again that I am not objecting to the manufacture or sale of such goods, but when sold in competition with woolen goods, then the consumer has a right to know whether or not he is actually buying goods that contain wool, and if so, the amount and kind.

This measure is supported not only by the wool industry of this country; it has the endorsement of all other farm organizations, including the National Grange, American Farm Bureau Federation, National Cooperative Council, National Farmers' Guild, as well as the American Federation of Labor, and the Union Labels Trade Department, together with the United Textile Workers of America, that are also part of the American Federation of Labor. In addition, this legislation has the active support of the Federation of Women's Clubs and a large number of other women's organizations and consumers' groups. Many responsible manufacturers, interested in truthful labeling, are also endorsing this bill. High-class retail merchandisers favor this legislation. I should state right here that retailers, in many cases, are the victims of irresponsible wholesalers, and they, too, are entitled to this protection.

Mr. Speaker, I am informed that opponents of this measure call attention to the difficulties of enforcing it, because they say it will be difficult to determine the presence of shoddy goods in a mixture of new wool. This is all the more reason why the law should be passed. Furthermore, I am informed that laboratory technicians have developed methods whereby the percentage of shoddy can be determined in woolen goods.

People who are probably more victimized than any other class are those who can least afford to pay their hard-earned money for fictitious values. Lower-income groups who, for the most part, are purchasers of shoddy mixtures, stand, I think, to benefit most by a labeling law which will to some extent get rid of a lot of misrepresentation that has been a blot on the textile and garment industry for many years.

### CALL OF THE HOUSE

Mr. BOREN. Mr. Speaker, I think the gentleman is entitled to be heard and I raise the point of order that there is not a quorum present to hear the gentleman.

The SPEAKER pro tempore. Obviously there is not a quorum present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 205]

| | | | |
|---|---|---|---|
| Allen, Pa. | Bates, Mass. | Buckley, N. Y. | Chapman |
| Andresen, A. H. | Boehne | Bulwinkle | Collins |
| Andrews | Bolton | Byrne, N. Y. | Connery |
| Arnold | Bradley, Mich. | Caldwell | Corbett |
| Ball | Bradley, Pa. | Cannon, Fla. | Costello |
| Barton, N. Y. | Buck | Celler | Culkin |
| Cullen | Garrett | Larrabee | Sacks |
| Darrow | Gifford | Lemke | Satterfield |
| Delaney | Gore | Luce | Schaefer, Ill. |
| Dempsey | Guyer, Kans. | McGranery | Schiffler |
| Dies | Hall, Edwin A. | McLean | Schwert |
| Dingell | Halleck | McMillan, Clara | Sheridan |
| Dirksen | Harness | McMillan, John L. | Short |
| Disney | Hart | Marcantonio | Simpson |
| Ditter | Harter, Ohio | Martin, Ill. | Smith, Ill. |
| Douglas | Hartley | Martin, Mass. | Somers, N. Y. |
| Drewry | Healey | Mason | Starnes, Ala. |
| Duncan | Hook | Miller | Sullivan |
| Eaton | Hope | Mitchell | Sweeney |
| Elliott | Hunter | Murdock, Utah | Terry |
| Ellis | Jennings | Myers | Thomas, N. J. |
| Engel | Johnson, Ind. | Nelson | Treadway |
| Evans | Johnson, Okla. | Norton | Vinson, Ga. |
| Ferguson | Jones, Tex. | O'Day | Vreeland |
| Fernandez | Kee | Oliver | Wadsworth |
| Fish | Keller | Osmers | Wallgren |
| Flaherty | Kelly | Pfeifer | White, Ohio |
| Flannagan | Kennedy, Martin | Plumley | Winter |
| Ford, Miss. | Keogh | Reed, N. Y. | Wolfenden, Pa. |
| Ford, Thomas F. | Kilburn | Risk | Wood |
| Fulmer | Lambertson | Rockefeller | |

The SPEAKER pro tempore. On this roll call 306 Members have answered to their names. A quorum is present.

On motion of Mr. LEWIS of Colorado, further proceedings under the call were dispensed with.

### WOOL FABRICS LABELING

Mr. REES of Kansas. Mr. Speaker, continuing where I left off, do you not think that the large and substantial group of men and women engaged in the great industry of producing wool in this country is entitled to the fair protection afforded under the terms of this legislation? They are willing to meet competition when that competition is fair and square, open, and aboveboard. But they should not be required to meet competition of any individual or group of individuals who sell imitations and substitutes of their own products in the name of the genuine article. In fairness and decency to the great wool-producing industry of this country this measure ought to be enacted into law.

Labor wants this measure. Unfair competition by reason of the importations have been described. Furthermore, dependable merchandise manufactured by organized labor, is sold in unfair competition with shoddy products, made by cheap labor.

Mr. J. R. Mohler, Chief of the Bureau of Animal Industry of the United States Department of Agriculture, testified that his department can determine the presence of reworked wool or shoddy in fabrics and garments, and that the percentage of virgin wool can be pretty closely determined. He also testified they can detect the percentage of rayon or other synthetic fibers.

Not only that, Mr. Speaker, but is it not rather absurd to say that the manufacturer who works up the raw product into clothing and other material, cannot label that merchandise and tell the buyer what is in it? As a matter of fact, many of our responsible clothing manufacturers require this information now. Why not pass that information on to the consumer?

Mr. Speaker, this law is enforceable. To say that it is not, because of technical reasons, is in my judgment without factual foundation. The objectives of this law are right. The provisions for its operation are sound and practical. When any law is fundamentally right in principle, and has for its objective the protection of our people, we should not postpone its enactment because of unfounded arguments that it cannot be enforced. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH.]

Mr. RICH. Mr. Speaker, when I first came to Congress in 1930 my aim and object was to introduce what has been termed heretofore a "truth in fabrics" act. I want to preface these remarks by stating that I am a woolen manufacturer. I have been in the business all my business life. That is the principal business in which I am interested. I say this because anything I may have to say on this bill does not come about because of the fact that I wish to protect my own particular business in any way. I have been sent here to look after the business of the people of this country and have

tried to do that fearlessly ever since I have been here. I expect to do it on this particular bill.

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from New Jersey.

Mr. WOLVERTON of New Jersey. Is it the intention of the gentleman to make clear that he manufactures virgin wool?

Mr. RICH. We have two plants. In one plant we are now using 100-percent virgin wool. In the other plant we use wool and wool substitutes, which are all-wool products.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the minority views on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

MINORITY VIEWS TO ACCOMPANY H. R. 944

The undersigned members of the Committee on Interstate and Foreign Commerce of the House of Representatives believe that H. R. 944 should not be recommended to the House, holding that it is unnecessary and undesirable regulatory legislation which cannot possibly achieve its avowed objectives. The folly of the label provisions of this bill are evident. A label on your socks carrying the percentage of each different fiber that goes into it, on your tie, your underwear, your hat; garments such as a suit would require a minimum of 7 labels. All of these labels would start out with the manufacturer and would have to be replaced in turn by every subsequent handler of the product, and the percentages would vary according to the weight of the various materials that were combined into a finished product. The sponsors of the measure would saddle this great burden on the industries to give the ultimate purchaser a label which would be meaningless and misleading. The label does not tell how long the garment will last. It does not tell the abrasion strength, the color fastness, the shrinkage, the tensile strength of the fiber, the length or quality of the fiber, the insulation value of the fabric against heat or cold, the workmanship in the garment, the strength in the weave of the cloth, or any of the many things which would be helpful to a purchaser. Instead, it arbitrarily divides wool fiber into two classes and places a label of apparent superiority on seedy wool, burry wool, dead wool, vat wool, shank wool, tags, etc., which range in price from 3 to 15 cents a pound, which utterly refutes their labeled claim of superiority. At the same time, the bill compels the labeling of slubbing, laps, rovings, thread waste, and card fly wool as reworked (they are all new wool in the process of manufacture) though they are today selling on the market at 10 times the price per pound as the virgin wool previously listed.

The sponsors of this bill maintain that it is designed to cure the manifest evils of misrepresentation which exist in the sale of articles of apparel. These evils are being curbed and gradually cured by the Federal Trade Commission, which is issuing "cease and desist orders" in all cases of misrepresentation brought to its attention. The sponsors of this bill, however, insist that there are other misrepresentation practices with which the Federal Trade Commission is not able to deal. It is obvious that if such further misrepresentation does exist the Federal Trade Commission is fully able to deal with it, since it is specifically given such power. But it is further obvious from a study of the record of the hearings that the sole type of misrepresentation which has been shown to exist is the type with which the Commission is already dealing, namely, the substitution of cotton or rayon fiber for wool or silk without proper disclosure of the fact. The essence of this bill lies in the fact that it attempts to make a distinction between wool fiber which has never been previously processed and fiber which has been subjected to certain manufacturing operations or, in some cases, to a certain amount of service. There can be no question of misrepresentation here, since there is not and cannot be a representation of the extent to which any particular fiber has been subjected to various manufacturing processes. Insofar as any such representation is in part made or implied the Federal Trade Commission is adequately empowered to compel truthful representation.

The question, then, is in no sense one of fraud or misrepresentation but one of possible benefit to the consumer. The alleged benefit to the consumer lies in the attempt to confine the use of the term "wool" to wool fiber which has never before reached the fabric stage, hitherto referred to as "virgin wool." The promulgation of such a distinction in wool products—as distinguished from the fibers from which they are made—immediately gives an undeserved quality status to products made of "wool" (if that term is to be understood to mean "virgin wool") and a connotation of definite inferiority to products made in part of "reprocessed" or "reused" wool. The testimony indicates that the highest priced products are usually made of new wool but likewise indicates quite clearly that many poor products are made of new wool and many superior products are made of reprocessed or reused wool. Were it possible to apply the superior sounding term only to superior products there might be something to be said for the distinction, but the bill proposes the application of the term "wool" or "virgin wool" not only to quality fabrics and other quality products but also to very inferior fabrics which happen to be made of new wool no matter how inferior or unsuitable that wool may be or how carelessly or improperly it may be processesd.

It is obvious from the testimony presented that propaganda which the proponents of the bill admit they have disseminated has already influenced consumers to such an extent that [if this bill is enacted into law] we can expect that those consumers will be victimized by poorly constructed and carelessly processed materials made from new wool of an inferior grade which, however, could technically qualify as entitled to use a label supposedly indicating quality. Certainly the Government should not be a party to establishing a quality distinction between wool fibers unless the distinction is of such a nature that those products enjoying the quality designation are in reality quality products. In this connection it is a matter of prime importance to appreciate that not only is there no absolute relation between the newness of a wool fiber and its quality but the bill does not propose to apply the distinction to such fibers but to fabrics manufactured therefrom. Even if all new fibers were always superior to all reprocessed or reused fibers the same relationship would not of necessity hold as to fabrics made from both types. Both proponents and opponents have testified that the processes of manufacture are of greater import in the determination of fabric quality than is the selection of the raw material. The raw material is naturally of substantial import, but to imply that it is the sole element in determining quality as is done by this bill is deception of the very type the Federal Trade Commission is seeking diligently to prevent.

Thus the bill not only does not prevent the only type of misrepresentation which various witnesses have alleged to exist, but the bill actually provides Government sanction of a more subtle and misleading type of misrepresentation by giving a quality designation to products which do not of necessity merit such a quality rating.

This conclusion seems inescapable from an unbiased reading of the record. Nevertheless, even if it could be shown that there were valid arguments for making a distinction betweeh new wool, reprocessed wool, and reused wool, there are compelling arguments against the passage of this bill.

Foremost among these is the fact that there is no physical or chemical test by which the newness of fibers can be ascertained after they have been processed and intermingled in a fabric. No expert could analyze within reasonable limits the wool-fiber content of finished wool-textile fabrics. If there is no discernible physical or chemical difference between a new and a remanufactured fiber in a fabric, there can be no possible advantage to the consumer in stating the percentage of either which may be present.

The second administrative objection to the bill lies in the impossibility of enforcement except by the establishment of a policing and enforcement agency of burdensome proportions. Since analysis of products would not indicate compliance or lack of it, there could be no enforcement except through a comprehensive supervision of records. There are some 400 wool-textile mills and perhaps 400 additional establishments classified as cotton mills, hosiery, underwear, upholstery manufacturers, etc., who use wool fiber. This, however, is only a beginning since the product of these mills goes to thousands of manufacturers who make the articles into which these wool products go. These again are distributed through hundreds of thousands of separate retail establishments. To check and follow the multitudinous products of these hundreds of mills through these outlets would be an undertaking of the first magnitude requiring a field force which would certainly aggregate several thousands. Not even the exaggerated benefits claimed by the most ardent supporters of this bill would justify the creation of such a body of inspectors and investigators. This bill would in fact encourage the "bootlegging" of inferior fibers.

Another administrative difficulty lies in the fact that we would have no control over imported cloth and could not check the accuracy of the representations made by the manufacturers of imported cloth. The records of foreign manufacturers are not available to our agents, and it is obvious that foreign manufacturers, secure in the knowledge that their misrepresentations could not be detected, would claim that all their products were entitled to be labeled as composed exclusively of new wool. This would result in unfair and destructive competition for our own manufacturers if enforcement here were attempted on a scale which constituted a threat to a nonconforming domestic manufacturer or would force our own manufacturers to misrepresent in order to meet the importer on his own ground if enforcement proved to be the farce which we believe it would soon become. It is most unfair to place American manufacturers in a position where they must either cheat or see their own markets won by foreign manufacturers who are not obliged to observe the same standards.

The wool growers apparently desire this legislation because of their sincere belief that it would raise the price of wool and will thus add to their income. We are convinced this hope would not be realized if this bill were enacted, but that the public would be required to pay more for their clothing or rather compelled to buy less clothing because the quantity of wool bought depends on the consumer's ability to buy. If a man now buys a $20 suit because that is what he can afford to pay, you cannot legislate him into buying $30 suits.

This bill would be injurious to the cotton producer because 100,000,000 pounds of lint cotton is used annually in the manufacturing of mixed fabrics. This bill would lose that market to the cotton farmer.

We cannot conscientiously recommend the disruption of large and important industries, the arbitrary destruction of employers, the consequent unemployment of labor, and the harmful misleading of consumers on the doubtful chance that the price of wool might fractionally increase thereby.

Mr. RICH. Mr. Speaker, I believe that the minority views as expressed on this particular bill express my views about as well or probably better than if I tried to express them myself. But let us get down to the real meat of the coconut.

What is the object of this legislation? Is it to try to let the American people know the difference between virgin wool and reworked wool? Is that all this bill implies? Is that the principal motive? If it is, then we are shortsighted in what we are trying to do in this legislation. We should amend the bill to give all the material contained in the fabric.

As I said before, I tried to work out a bill of this nature, and spent at least 3 months, working day and night, trying to find a way to determine so that the public would know, when a piece of fabric was manufactured, just exactly what was in that piece of cloth. That was my object. My object was to try to let the American people know what was the best kind of fabric for them to buy, so that when they bought an article they would get one that would give them the greatest warmth, because it contained wool, and, because of its long-wearing qualities, and its heat-contained properties, a fabric that would have real quality and merit for the consumer. This was the thought I had in mind in trying to write such a bill. But what did I find? I found the complications in drawing such a bill so perplexing, and the bill so difficult of administration, that I had to give it up in despair. It was not practical nor feasible. I went back over the records of bills that had been introduced in years gone by in Congress and reports that had been filed here 20, 30, and 40 years back on similar legislation that was proposed to the Congress. They gave up in despair.

Mr. SOUTH. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Texas.

Mr. SOUTH. It is a fact, however, that many of the leading woolen manufacturers of the country, including Botany, Forstmann, and dozens of others, are for this particular bill.

Mr. RICH. There are a few worsted manufacturers for a labeling bill, and I do not know whether they are for this particular bill or not; but let me tell you about the woolen manufacturing business. We have the worsted business: Anyone who manufactures worsted has to use the virgin wool to get the roving in order that they may manufacture the worsted fabric. They have to take virgin wool. There is going to be an advantage to the worsted manufacturers over the woolen manufacturers in this particular bill, and if it is going to be for the benefit of the American public, then I would want to see the bill passed. It will be hard to administer and may take an army to police, and it probably will give advantage to foreign manufacturers. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, first, I wish to say that I am very much in favor of the adoption of this rule. If we succeed in adopting the rule and getting a decent bill ready for passage, I will be glad to support the bill. I hesitate to say I will support this bill because the rule is wide open, and with the division that exists here today, geographically and as between consumers and processors, and with some 10 members of the committee, both Republicans and Democrats, having signed a minority report, and with the principle involved in this bill having been more or less before the Congress for some 15 or 20 years, I have no idea what kind of amendments will be offered to the bill for the specific purpose of destroying it. Therefore I hesitate to say that I will vote for the bill, as it may be amended, when I do not know what amendments will be adopted.

There is plenty of evidence to show that there are great forces here today which will oppose the adoption of the rule and the passage of the bill. I can see that. I can see that many roll calls will be called for, perhaps.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Pennsylvania.

Mr. RICH. I asked for one roll call, but I did so because there were only 30, 40, or 50 Members of the House here. This is important legislation and I want the Members here. I did not do it because I am going to vote against this bill, because the gentleman does not know how I am going to vote.

Mr. CRAWFORD. I certainly said nothing about how the gentleman is going to vote.

Mr. RICH. I have not talked to any Members about how I am going to vote. I am going to do what I think is right when the time comes.

Mr. CRAWFORD. I certainly said nothing about how the gentleman is going to vote, and I am sure he will use his own good judgment, as he always does.

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. The gentleman from Oklahoma, I know, is very much opposed to the bill because I have been studying very meticulously the hearings which were made available to us many months ago, and in the hearings you will find some very, very fine educational matter, and you will also find out from the gentleman from Oklahoma just how he stands on the bill.

I do not disagree with the gentleman having the right to stand on the bill any way he pleases, so long as I can assert my right to state my position on the bill. However, there is a little document here that is an education on this problem. I have had it on my desk for months, not studying it all the time, but from day to day or week to week I read this book and find something new every time I read it, because this bill has to do with the technique of manufacturing and placing goods on the market for the consumer, and in every case to the advantage of the primary producer or the advantage of the processor or the advantage of the consumer. I suggest that you keep these hearings and study them as consumers or as primary producers of wool or processors of wool or cotton or rayon or other types of goods, because the information contained in these hearings is to me thrilling. It shows further romance in American industry.

I hope this bill will remain substantially in its present form, and I hope the rule will be adopted and that in due course we will pass this bill in the form here presented and that it will become the law of the land. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. Speaker, let me say at the outset that I am determined that this bill will not go through without some consideration by the House. There is only one reason that this bill will ever be enacted, if it is enacted, and that is because there is a lack of understanding and a dearth of information about it.

Let me give you, in brief, the history of this bill. You have heard already that it has been in Congress some 20 years with a lot of strong-arm pressure behind it. I am sure there is not anyone on this floor but what recalls vividly the reprehensible lobbying tactics that have been used on this bill for the last 10 or 12 months, women at every door of the House buttonholing most of the Members of the Congress as they left here.

I want to say to you that this bill was carefully considered for a long time by a subcommittee of seven Members, and when it was reported from that subcommittee it was reported by a 1-vote majority. The bill then was reported by the Committee on Interstate and Foreign Commerce of 25 members, with 2 members absent, and a vote of 11 against the bill and 12 for it.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BOREN. I have not time to yield.

There is a great deal of misapprehension on the part of those who speak here. The gentleman from Kansas [Mr. REES], for whose judgment I have the greatest respect and admiration, has fallen into the misapprehension of calling

this a bill to prevent misrepresentation of fibers. This is not a bill about truth in fabrics. This bill is about wool, and wool only, and any other fiber substituted for wool could not come under the classifications of this bill.

Mr. SOUTH. The gentleman does not want to make an incorrect statement?

Mr. BOREN. Mr. Speaker, I hope I can proceed without interruption and that these interruptions will not be taken out of my time. The gentleman knows very well that I refer to the fundamental issue, the one issue in this bill—virginity in wool.

Mr. SOUTH. Mr. Speaker, will the gentleman yield for a correction?

Mr. BOREN. The truth of the matter is that the present law says that if anybody puts a label on goods it must tell the truth. This bill is to force people to put a label on goods that would be misleading to the consumer. They want to force on the retailer a label that he does not want to put on there because it does not tell the full truth about his goods, and because it would not be practicable to tell the whole story on a label.

I intend to talk but 1 more minute here. I am going to illustrate to you pointedly the real facts of this bill. This little chart that I hold, divides all woolens into two groups. The prices marked on these woolens are the current prices on the market. This bill divides all woolen goods perpendicularly and says that all wool over here [indicating] is to be labeled virgin wool and all wool over here [indicating] is to be labeled wool waste.

CHART No. 1.—*Comparative values*

| "Virgin" wool | Current price | Wool "wastes" |
|---|---|---|
| | $1.00 | Slubbing. |
| Top sort | .90 | Broken laps. |
| | .85 | Rovings. |
| Stained wool | .80 | |
| Grey wool | .75 | Ring wastes. |
| Paint wool | .70 | Thread waste. |
| Britch | .60 | Noils. |
| Seedy wool | .50 | |
| Dead wool | .50 | |
| | .45 | Sweepings. |
| Shearlings | .40 | Card waste or card fly. |
| Burry wool | .35 | |
| Vat wool | .30 | |
| | .25–.50 | New rags. |
| | .20 | Burr and brush wastes. |
| Tanner's wool | .15 | |
| Shank wool | .07 | Flocks. |
| | .07–.20 | Card strips. |
| Tags | .05 | |
| | .05–.25 | Old rags. |

Based, June 25, 1940, on 64s/70s; clean value, 90 cents top sort.

We know that the word "virgin" is wanted by these manufacturers, because it is supposed to connote something that is worth while. Well, no doubt, virginity does connote something of value some places, but if the definition of virginity in wool is to be made by this bill, I want you to have a look at it.

Under this bill slubbing is defined as a wool waste. It has never been in a garment, it has never been worn by anybody and it has never got any further than the early stage of wool manufacture.

And so on down the line. But notice that tags and shank wool, burry wool, and seedy wool, the poorest grades of dirty, filthy wool that can be gathered together, under this label, will be "virgin" wool and will carry a connotation of value to the consumer. This bill is not a bill for truth in fabrics. It is only represented as a bill for truth in woolens, but this chart vividly points out the real facts, that it is not even a half truth in relation to woolen, and at that a misleading half truth. If you pass this bill you will make the retailer put a label on his goods which will tell a lie to the consumer about the value of the goods.

I would not object to a bill of this character at all if it divided woolen goods into classifications that would be just to the consumer. Instead of dividing this line perpendicularly, as it does, if it would divide it horizontally, so that burry wool and seedy wool and tag wool should not be sold to the consumer as something of value, then you would find me up here working for the bill instead of against it.

This is the greatest monstrosity that has been presented to this Congress in the time I have been here. This is a highly technical matter. Nobody can fully go into this thing and understand the difference between these things unless they study it thoroughly and deliberately. Yet it is brought in here to be pushed over because of indifference and lassitude.

Just one other statement. The American Bureau of Standards testified before our committee that once this material was in a garment it would be absolutely impossible to tell whether the wool would be virgin wool or wool waste. Later speakers will testify that somebody from the Department of Agriculture said it could be told, but I leave you the choice. You choose between a man from the Department of Agriculture, who, when I asked him if he would stake his reputation on that statement, broke down, begged to be excused, and refused to answer my question, or whether you will go along with the scientific Bureau of Standards and admit what they say is true, that you cannot tell the difference when it is in a garment.

One hundred and thirty million consumers will be cheated, robbed, lied to, and mislead by this if you let it pass. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Speaker, we have heard a lot of conversation about sheep growers on this bill, but I believe we ought to give some little thought to the man who will be the goat. That is going to be the American retailer.

Retailing has been my business for 10 years. I know nothing of law, but I do know retailing. I want to say that the full brunt of this bill will be placed on the back of the overloaded retailer today.

I am surprised today at the gentlemen on the other side of the aisle who I have heard talk for 18 months against Federal regimentation, insisting against the Government reaching its long arm into everybody's business and then get up here and advocate a bill like this, that would reach the long arm of the Federal marshal into every corner grocery store. It would reach into every clothing and department store of this land.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. MONRONEY. Yes; I yield.

Mr. MICHENER. The gentleman refers to the gentlemen over here, to the Republicans. Does he realize that this is a Democratic bill, introduced by a Democrat, in charge of a Democrat on the floor, brought up by a Democratic committee? If it is good or bad, why bring any politics into it?

Mr. MONRONEY. I am going by the number of men who have spoken in favor of the bill on the other side of the aisle. I say this is regulation of the worst kind.

Mr. SOUTH. Will the gentleman yield?

Mr. MONRONEY. I am sorry I do not have time to yield to the gentleman from Texas, whose great ability and personal charm has done so much to advance this bill. Without him it would not even be considered by the committee. [Laughter and applause.]

Now, I am a retailer. I am used to buying merchandise for years from a certain factory, relying on their integrity and on my experience with that merchandise that it is good merchandise. But now we come along with a Wool Labeling Act. So I go to some man with a hole-in-the-wall establishment and I buy a large quantity of merchandise from this man. It comes to me with the guaranty graciously provided in the bill. Then, lo and behold, they find that this man is a chiseler. What happens? My store is raided and I am subjected to publicity that will drive me out of the retail business. That is the actual fact. That is what you will find when this bill gets into actual working practice back home.

Mr. SOUTH. Will the gentleman yield now?

Mr. MONRONEY. I am sorry. I only have 5 minutes.

I want to say that this bill is not supported by the retail federation, comprising 250,000 members. They offered some suggestions in an effort to make the bill less objectionable, but I tell you now that every retailer in this country would like to be relieved of the dangers that this bill will entail.

One point I would like to drive home especially, nothing in this bill provides for the hundreds of millions of dollars' worth of woolen stocks now on the shelves of the retailers of this country.

Do you realize what that will mean when this law is passed? Every bit of this million dollars' worth of woolens immediately becomes obsolete. These men will have to sell it at a markdown of at least 50 percent. Why? Because we wanted to help a small group of wool raisers increase the price of their product.

Remember this, too; pass this bill and it establishes wool in preference to cotton, for we put on wool the hallmark of character, the word "sterling." When we do that what will happen? You now buy a pair of lisle socks that may contain 10 percent wool and 90 percent cotton, but once this wool labeling law is placed into effect you immediately place a preference on wool. The public will be urged to buy woolens of increasing wool content at the prejudice of cotton.

Then, too, in the matter of palm-beach suits which today contain perhaps only 10 percent wool. The public buys them because the public knows that a palm-beach suit is a cotton suit. The buyer cares nothing about the wool content. But wait until you pass this bill, then you will find on the label "This garment contains 10-percent wool." The clever salesman will say, "Let me show you a light tropical-worsted suit, that contains 100-percent wool. Which do you prefer, one that contains only 10-percent wool, or one that contains 100-percent wool?" And the public will wind up buying the 100-percent tropical worsted, where they had originally wanted cotton.

How any Member from the cotton-growing South can vote to give this preference to wool over the product that means so much to their section of the country is beyond my comprehension. How they can vote for this proposition, I do not know. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield such time as he may desire to the gentleman from Minnesota [Mr. PITTENGER].

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend and revise my remarks and to include therein excerpts from the hearings on this measure.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PITTENGER. Mr. Speaker, I hope this legislation is adopted. The consuming public has had no more important issue before the Congress in the last 20 or 25 years than this measure made in order by this rule. I want to see the rule adopted.

I take exception to some of the remarks that have been made in reference to the merits of the measure. Let us adopt the rule and discuss the bill this afternoon.

Mr. SOUTH. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. SOUTH. While our eloquent friend from Oklahoma expressed surprise that any southerner would be for this bill is it not a fact that the bill passed the Senate by a vote of 48 to 23, and that his own Senator LEE voted for it?

Mr. PITTENGER. I thank the gentleman for his contribution.

Mr. Speaker, the passage of this legislation will enable people who buy cloth and other woolen products to know just what they are getting for their money. It requires that the woolen products be labeled.

If this legislation is adopted everyone engaged in the manufacture of garments will have to indicate on the finished products just what goes into those various articles of clothing. This bill is in the interests of labor and of the farmer and the clerks and office workers and of everyone who has to pay the price when it comes to the purchase of clothing for the family.

I am glad to know that a former Member of Congress, John M. Baer, publicity director of the Union Label Trades Department of the American Federation of Labor, appeared before the committee and urged passage of this legislation.

We have known Mr. Baer for many years and his outstanding work in favor of the labor people is well known. In testifying before the committee, he says:

> The union-label trades department of the American Federation of Labor urges the passage of this measure, as it has supported previous bills aimed at protection of the consumer, especially the provisions that would force disclosure of the reclaimed wool or shoddy content of wool products.
>
> Our department represents 51 directly affiliated international unions of the American Federation of Labor with a membership of over 1,000,000. In addition, our department's activities have the loyal support of the 4,500,000 members of the American Federation of Labor. Furthermore, the American Federation of Women's Auxiliaries of Labor, representing 2,000,000 women, is organized under our department (hearings, pp. 295–296).

Many other prominent people also testified before the committee and pointed out that this bill was intended to protect the consumer and indicated the favorable attitude of their various organizations in support of this measure. The long-delayed action on this measure and other similar measures in past years ought to come to an end, and I believe that the House will adopt this rule and pass this measure by an overwhelming vote.

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, my good friend, the gentlemen from Oklahoma, said that the proponents of this bill come from the Republican side. The minority report contains the signatures of 10 opponents of the bill, 5 of whom are from the Republican side of the House, my name among them.

I have no wool manufacturers in my district. I have a few people who might raise some sheep in the mountains, but I do have a great many consumers of woolen products in my district, something like 400,000, in whom I am greatly interested in spite of the lobbies to the contrary, and the lobbies are extremely strong on this bill. I do not know where this lobby originated but I have been told that one manufacturer has spent something like $1,000,000 to lobby the bill through for his own benefit.

Mr. SOUTH. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I must decline to yield, as I have only a few minutes.

I understand that other people have been paid large sums of money to lobby in favor of this bill.

For the protection of my own consumers I have to be against it after an examination of its terms. If this bill were to provide for the labeling of a garment differentiating between the fiber content, as between wool, cotton, rayon, or any loading that might be present in the fibers, I would favor the bill, but as it is, it differentiates between certain kinds of wool. I would be glad to be able to differentiate between those grades myself, but here is what Mr. Emley, Chief of the Division of Organic and Fibrous Materials, of the National Bureau of Standards, has to say about it. Now, listen to this. In response to a question by the gentleman from Texas [Mr. SOUTH], Mr. Emley said:

> When the Bureau of Standards is called upon to forward a report as to whether or not we can determine the content of reclaimed wool, we just cannot give any report, because we cannot tell.

Let me point out to you that new wool sells from a few cents a pound up to perhaps 90 cents a pound. Reworked wool, reprocessed wool, sells from a few cents a pound to as high as 90 cents and in one case a dollar. Can you tell the real utility value of the wool when it is marked as new wool or reprocessed wool? Certainly not.

You simply cannot do it. Will anybody tell me that new wool valued at 10 cents a pound, when worked into cloth, is equal in value, in abrasive strength, color fastness, wear or

anything else, with a reprocessed wool valued at 60 cents a pound? It is ridiculous. It would be a fraud upon the American public to so make them think that just because a product is labeled "wool" it has a higher value than if it was labeled "reprocessed wool" or "reused wool."

Mr. Speaker, I do not need to protect the intelligentsia of my district in this matter. They are able to protect themselves from their own knowledge of the fabrics, and their ability to pay high prices and buy from the most responsible merchants. I am interested in protecting the poor people who do not understand these terms, who do not know the value of the wool that goes into manufacture and do not have the money to pay fancy prices for their clothes. I could go on and read testimony that was given to the committee, but it is all contained in the hearings which were printed in March of 1939. They are available for you to study. Let us not work any fraud on the American public by putting into this bill a differentiation in terms which would indicate to the public that a real differentiation in value existed when that differentiation in value may not be there. As I said before, if this thing would really define wool and leave it up to the people who sold the goods in the stores, to the people who manufacture the goods into clothing or whatever it may be, on their responsibility to tell the public that this is a good product, then I think it would be safe for the public. As it is, it is going to give every cheap shyster gyp artist in the United States a chance to cheat the American people. There is no possibility of anybody telling within 15 percent after final analysis and wear of the product as to whether or not it contains a certain percentage of this or a certain percentage of that kind of wool.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield the remainder of our time to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, the opposition to this bill is hard-pressed and confused. Most of the arguments advanced by one speaker destroy the arguments advanced by another. Indeed, in the report by a minority of the committee, most of the objections raised are entirely answered by other arguments in the same statement.

The first argument set forth is that the label proposed will not tell everything that can be told about clothing. It will not tell the tensile strength of the fabric, they say, the length of the fiber, the workmanship that goes into the garment, or a lot of things. If it did they would then argue that it tells too much. They already complain there is too much labeling. Now, this bill does not purport to tack an encyclopedia on every piece of fabric. It does not purport to tell what the man who buys a suit should wear when he eats breakfast. It only purports to say that when the label says, "This is all wool," it is all wool. It simply requires that when you say, "This is all wool and a yard wide" you mean what you say.

The second argument advanced is that the evils of false labeling are being curbed and gradually cured by the Federal Trade Commission. If that were so the Federal Trade Commission itself would not be on record in favor of the passage of the bill and the Federal Trade Commission did testify in favor of the bill. It testified that something like this was needed to put teeth into their recommendations to the trade.

The third objection claimed is that it is practically impossible to test the accuracy of a label. I wish these gentlemen might have been with me when recently I had the privilege of going through the testing laboratories in the Army clothing depot over at Philadelphia. The question had come up during our hearings on appropriations for clothing and equipage in the Army appropriation bill as to whether or not the Army actually could tell when it was getting real wool in its blankets and in its uniforms. One member of the committee wondered if the Army did not get cheated. But we were told by General Gregory that the Army could tell. I was in Philadelphia not so long ago and I took occasion to spend a couple of hours in the great clothing depot up there. I went into the laboratories and I saw the men making their tests. They showed me the results when they took a piece of true wool and when they took a piece of fabric that carried shoddy and other fillers, and they told me the kind of tests they made. Any man here could see the difference in color, feel the difference in weight, and sense the difference in quality after he saw the effect of the tests applied. Vegetable fibers would disappear when certain acids were applied. Shoddy goods would break under tests of tensile strength.

This argument that tests are ineffective is ridiculous. If it were true that you could not tell by making these tests, why should you object to the passage of the legislation? If the thing was not going to be effective, if it was not going to accomplish anything, why should you object? The fact is that laboratory tests can check the accuracy of the labels, and check tests are all that is needed to police the trade.

A related argument advanced is that the bill would require an army of inspectors and send United States deputy marshals into every store in the country is nonsense. When you have a law against murder, it does not mean that you suspect every man, and investigate to see whether or not he is going to commit a murder. Just because we have some counterfeiting does not mean a law against counterfeiting requires you to subject every dollar bill to a test to determine whether it is a counterfeit bill or not. The value of laws against these things is when you have a violation you have an effective method of dealing with the situation, and that is why we ask for the passage of this legislation. You will not have to check every piece of goods, but when you do check and find misrepresentation you will have the weapon to punish the fraud.

The final argument advanced in the statement against this bill is that it would raise the cost of the goods and would do nothing for the wool grower because the consumer would be unable to buy woolen goods. That argument is destroyed by the argument that appears directly above it where it is contended that the bill would be injurious to the cotton producer because instead of buying goods containing some cotton, the consumer would demand all woolen goods. In the same paragraph, it is also contended that the consumer buys according to his means. Well, if he can only buy mixed goods, what harm is done? Indeed, is not good done by giving this innocent purchaser the guarantee that the label on the goods tells the truth? This bill does not make it a crime to use mixed materials; it only requires that the truth be told about them and provides penalties for lying. The practical effect of all these arguments advanced against the bill is that one destroys the other.

The bill will hurt some place and it will hurt in the spot it should hurt—the pocketbook of the chiseler who has paraded in sheep's clothing. It will help where it should help by giving protection to the consumer who cannot protect himself.

A great deal is being said about national defense these days. Probably you will remember the shoddy scandal during the war. In his Memoirs, volume I, page 316, General Pershing writes:

> Much of the clothing that we received for our troops was reported to be shoddy. I saw numbers of our men wearing uniforms which were light and thin and which, of course, offered insufficient protection. The lack of clothing had been met in part by purchases from the British. Our troops did not take kindly to the idea of wearing the uniform of another nation, and it was with considerable protest and chagrin that they did so.

I hope that will not happen again. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 6 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I hope not to cover any ground that has already been gone over. This proposed legislation is far more important than its effect upon the articles with which it is dealing. In my examination of the development of governmental policies, I have become thoroughly convinced that many of the things—many of the dangerous, extreme things—which government has to do are due to the fact that government has not done the relatively few things which government ought to do when it

ought to do them, and which only a government can do. You examine that. From time immemorial, until the last 75 or 100 years, it has been recognized as the business of government to establish and supervise the market place, to create the possibilities of honest contact commercially, to give the little man the same opportunity of trade contact with the market which the big man has. When that custom was established the community was the industrial organization and the individual was the industrial unit. Local production accommodated itself to local demand, and local demand in the main had to be satisfied with local production. Now the field of production and the field of consumption have moved so far apart under the influence of cheap and rapid transportation that it is impossible for the small manufacturer to reach the general market. He does not have the money to advertise in the general market. He cannot support a selling organization that can span the distance between seller and buyer. Buyers in the general market cannot know of his honesty or the quality of his goods, if, in fact, of good quality, or the bad quality of his competitor's goods, if of bad quality. What we need if we are going to preserve a democracy of opportunity in America is to have an intermediary agency of inspection and supervision that will give to those who have never seen the commodity even confidence in buying that which they have not seen or cannot judge of if they have seen it. In order to do that, there must be an intermediary agency of supervision.

Whether or not this is a perfect bill, it is a bill in the right direction. It is an important thing, if we are going to preserve a democracy of opportunity, that government apply to modern conditions the philosophy of the open market place in the day when the community was the industrial organization, the individual the commercial unit, and people had an opportunity to know the character of the producer and the quality of his product. This bill proposes to go as far as legislative ingenuity is now able to go in seeing to it that the manufacturer, who alone can know, may advise the purchasing public of what goes into his materials that he sells. What is wrong about that?

One of my distinguished friends wants to protect the poor people by denying them information which poor people cannot possibly have.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from South Dakota.

Mr. MUNDT. May I say I am very happy that the distinguished gentleman from Texas is supporting this bill. I have been an admirer of the gentleman for a long time and would value his support.

Following the line of argument that has been developed, is this not simply giving to the poor people of America, who have to depend upon a family budget and get the most they can possibly get for their dollar, the same protection when they buy fabrics that the purchaser of foodstuffs has had for 40 or more years under the Pure Food and Drug Act?

Mr. SUMNERS of Texas. The business of government is to begin at the limit of what human beings can do, and if government would do those few things, government would not be now messing in a whole lot of things that private people can do.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield? The gentleman referred to me a moment ago.

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. HINSHAW. If this bill merely distinguished between the fibers I would be for it, but when you distinguish between the different kinds of wool that is a very difficult thing to decide.

Mr. SUMNERS of Texas. At the moment we are discussing whether or not we shall vote for a rule that will bring this whole subject matter before the House for consideration. If the gentleman has some bright notions that would help the bill he can offer them by proper amendment. [Applause.] The sole question we are now about to vote on is, Will the House of Representatives take under consideration making the best provision it can to protect the general public against some smart guy's slipping something into the cloth which the man who wears it does not know about, and which, if he did know about it, he would not buy, and selling that cloth in competition with the honest man—if that is the test of honesty—who puts 100 percent real wool in his cloth? I say there is no higher duty that government owes than to protect the merchant, the manufacturer, and the people against unfair competition. It is unfair competition to put into a commodity cheaper commodities which the people who buy can know nothing about.

I do not want to take up any more time. That is all there is to it.

Mr. LEWIS of Colorado. Mr. Speaker, I yield the gentleman from Texas 1 additional minute.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does not the gentleman believe that if you are trying to give the people the information they ought to have with regard to the quality of the product that is being manufactured you ought to stipulate not only the amount of wool and the reworked content, but the amount of cotton, rayon, celanese, and silks that go into that product, if you are going to give them an honest evaluation of what they are getting?

Mr. BROWN of Ohio rose.

Mr. RICH. Let him answer that.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. No; I want to answer the question, and I have just a minute. This is my answer. In this bill they have undertaken to do a definite, specific thing. Because this bill does not cover the whole field is no reason this bill is not a good one. The chances are that this bill will not work as the author hopes it will. It is only by trial, only by experiment, that we can ascertain. What I am insisting upon in this closing sentence is that this is a field into which Government must go if we are to preserve honesty in commerce and democracy of commercial opportunity. If Government will do this, then it will not have to be doing these hundreds of other things it is doing and messing with everybody's business. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent that in the consideration of the bill, H. R. 944, it shall be in order to consider the substitute committee amendment recommended by the Committee on Interstate and Foreign Commerce, and now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why they substituted this amendment for the original bill. What was the object of that?

Mr. LEWIS of Colorado. That was done by the Committee on Interstate and Foreign Commerce. If the request I have made is granted we would simply save time.

Mr. MICHENER. Reserving the right to object, Mr. Speaker——

Mr. RICH. What was their real purpose in substituting one bill for the other?

Mr. LEWIS of Colorado. I yield to the gentleman from Michigan.

Mr. RICH. I would like to have the gentleman answer that question.

Mr. MICHENER. I think I can answer the gentleman from Pennsylvania. The Interstate and Foreign Commerce Committee asked the Rules Committee for a rule, and they requested that the rule provide that the amendment written by the Interstate and Foreign Commerce Committee be the bill to be considered. The Rules Committee intended to grant such a rule, and presumed that they had granted such

a rule, but they find now that in the rule as brought up here today we consider the Senate bill as amended by the House bill. This means that the House will have to read the Senate bill that the committee has stricken out, and it will take more time, and it will simply be confusing. I hope the consent will be granted.

Mr. BOREN. If the gentleman will yield for a question, the bill you propose to substitute for the original bill, H. R. 944, is the bill which our committee agreed on finally?

Mr. LEWIS of Colorado. It is; yes.

Mr. BOREN. Is it reported as a House bill with House amendments, or is it reported as an amendment?

Mr. LEWIS of Colorado. The gentleman refers to my request?

Mr. BOREN. Yes; the gentleman said something about an amendment.

Mr. LEWIS of Colorado. It seems to me that instead of reading the bill which the Interstate and Foreign Commerce Committee amended and then taking this other bill up, which is the committee amendment, it would be a time-saving procedure to follow the plan I have suggested.

Mr. BOREN. To read the later bill for amendments?

Mr. LEWIS of Colorado. The unanimous-consent request provides that the bill as reported by the Interstate and Foreign Commerce Committee shall be read for amendment.

Mr. MICHENER. In other words, we consider the House committee bill just the same as if it were an original bill.

Mr. LEWIS of Colorado. That is correct.

Mr. RICH. Reserving the right to object further, Mr. Speaker, there will be no objection to the amendment of this bill under this request?

Mr. LEWIS of Colorado. Oh, no; the request facilitates that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the rule.

The question was taken; and on a division (demanded by Mr. BOREN) there were—ayes 138, noes 5.

Mr. HOLMES. Mr. Speaker, I object to the vote on the ground there is no quorum present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 288, nays 18, answered "present" 1, not voting 122, as follows:

[Roll No. 206]

YEAS—288

| | | | |
|---|---|---|---|
| Alexander | Burdick | Costello | Elston |
| Allen, Ill. | Burgin | Courtney | Engel |
| Allen, La. | Byrns, Tenn. | Cox | Englebright |
| Andersen, H. Carl | Byron | Cravens | Fay |
| Anderson, Calif. | Camp | Crawford | Fenton |
| Anderson, Mo. | Cannon, Fla. | Creal | Fitzpatrick |
| Angell | Cannon, Mo. | Crosser | Flannagan |
| Arends | Carlson | Crowe | Flannery |
| Austin | Carter | Crowther | Folger |
| Barden, N. C. | Cartwright | Cullen | Ford, Leland M. |
| Barnes | Case, S. Dak. | Cummings | Fries |
| Barry | Casey, Mass. | Curtis | Fulmer |
| Bates, Ky. | Chiperfield | D'Alesandro | Gamble |
| Beam | Church | Darden, Va. | Gartner |
| Beckworth | Clark | Davis | Gathings |
| Bell | Clason | DeRouen | Gavagan |
| Blackney | Claypool | Dickstein | Gearhart |
| Bloom | Clevenger | Ditter | Gehrmann |
| Boland | Cluett | Dondero | Gerlach |
| Bolles | Cochran | Doxey | Geyer, Calif. |
| Boykin | Coffee, Nebr. | Duncan | Gilchrist |
| Brewster | Coffee, Wash. | Dunn | Gillie |
| Brooks | Cole, Md. | Durham | Goodwin |
| Brown, Ga. | Cole, N. Y. | Dworshak | Gossett |
| Brown, Ohio | Collins | Eberharter | Graham |
| Bryson | Colmer | Edelstein | Grant, Ala. |
| Buckler, Minn. | Cooley | Edmiston | Grant, Ind. |
| Burch | Cooper | Elliott | Green |
| Gregory | Kitchens | O'Leary | Smith, Ohio |
| Griffith | Kleberg | O'Neal | Smith, Va. |
| Gross | Knutson | Pace | Smith, Wash. |
| Gwynne | Kocialkowski | Parsons | South |
| Hancock | Kramer | Patman | Sparkman |
| Hare | Kunkel | Patrick | Spence |
| Harness | Landis | Patton | Springer |
| Harrington | Lanham | Pearson | Steagall |
| Harter, N. Y. | Lea | Peterson, Fla. | Stefan |
| Havenner | Leavy | Peterson, Ga. | Sumner, Ill. |
| Hawks | LeCompte | Pierce | Sumners, Tex. |
| Hendricks | Lewis, Colo. | Pittenger | Sutphin |
| Hennings | Lewis, Ohio | Plumley | Sweet |
| Hess | Ludlow | Poage | Taber |
| Hill | Lynch | Powers | Talle |
| Hinshaw | McAndrews | Rabaut | Taylor |
| Hoffman | McArdle | Ramspeck | Terry |
| Horton | McCormack | Randolph | Thill |
| Houston | McDowell | Rankin | Thomas, Tex. |
| Hull | McGregor | Rayburn | Thomason |
| Izac | McKeough | Reece, Tenn. | Thorkelson |
| Jacobsen | McLaughlin | Reed, Ill. | Tibbott |
| Jarman | Maas | Rees, Kans. | Van Zandt |
| Jarrett | Maciejewski | Rich | Vincent, Ky. |
| Jeffries | Magnuson | Richards | Vinson, Ga. |
| Jenkins, Ohio | Mahon | Robinson, Utah | Voorhis, Calif. |
| Jenks, N. H. | Maloney | Robsion, Ky. | Vorys, Ohio |
| Jensen | Mansfield | Rodgers, Pa. | Walter |
| Johns | Marshall | Romjue | Ward |
| Johnson, Ill. | Martin, Iowa | Routzohn | Weaver |
| Johnson, Luther A. | Mason | Rutherford | Welch |
| Johnson, Lyndon | May | Ryan | West |
| Johnson, Okla. | Merritt | Sasscer | Wheat |
| Johnson, W. Va. | Michener | Schafer, Wis. | Whelchel |
| Jones, Ohio | Mills, Ark. | Schulte | White, Idaho |
| Jonkman | Mills, La. | Scrugham | Whittington |
| Kean | Moser | Seccombe | Williams, Del. |
| Keefe | Mott | Secrest | Williams, Mo. |
| Kefauver | Mouton | Shafer, Mich. | Winter |
| Kennedy, Md. | Mundt | Shanley | Wolverton, N. J. |
| Kennedy, Michael | Murdock, Ariz. | Shannon | Wood |
| Kilday | Murray | Sheppard | Woodrum, Va. |
| Kinzer | Norrell | Short | Youngdahl |
| Kirwan | O'Connor | Smith, Maine | Zimmerman |

NAYS—18

| | | | |
|---|---|---|---|
| Ball | McGehee | O'Toole | Tarver |
| Boren | Massingale | Rogers, Mass. | Tinkham |
| Disney | Monkiewicz | Rogers, Okla. | Wigglesworth |
| Hall, Leonard W. | Monroney | Sandager | |
| Holmes | Nichols | Smith, Conn. | |

ANSWERED "PRESENT"—1

O'Brien

NOT VOTING—122

| | | | |
|---|---|---|---|
| Allen, Pa. | Eaton | Keogh | Sabath |
| Andresen, A. H. | Ellis | Kerr | Sacks |
| Andrews | Evans | Kilburn | Satterfield |
| Arnold | Faddis | Lambertson | Schaefer, Ill. |
| Barton, N. Y. | Ferguson | Larrabee | Schiffler |
| Bates, Mass. | Fernandez | Lemke | Schuetz |
| Bender | Fish | Lesinski | Schwert |
| Bland | Flaherty | Luce | Sheridan |
| Boehne | Ford, Miss. | McGranery | Simpson |
| Bolton | Ford, Thomas F. | McLean | Smith, Ill. |
| Bradley, Mich. | Garrett | McLeod | Smith, W. Va. |
| Bradley, Pa. | Gifford | McMillan, Clara | Snyder |
| Buck | Gore | McMillan, John L. | Somers, N. Y. |
| Buckley, N. Y. | Guyer, Kans. | Marcantonio | Starnes, Ala. |
| Bulwinkle | Hall, Edwin A. | Martin, Ill. | Stearns, N. H. |
| Byrne, N. Y. | Halleck | Martin, Mass. | Sullivan |
| Caldwell | Hart | Miller | Sweeney |
| Celler | Harter, Ohio | Mitchell | Tenerowicz |
| Chapman | Hartley | Murdock, Utah | Thomas, N. J. |
| Connery | Healey | Myers | Tolan |
| Corbett | Hobbs | Nelson | Treadway |
| Culkin | Hook | Norton | Vreeland |
| Darrow | Hope | O'Day | Wadsworth |
| Delaney | Hunter | Oliver | Wallgren |
| Dempsey | Jennings | Osmers | Warren |
| Dies | Johnson, Ind. | Pfeifer | White, Ohio |
| Dingell | Jones, Tex. | Polk | Wolcott |
| Dirksen | Kee | Reed, N. Y. | Wolfenden, Pa. |
| Doughton | Keller | Risk | Woodruff, Mich. |
| Douglas | Kelly | Robertson | |
| Drewry | Kennedy, Martin | Rockefeller | |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Halleck (for) with Mr. Wolfenden of Pennsylvania (against).
Mr. Woodruff of Michigan (for) with Mr. O'Brien (against).

Until further notice:

Mr. Warren with Mr. Martin of Massachusetts.
Mr. Doughton with Mr. Treadway.
Mr. Ford of Mississippi with Mr. Schiffler.
Mr. Bland with Mr. Thomas of New Jersey.
Mr. Larrabee with Mr. Kilburn.
Mr. Schuetz with Mr. Gifford.

Mrs. O'Day with Mr. Bradley of Michigan.
Mr. Bulwinkle with Mr. Reed of New York.
Mr. Pfeifer with Mr. Fish.
Mr. Ellis with Mr. Stearns of New Hampshire.
Mr. Boehne with Mr. McLean.
Mrs. Clara G. McMillan with Mr. Barton of New York.
Mr. Connery with Mr. Eaton.
Mr. Martin of Illinois with Mr. Bender.
Mr. Polk with Mr. Wadsworth.
Mr. Drewry with Mr. Jennings.
Mr. Robertson with Mr. August H. Andresen.
Mr. Hunter with Mr. White of Ohio.
Mr. Satterfield with Mr. Hartley.
Mr. Evans with Mr. Corbett.
Mr. Arnold with Mr. Simpson.
Mr. Faddis with Mrs. Bolton.
Mr. Wallgren with Mr. Hope.
Mr. Kerr with Mr. Wolcott.
Mr. Hart with Mr. Dirksen.
Mr. Murdock of Utah with Mr. Bates of Massachusetts.
Mr. Kee with Mr. Rockefeller.
Mr. Nelson with Mr. Luce.
Mr. Schwert with Mr. Andrews.
Mr. Chapman with Mr. Oliver.
Mr. Keogh with Mr. Lambertson.
Mr. Flaherty with Mr. Culkin.
Mr. Sullivan with Mr. Risk.
Mr. Ferguson with Mr. Vreeland.
Mr. Hook with Mr. Douglas.
Mr. Martin J. Kennedy with Mr. Edwin A. Hall.
Mr. Gore with Mr. Osmers.
Mr. Schaefer of Illinois with Mr. McLeod.
Mr. Healey with Mr. Guyer of Kansas.
Mr. Starnes of Alabama with Mr. Johnson of Indiana.
Mr. John L. McMillan with Mr. Miller.
Mr. Dempsey with Mr. Lemke.
Mr. Harter of Ohio with Mr. Marcantonio.

Mr. IZAC changed his vote from "no" to "aye."

Mr. HARNESS. Mr. Speaker, I had a pair with the gentleman from New York, Mr. HARTER. I thought the pair was on the passage of the bill and not the rule, so I voted "aye" on the rule.

The SPEAKER. Does the gentleman from New York desire to be recorded as voting on the rule?

Mr. HARTER of New York. I do, Mr. Speaker.

The SPEAKER. How does the gentleman vote?

Mr. HARTER of New York. I vote "aye."

Mr. O'BRIEN. Mr. Speaker, I have a pair with my colleague, the gentleman from Michigan, Mr. WOODRUFF. I voted "no" on this resolution. Had the gentleman been present, he would have voted "aye." I wish to withdraw my vote and answer "present."

Mr. McCORMACK. Mr. Speaker, my colleagues from Massachusetts [Mr. HEALEY and Mr. FLAHERTY] are absent. If present, they would have voted "aye."

The result of the vote was announced as above recorded.

The doors were opened.

SELECTIVE COMPULSORY MILITARY TRAINING

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (H. Res. 586) which was referred to the House Calendar and ordered to be printed:

House Resolution 586

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Military Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. It shall also be in order to consider without the intervention of any point of order any amendment offered by the direction of the Committee on Military Affairs to the bill or committee substitute. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of the bill H. R. 10132 it shall be in order in the House to take from the Speaker's table the bill S. 4164 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H. R. 10132.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds?

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, this rule will make in order the so-called draft bill. Realizing the interest of the membership in this legislation, I desire to say that the report has been printed and is now available, so that you may examine and familiarize yourself with it.

Mr. MAY. Will the gentleman yield to me?

Mr. SABATH. I yield.

Mr. MAY. I would like to add to the gentleman's statement that I directed the messenger of the House Military Affairs Committee to deliver to the office of every Member of this House on yesterday, and I understand it was done, copies of the hearings; and a copy of the bill and report are now available.

Mr. CASEY of Massachusetts. When will this come before the House?

Mr. SABATH. I think the rule will be called up on Tuesday next, if I am correctly informed.

Mr. DITTER. Will the gentleman yield for an inquiry?

Mr. SABATH. I yield.

Mr. DITTER. Can the gentleman tell us what time will be allowed under the rule?

Mr. SABATH. Two full days of general debate. Then the bill will be taken up under the 5-minute rule.

Mr. DITTER. Will that be by hours of debate?

Mr. SABATH. Two full days. If gentlemen desire time and it is necessary to remain in session late, we can sit until 7, 8, or 9 o'clock the second day.

Mr. DITTER. Will the gentleman yield further for a question?

The SPEAKER. The time of the gentleman has expired.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. The gentleman from Illinois has stated that the rule provides for 2 days of debate. Is not 2 days in the House, every minute in the House, after the reading of the Journal?

The SPEAKER. The Chair has not had an opportunity to examine the rule. The Chair would construe it that it would include 2 legislative days, which would cover all business until adjournment.

Mr. MICHENER. Now, Mr. Speaker, assuming, for instance, that this matter should be called up and that a conference report, which is privileged, should be called up, or a number of conference reports or other privileged matters were called up, then with a rule of this kind, where 2 days for debate are provided there might not be even 2 hours. It is just a matter of discretion on the part of the leadership as to how much time we will get for debate.

The SPEAKER. The Chair cannot anticipate, of course, what may develop during the 2 legislative days.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RAYBURN. There was a great deal of conversation with reference to how many hours. Some Members wanted a certain number of hours and some others more. It was a decision between 8 hours and 2 days, as written in the resolution, the thought being that in all probability 2 days would be more liberal than 8 hours.

The rule will be called up Tuesday certainly. There is an hour on the rule. Then we are willing to sit here Tuesday evening just as long as anybody wants to speak. We are willing to sit Wednesday evening just as long as anybody wants to speak, and when the Committee rises general debate will be concluded.

Mr. MICHENER. But this conscription bill is of such importance, permitting as it does the long arm of the Government to reach out into every home in the land, that it does seem that there should be at least 12 hours for general

debate. This is not unreasonable time. There are 435 Members in the House. If we had but 5 minutes each that would require 36 hours; should not every Representative have at least 5 minutes in general debate?

Mr. RAYBURN. We have nothing to do next week except to pass this bill, and we intend if necessary to devote 5 days to it.

Mr. MICHENER. A rule is brought in here purporting to provide 2 days of debate, but it may turn out to mean only 3 or 4 hours.

Mr. RAYBURN. We generally have the real debate on a bill when it is being read under the 5-minute rule; but that is neither here nor there. The rule has been filed.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. If after the calling up of the rule a Member claims the floor on the ground of personal privilege, or 3 or 4 Members claim it on the ground of privilege, would that time come out of the 2 days?

The SPEAKER. The Chair does not feel called upon in anticipation to make rulings with reference to the rule. The resolution speaks for itself. It is up to the House whether it desires to adopt it. The House has the power to amend it or alter it as the majority of the House desires.

Mr. HOFFMAN. May I submit my question in a different way?

The SPEAKER. If the gentleman desires to submit another parliamentary inquiry the Chair will entertain it.

Mr. HOFFMAN. Let me put it this way, whether, the rule granting 2 days of general debate, the 2 days would be shortened if there were for instance 2 hours consumed on the matter of personal privilege?

The SPEAKER. The question of the continuation of the debate on the 2 days is entirely in the hands of the House when we arrive at that stage of the proceedings.

Mr. DITTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to address an inquiry to the majority leader.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DITTER. I wonder whether the majority leader would agree with me that it has been the ordinary procedure at all times in connection with legislative matters that the rule fixes by hours the time allotted for debate of the controversial question incident to the rule that is presented, and whether he in his wisdom does not feel that we are resorting to a rather dangerous practice in establishing a precedent such as this rule suggests?

Mr. RAYBURN. I take exactly the opposite view. I think it is an effort to be generous, to have in all probability more than 4 hours of general debate a day. Under this rule we could meet at 11 o'clock and stay until 7 or 8. We could have 8 hours of debate in 1 day.

Mr. DITTER. May we not suggest that the generosity of the majority leader would permit 12 hours of debate instead of 2 days?

Mr. RAYBURN. No; I do not think we can complete the bill next week if we do that because that would mean 3 days, and the gentleman knows that frequently it happens that the Committee finds itself without a quorum at 4:30 in the afternoon, and if that happened we would have to quit. I think this is a generous rule. It is possible under it to have from 7 to 8 hours of debate each of the 2 days.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SABATH. Mr. Speaker, permit me to state that there is no desire on anybody's part to stop any Member from speaking on this important legislation.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent that all Members who spoke on the rule for the wool labeling bill may be permitted to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that I may be given the privilege of extending my remarks in the RECORD and to include therein an editorial from the New York Times of this morning.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WOOL FABRICS LABELING

Mr. LEA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 944) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 944, the wool fabrics labeling bill, with Mr. MCLAUGHLIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the time is equally divided between the gentleman from California [Mr. LEA], who is recognized for 1 hour, and the gentleman from New Jersey, Mr. WOLVERTON, who is recognized for 1 hour.

Mr. LEA. Mr. Chairman, I yield myself 3 minutes.

The CHAIRMAN. The gentleman from California is recognized for 3 minutes.

Mr. LEA. Mr. Chairman, this bill was filed by a beloved deceased member of our committee and of this House, John A. Martin. In substance, this bill requires woolen products, in interstate commerce, to bear a label showing the percentage of wool they contain, and to what extent, if at all, their wool content is reprocessed or reused wool. Mr. Martin was a zealous advocate of this legislation. If you will study carefully the provisions of this bill, which will be explained to you in detail by those who are to follow, I believe you will find that it illustrates a very strong feature of the character of Mr. Martin. In many years of work in our committee I often saw the fact demonstrated that Mr. Martin, however zealous he might be for a particular piece of legislation, always had the generosity to be just to those on the other side. If you will listen to the explanation of this bill today by those who are to follow, I believe you will reach the conclusion that extreme care has been taken in an effort to be just to the businessmen and the manufacturers who may be affected by its provisions.

For many years millions of people in this country have demanded legislation such as is embodied in this bill. A number of bills have been presented on this subject in the years past, but I think I can say with absolute confidence that no other bill presented to Congress was as fair and practical as the bill now before us.

In the last 6 months of 1939, 4,300,000 pounds of wool rags were imported into this country to be made into various reused wool products to be sold in the United States.

Mr. RICH. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Pennsylvania.

Mr. RICH. The reason there has been such a great amount of rags imported into this country is because of the fact that when you made the reciprocal-trade agreement with Great Britain you reduced the tariff on rags 50 percent. It is the fault of the administration in reducing those tariffs which were placed there to keep these rags out, yet the administration let them in by reduction of the tariff.

Mr. LEA. I would not quarrel with the contention of the gentleman in that respect. Doubtless the lower tariff was a feature contributing to these large importations. Here we deal with the practical situation which confronts the American people today.

For a good many years it has been true that substantially half of the material sold to the American people as wool was

composed of reworked wool or reused wool. These sales have been made without any necessity on the manufacturer or the dealer to inform the American consumers of the fact that they were buying reworked wool. A large percentage of those wool products had been used, sold as rags, reworked into cloth, and sold as new material or garments.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, the provisions in reference to enforcement grant a tolerance and also exempt from enforcement of the law as to padding, lining, ornaments, and so forth not represented to be wool. Inconsequential amounts of fibers are also exempted.

I believe there are three reasons why this bill should be enacted from the standpoint of fairness to those concerned. In the first place, I believe it should be enacted in fairness to the wool industry of the United States. It is not fair to the growers who furnish wool to the market in the United States, that reworked and reused wool, as well as imported rags, should be placed in competition with their product without giving the public the right to know what it is buying. This bill does not attempt to prevent the sale of such reworked products to those who care to buy them. The purchaser should have a right to exercise his own judgment as to whether or not he wants to buy reworked wool products. A practice that conceals facts of such importance to the buyer should not be permitted. The buyer ordinarily has no method of learning the facts for himself.

Mr. Chairman, I believe the present practice is unjust to consumers. My attention some time ago was called to a case where a sale of 2,000 or 3,000 cloaks were advertised by a great merchandising company. An examination of those two or three thousand garments offered to the women as a "wool sale" developed that not 50 percent of the contents of those garments was wool and that a very large percentage of that was reworked wool. Very little virgin or original wool was in those garments. The law should not be so written as to justify or permit such a practice.

The third reason why I think this legislation is justified is because it is a matter of fairness to the dealers in this country. If a manufacturer or a dealer wants to give to his customers bona fide wool products, he ought to be able to do that without being put in competition with the unscrupulous dealers who offer their inferior products of seemingly equal quality.

That situation tends to drive the conscientious dealer into the practice followed by his competitor for his own self-defense. The conscientious dealer deserves protection against such competition at least to the modest extent provided by this bill.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SOUTH.]

Mr. SOUTH. Mr. Chairman, this bill has been talked about quite extensively. In the first place, let us see what the bill does.

It requires the manufacturer to place a stamp, tag, or label on a fabric which is or which purports to be of woolen content, setting forth the percentage of every fiber that goes into that product. For instance, in my coat or in the coat that you have on there is already a tag or label, and upon that tag or label, as some manufacturers already do, they will simply write 90-percent wool, 5-percent rayon, 5-percent reused wool, if it happens to be of that combination, in which event the law will be complied with.

Why is that necessary? It is necessary because certain manufacturers have for a long time been palming off on the consuming public of this country inferior fibers and representing them as being pure wool. What are those fibers? As the chairman of the Committee on Interstate and Foreign Commerce has already stated, for every 2 pounds of pure, unused wool in use today there is 1 pound of shoddy or used wool, and Mr. Webster defines the term "shoddy" as being an imitation or an inferior article or person. I think that is a good description of shoddy as applied to woolen goods.

There is a certain amount of cotton and a certain amount of rayon that goes into the so-called woolen goods, but I want to impress upon those who have not had an opportunity to study this bill that it does not prevent, it does not discourage, and it places no tax upon the continued use of every fiber that can be used under the law today. In other words, it does not say to the manufacturer, "You shall no longer place shoddy in a so-called woolen article," or "You shall no longer use rayon or cotton." But it does say to him in the interest of honest merchandizing, "You shall tell the public on a label attached to that piece of merchandise the fiber content of the goods." Now, that is nothing to get excited about. In the minority report someone, in his enthusiasm, said that it would require seven labels on each pair of socks.

Let us see what the Federal Trade Commission says, and this is the organization that will enforce the law if this bill becomes law. In a letter received from the Federal Trade Commission under this date, which I will be glad to show anyone who wants to see it, the Secretary of that Commission says that in the opinion of the Commission there will be no use for more labels than are now used on the average garment and that one label, insofar as they know, will serve the purpose for most garments, and I am sure that is true.

The bill itself specifically provides that linings, facings, stiffenings, and trimmings shall not be included in the provisions of this law unless such linings or trimmings are represented as being wool. For instance, in your coat, one label will cover the whole coat. Why? Because the linings, the facings, the stiffenings, and so forth, are not included.

I was amazed at my delightful friend the gentleman from Oklahoma [Mr. MONRONEY], who spoke so enthusiastically. He is in the furniture business. I have talked with him many times, and he says that this is going to ruin his business. Well, if my friend would take the time to read the bill, he would find on the very last page, in the very last words, a provision that this bill does not apply to any carpets, rugs, mats, or upholsteries; so he is just as incorrect in thinking it will hurt his business as he was when he said every retail merchant in the country would be embarrassed.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. I was merely speaking in behalf of the retailers with whom I have had very, very familiar acquaintance in different organizations.

Mr. SOUTH. But it will not apply to the gentleman's business?

Mr. MONRONEY. It does not apply to the furniture business. I was not referring to my own business, because the gentleman's committee ruled it out.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Does this apply to a garment on which there is no representation made as to whether it is wool or anything else?

Mr. SOUTH. If it is in fact wool, or part wool, or represented as being so, it would apply, but it would not apply to his shirt, for instance, which contains no wool.

Mr. ROBSION of Kentucky. If they do not put any tag on it, is what I mean. Take for instance, a suit of clothes. Mine does not have any tag on it.

Mr. SOUTH. It did have. The gentleman just lost the tag.

Mr. ROBSION of Kentucky. That brings me to the next question. Does it apply to tailors? Supposing a man has to have his clothing tailor-made. I am so out of line I have to have my suits tailor-made.

Mr. SOUTH. It will apply to the manufacturer and the men who handle it until it reaches the hands of the ultimate consumer. The gentleman purchased the suit for his own use. Unless he offers it for sale again, which I know the gentleman will not do, he will not be affected by this bill.

Mr. ROBSION of Kentucky. How about the tailor who makes up the cloth?

Mr. SOUTH. The tailor who makes it up would be required to place a tag on it, and the tailor can rely, I may say, upon the representation made by the person who sold the cloth to him.

There is this interesting feature of the bill. It provides that the seller may either guarantee each garment or he may place a continuing guaranty in the hands of the Federal Trade Commission, which will cover any and all merchandise which that seller offers for sale.

Mr. ROBSION of Kentucky. I am sorry, but I do not just understand the answer, perhaps. What about where you get a suit of clothes, and there is no tag on it, or no representation?

Mr. SOUTH. That man violates the law. The seller must put a tag on it.

Mr. ROBSION of Kentucky. He must put a tag on it whether there has been one there or not?

Mr. SOUTH. That is exactly right. He cannot offer it for sale until he has one on it.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Alabama.

Mr. PATRICK. It will be 6 months after this act is passed until it goes into effect?

Mr. SOUTH. That is correct.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Arkansas.

Mr. TERRY. It has been stated by some that this might have an injurious effect upon the cotton industry. Will the gentleman discuss that feature of the bill?

Mr. SOUTH. I am glad to have that matter called to my attention. I may say to the gentleman that the Department of Agriculture, in a letter which I received today, signed by Grover Hill, Acting Secretary, states that the Department has studied this bill and is of the opinion that it will in no manner reduce the consumption of cotton. I may say also that Mr. Ogg, of the American Farm Bureau Federation, states that, in his opinion, it will stimulate the use of cotton.

I would not urge the passage of this bill if that were the only thing it would do, because it would be a small amount, at the most. This bill will be of more benefit to the woman who goes in to buy a garment for herself or for her child or for other members of her family than it will to the producers of any fiber. Why is that so? Under existing prices the manufacturer can buy more than 3 pounds of shoddy for what he will have to pay for 1 pound of new wool. If he is not required to give the contents of the fabric that he sells, he can—and in many instances does—sell that inferior product—that is, the fiber that has already been used—for the same price as the new wool would bring. Cotton will not be hurt by this bill, because cotton comes more nearly competing with shoddy than either one of them does with wool.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from South Carolina.

Mr. HARE. Does this bill have any application to imported wool or imported woolen goods?

Mr. SOUTH. Yes. This bill fully covers the question of importations. It provides that in addition to the label which the foreign manufacturer must place on the goods there must be a statement accompanying the invoice giving the fiber content.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. SOUTH. While we are on that point, if the importer fails to comply with the law his goods can be seized and held until he does comply, and he is not permitted to import additional goods until he puts up bond in double the amount of the value of such additional goods, plus any import duties that may be due thereon.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman.

Mr. O'CONNOR. I have received a number of inquiries about the operation of this bill respecting stocks on hand. Would the stock of goods on hand have to be relabeled?

Mr. SOUTH. My understanding is that goods already on the shelves are no longer in interstate commerce and therefore the Federal Government would not have jurisdiction.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. With reference to the injurious effects this bill might have on the use of cotton, the gentleman comes from a State which is the largest cotton-producing State in the Union, does he not?

Mr. SOUTH. That is right.

Mr. CRAWFORD. As a matter of fact, the largest in the world, so far as a single government unit is concerned.

Mr. SOUTH. And much of it is in my district.

Mr. CRAWFORD. And the gentleman is thoroughly satisfied that the bill will not cut down the use of cotton?

Mr. SOUTH. I believe it will increase the use of cotton slightly, because, as I have said, a purchaser would rather buy the new cotton at the same price than old rags; and let me say, as the Chairman has so ably pointed out, there are now coming into this country millions of pounds of rags. In January 1939, there were more than 1,000,000 pounds of rags imported. What are we doing with them? These rags are being torn apart and made into fibers and sold to the American consumer as woolen goods, and often a price is charged that ought to be charged for new wool, and I believe that the purchaser, if he knows what he is buying, will demand new fiber rather than the old rags or shoddy; and, by the way, that does not stop at one operation. They can tear the same garment down two or three times and continue to reuse the worn fiber. It is no wonder that women purchasers are demanding the passage of this legislation.

Mr. Chairman, under leave to revise and extend my remarks, I ask that the following self-explanatory letters be placed in the RECORD at this point:

AMERICAN FARM BUREAU FEDERATION,
*Washington, D. C., July 22, 1939.*

Hon. H. H. SCHWARTZ,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I note in the debate on the truth-in-fabric bill in the Senate a question was raised as to whether this bill would result in decreasing the consumption of cotton.

Such a fear is entirely unwarranted. From my investigation of this matter I am convinced that it will probably result in increasing the consumption of cotton, rather than decreasing it, if it has any effect at all in this respect.

Without this legislation manufacturers of woolen goods can purchase rags and other second-hand materials, tear apart these fabrics, and use them in the manufacture of clothing which is sold to the public as all wool. Thus the public gets an inferior article under the false impression that this is made of new wool. This bill merely requires the manufacturers of woolen goods to tell the truth as to the content of such goods. They can no longer sell goods made of second-hand wool as virgin-wool articles. The manufacturers can still use shoddy, or cotton, or silk, or rayon, or any other materials in mixture with wool, provided they tell the consumer the truth about what the article contains.

While no one can predict with certainty changes in consumer demand, it seems reasonable to conclude that if the manufacturers have to tell the truth about mixtures with wool, the consumer will be more likely to prefer a garment composed of all new materials, such as wool and cotton, to a garment made out of wool rags and other second-hand materials, whose fibers have been damaged by pulling and tearing apart of the fabric in the process of remanufacture.

The American Farm Bureau Federation has supported such legistion since 1920. Its policies are determined by voting delegates from State farm bureaus in 40 States, representing approximately one and one-half million individual farm people. We are just as vitally interested in the welfare of the cotton farmer as the welfare of the wool grower. We see nothing in this legislation to injure in any way the welfare of the cotton grower, but, on the contrary, it may have some indirect benefit to the cotton industry.

Again may I emphasize that all the bill does is to require manufacturers of woolen goods to tell the truth concerning the content of their goods. They are at perfect liberty to use any kind of materials they desire, but they can no longer deceive the public concerning such goods. This is a fundamental principle of common honesty comparable to what has already been accomplished in other fields through the Pure Food and Drugs Act.

It carries out the fundamental principle of fair competition as stated by the late Justice Cardozo in the case of the *Federal Trade*

*Commission* v. *Algoma Lumber Co.* (291 U. S. Supreme Court 67), "Fair competition is not obtained by balancing a gain in money against a misrepresentation of the thing supplied. The courts must set their faces against a conception of business standards so corrupting in its tendency. The consumer is prejudiced if upon giving an order for one thing he is supplied with something else * * *. In such matters the public is entitled to get what it chooses, though by choice may be dictated by caprice or by fashion or perhaps by ignorance. Nor is the prejudice only to the consumer. Dealers and manufacturers are prejudiced when orders that would have come to them if (they) had been rightly named are diverted to others whose methods are less scrupulous."

The Senate is to be commended for its decisive vote in approving this bill yesterday. We sincerely hope that this action will not be reconsidered. It is too bad such legislation was not passed long ago to end the flagrant abuses in the sale of woolen goods.

Sincerely yours,

W. R. OGG, *Director.*

---

NATIONAL COOPERATIVE COUNCIL,
*Washington, D. C., July 24, 1939.*

Hon. ELMER THOMAS,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR THOMAS: The CONGRESSIONAL RECORD of July 21 indicated that you had moved to reconsider the vote on the truth-in-fabrics bill which had passed the Senate by a vote of 48 to 23.

We know of your long service to agriculture and your cooperation in matters of vital interest to the farmers of the United States. It is because of this fact that we appeal to you on behalf of the 1,700,000 farmers that are members of the National Cooperative Council that you do not request a reconsideration of this matter.

The council is made up of some 4,000 farmers' cooperative marketing and purchasing organizations with membership in every State in the Union. For a number of years our organization has been interested in truth-in-fabrics legislation and at the 1939 annual meeting held in January reaffirmed its position by passing the following resolution:

"The National Cooperative Council at its meeting in January 1938 endorsed the fabric-labeling bill, and the bill, though passed by the Senate, failed to be reported in time to get on the House Calendar. The council, therefore, reaffirms its position and urges the passage of new fabric labeling bills, S. 162 and H. R. 944."

You raised the question whether the Schwartz bill, S. 162, would injure the cotton farmers. We are unable to see how this type of legislation would injure the producers of cotton. We feel that truth-in-fabrics legislation would tend to benefit the entire cotton industry. As a matter of fact, one of the strong federations that make up the membership of this council is the American Cotton Cooperative Association with headquarters at New Orleans. This organization is made up of some 12 State cooperative associations of cotton growers. The American Cotton Cooperative Association is supporting this truth-in-fabrics legislation and were represented at our annual meetings when resolutions favoring this legislation were adopted.

Our council operates on a unanimous-consent basis, and for that reason never passes any resolutions that are not approved by all of its member associations.

We respectfully urge that you lend your support to the passage of this important measure and assure you that we will greatly appreciate your efforts.

With every good wish,

Sincerely yours,

EZRA T. BENSON,
*Secretary-Treasurer, National Cooperative Council.*

---

FEDERAL TRADE COMMISSION,
*Washington, July 28, 1939.*

Hon. H. H. SCHWARTZ,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR SCHWARTZ: I have received and presented to the Commission your letter of July 27, 1939, referring to the wool-products labeling bill—S. 162—and propounding two questions: First, as to whether the bill adversely affects cotton; and, second, whether the provisions of the bill will be effective with respect to imports from foreign countries.

The Commission has considered the matter in the light of its many years of experience respecting commercial practices in the sale and distribution in commerce of fabrics and fabric merchandise; and, responding to your first question, it is the opinion of the Commission that the legislation under consideration will have no adverse effect upon the sale or use of cotton.

As a textile fiber, cotton has distinctive qualities and intrinsic merits, and the bill, requiring truthful disclosure, would undoubtedly tend toward having these meritorious qualities of cotton brought to the attention of the buying public. Moreover, in mixed fabrics, those not composed wholly of virgin wool, cotton may reasonably be expected to be employed in place of cheap shoddy or low-grade second-hand wool fibers which are at present used in such mixed products without disclosure of such fact to the consuming public. Under all the circumstances, it appears quite possible that as a result of the legislation the trend will be toward a greater use of cotton in mixed goods in lieu of certain types of shoddy.

The bill does not prohibit the us of any fiber, but is aimed at having the respective products marketed under nondeceptive conditions of truthful disclosure in the interest of maintaining fair competition and consumer protection. Experience has demonstrated that honest disclosure of a meritorious fiber does not hurt, but on the contrary helps its sale. Cotton with its many distinctive and desirable properties could not, in our opinion, be adversely affected in such situation.

Respecting your second question as to whether the bill will be effective in the matter of imports from foreign countries, the measure is applicable to such foreign imports as well as to domestic wool products. In addition, the bill provides means for excluding from the country foreign merchandise misbranded under its terms. It also provides for sworn declaration of contents on so-called consular invoices as required in the act of June 17, 1930; also the falsification of or the failure to set forth such information in such invoices is made an unfair method of competition under the Federal Trade Commission Act. If done with willful intent, it is also punishable as a misdemeanor. Moreover, the guilty party may be prohibited from importing or participating in importations of wool products into the United States except upon filing bond with the Secretary of the Treasury in the sum double the value of the wool products and the duty thereof, conditioned upon compliance with the provisions of the act. Upon general administrative procedures through treaty arrangements, information may be obtained from the original sources in the country of origin of the goods. Likewise, through scientific tests, the presence of the most objectionable types of shoddy in the fabric can be sufficiently detected for purposes of enforcement.

Upon consideration of the matter as a whole and in answering your question specifically, it is the opinion of the Commission that the provisions of the bill will be effective with respect to imports from foreign countries.

By direction of the Commission.

Yours very sincerely,

R. E. FREER, *Chairman.*

| Materials | 1914 | 1919 | 1929 | 1931 | 1935 |
|---|---|---|---|---|---|
| Cotton: | | | | | |
| Quantity in pounds | 28,387,022 | 17,375,403 | 20,167,197 | 14,580,036 | 12,511,687 |
| Percentage of total | 6 | 4 | 5 | 4 | 3 |
| Recovered wool fiber, rags, clippings, etc.: | | | | | |
| Quantity in pounds | 85,702,073 | 79,616,805 | 93,003,428 | 51,840,520 | 111,404,715 |
| Percentage of total | 19 | 18 | 20 | 16 | 25 |
| Raw wool and animal hair: | | | | | |
| Quantity in pounds | 286,569,705 | 292,117,556 | 276,321,490 | 223,373,213 | 248,581,735 |
| Percentage of total | 65 | 68 | 62 | 68 | 55 |
| Waste, noils, and rayon: | | | | | |
| Quantity in pounds | 42,411,874 | 43,738,241 | 58,622,746 | 41,273,485 | 76,357,370 |
| Percentage of total | 10 | 10 | 13 | 12 | 17 |
| Total fiber | 443,070,674 | 432,848,005 | 448,114,861 | 331,067,254 | 448,855,507 |

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, I expect to support this bill, not because I have any cotton in my district or any wool or any large manufacturers of cotton or wool cloth. I am going to support it because, as a result of some study of this problem, I feel that this bill is definitely in the interest of the consuming public of this country. I am convinced that the consumer should be protected and have the final voice in the questions as to whether or not this bill is right or wrong.

Now, some very ingenious arguments against this measure have been made this afternoon, especially during the discussion of the rule. One of the gentlemen who spoke against this measure stated that it was not a good bill because science is not able to detect, to the minutest degree, adulteration of fabrics. He concluded his argument by the statement, however, that they could, perhaps, detect adulteration within a 15-percent limitation, but because they are not able to detect in its entirety the adulteration of wool fabric in this country, he says this is not a good bill. I want to make the statement, however, that if I, as a member of the consuming public, can be protected 85 percent, I am a whole lot better off than I am today when I go in to buy a suit of clothes in stores in this Nation and they place before me three garments which I, with the limited facilities I have for knowing, am unable to tell whether they are 100 percent shoddy, 50 percent shoddy, and 50 percent wool, or 100 percent wool. The sellers of those articles in many, many instances are selling all three of those articles to an unsuspecting public as being 100 percent wool. I, as a member of the consuming public, simply

want to be protected so that when I walk into a store, regardless of the character of the individual who may run that store, and I ask to buy a suit of clothes, I may have clearly presented to me that the garment which I am buying is exactly what it is branded to be.

Now, the gentleman says, "Why, there will be chiselers, and there will be cheaters who will sell goods branded as all wool when, in fact, there will be adulterations in the article." Well, human nature is human nature, but my understanding of human nature is that there will be people who will effectively police the situation outside of the Federal Trade Commission.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. In just a second, I will yield.

I know if I am a decent, honest retailer or manufacturer of goods and my competitor is a cheater, I will see to it that the goods which he is putting out on the market are going to be called to the attention of the proper authorities, and my experience has been that that is absolutely the greatest source of the enforcement of this law in itself.

I now yield to the gentleman from Texas.

Mr. SOUTH. Is it not necessary for the purchaser to know what is in a piece of goods in order to know how to have it cleaned properly, and so forth?

Mr. KEEFE. Yes; and I will develop that thought. I used to be interested in the dry-cleaning business in rather a large way, back in 1917, 1918, and up until 1930, and I want to tell the Members of this House that I have had thousands of claims presented to our company by people who claimed that garments were injured in the cleaning process. When we would explain to them that the garment which they had purchased as being all wool was a highly adulterated article and that perhaps the injury which came about, came as the result of the adulteration of that article, they raised their hands in horror and said, "Why, I bought that article as a 100-percent-wool article." As a matter of fact, it turned out to be perhaps 100-percent shoddy.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. KEEFE. I want to say also that in the dyeing processes we find immeasurable difficulties because of the inability, upon casual examination, to disclose whether or not an article was 100-percent wool, whether it was 50-percent wool and 50-percent shoddy, or 20-percent shoddy, or celanese, or something else. In the dyeing processes we were confronted with such a serious problem that back in those days we had to establish in the Bureau of Standards in Washington a bureau to deal with that problem, so as to try to give that industry some protection.

Now we are asking that that same protection be given to the general public, so that it will have the same protection when they buy these products. [Applause.]

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, in speaking of the value of reworked wool in comparison with virgin wool, let me call the attention of the Members of the House to the fact that there are seven or eight hundred different grades of wool in the country—not in the United States, but in all the world. We have the China ball wool; we have the Iceland coarse wool; we have innumerable grades of wool right within our own country. Then there are the South American wools, Mexican, and the Australian wools.

In trying to get a bill that will be for the ultimate good of the consumer, this bill is evidently going to be misleading on the terms "wool" and "reworked wool," or "reprocessed wool," "reused wool," and "wool products." Who are those who are interested more in the virgin wool proposal? It is the people who are interested in sheep raising in this country. What do we do for the sheep raisers? We give them a 34-percent duty on all wools that come into this country. That is a good tariff. When they made the reciprocal-trade agreement with Great Britain they did not reduce the tariff on wool. Wool growers still get that advantage. But what did they do insofar as the tariffs on byproducts, wool substitutes, rags, shoddies were concerned? They reduced them. Why would they lower the tariff on those commodities? Did that help the American farmer or American consumer? Well, let me show you what they did.

On top, slubbing, roving, and ring wastes, before the reciprocal-trade agreement we had 37 cents, and they reduced it to 34.

Garnetted waste, 36 cents; they reduced the tariff to 18.

Noils, carbonized, 26 cents; they reduced the tariff to 21 cents.

Noils, not carbonized, 23 cents; they reduced the tariff to 16 cents.

I will insert this table in the record by unanimous consent. I ask that permission now, Mr. Chairman.

The CHAIRMAN. The gentleman must obtain that permission in the House.

Mr. RICH. Very well. Then I will read it:

Wool waste, not specially provided for, 24 cents; they reduced the tariff to 14 cents.

Shoddy and wool extract, 24 cents; they reduced the tariff to 14 cents.

Wool rags, they had a tariff of 18 cents a pound and they reduced the tariff to 9 cents; a 50-percent reduction.

If this administration wanted to give the people of this country good merchandise, why did they reduce the tariff 50 percent and let all these rags worn by foreigners in our country to be made into clothing. I think it is terrible.

Let me call your attention to this fact: As a manufacturer I can take virgin wools and I can make a fabric. Then I can take reworked wools under the classification of this act and call it "reworked merchandise." For sake of argument I can make twice as good a piece of goods out of good reworked wool than I can out of the poor grade of virgin wool. Then am I going to give the people of this country better merchandise under the terms of this bill? It cannot be done under this bill.

Mr. KEEFE. Will the gentleman yield?

Mr. RICH. I yield.

Mr. KEEFE. Are not the people of this country, however, entitled to know and to be able to buy what they want? If they want virgin wool, should they not be entitled to buy it?

Mr. RICH. There is nothing wrong with that, but what is the object of this bill? It is to give the customer a better piece of merchandise. You are trying to manufacture something and give them better merchandise.

Mr. KEEFE. No; no. I do not say that at all.

Mr. RICH. What is the object, then? You are trying to fool them. You are trying to call it virgin wool, causing them to think because it contains the word "wool" it is better than if you use the term "reworked wool."

Mr. KEEFE. The object is to enable a customer to go into a store and be able to buy without fear the thing that he wants to buy; not get something else foisted onto him because you claim it is better than virgin wool.

Mr. RICH. Any manufacturer that makes a piece of goods and says it is all wool when it is not all wool, do you know what should happen to him? He should be placed right behind the bars. I am in favor of putting that fellow right there. But the technicality of the wool itself, and because there are many grades of virgin wool, the people can easily be misled. What are we trying to do in this bill? We are putting a premium on ruthless manufacturers who, unless the Government is going to have an inspector in every plant in the country right where they put the lots on, watching the material that goes into the fabric, will continue their old practices. An unscrupulous manufacturer can put reworked wool into a fabric and no one on God's earth can tell from the cloth whether it is virgin wool or reworked wool or shoddy. So a dishonest manufacturer can ruin honest manufacturers unless the Government maintains plant inspectors, because you cannot detect after manufacturing has taken place.

What is the objecton to a bill of this kind? We are trying to define something, trying to make the consumer believe that because we require a product to be labeled "virgin wool" he is getting a better product; but that may not be the case, it

just is not possible. If we mix virgin wool with reworked wool in the manufacture of a piece of fabric, there is not a man, a chemist, or anybody under the sun who can examine that fabric and tell whether it is made of virgin wool or reworked wool. This is borne out by the testimony given in the hearings, as shown on pages 48 and 49 of the hearings in the statement of Mr. Emley, of the Bureau of Standards.

Mr. SOUTH. Mr. Chairman, will the gentleman yield briefly for a correction?

Mr. RICH. I yield.

Mr. SOUTH. There is nothing in this bill that mentions virgin wool. The gentleman says we are trying to compel somebody to use the term "virgin wool." The gentleman cannot find that term in the bill.

Mr. RICH. The language of the bill is such, however, as to leave the impression that it is supposed to be virgin wool.

Mr. SOUTH. Nothing is said about virgin wool. The gentleman himself is the first one to mention virgin wool.

Mr. RICH. The term "virgin wool" figured very largely in the arguments of the committee; then toward the end you tried to change it and instead of calling it virgin wool you called it wool.

Mr. SOUTH. Wool, and that is what it is.

Mr. RICH. Well, yes; wool from the sheep's back is virgin wool.

Mr. SOUTH. What does the gentleman call it?

Mr. RICH. The bill defines the term "reprocessed wool"; it defines reused wool. By that is not the implication left that wool which comes off the back of sheep before any use is made of it in manufacture is virgin wool? What does the gentleman call wool that has just been taken off the sheep's back?

Mr. SOUTH. I call it new wool. The gentleman may call it what he wants to, but I call it new wool.

Mr. RICH. And I call it virgin wool. Virgin wool is just the same as unused wool or new wool. Is not that a fact? Will the gentleman answer me "yes" or "no," that virgin wool is the same as wool that has never been used?

Mr. SOUTH. That does not apply, because the gentleman said we were trying to mislead the public by using the term "virgin wool." I call his attention to the fact that it is his expression and not ours. Now, will the gentleman yield further?

Mr. RICH. Will the gentleman give me more time?

Mr. SOUTH. I do not have it.

Mr. RICH. Then I cannot yield. The gentleman has plenty of time from the committee.

Mr. Chairman, I shall offer an amendment to this bill, on page 20, line 11, after the word "product", to add "or any other product contained therein in an amount of 5 percent or more by weight."

It may be said that this is already covered by the terms of the previous paragraph, but let us put it in at this particular place also in order that the American people may know exactly what is contained in any piece of fabric that contains any part of wool. Let us give them the whole thing, let us tell them that it contains so much wool, so much reworked wool, so much cotton, so much celanese, so much silk, and so forth.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RICH. I will yield if the gentleman will get me more time.

Mr. BROWN of Ohio. If the gentleman will read the bill he will find that the bill provides for that very thing.

Mr. RICH. We do not want the bill to have any loopholes. I shall offer this amendment so there can be no loopholes in that part of the construction of a so-called wool fabric.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. ROBSION of Kentucky. In connection with this question of new wool, or virgin wool, whatever you want to call it, if it is mixed with wool that has been used would the life of the garment or the service of the garment be affected in any way?

Mr. RICH. Reworked wool that has not been injured in the process of manufacture will give just about as good service and be just as warm as wool that has just come off the sheep's back.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 3 additional minutes to the gentleman from Pennsylvania.

Mr. RICH. Now, let us contrast the situation of the American manufacturer with that of his European competitor. A great amount of fabrics are imported into this country. They say the importers of these fabrics will have to comply with this labeling law, but the only penalty they face is that their goods may be confiscated.

Mr. SOUTH. That is not correct. Will the gentleman yield?

Mr. RICH. I cannot yield. There is no penalty we can impose upon those people. You are therefore going to subject the American manufacturer to competition from imported merchandise, and this may easily become so serious as to run American manufacturers out of business because they have to conform to our laws, but the foreign manufacturer will be able to get by them. The result will be that the business will go to foreign manufactures and foreign labor will be given work.

We have 8,000,000 men out of work in this country. The idea is to produce honest merchandise and give these men jobs. May I say that any manufacturer in this country who makes an honest piece of merchandise and who gives satisfaction to the people of this country will have no trouble in keeping his plant going. He can get the business, because if you manufacture a better piece of merchandise than your neighbor the world will beat a path to your door. That has been proven in the past. When you make honest merchandise you do not have to go out and try to sell something that is not an honest piece of merchandise and I would not be for any bill that would permit anything of that kind in this country.

Mr. KEEFE. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Wisconsin.

Mr. KEEFE. The gentleman made an incorrect statement which I do not think he intended to make. The gentleman said that as a manufacturer he could manufacture a piece of cloth using wool and reused wool that would be just as good as one that was made out of wool.

Mr. RICH. Yes. I say that I can take reprocessed wool and I can make you a better piece of cloth than I can by using certain low grades of virgin wool, and it will make a whole lot better piece of cloth. It will be stronger, it will be more waterproof, it will be more sightly and it will give better satisfaction to the customer. He will get greater value for his money.

Mr. KEEFE. The gentleman uses the term now "reworked wool." Does he mean to include wool which has been worn, used, and reworked again, or is he talking about the clippings that come off of garments that are just reworked and put in there?

Mr. RICH. I am talking about good reprocessed wool. That is not virgin wool. Take the yarn goods that are made, take the sweater yarns, those are just as good. I do not mean imported rags and low-grade shoddies.

Mr. KEEFE. That is reprocessed.

Mr. RICH. Yes; that is reprocessed; stocks that the fiber is good and not damaged.

Mr. KEEFE. But not reused.

Mr. RICH. I am not speaking here of the term shoddy. I am not interested in low shoddy merchandise. I want good, all-wool merchandise, the kind that gives satisfaction and the kind which gives the people of this country 100 cents on the dollar. I am for good legislation and there is much good in this bill and I shall not oppose it.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Chairman, at the proper time I shall ask unanimous consent to insert two letters. At this juncture in the debate I propose to read very briefly from them now. I am going to read the last paragraph of one of these letters

at this time because it seems to be appropriate, following the remarks made by our friend from Pennsylvania, in answer to a question asked by the gentleman from Wisconsin [Mr. KEEFE].

Reworked wool is not allowed in the manufacture of woolen fabrics and blankets for naval use, due to the fact that strength, durability, and color are primary requirements of these items. Reworked wool not only lowers the tensile strength and elasticity, but also reduces the durability and affects the affinity for dyestuffs.

In answer to questions that were brought out here earlier, and I do not have time to go into this bill although I am thoroughly familiar with its provisions, I want to read briefly from a letter mentioned by my colleague the gentleman from Texas [Mr. SOUTH] earlier in the debate. This is from Mr. Hill, Acting Secretary of Agriculture. I will shorten this statement because the letter will appear in my remarks. Referring to the blanket industry it provides a very definite case in point with the bill under consideration.

In January 1933, the blanket manufacturers began to label their articles with reference to wool and cotton content. This labeling went on from 1933 to 1937, inclusive, in most of these articles. It was found by data taken from the census report—1927 to 1937—in that period that production of all-wool blankets had been relatively constant during that period, whereas the production of all-cotton blankets, and, mind you, cotton and wool blankets, had increased greatly since 1931. I will call your attention to the table set out before. From the information the Department has been able to assemble in every line, it does not appear that the enactment of the truth-in-fabrics bill would adversely affect the consumption of cotton.

One more point and I am through. I come from the largest cotton-producing county—at one time—in the United States and I am not afraid of this bill so far as cotton is concerned. With reference to objections that have been raised by our distinguished friend from Oklahoma and other speakers to this bill, with reference to the fact that this bill should be divided transversely as between the commodities affected instead of horizontally, an analysis of the language of this bill provides the answer to that argument. First of all, under the definitions in this bill and under a proper administration of the act in accordance with those definitions, it will not be possible to pull the wool over the eyes, even of my good friend the wool manufacturer from Pennsylvania, who has been in the dark all afternoon.

Mr. THOMASON. Will the gentleman yield?

Mr. KLEBERG. I yield to the gentleman from Texas.

Mr. THOMASON. I know my colleague is familiar with this subject and I would like to ask him this question. Is not the opposition to this bill using the very same argument that was used by those who opposed the Pure Food and Drug Act which was passed for the protection of the consuming public of the country? That bill went through the same kind of fight as this, yet has been of invaluable benefit to the consuming public.

Mr. KLEBERG. That is true. There has been confusion concerning the bill under consideration, not only because of failure to interpret it properly—though to me it seems perfectly simple—but because the original bill, when presented, gave a full and sound foundation and basis for the arguments such as are raised, for instance, by my distinguished young friend the gentleman from Oklahoma [Mr. BOREN].

Mr. THOMASON. Does the gentleman know of any reason why clothing merchants should not be required to tell the truth just the same as drug merchants?

Mr. KLEBERG. Certainly not. [Applause.]

The letters referred to by the gentleman from Texas [Mr. KLEBERG] are as follows:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
*Washington, D. C., June 5, 1940.*

Hon. FRANK C. MORTON,
*House of Representatives, Washington, D. C.*

MY DEAR MR. MORTON: Your letter of May 29, 1940, addressed to the paymaster of the Marine Corps, Brig. Gen. Russell B. Putnam, and requesting information regarding the Navy's requirements of wool, has been referred to this Bureau for reply.

As soon as the naval appropriation bill for the fiscal year 1941 has been approved, this Bureau contemplates entering the market for the following items, which it is estimated will require the quantity of wool set opposite each item:

*Requirements of wool on a clean basis in pounds*

| | |
|---|---|
| 100,000 yards flannel, blue, dark, 11 ounces | 100,000 |
| 125,000 yards kersey, blue, dark, 30 ounces | 100,000 |
| 150,000 yards melton, blue, dark, 16 ounces | 300,000 |
| 50,000 blankets | 225,000 |
| | 1,000,000 |

For your information, there are enclosed herewith copies of specifications covering the foregoing items.

Reworked wool is not allowed in the manufacture of woolen fabrics and blankets for naval use, due to the fact that strength, durability, and color are primary requirements of these items. Reworked wool not only lowers the tensile strength and elasticity but also reduces the durability and affects the affinity for dyestuffs.

Sincerely yours,

RAY SPEAR,
*Rear Admiral, Supply Corps, United States Navy, Paymaster General of the Navy.*

---

DEPARTMENT OF AGRICULTURE,
*Washington, August 28, 1940.*

Mr. W. R. OGG,
*Director of Research, American Farm Bureau Federation, Washington, D. C.*

DEAR MR. OGG: This is in further reply to your letter of August 5 in which you called attention to the letter of July 27, 1939, from the Assistant Secretary of Agriculture to Senator THOMAS, with respect to the possible effects of S. 162, the truth-in-fabrics bill, on the consumption of cotton in the woolen and worsted industry, and asked if the Department had been able to give the problem further study since that time.

Information has not been readily available to show the extent to which information, such as consumers would obtain as a result of such legislation, might cause a shift from the use of cotton to the use of wool in the woolen and worsted industry. The data published by the Bureau of the Census in the past year, however, showing the materials used by this industry in 1937, when considered along with the prices of the raw materials, throw considerable light on the problem. In 1937 the woolen and worsted industry used a total of 780,000,000 pounds of raw fiber materials. Of this, 494,000,000 pounds consisted of raw wool and hair; 72,000,000 pounds consisted of cotton; 157,000,000 pounds consisted of wool and hair wastes, rags, and clippings; and 57,000,000 pounds consisted of rayon and other fibers and wastes thereof. Since the price of raw wool on a clean-content basis is usually several times as high as the price of cotton, it is apparent that they meet quite different technical requirements and consumer preferences. Some of the other materials used by the woolen and worsted industry sell at prices between those of wool and cotton. These facts suggest that the information resulting from the enactment of the truth-in-fabrics bill would probably affect the use of wool substitute materials rather than cotton.

The blanket industry probably provides the most pertinent information available in answer to your question. In January 1933 blanket manufacturers began labeling their articles as to wool and cotton content. They divided these blankets into four classes—those having less than 5 percent wool content, those having 5 to 25 percent wool content, those having 25 to 98 percent wool content, and those having more than 98 percent wool content by weight. The enclosed table shows the production in pounds of blankets, exclusive of horse and crib blankets and motor and steamer robes, as compiled from census data for the years 1927 to 1937, inclusive. These data show that the production of "all wool" blankets has been relatively constant, whereas the production of "all cotton" blankets and "cotton and wool" blankets has increased greatly since 1931. It is clear that the consumption of cotton has not declined as a result of the labeling program adopted by the blanket industry.

From the information the Department has been able to assemble it does not appear that the enactment of the truth-in-fabrics bill would adversely affect the consumption of cotton.

Very truly yours,

GROVER B. HILL,
*Acting Secretary.*

TABLE I.—*Production of blankets, exclusive of horse and crib blankets and motor and steamer robes*

| Calendar year | Total quantity | Cotton-wool mixtures | | All cotton | | All wool | |
|---|---|---|---|---|---|---|---|
| | | Quantity | Percent of total | Quantity | Percent of total | Quantity | Percent of total |
| | *Pounds* | *Pounds* | | *Pounds* | | *Pounds* | |
| 1927 | 74,800,000 | 17,400,000 | 23.2 | 46,800,000 | 62.6 | 10,600,000 | 14.2 |
| 1929 | 67,700,000 | 30,900,000 | 45.6 | 24,400,000 | 36.1 | 12,400,000 | 18.3 |
| 1931 | 50,000,000 | 26,300,000 | 52.6 | 12,900,000 | 25.8 | 10,800,000 | 21.6 |
| 1935 | 52,200,000 | 20,000,000 | 38.3 | 20,400,000 | 39.1 | 11,800,000 | 22.6 |
| 1937 | 88,000,000 | 37,300,000 | 42.4 | 40,200,000 | 45.7 | 10,500,000 | 11.9 |

Source: Compiled from census data.

Mr. LEA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SECREST].

Mr. SECREST. Mr. Chairman, for several years, those of us from wool-producing areas of the United States have been vitally interested in securing passage of a truth in fabrics bill, realizing that it would result in a much greater use of virgin wool, with a consequent rise in price to the producing farmer.

At the present time, a manufacturer can produce an inferior article containing reclaimed wool under the pretense that the article is all wool or pure wool. This bill requires the manufacturer to truthfully label his products so that the consumer will know whether he is buying an article made from reclaimed rags or from virgin wool. If this is done, we are confident that the consumers of America will purchase the genuine article.

Virgin wool is unused wool possessing qualities of warmth and durability which no other product in the world can match. Reclaimed wool is an inferior, second-hand substitute for virgin wool. This shoddy is placed in fabrics at the present time without letting the purchaser know that he is buying an inferior material. This bill is designed to let the purchaser know what he is getting. I believe it to be as fair and necessary as the present oleomargarine legislation which was adopted to prevent consumers from being sold a cheap substitute for butter without their knowledge. We want the people to know what they are buying. This will save the consumer much money in helping him to tell a good product from a bad one merely by looking at the label. It will also be extremely helpful to the producer of wool by increasing his market and raising the price of virgin wool. The honest manufacturer of woolen products will welcome this bill because he uses only virgin wool and dislikes the competition of shysters who fool the public with fake woolen materials.

Last year, Ohio had within its borders 2,584,000 sheep; these produced 18,200,000 pounds of wool. If this bill increases the price of wool 5 cents per pound, it will mean nearly $1,000,000 to Ohio farmers. In my district there are six counties. The latest available figures show that Noble County has 52,956 sheep and lambs producing approximately 477,000 pounds of wool each year. Guernsey County had 53,418 head of sheep and lambs producing approximately 449,180 pounds of wool each year. Muskingum County had 84,137 head of sheep and lambs producing 717,000 pounds of wool each year. Morgan County has approximately 78,813 head of sheep and lambs producing 755,481 pounds of wool each year. Monroe County has 17,786 head of sheep and lambs producing 145,828 pounds of wool each year. Washington County has 29,803 head of sheep and lambs producing 233,824 pounds of wool each year.

Thus, the latest total of sheep and lambs for the Fifteenth District of Ohio was 317,913 head producing 2,779,303 pounds of virgin wool. If this bill eventually results in an increase in the price of wool 5 cents per pound, the farmers of my district will receive an added income of approximately $120,000 each year—a profit which justly should go to them and not to manufacturers who sell reclaimed rags to people who are fooled into thinking they are getting the best woolen products. It is unbelievable, but official figures show that during the past 6 years more than 600,000,000 pounds of reclaimed wool, or shoddy, have been used by woolen manufacturers as an undisclosed substitute for virgin wool. We should make these manufacturers label their product to show how much wool is in it, and whether that wool is good new wool or second-hand wool. At the present time 100,000,000 pounds of cheap shoddy are used every year by woolen manufacturers. This is five times as much wool as is produced in the whole State of Ohio, and it requires no imagination to see the great benefits that will accrue not only to the purchaser but to the producer of wool if we require every manufacturer to label his product to show how much wool is in a particular garment and how much of that wool is virgin wool.

The National Grange, the American Farm Bureau, and many other organizations have fought for years to secure legislation of this kind. Last year this bill passed the Senate by a vote of two to one. It should pass this House unanimously. In the past I have spoken successfully for rural road legislation to benefit the farmer of my district. I spoke successfully for legislation to investigate the high prices of farm machinery. I am happy again for the opportunity to speak for this bill which, in my opinion, is the greatest piece of legislation that has ever passed the Congress for the benefit of those engaged in the keeping of sheep and the production of wool. I urge every Member of this Congress to support H. R. 944 to provide for the labeling of woolen products, so that the purchasers of America may know exactly what they are buying. If we do this, the farmers of my district, the farmers of Ohio, and the farmers of America will be eternally grateful. [Applause.]

Mr. LEWIS of Ohio. Mr. Chairman, I am for this truth-in-fabrics bill for a number of reasons. In the first place, I believe the purchaser of a garment or piece of clothing containing wool has the right to know what he is buying. Under the present situation when you buy clothing or cloth you buy a "pig in a poke," if I may use that expression. All you see is the cloth. It may look well and it may feel well, but its true character may be much inferior in quality to both its looks and its feel, and it may or may not be what you are paying for at all. It is quite a common experience with some brands of clothing that after there has been a slight rain on it the length of the sleeves and the trousers is not the length you bought when you paid for the clothing. This, of course, is due to the fact that while the cloth may have been represented as "all wool" or "virgin wool," yet it did contain other materials which caused it to shrink.

Consequently I can see no reason why anyone who is honest and who wishes to sell only what he represents he is selling should object to placing a label on the cloth stating what the materials are of which it is made. It seems to me that is a matter of common honesty, for if all men were honest, the Government would not need to interpose a regulation, but inasmuch as sad experience has taught us that all men are not honest, it requires some action by the Government to compel honesty in fabrics, as for years the Government has compelled honesty in the composition of drugs and foodstuffs.

But I am for this bill for another reason. The sheep farmers of my district and of the United States have for years been raising and selling their wool on a greatly depressed market, largely due to the fact that modern weaving practices in the weaving of cloth have not been honest. Vast quantities of non-wool materials have been woven into our garments, so skillfully that the human eye is unable to detect the adulterating material in the fabric, and as a result garments are sold to the buying public as pure wool, virgin wool, or all wool, whereas in truth and in fact they are not. So great has the adulteration of so-called woolen fabrics become that these adulterating materials have taken the place and the markets for millions of pounds of wool, leaving consequently a lessened market for the pure fiber of wool at a consequently lessened price. This practice of adulterating wool fabrics has been greatly accelerated under the reciprocal-trade agreements policy of Secretary Hull and especially under the United Kingdom trade agreement, by means of which the import duties on woolen rags were reduced approximately 50 percent. Within 4 months after that agreement went into effect more woolen rags, gathered up as the cast-off clothing of British citizens in the cities of Great Britain, were shipped into this country, to be used to adulterate good American wool in the fabrication of the cloth for the clothing that we wear, than the entire wool clip for the State of Ohio for a full year.

I speak for honest treatment of the farmers of this country, whose markets are thus being taken by the cheap shoddy and wool rags imported under the reciprocal-trade agreements into this country.

Mr. Chairman, I represent a district in one of the finest wool-producing sections of the Nation, eastern Ohio. My

district consists of five counties, and I wish to give you the information on sheep and wool production in those counties, in the entire State of Ohio, and in the United States for the last available period, as reported by the Department of Agriculture, that is the number of sheep as of August 1, 1935, and the wool clip of 1934, to wit:

| | Number of sheep | Pounds | Value |
|---|---|---|---|
| Belmont County | 30, 868 | 264, 713 | $66, 178 |
| Carroll County | 31, 436 | 263, 943 | 65, 986 |
| Columbiana County | 10, 213 | 82, 368 | 20, 592 |
| Harrison County | 80, 482 | 730, 397 | 182, 599 |
| Jefferson County | 18, 781 | 161, 429 | 40, 357 |
| Ohio | 2, 584, 000 | 18, 200, 000 | 4, 335, 000 |
| United States | 54, 472, 000 | 388, 692, 000 | 84, 324, 000 |

Mr. Chairman, one of the counties of my district, Harrison, is one of the greatest sheep- and wool-producing counties in the entire Nation. There were 80,482 sheep in that one county as of August 1, 1935, the last available statistic, and an annual wool clip of over 700,000 pounds, with a total value in 1934 of $182,599.

Mr. Chairman, I am for this bill because I believe it is justly due to the wool-producing farmers of America that we protect their markets and make it impossible for any other fiber or fabric to masquerade under the good name of wool that is not in fact wool. For that reason, Mr. Chairman, I shall vote for this bill and I sincerely hope and believe it will result in a greatly increased consumption of virgin wool and consequently in a better price per pound to the wool farmers of the Nation.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. MURRAY].

Mr. MURRAY. Mr. Chairman, I am for this bill because I cannot see how any fair-minded man can help being for it. Between 15 and 20 years ago, when I had a little job out in Wisconsin with the agricultural college, I wrote many letters to our then Senator Lenroot about this same legislation. The farmers of this country are subjected to regulation in everything they sell. If you want to buy 92-score butter you get a chance to buy it. If you want full cream cheese you get full cream cheese. There is no reason in the world why any other group of society should not be willing to subscribe to that same kind of a program. [Applause.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield mysef such time as I may desire.

Mr. Chairman, the wool-labeling bill, otherwise known as the truth-in-fabric bill, now before the House, seeks to establish the principle that the consumer should receive the type of fabric that is represented by the seller. In other words, that the article sold must conform to the representations made at the time of sale. It is similar in principle to the laws that have been enacted by Congress to prevent the sale of oleomargarine as butter, or laws that guarantee the quality of foods and drugs. This bill does nothing other than require that the representations concerning the wool content of a fabric shall be true. Its purpose is to protect the consumer against false representations.

The need for this type of legislation has long been recognized. Consumer organizations, labor and farm groups, have for many years sought the enactment of legislation of this character.

The National Grange, American Farm Bureau, National Farmers Guild, National Council of Farmer Cooperatives, National Wool Growers, and many other allied farm organizations are now, and for a long time have been, advocating the enactment of this legislation.

Labor organizations have likewise long urged its adoption. Unions of the American Federation of Labor, including the Union Label Trades Department and the United Textile Workers, have been most diligent in pressing for the passage of this legislation. The latter organization has urged it for more than 30 years.

Consumer organizations and women's organizations of various types and kinds are also enthusiastically requesting that this bill be enacted at this session. Their long and consistent effort in behalf of legislation to guarantee truth as to the content of fabrics on the market is well known.

The organizations I have mentioned as supporting this bill represent millions of farmers in the 48 States and millions of workers throughout the Nation. The women's organizations and consumer groups represent as many more millions. The demand, in fact, is almost universal.

It does not seem to me that there can be any logical or substantial reason urged against a bill of this character that seeks to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products. It is therefore my intention to support the bill.

In conclusion, I wish to pay tribute to one of our most distinguished Members, who worked long and hard to bring this bill before the House, but who is not here today to raise his voice in support of it. I refer to our distinguished colleague from New Jersey [Mr. Seger], whose voice was stilled in death a few days ago. He had expected to be present and urge the passage of the bill. In fact, his last official act, before being fatally stricken, was to meet with a group of his colleagues, who were likewise interested in the passage of this bill, and discuss with them ways and means to present to the House the facts and arguments that justify the enactment of the bill and that would make certain the favorable action of the House. Though his voice is not heard today audibly speaking in behalf of the bill, yet there are some of us who were close to him and who now remember the intense desire he had to see this bill adopted and the logical and forceful arguments he had urged in its behalf. It would be a fine tribute to our departed friend from New Jersey [Mr. Seger] if those to whom he has spoken in days that have passed, in behalf of this bill, would today recognize the strength of his arguments, and in respect for his wishes give their support to this bill. It is needless to say that if right and truth did not justify the enactment of this bill he would be the last one to request support for it. The fact that he had done so is unmistakable evidence of his belief in the need and propriety of this legislation.

I trust that the reason and purpose of this bill, and the supporting arguments that justify its enactment, will cause the membership of the House to give it the support it is entitled to have. [Applause.]

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, this bill should have the support of all the Members of the House. It simply requires honest disclosure, by label, of the true fiber content of wool fabrics.

In my own State of Montana we produced in 1940 approximately 28,000,000 pounds of wool. Our sheep population is slightly in excess of 3,000,000. The sheep growers in my district are especially interested in the bill, and it is my opinion that the public, generally, is likewise very much interested, as it is to their interest to know the kind of goods they are purchasing. The bill does not place a ban on the use of any materials whatever. Shoddy, recovered wool may be used after the passage of this bill, the same as before. The only difference is that the seller of the goods must make known to the purchaser just what the purchaser is buying. The purchaser of wool fabrics is entitled to this protection. It goes without saying that garments made of shoddy or recovered wool are of much less durability than garments made of virgin wool.

It has been found by the public generally that legislation along these lines was necessary in other fields. For instance, we have the Pure Food and Drug Act to protect the public against adulteration and deception in the sale of food and drugs. We also have the Commodities Exchange Act to outlaw unfair and fraudulent practices and to protect against excessive speculation and manipulation of commodity markets. We also have the Securities and Exchange Commission to protect the public against misrepresentation and fraud

in the sale of securities; so we are not asking for any new or novel legislation.

When one goes into a meat market or a fruit store the various kinds of meat or fruit are on display. The purchaser knows what he is buying. He gets what he is paying for; and the same is true with other eatables. In other words, he looks the goods over in such places, makes his choice, and pays the price. This is not so at present with the purchase of wearing apparel or garments of any kind. It may be likened to buying a "pig in a poke."

The rule of caveat emptor does not apply in a case of this kind. That rule applies only where the purchaser has the same means of observation and the same opportunity for knowledge as to the character of the thing that he buys as the seller; but where the article purchased may have latent defects, then the purchaser is entitled to protection even though it requires legislation to give him that security. The purchaser now must take the seller's word for the contents of the fabrics. He has no way of ascertaining the truth or falsity of the representation made by the seller. There has been so much deception practiced along this line that it is a matter, really, of public concern. We all recall, or those of us who remember the World War, what was known as the shoddy scandal. It aroused the country to such an extent that it resulted in a Senate investigation. It is said that many cases of influenza and pneumonia were caused as a result of insufficient protection afforded our soldiers.

In connection with the foregoing statement it might be mighty well to guard against a repetition of another "shoddy scandal."

The opponents of this bill are trying to make the public believe that there is a shortage of virgin wool which they claim will be increased if this bill is passed. Such will not be the case. It may not result in the increase of the use of any virgin wool as many of the people will be unable to purchase, or pay the price of virgin-wool garments, but it will result in aiding the purchaser to get what he pays for and to know what he is getting.

It is estimated that there will be in excess of a billion pounds of wool available during the next 12 to 14 months which we are told will amount to 2 years of normal consumption. It is said that there are in the neighborhood of 175,000,000 pounds of wool still in the hands of wool growers. Now, if we assume that in the event this bill is passed it will result in the greater consumption of virgin wool, the requirements will be amply met. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PATMAN].

HITLER FIRES BYOIR WHEN DISCOVERED HE WAS SEMITIC

Mr. PATMAN. Mr. Chairman, Lt. Col. Carl Byoir was discharged by Hitler when he learned that Byoir, the man he had hired to distribute anti-Semitic literature in this country, was Semitic himself.

Now, Byoir tried to becloud the issue by making an attack on me when I showed by sworn testimony before the Dies committee yesterday that he was the first and highest paid Hitler agent in this country in 1933, 1934, and 1935; that his activities were un-American, and if they had been committed in time of war, would have been treason. The charge he made that I introduced bills to make money is too ridiculous to take up time in denying, when all of my efforts which involved crusades have been made at great personal and financial sacrifice but against greedy, selfish, monopolistic interests.

DEMOCRACY IN DANGER WHEN FEW LIKE BYOIR HAVE SO MUCH CONTROL OVER PRESS

Lieutenant Colonel Byoir has great advantage through the press, since he represents so many national advertisers. I wonder how long our democracy can survive when a few men like Lt. Col. Carl Byoir have obtained so much control over the means of communication in this country and can get printed anything they want printed, whether true or false, and can keep from being published things that they object to. I submit that in such a situation, our democracy is in danger.

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. COFFEE].

Mr. COFFEE of Nebraska. Mr. Chairman, this wool-fabrics-labeling bill before us today for consideration should receive the overwhelming support of the membership of the House because it is in the interest of the wool grower, the legitimate manufacturer, wholesaler, retailer, and the consumer. The companion bill has twice passed the Senate. Last year it was passed by a 2-to-1 vote. For the last 20 years there has been a growing demand for this legislation. It simply requires that the consuming public be given information as to the fiber content of the wool products that are put into the channels of interstate commerce.

Under this bill wool products are to be labeled showing the percentage of wool, reprocessed wool, reused wool, nonwool fibers, nonfibrous adulterations, and the name of the manufacturer. The retailer or wholesaler may substitute his own label in lieu of that of the manufacturer so long as it carries the information required as to fiber content.

The principles involved in this bill are the same as those involved in the Pure Food and Drugs Act. I am sure you would not wish to repeal that act. The same principles involved in this bill were involved in the new Federal Seed Labeling Act, which I sponsored and which this Congress enacted into law last year. The same arguments were raised against the seed-labeling bill when it was under consideration that are now being made against this bill. Since that bill was passed, I have never had one single complaint from a grower or a member of the seed trade. Why? The reason is simply because it is recognized by all concerned that the consumer is entitled to know what he is buying and that it is a proper function of the Federal Government to protect his rights.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Nebraska. I yield.

Mr. SOUTH. I may say to the gentleman that the same thing is true as to the commercial-fertilizer law. The container is now required to show the exact contents, and I have received no complaints about the manner in which it is being enforced.

Mr. COFFEE of Nebraska. I understand that is true.

Mr. THOMASON. Does the gentleman know of any reason why an honest merchant should object to telling the truth about the product he sells?

Mr. COFFEE of Nebraska. None whatever. The legitimate merchant who maintains a standard of quality is entitled to the protection of the Federal Government against the cutthroat competitor who misrepresents his product to the public. This bill does not prohibit the sale of any wool product so long as it is correctly represented. It simply requires a disclosure of the facts as to the fibrous content of any wool product.

As an indication of the widespread support of this bill, let me read into the record this joint letter addressed to the Rules Committee. I quote:

WASHINGTON, D. C., *July 26, 1939.*

*To the Members of the Rules Committee, House of Representatives:*

The undersigned organizations respectfully urge the Rules Committee to approve a rule for the consideration of H. R. 944, the wool labeling bill, which has been favorably reported by the House Committee on Interstate and Foreign Commerce, and passed by the Senate by a 2-to-1 vote, in order that action on this measure may be had before the adjournment of this session of Congress.

These organizations, representing millions of farmers in 48 States and millions of workers throughout the Nation, are united in support of this legislation. In addition, the principles of the bill are supported by a large number of women's organizations and other consumer groups, as well as manufacturers who are interested in truthful labeling.

We earnestly believe that Congress should not permit any further delay in the passage of this constructive legislation for the benefit of the farmer and the protection of the consumer.

Respectfully submitted.

American Farm Bureau Federation, by W. R. Ogg; American Federation of Labor, by W. C. Hushing; National Cooperative Council, by Ezra T. Benson; National Farmers Guild, by Edw. E. Kennedy; National Grange, by Fred Brenckman; National Wool Growers, by J. B. Wilson; Union Label Trades Department, A. F. of L., by John M. Baer; United Textile Workers of America, A. F. of L., by Francis J. Gorman.

The wool growers of the Nation are naturally very much interested in this bill because of the trend in the use of shoddy as a substitute for virgin wool. The wool grower is being thrown in direct competition with the junkman and the woolen-rags importer. As evidence of this let me call to your attention this information which was furnished to me by the Bureau of Foreign and Domestic Commerce. In 1938 woolen-rag importations amounted to only 794,436 pounds valued at $262,201. The duty was 18 cents a pound. Under the trade agreement with the United Kingdom the duty was reduced to 9 cents a pound effective January 1, 1939. This resulted in more than a thousand percent increase in the importation of woolen rags. The total imports for 1939 amounted to 8,417,818 pounds valued at $2,321,943.

These woolen rags, together with our domestic woolen rags, now find their way into all wool garments. Under this bill it would be necessary to show on the label the percentage of reused wool. There is nothing to prevent the sale of these woolen rags in the shape of new woolen garments but it will be necessary to let the consumer know what he is buying.

The percentage of recovered wool fiber, rags, clippings, and so forth, in wool products increased from 18 percent in 1919 to 25 percent in 1935, according to a report from the Census Bureau. This bill will not only protect the wool grower in supplying the domestic market, but it will protect the consumer against the substitution of shoddy without his knowledge.

The bill will protect the legitimate manufacturer, wholesaler, and retailer who are anxious to maintain high standards and quality of their merchandise. It will protect the ethical manufacturer, wholesaler, and retailer against the trade practices of unethical competition.

The Federal Trade Commission has stated that—

In its opinion no additional personnel or additional costs over what are now required in this field will be needed for the administration or enforcement of the provisions of this bill.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Nebraska. I yield.

Mr. SOUTH. Something was said by the gentleman from California [Mr. HINSHAW] about a million-dollar lobby that had been going on here, and he refused to yield when asked about it. I would like to ask the gentleman from Nebraska if he knows anything about any such lobby, and I wish the gentleman from California would explain that more in detail.

Mr. COFFEE of Nebraska. I can say that for 20 years the wool growers, consumer organizations, farm groups, and various people throughout the Nation have been demanding this legislation.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. COFFEE of Nebraska. I want to stress this point: With importations of woolen rags on the increase and the use of shoddy in woolen garments likewise increasing, this legislation becomes more necessary now than ever.

Mr. RICH. Why did they reduce that tariff?

Mr. COFFEE of Nebraska. I was not in favor of it, I can assure the gentleman.

Mr. MICHENER. The trade agreement reduced the tariff.

Mr. COFFEE of Nebraska. It was under the trade agreement with the United Kingdom. [Applause.]

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. BALL].

Mr. BALL. Mr. Chairman, I want to say that I honestly tried to see the good in this bill. I have the highest respect for the proponents of this bill. I know many of the organizations who are behind it. I know what their members want to do. I have great sympathy with their motives, but I do not believe the bill will do what its proponents expect of it.

Offhand, it would seem to be of some benefit to the purchaser of woolen goods, but like a lot of other protective legislation, it will not do what its proponents expect of it. It very probably will throw the wool market out of balance, for if the majority of buyers insist on buying material made only of virgin wool or unused wool, as the gentleman has put it, the price of that unused wool will immediately go up.

To begin with, I believe that wool is wool, and the implication in the bill that all virgin or unused wool is superior to all reworked wool is untrue and unfair. Much of the reworked wool costs the manufacturer as much as virgin wool and is more suitable for the purpose for which it is used. The average purchaser confronted with the system of labeling set up in the bill would be led to believe that one type of material was better, when it was not, and was worth more, when it was not. This seems to me to be discriminatory. We have been told many times that there is absolutely no laboratory test by which the presence of reworked wool can be determined by examining the finished surface. Therefore the only way the proposed law can be enforced is by a complicated inspection system and an elaborate check of the records of each mill, which means more Federal employees to attempt to police the industry. I think most of you will agree that we have enough inspectors running around now, and that it is about time we called a halt on Government jobs and expenditures.

Another aspect of the situation that strikes me as very important is the question of imported goods. Under the bill, all imported wool products must be labeled, but how under the sun can you tell whether they are properly labeled? If no known test will show the contents of a fabric and the books and factories on the other side of the ocean are not open to inspection by our enforcing agents, how is the consumer going to know what is behind the label? If foreign manufacturers want to evade our American laws, they will not worry too much about accuracy in their invoices. If an honest manufacturer in our country, who does everything possible to comply with the law, is faced with foreign competition of that kind, where does he get off?

I remember appearing at the hearing before the Rules Committee and I was tremendously struck by the address of a distinguished gentleman who signed the minority report and who is not able to be here today. If he were here, I know he could tell you eloquently and well what is the matter with this bill. I refer to the gentleman from New York [Mr. WADSWORTH].

Another gentleman who signed the minority report was the gentleman from North Carolina [Mr. BULWINKLE]. These men know all about it. I know very little about it. I honestly tried to see the good in the bill and I honestly do not see it. I do not think it will work. I think it will be a tremendous mistake to pass the legislation. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Connecticut yields back one-half minute.

Mr. LEA. Mr. Chairman, I yield 7 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, I had not intended to take up your time again on a discussion of this bill, but so many insinuations have been made regarding the integrity, reputation, and ability of the retailers of this Nation that I feel someone should stand down here in the well and say that they are not all a bunch of bandits. In my opinion the retailers of this Nation have built up a commerce that is a credit to this country. Nowhere under the shining sun will you find business run on as reputable a basis as it is with the retailers of this country.

The need for this bill arises, we are told, because somebody is chiseling. Either the retail industry is guilty of this chiseling or the industry is able to clean up the situation itself.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. WHITE of Idaho. Does not the gentleman believe that the retailers are being imposed on by the wholesalers and manufacturers palming off shoddy wool for the real article?

Mr. MONRONEY. This bill will not keep them from being imposed on.

Mr. WHITE of Idaho. Does not the gentleman believe that labeling truth in fabrics will do that thing?

Mr. MONRONEY. This bill is not a truth-in-fabrics labeling bill, it is a wool bill. As an evidence of that is the case of silk. Silk is one of the important fabrics, one that contains no part of wool, yet the bill does not cover silk, we do not protect the buyer of silk or other fabrics—only wool. Their protection is left largely to the retail merchants who through their Better Business Bureaus and national organizations have striven for the past 10 years to accomplish that.

Mr. WHITE of Idaho. Does the gentleman believe that the Better Business Bureaus could have reached the pure food and drug business? If they could not do it there how could they do it in the field of fabrics?

Mr. MONRONEY. That is a field in which the retailer does not operate. A drug is a mixture, and no one can tell what will result from the use of a mixture of drugs for their action is not uniform on all people.

A suit of clothes is much the same as an automobile. We buy an automobile without inquiring what percentage of the steel is new and what percentage has been reworked. We do not inquire as to the percentage of chromium in the steel or brass in the car. We buy a particular car because we have been buying that make and know from experience it is a good car. In the same way customers trust in their retail merchant.

Mr. WHITE of Idaho. The gentleman would not want to buy an automobile fabricated from used parts, would he?

Mr. MONRONEY. My dear sir, some of the steel used in your automobile, I expect, is refabricated steel gathered in from scraps. Now, I am not taking any part in this cross-fire between new and reworked wool. I get up here to say to you that the retailers of this country are not half as bad as they have been painted.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. SOUTH. I may say to the gentleman from Oklahoma that this bill is for the protection of the retailer as much as anyone. The retailers of this city were interviewed by disinterested parties and a substantial majority of the more reputable retailers favor this legislation.

Mr. MONRONEY. Of course they are going to have the dog collar put on them, but that does not mean they advocate this legislation. Does the gentleman mean to say they came here and asked for this legislation?

Mr. SOUTH. I mean to say they said they would like to see this legislation passed. There was no protest from one of them, and the hearings will show that is true. The hearings also show that Miss Merton testified that she visited various leading stores in the city of Washington and the majority of them, she said, favored the passage of this legislation. That is a matter of record.

Mr. BOREN. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. BOREN. That statement was made in the hearings by Miss Merton, who is one of the many paid lobbyists working for the passage of this bill. She was completely discredited as a witness before our committee.

Mr. MONRONEY. Mr. Chairman, I ask these gentlemen not to take up my time.

Mr. SOUTH. Mr. Chairman, will the gentleman yield just a second?

Mr. MONRONEY. I yield.

Mr. SOUTH. The witness testified that she was not a paid lobbyist, and it is unfair to the witness and unfair to the public generally for the gentleman to say that about a person who is not here to protect herself.

Mr. MONRONEY. I would appreciate it, Mr. Chairman, if these gentlemen would continue their debate in their own time. I know nothing about the lady, never met her, and would not recognize her if I saw her. I want to tell you something about the Retail Federation, comprising 250,000 members of the retail trade. They did not ask for this bill. They suggested amendments to the committee which the committee was kind enough to grant, but since that time there has been considerable talk and worry about what will happen to their vast inventories when this bill is passed. It becomes a law overnight, and on their shelves will be millions of dollars' worth of merchandise.

The gentleman from Texas [Mr. SOUTH], in his statement, said they are not under interstate commerce and they will not be guilty of violating the law. That is true, and it illustrates an attorney's viewpoint on this. Of course, they are not going to violate the law if they have that merchandise in stock, but in merchandising the time element plays a very important part and when the new labeled stock infiltrates into their stores with these new labels, if this is passed, their present stocks immediately become obsolescent. That stock must be marked down at least 50 percent in order to be disposed of. It is just as good as the new labeled merchandise, but because the new stuff is the new model, so to speak, identified with such label, the retailer is going to suffer a very severe loss. I think the committee should take into consideration somewhere that the retailer should be protected in connection with this vast amount of stock which he has on hand.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Let me answer that by saying that we have agreed on an amendment which I think will satisfy the gentleman, but I would like to correct one statement the gentleman made. The gentleman says he is standing on the floor representing 25,000 retail merchants. Mr. Craig, head of the Retail Merchants Federation in the United States, representing something like 33 or 34 State organizations and dozens of others, appeared before our committee and in a direct answer to a question of mine as to whether, with the amendments he offered, which I personally saw were incorporated in the bill, he would favor the bill, he said, "I think so."

Mr. MONRONEY. Did he not say he would not oppose it?

Mr. BROWN of Ohio. No. He was asked:

If these amendments you suggest or like amendments are placed in the bill, the bill would have the support of your organization?

And he answered:

I should think so.

Mr. MONRONEY. In his written statement he says the group "do not oppose" the bill. Now, that is his own statement in his own writing.

Mr. BROWN of Ohio. Well, here is his statement before our committee as taken by the official reporters.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Wyoming [Mr. HORTON].

Mr. HORTON. Mr. Chairman, during the last 3 or 4 days I have taken so much of the time of so many House Members, getting them here on false alarms in connection with this truth-in-fabrics bill that I will not take much time today.

I am for this bill because I think it is about time that we gave a little protection to the outside of our hide, the same as we have been giving to the inside for many years through the pure-food laws.

This thing narrows down, in my opinion, to one question and that is whether reworked wool or reprocessed wool, when combined with pure virgin wool, makes up into a fabric which is superior to an all virgin-wool fabric. Let us assume for the sake of argument that it does, in which case is it not only fair that you establish your own trade-mark?

Down through the ages, for hundreds and hundreds of years, pure virgin wool has established itself in the minds of the people as the very finest fiber, for the fabrication of superior goods. Now, if your blend is better, why not stand up on your own legs and tell the world so? Why be a short sport by trying to establish your goods by using a symbol

which your blended goods have not earned the right to use? Why sail under false colors?

As a matter of fact your reprocessed or reworked wool is not as good as virgin wool. As proof let me read a letter recently received from Admiral Ray Spear, Paymaster General of the Navy. Listen to this:

Reworked wool is not allowed in the manufacture of woolen fabrics and the blankets for naval use, due to the fact that strength and durability, and color are primary requirements of these items. Reworked wool not only lowers the tensile strength and elasticity, but also reduces the durability and affects the affinity for dyestuffs.

The American Navy and the American Army, by purchasing virgin wool only, protects our Army and Navy boys against inferior goods. But how about the ordinary citizen? He has no way of knowing or of finding out, until too late, what he is getting for his money. If we could have a record here of the tragedies that have been caused in the homes because of inferior goods it would be astounding. This is of course particularly true among the low-income groups.

If for no other reason, I am for the passage of this bill in order to protect that class of people who simply cannot afford to be gypped.

Mr. KLEBERG. Will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Texas.

Mr. KLEBERG. With reference to the letter which the gentleman reread, he can refer back to the hearings and RECORD and the instance which occurred during the World War when American soldiers, due to the fact they had no time to check on the garments used, were forced to use British uniforms because their own uniforms fell to pieces.

Mr. HORTON. Yes. The only thing that was good on those World War uniforms were the buttons.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Chairman, it does seem to me, after all the legislation that has been adopted by Congress and by various State legislatures for the protection of consumers of various products, that there is utterly no reason why this bill should not become law at this time. It has been before Congress for months. Its principal purpose is to protect the consumers of woolen goods, the users and buyers of woolen goods in this country, both on the farm and in the cities. It merely calls for honest dealing. With all the laws that we have adopted for the protection of consumers, certainly this is the next step forward. Very few people who buy clothing and other woolens are aware of the various materials used as substitutes for virgin wool. Their losses because of deception as to such products run into millions of dollars.

I regret, however, that this bill, good as it is, will not go as far as I should like to see it go so far as the use of shoddy is concerned in the manufacture of woolen goods. It does not go as far as I believe it ought to go, but at least it will be some protection. I wish it would go further and stop the use of shoddy in all woolen goods.

According to the report of the committee, which has been filed here, about one-third of all the woolen goods, or so-called woolen goods, sold to the consumers of this country, embracing in all more than 500,000,000 pounds annually, about one-third, or 166,000,000 pounds, are made up of shoddy, wool substitutes, and various other mixtures of fibers, some of which are of the poorest quality. This bill will at least have the effect of putting consumers on their guard against fraud and deception.

I should just like to call your attention to the farmer's side of this, aside from the part the farmer has as a consumer, and that is the necessity of further diversifying agricultural production in this country. If one-third the total sales or 163,000,000 pounds of wool are displaced by imported shoddy and the shoddy obtained here at home, it serves to displace approximately the product of 20,000,000 sheep. In other words, with a sheep population now of about 50,000,000 head, it would be possible to increase that number to about 70,000,000 head by protecting the American consumer and the American farmer from the unfair competition which comes from shoddy and other wool substitutes.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HULL. I yield to the gentleman from Pennsylvania.

Mr. RICH. Could we not almost double the sheep industry in this country if we would eliminate the importation of these cheap foreign shoddies?

Mr. HULL. I am going to mention that a little later, in connection with not only the importation of foreign shoddies, but the importation of foreign wools. Lowering the tariff duties on shoddy under the reciprocal-trade treaties has brought many millions of pounds here from abroad.

At this time when we have a farm program in force and effect, which, among other things, serves to restrict the production of corn, cotton, wheat, rice, and tobacco, the importance of increasing the number of sheep lies in broadening the farmer's opportunity to diversify his production. To add 20,000,000 sheep to our farms would require the use of about 5,000,000 or 6,000,000 acres of land, some of which may now be used in producing crops of which there is a surplus. Increased production of wool in our own country might help make unnecessary the restriction on production which has been applied to cotton, corn, and wheat. It does seem to me that, looking at this from the standpoint of the consumer, it is a necessary protection, and looking at it from the standpoint of the farmer in the farm community, it is a further protection which will increase farm income by adding to the number of animals on the farms and making sheep raising more profitable. [Applause.]

Some time may elapse before Congress wakes up to the importance of diversifying agricultural production to relieve the necessity of restriction of acreage devoted to certain crops. Not only would there be opportunity to avoid surpluses, but also to improve farm marketing and add to farm income. As long as farm income continues at present levels the depression in industry and business in general will not be abolished. The protection of the sheep herds from the disastrous competition of foreign and domestic shoddy should be only one of numerous steps which are necessary. The present measure, if enacted, may be followed by others which will bring the desired results.

The importation of foreign shoddy and wool substitutes has been mentioned by the gentleman from Pennsylvania [Mr. RICH], and I agree with him as to its effect. May I not add that the importations of foreign wool from countries of much lower cost of production also serve to limit the number of sheep on our farms and ranches. The annual importations of wool, over 100,000,000 pounds annually, serve to make sheep raising less profitable, and, at times, have a disastrous effect upon the prices our farmers receive for their wool crops.

Wisconsin is not one of the leading sheep States, having about 500,000 head, but were sheep raising to be made profitable there, we might well have 10 times as many.

I hope this measure will pass. For 20 years or more the National Grange, the Farmers' Union, the Farm Bureau Federation, and other large organizations of farmers have sought the passage of a truth-in-fabric law. Now is the time to comply with their demand and at least remove the deception under which shoddy is palmed off on the consumers.

Others who have taken the floor have included in their remarks the resolutions and letters of the Farmers' Union and the Grange in support of this bill. Under unanimous consent I wish to add thereto by inserting a letter from Edward O. O'Neal, president of the American Farm Bureau Federation.

AMERICAN FARM BUREAU FEDERATION,
*Washington, D. C., August 27, 1940.*

Hon. MERLIN HULL,
*House of Representatives, Washington, D. C.*

MY DEAR CONGRESSMAN: I am writing to respectfully urge, on behalf of the welfare of farmers and consumers that you support the wool labeling bill, H. R. 944, more familiarly known as the truth-in-fabrics bill. This bill has been favorably reported by the House Committee on Interstate and Foreign Commerce after an exhaustive study of this matter. A companion bill, sponsored by Senator SCHWARTZ (S. 162) was approved by the Senate last year by a 2-to-1 vote.

This legislation is supported by practically all of the national farm organizations and also by a large number of organizations representing consumers and numerous manufacturers and retailers who wish to engage in honest, truthful merchandising and who favor protection against deceptive labeling and misrepresentation of woolen goods.

For nearly 20 years the American Farm Bureau Federation and other organizations of farmers and consumers have consistently urged action by Congress to protect wool growers and consumers against misrepresentation and deception in the sale of woolen goods. It is too bad that these flagrant abuses have been so long permitted. The wool industry has had more than ample time to voluntarily correct the abuses in the sale of woolen goods but has not done so.

Instead, the situation has grown worse over the years. Figures published by the United States Tariff Commission show that during the period 1914–35 the amount of shoddy (recovered wool fiber, rags, clippings, etc.) used in the wool manufacturing industry increased from 85,000,000 pounds to 111,000,000 pounds, while the amount of new wool and animal hair decreased from 286,000,000 pounds to 248,000,000 pounds, and the amount of cotton decreased from 28,000,000 pounds to 12,000,000 pounds.

Thus the consumption of new or virgin wool and the consumption of cotton in the wool-manufacturing industry have both suffered as a result of the increased use of reclaimed wool or shoddy. So flagrant has this abuse become that the wool manufacturing industry has been using more shoddy and substitute fibers than all of the new or virgin wool combined. Such mixtures are frequently sold to the consumer as "all wool" or as "pure wool" or other representations are made which lead the consumer to believe that the product is made entirely of new wool. Such deception of the public is indefensible.

The Schwartz-Martin bill merely seeks to protect the public against deception in the sale of woolen articles. It does not prevent the manufacturer from using any kind of substitute fibers and mixing them with woolen goods in any way that he desires and to any extent that he desires. All he is required to do is to truthfully label his products so that the consumers will know the truth about what he offers for sale. The consumer can then make an intelligent decision in purchasing such goods. If the consumer wants the cheaper goods made of shoddy, he or she can select such goods with full knowledge of what the article really is, instead of being sold an inferior article containing shoddy under the pretense that the article is all virgin wool, as happens all too often now.

The problem is not complicated and difficult as the opponents of this legislation contend. The issue is really quite plain; it comes down to a simple question of common honesty and fair dealing with the public. The honest manufacturer, wholesaler, and retailer who wants to tell the public the truth about the products which he sells, should welcome this legislation to protect them against competitors who want to take an unfair advantage by selling goods under misrepresentation.

The Federal Trade Commission, which would be charged with the responsibility of enforcement of this act, has furnished a report stating that it can be effectively administered at a very small expense.

Congress has already taken comparable action in other fields to require truthful labeling, notably in the enactment of the Pure Food and Drugs Act and, more recently, the Seed Labeling Act.

We therefore respectfully urge your support of H. R. 944 to the end that the millions of farmers and consumers, as well as honest manufacturers and retailers may have this reasonable protection against deceptive practices in the sale of woolen goods.

Sincerely yours,

EDW. A. O'NEAL, *President*.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. HOLMES].

Mr. HOLMES. Mr. Chairman, I come from a section that manufactures woolens and worsteds. In this section we have many high-grade manufacturing industries. They have made this product for years and years. They are alarmed over this legislation. They realize that this is another avenue by which the Federal Government is going to interfere with the conduct of their business.

I have here several letters from these high-grade concerns which have built their businesses on reputation, quality, and service. In 5 minutes I do not have time to read many of these letters, but one of our manufacturers states:

Why is it that the cry about the labeling of goods has to appear every so often?

Does the Government employ a man who can test and tell the correct amount of shoddy in a piece of goods which has been blended with wool?

He says he doubts it. I may say that I got a piece of goods from this same manufacturer and sent it to the Bureau of Standards and asked to have it analyzed, and I could not get any satisfaction. I could not get them to tell me what was in that piece of goods.

The National Association of Wool Manufacturers, with offices in Washington and Boston, had this to say:

The bill is an attempt at the regulation of the woolen-mill industry. The measure is a special-interest bill and is being promoted by one woolen mill for the benefit of such mill.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. HOLMES. I refuse to yield.

Mr. SOUTH. Just say so, and that will end the matter.

Mr. HOLMES. I would be glad to, but I am not going to be interfered with.

Mr. SOUTH. That is all right; go ahead.

Mr. HOLMES. Continuing—

A reading of the hearings will, we think, convince you that it is impossible by any known test to determine whether or not a piece of the better class of woolen goods is made from pure or so-called virgin wool, or whether such cloth contains wool that has been heretofore spun into yarn and woven into cloth.

Another high-grade concern in Boston states—

This proposed legislation is unnecessary and will act adversely to business and employment. It will mislead more than it will clarify.

I have this from another one of the mills in my district—

House bill H. R. 944, so-called virgin-wool labeling bill: The Woolen and Worsted Manufacturers Association has gone on record as opposed to this bill. I cannot see any sense in the bill. To me the whole legislation seems unnecessary and it would be confusing to the textile manufacturer and I think this is one piece of legislation that certainly should not be enacted into law.

I have a telegram from New York, addressed to me—

This organization representing fourteen hundred employers who employ 50,000 workers throughout the Nation oppose so-called truth in fabric bill H. R. 944. This bill will mislead the consumer, increase costs, impair business, and impose insuperable hardships on this depressed industry. We respectfully urge that you vote against this prejudicial and onerous legislation.

NATIONAL COAT AND SUIT INDUSTRY RECOVERY BOARD.

These are some of the reasons why I am opposed to this bill. [Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, some of the gentlemen of the House who have spoken seem to think that because portions of this bill or its general intent have been opposed by some of us that perhaps we are opposed to truth in fabrics. That is not true. I think that every member of my committee would be in favor of this truth-in-fabrics bill, provided truth in fabrics was actually to be obtained from the bill. The reason I mention this is just to point out to you one or two simple facts.

There are several hundred grades of wool. The following grades of wool are rated, according to this bill, as new wool. They are: Seedy wool, burry wool, dead wool, vat wool, shank wool, tags, and so forth. These classifications are graded as new wool under this bill. They vary in price from about 3 cents to 15 cents a pound. You can imagine the value of a piece of wool that comes from the rear end of a dead sheep that has been picked up on the range some place, or from the breech of a dead sheep that has been killed in a slaughterhouse and the wool pulled from the hide. The value of the wool from the fabric standpoint is low, and yet under this bill it is classed as new wool, and consequently a premium is placed upon the fabric made from it. On the other hand, there are wools called slubbing, laps, rovings, thread waste, and card-fly wool that are classified as reprocessed wool. They have never been worn or used by any person, and they can be worked up into a very splendid cloth or yarn, and these particular grades of wool are worth many times the price of the grades that I just mentioned that are to be classified as new wool.

Now, the value of a piece of woolen goods or a suit of wool clothes is dependent mostly upon the quality of the weaving operation, but it is also dependent very largely on the yarn, the length of the fiber, its resiliency, its strength, its kind,

and so forth. If the wool is second-hand or if it has been, as the gentleman mentioned, shipped here in the form of rags, shoddy, and waste, it is not good, and it should not be allowed in the manufacture of goods that are supposed to be rated as good wool goods, and I am opposed as much as anyone else to seeing the people fooled by such means.

So you can readily see that through the proposed definition of the term "wool" and from the definition of reprocessed wool, there is so much opportunity for variance in value that the person purchasing the goods can be very greatly fooled. As a matter of fact, it is quite possible—I do not know that my prices are correct, but I think the ratio is correct—to manufacture a piece of goods out of "new wool" that is practically useless and would tear apart in very short order, being made of short, weak fiber, for perhaps a dollar a yard, and on the other hand, a piece of goods made from a high-grade of "reprocessed wool" might easily be worth $5 a yard or more.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. HORTON. Are not all those products that the gentleman is speaking of now being used and sold as 100-percent wool?

Mr. HINSHAW. They are; certainly.

Mr. HORTON. And by this bill we at least are getting rid of 85 percent of the sins of the trade, are we not?

Mr. HINSHAW. I doubt that very seriously. You are acquiring some new sins and providing a new way to fool the people. You are putting the sins on a different angle. This bill, when it came to the committee originally, and that is what was referred to by the gentleman here, provided for the use of the term "virgin wool." Our committee took the word "virgin" out of the definition of wool, because there were a certain few manufacturers who had registered trademarks which might become very valuable if the bill passed using that term, and it was not considered fair to the rest of the trade that that term be allowed to continue in the bill. In fact, I could easily understand why those particular manufacturers were so interested in getting this bill put through using the term "virgin wool." It would be very materially to their private advantage.

I call your attention to the fact that while this is said to be a truth-in-fabrics bill, it only refers to fabrics that contain wool and it does not, as my friend mentioned a moment ago, refer to any other fabrics at all, because only if the fabrics contain wool are they to be labeled. There are many other fabrics in addition to those containing wool, but they do not come under this so-called truth-in-fabrics bill. This bill might better be called a bill to raise the price of virgin wool by placing an unwarranted premium upon it. Certainly the sheep growers want it, and other farm groups go along. Consumer groups press for it, too, but they are going to be badly fooled. The poor man, and even those of modest income, cannot pay the prices asked today for so-called virgin-wool blankets and clothing. Those prices are expected to rise materially if this bill passes. That is what the lobbyists are here for.

Reference and comparison has been made between this bill and the Food and Drug Act. That act did not raise prices, it lowered them, if anything, by actually exposing the utter simplicity of certain remedies sold to the public under high-sounding names. "Skin food" at $5 an ounce was found to be perfumed castor oil, and certain lip sticks were found to be dangerous. I thoroughly favor and support the Food and Drug Act, but this bill, as it stands, will add some new frauds.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 30 seconds to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, I am in favor of this legislation from the consumers' standpoint, although we raise vast numbers of sheep in Idaho. I am in favor of this legislation because I am sick and tired of being sold clothing or suits of clothes that get baggy in the knees and will not stand up. I am sick and tired of being told by these merchants and tailors that I have to buy imported goods to get the genuine article.

I am sure that we can make good woolen cloth in this country, just as good or better than they do in England or Scotland if we will protect the manufacturer by passing this bill. We cannot all be experts in judging woolen cloth, and we know from experience that a suit of clothes containing a mixture of shoddy wool will not hold its shape and appearance, nor wear with a suit made of virgin wool. I am sure we have all had the experience of having a nice woolen suit that was guaranteed to be all wool turn shabby after a little wear.

Now, gentlemen may argue that used wool in a garment will improve the fabric and its wearing qualities, but our experience tells us different. The superiority of cloth made from virgin wool is well known and has been proven through the ages. I believe we should give our woolen manufacturers a chance to prove the equality, if not the superiority, of fine woolen cloth manufactured in this country over that of England and Scotland. This legislation, instead of restricting the production of domestically manufactured woolen, will stimulate production by placing the stamp of genuineness on the American manufactured woolen cloth and American clothing.

In closing, let me call your attention to the experience of our Government in buying uniforms for our boys that served in the last war and the "shoddy scandal" that aroused this country and resulted in a Senate investigation and changes in personnel of the Quartermaster's Department.

The "shoddy scandal" came as the aftermath of bitter complaints from General Pershing in France regarding the quality of uniforms of American soldiers at the front. In General Pershing's words—

> Much of the clothing that we received for our troops was reported to be shoddy. I saw numbers of men wearing uniforms which were light and thin and which, of course, offered insufficient protection. The lack of clothing had been met in part by purchases from the British. Our troops did not take kindly to the idea of wearing the uniform of another nation, and it was with considerable protest and chagrin that they did so (Pershing's Memoirs, vol. I, p. 315).

There were serious epidemics of influenza and pneumonia in the training camps during the fall of 1917, which were attributed largely to the insufficient protection afforded our soldiers by the character of uniforms furnished. As a result, an investigation by the Senate Military Affairs Committee was instituted and evidence of shameful disregard of the health of our soldiers on the part of woolen manufacturers was revealed. Woolen manufacturers had maneuvered to provide uniform cloth with as much as 50 percent shoddy adulteration. When the facts were known, the Government prescribed rigid specifications for uniform cloth requiring the use of 100-percent new, or virgin, wool.

The very same element whose cupidity caused them to completely disregard the welfare of our soldiers in war are today the people opposing the passage of this bill which would require the honest disclosure, by label, of the true fiber content of wool fabrics. They want to continue to chisel the consuming public just as they chiseled our boys at the front until an aroused War Department set rigid specifications for uniform cloth.

Mr. Chairman, our duty is to the consumer and producer of wool in this country. Let us protect them by the enactment of this constructive legislation.

Mr. LEA. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. BOREN] 7 minutes.

Mr. BOREN. Mr. Chairman, I want it clearly understood that all of us who have united in an effort to keep this bad legislation from being enacted as written, are 100 percent for truth in fabrics. But we maintain that if you are going to give the consumer useful information you will have to give him the whole truth.

I want again, for just a moment, to call your attention to this chart.

CHART No. 2.—*Comparative values*

| "Virgin" wool | Price | Wool "wastes" | Price |
|---|---|---|---|
| Top sort | $0.90 | Slubbing | $1.00 |
| Stained wool | .80 | Broken laps | .90 |
| Grey wool | .75 | Rovings | .85 |
| Paint wool | .70 | Ring wastes | .75 |
| Britch | .60 | Thread waste | .70 |
| | | Noils | .60 |
| Seedy wool | .50 | Sweepings | .45 |
| Dead wool | .50 | Card waste or card fly | .40 |
| Shearlings | .40 | New rags | .25–.50 |
| Burry wool | .35 | Burr and brush wastes | .20 |
| Vat wool | .30 | Card strips | .07–.20 |
| Tanner's wool | .15 | Flocks | .07 |
| Shank wool | .07 | Old rags | .05–.25 |
| Tags | .05 | | |

Based June 25, 1940, on 64s/70s, clean value 90 cents top sort.

It is a little different than the one I had a while ago, but it tells the story. None of us wants to protect a manufacturer who would use rags in a suit of clothes or shoddy of any character. If they would provide in this bill a law to prevent the use of rags of any sort in the manufacture of goods of any sort, I think we would all agree.

Mr. SOUTH. Will the gentleman yield?

Mr. BOREN. I yield.

Mr. SOUTH. Does the gentleman think a law of that kind would be constitutional? We do not attempt to prevent anything. We simply attempt to identify.

Mr. BOREN. I am not sure about the constitutionality of it. It would be all right with me to compel them to identify the use of rags.

There is only one thing we are taking issue with, and that is this: You are forcing the fellow who has what is called under this bill "reworked wool," a good product, to label it as an inferior product. If you want to be honest about this thing and you want to give the consumer value, you will so amend this bill as to require that everything below the 50-percent mark be identified as "reprocessed" or "unfit" wool, if you want to use that term. Instead of that, you are putting a connotation of value on tags, and burr wool and seedy wool that it does not have. You are forcing the retailer to put a connotation of the absence of value on a product that is good, such as slubbing and rovings.

There have been a great many misstatements made with reference to this bill and misinterpretations. A while ago one gentleman in the debate pointed out that in the minority report we accused the bill of requiring performance information. No. The minority report sets out very clearly that the fault we find with this bill is that it does not tell what the tensile strength of the wool is. It does not tell the elasticity. It does not tell the weight per pound. It does not tell how long the fiber is. It does not tell one thing about the performance quality of the wool. It does not tell any useful thing. When a person comes in to buy wool under this bill he will not know whether it is tag wool or dead wool or top sort wool, and he will not know anything about the length of the fiber, the value of the fiber, its resiliency, or tensile strength. All he will know is whether or not it is virgin.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. BOREN. I yield.

Mrs. ROGERS of Massachusetts. The gentleman is making a fine statement. I want a bill, but one which is not misleading and unfair. The so-called McCormack bill is far superior to the bill under discussion, is it not?

Mr. BOREN. In my judgment it is, because it applies to the general field of truth in fabrics, covering more than simply the woolen subject.

The point I am trying to make is this: If you will give the people some information in the bill we will be for it, even though it is only information that rags ought not be used in suits.

Mr. KLEBERG. Will the gentleman yield?

Mr. BOREN. I yield.

Mr. KLEBERG. Will you tell the House just what percentage of the products on this right-hand side of the chart, which you say the bill under consideration would be losing in their price—just what percentage is involved?

Mr. BOREN. This bill would have a disastrous effect on all of the wools from the 50-cent lines up on this side. Now, that is not all. It would also add a connotation of value to all of this stuff down here that is just as much shoddy as rags. Tag wool in the sense that you use the term "shoddy," meaning no good, is certainly just as much shoddy as shoddy on this side. They are both no good. Yet you are trying to have us pass a bill that will say that tag wool has some value and slubbing does not have any.

Let me ask you one question: If virginity is going to connote value in this product, why do you not be honest about it and require a virgin-label bill for all products that go into fabrics? Let us label the virginity of cotton in this bill.

Mr. McCORMACK. Will the gentleman yield?

Mr. BOREN. I yield.

Mr. McCORMACK. During the course of the hearings I understand the evidence disclosed that certain money was paid from some source to obtain the passage of this legislation. Is my understanding correct?

Mr. BOREN. Well, some national officer of the Wool Growers Association admitted that the Forstman Corporation paid a portion of the expense for the distribution of a propaganda pamphlet which he put out as propaganda on this bill. I have no direct knowledge of any money that was paid to influence this bill. I am certain that whatever was spent was spent among the lobbyists at large. I am certain that those Members of Congress who are for this bill are honestly and honorably for it, though woefully misled or else yielding to the terriffic lobby pressure.

Mr. McCORMACK. That is what I mean. Was any specific amount mentioned?

Mr. BOREN. I do not recall for sure about that, but I do remember that a propaganda pamphlet supposedly for the benefit of the wool growers was admittedly paid for by the wool manufacturers, and it looks a little odd to me. That is a little beside the question here.

The thing I am interested in is the matter of principle. The only people in my district who are interested in this bill are for it because they have been misled to believe that it is going to benefit the wool growers. I have wool growers in my district. I do not have any wool manufacturers. My stand is strictly a matter of conviction and principle. My constituency is not greatly affected either way.

When I went on this subcommittee to handle this bill I was inclined to do what the majority of the subcommittee was about to do—vote to pass it out the first day because of its surface appeal—but I began to absorb a little information the first day, enough to make me want to have more, to feel that there was more than was indicated on the surface by the nice title.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 4 additional minutes to the gentleman from Oklahoma.

Mr. BOREN. This is a technical subject. The further you get into it the further you will realize the amount of detail involved and that a great deal of time should be put into this study.

A lot has been said about the propriety of bringing this bill up at the present time. I think it is a very unfortunate time to bring up a bill like this when you cannot get decent consideration on the part of the majority of the House. There has not really been a quorum here very much of the time. Here is what is said about the bill by the Quartermaster General of the United States Army. He said:

From the standpoint of national defense it would seem undesirable especially at this time to take any action to limit the use of either reworked or substitute wools, as such substitutes may become necessary shortly in our defense program.

I feel, Mr. Chairman, that if we put our approval on compelling a man to label something worth while that is an inferior product and letting another fellow label an inferior product as something of value, that we are going to hoodwink the consumers of America to the tune of multiplied millions. I am interested only in the fact that this bill keeps from instead of giving to the consumers performance information. That is what they want; they want to know how it will wear; what will be its warmth; and so forth and so on.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Mr. RICH. I wish the gentleman from Oklahoma would get permission to insert that chart in the RECORD.

Permit me to say that those who have talked here seemingly in opposition to this bill have done so with the idea of wanting to do good for the greatest number of people in the country, wanting to do the thing that is for the best interests of the greatest number of the American people.

Mr. BOREN. I thank the gentleman.

Mr. Chairman, I am 100 percent for giving the consumer all the information. I am 100 percent for truth in fabrics. But I am opposed to half truths. I think the pure food and drugs bill is a wonderful bill because it requires the truth, it requires the whole truth. I am not in favor of a law that requires if a medicine contains poison that its label name the other ingredients and not the poison, I believe the label should list all the ingredients. Yes; I would be against a bill that required the naming of all the ingredients except the poison.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Mr. SOUTH. The gentleman read a portion of a letter, I presume it was the letter written to Senator THOMAS of Oklahoma by the Quartermaster General.

Mr. BOREN. That is right.

Mr. SOUTH. I may say to the gentleman from Oklahoma that the Quartermaster General wrote another letter to Senator THOMAS which the gentleman from Ohio [Mr. BROWN] has, a letter in which he stated that the Army needs would not be affected and expressed the hope that it would not be used in this discussion.

I have in my hand a letter from Major General Gregory. It is addressed to me. It reads:

DEAR MR. SOUTH: In response to your telephonic conversation for a statement on H. R. 944, a bill styled "Wool Products Labeling Act," please be informed that this bill would have no direct effect upon the purchase of woolen fabrics for the Army. All woolen fabrics for the Army are purchased under rigid specifications, and are carefully inspected from the wool to the finished product to insure compliance with specifications.

Mr. BOREN. And during the World War shoddy was delivered for wool purchased under rigid specifications. But that is beside the point.

Mr. SOUTH. Well, Mr. BROWN has a letter completely negativing that statement.

Mr. BOREN. Whether the Quartermaster General is for or against it, of course, is beside the point. My interest in this matter is from the standpoint of principle. The whole story is told simply and eloquently on this chart. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MURDOCK of Arizona. Mr. Chairman, I am in favor of this bill.

I come from a State that produces a great number of sheep. For more than half a century the wool growers of Arizona have been producing quality wool for a market which has been a declining market. They want truth in fabrics so that their product may be not only properly known in the first market place, but wherever the product is sold in the retail trade.

A few years ago when I attended the annual meeting of the Arizona Wool Growers Association at Flagstaff, Ariz., in which they celebrated their golden anniversary, I was deeply impressed with the account of the rise and growth of this branch of the livestock industry through a half century in that wild new land which these hardy pioneers helped to tame. I was also saddened by the increasing number of obstacles and problems confronting this wholesome and economically desirable occupation. It seemed to me that these men, putting to the most worth while use the great unoccupied spaces and wresting a living from the wilderness while helping to clothe the human family in comfort, were fighting with their backs to the wall.

A half dozen different agencies, all good in themselves, were competing or contesting with the sheep industry and the wool growers' efforts. I felt then as I do now that, while I do not want to hamper or obstruct these governmental agencies having to do with the public domain and those great open spaces over which the millions of Arizona sheep range, I do have an earnest desire to furnish these hardy pioneers every advantage and aid in their use of the natural resources of forest and range consistent with wise public policy. Therefore, if we can no longer give sheepmen all the privileges which they enjoyed half a century ago, now that we are subjecting them to so many restrictions, at least we can protect their market. And we ought to do this not only for the wool growers but in the public interest in protecting the consumers of their product.

As I said in the hearing before the committee having this bill under consideration, the public must be protected by truth in advertising of woolen products. It may be that much shoddy is made and sold to the American public, and that there is a place for such goods among the needs of our people, but my contention is that the buyer of cloth ought to know what he buys, and the label should tell the character of the material that goes into the fabric. I cannot see that the truth regarding a fabric can hurt anyone, and I think in fairness to the public the truth ought to be known. Incidentally, this ought to react to the benefit of wool growers who are producing this very essential fiber.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, this is the first time I ever heard it argued on this floor that it was not good policy to tell the truth for fear you fooled somebody. That has been the sum total of all the arguments that have been made. It is said that used wool in some cases is better than some grades of virgin wool. Well, of course, that is true, but have you not the right to give the public credit for having some sense about the matter? A slightly used Cadillac car is better than some cheap cars brand new, but the public knows that. You have a right to know whether that is a second-hand Cadillac, though, when you go to buy it.

The title of this bill really should be changed to read, "A bill to prevent certain unscrupulous dealers from pulling the wool over the eyes of the public" which would make it more nearly correct. If it be true that the tariff has been lowered and the country is being filled with old rags brought in from abroad, if the tariff should be raised we are in great danger by this cheap stuff getting on the market, and the public should know. In the old days when grandma knitted the socks, did anybody see her pick up a sock that had the toe out of it, unravel it and knit it again? Very seldom, if ever. She had sense enough to know that the warmth, durability, and strength of new yarn was better than used yarn.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Chairman, I was raised in a cotton field, and that is literally true, and I have referred to the fact a lot since I got into politics. I do not think anybody need be exercised about this measure's effect on cotton and whether or not the measure will endanger cotton in competition so long as you see that the Members from Alabama and Texas

are willing to get behind and support this bill. It will be interesting to study how that cotton question can very well be raised. A census of the latest year available with the figures, 1937, shows that less than one-seventh of 1 percent of the country's cotton production went into wool and textile products. That is the proportion of the whole cotton production involved here, which is too small to affect the cotton market, even if it were eliminated altogether.

The point is that a wool manufacturer today can label a thing "all wool" no matter what the condition of that wool may be, no matter how it came, no matter what the status of the fiber is that goes into it, so long as he can say it is wool, regardless of how much it may have been previously pushed around. In the first place, good wool is not in competition with cotton. Anyone who will think for a second will know that is the case. Cotton is what it is. No cotton goods are being masqueraded as wool with any success or as anything except cotton. That is not where cotton must look for its destiny.

Recently the figures obtained from a report of the Bureau of Foreign and Domestic Commerce showed what really threatens to work on cotton in this country. That is the use of rags and shoddy wool that come in from the United Kingdom across the seas. It is making rapid strides. In the first 4 months of 1938 only 170,261 pounds came in. For the first 4 months of 1939, which is the last available figure, there were 2,817,113 pounds that came in in a like 4-month period. That will show you where the danger is.

As far as lobbying is concerned, the only lobby of any consequence attending this measure is that of the general public, which rose up and said that somebody should look after everybody's business, and the concentrated activity that has so long kept this legislation asleep could not survive any longer.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, the closing argument on this important bill will be made by the distinguished gentleman from Ohio [Mr. BROWN], and I yield him the remainder of the time under my control. [Applause.]

Mr. KEEFE. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Wisconsin.

Mr. KEEFE. The statement and argument have been made by the gentleman from Oklahoma that the retailers would be imperiled by the passage of this bill because of the stocks of merchandise on their hands that would have to be labeled, but he failed to call the attention of the Committee to the fact that section 12, on page 27 of this bill, specifically provides that the act shall take effect 6 months after the date of its passage. If the question of his goods not being in interstate commerce does not involve sufficient protection to the retailer, it would seem to me that 6 months' time ought to be sufficient to permit these retailers to take care of themselves.

Mr. BROWN of Ohio. Mr. Chairman, in answer to the gentleman from Wisconsin, may I say that the Committee expects to accept an amendment that will lengthen the time given retailers to clear their shelves of this stock.

Mr. PATRICK. To how long?

Mr. BROWN of Ohio. Nine months is my understanding.

Mr. Chairman, in the short time that I have at my disposal I want to clear up some of the misunderstandings that seemingly have been created relative to this legislation. Like the distinguished gentleman from Oklahoma I, too, became a member of the subcommittee without prejudice either for or against this legislation and devoted a number of weeks to the hearings and to a study of this bill. I am rather surprised in a way at the opposition of the distinguished gentleman on the basis that this is regulatory, because I also served on another subcommittee which had before it a bill, of which the gentleman from Oklahoma was author, to provide for the labeling of almost every product manufactured under the sun, a bill which called for definitions that would run into many many classifications and numbers?

Mr. Chairman, in the consideration of this bill we have had a great deal of misunderstanding and, first of all, I would like to clear up the statement relative to the letter received from The Adjutant General of the War Department. I believe copies of this letter have been passed among the Members of the House. Under date of August 12, General Gregory wrote a letter in which he referred to a previous letter he had written to Senator THOMAS on June 26, stating that he had written Senator THOMAS originally as to this legislation under a misapprehension.

The last paragraph of the general's letter states:

> The closing sentence of my letter reads as follows:
> "From the standpoint of national defense, it would seem undesirable, especially at this time, to take action to limit the use of either reworked wool or substitutes for wool, as such substitution may become necessary." It has been brought to my attention that this sentence is being given especial emphasis by those not in favor of the bill as indicating War Department opposition to the passage of legislation requiring that wool products be labeled to indicate their composition. This sentence was a general observation and was not intended to indicate any War Department or personal opposition to the passage of H. R. 944. I trust, therefore, that my letter will not be used by anyone as implying War Department opposition to the legislation in question.
>
> E. B. GREGORY,
> *Major General, The Quartermaster General.*

The gentleman from Pennsylvania, who is an expert on fiscal matters as well as on textiles, brought up the question of whether or not other fibers would be labeled, and said, "Why not label other fibers than wool?" I am afraid the gentleman is like many others who have made arguments on this bill. He has failed to study the measure, because on page 17 of the bill there is a specific provision that wool products must also carry on the label each fiber other than wool, if said percentage by weight of such fiber is 5 percent or more. However, to take care of the gentleman from Pennsylvania, the committee has agreed to an amendment that will carry that same provision further into the bill in order to make it more plain than before.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. As I understand, the gentleman is saying that this bill covers all fabrics and provides that every fabric shall be labeled. That is not my understanding at all.

Mr. BROWN of Ohio. I did not say that; I am sorry. It is as with the bill. The gentleman does not understand either the bill or my statement.

Mr. MONRONEY. I have studied the bill.

Mr. BROWN of Ohio. My statement is to the effect that wherever a fabric carrying wool as a part of the content is required to be labeled, if others fibers than wool are included in the fabric you must then specify the percentages of the other fibers.

Mr. MONRONEY. It applies only to the wool fabric.

Mr. BROWN of Ohio. I have answered the gentleman's question.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I decline to yield further.

There has been some comment here as to the cost of enforcement and the trouble that would be caused by enforcement of this bill. Let me point out to you that we have the testimony of Chairman Freer of the Federal Trade Commission, telling the committee that there will be no additional cost whatever connected with the enforcement of this measure; that, in fact, instead of increasing the cost of enforcement, the cost of the present attempt to enforce the general law will be reduced and the industry will police itself.

The retailers have been taken care of in this measure. Personally, I brought before the committee passing upon this legislation, Mr. Craig, the chairman and president of the American Retail Federation, representing something like 250,000 retailers. Every amendment requested to protect the retail trade was placed in the bill, and he agreed with the subcommittee that then the retailers of America could and would support the measure.

Mr. BARDEN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from North Carolina.

Mr. BARDEN of North Carolina. On page 23 I notice this language:

If such wool products are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction; by sale; by delivery to the owner or claimant thereof—

And so forth. Take, for instance, a retail merchant who buys these goods in good faith and they are found in his place of business. Then the officials come along and start proceedings against him, an innocent holder, and the court condemns the goods. You require here that this man pay the costs.

Mr. BROWN of Ohio. At the same time, however, he also has an action for recovery against the manufacturer who misrepresented, and, of course, the Federal Government will proceed against the manufacturer, if the manufacturer is available, rather than the retailer.

Mr. BARDEN of North Carolina. The gentleman regards that as a very serious claim, does he not?

Mr. BROWN of Ohio. This is because the law provides specifically that the retailer shall be held free and harmless as long as he can give the Government information as to who is responsible for the original manufacture of the goods, and he is protected by the guaranty that is given him.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. SOUTH. He is only required to exercise reasonable diligence, and in the case pointed out by the gentleman from North Carolina he would not be proceeded against at all.

Mr. BROWN of Ohio. That is true.

Mr. BARDEN of North Carolina. If that is in the bill, that answers the question.

Mr. BROWN of Ohio. In closing I wish to say this one thing: You have heard a great deal of discussion about some grades of reclaimed wool being better than some grades of virgin wool. That is true, but remember one thing. Grade for grade, virgin wool, new wool, unused wool, is always better than the same grade of reworked or used wool. Of course, if it were not for the fact that there is a desire on the part of some to cheat, if I may use that word, and to put in substitutes in place of wool and pass off on the public fabrics that are not what they are represented to be, there would be no opposition to this bill.

Let me make one other comment. Before the committee we had considerable evidence submitted which showed that some of the manufacturers who came before the committee attempting to show that there was no real difference between virgin wool and reused or reworked wool had paid thousands of dollars to buy many pages of advertising to tell their customers that there was a great difference between such grades of wool, and I leave it to your own judgment to determine which time such manufacturers told the truth.

I would like to discuss this bill further, but I know a number of the Members of the House desire to leave for home for the week end and I want to thank the body for its attention. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, the reading of this bill is a very important matter, and I make the point of order there is not a quorum present.

The CHAIRMAN (Mr. McLAUGHLIN). The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

The Clerk read the bill, as follows:

That this act may be cited as the "Wool Products Labeling Act of 1939."

DEFINITIONS

SEC. 2. As used in this act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise, plural or singular, as the case demands.

(b) The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) which has never been reclaimed from any woven or felted wool product.

(c) The term "reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(d) The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(e) The term "wool product" means any product, or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

(f) The term "Commission" means the Federal Trade Commission.

(g) The term "Federal Trade Commission Act" means the act of Congress entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended, and the Federal Trade Commission Act approved March 21, 1938.

(h) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(i) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

MISBRANDING DECLARED UNLAWFUL

SEC. 3. The introduction, or manufacture for introduction, into commerce, or the sale, transportation, or distribution, in commerce, of any wool product which is misbranded within the meaning of this act or the rules and regulations hereunder, is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who shall manufacture or deliver for shipment or ship or sell or offer for sale in commerce, any such wool product which is misbranded within the meaning of this act and the rules and regulations hereunder is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

This section shall not apply—

(a) To any common carrier or contract carrier in respect to a wool product shipped or delivered for shipment in commerce in the ordinary course of its business; or

(b) To any person manufacturing, delivering for shipment, shipping, selling, or offering for sale, for exportation from the United States to any foreign country a wool product branded in accordance with the specifications of the purchaser and in accordance with the laws of such country.

MISBRANDED WOOL PRODUCTS

SEC. 4. (a) A wool product shall be misbranded—

(1) If it is falsely or deceptively stamped, tagged, labeled, or otherwise identified.

(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 5, is not on or affixed to the wool product and does not show—

(A) the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 percent of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool if said percentage by weight of such fiber is 5 percent or more; and (5) the aggregate of all other fibers: *Provided*, That deviation of the fiber contents of the wool product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other means of identification.

(B) the maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter.

(C) the name of the manufacturer of the wool product and/or the name of one or more persons subject to section 3 with respect to such wool product.

(3) In the case of a wool product containing a fiber other than wool, if the percentages by weight of the wool contents thereof are not shown in words and figures plainly legible.

(4) In the case of a wool product represented as wool, if the percentages by weight of the wool content thereof are not shown in words and figures plainly legible, or if the total fiber weight of such wool product is not 100-percent wool exclusive of ornamentation not exceeding 5 percent of such total fiber weight.

(b) In addition to information required in this section, the stamp, tag, label, or other means of identification, or substitute therefor under section 5, may contain other information not violating the provisions of this act or the rules and regulations of the Commission.

(c) If any person subject to section 3 with respect to a wool product finds or has reasonable cause to believe its stamp, tag, label, or other means of identification, or substitute therefor under section 5, does not contain the information required by this act, he

may replace same with a substitute containing the information so required.

(d) This section shall not be construed as requiring designation on garments or articles of apparel of fiber content of any linings, paddings, stiffening, trimmings, or facings, except those concerning which express or implied representations of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content: *Provided*, That if any such article or product purports to contain or in any manner is represented as containing wool, this section shall be applicable thereto and the information required shall be separately set forth and segregated.

The Commission, after giving due notice and opportunity to be heard to interested persons, may determine and publicly announce the classes of such articles concerning which express or implied representations of fiber content are customarily made, and those products which have an insignificant or inconsequential textile content.

AFFIXING OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. Any person manufacturing for introduction, or first introducing into commerce a wool product shall affix thereto the stamp, tag, label, or other means of identification required by this act, and the same, or substitutes therefor containing identical information with respect to content of the wool product and other information required under section 4, shall be and remain affixed to such wool product, whether it remains in its original state or is contained in garments or other articles made in whole or in part therefrom, until sold to the consumer: *Provided*, That the name of the manufacturer of the wool product need not appear on the substitute stamp, tag, or label if the name of the person who affixes the substitute appears thereon.

Any person who shall cause or participate in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to a wool product with intent to violate the provisions of this act, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

ENFORCEMENT OF THE ACT

SEC. 6. (a) Except as otherwise specifically provided herein, this act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

The Commission is authorized and directed to prevent any person from violating the provisions of this act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this act; and any such person violating the provisions of this act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this act.

The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this act, and for segregation of such information for different portions of a wool product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this act as may be necessary and proper for administration and enforcement.

The Commission is also authorized to cause inspections, analyses, tests, and examinations to be made of any wool products subject to this act; and to cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

(b) Every manufacturer of wool products shall maintain proper records showing the fiber content as required by this act of all wool products made by him, and shall preserve such records for at least 3 years.

The neglect or refusal to maintain and so preserve such records is unlawful, and any such manufacturer who neglects or refuses to maintain and so preserve such records shall forfeit to the United States the sum of $100 for each day of such failure, which shall accrue to the United States and be recoverable in a civil action.

CONDEMNATION AND INJUNCTION PROCEEDINGS

SEC. 7. (a) Any wool products shall be liable to be proceeded against in the district court of the United States for the district in which found, and to be seized for confiscation by process of libel for condemnation, if the Commission has reasonable cause to believe such wool products are being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce in violation of the provisions of this act, and if after notice from the Commission the provisions of this act with respect to said products are not shown to be complied with. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty, and may be brought by the Commission.

If such wool products are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction; by sale; by delivery to the owner or claimant thereof upon payment of legal costs and charges and upon execution of good and sufficient bond to the effect that such wool products will not be disposed of until properly stamped, tagged, labeled, or otherwise identified under the provisions of this act; or by such charitable disposition as the court may deem proper. If such wool products are disposed of by sale, the proceeds, less legal costs and charges, shall be paid into the Treasury of the United States.

(b) Whenever the Commission has reason to believe that—

(1) Any person is violating, or is about to violate, sections 3, 5, 8, or 9 of this act, and that

(2) It would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court on review, or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED WOOL PRODUCTS

SEC. 8. All wool products imported into the United States, except those made more than 20 years prior to such importation, shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of this act, and all invoices of such wool products required under the act of June 17, 1930 (ch. 497, title IV, 46 Stat. 719), shall set forth, in addition to the matter therein specified, the information with respect to said wool products required under the provisions of this act, which information shall be in the invoices prior to their certification under said act of June 17, 1930.

The falsification of, or failure to set forth, said information in said invoices, or the falsification or perjury of the consignee's declaration provided for in said act of June 17, 1930, insofar as it relates to said information, shall be an unfair method of competition, and an unfair and deceptive act, or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or fails to set forth, said information in said invoices, or who falsifies or perjures said consignee's declaration insofar as it relates to said information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of this act.

A verified statement from the manufacturer or producer of such wool products showing their fiber content as required under the provisions of this act may be required under regulations prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 9. (a) No person shall be guilty under section 3 if he establishes a guaranty received in good faith signed by and containing the name and address of the person residing in the United States by whom the wool product guaranteed was manufactured and/or from whom it was received, that said wool product is not misbranded under the provisions of this act.

Said guaranty shall be either (1) a separate guaranty specifically designating the wool product guaranteed, in which case it may be on the invoice or other paper relating to said wool product, or (2) a continuing guaranty filed with the Commission applicable to all wool products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) Any person who furnishes a false guaranty, except a person relying upon a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the wool product guaranteed was manufactured and/or from whom it was received, with reason to believe the wool product falsely guaranteed may be introduced, sold, transported, or distributed in commerce, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 10. Any person who willfully violates sections 3, 5, 8, or 9 (b) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $5,000, or be imprisoned not more than 1 year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit other provisions of this act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

APPLICATION OF EXISTING LAWS

SEC. 11. The provisions of this act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other act of the United States.

EFFECTIVE DATE

SEC. 12. This act shall take effect 6 months after the date of its passage.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this act, or the application thereof to any person, partnership, corporation, or circumstance is held invalid, the remainder of the act and the application of such provision to any other person, partnership, corporation, or circumstance shall not be affected thereby.

EXCEPTIONS

SEC. 14. None of the provisions of this act shall be construed to apply to the manufacture, delivery for shipment, shipment, sale, or offering for sale any carpets, rugs, mats, or upholsteries, nor to any person manufacturing, delivering for shipment, shipping, selling, or offering for sale any carpets, rugs, mats, or upholsteries.

Mr. MONRONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: On page 17, line 15, after the period, insert "Such identification shall show" and strike out lines 16 to 18, inclusive.

Mr. MONRONEY. Mr. Chairman, I want to explain this amendment very briefly. This bill is divided into two parts, one providing for what its sponsors state is for telling the truth in fabrics and enforcing the accuracy and truthfulness of the labels placed on these fabrics. The part that my amendment seeks to strike out is the part making it mandatory that all wool goods be labeled. It makes it mandatory that everybody who buys a pair of socks must have a Government-inspected tag on them showing what that wool content is. My amendment simply gives the purchaser the right to decide whether he wants to buy an article of clothing with the wool content label on it or whether he wants to buy at a price the article without the label. He has his choice under my amendment.

I say if this amendment is adopted there will be very little criticism from the retail people or from the businessmen of this country, because it allows the label to stand on its own legs; in other words, it tells what it is. If you do not want a labeled item, you can still buy the unlabeled item. My amendment makes it unlawful to misrepresent and that is what the members of this committee have been asking for in this legislation. It does not force every product containing wool to be labeled. If the public is as anxious as the committee claims for these labels, then industry would be self-regulated and labeling of all fabrics will be done in the interest of good business and not by federally regimented compulsion. My amendment permits all of the good points in this bill to be realized and avoids the compulsory provisions of the act. It also will give the merchant with such goods on hand a better opportunity to dispose of his stocks before all woolen goods must be labeled.

Mr. SOUTH. Mr. Chairman, I rise in opposition to the amendment.

It has been my observation that usually when legislation is perfected advantageously it is not done by those who have vigorously opposed it. As is evident to everyone, the amendment offered by the gentleman from Oklahoma [Mr. MONRONEY] would kill the effect of the labeling act sought to be passed. In other words, it would, in effect, say on the one hand you shall label and on the other you do not have to label unless you want to.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SOUTH. I yield.

Mr. BROWN of Ohio. If this amendment is adopted will it not open the door to evasion of the entire law?

Mr. SOUTH. That is right; it will absolutely nullify the law.

Mr. BROWN of Ohio. It will kill the effect of the law.

Mr. SOUTH. That is right.

I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MONRONEY].

The amendment was rejected.

Mr. HINSHAW. Mr. Chairman, I have 2 amendments and I ask that they may be read and considered at the same time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The clerk read as follows:

Amendments offered by Mr. HINSHAW: On page 15, line 5, strike out all of lines 5 to 10 inclusive and insert "never been used in any way by the ultimate consumer and subsequently been made into a fibrous state"; and reletter the following subsections accordingly.

Page 17, line 22, strike out "(2) reprocessed wool"; and renumber the clauses accordingly.

Mr. HINSHAW. Mr. Chairman, I have spoken several times this afternoon to the effect that there are many grades of reprocessed wool that are better than many grades of new wool. I am as opposed as anyone here to using shoddy, as it is called, or any of these wool rags, in the manufacture of clothing for the consuming public to wear on their bodies.

The amendment which I have presented, with the second amendment, strikes out section (c), the last part of section (b), and in turn would make section (b) read as follows:

The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna), which has never been used in any way by the ultimate consumer and subsequently been made into a fibrous state.

In other words, that would place this bill in a position where all wool that had never been worn or used by the ultimate consumer would be labeled as "wool" and the balance of it, the shoddy, would be labeled, as proposed in the bill, "reused wool." I think that would be for the benefit of the ultimate consumer, because it would discourage fraud by discouraging the sale of the very low grades of so-called virgin wool as new wool, and thereby give the public the idea that it was good merchandise. It is not good merchandise if it is made of poor wool, whether the wool be new or reprocessed. High grades of wool, whether new or reprocessed, make up into good fabric.

If my amendment is adopted I can vote for this bill in good conscience because I favor truth, real truth, truth that has to do with wearing quality and color fastness and other such qualities in fabrics. That is what our people want and should have.

[Here the gavel fell.]

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment. The language contained in the bill was written there as the result of long committee hearings and conferences and following requests received from manufacturers and retailers alike. The manufacturers and retailers both say that these definitions are the very best that can be possibly worked out to protect not only the manufacturing industry and the retailing trade but the consumers as well.

Of course, this amendment will permit the use of one type of wool under a misleading classification, and strikes at the very heart of the bill; and I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. HINSHAW].

The amendments were rejected.

Mr. BOREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOREN: Page 15, line 7, between the word "a" and the word "wool" insert "finished."

Mr. BOREN. Mr. Chairman, I hope the gentleman from Texas [Mr. SOUTH] will lend his ear. I am offering two amendments, one of which I understand the committee is already in concurrence with.

The purpose of this amendment is to put the word "finished" in front of "product" in the definition of reworked wool. That means that if wool is worked up to a certain stage in the carding process, but has not been put into a garment, then it shall have the right to be treated as virgin wool. If it has actually been made into a garment, whether that garment has been shipped or sold or put into a store, or anything else, it is still reworked wool. The question involved is at what point you are going to draw the line to throw out such things as noils, slubbings, rovings, and so forth. I believe if the gentleman from Texas [Mr. SOUTH] will reflect on this point he will not find it inconsistent with his wishes to hold down the use of wool that has been put into a fabric. If you put the word "finished" in there, it will still be reworked wool if it has ever gone so far as to have been knitted into a sock or a sweater. I hope I make myself clear.

Is the gentleman from Texas going to oppose the amendment?

Mr. SOUTH. We cannot agree to the amendment.

[Here the gavel fell.]

Mr. SOUTH. Mr. Chairman, this term "reprocessed wool" was put into the bill by men who appeared before the committee and the gentleman from New Jersey [Mr. WOLVERTON], a member of the committee, who has had a great deal of experience in the textile business, who pointed out that there was a relatively small amount of fiber loosely woven or knitted, and so forth, but damaged slightly, if at all, that ought to take the classification which we have given it here.

I am convinced that no harm will be done by this classification. I would be unwilling to see the gentleman's amendment adopted. I insist it would be better to adopt the term included in the bill, and I ask that the amendment be voted down.

Mr. BOREN. Will the gentleman yield for a question?

Mr. SOUTH. I yield.

Mr. BOREN. Would the gentleman say that slubbing, under the classification we have here, which is material that has got no further than the early stages of being carded and put into thread, ought to be classified as "wool waste"?

Mr. SOUTH. Mr. Chairman, the amount involved is so small that nobody will be hurt by this section.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 20, line 11, after the word "product", insert "or any other products contained therein in an amount of 5 percent or more by weight."

Mr. SOUTH. Mr. Chairman, I have no authority from the committee to accept the amendment, but after conferring with members of the committee, I see no objection to it.

Mr. BROWN of Ohio. That is agreeable to the minority, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. BOREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOREN: Page 27, line 15, strike out the word "six" and insert in lieu thereof the word "nine."

Mr. SOUTH. Mr. Chairman, after conferring with members of the committee, we see no objection to the extension of the time for 3 months.

Mr. BROWN of Ohio. That is agreeable to the minority, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The question is on the committee substitute as amended.

The committee substitute as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCLAUGHLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 944) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, pursuant to House Resolution 528 he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. LEA. Mr. Speaker, I call up the bill S. 162, to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, and ask unanimous consent to strike out all after the enacting clause and insert the bill H. R. 944, to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, as passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent the proceedings whereby the bill (H. R. 944) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, was passed were vacated and the bill was laid on the table.

EXTENSION OF REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks on the bill just passed.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. KLEBERG] may include in his remarks the letters referred to in his speech in the Committee of the Whole.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SOUTH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein certain letters from which I read.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOREN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein the charts I used today.

The SPEAKER. The Chair will submit the request subject to the approval of the Committee on Printing. That is the rule, the Chair believes.

Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter addressed to Hon. James A. Farley, Postmaster General, by a special committee of the House Committee on the Post Office and Post Roads.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS asked and was given permission to revise and extend his own remarks.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein such excerpts as I read and to which I referred on the floor of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. HOLMES]?

There was no objection.

UNVEILING OF MONUMENT IN MEMORY OF GENERAL JACKSON

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SHANNON]?

There was no objection.

Mr. SHANNON. Mr. Speaker, on tomorrow a very important event will occur in the State of Virginia, and I think it is becoming that someone from other than Virginia should call attention to this fact, because this man belongs to all America. This man, in whose memory services will be held, belongs to all united America.

At Manassas, Va., there will be an unveiling of a monument to Gen. Thomas Jonathan Jackson, known to the world as

Stonewall Jackson. This service will be held at 2 o'clock. I hope there will be a large attendance of Members of Congress. No man is dearer to the historians of America than this great man. He ranks with Lee, Grant, Sheridan, and the other great generals of the War between the States.

EXTENSION OF REMARKS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a small table regarding migratory camps.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

Mr. HULL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a letter from the Farm Bureau Federation.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. HULL]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include excerpts from a book entitled "The Alien Menace."

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a brief editorial which recently appeared in the Union Herald, a newspaper published in the city of Raleigh.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 9575. An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 760. An act for the relief of Mrs. Guy A. McConoha; and

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 9575. An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House, under the order heretofore adopted, adjourned until Tuesday, September 3, 1940, at 12 o'clock noon.

## COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Tuesday, September 3, 1940, at 10 a. m., for the consideration of the defense-housing bill, H. R. 10412.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m., on Wednesday, September 4, 1940, for the consideration of Senate bill 3248, regarding the pay of immigration inspectors for overtime.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940, at 10 a. m., on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 586. Resolution for consideration of H. R. 10132, a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service; without amendment (Rept. No. 2905). Referred to the House Calendar.

## ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. BLOOM: Committee on Foreign Affairs. House Resolution 576. Resolution requesting the Secretary of State to furnish various information relative to the consular offices in several countries (Rept. No. 2904). Laid on the table.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York:

H. R. 10438. A bill to extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. SCRUGHAM:

H. R. 10439. A bill to make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County water conservation district, Truckee storage project, Nevada; to the Committee on Irrigation and Reclamation.

By Mr. CROSSER:

H. J. Res. 600. Joint resolution providing for the inclusion of employees of express companies under the provisions of section 7 of the Fair Labor Standards Act of 1938; to the Committee on Labor.

By Mr. DIES:

H. Res. 587. Resolution to authorize the payment of expenses of investigation authorized by House Resolution 321; to the Committee on Accounts.

By Mr. THILL:

H. Res. 588. Resolution of inquiry directed to the Chairman of the Maritime Commission relative to fare reductions for Government employees and their families; to the Committee on Merchant Marine and Fisheries.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES:

H. R. 10440. A bill for the relief of the First National Steamship Co., the Second National Steamship Co., and the Third National Steamship Co.; to the Committee on Claims.

By Mr. BULWINKLE:

H. R. 10441. A bill conferring jurisdiction upon the United States District Court for the Western District of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.; to the Committee on Claims.

By Mr. GREEN:

H. R. 10442. A bill for the relief of Frank P. Walden and Viola Harp; to the Committee on Claims.

By Mr. MACIEJEWSKI:

H. R. 10443. A bill for the relief of Jerome Vasicek; to the Committee on Immigration and Naturalization.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9250. By Mr. BOYKIN: Petition of Edwin D. Patton, Dr. Cecil H. Ross, Arthur J. Kearley, and many other citizens of

Mobile, Ala., urging immediate aid to Britain by furnishing destroyers and other supplies that can be spared without weakening our own defenses, and expressing approval of the President's negotiations with Britain for naval bases; to the Committee on Foreign Affairs.

9251. By Mr. GREGORY: Petition of Eltis Henson, master, representing Alford Lodge, No. 925, Free and Accepted Masons, of Calvert City, Ky., expressing approval of defense program; to the Committee on Military Affairs.

9252. By Mr. McCORMACK: Petition of Dr. John H. Dingle, Boston, Mass., and sundry other physicians and citizens of Boston, strongly urging immediate conscription of men and materials and all other measures to hasten national defense; to the Committee on Military Affairs.

9253. Also, petition of Eva Whiting White and sundry other members of Massachusetts Headquarters, Committee to Defend America, Mayo A. Shattuck, New England vice chairman, Boston, Mass., urging all possible aid to Great Britain and her allies as the first line of American defense and the immediate strengthening of our Army, Navy, and air force as our second line of defense; to the Committee on Military Affairs.

9254. By Mr. MOSER: Petition of the county committee of local Berks County Socialist Party, condemning peacetime military conscription; to the Committee on Military Affairs.

9255. By Mr. VINCENT of Kentucky: Petition of G. D. Milliken, Sr., and many other prominent citizens of Bowling Green, Ky., urging the sale of destroyers to England; to the Committee on Military Affairs.

# SENATE

## SATURDAY, AUGUST 31, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, who declarest Thy glory and showest forth Thy handiwork in the Heavens and in the earth, deliver us, we beseech Thee, in our several callings from the service of mammon, that we may do the work which Thou givest us to do, in truth, in beauty, and in righteousness, with singleness of heart as Thy servants, and to the benefit of our fellow men; for the sake of Him who came among us as one that serveth, Thy Son, Jesus Christ our Lord. Amen.

### NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication from the President pro tempore:

AUGUST 31, 1940.

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. ALBEN W. BARKLEY, a Senator from the State of Kentucky, to perform the duties of the Chair this legislative day.

KEY PITTMAN,
*President pro tempore.*

Mr. BARKLEY thereupon took the chair as Presiding Officer for the legislative day.

### THE JOURNAL

The PRESIDING OFFICER. Without objection, the reading of the Journal of the proceedings of the calendar day of Friday, August 30, 1940, will be dispensed with, and the Journal will be approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes; and

S. 4272. An act to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended.

### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 4271) to increase the number of midshipmen at the United States Naval Academy, and it was signed by the Acting President pro tempore.

### BILL INTRODUCED

Mr. HARRISON introduced a bill (S. 4323) for the relief of E. A. Wailes, receiver of Delta Oil Co. and the Tupelo Oil & Ice Co., which was read twice by its title and referred to the Committee on Claims.

### ARTICLE BY WALTER LIPPMANN ON RUSSELL-OVERTON AMENDMENT

Mr. OVERTON. Mr. President, Mr. Walter Lippmann, well-known writer, has contributed to the press of the Nation an able and illuminating article in support of the Russell-Overton amendment to the conscription bill, authorizing the condemnation through the courts of plants and facilities necessary for national defense on their failure to cooperate with the Government during the present emergency.

With his customary clarity of expression and brilliant marshaling of argument, Mr. Lippmann supports the conclusion expressed by him in the closing paragraph of his article as follows:

> The very essence of the national effort consists in the obligation of all citizens to serve the Nation rather than themselves, and when the great majority are serving, no minority may resist or refuse. That is the principle of the Russell-Overton amendment, and the Senate would have been derelict in its duty if it had not adopted it.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks the full text of Mr. Lippmann's valuable contribution to the current debate on this question.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TODAY AND TOMORROW—ON THE POWER TO COMMANDEER FOR DEFENSE

(By Walter Lippmann)

The Russell-Overton amendment to the conscription bill was adopted by a vote of 69 to 16. It provides that in case the Army or the Navy are unable to reach an agreement with a private contractor for the manufacture of things they need, the Secretary of War or the Secretary of the Navy may commandeer the plant, leaving the question of compensation to be determined by condemnation proceedings in a court of law. The amendment was introduced in the very last stages of the Senate debate, and it may be that after closer scrutiny in the House and in committee it will be found desirable to improve it in detail. But to describe it as stupendous, staggering, and revolutionary, as setting up potential dictatorship, as a proposal to socialize and sovietize our system of free enterprise is not, it seems to me, a considered and illuminating contribution to the debate.

For the power of government to acquire private property for public purposes through condemnation proceedings is as old as the common law; it is a power exercised somewhere in the United States every day in the week in order to build highways, schoolhouses, parks, and other public facilities. In war and in peace the power is inherent in all government, and certainly it is available where the national defense is the public purpose for which private property is condemned. All that the Russell-Overton amendment does, if I read it correctly, is to make the property available at once, letting the courts fix the compensation at their leisure, whereas usually there is a long lawsuit before the property can be used. What is so staggering about that? Moreover, the power to commandeer in the interest of national defense has long been a part of the settled policy of the United States under the National Defense Act; over a period of more than 20 years Congress has repeatedly affirmed the principle as being necessary and inherent in time of national emergency. Surely it will not be maintained now by Mr. Willkie that no national emergency exists when he himself advocates conscription, or that the Senate does not think there is a national emergency when it adopts the conscription of men by a vote of 58 to 31 and reaffirms the power to commandeer property by a vote of 69 to 16.

Nor is there any substance to the contention that this power is likely to socialize and sovietize our system of free enterprise. On the contrary, it will help to preserve it. For the fact of the situation is that the great majority of businessmen in the country are quite ready to work for the national defense, renouncing any ambition for big profits, asking only reasonable protection against the risks. But in every community there are some men who put personal profit first, who seek private advantage for themselves while their competitors are doing public work.

These recalcitrants have to be brought into line—not only because the Government needs their services but as a protection to patriotic businessmen, and because they cannot be allowed to set a demoralizing example to the rest of the community. The fact that the Government has the power to commandeer will bring them into line, for the most part without the necessity of exercising the power. And if in certain cases the power has to be exercised, it will be the courts and not the President or the Secretaries of War and the Navy who will adjudicate the property rights affected.

Indeed, nothing would more seriously impair the regime of private property and the system of free enterprise than to permit a recalcitrant minority among businessmen to obstruct the national defense. Nor is it in the interest of property or of free business or of the conservation of the capitalist system to take the position that while men may now be compelled to serve the country, property may not now be compelled to serve it.

The truth of the matter is that if the "two-ocean Navy" and the great air force and the enlarged Army are to be realized in fact, the Nation will have to dedicate itself wholeheartedly to the business of national defense. The program which Congress is authorizing requires a prodigious national effort, and no one should deceive himself into thinking that it can succeed on the notion that anyone or everyone can conduct his private affairs as if no emergency existed.

The very essence of the national effort consists in the obligation of all citizens to serve the Nation rather than themselves, and when the great majority are serving, no minority may resist or refuse. That is the principle of the Russell-Overton amendment, and the Senate would have been derelict in its duty if it had not adopted it.

### DISPOSAL OF DESTROYERS TO GREAT BRITAIN—ADDRESS BY SENATOR DANAHER

[Mr. GURNEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator DANAHER on Sunday, August 25, 1940, on the subject "Shall the United States Make Available to England Some of Its World War Destroyers?" which appears in the Appendix.]

### CONSCRIPTION

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial from the Times-Herald of Washington of August 29, 1940, entitled "What Happens if Wealth Is Conscripted?" which appears in the Appendix.]

### EDITORIALS FROM WALLACES' FARMER ON FOREIGN POLICY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD three editorials from Wallaces' Farmer on foreign policy, which appear in the Appendix.]

### THE ADMINISTRATION'S ACTIVITIES AND ACCOMPLISHMENTS FOR AGRICULTURE

Mr. BANKHEAD. Mr. President, I desire to submit some remarks on the activities and accomplishments in the domain of agriculture of the present administration since March 4, 1933.

Mr. President, the American people, both urban and rural, need to be prepared to make quick adjustments because of the war situation in Europe. Immediate adjustments are already necessary because of the loss of foreign markets, as nation after nation is cut off completely or in part from our foreign trade.

With the machinery of the national farm program in operation, American agriculture is better prepared than at any previous crisis in American history to face whatever changes the future may bring. Farmers now have a going, flexible adjustment program which they themselves have helped to construct under authorization of Congress, and which they know how to operate after 7 years of progressive experience. They can move quickly and unitedly in any direction they need to move in order to provide for national defense and the general welfare. Our experience during and after the first World War has taught us that the ability to adjust quickly to changing conditions is vital to the welfare of farmers and the Nation.

Our failure to make the needed adjustments after the first World War was one of the major reasons for the grave depression which agriculture encountered by 1932.

The reasons for farmers' increasing disadvantage after the World War of 1914–18 are easy to understand. Here is the way these reasons have been summarized by the Secretary of Agriculture:

First, during the Great War, as a result of Government encouragement and higher prices, farmers plowed up and planted to crops 40,000,000 acres of hillsides and prairie grass which never should have been plowed.

Second, due to the fact that during the war the United States suddenly became the greatest creditor nation in the world, our farmers lost their former basis for a foreign market for their exportable surplus at a fair price. A creditor nation is bound to find that sooner or later it must increase imports of goods in payment of debts or cancel debts. In the 1920's we not only did neither, but instead, and in the face of our credit position, we raised our tariffs and made the situation worse.

The third reason for the declining prosperity of farmers was that the debtor nations of the world, and especially those that felt they might get into war, endeavored to cut down imports and expand exports. For example, in Central Europe and in Italy very high tariffs were placed on wheat and domestic production was greatly expanded. Because of our own tariff policy and the agricultural policy of European debtor nations, the United States of necessity lost much of the agricultural market abroad. Our former basis for trade with Europe was gone, but we covered it up during the 1920's by lending an average of a half billion dollars a year to foreign nations. The real situation stood out in stark reality after we stopped lending money to foreign nations in 1929. But still the Nation's leaders so little understood the fundamentals of the situation that we were saddled with the Smoot-Hawley Tariff Act which strangled our remaining trade. Three years later total trade, including both exports and imports, had shrunk in value to one-third of what it had been in 1929. The Smoot-Hawley Act, together with the extremely low farm prices, did almost wipe out farm imports, but at the same time the value of farm exports had fallen to the lowest point in 42 years.

The fourth reason for the declining prosperity of farmers was that debtor nations in newly settled parts of the world such as Canada, Australia, and Argentina, which were not yet fully exploited, expanded agricultural production. They needed to expand production and exports, not only to import more of the things they needed, but also pay interest on their debts.

The fifth reason for the increasing disadvantage of farmers was that automobiles, trucks, and tractors replaced horses and mules. Gasoline took the market for corn, oats, and hay. This change to mechanical power destroyed the market for 35 million acres of feed crops and added to the problem of overproduction by releasing this land for the growing of crops for human consumption. The 40 million acres of new land plowed during the war and the 35 million acres released from feed-crop production totaled 75 million acres—more than all the land used for wartime production of wheat. The tractors complicated matters in another way. They took the place of men as well as work animals and they have helped to create a serious unemployment problem on the land.

The sixth reason for the increasing disadvantage of farmers was the growth of monopoly and control of prices in the manufacture and sale of commodities farmers had to buy. In an economy established under a system of free enterprise, farmers were still playing their historic part while certain other groups, using governmental powers, shifted to a privately controlled economy, and thus gained an advantage over agriculture. A large part of American industry had become monopolistic. When farmers bought city goods and services they had to pay the prices that were asked, but when they sold their own products they had to take whatever the market offered.

So these were the chief factors responsible for the deplorable state into which agriculture had been forced by 1932: Grassland had been plowed up and put into cultivated crops, a large part of the foreign market for American farm products had been destroyed, and the home market was seriously restricted by the change from horse power to machine power and by unemployment and depression in the cities. There had been a drastic decline in the price farmers received, and comparatively little decline in the prices they had to pay. The normal movement of population from farm to city was

reversed, as city people who were thrown out of work fled to the already overburdened land in an effort to share in the disastrously low farm income.

Since then the Congress of the United States has authorized, in a far-reaching group of enactments, the operation of a national farm program designed to make impossible a repetition of the tragedy of 1929–32.

In four main ways the national farm program is helping to achieve a balanced agriculture which can face the future with greater security than at any time in our past history. These four ways are: (1) Progress toward equality of income for farmers; (2) conservation and wise use of natural resources; (3) greater security and better living on the land; and (4) strengthening democracy in agriculture.

In considering the position of agriculture with regard to the uncertain present and future, it is important to consider the progress which has been made toward achieving all four of these objectives. Security for farmers cannot rest upon cash income alone.

The relatively high cash income of 1929 served to conceal partially from public view the low-exchange value of farm products, the grave problem of land misuse, and the gradual closing of the gates of opportunity to operators of family-size farms. Therefore, the agricultural progress from 1932 to 1940 is to be measured not alone by the improvement in the income situation, but in soil conservation, greater security on the land, and in building a true agricultural democracy.

Farmers had nearly twice as much cash income in 1939 as in 1932. Cash income rose from $4,682,000,000 to $8,518,000,000. Of the 1939 income, $807,000,000 was in Government payments to farmers. During the first half of 1940, income from farm marketings is running higher than in 1939. Income during the last half of the year will depend on crops and on the European war. The increased income since 1932 has been shared by producers of all commodities. Cash income of the Nation's wheat producers almost doubled, rising from $200,000,000 in 1932 to $396,677,000 in 1939, exclusive of Government payments.

Cotton producers' cash returns from seed and lint increased from $461,000,000 in 1932 to $608,805,000 in 1939.

Tobacco growers' cash returns during the 1932–39 period more than doubled, rising from $115,000,000 to $263,979,000.

Dairy farmers' income in 1939 was more than $350,000,000 greater than in 1932, having risen from $991,000,000 to $1,354,760,000.

Cash income from meat animals almost doubled, increasing from $1,158,000,000 in 1932 to $2,262,136,000 in 1939.

The income of sugar-beet and sugar-cane producers in the continental United States increased more than 32 percent. It rose from an annual average of $68,364,000 in the period 1929–33, before the sugar programs went into effect, to an annual average of $90,411,000, including Government payments, in the period 1934–38, during which sugar-quota legislation was in effect.

At the low point in February 1933 the unit exchange value of farm products was only about 50 percent of what it had been before the war. From 1932 to 1939 both farm income and prices paid by farmers increased, but farm income made a more rapid advance, so that in 1939 farmers were able to buy about 99.46 percent as much of the things they needed as in 1929.

Since 1933 the number of forced farm sales has declined approximately 69 percent; the number of farm bankruptcies has declined an estimated 70 percent.

All phases of the national farm program are helping to bring about the improved economic position of the American farmer.

Mr. President, the principal lever in raising the level of farm income and buying power is the agricultural conservation and adjustment program, which has enabled farmers to cooperate in adjusting production in line with actual needs. With the outbreak of the European war in 1939, American agriculture faced a world upheaval with calm confidence in the established organization through which farmers could meet the economic situation.

The Nation had on July 1 last in the ever-normal granary 254,000,000 bushels of wheat and 573,000,000 bushels of corn. This means millions of loaves of bread and great potential supplies of meat and dairy and poultry products. These ever-normal granary reserves are made possible by commodity storage loans and crop insurance for wheat, measures which also have been of prime benefit to farmers in raising their cash income.

Approximately 64,000 wheat producers have obtained loans on their 1939 crop. They have borrowed $46,000,000 on 84,000,000 bushels of wheat. As of May 31, 1940, there were 379,509 contracts in force for crop insurance on the 1940 wheat crop, insuring 11,299,605 acres and guaranteeing the production of 106,453,876 bushels. Premiums paid on the 1939 crop totaled 14,806,799 bushels.

In the corn-loan program 271,315 producers have stored 257,127,595 bushels of the 1939 crop under loans totaling $146,562,729.

In addition to protecting both consumers and producers against the calamity of crop failure, the commodity loans have put a floor under farm prices and protected the purchasing power of farmers in the markets for city goods and services.

Parity payments made to producers cooperating in the farm program are also helping to maintain the ability of farm families to purchase city goods and services. With an appropriation of $212,000,000 for the 1941 fiscal year for parity payments, we are assured of continuation of this part of the effort to secure economic equality for agriculture.

Export programs for wheat and cotton have helped to protect the interests of United States farmers in the world market. Under the wheat export-subsidy program, about 120,000,000 bushels of wheat were shipped abroad in the 1938–39 marketing year.

The cotton export-subsidy program was started in July 1939. During the first 7½ months of this program more than 6,000,000 bales of cotton were sold for export, compared with only about three and a half million bales for the previous marketing year.

Incomes of producers of fruits, vegetables, and dairy products are protected and improved by 45 marketing-agreement programs in effect for these commodities. These programs directly affect more than 1,300,000 producers. The farm value of crops and of fluid milk handled under marketing-agreement programs approximated $300,000,000 in 1939.

Expanded domestic distribution and consumption of surplus farm products are being brought about through two types of programs: Direct purchase of commodities for distribution to needy families through State welfare agencies, and the food order stamp plan, which puts increased food buying power directly into the hands of low-income families. Food-order stamps which can be exchanged in regular food stores for any kind of food are purchased by low-income families. They receive an additional 50 percent of the value of their purchase in the form of stamps which can be exchanged only for surplus foods.

The food-stamp plan is now in operation in more than 90 cities, and 125 to 150 cities are expected to be included by the end of the summer. In Memphis, Tenn., and Springfield, Mass., a cotton-stamp plan on similar lines is being tried, and Minneapolis and St. Paul will be added to the cotton-stamp plan list.

Direct-purchase programs for the calendar year ending December 31, 1939, removed a total of 1,700,000,000 pounds of surplus products from congested markets for distribution to needy families through State relief agencies. A total of more than 6,000,000,000 pounds of farm surpluses have been purchased during the 6 years of these programs.

Purchase of surplus farm products has made it possible to provide school lunches for undernourished children in all parts of the country. This program has been increased to the point where 3,000,000 undernourished children have been receiving free school lunches daily this spring, and plans call for caring for still larger numbers next year.

Increased funds will be available next year to carry on the work of expanding domestic consumption of farm products and to help farmers market export crops in world trade. A total of $235,000,000 has been appropriated by Congress for this purpose—$30,000,000 more than for the present fiscal year.

The home-made mattress program is now operating in 16 States, in which an estimated total of 1,000,000 low-income farm families have signed up to obtain the cotton and ticking. Under this program, surplus cotton and ticking are bought by the Federal Surplus Commodities Corporation and distributed to low-income farm families through the local A. A. A. committees. The Extension Service, through its home-demonstration agents, helps the members of the families to make good mattresses for use at home. The program is restricted to families with a total income of $400 or less a year.

Among the component parts of the national farm program which contributed materially to the advancement in net farm income were improved credit services of various kinds. From May 1, 1933, through December 31, 1939, individual farmers and their cooperative organizations obtained $5,951,000,000 in loans and discounts from institutions under supervision of the Farm Credit Administration of the Department of Agriculture.

The largest amount was in mortgage loans of the 12 Federal land banks and the Land Bank Commissioner. The total amount of these loans outstanding on December 31, 1939, was $1,905,000,000.

Local production credit associations, numbering 528, in 6 years made 1,312,000 loans aggregating $1,442,000,000.

During the 6-year period the 12 district banks for cooperatives and the central bank made 6,868 loans totaling $491,047,000 to farmers' cooperative marketing, purchasing, and service organizations.

Through farm-debt adjustment, 111,131 farmers have reached agreements with their creditors scaling down debts totaling $358,792,940.

Congress is now considering important and needed changes in the Federal farm mortgage loan system to improve still more the credit facilities for farmers.

Income improvement and conservation of natural resources are going hand in hand.

The need for conservation effort is continuous. The soil resources are still being depleted faster than they are being restored. However, the national farm program is helping farmers launch a tremendous attack on erosion and the depletion of soil fertility. Continuation for next year of the annual $500,000,000 agricultural conservation appropriation assures that farmers will be able to go forward with this vital task.

Farmers cooperating in the A. A. A. program are earning conservation payments based upon the extent to which they carried out soil-building practices. Furthermore, all the programs which are helping to raise farm income are also helping in the conservation of natural resources, for only farmers relieved from the immediate necessity of "mining" their soil can afford to take good care of it.

In the A. A. A. program about 80 percent of the farm land and 70 percent of the privately owned range land was included in 1939 participation. Under this program new seedings of soil-conserving and soil-building crops totaled fifty-five and one-half million acres. Erosion-control practices, including contour listing and controlled fallow, were employed on fourteen and three-fourths million acres. Terraces constructed totaled 292,000,000 feet, and more than 16,000,000 feet of contour ridges were constructed on pasture land.

Participation in the A. A. A. program continues to increase. More than 6,000,000 farmers, operating 82 percent of the cropland of the United States, are taking part this year. With the spread of the war in Europe continuing to cut off more of our export outlets this program daily becomes more vital to the welfare of American agriculture.

On approximately 110,000 farms, about 28,000,000 acres are covered by agreements which provide for complete programs of erosion control and good land management. These agreements were worked out with the assistance of the Soil Conservation Service.

Soil Conservation Service demonstration areas now include 68¾ million acres. There are 300 soil conservation districts organized under State laws, covering an area of 180 million acres. The Soil Conservation Service is cooperating with the districts by providing technical service. Within the 300 organized districts there are more than a million farms.

Next year the Soil Conservation Service will have available about the same amount of funds as for the last fiscal year—a total of more than $35,000,000 for operations, administration, and research. These funds will be used to promote soil and water conservation, erosion control, flood control, development of small water facilities, development of farm forestry, and for purchase of submarginal land.

Given the opportunity to continue and increase their present effective efforts in cooperation with government under the national farm program, farmers will make the Nation's agricultural resources secure for years to come.

Range livestock producers are in the midst of an extensive program of range conservation in cooperation with three agencies of the Department of Agriculture. They are restoring the grass necessary for livestock production and protection against erosion. They are constructing thousands of ponds and reservoirs needed to control seasonal floodwater to prevent erosion and conserve it for livestock. Under the farm program, the range country will continue to become a more productive and less hazardous area for the production of vital food supplies.

Under the supervision of the Forest Service grazing on more than 80 million acres of national forest land is regulated with the assistance of range committees made up of livestock producers. National forest grazing in 1939 provided for one and one-quarter million cattle and horses and five and one-half million sheep and goats.

Since March 1933, about 12,000,000 acres have been purchased or approved for purchase for national forests. This is about 2½ times as much land as was purchased for national forests in the preceding 22 years. Approximately 125,000,000 trees produced largely in Forest Service nurseries were planted during 1939 on 131,000 acres of national forest land. Under the supervision of the Forest Service in the Prairie States forestry project 127,000,000 trees have been used in 11,000 miles of plantings.

These plantings provide protection for about 3,000,000 acres of land in the Great Plains. In the farm-forestry program of the Soil Conservation Service about 314,000 trees were planted on farm lands in 1938. A total of 55,000,000 trees were distributed for farm plantings from Federal-State cooperative nurseries. Under the A. A. A. program of 1938 more than 55,000 acres of farm land were planted to forest trees.

Since 1932 approximately eight and one-half million acres of submarginal land unsuited to continued cultivation have been purchased and developed for uses for which this land is better suited, principally forestry and grazing.

In dry-land areas this land is being used to help farmers shift more to livestock production and away from the uncertainties of one-crop farming. The land which has been purchased is being turned back to grass and made available to nearby farmers who need more land for this type of farming. In other areas submarginal land is being used largely for reforestation.

An important part of the efforts in the Western States to insure a more permanent type of agriculture is the program for the development of small water facilities to supply needs for livestock and in some cases to make it possible for a farmer or rancher to irrigate a small part of his land. Loans are being made available where necessary to enable farmers to develop these facilities.

In both the north and the south Plains areas Federal agricultural programs are being integrated so as to apply as one program on the land and offer greater assistance to farmers in making the shift to a more permanent type of agriculture.

Assistance in flood control through the farm program in other portions of the country consists of treatment of up-

stream areas of watersheds to help regulate the flow of water and reduce the amount of soil carried by rivers.

In all areas, and particularly where a change in the type of farming is necessary for a permanent agriculture and greater security for people on the land, efforts of farmers in planning committees are helping to apply assistance available through Government most effectively in solving the local problems.

An outstanding feature of the present national farm program is a concerted effort to encourage all farmers to make a better living off their land. This effort does not conflict with the programs to raise farm cash income, but on the contrary supplements it. For example, the A. A. A. program, by encouraging necessary acreage shifts from the soil-depleting cash crops to soil-conserving cover crops and pasture, is helping thousands of farmers to live better off the products of the home place while they increase their cash income and conserve their soil. The farming plans of families obtaining rehabilitation loans provide for adequate production of food crops for home use. The Extension Service, through county agents and home-demonstration agents, is assisting farmers in all sections to become more self-sufficient and thus more independent.

Special attention is being given to the problems of rural poverty and tenancy, and as a result millions of low-income farm people can now face the future with far greater confidence.

From 1935 to 1940, the Farm Security Administration has aided approximately 800,000 farm families with rural rehabilitation loans to enable them to get a new start and again become self-supporting. By following complete farm and home management plans, 233,000 of these borrowers covered by a survey in 1938 had increased their net worth over and above all debts by more than 37 percent, and tripled their production of food for home consumption. As of November 30, 1939, $360,825,429 had been advanced for these loans, and nearly $107,000,000 repaid. During 1938 the average borrower reported increasing his net worth by more than $140. For the next fiscal year as much as $125,000,000 can be made available for rehabilitation loans through authorization for borrowing for this work from the Reconstruction Finance Corporation.

Through farm-debt adjustment 111,131 farmers have reached agreements with their creditors scaling down debts totaling $358,792,940. These adjustments totaled $84,942,798, or about 24 percent. As a direct result of such adjustments, farmers have been able to pay more than $4,861,891 in back taxes.

At the end of December 1939, low-cost medical-care plans were available to 67,542 families in 30 States. By June 1, 1940, approximately 300,000 farmers had received the benefit of community-service loans sharing the cost of more expensive farming equipment which individually they could not afford. For this purpose, the Farm Security Administration assisted in the formation of 14,000 small cooperatives.

More than 14,000 additional low-income farm families occupy 159 homestead projects, established for the purpose of demonstrating sound principles of farm and community management and to experiment with new developments along these lines.

By January 1, 1940, Farm Security Administration camps for migratory agricultural workers were accommodating 2,520 families, and additional units to accommodate 3,261 families were under construction. When completed the program will accommodate about 30,000 families annually, as 4 or 5 families make use of the same units each year.

In connection with the rehabilitation program, the Farm Security Administration has aided 131,432 tenant farmers to secure written leases, replacing vague oral agreements. Long-term written leases enable small farmers to practice soil conservation and afford them a far greater measure of security on the land.

Under the Bankhead-Jones Act, loans for farm purchases were made to 6,180 tenant families by June 30, 1939. In the fiscal year 1940, with an increased appropriation, 7,000 such loans are being made. For the fiscal year 1941, $50,000,000 can be made available for these loans through the Reconstruction Finance Corporation.

We have made a significant beginning in the work to offset the increase in farm tenancy. This work must be increased and expanded to meet the needs of thousands of capable, deserving farm families.

To the close of 1939 the Rural Electrification Administration of the Department of Agriculture has made total allotments of $273,000,000 for the construction of 260,000 miles of line to serve 600,000 farm families. Already 400,000 farms have been connected to R. E. A. sponsored lines, the greater majority of which are cooperatively managed. The number of electrified farms in the United States has more than doubled from 1935 to the present time. Approximately 25 percent of American farms were electrified by January 1, 1940, compared with 10.9 percent on January 1, 1935. At the present rate of increase, all farmers needing the benefits of electricity may look forward confidently to the time when rural electrification will be universal throughout America. For the next fiscal year, $100,000,000 will be available for loans for the construction of rural-electrification lines.

Democracy is both the end and the means of the national farm program and has been both from 1933 to the present time. Local committees of farmers are providing the machinery through which farmers have taken the responsibility for local administration. Approximately 125,000 farmers, chosen by their neighbors, administer the A. A. A. program locally. Farm Security Administration local committees number 2,907 for debt adjustment, 1,289 for the tenant-purchase program, and approximately 1,500 for rehabilitation loans. Cooperating with the Farm Credit Administration are about 4,000 active county or local national farm-loan associations and 535 production-credit associations.

Approximately 370 soil-conservation districts operated by farmers are either organized or in process of organization. In 1,120 counties farmers are working with officials of agricultural agencies and agricultural specialists in the study of land use and agricultural problems affecting each locality in an effort to devise appropriate public and individual action to deal with such problems effectively. Such work is conducted both on a community and county basis, with 19,000 farmers participating as members of county planning committees, and with 65,000 farmers serving on the community planning committees.

Mr. President, the contributions which farmers can make today through the national farm program to national defense are more significant than the benefits which they may receive.

First. Farmers have produced abundance, and are ready to produce further abundance today without waste of tomorrow's resources.

Second. Good diet is the basis of national strength. The diet of hundreds of thousands of farm families is being improved through greater production of food products on the farm by low-income families. Distribution of surplus foods through the food-stamp plan and by direct distribution is contributing to the better health of millions of low-income families, mostly in the cities.

Third. Democracy must be defended in daily living first of all. History has always shown that freedom in any nation cannot survive the destruction of a free and independent rural population. The strengthening of rural democracy is both the end and the means of the national farm program.

## EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. GURNEY in the chair). If there be no reports of committees, the clerk will state the nomination on the calendar.

## POSTMASTER

The Legislative Clerk read the nomination of Doyle Phillips to be postmaster at Philippi, W. Va.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RECESS TO WEDNESDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 12 o'clock and 53 minutes p. m.) the Senate took a recess until Wednesday, September 4, 1940, at 12 o'clock meridian.

## CONFIRMATION

*Executive nomination confirmed by the Senate August 31 (legislative day of August 5), 1940*

POSTMASTER

WEST VIRGINIA

Doyle Phillips, Philippi.

# HOUSE OF REPRESENTATIVES

## TUESDAY, SEPTEMBER 3, 1940

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., Chaplain of the House of Representatives, offered the following prayer:

Almighty God, we would wait on the Lord and find our strength in the heights. We beseech Thee to bless our President, our Speaker, the Congress, and every citizen of our country. To us has been given the task of establishing a citadel of freedom so strong that by our example the world may be redeemed from the poisonous weapon that bares its teeth into the breast of mercy and into the heart of love. In these perilous times, do Thou give wisdom, understanding, and caution to all.

O Thou who maketh the day to succeed the night and the light to shine out of darkness, we pray Thee to give us a resting place for our faith as beneath the lights of the firmament we stand and tremble; we seek Thee, O Christ, for our pains and tears. The joy and gladness of the happy hearts of a yesterday have been torn and shattered; they are bleeding because of the tragic death of their loved ones; noonday brightness has been transformed into the shades of sunset. Oh, in the silence of their desert hours, help them to recognize the Voice that spoke over the turbulent waters ages ago, saying, "Be not afraid; lo, I am with thee, and I will go with thee all the way"; in the tunnel of their affliction, let the light shine from Thy holy mount. Oh, wait for them in the tears of Bethany, in the cross of Jerusalem, and in the songs of Galilee. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Friday, August 30, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 3481. An act for the relief of C. Z. Bush and W. D. Kennedy; and

H. R. 4126. An act for the relief of Warren Zimmerman.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. KNUTSON].

THE LATE SENATOR ERNEST LUNDEEN

Mr. KNUTSON. Mr. Speaker, it is my melancholy task to announce to the House of Representatives the untimely passing of Minnesota's junior Senator, ERNEST LUNDEEN, who met his death in a tragic accident on Saturday afternoon.

Mr. LUNDEEN became a Member of this body in the Sixty-fifth Congress. He was of the same class as Speaker BANKHEAD, SCHUYLER OTIS BLAND, MARVIN JONES, CLARENCE F. LEA, JOSEPH J. MANSFIELD, CHRISTOPHER D. SULLIVAN, and myself. Of the 69 new Members who came in at that time but 7 remain.

Our departed friend early distinguished himself as a fearless and courageous legislator. It was his pride that he was one of the small band that voted against America's entrance into the World War, and if my memory serves me correctly he was the only one to vote against the declaration of war against Austria and Turkey 8 months later.

Senator LUNDEEN, a veteran of the Spanish-American War, was elected a Representative at Large from Minnesota in 1932 and 4 years later the voters of that State selected him to be their junior Senator.

Our friend has passed on to that bourne from whose shores no traveler returns but his memory will long remain green with those who admire loyalty, honesty, and courage. We extend to the sorrowing wife and children our sincere sympathy and pray that they will be comforted and sustained in the knowledge that their loved one has written in letters of eternal light his biography on the immortal scroll of history.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, last Saturday's tragedy which snuffed out the life of Minnesota's beloved Senator ERNEST LUNDEEN and 24 other passengers in the air-liner crash means to me the death of a martyr to a cause, the cause of peace and of free government for the common people of this Nation. He had spent all the mature years of his life fighting for these great principles and had not spared himself at any point. He had even served in the armed forces as a volunteer in the Spanish-American War, where he offered his life to his country.

He was my friend, and as the Member of this House from my district in the tragic war years of 1916–17 and again from 1932 to 1936 when he was elevated to the Senate, he set the model and the example of service to the public cause which has been a goal for my service here, too. Indeed he set such a high standard of service to our great district that when reelected for the third time in 1934 he received approximately 69,000 votes as compared to a total of only about 50,000 votes for the congressional candidates of the 2 major national political parties.

His untimely death is a real tragedy at this time of crisis in our Nation's affairs, testing as is being done, whether might is right, or whether the power of Christian principles and the original tenets of our Republic shall live or die. For weeks past he had been daily fighting, valiantly, unceasingly to keep America's institutions free from dictatorship and from the despoiling hand of despotism, selfishness, hypocrisy, and undemocratic trends.

The sacrifice of his life should mean but one thing to us: it should mean a challenge to this House of Representatives and especially to the Members of this body who have served with the Senator and who knew his devotion to the real cause of peace. It should mean that we must today, as we face the task of disposing of this conscription bill which we start consideration of shortly now, grasp the torch of peace and liberty as it falls from his lifeless hands and hold it high as he has been wont to do. It should mean that we shall consecrate our services in this awful hour to a perpetuation of all the fine principles and ideals for which he stood. His arm is down, his tongue is stilled, his heart no longer beats for the cause he loved so well, the cause of peace and justice and liberty. His body is now lovingly wrapped in an eternal repose and peaceful calm. He can no longer fight our people's fight in person, but his spirit can fight on and on as its zeal is transmitted and as its faith fires our own living bodies to a new spirit of devotion.

In that spirit and in the name of our departed comrade and fellow worker, Senator ERNEST LUNDEEN, I exhort all Members of this body to carry on, to stem the rising tide of un-American heresies, and to do it right now, this week, here in the House of Representatives by standing firmly, resolutely against the dictatorship inherent in the suggestion of peace-

time conscription. As my own first personal contribution, I dedicate to his memory the article which I had prepared before the Senator's death, entitled "A Good Substitute for Conscription," and which is to be found in the Appendix of today's RECORD.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. YOUNGDAHL].

Mr. YOUNGDAHL. Mr. Speaker, how often have we heard the expression figuratively used in describing our feelings toward a deceased friend, "He was a good soldier." Today I stand before you and humbly say that the late Senator ERNEST LUNDEEN, of Minnesota, was a "good soldier." He was a hard fighter but, best of all, he fought with courage; he fought with conviction for the things which he believed were right; he fought cleanly. He was a good soldier not only figuratively but literally, for he honorably served his country as a volunteer in the Spanish-American War. So today as we mourn his untimely passing let us keep in mind the outstanding human qualities which he so ably displayed during his life as a guide in our future actions for America.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. PITTENGER].

Mr. PITTENGER. Mr. Speaker, I join with other colleagues from Minnesota in a tribute to Senator ERNEST H. LUNDEEN, who was killed in an airplane accident last Saturday. We were personal friends. I served with him in this House before he was elevated to the Senate of the United States. As colleagues, we learned to know each other and to respect each other. I held him in high regard, and I join with others in expressions of sorrow at his untimely passing.

Senator LUNDEEN was a man of courage and integrity. When he took a position on public questions he was guided not by questions of expediency but by what he thought was the right thing to do. From that standpoint he could not be lured or forced to a change. No matter how strong public opinion might be he would not change to some different viewpoint. This great virtue in men in public life was his strongest attribute.

Senator LUNDEEN was patriotic. He served his country in time of war, and in time of peace battled to make it a better place in which the ordinary man and woman might find happiness, safety, and freedom. He was always the friend of the underdog and never betrayed a trust.

Senator LUNDEEN was a faithful public servant. He assumed the responsibilities of his great office seriously and worked hard to measure up. He succeeded in attaining the high standards required of public officials. With his death the Congress of the United States has suffered a great loss, and the State of Minnesota likewise loses one of its outstanding leaders.

PERMISSION TO ADDRESS THE HOUSE

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent that on tomorrow, Wednesday, after the disposition of matters on the Speaker's table, at the conclusion of the legislative business of the day, and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an address by Colonel Fleming.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, I have two unanimous-consent requests, one to extend my own remarks in the Appendix of the RECORD and include therein an editorial from the Cleveland News, and the other to extend my own remarks in the Appendix and include an article from the Jewish Veteran.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WOODRUM of Virginia asked and was given permission to extend his own remarks in the RECORD.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEWIS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I have two requests. First, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by the Reverend Dr. W. Pascoe Goard. Second, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article entitled "The International Situation" and also excerpts from other magazines.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by the Honorable Adolph Starr, of La Fayette, Ind., on the subject of liberty and freedom.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Lynchburg (Va.) Advance entitled "Draft of Wealth."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial from the Metal Trades Journal.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address entitled "The Union Label Defense" by I. M. Ornburn, of the American Federation of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HON. JAMES A. FARLEY

Mr. KERR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KERR. Mr. Speaker, it has been well said that there is nothing great in this universe but man and nothing great in man but his mind. It is the mind of man which explores the universe and unravels its secrets and mysteries; it is this mind which conceives and creates structures which reflect man's approach to his Creator.

The world is full of rare men and women, some who never enter the threshold of great opportunity but live out their time in unselfish sacrifice that others may be made happy and enjoy the light of knowledge and pleasures of this life. There are many, however, who seize opportunity by its forelock and follow the path of wisdom until they are admired by their fellow men and justly exalted throughout history.

There is nothing so tragic in life as a failure, but success cannot be measured by a finite yardstick. The query will always be, What did the servant do with his talent? And this question alone and its answer will determine man's final judgment and the disposition of his soul. There has just passed from a conspicuous public service in this Nation a rare character; one who followed the teachings of a godly unselfish parentage and who is so strong that no evil has ever scratched the bright shield of his character and no habit has ever shackled his self-mastery. He, evidently, like most public men, has passed through the fires of temptation yet the finger of lust has never touched the hem of his garment; he has followed the invisible law of rectitude and is so clean, and has ever been, that his life and his friendship has been a benediction to all of those with whom he has come in contact, and those love him best who know him intimately.

This man, since he was called to conspicuous service in this Nation, has adorned every public place he has ever held because of his great character, and it is eternally true "that character is the diamond that scratches every other stone." He has been chairman of a great political party in the greatest democracy on earth. How well he filled this position may well inspire all others to endeavor to emulate his conduct. No one has ever called him a demagogue and no one ever dared to impeach his fidelity to the cause he served. He has sat in the administrative council of this great Nation for more than 7 years, and his advice has been measured by wisdom and his purpose so patriotic that none, not even his adversaries, dare impeach his motive. I shall not carry this tribute in my heart but I shall record it today in the records of this Nation and feel that I have made no mistake and that I simply share the feeling and appreciation and sentiment of every man and woman who admire and love the conduct, the personality, and the character of James A. Farley. [Applause.]

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I have two requests to submit. I ask unanimous consent to extend my own remarks in the RECORD and also to include a letter and an article from a newspaper.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BATES of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein resolutions from Mason County (Ky.) Farm Bureau.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and I also request that I may be permitted to include with the remarks which I hope to make on the conscription bill two quotations and the text of a short bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an article on taxation that appeared in the American magazine. It may be a little longer than the customary amount that is allowed, but not very much.

Mr. RICH. Mr. Speaker, reserving the right to object, if the article is more than two and a half pages the gentleman will have to get an estimate.

The SPEAKER. That is the rule.

Mr. RICH. And I would advise the gentleman to do that before he requests this permission.

Mr. KNUTSON. Mr. Speaker, I will ask for the permission as indicated, because I do not think it is more than two and a half pages.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—LEASE OF NAVAL AND AIR BASES (H. DOC. 943)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed, as follows:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress, notes exchanged between the British Ambassador at Washington and the Secretary of State on September 2, 1940, under which this Government has acquired the right to lease naval and air bases in Newfoundland, and in the islands of Bermuda, the Bahamas, Jamaica, Santa Lucia, Trinidad, and Antigua, and in British Guiana; also a copy of an opinion of the Attorney General, dated August 27, 1940, regarding my authority to consummate this arrangement.

The right to bases in Newfoundland and Bermuda are gifts—generously given and gladly received. The other bases mentioned have been acquired in exchange for 50 of our over-age destroyers.

This is not inconsistent in any sense with our status of peace. Still less is it a threat against any nation. It is an epochal and far-reaching act of preparation for continental defense in the face of grave danger.

Preparation for defense is an inalienable prerogative of a sovereign state. Under present circumstances this exercise of sovereign right is essential to the maintenance of our peace and safety. This is the most important action in the reinforcement of our national defense that has been taken since the Louisiana Purchase. Then, as now, considerations of safety from overseas attack were fundamental.

The value to the Western Hemisphere of these outposts of security is beyond calculation. Their need has long been recognized by our country, and especially by those primarily charged with the duty of charting and organizing our own naval and military defense. They are essential to the protection of the Panama Canal, Central America, the northern portion of South America, the Antilles, Canada, Mexico, and our own eastern and Gulf seaboards. Their consequent importance in hemispheric defense is obvious. For these reasons I have taken advantage of the present opportunity to acquire them.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *September 3, 1940.*

BRITISH EMBASSY,
*Washington, D. C., September 2, 1940.*

SIR: I have the honor under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavoring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of Santa Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua, and in British Guiana within 50 miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of 99 years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defense of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast, and antiaircraft defenses, the location of sufficient military garrisons, stores, and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LOTHIAN.

THE HONORABLE CORDELL HULL,
*Secretary of State of the United States, Washington, D. C.*

---

DEPARTMENT OF STATE,
*Washington, September 2, 1940.*

EXCELLENCY: I have received your note of September 2, 1940, of which the text is as follows:

"I have the honor, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

"Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavoring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States, for immediate establishment and use, naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of Santa Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua, and in British Guiana within 50 miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

"All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of 99 years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

"His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defense of such bases, and appropriate provisions for their control.

"Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

"The exact location and bounds of the aforesaid bases, the necessary seaward, coast, and antiaircraft defenses, the location of sufficient military garrisons, stores, and other necessary auxiliary facilities shall be determined by common agreement.

"His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes.

"Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs."

I am directed by the President to reply to your note as follows:

The Government of the United States appreciates the declarations and the generous action of His Majesty's Government as contained in your communication which are destined to enhance the national security of the United States and greatly to strengthen its ability to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere. It therefore gladly accepts the proposals.

The Government of the United States will immediately designate experts to meet with experts designated by His Majesty's Government to determine upon the exact location of the naval and air bases mentioned in your communication under acknowledgment.

In consideration of the declarations above quoted, the Government of the United States will immediately transfer to His Majesty's Government 50 United States Navy destroyers generally referred to as the 1,200-ton type.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL.

HIS EXCELLENCY THE RIGHT HONORABLE THE MARQUESS OF LOTHIAN, C. H., *British Ambassador.*

---

AUGUST 27, 1940.

The PRESIDENT,
*The White House.*

MY DEAR MR. PRESIDENT: In accordance with your request, I have considered your constitutional and statutory authority to proceed by Executive agreement with the British Government immediately to acquire for the United States certain offshore naval and air bases in the Atlantic Ocean without awaiting the inevitable delays which would accompany the conclusion of a formal treaty.

The essential characteristics of the propcsal are:

(a) The United States to acquire rights for immediate establishment and use of naval and air bases in Newfoundland, Bermuda, the Bahamas, Jamaica, Santa Lucia, Trinidad, and British Guiana, such rights to endure for a period of 99 years and to include adequate provisions for access to and defense of such bases and appropriate provisions for their control.

(b) In consideration it is proposed to transfer to Great Britain the title and possession of certain over-age ships and obsolescent military materials now the property of the United States and certain other small patrol boats which, though nearly completed, are already obsolescent.

(c) Upon such transfer all obligation of the United States is discharged. The acquisition consists only of rights, which the United States may exercise or not at its option; and if exercised, may abandon without consent. The privilege of maintaining such bases is subject only to limitations necessary to reconcile United States use with the sovereignty retained by Great Britain. Our Government assumes no responsibility for civil administration of any territory. It makes no promise to erect structures or maintain forces at any point. It undertakes no defense of the possessions of any country. In short, it acquires optional bases which may be developed as Congress appropriates funds therefor, but the United States does not assume any continuing or future obligation, commitment, or alliance.

The questions of constitutional and statutory authority, with which alone I am concerned, seem to be these:

First. May such an acquisition be concluded by the President under an Executive agreement, or must it be negotiated as a treaty, subject to ratification by the Senate?

Second. Does authority exist in the President to alienate the title to such ships and obsolescent materials; and if so, on what conditions?

Third. Do the statutes of the United States limit the right to deliver the so-called mosquito boats now under construction or the over-age destroyers by reason of the belligerent status of Great Britain?

I

There is, of course, no doubt concerning the authority of the President to negotiate with the British Government for the proposed exchange. The only questions that might be raised in connection therewith are (1) whether the arrangement must be put in the form of a treaty and await ratification by the Senate or (2) whether there must be additional legislation by the Congress.

Ordinarily, and assuming the absence of enabling legislation, the question whether such an agreement can be concluded under Presidential authority or whether it must await ratification by a two-thirds vote of the United States Senate involves consideration of two powers which the Constitution vests in the President.

One of these is the power of the Commander in Chief of the Army and Navy of the United States, which is conferred upon the President by the Constitution but is not defined or limited. Happily, there has been little occasion in our history for the interpretation of the powers of the President as Commander in Chief of the Army and Navy. I do not find it necessary to rest upon that power alone to sustain the present proposal. But it will hardly be open to controversy that the vesting of such a function in the President also places upon him a responsibility to use all constitutional authority which he may possess to provide adequate bases and stations for the utilization of the naval and air weapons of the United States at their highest efficiency in our defense. It seems equally beyond doubt that present world conditions forbid him to risk any delay that is constitutionally avoidable.

The second power to be considered is that control of foreign relations which the Constitution vests in the President as a part of the Executive function. The nature and extent of this power has recently been explicitly and authoritatively defined by Mr. Justice Sutherland, writing for the Supreme Court. In 1936, in *United States* v. *Curtiss-Wright Export Corporation, et al.*, 299 U. S. 304, he said:

"It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate,

plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular, and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results."

The President's power over foreign relations while "delicate, plenary, and exclusive" is not unlimited. Some negotiations involve commitments as to the future which would carry an obligation to exercise powers vested in the Congress. Such Presidential arrangements are customarily submitted for ratification by a two-thirds vote of the Senate before the future legislative power of the country is committed. However, the acquisitions which you are proposing to accept are without express or implied promises on the part of the United States to be performed in the future. The consideration, which we later discuss, is completed upon transfer of the specified items. The Executive agreement obtains an opportunity to establish naval and air bases for the protection of our coastline but it imposes no obligation upon the Congress to appropriate money to improve the opportunity. It is not necessary for the Senate to ratify an opportunity that entails no obligation.

There are precedents which might be cited, but not all strictly pertinent. The proposition falls far short in magnitude of the acquisition by President Jefferson of the Louisiana Territory from a belligerent during a European war, the Congress later appropriating the consideration and the Senate later ratifying a treaty embodying the agreement.

I am also reminded that in 1850, Secretary of State Daniel Webster acquired Horse Shoe Reef, at the entrance of Buffalo Harbor, upon condition that the United States would engage to erect a lighthouse and maintain a light but would erect no fortification thereon. This was done without awaiting legislative authority. Subsequently the Congress made appropriations for the lighthouse, which was erected in 1856. (Malloy, Treaties and Conventions, vol. 1, p. 663.)

It is not believed, however, that it is necessary here to rely exclusively upon your constitutional power. As pointed out hereinafter (in discussing the second question), I think there is also ample statutory authority to support the acquisition of these bases, and the precedents perhaps most nearly in point are the numerous acquisitions of rights in foreign countries for sites of diplomatic and consular establishments—perhaps also the trade agreements recently negotiated under statutory authority and the acquisition in 1903 of the coaling and naval stations and rights in Cuba under the act of March 2, 1901 (ch. 803, 31 Stat. 895, 898). In the last-mentioned case the agreement was subsequently embodied in a treaty but it was only one of a number of undertakings, some clearly of a nature to be dealt with ordinarily by treaty, and the statute had required "that by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."

The transaction now proposed represents only an exchange with no statutory requirement for the embodiment thereof in any treaty and involving no promises or undertakings by the United States that might raise the question of the propriety of incorporation in a treaty. I therefore advise that acquisition by Executive agreement of the rights proposed to be conveyed to the United States by Great Britain will not require ratification by the Senate.

II

The right of the President to dispose of vessels of the Navy and unneeded naval material finds clear recognition in at least two enactments of the Congress and a decision of the Supreme Court—and any who assert that the authority does not exist must assume the burden of establishing that both the Congress and the Supreme Court meant something less than the clear import of seemingly plain language.

By section 5 of the act of March 3, 1883, c. 141, 22 Stat. 582, 599–600 (U. S. C., title 34, sec. 492), the Congress placed restrictions upon the methods to be followed by the Secretary of the Navy in disposing of naval vessels, which have been found unfit for further use and stricken from the naval registry, but by the last clause of the section recognized and confirmed such a right in the President free from such limitations. It provides:

"But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, *unless the President of the United States shall otherwise direct in writing.*" [Italics supplied.]

In *Levinson* v. *United States* (258 U. S. 198, 201), the Supreme Court said of this statute that "the power of the President to direct a departure from the statute is not confined to a sale for less than the appraised value but extends to the manner of the sale," and that "the word 'unless' qualifies both the requirements of the concluding clause."

So far as concerns this statute, in my opinion, it leaves the President as Commander in Chief of the Navy, free to make such disposition of naval vessels as he finds necessary in the public interest, and I find nothing that would indicate that the Congress has tried to limit the President's plenary powers to vessels already stricken from the naval registry. The President, of course, would exercise his powers only under the high sense of responsibility which follows his rank as Commander in Chief of his Nation's defense forces.

Furthermore, I find in no other statute or in the decisions any attempted limitations upon the plenary powers of the President as Commander in Chief of the Army and Navy, and as the head of the State in its relations with foreign countries to enter into the proposed arrangements for the transfer to the British Government of certain overage destroyers and obsolescent military material except the limitations recently imposed by section 14 (a) of the act of June 28, 1940 (Public, No. 671). This section, it will be noted, clearly recognizes the authority to make transfers and seeks only to impose certain restrictions thereon. The section reads as follows:

"SEC. 14. (a) Notwithstanding the provision of any other law, no military or naval weapon, ship, boat, aircraft, munitions, supplies, or equipment, to which the United States has title, in whole or in part, or which have been contracted for, shall hereafter be transferred, exchanged, sold, or otherwise disposed of in any manner whatsoever unless the Chief of Naval Operations in the case of naval material, and the Chief of Staff of the Army in the case of military material, shall first certify that such material is not essential to the defense of the United States."

Thus to prohibit action by the constitutionally created Commander in Chief, except upon authorization of a statutory officer subordinate in rank, is of questionable constitutionality. However, since the statute requires certification only of matters as to which you would wish, irrespective of the statute, to be satisfied, and as the legislative history of the section indicates that no arbitrary restriction is intended, it seems unnecessary to raise the question of constitutionality which such a provision would otherwise invite.

I am informed that the destroyers involved here are the survivors of a fleet of over 100 built at about the same time and under the same design. During the year 1930, 58 of these were decommissioned with a view toward scrapping and a corresponding number were recommissioned as replacements. Usable material and equipment from the 58 vessels removed from the service were transferred to the recommissioned vessels to recondition and modernize them, and other usable material and equipment were removed and the vessels stripped. They were then stricken from the Navy register, and 50 of them were sold as scrap for prices ranging from $5,260 to $6,800 per vessel, and the remaining 8 were used for such purposes as target vessels, experimental construction tests, and temporary barracks. The surviving destroyers now under consideration have been reconditioned and are in service, but all of them are overage, most of them by several years.

In construing this statute in its application to such a situation it is important to note that this subsection as originally proposed in the Senate bill provided that the appropriate staff officer shall first certify that "such material is not essential to and cannot be used in the defense of the United States. Senator BARKLEY and others objected to the subsection as so worded on the ground that it would prevent the release and exchange of surplus or used planes and other supplies for sale to the British, and that it would consequently nullify the provisions of the bill (see sec. 1 of the act of July 2, 1940, H. R. 9850, Public, No. 703) which the Senate had passed several days earlier for that very purpose. Although Senator WALSH stated that he did not think the proposed subsection had that effect, he agreed to strike out the words "and cannot be used." Senator BARKLEY observed that he thought the modified language provided "a much more elastic term." Senator WALSH further stated that he would bear in mind in conference the views of Senator BARKLEY and others, and that he had "no desire or purpose to go beyond the present law, but to have some certificate filed as to whether the property is surplus or not." (CONGRESSIONAL RECORD, June 21, 1940, pp. 8831–8832.

In view of this legislative history it is clear that the Congress did not intend to prevent the certification for transfer, exchange, sale, or disposition of property merely because it is still used or usable or of possible value for future use. The statute does not contemplate mere transactions in scrap, yet exchange or sale except as scrap would hardly be possible if confined to material whose usefulness is entirely gone. It need only be certified as not essential, and "essential," usually the equivalent of vital or indispensable, falls far short of "used" or "usable."

Moreover, as has been indicated, the congressional authorization is not merely of a sale which might imply only a cash transaction. It also authorizes equipment to be "transferred," "exchanged," or "otherwise disposed of"; and in connection with material of this kind for which there is no open market, value is never absolute but only relative—and chiefly related to what may be had in exchange or replacement.

In view of the character of the transactions contemplated, as well as the legislative history, the conclusion is inescapable that the Congress has not sought by section 14 (a) to impose an arbitrary limitation upon the judgment of the highest staff officers as to whether a transfer, exchange, or other disposition of specific items would impair our essential defenses. Specific items must be weighed in relation to our total defense position before and after an exchange or disposition. Any other construction would be a virtual prohibition of any sale, exchange, or disposition of material or supplies so long as they were capable of use, however

ineffective, and such a prohibition obviously was not, and was not intended to be, written into the law.

It is my opinion that in proceeding under section 14 (a) appropriate staff officers may and should consider remaining useful life, strategic importance, obsolescence, and all other factors affecting defense value, not only with respect to what the Government of the United States gives up in any exchange or transfer, but also with respect to what the Government receives. In this situation good business sense is good legal sense.

I, therefore, advise that the appropriate staff officers may, and should, certify under section 14 (a) that ships and material involved in a sale or exchange are not essential to the defense of the United States if in their judgment the consummation of the transaction does not impair or weaken the total defense of the United States, and certainly so where the consummation of the arrangement will strengthen the total defensive position of the Nation.

With specific reference to the proposed agreement with the Government of Great Britain for the acquisition of naval and air bases, it is my opinion that the Chief of Naval Operations may, and should, certify under section 14 (a) that the destroyers involved are not essential to the defense of the United States if in his judgment the exchange of such destroyers for such naval and air bases will strengthen rather than impair the total defense of the United States.

I have previously indicated that in my opinion there is statutory authority for the acquisition of the naval and air bases in exchange for the vessels and material. The question was not more fully treated at that point because dependent upon the statutes above discussed and which required consideration in this section of the opinion. It is to be borne in mind that these statutes clearly recognize and deal with the authority to make dispositions by sale, transfer, exchange, or otherwise; that they do not impose any limitations concerning individuals, corporations, or governments to which such dispositions may be made; and that they do not specify or limit in any manner the consideration which may enter into an exchange. There is no reason whatever for holding that sales may not be made to or exchanges made with a foreign government or that in such a case a treaty is contemplated. This is emphasized when we consider that the transactions in some cases may be quite unimportant, perhaps only dispositions of scrap, and that a domestic buyer (unless restrained by some authorized contract or embargo) would be quite free to dispose of his purchase as he pleased. Furthermore, section 14 (a) of the act of June 28, 1940, supra, was enacted by the Congress in full contemplation of transfers for ultimate delivery to foreign belligerent nations. Possibly it may be said that the authority for exchange of naval vessels and material presupposes the acquisition of something of value to the Navy, or, at least, to the national defense. Certainly I can imply no narrower limitation when the law is wholly silent in this respect. Assuming that there is, however, at least the limitation which I have mentioned, it is fully met in the acquisition of rights to maintain needed bases. And if, as I hold, the statute law authorizes the exchange of vessels and material for other vessels and material, or, equally, for the right to establish bases, it is an inescapable corollary that the statute law also authorizes the acquisition of the ships or material or bases which form the consideration for the exchange.

III

Whether the statutes of the United States prevent the dispatch to Great Britain, a belligerent power, of the so-called mosquito boats now under construction or the overage destroyers depends upon the interpretation to be placed on section 3 of title V of the act of June 15, 1917 (ch. 30, 40 Stat. 217, 222). This section reads:

"During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States."

This section must be read in the light of section 2 of the same act and the rules of international law which the Congress states that it was its intention to implement. (H. Rept. No. 30, 65th Cong., 1st sess., p. 9.) So read, it is clear that it is inapplicable to vessels, like the overage destroyers, which were not built, armed, equipped as, or converted into, vessels of war with the intent that they should enter the service of a belligerent. If the section were not so construed, it would render meaningless section 2 of the act which authorizes the President to detain any armed vessel until he is satisfied that it will not engage in hostile operations before it reaches a neutral or belligerent port. The two sections are intelligible and reconcilable only if read in the light of the traditional rules of international law. These are clearly stated by Oppenheim in his work on International Law, fifth edition, volume 2, section 334, pages 574–576:

"Whereas a neutral is in no wise obliged by his duty of impartiality to prevent his subjects from selling armed vessels to the belligerents, such armed vessels being merely contraband of war, a neutral is bound to employ the means at his disposal to prevent his subjects from building, fitting out, or arming, to the order of either belligerent, vessels intended to be used as men-of-war, and to prevent the departure from his jurisdiction of any vessel which, by order of either belligerent, has been adapted to war-like use. The difference between selling armed vessels to belligerents and building them to order is usually defined in the following way:

"An armed ship, being contraband of war, is in no wise different from other kinds of contraband, provided that she is not manned in a neutral port, so that she can commit hostilities at once after having reached the open sea. A subject of a neutral who builds an armed ship, or arms a merchantman, not to the order of a belligerent, but intending to sell her to a belligerent, does not differ from a manufacturer of arms who intends to sell them to a belligerent. There is nothing to prevent a neutral from allowing his subjects to sell armed vessels, and to deliver them to belligerents, either in a neutral port or in a belligerent port. * * *

"On the other hand, if a subject of a neutral builds armed ships to the order of a belligerent, he prepares the means of naval operations, since the ships, on sailing outside the neutral territorial waters and taking in a crew and ammunition, can at once commit hostilities. Thus, through the carrying out of the order of the belligerent, the neutral territory has been made the base of naval operations; and as the duty of impartiality includes an obligation to prevent either belligerent from making neutral territory the base of military or naval operations, a neutral violates his neutrality by not preventing his subjects from carrying out an order of a belligerent for the building and fitting out of men-of-war. This distinction, although of course logically correct, is hairsplitting. But as, according to the present law, neutral states need not prevent their subjects from supplying arms and ammunition to belligerents, it will probably continue to be drawn."

Viewed in the light of the above, I am of the opinion that this statute does prohibit the release and transfer to the British Government of the so-called mosquito boats now under construction for the United States Navy. If these boats were released to the British Government, it would be legally impossible for that Government to take them out of this country after their completion, since to the extent of such completion at least they would have been built, armed, or equipped with the intent, or with reasonable cause to believe, that they would enter the service of a belligerent after being sent out of the jurisidiction of the United States.

This will not be true, however, with respect to the overage destroyers, since they were clearly not built, armed, or equipped with any such intent or with reasonable cause to believe that they would ever enter the service of a belligerent.

In this connection it has been noted that during the war between Russia and Japan in 1904 and 1905, the German Government permitted the sale to Russia of torpedo boats and also of ocean liners belonging to its auxiliary navy. (See Wheaton's International Law, sixth ed. (Keith), vol. 2, p. 977).

IV

Accordingly you are respectfully advised:

(a) That the proposed arrangement may be concluded as an Executive agreement, effective without awaiting ratification.

(b) That there is Presidential power to transfer title and possession of the proposed considerations upon certification by appropriate staff officers.

(c) That the dispatch of the so-called mosquito boats would constitute a violation of the statute law of the United States, but with that exception there is no legal obstacle to the consummation of the transaction, in accordance, of course, with the applicable provisions of the Neutrality Act as to delivery.

Respectfully submitted.

ROBERT H. JACKSON,
*Attorney General.*

---

SEPTEMBER 3, 1940.

To the PRESIDENT OF THE UNITED STATES:

1. Concerning the proposed transfer of destroyers to Great Britain in exchange for naval and air bases, the Attorney General of the United States in an opinion held as follows:

"It is my opinion that the Chief of Naval Operations may, and should, certify under section 14 (a) that such destroyers are not essential to the defense of the United States if in his judgment the exchange of such destroyers for strategic naval and air bases will strengthen rather than impair the total defense of the United States."

2. It is my opinion that an exchange of 50 overage destroyers for suitable naval and air bases on 99-year leases in Newfoundland, Bermuda, the Bahamas, Jamaica, Santa Lucia, Trinidad, Antigua, and in British Guiana will strengthen rather than impair the total defense of the United States. Therefore, I certify that on the basis of such an exchange, and in accordance with the opinion of the Attorney General of the United States, the 50 over-age destroyers of the so-called 1,200-ton type are not essential to the defense of the United States.

H. R. STARK,
*Admiral, United States Navy, Chief of Naval Operations.*

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that at the close of the legislative program of today, and following any previous special orders, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMPULSORY MILITARY TRAINING AND SERVICE

Mr. SABATH. Mr. Speaker, I call up House Resolution 586.

The Clerk read as follows:

House Resolution 586

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10132, a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Military Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. It shall also be in order to consider without the intervention of any point of order any amendment offered by the direction of the Committee on Military Affairs to the bill or committee substitute. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of the bill H. R. 10132 it shall be in order in the House to take from the Speaker's table the bill S. 4164 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H. R. 10132.

Mr. SABATH. Mr. Speaker, later on I shall yield 30 minutes to the gentleman from New York [Mr. FISH] on the rule, and at this time, Mr. Speaker, I yield myself 7 minutes, and ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker and gentlemen of the House, you have heard this rule read. It provides for 2 full days of general debate and after that the bill will be taken up under the 5-minute rule, and I may say to the gentleman from New York [Mr. FISH] as well as to the gentleman from Michigan [Mr. MICHENER] and to the House that it has been agreed that if there is a demand for time we can go on this evening until 7 or 8 o'clock and the same understanding will apply as to tomorrow. So nobody will be deprived of being heard on this extremely important legislation.

The rule is a liberal one. It gives the Military Affairs Committee the right to offer amendments which otherwise might be subject to a point of order, and the Military Affairs Committee, I am informed, has agreed to offer an amendment which has been, and is, in dispute, namely the Russell-Overton amendment in a modified form.

The Committee on Rules has granted the rule in this form because the Committee on Military Affairs was unable to agree upon the verbiage of that amendment. However, I was informed by the gentleman from Kentucky [Mr. MAY], the chairman of the committee, a few moments ago that his committee had agreed upon an amendment which will be acceptable to those who, like myself, believe that capital as well as labor should cooperate with the Government in its defense program.

Section 11 of the Senate bill provides in substance that when any manufacturing plant or facility is necessary for the national defense and is unwilling to enter into fair agreement with the Government such plant or facility can be taken over by the Government but the owner thereof shall not be deprived of his rights and interest therein. I do not consider it conscription any more than I do selective service.

I may say to all those who desire to vote on the Russell amendment and who believe in the principle contained in the amendment that an opportunity will be given them to offer amendments to that amendment when the same is offered, and they will not be denied the right to be heard on the amendment.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. For a brief question.

Mr. RICH. Is not this the first time in the history of our Nation that we have ever had or talked about having conscription in peacetimes?

Mr. SABATH. It is the first time in the history of our Nation that the country is forced for its own protection to act in this manner. This is not a conscription bill. This is a registration, in the first place; selection for training in the service of the country. It is, indeed, unfortunate that in these crucial times a great many honest and well-meaning, sincere, loyal and patriotic men, are being misled.

Mr. Speaker and gentlemen of the House, I have been against militarism. I have been against war. I have been against conscription, and I have favored voluntary enlistments. I actually and honestly believed that during the last 3 months we would have a sufficient number of patriotic men in this country who would volunteer their services to be trained in case of actual need. I am obliged to admit that I am disappointed. I am disappointed that such a small number have voluntarily enlisted.

Furthermore, I am disappointed that certain sections of the country have not come forward in the same proportions as others and shown their real patriotism and loyalty to our institutions, to our country, and to our flag. It was because of that fact I came to the conclusion that we must act and must act without delay and pass this selective training service activity legislation.

Mr. RICH. Will the gentleman yield now?

Mr. SABATH. I yield.

Mr. RICH. You made the statement that some people are trying to mislead the people of this Nation. I do not know whether you were referring to me when I asked you if this was a conscription bill or whether you were referring to yourself when you said that it was not a conscription bill. Who was in error?

Mr. SABATH. I still believe this is not a conscription bill, because this bill provides, first, for registration. Then it provides for selective training. I say to the gentleman from Pennsylvania and to all others that I think it is much better to train without fighting than to fight without training. [Applause.]

As a matter of fact, a year's training would be a great boon for hundreds of thousands of our young men who now have no training of any kind. The trained personnel required for the maintenance and repair of tanks, airplanes, and mechanized equipment in these training camps will have to be given much the same training and experience as the personnel now trained in their manufacture. So that when these boys come out after their year's training they will be a hundred times better equipped to earn a living in plants that manufacture these materials than when they entered the camps. And they will still be serving their country as skilled workers while at the same time making careers for themselves. This is my candid opinion.

These boys are not being groomed for use in trenches across the seas, but to make them of more use to themselves and therefore to the Nation in case an emergency should arise that would necessitate their services.

Selective service under this bill is intended neither to be militaristic nor disruptive. It does not mean a conscript army, or that the Nation is to be militarized. It does mean a solution of our greatest weakness: insufficient trained men as reserves.

Mr. McDOWELL. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. McDOWELL. The public press reported 2 weeks ago that that week broke all peacetime enlistment records. That is, voluntary enlistments. One week ago Thursday in my city of Pittsburgh 411 men enlisted in one day, the greatest in the history of the city.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield myself 3 additional minutes.

Mr. SECCOMBE. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. SECCOMBE. Is it not a fact that anyone so conscripted in this bill who fails to report is punishable by imprisonment and a fine of not to exceed $10,000. Is that selective?

Mr. SABATH. No; I do not believe——

Mr. SECCOMBE. It says that in the bill.

Mr. SABATH. I do not believe the gentleman is quite right.

Mr. SECCOMBE. It says that in the bill.

Mr. SABATH. Oh, that may be——

Mr. SECCOMBE. It says that anyone failing to report is punishable by imprisonment and a fine not to exceed $10,000. That is right on page 31. May be punishable by imprisonment not longer than 5 years.

Mr. SABATH. The gentleman does not read the entire section or paragraph.

Mr. SECCOMBE. Well, it is not selective. It is compulsory.

Mr. SABATH. I still disagree with the gentleman and regret I cannot yield further. If the gentleman will read lines 16 to 20, page 31, he will see that his criticism does not apply to "failure to report," but to those who conspire to defeat the purposes of the act.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I cannot yield any further.

Mr. Speaker, I am satisfied that if each and every Member of this House would be familiar with the activities and what is transpiring, not only abroad but in our own midst and in the adjoining Latin republics, he could not, if he were a real American, refuse to cooperate in every possible way to prepare this Nation for any and every eventuality.

Mr. Speaker, I have here letters and reports—not my own statements but letters, reports, and appeals of men like the following:

General Pershing, the distinguished commanding general of our World War Army.

Maj. George Fielding Eliot, a writer and student of military and European war conditions.

Mr. E. H. Thomas, a leader in the American defense movement, writer on military subjects, and an officer in the World War.

Prof. Sveinbjorn Johnson, professor of law, University of Illinois, an eminent jurist and author of Pioneers of Freedom.

Mr. John J. Stonborough, distinguished writer.

Mr. William Allen White, foremost American editor, writer, and lecturer.

Mr. Adolph P. Kern, New Jersey probation officer, who testified before the Federal Bureau of Investigation of the activities of the German-American Bund in having sympathizers enlist in the Signal Corps of the United States Army.

The gentleman from New York [Mr. FISH] and the gentleman from Missouri [Mr. SHORT], and many others, do not seem to think there is any great need for big preparedness. They should read, in addition to the findings of the above, the joint report of Col. William J. Donovan and Edgar Ansel Mowrer, foremost foreign American newspaper correspondent. Returning recently from a mission abroad on behalf of Secretary of the Navy Knox, they reported that Hitler's success is due to the secret expenditure by the Nazi government annually of $200,000,000 for purely propaganda purposes outside of Germany. They report: "The explanation of Nazi Germany is conspiracy. Its scope is universal, and its aim, world dominion."

Nazi money is going today into all parts of South and Central America, and is being disbursed today right here in the United States.

Mr. Speaker, any unprejudiced, loyal American man or woman reading the views, honest convictions, and recommendations of these men should not, and I believe could not, resist voting for this legislation. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. COOPER). Did the gentleman yield any time to the gentleman from New York [Mr. FISH]?

Mr. SABATH. Yes. I yielded 30 minutes to the gentleman from New York, but I yield to the gentleman from Georgia [Mr. COX] 5 minutes before I yield to the gentleman from New York.

Mr. FISH. Not out of my time?

Mr. SABATH. Oh, no; no.

The SPEAKER pro tempore. Permit the Chair to understand the gentleman. Did the gentleman from Illinois yield 30 minutes to the gentleman from New York?

Mr. SABATH. Yes, Mr. Speaker.

### CALL OF THE HOUSE

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and sixty-nine Members are present, not a quorum.

Mr. PATMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 207]

| | | | |
|---|---|---|---|
| Allen, Pa. | Doughton | Kirwan | Polk |
| Andresen, A. H. | Douglas | Kleberg | Reed, N. Y. |
| Arnold | Ellis | Landis | Risk |
| Barton, N. Y. | Englebright | Lea | Rockefeller |
| Bates, Mass. | Fay | Lesinski | Sandager |
| Boehne | Ferguson | Luce | Schaefer, Ill. |
| Bradley, Mich. | Fernandez | McArdle | Scrugham |
| Bradley, Pa. | Flaherty | McGranery | Shanley |
| Brewster | Folger | Maas | Sheridan |
| Buck | Garrett | Magnuson | Simpson |
| Buckler, Minn. | Gavagan | Maloney | Smith, Ill. |
| Buckley, N. Y. | Griffith | Marshall | Somers, N. Y. |
| Caldwell | Hall, Edwin A. | Martin, Ill. | Starnes, Ala. |
| Celler | Hall, Leonard W. | Merritt | Sullivan |
| Chapman | Halleck | Mitchell | Sweeney |
| Cluett | Hart | Monkiewicz | Taber |
| Coffee, Wash. | Healey | Murdock, Utah | Taylor |
| Connery | Hook | Myers | Tenerowicz |
| Corbett | Jarrett | Nelson | Treadway |
| Crowe | Jenks, N. H. | Norton | Vreeland |
| Culkin | Jones, Ohio | O'Brien | Wallgren |
| Darrow | Jones, Tex. | O'Day | Weaver |
| Delaney | Kee | Oliver | White, Ohio |
| Dempsey | Kefauver | Osmers | Wigglesworth |
| Dies | Keller | O'Toole | Wood |
| Dingell | Kennedy, Martin | Pfeifer | Woodruff, Mich. |
| Disney | Keogh | Pierce | |

The SPEAKER pro tempore (Mr. COOPER). Three hundred and twenty-two Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

### EXTENSION OF REMARKS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include some tables from the War Department, also letters and editorials on the pending bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ANDERSON of Missouri asked and was given permission to revise and extend his remarks.

### COMPULSORY MILITARY TRAINING AND SERVICE

Mr. MARCANTONIO. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that the resolution is contrary to the unwritten law of the House. It has been the universal practice, custom, and tradition of the House to have debate fixed by hours. This resolution fixes general debate by days. This is entirely meaningless, because a day may be terminated by a motion that the Committee rise or by adjournment, and for that reason I press my point of order.

The SPEAKER pro tempore. The Chair is prepared to rule. The gentleman from New York makes the point of order that the resolution is contrary to the unwritten rules of the House in that general debate is fixed by days instead of hours.

In the first place, the point of order comes too late.

In the second place, this is a resolution reported by the Committee on Rules to change the rules of the House, which

is permissible on anything except that which is prohibited by the Constitution.

The point of order is overruled.

The gentleman from Georgia [Mr. Cox] is recognized for 5 minutes.

Mr. COX. Mr. Speaker, when the application for this rule was being heard by the Rules Committee, I made the observation that I was somewhat disappointed over the treatment being given the problem in question. In other words, I felt that I saw in the bill an evidence of hesitation, timidity, if not fear; in other words, my quarrel with the bill is not that it goes too far but that it does not go far enough. Personally, I am not greatly interested in a large standing army in peacetime, but I am tremendously interested in a trained manhood, and I favor universal training rather than a draft measure which merely takes care of an emergency. Understand, I am for the bill that your Committee on Military Affairs has reported. I think it very much better than the bill turned out by the Senate, in that it inheres more closely to the original Burke-Wadsworth bill than does the Senate bill.

On the question of the rule, the rule was prepared in the manner requested by the committee reporting the bill. You will observe that it protects against a point of order any amendment offered by the Military Affairs Committee. The consideration that prompted the preparation of the rule in that form was to make possible the consideration of the Overton-Russell amendment to the Senate bill; in other words, by writing the rule as it is reported control of that question rests in the hands of the Committee on Military Affairs. I understand that the committee assembled this morning and reported something of a compromise, or, at least, reported a modified Overton-Russell amendment which may or may not satisfy those interested in the consideration of the Russell-Overton amendment.

Mr. TARVER. Mr. Speaker, will my colleague yield?

Mr. COX. With pleasure.

Mr. TARVER. In the event the committee offers the modified language instead of the Russell-Overton amendment, will it not be in order for any Member of the House, whether on the Military Affairs Committee or not, to offer any substitute which is relevant to the committee amendment?

Mr. COX. I have not consulted the Parliamentarian and am not in position to give the gentleman a reply upon which he could rely. In my opinion, however, if offered as a substitute, it would still be subject to a point of order.

Mr. Speaker, the question before us, in the event the rule is adopted, is, What are we prepared to do in the way of national defense, in the way of building a war machine adequate to meet all comers from whatever source? I cannot believe that there is any considerable percentage of the membership of this House that finds it possible in his heart, in his understanding of the problem, to oppose this bill.

There is a host of Communist bums and bohunks and honestly misguided people crowded in here this morning to influence Congress. I would like to say to them that this is America, and it is worth saving, and that by the help of God we are going to protect and save it. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TARVER. It appears from the language of the rule that the Committee on Military Affairs will be permitted to offer amendments which are not germane to the bill. Assuming that the Committee on Military Affairs does offer such an amendment dealing with the subject matter of what is commonly referred to as the Russell-Overton amendment to the Senate bill, would it or not then be in order for other Members of the House to offer amendments to the committee amendment or substitutes for the committee amendment if those substitutes or amendments to the committee amendment were relevant to the committee amendment, although not relevant to the bill?

The SPEAKER pro tempore. The Chair regrets the confusion was such the Chair was unable to understand the gentleman's inquiry. Will the gentleman restate his proposition?

Mr. TARVER. Mr. Speaker, the question which I am trying to have clarified is this: It has been stated by Members that the Committee on Military Affairs, as authorized to do under the language of the pending rule, will offer substitute language for what is commonly known as the Russell-Overton amendment adopted in the Senate. No Member of the House could offer a substitute, because it would not be relevant to the bill, and under the rule an amendment not relevant to the bill could not be offered by anyone except the Committee on Military Affairs. Assuming that the Committee on Military Affairs does offer such amendment, may Members of the House then offer amendments to the committee amendment or substitutes for the committee amendment which are relevant to the committee amendment but which would not be relevant to the bill without the committee amendment?

Mr. RAYBURN. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Texas.

Mr. RAYBURN. Mr. Speaker, the gentleman from Georgia [Mr. TARVER] and, earlier in the day, the gentleman from Mississippi [Mr. COLMER], both of whom are interested in this subject, raised the same point that the gentleman from Georgia now raises. Since that time I have consulted with the Speaker and the Parliamentarian, and I have made some investigation of the rules and precedents of the House. Under the amendment that the committee will offer in reference to this matter of drafting industry, it is my opinion, and the opinion of those with whom I have consulted, that relevant amendments to that would be in order. It is my opinion that the Chairman of the Committee of the Whole would in all probability so hold.

Mr. TARVER. I thank the gentleman from Texas, but I wonder if that opinion of the gentleman from Texas may be confirmed by the Chair?

Mr. RAYBURN. Mr. Speaker, of course, I cannot assure the gentleman from Georgia what the Chairman of the Committee of the Whole House on the state of the Union will do, but I think the Chairman of the Committee of the Whole House on the state of the Union will in all probability consult with the same people I have and will in all probability arrive at the same conclusion.

The SPEAKER pro tempore. In answer to the parliamentary inquiry of the gentleman from Georgia [Mr. TARVER] the Chair may say that while he does not feel it would be proper to undertake to make a decision now which would bind the Chairman of the Committee of the Whole House on the state of the Union when such question is presented, the present occupant of the chair is of the opinion that amendments offered by authority of the Committee on Military Affairs would be subject to germane amendments offered by Members of the House.

Mr. BOREN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOREN. I may put it in the form of a question. I want to know if the statement the Chair has just made would apply to an amendment which might be offered in the form of a substitute to the committee amendment?

The SPEAKER pro tempore. A substitute is an amendment. The present occupant of the chair does not feel compelled to further amplify or to further express an opinion on these questions that may properly be raised in the Committee of the Whole and which will be passed upon by the Chairman of that Committee.

Mr. SABATH. Mr. Speaker, in accordance with my previous assurance, I now yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I do not believe there is any valid opposition to the pending rule. I have the utmost confidence in and regard for the word of the majority leader of this House and he has been quoted as stating that, if necessary in order to give more debate on this highly important issue, the House

could sit until 8 o'clock at night. In that way the Members of the House may have more than 12 hours general debate. In the next 2 days they may actually have 14 or 15 hours of general debate, and I am quite sure that the majority leader will do everything in his power to see that all possible debate is permitted for Members on both sides of the aisle.

Mr. Speaker, I think it was most unfortunate and most regrettable that at the outset of the debate on this highly important issue of peacetime conscription, one as far reaching as any that we have discussed in the House for many years, a gentleman of the House should take the floor and accuse those who have come here to Washington in opposition to this bill, free sovereign American citizens who have come here under their constitutional rights of assembly and petition, of being "lousy bums." [Applause.]

Mr. Speaker, I hope this bill will be debated upon a high plane, worthy of the great traditions of the House of Representatives. This is a measure that for good or evil may affect the destiny of our country and our free institutions; yes, even our republican form of government.

Peacetime conscription is un-American, undemocratic, and unrepublican and a subversion of the ancient and fixed principles of a free people.

Mr. Speaker, those are not my words. Those words were written into the Democratic national platform in 1900.

Peacetime conscription is bound to be a dangerous and disastrous departure from American ideals and traditions. It is an evil and ruinous experiment that will create a huge military machine or Frankenstein that will devour our free institutions and substitute militarism and autocracy in America.

It will encourage President Roosevelt, Messrs. Knox and Stimson, Ambassador Bullitt, and other interventionists to stick their noses in the eternal disputes and wars of the Old World.

Peacetime conscription in America is the direct road to Hitlerism, dictatorship, and national socialism. If we adopt peacetime conscription, we are merely copying Nazi methods and ideology.

We begin by conscripting the lives of our youth, and we end by conscripting property, industry, the almighty dollar, and, even more important, the civil rights and liberties of the American people. This is bringing Hitlerism, totalitarianism, and national socialism to America.

I had never expected to see the day when the elected representatives of the people, entrusted by the American wage earners and farmers to protect their rights and liberties, would vote for peacetime conscription, a betrayal of our free institutions and representative government.

This bill imposes upon our country, without the consent of the people, a military and economic system that is nothing less than the national socialism of Nazi Germany. Adolf Hitler, the dreaded dictator and war lord of Europe, must be laughing up his sleeve as he sees America aping his totalitarian methods, and following his goose steps on the road to dictatorship, militarism, and national socialism.

If peacetime conscription is adopted, we will have, by a vote of Congress, imported the very essence of nazi-ism and Hitlerism into the United States. "A rose by any other name smells as sweet." A military and economic dictator by any other name is just as odious and repugnant to the free people of America and their way of life.

Old Man Mars must be in a joyous mood as he gazes on our steady march to militarism and war.

Our answer to the dictator nations is to make democracy work in America, through the volunteer system, and not subvert it with a military dictatorship or by the European conscription and war system.

We must give the American volunteer system a chance before resorting to any form of military conscription in time of peace, and before regimenting American youth into a huge military machine after the pattern of foreign dictators.

Conscription in peace is not the American way, but the road to militarism, dictatorship, and war.

Whom do we fear? Do we fear Hitler, who seems afraid to attack England over 20 miles of sea, when he would have 3,000 miles to cross over here? That is preposterous, when we have the greatest Navy in the world, seven times larger than the German Navy, or that we should fear Hitler and Mussolini combined, to make it necessary to rush in and conscript the American youth.

Mr. KNUTSON. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I am afraid the gentleman is a little optimistic. If we give our Navy away, how are we going to stop Germany from coming over here?

Mr. FISH. I shall discuss that later on.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. MARCANTONIO. Has anybody specifically described the emergency which warrants such a subversive step as conscription? The only definition of emergency which we have had so far has been airplane timetables and generalities from the President.

Can anybody on this committee or the Committee on Rules or in any department of the United States specifically define the emergency that warrants militarization of American youth?

Mr. FISH. I suppose in their own time someone will try to answer that question, but I will say to the gentleman that the question propounded is the same propounded by Mr. William Green, of the American Federation of Labor, and it should not be necessary for me to answer it. The question should be answered by the President of the United States, who so far has failed to do so.

No thinking American believes that Hitler, who cannot cross 20 miles of sea to England, can with bad weather coming on attack America in the next 30, 60, or 90 days, and no American believes that any airplane has ever been invented that can fly from Germany to New York, and drop bombs and get back to its own base.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield for a brief question.

Mr. COX. Has not the gentleman been voting for all these appropriations intended to strengthen the national defense?

Mr. FISH. Certainly. I believe in protecting America.

Mr. COX. What would the gentleman do with this machine that is in the building without the men to run it?

Mr. FISH. Because I believe, sincerely and honestly, that you can get all the volunteers you want in America at the present time. [Applause.] That is the reason I am so bitterly opposed to this revolutionary departure of trying to impose conscription in peacetime when we can get all the volunteers we want.

Mr. COX. With regard to the group crowded in Washington this morning, for whom the gentleman expressed such great solicitude, under the volunteer system does the gentleman believe we will get one of them in the Army? [Applause.]

Mr. MARCANTONIO. Yes; you will.

Mr. FISH. I do not know about what group the gentleman is talking. If the gentleman is talking about members of the American Federation of Labor, I may say to the gentleman that I believe the members of the American Federation of Labor are as loyal as any group in America or as the gentleman himself.

Mr. COX. I am talking about the 800 communistic bums that came in on the train this morning from the gentleman's home State. [Applause.]

Mr. FISH. If the gentleman is referring to Communists, I wish the gentleman would so state.

Mr. COX. Is not the town full of Communists this morning?

Mr. FISH. The gentleman well knows that I do not traffic with the Communists, and do not propose to stand here and defend Communists.

Mr. BENDER. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FISH. I yield for a brief question.

Mr. BENDER. Is it not a fact that we now have in the armed forces of the country over 700,000 men, and not enough equipment to take care of 100,000 of them?

Mr. FISH. The gentleman is almost correct. We have 1,000,000 men in our armed forces, or will have in another few weeks. This includes, of course, the 200,000 men in the Navy, so it amounts to 1,000,000 in our armed forces. In the Army it is perfectly true that we will not have proper equipment for at least 6 months, and maybe a year, or modern weapons to equip an army of 700,000 men, to say nothing of a million.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. With reference to the statement of the gentleman from Georgia [Mr. COX], I believe his language should be expunged from the CONGRESSIONAL RECORD under a resolution.

Mr. COX. Offer a resolution and have a vote on it.

Mr. SCHAFER of Wisconsin. Many of those who are now in Washington opposing this bill come from the State of Wisconsin and other States in the Union and did not wait to be drafted during the World War, but enlisted and went overseas and are now suffering from battle casualties received in the service of our country. I for one do not intend to remain silent when the gentleman from Georgia calls these men "bums", "communistic bums", or "lousy bums."

Mr. COX. Let the gentleman offer his resolution and have a vote of the House.

Mr. FISH. I do not know what the gentleman himself did in the last war. It might be interesting to find that out.

Mr. COX. To whom does the gentleman refer?

Mr. FISH. I am referring to the gentleman from Georgia.

Mr. COX. Is the gentleman proud of the record he has ever made?

Mr. FISH. I am asking whether the gentleman was drafted or served in the last war.

Mr. COX. I did not serve in the last war because I was on the bench. It has been the regret of my life that I did not resign and go to war.

Mr. FISH. That is what I thought. I made a good guess. [Applause.] Oh, I seem always to find that those who are proposing to draft others and send them to war did not serve in the World War themselves. [Applause.]

Mr. SHAFER of Michigan. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. SHAFER of Michigan. Is it not true that the reason these men, who refuse the volunteer system, do so is that they know it will work?

Mr. FISH. That is my honest and sincere belief, and I believe that is what we have to thrash out in the House. I believe the American people and the House of Representatives itself want to give the volunteer system a chance.

When the time comes, if I may be permitted to do so, I propose to offer the so-called Hayden amendment which lost by 2 votes in the Senate, which requires giving the volunteer system 60 days to raise 400,000 men. I believe we can do that when you reduce the enlistment period to 1 year and pay the enlistees $30 a month.

Mr. ENGEL and Mr. SOUTH rose.

Mr. FISH. I am sorry I cannot yield now.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. ENGEL. Mr. Speaker, will the gentleman yield for just one question?

Mr. FISH. I cannot yield now. I have been very liberal in yielding.

All history, and particularly contemporary, proves that placing the power of life and livelihood in the hands of any one man is the road to dictatorship and totalitarianism. I am bitterly opposed to both and shall resist peacetime conscription until every effort has been made to exhaust the advantages of the American volunteer system under which our rights and liberties as a free people have been preserved. [Applause.]

Mr. Speaker, I propose now to read a letter signed by Milton A. Reckord, a major general in command of the Twenty-ninth National Guard Division, written to me on August 29:

STATE OF MARYLAND, MILITARY DEPARTMENT,
*Annapolis, August 29, 1940.*

The Honorable HAMILTON FISH,
*House Office Building, Washington, D. C.*

MY DEAR CONGRESSMAN FISH: I have just read in the CONGRESSIONAL RECORD of August 28 your statement on the floor of the House with respect to an article which recently appeared in the Washington Times-Herald by an anonymous writer. I wish to thank you for the statement you made with respect to this matter and to say that, as the Commanding General of the Twenty-ninth Division, I subscribe absolutely to everything you said with the one exception that you stated the anonymous writer was a member of the Twenty-ninth Division. This is not the fact, the man is supposed to be a member of an antiaircraft regiment of the District of Columbia National Guard which regiment belongs in the Corps or Army group and not in any division.

With respect to the article, a careful reading of same indicated to me that it may have been written for the specific purpose of disparaging the National Guard in the eyes of Congress and the people of the United States at this time. It was written in such a vein and couched in such terms as to indicate to me that the anonymous writer was not a normal, ordinary, private soldier, but the article has all the earmarks of having been written by someone planted for the purpose of doing injury to the National Guard.

I sincerely thank you in the name of the entire National Guard for the splendid statement you made in defense of this component of the Army.

With regards, I am,

Very truly yours,

MILTON A. RECKORD,
*Major General, Maryland National Guard.*

Mr. Speaker, why all this haste to force conscription upon America? The dominions of Great Britain have not got conscription and they have been in the war for 1 year. South Africa has no conscription, and Australia has likewise none. Canada has recently put into effect a modified form of conscription—not like this—calling for a year's service, but for 30 days' service as a home guard. That is all the British dominions have done; and I would like to know also whom we are afraid of. Are Americans craven and cowardly? Are we afraid of the very shadow of Hitler? Do we honestly think that Mussolini and Hitler will be over here tomorrow morning or in 30 days; that we should rush in ahead of the dominions; ahead of those nations that are at war, and force conscription upon America for 5 years in time of peace? I would vote for it in a minute if I thought we needed it. I believe in making America invincible on sea, in the air, and on land, but I am convinced that we will get all the men we want, even to 1,000,000, by the volunteer system if we ask for them and provide for 1-year enlistments.

We will be told, "This is not un-American; why George Washington advocated it." In the midst of this war hysteria anything will be told to you. George Washington did mention the draft, because in those days our militia served for 30 days, 60 days, and 90 days, and went home in the midst of a battle, and, naturally, there was some talk of the draft, but it has never been put into effect in time of peace. It was not put into effect even in the entire Revolutionary War, in spite of the fact that the militia served for 30 or 60 days and when there was some reason for it. I venture to predict that George Washington will be drawn into the debate as one of the reasons we should have peacetime conscription.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield on that point for a question?

Mr. FISH. For a brief question; yes.

Mr. O'CONNOR. The President points out as a cogent reason why we should have conscription that we are soft. Now, I realize the gentleman has had a lot of experience in the Army as a soldier. How long would it take to harden a soft man by training?

Mr. FISH. Let me tell the gentleman—and I hope the whole House will listen carefully, whether you are for con-

scription or whether you are against conscription—the American youth, the American soldier, properly trained and properly armed, is equal to the best soldier in the world today.

Mr. ENGEL. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FISH. I have only 5 minutes, but I yield briefly.

Mr. ENGEL. I heard the report over the radio last week that the air force had stopped taking enlistments because they were getting the men for their ground force faster than they could equip them. Has the gentleman verified that?

Mr. FISH. That is correct.

Mr. SOUTH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I would like to yield, but I just cannot yield further.

Mr. Speaker, our forefathers came over to this country to escape militarism and to maintain and safeguard here their own civil rights. This destroys them. This conscription not only breeds militarism and autocracy, but it actually destroys the civil rights of the American people, and I repeat that it is a step to dictatorship, militarism, Hitlerism, and national socialism.

If you want that in America and if the American people want it they have a right to have it, but let the American people know what they are getting when they get peacetime conscription of the soldiers and of property and of wealth.

Mr. ANDERSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield and this is the last time I will yield.

Mr. ANDERSON of Missouri. I think the gentleman is making a very fine speech and I agree with him heartily, but how can the gentleman explain how he would differ with the standard bearer of the Republican Party, Mr. Willkie, on this question? [Laughter.]

Mr. FISH. Well [laughter], I was going to say that I would leave that to the gentleman from Massachusetts [Mr. MARTIN] to answer. [Laughter.]

Now, Mr. Speaker, I am sorry that President Roosevelt saw fit to send in his message today about the transfer or exchange of 50 destroyers when we were considering peacetime conscription in the House; but I feel compelled, in the few remaining minutes at my disposal, as a Member of the Foreign Affairs Committee and not of the Military Affairs Committee, to make certain definite observations.

In the first place, the act of the President usurps the powers of the Congress. It violates the laws of the United States and of international law and is virtually an act of war.

I do not believe, however, that Germany will take it as such, only because she does not want to or that it does not suit her present convenience. Certainly, under international law, this is an act of war, and certainly the powers of Congress have been usurped by the President by taking away our constitutional power to declare war. The answer is in the hands of Hitler, not in the hands of the Congress of the United States or the American people. That time has gone by. Under every principle of international law and under a specific provision in the Hague convention, signed by Germany and the United States against the transfer of warships directly or indirectly to belligerent nations, Hitler would be perfectly within international law to declare war on us tomorrow. So, actually, this act of the President, whether it is humanitarian or whether it is in the interest of our country or not, violates the law of the land, international law, treaty agreements, and is in open defiance of the Constitution which gives Congress the sole right to declare war. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 1 additional minute.

I am not fearful—at the present time, at least—that Hitler, being involved with England, can attack or attempt to invade the United States, but I am seriously worried over the fact that certain interventionists, led by President Roosevelt and many others in high official places, are seeking, and have been seeking for the past year, to put the United States into war. To my mind, that is the single greatest issue in America. It transcends all party lines, Democrat and Republican, and, so far as I am concerned, I propose to do everything in my power to keep the United States of America out of all foreign wars. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Is it proper for a Member on the floor to refer to our guests as "bums"?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. COX. If that is offensive to anybody I will gladly withdraw it, with the permission of the House. I do not want to offend anybody.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I fear that what I may attempt to say will possibly prove disappointing after we have had such lively debate on the merits of this bill.

My sole purpose in taking this time is to attempt to clarify the question of the so-called Overton amendment and the Smith amendment, and with reference to the parliamentary situation thereto.

This rule is an open rule. It is more than an open rule, because it provides that an amendment may be offered by the Committee on Military Affairs, which otherwise would not be germane and therefore could not be offered. There is considerable division of opinion on the merit of the so-called Overton-Russell amendment, and an amendment that I understand the Committee on Military Affairs of the House has adopted, but for the life of me I cannot understand how anybody would say to the young manhood of this country, "We are going to conscript you and take you into cantonments and out of your civil life, but we are not going to make industry come up to the lick log."

Nobody has ever accused me of being wild or radical. Certainly I have no desire to play politics nor appear demagogic upon this question, but I am appealing to your sense of justice and fairness. The object sought is the preparedness of this country. We all agree that we ought to be prepared. We do not know whether we are going to need an army. We do not know whether we are going to need these munitions or not, but we do know one thing, that it is better to have them and not have to use them than to need them and not have them.

Therefore we must be prepared. Now, we saw the sad spectacle, and nobody can successfully deny this, of industry in some isolated instances in the past 30 days refusing to take war contracts and to turn out these war materials, simply because they were not satisfied with the profits which they were going to make. What I am getting at is this——

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. In just a moment. Let me clarify this. When the rule was applied for by the Military Affairs Committee to the Rules Committee, I espoused the cause of this so-called Overton-Russell amendment, and I think I had something to do with the provision being written into that rule that the Military Affairs Committee could offer such an amendment. We are in the position that if the Military Affairs Committee does not offer that amendment nobody in the House can offer it, under the provisions of the rule.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COLMER. In just a moment, if the gentleman will let me proceed.

Anticipating that I had prepared an amendment to this rule which I was going to ask you to adopt making such an amendment in order, I understand, however, that an amendment has been adopted by the Military Affairs Committee and that it will be offered by the chairman of the committee, and I now yield to him.

Mr. MAY. The gentleman knows what I told him in conference recently. I am one of those who never refuses to do what my committee directs me to do, and I will not fail in this instance.

Mr. KNUTSON. What is it, may I ask the gentleman from Kentucky?

Mr. MAY. The gentleman from Mississippi yielded to me. Does the gentleman from Mississippi yield that I may reply?

Mr. COLMER. I yield to the gentleman from Kentucky.

Mr. MAY. That I am to offer the amendment agreed upon as a substitute for the Russell-Overton amendment. This the House Committee on Military Affairs directed me to do.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi.

Mr. COLMER. I thank the distinguished and able chairman of the Committee on Military Affairs for that assurance. I knew it was not necessary, but it is very well to have it of record. I may say further that I read that amendment this morning. In my humble judgment, it is an improvement over the Overton-Russell amendment; and when it is offered I hope the House will adopt the committee substitute. I think it is a fair and just proposition that ought to be adopted. I am for the total and necessary preparation of this country. I believe that in that preparation the manpower, the industrial power, the labor power, and the power of capital should all be called upon to bear their proportionate share of the burden. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. SHORT].

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 4 minutes.

Mr. SHORT. Mr. Speaker, 1 year ago today the Governments of Great Britain and of France declared war upon Germany. Today, just 1 year later, the Government of the United States has declared war upon Germany; and make no mistake about that.

In 1917 this Congress enacted a statute that reads:

> During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war * * * with any intent or under any agreement * * * that such vessel shall be delivered to a belligerent nation * * * after its departure from the jurisdiction of the United States.

Mr. Speaker, this is the positive statutory law of this land enacted by this body and approved by President Wilson on June 15, 1917; and yet we are told by the President of the United States today that in exchange for naval and air bases leased by the Government of Great Britain to this country for 99 years we shall immediately transfer to them 50 over-age destroyers. This constitutes an act of war. No amount of sophistry can conceal the clear, cold fact.

Two months ago this Congress, in passing the Defense Act, said that "nothing herein shall be construed to repeal or modify" the statute I have just quoted.

Only 1 month ago this Congress passed another bill, which stated:

> No vessel, ship, or boat * * * now in the United States Navy or being built or hereafter built therefor shall be disposed of, by sale or otherwise, or be chartered or scrapped, except as now provided by law.

In addition to these acts of Congress, Mr. Speaker, in 1907 this Government of ours signed along with other governments in all good faith the treaty at the Hague Convention that specifically provided that—

> The supply in any manner, directly or indirectly, by a neutral power to a belligerent power, of warships, ammunition, or war material of any kind whatever, is forbidden.

Suppose we were at war with Great Britain and that the German Reich, a country neutral in name if not in fact, would open her arsenals and furnish our enemy with planes, ships, and guns. Does anyone think for a moment that the Government of the United States would not immediately consider that act by Germany an act of war? We would. And what would we naturally do about it? We would declare war on that government if we felt strong enough to triumph, and if for strategic reasons we withheld the declaration, we would at least carry a grudge in our minds and hearts for a settlement at some future date.

Since the present war began a year ago, the Government of the United States called a conference at Panama last October. The American Republics then agreed in condemning the arming or fitting out of ships to be employed in the service of one of the belligerents in Europe's war. If some South American republic should suddenly turn over its warships to Germany, I dare say the United States of America would be heard from. We always have preached that treaties are sacred covenants to be faithfully kept, and it is high time that we practice what we preach. No man is better than his word. The same is true of any nation. This Government today has violated not only international jurisprudence and every rule of fair play as it applies to all nations, but it has actually violated positive statutory laws passed by this Congress. [Applause.]

We all know that Congress and Congress alone has the power to declare war, yet by circumvention, by circumlocution, and by surreption, by setting up a strange device the President of the United States in the first part of June of this year transferred to the Allied Powers our latest type of airplanes, usable Army rifles, and other war materials which British Prime Minister Churchill said 2 weeks ago today had arrived safely in Britain over secret sea lanes—600,000 Lee-Enfield rifles, over 500 75-millimeter French guns, and thousands of rounds of ammunition. In the Washington Post, Wednesday, August 21, 1940, page 6, column 3, reporting Churchill's confident report to Commons, the Prime Minister said:

> We have ferried across the Atlantic, thanks to our friends over there, an immense mass of munitions of all kinds: Cannon, rifles, machine guns, cartridges, and shells, all safely landed without the loss of a gun or a round.

By what stratagem was this accomplished? The Neutrality Act forbids sale by the Government of the United States of its airplanes, munitions, and implements of war to a belligerent nation but does not prohibit the sale of these weapons on a cash and carry basis by an individual or a corporation. So, the President, in order to evade the letter of the law, but in clear violation of the spirit of the Neutrality Act, immediately turned our latest airplanes purchased by our Government back to the manufacturers who in turn sold them immediately to Great Britain in exchange for other planes to be delivered at a later date to our Government. The sale of rifles, guns, munitions, and now our destroyers to a belligerent is based upon a statute enacted in time of peace permitting the Military Establishment to sell to any foreign government with whom we were at peace on a certain date surplus munitions and outmoded war materials for which we had no other market. Of course, when this Act was passed by Congress no one ever dreamed that the President would use it as a pretext for opening our country's arsenals to furnish a belligerent with war materials in any conflict.

It seems strange that at this particular time, when our national defense is shamefully inadequate and at the moment when responsible authorities inform us that we are in dire need of tanks, ships, planes, and other weapons of war that this Government should be sending planes, guns, ammunition, and now ships to one party in a war in which we have hypocritically declared ourselves to be neutral. It makes no difference where our sympathies lie in the present conflict. The thing that should concern Americans most is what the result of our actions will be. The moment we send these destroyers to Great Britain we have committed an act of war against Germany and must realize that fact. Are we willing to back it up with our blood? We must go all the way. One cannot be halfway in war and half out. It would be interesting to know just who is financing the page-full advertisements in our newspapers urging aid for the Allies just short of war. This propaganda has received the President's endorsement, although he is the one person who talked more about neutrality in this country than any other.

It should be remembered by those Anglophiles who try to justify the President's action on the basis that it gives our Government certain naval and air bases in British possessions that we are given only a lease on these possessions, and our Government will have "to compensate the owners of private

property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question." No doubt the United States will spend millions of dollars improving these British possessions where our bases are located, and at the end of 99 years the lease expires and all the improvements made by us will revert to our dear and generous friend. Of course, Great Britain never thought of offering us these privileges as part payment on her last war debt to us. She must have destroyers in return for this privilege of protecting her islands and possessions in the Western Hemisphere as well as ourselves, and although the destroyers we furnished are valuable and will be useful to Britain in her dire emergency, it is not the destroyers she wants half as much as the commitment of the United States as her ally in this present conflict. Britain still expects every American to do his duty, and step by step we are being gradually but surely led down the path into this war.

Mr. Speaker, since when could the President of the United States negotiate treaties with foreign powers without those treaties being ratified by the United States Senate? Since when could the President outwit the law and lead us into war without a declaration of war by the Congress of the United States? Since when have we ceased to be a republic and become a totalitarian state? Let every Member of this body keep constantly in mind that he took an oath to preserve, protect, and defend the Constitution against all enemies, domestic as well as foreign.

The other evening Mr. Ickes, in attempting to answer the acceptance speech of Mr. Willkie, stated that the President of the United States could not adjourn the Battle of Britain to discuss and debate great domestic issues and vital immediate problems that confront us in this campaign. It would seem that those at the head of our Government today are more interested in fighting the Battle of Britain than they are in fighting the battle of America. We as representatives of the American people must never forget that our first duty is to our own country and to its citizens. May we never forget the words of immortal Jefferson, the founder and patron saint of the Democratic Party, when he said:

> I have ever deemed it fundamental for the United States never to take an active part in the quarrels of Europe. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government are all foreign to us. They are nations of eternal war.

[Applause.]

[Here the gavel fell.]

Mr. SHORT. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BENDER. Is this conscription bill for defense or war?

Mr. SABATH. Mr. Speaker, I hope and pray to God that the gentleman from Missouri is wrong; in fact, I know he is wrong. What has been done by the President has the approval of the American people, and it is done for the protection of America. [Applause.] It is in the interests of our country and its institutions.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I cannot yield now.

As to treaties, I know that the gentleman from Missouri realizes that every treaty of which he speaks has been violated by the very man who makes it necessary and mandatory for us to prepare against his wild dreams of some day in the near future attacking America, if not directly, then indirectly.

Mr. Speaker, consider what happened to Austria, Czechoslovakia, Belgium, Poland, and all the other countries, including France and Great Britain. They all believed it was not necessary to arm. They took Hitler's word and assurance that there was to be no danger and that he would not attempt to deprive the people of these various countries of their freedom and their liberty. I feel that every act of our President is in the direction of preserving our democratic form of government, our freedom, and our liberty.

I regret exceedingly that my colleague from Georgia made—I know unintentionally—the remark which was properly objected to. I am mighty pleased to know that he is going to withdraw that remark from the CONGRESSIONAL RECORD.

Mr. Speaker, I am for this bill, I am for the resolution, but I know that there are thousands and thousands of honest men and sincere women who fear that this may involve us in war. They are opposed to war; however, unfortunately, they do not realize the danger that confronts America.

I have read the statements of both leaders of labor and I may say that they are justified in demanding, if this bill is called conscription and will conscript them, that we should also conscript capital. [Applause.] But there is nothing in this bill that provides for conscription. It only provides that where people refuse to accept orders to do work needed by the Government, the War Department, the Navy Department, or any other department may have the right to take over their property, not without pay nor without compensation, but on some equitable basis, so that the Government may utilize their factories for the production of needed defense material. This is merely to enable the Government to hold the whip hand over any greedy industrialists who might prove unpatriotic enough not to be willing to cooperate.

Mr. O'CONNOR. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Montana.

Mr. O'CONNOR. Suppose the Congress passes this bill, does the passage of this bill ipso facto operate to conscript a single person?

Mr. SABATH. No. As I stated, it means first, the registration of these men.

Mr. O'CONNOR. Let me complete my statement. Is it not a fact that the bill if passed simply authorizes the President of the United States with certain limitations to induct into training and service any number of persons registered and found qualified to serve, and is it not discretionary with the President of the United States whether or not any one or up to 900,000, as provided by the Senate bill, may be put into service?

Mr. SABATH. The gentleman's question explains the matter thoroughly and better than I could explain it. I thank the gentleman from Montana for calling my attention to it.

Mr. Speaker, also I am pleased that the majority leader as well as the chairman of the Committee on Military Affairs have substantiated the assurance I originally gave the House that there would be no effort or parliamentary move to deprive any Member from being heard on this extremely important legislation of such moment to the Congress and the country. At the same time there is the assurance that the Committee on Military Affairs will offer a substitute for the Russell-Overton amendment which, under the construction of the Chair as well as the majority leader, will be open to amendment. Had that not been agreed upon I would not have yielded to the gentleman from Mississippi [Mr. COLMER] to obtain an explicit assurance that it would be in order, because I believe as I have frequently stated that capital as well as labor should serve the Nation in time of war.

Mr. Speaker, going back to labor, I believe that American labor has demonstrated and will demonstrate again that it is loyal, that it is patriotic, that it is ready and willing at all times to serve the Nation; therefore any attack upon it is unjustified. We do not hear any attack from the Manufacturers' Association or other industrial leaders on the proposal to have our young men register for training; no, they are attacking and assailing only those provisions of the bill which they claim will conscript property. There is not a word of protest coming from them about having our boys go into training. But they are trying desperately to make the people believe they have been discriminated against and that there is some proposal here to take their properties away from them en masse, without any reason at all. Mr. Speaker, I hold in my hand the New York Times of Sunday, which shows that the industries for the last 4 months have paid dividends totaling $2,373,000,000 in 8 months. Does that show that American industries have been discriminated

against or that any property has been taken away from them? The industries are being protected; so is labor, and I feel this legislation will not only protect labor and industry, but will protect America and the democracy which we so dearly cherish, that it will preserve our freedom and liberty of which 10 nations have already been deprived. [Applause.]

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 224, noes 14.

Mr. ANDERSON of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the resolution was agreed to.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a letter from the Secretary of State.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsive military training; and pending that disposition of that motion, Mr. Speaker, I ask unanimous consent to make a very brief statement at this time.

The SPEAKER. Without objection, the gentleman may proceed.

There was no objection.

Mr. MAY. Mr. Speaker, the rule against which some complaint has been made with respect to the number of hours or the lack of hours of debate has been adopted. Being charged under the rule with the responsibility of handling the time on this side of the House, I would like to assure my colleagues on both sides of the House that, although I am a tired man, having worked nearly day and night for some time, I shall be happy to stay here this evening for general debate until any reasonable hour, in fact to an unreasonable hour, if someone wishes to speak.

It is not going to be my disposition to curtail general debate on this bill. Inasmuch as 2 days have been set for general debate, I want all those who are interested to have all the hours they can get for debate today and tomorrow.

Mr. MICHENER. The gentleman says he is willing to stay here all night if necessary. When we have such important legislation before the House, why not make the debate not an endurance test but an intelligent discussion engaged in by men who are not kept here from early morning until late at night and tired out? You can probably carry this bill without using an endurance test.

Mr. MAY. I am assuming that those who discuss this bill will do so intelligently. I am not assuming the function or province of acting for the Committee on Rules. They have performed their duty, and I shall follow their direction. What I meant was that I want to be liberal with everybody with regard to this debate.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Georgia.

Mr. TARVER. Will not the gentleman ask unanimous consent before we go into Committee that there may be published in today's RECORD the committee substitute for the Russell-Overton amendment, and other committee amendments, so that all the Members can be advised as to its contents?

Mr. MAY. I shall be happy to do that, and I do so now, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to insert at this point in the RECORD the committee amendments, referred to in the debate, adopted by the Committee on Military Affairs of the House. Is there objection?

There was no objection.

The matter referred to follows:

The committee amendment referred to follows:

At the end of section 3, insert "*Provided*, That nothing contained in this or any other act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted or enlisted as provided herein or to members of the reserve components of the land and naval forces of the United States below the grade of captain now on or hereafter placed on any type of active duty, which persons and members were, prior to their induction or enlistment, or being placed on active duty, receiving compensation from such person, firm, or corporation, during the time they are in training and service hereunder or on active duty under the provisions of law."

Amend H. R. 10132 by striking out on page 28, all of lines 19 to 24 inclusive, and inserting in lieu thereof the following:

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered during the period of service in such forces as on furlough or leave of absence; and shall be so restored without loss of seniority; and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time of being inducted into such forces; and shall not be discharged from such position without cause within 1 year after such restoration."

On page 34 at the end of section 11 insert:

"The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof, and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than 3 years and a fine not exceeding $50,000.

"The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant."

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. MAY].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10132, with Mr. WARREN in the chair.

The Clerk read the title of the bill.

On motion of Mr. MAY, the first reading of the bill was dispensed with.

Mr. MAY. Mr. Chairman, I yield one-half of the time for general debate to the gentleman from New York [Mr. ANDREWS], minority ranking member of the House Committee on Military Affairs.

Mr. Chairman, I now yield myself 30 minutes.

I am very happy indeed to note that we have a full gallery of people from this city and many sections of the country today, and I hope they will remain here and that others will come to listen to this debate. That is one of the great beauties of a democracy such as we have, and which we all want to serve. I am confident, however, that those in the gallery will be orderly and respectful in their attention to the proceedings of the House, and I am sure it is unnecessary for me to say that the Members of the House will at all times be courteous and respectful to each other and to those in the gallery.

If the Committee will tolerate me with the necessary apology, I should like to make a brief statement of the various provisions of the bill we have under discussion. I shall not undertake to take up the time necessary to go into detail in the discussion of the provisions of every section of the bill, because the bill contains several sections, but I shall undertake to point out and call attention to those sections which I regard as of vital importance and that are somewhat controversial.

Section 1 of the bill provides nothing other than a declaration of policy by the Congress, and this policy as declared in section 1 is that a system of selective military training and service is essential to the preservation of our institutions of government. In addition, it states that the responsibilities for service rest alike upon all of us without discrimination.

I am sure I shall be perfectly fair and impartial in my explanation of these sections; and when I have completed this explanation as best I can—and I assure you it will not be perfect—I shall be happy to answer a reasonable number of questions within the time I have allotted to me.

I regard this bill as perhaps the most important measure that has been before the American Congress in the last 50 years, and that is going back quite a distance.

Section 2 of the bill provides that all male citizens of the United States and all male aliens who have declared their intention to become citizens of the United States, and who are between the ages of 21 and 45 years, shall be subject to registration and to military service in certain instances.

Section 3 provides the term of training which shall be required of those who are registered and inducted into the service for training, and I should like to emphasize right here and now that this is a training bill for the purpose of training men for any eventuality that may require military service.

Of course, it is designated and termed a compulsory military training bill, and in a certain sense it is compulsory, but may I say that I look upon this legislation in this way—that if I have a son in whom I am interested and want to educate him and send him to school, he first enters the grades, then the high school, then the college, and then takes post-graduate courses, for the purpose of informing himself and training his mind, his faculties, and his abilities, so that he may meet the problems of civil life and society.

In this instance we are taking from the population of this country, within certain ages and certain groups, a certain number of men whom we expect to train for the protection of themselves and their own bodies and their lives, because a trained soldier is more capable of protecting himself than an untrained soldier. When I make this statement I feel that I am speaking in the name of more than 60 percent of those who fell in Flanders fields in the great World War, because it was lack of training very largely that prevented them from being able to escape death and take care of themselves.

I am sure that Members of this House, impartial as they are and patriotic as everyone is, when the time comes for final disposition of this question will not allow anything save and except their consciousness of duty and responsibility as American representatives to control them in their votes on this measure.

Now, of course, I would like to go into detail about these sections and I would like to explain them more in detail, but during the debate questions will be asked about them and they will be explained in full.

Section 3 provides for the base pay and a pay schedule for all of those who are inducted into the service under the provisions of this bill. It raises the base pay of the enrollees or those who are inducted and all other members of the Regular Army and of our armed services that are not so raised, to $30 base pay, the same as that which exists in the Navy.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. ENGEL. Will the gentleman discuss subsection (c) on page 17, which places the draftee into the service for 10 years after his discharge?

Mr. MAY. I have not yet reached that section and I am taking this up section by section.

Mr. ENGEL. I beg the gentleman's pardon, I thought he had passed that.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question on section 3?

Mr. MAY. Yes.

Mr. DONDERO. Will that apply also to the volunteer man and will he get $30 pay?

Mr. MAY. Certainly, he will.

Mr. DONDERO. The same as the Regular Army or the National Guard?

Mr. MAY. That is right, and there is a provision in this bill that authorizes volunteers.

Section 3 (c) goes into detail and gives figures and schedules with respect to pay.

With respect to section 4——

Mr. ENGEL. The gentleman has passed the section to which I referred. I referred to section (c) of section 2 on page 17.

Mr. MAY. I am dealing with the report before me while the gentleman has the bill in mind.

Section 5 (a) provides certain designations of persons who are not subject to registration or to military service, and that consists of those in the Army, Navy, Marine Corps, or Coast Guard; the various Reserve components; cadets in the United States Military Academy, including those who have been appointed and qualified to the academy as cadets; midshipmen in the United States Naval Academy; and cadets of advanced course, senior division, Reserve Officers' Training Corps are not to be registered. Provision is made in the case of diplomatic representatives and those who are not citizens of the United States, but serve in the diplomatic corps of other governments in this country.

Mr. PEARSON. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman.

Mr. PEARSON. In connection with that section I would like to ask the gentleman if there is any provision made under this bill for exempting young men who are now reaching, we will say, the age of 20 or 21, who have served 1 or more years in an essentially military school and received military training which would be acceptable to the War Department?

Mr. MAY. That, I think, is covered in a subsequent section which deals with that subject in connection with students in the various schools and colleges, where they are in the schools in good faith, and they are deferred only. But that does not include 1-year training in the average military academy.

Mr. PEARSON. What I had in mind was not requiring the conscripting or the compulsory service of young men who have had training which would be equivalent to the 1 year's training provided for in this bill. I am satisfied the committee would not want to require an additional year's service of a man who had already had service, possibly, in excess of 1 year's training.

Mr. MAY. I think that is not provided in the bill and, in addition to that, it is provided where certain training has been had, which covers the very subject the gentleman mentions, they will not be required, but they may volunteer and they may remain in the Army if they want to.

Mr. PEARSON. Will the gentleman tell me in what section of the bill that appears?

Mr. MAY. I do not have it before me just at this time, but I shall be glad to call the gentleman's attention to it when I get to it.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes; I yield to the gentleman from New York.

Mr. ANDREWS. For the benefit of the gentleman who just asked the question, I may call his attention to page 22, line 1, of the bill.

Mr. MAY. After dealing with these classes that are not subject to be inducted or registered, subsection (c) of section 5, relates to the question of ministerial students and ministers of the gospel, and may I say here and now that after long weeks of patient hearing, the House Military Affairs Committee heard every minister in this country who wanted to appear and we were honored with the appearance of such distinguished American preachers as Harry Emerson Fosdick, of New York, and Catholic bishops of the highest class and finest character. We heard the conscientious objectors and all of their representatives that we could possibly hear, and, summing it all up, their whole objection to the bill, aside from their objection to compulsory military training, was based upon the right of conscientious objection and in most instances to the right of the ministerial students to continue in their studies, and we have provided ample protection for those classes and those groups. So that the ministerial group of people have been satisfied with the provisions of the proposed law, so far as I know. I have heard no complaint since the bill was agreed upon and reported out.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MAY. I yield.

Mr. ALEXANDER. To clarify the question asked by the gentleman a moment ago regarding whether after a boy had had a year in a military school, I am wondering if the language on line 3, page 21, would be the language to which the chairman of the committee referred when he said he thought there was an exception provided, for covering that class of military-school students.

Mr. MAY. The provision on page 21, line 3, provides, as I have already stated, that cadets of the United States Military Academy, men who have been properly appointed and qualified, and so forth, which I referred to awhile ago, are not subject either to registration or to induction.

Mr. ALEXANDER. What I want to know is whether that word "cadet" refers only to the cadets of the United States Military Academy?

Mr. MAY. That includes all cadets, in both the Military and Naval Academies.

Mr. ALEXANDER. In military schools in Virginia, Maryland, and Pennsylvania?

Mr. MAY. Any place where they take a course of training equivalent to the United States Military Academy course?

Mr. ALEXANDER. Yes; I assume if an amendment is offered to clarify that statement and make it positive, you would not object to such an amendment?

Mr. MAY. I yield to the gentleman from Connecticut [Mr. SMITH].

Mr. SMITH of Connecticut. That refers only to the cadets at the Military Academy itself. There is a later provision in line 10 as to the cadets in the advanced course of the Reserve Officers' Training Corps, which applies to other schools than the Military Academy. But that applies only to those who are in the advanced course—in other words, the last 2 years.

Mr. MAY. In addition to that, in connection with that particular subject, there is a provision in the bill which provides that where students have entered universities and colleges that grant a degree in either the arts or sciences and make it a prerequisite to graduation, that they shall be deferred until July 1, 1941.

Mr. CRAWFORD. Will the gentleman yield for a question?

Mr. MAY. I yield.

Mr. CRAWFORD. I think what has been said is a little confusing. The gentleman does not mean to say to the House that anyone who has taken 1 year of military training in a military institute, Virginia Military Institute, for instance——

Mr. MAY. Or any other institute.

Mr. CRAWFORD. Or any other institute, will be exempt from this simply because he has had 1 year of training?

Mr. MAY. No. I did not state that. The word "cadets" used in the sentence referred to is followed by a comma, and then provides United States Military Academy. It simply means that in that sense, where that word "cadets" is used, it applies to the academy at West Point.

Mr. ENGEL. Will the gentleman yield?

Mr. MAY. I hope you gentlemen will let me finish my statement.

Mr. ENGEL. Just a short question along that line. You have already passed section 3.

Mr. MAY. Very well, I yield.

Mr. ENGEL. Subsection (c), on page 17, reads as follows:

> Each man, after completion of his training period, shall be transferred to a Reserve component of the land or naval forces of the United States, and until the expiration of 10 years after such transfer, or until he reaches the age of 45, or until he is discharged, whichever occurs first, shall be deemed a member of such Reserve component, and be subject to such additional training as may now or hereafter be prescribed by law.

There are about 1,200,000 young men of each age group, like 21, 22, 23, and so forth. Suppose we draft 10 percent of that group, that 10 percent will be subject to call 10 years after discharge, and being placed in the Reserve Corps, while the other 90 percent would be exempt. Is that not true, under that section?

Mr. MAY. Under that provision, those who are trained under this legislation, at the expiration of their training period automatically go back home, but they become members of the reserve components of the Army, subject to call at any time within 10 years. If I am in error about that, I will be glad to be corrected.

Mr. ENGEL. Those young men would be subject to call for 2 weeks' training each year for a 10-year period, while the other 90 percent would not be. Is that right?

Mr. ANDREWS. Will the gentleman yield?

Mr. MAY. I yield.

Mr. ANDREWS. As I understand it, they would be subject to call only with their own consent.

Mr. ENGEL. It does not say anything about their own consent.

Mr. DONDERO. Will the gentleman yield?

Mr. MAY. I yield.

Mr. DONDERO. What will be the status of a young man 21 years of age who takes an examination either for West Point or Annapolis? Will he be exempt from the provisions of this law, or will he be obliged to go into training?

Mr. MAY. If he takes the examination and is admitted into the school, he becomes exempt.

Mr. DONDERO. And that is the meaning of the provision on page 21 of the bill?

Mr. MAY. Exactly.

Mr. DONDERO. Even though that would be the next year, he may come within the age limit of this bill?

Mr. MAY. That is right, but all those who are in school this year are deferred until July 1, 1941.

Mr. ELSTON. Will the gentleman yield?

Mr. MAY. I yield.

Mr. ELSTON. The act provides that if they have been appointed and qualified.

Mr. DONDERO. But I am thinking of those who may come next year.

Mr. MAY. The induction will be largely over with next year.

May I say that testimony before our committee is conclusive of the fact that they are going to call them in increments of 400,000. The 1st of December—I suppose that

is what it will be now. The plan was to call them October 1; but now, due to delay in completing the legislation, it will be December 1; then 400,000 in the spring and then 600,000 at the end of the year, about next October. The Chief of Staff tells us that by calling them in such numbers at those times ample housing, clothing, and arms and other equipment will be available. Furthermore we are assured by Army officials that they will not be inducted into training until these things are available.

Mr. VOORHIS of California. I wish to ask the gentleman a question concerning the man who has had his year of training and becomes a part of the Reserve. Under the provisions of this section 3 (c), can he be called into active service by the President at any time without any action being taken by the Congress?

Mr. MAY. If he is a member of the Reserve component he is subject to call at all times, under the terms of his Reserve commission.

Mr. VOORHIS of California. No matter whether Congress takes any action or not?

Mr. MAY. He is subject to call for this training, and the bill goes only to 1945. It terminates then by virtue of its own provisions unless in the meantime Congress does something else.

Mr. COOLEY. The gentleman from Tennessee [Mr. PEARSON] asked whether or not a graduate of a reputable military academy would be subjected to the draft. Can the gentleman tell me whether or not a graduate of a military academy, say the Virginia Military Academy, or some other academy that gives 4 years' military training and who is perhaps about 22 or 23 years of age, well within the limit, whether or not there is any provision to exempt such person from further military training?

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. SMITH of Connecticut. As I understand it, he would be deferred if he held a commission in the Reserves; otherwise not. In other words, if he held a commission in the Reserves, he would be subject to call under the provisions of his commission and would not therefore be inducted under this bill.

Mr. COOLEY. It might be well for such men to apply for commissions in the Reserves.

Mr. SMITH of Connecticut. Normally they would hold commissions in the Reserves,

Mr. MAY. In this connection I may say to the gentleman from Tennessee that there is a provision in this bill by which a student who is 18 years of age may take his course of training by volunteering, and that exempts him from call later; then he can finish his education.

Mr. PEARSON. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. PEARSON. Is it contemplated under the provisions of this bill that every man who has 1 year of military training shall be entitled to a commission as an officer?

Mr. MAY. No.

Mr. PEARSON. If this be true why would it be necessary for the graduate of a military academy or an accredited military school to be in the possession of a commission to be exempt from the provisions of this act?

Mr. MAY. Because as I understand the record before us and the contention of the War Department, there are certain standard schools like the academies that provide military training up to the standard that would be given these enrollees under the War Department; and they do not recognize all military schools.

Mr. PEARSON. Mr. Chairman, will the gentleman yield further?

Mr. MAY. I yield.

Mr. PEARSON. Would the committee object to an amendment which would exempt, not from registration but from compulsory military service, all men within the ages specified in this bill who have had military training in an accredited military school satisfactory to the War Department?

Mr. MAY. I do not know what the committee would agree to, but I am not in position to speak for the committee on that question.

Mr. PEARSON. Unless some such provision as that is made, thousands and thousands of young men who have already had military training will be required to duplicate their training.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. ANDREWS. Let me point out that while they may have had a certain amount of military training over their 3 years, it is in no sense of the word comparable to what they will receive as trainees under the provisions of this bill.

Mr. PEARSON. My suggestion was that the amendment be so worded as to include only those acceptable to the War Department.

Mr. ANDREWS. There are none except the two United States academies that are acceptable to the War Department, whose training in any way compares with the training they would get under this bill.

Mr. PEARSON. We might give the War Department an opportunity to pass on it.

Mr. ANDREWS. The War Department has already expressed itself.

Mr. MAY. The War Department now feels that the exemptions we have already made are all they will agree to, and we felt they were right about it.

Mr. GREEN. Mr. Chairman, before the gentleman leaves that subject will he yield for a question?

Mr. MAY. I yield for a simple question.

Mr. GREEN. Is there any provision in the bill concerning the indebtedness of those who may be drafted?

Mr. MAY. The gentleman is anticipating a section far over in the bill by which we provide that those who are called to serve over a period of a year shall be protected by the provisions of the Soldiers and Sailors' Civil Rights Act of 1918, and we go even further than that and insert a provision protecting them in the matter of rents for their homes, rents for their families, insurance premiums, and all those things. I will say to the gentleman from Florida that the House committee did everything it could to protect every class of these enrollees. If we overlooked anything it was unintentional.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. McLAUGHLIN. Will the gentleman explain the provision in section 3, page 16, line 21, which reads—

*Provided*, That voluntary enlistments in the land and naval forces of the United States, including the reserve components thereof, shall continue as now provided by law.

What the terms are under which voluntary enlistment will be allowed, and, secondly, how that voluntary enlistment——

Mr. MAY. Let me answer one question at a time.

Mr. McLAUGHLIN. And how that voluntary enlistment provision ties in with subsection (b) on page 17, which provides that not more than 1,000,000 men shall be inducted under the provisions of this act? The point of inquiry is this. I am wondering how you are going to provide for voluntary enlistments and at the same time provide for the conscription plan. Will the voluntary enlistments, as they come along, reduce the number of men to be taken into the Army by means of conscription? Is the million component going to be set up so that when it is reached no further voluntary enlistments will be accepted, or are you going to allow voluntary enlistments to continue thereafter and cut down the number of men who will be taken in under the conscription plan?

Mr. MAY. This legislation provides they may volunteer at any time, now or hereafter, and, furthermore, that every State shall be entitled to credit on their quotas for every man that they now have in any of the armed forces, either land or naval.

Mr. McLAUGHLIN. How are those going to work together? Let us take an instance where you have a certain number of men under the conscription plan in a State; then

you have the voluntary arrangement, and under that arrangement young men within the ages of this bill volunteer. Are you going to turn those men back and say, "No; we already have your quota under the conscription plan," or are you going to allow them to come in under the volunteer plan and if they come in under the volunteer plan, will you not have a larger quota from that particular State than the plan calls for?

Mr. MAY. There is no purpose of the committee in any part of this legislation to restrict voluntary enlistment under the regular 3-year voluntary law, subject to medical examination at the time they come in. When those who are inducted along with the enrollees that are to be taken in or inducted under the provisions of this act reach at any one time the point of a million troops, including volunteers and those inducted under the provisions of this act, then both enlistments and volunteers under the act will cease until there is some reduction. That is until one of the groups taken in has finished their year's training and gone back to private life.

Mr. McLAUGHLIN. You will cease voluntary enlistment and will no longer permit voluntary enlistment when you have reached a million quota, is that correct?

Mr. MAY. That is my understanding of it.

Mr. GIFFORD. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. In my section during the World War we had the selective draft, and we had a great many volunteers for the Navy. When the selective draft came along you gave no credit at all for the volunteers. You took the full and complete share, and you took every boy we had in the selective draft, giving no credit for those who enlisted.

Mr. MAY. This bill gives credit for the volunteers in every place.

Mr. GIFFORD. I cannot see that in the bill. You set up civilian boards, but you have no definite method or instructions to them, as I read it, as to how they are going to pick 10 boys out of a hundred that may be available.

Mr. MAY. The bill provides that civilian boards shall be selected by appointment of the President on recommendation of the Governors of the various States. There are to be rules and regulations adopted in pursuance to this provision which provides that when they come in, if they claim exemption and the local board decides the exemption against them, they may appeal to an appeal board, hence to another board.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. GIFFORD. The point I am making is this: You have an appeal board, plenty of them, but there are a hundred available men and you want five, you are going to gamble on the five by pulling them out of a hat?

Mr. MAY. Oh, yes. The system to be established will be just the same as it was during the World War.

Mr. GIFFORD. That is what the boys want to know. You are going to gamble with the five.

Mr. MAY. We are not going to gamble. We are making it impossible for anybody to be discriminated against. Strictly on a fair and impartial basis.

Mr. FADDIS. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. The bill states that they shall be chosen in an impartial manner. That is up to each local board.

Mr. MAY. Yes; their own neighbors.

Mr. GIFFORD. If you were selected you would look at the other 95, would you not?

Mr. FADDIS. That may be true, but the bill states that they shall be chosen in an impartial manner, and that is left up to the board.

Mr. GIFFORD. That is all you can do. You are going to gamble with them.

Mr. O'CONNOR. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Montana.

Mr. O'CONNOR. I call the gentleman's attention to line 16, page 15, to this language:

> The President is authorized to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men as in his judgment, whether a state of war exists or not, is required in the national interest for such forces.

I want to be clear upon this. Under my construction of the bill, when the machinery is set up and registration has taken effect, the bill itself does not ipso facto induct into service a single person; they are only inducted into service and in such numbers as the President of the United States in his discretion requires and orders, the number not to exceed a million at any one time, is that correct?

Mr. MAY. That is correct, the maximum number at any one time being a million. I may say to the gentleman in that connection, for fear I shall overlook it at a later time, that we have changed the Senate provision on the minimum and maximum age of registration.

The Senate language provided for 21 to 31 years, and the House provision for 21 to 45 years. We did that upon the idea that the broader the base and the larger the number the easier it will be for the War Department and the local boards in classifying and selecting to select the number of men required, without discrimination, and to get the ideal man who is needed for the particular place.

Mr. O'CONNOR. In substance, this bill, if passed by the Congress, simply amounts to an authorization to the President to call into service and training those who are qualified to serve, as shown by the registration lists.

Mr. MAY. That is exactly it.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Washington.

Mr. LEAVY. The gentleman at the very outset of his statement referred to this as a selective military training bill.

Mr. MAY. Yes.

Mr. LEAVY. However, in reading the bill, wherever the word "training" appears I notice that there always appears with it the word "service"—"training and service." I have checked hurriedly and find it appears 22 times in the bill. Consequently, the service feature of this bill stands on exactly a par with the training feature. Is that not correct?

Mr. MAY. That is right. The word "service" has reference to whatever service they may be called upon to perform while they are training. They are not held there for any period beyond 12 months at any one time.

Mr. LEAVY. But immediately when they have been selected for training they have become subject to service?

Mr. MAY. That is right.

Mr. O'CONNOR. It may be mechanical service likewise, may it not?

Mr. MAY. That is right.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman.

Mr. MICHENER. On this question of service and training, as a matter of fact, was not the word "service" put in there because there were members of the committee who felt that if we were just going to have a training bill we could train our soldiers best in continental United States, but that the purpose of this bill is "training and service," so that these so-called trainees may be taken to, let us say, South America or Nova Scotia to be given this "training"? Is that not the meaning back of the word "service"?

Mr. MAY. They will be trained wherever they are taken, under the provisions of the bill.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I dislike to take any more time, but I yield myself 5 additional minutes so that I may answer further questions.

Mr. MICHENER. This is at the risk of repetition, but for the sake of clarity: Someone inquired of the gentleman concerning subsection (c) on page 17. Let us say that a given number of men are drafted and taken into the service under this law. After they have served their period of 1 year, then

they are held to service for an additional period of 10 years. The question is, Supposing that 1 man out of every 10 registered is drafted, do I understand that that 1 man out of 10 is held to that service for a period of 10 years, and that the 9 men who are lucky enough not to be drafted are not required to go through any training or enter any service under this law until they become 45 years of age?

Mr. MAY. There is no provision in this bill requiring anybody to serve 10 years, except on this condition: When a man gets his year's training and goes back to civil life and is restored to his job, then if an emergency arises and his services are needed, he is subject to call as a member of the components of the armed services.

Mr. MICHENER. What happens to the nine other men who were registered but not drawn in the draft, under this proposed law?

Mr. MAY. They are just the unlucky fellows who missed an opportunity to get to serve their country, and the other fellow got the opportunity.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Georgia.

Mr. PACE. I want to get the quota provision straight. Do I correctly understand that not only a State but each county and probably each city is assigned a quota, and then credited against that State, that county, or that city, will be every person now in any branch of the service—Army, Navy, or Marine Corps—who claims that State, county, or city as his residence?

Mr. MAY. Every one of those who are in the service now, either from Georgia or Kentucky, let us say, is regarded as a part of the quotas. If Georgia is over its quota, the inductions will not be made from the State of Georgia but they will be taken from Kentucky, if it is under its quota.

Mr. PACE. But they will be credited not only to the State but down to the individual subdivisions such as the county and the city?

Mr. MAY. I am not sure about that. The language of the bill is to the States, Territories, and the District of Columbia.

Mr. PACE. If the Chairman will permit, I might call his attention to the language, "and for subdivisions thereof."

Mr. MAY. Yes; that would include it.

Mr. PACE. And credit shall be given in fixing such quotas for residents of such subdivisions. Do I understand this would mean residents of a county or a city?

Mr. MAY. A county or a municipality.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Texas.

Mr. PATMAN. Am I correct in assuming that a young man who has arrived at the age of 18 years can anticipate his service and become voluntarily inducted? For instance, suppose he should graduate from high school next June, and he is 18 years old. Instead of waiting until he is 21 to go through with his college work, he would finish out his year's military training, and then enter his college course.

Mr. MAY. He would then enter his college course; that is right.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In section 3 on page 15, I notice that every male citizen between the ages of 21 and 45 is subject to the provisions of this draft and millions of aliens are excluded, including many million refugees like the Rothschilds, who have recently arrived. Does the gentleman believe that is fair?

Mr. MAY. We provide for a certain class of aliens here, and that is the class of aliens who have already declared their intention to become——

Mr. SCHAFER of Wisconsin. What about the many alien refugees who are coming here now and hollering "Stop Hitler"? Why not include them in the draft so that they can prepare to help stop him?

Mr. MAY. Just a moment. I do not yield further to the gentleman if he will not allow me to answer.

Mr. MOTT. Mr. Chairman, will the gentleman yield to me?

Mr. MAY. I yield.

Mr. MOTT. This bill confines the actual service of the man selected to 1 year?

Mr. MAY. That is right. Under the provisions of this bill, the service is limited to 12 months.

Mr. MOTT. And if during the period of 10 years when he is in reserve the Army should require him, that would call for further legislation?

Mr. MAY. No; he would be subject to call.

Mr. MOTT. That is not the way I understood the language of the gentleman.

Mr. MAY. I said, "subject to the future action of the Congress," but if he has been drawn, he can be used at any time within 10 years.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, and my colleagues, throughout the entire argument on this historic conscription measure I have been unable to dismiss from my mind the question propounded by the disciple Matthew, "What is a man profited if he shall gain the whole world and lose his own soul?"

Again and again during the progress of the debates on this measure this question, as paraphrased in relation to the pending question, recurs, "What is the United States profited to achieve world power and dominion if in the achievement we destroy our own liberties and acquire a totalitarian despotism in place of our democracy?" [Applause.]

Realizing the tremendous consequences of the vote to be cast on this legislation, and with full realization of the effect it will have upon our system of government, I have given long and serious consideration to the question in the hope that the vote I shall cast will be in the interest of preserving our traditions, our ideals, and our democratic institutions of government.

I am convinced that the pending measure threatens to plunge us headlong into a dictatorial militarism that is wholly incompatible with the rights, privileges, and liberties enjoyed by a free people.

The bill in its present form proposes to register, for possible conscription into the military service of the Nation for at least 1 year, the entire male population of the Nation between the ages of 21 and 45 years. Heralded at its inception as a proposal for universal military training, it proves to be nothing of the kind. Under its terms it leaves to the discretion of the War Department and the President the making of rules and regulations for deferment of service. This vast power thus granted to the military permits control over the lives and destiny of the entire registry. This control may be exercised through the allocation of men to particular industries as a condition of continued deferment and compels millions of others, regardless of will, to be subjected to the threat of conscription at any time during the entire period the law is in force. Thus it is apparent that the military forces of the Nation assume complete control over the lives and destiny, not only of those selected in the draft but, through the power to cancel or change deferment, over the lives of the entire registry. Does this great grant of power smack of dictatorship? Remember, my colleagues, we are at peace. Never before in the history of our Nation has such a proposal been suggested in time of peace. The Declaration of Independence itself cries out against the whole philosophy of this bill. The signers of that historic document addressed their complaints not only to a despotic sovereign but to the world, and in clarion terms said:

> He has kept among us in times of peace standing armies without the consent of our legislatures. He has affected to render the military independent of and superior to the civil power.

The Constitution itself clearly reflects the struggle of a free people for the maintenance of human liberty, and in its enactment its framers sought to destroy for all time the very conception of government this bill would now revive as a vital part of our machinery of government.

No one can read the constitutional debates without achieving a conviction that the framers of that great document had constantly in mind the age-old struggle of man against oppression and dictatorship and a determination that there

should be no grant of power from the States to the Federal Government that would permit, in times of peace, the resurrection of the very tyrannies over the people that they so bitterly complained of in the Declaration of Independence. This Government was set up by a people smarting under the oppression of military tyranny. They determined to be a free people—free to worship, free to speak, free to work, free to play, free from the unbearable yoke of an all-powerful centralized despotism. For over a century and a half our people, led and inspired by this unquenchable passion for liberty, have achieved unparalleled progress and opportunity.

It is claimed by some that today world and domestic conditions have changed to such an extent that we must forget the Declaration of Independence, lay aside the Constitution and the advice and intentions of its framers. They contend that we must relegate these instruments with their guarantees of personal liberty and individual freedom into the realm of the historic past and because other countries have given up the fight and have abandoned the tenets of democracy in their mad struggle for world power, that we likewise should ape their doctrines, else we too become a victim of military aggression. My colleagues, let us pause and ponder seriously this grave question.

The American conception of the state has always been that it is an agency created by the people for the promotion and protection of the individual welfare of its people. The state is a creature of the people, and its entire existence is for the people. The entire philosophy of our form of government denies the doctrine that the people are subservient to the state. The state has no interests separate or distinct from those of its citizens. The promotion of individual liberty and freedom of action is the very foundation and groundwork of the state. Any infringement of those rights under our system of government has always been most jealously resisted in the absence of a clear and unmistakable showing of necessity.

The totalitarian philosophy which we now seek to emulate is the very opposite. Such a state is recognized by its subjects to have interests separate and distinct from those of the people. These interests are recognized to be superior to those of the individual. Thus, the maintenance of vast armies, secret police, despotic decrees, orders, and regimentation are justified by the dictators. It makes no difference how much the individual may suffer, as he owes a strict obedience to every caprice or whim of the dictator. The totalitarian state is supreme and its people mere pawns to be shifted about, regardless of individual rights, as a supreme council, directed by a dictator, may order. Opportunism and expediency are the guiding influences in the totalitarian philosophy, and the state permits no resistance either of thought or of action.

Why, you would almost think, my colleagues, that we here in this body today are being dominated completely by that philosophy. I say this after listening to the speech of the gentleman who is running for Vice President on the Democratic ticket, when he said in no uncertain terms that any individual citizen of this Nation, or any Member of this Congress who dares to speak out and oppose this program, must be in sympathy with Hitler and must be preaching the doctrine of Hitlerism.

I ask you, my colleagues, is it not futile, therefore, to compare our conception of government with that of the totalitarian states? Shall we as a people submit to the argument that in order to successfully fight alien philosophies we should adopt those philosophies as our own? To me, despite all the allegations and contentions as to the critical character of our world position and the necessity for defending our democracy, I cannot lend support to a program that step by step is inevitably leading us to war and building up in our own country a despotism fashioned in the same mold as that which we now claim the ambition to destroy. Again I ask you in all candor and seriousness, What is the United States profited to achieve world power and dominion if in the achievement we destroy our own liberties and our own democracy?

The pending measure has been publicized from one end of the country to the other as providing for a system of universal military training. This propaganda is being fed to the American people to sugar-coat and cover up the real purpose that underlies it. The proponents have thus painted the picture in order to attempt to allay the fears and suspicions of the American people and to hide the real sinister purpose of this legislation. They know that under present conditions our people are willing to accept the philosophy of universal military training as part of our defense program. But, although they must know that this bill does not so provide, they still permit an uninformed public to so think. Even a superficial examination discloses that the pending legislation does not provide for a system of universal military training. Any such program would of necessity have to start in the schools, followed by training for stated periods of all our people. Under this bill no such program is contemplated. Only those between the ages of 21 and 45 are to be registered. Out of this group only those who cannot secure deferred classification are subject to the draft. Out of those subject to conscription not more than 1,000,000 are to be in training at any one time. Thus it is apparent that young men in schools and colleges up to 21 are not included in the program, nor are the millions of others between 21 and 45 who may be granted deferred classification under the regulations to be imposed by the President and the War Department. To designate such a program as one calling for universal military training is to indict the intelligence of the American people.

I know full well that the distinguished gentleman from New York, one of the coauthors of this bill, is honest, able, and sincere, and that at no time has he ever tried to ascribe to this legislation any purpose other than that which is specifically to be found in its terms. However, without any intent to cast aspersions upon my distinguished colleague, I think it can safely be said that as a result of years of training and experience he is and has been an avowed militarist and that he looks at this problem entirely from the standpoint of the Army. I would direct your attention to the fact, however, that this legislation opens the door for the promulgation of many rules, regulations, and policies which may vitally affect the welfare of all the people of this country. Neither the gentleman from New York nor the distinguished Senator from Nebraska will write those rules and regulations. Neither one of these able and distinguished gentlemen will direct the policies to be invoked under this bill. Those rules, regulations, and policies will be invoked and determined by the President and high-ranking officials in the War Department. I therefore conceive that it is entirely proper to interpret the real purpose behind this legislation by examining the moves and motives of those who will invoke and enforce it.

Just a short time ago the President and his spokesmen were talking to the American people of the necessity for "national defense," and the press, magazines, radio, and motion pictures began to grind out propaganda depicting the curse of Hitlerism and the imminence of an attack against our Nation from that source. Nothing definite was presented, to be sure, but enough to arouse the feelings and passions of our people. Louder and louder became the chant, until like the booming voice of the sewage inspector in the basement of the coliseum at Chicago crying over the loud speakers, "We want Roosevelt," we find ourselves today literally awed by the work of the high-pressure salesmen who chant incessantly "Prepare! Prepare! Spend! Spend! Beware! Beware, lest we, too, perish." As the chorus of the warmongers increases its tempo we no longer hear of national defense, but there has gradually been substituted the cry and demand for "hemispheric defense." No longer do we hear demands for 10,000 bomber planes. Fifty thousand is the tempo now. No longer merely 1,000,000 men. Four million men in the Army is the cry. Truly the god of war is in the saddle today and is driving his spurs deeper and deeper into the consciousness of our people with a ruthlessness that compels some timid souls in and out of Congress to be whipped into line so as to swallow the whole campaign and program hook, line, and sinker.

We are told that the United States is in a most critical position today, and the fears of our people have been played upon to such an extent that there are those who already hear

the drone of airplane motors and the bursting of bombs from some attacking enemy. Let us get our feet on the ground for a moment and call back a few historic facts that are within the recent memory of all of us.

Japan plunged her immense war machine into China and plundered and killed millions of defenseless people, and during it all the administration was unafraid. So callous have we been as a people that for several years we have furnished both sides in that hideous war with implements used to prolong it and to carry on its program of aggression and ruthless destruction of life and property. Did such action on the part of Japan inspire a serious or sustained fear as to the imminence of attack from that source?

Russia, inspired by the cruel regime of Stalin, attacked poor little Finland. Were we placed in such fear that we asked for conscription then? Russia marched its soldier hordes into bleeding Poland and enslaved half of that nation. Did we manifest fear or ask for conscription then? She took a large part of Rumania, all of Latvia and Estonia in one gulp—sovereign people and nations wiped out and destroyed overnight. Did we ask for conscription then? Italy swallowed up Ethiopia and Albania by force of military might. Were we shaken with fear and did we demand conscription then? Germany crushed the peaceful, God-fearing people of Norway, Holland, Denmark, and Belgium and overran them all with military force. Did we clamor for conscription then? France, our friend through the years of the life of our Republic, fell mortally wounded, victim of her own incompetence and the irresistible mechanized forces of Hitler. Then and only then did the clamor for preparedness and conscription begin to be heard. With the attack on England, however, and the threatened dissolution of the British Empire, the pent-up forces of war and conscription broke loose upon our people with devastating fury. Hundreds of trained speakers, publicity men, and advertising agencies went feverishly to work and for months have been spending millions of dollars in the United States for propaganda designed to instill the doctrine of fear and hate into the minds of the American people so as to prepare them for entrance into this war. These propagandists have pointed to the very evident philosophy of Hitler to achieve world dominion, but for some reason that you may discern for yourselves, nothing has been said as to the world program of the Communist Russia that for over 20 years has been working diligently in the promotion of world revolution with the ultimate object and aim of destroying our Nation by force and violence. With all of the ruthless, bloody history of Russia in plain view and with abundant evidence of sovereign people pillaged and enslaved, there was no call for conscription and no apparent fear on the part of those who clamor for it today. On the contrary, this administration not only recognized such a government but sent messages of congratulation and entered into the most friendly trade relations with her.

Why the difference in national attitude? Hitler in his utterances has indicated an ultimate desire for world dominion. So has Stalin. Why direct all of our energies in preparing against one and at the same time so affectionately treat the other? In my humble judgment, both are a blight upon the liberty and the future of free people throughout the world. Time will not permit a further discussion of the background of this present agitation and propaganda, and I leave it to you in the coolness and sanctity of your own conscience to make your own answer.

It is said that we are now faced with a dire emergency that justifies the abandonment of all our democratic traditions and the substitution in its place of a program of conscription dictated by governmental decree. I refuse to be a party to any program that so definitely threatens to involve this Nation in war and which by its fundamental terms disregards the very foundations upon which our Republic was built. Let us have the emergency more clearly defined. Does the threat to our security emanate from Hitler or from Stalin or from both? Does it emanate from Japan or from Italy or from both? Is the threat to our democracy involved in some combination of threats emanating from all four totalitarian governments? Whom are we to fight and where? Against whom is our defense directed? I believe that the American people are entitled to have this policy more clearly defined.

Mr. Wallace, apparently speaking for and with the full approbation of the administration, defined Hitler as the sole menace. He very magnanimously refrained from even mentioning the menace of communism or fascism as exemplified by Russia, Italy, and Japan. If his statement is to be accepted as defining our national attitude, then I think it can safely be said that the administration is determined to somehow, somewhere, fight Hitler. If so, are not the American people entitled to know the truth? Why, then, all this hypocrisy about neutrality? Why drag us into this war step by step, utterance by utterance, when neither the Congress nor the people have had a chance by vote to express themselves? If we are already in this war on the side of England, why not honestly say so? If the administration intends to fight Hitler, why not say so? Why not come out into the open and give Congress and the American people the facts?

It is true that, under the Constitution, Congress alone has the right and the power to declare war. However, warmongering speakers and leaders by words and deeds may commit acts of war that may cause a declaration of war to come from the other side. Then it is too late for us to withdraw, and, as a result, a nation committed to the cause of peace may be drawn into war against its will. If, as is contended by so many, the future of our Nation and the world is wholly dependent upon Great Britain, why are we delaying under the specious plea of rendering all aid to Great Britain "short of war"? Such an attitude makes us a nation of profit-taking hypocrites. I have much more respect for the man who sincerely believes that our destiny is inevitably linked with that of England and that we should actively and openly go to her assistance than I have for the man who slyly and deceitfully will involve us in this war step by step under the guise of rendering "all aid to England short of war."

I am opposed to the whole business and believe that we are again being led to the slaughter as blind victims of a vicious propaganda machine. I believe that our destiny as a nation is centered in the advice of Washington and that by remaining at peace, conserving our manpower and resources, and by protecting our neutrality, we may grow strong enough so that when the nations of Europe have exhausted themselves in the present struggle we may play an important part in seeing that justice is done in the post-war agreements.

During the debates on the neutrality bill and from time to time since, man after man has stood in the Well of this House and declared in no uncertain terms that he "would never vote to cause a mother's son to shed his blood on foreign soil." I ask these same gentlemen today when they vote for this bill whether they are keeping faith with that promise. Oh, yes; they will wiggle and squirm and say that they meant European soil. I ask you, however, whether the fever-ridden swamps of Venezuela, Uruguay, or Bolivia are any less foreign to an American boy than the fields of France. Personally, I cannot see the difference. Are these National Guard men and draftees to be sent to South America and Central America? The President says the chances are 100 to 1 against it. If this is true, then why this great draft army? Personally I have heard promises from the President before which were recklessly and heedlessly destroyed and forgotten almost as soon as made. I am not willing in the face of all the accumulated evidence to the contrary to take even the one chance he referred to. I am convinced that plans are already made to garrison troops in strategic positions all through South and Central America as well as in the West Indies, and that the necessities of hemispheric defense as projected by this administration will call for hundreds of thousands of our boys to be scattered all over the Western Hemisphere. Does this program sound like 1 year's military training?

Why not tell the people the truth? This legislation has in it the very language that will keep these drafted boys in the Army indefinitely. I am convinced that this is the secret plan. If it is not the plan, then why the language in the bill requiring a draftee to remain in the service for an indefinite period if Congress declares the national interest to be imperiled? Is

the national interest already imperiled? Certainly the proponents of this measure have depicted it in bold relief. The President in his May 16 address frightened the American people by cleverly depicting the peril.

Is not the national interest imperiled when the whole National Guard is called to the colors, when we are spending $15,000,000,000 of the taxpayers' money for national defense and now propose to conscript the men as well as the industries of the Nation in times of peace? In God's name, what else should prompt sane men to make such proposals?

If the national interest is imperiled, why not be honest with the American people and say so by legislative declaration and let the mothers and fathers of this Nation know that these draftees are not to come home after a year's service, but that when they are called they are to remain in the Army as long as the emergency exists? Why lead them into this mess by withholding information they honestly should have? I know that the American people can be trusted to be placed in possession of the truth and the facts and that they will respond in any sacrifice when they realize the truth. I say to you, however, that they will live to hate those who drag them away from their families and jobs through fraud and misrepresentation. The people of the United States who must suffer and sacrifice and die are entitled to know the truth and the facts. That is democracy. The other is tyranny and despotism.

Why not tell the people the truth about the Overton amendment? Why lead an unsuspecting people to gather from headlines that you propose to conscript wealth as well as men, when in fact you know that this amendment does nothing of the kind? I quote the amendment:

*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931, except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant and facility and operate it either by Government personnel or by contract with private firms.

Here is another evidence of the way the warmongers are misleading the people of this Nation. This amendment does not in any sense conscript wealth, but does allow the Government to take over any existing manufacturing plant or other facility by condemnation proceedings. It will be noted that the owners of the property thus condemned are to be paid in full in cash before the Government takes possession, and if the owners are not satisfied with the amount set by the Government they have the right to contest for a larger amount in the court. The owner of the plant or facility thus condemned is assured that his money will be returned dollar for dollar, and the Government under such a program will have on its hands manufacturing plants and facilities of all kinds to operate or dispose of when the emergency has passed. In the meantime, under such a program, if the Government operates the plants or facilities, the employees become Government workers. I ask you in all fairness whether or not this does not open the door to conscription of labor. Does not such a plan, if placed in the law, make it possible for a dictatorial-minded administration to not only conscript men for military service but to conscript labor in factories and businesses and to place almost every business in the Nation, if the Government so desired, under Government ownership? Instead of designating such a proposal as one to conscript wealth, it should be termed a proposal to save wealth and to conscript labor. I am opposed to the whole program, because it is clear to me that in our hysterical efforts to fight totalitarian philosophies now rampant throughout the world we are proposing to substitute in the place of our traditional liberties the very philosophies of government we claim we are seeking to destroy.

I have voted for every proposal submitted by the War and Navy Departments, including the authority to mobilize the National Guard, in the interests of developing in this Nation a sound and adequate national defense. I do not intend, however, from now on to be driven by hysterical appeals of passion and hate to vote for additional proposals that I believe will ultimately impose a military dictatorship upon us.

What constitutes an adequate national defense? For answer to this question I can state generally that it involves something more than the mere training of an army, the building of airplanes, tanks, machine guns, motorized equipment, and artillery. It involves the development of an intense spirit of national patriotism in the hearts and the souls of the American people and the destruction of the subversive influences that have been allowed to run rampant within our midst. The experts to whom I must refer for information as to the necessities of national defense along naval, aeronautical, and military lines are not in agreement. Many state that no definite program has yet been evolved. There appears to be agreement, however, that the first line of the defense of the United States is the Navy and Coast Guard, supplemented by an adequate air force. Many military experts have stated repeatedly that a thoroughly mechanized, well-trained, mobile army of 400,000 to 500,000 men could defend this Nation against attack from any aggressor when supported by an adequate naval and aviation defense. The records indicate to me that the Air Corps, the Navy, and the Coast Guard, in spite of the long term of enlistment and in spite of the high standards imposed upon enlistees, are enabled to get all of the men necessary at this time by voluntary enlistment.

The principal question of conscription revolves around the Army. If the military experts who claim that a mobile army of 400,000 to 500,000 men, acting in collaboration with the Navy and the air force, can successfully defend this Nation from any aggressor are right, then by the passage of the National Guard bill, incorporating them into the Regular Army, we have provided the manpower for such a defense force. There remains the necessity of equipping them with the instruments necessary in modern warfare. Why, then, are we speaking of an army of a million and a half or 2,000,000 men? It should be obvious that what I have heretofore stated must be true—that the secret plans call for hemispheric defense, which will involve ultimately several million men; and if so, the people of this Nation should be so advised.

It is claimed that sufficient men cannot be obtained as rapidly as necessary for the Army. Why not? Certainly the records show that we do not as yet have the facilities to take care of the National Guard, to say nothing of arming, equipping, and housing 900,000 draftees. I am convinced that if the Army were popularized and provided with decent pay and opportunities for vocational training and education, such as are to be found in the Navy, marines, Coast Guard, and Air Corps, sufficient men can be secured through voluntary enlistment. If it is proposed to immediately ship hundreds of thousands of men into Central America and South America, perhaps the voluntary-enlistment plan will not furnish them as fast as the Army desires, but I think the records indicate that voluntary enlistments are producing enough men to man every gun, every plane, and every tank as far as the industry of this Nation can turn them out.

The voluntary-enlistment plan in peacetime is the democratic method. Let us continue it. If we are no longer at peace, let us say so. If we are going to war, or if war is imminent, or if the national security is threatened, let us be courageous enough to bring a resolution before the Congress and permit a vote upon it. Whenever the Congress by a solemn vote declares that the Nation is imperiled, or that we are involved in a state of war, and the American people are so advised, then and only then, in my humble judgment, is it time to talk or consider the subject of conscription. I cannot in good conscience adopt such a policy in time of peace.

France has had conscription for years, and with the alleged greatest army in the world, and with manpower galore, she today lies dismembered and in ruins. Poland had conscription, as well as nation after nation of the Old World. They have had it for centuries. Our forefathers came here to get away from it. Recent history discloses that mere manpower today is not enough. We must have machines. We must have spirit. We must have unity and a people in sympathy with the program and enlightened as to its purpose.

Without that intense spirit of nationalism reflected in patriotic fervor and unity, history discloses that the mere accumulation of great bodies of men into armies will not alone and of itself create an adequate national defense. This Government must state its purpose clearly to our people and define its program. We must hold onto the democratic processes and defend democracy in the world by protecting our own and making it strong. To embark upon this program while our Nation is at peace threatens to destroy the very liberties we enjoy and substitute in its place the alien, totalitarian philosophies we claim to despise.

Permit me to again ask you the question, What is the United States profited to achieve world power if in the achievement we destroy our own liberties and acquire a totalitarian despotism at home? [Applause.]

Mr. MAY. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Chairman, I shall support this bill in its entirety; I am thoroughly in accord with it, but in addressing the House at this time I desire to call your attention to what has been referred to as the Russell-Overton amendment.

I desire to address the House on the subject of the slowing down of national-defense preparations and of a substitute amendment for the commandeering amendment to the conscription bill, the so-called Russell amendment.

In the period before and during the last World War, 1914–17, the huge allied purchasing orders raised the general price levels of the United States, and these orders preempted the munitions market to such an extent that four times during the period 1914–17 it was necessary to enact and reenact laws designed—

(a) To give the United States Army and Navy authority to make industrial plants take their orders.

(b) To give these orders priority where needed over Allied orders or other orders for private account.

(c) To impose a penalty to make (a) and (b) effective in case of refusal to take orders, the penalty to take the form of commandeering authority or a fine and prison sentence for violations.

History repeats itself, and today again demand is about to run ahead of supply in the munitions markets of the United States. This is due to two major factors: First, to the existence of large British orders with large profits in sight; and, second, to the urgent national-defense orders of the United States for ships, aircraft, and other munitions resulting from the billions which have been appropriated in this Congress for expediting national defense.

We may expect, therefore, two things: First, a rise in the general price level when demand exceeds supply, and second, a desire of the manufacturers, particularly the small ones, to take British orders or commercial orders with large profits, and not United States Government orders, particularly if the Government orders have excess-profit limitations.

I appreciate, of course, that the proposed tax bill places all these orders on the same basis as to excess profits, and the United States Government orders would, therefore, have as much value as other orders in a theoretical sense, but something more is necessary than this if national defense is not to bog down, and it is the responsibility of Congress to concern itself with this matter and determine what should be done. There is nothing abnormal about the desire of a manufacturer to make a profit, but it is the business of Congress to see that these profits are not excessive, and that Government orders receive priority, if such priority is desired in the interest of national defense. It is for the purpose of proposing a medium of assuring that national-defense preparations do not bog down, that I am addressing the House, and I have an amendment drafted along the lines of the final legislation that was in effect at the end of the World War. It gives both the manufacturer and the United States what is their proper due, protecting the rights and interests of both.

As you know, Congress has already, in this session, enacted legislation bearing on the subject. Public, No. 671, Seventy-sixth Congress, approved June 28, 1940, the so-called naval speed-up bill, contained a commandeering proviso, as follows:

*Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility: *And provided further*, That the Secretary of the Navy shall report to the Congress, every 3 months, the contracts entered into under the provisions of this subsection.

After the passage of this act, and after consideration of the broad effect of this provision, which in effect enabled the Secretary of the Navy to take over a plant the method of operation of which he was in disagreement with, although the owner may not have violated any law or agreement, I personally, when the second supplemental national defense appropriation bill, H. R. 10263, was on the floor of the House, introduced an amendment repealing this proviso. The amendment was voted into the bill by the House. When this second supplemental national defense appropriation bill later was before the Senate Deficiency Subcommittee, that committee developed that certain difficulties were being had in placing munitions orders, particularly due to the refusal of subcontractors, who already had all the orders they wanted, to enter into further subcontracts which had Vinson-Trammell excess-profits limitations. As a result two amendments were placed on the table in the Senate and were later incorporated in the conscription bill, S. 4164, on the floor of the Senate. One of these is an extension of the Vinson-Trammell excess-profits limitations to both Army and Navy ordnance. The second, the so-called Russell amendment, is another commandeering amendment, which reads as follows:

SEC. 11. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (48 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms pending the determination of the issues: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility."

The Russell amendment, you will note, is an amendment of two provisos in section 8 (b) of Public, No. 671, which the House had already repealed in taking action on my amendment to the second supplemental national-defense appropriation bill. So it was necessary, therefore, in order to give the Russell amendment effect, for the Senate Deficiency Committee to repeal the amendment which the House had placed in H. R. 10263 at my suggestion.

While I am in entire sympathy with the purposes of the Russell amendment, and while I am no appeaser for special business interests, and see no reason why business should expect to milk the Government when it is in a hurry to attain adequate national defense, I think the Russell amendment is too drastic in its powers and language and too limited in its scope to properly achieve the end it is designed to reach. The Russell amendment, you will note, permits the Secretaries of War and Navy to take a plant without the manufacturer having failed to take or carry out munition orders. The Russell amendment says the plant may be taken if the Secretaries of War and Navy fail to reach an agreement for its use and operation. Therefore, the amendment does not adequately protect the rights of the manufacturer in its private property. The Russell amendment is along the lines of the clause in Public, No. 671, which the House has already repealed in acting on my amendment.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. MAY. Does not the gentleman think that the vicious portion of the Russell amendment, if there is a vicious portion, is the part that would leave in the hands of the Government, after the emergency was over, a large number of manufacturing plants that might have been taken over by the Government, whereas the modified form of the amendment puts it on a rental basis and leaves the ownership in the present owners?

Mr. VINSON of Georgia. The gentleman from Kentucky is absolutely right and I certainly hope the House will not adopt the Russell amendment in its present language. Something along that line can be worked out and I am inserting in the RECORD an amendment which I am going to ask permission to read, which I think covers the situation and accomplishes everything that everyone wants to accomplish and that should be accomplished.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes; I yield to the gentleman from Georgia.

Mr. COX. I wonder if my colleague would also insert in the RECORD, in his remarks at this point, section 80 of the National Defense Act, which empowers the Government to do practically all of the things that are provided for in the Russell amendment.

Mr. VINSON of Georgia. I understand the committee has practically adopted the language of the Defense Act of 1917 and is going to offer that as an amendment to the bill. If the parliamentary situation develops, I propose to offer an amendment as a substitute for the committee amendment to the Russell amendment.

I have had an opportunity to give the subject further consideration and I am proposing an amendment, limited in time to the emergency we are now in.

The amendment I propose is limited strictly to the emergency declared by the President on the 8th day of September.

Limited in time to the emergency we are now in and broad enough in its scope to insure that national defense will not bog down and adequate to cover us if we get into a war.

It protects the interests of the Government and it protects the manufacturers, insofar as possible in an emergency, in the rights to their property, and takes possession of a plant, or part of it, only when such manufacturer acts in a manner derogatory to the interests of the United States or is unwilling to take national-defense orders, and even then it secures his rights and compensates for the use or loss of his property.

There is nothing radical about the amendment I propose. It incorporates the features found necessary in the period 1916–18. I would like to see this amendment placed in H. R. 10263 by the House conferees in lieu of the House amendment that was stricken out by the Senate, and I would like to see it substituted for the Russell amendment in the conscription bill. It could then be taken out of whichever bill passes first.

In passing the excess-profits tax bill you have fixed up the amortization of capital facilities for the munitions manufacturers. You also have prevented any war millionaires being made by munitions orders, and you in this law also placed British, United States Government, and private orders on the same footing as to profits, so the manufacturer, therefore, should not have any preference as to which one he desires. The amendment I propose will complete the job and insure that national-defense orders can be placed, that they will have priority, and that national defense, therefore, cannot bog down due to any failure of Congress to have provided administrative authority.

It will also look out for certain conditions which occurred in the World War period where a manufacturer might be inefficient or indifferent to the requirements of national defense, or where there might be "fifth column" activities, either in the management or in the employees, or even sabotage in the factory, or where defective deliveries of material might occur. It is necessary that we protect the Government and that we do not permit the eagerness of manufacturers to make profits prevent us from insuring that the interests of the Government are protected. The amendment is as follows, and I invite your attention to it, because I want the House to consider this in connection with the amendment that will be offered by the Military Affairs Committee:

That during the present emergency declared by the President on September 8, 1939, to exist, whenever the Secretaries of War and Navy, respectively, have tried and failed either—

(a) To place or negotiate contracts, in accordance with existing law, for authorized objects, or parts thereof, for their departments, with any individual, trustee, firm, association, company, or corporation, hereinafter referred to in this bill as "the contractor or subcontractor," or

(b) To place or negotiate such contracts at reasonable rates of delivery or at prices they consider to be fair and reasonable,

they are authorized and empowered in their discretion, after consultation with the Advisory Commission to the Council of National Defense, within the limits of the sums appropriated to their departments therefor, to place orders with such contractors or subcontractors for such authorized objects, or parts thereof, as the interests of their departments may require, which are of the nature, kind, or quantity usually produced, or capable of being produced by such contractors or subcontractors.

Compliance with all such orders shall be obligatory on any contractor or subcontractor to whom they are given and they shall, in the discretion of the Secretary placing them, take precedence over all orders or contracts placed with such contractor or subcontractor. The Secretaries of War and Navy shall, in all such cases, where it is in the interests of the United States, pool their orders or coordinate their orders, prices, and priorities.

When an order has been placed as indicated above with any contractor or subcontractor owning, leasing, or operating any plant or factory equipped or suitable for the building or production of such authorized objects, or parts thereof, and such contractor or subcontractor shall refuse to accept such order, or, if he accepts the order and thereafter, in the opinion of the Secretary placing the order, fails to carry it out satisfactorily, the Secretary shall advise the Advisory Commission to the Council of National Defense of such failure to place the order or unsatisfactory performance, and if the Advisory Commission is unable to induce the contractor or subcontractor to take the order or to give satisfactory performance, such Commission shall so advise the President, who may, in his discretion, on recommendation of the Secretary placing the order (if such Secretary is unable to effect satisfactory leasing arrangements with such contractor or subcontractor, which he is hereby authorized to make), take immediate possession of such plant or factory, or necessary part thereof, and operate it either by Government personnel or by contract with private firms during the period its use is necessary. The President is authorized to fix and require adequate compensation to be paid by the interested Secretary from any funds available to his Department for such use during the period the plant or factory, or necessary part thereof, is in the possession of the United States, and when its use is no longer required, the President shall return it in good condition to such contractor or subcontractor or owner. The President shall in each case, before he takes possession as indicated above, report to Congress failure to accept an order or give satisfactory performance. If Congress is not in session, such report shall be filed with the Clerks of the House and Senate.

I propose to offer that as a substitute for the amendment that will be submitted by the Military Affairs Committee, and I respectfully invite the attention of the entire membership to this amendment and let us see if we cannot work out something that will be adequate and fair to the manufacturer and at the same time fair to the Government, so that the national-defense program will not bog down.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. WHITTINGTON. With respect to the proposed amendment, I observe that it is limited to the emergency declared by the President.

Mr. VINSON of Georgia. Absolutely.

Mr. WHITTINGTON. Whereas the amendment proposed by the Military Affairs Committee is coextensive with this bill, why provide for the drafting of men until 1945 and only limit the drafting of plants for the emergency?

Mr. VINSON of Georgia. The emergency may pass away before 1945.

Mr. WHITTINGTON. Then we ought not to draft men.

Mr. VINSON of Georgia. The gentleman is in error there. If we today embark upon a definite national program of training the youth year in and year out, we would contribute a substantial benefit to the country. In later years, probably that may come about.

Mr. HINSHAW. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. HINSHAW. Does the gentleman intend to request that the language in the appropriation bill repealing the section of the act of June 28 be carried out?

Mr. VINSON of Georgia. The parliamentary situation is this: The Senate struck out the amendment that we put in. The Russell amendment is an amendment to that. Therefore, if the House conferees struck out the amendment that we put in, which will repeal section 8 (b), then the Russell amendment would be hanging in the air without anything to amend. The law to which the Russell amendment was applicable would have been repealed.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WHITTINGTON. Will the gentleman yield further?

Mr. VINSON of Georgia. I yield.

Mr. WHITTINGTON. My second question with respect to the proposed amendment is, Why disregard the language in the act of 1916 as amended by the act of 1920, which is being followed by the Military Affairs Committee and which has been before the courts, for new language which is untried?

Mr. VINSON of Georgia. I think this language is an improvement on the language written 20 years ago, because this is clothed around the National Council of Defense, and it has the same objective and the purpose is along the same line, but I think this amendment is in better language than the act of 1916.

Mr. WHITTINGTON. Will the gentleman give us some constructive criticism of the act of 1920 before he asks us to adopt new language?

Mr. VINSON of Georgia. If my amendment does not appeal to the gentleman he has the right to vote against it.

Mr. HARTER of Ohio. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. HARTER of Ohio. Does the gentleman's proposed amendment contain any penalties for its violation?

Mr. VINSON of Georgia. Not at all, except the Government takes it over and operates it. One of the weaknesses of the amendment of 1917 is that it does not deal with the slowing down and the failure to produce the material necessary, and this even writes into the law protection against "fifth columnists" and any sabotage that might occur.

Mr. HARTER of Ohio. Does the gentleman realize that the House committee amendment provides serious penalties for its violation?

Mr. VINSON of Georgia. Oh, yes. That is in the act of 1916.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. TARVER. I want to ask my colleague if his amendment would take care of a situation such as arose in the case of the Ford Motor Co.? Your amendment, as I understand relates only to contracts for the purchase of supplies or equipment that the manufacturer is equipped to manufacture.

Mr. VINSON of Georgia. That is right.

Mr. TARVER. Suppose it is necessary for a manufacturer to install other equipment in order to take care of such an order as was offered to the Ford Co.? Is there anything in your amendment that would authorize the Government to take it over and install the equipment itself?

Mr. VINSON of Georgia. One thing about my amendment, orders will not be placed by the National Council of Defense that concerns are not able to produce. If the Ford Co. was not able to produce the article, then the National Council of Defense would not have certified that they could get that material from him. Why should a manufacturing plant that does not produce these articles be given a contract and then have the War Department or the Navy Department say, "I have given you this contract, yet you did not produce it, and we will invoke this principle upon you." The first thing to be determined is whether that plant is qualified to produce that for which you are about to contract.

Mr. MAY. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia.

Mr. TARVER. Suppose there is no plant in this country qualified or equipped to do the work which the Government wants done, as, for instance, the situation when the Ford Motor Co. was requested to manufacture the Rolls-Royce engines. Could it, under the terms of the gentleman's amendment, be forced by the Government to manufacture them or to equip its plant to manufacture them?

Mr. VINSON of Georgia. Not at all; not at all. The Government could step out and build a manufacturing plant itself.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. CELLER. Does the gentleman's amendment afford a more or less definite standard by which it can be determined whether a manufacturer is cooperating with the Government?

Mr. VINSON of Georgia. It does; and that is one of the things we did not have in the act of 1917; and sabotage could occur or "fifth column" activity could occur to reduce production; but a standard is set up under the terms of this amendment.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Georgia.

Mr. COX. If the gentleman will take the time to examine the report made by Mr. Benedict Crowell, Assistant to the Secretary of War in 1919, he will find that the charge that business did not cooperate with the Government during the late war is not supported by the facts.

Mr. VINSON of Georgia. I want to say right now that as I put in the RECORD the other day I propose to put in on Wednesday and every week all these contracts. Every manufacturing plant in the United States is doing everything possible to cooperate in the national-defense program.

[Here the gavel fell.]

Mr. THORKELSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Chairman. I have just about reached the unhappy conclusion that only an act of God can protect us and save this Republic from complete disintegration. This statement sounds fantastic, does it not? Yet I am serious, so do not treat this statement lightly. I mean every word I say to you.

We are in the clutches of a well-organized group of self-admitted destroyers; destroyers of patriotism, of nationalism; destroyers of morals and Christian ideals; destroyers of character; and advocates of race degeneration. We are in the hands of the real destroyers of Christian civilization.

Who are they? They are those who sit in the inner council of the organization that controls gold and international gold credits. This is a small group, but a coterie with many ramifications, and all powerful as long as we allow them control of gold—our national wealth.

Congress can deprive them of this power and establish world peace by one master stroke; and that is deprive them of the monopoly of gold. This may be done in the following manner:

First. Repudiate all outstanding gold certificates and gold-secured investments which are held by the international bankers, the Federal Reserve bankers, and other interests outside of the Treasury.

Second. Set all gold aside for security of the American people, the rightful owners of it.

Third. Place the international bankers and the privately owned Federal Reserve bankers in the same relation to the Treasury of the United States as we, the people, are compelled to observe in relation to our local bankers.

In other words, Congress should require that the Federal Reserve bankers and international bankers place full security with our Government for money they receive from the United States Treasury.

Fourth. All money should be issued by the Government. No money should be issued in the name of any private banker or banking institution.

Fifth. Foreign government loans should be approved and made by Congress upon sound security alone. Had we insisted on such security from Great Britain and France during the World War, we would today be in the possession of the British and French Caribbean Islands.

Sixth. Private loans, foreign or domestic, may be granted by the banks only to the value of the securities that such bankers have placed in the Treasury of the United States.

Seventh. Place embargo on all gold and international gold credit until all nations return to the gold standard. This, if done today, would bring about peace within 1 month.

Eighth. Congress should then, in order to protect the people in this Nation, establish three types of banks:

(a) Banks or depositories for checking accounts; these banks to pay no interest on deposit, but always in position to pay all depositors in full within 3 months, and always prepared to meet checking accounts.

(b) Banks to be allowed to pay interest on deposits, but not required to meet the total obligations within 1 year.

(c) Banks that may pay higher rates on deposits, and therefore permitted at least 2 years to settle all deposit accounts.

This will allow depositors to share in gambling, if they feel so disposed, by placing their money in the bank with the highest interest rate. They will also share in the responsibility by placing the money in such bank; and must, if disaster overtakes such institution, wait for 2 years before they can expect settlement of their accounts.

All depositors who use group A banks are always fully protected and should be able to withdraw their total accounts any time within 1 month. Such arrangements will leave our people fully protected and the power of gold and gold credit under control of Congress and under control of the people of this Nation as provided in the Constitution. This is a brief outline of what we should do under the Constitution itself, and what must be done, instead of giving more and more power to the President, which Congress, under the Constitution, has no business to do.

Let it be understood that I have no interest in the leadership of foreign nations, or even in the nations themselves; and that includes all of them. My interest is only in the United States and in sound constitutional government, as it is the only solution of the problems that confront us today. I have no confidence in the present administration leadership, for it is hopelessly tied up in international intrigue and under the influence of foreign agents. There should, therefore, be no question as to my position, for I am definitely opposed to all foreign governments, and to Clarence Streit's world-union movement, because it is part of the British-Israel World Federation, and, therefore, destructive to the United States.

The British-Israel World Federation is no doubt financed by the same people who control gold and international gold credits. It is this small group of men who are involved in illegal exchange of securities, narcotic traffic, and international white slavery. It is up to the American people to recognize this danger before it is too late, and before we are enslaved by these international destroyers who occupy the sanctum sanctorum in their temple of gold and ill-gotten wealth.

I now wish to call my colleagues' attention to the fact that the British-Israel is mentioned in the secret report to Lloyd George which I requested to have inserted in the RECORD, so that the public could be informed. This request was denied me, but let it be understood that the substance matter of that report is absolutely true and can be proven paragraph by paragraph.

The American people are indeed tolerant when they allow the press and all other means of communication to be controlled and monopolized by a few people who have no interest in the welfare of the people or in the security of the United States. Make no mistake as to the power behind the various pro-English and pro-Israel groups, for they are the same people who control all publications, the cinema, radio, and all other publicity channels. The American people may, so far as truthful information is concerned, be back in the days when news was printed on the hand press and we had no telephone, telegraph, or other modern means of communication.

The British-Israel World Federation has already undermined our Protestant Churches and is now well on the road to split the Catholic Church, which is the first step in its destruction. We can find the British-Israel in nearly every church magazine, often disguised but always there in some form or another. It is also well to bear in mind that this movement is not exclusively, as they have stated, northern Israel, for Father Divine also uses their symbol in his magazine, and his congregation can in no sense be considered northern or any other "Israel." Those of you who are not familiar with the British-Israel symbol may take a dollar bill and you will find this symbol on the reverse of the great seal of the United States. It is an unfinished pyramid, with the eye of the illuminati superimposed and with the inscription at the base of the pyramid, "Novus ordo seclorum," which means the new order of the ages. This symbol was placed on the dollar bill December 18, 1935.

Our colleges and schools are also undermined with British-Israel propaganda and our old established history and fundamental teachings are being gradually removed or substituted in all educational institutions. It takes considerable money to finance this scheme, so we may assume that it is not a poor man's movement.

The President and his associates are now engaged in the last and final attack on the ramparts of our Republic, and Congress will, if the conscription bill is passed, aid the British-Israel to consummate their plan to establish a world state. Should this plan succeed, we may look for a new King of Israel, and who is better qualified for the position than the present Duke of Windsor? He was not send to the Bahamas on a lark, but was sent there for a definite purpose—make no mistake about that. This reads like a tale from the Arabian Nights, but do not laugh—it is liable to happen here before long, as you no doubt will find out.

COMMON SENSE

Is the United States threatened by any foreign power, or are we in danger of invasion by any foreign country, except England and Mexico? The answer is "No." As a matter of fact, it is hardly likely that Germany will invade England, although it is only 22 miles across the channel. It follows, therefore, that Germany cannot invade the United States, 3,000 miles remote, when she cannot conquer 22 miles.

Does England need our Army to defend the British Isles? No; because she has a larger army there now than she can feed and care for. As a matter of fact, if we are to believe the papers and the reports forthcoming from England, she is just about on the verge of winning the war, and should, therefore, not require any help from us. England admits of having lost only one battleship, two or three cruisers, and six or seven destroyers. If this is all she has lost, why are the British continually begging the United States for more destroyers? Can it be possible that it is to weaken our own first line of defense, so that we may become an easier victim for English aggression? This is something that our statesmen should consider as they bend over backward to help a foreign power that might become an enemy of the United States.

So what is it all about? Why should we break our back to help any power so well prepared and capable of taking care of herself? Can we invade Germany, France, or any other country now under German control? No. No more successfully than England invaded Norway or Germany England. The question then arises, Why have we called out the National Guard and why are we conscripting an army of millions of men? Is it to fight in Europe? Hardly—for we would be no more able to invade those countries without sustaining a greater loss than the countries now at war with each other. Our men and ships will become victims of the same attack and disaster which made it impossible for England to land in Norway, and which makes it impossible for Germany to land in England.

Then why are we conscripting an army? We are conscripting an army in order to aid Great Britain to fulfill the

British-Israel prophecy to establish a world capital in the Holy Land. Our Army and Navy will most likely be employed in Asia and Africa, for it is there the final battle is to take place. Anyone who cares to read the British-Israel publications may determine the correctness of this statement for himself; and in order to pave the road for such knowledge, I shall insert two articles by the British-Israel World Federation, so that the doubting Thomases may be better informed.

Congress has taken many steps toward world union, and as we reach the precipice, conscription and war is the last step. After that, all steps will be taken by the leaders in the administration; and do not forget that they are all pro-British and tied up in the British-Israel movement. It is in the knowledge of this that I have warned the people and Members of Congress to get back to constitutional government and set this Republic squarely on the Constitution of the United States as it was given to us in 1787.

Let us not forget that we have a well-organized "red" communistic army to the south of us in Mexico. We have a potential enemy army to the north of us in Canada; and in addition to that, a large group of Anglophiles in the United States who are more interested in returning the United States as a colony in the British Empire than they are in preserving this Republic. This group of pro-English snobs are concerned with preserving the privilege of genuflection before the British throne and association with the "damped" nobility of England.

In addition to these we have the Overseas Club, with an estimated membership of 100,000; the Pilgrims; and other Anglo-American groups. All of these "half-baked" Americans have no particular interest in the United States or in the preservation of the Republic. Their interest is entirely in the British Empire.

We also have the various endowment associations, such as the Carnegie, Twentieth Century, and the Rockefeller. All of these are pro-British and pro-British-Israel; and make no mistake about that. The most conspicuous pro-British leaders may be found in these organizations, and their influence is not directed to the welfare of the United States.

If there is to be a conscription, and if there is to be an army for foreign service, let all of these Anglophiles go first as crusaders for the British Empire. The financial backers of these groups, or the international bankers, may take their position in "no man's land," under the chairmanship of Nicholas Murray Butler. In this position they will probably be among the missing when the battle is over, and that in itself should be a blessing to the United States.

I cannot refrain from calling attention to Otmar Hefter's fully equipped army of 100,000, which, according to newspaper reports, is operating with the consent of the chief and the War Department. This army of 100,000 of communistic revolutionaries should be the first to leave the United States. Many of them, no doubt, have served under the leadership of Lenin, Trotsky, and Stalin, and should, therefore, be well-versed in communistic warfare and in the performance of murder and other war atrocities. With this army we may also send the remaining Communists in the United States and their leaders, for when we get rid of them we will enjoy peace and reasonable security, as we had before we fell heir to these European cast-offs.

There is much to be done, but the most important thing for the American people is to watch their Representatives in Congress and insist that they adhere to the Constitution of the United States, for it is in that document alone the people may find protection. The people are still the power in this land of ours, and Congress is elected by the people to represent them and to protect their rights, as set forth in the Constitution of the United States. Congress has no more power than that granted to it in article I, section 8; and no right to liberalize or widen the meaning of the powers denied to Congress in article I, section 9. Congress has no right to reinterpret or reconstruct the powers which the States denied to themselves in article I, section 10, but must, instead, leave all power not specifically delegated to Congress to the States and to the people, as reserved by them in the tenth amendment.

Furthermore, Congress has no right to misinterpret or stretch the meaning of the powers specifically delegated to Congress, for these are fully protected by the ninth amendment to the Constitution. Taking all of this into consideration, and the fact that we are not at war, and that our security is not threatened, Congress has no right to conscript an army for active training at this time. Nor has Congress the right to borrow money on the credit of the United States as has been done up until the present time, for remember, a colossal national debt is not for the common defense or the general welfare of the United States; but is instead an instrument that will destroy the very security which Congress is supposed to preserve, protect, and defend. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield 12 minutes to the gentleman from South Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, we should be able to discuss this important measure upon its merits and speak out the truth without fear of having applied to us epithets that imply we are enemies or citizens to be watched with suspicion. So far as this House is concerned, I am sure our discussion will reflect the high aims and purposes of this distinguished body.

The last stronghold of popular government is this House of Representatives, and as the days, the weeks, the months, and the years pass, it will become more obvious that the great mass of the American people depend, as a last resort, upon the good judgment, honesty, and integrity of that arm of the National Government which is nearest to the people. Presidents may fail the people, Senates may come and go, Supreme Courts may make good or bad decisions, and the people will be patient in the hope that their one arm of the Government, this House of Representatives, will right their wrongs. It is the supreme confidence which the people have in this body that makes it the bulwark of American liberties. Should this House also fail the people, the Members would be swept aside through public indignation. The people have no such immediate course to pursue against any other branch of the Government.

It is, therefore, with a complete understanding of the position we occupy in the confidence of the people of these United States, that I rise on this occasion to discuss the Burke-Wadsworth conscription bill.

Nothing similar to this legislation was ever presented to the Congress of the United States. We are at peace and have so arranged our laws that we can remain at peace—if we will. While at peace and the ink on our neutrality laws has scarcely dried, we are called upon to draft every man in the United States between the ages of 21 and 45 to force him to take military training and become a member of the armed forces of the United States to be sent, if necessary, anywhere to engage in war.

We do not know whom we are to fight, when we are to fight, or where we are to fight. We are in the dark—if anyone in this Government knows the answer to these questions, he should come forward and answer now.

Those who are doing most to work up a war fever in this country will not be included in the draft, and if some may come within the draft provisions, they will enter a safe branch of the service or hide behind conscientious scruples against war. Agents of every government existing in Europe 2 years ago are here to foment the war fever. England is here now as she was in 1917 with a corps of publicity experts and financial agents of the Bank of England to induce our Government to enter this war on the side of Great Britain. This is a powerful lobby, and hooked up with our banking interest in the United States, it makes our entry into some kind of war almost certain. These interests have the money to put over propaganda; they can mold public opinion in the United States at so many dollars per inch of printed matter. Propaganda constantly before the people and adroitly conceived to arouse our anger can have no other effect than to create a war demand, especially since those who oppose war have no such fund to use.

The propaganda for sometime past has been to aid England in any way we can short of war. Everyone in this

House knows this statement to be true. Let us examine it. Just what can we do to help England short of war? I say to you that those who announce this program are either dishonest or too ignorant to be called dishonest. We are to send supplies to England—we have done that—we are doing it. We are now to send destroyers to aid England. If we do that we will be sending men to help England, but, of course, it will all be short of war.

Every one of these acts, in sending destroyers and men, will be in brazen violation of our neutrality, and it will be short of war only because Germany is too weak, after a whole year of war, to declare war on us. If we send our gunboats to England, would anyone say Germany would not have every moral argument in declaring war against us? If Germany did this, we would be at war. Does anyone doubt this? I pause for a reply.

This policy of helping England short of war is thoroughly dishonest to all belligerents and to ourselves. For the question short of war means that we lay ourselves open to the right of any country to declare war on us and then our policy short of war would be definitely war. Under this policy we leave it to any country to declare war against us, and surely no one could argue that such a declaration would not be justified.

In my humble opinion, the only reason why Germany has not already declared war on us is because she is too occupied to follow up the declaration. If we keep on, however, sending over our ships, Germany can be in no worse position by such a declaration.

I have much more respect for those who advocate our immediate alinement with England and give them our full force as support. That at least is honest. It would show clearly that we in the United States are determined to assist England at any cost, just as we did in the World War.

Mr. Chairman, I therefore say that the real issue in the minds of the American people today is: Shall we attend to our own business and keep out of a foreign war, or shall we get in and send our boys across the sea to die in foreign lands? That is the issue, and no carefully couched parliamentary tactics or remarks can convince me that we are not up against that issue now.

There are a few questions I would like to ask.

Why did we not call out the National Guard when Czechoslovakia was invaded by Germany? We have about 500,000 citizens of Bohemian blood in the United States. Why did we not pass a Burke-Wadsworth conscription bill when Poland was invaded? We have about 1,270,000 persons of Polish blood in the United States. Why did we not assemble an army when Denmark and Norway were seized by the Germans? Surely we have millions of citizens in this country of Norwegian and Danish blood. Why did we not start shooting when France was invaded? Everyone knows that we have been the closest friends of France since the days of the Revolution in the Colonies.

No, we went about our business during all this great calamity in Europe, but the moment it became apparent that England might be invaded we began to read the propaganda in the newspapers about the German invasion of the Western Hemisphere.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield for a question?

Mr. BURDICK. Yes; for a brief question.

Mr. MARCANTONIO. The only question I would like to ask is this: Why did we not lift the embargo and permit the democratic people of Spain to have a few pieces of artillery and antiaircraft guns when they had Hitler stopped at the gates of Madrid?

Mr. BURDICK. I cannot answer for this Government.

There is not the remotest possibility of German invasion of the Western Hemisphere; and, stripped of propaganda, there is no possible way for Germany to make such an invasion even if that were Germany's purpose. But that is made to appear to draw us into the fight. Remember now, I say, to go in full blast on the side of England is much more honorable than to be doing what we are doing—furnishing them with what they want in violation of our neutrality.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. ANDREWS. The gentleman will admit that there is some possibility of Germany subjecting the British Isles.

Mr. BURDICK. It does not look that way to me; and suppose you are right, why do we have to fight England's battles?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. CELLER. Does the gentleman know that section 3 provides that the draftees shall be limited to service in this continent?

Mr. BURDICK. Yes. We talked a few days ago, however, about sending warships to England and we supposed that Congress would have something to say about it, but without consulting Congress the President of the United States calmly informed us this morning as follows:

> For these reasons I have therefore taken advantage of the present opportunity to acquire them.

And he handed over the warships. How do you know but what they will hand over men next week? I do not know; the gentleman does not know. [Applause.]

Mr. CELLER. They cannot do it without our consent.

Mr. BURDICK. Oh, yes; they can. We are already involved without our consent.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. SECCOMBE. The gentleman spoke about service in this continent or in the Western Hemisphere. Does the gentleman realize that the Western Hemisphere extends from Iceland to the very tip of South America?

Mr. BURDICK. Yes; it will be made to extend beyond that.

Mr. CELLER. Is not that a proper place to send them?

Mr. BURDICK. If I knew what place the President has in mind, I could answer you.

Mr. Chairman, I enjoy the conversation of these gentlemen, but I want to make a speech. I cannot yield further.

There is a reason for all this stir about England. Powerful financial interests in the United States would lose too much if the British Empire should be lost. The head of the international banking system of the world is in London and the tail is in New York. This system controls all business in both countries and a great portion of the rest of the world. It is an interest-collecting system and if that system should go down, every interest collector in the world would be lost—lost because he knows nothing but collecting interest. These men never created a dollar in their lives—they never produced. They have lived off the people—laborers, businessmen, professional men, and all other classes.

Both candidates for the Presidency are committed to the protection of this system, and the people of the United States have no candidate. Willkie is for this bill. If he had not been right with the financial interests of the country, he would not have been nominated. He opposes the conscription of wealth, but not of men. The President is all right with these same interests, so the people are out. They have no choice but to vote for one or the other of two men, both of whom are pledged to maintain the international banking system of the world. If, to give that protection, we must arm and send millions of men into the bloody pool, they will be sent in spite of what the American people can do at this election.

We should at the earliest possible moment amend the Constitution and provide for the popular election of a President of the United States. Both conventions, Republican and Democratic, were steamrollered, ballyhooed, advertised, and football yelled into both nominations, and the people have to sit home and take it.

There seems to be no issue but war in this election, and that issue is decided now. We will have war if either candidate can have his way, but there is still a great arm of the Government of the United States left to the people that cannot be—at least, I hope not—bulldozed, ballyhooed, football yelled, or advertised into deserting the plain people of this country, and that arm of the Government is this House of Representatives.

The people of the United States want to remain at peace with the world. They will fight willingly when any power attempts to interfere with our territory, but until that danger is

more apparent than it is now they do not want a universal draft. They do not want to send their sons to foreign countries to die in mockery, as they did in 1918. We fought then to make the world safe for democracy. We won the war and made the world so safe for democracy that you cannot find a democracy in Europe with a fine-tooth comb. It was a useless, asinine, and stupid experiment, and we have not yet recovered from the cost of war and our generous loans to the great democracies we were instrumental in saving.

Germany's supreme air superiority seems to be the instrument of her ruthless power; if it is, we can at least guard against the remotest chance that Germany might attack us. We can spend our money in the production of war machines for our own use and remember that we have not solved the problem of production, but there is no sane reason why we cannot. Germany succeeds because her production operates fully, swiftly, and completely. In this defense program we have arranged to spend $15,000,000,000 on defense, and machines on land, in the air, and under the sea mean more than 10,000,000 men under arms.

In this draft we are about to impede our defense. It is clear to all, I hope, that modern warfare does not consist of a man with a gun, but a man with a machine that can overpower a thousand men. Machines, contrivances, science, skill, education, intelligence are the elements of a national defense, and if we take out of the schools 1,000,000 of our students and train them to use a gun which they cannot use in time of war we are directly interfering with the best elements of a national defense.

My plea to you is to maintain our neutrality and desist from direct violations of it; prepare for our own defense until we are actually and scientifically prepared to defend this democracy. In the meantime there is no call—no need for a universal draft. There will be time enough for that when we are threatened and war is inevitable. Let us preserve our balance, and, above all else, let us take no action that will be a violation of the confidence the American people have in this body. Let it be recorded that this House stands as the last sentinel in the defense of the people of America against selfish financial interests that would consume the life of the Nation that their dreams of financial empires should be fulfilled. Let us unite with the people in saying that we will fight for the protection of our institutions, all enemies on earth, domestic as well as foreign. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, we are debating and deliberating upon the most important issue that will confront any Member of this House. In other days of the Seventy-sixth Congress we have faced vital and important questions, but we have not faced any issue in the past which involves so many serious implications as the one now before us. It is our duty to meet the issue confronting us squarely and without flinching; we will meet it without hesitation; it is our responsibility which attaches to our deliberations and decision. Because of this it is our fundamental job to prevent any intrusion which is not strictly and thoroughly American, and we must not countenance any thought which is not strictly in accord with the principle of that which is best for the United States of America. We will meet the questions presented by the Wadsworth bill in a truly American way and for the very best interest of all of our people and our country.

Some people throughout our Nation are clamoring for a hasty national defense. Very little concern seems to be given respecting the soundness of that defense, but they want airplanes, tanks, mechanized armored units, antiaircraft guns, and men—and they want them now. They are enamored with a philosophy which has been created, I fear, because of a war hysteria which has come through the efforts of publicity handled for that very purpose. The molding of public sentiment is a very treacherous and hazardous procedure; those who would seek, by their writings, to mislead the people of our country on any vital issue are traitors to their country. I make that statement because there have been so many misleading publications respecting this very bill—now in debate—that the public mind has been distorted, and many of our people are entirely confused regarding its provisions. The people of our Nation are entitled to know the truth respecting this bill. They have a deep interest in it and in every provision of it. They are the paymasters and they must furnish the manpower provided by this proposed legislation. A treasury which is well filled with money is one of the essential things for national defense; we do not have that very essential item of our national defense, because our Treasury is empty. The people are deeply interested in our national defense and in every problem connected therewith, because when demands are made for money the people must respond. We do not start at scratch, because we are approximately $60,000,000,000 in the red at this very hour. We are far behind when our national-defense program begins.

Mr. Chairman, we must be aware of these facts. If we are not aware of these facts and many others respecting our Government at this very moment, we may find ourselves moving very rapidly into a situation whereby the last vestige of the foundations of democracy will be taken away from us—our liberty and freedom may be gone—even before we have been called upon to make any gesture at any defense of our Nation.

We are at peace today. I am confident that every Member of this body will continue the fight for peace. May I renew my pledge that I will assert every power and influence at my command to keep our Nation at peace. We do not want any war and we do not want to have any part in any war. We want to build in our Nation and we want to make our progress in the arts and trades of civil life. We want every man and woman, every boy and girl, to have an equal opportunity in this land, where liberty and freedom prevail. But, if we should have war, that opportunity is materially lessened. Our full opportunity in life comes to us when our country is at peace, when the efforts of men are devoted to a material progress, and when we do not seek to destroy life and property in an awful carnage.

We are all agreed that there is no opposition to a proposed conscription of manpower in time of war. It then becomes necessary to resort to the compulsory conscription of that manpower in order to build our armed forces. This becomes very essential for the protection of our people, our institutions, and our country. But a legislative enactment which provides for a compulsory peacetime conscription of our men and boys cannot be construed otherwise than as an insult to the patriotism of our people, and especially to our youth. I am speaking now for approximately 40,000 of those fine American boys who are within the age limits fixed for military service, who reside in my own congressional district. I am certain they look upon this draft of manpower in time of peace as a direct challenge of their patriotism; they wonder whether they are privileged to enjoy equal rights as citizens with the rest of us or whether they are to be placed in a fixed class—as serfs—and that others are authorized to order them around, to condemn them, and to imprison them. And, too, I wonder if they do not question what their opportunity in life will be? We are not sowing any seed of the American way by the enactment of such a policy as the one which is proposed. We are establishing a background for discord, hate, and dissension, with disgust and suspicion of our motives as the result.

Mr. Chairman, we are not at war. War is not imminent. There is no war threatened on the horizon, despite the fact that much propaganda is to the contrary. If there is, who will engage us in war, and where and when? What is the proof of it? When the President forced the cash-and-carry provisions in our Neutrality Act, that was a direct challenge to Hitler. He has continued to lead us, from that very day to this exact hour, a little nearer to this European war, which is, thank God, still 3,000 miles away, and I am convinced it will not be prosecuted in the Western Hemisphere, unless the President leads us into it.

We must keep out of this war. We want our men and boys to engage in productive enterprise on farm, in factory, mill, and in every gainful pursuit. We do not want them transferred from the lawful promotion of production to the wanton art of destruction. But now, without any war, or without

imminent danger of war, it is sought to those men and boys who are called under the peacetime draft into the military service when such a drastic method is entirely unnecessary. May I ask how many homes, jobs, businesses, and opportunities will be destroyed by this procedure? And how many of those draftees will suffer disabilities by reason of exposure to the weather and how many will suffer death? We are not ready to properly care for those men. Those who urge the passage of this measure will answer those questions, I am certain.

Had we tried in any reasonable degree to encourage voluntary enlistments, under a fair and unhampered program, and had failed to procure the personnel needed for training purposes, then we might consider this drastic step. We might, then, properly say that, although we regretted it, the youth of our land have apparently forgotten the traditions of the past, and it now becomes necessary to remind them of those treasured memories in a most forceful way. But that is not the case here. The Army and the Navy have filled every volunteer quota they sought during this year. Voluntary enlistments are pressing forward as rapidly as the men can be cared for. And, we remember, these volunteers are enlisting for the long term and at a very small pay, because those provisions have not been liberalized. Our Army now operates under the customs of the long ago, which smacks more of a monarchy than a republic. It fails to offer any inviting opportunity to our youth, yet, with all of these apparent defects, all quotas have been filled. In July 1940, 34,058 men enlisted voluntarily, and out of that number 23,432 were accepted. Likewise the quota for June was promptly filled. As of August 15 we have 280,000 men in the Regular Army, and the August enlistments have exceeded the number in July.

May I ask, Mr. Chairman, what we will do with the 900,000 men if and when they are forced into the military service? We have insufficient housing facilities for them; the necessary training equipment for war must be, in part, obtained; would we wish that these boys live in tents during the winter, and thereby subject themselves to exposure and perhaps death? We are not in war—we are in a "war hysteria." We are now subjected to the most vicious propaganda the people of this Nation have witnessed; this is calculated to excite prejudice and to mold public sentiment in favor of the passage of this unnecessary bill.

The people would like to know what the cost of this proposed plan will be. I have not heard any of the proponents of this legislation make any statement of the cost of training the National Guard, or of the training of the conscripted men under this bill. What will it cost the people? Who knows, and who will tell? The people would like to know. The entire draft machinery must be set up and operated, and that costs money. We already have all the necessary machinery for voluntary enlistments, and it does not add to the cost already incurred.

What are some of the infirmities involved in this legislation? There are many ills, but the most flagrant are the trend toward militarism and dictatorship. The dictators began their quest for greater power by establishing a peacetime compulsory conscription for military purposes—they became militaristic—and the people lost their rights as citizens and the loss of the national ideals followed. This proposed legislation will tend to destroy our American ideals that have made ours the land we must preserve at any cost. We must preserve our ideals. They must never be destroyed.

Mr. Chairman, I cannot support this proposed legislation. I am convinced that any plan of compulsory conscription of our manpower in time of peace, for military training, is wholly unnecessary. It is my considered judgment that since all quotas in both the Army and Navy have been filled by voluntary enlistments up to this very hour, we should continue to give our men and boys a fair and just opportunity to enlist voluntarily—before we resort to the drastic method of compulsory conscription. We must be fair about this policy, and we must admit that no liberalization has been effected and no inducements have been offered in order to procure voluntary enlistments. I am convinced that all of our people are entirely patriotic; they will respond voluntarily for the defense of our country. Our people have never failed their Nation—they will not fail it now.

Let us first give our voluntary enlistment plan a fair and impartial trial, under fair conditions. The time of the enlistment should be fixed at 1 year, and the pay should be increased to at least a sum equal to that paid during the last World War; those enlisting should be assured that they will not be shipped across the ocean to fight some other nations' battles on foreign soil; with these inducements, I am confident all of the personnel required for training will be procured.

Mr. Chairman, we have witnessed militarism in all its horrible "glory" in Europe. The very first policy of the dictator is to inaugurate a compulsory conscription plan for military purposes in time of peace. That policy was declared by Hitler; it was cruelly followed by Stalin, and Benito Mussolini pursued his course along the same pathway. That is the program of the dictator. They seek to dominate and control the people and their ways. We must not Hitlerize America. We must cleave a little closer to our Constitution, our liberties, and our freedom must not be destroyed in this Nation.

What is the effect, Mr. Chairman, of compulsory peacetime conscription? We may conjecture as we may desire, but it interferes with both business and industry; agriculture suffers by reason of it; men are taken from their homes, from their jobs, from their business, and from their obligations. There can be no adequate national defense without production upon the farm, in the factory and mill, and in every other productive enterprise. This proposed legislation will injure production, and to that extent it will deter our national defense. Let us not hinder and delay our defense by the passage of this bill; let us build our national defense both sound and strong so we may repel any attack from any foe; let us build it upon the patriotic impulse of our people, and defer the passage of this drastic legislation until it becomes necessary.

I am confident the good judgment of this great body will not be misled. Let us build our national defense in the American way—as Americans. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I said about 3 weeks ago from the Well of his House that if there ever was a time in our history when our Government and its representatives should be frank with the people that time is right now. Still we heard on the floor today the chairman of the powerful and important Rules Committee tell the House and the country that this is not a conscription bill. That statement shows a lack of frankness. There can be no doubt but what this is a compulsory conscription bill, and whether or not it is necessary is beside the point for the moment.

Mr. Chairman, there is one thing we should keep in our minds every minute of the time we are debating this bill, and that is the fact that democracies have and can commit suicide, that a lot of the people of the world have lost their liberties not by force of arms but by the action of their then elected representatives. I have come to the conclusion, and I have come to this conclusion with regret, that the bill now before us, containing as it undoubtedly will when the roll is called the Overton-Russell amendment, or some substitute to that, and the substitute that apparently will be proposed, taking my information only from the press, is, in my opinion, worse than the original bill, inasmuch as it makes it a criminal offense for a manufacturer to refuse to accept an order from the Government on the terms the Government wants the manufacturer to accept the order. If I were the owner of an industrial plant, I would much prefer to have the Government come and take the plant, pay me for it, and be through with the transaction, than I would to have it take the industry, like it did the railroads during the World War, then at the end of 3 or 4 years have the industry turned back to me, a disorganized, run-down, and worn-out plant.

I wish I could be convinced that this is really a bill to provide training for the young men of the Nation and nothing

more than that. If that was all this bill contained there would not be 10 votes against it in the House. I wrote back to several men of military age who had written to me objecting to the passage of this legislation and asked them the specific question whether or not they would object to the bill if it contained language limiting it to training only, and with the further provision that they would not be sent out of the United States or our own possessions without their consent or until the Congress declared a state of national emergency or a state of war to exist. I sent altogether 104 of those letters, and 83 were interested enough to reply. Of the 83, 76 stated frankly that that would remove their objection; that they had no objection to giving a year of their time to military training, because, as some of them said in their letters, whether they were ever called upon to perform military service after that or not, they felt they would get certain benefits from the training and the country would get certain benefits. Whether it is true or not, I am convinced that most of the young men that will be affected by this legislation have a real fear that there is something more to this than training.

I have read the hearings before the Senate Military Affairs Committee and most of the hearings before our House Committee on Military Affairs, and from those hearings you can get any material for an argument to build up any position you want to take. For example, you will find in the hearings a statement by General Marshall to the effect that 500,000 men are what he felt were needed for war strength. To be sure, in another place in the hearings he speaks of 1,200,000 men. With the men that will be called into the service under legislation recently enacted, the National Guard bill, with our Regular Army, the National Guard, Reserve officers and retired officers and men that will be called back to service, we have today somewhere between 650,000 and 700,000 men. We can give General Marshall the 500,000 men that he himself testified he wanted for war strength. We can devote our money, if we have any left, and our energies to getting the proper and adequate equipment for those 500,000 men just as rapidly as possible and still have 150,000 officers and men available for training if we need these reserves. I do not think anyone will deny we should have in this country trained reserves. In order to get 500,000 men we have had to use every worth-while reserve force we have, our National Guard and our Reserve officers, and we are right down to rock bottom when we call them into service. I do not think there would be any objection to calling in for training 400,000 men and we would have the men to train them. I realize the argument has been advanced by General Marshall and General Shedd that this would interfere with their plans, that they are going to fit these trainees into Regular Army divisions and into National Guard divisions. We propose eventually to have nine complete divisions.

I am certainly not a military expert and I would not pose as one, but it seems to me a matter of simple arithmetic that we can take three divisions and equip them as completely as possible, having them available to go anywhere they can legally go, anywhere in the Western Hemisphere, and build up the other six divisions, using trainees to strengthen them. Just to say this would interfere with the plan they have in mind does not seem to me a sufficient answer to give the Congress, because from reading the testimony and from other things I have read, I am convinced that the War Department has for too long a time given orders to Congress instead of taking orders. We enacted a law providing for 1-year enlistment, but that was ignored and about the only 1-year enlistments we have had are those who are taking West Point examinations. If the provisions of the law passed by this Congress had been lived up to and if we had tried in the last 6 months or year to recruit the men for a year's service, we would have many more thousands of men in the service than we have today.

Mr. Chairman, I said at the outset that this bill as it comes from the committee, containing as it undoubtedly will the Overton-Russell amendment or substitute, is a greater threat to liberty and to peace than the threat or the danger we face if we do not pass the bill at all. The Overton-Russell amendment provides that the Government can take over industries and facilities. Certainly the word "facilities" has been interpreted in a very broad way.

It was stated in the other body that it would include newspapers and radio stations. Even though we leave that out, to say that in peacetime—and, thank God, this is a time of peace for the United States—the Government can go in and take over an industry because the manufacturer does not want to accept an order on the terms that are offered to him, is going a long way. In other words, the Secretary of War and the Secretary of the Navy and the President would be the sole judge and jury as to whether the terms offered the manufacturer were just or fair. To be sure, we had that legislation passed in 1916, but it was passed as a wartime measure. Now we are trying to write that same language into a law that will go into effect at once when the President signs it.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield to the gentleman from New York.

Mr. CELLER. May I say to the gentleman that we passed, in 1931, during the Hoover administration, an act embodying exactly the provisions that were embodied in that act of 1916? We reaffirmed our belief in those provisions in 1931.

Mr. MILLER. When was that to be effective?

Mr. CELLER. During any war period.

Mr. MILLER. During any war period? I grant you that.

Mr. CELLER. However, the principle was adopted by us.

Mr. MILLER. Nobody questions that we have adopted the principle as a wartime measure, but never in peacetime. [Applause.]

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. CLEVENGER].

Mr. CLEVENGER. Mr. Chairman, I cannot go along with this peacetime conscription of what I am sure is another American expeditionary force.

This time, the little white crosses, row on row, will without doubt extend from Labrador's snowy wastes to Patagonia's lonely reaches and from present indications may well stud the tropical miasmic swamps of Sumatra and Java, in the interests of the tin can and the rubber tire. The propaganda is already having its effect and soon these sons drafted in the name of national defense may find themselves in the ranks of armies of imperialistic adventure, maintaining the interests of the British Empire in the distant East Indies. The news screen of the inspired interests of international business are this week blaring forth in the Nation's Capital these very ideas.

We might replace, if we must, the tin-plated can with one of silver in an emergency and come off financially better than to engage in a military adventure based on Singapore, step by step, from the day our envoys went to the "red" capital after the President had recognized the "red" regime in one of the many absences of the Secretary of State to Latin America, down through the Chicago bridge dedication speech in 1937, in which the quarantine of nations with an ideology differing from our own was proposed.

Out of this welter of charge and countercharge a rather clear picture is emerging. The New Deal has not changed its method—only its course. It is founded on borrow and spend. It has not and never has had a more stable foundation.

Quoting Mr. John T. Flynn, economist: On December 28, 1937, I wrote:

> I wish to make four statements.
>
> Statement No. 1: The President is about to launch a huge armament program as a means of spending money.
>
> Statement No. 2: He is about to launch a series of war scares in order to make this armament program possible.
>
> Statement No. 3: He will do this in order to distract attention from the disintegrating domestic situation.
>
> Statement No. 4: He has in mind shifting public psychology from the domestic economic to the patriotic motif and to build up the slogan, Stand by the President in 1940.
>
> I leave it to any fair mind whether this is not precisely what has happened.
>
> Mr. Wallace poses the issue of the campaign from the Roosevelt angle, "Roosevelt or Hitler."

As for conscripting wealth, that is a natural consequence of all the rest. It goes with the farm; it is part of the inevitable sequence which Mr. Willkie actually assists; economic disintegration, increased spending, national defense as a reason for spending, huge armaments, armies, two-ocean navies, conscription, conscription of wealth, dictatorship—war. But the economic situation is not mentioned.

To be superimposed upon our present $50,000,000,000 national debt will be this colossal armament program, now swollen past national defense into hemispheric defense. Now into a world-dominating dream of countless billions.

At home our collection of Federal taxes now three times the two billions collected in 1932 are not sufficient to cover the ordinary expenses of government, swollen to double and more the cost then. On top of this a grandiose system of farm payments, relief, public building, and social experimentation, larger in its aggregate than the whole cost of civil government in 1932; schemes which the New Deal hastens to assure will be in nowise cut or lessened. Now superimpose this wild-eyed spending in the name of national defense. The prospect of 4 years more is a debt exceeding eighty billions if that much can be borrowed; a loss of all civil rights of our citizens, regimentation, totalitarian control, and eventual bankruptcy, and then chaos.

Voluntary enlistments have not failed.

Gentlemen, these are sovereigns you are conscripting in peacetime, not subjects. You are today preparing to enter entirely new fields with our military might, following the strange devious ways of our roving ambassadors abroad.

Strange while we condemn one set of dictators abroad that we make moves looking toward cooperation with the bloodiest of them all in an Asiatic adventure.

Once more entangled in the web of European and Asiatic power politics we take the road to war, to debt, and the loss of our Republic; given the power of purse, given the power to draft the manhood of this Nation, given the terrible drive of necessity to cover domestic failure at home after the futile expenditure of $60,000,000,000, the New Deal now drives ahead with this latest "spendkrieg."

Our destroyers already in, we enter the bloody road to war. Franklin might exclaim with Louis, "After me, the deluge." [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. McDOWELL].

Mr. McDOWELL. Mr. Chairman, a while ago the gentleman from Illinois [Mr. SABATH] very specifically pointed out that this bill, which, if passed, is destined to change the history of the world, is not a conscription bill but a measure for selective service only. That is the most absurd and ridiculous hair-splitting statement that it has ever been my misfortune to hear upon this floor.

If the situation were not so deadly serious it would be humorous to term this bill selective, which in its very language will give the President of the United States the power to force into military service millions of American citizens, pay them the lowest salary rate in the Nation, and force them to go to jail or pay a heavy fine if they do not comply with the law. The gentleman from Illinois' interpretation of the bill as not being a conscription measure can hardly convince any person but himself.

I am thoroughly opposed to peacetime drafts, peacetime mobilizations; enforced military service is a European instrument and is probably the reason for most of the anguish and misery that has existed in Europe during the last century. Millions upon millions of Americans are Americans today because they fled from forced military service in peacetime in the countries of their origin, and here, to their dismay, they find that the very thing guaranteed them when they first saw the Statue of Liberty in New York Harbor is to be installed in the last true democracy in the world.

I fancy that I have received as many letters on this draft bill as any other Member of the Congress, and my people write me not because they have been inspired by clubs or organizations or propagandists or anything else, but because they have perfectly normal Americans' distrust for the draft; and I can say in all truthfulness that my letters opposing the draft must be at least 50 to 1 or more.

In a very thorough and painstaking survey of my district by my own newspaper staff they find the same ratio back home against the bill.

The arguments in favor of the draft, from my point of view, are not sincere and in some cases most certainly are not true. The chief reason the proponents of the draft are advocating is that enlistments are not large enough and that the enrollment system is a failure. Just this afternoon the War Department furnished me with the following figures on enlistments:

In June there were 23,441 enlistments; in July there were 33,958; the tally thus far for August is 33,880; and the Army major who gave me those figures estimated that the August total would be approximately 40,000. Precedent indicates that fall enlistments are always the heaviest, and therefore to estimate that there will be more than 50,000 per month during September, October, November, and December indicates very clearly that in addition to the Army that we now have we will have enlisted a third of a million men to train with broomsticks for guns and stovepipes for cannon. In my city of Pittsburgh 10 days ago all peacetime records for 1 day were broken.

The public press 2 weeks ago declared that an all-time, peacetime record had been broken in the third week of August for enlistments in the United States Army. A high official of the Army this morning told me there were thousands of Reserve officers who will not be called for a long time, and, furthermore, told me that there were thousands of capable men desiring to take officers' training who would not be accepted because of lack of need for them.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. McDOWELL. I yield to the gentleman from Ohio.

Mr. ELSTON. The enlistments to which the gentleman referred were all for a period of 3 years, and at $21 a month.

Mr. McDOWELL. I thank the gentleman for his observation.

One of the arguments frequently used in favor of the bill is most unfair to the present generation of youth. I have heard many, many times that the youth of America needed discipline; that this is a method of taking them off of the street corners and out of the poolrooms and teaching them good Americanism. Sincere persons should be ashamed of such an untrue and unfair charge as that, as the present generation of young people, and the last generation of young people, and the generation of young people before that were just the same. It is just a new crowd of youngsters doing the same old things we did.

I have had several years of full-time intensified military training. In my case, I enjoyed it immensely, and in my case I believe it helped me immensely; but in the case of many men who served in the same ranks as did I, military life was poison to their very careers. Good fellows they were, honest, sincere, patriotic, and loyal, but who hated the uniforms and the guns when they were not required to defend the security of the country.

It is easy for gray hairs to point out to reckless and irresponsible youth they should don the uniform and go marching off with the guns. Their sacrifice will be in watching them go. For God's sake let this Congress consider some little bit the feelings and the desires and the future of those lads who will be affected by the draft.

The time may come when I shall vote for the draft, but it is not here yet; and until I sincerely believe that our country is facing invasion, I shall not vote for the draft. I do not agree that this is a political issue. The heads of both major political parties seem to agree on the necessity of the draft. That agreement on their part does not affect me, as I am charged with carrying out the desires of the third of a million people that I represent here in Washington.

No measure before the United States Congress ever transcended in importance this thing that we consider here today. No Congress ever faced a graver responsibility than do those who will vote this week on this draft bill. If you vote up the

bill and pass it, America has turned a corner that she will never round again. Her chastity or virtue can only be once destroyed; after that it is customary.

For the sake of the young men of this Nation and for the ideals of the Nation, let us defer the draft until a time of need.

If we are going to get in this war, for God's sake let us do it honestly and not sneak in. If we are going to change our form of government, for God's sake let us do it honestly and legally. The President, a few days ago, said the draft was needed in 2 weeks. If he has received fresh and alarming news from abroad then let him tell it to us, the representatives of the people—otherwise let us vote against this imperious demand and warn officers of the Government who thwart the laws of the Congress by extra-legal means they face the threat of impeachement—the last weapon left in the hands of the people. [Applause.]

Mr. MAY. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I am one of those who are wholeheartedly in accord with the principle of what is known as the Russell-Overton amendment, an amendment adopted to the companion bill of the bill we are now considering when it was pending in the Senate, and sometimes referred to as having to do with the conscription of industry, having as its objective the forcing of recalcitrant units of industry which may refuse to do their patriotic duty in an emergency of this sort to measure up to what the American people have a right to expect of them.

I want to undertake to make some brief reference to the committee substitute for the Russell-Overton amendment, which is to be offered by the Committee on Military Affairs under its privileges under the rule which has been adopted, and in connection therewith to the substitute proposed by my colleague the gentleman from Georgia [Mr. VINSON] with regard to which I had some colloquy with him when he was addressing you earlier in the afternoon.

I have not had an opportunity to compare carefully the language of the amendment which will be proposed by the committee with the language of the Russell-Overton amendment adopted in the Senate, nor have I been able to see a copy of the substitute amendment which will be proposed by the gentleman from Georgia [Mr. VINSON]; but judging from his discussion of his amendment when he was on the floor and his explanation of what his amendment proposes to do, I submit to you in all fairness that the language of the committee amendment is vastly more desirable than the language of the substitute for the committee amendment which will be proposed by the gentleman from Georgia.

There is one very outstanding and, I think, perfectly valid reason for my entertaining this conclusion. The gentleman from Georgia says that under the language of his amendment, if the Government goes to a manufacturer who is equipped to manufacture and in the business of manufacturing goods of a certain type, and that manufacturer refuses to contract with the Government upon reasonable terms, the Government may then take over the plant of that manufacturer and continue its operations, paying therefor, of course, a reasonable rental based on its value.

I asked regarding the situation that arose recently when the Government undertook to contract with the Ford Motor Co. for the manufacture of an airplane motor known as the Rolls-Royce motor. As I understand, there was no plant in the United States which was equipped to manufacture that particular motor although the Ford plant with additional equipment could have undertaken the contract. Under the language of the Vinson substitute to the committee amendment the Ford Motor Co., if approached again with a similar proposal by the Government, would only have to say, "This plant is not equipped for the manufacture of Rolls-Royce motors; it is not in the business of manufacturing Rolls-Royce motors; and, therefore, there is no way under the law by which you can compel us to contract with the Government for the production of such motors on terms that may be reasonable."

It would not avail the Government anything to say, "There is no plant in the United States which is able to manufacture such motors or is at present equipped to do so, and you may, by making changes in your equipment, be able to comply with the Government's requirements."

The committee amendment, as I understand, differs from the Vinson substitute in this particular. The committee amendment provides that where a plant is capable or susceptible of being transformed readily into a plant which can manufacture the kind and type of goods required by the Government, the owner of that plant may be required to contract with the Government, even though to do so would involve the addition of equipment which he might not possess and the making of changes in his methods of manufacture.

To my mind it is desirable that the Government should possess that authority, and I certainly can see nothing wrong; I can see nothing which is tinged with sovietism, as has been said of the Russell-Overton amendment in certain high quarters, in requiring the owners of manufacturing establishments in this country to render service of the type which they are capable of rendering to the Government of the country in its time of emergency for reasonable compensation.

Mr. Chairman, within a few days it will become my duty to cast one vote as a Member of this body upon the most solemn and vital question which has come before us during my almost 14 years of service here. Call it selective service, call it compulsory military training, call it what you will. The people call it conscription. The people know, because they have felt its burden in the past and will bear it in the future if it is enacted into law.

### LET US REALIZE WHAT WE ARE DOING

Let us have no palliatives, no sugar-coating of the pill. It is all right to talk of the advantages to young men of military training. There are undoubtedly some advantages, just as there are in many other forms of training for which no man has ever been conscripted. The sober fact remains that to conscript a man for military service is to impose upon him the heaviest burden of citizenship, and that no man in his right senses would contemplate doing it for a moment unless convinced that his country is imperiled and that its safety cannot be insured in any less drastic manner.

### HOW DO WE KNOW THE NEED?

Let us be honest with ourselves and with our people. There are men on the floor of this House who talk wisely about the strength or weakness of our Army, our Navy, their possession or lack of adequate equipment, whether they could sustain the brunt of attack from conceivable military combinations abroad, either in their present state or as they may be improved by appropriations made by this Congress, who know little about such matters except as they are informed by experts of the Army and Navy. It is upon these experts that we must rely for truthful information about defense requirements. It is equally true that it is in considerable part upon the State Department with its diplomatic and consular service, with its contacts with every nation in the world, with its sources of information that are barred to you and me, that we must rely for authentic information as to the possibility or probability of our Nation being subjected to such attack. These are the sentinels whose duty it is in the one instance to defend us from aggression and in the other to advise us as to the possibility of aggression. And the minds of most Members of this House are going to be made up on this question, not by anything they know of their own knowledge, but by what they have been told from these authoritative sources.

Newspaper and radio propaganda we cannot trust, which is not to say that we do not have an honest and informed press as a whole or that radio, insofar as it can be, is not honestly controlled. Despite all purposes of honest men to the contrary, we know that money through the press and radio has been used before and will be used again to have the people believe whatever those who spend the money want them to believe. But if we cannot trust these men who have given their lives to the work of our War, Navy, and State Departments; if men with the sources of information possessed by Cordell Hull as Secretary of State cannot be trusted; if the

President of the United States would be traitor enough to be dishonest with his people and bring them to the verge of a war for which no need exists, then, indeed, God save America.

Because I trust these men, because I know they are in better position to know what they are talking about than I am, because when I compare their statements with what I can learn otherwise about happenings abroad I believe them to be true, I am willing to vote conscription. I am willing to do it only because I believe that our national safety depends upon it.

THE APPROACH OF DANGER

I have watched the present European war loom on the horizon like a cloud the size of a man's hand; I have watched it blacken the whole eastern sky; I have seen the threatening tentacles of the storm reach out to encompass our own country and practically every country on the face of the globe; and with every lightning crash, with every louder wail of the hurricane as the crescendo of hate and murder reached its zenith I have feared, as you have feared, that the gale might eventually sweep over our own country, that the lives of our own boys by the millions might be demanded as a sacrifice to the god of war, and I have sought as one Member of Congress to lend every effort in my power to the preservation of peace and freedom in this Nation.

New and powerful forces are loose in the world, born of hatred and greed, and working contrary to every principle of Christian civilization. There have been periods in history when nations observed ordinary principles of honesty and fair dealing, but this is not such a period. Most of the great nations of the world have departed from any idea of observing principles or of paying attention to solemn treaty obligations. With them today there is but one question, and that is, what do they want and whether they are able to take it. The same doctrine applied to individuals would make of them thieves and murderers. I am unable to distinguish between nations and the individuals who make up nations, so it seems to me that some of the greatest nations of the world today have become international thieves and murderers.

It is significant that in order to get their own consent to do it they had first to destroy in their lands the religion of the Christ of Bethlehem, the bedrock of modern civilization. If they succeed in their objectives, civilization as you and I have known it will be destroyed, perhaps for a hundred years, perhaps for a thousand years; but, for the time being, at least, it will be destroyed.

PREPAREDNESS AND PEACE

With these powers of evil loose in the world, what assurance have the American people of safety? What difference does it make if a thief says, "I'm robbing this house next door to you, but you needn't get your gun because I don't intend to rob yours"? Is there any man or woman so trusting as to be willing to rely on such assurance? There can be but one answer, and that is that the safety of America today depends upon America's ability to resist aggression. I do not mean that we must become involved in any foreign war; I do not think, if we act wisely, we will become involved in war. But I do mean that the United States must take steps to make it absolutely impossible that it could be successfully attacked by any nation in the world. That is the best assurance we can have that our sons will not have their lives snuffed out by the hundreds of thousands, perhaps millions, in a bloody war; and that is the thing that is being undertaken today by almost unanimous actions of the United States Congress under the leadership of a man who, under our Constitution, is our Commander in Chief in periods of national emergency—the President of the United States.

DOLLARS VERSUS HUMAN LIVES

There is, of course, some measure of complaint from those who think in terms of dollars rather than of human lives and happiness and who fear the tremendous tax burden which is inevitable; but the American people would rather sacrifice all they have and retain their liberty than to sacrifice all they have and liberty, too, by permitting themselves to become the victims of aggression. Today we are talking about compulsory military service, about conscripting men. Let there be no mistake; the American people are willing to furnish everything, even to their sons, that may be absolutely necessary for the defense of their Nation; but if the Government conscripts the sons of the people, it should conscript the dollars of the wealthy. It is unfair to take the poor man's son and place him in the battle line and only borrow the rich man's money and pay him interest on it. I do not know how long this emergency may last nor how extreme it may eventually become, but as one Member of this national lawmaking body I have declared, and I declare now, that I am willing to vote to give all that we have in our national defense, and that all includes money as well as men. There should be no more discrimination, no more getting rich in times of a national emergency by profiteers who fatten on the extremity of a nation while others sacrifice and suffer.

WILLKIE PUTS PROPERTY ABOVE PEOPLE

It has been distressful to my mind that a man who is the candidate of one of the major political parties for President of the United States has been for the last several days protesting against the conscription of industrial plants essential to national defense which may refuse to do their part. I can not conceive of such an attitude even on the part of Mr. Willkie. It is true that he said in his speech before the Economic Club of New York and the Harvard Business School Club in New York on January 21, 1935:

> No duty has ever come to me in my life, even that in the service of my country, which has so appealed to my sense of social obligation, patriotism, and love of mankind as this, my obligation to say and do what I can for the preservation of public utilities, privately owned.

But even his fancied obligations to public utilities, whose servant he has been for many years, should not indicate the existence of a feeling that any corporate interest in this country in time of national emergency might refuse to do its part and not be subject to governmental control. And yet his recent statements in violent protest against the Russell-Overton amendment seem to mean just that. In effect, Mr. Wilkie says, "Conscript the boys, take every mother's son if necessary and put him in the battle line, but if any munition plant, any manufacturing plant of any kind refuses to aid its Government in a national emergency, that is its privilege. Take the American boy, but do not dare to lay your hand on the American dollar."

So far as I am concerned, I am willing to take both when national peril justifies it; and if I could vote here for any course of conduct on the part of this Congress that would insure no American boy ever dying in battle I would do it if it cost every dollar that Mr. Willkie and his associates, or anybody else, have now or ever have had. I cannot do that. But at least I can vote to take the dollars along with the men, and, so help me God, I am going to do it whenever and wherever I have a chance.

I know some of the great newspapers of the country call this demagoguery. Those same papers, in the main, support Mr. Willkie's candidacy for President. To them, everything is demogoguery which does not recognize a vested right in capital to do what it pleases. I am glad that I am able to believe that the majority of the patriotic, honest American businessmen do not feel that way about it. But, so far as my vote is concerned, it is the duty of my conscience to determine what is demagoguery, and what is my solemn, sworn obligation as a Member of this House. And I expect to support the Russell-Overton amendment whenever the question it involves is before this body. If I did not do that I could never look the patriotic young men of my district in the face again. I could not say to them, "Yes, I voted to conscript you, but I would not even vote to take over an industrial plant needed to supply you with arms, or clothes, or food, when it refused to discharge that duty."

CONFIDENCE IN FUTURE

In my judgment, the future of our Nation is fraught with danger, but it need not be mortal danger. We are well able to protect ourselves. We are well able to make ourselves so strong we will not be attacked. I do not believe, under our present national policy, we will become involved in war; but

unless we are willing to sacrifice to build up our Army and our Navy, and our national defenses generally, there lies before us, not only the possibility but the probability of our being subjected to aggression. Some day the storm will have passed over; some day the sunshine of peace and civilized life will shine again. Whether it will be next month, next year, or 25 years or more from now, no man can tell. If it comes early that will be our blessing; but we must gird ourselves to resist the storm as long as it shall last.

We should not be unduly alarmed by those who claim that we are totally unprepared. We have the best navy in the world, and we are rapidly increasing its strength. We can have an army capable of resisting any invading force by the time we need it. We are providing equipment for that army at tremendous national expense and, of course, we would be foolish to do that without providing men to man that equipment. And if our men ever have to enter the battle line, we would be unjust to them if we sent them in to fight tanks and diving bombers, and all the other instrumentalities of modern warfare without being trained. We must, therefore, train at least a sufficient number of men. Let no mother feel that when her son receives military training he is being sent to war. He will be doing his part to prevent war, to prevent the possibility of our country being successfully attacked.

HOW MEN SHOULD BE SELECTED

I am glad that the present needs of our Army do not make necessary conscripting more than 900,000 or 1,000,000 men within the next year. At least that seems to be the judgment of the highest authorities. With the Senate age limits of 21 to 31, 12,000,000 young men would be within the draft age, and less than 10 percent of them would be drafted. I can see no reason, however, for the maximum age limit of 31. Many men far beyond 31 might better be able to perform efficient military service than some under 31. If conscription is to be had, it is only fair that the Army should have those men, whatever their age, who are best qualified to render the service that is needed. And, so far as I am concerned, I shall vote for much higher maximum age limits than are included in the Senate bill.

ACTION, NOT SPEECHES, NEEDED

I have felt some hesitancy in taking any time whatever for discussion of this very vital question, about which most men in this body, if not all, have made up their minds. It is impossible to hope that any vote will be changed by debate. The issue is one which has already been delayed too much by oratory and with regard to which there is an urgent necessity for immediate action. Under these circumstances, I would not have spoken at all, except that 2 days have been set aside for general debate and are to be consumed, and my failing to take time for debate would not in any way hasten a decision.

A VOTE FOR PEACE

I am voting for this bill not because I am for war but because I am against war. I pray God that our danger can and will be overcome without the sacrifice of a single American life. I think it probably will be. I know that an American Congress and an American President are working hard toward that objective today, and I believe that the prompt passage of this bill is essential, not to a war program, but to a program of peace. [Applause.]

Mr. ELSTON. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

FREEDOM OF SPEECH IS THE ONLY WAY MEN HAVE TO KNOW WHAT IS TRUTH

Mr. CASE of South Dakota. Mr. Chairman, steps short of war have taken us swiftly in that direction. Three years ago we were passing a Neutrality Act which, we were told, was to be permanent legislation. A few months ago we revised it and took a step short of war. At that time it was my conviction that action set our compass and determined our course. Since then we have taken several steps short of war, all in that direction, none away from war. Today we are considering the passage of a conscription bill.

There is one phase of the so-called Overton-Russell amendment to which I wish to direct special attention. It is to that portion which speaks of the possible drafting of facilities. A number of able commentators have suggested that this might mean control of the radio, newspapers, and magazines; in fact, would involve the whole realm of free speech and free press. Laying aside the question of constitutionality, I wish to speak briefly on the merits of such a proposition.

My position with regard to the principle of universal service in time of war is that one long announced and enunciated by the American Legion. I have gone even further and, before the Overton-Russell amendment was adopted in another body, had said on this floor:

> If the emergency calls for drafting men to fight, does it not call for drafting men to work in essential industries? Is it not as logical to draft capital that does not fight as to draft soldiers that do?

In harmony with that position, and not contrary to it, I wish to draw a distinction between drafting a man's body and drafting his mind. War is an anesthetic terrible enough of itself. It does damage enough to men's minds and souls without giving an emergency the sanction to strangle men's thoughts and the rights to express them. If we do that, we shut off the only chord which can lead the world back to sanity and lay the foundations of peace.

Let me challenge any proposition that free speech should be destroyed by saying that if you destroy the right of men to speak when they see error you destroy the capacity for victory. We should not forget that in World War No. 1 it was the blunt, outspoken, patriotic criticism by Northcliffe that forced changes in the handling of ammunition, which forced changes in the British administration, without which England would have been defeated before the United States ever entered the war.

The only guaranty the human mind has of truth is the freedom to question what purports to be truth.

Someone will say, "Yes; but times are different. This is a crisis. We have an emergency."

And I would respond, recalling in substance if not in actual language, the words of a great American, the late Senator Borah, when he once said, in effect, "Freedom of speech means nothing if it means only the right to speak on a subject where all are in agreement and at times when nobody objects."

Mr. Chairman, the very time when men might not like to hear what someone wants to say is the only time that freedom of speech counts.

Men may use the language of liberalism to slay the very principles they avow, and that assertion finds tragic support when men in authority assume a closed mind and insist in closing other minds also. For, Mr. Chairman, there is no tyranny so great as that which wraps the mantle of liberalism about the body of a self-proclaimed superiority of wisdom and monopoly of truth.

Military necessity may dictate the control or release of certain factual information in wartime, dangerous as that may be to the finding of what will win and what means defeat, but certainly no peactime emergency declared either by the Congress or the Executive warrants any statute which would destroy freedom of speech, the freedom of the press, and the freedom of men's minds to search for truth. [Applause.]

Mr. ELSTON. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. JOHNSON.]

Mr. JOHNSON of Illinois. Mr. Chairman, it seems to be the will of the people that we here in Congress appropriate sufficient amounts of money and take whatever steps that are necessary to provide them with complete safety from invasion under any and all conditions.

I think that is what we all want, and I think that is what we are trying to get, but I wonder if we are getting it in the best possible manner.

It appears to me we are making some errors and mistakes that could be avoided if we will only do a little clear thinking on this national-defense problem at the outset.

I do not want to see this Congress make the mistakes the legislative bodies of the countries that have fallen before the Nazi-Fascist-Communist combine made. It is obvious that

modern warfare is a much changed affair from that of the last World War.

Congress can appropriate endlessly and still not give us the kind of national defense we need now. The days of great massing of foot soldiers has passed. What we need now is machines and still more machines. Airplanes, tanks, combat cars, antiaircraft guns, antitank guns, rapid-fire rifles, and things of that sort. That is what we need in vast numbers to give us an impregnable national-defense system. You do not have to be an expert on military affairs to see that.

Old methods of warfare are so obsolete that it is reliably reported that 60,000 Germans with mechanized equipment overran France's Army of more than 2,000,000 men in just a few days. That proved that men are only incidental in modern warfare—it is more machine against machine than it is man against man.

In passing, it is well to note that this Congress has appropriated approximately $12,000,000,000 directly and in contract authorizations in the last 2 years, with another five billion on its way through the Congress at the present time.

We are advised authoritatively we need 50,000 fighting aircraft. Maybe that is the right number. I do not know. But I do know there is something decidedly wrong with our planning if we do not scatter those planes out through the country instead of concentrating them in large quantities at obviously vulnerable points.

What we need along with those 50,000 planes is hundreds, maybe thousands, of strategically located flying fields, with hidden below-ground bomb-proof hangars where they will be relatively safe from the prying eyes of an enemy force. European observers have reported that France lost most of her war planes on the ground rather than in the air, and also that the reason England is proving such a hard nut for the Germans to crack is because the English countryside is literally dotted with flying fields.

We need some exceptionally large flying fields, too. Many of the fields we now have are much too small to accommodate the Army's flying fortresses. And with even larger bombers soon to come rolling off the assembly line, it is imperative that the War Department be provided with funds to develop landing fields to accommodate these giants of the air.

So far less than 10 percent of the procurements of the National Defense Advisory Council's clearances have gone to firms located in the Middle West. An overwhelming proportion of the $12,000,000,000 already appropriated by this Congress for national defense has been awarded to concerns located on the eastern slope of the Appalachian Mountains and the western slope of the Rockies—both being areas more or less vulnerable to air attack by an invader.

These are situations, which in my opinion, should be corrected immediately. Furthermore, I beieve it would be advisable for this Congress to give the National Defense Advisory Council the power to actually order material for the Army and Navy, instead of only permitting it to "clear" procurements. The men that are serving on that committee are doing a good job now with their limited authority, but they could do a better one if they were clothed with more power.

I believe that the draft of 900,000 men into the Army is a far larger number than is needed at this time, although I am fully aware of the obvious truth of the statement that modern armies require much longer training than those of even 25 years ago. Furthermore, I am not convinced that induction of this large number of young men into the Army with its present low stock of equipment would not do more harm than good.

I think it would be a wiser course to make Army service more attractive to young men than it is now, through better educational advantages, better pay, and better housing facilities. I believe if the Army would equal Navy inducements it would be able to get all the voluntary enlistments it can handle for the time being at least.

It seems to me it would be strongly in the interest of national defense to hold off on conscription until the need for it becomes more evident than it is now, but in the meantime I think we should go ahead and mechanize our Army as rapidly as possible, not sacrificing quality for quantity, and if the time comes when voluntary enlistments do not keep pace with the acquisition of mechanized implements of war and invasion danger is acute, then we can resort to the draft. [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BOLLES].

Mr. BOLLES. Mr. Chairman, when I was a small boy living on a sand farm in Wisconsin, we hired a German youth, who had just come over from Germany, to work for us on the farm. I suppose he was about 24 or 25 years of age. He could talk very little English, but I was his tutor, and I taught him the English language in the lumberjack style. He came from Germany as a refugee. He fled. He hid himself on a Hamburg steamship and came to America. His idea was to get away from conscription, because one day, as he illustrated to us on the floor of the kitchen, in came three German soldiers, headed by a "blitzkrieging" sergeant, and stamped the butts of their muskets on the floor and said: "We want the boy." He was clever enough to get away from them, and he is now the owner of a big farm in the State of Wisconsin and has children and grandchildren, and is a naturalized citizen.

Until this morning we were at peace with the whole world. The European hurricane has missed our shores. No armed force is invading us; our ships have been free to sail all the seas except those in actual zones of war between other nations. Now we cannot tell what our definite act of belligerency may do to bring on war. When the neutrality bill was on the floor of the House, I opposed it. I called it "fraudulent," and the events of 24 hours have justified that statement. We are either wholly neutral or not at all. The latter action is the vestibule of war.

Mr. Chairman, the pitiful position of the chairman of the Rules Committee this morning when making a speech when he tried to evade the fact that this was a conscription bill with penal clauses was typical of the evasion indulged in by the proponents of this revolutionary un-American peacetime action.

We need no such army as conscription will bring.

Wars are no longer fought by masses of men. They are fought by instruments mechanized and motivated by powers other than human.

When Napoleon Bonaparte had finished his course, was on his way to St. Helena, with Elba and Waterloo behind him, with ambition atrophied, with the question of empire turned into dirty rags, with his France a great sepulcher of epauletted marshals and musket-bearing soldiers, it was found that commune after commune had no young or middle-aged men to do the work of rehabilitation. All had been conscripted; most of them had died for the greatness of France and for a burning candle of glory that had died in a flickering flame.

Conscription of men—masses of men who tilled the soil, who went about the daily business of the smith and the shopkeeper—the conscription that had taken the sons from the family and put them in the army of which they knew nothing, had been the strong arm of the despot from the day that power vested in one man had spread blood on the soil of the Eurasian Continent.

If you will read the sanguinary pages of history, that history that tells of the golden glory of conquests, from the days of Julius Caesar, Charlemagne, Gustavus Adolphus, Peter the Great, Frederik, Marlborough, in the wars of England with Holland, of Louis XIV, of Frederick the Great, of Suleiman the Sultan, and Jan Sobieski—wars of greed and horror, you will find that the common people, those who actually built these empires and kingdoms, who created the wealth, whose earnings bought the diadems and the ornaments for scepters, had nothing to say about it. Their mouths were taped with the threat of the garrote and the gallows. Freedom of speech and action were buried in the skull-laden catacombs of the past.

That is what we are doing here—closing the mouths of free people who should decide, so that they shall not decide. Their only voice is here in Congress through their Representatives.

It is not in the White House nor in the Army or the Navy. It is here in this Chamber.

No new dollar in this world ever came from a crown-wearing prince, an aristocrat in line of nobility, or an official of any government. They have been the parasites living like vampires from the blood of peasant and laborer, the artisan and the worker, the plowman and the toiler. No dollar came except from labor. Gold itself came from pick and shovel and the pan to separate the ore from its sand. Toil and labor, hard and continuous, cut down the forests, plowed the prairies, and brought into being the wealth of this, our Nation. The men who did it are the American people. We made the American way of government. We made it a nation of peace. We made it a nation ready to defend itself because it was and is a nation of homes, and every man is ready to defend his home. That was a part of their freedom, an essence of the life of America. Many had fled from conscription in armies in which they did not wish to fight for a cause of which they knew nothing.

It is 1,900 years since Christ died on the cross of Calvary that men might be free. Strange that since that time barbaric man has never let a year go by without a bloody war. Sometimes a full dozen have been fought at the same time. Strange, too, nobody ever won a war with lasting results.

Greed rode the mad horse of conquest. Bloody bodies cluttered the fields and roadways. Ignorant, stolid, sordid men, with no idea for what they fought or why they rode or had to die, marched on to death for the mystic leader who wanted something he did not have. These men had been conscripted.

Conscription is only as old as tyranny. Tyranny is as old as the world. Conscription is the right arm of despotic power. It is personal to the person in power and has no place in a republic of free people. In a free republic the defense of the nation is in the hands of the people. It is not dictated by a military cabal.

The conscription plan to regiment masses of men is outmoded. It belongs to the ages and years agone, Caesar and his legions, and let me here, as a part of these remarks, insert what has been said by Maj. Gen. John F. C. Fuller, who was Chief General Staff Officer of the British Tank Corps in 1917–18.

His studies of recruitment and training during the last World War led him to the conclusion that the future use of conscription will be limited solely to the armies of aggression for the purposes of occupation. Writing as long ago as 1928, Fuller pointed out that—

> The theory of conscription has run its course, and is today growing out of date. A few years hence no conscript army will be able to face an organized attack by armed motor cars, let alone by tanks and kindred weapons.
>
> To those who can read the past and follow present tendencies—

Fuller wrote 12 years ago—

> the future development of recruitment is clear and certain. The advent of the motor-driven battle vehicle has introduced armor as an essential in tactical organization. Another armored age faces the great armies of the world, an age of costly machines in place of cheap muskets. The tendency is, consequently, one toward small armies in which quality will replace the quantity theory of the present cannon fodder masses.

In his penetrating analysis of the World War tactics Fuller saw that—

> It was nothing less than a national, let alone military, crime to conscript all classes of men as if they were of equal value, and to fill the trenches which were little more than altars of human sacrifice to a discredited god, with highly skilled mechanics, miners, and professional men.
>
> Throughout the war it was scarcely realized by any of the general staffs that the one great tactical problem was not to increase fighting manpower, but as far as it was possible to eliminate the fighting man, the human slop-butt, and to replace him by a mechanic.
>
> In spite of tank attacks, air attacks, naval attrition, and chemical attacks, it was not realized that weapons give blows and men receive them, and that the main problem in tactics is how to give blows without receiving them, and not a mere question of human tonnage.

What we need is a mechanized army and human power of skilled and trained mechanics. We need a mobile, swiftly moving army for our defense to be placed at high speeds at danger points. That has now been fully demonstrated. France's Army of 5,000,000 men, who knew the school of the soldier and all the niceties of dress parade, were useless against the machinery of Hitler.

We can get that army by volunteer methods when we make the soldier into a modern man with some self-respect and respect from his officers, when we pay him a wage consonant with his work and consistent with American ideas. I would give him $35 a month, which is not a cent too much.

It has been said here on this floor that we cannot get volunteers. Listen to former Secretary of War Harry Woodring. He said:

> How any fair-minded Member of Congress could say that we have given the voluntary system of enlistment for the United States Army service a fair trial and that is has broken down and therefore we need the compulsory service is beyond my understanding.

That is the statement of the man who has had longer association with Army responsibility and defense responsibility under this administration during the past 8 years than has any other man except the President himself.

I want to quote some statements by Senator VANDENBERG in the Senate debate:

> Here is a news dispatch from my own State of Michigan:
>
> "More than 900 Detroit and Michigan youths joined the United States armed forces in July, establishing a new peacetime recruiting record. Every branch reached or exceeded its quota, as 937 men were selected from more than 2,000 applicants."
>
> A new peacetime recruiting period; every branch exceeding its requirements; yet we are told that the system is breaking down. In Detroit the Marine Corps had so many applicants that a number equal to 50 percent of the July quota is waiting for August enlistments. The services could not even take care of those who wanted to volunteer; yet the volunteer system is indicted for failing to produce the men the Nation needs.
>
> From the same State of Michigan, at Saginaw:
>
> "At the present time 25 men are on" what do you suppose?—"the waiting list, and will be assigned to various departments of the Army"—when?—"as soon as vacancies occur."
>
> Down in the Carolinas, from the Charlotte Observer:
>
> "Army enlistments for the Charlotte district broke all previous records last week when 504 men were recruited in the Carolinas."
>
> "Broke all records." We find the same story from every corner and quarter of this land. Yet it is said that the volunteer system has broken down. It has not broken down. There must be another reason for suddenly and precipitately asking America to submit to peacetime compulsory militarism for the first time in 150 years.
>
> Out in California—I am "sampling the Nation," as Dr. Gallup would say—the Los Angeles Evening Herald for July 31 says:
>
> "Recruiting at the United States Army station in Los Angeles so far this month has broken all peacetime records."
>
> Mr. President, wherever we explore the situation we seem to find the phrase, "broken all peacetime records," yet we are told that the volunteer system has broken down.
>
> I continue:
>
> "Navy and Marine Corps recruiting offices are crowded with applicants, and the aviation branches of all services are overenlisted and have waiting lists."
>
> Yet we are told that the men needed cannot be obtained by relying upon the traditional volunteer system.
>
> In Illinois, a citizen's letter in a Chicago newspaper says:
>
> "I suggested to a young man out of a job that he join the Army. I phoned the United States Army recruiting officer for information and was told there were no vacancies. I nearly fell over in a faint. The quota full, and yet all this hullabaloo about the draft! On repeating the story to a friend I found that 27 young men in the little town of Ashley had been told there were no vacancies."
>
> From the same State of Illinois, a letter to me dated August 7 says:
>
> "On Tuesday, August 6, at United States Courthouse, Chicago, 23 voluntary Army recruits were turned down. Reason: Quota filled, no housing, no equipment."
>
> Back to North Carolina. This is from the Greensboro Record:
>
> "More rigid rules are being set for applicants. They will not be applied to applicants now on the waiting list."
>
> My God, they cannot even take in those who are trying to get in, and yet they say the system has broken down and that it is not producing the youth power which the Nation needs.

Conscription may at some time be justified by a tragic necessity. That necessity is not here. I say a conscripted army or any other manpower army of a million or two or five million men badly armed or well armed would have no place to serve in national defense. You are going to devastate lives of men and youth who have jobs. You are going to swell the ego of someone with a Napoleonic complex and a desire to be a military hero. It is a grandeur indeed to head an army

with serried ranks of a million men in step behind to a hospitable graveyard.

Mr. Chairman, we do not need more men; we need more machines. We do not need more money; we need more use of the money. We do not need conscription, we need an American enthusiasm for protection of America.

I am opposed to conscription.

I am opposed to America getting into war.

I feel the American people will support me in this attitude.

Mr. RUTHERFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SECCOMBE].

Mr. SECCOMBE. Mr. Chairman, no legislation is more misunderstood at the present time I believe than is the pending bill. I believe we are failing to call it by its first name. There has been the feeling here today among my colleagues that this is a selective-training bill, and were it a selective-training bill I would be for it. But let us call it by its first name. It is a compulsory military-training bill, and let us not kid ourselves. Once this bill is passed you are not going on a cruise, you are not going on a vacation, you are not going to sleep in white beds. If you think you are, you are just as crazy as—well, you are mistaken, that is all. The sponsors of this bill would like to change the title of the bill, and give it a silk-stocking title, and not have the word "compulsory" coupled up with it.

Who are the sponsors of this bill? They do not come from the poor people, or the young people, or the working class, they come from the people who have practically nothing to give but all to take, the munition makers and international bankers, and in the end who will do the suffering, so to speak? Not the rich, but the poor.

I think I can speak from experience, like many of the other Members, and I do it without any apology. I served in the World War. I enlisted, and I am proud of it. Nevertheless, we are at peace, and this is a time when we must have some cool thinking and such thorough discussion and consideration that there can be no misunderstanding and go into this with our eyes open. I think we will all agree that "Western Hemisphere" is interpreted to mean from Greenland to the end of South America; still we ask: Are our boys to stay within the United States? The answer is under this bill—"No."

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SECCOMBE. I yield.

Mr. SCHAFER of Wisconsin. The gentleman served in the World War and he knows that when a captain goes over the top ahead of his company it inspires confidence in those men.

Mr. SECCOMBE. That is right.

Mr. SCHAFER of Wisconsin. Then why should the Members of Congress, other politicians, and aliens be exempt from compulsory military service under this bill? If the danger is so great as to warrant the compulsory conscription of men for military service in peacetime why should not Members of Congress up to the age of 65 be specifically included in the first draft so that they can serve Uncle Sam for $21 a month in the Army, Navy, or Marine Corps instead of their $10,000-a-year salaries and thereby let the country know that they are going to lead in this emergency the same as a captain who goes over the top at the head of his company?

Mr. SECCOMBE. I am in favor of it.

Mr. SCHAFER of Wisconsin. And why should we exempt millions of aliens, including many who have recently arrived from abroad, people like the Rothschilds and others who have come into the United States in droves during the past few years?

Mr. SECCOMBE. I am in favor of including Members of Congress in their entirety. I think they should be included. I do not think anybody should be exempt.

Mr. SCHAFER of Wisconsin. The military service of Members of Congress can start after their present term of office expires. Those who support this peacetime compulsory military service bill should be the first to be taken into active military service under its provisions. The people can elect others to take their places in the next Congress.

Mr. SECCOMBE. That is all right with me.

As to the alien, he is exempt from service under this bill. I do not say anything about the alien who has not had the privilege of his first papers, but if we are going to have a compulsory military training bill then let us not exempt anybody.

Let us take the rich, the poor, and everyone in.

Let us include everybody. [Applause.]

I want to go back to section 10. Under section 10, if you evade this registration, you are going to be penalized. Just read the section. It says right here very clearly:

> Anyone who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration shall be fined not more than $10,000 or imprisoned for 5 years, and also failure to register and comply with this act shall be so fined and imprisoned.

If a Member of Congress even, after we adjourned, went home and went out and talked against conscription, he could be thrown into jail and fined $10,000 and imprisoned for 5 years, under that section. There is a good deal more in this act than the mere freedom of the people, and these people have a right to come here and voice their sentiments.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. SECCOMBE. I yield to the gentleman from New York.

Mr. MARCANTONIO. With regard to restricting the use of these boys in the Western Hemisphere, I believe the gentleman will agree with me when I say that those words, "Western Hemisphere," were put in for the purpose of easing up the pressure against this bill. It is very, very conceivable, however, that all we have to do is just add a couple of more degrees to the hysteria which has been manufactured in this country, and we can convene the House and the Senate and repeal those two words, "Western Hemisphere," in exactly 24 hours. As a matter of fact, we do not have to do that any more. All we have to do is to get an opinion from the present Attorney General. [Applause.]

Mr. SECCOMBE. In closing, Mr. Chairman, I wish to make it known that I have voted for every national-defense measure the President has requested and I am in favor of some form of military training but I cannot support the provisions as contained in this bill as they are certainly drastic and dictatorial and of too permanent a nature and only short of a declaration of war itself to suit me. I personally feel that the people generally in my district are for some form of military training if they could be assured that it was to defend America and not to send troops to Europe. So why fool the people by this phoney bill under the guise of calling it "selective training," when it is the first step toward dictatorship and also the goose step. As a matter of fact, if we are to conscript the youth of our land then why not conscript the wealth of the land also. [Applause.] Let me remind you also of the obligation we assume in conscripting this great army in providing for them proper equipment, clothing, food, shelter, and hospitalization, notwithstanding the assurance that it is to be only during an emergency.

Who is to determine when and what constitutes an emergency? Is it to be the voice of the people? No; not at all, it is to be those drunk with power who would plunge this country in war itself to further their own political gain.

Why play politics with the peace and security of America when it is not necessary and such an emergency does not exist?

Let us be fair and honest to those we represent and prepare a military-training program on a peacetime basis and not use Hitler-like methods when it is not necessary. [Applause.]

I, therefore, hope and trust that every Member of this honorable body will search his own heart before voting for this bill which to me is absolutely un-American and place his patriotism above his greed and political affiliations. [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, the measure which we have before us is one of the most controversial that any Congress has been called to pass upon. As we meet here today, after 8 months of continuous session, the eyes of the country are upon us. This is a time of crisis, not only in the affairs of our own Nation but in world affairs as well. The very history of humanity may be greatly influenced by what we do here.

There are none of us but that realize the seriousness and the importance of our deliberations. Each and every one of us wants to do only that which is best and that which is right. Partisanship has no place in the consideration of the problem before us. Only the purest of patriotic impulses must guide our actions. It is our prayer that we be given the wisdom, the courage, and the Divine inspiration to bring forth a proper solution of this problem.

In discussing the issue before us let us remember that this measure does not provide for universal military training but for the conscription of an army. We must not forget that this bill does not set up a long-time program of universal training but only a short-time arrangement for the impressment of men into military service. Universal military training provides that all the youth of the country, as they reach a certain age or place in life, must, as each year rolls around, take military training as a part of their normal regular life and then be subject to the call of their country for a length of time thereunder. Conscription, as outlined in this act, provides that only a portion of the men of the country, according to lot, shall be called for military service.

Conscription, whether it be of manpower, of production facilities, or of wealth, is an action that is foreign to the American way of life. Conscription, in any form, carries with it the loss of individual rights, freedom, and liberty. Conscription is an arbitrary action which centers unusual power in the hands of the few. Conscription calls a halt to individual initiative and individual action. Conscription substitutes the judgment and the intelligence of the few for those of the many.

Therefore conscription is an action that should be taken only in dire extremity and only after it becomes apparent that absolute necessity requires the rights and the privileges of the individual be sacrificed upon the alter of patriotism for the safety and the good of all.

So in considering this measure we must of necessity determine in our own minds if the situation which confronts us is of such grave portent as to require the setting aside of the constitutional and long-established rights of the individual that our Nation and society, as we have known it, may survive. Whatever step is taken must be with the full knowledge and realization that one form of conscription inevitably leads to another and that the centralization of power in the hands of the few is always dangerous. We must never forget that the priceless rights now enjoyed by the individual have come as the result of centuries of bloodshed, struggle, and sacrifice. Such rights once given away will not be easily recovered. This Congress must not cast lightly aside the rights of any individual. It is our duty and our responsibility to safeguard and protect the rights, liberty, and freedom of the individual. It is only through us that the individual has a voice in government. We are the people. Ours is a solemn responsibility.

Our Government has resorted to the conscription of manpower for its own safety and protection on but two previous occasions. Each time our Nation was at war. Never in the past have we resorted to peacetime conscription. This is the first proposal for the conscription of men, and perhaps of property, in peacetime. We are asked to establish a new precedent. We are told that our country is in danger, that times and conditions have changed, and that prompt approval of this measure is vitally necessary.

Knowing that this membership wants to do only that which is best for our country, and believing that all of us stand ready to support any legislation that we may become convinced is necessary for the safety and welfare of this Nation, our first responsibility is, of course, to determine in our own minds whether or not this legislation is necessary at this time. To do this, reason dictates that we should pause for a little while to consider the present situation and to ask of ourselves, and of those in high authority best able to obtain correct information, a number of pertinent questions.

Is not the hue and cry for conscription based entirely upon the thesis that Britain will be defeated and that the axis powers will endeavor to invade the United States or threaten our security through invasion of some other portion of the Western Hemisphere?

Or is the demand for conscription coming because of some plan or commitment on our part to enter the European conflict?

In order for the Congress to pass intelligently upon this question we should know whether any commitments have been made, either actual or implied, to any foreign power that the United States will enter this war. Congress should be given all possible information as to the likely outcome of the present conflict. If England is crushed, what is the likelihood of an attempted invasion of the United States or the Western Hemisphere by armed forces from Europe? What are the chances for the success of such an invasion? What is necessary for us to do to successfully repel such an invasion of the United States? What further steps will be necessary to safeguard the entire Western Hemisphere?

What is the present condition of the American Navy and the American Army? What is actually needed to make both great branches of our national defense sufficiently strong to safeguard and protect our interests? What type of an army is actually needed to repel invasion? What is the actual need for manpower, for equipment, for matériel, for armament in order that we may properly defend our country?

What is our national-defense program?

What progress has been made toward getting it under way?

What is the truth?

These are some of the questions to which this body must have the answers in order to intelligently pass on this bill. Without such answers we will be simply gambling with our votes and with the rights and liberties of our citizens and the manhood and wealth of our country.

It will be contended by some that the information needed to properly answer these questions cannot be made public without danger. If such be the case, then let the information be given to the Congress in executive session and in sworn secrecy. We, too, are officers of the Nation. We are representatives of the people. If any official of this Government has any information that we do not have as to any dangers that threaten our Nation, then it is the patriotic duty of such official to furnish this Congress with the information that we may take all necessary steps to properly meet such threats of danger.

Like the country, the Congress is becoming confused in its thinking. The confusion comes as a natural consequence from the various statements, reports, and testimony presented to us and as a result of the artful endeavors of master propagandists.

We have been told by the chief of our Army and even by the President himself that our greatest need was for a completely mechanized, highly skilled, and well-trained army of five hundred thousand to a million men, extremely mobile and quick to strike, in order to defend this Nation. Congress quickly appropriated the money requested for this mechanized army. Today, according to official sources, we have more than 900,000 men in our armed forces. By December 1 the peacetime strength of our forces will be more than 1,000,000 men. Now we are told we must have an army of at least 2,000,000 men, and probably 4,000,000 or more. Why the change? Is it because we contemplate an offensive war rather than a defensive war? Can it be that our leaders are turning their backs on the need for mechanized war equipment? France had 6,000,000 riflemen, most of them conscripted, but she lacked mechanized implements of war. Are

we forgetting so soon the lesson taught in the Lowland Countries and in France that it was not manpower that counted but machines of destruction and the ability to use them?

We are told that needed manpower for our armies cannot be obtained through the volunteer system. Yet at the same time we receive information that the enlistment quotas for the Army are being more than filled and that the Army will be recruited to full strength by December 1, and that some branches of the service already have a waiting list, as does the Navy. No real attempt is being made to expand the volunteer system and to give it a fair trial. We are refusing admission to the Army of those who seek to volunteer through restrictive entrance requirements, while at the same time planning on training millions of men under far less stringent requirements. We are being asked to vote conscription while receiving complaints that it is practically impossible for Negro men to be taken into the Army as volunteers, even though thousands of them are ready to serve.

We were first told that the so-called National Guard training bill, which we passed here recently, was but for the purpose of giving more intensive training to our National Guard and Reserves in the arts of mechanized warfare, only to have it develop on this floor that the real power sought in the bill was not for the training of troops but for the right of the President to send them out of the United States into foreign countries as a military expeditionary force without consent of the Congress or the declaration of war.

The confusion in the public mind, and perhaps in the minds of some Congressmen, has been added to by statements of the President as to military equipment "on hand and on order." We were told by Cabinet officials weeks ago that Great Britain would be defeated within 30 days and that an attempt to invade the United States would in all probability come immediately thereafter. A few days later we were asked to pass legislation that little children might be brought here from the war zone because "the United States is the only safe haven left for these little children."

We are being opportuned to pass legislation permitting the sale of American fighting ships to England on the thesis that we do not need them, while at the same time being called upon to appropriate hundreds of millions of dollars of the taxpayers money for construction of like craft as vitally necessary to our national defense. We are being told that Great Britain faces quick defeat and loss of the British Navy and that those great war vessels would be immediately turned against us. Yet at the same time almost our entire Navy remains thousands of miles away in the far Pacific—days and weeks from the Atlantic seaboard, supposedly threatened with invasion from Europe.

We are seeing agreements being made with foreign powers at Habana and elsewhere that will bind the United States to future action, the exact purport of which we do not know. These agreements are not treaties made in the usual manner and subject to the approval of the Senate of the United States, as provided in the Constitution, but purely personal agreements made by the Chief Executive or his representatives.

We have been told in a public statement by the President that the Government now has on hand all necessary equipment and facilities to properly care for the immediate training of the increase in the Regular Army, the National Guard, and Reserves called into service, and all draftees brought in under this act should it become law. At the same time we receive reports of volunteers enlisting in the Regular Army being unable to start their training promptly because of lack of uniforms, clothing, and other needed military equipment. Some of us have seen with our own eyes National Guard units drilling and training with dummy guns made from downspouting and stovepipes. We have photographic evidence of National Guard men participating in mock warfare with all sorts of substitutes for armament and matériel to such an extent as to be laughable were it not so serious.

We are being told that this measure must be rushed through into law immediately, and that even 2 weeks' delay would mean the loss of a year in training. We are being told that there is not time to give the volunteer enlistment system a trial until January or for even 60 days. Yet high Army officers appear before congressional committees and testify that the plans for calling the National Guard and Reserves into service provide for a staggered schedule of fifty or sixty thousand men every few weeks, with the last of the troops being called December 30, because such guard men and Reserves cannot be assimilated or cared for in the United States more rapidly.

William S. Knudsen, head of the National Defense Council, testifies before a Senate committee that "it will be 1942 before there will be complete equipment for 750,000 men, and we have 900,000 men in the service right now.

We are told that orders for thousands of fighting planes have been placed and that the work of production has actually been started on many of them. From other governmental sources we are informed that only a few such planes have been ordered and that placing of orders and the manufacturing of planes and other needed war supplies has been delayed because of needed changes in tax laws.

We are requested to pass appropriations for the construction of dams in the Tennessee Valley, in expansion of the T. V. A. experimental program, under the plea that the same is necessary to provide proper national defense. This in spite of the fact that twice as much power could be obtained in half the time by erection of a steam plant at the same cost; and in spite of the fact that millions upon millions of electric horsepower are unused and available in this country at the present time. Almost every measure that comes before us is designated as an emergency necessary to the national defense regardless of its purpose or its purport.

Hundreds of millions of dollars of the taxpayers money are being appropriated for loans to foreign countries, especially South America, for buying agricultural surpluses, establishing manufacturing plants, public utilities, and so forth, supposedly to create good will for America and to aid in our national defense, regardless of the effects on our own markets and labor. At the same time we are creating a huge deficit in the United States Treasury greater than ever dreamed of before. No attempt is seemingly being made to reduce the cost of governmental divisions other than those connected with national defense, or to eliminate any of the governmental activities which have become more unneeded and more valueless as the national-defense program gets under way.

New tax laws are passed placing additional burdens upon our people but the executive and administrative branch of Government refuses to tighten its belt financially or to exercise economy. The mad dance of wasteful extravagance and wild spending continues unabated despite the warnings of danger ahead. The spend-lend program of 1939 was defeated in these Halls. The spend-lend program of 1940, far greater in its scope than that of 1939, is in full swing.

Surely if we are threatened with invasion and subjugation at the hands of a foreign tyrant, making necessary the consideration of the conscription of men, manufacturing resources and wealth, then we should be husbanding our resources, eliminating all governmental endeavors except the very fundamentals, and devoting all of our time, energy, and resources to the defense of our country and the protection of our national life.

We are told that our Government is endeavoring to keep us out of war. Yet when we look at the record we find that high officials are issuing bombastic and inflammatory statements certainly not peaceful in nature or intent. An American Ambassador stands on the steps of Independence Hall and incites the American people to enter the disastrous European conflict and urges that pressure be put on this Congress to immediately take actions that are further steps toward war. Criticism of the address immediately brings endorsement and commendation from high official sources. At the same time another American Ambassador, who by inference alone is critical of the actions of a friendly belligerent, is immediately called home beneath a cloud of criticism.

The gentle First Lady sponsors a showing of an inflammatory motion picture produced by one of the belligerents for war-propaganda purposes. Numerous other official and personal activities, as well as masterful propaganda, all are pushing us step by step nearer to war.

Remembering some of the happenings prior to the last World War, we have the right to insist that if there is any plan, or agreement, or policy, or program to take the United States into this war, then by all that is honest and holy the people of the United States have the right to know what is going on. Nearly a quarter of a century ago much was said relative to "open covenants openly arrived at." Let that policy once more be our policy.

Let us remember that the moment the United States becomes involved in war, liberty and freedom as we have known them are no more, constitutional government disappears, and the Chief Executive becomes vested with dictatorial powers.

It is my belief that if we were at war today, and Congress was convinced that conscription was of absolute necessity for the protection of our country and the continuation of our liberty and freedom, almost a solid vote would be cast for the conscription of any and all of our resources believed necessary for proper defense, and that the Members of this body would be willing and ready to serve wherever needed most.

So it seems to me that the question we must pass upon is whether or not conscription is needed and necessary at this time with America at peace. If we believe the United States is planning on entering the European conflict within the very near future, or that our country is in immediate danger of invasion, then we should vote for this measure. Make no mistake. This bill is a step in preparation for war. Under no other condition can it be justified.

However, if we believe that America is to remain at peace and that there is no present danger of invasion, then we should vote against this measure.

In voting on this bill we must not overlook the fact that one form of conscription inevitably leads to another; that the conscription of men brings the conscription of industrial plants; that the conscription of industrial plants brings conscription of labor; that the conscription of industrial plants and of labor brings on the conscription of raw materials and natural resources; and, finally, the conscription of agriculture and of wealth. And that when general conscription becomes the law of the land America is no longer a free country.

There are those who insist that a Member of Congress must vote for this measure to be patriotic. In answer let me say that true patriotism calls for us to vote only as our judgment and honest intelligence tell us is for the best interests of our country. To vote for conscription, and all the violations of personal rights that go with it, when actually unnecessary, and to place in the hands of the few the liberty and the freedom of the masses, would be just as unpatriotic as to vote against conscription once the proof of imperative need is presented. We can have our priceless heritage of liberty and freedom destroyed from within as well as from without. Our sworn and solemn duty is to protect our country against all enemies and all dangers, domestic and foreign.

As we act here let us not forget that the greatest responsibility that is ours is keeping America at peace with the world. Peace with honor, and the maintenance of human liberty under law, and the continuation of the only free and representative government in the world, are our responsibilities.

My one fear is that in our hate of dictatorship, in our sympathy for the oppressed of other lands, and in our burning desire to protect liberty and freedom, we may take the very steps that in the end will lead to our embracing the very form of government we now oppose, and to our losing the very liberty and freedom we are endeavoring to protect.

Each of us within our own hearts and souls must find the answer as to how we shall vote. It is my prayer and my hope that we may do only that which will benefit our beloved America. [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GROSS].

Mr. GROSS. Mr. Chairman, there is a wide difference of opinion concerning the conscription bill. I bear no ill will to any man who differs from my viewpoint, unless it is based on a partisan matter, and I am afraid there is too much of that in this bill. I am tremendously interested in the bill and I mean to do the right thing as far as I can for everyone concerned. A man who has raised eight boys and girls up to manhood and womanhood has a stake in this Government. I want to do the best I can for the youth of the land and for the people generally. I want to try to maintain our liberties.

We have appropriated money here recklessly, and the people have approved of it, as though the appropriation of money would solve our problems, both national and international, but it seems that is not the case. The Commander in Chief has not shown us that an emergency exists which warrants compulsory military training at this time.

The facts are these: The fleet is our first line of defense and we have 7,000 qualified volunteers waiting to get in there and no place to use them. If I am rightly informed, we have volunteers for the Army beyond what we can use. I know of recruiting stations where men have been turned down in groups recently because there was no place to put them.

They say the defense program has bogged down, but if it has it is not because the Congress has failed. The Congress has supplied the funds, which is all we can do. If it has bogged down, it is because it is in the hands of a group of partisans who are incompetent to handle the thing. We need mechanics, and the way to get these mechanics is to open the doors and let industry take in apprentices to train to be mechanics; but the administration will not hear of that. It wants to spend $50,000,000 or $60,000,000 to establish schools to train mechanics, but they will never build battleships that way.

If I am rightly informed, the President, under his program of full speed ahead, has given vast contrasts out to certain men in the country without any competitive bidding. A certain favored crowd evidently have what they want, and now it has come to the minds of some men in the departments that we should stop these profits and limit them to 8 percent. This is causing some trouble, too. The bill as amended in the Senate makes this impossible.

My love for liberty will not permit me to support this. On the other hand, when the Commander in Chief shows me that an actual emergency exists which warrants the raising of a large armed force, then my love for liberty and my sense of fairness will compel me to support a bill for compulsory military training, and not until then.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. What is the use of spending billions of dollars to provide for an adequate national defense, when the President deliberately, like Benedict Arnold, betrays the country, and sells essential portions of our national defense, including naval vessels, guns, munitions, and so forth, and sends them 3,000 miles across the sea to a foreign belligerent nation?

Mr. GROSS. I agree with the gentleman. The President now has about $10,000,000,000 of money and blank checks which he can use to push this program ahead. Why does he not work it out? We see, on the other hand, that vast amounts of money are being used for things other than national defense. These are the things that will compel me to vote against the bill. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. RUTHERFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, just before our esteemed colleague the gentleman from Pennsylvania [Mr. GROSS] left the floor I counted the number of Members on the floor. Fewer than 50 Members of the House are present to listen to the arguments offered in connection with this, the most important issue we have yet considered.

I am wondering if in our passion to save European civilization we are not forgetting the United States of America. I

recall the attitude of the peoples of the world toward this country after the World War. We went in as a Christian nation, with the fine ideal of making the world safe for democracy. When we came out of the war we were just about the most hated nation in the world. As a matter of fact, throughout the world they referred to us as Shylocks, because we kept books here and because we reminded them that they had borrowed some money from us.

Much has been said here today about the provision in this proposal that confines these conscripted men to service in the Western Hemisphere. You say that is the proposed law. We have had the experience with Franklin Roosevelt that he pays no attention to the law. One of these experiences we had only today. The law provides, and I am sure you will find it, since it was enacted during the administration of President Woodrow Wilson on June 15, 1917, that—

> During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war with any intent or under any agreement that such vessel shall be delivered to a belligerent nation after its departure from the jurisdiction of the United States.

That was and still is the law.

I call your attention to other conduct of the present President of the United States. Every action of his has indicated during all the time he has been in public life that he considers himself greater than the law. Last night I read John T. Flynn's book entitled "The Country Squire in the White House." Everyone of you recognize John T. Flynn as an able writer on politics and economics. He said in that book that in 1918, in Brooklyn, N. Y., while President Roosevelt was the Assistant Secretary of the Navy, he gleefully boasted that he had smashed so much red tape and law surrounding Navy contract-letting that he could have been put in jail for 999 years. He made that boast himself.

Now you propose turning over a million men to him to play with like checkers on a checkerboard, when he admits that while Assistant Secretary of the Navy he violated so many laws that he might have served in jail for 999 years.

When the World War was over in July 1919, in fact, 9 months after the World War had ended, he had let contracts for 10 cruisers and 97 destroyers at a cost to the taxpayers of $181,000,000, and he let these contracts on the cost-plus basis. This meant that the builders could continue on a "haste and waste" basis and be guaranteed a profit no matter what the cost. We are now sending these destroyers abroad. If any destroyers are to be sent, and there is some merit, possibly, in the sending of them, that is the right of the Congress, according to the law, and not of the President of the United States. The President is usurping the power of this Congress by so doing.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does not the sending of these 50 ships, regardless of what we may think of it as individuals, smack of dictatorship? Something that is as important as that should have been taken up by the Congress and the Congress should have taken the action rather than the President.

Mr. BENDER. I have received letters from my constituents, who know the law, asking how we feel about selling these destroyers or turning them over to the English. They know the law and you know the law.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Ohio.

Mr. SECCOMBE. Is there any doubt in the mind of the gentleman that we are not already at war and have been at war for some months? We are certainly not neutral.

Mr. BENDER. I have here an article which appeared in the Saturday Evening Post of July 13. It is stated that this article was written on June 10. The first paragraph reads as follows:

> With no notice to the American people or to the Congress that is supposed to interpret their will, this country entered the war 4 days ago. Stranger than the fact was the passive acceptance of it.

In the beginning Roosevelt sent over "obsolete" planes—and if the planes were obsolete, what in the world could the British do with them—then he sent over "obsolete" guns, now he is sending "obsolete" warships, and pretty soon he will be sending "obsolete" men. Any device at all that suits the convenience of the President is used in order to get us into this war by the back door. I say that it is essential for us to take inventory and understand what is happening to us, and tell the people of America what is happening to them—that we are being taken into socialism by the back door and being taken into the World War by the back door.

The United States now has 350,000 men in the Regular Army. There are 270,000 men in the National Guard. There are 109,000 men in the Reserve. This makes a total of 729,000 men.

But the Chief of Staff of the Army, only a short time ago, testified before a Senate committee that there is not now on hand enough equipment properly to take care of 75,000 soldiers.

There is not enough material on hand to mechanize for modern warfare more than one brigade—that is to say, enough equipment for about 4,000 men.

Sufficient equipment for an army of 750,000 men will not be ready for another 2 years.

Modern armies are mechanized units, manned by highly skilled mechanics; they are not marching troops for parade-ground purposes.

Why then 270,000 National Guard men, and—on top of these—2,000,000 raw recruits to drill with nothing more than broomsticks?

Whom are they going to fight? When are they going to fight? What are they going to fight with? And, most important of all, where are they going to fight?

President Roosevelt has pledged his word to Congress and to the people that not one American doughboy will be sent abroad.

Whom are they going to battle, then, on American soil?

What is this serious situation that has arisen which requires immediate action?

It must be startling because, only a few months ago, Mr. Roosevelt told the newspapermen that Congress should adjourn; that the only reason he could see for their remaining in Washington was to make campaign speeches.

Something must have come up to have changed his mind.

What is it?

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield to the industrious gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Should the gentleman criticize our ex-international banker, New Deal "fuehrer," Mr. Roosevelt, who unfortunately is afflicted with hallucinations and delusions of grandeur the same as Herr Hitler, Stalin, and Mussolini which cause these four dictators to believe that they are the only capable persons in their nations, created by God to rule those nations with an iron hand, irrespective of law and the right of men?

Mr. BENDER. The gentleman answer his own question.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield to the distinguished gentleman from Michigan.

Mr. MICHENER. I note in the President's message to Congress today that we are acquiring these sites for bases in exchange for 50 of our over-age destroyers. It is true that these destroyers were built during the World War.

They have been kept in stand-by, perfect condition since and within the last few months and at considerable expense they have been reconditioned or made as good as new, put in the service and are at this good hour plying the seas on patrol duty as a part of our national defense. How can the President, if this is true, certify, as he must do before he transfers these ships, that they are obsolete and of no value to our Navy?

Mr. BENDER. He cannot, but he has. While we are talking about conscription for the United States, peacetime conscription, I remind you that Canada has been in the war for a year—a year ago today Canada entered the war—and there is no conscription of men in Canada. Australia has been in the war for a year and there is no conscription there. Why conscription in the United States of America during peacetime?

The power of peacetime conscription, in the hands of an administration that has proved by its record to have utilized every conceivable excuse for regimenting America overturning all tradition and changing our form of government, is nothing but an invitation to disaster. If our country were at war, there would be no other alternative than to take this chance. But we are not at war.

I would like to read, in closing, from the words of James Madison at the time of the Federal Convention, and James Madison might be speaking today because his words are certainly prophetic and this is what James Madison said:

> In time of actual war, great discretionary powers are constantly given to the Executive Magistrate. Constant apprehension of war, has the same tendency to render the head too large for the body. A standing military force, with an overgrown Executive, will not long be safe companions to liberty. The means of defense against foreign dangers have been always the instruments of tyranny at home. Among the Romans it was a standing maxim to excite war whenever a revolt apprehended. Throughout all Europe the armies kept up under the pretext of defending have enslaved the people.

Some 25 years later, speaking in the House of Representatives against a proposed conscription bill, Daniel Webster offered an indictment that is just as applicable today. He said:

> It is time for Congress to examine and decide for itself. It has taken things on trust long enough. It has followed executive recommendations till there remains no hope of finding safety in that path. What is there, sir, that makes it the duty of this people now to grant new confidence to the administration and to surrender their most important rights to its discretion? On what merits of its own does it rest this extraordinary claim? When it calls thus loudly for the treasure and the lives of the people, what pledge does it offer that it will not waste all in the same preposterous pursuits which have hitherto engaged it? In the failure of all past promises, do we see any assurance of future performance? Are we to measure out our confidence in proportion to our disgrace and now at last to grant away everything because all that we have heretofore granted has been wasted or misapplied? What is there in our condition that bespeaks a wise or an able government? What is the evidence that the protection of the country is the object principally regarded?

This gentleman in the White House wants these powers. I do not know whether the next election has any connection with it but, certainly, there is some reason, some all-absorbing reason, for his wanting this extraordinary power while we are at peace. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, I am going to try to make a speech here about how this bill looks to me and I will be glad to be corrected as I go along by anybody who feels that I am making a mistake.

THE DANGER

I want first of all to read a short quotation from a man by the name of Hanson Baldwin, who is the military expert of the New York Times. Here is what Mr. Baldwin says in an article in Harper's magazine:

> Invocation of a compulsory act has many arguments in its favor, but it should be clearly understood that its adoption would create a profound, lasting, and inescapable change in the economic, social, and political life of our country and might well retard the growth of our civilization. A measure of such consequence, if enacted in time of peace, may become a permanent part of our institutions. It should not, therefore, be considered by Congress in this era of hysteria, but if intended as a permanent measure only in time of calm calculation. On the other hand, if conscription is needed merely as a temporary emergency measure to last for the duration of the emergency, then the emergency ought to be defined.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield, but I would point out to the gentleman that that is a quotation and I have not said anything myself.

Mr. FADDIS. The gentleman quoted Mr. Baldwin as a military expert, I believe.

Mr. VOORHIS of California. I did.

Mr. FADDIS. Would the gentleman check Mr. Baldwin as a military expert against the Chief of Staff of the United States Army?

Mr. VOORHIS of California. I do not know that that is the point at issue here, and I would rather not get into a controversy right off the bat. I am quoting Mr. Baldwin's opinion on the social and economic consequences of the passage of a conscription measure. I do not, certainly, want to set myself up as any kind of military expert either, but I do believe there is a great deal in what he says, and one of the things that concerns me the most about this proposition is the fact that in many cases this bill is being taken far too much for granted and without a deep concern about what may happen unless it is surrounded with the greatest possible safeguards. [Applause.] This measure will mark the most far-reaching change in the way America has done things that has been made in 50 years. We ought to be very profoundly concerned about it.

I can understand full well how people may vote for the measure with a deep feeling of concern and feel that they have got to do it for the sake of national defense in the immediate future, but I cannot understand how people can gloss the matter over and say, "Oh, well, we may as well do this, it is going to be all right there is nothing to worry about," because I believe there are lots of things to worry about, and it is about those things that I wish to say just a few words. It is true all of us want to make America proof against danger from without; we want to make her so strong that no one will dare attack her. But is it too much to ask that we at least try our very best to accomplish this in such fashion as to leave our democratic structure of government still standing?

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I will yield once more and then I would like to be allowed to go ahead.

Mr. RICH. What does the gentleman think about the proposition of giving an opportunity for 6 months to the people of this country to join our Army for a term of 1 year, and 1 year only, and be paid $35 or $40 a month? What does the gentleman think would be the outcome with respect to the number of people who would make application to join our Army?

Mr. VOORHIS of California. I think it would be a very considerable number, I will say to the gentleman. I will say further that I believe if a call for volunteers had been issued 3 months ago and if some recognition had been given to the men volunteering, the Army might well have today all the men it could effectively train.

THE STANDING ARMY

Now, it appears to me from what I have been able to read and study on this question that there are three problems that have to be met. The first one of those problems is the problem of a standing Army. I think I am correct that the Army itself says that they want a regular standing Army of somewhere in the neighborhood of 375,000 to 500,000 men.

I think I am correct in the assumption that these men cannot be trained for that Army adequately in 1 year; that they have got to be people who volunteer and are ready to serve for a good deal longer than that, or for at least 3 years. I think I am correct in stating that these men should be the most highly trained and expert people in the use of modern equipment of war and should have that equipment available to them. And may I say that this is the basic importance of the so-called draft-industry amendment, and that for my part I think this bill ought never to be passed, certainly, unless that amendment is in it. We can never justify a position of saying the emergency is so great that we must draft men but not great enough to require that we

make absolutely certain that these men can be supplied with the absolutely essential materials and weapons—and at a fair price without profiteering.

But here is the first problem, the problem of the standing Army. It has got to be met by the enlistment of people who are in there for a sufficient length of time to become experts at their jobs. I think it is true that the people of the United States have never accorded to their Army the amount of respect it is due. I do not believe we have insisted upon the standards that should have prevailed in that Army. I do not believe the Army has had the pay scale it should have had. For my part, from a layman's standpoint, it seems to me that when an enlisted man goes into the Army he ought to be able to hope at some time before he dies to become at least a second lieutenant. At any rate, I think there should be some opportunity for advancement. I think the opportunity for specialized training ought to be better than it is. I do not blame the Army for these things.

I think it is largely the fault of all of us that these things are so. I think they should be corrected and I think that is the answer to the problem of the standing Army.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman.

Mr. TERRY. I just want to call the gentleman's attention to the fact that a great many of the best officers we have in the Army now came from the ranks and they do have an opportunity of coming up from the ranks.

Mr. VOORHIS of California. Is that true? I have been informed that it was impossible for an enlisted man to ever become an officer in the Army.

Mr. TERRY. Oh, the gentleman is wrong.

Mr. VOORHIS of California. I would like to have somebody stand up and tell me where I am wrong.

Mr. FADDIS. Will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. FADDIS. Neither the present Chief of Staff nor the commander of the Panama Canal is a graduate of the Military Academy. A great many of the high ranking officers came from the ranks.

Mr. VOORHIS of California. Well, where does this opinion come from, then? I have read it and I have heard it all my life.

Mr. FADDIS. I do not know. I cannot explain the existence of rumors at any time.

Mr. MICHENER. Will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Michigan.

Mr. MICHENER. Those men came in through a war. Had those men served in peacetimes, and had we not had a war, none of the men to whom the gentleman from Pennsylvania referred would hold the commissions which they now hold.

Mr. PACE. Will the gentleman yield to me?

Mr. VOORHIS of California. Yes, I yield to the gentleman from Georgia.

Mr. PACE. I just wanted to read the gentleman, on line 10, page 18, of the present bill—

> Men in training and service shall have an opportunity to qualify for promotion.

Mr. VOORHIS of California. Does that mean they can qualify for promotion to become commissioned officers? If so, I am very glad.

Mr. PACE. Unquestionably.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. VOORHIS of California. I would like to go ahead. All I am doing is letting other people take my time. I have some things I want to say. I want to state some propositions, and I want someone to knock them down if they are wrong.

Miss SUMNER of Illinois. I wanted to get the gentleman's opinion about a proposition.

Mr. VOORHIS of California. Well, if the gentlewoman puts it that way, I will yield.

Miss SUMNER of Illinois. I know the gentleman always tries to be fair. I would like to ask him as a matter of fairness if he thinks it is right to force men to work at a pay that is not the market price when at the same time you are paying men in industry the market price for their products?

Mr. VOORHIS of California. No; I do not think it is fair. As a matter of fact, I think a comparable situation would be this: If you are asking men to come down from, say, $120 a month to $30 a month, it ought to be exactly as logical to ask a corporation to come down from 8-percent profit to 2 percent. [Applause.]

THE PRESENT EMERGENCY

The second problem we have got is the problem of meeting the present emergency. I do not know all about that present emergency. The picture that is painted for us is that if Hitler gets control of the British Fleet we will be in a different position than America has ever been in before. Of course we would. There is no question about that. Then people go on and say, "Suppose Japan and Germany both at once attack the United States or have an expeditionary force into the Western Hemisphere." It looks to me like an awfully big order.

It looks to me like it is, at best, a 50-to-1 chance that this emergency is going to take place, but I do not know for certain; and as long as I do not know for certain, I am not going to do anything that I believe is running a serious risk for the defense of the United States. But it appears to me that, if we are trying to meet an emergency in the next 6 months or so, the bill ought to be drawn with that idea in view, and I do not think it is. I believe what we are asked to vote on in this bill—and I have studied it as carefully as I could—we are asked to vote on the adoption of compulsory selective military training and service as a permanent policy for the United States of America and to do it under the impulsion of an "emergency."

Believe me, gentlemen, it is going to be difficult to ever repeal such a measure once you get it established, for you will have made of your Military Establishment one of the greatest economic factors in your whole country. You will have vested the greatest power in the Executive and the Army that Congress has ever granted in all American history, the power to draft her men into military service whether or not the Nation is at war. If you have to do it, all right; but I want to know whether you have to do it, and I want to know whether you have to do it this way. I want to know whether there is not a better way, safer for democracy, and I want us to recognize the dangers in this way and to adopt it, if we must adopt it at all for the shortest possible space of time. Remember, I am not talking here about training or discipline or anything like that. I am talking about power—concentrated Executive power over the life of American men.

Mr. ANDREWS. Will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. ANDREWS. The gentleman understands that the provisions of the bill are inoperative after 1945.

Mr. VOORHIS of California. I understand that; but it certainly seems to me, in view of the present circumstances, that if you pass a bill to operate until 1945, you might just as well make it 1965. [Applause.] In other words, the operation of this bill will be clear through the next Presidential administration and into the one after that. The powers that this bill confers upon the Army and the President of the United States, whoever he may be, will last that long, and by that time they will be mighty firmly entrenched with whole sections of Government and of industry dependent on their continuance. And may I point out that the bill itself contains in section 10 a provision which without much stretching can be interpreted to make criticism of this bill—or this law, if it becomes such—a criminal act. I know that is not the intention, and I know there must be a provision to prevent "fifth column" organizations from trying to interfere with the operation of this law, if it is passed. But given just a little more of the spirit of intolerance with democratic procedure and the exercise of democratic rights than we have now, and such an interpretation as I have suggested would be quite possible. These are things to ponder.

I do not know of a nation that has adopted peacetime conscription and then repealed it. But I do know of nations which have found that conscription was by no means the answer to their problem of national defense. And I shall never forget the speech of the gentleman from Mississippi [Mr. COLLINS], in which he called for 25 mechanized divisions of 9,000 men each and warned that we might never get them if we put our whole reliance upon numbers. Did not the gentleman from Mississippi [Mr. COLLINS] put his finger on our very most important defense need from an army standpoint?

I have no objection to the registration of all of us, including, of course, Members of Congress. Furthermore, on the bare chance that those who prophesy immediate danger might be right. I would be ready to get up here and speak for an emergency draft of such number of men as could really be given training provided it was going to last maybe for 1 year or as long as was absolutely necessary to tide us over this time when some people are telling us that an attack on the Americas is just a matter of a few months. I might say that so far as I am concerned, this whole calculation is on the basis of defense and not of a foreign adventure.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

TRAINING AND SERVICE TO THE NATION

Mr. VOORHIS of California. I thank the gentleman very much. The third problem is the problem of the training of our citizenry. I hope nobody is going to give me any credit for getting up here and speaking critically of this bill or for voting against it, as I may do, on the ground of saving somebody some trouble—I am not trying to save anybody from performing a necessary service to their country. But I am trying to see that it is passed around to all equally and that the sacrifice is not concentrated in a few spots among our people.

I agree to the idea that Americans as a group of people need to learn more about what they should give to their Nation, and that we have taken too many things for granted—all of us I mean, not just young people, everybody has taken too many things for granted about our country and has not thought enough about what we needed to give to it. But on this matter it seems to me again that the bill falls short. What it is going to do is to pick out certain people and put them under the Army for a period of "training and service," as the bill puts it. We are told that is more democratic, but I am not sure, for you select certain people to do a tough job for the rest of the people. And if I read the testimony correctly these will be mostly selected from among the unemployed who have had the very least opportunity of anyone in the past few years. It seems to me that what would be a democratic proposition would be if we said that everybody in a certain age group should give a year of service to the United States of America and in so doing we gave a certain amount of choice as to the kind of service they should give and some consideration to their own abilities and opportunity for development. We should require it of all—this year of service—and those who preferred would go into the Army—and I would pay them more than the rest—and some would be doing work like the C. C. C. and some learning mechanical training, some learning aviation, some in the Coast Guard, some in public-health work, and so on; but everybody would have to do something.

I believe the Army would get enough men to have the necessary trained reserve and all these men would have an experience at some sort of orderly, health-building service to their country. But you would not be doing the one thing that I am afraid of, and that is you would not be adopting what I do not think anyone can deny is the central feature of European dictatorship. Adoption of the power to draft men as a permanent policy seems to me to be the central feature of these dictatorships. I want to use it as sparingly as possible—for an emergency, maybe; but as a permanent policy I am dead against it. I shall ask unanimous consent to insert as a part of my remarks the text of a bill I have drafted which embraces the program I have spoken about, and which I consider as an intelligent approach to this problem, one that has some consideration for the people affected, one that takes into account the capabilities of the men, and one that gives a reasonable freedom of choice as to type of service but which requires training and service from all at some time in their lives and which would offer special inducements to those going into the armed forces. Such a program would provide a balanced program of defense training in all its aspects. I believe the schools and colleges could and should be properly tied into such a program.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. MAY. I agree very heartily with the gentleman in his statement that we all owe a certain service to our country. Does not the gentleman believe that 1 year's training during which the man is paid for his time—though a small sum—and during which time he gets physical culture and other training, is not a burden particularly but rather a good and that it will not injure any young man to have a year's military training?

Mr. VOORHIS of California. I do not think I have said it would, nor do I think so, and if I am understood as criticizing the idea of training for people I am misunderstood, because that is not what I am talking about. I simply believe that when we begin to concentrate this great power and to rely on compulsion instead of the traditional method of appeal to our people for patriotic service we have lost something very important.

I think it is inevitable that the point of view of any military establishment toward life is essentially undemocratic. Perhaps that is necessary, and I do not blame the Army for thinking it would be a good idea to put a large part of the Nation under the same sort of discipline the Army itself practices. But I think the dangers in this course of action, so far as the preservation of freedom is concerned, should be very apparent. When military rank and caste become a dominant factor in any nation's life, some other things are bound to be lost out of that life. I do believe that it is the duty of the United States Congress to think of our democratic institutions now more than ever. We want a trained army, yes, and we should treat it with decent respect, as we have not done. But we want the Army to be an agency of our democracy and not its master, just as with any other agency of the Government. We want them to do the best job they can, but we do not want them to get to be the whole works; and it is my fear that if you adopt this bill as presently worded you will run into serious dangers of doing just that. I have the utmost respect for the soldier. I have the utmost respect for the present Chief of Staff of the Army, but I do not know that he will always be Chief of Staff, and I have a wholesome fear of what this bill might lead to in other hands. The whole effect of my argument is that I believe we can supply all the things needed for military defense without the dangers inherent in a permanent policy of conscription.

Under certain circumstances I am willing to take a chance on some measures, even if they seem to me dangerous to the institutions of America. I am willing to do that only if I must for national defense; and, as I said before, I want any such measure surrounded with as many safeguards as you can possibly put around it, and I want it to last only as long as absolutely necessary. It does not seem to me that we have such safeguards in this bill.

Mr. BARDEN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. BARDEN of North Carolina. Is not one of the gentleman's objections to the bill the fact that they will come along and exempt, for instance, the fellow working in the munitions plant or the airplane plant, men drawing from $8 to $15 a day, but at the same time another man will be put into Army service and made to work for $20 a month; yet the United States Government pays them both out of the same pocketbook?

Mr. VOORHIS of California. Under this proposal that I sketched very briefly that could not happen, I may say to the gentleman, and at the same time the program I outlined would be administered by a civilian group. It would be a national-service program in the true sense. It seems to me we could meet the national emergency other than by a draft bill, such as this one is at present. We could make it a real emergency measure, if there is a real emergency. We could do the fair thing by the men in the standing Army; and we could have a national-service program of benefit to the Nation and to those participating in it. We could do all this without the things I fear in this bill. But I think we should be very careful, in our approach to this problem, that we do not establish such a peacetime draft as a permanent policy for the United States. [Applause.]

There follows the text of the bill (H. R. 10430) to which I have made reference in my speech:

*Be it enacted, etc.*, That the Congress hereby declares that the defense of the United States and the preservation of its integrity and its institutions demands the broadening of the opportunities for constructive work and training for American youth, the upbuilding of the Nation's health, the conservation of human and natural resources, and the continual maintenance of a body of citizens trained for participation in all the branches of defense activity, including that of the armed forces.

SEC. 2. It is hereby declared to be the policy and purpose of the Congress to establish the general principle that all male citizens of the United States shall engage in some form of service to the Nation for a period of 12 months at some time during their lives.

SEC. 3. It is further declared to be the policy of Congress to recognize the particular abilities and characteristics of individual citizens, to enable them insofar as possible to perform the service and acquire the training for which they are best fitted, and to promote the full employment of American youth in work beneficial to the Nation, its agriculture and industry, and to themselves.

SEC. 4. (a) All male citizens, and all male aliens residing in the United States or its possessions, who are between the ages of 18 and 24, shall, on the day or days fixed by the President of the United States for such registration, present themselves for registration and shall register at such times and places and in such manner as shall be determined by regulations prescribed pursuant to this act.

(b) All other male citizens, and all other male aliens residing in the United States or its possessions may voluntarily register in like manner on any day fixed by the President for such registration.

SEC. 5. Commencing with the calendar year 1941, all male citizens and all male aliens residing in the United States and its possessions reaching their eighteenth birthday during the preceding calendar year, or having reached their eighteenth birthday subsequent to the registration listed under section 2 of this act, shall, on the day or days fixed by the President of the United States for such registration, present themselves for registration and shall register at such times and at such places and in such manner as shall be determined by regulations prescribed pursuant to this act.

SEC. 6. (a) All persons who shall register under the terms of section 2 or 3 of this act shall be available to be called to perform service to the Nation for a period of 12 months under the agencies designated as national service agencies in section 13 of this act.

(b) At the time of registration each registrant shall indicate a first, second, and third preference as to the type of service he desires to perform and shall also indicate the year during which he desires to perform such service: *Provided*, That such service shall be performed during some year between the ages of 18 and 24 for each registrant required to register under this act.

SEC. 7. (a) The President shall be, and is hereby, authorized to appoint a commission of not less than 7 and not more than 15 qualified citizens, to be known as the American National Service Commission (hereinafter called the "Commission"), which Commission shall have the authority to select, so far as possible in accordance with their first preference, and during the year of their choice, such registrants as the various national service agencies shall certify that they can constructively employ during the ensuing year.

(b) The Commission shall appoint such national-service boards in the States and localities of the Nation as may be necessary to assist it in carrying out its duties as set forth in this act. Such national-service boards shall include representatives of religious, educational, labor, agricultural, industrial, and youth organizations.

SEC. 8. All persons who are found to be opposed on grounds of religious or conscientious conviction to the performance of military service shall be completely exempted from any such service under this act.

SEC. 9. The Commission shall, in consultation with the heads of the various national-service agencies, determine quota limits for each agency and shall have authority to select from among those requesting service in any agency, such numbers as that agency shall certify can be constructively employed by it during the fiscal year from the date of their selection, and to assign them to such agency.

SEC. 10. Men during their period of service shall receive $25 per month, plus necessary travel expenses from their home to the point of assignment, together with maintenance during the period of their service: *Provided, however*, That men choosing assignment to any branch of the armed forces of the United States and assigned to such service shall receive $30 per month.

SEC. 11. The President is authorized, under such regulations as he may prescribe, to establish the method of registration provided for under section 2 and section 3 of this act; and such regulations shall provide for a method of registering the preferences as to the type of service of each person so registered, together with a method of listing the year during which each registrant may desire to serve: *Provided*, That such service shall be performed between the eighteenth and twenty-fourth year of each registrant. The President is authorized and directed to establish regulations for the physical examination of all persons so registered, with proper provisions to assure that registrants will not be permitted to serve in any agency in which the service would injure their health; and to further provide a system of educational examination boards, to assure that persons selecting service under any agency requiring technical or educational training for effective service, have such technical or educational training as will make the service of such persons of value to the Nation. In the case of persons engaged in courses of study, training courses, or work of a nature essential to the national defense or the welfare of the Nation, the Commission, through the local national-service boards shall have power to designate such study, training, or work as national service and to exempt such persons from other such service.

SEC. 12. The Commission is hereby authorized to establish, under the active control of a civilian agency having experience in the field, and after proper negotiations with and approval by representatives of the nations involved, service camps in any or all South or Central American nations where such camps might aid in the national policy of friendship and good will to neighboring nations. All persons registered would be eligible for such service: *Provided*, That the Commission carefully investigated the individuals requesting such service to make certain that only those registrants who could aid in the national policy of good will to neighboring nations were assigned to such service.

SEC. 13. The following agencies are hereby designated as national service agencies:

1. Civilian Conservation Corps.
2. Civil Aeronautics Authority.
3. National Youth Administration.
4. Public Health Service.
5. Soil Conservation Service.
6. United States Army.
7. United States Army Corps of Engineers.
8. United States Coast Guard.
9. United States Coast and Geodetic Survey.
10. United States Forest Service.
11. United States Marine Corps.
12. United States Navy.

Congress shall from time to time add to the above list of national-service agencies the names of such other agencies as in the opinion of the Commission should be designated as national-service agencies.

SEC. 14. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of this act.

Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, if there is any one Member who has been an ardent supporter of most of the New Deal legislation, it is the gentleman from California [Mr. VOORHIS] who just left the floor. His conscience seems to be bothering him a little bit and he seems to be worrying about what is going to happen if this conscription bill is passed. He is not alone in that worry, but coming, as it does, from one who has given his allegiance all through our sessions to practically everything that has been sent up by the White House, it ought to make the rest of us think a little. The gentleman seems to be much concerned about who is going to train these men. Well, the President has appointed Sidney Hillman to take care of some of the youth of the land and we cannot tell from what the President has said what kind of training they are going to have, nor who is going to train them.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from New York.

Mr. MARCANTONIO. I simply want to make an observation with regard to the so-called labor leaders who have come out for this conscription idea. If they would pay more attention to labor's unfair list and less attention to the calling list at the White House, they would be rendering a real loyal service to American labor. [Applause.]

Mr. HOFFMAN. Quite true, and for once I find the C. I. O. opposing a measure which I oppose. Mr. Chairman, the point I want to make, and I hope the gentleman is listening,

is this: You can never tell by what the President says what he is going to do. In support of that statement let me call your attention to the utterances of three of his friends within the last 30 days. After the President made that statement through Senator BARKLEY at the Chicago convention that he did not want to be President of the United States, and did not want to be a candidate, do you remember that David Lawrence, in an issue of the United States News in almost so many words, said that the President was not telling the truth? Do you remember that Hugh Johnson said that that statement was not the truth? Do you remember that Raymond Clapper said that it was a historical and monumental deception? So some of us now are wondering whether this conscription bill is a bill to get men in order that they may be trained, or a bill to get men to carry on a war. It ought to be self-evident, because Americans are patriotic, that if the people believed this country were in danger of invasion, if they believed that our national safety were in peril, you would find men all over the country, yes, even Members of the House here, men physically unfit, volunteering for national defense. The reason you have not had more volunteers is because so few have any confidence in the man in the White House. Is that not right? That is the reason you have not had more volunteers, and that is one of the reasons why you have opposition to this bill.

Ever since the time he began to see submarines off the coast he has been pulling one thing after another on the people to frighten them.

Let us consider this message that came up here today. Who owns the warships? Who owns these destroyers? Does the President own them? Are they his warships? Some might think and some unthinking people might believe, from the way he has used them for vacation trips, that he owns them, but he does not. At least there is no law that has given him title to them. Yet what does he do? Although Congress is in session, although he knows that he can get any reasonable legislation he asks for the purpose of national defense through this House inside of a week, out of a clear sky he makes a deal for these destroyers. That is bad enough, but he gets skinned when he makes the deal.

What did he do? He trades off a bunch of destroyers for a leasehold. What does that mean? We are going to spend millions, perhaps billions, of dollars, to build airports, naval stations, and military bases on these bases. We are going to spend an enormous sum of money fortifying those places, and at the end of 99 years they go back to Great Britain. What kind of a deal is that? There is no horse trading about that which is profitable to us, is there?

There is a further thought that comes to my mind. Let us assume that it is necessary for national defense that the United States obtain offshore air, naval, and military bases so as to make impregnable our coast line. I am in favor of acquiring all we need. That necessity does not justify President Roosevelt is assuming the powers of a dictator. But there is an honest, legal way to get them. There is a fair way to get them. There is an American way to get them, and that is through the people's representatives. Let us get them that way.

Great Britain and France both owe us stupendous sums. France has been overthrown. Great Britain is in great danger. No one would take advantage of that danger to drive a hard bargain. But, remembering that, after the last war, she characterized us as a Shylock, there is no reason why we should not compel her now to deal fairly and honestly with us.

The President has transferred 50 of our cruisers to Great Britain in exchange for certain leaseholds on which to build defense works. Does he propose to send these destroyers into the war zone with American crews? How long ago was it that he promised to keep us out of war? Is this another one of his many recklessly made, quickly violated promises?

Send these destroyers across the seas with American crews and the United States is in the war, and it is in the war through the treachery of Franklin D. Roosevelt.

Mr. WOLCOTT. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. WOLCOTT. Personally I cannot reconcile the Attorney General's opinion with the principles of democracy as I have always understood them. If we carry the Attorney General's opinion through to its logical conclusion, I understand the President is authorized to sell the whole Navy, if he wants to. That to me seems perfectly ridiculous. If he has authority to sell any part of the Navy, of course he has the authority to sell the whole Navy. That is the most undemocratic thing I can ever imagine.

Mr. HOFFMAN. Why ask me a legal question about what the President can or should do? Has the President ever paid any attention to law? Does he regard it and obey it? The day has gone by when we in Congress should waste very much time while this man is in the White House. Talking about what is legal or constitutional? He is a law unto himself. His own opinion is the only law he recognizes. As the gentleman intimates, the President is not the owner of either the Army, the Navy, or any one of these United States or any city or subdivision of it. He talks and acts as though he had absolute power, not only over our destiny but over the physical property of these United States.

If he has authority to bargain with Great Britain and to either give or trade to her a part of the Navy, then it follows, does it not, that he has authority to trade her all of it—to transfer a part of the Army or the Army's equipment, our airplanes, our cannon? If he can give away or sell the Nation's property, then by the same authority he can transfer a part of our territory—for example, the city of New York—because, forsooth, Great Britain's Navy will be able better to defend New York's harbors. If he can bargain for a base in Newfoundland, then by the same authority he can bargain and acquire a base on the English Channel.

Not only does he act without authority, in violation of international law, but he makes a bad bargain. Why accept a lease of British soil? Why, on leased bases, build defense works at an expense of millions or billions of dollars and then, at the end of the lease period, let Great Britain have back her land with all the bases, the forts, the airports, the harbors we have built?

In truth, the acquirement of these bases is an effort to involve us in the war and to aid England—not a move for national defense.

The President would sell to them our destroyers and, if he sends them across the seas with American crews, he should be impeached. But perhaps the destroyers are already in the English Channel.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. MAY. Does the gentleman agree that it is entirely possible, and it is a fact, that the sale of the destroyers to England may strengthen the United States' defense?

Mr. HOFFMAN. If it is true that it will strengthen the defense of the United States, if we absolutely must have it, is there not a legal way? Does the gentleman believe that the Congress and the Constitution should be thrown out the window just because this man in the White House had some idea in his head of taking a short, illegal cut? Does the gentleman not believe that his colleagues here in Congress have patriotism and intelligence enough to find a legal way? Can we not declare war, if we must? Do you want to sneak the American people into another world war before they know what is happening? You are not strengthening the United States' defense by disposing of 50 of her destroyers when you admit that we are inadequately prepared to defend our own shores. Sending them across 3,000 miles of ocean does not add to the defense of the American coast line.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. WOLCOTT. Will the gentleman explain to the House how in the world it is going to strengthen the British Navy to send them 50 obsolete ships that are so battered and worn they are likely to sink in our harbors?

Mr. HOFFMAN. Obsolete, my eye. Who thinks they are obsolete?

Mr. PATRICK. I thought the gentleman said we were getting the worst of it.

Mr. HOFFMAN. We certainly are, when we give them 50 good destroyers in exchange for a lease and on the land leased spend billions of dollars and then, at the end of the term of the leasehold, give them the whole works. There is fraud and deception in the whole transaction. Does the President have to certify they are obsolete?

I do not know about that.

Mr. WOLCOTT. Assuming that he does have to certify that they are obsolete, and that he will certify that they are obsolete, if he is a naval expert and finds on his responsibility as President, or as Chief Executive, that they are obsolete, then what good are they to the British Navy or to anybody else? How will we be helping the British Navy and how will we be helping our defense in any way by giving these ships away?

Mr. HOFFMAN. I should like to yield to the chairman of the Committee on Military Affairs to answer that question.

Mr. MAY. I will answer the question and be very happy to answer it.

Mr. HOFFMAN. If the gentleman can make anybody believe it, give us the answer to the question asked by my colleague from the Seventh Michigan District [Mr. WOLCOTT], who served with distinction in the World War.

Mr. MAY. The Chief of Naval Operations today, under the laws that exist now, has merely to certify under section 14 (a) of the statute that such destroyers are not essential to the national defense of the United States and that in his judgment the strategic naval bases of this country will strengthen the defense of the United States rather than weaken it.

Mr. HOFFMAN. Then the gentleman has the answer to the question he asked me, and the substance of his answer is, that the defense of the United States—and we have authorized the expenditure of billions to build new ships, create new defenses—is strengthened by giving away 50 good destroyers which we already have afloat.

Now, to me that just does not make sense. You strengthen yourself, according to the gentleman, by giving away a part of your defensive weapons. We need destroyers. We are building new destroyers. And we improve our national defense by giving away 50 of those we already have. That may sound sensible to diplomats, but it will not go down with a hard-headed farmer, who knows that he cannot get more milk by giving away a part of his herd of milch cows.

And, if you are preparing for national defense, are you preparing for national defense here in America, or are you trying to involve us in the war across the seas? Now, tell me that.

Mr. MAY. I will be glad to say to the gentleman that the only thing we are doing is preparing for the defense of this country, and a great many of us believe that if England is conquered we will have a job on our own hands that will be much more difficult than the one we have now.

Mr. HOFFMAN. Assume that is true. Then your argument is that though we now lack an adequate defense we send a part of it into the war. To use a homely expression, well understood, why send a boy to mill? The logic of your argument is that to defend ourselves we must win the war for England. We did that once. Are you intent on doing it again? Are you sending 50 destroyers to England under American officers and crews so as to make our involvement certain? If that be the purpose, then be honest with our people and declare war. For myself, I want none of it. My country is America. Not just part of the time—all of the time, and with my whole heart and soul. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Chairman, really a man cannot get after what ought to be discussed here in 10 minutes, but it is growing late, so I do not suppose anybody is going to be aggrieved because there is not longer time given for discussion.

One of the most significant things I have heard from those who oppose this measure—and I want to say at the outset that I am supporting it with all the strength I have; I have not had any more feeling of confidence in any bill since I have been in this House—is that they discuss the fact that there are nations that are at war now that had no conscription, such as Canada, which has only recently had a very light touch of it.

It seems to me that any study of how totalitarianism asserts itself in the world, and the way the dictator treads on the face of the earth would show that we are not dealing with the niceties of mankind today. If they had had conscription and proper training in Canada, in Holland, in Belgium, and in France——

Mr. BENDER. They did have it in France.

Mr. PATRICK. If they had had it in the measure they should have had, and had also gone on and equipped themselves with matériel and given proper training, the condition of the earth would not have been so that the small man would have been in the saddle of totalitarianism and making the earth quake today.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. No; not for the present. I have only 10 minutes.

Mr. KNUTSON. That is enough.

Mr. PATRICK. I cannot yield my time to the gentleman. It would not be fair to the people of the United States for me to yield my time to the gentleman, my time for his. It would not be a fair exchange.

I think the President, incidentally, got a great bargain, because at least that lease is for 99 years, and these obsolete warships cannot last quite that long.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. I cannot yield for a question. The gentleman is liable to ask me the wrong question.

I believe if there is anything that illustrates that a stitch in time saves nine it is this sort of thing. What manner of reasoning is going on? Why, preparedness of this nature is a twofold thing. We hope to prepare, knowing the position that one has to take in this world where might means right. Here is the twofold idea. In the first place, we want to guarantee peace, if it can be guaranteed, and failing in that, to guarantee victory. That is the end of the program now. Do you remember the old, old story of the fellow driving down the road? Everybody has heard it.

Mr. McDOWELL. Mr. Chairman, I ask for order. If the gentleman makes any more mistakes I want to hear them.

Mr. PATRICK. If you listen for all my mistakes, brother, you will be busy, and if there is anybody in the House that ought to be able to sympathize with the gentleman from Alabama on that score, you should. [Laughter.]

You remember he was going down the road driving a team of oxen, and he popped a lizard here, and he popped a grasshopper there. Finally he came to a hornets' nest suspended from a tree, and the little boy with him said, "Why don't you get after them babies?" The man said, "Them babies is organized." [Laughter.] Here we go today, 100,000 men behind our authorized manpower in training. We should say to the mothers here: "There is no better way to guarantee the safety of your sons than to prepare and equip them to defend themselves." There are two good reasons. One, it makes their having to defend themselves less likely and places them in safer positions if they do have to defend themselves. This is not preparedness for war but for peace.

Some of our boys are growing soft and flabby, too. Only 32 percent of those examined for military duty make the grade.

It looks to me that anybody who has studied this question would realize that America is preparing against one thing, and one thing only—totalitarian spread. I met the weeping mothers—I think they call themselves that—or they met me in the hall this noon and they asked me how I stood, and I told them, and they said that they believed in preparedness, and I asked them how many sons they had in the Army now that had enlisted, and not a one answered up; not a one. They do not want their boys in it, I fear, not even peacetime preparedness. Do you recall the old song, I Did Not Raise My Boy To Be a Soldier?

I want to tell you something: There is no sacrifice too great to be made for your country, for the United States of America, to prepare itself so that it can maintain peace; so that no power that treads the earth dare assail this country here.

That is the only safety and security on the face of this earth today, the only one that exists in this day and time, and therefore if we are going to have peace, there is just one way to have it and that is to be big enough so that nobody is going to climb onto us. It is a simple proposition but it has got down to that cold-blooded fact.

This is not preparing for war—this is preparing for peace; and if there is any way under high heaven to guarantee peace this will do it, and if we cannot get peace by these means, we cannot guarantee it in any other way. This Nation is the richest prize on the face of the earth. The totalitarian in Europe has long dreamed of world power. He is living in the shadow of the history of Alexander and Hannibal and Caesar and Napoleon and whenever he casts his eyes across the water he sees that if he can get all the navies of the Eastern Hemisphere under his power then there is nothing under heaven to keep him from crossing over to make conquest upon this fair and happy land here. It has the harbors; it has the fields, mineral deposits, the industrious people; it has the riches; it has everything.

It is a "have" nation, and that 82,000,000 people they call Germany is a "have not" nation. It has to depend on what it can get hold of from other sources to guarantee its destiny that Hitler talks so much about.

Do you remember that in one of the marching songs that the Germans march to today——

Mr. KNUTSON. Mr. Chairman, will my good friend yield for just an observation?

Mr. PATRICK. No; I just cannot do it.

Mr. KNUTSON. I am not going to ask a question; I just want to make an observation.

Mr. PATRICK. The gentleman is interrupting, and I know all he has to offer; and he is about to interrupt here at an excellent place where the country could not afford to miss it. [Laughter.]

In the Hitler marching song there is a line that runs like this: "Today we own Germany, tomorrow the whole world."

Hitler has already pronounced the benediction on America and its form of government and he is just waiting for the time when he can march in. Why, he has already declared against our Monroe Doctrine, has already thrown it out of his window. He has declared our form of government outmoded and unworkable. What are we waiting for? If we are going to prepare, if we are going to keep out of war, how are we going to do it? Is there anything more democratic than to have all ante up? Every State alike. It is a funny thing to see the gentleman from New York coming in here in opposition and New York with twice the population of Texas. For example, for the last 6 months—and I have just got the figures—Texas has had more volunteers than New York. The New Yorkers are quite as patriotic as the Texans; all they want is for Uncle Sam to make it definite.

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. I will have to yield now to the gentleman.

Mr. McDOWELL. I saw just about 2 weeks ago a statement showing what the average weekly wage down there——

Mr. PATRICK. I thought you were going to ask me a question. I refuse to yield any further, because he is going to make a speech in my time. Do not they let you have any time over there, Big Boy?

The facts are that if we are going to get our program organized the thing to do is to start in time and not be standing up here and doing the very thing for which we criticized France and other nations when they failed to prepare. America asks what Congress is waiting for, with our Army 105,000 behind its own mark. We talk of training and preparing on one score; they jump on that, and they say we ought to wait until we get all the guns and everything before we put the boys in. You do not have to have a gun that will shoot in peacetime. Stuff can be passed along.

Now, to get back to the other figure, and I will come to that in a minute if time serves me, that is the democratic feature of this plan. Under the volunteer system today Kentucky and North Carolina lead all the rest of the country. My State stands very high. Now, what is more democratic than having each State do its proportion, and I do not care who you are. What is the difference whether you are rich or poor, what kind of job you have, whose son you are or how much you are making; every mother's son in America ought to be willing to stand forth and go and contribute his part to preparing so that this Nation may have its safety and security under heaven to handle the material when it does come on through.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Georgia.

Mr. PACE. I am not a Tarheel, but North Carolina is No. 1 and Kentucky is No. 2.

Mr. PATRICK. That is right, but for the first 6 months of this year Kentucky led North Carolina. Anyhow, they are so close together there is no great measurable difference.

We want an army of 1,200,000 trained men by next spring. We ought to have them already, but have not. We want 400,000 more in this fall and 400,000 in addition next spring. Can we get them by volunteer enlistment? You know very well we cannot.

The fit survive in this rocky old world. Let the weak wail their wishing song. We are a free people but a strong people. We shall keep fit, individually and nationally, that we may survive.

Mr. ANDREWS. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, ladies, and gentlemen, I thank my friend the gentleman from Alabama [Mr. PATRICK] for the high compliment he paid Kentucky and Kentuckians, wherein he said Kentucky for the first 6 months of this year led all the States in the Union in the number of volunteers for the Army, Navy, and Marine Corps, according to her population.

Kentuckians are a patriotic people. I represent a district of patriotic, loyal Americans. The people of my district have always loved the Union, and were bitterly opposed to human slavery. In many of the counties, more men and boys volunteered for the Union Army to uphold the Union and abolish slavery than there were legal voters in those counties.

We have before us this measure that proposes to conscript the boys and men of this Nation, ranging from 21 years to 45 years, approximately 25,000,000. No one could believe more strongly in adequate preparedness for the defense of our Nation than I. We should be prepared on land and sea and in the air. I have voted for all appropriations and authorizations to provide us a two-ocean navy in the Atlantic and the Pacific, with ample ships, submarines, and aircraft; and for ample tanks, guns, planes, and other supplies and quarters for our Army and Marine Corps so that we may be equipped to defend this country against any and all nations that may assail us. I have so expressed myself many times on the floor of this House—that I favored billions for defense, but not one dollar for conquest, aggression, or meddling in the wars of Europe, Asia, or Africa.

I first became a Member of this House on March 4, 1919. During my years of service here and in the Senate I have been called upon to vote on many important questions. When the roll was called I never dodged by voting "present." I always voted "yes" or "no," as appeared to me to be right. [Applause.] I consider this conscription bill before us the

most important and far-reaching in its consequences of any bill that I have ever been called to pass upon.

We must have men to man our ships and submarines, operate our guns, and fly our planes in defense of our country. If there is no reasonable way to provide these men except by conscription, then in that event I would favor conscription. This is a tremendously important step. We are forsaking the American tradition, the American way of providing manpower for our Army, Navy, and Marine Corps with volunteers in peacetime. We propose in this bill to adopt the policy of all the dictators of the earth for the last 50 centuries. We are forsaking democracy and embracing militarism. This Nation has resorted to the draft and conscription only in time of war. If we foresake the American way, the way of democracy, in peacetime, there should be compelling reasons for taking such action. We should not take this step except in war or unless our Nation is in imminent peril and we cannot secure the manpower for our defense. If war is imminent, why does not the President say to the country where and when war threatens, and why does not the President and the Congress have the courage to base this conscription on a real threat of war?

Ever since England and France declared war against Germany, this Nation has been filled with war propaganda. The President and others of his political family have gone up and down the land filling the people with fear and war hysteria. Those who would profit by these war alarms and the entry of our country into war and all European propagandists have been insisting on our conscripting the manpower of this country. The President was elected in what he terms was an emergency. He has been creating many emergencies each and every year since he assumed office. He is seeking a third term. He must make the American people believe he is the indispensable man. It takes a great emergency to make the indispensable man necessary.

Not one well-informed person believes for a minute that Hitler and Mussolini, even though they should defeat England, would do the foolish thing of embarking upon an expedition against the United States or the Western Hemisphere. The 22 miles of the English Channel halted Hitler—what about the more than 3,000 miles of Atlantic Ocean between Hitler and the United States and the Western Hemisphere? What would the tens and tens of millions of enemies of Hitler in Europe do to him while he was engaged in an expedition of that great magnitude and great expense? No great nation can travel 3,000 miles and successfully attack another great nation. It cannot be done.

If Hitler desired more territory after he defeated Great Britain, he certainly would direct his efforts to the Balkans to the south and southwest of Europe, countries adjacent to the German Empire. Why would he do the uncertain and foolish thing of attacking the United States and the other 20 Central American and South American countries? I cannot believe that we are in danger of an attack from Hitler or Mussolini.

But let us assume that we are. Is conscription necessary to meet the requirements for the defense of our country?

EIGHT HUNDRED THOUSAND READY TO BE CALLED

The important units for the defense of our country on the coast are our ships, planes, submarines, coast-defense guns, and antiaircraft guns. The important thing for our land defenses is a mechanized army, with tanks, airplanes, and antiaircraft guns, and supplies and quarters for our men. The President now has at his disposal 800,000 men of the Regular Army, the Marine Corps, the National Guard, and the Reserves. He could call all 800,000 of these men into the service now. Of the 400,000 men of the National Guard, he has called less than 60,000. It is agreed that we do not have equipment and quarters complete for as many as 150,000 men.

Mr. KNUTSON. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. KNUTSON. If the additional million were called to the colors under this legislation, would it not place a considerable strain on our supply of broomsticks? [Laughter.]

Mr. ROBSION of Kentucky. Well, we might have a harder time furnishing stovepipes than broomsticks. [Laughter.]

Mr. Knudsen, the great industrialist who has been put on the President's National Defense Council, and who perhaps knows more about the development of our defense program than any other man, stated that with all the money that Congress had appropriated and every available factory and instrumentality used at full speed, we would not have the equipment for an army of 750,000 men before 1942. That being true, why should we now pass this bill and put 25,000,000 men under the draft and conscript a million men within the next few months at an expense of an additional one and a half billion dollars yearly to the taxpayers of the country when we have an empty Treasury and with the direct and indirect debts and obligations of the National Government now more than $50,000,000,000? This simply does not make sense.

We do not have the equipment nor the barracks and quarters to accommodate a third of the men who are already available and could be called out by the President immediately. Do we propose to call this million more men into the service and put them in tents next winter and have another great outbreak of influenza and other epidemics of diseases as we had during the World War?

And do we propose to use these men in foreign countries? They certainly are not necessary for the defense of our own country, and many of us are afraid that this whole scheme is to further involve us in the European-Asiatic-African war.

How many men do we really need? Maj. Gen. James K. Parsons, commander of the Third Corps Area, in a speech on August 2 told the Nation that he was against "ungainly numbers" in the Army, and that 500,000 men were as many as the Nation needed or could train carefully. General Parsons did say, "If we are going to stretch"—and I think it is a long stretch—"the Monroe Doctrine to include Singapore and Shanghai, China, and South America, we will need an Army of millions; if we are going to defend our own Nation, a relatively small but well-trained force will be more than adequate." General Marshall, Chief of Staff, stated to one of the committees in Congress that a well-trained and well-equipped Army of about 585,000 men would be all that is necessary to defend the United States, and such an Army, with our Navy and air force, could protect this country against the combined attacks of the armies and navies of any and all the belligerent nations.

The American people might as well get their eyes open—these militarists and warmongers are not thinking in terms of merely defending the United States and the Western Hemisphere; they are thinking in terms of millions of men, and hence this bill before us brings within its provisions about 25,000,000 men. Let us not overlook the fact that a standing Army of a million men will mean about one and a half to $2,000,000,000 annually for its maintenance and upkeep.

GIVE THE VOLUNTEER SYSTEM A REAL TEST

As the President now has 800,000 men subject to his call with equipment and quarters for less than 150,000, and we have 200,000 or more men in the Navy, let us try the American way, the way of democracy, to secure such other men as we may need and as we need them.

I agree with ex-Secretary of War Woodring, who said in a recent statement that the volunteer system had never been given a fair test. He expressed the opinion that he tried to have the Army adopt the policy to give the volunteer system a real test, but he had been thwarted in his efforts. He points out that if the period of enlistment should be reduced from 3 years to 1 year and the pay increased from $21 to $30 per month, all the volunteers needed could be obtained. The fact about it is the Army and Navy do not favor the volunteer system. They prefer a pool of 25,000,000 men from which they could draw at any time and without any effort all the men that they might desire or need, and then it would be unnecessary for them to have recruiting stations or recruiting officers. The truth is the ways of the Army and Navy are not the ways of a democracy.

Now, let us see if the volunteer system would get these men as we need them. In the month of June 23,000 men volunteered for the Army, in July 33,000 volunteered, and in

August it is estimated the number increased to 40,000, and it is confidently expected for the next several months without any change in the policies the volunteer enlistments will average 50,000 per month. Now, if this enlistment period was fixed at 1 year instead of 3 and with pay of at least $30 a month instead of $21 and the President would actually call for volunteers and point out to the American people why the men of this Nation are needed and would assure them that they would not be used in any wars of conquest or aggression or to meddle in the wars of Europe, Asia, or Africa, but they were being called to be trained to defend our country and even the Western Hemisphere, does any person doubt but what we would have from 600,000 to a million volunteers within the next year, when as a matter of fact according to Mr. Knudsen we will not have the equipment for an army of 750,000 until 1942.

Another reason why the Army and Navy are so strong for conscripting a million or more men is that it means thousands of promotions for the officers now in the Army, Navy, and Marine Corps. The Navy is getting all the recruits it needs. The Army fixed a quota for the volunteers it needed and could take care of. These quotas have been exceeded from time to time. The Air Corps has stopped taking recruits because it had more volunteers than it needed or could take care of.

One great trouble in securing volunteers is lack of faith in the President of the United States. Too many people believe that the President will involve this Nation in a foreign war, and the American boys, as a rule, and their fathers and mothers are unwilling for them to fight and die in foreign lands and on foreign seas. There are nearly 500,000 of the National Guard and Reserves that are ready and waiting for the call. You mark my words, tens of thousands of these National Guards and Reserves will not be called into the service before the spring of 1941, and we will not have equipment for them at that time. If the volunteer system is given a real chance the President can have at his disposal at least 400,000 volunteers before the 1st of next April, but with no equipment nor quarters for them.

Sticks, stovepipes, and ice-cream trucks are now being used for guns, cannons, and tanks. Our soldiers could use such equipment for years and would then be unprepared. We must have real guns and real tanks and real planes—fighting, pursuit, and bombing planes—and train our men with these real machines and instrumentalities of war. Congress will be in session. I shall be willing, and I know that is the feeling shared by an overwhelming majority of Congress, that when we have provided equipment and the volunteer system has failed we can in a very brief time adopt conscription. As this policy is not necessary at this time, I shall vote against this bill. [Applause.]

THE FARMERS, THE WORKERS, THE CHURCHES OPPOSE

Every farm organization, the railroad brotherhoods, the miners, and all other labor groups, the churches of our land, Catholic and Protestant, and the common people generally of this Nation oppose conscription of the manpower of this Nation in peacetime. They assert and I agree with them that this is the road that every dictator in 50 centuries has followed to autocratic power and control. Democracy means more to these groups that I have mentioned than any other groups in this country. Under dictators and totalitarian governments these groups have suffered more than any other groups. If we can conscript flesh and blood in peacetime we can conscript industry and agriculture. The bill as passed in the Senate conscripts the manpower and gives the right to conscript industry. If this can be done, then the next step can easily be taken as it has been done in countries ruled by dictators to conscript workers, the farms, and the farmers.

We all owe a duty to protect and defend our country and when the time comes and it is necessary to conscript flesh and blood I shall then be willing to conscript dollars. During the World War we conscripted flesh and blood but we let the dollars remain at home to profiteer, and we made hundreds and hundreds of multimillionaires. Wealth cannot be any more sacred than flesh and blood. In time of peril the manpower and the wealth of the Nation should be available for its defense.

For many months now the Members of the House and Senate have been bombarded by many rich men and rich women urging us to vote for conscription—conscript the men and boys of this Nation. The other day the Senate put in the conscription bill the provision to conscript wealth. Now we are covered up with resolutions, letters, and telegrams from these same rich men and women, chambers of commerce, and other business organizations insisting that it is an outrage and that this provision should be taken out of the Senate bill. Some of them have expressed opposition to the whole thing now. What right have we to conscript flesh and blood and refuse to conscript wealth? If the peril is so great that we must take the one we ought also to take the other. We are not at war; why confer upon the President or any other man dictatorial powers over either individuals or industry? The farmers and the common people know that this is a real threat to their freedom and their liberties, and this is likewise the attitude of the churches, and they therefore oppose conscription in peacetime. They insist, however, that if we conscript men that in justice to all we should conscript machines, plants, and wealth. If we conscript the men of this country we take away from them their opportunities for gain and advancement and in many cases we take away their very lives.

We have heard the strong appeals of the Army and Navy men, the strong appeals of men and women of great wealth and influence insisting that we forsake the American traditions of 150 years and pass this conscription bill to draft or conscript 25,000,000 men. We have heard from President William Green, of the American Federation of Labor; President John L. Lewis, of the C. I. O.; other labor organizations and the various railroad brotherhoods; we have heard from the farm organizations; we have heard from the churches, both Catholic and Protestant, expressing strong opposition to this bill; but we have not heard from the 25,000,000 unorganized men who come within the provisions of this bill. We have not heard from the millions of mothers and fathers whose sons are involved, except the thousands of letters that I have received from my own district urging me to oppose this un-American, undemocratic measure. These men say they are willing, and these fathers and mothers likewise say they are willing for their sons to go when this Nation is in peril and their services are needed; but they are very much opposed to being drafted or conscripted in peacetime; and more than likely in the end we will fight the wars of other nations in foreign lands and on foreign seas.

Conscription of men, industry, or agriculture is not now necessary, and my efforts and vote shall be directed to defeat this bill.

THE BURKE-WADSWORTH BILL

On June 20, 1940, Senator BURKE, of Nebraska, and Representative WADSWORTH, of New York, introduced companion bills in the Senate and House. These bills are known to the country as the Burke-Wadsworth bill.

It is interesting to note the evolution of this proposal. Last spring the President was quoted as favoring placing girls and women as well as boys and men in military training camps and Mr. Sidney Hillman was to be in charge. [Laughter.] The American people rose up with such great vehemence that this conscription idea died in the borning. The next step was the Burke-Wadsworth bill. It provided for the conscription of all boys and men between the ages of 18 to 65. This included approximately 45,000,000 men. And what do you think it was proposed to pay these men called for training and service? The magnificent sum of $5 per month. However, there was no provision to provide these 64-year-olds with crutches or canes. [Laughter.] Certain individuals, generally outside of my congressional district, urged me to support this monstrous Burke-Wadsworth bill.

After weeks of barrages of opposition by the American people, we have before us today this new bill that undertakes to conscript all men between the ages of 21 and 45, about 25,000,000 men in all.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Oh, I know the gentleman is going to say it is selective draft.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. For a moment only.

Mr. MAY. Yes. The gentleman urges the volunteer system. I want to call the gentleman's attention to the fact that the bill provides that the man at the end of the year's service may volunteer in the Regular Army if he wants.

Mr. ROBSION of Kentucky. Yes; I have heard that.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. MICHENER. The gentleman from Kentucky [Mr. MAY] suggests that the bill gives him an opportunity to enlist in the Regular Army. It permits him to avoid the penalty of serving for 10 additional years when there is 1 out of 10 men selected, provided he will enlist in the Regular Army for a period of 3 years.

Mr. ROBSION of Kentucky. I am looking at this bill down through the years. This bill covers 25,000,000 men and boys. What does that mean? It means we throw a barrier across the paths of 25,000,000 boys and men in this country, and from the day this draft bill is passed and signed that barrier remains across their pathway at least until 1945, for 5 years, and if they are selected for training and service for 1 year, it remains for another 10 years unless after the 1 year of training and service they volunteer and enlist in the Regular Army or National Guard and serve for a period of 3 years.

With this barrier before them, they cannot plan their education or their business or their future. I rode to the Capitol in a taxi the other day. The driver was a young man who would come within this law, somewhere between 21 and 31. I noticed his taxi had been used a good deal. He needed a new one. He said, "I was going to get me a new taxi, but I don't know whether to get it or not."

I received a letter from another young man who wrote:

> I have an opportunity to buy a filling station and go into business, but I don't know what to do about it in view of this conscription bill.

Another young man wrote: "I have an opportunity to buy a tract of land at a bargain and to marry," but, he said, "I don't know whether to do this or not."

I have many other letters along this line, indicating that if this conscription measure becomes a law their lives will be halted.

It will mean quite a lot to the economic and social life of this Nation to have this barrier of uncertainty across the pathways of 25,000,000 boys and men. The impression has gone forth that this merely provides for training. The bill in express terms says that the conscripted man will be called for training and service and inducted into the United States Army or Navy, and it provides that the President may, at any time, war or no war, or even threat of war, induct these men into the Army or Navy. That is what the bill says. We should be fair and frank about it. Now, after he has had his year of training in service as provided in this bill, is he turned loose to go and plan his future in education and other respects? No. The barrier is there for another 10 years. Under this bill, you give the President the power to make regulations, and the bill says that these shall have the force of law. These men will be subject to the dictation and control of the President.

Let us not be deceived; the demand for conscription in this country stems out of Europe. It was caught up by big business in New York. Rich men and rich women are deeply concerned about their billions of investments across the seas. While I deeply sympathize with Great Britain and other countries in Europe, Asia, and Africa, my first duty is to protect our own country and to protect the boys, men, and mothers of this Nation. You will observe that when the Senate put in the provision to draft dollars and wealth that your mail was quite different. These rich men and women lost interest in conscription. [Laughter.]

It is true that new men cannot be called under this bill after 5 years, but if this un-American, un-democratic proposal is once written into the law of this country, with the influence of a great Army and a great Navy and other influences in this country, this will become the settled policy of this Nation. It is true that totalitarian nations now have and have always had conscription in peacetime. This made them militaristic and warlike. It got them into wars about every 25 years, but it did not save them. They had systems of this kind when Germany was defeated. France and other countries have always had this conscript system, but this policy did not save France or these other nations.

POLITICIANS AND ALIENS EXEMPTED

This bill expressly exempts aliens. If this Nation is in imminent peril these aliens—and there are hundreds of thousands of them that are British—should be conscripted as American boys are or be required to return to Great Britain and there enlist in behalf of their own country. Why conscript the American boys to help protect Great Britain and then exempt from the draft British subjects in this country?

This bill expressly exempts Senators and Congressmen and other executive officers of the United States Government. It likewise exempts State officials and other executive officers and members of legislatures of the States, as well as judges. They cannot be called until their terms of office expire. If we can take the young men of America out of their colleges and universities, away from their businesses, farms, and their homes, why not also take the politicians?

NO CONSCRIPTION IN BRITISH DOMINIONS

I wonder what some of our overenthusiastic Americans will say when they learn the fact that neither Canada, Australia, New Zealand, nor other British Dominions have passed a conscription law? Canada, Australia, New Zealand, and other British Dominions are in war. They have declared war with their mother country, England, against Germany and Italy. They have more at stake than the people of the United States. Yet they have not conscripted their citizens to go to England or elsewhere to fight for their Empire. They recently passed a law in Canada calling men to train for 30 days as home guards. There is no conscription law in Canada or the other Dominions to require men to go overseas and fight even for their own British Empire.

If this bill passes, we will then have made provisions for an army of more than a million seven hundred thousand, and the President can force these American boys to fight in foreign lands, and, as some of our American people desire, to bail out Great Britain and other European, Asiatic, and African nations. These dominions are bound to be in greater danger than the United States, but they have not resorted to conscription as yet. This bill drafts men from 21 to 45. Great Britain has been at war for a year and up until this time she has only called a few of the men who are now 31 or 32 years of age. We are at peace; why should we conscript men 35, 40, and 45 years of age? Why should we obstruct the lives of twelve, fifteen, twenty-five million American boys and men to bail Great Britain and other European nations out every time we raise a new crop of boys? Anyhow, there is no law to keep these citizens of the United States who are so anxious to conscript these 25,000,000 men and boys to volunteer themselves for service in the Army, Navy, and Air Corps. Most of those who are urging conscription have never worn the uniform of this country, and they never will.

I was greatly heartened today to hear the able and splendid speeches of our colleagues, the gentleman from New York [Mr. FISH], who served at the front in Europe in the last World War, and the gentleman from Connecticut [Mr. MILLER], who lost both legs in that war, and other veterans of that war in the House who, too, have expressed strong opposition to this bill and will vote against it. They, of course, are opposed to our intervention in the European-Asiatic-African war. They are strong for the defense of our own country but opposed to meddling in the wars of other nations.

DO NOT HAVE FAITH IN THE PRESIDENT

There is a general feeling throughout the Nation that President Roosevelt will eventually involve us in the European-Asiatic-African war.

Winston Churchill, the British Prime Minister, recently stated that a fusion between Great Britain and the United

States is inexorable. In other words, these two nations are bound to unite—in war, of course. He further said that in 1941 Great Britain will take command of the air, and he expressed the hope by that time the United States will be in the war with them and furnish money, men, and munitions unsparingly as we did in 1917 and 1918. A British lord has been in this country for some time, and he told Senator WHEELER that he got this country into war with Great Britain and France in 1917 and 1918 and he believed he could get this country to join England in this war. I have no doubt but what there was a definite understanding developed when the King and Queen of England visited the United States last year with our own officials to aid Great Britain in the event of war. Some time ago it was discovered that the President had authorized the Acting Secretary of the Navy to transfer to Great Britain 20 or more of our latest-model submarines. They were the latest—they had not been quite completed. The Attorney General advised the President this was a violation of law, and the trade was declared off; but in the face of that opinion we found out recently that many shiploads of arms, bombs, and other munitions of war had been secretly sent by this Government to Great Britain.

It was not discovered until recently. This important transaction was kept from the American people, and the President announced today in a message that he had traded at least 50 of our destroyers, a part of our Navy, to Great Britain for certain military and naval air bases. I shall not discuss the advisability of making this trade, but all of us must condemn the way and manner in which it was made. It violated one of the plainest laws on our statute books—it violated a solemn treaty of the United States—it violated international law. The President had no right whatever to do this thing without action on the part of Congress. Congress was not even consulted. There are some Americans who will applaud this action, but if we stop to think, we must know, if the President can illegally do this with these destroyers and other arms of the United States without an act of Congress, then he could turn over to Great Britain, or any other country, a hundred or 200 destroyers or cruisers, battleships, or aircraft. In other words, he could dispose of our entire Navy and other equipment for our national defense. If he can openly and notoriously violate the law as to 50 cruisers, he could do it as to the entire equipment of our entire Army, Navy, and Marine Corps. Do the American people desire the President, who is sworn to uphold the law, to openly defy the law? Congress has been a rubber stamp so long for him that he now ignores the Congress, the representatives of the American people, altogether.

Mr. Roosevelt has defied another American tradition. He is so ambitious for power that he has flouted the advice of Washington, Jefferson, Jackson, and all the other great Presidents, and the resolutions adopted by his own party and in Congress and in the Senate denouncing the third term. He has bet his all on the throw for a third term. He is trying to create the impression that he is the indispensable man to meet another one of his indispensable emergencies. A majority of the Supreme Court now are new dealers. He has taken the purse strings from the Congress. He has in his hands billions of dollars. He is now grasping for the sword—the manpower of this country. I am unwilling to place this enormous manpower into the hands of any President in peacetime, and I certainly do not favor placing the 25,000,000 men provided in this bill and the other millions as the years come and go and they reach the age of 21 under the thumb of such a politically ambitious Chief Executive as Mr. Roosevelt.

The great issue is, Shall this great country follow the pathway of peace and prosperity or be involved in the European-Asiatic-African war, and thereby completely bankrupt this country, completely upset its economic, social, and political life, and more than likely end with the loss of our own liberties and freedom?

Devoutly believing that this is another step of our ambitious President to involve us in that war is another good reason for me to vote against the bill.



Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I know the hour is getting late, and I apologize for inflicting myself on the House at this time, but I understood from the statement of the Chairman of the Committee earlier today that everybody was to have some opportunity to say something about this bill, if he wanted to; and so with that as an excuse I will proceed during my 10 minutes.

In my estimation this is the least called for piece of legislation that we have had presented to us in my experience in the Seventy-sixth Congress. And that is not all, it is going to be the most expensive piece of legislation, not only from the standpoint of dollars and cents, but if I am not mistaken, from the standpoint of the destruction of all the values that you and I and the people of the United States of America value most highly. It is the most asinine and the most degrading piece of legislation which it has been my privilege to see handed to a "rubber stamp" Congress.

Who is it that wants this bill? Who is it? You Members of Congress know who it is. It is the powers that be behind the throne that try to control the Government of this country and usurp the prerogatives of the people. Why, if a popular referendum were held on this bill 75 percent of the people would vote against it, and in my own district the percentage would run much higher.

Who is it wants this bill? A few professional Army men who hope thereby to enlarge their power, increase their rank and salary, and to perpetuate themselves a little more firmly in their profession.

Who is it wants this bill? A few people with hatred in their hearts, who feel that by promoting this idea we are going to scare somebody. France is a glaring example of the theory which is expressed in this conscription bill that we are going to scare somebody by training a few million men. France had upward of 6,000,000 men fully trained and armed. Did she scare anybody?

No; France did not scare anybody, as you well know from the situation which exists with reference to the Republic of France today. As an opposite to that fact, we have the case of England that is holding out without having had a conscript army and with only a small standing army previous to the outbreak of the present European conflict. It is holding out in the face of the tremendous pressure of armies from Germany, from Italy, and Central Europe, who have been knocking at her door for the past several weeks.

Mr. PATRICK. Is the gentleman against all preparedness?

Mr. ALEXANDER. I am not against preparedness of the right sort. I believe in wise preparedness and have voted for all bills for the expansion of our Army, Navy, and air force. That is the point I am going to make right now; what sort of preparedness do we want and will we get it by passing this bill?

The statement was made this afternoon by the chairman of the Committee on Military Affairs, the gentleman from Kentucky [Mr. MAY], that the reason we need this bill is because 60 percent of the deaths during the World War were caused by lack of preparedness. Now, that has about as much sense to it as an argument for this bill as some of these military men in our Army express, and some of our high Government officials who are trying to run this thing, and are cramming it down our throats, and who do not know what it is all about. If you ask them, they do not know what they are preparing for. I have been asking them that question for years, and they all say, why, we are preparing to fight the same as we did in 1917–18. They forget that styles, even in war, change.

Mr. Chairman, I call the attention of the Members of the House to the fact that there is no 1917–18 trench warfare being carried on in this particular war, which would necessitate the training and use of large bodies of men. Have you heard of any trenches being used, and if they were being used, how much good were they? How far did they prevent the advance of the well-mechanized, fast-moving enemy? Oh, no, this is a different war. This is the war of 1939 to 1946.

This is a different war. This is a war where speed, mechanization, motors, airplanes, and ships are important. How many men are you going to train to fly airplanes, and to speed antiaircraft motortrucks up and down our highways which we should be building a lot more of, and how many men are we going to train to run our battleships, and our destroyers, and tanks, and airplanes, if we can keep any of them? How many men are you going to be able to train for those purposes, I say, by shouldering rifles, if we had some to shoulder, and by running them up and down an infantry drill field, as is proposed by this bill?

It also seems reasonable to ask the committee what will these men be prepared to do after this year's training, as proposed under the pending bill? In the light of modern warfare, what will these men be prepared to do? Has anybody been able to answer that question yet? Then there is another question. What are these men going to be needed for that we are going to march up and down these infantry fields after we debate and pass this bill?

Just what are they going to be needed for? Are they going to be needed to fight in the trenches of England? Are they going to be needed to fight down in South America or in Mexico? Are they going to be needed to fight in China or Japan or just where do you propose to use these men after you train them? I think that is an important question to be considered. If you are going to take from the homes of America millions of men and train them, these questions should be answered—train them for what and for where? The people of the United States are entitled to know also that these conscripts will be trained for the duties they will be called on to perform. But if we can get no answers to these pertinent questions from the proponents of this bill, then are we to be blamed if we doubt their sincerity or question their judgment? And if we conclude that the real purpose and reason for peacetime conscription lies hidden in some deep, dark recess somewhere, perhaps with the hoarded gold in the hills of Kentucky or perhaps up in Wall Street, or even in London, can we be blamed?

Train them for what? Train them to be used where? If you are going to train them to fight Japan, I submit that you are not going to fight Japan on our east or west coast or even in Mexico or Alaska. You are going to fight Japan over in the Orient, in China where trained officers and matériel alone will be important; perhaps in the Philippines—more likely a naval war in the Pacific Ocean. Are you going to train these men that you are conscripting here for those particular purposes? No. They will be no more fitted after their year's training to carry on that kind of warfare than they are today. And what is worse, their time will have been wasted, and our time for preparedness and billions of dollars of our money and national resources will also have been squandered and foolishly destroyed.

Are you going to use them in South America, as was suggested here this afternoon? If that is the purpose, then I suggest what you need is more trained officers and fast moving mechanical equipment, which can go down into South America, if that is what the country wants to do, and lead the millions of loyal but penniless South Americans against the onslaught of what we are told is about to happen to them if we do not watch out.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a brief question?

Mr. ALEXANDER. In just a minute.

We have heard it said that we need only to conscript men that that alone is democratic, that we do not need to conscript industry or factories, or wealth, for that is undemocratic. It is also said that we can only be democratic if we conscript men from 21 to 31, according to the Senate bill, or from 21 to 45, according to this bill which has been presented to the House. I conclude, however, from my observations of what democracy really is, that it would be much more democratic, if we are going to conscript anybody or anything, to conscript everybody, including the Members of the Congress who are going to vote for this bill. [Applause.] Why is it any less democratic to conscript real estate, buildings, machinery, and equipment of any kind, including all the wealth in this Nation, than to conscript the bodies, the blood, the lives, and the health of our young men, the flower of our American manhood?

Mr. KNUTSON. Will the gentleman yield?

Mr. ALEXANDER. I yield to my colleague from Minnesota.

Mr. KNUTSON. If conscription were carried to that point, of course, that would amount to a dictatorship for this country and this bill is the first step toward dictatorship.

Mr. ALEXANDER. That is correct, dictatorship will be the net result of the passage of this bill. If that is what the Members of Congress want, then you are going to lose your jobs as Congressmen because you do not deserve to represent free Americans any longer. There will be little for you to do except as figureheads shortly after the passage of this bill.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If the danger is so great that we have to pass this bill conscripting American citizens between the ages of 21 and 45 for compulsory peacetime military service, why should we exclude from the draft, as the pending bill does, millions of politicians, including legislative windjammers and millions of aliens?

Mr. ALEXANDER. That is right. I say conscript them all. Let us conscript everything and everybody if we are going to conscript at all. The old saying is what is good for the goose is also good for the gander. I, for one, will not vote to make the young men and women of America again the goats in this foolishness.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I am wondering if the gentleman from Minnesota meant that this was a first step to a dictatorship or the last step?

Mr. ALEXANDER. I believe you have something there.

Mr. THORKELSON. Will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Montana.

Mr. THORKELSON. I would like to know if the gentleman has seen the map of where we are going to fight? He asked the question. May I say that the American Army is going to fight in Sudan, Arabia, and Egypt.

Mr. ALEXANDER. I am not so sure but that the gentleman's guess is pretty close to being right after getting the President's message and after reading some of the sections in the bill which has been presented to us today. It is a terrible piece of "Hitleresque" legislation and should be voted down so we can concentrate on some real constructive preparedness in the way of mechanization, training of mechanics, of aviators, and of naval officers and men for a greatly expanded Navy and air force. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PATMAN] having resumed the chair, Mr. SHEPPARD, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. RAYBURN] may be permitted to extend his own remarks in the RECORD following the President's message of today and include therein a statement from H. R. Stark, admiral, United States Navy, Chief of Naval Operations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short statement by the Mothers of America, giving their views on the bill now before the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD, and include therein a brief newspaper article appearing in the Washington News of September 3, with reference to the destroyer sale, indicating that the people of Australia were advised about the sale and transfer of 50 of our Navy's destroyers to the British before the Congress of the United States was notified.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The matter referred to is as follows:

[From the Washington Daily News of September 3, 1940]

DESTROYER SALE AGREED, C. B. S. HEARS

(By United Press)

NEW YORK, September 3.—The Australian wireless today broadcast an indirect report that agreement has been reached for transfer of 50 overage United States destroyers to Britain.

"The C. B. S. short-wave listening station picked up an Australian wireless report that Cornelius Vanderbilt Whitney, chairman of Pan-American Airways, arriving at Auckland, New Zealand, said he understood the agreement to transfer 50 American destroyers to Britain had been signed," said the C. B. S. statement.

EXTENSION OF REMARKS

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today and include therein excerpts from two or three short letters and a part of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an excerpt from the CONGRESSIONAL RECORD, and also a letter from a constituent, Mr. Paul Hanchett.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein quotations from various publications and magazines; and I further ask unanimous consent to extend my own remarks in the RECORD and include therein quotations from the press and from magazines.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a few remarks by the Honorable Ernest P. Jacobson, of Minnesota, on the subject of the homestead-lien law.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial from the Daily Register-Mail, of Galesburg, Ill., dated August 28, 1940, entitled "It Is War; Not Short of War."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today, and to include therein the text of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order, the gentleman from Pennsylvania [Mr. SNYDER] is recognized for 30 minutes.

Mr. RANDOLPH. Mr. Speaker, the gentleman from Pennsylvania [Mr. SNYDER] has requested that I ask unanimous consent that his special order for today be transferred to Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from West Virginia [Mr. RANDOLPH] is recognized for 10 minutes.

Mr. RANDOLPH. Mr. Speaker, Saturday afternoon occurred a disaster on a transport liner, operated by Pennsylvania-Central Airlines, on a regular schedule on its route from Washington via Pittsburgh and Cleveland into Detroit. This accident, which took place close to my own congressional district, claimed the lives of 25 persons. In the group was a former Member of this House, who was later elected to the Senate of the United States. I refer to that distinguished legislator, the gentleman from Minnesota, ERNEST LUNDEEN, I knew him in this body, as did many of you, as a diligent and sincere public official, a man who had studied for many, many years, in and out of public life, the problems and possibilities of aviation.

I shall not attempt this evening to place the blame on any agency of the Government of the United States for this tragedy. I do say that personally I voted against the reorganization plan of the President when the independent Safety Board was abolished and we had a revamping of the Civil Aeronautics Authority of this country.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to my friend from Ohio.

Mr. VORYS of Ohio. Every one of us here is listening with interest to the remarks of the able student of aviation from West Virginia. Without attempting at this time to place the blame for what has happened, is it not a remarkable coincidence that the distinguished gentleman from West Virginia and many of us here in this House predicted that if the transfer were made exactly this sort of tragedy would happen?

Mr. RANDOLPH. In reply to the observation of the gentleman from Ohio, who, I want to say, was a director of aeronautics for his own State prior to his membership in this body, it is true that many of us attempted to point out that we believed it would be a mistake to reorganize the constituted Civil Aeronautics Authority, which this Congress had brought into being.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield once more?

Mr. RANDOLPH. I yield.

Mr. VORYS of Ohio. Is it not a pity that we now have to investigate the cause of this accident with no separate air-safety board, but those who investigate it are those who had something to do with the decisions which created the accident?

Mr. PATRICK. Mr. Speaker, will the gentleman yield just a second before he goes further?

Mr. RANDOLPH. I yield to the gentleman from Alabama.

Mr. PATRICK. Does not the gentleman think, before we pursue that idea to any conclusion at all, we had better wait until we see whether there is some evidence of neglect?

Mr. RANDOLPH. Of course, my remarks are not intended as a request for congressional investigation and I have not said so. The observations made by our colleague from Ohio would tend in that direction. This tragedy has occurred, a tragedy which is a blow to the commercial aviation industry of this country.

I have flown over that territory many, many times in transport planes and in small chartered planes, and I firmly believe that the accident happened after something had incapacitated the pilots. The ship certainly was out of control.

I wish to go on from that point and not dwell upon the accident aspects because the public has an interest in a matter of this kind, a very real and sustained interest. The men and women look to the future. So do we, but let me go back.

I call to your attention the remarks which I made on January 15, 1936, when I spoke on this floor following what up until that time was the greatest tragedy on the air-transport system of this country, namely, the accident which took place in Arkansas on American Airlines. I said on the day after that accident occurred, 4½ years ago:

Commercial aviation in America and in the world today has been dealt a stunning blow, but only temporarily so, because in the future those who are charged with carrying on this great industry will continue to so improve the planes in which men and women fly, so improve the airports where the planes land and take off, and so improve all conditions necessary to successful continued progress in aviation that they will lessen greatly the number of casualties just as those who pioneered in railroad transportation were called upon to do.

In that connection I want to say that since that accident happened, the safety record of the Commercial transport air lines of this country has been truly remarkable. In the past 17½ months no fatality took place, and more than 3,100,000 persons were carried. The company which had this recent accident finds for the first time in its 14 years of transportation of passengers on its routes a fatality, a truly wonderful record for Pennsylvania Central Airlines.

Last evening I traveled on a plane of this company from Pittsburgh to Washington. I had spoken late in the afternoon in my own congressional district near Morgantown and drove from that city to the Allegheny County Airport and boarded a plane of the Pennsylvania Central Airlines. I reasoned there might be some unoccupied seats, but all of them on that plane were taken by the 21 passengers making a normal flight to and from their pleasure or business. I thought to myself then that the American public, to use a slang expression, is "sold" on the safety of air-transport travel.

I understand that heavy travel has existed today. It will exist tomorrow and in the tomorrows, in that this company, as well as other companies, will continue to transport more men and women in safety, in comfort, and with speed.

Mr. PLUMLEY. Will the gentleman yield?

Mr. RANDOLPH. I yield to my colleague from Vermont.

Mr. PLUMLEY. I would like to make this contribution, if my friend would allow.

Mr. RANDOLPH. I am delighted to yield to my friend.

Mr. PLUMLEY. I would like to say that while I commend the people who are in control of the navigation of the air mechanically, yet I reserve any commendation insofar as the Government is concerned for its installation of the necessary precautionary measures. Some people who listen to me know whereof I speak when I say that there are certain areas in which there are no Weather Bureau facilities. I could call names. I could point to men sitting here who know from experience of 35 minutes in a cyclone, who were told when they started from a certain field that they could get to Washington uninterrupted by a storm, and they ran into a cyclone in an area in which there were no Weather Bureau facilities. I think it is a crime—no more and no less.

Mr. RANDOLPH. The observation of the gentleman is certainly a contribution to a discussion of this kind. Many of us have fought for proper navigation aids. In my own State of West Virginia there were no navigation aids up until a year and a half ago. I think that may have been true in the gentleman's State.

Mr. PLUMLEY. Will you let me say this: This gentleman sitting near me and myself were blown 57 miles into your State off of our course by a cyclone.

Mr. RANDOLPH. Now, I wish I might again read for a few minutes. On January 15, 1936, I said in concluding my speech:

I comment on this tragedy—

That was 4½ years ago—

that it is a lesson for the Members of Congress to encourage us in every way and not discourage us, working for those improvements and advancements that will take away from commercial aviation in this country certain of the hazards that still exist.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore (Mr. PATMAN). Is there objection?

There was no objection.

Mr. RANDOLPH (continuing reading):

The pilots of progress in this outstanding transport industry will continue to carry forward, and especially in America do I feel that that shall lead us to continued improvement and success. Not only the pilots who fly the planes, but all those connected with this great enterprise are truly pilots of progress on the onward march of American civilization.

Those words have come true again and again. Only yesterday we found the Pan-American Airways cutting off 1 day in its schedule from South America to the United States. I read from an article in today's Times-Herald, by Glenn Dillard Gunn:

SPEEDIER AIR LINK TO UNITED STATES WELCOMED IN BUENOS AIRES

PROGRESS OPPOSED

While the clippers fly fast, and faster still to facilitate the communications of the businessman, at home, in the Senate of the United States the isolationists still seek to halt the tide of progress. No one who does business abroad—and there are 26,000 of our people who earn their livelihood, directly or indirectly, in foreign trade—can understand an isolationist.

Three days from New York to Buenos Aires, a day to Europe, the distance to Japan and Australia measured now in days and hours where it once was counted in months—those who dwell in the far parts of the earth have become our neighbors.

THREE DAYS TO NEW YORK

Pan-American officials seem certain that 3 days to Miami by the new overland route is but a step away; that presently the schedule will read 3 days to New York; that the stratosphere clippers, comfortable, safe, and unbelievably fast, have only begun their triumphs over time and space; that the world is too small now to talk of political or commercial isolation, whatever some of our Senators may say.

We as Members of the Congress of the United States and all those who are in a position of authority in this Government, as well as individuals who are charged with the actual operation of the transport system of commercial aviation in this country, and as it is linked to the other countries, know that Saturday's accident, sad as it is to all of us—is simply that which sometimes happens. We must continue our every effort to go forward with the improvement of the aviation industry in this country of yours and mine.

Mr. EDMISTON. Will the gentleman yield?

Mr. RANDOLPH. I yield to my able colleague from West Virginia.

Mr. EDMISTON. Does not my colleague think that accidents such as the sad accident which occurred last Saturday will be impossible when we are using the stratosphere?

Mr. RANDOLPH. Yes; you will be above the bad weather. We all know that type of flying is coming.

Mr. McDOWELL. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Pennsylvania.

Mr. McDOWELL. The gentleman has had vast experience in flying. I use the Pennsylvania Central Airlines frequently myself. Last night I sent my 8-year-old daughter back to Pittsburgh on one of their planes. I have often thought as I sat in a plane, though, how absolutely the passenger is in the hands of the pilot. In every Army or Navy plane, every person who goes up has a parachute. I ask those of you who are experienced in these matters why the passenger in commercial planes is not given some individual chance? He sits in that plane but if one man, the pilot, makes a mistake or does the wrong thing, all in the plane may be lost. Why cannot the individual passenger have a parachute? There must be a very good reason for it, but I would like to know it.

Mr. RANDOLPH. For years it has been the belief of some of those of an inventive turn of mind that eventually our transport system planes will be equipped with some type of device so that when planes run into trouble in the

sky the passengers might land in safety. What will happen in the future I cannot tell, but the proposal at least has been discussed.

I thank the House for the attention it has given me on this subject. The public is increasingly air-minded. It has confidence in air travel. I firmly believe that confidence is not misplaced. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MAGNUSON, for today, on account of illness.

To Mr. SATTERFIELD (at the request of Mr. DARDEN of Virginia), for 3 days, on account of illness.

THE LATE HONORABLE ERNEST LUNDEEN

Mr. ALEXANDER. Mr. Speaker, I send a resolution to the desk and ask for its consideration.

The Clerk read as follows:

House Resolution 589

*Resolved*, That the House has heard with profound sorrow of the death of Hon. ERNEST LUNDEEN, a Senator of the United States from the State of Minnesota.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of four Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER pro tempore. Without objection the Chair appoints the following Members of the part of the House to attend the funeral: Messrs. AUGUST H. ANDRESEN, MAAS, RYAN, and BUCKLER of Minnesota.

The Clerk will report the balance of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 6 o'clock and 51 minutes p. m.) the House adjourned until tomorrow, Wednesday, September 4, 1940, at 12 o'clock noon.

## COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m., on Wednesday, September 4, 1940, for the consideration of Senate bill 3248, regarding the pay of immigration inspectors for overtime.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940, at 10 a. m., on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

## EXECUTIVE COMMUNICATIONS, ETC.

1929. Under clause 2 of rule XXIV a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1941, amount to $11,000, for salaries of the Criminal Division, Department of Justice (H. Doc. No. 942), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DEROUEN: Committee on the Public Lands. H. R. 9656. A bill to authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes; without amendment (Rept. No. 2911). Referred to the Committee of the Whole House on the state of the Union.

Mr. HORTON: Committee on the Public Lands. H. R. 10402. A bill to amend the act relating to rentals in certain oil and gas leases; without amendment (Rept. No. 2912). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. House Concurrent Resolution 55. Concurrent resolution recommending that any parties or organizations advocating overthrow of the United States Government be prohibited from entering candidates in any State or national elections; with amendment (Rept. No. 2913). Referred to the House Calendar.

Mr. COLE of New York: Committee on Naval Affairs. H. R. 10438. A bill to extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy; with amendment (Rept. No. 2914). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. POAGE: Committee on War Claims. H. R. 10190. A bill for the relief of Charles T. Dulin; without amendment (Rept. No. 2906). Referred to the Committee of the Whole House.

Mr. HART: Committee on War Claims. H. R. 7784. A bill for the relief of Howard R. M. Browne; without amendment (Rept. No. 2907). Referred to the Committee of the Whole House.

Mr. HART: Committee on War Claims. H. R. 6489. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation; without amendment (Rept. No. 2908). Referred to the Committee of the Whole House.

Mr. HART: Committee on War Claims. H. R. 4257. A bill for the relief of the estate of Bartholomew Lawler; with amendment (Rept. No. 1209). Referred to the Committee of the Whole House.

Mr. WOOD: Committee on War Claims. H. R. 10444. A bill for the relief of sundry claimants, and other purposes; without amendment (Rept. No. 2910). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KING:

H. R. 10445. A bill to authorize maintenance and use of a banking house upon the United States Military Reservation at Hickam Field, Oahu, Hawaii; to the Committee on Military Affairs.

By Mr. IZAC:

H. R. 10446. A bill disqualifying any member of the Communist Party, the German-American Bund, or certain other organizations for licensing as operator of any radio station on any ship of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERSON of Florida:

H. J. Res. 601. Joint resolution for the promotion of safety in air travel by the construction of uniform identifying land markers; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUEN:

H. R. 10447. A bill confirming the claim of Patrick Morgan and Daniel Clark to certain lands in the State of Louisiana, County of Attakapas, now Parish of St. Martin, said claim being listed as No. 97 in report of Commissioners dated May 1, 1815; to the Committee on the Public Lands.

By Mr. McCORMACK:

H. R. 10448. A bill for the relief of Edward F. Shea; to the Committee on Naval Affairs.

H. R. 10449. A bill for the relief of Joseph P. Hegarty; to the Committee on Naval Affairs.

By Mr. MASON:

H. R. 10450. A bill admitting to citizenship and fully naturalizing Lelia M. Dodd; to the Committee on Immigration and Naturalization.

By Mr. PETERSON of Florida:

H. R. 10451. A bill to provide for placing Leland Cavanah Poole on the retired list of the United States Navy as lieutenant (junior grade), United States Navy; to the Committee on Naval Affairs.

By Mr. REES of Kansas:

H. R. 10452. A bill granting a pension to Inez Hays; to the Committee on Invalid Pensions.

By Mr. VOORHIS of California:

H. R. 10453. A bill for the relief of James M. Hays; to the Committee on Claims.

By Mr. WALTER:

H. R. 10454. A bill to record the lawful admission to the United States for permanent residence of Rev. Julius Paal; to the Committee on Immigration and Naturalization.

By Mr. WHELCHEL:

H. R. 10455. A bill for the relief of certain persons whose crops were destroyed or damaged by high waters; to the Committee on Flood Control.

---

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9256. By Mr. CANNON of Missouri. Petition of Ralls County (Mo.) Post, No. 234, of the American Legion, favoring enactment of a general conscription act and other national defense measures; to the Committee on Military Affairs.

9257. By Mr. GREGORY: Petition of Charles M. Stewart, secretary, representing Rotary Club of Murray, Ky., asserting their support of the program to protect and defend our country; to the Committee on Military Affairs.

9258. By Mr. VINCENT of Kentucky: Petition of Judge Frank Y. Patterson and many other prominent citizens of Bowling Green, Ky., urging the President and the Congress to sell to England 50 of our surplus destroyers for immediate delivery; to the Committee on Military Affairs.

9259. Also, resolution of the Kiwanis Club of Owensboro, Ky., urging the immediate passage of the Burke-Wadsworth bill; to the Committee on Military Affairs.

9260. By the SPEAKER: Petition of John Schultz, of East St. Louis, Ill., petitioning consideration of their resolution with reference to the case, No. 219147, *John Schultz* v. *Mather Stock Car Co.*; to the Committee on the Judiciary.

9261. Also, petition of the Allen Plan Society, Wilmington, Del., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9262. Also, petition of Work Projects Administration Union, Local No. 1, United Federal Workers of America, Washington, D. C., petitioning consideration of their resolution with reference to the selective compulsory military service bill; to the Committee on Military Affairs.

9263. Also, petition of New Jersey State Association Chiefs of Police, Asbury Park, N. J., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

---

# SENATE

## WEDNESDAY, SEPTEMBER 4, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. W. L. Darby, D. D., executive secretary, Washington Federation of Churches, Washington, D. C., offered the following prayer:

Our Heavenly Father, we come before Thee today in the shadow of a great sorrow. Stark tragedy suddenly has come upon us and we have suffered the loss of a devoted Member of this Senate in a dreadful catastrophe of the air. We thank Thee for those qualities of mind and heart which endeared him to his friends and made him so useful a servant of the country he loved. We are grateful for the virtues which he possessed and for the high ideals of public service which he displayed in so many ways.

Now that he has gone from us, stricken down in the midst of a career of such great usefulness, we feel a sense of irreparable loss. Thy Divine comfort we ask for the family circle from which he has gone to return no more. May they have the assurance of the compassion of a loving God in this hour of grief and loneliness. In the face of the death which has brought his body to the grave may they be sustained by the steadfast hope of the life immortal and the joys that are in store in that heavenly land for all believers—a place where sorrow and tears are no longer known.

May his spirit of deep consecration to his country's welfare and his concern for all humanity brood over his colleagues in this body as they meet here today and note that his seat is empty because his earthly life is ended.

May we indeed cherish his memory and endeavor to emulate his example. Grant to the Members of this august body as they mourn his loss a firm resolution that they will give their best to the service of God and country as long as their lives may be spared.

Through these troubled days may we all have a sense of Thy presence in the world and seek to know and do Thy holy will. So, whether the days which remain for each of us be few or many, let us live in the light of eternity and make faithful use of our gifts and talents until the end comes for us, as it has come for him, and we, too, fall asleep to waken in the home above, beyond the sunset glow—that place of "many mansions" prepared for those who love our Lord.

In Christ's name we ask it. Amen.

### PRESIDING OFFICER

Under the designation of the President pro tempore of August 31, 1940, ALBEN W. BARKLEY, a Senator from the State of Kentucky, took the Chair.

### DEATH OF SENATOR LUNDEEN, OF MINNESOTA

Mr. AUSTIN. Mr. President, we are all saddened today by the tragic death in an airplane accident on Saturday last of our colleague, Senator ERNEST LUNDEEN, of Minnesota. At a time more suitable for eulogies of his public service and character and in testimony of the friendships which he created here in the Senate we will devote the opportunity to pay appropriate tribute to our departed colleague. At the present time, out of respect to his memory, I offer the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 306) was read, considered by unanimous consent, and unanimously agreed to as follows:

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. ERNEST LUNDEEN, late a Senator from the State of Minnesota.

*Resolved*, That a committee of four Senators be appointed by the Presiding Officer of the Senate to attend the funeral of the deceased Senator.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolving clause the Presiding Officer appointed the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. HOLT], and the Senator from Colorado [Mr. JOHNSON] the committee on the part of the Senate to attend the funeral of the deceased Senator.

Mr. AUSTIN. As a further mark of respect to the memory of the deceased Senator, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate took a recess until tomorrow, Thursday, September 5, 1940, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 4, 1940

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, we come to Thee in the name of Him who is above every name. Let Thy morning light of promise be in our hearts for Thy goodness is infinitely in excess of our needs and Thy mercy exceeds our sins. Forgive our failures, bridge our imperfections, and pass by our limitations. Purify all motives by which our conduct may be determined, and may we ever hold fast the truth that he that dwelleth in God dwelleth in love, for God is love; urge this truth in every mind. We pray that we may enjoy life, but ever hold it on the highest plane by keeping steadfast in faith, pure in love, and bright with spiritual outlook. Come to us and to our hearthstones and be our rest when the hours seem forbidding, our help in the moments of perplexity and our balm for every wound. When earth's little while is over, permit us to pass on into the life eternal. In the name of our Saviour. Amen.

The Journal of the proceedings of the House of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two editorials from the Gaelic American on the subject, Keep America Out of War.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an open letter to the Honorable James A. Farley from John O'Connor, of New York, former chairman of the Rules Committee of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection.

Mr. BURGIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article on Our Nation's Defense from the Sanford Herald.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BURGIN]?

There was no objection.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. FLANNAGAN]?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include three separate and distinct statements from the Navy Department, one relating to the Mason board report in regard to the acquisition of Naval Reserve stations, another in reference to all contracts entered into by the Navy Department and shipbuilding companies, and another with reference to the aeronautical situation in the Bureau of Aeronautics.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein editorials from the Chicago Tribune, the New York Times, the New York Herald Tribune, and the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection.

THE LATE SENATOR JONATHAN BOURNE, JR.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

Mr. PIERCE. Mr. Speaker, Jonathan Bourne, Jr., United States Senator from Oregon, 1907 to 1913, passed into the great beyond here in Washington, D. C., on September 1. Eighty-five years of age, he was of keen mind, intensely interested in public affairs, a friend and associate of public men and a participant in political affairs of his adopted State of Oregon, and of the Nation. Senator Bourne was a most remarkable man, gifted with political genius which enabled him to make his mark, not only on his own day and generation, but on our political institutions which have been permanently changed in some respects because of his thought and activity. His most distinctive achievements which will be longest remembered are the pioneer work in Oregon for the direct election of Senators, the formulation of the Oregon system of popular government, and the parcel post.

Jonathan Bourne, Jr., was the first man ever sent to the United States Senate as the result of a popular vote, and he originated the system of direct election of Senators which Oregon used for 10 years before it was adopted nationally. The Oregon system to which I have referred is an integrated system of popular government or people's government, as he liked to call it. Oregon's reputation as a political experiment station was gained because of the leadership and activity of Senator Bourne. The national achievement with which his name is most closely associated is the adoption of parcel post which became a law when he was chairman of the Senate Committee on Post Offices and Post Roads. He is said to have written the bill which was enacted into law.

After leaving the Senate, Senator Bourne organized the National Progressive Republican League and the Republican Publicity Association which he personally directed and financed. He devised and coined the expression "second elective term," used throughout the country in supporting Theodore Roosevelt for reelection in 1908 and in combating the propaganda against a third term. He always believed that had Theodore Roosevelt kept his pledge made to him not to withdraw from the race, he would have been the nominee in 1908 and there would have been no World War. Senator Bourne made princely contributions to the political campaigns of the Republican Party and of the men in both parties whom he admired and trusted. His loyalty to friends knew no limit. I can testify to this because we belonged to different political parties but were firm friends for nearly half a century. I never knew a man with keener insight into the motives which actuated others. Implicitly keeping every promise to others, he demanded from them the same high standard and relentlessly severed connections with those who were faithless to pledges.

Born in Massachusetts in 1855 of the best New England stock, he early became acquainted with the whaling industry as his father was the owner of the largest private fleet of whaling ships in the United States. The town of Bourne in Massachusetts and the Bourne Whaling Museum at New Bedford, endowed by Senator Bourne's sister, Emily, perpetuate the family name and history. The young man was a member of the class of 1876 at Harvard University. Just before graduation he started on a trip around the world in one of his father's sailing ships. He was shipwrecked on the island of Formosa, finally making his way to Hong Kong in China, and from thence to Portland, Oreg., where he arrived in 1878. Attracted by the setting of the beautiful city, then a pioneer settlement of a few thousand people, he decided to make it his home. He studied law, was admitted to the bar and practiced a short time. He found the career unattractive because of confinement and devotion to tradition. His was an original and creative mind. He engaged largely in mining, making and losing fortunes in developing and prospecting mining properties. One of those fabulous mines is said to have yielded more than $1,000 a day net for over 3 years.

A POLITICAL GENIUS

The Senator's greatest activity was always in the political field. He was interested in governmental affairs and institutions and had an unbounded faith in what he always called

the "composite citizen." On May 5, 1910, he delivered a speech in the United States Senate, "Popular Against Delegated Government," summing up his philosophy; 9,000,000 copies were distributed, reaching every State in the Union and many foreign countries. It was said to be the most widely circulated speech ever delivered in Congress. Jonathan Bourne, Jr., was truly a stanch advocate of the rights of the common man and was the father of the Oregon system which incorporated that theory into the political life of a State.

Senator Bourne always continued to fear the encroachment of bureaucracy and of excessive power in the hands of the Executive. On June 17, I inserted in the Appendix of the CONGRESSIONAL RECORD, page 3925, his letter of June 6, this year, to the New York Herald Tribune, in which he condemned Congress for the surrender of its powers.

With his indomitable courage, great insight, and Yankee ingenuity, he penetrated the political schemes of his opponent and planned ingenious and successful campaigns for candidates who were his friends, and for measures which he originated. His only service in official positions was as a member of the Oregon Legislature, as police commissioner of Portland, and as United States Senator from Oregon. He thoroughly understood the political methods used by men who controlled elections in those days, and his devotion to popular government arose from his experience in early day politics and his revulsion against the methods of unscrupulous politicians.

ADVOCACY OF FREE COINAGE OF SILVER

Jonathan Bourne early caught the fever of the West and became an ardent advocate of free coinage of silver at a ratio of not less than 16 to 1. Though a Republican, he joined the group of Senator Teller supporting William J. Bryan in the campaign of 1896. I, too, was an ardent supporter of Bryan in that campaign, and of his money theories, and date my participation in Oregon State-wide politics from that campaign 44 years ago this summer, when I spoke throughout the State under the management of Jonathan Bourne, Jr.

DIRECT ELECTION OF SENATORS

Oregon abandoned uninstructed election of Senators by the Legislature and adopted direct election by the people 10 years before the system was adopted nationally. The Oregon experiment had resulted in the popular election, in a Republican State, of one Republican (Bourne), and two Democratic Senators (Chamberlain and Lane), and pointed the way to national legislation. The Oregon law resulted from a most picturesque campaign and a series of striking incidents. It was the direct outgrowth of Jonathan Bourne's interest in the money problem. Since the story is unique in our national political annals, I desire to relate it in some detail.

In 1896 Mr. Bourne secured from a majority of the men elected to the Oregon Legislative Assembly pledges to support the reelection of United States Senator J. H. Mitchell. After the fall election of 1896 it was rumored in Portland that Senator Mitchell would not stay true to the silver cause but, if returned to the Senate, he would stand with Mark Hanna for the single gold standard. Senator Mitchell was asked by Mr. Bourne to deny this statement. He failed to do so, and finally admitted its truth. He was then informed by the determined Oregonian that he could not be elected to the United States Senate by the Oregon Legislature, even though the votes had been pledged to him. The only method of preventing the pledged election was keeping the lower house of the Legislature from organizing. This Senator Bourne did by entertaining a majority of the lower house continuously at his own expense until the constitutional expiration date of the Legislature was reached and adjournment forced. This was, so far as I have been able to learn, the only occasion in American history on which an elected legislature has failed to organize and function, and that was in Oregon in 1897. As a result, Oregon was without a United States Senator for 2 years. The Governor appointed former Senator Henry Corbett, but he was denied admission by the Senate because the Oregon Legislature had failed to use its opportunity to elect a Senator. Certainly, this was bold, spectacular, and most effective political strategy, unparalleled elsewhere in the history of legislative bodies.

Out of this "hold-up session" came the direct election of United States Senators by the people instead of by the legislatures. Senator Bourne said to me:

I saw plainly that the American form of government was done for if these men with their money bags could go to the legislature and buy their seats in the United States Senate. I decided that the only hope for America was to force the election of the United States Senators back to the people.

It was not only a question of corrupt control in the election of a Senator, but also the fact that State measures were so tied up with promises on senatorial votes that the whole Legislature was controlled and corrupted in all its actions. The improvement in State legislative procedure is sufficient reason for the change, admitted even by those who question the influence on the quality of the Senate of the United States.

I was elected to the Oregon State Senate in 1902, and was a member of that body when the bill was introduced providing for the famous Statement No. 1 and Statement No. 2. Statement No. 1 provided that the candidate for the Legislature agreed to vote for the people's choice for United States Senate, regardless of his personal preference. Statement No. 2 simply said that he would not be controlled by the people's choice. Public sentiment compelled every candidate for the Legislature to take Statement No. 1; therefore, they were pledged to vote for the people's choice. Then the people, by popular vote, made the selection at the election prior to the meeting of the Legislature. Senator Bourne was the first Senator elected under that pledge, in 1907. He was a Republican—the State and Legislature were strongly Republican. Two years later, Governor Chamberlain, a Democrat, was the people's choice for Senator, and under the pledge of the Legislature, he was elected in January 1909, although the legislature was strongly Republican. These events antedated the seventeenth amendment to the Federal Constitution providing for direct election of United States Senators. Oregon's experience added to the strength of the movement.

THE OREGON SYSTEM OF POPULAR GOVERNMENT

The Oregon system of popular government consists of the initiative and referendum, the recall, the direct election of Senators, the voters' pamphlet, direct primaries, and Presidential preference primary. This system was promoted with the financial backing of Senator Bourne, through an educational campaign extending over several years. The initiative gives to the people the same power exercised by the Legislature and, in addition, provides that laws enacted by the people are not subject to veto. The referendum is a provision for popular expression of opinion on any law passed by the Legislature, which does not carry an emergency clause. Oregon introduced the Presidential preference primary under which the electors of each party may indicate their party's choice for President which shall be binding upon the delegates to the national convention. At one time there were 24 States having some sort of a Presidential preference primary law. It was under the operation of this law that Theodore Roosevelt's name was placed on several State ballots as a candidate for the Presidency in 1912. It is my judgment that the nomination of Franklin D. Roosevelt, at the Chicago convention in 1932, at which I was a delegate, would never have been made had he not had the endorsement of the Presidential preference primary States. The recall is a powerful deterrent to corrupt action in public office.

The most excellent feature of the Oregon system, which has not yet made its way elsewhere, is the voters' pamphlet. This is a publicity pamphlet issued by the State preceding primary and general elections. Any candidate for office may carry his cause to the electors by paying for space in this official pamphlet. Proponent and opponents of initiated or referred measures are given the privilege of presenting their arguments to the people. Political parties may advocate measures or candidates. I have had some experience in presenting my platforms to the people of Oregon, and I believe the voters' pamphlet is a most potent influence in elections.

I also believe it is indispensable to any system of genuinely popular government. Naturally, there have been many attempts made to discontinue this pamphlet, thus forcing candidates into expensive advertising and denying publicity to those who cannot pay such bills nor meet the people personally.

As I bid adieu to my honored friend, I take pride in reciting his achievements, to the end that we may have more democracy and a safer political system.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and to include an article on the march of democracy.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, Mr. VAN ZANDT?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the current issue of Collier's magazine.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota, Mr. PITTENGER?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from The Alien Menace.

The SPEAKER. Is there objection to the request of the gentleman from Montana, Mr. THORKELSON?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the St. Louis Post-Dispatch.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein portions of an article on alien poison, by Stanley High, in the Saturday Evening Post.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement by J. Edgar Hoover.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BRADLEY of Michigan asked and was given permission to extend his own remarks in the RECORD.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter taken from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I want to add my protest to the many others that have been expressed against the act of the President in transferring to England 50 of our destroyers, an important and valuable portion of our Navy.

While the President is directly responsible for this transaction, I cannot help but feel that Congress, by its policy of granting to the Chief Executive so many of its own prerogatives, must share that responsibility.

This is an act of war and is clearly and unmistakably a violation of our own statutes. In 1917 Congress enacted the following statute:

> During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war * * * with any intent or under any agreement * * * that such vessel shall be delivered to a belligerent nation * * * after its departure from the jurisdiction of the United States.

Only 2 months ago Congress passed a law confirming this act, and just a month ago passed another law which provides:

> No vessel, ship, or boat * * * now in the United States Navy or being built or hereafter built therefor shall be disposed of, by sale or otherwise, or be chartered or scrapped, except as now provided by law.

Also, the United States Government was a signatory to the Hague Convention of 1907, which provided—

> The supply in any manner, directly or indirectly, by a neutral power to a belligerent power, of warships, ammunition, or war material of any kind whatever, is forbidden.

I am not questioning the need of air bases involved in the transaction. I do, however, question the necessity and the wisdom of exchanging a portion of our Navy to acquire them. To say the least, it is quite incompatible with the expressed need of additional ships for our defense, and certainly involves a grave risk of dragging our Nation into the war.

If the defenses of the United States are as weak as we have been made to believe, we cannot afford to give up such a vital part of our Navy. It is my understanding that while these destroyers are of an older type they have recently been put into first-class condition. According to a report of one of today's newspapers they "were described yesterday by the Navy as good warships despite their age." There can be no question of their usefulness or England would not want them. These destroyers represent 22 percent of our total destroyers, and in case of emergency would be sorely needed.

The question that now confronts the people of this Nation is, What will be the next move of the President? Judging by this act and his often expressed belligerent attitude, is it not logical to expect him to follow this action by others which will sooner or later completely involve us in the war? Is it reasonable to suppose that our Nation can continue much longer in its present course and still remain at peace? There can be but one end, war, to the policy pursued by the present administration. "Measures short of war" are the direct and inescapable path to war. One step and then another will finally lead to an act of reprisal or an outright declaration of war.

I shall oppose with all the means within my power every act which I have reason to believe has any possibility of involving us in a total war. I feel certain our economy, finances, and Government are now so thoroughly diseased and weak that we could not possibly endure a war without losing what democracy and liberty is still left to us. I am convinced our Nation would pass into a dictatorship as completely as that of the totalitarian states of Europe.

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I take exception to what the gentleman from Ohio has just said, that Congress is responsible for selling these obsolete vessels. How in the world could Congress be responsible when the President of the United States took the liberty of going against the law and trading these vessels to Great Britain? Regardless as to whether you think it right or wrong to transfer the vessels, I claim the President did this contrary to law. He assumed the role of a dictator. Why is the gentleman from Ohio accusing me of being responsible? The President did things

that were wrong, and I object to his doing them in the manner he did, without the consent of Congress. I am not responsible in any sense, and I take no responsibility for that act, and I am not responsible for the acts of the President, thanks to my record in voting not to grant him power which he has and which he assumes.

He has too much power for a good President and certainly too much power for a bad one. Those who voted for granting him such power certainly should be censured for so doing by the people of America in November.

Mr. SMITH of OHIO. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I made my statement on that premise. The extraordinary powers granted to the President by a strongly Democratic Congress created a condition which gave him the opportunity to act as he has. Therefore those Members who gave him that power are jointly responsible.

Mr. RICH. The New Deal administration gave the President all power, and they are the ones who are responsible. I do not accept any responsibility for it; my votes exonerate me. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I listened with interest to the row between 2 of our Republican friends as to who is responsible for the sale of the 50 over-age destroyers to England in exchange for the air bases in this hemisphere. Both of them failed to mention that which the press carried this morning, that their recognized and chosen leader, Mr. Willkie, said it was all right and that it would be approved by the American people. Mr. Willkie is further quoted as saying that the only thing he criticized was that the President did not take the people into his confidence before making the trade, and that that was an evidence of dictatorship. Thomas Jefferson used the same method when he acquired Louisiana, and no one at that time or later has ever accused Thomas Jefferson of being a dictator. The President did what we have always done and what our Government has recognized as the right policy with reference to carrying on negotiations of that kind. The President cannot take the public into his confidence or advertise what he is doing when he is negotiating a trade with a foreign power. [Applause.]

[Here the gavel fell.]

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I rose from a sick bed to come here and vote against this so-called peacetime conscription bill. I may not have any time allotted to me to discuss the merits of the measure from my viewpoint, but I want to give a message to the American people now. If they knew what is going on behind the scenes in Washington, their Capital, they would start a revolution not to overthrow but to preserve democracy. [Applause.]

[Here the gavel fell.]

Mr. CREAL. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CREAL. Mr. Speaker, I do not know who is responsible—Congress, the President, the Secretary of War, or Mr. Willkie. I only say that whoever did it did a blamed good job. [Applause.]

[Here the gavel fell.]

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Speaker and Members of the House, in the proceedings of this debate I think it is well once in a while to refer back to the voice of wisdom which may be found in the Democratic platform adopted in 1904, at St. Louis. Let me read:

> We favor the nomination and election of a President imbued with the principles of the Constitution, who will set his face sternly against executive usurpation of legislative and judicial functions, whether that usurpation be veiled under the guise of executive construction of existing laws, or whether it takes refuge in the tyrant's plea of necessity or superior wisdom.

[Applause.]

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I do not think there is anyone who questions the fact that we need these air bases and I am glad to see the Government acquire them. Frankness, however, compels me to say that I fear the Attorney General, in the opinion he rendered, erected a scaffold upon which he hung his reputation as a great lawyer. [Applause.]

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PATRICK. Mr. Speaker, I know that I am a youngling in the ranks here, but it does look to me that when they are aiming missiles at the Chief Executive—and remember he is the head of the Army and the Navy—they ought to at least give him credit for doing what he actually did; that is to get the opinion of the Attorney General and the legal department of the Navy before he acted, and if, after that, he stood with a chance to trade off 50 obsolete vessels for a 99-year lease—and nobody contends that these vessels will last 99 years—and made a trade like that, I think we are foolish folks to go talking about the niceties of life regarding dealings involving that man across the sea who treats folks as he did the Holland that gave to the Kaiser a haven of protection when a great part of the world wanted to get at his throat. Certainly Hitler's country could see no violation on our part in this. I think some of us are getting off wrong here. [Applause.]

[Here the gavel fell.]

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker and Members of the House, the gentleman from Texas referred to Wendell Willkie agreeing to turning over of the 50 destroyers to the British. As a matter of fact, that is not the truth. Wendell Willkie, although he believed in acquiring air and naval bases, said that it was done without an act of Congress. This is a representative government and you ladies and gentlemen are elected to represent the people of this country and to enact laws and to preserve the Constitution of America, and I say again that the action of Roosevelt is in direct violation of the law. The President took the law into his own hands. It is Congress' privilege to change the law. If we believe that these destroyers should be turned over to the British, then we should change the law and make it possible legally to turn them over rather than having this man in the White House usurp the power of the Congress. [Applause.]

[Here the gavel fell.]

### CONTRACTS FOR AIRPLANES MADE SINCE JUNE 1, 1940

Mr. MAY. Mr. Speaker, I present, on behalf of the House Military Affairs Committee, a privileged resolution which I send to the Clerk's desk, and I ask unanimous consent that the letter of the Secretary of War be read.

The SPEAKER. The Clerk will report the resolution and, without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

House Resolution 585

*Resolved*, That the Secretary of War is hereby directed to transmit to the House of Representatives forthwith detailed information showing the number and types of airplanes for which contracts have been made for the use of the Army, the dates such contracts were entered into since June 1, 1940, and the names of the firms, companies, or corporations contracting to furnish such airplanes.

---

WAR DEPARTMENT,
*Washington, September 3, 1940.*

Hon. ANDREW J. MAY,
*Chairman, Military Affairs Committee,*
*House of Representatives.*

DEAR MR. MAY: Receipt is acknowledged of request from the Committee on Military Affairs of the House of Representatives, dated August 29, 1940, for a report on House Resolution 585 introduced on August 28, 1940, proposing that the Secretary of War be directed to transmit to the House of Representatives forthwith detailed information showing the number and types of airplanes for which contracts have been made for the use of the Army, the dates such contracts were entered into since June 1, 1940, and the names of the firms, companies, or corporations contracting to furnish such airplanes.

The War Department has no objection to transmitting the information desired, and it is set forth below:

| Type and model | Manufacturer | Contract date | Quantity |
|---|---|---|---|
| | | *1940* | |
| Bomber, heavy, 4-engine: | | | |
| B-24D | Consolidated Aircraft Corporation. | Aug. 16 | 56 |
| B-17E | Boeing Aircraft Co | Aug. 30 | 277 |
| Bomber, light attack: A-20A | Douglas Aircraft Co., Inc | June 14 | 20 |
| Pursuit, 2 engine: P-38E | Lockheed Aircraft | Aug. 30 | 410 |
| Transport: C-45A | Beech Aircraft Corporation | Aug. 28 | 20 |
| Trainer, primary: | | | |
| PT-13B | Stearman Aircraft Division, Boeing Airplane Co. | Aug. 16 | 75 |
| PT-17 | do | do | 225 |
| PT-19A | Fairchild Aircraft Division, Fairchild Engine & Aeronautical Co. | do<br>Aug. 28 | 100<br>100 |
| PT-20A | Ryan Aeronautical Co | do | 100 |
| Trainer, basic: BT-13A | Vultee Aircraft, Inc | do | 500 |
| Trainer, advanced: | | | |
| 1-engine: AT-6A | North American Aviation, Inc | Aug. 14 | 637 |
| 2-engine: | | | |
| AT-7A | Beech Aircraft Corporation | Aug. 28 | 150 |
| AT-7 | do | Aug. 16 | 67 |
| AT-8 | Cessna Aircraft Co | July 16 | 33 |
| Observation, short-range, liaison: 105. | Stinson Aircraft Co | Aug. 24 | 6 |
| Rotating wing, autogiro: XR-1 | Platt-LePage Aircraft Corporation. | July 19 | 1 |
| Grand total | | | 2,677 |

In view of the fact that the data requested are furnished herewith, there would seem to be no necessity for the passage of the resolution.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ROBT. P. PATTERSON,
*Acting Secretary of War.*

Mr. MAY. Mr. Speaker, I move that the resolution be laid upon the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include in the RECORD two newspaper articles regarding the funeral of the late Senator Lundeen.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I also ask unanimous consent to revise and extend my remarks in the RECORD and include a letter entitled "Campaign Analysis," appearing in the New York Times.

The SPEAKER. Is there objection?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to include in the Appendix a resolution from the annual conference of the Brethren Church.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a brief article by Mark Sullivan.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARNES. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Illinois [Mr. ARNOLD], who is in the hospital, may extend his remarks in the RECORD and include therein a short article.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a letter from Mr. Goodman, research director of the United Shoe Workers of America, regarding the activities of Mr. Bata at Belcamp, Md. The letter is written to the Solicitor General.

I have heretofore on the floor of this House brought to the attention of Congress his un-American activities.

The SPEAKER. Is there objection?

There was no objection.

INFORMATION REGARDING AIRPLANE CONTRACTS

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman from Kentucky yield for a question?

Mr. MAY. I yield.

Mr. CASE of South Dakota. The chairman of the committee recently reported a resolution giving certain information on orders for aircraft. I wonder if the distinguished chairman of the Committee on Military Affairs plans to place in the RECORD for the information of the Congress a statement of the contracts that have been awarded by the War Department, together with a statement of the fees and architectural and engineering contracts, comparably similar to that recently presented by the distinguished chairman of the Committee on Naval Affairs, the gentleman from Georgia [Mr. VINSON]?

Mr. MAY. If the War Department makes available that information, and it is the desire of the House to have it, I can present it.

COMPULSORY MILITARY TRAINING AND SERVICE

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10132, with Mr. WARREN in the chair.

The Clerk read the title of the bill.

Mr. MAY. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. FADDIS]. [Applause.]

Mr. FADDIS. Mr. Chairman, the ears of Berlin, Moscow, Tokyo, and Rome are tuned in on the proceedings in this Chamber this week. They are fully aware that the result of our actions will influence the future events of the world. The dictators of the world, who have their envious and greedy eyes fastened upon the riches of the New World, are sitting with their fingers crossed, holding their breath, trusting that this the greatest and almost the last of the democracies will run true to the form of democracies of the past and that we will neglect until too late to provide for our national security. God forbid. [Applause.]

Hitler, Stalin, Mussolini, and the war lords of Japan are hoping against hope that partisan politics, sectionalism, class antagonism, and the work of the progeny of their Trojan studs will act to assist them to fasten the yoke of totalitarian

slavery on the necks of the peoples of the New World. They know the dangers to their aims and ambitions which rest with our state of preparedness.

As I sat in the Committee on Military Affairs for something like 3 weeks listening, most of the time, to testimony of those who appeared in opposition to this legislation, I attempted to classify the objections stated there. I find, Mr. Chairman, that the opposition to this legislation was almost identical in structure and sequence. Indeed, Mr. Chairman, one would almost be led to believe, by listening to the testimony of those in opposition to this legislation, that it has emanated from a central source. I firmly believe that, whether wittingly or unwittingly, the majority of those who appeared in opposition were using argument implanted in their minds by subversive influences.

The first argument which was generally made by those in opposition to this legislation was that it was un-American in its character. Mr. Chairman, that was most surprising, because in a great many instances the argument that this legislation was un-American in its character came from those who have desired to destroy everything which is American. It came in many cases from a class of people who have been doing everything in their power to change our American system of government. It came in many instances from a class of people who have construed Americanism and the liberties which it has conferred upon the citizens of this Nation as a license to practice here, under the guise of our principles of freedom, subversive movements. That class of people were unanimous in their opposition to this legislation because of its being un-American and undemocratic.

Now, let us take perhaps the most democratic nation in the world. That nation is Switzerland.

Switzerland has a system of compulsory military training, and I do not believe there is anyone within reach of my voice here today who is prepared to state that Switzerland's system of compulsory military training has not been her salvation now that she is surrounded by totalitarian nations with their eyes fastened upon her riches and determined by every means within their power to wipe out any vestige of democracy. Yet here is a beautiful little flower of democracy blooming in the midst of a filthy mire of totalitarianism. The little democratic nation of Switzerland is today maintaining her independence. The reason she is maintaining her independence is because she has had the wisdom, foresight, and courage to put into effect the system of military training that makes all these gigantic totalitarian nations fear her might, small though it may be. In times of peace she has prepared for war. Today that preparation is paying handsome dividends.

The second argument that has been generally advanced in opposition to this legislation is that the voluntary system is adequate. Man after man, woman after woman, and organization after organization appeared before the Committee on Military Affairs and maintained that we had not tried the volunteer system, maintained that the volunteer system would produce all of the men we need for our armies. To determine the validity of the argument that the volunteer system is adequate, let us look back into our history. At no time in the history of this Nation, when we have been confronted with an emergency, has the volunteer system proven to be adequate. It has not produced men sufficient to meet the emergencies which this Nation has had to face. Back in the days of the Revolutionary War, when it is generally believed that zeal for independence swept the Nation like wildfire, States were forced to resort to conscription in order to get men enough to fill their quotas in the Continental Army. Even under the opiate of fanatic desire for self-government, enthusiasm did not outweigh selfishness. Then, read your histories again. Read about the War of 1812. Read about the disgraceful performance of the American troops in almost every land engagement connected with that war. Read there the lesson of unpreparedness. It is shameful, disgraceful, and came very near being disastrous.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I am sorry, I do not want to yield at this point.

Mr. CELLER. I just want to state that Washington asked for a selective draft act.

Mr. FADDIS. I have just stated that conscription had to be resorted to during the Revolutionary War.

During the War of 1812 American land forces were defeated in almost every engagement in which they took part. Only the power of American seamen won what has been called our second war for independence. Our land forces were woefully inadequate both as to numbers and training to protect our national interests at that time.

In the War with Mexico we were engaged with a Nation much weaker than we, and the volunteer system at that time was adequate for the only time in our history because of the fact that in the southern part of the United States enthusiasm for that war reached such unbounded heights that volunteers flocked to the colors in unprecedented numbers.

In the Civil War both the Confederacy and the Union were forced to adopt conscription in order to obtain sufficient men for their armies.

In the Spanish-American War we did not have conscription. Neither did we have anywhere near the number of troops to provide an Army sufficient in size to carry on a war of the proportion it was first expected to be. That war was of such short duration that everybody was agreeably surprised, and for that reason and that reason alone the volunteer system proved adequate. It did not, however, raise nearly the number of troops that were calculated to be necessary.

In the World War, as everyone knows, conscription was resorted to, and we all know it was highly successful in producing one of the greatest armies the world has ever seen. By the use of this Army we did, in spite of all which has been said, preserve democracy for the world for at least 20 years.

The system of conscription is desirable for the reason that it is democratic in that it produces an army which is a cross section of the United States. It brings the burden, the obligation, the privilege, whichever you wish to term it, of military service alike on all classes and all ages capable of performing in that capacity. What could be more democratic than that all should contribute alike to preserve the rights, privileges, and liberties we all enjoy? This is the very essence of democracy.

Another argument made against the selective service proposition was that the draft would hit only those in the unemployed classes. That is exactly one of the reasons we are trying to put through a system of conscription, in order that the burden of military service will not fall upon any one class.

Another interesting thing about the argument that conscription is a class institution is that this argument comes generally from that class of people who have maintained that the Government of the United States owes them a living. They maintain on the one hand that the Government of the United States owes them a living, but refuse to recognize the fact that they in return have distinct obligations toward their Government.

Another argument that was generally advanced by those in opposition to this piece of legislation was that we were taking our advice from the wrong people. They produced as their "yes-man" Hanson Baldwin. Almost every single individual who appeared in opposition to this legislation produced an article which this Hanson Baldwin wrote for Harper's Weekly. This article was their argument that there was no necessity for conscription. I endeavored to learn from those who opposed this legislation just what sized army we should have to confront the dangers which confront us.

When they were asked as to what size this army should be, they did not have the slightest idea. They had no idea in the world as to what size of an army was needed in order to protect this Nation in time of an emergency. Therefore, we are forced to believe that those who appear with this argument were those who were unalterably opposed to this legislation regardless of the size of the army concerned. If an individual could express no judgment regarding the size of an army

necessary, certainly that individual had given the matter at hand little thought.

The Committee on Military Affairs listened to testimony from all people. We, of course, took into consideration testimony that appeared to us to have resulted from study and knowledge, not prejudice. After all, testimony to have weight must carry some degree of knowledge along with it. Testimony from anyone who admits or who is proven to be ignorant of the subject on which they are testifying certainly should carry no weight in any court or in any committee. Therefore, the Committee on Military Affairs was bound to discount the testimony of those who appeared quoting Mr. Baldwin as their "yes man," and took into consideration the testimony presented to the committee by men who have spent their lives in the United States Army, testimony given by men who have been educated for 25 or 30 years in the matter of national defense, and in the matter of providing an adequate system of national defense for the use of this Nation in time of war.

Mr. MAY. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Kentucky.

Mr. MAY. I would like to call attention to the fact that in every instance in the hearings before the committee when these voluntary witnesses were forced to make an admission, they admitted that if they had to take an authority they would take the War Department officials.

Mr. FADDIS. That is true.

Mr. DARDEN of Virginia. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Virginia.

Mr. DARDEN of Virginia. Did the committee call Mr. Baldwin by any chance?

Mr. FADDIS. No; the committee did not call Mr. Baldwin, because the committee inquired into Mr. Baldwin's capabilities in the matter of being a witness and it found his record to be as follows, and I am sure that any member of this Committee who will weigh the record and capabilities of this man, as an expert on the matter of national defense against that of the present Chief of Staff of the Army will take the side of the committee. I am not saying anything against Mr. Baldwin, but I merely wish to quote to the House his record as a military man.

He was appointed to the Naval Academy in 1920; graduated in 1924 with the rank of ensign; promoted to lieutenant, junior grade, in 1927, and resigned on September 5, 1927, giving as his reason limited opportunities and personal reasons. Appointed lieutenant, junior grade, Naval Reserve, December 1927, and resigned September 21, 1934.

I will leave it to any member of this Committee if his record and his education as a military man or as an expert on these matters will stand up for 1 minute against the reputation, the knowledge, the education, training, and experience of such men as General Marshall, General Drum, General Shedd, General Andrews, and a good many other members of the War Department who appeared before the committee.

Mr. CELLER. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from New York.

Mr. CELLER. Will the gentleman also point out the further democracy of the system under this bill where everything is decentralized and the class and induction into service is left with civilians wholly distinguished from whatever Washington may want or whatever Washington may desire in this regard?

Mr. FADDIS. That is true. All the machinery of the draft is put in the hands of the civilians of the Nation. The military authorities have nothing whatever to do with it, which is absolutely in conformity with our traditional policy of making the military subordinate to the civil authorities.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. I have heard a good deal said that the selection will be by lot, but I do not find anything in this law that shows how the draft will actually proceed. Is this because I have not been able to find it? Can the gentleman refer me to the place where that appears?

Mr. FADDIS. There is nothing in here that says it shall be done by lot. It says it shall be done in an impartial manner.

Mr. VORYS of Ohio. That is the only reference?

Mr. FADDIS. That is the only reference.

Mr. CELLER. I have before me the old selective draft regulations, and therein provision is made for what is known as master lists, where capsules contain numbers, these numbers being equivalent to the numbers in the various draft boards.

Mr. FADDIS. We do not need that in here.

Mr. MILLER. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Connecticut.

Mr. MILLER. Can the gentleman give me some explanation to clear up the language of subsection (c)?

Mr. FADDIS. If the gentleman will wait, I will endeavor to cover that.

Mr. MILLER. Is the gentleman going to cover this by sections?

Mr. FADDIS. I want to proceed with the argument I have prepared here.

Mr. Chairman, opposition also appeared in the form of a fear that this will be fixed upon the Nation as a permanent policy. The provisions of this legislation last until 1945. Just what world conditions will be, or just what may be necessary in the matter of national defense for this Nation after 1945 I am sure no living man can stand up here and chance a guess on today.

Mr. COX. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Georgia.

Mr. COX. The gentleman who occupies the chair at this time has served in this House for a number of years, and there is no other man in Congress who enjoys a larger share of the affection of all Members of Congress than he. He is about to leave us, so I would like to have order maintained to save him the responsibility of admonishing the membership too much in that regard.

Mr. FADDIS. Mr. Chairman, so much for the fear that this may be fastened on the Nation as a permanent policy. Fear was also expressed that the troops raised in connection with this legislation would be sent overseas.

Certainly anyone knows that it is impossible to maintain a Navy or an Army in this Nation today for any length of time without the permission of the Congress. Certainly, everyone is aware of the constitutional provision that appropriations for military matters may not be made for a longer term than 2 years. Certainly every responsible Member of this House knows that it is within the control of the Members of Congress, especially those of the House of Representatives, to prevent any undue use of the troops under the command of the President of the United States. And certainly I believe that everyone within the hearing of my voice is bound to say, whether or not they agree with the President of the United States, that he is a sincere and a patriotic man, and that he will do only what he believes is necessary in the interest of this Nation. [Applause.] I believe every reasonable-minded man will be bound to give him credit for doing just that in the action he took yesterday. I am reminded of the remark made to me at dinner by the learned gentleman from New Jersey, Dr. EATON, when he said that action in acquiring bases in a manner of this kind was much to be preferred to the way Hitler would acquire his naval bases.

The last argument in the locker of those who appeared in opposition to this bill was the argument that it would violate the civil liberties of the people of the United States. This argument was made by those who have no conception of the real meaning of either civil liberties or civil responsibilities. It was made by those who only use the Bill of Rights of the United States as a license to follow, here under the Stars and Stripes, practices that would be condoned in no other nation in the world, practices for which they would actually have been executed in the nations which they left before they came here. They are here today and under the cloak of the Bill of Rights are trying to carry on all sorts of seditions and subversive schemes to destroy the very Government that protects them in the license which they now enjoy.

Now, Mr. Chairman, in connection with other provisions of this measure. We have raised the pay of those in the Army and the Navy in an endeavor to make it conform more nearly to the civilian pay those who will be taken into the Army under the provisions of this act will have. I want it to be understood that the pay of the Army does not consist alone of the base pay. I have heard remark after remark here on the floor and made in committee, "Oh, well, what is $30 a month?"

Thirty dollars a month is not the only pay that a man in the Army gets. In addition to this $30 a month, he gets his food, his clothing, his medical attention, his amusements, his housing, his heat, and various other things that go with the life of a soldier.

There is every opportunity for men to rise. The opportunity for promotion will be given them. It has also been stated that there is no opportunity for promotion in the Regular Army. I call your attention to the fact that even before the passage of this measure it was quite possible for an enlisted man in the Regular Army to rise to the point where he was getting $126 a month. Now, $126 a month for 12 months in the year, with food, clothing, shelter, medical and dental attention is not a wage to be sneezed at in these times or in any other times. The pay ranges from $126 a month down through the other grades to $84 a month, then $72 a month, then $60, then $54, then $36, and then $30 a month. The base pay of a private is $30 a month, and it rises as he is promoted. Any man by proper behavior and application to his duties will get along in the Army. If a man goes in there with his mind made up to get along he will get along. On the other hand, of course, if he goes in there with his mind made up that he is not going to get along, that he is going to be incorrigible and disobedient, that is another question.

We have made provision to take care of conscientious objectors. I am sure the committee has had all the sympathy in the world with those who appeared claiming to have religious scruples against rendering military service in its various degrees. Some appeared who had conscientious scruples against handling lethal weapons, but who had no scruples against performing other duties which did not actually bring them into combat. Others appeared who claimed to have conscientious scruples against participating in any of the activities that would go along with the Army. The committee took all of these into consideration and has written a bill which, I believe, will take care of all the reasonable objections of this class of people.

We also took care of those students who have been entered in college during the year 1940–41, in that their call is deferred for the school year, but not in any case later than the 1st of July 1941. We have taken care of the needs of those who will have obligations of a financial nature, such as insurance, rent, and various other items. We have taken care of that so that their creditors cannot take advantage of their having been called into the service to foreclose on them or by being unnecessarily harsh in their dealings with them.

Mr. Chairman, I do not want to take up much more time because there are others who want to speak on this measure, but I shall be pleased to answer any questions I can in my remaining time.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Georgia.

Mr. COX. The gentleman has just given us a very vigorous defense of the bill which his committee has sponsored. I wonder, however, after giving consideration to all the good that would result from the passage of the measure, if the gentleman does not agree with me that one of the best results we will get is that the adoption of the system will serve to disclose the identity of those who plot to overthrow our Government.

Mr. FADDIS. I believe that is true and hope it will have that result.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. It seems rather a touchy subject and one that seems to be avoided here, but the gentleman who is on his feet over there has a volume relating to how these boys will be selected, but I do not think the gentleman or anyone else likes to tell us how they are going to be selected, and I am wondering if we cannot find some happier way. Why cannot the boys just get together and shoot the craps themselves?

Mr. FADDIS. Of course, the gentleman, I believe, is opposed to this legislation——

Mr. GIFFORD. Oh, no.

Mr. FADDIS. And whatever method would be chosen would not be acceptable to the gentleman.

Mr. GIFFORD. The gentleman is entirely wrong.

Mr. FADDIS. I am sorry if I am wrong, but I know of no other way to choose them except in an impartial manner. It is not up to the Congress to write in every detail in connection with the administration of this legislation. The gentleman himself has had long enough experience in this body to recognize that that is a total impossibility.

Mr. GIFFORD. These boys are more interested in that minute detail than in anything else.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I would like to ask the gentleman to give his views with respect to the committee amendment relating to the commandeering of manufacturing and munitions plants during the period of this bill.

Mr. FADDIS. I would rather let somebody else who more thoroughly understands that than I do give his opinion on it, if the gentleman please. Someone will speak shortly who will do that.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. The gentleman referred to certain exemptions. How about the ministers and priests and rabbis, and those studying for such religious occupation? They are all exempted, are they not?

Mr. FADDIS. Provision has been made to exempt that class from the provisions of the legislation. Provisions will also be made to exempt those with genuine dependents.

Now, Mr. Chairman, finally I wish to state in answer to those who demand to be shown the emergency which demands this legislation that if they cannot see from the fate of Austria, Czechoslovakia, Poland, Norway, Holland, Belgium, and France the trend of world affairs, then are they indeed among the blind who will not see. If they cannot read the very words of Hitler, that he intends to invade this hemisphere, then they are lost to the effect of any argument. For the sake of our national security this legislation is necessary. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. RUTHERFORD.]

Mr. RUTHERFORD. Mr. Chairman, this is the most important bill that has ever come before Congress for consideration. It seeks to change our national policy of over 150 years. We may be taking the last step toward the socialization of America. Once this step is taken, it may take a lot of real effort to retrace our steps. The demand for the conscription of men brings the demand for the conscription of industry. Following that comes the demand for the conscription of wealth. When these steps are completed we have socialism, fascism, nazi-ism, or some form of totalitarian government.

The question then arises, How far can we go and still be able to turn back? As I stated before, this is the most important bill that has ever come before Congress, and the voting for or against it places a real responsibility upon every Member.

As a member of the House Committee on Military Affairs I had a part in whipping into shape the bill that is now before us. It is not a perfect bill by any means, but if we

have to have a draft bill at this time, I feel that this one is preferable to the one sent over from the other body. There are some features of this bill that I would like to change. When the matter of conscription of men was first talked about and discussed, it was said that we should make some provision for the training of the young men of our country, so that in the event of war we would have trained men to call to the colors. I believe that the people of the country in general approved of such a scheme. Now we find in the bill the words "training and service," which to my mind clearly indicates that every man drafted under the provisions of this bill will not only be trained but will be called to serve in the armed forces of the country anywhere in the Western Hemisphere should the President so decide. I believe that men called under the provisions of this bill should be trained in continental United States, and if in the future Congress decides that a sufficient emergency has arisen, then it will be time enough to send these men beyond the shores of our own country. If this is to be a training bill, let us make it a real training bill in fact.

Again, there is a question in my mind whether or not some provision should not be inserted in this bill delaying the operation of the provisions of the bill until the volunteer system has proven a failure. There is no question but that under the present conditions voluntary enlistment will fill up the Army and Navy to full war strength by January 1, 1941, and it is the belief of a great many people in this country that we can provide the necessary number of men called for in this bill by voluntary enlistment. They may be wrong, but they feel that the voluntary enlistment should be given a chance. I believe that if the War Department would put on a real campaign for voluntary enlistment for the next 4 months, and showed the people of the country that they were making an honest effort to get men by that method, that if the volunteer method did not provide the necessary number of men, then these folks would get behind the draft method. When Secretary of War Stimson was before our committee I suggested such a procedure, but he seemed to take the attitude that it could not be done, so what was the use of trying it. However, I believe that it would be well worth the effort, because if it succeeded, this bill would not be necessary, and if it did not succeed the proponents of such a procedure would be satisfied as to that, and the conscription of men would be taken with less hard feeling. So I say, let us give it a chance. It will do no harm, for as I look over the statement below, it is a part of the minority report to this bill.

| | Enlisted men | Officers | Total |
|---|---|---|---|
| Navy | 143,747 | 10,769 | 154,516 |
| Marines | 29,985 | 1,394 | 31,379 |
| Navy Reserves [1] | 40,336 | ---------- | 40,336 |
| Marine Reserves [1] | 15,076 | ---------- | 15,076 |
| Army | 289,000 | 14,000 | 303,000 |
| National Guard | 223,000 | 15,000 | 237,000 |
| Army Reserve officers | ---------- | 120,000 | 120,000 |
| Enlisted Reserves | 17,500 | ---------- | 17,500 |
| Total | 758,644 | 161,163 | 919,807 |

[1] Includes officers on which specific figures unavailable.

I find that we will have 919,807 men under arms and by December 1, 1940, and with enlistments increasing as they are, we will have over 1,000,000 in the peacetime forces of the country by that date. It seems to me that with the calling out of the National Guard at this time the War Department will have plenty to do in taking proper care of the requirements of this body of men and that the postponement of the provisions of this bill for 3 or 4 months will not retard national defense seriously.

Another feature of this bill that gives me considerable concern is the so-called conscription-of-industry provision. I know that it sounds good to say that if you are going to conscript human life that you should in turn conscript industry and wealth. It makes good political talk to say that those who oppose the conscripting of industry and wealth are putting "property rights above human rights." There is no such thing as property rights. It is actually human rights in property. It is these human rights in property that has made America the greatest country in the world. Here any man with a will to do and a will to work could accumulate a home, a business, and wealth. That was his right. He had the right of free speech, the right to worship as he saw fit; the right to do most everything that he wanted to do provided that he did not harm his neighbor. These are the rights that made America great and these are the rights that I believe we are trying to defend. That is the reason why we have this bill before us today. We want to prevent Hitler et al. from doing to us what they have done in Germany, Italy, and Russia. It, therefore, behooves us to be careful that in passing this bill with the conscription-of-industry clause included that we do not bring upon this country the very thing that we do not want.

Taking over private property in the time of war is a very different thing than the taking over of private property in time of peace, no matter how great the emergency may be. It, therefore, seems to me that before we give the Government the power to condemn private property or the power to take over the operation of private plants in time of peace we look well to what we are doing. It certainly is a radical departure from anything that we have ever done before in this country.

Have you stopped to think what might happen under the provisions of the Russell amendment as adopted by the Senate? Let me read it to you:

*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms pending the determination of the issues: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Think of it. Whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation, either of them, under the direction of the President, may institute condemnation proceedings and take over such plant. Under the provisions of the Russell amendment, the sole power of determining the necessity lies in the Secretary of War or the Secretary of the Navy.

Under such power they could take over every industry in the country, and no one could say them nay. They could take industrial plants over immediately, and the Government would pay for them when it got good and ready. Once the plants were taken over, title to them would be in the United States forever, as there is no provision in this amendment to turn the plants back after the emergency is over. Here is the chance that a lot of new dealers have been looking for—a chance to make this Government over. If this amendment prevails, they will have made over the Government, and democracy as we have known it will have passed beyond recall.

As I interpret the term "facilities," it can be made to include most every kind of business, whether engaged in the manufacture of munitions of war or not. It could include the press and the radio. All this taking could be done by the President through his War and Navy Secretaries if he so determined. Do we under the guise of national defense wish to sovietize America? I will never vote for a bill containing such a provision.

What about the committee amendment on the same matter? I believe that it is a better provision in that it provides

simply for the operation of munition plants and not their condemnation. The title to the plants would still remain in the owners and would be turned back to them after the emergency had ceased. At least after the emergency had ceased the Government would not be in business, but probably the plants would be a little worse for the wear. The right to take over a plant in peacetime is a tremendous power, and if we use this emergency to do so and then turn back the plants after the emergency is over, we have at least created a precedent which we will have a hard time thrusting aside at some future date. This whole conscription of industry, no matter which plan is adopted, presents many serious problems. So I say that before we vote once on this matter that we should at least think twice and see just where these amendments, if adopted, will lead us.

When this matter was first discussed I was inclined to favor the selective draft as the most democratic way of securing a body of trained men to use in time of war, but it has gradually taken on so many different angles during the past weeks that I am still in a quandary what to do when the time for final vote arrives. I hope that I may get some real light as this debate proceeds.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan [Mr. HOFFMAN].

PEACETIME CONSCRIPTION—FOR TRAINING OR FOR WAR?

Mr. HOFFMAN. Mr. Chairman, whether we should have peacetime conscription depends to a large extent upon the purpose we have in mind. If the thought is to train men so that we may be ready to meet any danger which may in the future confront us in a world which is undergoing one of its recurrent war epidemics while at the same time we avoid giving offense to potential enemies and make an earnest and sincere effort to avoid being involved in war, there is no reason to believe that we cannot obtain men in sufficient number to meet our need.

To assume otherwise is to subscribe to the belief that Americans have grown so soft and so unpatriotic that they will not defend their country in time of danger.

The spirit of patriotism burns as fiercely in the breast of Americans today as it did in Revolutionary days. Let our people be once convinced that the invader is at our door and few, indeed, would be those of any age who would not gladly volunteer.

If the purpose be to train men so that we may be adequately prepared to meet any danger, the record shows that the Army and the Navy have been able to obtain all the men they wanted, needed, or could train.

As late as September of 1939 the Army's General Staff limited its request for an increase from 169,000 to 227,000 for the Regular Army and asked that the National Guard be recruited from 190,000 to but 235,000.

Again passing upon the necessity of men and its ability to train them, in October the General Staff recommended that the Regulars be limited to 280,000 and the National Guard to 320,000 men. A month later and in December, the Army high command advised against a further increase in Army personnel until reorganization, training, and equipment could be welded into an effective organization.

The truth is that the Army has neither on hand, nor can it get within a year, the equipment to properly care for and train an Army of a million men and, if that number is conscripted and thrown into training camps without proper preparation, many of them will die like flies.

The present war, if it has demonstrated anything, has shown the necessity of mechanized equipment. There is no longer any room for controversy over the necessity of aircraft, tanks, and vast quantities of munitions of all kinds. The day is long past when a million or 2,000,000 men, no matter how perfect their physical condition, how high their courage, how willing to fight, "springing to arms overnight," are an adequate defense for any country.

Safety from warlike aggressors rests today upon the ability of a nation, through its manpower and its factories, to produce war equipment. Hitler has taken years and the continued labor of millions of men and women, to reach his present state of efficiency. He and his people have had but one object in view—that was preparedness for the conquest of their enemies. To it wholeheartedly they have devoted themselves unceasingly.

It is foolish and egotistical to assume that we, in a few short months or in a year or 2, by halfhearted efforts carried on by conflicting forces, can reach a like high degree of mechanical efficiency.

You have but to read the article by Davenport in Collier's of August 7, 1940, describing conditions at Detroit, Mich., to reach the conclusion that what this country now needs by way of preparedness is a unity of purpose and the training of hundreds of thousands of men to transform them from willing but unskilled workers into skilled, technical mechanics and craftsmen.

That cannot be accomplished in Army camps, under Army officers. First, because neither the Army nor the Navy has the instructors, either in sufficient number or of sufficient ability; and, second, because the Government lacks the facilities. Industrialists cannot do it overnight because the process is a slow and an arduous one.

What this country needs now, whether it is proposed to train men for preparedness or whether it is proposed to train them for war, is a course of instruction, compulsory if necessary, in all of our high schools, colleges, universities, which will give to our young men the manual, mechanical training which we must have if production is our goal.

If it be said that such a procedure will not give us sufficient trained men, then let us have additional classes, night schools if necessary, for all other citizens, regardless of age, who have the physical and the mental ability to become proficient in any line of necessary endeavor. Teach our young men and, if necessary, our middle-aged and old men, the essentials of production. Then, when it appears that we will have the equipment necessary for training, if voluntary enlistments have not given us the requisite number, let us have the draft.

CONSCRIPTION FOR WAR

If the purpose be to conscript men for war, that raises another issue and one on which the President and the Congress should be slow to act.

Our people fought one war, all to no good purpose. The cost of it still rests heavily upon our shoulders. The suffering and the misery which it brought are not yet at an end.

Before the President arbitrarily continues on his course which would involve us in this foreign war, before he sends our Army or our Navy into danger zones where he knows retaliation will follow, let the people have a chance to speak at the polls in November.

It was on August 14 of 1936 that he said:

> We can keep out of war if those who watch and decide have a sufficiently detailed understanding of international affairs to make certain that the small decisions of each day do not lead toward war and if, at the same time, they possess the courage to say "no" to those who selfishly or unwisely would let us go to war.

Since that date and especially during the last year, he has consistently driven us toward war. He now leads the war party. If he is honest, let him so announce. Let the opposition declare for preparedness and for peace. Then let the people in November give the answer.

Repeatedly, the President has repudiated his promises. In recent weeks he has made false statements—statements which the people know to be false. He is no longer to be trusted. A man who will propose to violate the law by sending torpedo boats to a belligerent nation, a man who has no regard for the solemn international agreements of our Nation, a man who assumes the authority to send a part of our battle fleet across the seas, is not a man who can be trusted with the lives of more than a million American youths.

For the foregoing and other reasons which will occur to all, we should vote against peacetime conscription. We should insist that Congress alone has not only the authority to de-

clare war, but to shape the policy which will determine whether we remain at peace or go to war.

If the President will not confine his acts within the limitations of the Constitution, he should be impeached.

Mr. ANDREWS. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, when I was a little boy I read about the seven wonders of the world. During the past two decades it has been my privilege and good fortune as a Missourian, who has to be shown, to have traveled rather widely and to have seen for myself some of those wonders of the world, but the longer I live and the more widely I travel, the more I study men and institutions, the more am I convinced that there is only one wonder in the world today, and that is the United States of America. [Applause.]

There are other countries, sir, that are larger than ours in area, that possess more acres, that have richer mineral deposits, and more diversified agricultural products, and, perhaps, richer in natural resources; and there are also other nations that are larger than ours in population, outnumbering us three or four to one. Notwithstanding the fact that other countries are larger than ours, both in area and in population, within the brief span of a century and a half the United States has grown to be the greatest nation on God's earth, and the American people, in spite of all the vicissitudes of fortune through which they have passed, have become the happiest and freest people under the face of the shining sun.

Why is it, I ask you, sir, that we are supreme among the sovereign nations of this earth at this hour? Neither geography nor numbers is the true criterion by which to judge the greatness of a nation, and our preeminence today is due, not to accident—it did not just happen—but, rather, I should say, there are at least three distinct things that have contributed to our greatness: First, the Christian religion, because the men who founded this Nation, who wrote the bible of our freedom and our Declaration of Independence, were religious men and Christian gentlemen who placed supreme importance upon the greatness of the individual; second, our constitutional, representative form of government created a republic where the people themselves are the supreme sovereign and a government which derives all its just powers from the consent of the governed; and the third reason is our underlying economic philosophy of individual initiative and private enterprise.

Our forefathers crossed the stormy seas. They fought off the hostile forces of Nature. They combated savage tribes. They sweated and toiled and went through blood and suffering in order that we might become free and independent men. They lived under no military regimented society. Rather, they left the Old World to escape the heel of cruelty and the yoke of oppression and came to a new land where every man could walk the earth his own king, the equal of every other man, to go his own way, work out his own will, weave into the warp and the woof of the magic days the dreams of haunting doubts that inspired and urged him on.

Up until a few years ago little did I ever dream that I would live to see the time when the Chief Executive of this Nation would ask the Members of this Congress, who had taken an oath similar to his, to preserve, protect, and defend the Constitution, to enact legislation, whether it was constitutional or not. Up until a few years ago I never dreamed that I would live to see the day when the President of the United States would attempt to accomplish by indirection that which he dared not accomplish by direction—to undermine and destroy the independence of a free judiciary, one of the coequal, coordinate branches of our Government. Little did any of us ever dream that we would live to see the day when the Executive would defy the sacred third-term tradition and ask the American people to return him to power as the one and only indispensable man to rule over the destinies of a mighty and great and free people. Little did we ever realize that we would live to see the hour when a President, in time of peace, when we are at peace with all the world, when no one has attacked us, when no one has assaulted us, when no one has insulted us, would ask the American people to grant him the dictatorial and tyrannical power to conscript the young manhood of this Nation in order that they might goose-step to the commands of generals and salute brass hats.

But we have lived to see that hour. The greatest issue for us this moment is whether America shall remain a democrary or become a dictatorship. It is whether we shall maintain our liberty and freedom or whether we shall become a regimented society. It is whether we shall remain a constitutional representative republic or whether we shall become a totalitarian state.

Conscription in peacetime, sir, is an undemocratic, ignoble confession that the methods of Hitler are better and more effective than our own. He who advocates taking the young manhood of this Nation out of their homes, out of their professions and from their families in times of peace, misinterprets the spirit and genius of the men who carved the destiny of this free Republic. We are called upon now, in addition to all the extraordinary powers already voted the Executive under the cry of "emergency," to give him more power, concentrated in a single individual here in Washington. Oh, Members of this House, you cannot consider this bill before us today alone by itself. You must consider it in the light of everything that has gone before and in the light of everything that is likely to follow. Everyone in America knows that for the past 7 years the American Congress has voted the Executive enormous and vast discretionary powers, extraordinary and excessive powers, under the cry of "emergency," which were promised to be exercised only temporarily, as long as the emergency lasted. But the emergency never ends, and consequently those extraordinary powers are still exercised.

What are some of those powers? Under the Constitution the President has the right, of course, to exercise his power as Commander in Chief of the Army, the Navy, and the air force. Under the neutrality law he can single out combat areas and prohibit ships from entering belligerent waters.

The Constitution says that only the Congress has the right to coin money and regulate the value thereof. Napoleon once said, "Give me control of the purse-strings of a nation and you can have all its armies." I submit to you in all fairness as an American patriot that the President at this hour has such vast discretionary control over monetary affairs, a prerogative that justly belongs to this Congress, that he can issue United States notes at any time up to $3,000,000,000. He can further deflate the gold content of the dollar, and by deflating it to 59.2, today he has a surplus stabilization fund of two and one-half billion dollars. He can coin silver at the ratio of 16 to 1. He can close the stock market for 30 days at any time he chooses. Because of certain specific pieces of legislation the President of the United States exercises almost complete control over agriculture, paying benefits to certain kinds of farmers in certain sections, and withholding those same benefits from other farmers.

Likewise, through certain labor legislation, he controls the industries of this Nation along with agriculture. He controls the finances. He has been voted over $20,000,000,000 in a blank check which he can spend any way he chooses. Not satisfied with those excessive and extraordinary powers, not granted by the Constitution, we are now called upon to give him the additional power of conscripting the young manhood of this Nation when we are at peace with the world. When you conscript manpower in this Nation you are going to conscript industry, you are going to conscript labor that operates that industry, and you are going to conscript wealth, whether you like it or not. [Applause.]

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. SHORT. Let me continue, please. Of course, you are going to conscript it. The sauce that is good for the goose is good for the gander. If we are going to have a socialistic state or a communistic society—if we are going to give any man control over the lives of human beings, why should you single out a particular select class and then deny that control to apply to all of us equally without partiality and without favor? [Applause.]

Who is for this bill? Where was it born? I know that many fine patriotic Americans are for it. Much as I differ in judgment, I respect their feelings in this matter because no man is the keeper of another man's conscience. I have been implored more by Republicans than some others, prominent ones, not to make this speech today. No man is the keeper of my conscience. [Applause.]

Who is for this bill? I will tell you some people who are for this bill. Wall Street is for it, regardless of politics. International financiers are for it, regardless of politics. Foreign investors are for it, regardless of politics. They want an Army to protect investors, and when you get an Army to protect investments you will be led down the bloody path of war. History has never recorded a single instance where a country has raised a mighty army that it did not sooner or later use that army. That is an undeniable historical fact.

We are called upon to vote conscription. Why? In the name of God, why?

We are getting down to the bill. Is it necessary? I do not think so; not even after listening to my good, patriotic, brilliant, and able colleague from New York [Mr. WADSWORTH]; not after listening to all the generals—and they have changed their opinions a lot in the last few weeks. I do not believe we need it.

It took the Nazis 4 weeks to get 60,000 men across 150 miles of water to Norway when they had complete control of those waters, when they already had their "fifth column" developed inside of Norway ready to take it over. It took Britain, with her mighty Navy in complete control of the North Sea, 4 weeks to get 20,000 soldiers to Norway, and then she had to withdraw them quickly. Hitler is finding it exceedingly difficult at this hour to get across the English Channel that I have crossed a dozen times—only 20 miles. I want to say to you that when this war is ended all of the belligerents engaged in it will be so utterly exhausted they will not be able to get out of their own back yards. The victor will be only 1 step ahead of the vanquished, only 1 step ahead. And when the war ends, famine, pestilence, death, and disease, the backwash of war and always more destructive than war, will take untold numbers. Europe will be a shambles and chaos. My God! Men, have you ever read history? Have you ever been out of your own back yard? What of the Austrians, the Czechs, the Poles, the Norwegians, the Danes, the Belgians, the Dutch, the French, and we will say the Britishers in the event Britain loses—Britain has not lost this war yet, not by a long shot. We read in the papers day before yesterday that these barn bombers from Germany indicated that the Germans are short of bombers or short of pilots. Britain has not lost the war. But even if Britain succumbs, do we need this bill before us today? I say "No." It will take a vast German Army, an enormous police force, to keep in subjugation those conquered, discontented, and disgruntled minorities. Hitler will have to reorganize and rehabilitate all these conquered countries—and yet you talk about his attacking us across 3,000 miles of water. Oh, I know the Atlantic has shrunk, I know modern inventions and scientific discoveries have annihilated space and conquered time. I know Lindbergh has pushed Paris up into our own front yard. I know Dr. Eckener and Howard Hughes have brought Moscow and Tokyo within hours of Washington. I am aware of these facts, but I still thank God there are 3,000 miles of deep blue water between the New and the Old Worlds, and 5,000 miles of like deep blue water between us and the Orient. Anyone who knows anything about military tactics knows that the United States is most fortunate in its geographical position.

How many men do we have in our land, naval, and air forces, active and reserve, in the United States today? Almost 1,000,000; over 900,000 at this hour, and it will be 1,000,000 within the next few weeks.

Has the volunteer system failed in this country? Are we so lacking in patriotism that we have to go out and compel men to serve? Every red-blooded American will fight for liberty, but he will never tolerate anyone to compel him to fight for it. [Applause.] Now, let us see about the volunteer system. How can a thing fail when it has never been tried? Up until May of this year we had restrictions on enlistments in the Army. When we lifted those restrictions we found over 9,000 men enlisted during the month of May, over 23,000 enlisted during the month of June, more than 31,000 enlisted in July; and General Shedd testified before our committee that the enlistments in August will be correspondingly great. If you will reduce the term of enlistment from 3 years to 1, as the bill under consideration provides, and hike the pay of the men who shoulder rifles from $21 to $30 a month—and God knows a soldier should be worth as much as a boy in the C. C. C. camps—if you will do that, you will find we will get all the soldiers under this volunteer system that we can properly clothe and house and train. [Applause.] Men responsible in high authority have disclosed before our committee that we will not have complete equipment for 750,000 men until 1942. I know you do not need complete equipment, all the accessories and paraphernalia attendant on modern warfare, in order to train men; but I want to say to you gentlemen that the United States Navy is our first line of defense—and we have a navy which I think could lick any combined 2 navies on the face of the earth today. [Applause.] Our Navy does not need men. They have more volunteers than they can take care of. Secretary Knox testified there are over 7,000 on the waiting list now. You can find all kinds of young men who will volunteer for the Air Corps. What the United States needs with its two oceans, one on either side of us, is, first, an impregnable air force which is absolutely invulnerable to attack; and, second, the necessary naval and air bases. The United States does not need a large army. If there is one lesson modern warfare has taught us, if there is one thing we have learned from the Battle of France, it is that you do not need a huge army. Rather, you need a small army, well coordinated, highly equipped and mechanized, that can strike with lightning rapidity and achieve its goal. If the truth were known, I wager there were not more than a quarter of a million Germans who took France with all the millions of conscripts in her Army, the finest in the world, and in spite of the Maginot line.

Let me pause here long enough to say that our committee unanimously voted for every dollar of appropriations deemed necessary for these weapons of war. I even stretched myself and voted for mobilization of the National Guard and the Reserve officers. I have gone that far with you. We who oppose this bill are just as earnest in our desire to see that our Nation is adequately prepared as any proponent of the measure. We want to be ready to meet any eventuality. We do not want to be caught napping and asleep at the switch.

You know the President and even our General Staff—I will not confine it to them, I will say all the world—were so surprised and overwhelmed by Hitler because they had underestimated his strength that they are now inclined to go to the other extreme and overemphasize his supernatural ability. Bear that in mind. That is just hard, common sense.

No one has attacked us, no one has insulted us, yet I fear that perhaps we are already in this war. I speak out of a troubled mind and with a heavy heart today. The speech I am making is not an easy or even a pleasant one to make, but at least so far as I am concerned, Mr. Chairman, in the years to come and in eternity I want the RECORD to be made.

A year ago today I landed at New Castle from the little Swedish steamer *Ingeborg* after a violent and turbulent crossing of the North Sea from Goteborg to England. The *Athenia* had been sunk, and I was reported on it. After my wife, my friends, and I had spent a week in London, we finally landed in New York and much to my surprise I found the American people more excited and more wrought up and more hysterical than the people in the Germany and Britain we had just left. I thought New York had been bombed. I thought somebody had shot grandpa. I ran out and looked at the city to see if it was still standing. Well, another limited emergency had been called. Congress had been asked to meet in special session and to undo in this atmosphere of

hysteria that which we had done 2 years previously in time of peace, when there was no major war in Europe, when we could think coolly, calmly, and objectively without overemotion. We then opened the door and let down the bars.

Mr. Chairman, what many of us predicted last September, October, and November is now coming true. First, you furnish munitions. Next, you will furnish money or credit. The last step will be men. After making the little speech that I made here yesterday I read in this morning's press where, "Britain hails the United States as an ally." And the man on the street in England says, "Thank God, at last we have someone with us now." That is the reaction.

George Washington, in his Farewell Address, said:

> Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

But we have men today who are wiser than George Washington. George refused a kingly crown. George refused a third term, but he belonged to the "horse and buggy" days. [Applause.]

Today we must conscript men for the defense of what? Why should we whip up their emotions unless it is to create such an excitement that their minds will be detracted from the domestic failures and the problems immediately at hand? Oh, it is so much easier to solve the problems of Europe than it is to solve our own problems at home. [Applause.]

Why must we meddle in foreign affairs? There is something funny, and pathetic, too, about all this draft business. Before our Democratic friends held their ratification ceremony in Chicago, Harry and Harold drafted Roosevelt. During the convention Roosevelt drafted Henry, and poor old Jim Farley felt the draft as he drifted out. [Applause and laughter.] And the deceit and deception of that convention is equaled only by what is contained in this bill.

Mr. Chairman, I am afraid that perhaps this will cause more internal strife and trouble at home than anything we could do at this particular time. I do not fear any foreign power as much as I fear the internal breakdown of our democratic institutions, this drifting toward totalitarianism, and the concentration of power in the hands of a single individual. I submit to you this is more power than any good man should want or take, and God knows, it is more power than any bad man should possess.

We are going to hear a lot about Trojan horses, "fifth columnists," and attacks from within, but you know the first casualty in war is truth. When the President sets up these local draft boards all over the Nation, they call it universal conscription. It is not. You are going to set up draft boards on the recommendation of the various Governors, and they are going to take just a few particular boys out of a community. When they take Bill Smith's son and leave John Brown's son home, look out, brother; look out. There is a bug under the chip.

Edwin Markham, bless his heart, author of The Man With the Hoe, whom our beloved Speaker has quoted so beautifully and so effectively on this floor, and who wrote Lincoln, the Man of the People, when they dedicated the Lincoln Memorial, in my judgment the most beautiful monument in this city or in the world, wrote this:

> I fear the vermin that shall undermine
> Senate and school and citadel and shrine;
> The worm of fraud, the fatted worm of ease,
> And all the crawling progeny of these.
> I fear the vermin that shall honeycomb
> The doors and walls of state, in unsuspecting hour.

We had better stay home and put our own house in order. We cannot solve the world's ills and its problems until we first solve our own.

Britain already this year has done $2,000,000,000 worth of business with us. The airplane industry in this country already has a vested interest in this war. The farmers are going to ask us, perhaps, to repeal the Johnson Act and extend loans to Britain, but they will not be loans, they will be gifts. Of course, we can raise farm prices by giving food to Britain or other parts of the world, but we had better give it to the 11,000,000 Americans in our country today who are underprivileged.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri.

Mr. SHORT. I want this 1 minute to say that our committee, much as we may differ among ourselves, love each other. Our chairman has been very fair and very broad-minded. Though we disagree on this proposition, thank God we live in America, where we can differ and still love each other, and may it be so always. That is the wonder of this democracy, this Republic. What I fear is that if we pass legislation like this you will not have free speech. You cannot talk back in an army. Oh, but it is wonderful. As Voltaire said—

> Though I disapprove of everything you say, I will die to give you the right to say it.

This is a great country if we will only take care of it and not be swept off our feet.

> It's nice to see the Old World, to travel up and down
> Among the famous palaces and the cities of renown,
> To see the crumbling castles and the statues of the kings,
> But now I think I've had enough of antiquated things.
> So it's home again, and home again, America for me!
> My heart is turning home again, and there I long to be
> In the land of youth and freedom beyond the ocean bars,
> Where the air is full of sunshine, and the flag is full of stars.

[Applause, Members rising.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. I rise to give expression to the sentiment that we thank God that there are still men in America like DEWEY SHORT, with honesty of conviction.

Mr. THOMASON. Mr. Chairman, the statement the gentleman makes is true, but the gentleman from Missouri [Mr. SHORT] does not have a monopoly in this House on honesty or convictions. The distinguished chairman of the Committee on Military Affairs has assigned to me a difficult task when he asks me to follow the brilliant and always entertaining gentleman from Missouri [Mr. SHORT]. I agree with all he had to say in the last minute of his very eloquent speech, when he referred to the splendid feeling that prevails in the Committee on Military Affairs.

The gentleman from Missouri, DEWEY SHORT, is one of the delightful and companionable men of this House, although we seldom agree on political questions. I regret very much that he saw fit to inject so much politics into a question of this importance. I had hoped that politics had adjourned at least for this week, or until this bill is disposed of. I regard this the most important measure that has been debated on the floor of this House since the World War. Today we should talk, act, and vote as Americans and not as Democrats and Repubicans.

The gentleman from Missouri did ask some very pertinent questions, and some of them are entitled to respectful answers. One of his very direct questions was that he wanted to know where this bill was born. If you will read the hearings you will find that just about exactly 20 years ago there was a distinguished man from New York who ably represented that great State in the Senate of the United States.

He happened to be the chairman of the Committee on Military Affairs of that great deliberative body. After the World War he began to give study to the so-called National Defense Act, which is the law today and of which he is the author. After months of laborious effort that same man, with a unanimous report of the Senate Committee on Military Affairs, both Republican and Democratic, reported back

to that body the recommendation that there be incorporated in the National Defense Act, under which we live and operate today, a system of selective service and training. The cry immediately went up that there would never be another war. Sad to relate, we had not made the world safe for democracy.

That bill did not get very far and was defeated in the Senate and was opposed in this House by another man, whom I will later mention, but during these intervening 20 years, in conjunction with an organization commonly known as the Plattsburg Camp, they have been trying to figure out some plan for universal-selective training of the young men of this country, and that same man is the author of this bill. His name is JAMES W. WADSWORTH, of the State of New York (applause), and since the gentleman from Missouri has seen fit to inject so much politics into this debate it almost makes me wonder why, with the Repubican Party having such a man they would not make him their standard-bearer instead of a newly converted Democrat. [Laughter and applause]. The gentleman from New York [Mr. WADSWORTH] is the author and father of this bill and Senator BURKE, the author in the Senate, is one of Mr. Willkie's outstanding leaders, so it could hardly be called a Democratic measure.

The gentleman also makes another very pertinent inquiry when he wants to know who is for this bill. Well, I think one of those whom I would name first would be the Honorable Wendell L. Willkie, who is for this bill. [Applause.] I know this must be a bitter pill for the gentleman from Missouri [Mr. SHORT] and also the Republican leader, the gentleman from Massachusetts [Mr. MARTIN]. I would also name the great Secretary of the Navy, Mr. Knox, and the great Secretary of War, Mr. Stimson, who for many, many years have shed luster upon the Republican Party. I would go further and say that the Chief of Staff of the Army of the United States, who is one of the greatest officers of the Army that this Nation has ever produced, says that it is absolutely necessary for our proper and adequate national defense, and I would go still further and say that if the Gallup poll is to be believed that 2 to 1 of the American people are for this bill.

I must confess, Mr. Chairman, that more than 2 months ago when the hearings began on this bill, I not only had an open mind upon the question, but I doubted if I would support such a measure. I was not then sure of the necessity, and I wanted to be certain we could not raise an adequate army by the volunteer method. I undertake to say that any man who has the time and the opportunity to study carefully the lengthy hearings on this bill must reach the conclusion that more defense is necessary for the United States if we are to meet the terrible situation that now prevails throughout the world, and personally I am convinced this is the only way we can do it.

I am one of those who believe that if we could get sufficient volunteers all well and good, but now for more than 2 months the House committee has had hearings on this bill, with all kinds of witnesses both for and against, including the author of the bill, the gentleman from New York [Mr. WADSWORTH], the Chief of Staff of the Army, the Secretary of War, the Secretary of the Navy, and various patriotic and veterans' organizations like the Veterans of Foreign Wars. We have heard those against it. We have heard the pacifists, we have heard the ministers, and the result of it has been that in my judgment a bill has come out that can stand the most careful scrutiny and one that I believe, upon due and fair consideration, you will support.

I am not going to take a lot of time going into the details of this bill, because a good many of the Members, and especially the gentleman from Pennsylvania [Mr. FADDIS], have gone into it rather exhaustively, but you will recall that, in addition to the age limit of 21 to 31, the bill provides for a pay increase to $30 a month. It provides for quotas to the various States by which every State will be given full credit for the men now in the service, regardless of what branch it may be. It provides that officers, legislative, judicial, and executive, shall have deferments, likewise ministers of the gospel, also those engaged in necessary industry and agriculture, and conscientious objectors are given proper consideration. There is a moratorium for those who have debts they cannot take care of before they enter the service. There is a guaranty the draftees will have their jobs back when they come home, or at least have a fair hearing in the United States district courts of the country. The members of the local boards are all civilians and appointed, or at least recommended, by local officials.

Since the time when legislation of this kind was first suggested Poland, Denmark, Norway, Holland, Belgium, and France have all fallen, and now England is in the death struggle.

The gentleman from Missouri [Mr. SHORT] wants to know who is for it. I will also tell you who is against it. There are a lot of good men all over the country, and women, too, including a lot of fine men in this body, who are against the bill, but I will tell you an organization that is absolutely 100 percent against it, and that is the Communist Party. I refer to an editorial that I received this morning from the Daily Worker, in New York City, of Friday, August 30, 1940, the official spokesman of the Communist Party, in which they close their editorial with these words:

> The draft bill comes up in the House on Tuesday. Between now and then the American people must make themselves heard as never before.
>
> 1. Wire, write, send delegations to your Congressman. Let him know that labor will vote out of office every supporter of conscription.
>
> 2. Organize meetings everywhere to protest the action of the Senate and to let the House know that the people do not intend to take this lying down.
>
> 3. Let all Labor Day rallies become anticonscription rallies.
>
> 4. Give support to the Emergency Mobilization for Peace, to be held in Chicago this week end.
>
> The Burke-Wadsworth bill is a bill of tyranny and death. Let the voice of the people ring forth—for their democratic rights; for their right to live.

Now, let us see if it is possible to get an army such as the gentleman from Missouri [Mr. SHORT] says he favors, by the voluntary method. I want to give you some figures in this connection.

The present enlistments for this year by the voluntary system are approximately 170,000 men. If you will refer to the RECORD of August 7 last, I placed some figures therein that show the enlistments up to the 1st of June. The War Department today has given me the enlistments for the month of June, which amount to 22,444; for July, 31,958; for August, 33,880; making a total of approximately down to this date of near 170,000 enlistments.

Now, I think you will be interested in observing in the RECORD tomorrow morning the statistics and facts I shall put into the RECORD relative to the volunteer system. I expect to insert in the RECORD these tables down to this date. It will be observed that some of the States, notably my own State of Texas, of which I am so proud, is right near the top of the list. The States of North Carolina, Kentucky, South Carolina, and Texas lead the list. This table which I expect to put into the RECORD will show the number of enlistments per 100,000 of population. While Texas heads that list with 14,667 enlistments, or 252 per 100,000 of population, there are other States like Michigan that provide only 69 per 100,000. There are States like New Jersey that provide only 74 per 100,000.

We might take a look at Missouri, Mr. SHORT's State, which has furnished only 87 per 100,000. And yet this is the State that gave us General Pershing, who says this bill is absolutely necessary. At this rate, it would take 2 years to get the 1,200,000 that General Marshall says are absolutely necessary for an initial protective force. I do not believe we can delay longer.

Let me refer you to the record on this point. When General Marshall, Chief of Staff, was before the committee I asked him this question:

> You are also convinced that, speaking for the War Department, you cannot get an adequate Army voluntarily?
>
> General MARSHALL. We cannot secure the necessary number of men by the volunteer method, and we absolutely cannot secure

men with sufficient rapidity to meet the present situation. We must get these men very quickly. Matériel we cannot rush to meet the immediate emergency, but men we can procure. There should be no delay.

Mr. THOMASON. Will you tell us, please, so that we can have it in the record, what progress is being made in the way of enlistment for the Regular Army, and also the activities of the National Guard and the Reserves?

General MARSHALL. We are securing more men by voluntary enlistment than we expected to be able to secure, but we are still far below the number we need. In the month of June we obtained approximately 16,000 men, and we reached the quota we set for ourselves in June, 10 days ahead of time. But we needed about 80,000 to meet what I thought were our urgent needs to get the ranks filled up and the new units under way in intensive training.

So, if General Marshall, who ought to know more about this subject than any other man, is to be believed, it is absolutely impossible to get an army that will meet the present situation by the voluntary method. Surely, we can trust the Army on matters of this kind. That is their business, and they must know for they have the records.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. COOLEY. Does not the record indicate that even if you tried to raise an army by the voluntary system, the soldiers would come in greater number from some of the Southern States?

Mr. THOMASON. Well, I was just about to say the charge has been made that this is an undemocratic measure, when in my judgment it is the most democratic thing that can be done if it is necessary to raise a million or two million men. [Applause.]

Mr. COOLEY. Does not the record also show clearly that the voluntary system in the State of Missouri has utterly failed?

Mr. THOMASON. Absolutely; and it has failed in more than half of the States.

This is not the first time the country has been confronted with the necessity for legislation of this kind. As the gentleman from Pennsylvania [Mr. FADDIS] said, it was done in the War of 1812; it was done in the Civil War; it was done in the World War, about which no complaint has been made.

May I ask this question: If the cowboys on the plains of Texas and those from the cotton fields of the South have been patriotic enough to voluntarily enlist up to the full strength of the desired quota, tell me, if you please, why the young men of alien extraction from the sidewalks of New York and other great cities, who are spending most of their time criticizing the Government under which they live, should not be compelled to serve? [Applause.] This is the just and democratic way.

Mr. MAY. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. MAY. I think my colleague will agree with me that historians generally agree that because the Confederate Army inaugurated a conscription system in 1862 they lasted a year longer than they would have lasted.

Mr. THOMASON. I do not know any reason why, if my son voluntarily entered a training camp this summer, the fellow down the street who might be a bootlegger or habitue of a poolroom should not be required to prepare himself to defend his country. [Applause.]

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. PATRICK. Are we not 100,000 men behind our authorization today?

Mr. THOMASON. I know we are far behind on necessary enlistments. As I said a while ago, it would take at least 2 years under the present system to get the Army that the War Department says is necessary to meet the present situation.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. SCHAFER of Wisconsin. I noticed with a great deal of interest that the gentleman spoke of the aliens. Will the gentleman then support a perfecting amendment to include many millions of aliens in the draft, including late arrivals in this country who are specifically exempted?

Mr. THOMASON. I think few of us would care to have aliens, especially German aliens in our Army at this time. [Applause.] The gentleman can speak for himself. We have too many "fifth columnists" in this country now, without putting them in the Army.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. VOORHIS of California. I ask this question purely for information. The gentleman mentioned, and I have read it many times, an army of 1,200,000 men. I have read a number of times that the War Department says the standing army should be 375,000 or 500,000. I wish the gentleman would explain the difference.

Mr. THOMASON. The War Department says an initial protective force of 1,200,000 is necessary. That does not mean a permanent standing army of that number. When you compare our Army with the other armies of the world today you will find we have one of the smallest of any large nation in the world. We have an Army of which we are all proud when it comes to personnel and morale, but no one can say in view of what has happened in the other countries of the world in the last year that it does not behoove us to see to it that an adequate army is provided to meet any emergency, and this is the only way to do it.

Mr. VOORHIS of California. I just want the gentleman to explain to us what the 1,200,000 will be. Are part of them to be under training?

Mr. THOMASON. They will be the Regular Army, Reserve Officers, National Guard, and the draftees under this bill. This is a uniform measure, it is a democratic measure that will require every man in this country from 21 to 45 to register; and it is absolutely up to the men in the local communities to determine who is to go. This part of our Army will be civilians and civilians will determine who in their neighborhoods will be selected.

May I not say in this connection that the testimony of General Shedd, Chief of Personnel of the Army, is to the effect that not one man who is now married will go if he claims his exemption, and not one man with dependents who claims his exemption will go.

Mr. DICKSTEIN. If the gentleman will yield, Mr. Chairman, what would you do with men who have married since discussion of this bill began, men who very plainly married to avoid military service?

Mr. THOMASON. I am a firm believer in marriage. I think it is a fine and sacred institution. The local boards will attend to that. Perhaps a few have or will marry to evade the draft, but surely you would not stop all marriages, most of which are made in good faith and entered into because the young people are in love.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. For a brief question only.

Mr. KEEFE. Does the gentleman believe that the national interest is presently imperiled by an emergency that we face?

Mr. THOMASON. Of course, I do, or I would not be for this bill. I do not see how any man who reads the newspapers, how any man who listens to the radio, or any man who goes to a picture show can fail to realize that we are facing the most critical time in the world's history. Hitler has not only made his threats. He is on the march. Read his books. I live on the Mexican border. Take a trip to Mexico or South America and find out for yourself about the subversive influences that are at work. I say it is time for America to wake up. The people of the country are already several jumps ahead of Congress. It is better to be safe than sorry. [Applause.]

Mr. KEEFE. May I add this: That I am glad the gentleman has made that observation. But I want to add this further question: In view of the fact that I interpret what the gentleman has said as a declaration that the Nation is

presently imperiled, why does not this Congress so declare, because in this——

Mr. THOMASON. I just yielded for a question.

Mr. KEEFE. I want to finish asking it—because in this very bill it is provided that whenever the Congress shall declare the national interest is imperiled these boys are in the Army indefinitely, and not for 1 year's training.

Mr. THOMASON. They are in the Army for training only for 1 year. Then they pass into the Reserves for 10 years. This is nothing in the world but a training bill. This is a preparedness bill to meet any emergency. [Applause.]

I can appreciate how the gentleman from Wisconsin feels on that, because I know how unsympathetic he is to any legislation of this sort. This is no declaration of war. This is no expeditionary force. This is a life-insurance policy.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. VORYS of Ohio. The gentleman said he was going to insert some figures in his remarks.

Mr. THOMASON. I expect to place in the RECORD figures of enlistments by States, not only percentages but the number per 100,000. They show that in the industrial centers, particularly of the East and North, the percentage is not half what it is in the agricultural West and South.

Mr. VORYS of Ohio. If the gentleman will yield further——

Mr. THOMASON. Briefly.

Mr. VORYS of Ohio. I found from the Congressional Index that in the World War we had volunteers to the extent of 1,163,048, consisting of 545,773 Regulars and 617,275 Volunteers, as against 2,394,653 drafted. Would the gentleman have someone check those figures so we may know whether they are correct?

Mr. THOMASON. I will let the gentleman from Ohio do that himself. I think the Members will find, if they look at the RECORD in the morning, from the figures I insert, they will find the present system is unfair and undemocratic, and it is even impossible for us to raise the number of men the War Department says we must have by any volunteer method.

Mr. Chairman, this is a grave hour in the history of this country, and certainly in the history of the world. If we are to believe what our War, Navy, and State Departments tell us, we must be prepared to meet the present threat. I do not know how we can do it or how we can raise an army by any other method than this. It is an absolutely fair bill. Ours is a rich heritage. We are a free people and expect to remain such. Bombs are dropping this minute on the homes of innocent civilians in London. Little children are being shipped to our country to find adopted homes. Innocent women and children by the thousands in Europe are tramping the highways seeking food and shelter. That just cannot happen in America. I am glad we have sent them our surplus destroyers and I favor giving them all aid short of war. Thank God, ours is still a Christian country that believes in liberty and justice.

There is not a Member of this Congress who would vote to send a single boy to Europe, but I do believe that we will tax ourselves for munitions and the training of our men. The English Channel is now our first line of defense. We have much in common with the English. We speak the same language. We have the same old common law. We have the same ideals. We believe in and practice democracy. If this madman who is now running loose and wild in Europe continues his march, and especially if he should capture England and the English fleet, then we may expect anything on earth to happen here.

Mr. ENGEL. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Michigan.

Mr. ENGEL. I thought the British Government had guaranteed that the British Fleet would not surrender if we sent our destroyers over there?

Mr. THOMASON. I hope and pray they do not, although I do not understand that they guaranteed that they would not, because I do not see how they are in position to do so if we can believe what we hear. With the odds they are up against, I do not know how they can guarantee anything. They are a game and determined people. In football parlance, I hope and pray they "hold that line."

Mr. ENGEL. Then why was that statement broadcast?

Mr. THOMASON. I do not know anything about that.

Mr. RAYBURN. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Texas.

Mr. RAYBURN. The English have not insured or guaranteed anything along that line.

Mr. THOMASON. I do not know how they could guarantee anything under present conditions. I will say they are doing a swell job so far.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. May I ask the able gentleman, who has great experience on the Military Affairs Committee, this question: When you have to raise or train a large number of troops, is it any more practical or fair to depend on the voluntary contribution of manpower than on the voluntary contribution of money, both of which are necessary to effectuate that purpose.

Mr. THOMASON. I do not think so. I thank the gentleman for his question. I know of no man in this House whose judgment is better or whose patriotism is higher.

Mr. SUMNERS of Texas. I believe I heard the distinguished gentleman from Missouri mention certain governments which he visited when he was in Europe last year. He said the people were not "het up" at all about any danger or necessity to get busy. That when he got back to New York he found the people there much more concerned, acting as though "granddad had got shot." May I ask the gentleman what has become of those governments that were not "het up" at that time?

Mr. THOMASON. Hitler is in charge of those countries just as he will be of all the world if he succeeds in his ambition. Maps are already prepared in Berlin showing how he proposes to divide up the Western Hemisphere.

I was impressed with the testimony given before our committee by a former Member of this House, the distinguished mayor of the city of New York, Mr. LaGuardia, who was the man I referred to when I said that he opposed the bill that the gentleman from New York, Senator WADSWORTH, offered in the Senate 20 years ago.

The mayor came before the committee, urging the immediate passage of this bill, and said he realized how serious the situation is and that he would go further than the bill provides, fixing it so that every man up to 64 had to register; then you could provide home guards as well as men for military service. I subscribe to that view.

Mr. Chairman, I sincerely hope this bill passes, as I believe it will, by a substantial majority. It is absolutely necessary for the adequate defense of this country if our military and naval experts are to be believed. Civilization is at the crossroads. Christianity and our free democratic institutions are on trial. May God bless and keep America. [Applause.]

Under leave granted me, I also include in my remarks the following for the information of the Members:

[The Library of Congress, Legislative Reference Service]

*Enlistments, State of residence as tabulated from enlistment papers, fiscal year 1940*

| State | Number of enlistments | Number of enlistments per 100,000 population (census, 1930) |
|---|---|---|
| Alabama | 4,545 | 172 |
| Arizona | 642 | 149 |
| Arkansas | 2,532 | 137 |
| California | 5,695 | 100 |
| Colorado | 1,892 | 183 |
| Connecticut | 1,376 | 86 |
| Delaware | 205 | 89 |
| District of Columbia | 413 | 81 |
| Florida | 2,085 | 142 |
| Georgia | 5,906 | 203 |

*Enlistments, State of residence as tabulated from enlistment papers, fiscal year 1940*—Continued

| State | Number of enlistments | Number of enlistments per 100,000 population (Census, 1940) |
|---|---|---|
| Idaho | 723 | 187 |
| Illinois | 6,794 | 89 |
| Indiana | 3,189 | 98 |
| Iowa | 1,994 | 80 |
| Kansas | 2,304 | 122 |
| Kentucky | 7,326 | 280 |
| Louisiana | 2,519 | 119 |
| Maine | 1,268 | 160 |
| Maryland | 1,501 | 92 |
| Massachusetts | 4,268 | 100 |
| Michigan | 3,310 | 69 |
| Minnesota | 1,762 | 68 |
| Mississippi | 2,338 | 116 |
| Missouri | 3,149 | 87 |
| Montana | 664 | 125 |
| Nebraska | 1,633 | 118 |
| Nevada | 236 | [1] 262 |
| New Hampshire | 497 | 108 |
| New Jersey | 3,007 | 74 |
| New Mexico | 553 | 131 |
| New York | 11,092 | 88 |
| North Carolina | 6,220 | 196 |
| North Dakota | 585 | 86 |
| Ohio | 4,326 | 65 |
| Oklahoma | 5,512 | 230 |
| Oregon | 1,574 | 165 |
| Pennsylvania | 14,586 | 153 |
| Rhode Island | 745 | 109 |
| South Carolina | 3,121 | 180 |
| South Dakota | 724 | 100 |
| Tennessee | 4,502 | 153 |
| Texas | 14,670 | 252 |
| Utah | 536 | 105 |
| Vermont | 427 | 122 |
| Virginia | 4,280 | 176 |
| Washington | 2,183 | 139 |
| West Virginia | 3,598 | 209 |
| Wisconsin | 2,973 | 101 |
| Wyoming | 451 | 205 |
| Hawaii | 122 | 34 |
| Panama Canal Zone | 25 | [1] 83 |
| Philippines | 57 | 4.7 |
| Puerto Rico | 382 | 241 |
| United States Army posts | 2,353 | |
| Alaska | 33 | [1] 66 |
| Total enlistments | 159,403 | |
| Average per 100,000 | | 133 |

[1] Estimate given on basis of 100,000 population; in this case below that figure.

Source: U. S. Department of Commerce, Bureau of the Census; Fifteenth Census of the United States, 1930, Government Printing Office, Washington, D. C., 1933.

---

The War Department's plans are in far greater state of readiness than when the compulsory system of selection was initiated during the World War. Years of study and research have perfected the plan so that it is in readiness for immediate operation. Representatives of the Joint Army and Navy Selective Service Committee state that the selective service system can procure the number of trainees needed for the first increment within not more than 45 days from the enactment of the appropriation bill.

The following schedule has been prepared by the Joint Army and Navy Selective Service Committee.

SCHEDULE OF TIME REQUIRED FROM DATE OF PASSAGE OF THE LAW UNTIL FILLING OF FIRST CALL

0 to 14th day: Registration preparation.
15th day: Registration.
16th to 21st day: Set up local board and serially number cards.
21st to 25th day: For lottery and distribution of order number.
24th to 29th day: Local board assign order number and mail questionnaire.
29th to 34th day: Return of questionnaires.
34th to 36th day: Run through questionnaires and sort out probable class I–A.
36th to 40th day: Physically examine and induct class I–A.

Consider 0 day as the day of the passage of the act.

JOINT ARMY AND NAVY SELECTIVE SERVICE COMMITTEE,
THE ARMY WAR COLLEGE,
*Washington, D. C., August 31, 1940.*

Hon. R. E. THOMASON,
*House of Representatives.*

DEAR MR. THOMASON: The committee is very glad to comply with your request and furnish you information concerning the distribution of quotas under selective service.

It is expected that when Congress authorizes a selective-service system it will adopt the quota policy which has been established by this committee. This policy provides that the quota basis of the Nation shall be the number of men available for service, including those men already in the service.

For example, a rough estimate of the number of men available for service, within the age group 21 to 30, in the United States, is 4,000,000 men. A State having 40,000 men within this age group eligible for military service would furnish 1 man out of each 100 men called, or 1 percent of the national quota. A State having 80,000 men available would furnish 2 men out of each 100 men, or 2 percent of the national quota.

Within each State the quotas would be apportioned among the various counties and local board areas in the same proportion. Let us assume that the State with 40,000 men available has one county with 400 men available. In this instance, the county would furnish 1 out of each 100 men furnished by the State, or 1 percent of the State quota.

Each State and each community is to be credited with the number of men who would voluntarily enlist in any of the armed forces. If we assume that there are two States, each with 40,000 men available, and that 2,000 men have enlisted from one State and 1,000 men from the other State, the number of men to be selected from the second State would be 1,000 larger than the number selected from the first State.

At the present time there is not sufficient information to make any exact estimates of quotas. As an example of the method in which a quota would be determined, these figures are submitted for your State of Texas. None of the figures are based on anything except estimates.

Estimated number of registrants in Texas: 510,000 white, 89,000 colored.

Estimated class I (men available):

170,000 white
29,667 colored
199,667 estimated total available

If we estimate that 40,944 residents of Texas are members of the armed forces, the quota basis for Texas then becomes 240,611.

If we estimate that 37,944 of those in the armed forces are white and 3,000 are colored, the State of Texas would then be entitled to a credit for each of these amounts. Under a call for 400,000 men, using the above figures, Texas would furnish an estimated 24,021 men.

These figures all constitute a rough estimate and are not to be regarded as final. If it appears, when the accurate figures are received, that instead of 40,944 men from Texas who have enlisted in the armed services, there are 50,000 men from Texas, the quota allotted to Texas would be that much smaller. On the other hand, if the final figures disclosed that the number of men already furnished by Texas to the armed forces is approximately 10,000 less, then the quota for Texas would be approximately 10,000 larger.

Each State and each locality within the State will have its quotas established and its credits given for the men who have gone into the armed services voluntarily, according to the proportions which exist between the State and the Nation for State quotas, and between the country and the State for the local quotas.

The first call made under selective service would necessarily be based on estimates. Since the number of registrants in each State and the number of those registrants who are available for service could not be established until the system has had time to register and classify all the men within the age group, after the first call the estimates would be corrected to comply with the actual number in each instance.

It is entirely possible for a State to satisfy its entire obligation on the first call, and by continued volunteering to eliminate furnishing any men by the compulsory system. On the other hand, the States where volunteering lags would be required to make up these deficiencies through the selective-service system.

The committee will be glad to furnish any additional information desired by you. It is expected that more accurate figures will be available befort it becomes necessary to apportion any quotas.

For the committee.

Yours very truly,

BEN R. HOWELL,
*Major (Specialist-Reserve), G. S.*

---

COMPONENT PARTS OF THE SELECTIVE-SERVICE SYSTEM

Local boards: Number, 6,500; 3 members per board. Nominated by Governors, appointed by President. Will be asked to serve without pay. Determine each case on its merits.

Government appeal agents: One to each local board. May appeal from any classification.

Examining physicians: One or more per local board. Examine only class I men.

Advisory board for registrants: One or more in each county. Composed of lawyers, school teachers, etc. Assist registrants in filling out questionnaires.

Boards of Appeal: Number, approximately 250. One or more for each State. Review appeals, and may affirm, reverse, or modify ruling of local board. Five or more men on each board of appeals.

Medical advisory boards: One or more for each State. Composed of specialists. Examine and determine doubtful medical cases.

State headquarters: One in each State. Composed of National Guard officers who have been trained. Will supervise operations of system within State.

National headquarters: Will supervise operation of the system in the States. Will distribute supplies and finances. Will allocate quotas among the States. Will make inspections of the system. Will determine questions of national policy.

OPERATIONS OF THE SYSTEM

Registration: Registration will be conducted by the persons who normally conduct elections. One registration place wil be established in each voting precinct. Registration does not include any information except the registrant's name and where he can be located.

Selection: After registration the cards will be delivered to the local board by the county clerk. Each local board will have not more than 3,500 cards. The local boards number the cards before the national lottery. The national lottery determines the order in which each man will be called. Questionnaires are sent by the local board to the registrants in the order fixed by the national lottery. Advisory boards assist registrants in making out questionnaires, and the registrant is classified by the local board.

Classification: Registrants are divided into four classes:

Class I: Those available for service.

Class II: Those deferred because of occupation.

Class III: Those deferred for dependency.

Class IV: Aliens, the physically unfit, etc.

These classifications are subject to change by the boards at any time. The class I men are given physical examinations and the physically fit are selected. Induction takes place when calls are made by the service, after it has facilities available to shelter and train the men called.

Mr. ANDREWS. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. HARNESS].

Mr. FISH. Will the gentleman yield?

Mr. HARNESS. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, it has been stated that if a number of Members want time to speak on this important issue the House would sit very late. It now appears that a great many Members do want to speak and in accordance with an agreement with the majority leader we will probably be here until 10 o'clock tonight in order to give that opportunity to Members on both sides to speak.

Mr. HARNESS. Mr. Chairman, since those of us who entertain grave doubts as to the wisdom or necessity of enacting this measure authorizing conscription are freely termed short-sighted, let me preface my views on this bill with a simple statement of my personal attitude toward national defense, which was formulated during my period of service in the Army during the World War, and which I have held consistently during the past 21 years. I have believed, and I believe now, that the defense of America is a sacred responsibility which rests equally upon every citizen. I have always felt that every person, man, woman, or child, who enjoys the rights, privileges, and advantages of American citizenship should and must stand ready to contribute to the fullest of his ability to the protection of the Government and the free institutions which guarantee him these benefits. For 20 years I have urged universal military training in order that we might have an adequate reserve of manpower available to meet any national emergency, and to prevent a repetition of the criminal folly of 1917 when many of our young men with less than 3 months' training were sent into battle against seasoned veterans and their lives needlessly sacrificed upon the altar of unpreparedness. The principle of universal military training is just in that it most equally distributes the burdens of national defense.

Likewise, I have urged that the principle of universal service be applied to our national resources and energies, so that our tremendous productive capacity might most efficiently be directed to the creation of an adequate defense with the least injustice to any group or individual, and with the least possible economic dislocation.

Those are still my basic views today, just as they have been for more than 20 years. For weeks I have sat with my committee and have heard many witnesses testify for and against this measure. Because of my views on military training and my desire to provide for the adequate defense of my country, I was in sympathy with the principle involved but studiously kept an open mind until the hearings were closed. Yet I cannot support the proposal which is now before the House. I cannot support this measure because I believe that it departs in many important particulars from my fundamental beliefs; because I believe it would be dangerous in the hands of the present Executive; and because, with the present state of unpreparedness in our Army and Navy, it is untimely.

After the weeks of expert testimony we have heard on the subject, it still has not been demonstrated to my satisfaction that this proposal of peacetime conscription of manpower and industry is necessary. Despite the assertions that voluntary enlistments will not provide the manpower required in our present defense program, there is sound reason to believe that even under existing regulations, enlistments will continue for some time to run ahead of the capacity of the Army or Navy to equip and train these men in well-integrated defense units.

It was only in May of this year that the Army began to accept enlistments without restriction. We are still asking our volunteers to sign up for a 3-year service period, and we have offered no other added attractions, such as pay increases and assurances that they will not be sent to Europe to fight, to secure volunteers. Still enlistments have mounted steadily since May. With reports for the month of August still incomplete, the Army has announced that more than 42,000 men have enlisted in this single month.

Army officials have conceded that if the basic pay should be increased from $21 to $30 per month, with a 1-year enlistment period provided, a further sharp increase in enlistments is certain. Even under present conditions, we are assured that the Army will reach the full strength for which money has been appropriated before the 1st of December.

Furthermore, under the recent authority to call out the National Guard and the Reserves for a year of active service with the Regular Army, the President may, at his discretion, mobilize a regular force in excess of a million men, including the Navy and marines. There is every sound reason to doubt that the Army can train, equip, and coordinate a body of from 400,000 to 1,200,000 drafted men, in addition to its still unfinished job of equipping the Regular Army, the National Guard, and the Reserves with modern weapons in the coming 12 to 18 months. William S. Knudsen himself confirmed this serious doubt when he recently said to a Senate committee, "It will be 1942 before there will be complete equipment for 750,000 men."

Essentially the same is true of the Navy. Secretary Knox has testified before the committee that the Navy does not need additional manpower at the present time. In fact, he stated that the Navy has a waiting list of some 7,000 applicants for enlistment, and that he did not anticipate that the Navy would have any trouble enlisting all of the men needed for another year.

Why, then, this pressure for immediate conscription? Granting that we should start at the earliest possible moment to train men for our reserve forces, why should we not first be sure that we can adequately train and modernize our Regular Army, National Guard, and Reserves? Why not first check the Army's capacity to absorb, train, and equip drafted men through this first draft of the National Guard, which has already been authorized? Certainly the first requirement is to equip and train the defense forces already available. If our Regular Army, National Guard, and Reserves are fully equipped with the modern implements of defense and thoroughly schooled in the use of these mechanized weapons, they will provide a sound nucleus around which a larger fighting force to meet any requirements can be readily built.

If we could reserve this debate to the sole problem of providing adequate manpower for our defense program, the essential factors could be examined and an effective system could be devised without undue difficulty. Unfortunately, however, the problem is by no means that simple. Conscription of manpower is merely the first step—the entering wedge in what will inevitably be a drive to total conscription. In fact, the Senate has already clearly marked the course we will inevitably be asked to follow in its amendment which authorizes the President to conscript industry. My Committee on Military Affairs has fallen in line, and has reported a conforming amendment which will become a part of this bill before us.

Because "total defense" has a more pleasing sound, and because it rings a little more inspiringly over the radio than the rather harsh term "conscription," we have already heard such frequent reference to the phrase that we are becoming used to it. The advocates of total defense are weaving a very plausible, a very inspiring picture designed to draw our

attention away from the sinister implications in this drive toward a militaristic economy.

But total defense, or total conscription, has only one possible logical end. No matter how noble the ostensible purpose, now matter how plausible the apparent need is made to appear, total conscription is totalitarianism. It is a militaristic dictatorship.

If supporters of this measure, and particularly of this industrial conscription feature which we are now considering as an essential part of the bill, call us alarmists for pointing to these inherent dangers, perhaps they will explain why such a provision appears in this legislation at all. If it is not the actual intention of the administration to exercise some form of dictatorship over American industry, perhaps the advocates of this bill will explain why the Executive should not be satisfied with the tremendous power over industry which the National Defense Act of 1916 already gives him.

Section 120 of the Defense Act imposes binding responsibilities upon all potential producers of arms, equipment, and supplies to produce defense requirements. It empowers the President to take possession of plants where management fails willingly to meet defense requirements, and it carries the clear penalty of heavy fine and imprisonment for noncompliance. This law, amended upon the basis of our World War experience, has been deemed to provide ample guaranties that our manufacturing facilities will be directed to the purposes of national defense. What has happened in recent weeks or months that can possibly justify an administration in seeking even greater power over American industry in time of peace? In the weeks of hearings before our committee not one single person has appeared to request or justify this revolutionary peacetime proposal. No official of the War or Navy Department or of the National Defense Commission has complained of a lack of cooperation on the part of industry and asked for this legislation. Why then is it being forced upon the country?

The question seems particularly pertinent in view this administration's continuing head-long drive toward intervention in Europe. Just 24 hours ago we had the most spectacular example in a whole line of startling, precedent-shattering proofs that President Roosevelt is determined to drag this country again into the quarrels of Europe.

It wastes time to argue here now whether the sale of war implements to Great Britain, directly or indirectly, is in the interest of American security. It is even futile to argue the President is guilty of direct violation of law—the violation, in fact, of a statute which bears his own signature.

What we are looking at is an accomplished fact. Planes, guns, artillery, and finally naval vessels have actually been disposed of by the President. What is particularly pertinent is the manner in which these transfers have been accomplished. The main point is to examine again the methods the President has employed in his drive toward intervention.

First, we had the thin subterfuge of the trade-in, by which the President has been stripping our own Army and Navy of planes which he has sold to Britain. Yesterday, on this floor, my colleague the gentleman from Missouri [Mr. SHORT] described the transfer in direct violation of law of important quantities of Lee-Enfield rifles and 75-millimeter field pieces, which I imagine came as a distinct surprise to most of you here, and to the Nation.

Despite the obvious evidence that this course has shocked and alarmed the Nation, the President has not been deterred. In fact, he now becomes bolder, drops the trade-in subterfuge, which was no longer fooling anyone anyway, and now moves to outright sale of naval vessels to Britain.

And all of this happens despite the clear intention of this Congress to prevent such an outright sale. You will remember the attempted sale of several units of the "mosquito fleet," or small motor torpedo vessels, which the administration undertook to transfer to Britain this past June. Thanks to an alert Member of this body, the gentleman from South Dakota [Mr. CASE], who cited the act of June 15, 1917, chapter 30, 40 Statutes, pages 217, 222—

During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel, built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States—

This sale was halted and the 23 units of the "mosquito fleet" slated for delivery to Britain were saved for the time being for our own Navy.

It was on account of this incident, and this incident alone, that the Congress thereupon added to the Naval Appropriation Act, Public, 671, of June 28, 1940—

SEC. 14. (a) Notwithstanding the provision of any other law, no military or naval weapon, ship, boat, aircraft, munitions, supplies, or equipment to which the United States has title, in whole or in part, or which have been contracted for, shall hereafter be transferred, exchanged, sold, or otherwise disposed of in any manner whatsoever unless the Chief of Naval Operations, in case of naval material, and the Chief of Staff of the Army, in the case of military material, shall first certify that such material is not essential to the defense of the United States—

A specific prohibition against the sale of naval vessels. There could be no possible doubt at the White House of the intention of Congress in that instance. Now, just 2 months later, the Attorney General has tortured the meaning of this provision and, through legal sophistry and subterfuge, has issued specific directions to the Chief of Naval Operations, who has steadily opposed the transfer of these destroyers from the American Navy, to reverse his previous opinion, and thus has contrived a devious escape for the President.

By indirection, subterfuge, and sophistry and the most palpable evasion, therefore, the President and this administration continue stubbornly on their headlong course. Now, finally we have committed what cannot possibly be termed anything but an outright act of hostility. And if you should ask how this course, culminating in the outright sale or trade of these destroyers, is justified you will get no better answer than that international law is a thing of the past; that since the rules of decency have been discarded by dictator nations, we should divest ourselves of stuffy moral and ethical principles by which we have always operated as a dignified nation. In the words of Secretary of War Stimson:

It is not a question of complying with formalities like the declaration of war. You all know that nations do not declare war now; they wage it.

Implicit in our foreign relations now is the code of the dictator, whose declaration of war is delivered by guns, bombs, and torpedoes. If we have adopted the code, we should not be surprised that the code is invoked against us. If there are reprisals against us—and there doubtless will be if the enemies against whom we have declared ourselves are able to undertake reprisals successfully—the final step will have been taken.

It is not surprising, therefore, that this original question of conscription of manpower should raise such alarmed protest from the country. It is not surprising that even greater alarm should follow this sweeping proposal which would deliver American industry, and eventually the entire American economy, into the hands of an interventionist Executive.

Make no mistake about it. Industrial conscription, broadly interpreted under the loose provisions of this measure, is the straight road to total conscription.

It may sound well to the unthinking to order that a plant or an industry be commandeered for defense production. But you cannot conscript a factory or an industry without ultimately conscripting the manpower in that plant or industry. When the Army or Navy officer walks into the front office, clothed in the power and authority of the Federal Government, the hard-won rights of labor are on their way out. You simply do not argue with official orders. The man in the plant can no more dispute the authority of the Federal officer to impose conditions in the operation of the plant under his control than can the private in uniform defy the orders of his captain.

President Roosevelt himself has made unmistakably clear the principle that there is no power to strike against the Federal Government. There can be nothing more certain, therefore, than that it is not capital or wealth but labor which will ultimately suffer most under industrial conscription. Fortunately American labor leaders are fully awake to this inevitable outcome.

From labor, of course, it is a simple step to bring storekeepers, professions, and services under this control. It is only another short step to cover the farmer who feeds and clothes the defense worker or who supplies the raw materials for the factory.

It is easy to shout "conscript the wealth." In fact, this politically expedient but woefully shortsighted course is particularly tempting when you are cornered by the command from the administration to conscript American youth. But I warn you to think carefully before you undertake to do either.

Conscript manpower and you have immensely bolstered the assurance and determination of a President who, in spite of every deterring influence, has driven consistently nearer and nearer American involvement in this war. Give this President similar power over American wealth and industry and the pattern for a militaristic dictatorship is complete. There is nothing, then, to prevent him from taking us without further subterfuge or indirection into actual participation. [Applause.]

Mr. MAY. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. HARTER].

Mr. HARTER of Ohio. Mr. Chairman, all of us in this House of Representatives must appreciate our grave responsibility. We are considering a bill that will authorize a radical departure in our peacetime national-defense plans. Those of us who favor it feel that the emergency confronting the Nation today is greater than it faced after the declaration of war in 1917. We realize that nations have succumbed to physical effects which were far less terrible than those which were endured in the last World War. Loss of life has diminished in this war but decisions of far greater effect upon the fate of nations and the destiny of mankind have been made. Through strategic moves, the application of scientific and mechanized forces, resistance has been paralyzed and advantages gained as the result of which millions of men become incapable of further resistance or judge themselves incapable of continuing the fight. This has been the history of Europe since Hitler started to impose his will upon it.

We believe that the whole situation is so acute, so pregnant with dire possibilities for this country, for its future and the preservation of its institutions that we must prepare, not only in the way of material that this Congress has already authorized, but we must train our young men, so that they may be ready to wield if necessary the weapons which are being forged by a free and independent America.

Those who in good faith in this House and throughout the Nation oppose this bill are influenced by the arguments that the voluntary system of enlistments has not been given a full enough trial and that our armed forces could be amply augmented if we put on a drive for volunteers. They also believe that we are imposing upon the country a militaristic system which will be its undoing and which cannot be abandoned after it is once started.

Let us be fair and say that both sides in this historic controversy are deeply conscious of the importance of the decision and each feels that his cause is righteous. It would seem that we should be able to get a clear conception of this thing and chart a correct course from certain historical facts both of the past and the immediate present. Most of us will admit that if war should come to this country on any considerable scale, we should have to have conscription immediately. Our wars of the past have proven that the voluntary system is inadequate and that a compulsory selective service law is the only democratic, fair, and practical way in which to raise armies when the Nation is imperiled. This is more than ever true today; for, when a modern industrial nation such as the United States is attacked by a major foe, it means the utilization of all of the resources of the country. Not only must manpower be inducted into the combat forces but industry, agriculture, scientific development and practice must not be crippled. There must be such wise selection that those who are taken into the Army do not stop the flow of supplies of the farm and of industry needed both for the armed forces and the civilian population. We must insure the continuation of our economic life and be sure that the man who will render the most valuable service in industry, agriculture, or other necessary employment remains where he can do the best job for the Nation and does not come into the military service. You cannot do this under the voluntary system, which takes men without selection and oftentimes brings into our military forces those who could best serve elsewhere. Our national requirements cannot be met by any system of voluntary service. It will take some form of selective service. Selective service is just, fair, and democratic. Through it the responsibility and burden of military service will fall fairly and equally on every class of our citizens, high and low, rich and poor alike. It insures that we will get the men we need at the time we need them. It is the only system which prevents the entire burden of military service falling upon the willing and it is the only one which provides us with the defense force we should have with a minimum of delay and with the least disruption of our economic system.

We have always managed to get along in this country in peacetimes with a very small Regular Army, citizen soldiers known as the National Guard, and the Reserve officers who have had partial training and are designed to officer any civilian army that may have to be called into being in an emergency. In the past, it has been great civilian armies that have fought the wars of America. There was a time when it might have been somewhat truthfully said that in the event of the invasion of our country a million men would spring to arms overnight to defend her. Unfortunately, such is not the situation today. Even though a million youths might wish to volunteer their services in time of the Nation's peril, it takes months and months to prepare equipment and arms for them and it takes long and tedious training and discipline to make of these raw recruits troops who are capable of functioning with the modern weapons of warfare.

Have you ever stopped to ponder the duties of a modern artilleryman, of the enlisted men who are assigned to the Signal Corps with all its highly scientific instrumentalities—the radio, sound detection, and communication devices? We could go on and enumerate other highly technical branches and services in the modern Army—the Tank Corps, and mechanized divisions, the Air Corps where months must be spent in the training of ground-school mechanics, the flying cadets who are the military pilots of tomorrow, who must take a preliminary training of 9 months and then be assigned to a tactical unit for some 9 months longer, a total of a year and a half, before they are given assignments as individuals upon the big bombers and the very fast pursuit and fighter ships.

But you say, Why should we train men at this time? Why not wait until war is declared or it is imminent? Can no democratic country in these times see the necessity for preparing itself against the worst? France hoped for the best and France is a Nazi dependency. Britain hoped for the best and Britain is in a bitter struggle for existence. And yet we postpone the day of starting compulsory military training and we argue and debate and refuse to face the realities of the situation. In my judgment, we cannot afford to gamble on the voluntary system of enlistments even for a trial period.

What are the facts with reference to the present strength of our armed forces and proposed expansion of these, as well as the possibility of obtaining the necessary manpower by the voluntary system? The existing Regular Army has a strength of approximately 280,000 men; and while the National Guard has a strength at present of approximately 242,000 officers and men, it is estimated that when it is called into active Federal service its total strength will shrink to not to exceed 170,000 men, the others being elim-

inated by resignations, dependency, and other reasons. If we are to fill up the Regular Army to its authorized strength of 375,000 men and bring up the National Guard to its authorized strength of approximately 400,000, we should have to recruit by voluntary enlistment 95,000 for the Regular Establishment and 230,000 for the National Guard, a total of 325,000 men. Remember that it will require 12,000 men each month to keep the Regular Army at its authorized strength as vacancies to that number are caused each month by termination of enlistment periods and other reasons. This maintenance figure of 12,000 monthly is based on experience with 3-year enlistments. Such a number would, of course, have to be greatly increased with the use of the 1-year enlistment period.

Can the voluntary system, operating alone, procure 400,000 trainees by the first of the year, together with the number of men required to bring the regular forces and National Guard to their respective authorized strength, together with the additional men needed to fill vacancies in the regular forces? Absolutely not; and, furthermore, the voluntary system operating alone cannot thereafter procure the 400,000 trainees who will be called up later in 1941 and those that may be called from time to time during the period that this bill would be in force. Even though we did speed up voluntary enlistments and we managed to obtain 50,000 monthly or better, which is in excess of any volunteering to date, we would have to first send 12,000 of these to the Regular Army for replacements, and at that rate of enlistment it would take us at least a year to get 400,000 men if we leave out of account making up the strength of the National Guard, which we have directed shall be called into active Federal service, this number being, as I have pointed out, 230,000.

Whose advice are you going to take upon this tremendously important subject? If you are going to accept the counsel of our military leaders—The Chief of Staff, General Marshall; General Shedd, Assistant Chief of Staff, who is the War Department expert upon enlistments and training; and other high-ranking officers of the Army—who have made studies over the years relative to our national-defense problems and needs, then there should be no hesitancy on your part in voting for the system of training and service authorized by this bill, for all of these men have given it their firm approval. They feel the dangers to this country and the present world situation are most grave. They know, as every thinking citizen does, that if England goes under our defense problems are greatly intensified.

Some of you talked yesterday that you might be willing to train some of the youth of the land if they would be held in the continental United States. This bill contemplates that we will fill up the regular forces with those who are selected and that they will get their training and experience with seasoned troops and those having the very best equipment available at this time. We are not expanding the officer personnel of the Regular Army; and by the time it reaches its authorized strength of 375,000 men practically 60 percent of its officers will be Reserve officers on extended active duty, men who will return to civilian life after the emergency is over. This should be some indication that those who head our War Department are not planning or seeking to impose upon this Nation a great military program which will be continuous from this time henceforth. They are seeking only to do this job in the American way, in the democratic way, in as efficient a way as we the Congress of the United States will let them do it.

It is inconceivable to those of us who have thoroughly considered and studied the requirements of our national defense that, when so much is at stake, anyone should even suggest a trial of the system which we know in advance is doomed to failure.

We who recognize the immediate requirements for an adequate, impregnable, and inexhaustible defense cannot and will not be parties to any program, substitute, or amendment which would in any way require the gambling with the security and integrity of this Nation.

All proposals or amendments which would prohibit entirely or even postpone for a short period of time the immediate use of the compulsory system of selection are proposals which require the most inexcusable and foolhardy gambling.

We do not propose to gamble on what we know will be a losing proposition. To gamble and to lose when the stakes are what they are is unforgivable. The loss will not merely be proof that the voluntary system will not get the required number of men; it may be the complete annihilation of our democratic form of government, our institutions, our homes, and all those things we hold so dear to us.

Some people who would delay the passage of a compulsory selective service law, and who still insist we can obtain enough voluntary enlistments to fill the Regular Army, the National Guard, and provide sufficient trainees, brings to mind an apt comparison. Suppose any school, college, or university starts its term, its regular curriculum and course of study during the month of September, and then says that it will receive students each week through the academic year, ending next June. Do you think that institution would make much of a showing in educating those who dribbled into its portals during the next 9 months? No; colleges realize that they must get their students at fixed times, so that they may be divided and apportioned among the classes in order that the students may have the benefit of making an even start, and have advantage of the full training. In the same way, the Army will be able to do a much better job in training these young men if it can have them in regular increments at the time it is prepared to initiate their training.

There is another argument that one hears frequently advanced, but which has been thoroughly discredited by General Marshall, that we do not have modern equipment to train these men, and that they should not be called up until modern paraphernalia is available. The Chief of Staff, in his testimony, found on pages 109 and 110 of the hearings before your Military Affairs Committee, made it very clear that we had ample rifles and other weapons available, so that the trainees will have ample equipment, this being particularly true as the basic training takes quite some time.

There are two very compelling reasons that appeal to those of us who have sons who will be of an age to be subject to this training and service during this period. It is a well-known fact, demonstrated in the World War and in the present conflict in Europe, that it is trained, prepared, and disciplined divisions that suffer few casualties. The losses are far greater among those combat units that are filled with raw recruits who had have but little training, discipline, and experience. I feel very strongly that if my sons were called to service, and they could have the training provided by this bill, their chances of coming back whole or at all in case of actual warfare would be much greater. Then there is the other compelling reason why this measure should be adopted. It is the desire that this country may avoid war. All of our people share in this desire. The question before us is not one of involvement in the European war; it is the question as to whether we shall prevent European aggression from reaching across the ocean and inflicting war upon us. If we make up our minds that we are going to be in a position to protect this Nation; if we are going to provide the necessary modern weapons of warfare—and this Congress has not been niggardly in its appropriations for that purpose; if we are going to supplement such effort by training enough of our young men, so that we have an adequate reserve of disciplined, prepared citizen-soldiers, Germany, dominated as it is by one man, will hesitate to attack us. Money appropriations for equipment, mechanical and otherwise, are not sufficient. We must have an adequate supply of trained men. With them we have a state of preparedness that will go a long way toward insuring the people of this Nation that we can continue to live in peace.

Let us bear in mind that this bill contains some important terms which indicate its temporary nature and the continuing authority of the Congress over what is done under its provisions. It is a temporary measure, for by its terms the law ceases to function as of May 15, 1945, except as to the refresher training which may be hereafter established. It provides that no more than 1,000,000 men for both the land and sea forces can be in training at any one time. The training is for 1 year. Any young man between the ages of 18 and 35

may enlist and get credit for the year's training before being drafted. Many doubtless may wish to do this after graduating from high school and before entering college. No men can be inducted until Congress specifically appropriates the money for the number it deems necessary to raise. The service of these trainees is restricted to the Western Hemisphere. They are not being trained and equipped for service in Europe. Army pay is raised from $21 to $30 per month. Men are to be returned to their jobs in industry. The foregoing is but a statement of what the bill contains and is brought up here for the purpose of making it clear to you that there is no intent through this legislation to foist upon the country a permanent military system involving the training of huge numbers of men yearly.

We have heard again during these 2 days of debate the argument that has been advanced so frequently in the past that we are imposing upon our people a peacetime compulsory-service law. I submit that it may more accurately be called a program of emergency training and service rather than one of peacetime service. It is in no sense a proposal for the establishment of compulsory military training as a permanent and normal part of the American defense system. Anyone who fails to see an emergency as far as this country is concerned, in view of the conquest of Poland, Norway, Holland, and Belgium, the fall of France, and the attack upon the British Isles must be blind indeed. We all hope and pray that war may not be brought to us. We do not know that Hitler intends to try and dominate the world as well as all Europe. In my humble judgment, we cannot take chances on what he may do or try to do. It is far better to be overprepared than underprepared. Let us face this emergency as men and do those things which we think are best for the future of this Nation. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Chairman, we are now faced with one of the most serious questions ever presented to a free people. This is the hardest vote I have faced during my services in the House of Representatives, and it is only after serious thought and study that I have become firmly convinced that the enactment of this legislation will forever change America from a free, peace-loving Nation to a military dictatorship. I believe that a draft in wartimes is justified, and in case of war I favor not only a draft of the young men of this country but of industry and capital. In other words, if we are going into a war, it must be a war of every citizen and every agency.

We are now asked to adopt military conscription during peacetimes. It is a radical departure and, once adopted, will become a part of our national policy. Let us not be under any illusion. It is stated that this measure is for a 5-year period, but once we establish this European system it will be with us forever. The business of Europe is war, and now we are adopting their policy. None of us will live long enough to rid ourselves of this system. European history proves that no nation has ever rid itself of militarism except by revolution. This legislation is an ever-growing force which will keep us regimented and will continue to ever increase the restrictions on our freedom and liberty. The enactment of this legislation carries with it three vital and fundamental changes in our past and present traditions and well-being.

First, we abandon the time-honored traditions of a peace-loving, liberty-loving people and adopt a military despotism.

Second, a division of our citizens into two classes, namely, the military and ruling class and the common citizen whose freedom and future will be regimented and restricted.

Third, we place the financial burden of a military nation on our economic structure that will enslave us in the future.

It is argued by the proponents of this measure that the selective draft is the only democratic way. I do not agree with them. Enactment of this bill will permit the Federal Government to take our young men and place them in any type of service it desires. In other words, the young men of our Nation will not be privileged to choose what particular line of service they want but will merely become a cog in a great machine. In the past the citizens of our Nation have achieved high ideals and great undertakings because of their freedom of choice. Now it is proposed that we are to turn our backs on that record of achievement and let the state act in behalf of the individual. I want the young men of this Nation to have the opportunities that our forefathers planned for them. Surely we have not forgotten that our democracy was fostered and founded by citizens who were fleeing the traditions of the Old World. Our forefathers left the militarism and regimentation of European countries in order to establish this land of the free. Is it possible that we who say we are opposed to that type of government are now going to embrace and adopt it in our own land? How can we justify our opposition to the methods of Hitler, Stalin, and Mussolini when we are enacting the very legislation that has made them and their methods powerful?

The people of the United States are for peace and not for war. There are a few who are desirous of involving this country in the present European conflict. It is less than 25 years ago that we entered a European conflict in order to save the world for democracy. Certainly the experiences and lessons of that war have not been forgotten. Our foreign policy should be to quit meddling in the power politics of Europe. The European nations with their vast military machines must engage in wars if their leaders are to retain their supremacy and power. If we enter into alliances with European nations it means we will be embroiled in every war fought on European soil. Let us not forget the words of George Washington, who said, "Beware of foreign entanglements."

My second point is that we will divide our citizens into two groups socially and economically. Under these conditions it is only natural that the preference will go to the military group. Our educational system will be revamped to meet that situation. The individual initiative will give way to the precision of military dicipline. The training for invention, production, and research will give way to the training for destruction. A military discharge paper from a training camp will take precedence over a college degree. This changed condition will not only affect the training of our youth, but will also affect the mind and thought of our youth. Individual thinking will give way to mass thinking and the young men of our Nation will become cogs in a great machine. Their minds will be trained to blind obedience and our Nation will become incapable of a democracy.

It is under these conditions that totalitarian governments develop and succeed. Conscript the youth of the Nation and put them in a war machine and war will inevitably follow. If we pass this measure we turn our backs upon the greatest tradition of our country and destroy the boast of a free people.

My third point is that this change of policy will place a great financial burden upon this Nation. So far no one has discussed the cost of this program. From information I have been able to gather it will cost at least $1,400,000,000 to provide for the training now being planned in the bills pending in Congress. I believe we should carefully consider the placing of this great burden on the people of our Nation. This burden will greatly increase as this military machine grows and develops. It would mean that people who are not of military age would at all times be spending their energy in caring for millions of other men who did nothing but prepare for military service. It means that our citizens will be spending their time and energy developing a military machine that is larger than any other military machine on the face of the earth. The militaristic leaders of the Nation are not satisfied nor can the citizens of a militaristic nation feel secure until they have the most modern and largest military nation on the face of the earth. One step leads to another and eventually we are headed that way. In my opinion it means the end of America as we have known it. It means the end of the one truly democratic nation of the world. It means trading freedom and democracy for regimentation and dictatorship. Let us not do it. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I have given this legislation my most careful consideration. I have listened to the arguments on both sides of the question. I have studied the committee reports and the hearings, and tried to figure out in my own mind the far-reaching consequences and effect of this legislation to the people of our country. I may be wrong in my conclusion, but I cannot support this proposal. Time alone will determine whether our action on this bill has been right or wrong. Let it be understood that I am in favor of an adequate defense program. In view of the world situation, we must increase and build our defenses just as rapidly and orderly as possible.

However, I do not believe we should yield to peacetime conscription, except as a last resort. To do so is to adopt a policy that is in direct opposition to that which has been followed by our Government throughout the years. The policy of this bill is not the American way.

I shall not take time to discuss the details of the bill, except to call your attention to the fact that we now have approximately 1,000,000 men in our armed forces—200,000 of them in the Navy. We are advised that those in the Army and Air Corps do not now have sufficient equipment. According to Mr. Knudsen, it will take until 1942 to properly equip 750,000 men. I think we ought to give our volunteer service a little better chance. Let them enlist for 1 year, and pay them at least $30 per month. They are now enlisting at the rate of forty to fifty thousand per month.

The Honorable Harry Woodring, Secretary of War opposed the policy of military conscription, and said that voluntary enlistments should be given a fair chance. I just do not believe we have come to a place where we should immediately yield to compulsory conscription military service as demanded by this legislation.

Mr. Chairman, I want now to direct your attention to two amendments that I shall expect to offer to this bill at the proper time. The first amendment provides for extending the maximum age from 45 years to 60 years as originally proposed. It is my contention that if we are going to set up a system of drafting the manpower of this country, in the name of or for the purpose of national defense—we ought to extend it so that every able-bodied man may have a chance to do his part in the defense of his country. It is not necessary that he become a member of the armed forces—but he might be called upon in many of the other services which will contribute to the carrying out of the national-defense program. In other words, if you are going to follow a policy of registering men up to the age of 45 years, then you ought to go ahead and extend that registration to include several million more men who will be just as capable of performing whatever duties may be required, and who have not passed the age of their usefulness.

The other amendment that I want to submit is to provide for striking out the exemption that is provided in this bill for Members of Congress as well as members of other legislative bodies. I think it comes with little grace for Members of Congress to specifically exempt themselves under the terms of the bill, and demand that the farmer, the mechanic, the storekeeper, and men from various walks of life, be required to take their turn under the provisions of this program, Congress exempted its membership from service in 1917. Let us not make that mistake again.

Mr. Chairman, let me say again, never before in the history of our Nation, has such far-reaching legislation been submitted to Congress in peacetime.

Whatever may be the outcome of this legislation let us do everything within our power to keep our country out of the European war. We just do not belong in that catastrophe.

Mr. MAY. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. CELLER].

AMERICAN SELECTIVE SERVICE

Mr. CELLER. Mr. Chairman, I am in favor of H. R. 10132 involving a selective service for the manpower of the Nation. This bill proposes a fair, equitable, and just system of compulsory selective military training and induction into service. The obligations of military service and the privileges of that service should be shared by all equally. That is exactly what the current bill prescribes, and further, the enforcement is left to local boards composed primarily of one's neighbors. Of course, hardships, inconveniences, and difficulties may accompany selection and induction into the service. That is the price one must pay for living in a republic and a democracy as grand and noble as our own.

IN TIME OF PEACE WE MUST PREPARE FOR WAR

It has been argued that this bill establishes a precedent in the sense that it provides for peacetime compulsory military training and service. Would the opponents of the bill wait until Hitler declares war upon us? It is the fashion these days not to declare war. The axis powers did not declare war on Belgium or Holland or Norway or Denmark. They attacked and conquered and then declared war. If Hitler has any designs on this country, he is not going to waste or mince words in a declaration of war. He is going to strike, and strike hard, at the first opportunity. All that stands between Hitler and us is the Atlantic Ocean and the British Navy. Once the British Navy is gone the Atlantic Ocean is a mere pond. It has always been said, "In time of peace, prepare for war." We must be prepared. A volunteer army cannot give us the proper and appropriate preparedness. Time is of the essence. We must set up a sort of conscription rotary army now.

We cannot start to prepare after the die is cast. We cannot throw raw recruits into battle as we did in the beginning of the World War. Time must be had to train them. We cannot, must not throw volunteers (with no adequate time to train or harden them) into the fray to become cannon fodder.

This bill is no sign of war. It involves us in no commitment for war. It is simply a precautionary measure. It is no pledge to Great Britain. It is purely to have an adequate force ready where necessary to defend our homes and firesides.

ENGLAND'S DIFFICULTIES NOTWITHSTANDING

It is argued that we are pulling England's chestnuts out of the fire. This argument is ridiculous. It must be understood that the bill specifically provides that those inducted into the service shall only serve on the Western Hemisphere, or in our colonial possessions. This limitation precludes our sending a single man to England. England's difficulties have nothing whatsoever to do with this draft bill. Let us hope that England wins. She and the Atlantic Ocean are our bulwarks to the east. Frankly, if we did not have these vanguards of defense, Hitler would have been at our doors long since. We must prepare against Hitler and Mussolini. We must also safeguard our commercial supremacy. We only consume in this country 90 percent of what we produce. We must export this 10-percent surplus in order to live. A good deal of that exportable surplus goes to South America. Once Hitler and Mussolini fasten their fingers into South America, the countries thereof would no longer take our surplus, and without that surplus being exported, we economically perish. Our democracy would be gone and our citizens would be reduced to the status of robots. Our mode and method of living might be reduced to that of slaves. It is to prevent these evils that we set up this rotary army called by the selective-draft method. It is to maintain our supremacy commercially and economically as well as naval and military supremacy.

THE VOLUNTEER SYSTEM IS AN UNDEMOCRATIC SYSTEM

The selective-service system is democratic in the sense that all are treated alike. The rich man and the powerful man have no more rights than the poor man or the indigent one. A great lottery determines who shall or shall not go. That same lottery determines who shall go first and who shall go last. Personalities have no part in the selection or the induction. Under the volunteer system, those without funds or without jobs, without place or position are naturally the ones to volunteer. In other words, the poor volunteers come to the support of the rich and poor alike. That is wrong. The force of economic circumstances ordinarily forces the poor man to enlist.

Furthermore, voluntary enlistments cannot fill the need of either the Army or the Navy. The Army got 16,177 3-year volunteers in June last; 23,234 in July. It could doubtlessly fill out its Regular forces to 375,000 by ballyhoo and expensive advertising. But keep this in mind—the primary objective of peacetime conscription by selective-draft method is not to create merely a standing army. We wish to assure the United States a huge rotating reserve of trained men to be called in an emergency, to be called out quickly in wartime. That is why Congress has been asked to select 400,000 draftees by October 1, and another 400,000 next April. Give these draftees a year's training. They are then to be returned to private and civil life and are to be replaced by another class of draftees. The National Guard, which has recently been called, will be used to train the draftees. We can rely upon such an army of draftees properly trained within the proper time.

The history of our previous wars indicates that reliance cannot be placed upon volunteers. Washington bitterly complained about the inadequacy of this system. He recommended that the States organize their militia for home defense, and after they were trained, they were urged to join the Continental Army. He could never get sufficient men to volunteer for enlistment in the Regular forces. Even with offers of large cash bounties, it was found that voluntary enlistment was most unsatisfactory. Washington had to call constantly upon the States for militia to assist in his operations. As a result of the insufficiency of the volunteer system, the American Army was constantly in danger of final disaster. For example, Washington reported from Morristown, N. J., on March 14, 1777, that he had but 1,000 Regulars and 2,000 militia, whose engagement expired that same month, to face over 20,000 British in and around New York. Because the Central Government lacked power to raise an effective army, the war dragged out for 7 years, during which the Americans employed a total of almost 400,000 men, while the greatest strength of the enemy in any one year was but 42,000. The conclusions that Washington drew were as follows: First, the only effective troops were those enlisted for the duration of the war; second, the method of voluntary enlistment was not able to supply adequate men. After the Revolutionary War, Washington proposed to the First Congress a true selective service. He failed to get Congress to heed.

He wanted Congress to raise an army and classify men by age and physical fitness—to segregate the fit men between 18 and 25 years of age into separate units and to give them special training by selected instructors. He thus hoped to develop an effective citizen army. We are developing such a citizen army by the current bill.

Jefferson and Madison, after Washington, made the same proposals, but to no effect.

The mistakes of the Revolutionary War were repeated in the War of 1812. We employed all told 527,000 men, while the enemy never had over 16,500 in the field against us at any one time. The war dragged out futilely for 3 years. A Regular Army of numbers adequate to win the war was authorized but could not be recruited. Even when bounties were offered, the volunteer system broke down. Conscription for the National Army was then proposed, but the old prejudice in favor of the State militia was too strong, and it was decided to rely on it again. The States accordingly turned out their levies—undisciplined mobs under untrained officers. The old weaknesses were again demonstrated. The action at Bladensburg, in defense of the National Capital, illustrates perfectly the working of the militia system. Four thousand four hundred men were drafted a day or two before from their fields and shops, and obediently answered the summons. But, they fled at the first shot. The result—the Capitol building burned and in ruins. The White House was so smeared with smoke that, after the war, it had to be repainted. It was repainted white, and ever after has been called the White House.

The same situation developed in the Mexican War. As one result of the short enlistment period for volunteers, General Scott had to send home 4,000 men, over 40 percent of his army, when he was in the middle of his advance to Mexico City, and at a time when Santa Anna was admitting that Mexico no longer had an army. Scott then had to wait weeks for new regiments, while the enemy recovered. The mistake of not making enlistments for the duration of the war greatly prolonged hostilities.

The limited volunteer system again caused tragic results in the Civil War. For example, Union troops in the Shenandoah region refused to remain beyond their 3 months and the Confederate troops there were free to move to Manassas, where they proved to be successful against Union volunteers. Union troops in the Manassas area actually marched away to the sound of the cannon, because their time had expired. Lincoln reported that 1 year voluntary recruiting actually collapsed July 1862. In desperation the Government, under Lincoln, ordered that a draft of 300,000 militia be immediately called into the service of the United States, to serve for 9 months, unless sooner discharged. It became clear to Lincoln that previous unsound volunteer recruiting policies would cripple the northern war effort. He therefore determined upon the draft. But, it must be remembered, the draft was introduced unfortunately 2 years after the war began. It was not popular because the Federal Government alone conducted the draft machinery. Be it remembered that the instant draft bill provides local machinery by local draft boards. Also, the Civil War draft bill fell heavily on the poor and allowed the rich to escape. After being drafted a man could either hire a substitute or purchase exemption outright for $300. These provisions favored not only the rich individual, but also the rich district. The present draft bill especially prohibits substitutions and bounties.

The Confederacy realized their mistakes quicker than the Union forces did. After 1 year of volunteer system, general conscription was employed by the South. The conclusion is inescapable—that whenever the volunteer system was tried in our previous wars, it broke down or was highly inadequate and costly, particularly in human life. We must remember these lessons. We remembered that in the World War and organized our forces as a result of the selective-draft system.

THE DEMOCRATIC METHOD

All men between the ages of 21 and 45 must register. It is expected that 24,000,000 men will appear before local draft boards. A draft board will be organized for each 30,000 population. There will be appellate or district boards coterminous with the Federal judicial districts. Each person compelled to register will be given a serial number on a registration certificate which he will carry around with him. The first one to register will be given serial No. 1. The second will be given serial No. 2, and so forth, until all those having registered will be assigned a serial number. This practice is repeated in each local draft board. At a given date, a director of the selective service who is appointed by the President, will arrange for a lottery to determine the order in which registrants shall be drafted into and inducted into the service. Numbers will be inscribed on pieces of paper and each piece of paper will be inserted into a separate capsule. Each capsule will be sealed and placed in a huge bowl. These capsules are then well churned in the bowl. The President, or the Secretary of War, or the Director of the selective service, or someone high in authority is blindfolded and picks out the first capsule. Let us assume it bears the number 500. Every registrant in every local board whose serial number is 500 will be the first to be called. Let us assume the second capsule bears the No. 7. Every registrant having serial No. 7 in every local draft board will be the second to be called. This practice continues until all the numbers have been pulled out of the bowl. Thus, all registrants are assigned the order of their induction.

It is proposed to call about 400,000 men around about October 1, and 400,000 again next spring. Thus, chance determines who shall go first, second, third, and so forth. Nothing is left to the discretionary powers of anyone. The rich man is not privileged. The rich and the poor men are accorded the same treatment. Can anything be more democratic?

DEFERMENT BECAUSE OF DEPENDENCIES AND ESSENTIAL EMPLOYMENT

The regulations will prescribe that in class A will go the single men with no family dependencies, including those physically and mentally able. In the deferred class will go those with family obligations and those who are in essential employments, as well as those who are physically defective, together with nondeclarant aliens and conscientious objectors. This deferred class will not be called for service until Class 1 has been exhausted.

Under the House bill, it is proposed to draft no more than 1,000,000 men. The Senate bill provides for the drafting of 900,000. The Senate bill provides for the registration of all male citizens, as well as aliens, who have declared their intention of becoming citizens, who are between the ages of 21 and 31. The House bill extends the number to include persons who are between 31 and 45. The Senate bill provides for approximately 12,000,000 registrants, and the House bill provides for 24,000,000, or twice as many.

I prefer the House bill. I think we should get as wide as possible an inventory of the human power of the Nation. We must be prepared for all eventualities.

DEBT MORATORIUM

The benefits of the Soldiers' and Sailors Recovery Act of 1918 are extended to all draftees. This means that all those drafted are free from harassment and injury in connection with their civil affairs during their terms of service. All court proceedings against them are stayed. All executions are stayed. There can be no evacuation against them for failure to pay rent. There can be no foreclosure of mortgages against them. All installment payments on mortgages or the purchase of real or personal property are stayed. All insurance premiums are stayed. No payments on insurance policies need be made during the term of service. There can be no lapsing or suspension of the insurance. No property can be repossessed. The statute of limitations is extended for the duration of the service. In other words, the soldier or the sailor serving under the act will have the benefit of the suspension of all legal proceedings and transactions against him.

JOBS TO BE HELD OPEN FOR DRAFTEES

All those who serve shall have the right to claim return to their jobs, if the application for such reemployment is made 40 days after the soldier is relieved from his military service. If he is in the Government employ, he is to be restored to his original position, with no loss of seniority, status, or pay. If he was in the employ of a private employer, the latter is directed to restore the soldier or sailor to such position, or to a position of like seniority, status, and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so. The soldier may hail his employer into a Federal court to determine whether or not his refusal to reinstate him as indicated is reasonable or unreasonable. The Federal court can direct that the private employer reinstate the soldier or sailor. He can take such a proceeding without fees or court costs into the district courts of the United States.

The director of selective service must establish a personnel division to aid persons who have completed service under the bill in finding employment elsewhere if replacement in their former positions are impossible or unreasonable. If the person was in the employ of any State or political subdivision thereof, it is the sense of Congress that the soldier be restored to said State or municipal position, or to a position of like seniority, status, and pay.

COMPENSATION

The compensation provided for in the bill is $30 per month. I think this sum is inadequate and should be increased to at least $50 per month.

CONSCRIPTION OF INDUSTRY

The bill provides for the conscription of manpower. Therefore, accompanying same should be the conscription, if necessary, of industry. If, for example, a plant, factory, or entity refuses to cooperate in the manufacture or assembly of a certain product essential to our national defense, our Government cannot sit idly by and take that punishment from that private manufacturer without protest, without remonstrance, without penalty. If the article thus made in that plant owned by that noncooperative manufacturer or recalcitrant manufacturer is necessary to our national defense, the Government should have a right to take over that plant during the national emergency and control the manufacture of the essential articles manufactured therein. However, it is essential that the act describe certain definite standards by which the officials of the Government shall judge those noncooperative or recalcitrant manufacturers. All action must be fair and judicial. The Government shall seize the plant, but compensation or rental shall be determined by the governing military authorities. If, however, the owner of the plant feels aggrieved that the amount fixed for the rental is insufficient, he shall have the right to go into court and have the court determine adequate compensation for the period that the Government shall be in possession of the plant or factory. In this way the Government shall have the right to take possession of an essential plant in the interests of national defense where the owner of such commercial entity or factory refuses to aid properly and adequately the Government.

For all the aforesaid reasons, I shall vote for the pending bill and shall be happy to do so. Were I to take any other stand, I should deem my own action unpatriotic and cowardly. I would regret such a vote for the rest of my days.

There are some in my district who will disagree. I am sorry. To those I simply say that they may be enthusiastically misguided. [Applause.]

Mr. MAY. Mr. Chairman, I yield to the gentleman from Idaho [Mr. WHITE] such time as he may desire.

Mr. WHITE of Idaho. Mr. Chairman, war and its connotations is the subject on every tongue, the product of every pen. In a welter of material on the subject which has reached my office, I have read with particular interest an article appearing in the Lewiston Morning Tribune, daily newspaper of Lewiston, Idaho, on August 18, 1940, and I commend it to the thoughtful attention of the members of Congress and insert copy for their convenience in the RECORD.

The article referred to was written by Mrs. Grace A. Leeper, who knows whereof she writes. She was a World War nurse in France and from her own experience as an eye witness of the horrors of war she makes competent corroboration of Sherman's assertion. After the war she specialized in history and economics at Columbia University and qualifies as a student of national and international issues. The poignancy of her observations on conscription emanates from a mother's heart. Mrs. Leeper has two sons, Donald and Robert, who are approaching conscription age. Their father was the late Col. R. D. Leeper, who served in the World War and later was Justice of the Supreme Court of Idaho.

Regarding the matter of conscription in peacetime and of what it may lead to, there are many angles to this serious question that we women who might be called upon to give the most might well consider.

At the present time we in this country are reversing many traditional policies that we have followed for more than 150 years and that were formulated to safeguard and protect our democracy from the very things which at the present time are causing us to break these traditions.

Our founding fathers were suspicious of large conscripted armies, knowing as they did that in European countries where they have always had conscription and where the people were taxed constantly for armaments and to support large standing armies that it taxed people into poverty, it conditioned the people into thinking of war instead of peace, it tended to breed hatreds which eventually lead to war, and it puts the control of power into a few hands.

By advocating conscription in peacetime, by mixing up and taking sides in foreign quarrels, we are reversing the foreign policies under which this country grew great and prosperous.

The population of our country is made up of Germans, Irish, English, Scotch, Italians, Norwegians, and many other nationalities who come to this country not only to better themselves economically and spiritually but to get away from the Old World, its quarrels, restrictions, and hatreds.

We fought the Revolutionary War to break away from England and the British Empire. But even then there were about 100,000 Tories, or loyalists, who fled to Canada from the United States, preferring to live under British rule rather than join that tattered rabble in arms who saw in democracy an ideal and something for which to live and die.

Forty years later English redcoats captured Washington, D. C., and set the White House afire. In the Civil War upper-class England had labored to destroy our union, and just as the nineteenth century was fading the United States had clashed with England over the Monroe Doctrine.

Many of us went over in the last war, as we thought, to beat the Kaiser and save democracy. Now it's "to save democracy and to beat Hitler," for which the highly paid propagandists and leaders emanating from overcrowded New York City and Wall Street would conscript our young men. Or is it to embark on an imperialistic campaign to grab the Dutch East Indies while the grabbing is good, under the guise of "protecting" them from Japan?

In approaching conscription and this mad scramble for armaments from another angle, how in the world are the small-business men, the farmers, and all the other people who find it difficult to pay their taxes now, ever going to pay them when there are dozens of new taxes added?

Then there is conscription itself. It's always very easy to make the life of a soldier sound glamorous and to make a lot of vague promises about jobs when a sordid job has to be done, or delude one's self into thinking that one's position or prestige can exempt one's darling boy from being conscripted. Our haunting, tragic memories from the World War could tell another story. And conscription? It takes your boy and your husband if the war lasts any length of time. They are taken to some training camp where long lines of tired men arrive and are herded together, more or less like cattle; the carefully nurtured only son eats, sleeps, and lives beside the city bum, the degenerate, the crook, the boy from up in the sticks.

These new recruits are crowded together, usually sent to some other section of the country, new food, harsh environment, wet slush, or burning sands, and in a few weeks the diseases begin. Long rows of hospital beds filled with sick, frightened, homesick boys, meningitis, streptococci, "flu," mumps, and the red tape of the Army before you know what has happened to your boy.

War is just what Sherman said it was, and conscription is one of the first steps toward it.

Yes; there's a lot of things for us women to think about and ponder over before we kiss that boy good-bye, possibly for the last time.

Are we willing to sacrifice him to preserve the status quo of the British Empire, which already controls a quarter of the earth's surface, together with nearly 500,000,000 people?

Are we willing to sacrifice him and other boys to go over and fight the Japanese, just to grab some new land that doesn't belong to us?

It has been our policy with few exceptions, for which we paid very dearly, to purchase any new land, not to shed blood to obtain it.

Our destiny in this country calls for us to work as hard for peace as we do for war. It calls for being prepared, yes, but also for being neutral and putting our foreign policy back on a dignified basis and not standing on the White House steps and calling names to every country in the world, advising them what to do and criticizing their conduct.

It means putting our own house in order, with mortgaged homes and farms, the Negro and unemployment problems to solve, to say nothing of bettering relations in South America. We have plenty to do.

No; our destiny does not call for us to give our boys or to tax ourselves into poverty to get the British Empire out of a jam because her leaders have muffed the ball playing their power politics, because if we do it now it will have to be done again in 20 years. And possibly the time has come in the history of the world when it seems unethical or immoral for the British Empire or any empire to have control over so many peoples, to say nothing of controlling the lion's share of the world's raw materials.

Yes; there's a lot of things for us to think about, and not the least of these things is that, professing to be Christian, possibly it is up to us not merely to give lip service to that philosophy but to work for peace which was prized so highly by Him who preached "peace on earth, good will to men."

G. A. L.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. BLACKNEY].

Mr. BLACKNEY. Mr. Chairman, I am bitterly opposed to the passage of H. R. 10132, known as the Burke-Wadsworth conscription bill. The argument used by the proponents of this bill is that the need of conscription of manpower is imperative in the rapid and successful execution of an adequate program of national defense.

These proponents, however, have not demonstrated satisfactorily the necessity of such conscription. Our land, sea, and air forces, active and reserve, have already reached a new peacetime total in excess of 900,000 men, itemized as follows:

| | |
|---|---|
| Navy | 154,516 |
| Marines | 31,379 |
| Navy Reserves | 40,336 |
| Marine Reserves | 15,076 |
| Army | 303,000 |
| National Guard | 237,000 |
| Army Reserve officers | 120,000 |
| Enlisted Reserves | 17,500 |
| Total | 919,807 |

With the enlistments anticipated to December 1, the peacetime strength of the armed forces will be approximately 1,000,000 men.

Conscription of manpower is urged as necessary to defense against imminent perils to this country. The imminence of these perils is pure assumption. But even if we were to grant that America is in real and imminent danger from without, the course the proponents of this bill propose to follow may lead to even more serious internal hazards.

Conscription of manpower will be merely a first step. Proposals for total conscription of wealth and productive facilities will follow inevitably. In fact, the ground work for a totalitarian military economy has already been largely completed. The Senate has already voted to conscript industry in time of peace. The proponents of this bill in their arguments for national defense lead to this inevitable conclusion, namely, the use of our entire manpower and our entire economy under an arbitrary, centralized control for the primary if not for the sole purpose of establishing a military machine. Under authorizations that already have been extended to the Executive, that machine will be immense.

I am opposed to this bill because the conscripting of manpower—of farmers, of industry, of labor to run industry, and of the wealth of the Nation—is not only unnecessary at this time to the adequate defense of the country, but is a distinct and dangerous departure which will lead ultimately to the destruction of the American form of government, changing it to a totalitarian military economy.

The power of conscription placed in the hands of an administration that has proved by its record to have utilized every conceivable excuse for regimenting America, overturning all tradition and changing our form of government, is nothing but an invitation to disaster.

If our country were at war, there would be no other alternative than to take this chance, but we are not at war. As a peacetime measure, the conscription bill now in Congress is being forced upon us through the efforts of an international lobby, the New Deal heirarchy, and certain hysterical Congressmen.

To grant this additional power to a President who has already indicated a desire to plunge our Nation into Europe's melee would be the final act in the collectivist program to "make America over."

Raymond J. Kelly, the national commander of the American Legion, whose loyalty and Americanism no one can question, has stated that "conscription should not be put into effect until all other avenues have been exhausted." But, all other avenues have not been exhausted. Our time-honored military volunteer system has not failed as yet. More volunteers are enlisting in the Army and Navy now than can be readily assimilated. According to a release from the War Department recently, nearly 200,000 men, who have enlisted will have to be housed in tents during the coming winter, subjecting them to great hardships and consequent dangers to their health.

Several camps are taxed to capacity and are using hundreds of pup tents to house the volunteers. In other words, we now have more men in the Army and Navy than can be taken care of. Then why draft 24,000,000 more?

Harry H. Woodring, former Secretary of War, under President Roosevelt, after serving for 7 years as Secretary of War, states:

> I am an advocate of adequate defense but I will never stand for sending American boys into Europe's shambles. There is a comparatively small clique of internationalists who want the United States to declare war and get into the European mess with everything we have, including our manpower.

President William Green of the American Federation of Labor in a statement issued against the Burke-Wadsworth conscription bill states:

> We do not regard the Burke-Wadsworth conscription bill which provides for compulsive military service as a well-planned measure. We cannot, therefore, give it our approval and support. The American Federation of Labor will give support to compulsory military training service legislation when such action becomes necessary in order to defend, protect, and preserve America. However, in providing an adequate army for defensive purposes the American way should be followed first. A voluntary enlistment program should

be launched by the Government designed to create an army of one and one-half million men. This would be putting voluntary action before compulsion. American labor would respond to such a program wholeheartedly and enthusiastically.

The American people are vitally interested in the permanent welfare of our country. That is evidenced by the fact that thousands of letters and telegrams are sent to Congressmen and by the further fact that thousands of American citizens are visiting Washington, protesting against the passage of this conscription bill. It is unfortunate that some Congressmen resent the receiving of these letters or the visitation of citizens. To me, it is a hopeful sign. The more people that take interest in their Government, the better off our Government will be. These letter writers and visitors are not propagandists but earnest American citizens expressing their constitutional right of freedom of speech.

The overwhelming majority of the people of my district, the Sixth District of Michigan, as indicated by telegrams, letters, and personal visitations, are opposed to this conscription bill.

I cannot help but feel that this conscription bill is too drastic in its nature and un-American in its scope and is being pushed as a part of the program of the propagandists who are telling us that we should get into this war to "save the world for civilization."

I am deeply and vitally interested in my country and its constitutional form of government, and for that reason I have voted for every measure that in my judgment would best protect our national defense in the Army, Navy, and air force, and will continue to do so, but I am bitterly opposed to this un-American conscription bill now before the House and shall vote against it.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, In the years that it has been my privilege to be a Member of this body I cannot recall a measure that has given me more concern than has the conscription bill now before us.

I realize fully the great need for adequate national defense and the responsibility that rests upon Congress in connection with providing such defense.

Members of the House, our leaders have whipped the American people into a frenzy of hysteria that is much more pronounced and dangerous than was a similar wave that swept over the country in 1916–17, and which resulted in our entrance into the World War. The two waves are much alike as the present one is traveling in lines closely parallel to that of the former. Again we are told that we must make the world safe for democracy; that we must take every step to preserve democracy; but I fear that while we are concerned over the destruction of democracy in Europe we are slowly but surely losing democracy at home. The President has been voted unlimited powers and sums of money so vast as to stagger the imagination. No longer do constitutional restraints or statutory prohibitions stand in the way of Presidential action. He is supreme.

On yesterday the President blandly announced to the Congress and to the country that he had entered into an agreement with Great Britain to transfer 50 destroyers to that country in exchange for certain tracts of land that we will acquire for airport purposes for a period of 99 years, providing England still retains title to them during that period. This action by the President was taken by him secretly, without consulting Congress, and was in direct violation of a law enacted by Congress in 1917, which reads:

> During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war * * * with any intent or under any agreement * * * that such vessel shall be delivered to a belligerent nation * * * after its departure from the jurisdiction of the United States.

If that law was not violated by the President in his secret negotiations with Britain then I do not understand the meaning of language. True, the Attorney General has obligingly ruled that the President has the power to take this action. But the Attorney General has very obligingly before come to the rescue of the President with constructions on law that are wholly unwarranted and in absolute contradiction to the Constitution or statute law. Clearly, the transfer of 50 destroyers to Britain is an act of war and under international law we are now at war with Germany as a result.

Now, we are asked to enact a conscription law which will require the registration of all males between the ages of 21 and 45. A month or so ago the President also proposed to register females between the ages of 21 and 45, and even proposed to assemble them in training camps, but as a result of the wave of protest that swept over the country and in view of his campaign for a third term, he very quietly gave up the idea. But he still wants conscription of men. It is proposed, under the pending measure, to conscript 2,000,000 men. What do we need such a large Army for? Whom are we going to fight? Where are we going to fight? When are we going to fight? Congress should call upon the President to furnish it with that information before we take action upon this measure. We should know what need there is for it and we should certainly be advised as to where this powerful force is to be employed. I am not afraid of conscription in time of war or threatened war. It may be that the security of America is threatened. I doubt it, although I can well understand the feeling of hostility against us in the totalitarian nations that has resulted from the name calling by the President and his advisers, and the many unneutral acts that he has committed since war broke out.

Personally I consider New Deal leaders more dangerous to the United States than are the totalitarian leaders, because of their disregard of law and their undermining of democracy in America.

I refuse to join the army of hysterics that has been formed in order to make the country safe for a third term, and those of you who do so will live to regret it to your dying day.

For nearly a decade Congress has surrendered power after power to the President, until now it is little more than a rubber stamp. You on the majority side are responsible for this lamentable, tragic, and indefensible condition, because at all times you have had an overwhelming majority in both Houses of Congress. You have repeatedly ridden roughshod over the minority when we sought to stop your wild stampede toward autocracy. Today Congress is little better than an automaton. Where are our Washingtons, Jeffersons, Websters, Clays, Blaines, Clevelands, McKinleys, Champ Clarks, Claude Kitchens, and Jim Manns? We are going to have a House cleaning this fall just as sure as the rising of tomorrow's sun. Let us pray that it may not come too late.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Chairman, I desire to discuss briefly H. R. 10132, generally known as the Burke-Wadsworth bill, now under consideration. This bill has for its purpose two objectives: (1) Military training, and (2) conscription for military service in peacetimes.

At the outset I desire to preface my observations with the statement that as far back as June of this year, when the President was urging that the Congress adjourn within 10 days, I took the position that owing to the emergency confronting the Nation, the Congress should remain in session in order to provide for our national defense and endeavor to find a solution for our domestic problems which must be solved if we are to provide effective national defense. I believe it is clearly evident now that this course was justified. We have found it necessary to enact, since that time, much legislation which is necessary in order to go forward with our defense program. It has been done without partisanship. I have without hesitation supported the entire defense program and will continue to do so insofar as in my judgment it is necessary. I believe we should provide such defenses that we may be impregnable against attack from any foreign nation or combination of nations. I am unalterably opposed, however, to preparing armaments for intervention in foreign conflicts or to sending our forces overseas to take part in wars on foreign soil or from taking any steps which will involve us in such foreign controversies which are not concerned with our own national defense. I believe that America should keep out of Europe's wars and should keep Europe's wars out of

America. Let us prepare for peace, not war; for defense, not intervention. My vote upon the pending bill will be governed by my determination to adhere to this program.

The question now before us is whether or not it is now necessary to depart from a course we have followed for 150 years in securing our military personnel by voluntary enlistment to one of military conscription in peace times. I have followed carefully the arguments for and against this legislation, both in the House and in the Senate, and have examined the reports of the committees and the hearings, and I am firmly convinced that the proponents of this bill have not proven their case that it is necessary at this time to resort to conscription in peacetime in order to secure the enlistments necessary to provide an army necessary for our national defense. The following table shows the present strength of our forces:

| | Enlisted men | Officers | Total |
|---|---|---|---|
| Navy | 143,747 | 10,769 | 154,516 |
| Marines | 29,985 | 1,394 | 31,379 |
| Navy Reserves [1] | 40,336 | | 40,336 |
| Marine Reserves [1] | 15,076 | | 15,076 |
| Army | 289,000 | 14,000 | 303,000 |
| National Guard | 223,000 | 15,000 | 237,000 |
| Army Reserve officers | | 120,000 | 120,000 |
| Enlisted Reserves | 17,500 | | 17,500 |
| Total | 758,644 | 161,163 | 919,807 |

[1] Includes officers on which specific figures unavailable.

An examination of this tabulation discloses that our land, sea, and air forces, active and reserve, have now reached a new peacetime total in excess of 900,000 men, and by the close of the year they will approximate 1,000,000 men. It was originally intended to draft 400,000 men on October 1. It is now anticipated, however, that only 55,000 drafted men and 55,000 of the National Guard will be called by that time. The remaining units will be called periodically up to January 1, 1941, which is the earliest time when it is believed quarters will be available.

Under this bill it is proposed to draft 400,000 by January 1, 1941, and an additional 400,000 on April 1, 1941, which, added to the Regular Establishment and National Guard, would make a protective force of 1,200,000 men by the fall of 1941.

Congress recently authorized an increase in the strength of the Regular Army to 400,000, but appropriated sufficient funds for 375,000. General Shedd testified that at the present rate of enlistment this figure would be reached by approximately December 1. Secretary Knox testified before the committee that the Navy does not need additional manpower; in fact, the Navy has a waiting list of 700,000. It is not believed that it will ever be necessary to draft any men for the Navy. In fact, volunteers far exceed the requirements of the naval forces. Under the law we recently passed, giving authority to mobilize the National Guard for a year of active service with the Regular Army, which is now being done by Executive order, the size of our military establishment will be doubled. It is not believed by those in a position to know that the Army can properly equip, train, and coordinate this body of 400,000 drafted men within 12 to 18 months. In fact, William S. Knudsen, of the National Defense Council, recently stated:

> It will be 1942 before there will be complete equipment for 750,000 men.

It is conceded that there will not be barracks, housing facilities, medical supplies, hospitals, medical and nursing staffs available to take care of the immense number of draftees that would be called into training service under the provisions of this bill. Under the voluntary system, which we have always followed, all the volunteers will be available that can be properly trained, housed, and cared for with such facilities as we will be able to provide. From information furnished by the Secretary of War, September 3, 1940, the Army recruiting program is as follows:

> Early in the fiscal year 1940, due to the Panama and Air Corps expansion programs and the subsequent Executive increase issued under the limited emergency powers of the President, the authorized enlisted strength of the Army was increased from 165,000 to 227,000, which strength was reached by February 7, 1940. There then resulted a period when the only recruiting was to maintain the Army at its then authorized strength. On May 16, 1940, an additional 15,000 men were authorized. On June 19, before these had been secured, the strength was further increased to 280,000, the maximum then authorized by law. This figure was superseded by congressional action which fixed the enlisted strength of the Army at 375,000. During this time the recruiting service was intensifying its efforts, and the recruiting campaign gathered momentum, with resulting strengths as follows: June 30, 1940, 246,949; July 31, 1940, 270,183; August 22, 1940, 285,000 (estimated).
>
> The following table shows the monthly enlistments in the Army from January 1, 1939, through July 31, 1940:

| | |
|---|---|
| January 1939 | 3,872 |
| February 1939 | 6,108 |
| March 1939 | 7,328 |
| April 1939 | 5,442 |
| May 1939 | 6,736 |
| June 1939 | 6,946 |
| July 1939 | 7,162 |
| August 1939 | 9,259 |
| September 1939 | 14,765 |
| October 1939 | 19,815 |
| November 1939 | 17,286 |
| December 1939 | 16,530 |
| January 1940 | 17,820 |
| February 1940 | 9,151 |
| March 1940 | 8,374 |
| April 1940 | 6,274 |
| May 1940 | 9,492 |
| June 1940 | 23,444 |
| July 1940 | 31,958 |

Estimates now indicate that the voluntary enlistments for August will probably reach the all-time record of 45,000 and should reach 60,000 in September. These enlistments are made under existing regulations for 3 years' service with a base pay of $21 per month. If the enlistments were limited to 1 year and the base pay raised to $30, it is reasonable to believe that the enlistments would be very much increased in number. Under such a program it is logical to believe that the Army's objective of a million Reserves by February 1941 may readily be obtained under the voluntary system.

My conclusion, after a most careful consideration of all the factors entering into this problem, is that it is not necessary in order to secure sufficient personnel for our military forces to invoke the draft system while we are at peace with all the nations of the world. If the time comes when it is demonstrated that in order to provide for our national defense no other recourse is open than to draft men for military service, I am sure we all will support such a program.

I agree with one of my colleagues when he said peacetime draft is a departure from the time-honored and time-tested volunteer system for recruiting our armed forces in time of peace. It is a dangerous venture; one that will have a profound influence upon the life and future of every man conscripted, upon our free institutions, and our American way of life. Based upon the considered opinion of military experts and the undisputed facts of history and the conditions with which we are now faced, it is uncalled for at this time. The Honorable Harry H. Woodring, after 7 years as Secretary of War, upon his retirement publicly stated:

> How any fair-minded Member of Congress could say that we have given the volunteer system of enlistment for the United States Army service a fair trial and that it has broken down and therefore we need the compulsory service is beyond my understanding.

This is not a peacetime measure. Such a law has never been resorted to in peacetime before in the history of this Nation. Its enactment is a step toward war. It will lead us inevitably down the road to war and to dictatorship. Every dictatorship in the world today was preceded, and is today maintained, by conscript armies.

I do not hold the belief, as some do who support this legislation, that in order to keep off totalitarian governments which may threaten us it is necessary for us to adopt totalitarian methods ourselves. It is conceded by all that the drafting of our citizens in peacetime for military service is a totalitarian plan which lies at the very foundation of the totalitarian governments of the Old World that have wrought havoc upon their neighbors by military force.

We should adopt conscription only as a last resort. It is incompatible with democracy. It is not economic, as it will

drain out of our industrial and professional life those most needed. Furthermore, it will not only forcibly remove them from their peacetime pursuits for a year, but will also hold over their heads for 10 years or more the threat that they may be inducted into service at any time for an indefinite period. While marked and awaiting call they will be unable to secure permanent employment, to establish themselves in business, professions, or other life work with any degree of security. Their education, employment, and credit opportunities will be stifled. I have in my files even now letters from men of draft age making inquiries with reference to their business commitments in case of draft.

Many supporters of this legislation are doing so with the belief it is a bill providing for military training only. If that were true, there would be little opposition to it. In truth, it lodges in the hands of the Executive most far-reaching power over the lives and destinies of our people, to forcibly remove them from their civilian pursuits in peacetime and regiment and induct them into a military machine where the processes of free men no longer exist. This is the chief foundation stone of a one-man government—a totalitarian state. The issue is, Shall we remain a democracy or become a dictatorship? Too much power is already concentrated in Washington. The Congress should not surrender this power over our military forces.

Mr. Chairman, the glory of America has been that down through the ages it has preserved and protected the freedom of the individual citizen and has refused to become a militarized regimented society. Our founding fathers fled from the Old World to escape it. I do not choose to accept the responsibility to subject the lives and destinies of 24,000,000 young Americans subject to the draft to regimentation and enforced military service in times of peace. They have no voice on this momentous question except through me and my colleagues—the Congress. They have not refused to serve their country in times of need, and I cannot vote to surrender them to regimentation until they do, which, I pray God, will never occur. I cannot deprive our young men of their American right to enlist voluntarily to protect their country. Until they refuse, I will not stigmatize them with the brand of a conscript. I believe in our American youth. I have worked with them for a quarter of a century. I believe the men of today of military age are the equals of the patriots of the yesterdays who fought to preserve America, in valor, moral fiber, and patriotic love of country. When war comes or when a great emergency requires, young America will respond to the call of our country to beat off any attack. In the meantime, the voluntary system of military enlistment will furnish all the men for training our facilities justify and our needs require. In keeping with my oath of office and the duty I owe to my people and my own conscience, I cannot support this measure in its present form, which will rob the free men of America of their heritage of freedom. I alone must live with my conscience.

Mr. ANDREWS. Mr. Chairman, I yield to the distinguished gentleman from New York [Mr. WADSWORTH], the author of this bill, 30 minutes.

Mr. COLE of New York. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and thirty-eight Members are present, a quorum.

The gentleman from New York is recognized for 30 minutes.

Mr. WADSWORTH. Mr. Chairman, I shall not inflict upon the members of the Committee anything approaching an oration at this time; indeed, I feel myself incompetent to do such a thing. Rather shall I attempt to explore in a somewhat informal manner the situation that confronts the country and the influences, world-wide, which affect the country. As I do so, or attempt to do so, I shall avoid hysteria or any semblance of panic, but endeavor rather to be realistic to the best of my ability.

I cannot claim infallibility of judgment. Perhaps the most I can boast of is that my mind may run along as the average man's mind runs, as the average man witnesses events. Perhaps you will let me say what effect events of recent months have had upon my way of thinking.

War is always an exceedingly serious thing, even though it rage on the other side of the world. War in Europe, of course, is an even more serious thing to the people of the United States, for by indirection its effect is felt amongst us all; but, perhaps, because war has been so constant in greater or less degree during the last 10 or 15 years, I, and other men like me, pay not much attention to it, and I am conscious of the fact that I was not deeply stirred when the present conflict broke out on September 1, 1939. It seemed to me that it was pretty far away, although I recognized it might have its reverberations here in the United States. I think I did not begin to feel deeply concerned about it, in its effect upon the safety of the United States potentially until the British and the French forces were driven out of Belgium, and I began to realize, as many of you did, the enormous power of the military and economic force back of that expulsion of the British and French Armies from Belgium, resulting in the seizure of the Channel ports. Then I awoke to the fact, and I am sure you did too, that a new force was at large in the world and was progressing with giant steps. Then when France collapsed only a month later, it seemed to me then, and I believe it to be the fact, that the whole face of the world had changed, for with the collapse of France and the entry of Italy into the war on the side of Germany, we see the probability—indeed, it is more than a probability, it is almost a certainty—that the whole of the European continent is to be organized under one single control, Spain, France, Belgium, Holland, Norway, Sweden, Germany as at present constituted, and the Balkan States, plus Italy, with the backing of Russia; the whole European continent subjected to a philosophy which, to say the least, spells danger to the rest of the world. I visualize, as no doubt you do, the extent of the power which may rest in the hands of the men who rule all of Europe—military power, including air power and sea power, economic power and industrial power.

If it should turn out that one power shall dominate all of Europe, assisted by another power which shall dominate all of the Far East, we shall have a state of affairs in this world never before equalled in the history of the race. I think I can say that advisedly. Much the greater portion of the civilized world will be living under a new philosophy, a philosophy that teaches that force and force alone is entitled to prevail in the affairs of human people. So I say that when France fell on or about June 12 or June 14, I personally became deeply concerned about the safety of the United States, and on June 21 I introduced this bill.

Now, what about the safety of the United States? We read in the literature of the Nazis and the Fascists, outspoken and brutally frank, that their next field of exploitation shall be South America and Central America. This they have announced. Whether they carry out that threat or not none of us can tell, but that they have made that threat time and again cannot be denied, nor can we deny the fact that for some time past, and at this very hour, there are influences at work in South America and Central America to undermine those governments and substitute for them new governments utterly devoted to the totalitarian system. With this thought in mind, my mind ran, and I have no doubt yours did, to the Monroe Doctrine. It is the one policy of defense to which this country has adhered for 120 years. We adhere to it because we are convinced that its maintenance is essential to the safety of the United States. We cannot afford to take any chances about it—none whatsoever. If this huge collection of power dominant in Europe and in Asia is to carry out its program or to attempt to do so, we must be ready. [Applause.] And I judge that the Congress already has taken into consideration that possibility, in that by a vote which I think was nearly unanimous the Congress has provided for what is to be called a two-ocean navy. Now, obviously, Mr. Chairman, we would not have done that had we not had in mind the very menace which I have attempted to describe. A two-ocean navy, why? It is because we fear a concentration against us

from east and from west, because we realize that were the British Navy to fail, our present Navy is not strong enough to guard us in both oceans. And may I say at this point also that control of the sea is now inseparably linked with control of the air.

For the same reason Congress has already authorized the appropriation of sums to greatly increase our air forces. So, I think I am right in saying that the Congress, in action already taken, has taken into very serious consideration the possibilities of aggression against the Monroe Doctrine, and in such aggression, against the safety of the United States. We have authorized that expansion in the Navy. We have gone a long way toward authorizing that expansion in the naval aviation and in the Army Air Corps. We have not yet provided for adequate expansion in the land forces. This bill is intended to accomplish that, and to accomplish it as simply as possible, with the least disturbance possible in industry and agriculture and the professions and with the least burden placed upon the most men.

May I remind you that this is an emergency measure? It is not an attempt to establish a permanent policy in the United States. It is meant to meet, if it is possible to meet it, the immediate future and to put the country in a position to meet that situation promptly. In my humble judgment, we cannot afford to indulge in a "wait and see" policy. Others have indulged that and they have perished.

Referring to the Army and land forces, may I make these observations: What we need today is troops, not merely thousands of men, not merely students taking a military course in colleges or in military schools, but troops, and troops as soon as we can get them. Time is of the essence. When I say troops, I mean soldiers, organized and trained in units—companies, battalions, regiments, brigades, divisions, officers and men trained as units in teamwork and in coordination between the different branches of the service. Troops are the only things that count. Great numbers count next to nothing. How may we obtain troops at the earliest moment? As has been said so often, the Regular Army is the professional standing army element of our Military Establishment, and the Congress has authorized it to increase its numbers to 375,000 men. In addition to the Regular Army, the National Guard called into Federal service number 230,000 men. There will be a shrinkage in the guard shortly after they are mobilized, due to various causes, and the estimate is that after the shrinkage there will be in the neighborhood of 200,000 men.

The General Staff, for years, to my knowledge—at least 18 or 20 years—has studied the problem of the defense of continental United States and the Monroe Doctrine. As you all know, it is the duty of the General Staff to make as close and exhaustive studies as are possible, in order to be able to advise the Government and the Congress how best a certain military obligation may be carried out. It is not a secret in the War Department that for all these years their first and most important consideration has been given to the defense of the Monroe Doctrine. To my knowledge, for at least 15 years the General Staff, which is composed of officers coming in and going out, not a permanent body in personnel, but a rotating body, has adhered to the conclusion that a land force of 1,200,000 men is necessary. It has been known all these years as the initial protective force. In it, of course, are included the garrisons in the Philippines, Hawaii, Panama, and, more lately, in Puerto Rico. In it, of course, is included the entire overhead of the military system, which at times is heavy. That is the force deemed necessary throughout all these years for the proper and safe defense of the Monroe Doctrine. I believe that we need that force, and need it just as soon as we can get it. I hesitate to let a day go by in delay.

The contention has been that we can get it by voluntary enlistments. At the present rate of enlistments it would take nearly 2 years to do it. I do not believe we can afford to wait 2 years, or to wait 1 year. We cannot afford, in other words, to take any chances. We have got to be realists about this thing. It is no joking matter, and it is not a pleasant thing. I wish to heaven that the situation were such that the introduction of such a bill would be utterly unjustified. We would be a happier people. The world would be a happier world. But, Mr. Chairman, we are not masters of events, unfortunately perhaps for the world at large. We are not the masters of events. Were we the master we would have seen that things would have come along very differently in the last 8 or 10 years. The thing I plead for is that we shall so fashion our defenses that we shall be the masters of our own destiny. [Applause.]

Now, again, from the military side, if you will allow me, I want to discuss the workings of this thing, should the bill pass. It has been discussed in part by others, and I shall be guilty of repetition, I fear, to a certain extent; but nevertheless, in order to attempt to put together a connected story I may have to be thus guilty.

Should this bill pass it is the announced plan of the War Department to hold the first registration day about the middle of October. The blanks and notices and regulations are all ready. Of course, the draft boards, locally organized, must be appointed before that registration day. The first registration will be of men between 21 and 31, a pool containing 12,000,000 men. The first call to service is calculated to come about the 7th to 10th of November.

At that time it is estimated that the first call will use about 75,000 men. Between that time and we will say January 1, additional increments will be called in so that the number called in between the first part of November and January 1 shall in the aggregate amount to about 400,000. The 400,000 will be taken from the pool of 12,000,000—not a very heavy drain on the manpower.

They will not be sent to great training centers as was the case in the World War, but these men will be sent to and attached to existing units of the Regular Army and the National Guard which at that time will be in the Federal service and trained with those existing units, thus training much more rapidly than they would if they were all freshmen in the same class and nothing but freshmen in the class.

On April 1, 1941, it is planned for the War Department to summon another 400,000 men and to assign most of them to the Regulars and the guard. The total in the first year under the selective draft is to be in the neighborhood of 800,000 men in 2 segments, roughly, of 400,000 each. These added to the Regular Establishment and the guard—and the men are to be soldiers of the United States while they are in training—will by the end of the summer or the early autumn of 1941 actually produce the initial protective force of 1,200,000. That is the quickest it can be done. It will take a year.

From that point on the Congress is master. The Congress will be governed by world conditions. Tentatively the War Department proposes that in October or November of 1941 another increase will be brought in through the draft, but the Congress will decide how many they shall be, for the bill provides, as most of you know, that no man shall be inducted into the service under the provisions of this bill unless the Congress shall have hereafter appropriated funds specifically for the purpose; and in no case under the provisions of this bill shall there be more than 1,000,000 men in training in any one year. Should the Congress a year and a half or 2 years from now make up its mind that the initial protective force is not sufficient, then it will have to pass authorizing legislation to increase the number of men to be selected in a given year above 1,000,000. The Congress remains master of this entire situation. The legislation is to run for only 5 years. It is to meet this emergency. I think I am not impertinent in suggesting that scarce a man upon this floor knows what will be the condition of the world a year from now. I wish I could prophesy it, and you all wish you could prophesy it. I doubt if you dare try to prophesy what the condition will be 2 years, 3 years, or 4 years from now. We put in this bill the 5-year limitation in the confident hope that by that time world conditions would have changed so that we would not have to burden ourselves in such fashion. But at any rate at that time we can take another estimate of what is going on and decide what it is

best to do for the continued defense of the United States. There in a general way is the program. The details of this measure, of course, are of tremendous interest to you all. May I speak of one detail that has not been touched upon thus far.

The Senate bill contains the provision that the registration shall be confined to men between 21 and 31 years of age and that the selection shall be taken from among men 21 to 31 years of age. The House bill provides that the registration shall include men of 21 to 45 years of age and that the selection shall be made from among men of 21 to 45. I should say at this point that after the first registration of men between 21 and 31 a subsequent registration will be taken of men between 31 and 45.

That is already planned by the War Department. I am strongly of the opinion that the House provision is the better provision, that the wider age range is not only more democratic, much more fair, but more effective in more than one sense.

The experience of the World War showed, in its selective draft, that of all the men drafted into the Army from 18 to 45, 13 per cent were between 31 and 45 years of age. True, a small percentage, but a very significant percentage. The testimony that I have heard ever since the World War has been to the effect that the 13 percent of men between 35 and 45 was a very valuable thing in the military units themselves. The presence of a somewhat older man steadied the youngster. His presence is also an evidence, a demonstration that he, the youngster, is not being required to carry the whole burden, that a man somewhat his senior is tramping alongside of him along the road carrying a rifle. There are men between the ages of 31 and 45 eminently fitted for military service.

Under the Senate restriction not a single veteran of the World War could be in the Army because obviously they are all over 31 by now. There were some men in the Army at the end of the World War between 18 and 19 years of age. Today they are 41, 42, or 43. Some of them may be perfectly fit to go, with no dependents, no heavy obligations. I have met some of them. Already they are incensed at the idea that they are not regarded as good enough to go because they are over 31.

I believe the House provision builds up morale by the mere presence of a few of those older men who, as you who have been in the military service know, make the ideal sergeants and other noncommissioned officers. This question may be tested when we come to read this bill for amendment. Someone may offer an amendment to adopt the Senate provision. I express the earnest hope that the Committee of the Whole will adhere to the wider age range. In this wider age range there are 24,000,000 men in the United States: 12,000,000 between the ages of 21 and 31, and another 12,000,000 between the ages of 31 and 45. Out of this huge pool it is proposed to take annually not more than 900,000 maximum, that is about 1 out of every 23. Truly this is not a heavy draft upon the manpower of the United States. As a matter of fact, Mr. Chairman, the manpower of the United States is so enormous that it is inconceivable that it could ever be mustered into a military force, nor could it ever be used. Our pool is so huge that by dipping into it only slightly, 1 out of 23, or under the Senate bill 1 out of 13, we can get plenty of men; and we get them in the democratic way, by selection from those who are fit to serve.

I know it has been contended, and honestly so, by many men in this debate that this thing is undemocratic. I cannot concede that. I think you will all agree with me that in a country such as ours every man owes a duty to do his best to defend his country against attack. No one will deny that. If that is true, does there not go along with that another duty that he shall prepare himself in order that he may defend his country effectively? [Applause.] As I see it, there is the whole thing in a nutshell. Those who have dependents are not to be sent. Those who are engaged in occupations deemed vital to the national interest are not to be sent. There are other exemptions concerning conscientious objectors and members of the ministry.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WADSWORTH. Mr. Chairman, the boy who is able to go and whose departure will cause scarcely a ripple, considering the number, will go and, in my judgment, will serve his country proudly. I have never agreed with those who said that the drafted soldier is inferior to the volunteer. Our experience in the World War with the draft soldier was that he was a splendid soldier. I recall, for example, the Seventy-seventh Division, recruited by the draft from the heart of the city of New York and containing in its ranks thousands of young men of foreign parentage, young men of the first or second generation in America. You remember the story of Whittlesey's Lost Battalion. It was made up of the drafted men of the Seventy-seventh Division.

These men made good—excellent—soldiers. They saw their duty. They did not regard it as undemocratic. I never heard such a suggestion from any one of them. The overwhelming majority of the youth of America today stands ready. Youth wants to be told how and when, and youth will respond. [Applause.] That is all there is to it.

I thank you for your patience. I have not orated. I am unable to do so. My heart has been in this sort of thing since away back in 1920 when, as chairman of the Committee on Military Affairs of the Senate, I was instructed by that committee to report the National Defense Act of 1920 and to include in it a provision for compulsory military training. That was 20 years ago. That provision was knocked out in the Senate. The rest of the act was passed and is on the statute books. The provision was knocked out in the Senate, and well do I remember, Mr. Chairman, the principal argument against it was: "Oh, well, there are not going to be any more wars." [Applause, the Members rising.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. ANDREWS. Mr. Chairman, I yield the gentleman from New York [Mr. MARCANTONIO] 5 additional minutes.

Mr. MARCANTONIO. Mr. Chairman, despite the tragic character of the debate, I have not yet lost my sense of humor, and I fully realize the reason why I am given the floor immediately after the able and distinguished former Senator from my State. I have thereby been put under a terrific handicap when the chairman of the Committee on Military Affairs places me in this position, for I believe that there are few men in this House who can be considered as honest and as able as the distinguished former Senator from the State of New York. [Applause.]

In my own limited manner, however, I shall endeavor to present certain views within the 15 minutes allotted me that are adhered to by the overwhelming majority of the American people with regard to the proposed conscription of American youth.

For despite the controlled press and the controlled polls, you must admit that the A. F. of L., the C. I. O., the churches, the youth organizations, and the Farmers Union do represent a far greater number of people in their opposition to this bill than the organs of propaganda which have been hysterically clamoring for its passage.

There has been only one argument advanced here. It is the same argument that was given us back on May 16 when the President of the United States came to this Congress and made his plea for armaments. At that time I felt, and I still adhere to the same feeling, that it was not a plea for armament for defense but that we were following the same pattern of 1916 and 1917, that we were arming, not for the defense of our shores, not for the defense of the best interests of the American people, not for the defense of the worker in the factory or the farmer in the field or the businessman, but that we were arming under the guise of a so-called national defense for offense, and we have been using that armament program as a vehicle to catapult this country into an imperialist war in which the American people

have all to lose and nothing to gain. I believe that time and events since then have demonstrated that the program has been and is armaments, conscription, and war.

Mr. Chairman, I submit the following events, which sustain my contention that this program of armaments and conscription is one for war and not for peace: First of all, nobody in this House can deny that we have become a military reservoir for one side of the belligerents against the other side. I submit that history bears me out when I say that you cannot keep out of war when you become the military reservoir for one side of the belligerents against the other. The attempt to turn over the mosquito fleet, the turning over of our best dive bombers, the illegal turning over of 50 warships does not make for neutrality. These events make for war; and none of these acts, I submit, were done for the defense of our shores or for the defense of the best interests of the American people. [Applause.] They were done solely to speed the movement in the direction of war.

How is this program being put over on the American people? We have created a hysteria in this country, a hysteria of imminent invasion. This hysterical argument has been and is the basis upon which the war program is being justified. I hold in my hand here a Senate document, a unanimous report of the Senate Naval Affairs Committee, published exactly one day before the President came to the Congress of the United States with his message, and if I may be permitted I now read from that document. Remember, it was issued on May 15. This is not a document built on the opinion of professional military men with their biases and antidemocratic prejudices; but it is a document which represents the unanimous opinion of the representatives of the people in the United States Senate Committee on Naval Affairs who have studied the question of defense, not for 1 day, not for 30 days, but for years and years. It states:

> From the military point of view, the United States must be considered as an insular nation. We are separated from potential enemies on the east and west by broad and deep oceans. On our northern and southern borders are nations which have been friendly heretofore. Across these land frontiers could come no armies of sufficient strength to menace our security. Our situation is not similar to that of the British at the present time. Prior to the advent of air power the British Isles were insular countries. This complete insularity is now compromised in a military sense in that they are subject to damaging attacks by aircraft based on the Continent. The armies of Europe and Asia do not menace us. To be a menace, they must be transported across the seas in ships. Airplanes based on the continents of Europe and Asia do not menace us. To threaten seriously our continental security they must be conveyed across the sea and operated from bases in or near this hemisphere. The armed forces of no foreign nation or group of nations can seriously threaten our continental security if we make sure that we command the seas which separate us from all potential enemies.

This is the unanimous opinion of the Senate Committee on Military Affairs, published not in 1928, not in 1939, but on May 15, 1940, contradicting every statement that was contained in the message of the President on May 16, 1940.

You also know that no bases can be established in the Western Hemisphere as long as we have a navy equal to that of any potential enemy and you well know that we have had such a sized navy for years.

Let us be honest with ourselves. There is not a person in this House who does not know deep down in his heart that you cannot have a war budget which in less than 2 years will amount to $19,000,000,000, and keep out of war. You cannot have besides that war budget an Army built by conscription, and still keep out of war. What are we arming for? Does any man seriously believe that we are arming for defense against invasion? You are not fooling the American people. The man out on the farm, in the mills and factories, and on the sidewalks of New York, knows that you are arming for a repetition of 1917. Yes, Senator WADSWORTH, the men in the Seventy-seventh served and they died, but events are demonstrating that they died in vain, because we are repeating 1917 again in the Congress of the United States. [Applause.]

The CHAIRMAN (Mr. WARREN). The gentleman from New York will suspend.

This is the last time the Chair is going to give any admonition to the galleries. You are guests of the House, and no demonstration of approval or disapproval of any remarks made on this floor is going to be tolerated. The Chair will instruct the officers to take the offending parties out of the galleries if it happens again.

The gentleman from New York.

Mr. MARCANTONIO. I have stated that you cannot keep out of war with a war budget which will amount to almost $19,000,000,000 in a period of less than 2 years, and I quote for my authority the President of the United States himself. During the winter of 1936 at Buenos Aires the President stated that out of his wide experience and historical study, nations which spend heavily on armaments—

> inevitably face the day when their weapons of destruction must be used against their neighbor, or when an unsound economy, like a house of cards, will fall apart.

The day is not far off when these weapons of destruction and this army built by conscription will be used not for defense but for participation in an imperialist war unless the American people put a stop to this war program which we have undertaken in this Congress.

It has been contended that all this is being done to save democracy, to save our democratic way of life.

Let us see what we have been doing to that democratic way of life in America since the war program was launched. Day in and day out we have been ruthlessly tearing up our Bill of Rights in measure after measure, and now we culminate that with what? With this conscription. We are imposing on America a "nazification" of American youth; and we talk about the democratic way of life.

What happened in Germany? The economy, the social existence, and everything in Germany was based on the militarization of Germany's unemployed. The youth of Germany were put into military and labor camps, conscripted, and taught not to talk back. This is now the desire of America's brass hats as expressed by the provisions of this bill. There is no free speech in the Army and there is no free speech in anything connected with the Army. There is no Bill of Rights with regard to the Army or anything else that is military. That is the very essence of militarism; that is the very essence of this bill. The youth of Germany were put into camps and militarized, and the entire economy of Germany and her entire social structure became dependent on the militarization of the German youth. Germany had to go to war because her economy and society were based on militarism. Base our economy on militarism by conscription—and that is just what we are doing—and we march inexorably to war. [Applause.]

We are told again and again that our democratic way of life must be preserved. I am just beginning to wonder how much will be left of that democratic way of life if we continue this "blitzkrieg" against the peace and freedom of the American people. Under the guise of seeking to repel Hitler we enthrone Hitlerism in free America.

There is one argument which I cannot help but treat with disdain and contempt, and that is the argument that we are taking these boys off the streets. We are going to save these boys. We have to save them from themselves, and we must toughen them up and put them into uniforms. Is this the best treatment the greatest country in the world can give American youth, to put them in uniforms, militarize them, "nazify" them, and change them from freemen to cannon fodder? I submit that a free country and a great country can find a real solution, and that is to give American youth overalls and jobs and not uniforms and militarizaton. [Applause.] Sure, put them into camps and knock out of their systems every single democratic concept. Knock out of their systems every feeling for the Bill of Rights, every feeling for free speech, and then what will you have in America? The America we love or a Nazi America?

What difference will there be between the America that we love, the America that we now have, and the Hitlerism that we want to smash?

These boys would not hesitate a minute to volunteer for the United States of America if America were in danger.

They would volunteer to fight in any war which was for the best interests of our country. They hesitate, however, because they know that they will be thrown into an imperialist war, a war for spoils, a war for Wall Street, and everything that Wall Street represents. But why conscription? I will tell you why conscription. Because the American people do not want any part of this war, and since the war makers know that the American people do not want any part of this war, that is why we are resorting to compulsion to conscription to drag American boys into the Army. [Applause.] I say that it is a reflection on the patriotism of American youth when it is charged here that it is necessary to drag these boys into the Army. I know the American boys. I am young enough to know them, and you know them too. American youth is patriotic and it is precisely because it is patriotic that it does not want to fight in any unpatriotic war. Are you going to vote here and say that the American boys in your community are not patriotic enough to take arms and defend the United States if it really became necessary to defend the United States?

When you vote for this conscription bill that is just what you are doing. You are reflecting on the patriotism of American youth. American boys are ready to fight for America, but American boys do not want any part of this imperialist war. The memory of 1917 is still too vivid in the minds of the American people; they do not want this repetition, hence draft, compulsion, conscription.

It has been said here that it is democratic. Whoever conceived that compulsion was compatible with democracy? How can anything be democratic when you compel and you force, and that is what you are doing here—legislating compulsion. We are dragging these people from their homes and putting them into the Army. There is nothing democratic in this compulsory war scheme.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MARCANTONIO. I simply want to say in this 1 more minute that with me this issue is not political. It is most unfortunate that both candidates for President have taken the same position, but let me say to you, Mr. Chairman, that despite the conspiracy on the part of the press, despite the conspiracy on the part of those who occupy the seats of the mighty, you are not fooling the American people. Your farmers and my workers know what this is all about. They know what the program is. They know that the program is armament, conscription, war and dictatorship, and they call upon the Representatives of the people to defeat that program and to give the American people, peace, bread, freedom, and security. [Applause.]

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Chairman, I was greatly impressed by the impassioned utterance of my friend the gentleman from New York [Mr. MARCANTONIO], of whom I am very fond, and who had done his best to lead me astray in matters of social theory. But as he was speaking I felt that he was a little like a friend of mine who had a somewhat pugnacious dog that was badly bitten and a friend said, "Why, your dog cannot fight." The answer was, "He can fight all right, but he is an awful poor judge of a dog." [Laughter.]

Under the prevailing confusion, uncertainty, and fear now afflicting mankind, which includes the United States, it is humanly impossible to avoid mistakes in judgment when dealing, as we must here in Congress, with great new issues involving unpredictable and far-reaching social, economic, and political implications. A case in point is this selective-service bill which we are now discussing. No matter how one votes on this legislation, he may be certain that he will be wrong in important particulars; in fact, life has become so complex and difficult that any man who can guess right more than half of the time is a supreme genius. The best the wisest of us can do is to act in accordance with what he decides is best for the United States of America, regardless of personal or political considerations.

Personally, I have deferred final decision as to my vote until I could study the committee hearings, the bill in its final form, the Senate debate, the views expressed in the public press, and in the personal correspondence which has come to my desk. After this study I am in the condition of the old lady who went to church to hear the preacher prove the existence of God, and when she came out she said, "I still believe in God." [Laughter.] But as a result of this study, or perhaps in spite of it, I have decided to vote for this legislation. [Applause.] That is, unless in its final form it contains the fearful and wonderful Russell-Overton amendment. In that case I shall vote against it.

I frankly admit the validity of certain arguments against this legislation and I unreservedly respect the sincerity and the patriotism of those who sponsor these adverse views, but under present world conditions, dangerously affecting our own domestic economy every hour of the day, I am convinced that this or similar legislation is necessary for the immediate security of our country.

And I further believe that this or similar legislation is absolutely essential if, as a Nation, we are to play any worthy part in helping to rescue civilization from complete chaos and ruin after the present world-wide madness of mechanized murder and ruthless conquest has run its destructive course. It is better to prepare for any emergency and not need the preparation, than to need it and not have it.

In a world overrun by gangsters, hungry for loot, thoroughly equipped with every instrument of destruction, only the strong can be safe; and strength to resist successfully can only be achieved by a long, costly, intelligent, self-sacrificing process of preparation.

This is purely a military measure. Its primary purpose is to effect adequate preparedness for the armed defense of our country. On this ground, and on this ground alone, I am giving it my support. As I understand it, this legislation is designed to supply a sufficient force of trained and seasoned men to operate, with the maximum of efficiency and safety to themselves, the vast, complicated equipment of ships, planes, guns, and other defensive machineries for which we have appropriated billions of the taxpayers' money.

If this legislation is necessary now, as I believe it is, it was necessary a year ago, and I consider it highly unfortunate, to say the least, that the present administration which then, as now, must have been in possession of all the facts, did not act when there was time for calm and deliberate consideration, instead of waiting until now when we are in the turmoil of a Presidential election, aggravated by whipped-up war hysteria.

I sincerely hope that this House will not follow the lead of the Senate and mess up this purely military legislation by adding what purports to be a wealth-conscription section, but which is really nothing more than an unnecessary, unworkable, and un-American grant of additional dangerous dictatorial powers to the present Federal administration. Let us settle one question at a time.

We are now dealing with the problem of securing adequate, properly trained and equipped manpower for our defense on sea, land, and in the air. When this has been successfully accomplished, if the conscription of industry, agriculture, labor, and capital becomes a necessity for the safety of the Nation, let us deal with that difficult and dangerous problem by itself in a manner worthy of its tremendous importance, but let us not attempt to tack onto this military measure a hastily concocted partisan makeshift which amounts to nothing more than a demagogic vote-catching gesture. [Applause.]

Now, I want to say a word to my friends who are opposed to this bill. I concur with them in certain of their arguments. There are grounds of legitimate opposition to this legislation which, under normal world conditions, would decide the issue, but which at the present moment are outweighed by the dangers confronting our Nation.

Conscription of men and material in peacetime is absolutely un-American. But how can the present be accurately described as "peacetime", when we, along with every other free society, are openly threatened with ruthless conquest—

military, economic, and political—by the greatest, most powerful combination of despotisms the world has ever seen?

We are still in the grip of an ideal of national isolationism, which seemed perfectly rational and entirely adequate in bygone days, but which cannot function successfully in a world age when every section of mankind is in complete and continuous contact; when strange and uncouth ideologies infect the whole world like a bubonic plague, and when the weal or woe of any one nation is immediately reflected in the domestic economy of every other nation.

Every normal American hates and fears war as the ultimate human madness and folly, and is resolutely determined, if possible, to keep our country out of war. Every normal American believes that peace is an absolutely essential condition for the successful working of free, democratic institutions. But Russia, Germany, Italy, and Japan, with a military equipment never equaled in history, are at this moment actively or passively engaged in a war whose avowed object is world conquest, including this Western Hemisphere. The only free societies left in the world who are capable of defending their freedom are the British Empire and our American Republic. And we cannot defend ourselves except by a plan of complete preparedness. A policy of "too late and too little" for us means the eclipse of liberty in the world for generations to come.

I would be lacking in both courage and candor if I did not point out what seems to be the most potent and persistent ground of opposition to this legislation on the part of many Americans, regardless of party, in and out of Congress, whose patriotism and sincerity cannot be successfully questioned. The fact is that great numbers of our people are disturbed by increasing uncertainty and fear as to the undisclosed war plans and purposes of President Roosevelt. [Applause.]

This attitude of mind has been greatly stimulated by the fact that the President has persisted in running for a third term, thus doing violence to, if not actually holding in contempt, one of the most sacred and salutary traditions in our entire history.

If the President, following the high example of his illustrious predecessors, had announced his purpose to retire at the close of his second term, and had devoted these closing months of his administration solely to wise and constructive leadership in preparing the Nation for successful and economic defense against all possible enemies and emergencies, the legislation before us today would have found much smoother sailing. Especially is this true if he had permitted the Democratic Party to nominate as his successor one of its many eminent leaders.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. EATON. Briefly.

Mr. KNUTSON. I understand the President was drafted. He was very loath to run a third time.

Mr. KELLER. I did not get that wise remark. Will you repeat it?

Mr. EATON. For the edification of the gentleman from Illinois will the gentleman from Minnesota repeat his remark.

Mr. KNUTSON. It is beyond my poor power to give the gentleman from Illinois understanding.

Mr. KELLER. You are entirely correct.

Mr. EATON. After this interchange of courtesies I will proceed. [Laughter.]

Following 7½ years of continuous acquisition and unrestrained exercise of new Presidential powers it is not surprising that increasing numbers of citizens in and out of Congress are reluctant to place in the hands of Mr. Roosevelt, for purposes which he has not fully revealed, a great military machine such as this selective-service bill provides.

Mr. Secretary Wallace, who is an amiable and self-effacing gentleman [laughter], has told us in his acceptance speech, which received without reservation the President's apostolic benediction, that the choice of America now lies between Roosevelt and Hitler. Speaking for myself I do not want either one of them. [Laughter and applause.]

Notwithstanding my recognition of the sound reasons for much of the opposition to this legislation, some of which I have outlined, I still feel it is the duty of Congress, under present world conditions, in the interest of our national safety and future world peace, to pass this bill.

In the entire discussion of this preparedness program—and I would ask the Members to listen to this, because it is the conclusion of the whole matter—in the entire discussion of this preparedness program it seems to me we have been dealing too exclusively with mere secondary considerations. In truth, these considerations are of themselves of vital importance, but their final solution must be found in those cosmic, spiritual, racial, and economic forces now transforming the world.

Mankind is in the grip of the most universal and fundamental revolution ever known. Two irreconcilable, all-inclusive philosophies of life confront each other in a mortal battle for mastery of the world. These two philosophies, mutually destructive of each other, can be summed up in two words: Despotism and democracy. One is the incarnation of tyranny and slavery, the other is the ultimate expression of freedom. No matter what we do or fail to do here, one of these philosophies will eventually rule this world. Before the present universal revolution ends mankind will have become either all slave or all free. [Applause.] Once we glimpse even in faintest outline this stupendous reality which now casts its fateful shadow over every human being everywhere the real issue which America and Britain, with all the other freedom-loving peoples, must help to decide is clearly revealed. This issue is summed up in one question: After the totalitarian despotisms have completed their present campaign of conquest, will it be possible for free men to re-create a free world in which they and their children can live in peace and security? The American answer to this question is "Yes."

When the World War was on and I was in it, I had charge of production in all the shipyards and in thousands of industrial plants, and we built more and worse ships than were ever built in the history of the world in the same length of time. [Laughter.] My children were in it. Five men in my family were in it, and two of them laid down their lives. When it was over I wanted to see this greatest of all young nations in the history of the world, believing in law, believing in liberty, believing in manhood and its opportunities, join and lead the other freedom-loving people of the world in some sort of organization which would insure forever that no such war again would curse mankind. [Applause.]

> For of all sad words of tongue or pen,
> The saddest are these: "It might have been!"

But we missed the bus. We missed our chance. We buried our head in the sand like a fat ostrich under the delusion that thus we could blot out the rest of the world. We thought we could live apart from the pain and passion of other peoples. And now mankind is suffering its second crucifixion in two decades. When this is over, for God's sake and for man's sake, men and women, let us see to it that America will demonstrate some real faith in its own principles and its own life, and give to the world in conjunction with other liberty-loving races what it longs for and needs beyond all else, spiritual leadership, moral authority, an intellectual vision which will lead mankind again, though it be by long and hard steps, out of the abyss of failure, ruin, and suffering into which it is now sunk until there breaks the dawn of a new day, when—

> Man to man the world o'er
> Shall brothers be for a' that.

[Applause.]

Mr. MAY. Mr. Chairman, I yield to the gentleman from Georgia [Mr. COX] such time as he may desire.

Mr. COX. Mr. Chairman, I am asking leave to insert in the RECORD my remarks in which are included an answer to the unfair and unjust criticism that was directed at Colonel Lindbergh during the first of last month, which I feel some person ought to answer. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. COX. Mr. Chairman, on August 8 the Senate, by a vote of 71 to 7, passed the National Guard mobilization bill, the purpose of which is to call into active military training

for a period of 12 months the 350,000 voluntary enrollees of the National Guard and Reserves. This measure is mandatory merely with respect to the mobilization of the National Guard, whose members are volunteers.

On August 12 the Senate began the consideration of the Burke-Wadsworth bill, under the terms of which all men between the ages of 21 and 31 are to be called into active military training for a period of 12 months. This is the compulsory selective training and service measure now under consideration by the body.

On July 2, a full month before this measure was reported to the Senate, I urged the passage of a selective-training measure in a speech in the House of Representatives, and although the terms of the measure now under consideration differ somewhat in detail from those I suggested at that time there is no essential difference in principle.

At that time I urged two principal reasons for the passage of some form of selective-service legislation. Those reasons were:

First. The need for a program of national defense designed to protect the Nation against potential invasion from abroad and against the activities of Communists, "fifth columnists", and other subversive forces from within; and

Second. That those who seek to profit from war might not be protected in their disloyalty by the sacrifices of the loyal, courageous, and adventurous of the Nation who, by enlistment in the Nation's armed forces, voluntarily accept the burden of national defense.

Both these principles are expressed, in substance, in the Burke-Wadsworth bill, the preamble of which reads:

> To protect the integrity and institutions of the United States through a system of selective compulsory military training.

And the declaration of policy of which asserts that—

> The Congress declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

I have urged the passage of a selective military training measure, and I now urge the adoption of the pending bill because I believe it to be the only fair and equitable way in which to prepare for the defense of the Nation. It is only by means of such a measure that all alike—the rich and poor of every creed, color, and race—can be made to assume the obligations of military training or be assured of the privileges which alone attach to universal service in the defense of the Nation in time of crisis. Only by means of such a system will it be impossible for any particular group to profiteer upon those whose patriotism might cause them to become the prey of those who insist upon enjoying the blessings and advantages that America has to confer but who lack the loyalty necessary to preserve and maintain those blessings and advantages.

But such a system will do even more. It will tend to disclose the identity of those who plot against the Republic, who would destroy its institutions, and who would by revolution overthrow the very Government to which they now look for profit and protection. The effectiveness of such disclosure will increase in direct proportion to the age limits of the selective groups, and it was for that reason, partly, that I urged that the age limit be extended to 40 years.

A system of compulsory military training is the only means by which the principles of democracy can be preserved. It is the most effective means by which to preserve representative democracy itself.

It is my conviction, and it appears to be the conviction of a large number of the citizens of the Republic, that there can be no valid objection to some form of compulsory selective military training measure. Certainly there should be no objection based solely upon political consideration. National defense transcends partisan politics. Yet there are some who see objection in the mandatory requirement of military training in time of peace as a breaking down of one of our traditional policies. And I acknowledge that I myself reached the conclusion to support compulsory military training reluctantly. But I have adopted the principle because I find in it the hope of breaking down the encroachment of the group that has entered the Nation in Trojan horses, that secretly plots the overthrow of the Government, and that has entrenched itself in high place in order the more successfully to plan its combat. While I have advocated and urged compulsory selective military training as a part of a general program of national defense I have tried to do so unmoved by the hysteria of war or the threatened invasion of the United States by totalitarian victors. I already have stated my reasons in greater detail on previous occasions, and time does not permit their reiteration now.

I feel that it is now more than ever essential that America should adhere strictly to its traditional foreign policy; and I believe that the improbability of our invasion rests to some degree at least upon our remaining far from the zone of combat. Certainly we should refrain from any conduct that might be construed as an act of war or as conducive to war. Our foreign policy should regard all combatants alike. We do not fear any. We should not favor any.

Differences of opinion with respect to our conduct have arisen. This is but natural. But it is regrettable that in expressing these differences there has been a tendency at times to ignore the issues and to resort to personal invective, abuse, and denunciation; and I refer particularly to the reception accorded the statement made by Col. Charles Lindbergh on August 4.

I have no intention to defend Colonel Lindbergh. He probably does not need nor desire defense. But I do think that in defense of the principle of free speech which we intend so ardently to preserve he should not be denounced personally for his expression as an American citizen. Such weight as we attach to his opinions arises not merely from our admiration for a valor that no one will deny, or from our high regard for his heroic achievement, but as well from the more logical fact that he has the knowledge and experience with which to evaluate observations made while abroad. Those who denounce him as a member of the "fifth column" are perhaps yielding too readily to the emotionalism of party valor and the hysteria of war. Careful, critical analysis of what Colonel Lindbergh said fails to disclose apparently valid ground for personal denunciation of him. Among other things he said:

First. That there still are interests in this country and abroad who would do their utmost to draw us into war; and he warned that against those interests we must be continuously on guard. Can anyone deny the validity of that statement or reject that warning?

Second. Colonel Lindbergh said that American opinion is now definitely and overwhelmingly against involvement in this war, that the people are beginning to realize that the problems of Europe cannot be solved by the interference of America. Can anyone doubt that? Would it not be well here to recall the words of General Pershing delivered over the radio on Sunday, August 4:

> I know that many sincere patriots are frightened at the thought of even the smallest act because they think such acts would lead us closer to the day when another American Expeditionary Force sets sail for Europe. It is my opinion that in this war it would be absolute folly even to consider sending another expeditionary force.

Third. Colonel Lindbergh said that we should build and plan the defense of our own continent and turn our eyes in the direction of security and peace; that if our own military forces are strong no foreign nation could invade us. Does that sound like the language of a "fifth columnist"?

Fourth. He said that if we do not interfere in the affairs of foreign nations they would not desire to invade us. Certainly, this is but a conclusion drawn from our traditional foreign policy. History has not repudiated it.

Fifth. He said that since we have decided against entering the war in Europe we should begin to consider the relationships we will have with Europe after this war is over; and that only by using the utmost intelligence in establishing and maintaining that relationship can we keep America out of war in the future.

Opposition to this statement, which appears to have aroused especial antagonism, appears to be based on the presumption that Hitler will emerge victorious and that we shall be forced

to enter into some relationship with him. To most of us any form of negotiation or relationship with Hitler appears objectionable and undesirable. Yet, the logic of Colonel Lindbergh's conclusion remains unimpeachable. Can anything be gained by denouncing him for stating the truth?

Sixth. Colonel Lindbergh regards the present European war as a war for the division of wealth and territory between nations. On October 9, almost a year ago, in a speech in the House of Representatives I said that "today, as for a thousand years, the warring armies of Europe seek the economic advantages of coal and iron, the raw materials of war, of economic progress and economic security. In the thousand-year perpetual conflict millions of men have been sacrificed to the god of war as possession of these raw materials has passed alternately into the hands of one or the other of these perennial belligerents. Does anyone doubt that these same forces prevail today? They will, in my opinion, continue to prevail until hatred, greed, racial and linquistic animosities, and economic desires, ambitions, and covetousness can be removed from the European cauldron of war. And no sacrifice that America ever may make will remove those causes until the nations of Europe themselves determine first to remove them." Although it is horrible for Americans to contemplate that war alone may be the means of their removal can anyone doubt the validity of Colonel Lindbergh's conclusion in this respect?

They who would have us believe that this is not a war for the division of wealth and territory but a war of idealogies deceive themselves and confuse the Nation. This is no war of idealogies. That war is still to come. It will come when the nations that are now destroying one another shall, exhausted and prostrate from economic disintegration and political dissolution, fall prey to the ideaology that has cunningly preserved itself for the day when it may pounce down upon those nations in economic ruin and pour forth its savage strength in the victory of communism.

Seventh. Colonel Lindbergh says that we should rearm fully for the defense of America; that any peace plan should be based upon the welfare of America, and be backed by an impregnable system of defense. He said:

> I have faith in an American Army, an American Navy, and an American air force—and most important of all, the American character, which in normal times, lies quietly beneath the surface of this Nation.

That is not the faith of a "fifth columnist." That is the faith of America. Let us all rededicate ourselves to that faith and reaffirm it through a system of compulsory selective military training that will make the American Army invincible, the American Navy unconquerable, the American air force supreme, and the American character unimpeachable.

Mr. MAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Chairman, yesterday I addressed the House and called attention to an amendment that I proposed to offer to the bill. I have prepared the amendment and have had the Navy Department analyze the difference between the so-called Smith amendment, the Military Affairs Committee amendment, and my amendment.

I ask unanimous consent to insert this analysis in the RECORD so the House will have the benefit of this information when the amendment is offered on the floor tomorrow.

The CHAIRMAN. May the Chair inquire if that is extraneous matter?

Mr. VINSON of Georgia. Oh, no; it is in reference to my amendment that I propose to offer.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

A. CONDITIONS ON PLACING ORDERS

| AMENDMENT OF COMMITTEE ON MILITARY AFFAIRS | AMENDMENT OF COMMITTEE ON HOUSE NAVAL AFFAIRS COMMITTEE |
|---|---|
| "The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry." | "That during the present emergency declared by the President on September 8, 1939, to exist, whenever the Secretaries of War and Navy, respectively, have tried and failed either—<br>"(a) To place or negotiate contracts, in accordance with existing law, for authorized objects, or parts thereof, for their departments, with any individual, trustee, firm, association, company, or corporation, hereinafter referred to in this bill as 'the contractor or subcontractor'; or<br>"(b) To place or negotiate such contracts at reasonable rates of delivery or at prices they consider to be fair and reasonable—<br>"they are authorized and empowered in their discretion, after consultation with the Advisory Commission to the Council of National Defense, within the limits of the sums appropriated to their departments therefor, to place orders with such contractors or subcontractors for such authorized objects, or parts thereof, as the interests of their departments may require, which are of the nature, kind, or quantity usually produced, or capable of being produced, by such contractors or subcontractors." |

COMMENT

The above paragraph of the Military Affairs Committee was taken verbatim from the act of June 3, 1916, which is now 50 United States Code 80. There is no duration time, so this would be permanent authority, and it is believed that such broad authority is warranted only in time of emergency or war. Moreover, the authority being conferred under the version of the Committee on Military Affairs is not contingent upon any failure by the contractor, whereas in the version of the chairman of the Naval Affairs Committee this broad authority can be exercised only when there has been a failure to make a contract by the present authorized medium. Moreover, the authority in the version of the chairman of the Naval Affairs Committee is granted only after consultation has been had with the Advisory Commission to the Council of National Defense, which agency is supposed to coordinate and place such orders. It will be appreciated, therefore, that these two steps which the Secretaries would have to undertake under the Vinson amendment are fair to the manufacturer in that he will have a better chance to present his case, and it prevents any arbitrary action being taken without being thoroughly considered.

The general difference between the two amendments is that the amendment of the Committee on Military Affairs is a duplicate of the World War legislation, which was designed to be effective during a state of war or when a state of war was imminent, and its provisions are drastic and its powers of commandeering practically unlimited, in the exercise of which the manufacturer has no method of appeal or consideration. The Vinson amendment attempts to impose penalties only when there has been a failure to accept orders and provides a number of mediums by which the manufacturer may have a chance to present his case, and even if a plant is taken over by the Government, there is no prison sentence or fine imposed. It is believed that such a penalty would be entirely too drastic in time of peace, because the manufacturer is guaranteed certain rights under the constitution which should, if ever, be taken away only when a state of war exists.

B. COMPLIANCE AND PRECEDENCE

| AMENDMENT OF COMMITTEE ON MILITARY AFFAIRS | AMENDMENT OF CHAIRMAN OF HOUSE NAVAL AFFAIRS COMMITTEE |
|---|---|
| "Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, | "Compliance with all such orders shall be obligatory on any contractor or subcontractor to whom they are given, and they shall, in the discretion of the Secretary placing them, take precedence over all orders or contracts placed with such contractor or subcontractor. The Secretaries of War and Navy shall, in all such cases, where it is in the interests of the |

B. COMPLIANCE AND PRECEDENCE—Continued

AMENDMENT OF COMMITTEE ON MILITARY AFFAIRS—continued

or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies of equipment for the Army or Navy"—

AMENDMENT OF CHAIRMAN OF HOUSE NAVAL AFFAIRS COMMITTEE—continued

United States, pool their orders or coordinate their orders, prices, and priorities."

COMMENT

These two versions are the same in their intent, except that in the version of the Committee on Military Affairs compliance and precedence are mandatory, whereas in Mr. VINSON's amendment the precedence is discretionary in the Secretary, although compliance is mandatory.

C. PENALTY

AMENDMENT OF COMMITTEE ON MILITARY AFFAIRS

"and any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than 3 years and a fine not exceeding $50,000."

AMENDMENT OF CHAIRMAN OF HOUSE NAVAL AFFAIRS COMMITTEE

"When an order has been placed as indicated above with any contractor or subcontractor owning, leasing, or operating any plant or factory equipped or suitable for the building or production of such authorized objects, or parts thereof, and such contractor or subcontractor shall refuse to accept such order, or, if he accepts the order and thereafter, in the opinion of the Secretary placing the order, fails to carry it out satisfactorily, the Secretary shall advise the Advisory Commission to the Council of National Defense of such failure to place the order or unsatisfactory performance, and if the Advisory Commission is unable to induce the contractor or subcontractor to take the order or to give satisfactory performance, such Commission shall so advise the President, who may, in his discretion, on recommendation of the Secretary placing the order (if such Secretary is unable to effect satisfactory leasing arrangements with such contractor or subcontractor, which he is hereby authorized to make), take immediate possession of such plant or factory, or necessary part thereof, and operate it either by Government personnel or by contract with private firms during the period its use is necessary."

COMMENT

The penalty under the amendment of the Committee on Military Affairs is taking possession and also makes the manufacturer guilty of a felony and subject to imprisonment for not more than 3 years and a fine not exceeding $50,000. Under the Vinson amendment, if a firm refuses an order, the Secretaries are first required to go to the Advisory Commission to the Council of National Defense and see if that Commission can induce the firm to accept the order or give satisfactory performance. If the Commission is unable to do so, they advise the President, who may, on recommendation of the Secretary placing the order, if at this point the Secretary is unable to effect a satisfactory leasing arrangement, take possession of the plant. There is no other penalty than the taking of the plant. This seems to be all the penalty that should attach in time of peace, and the procedure in the Vinson amendment is much fairer to the manufacturer. Both amendments provide not only for plants which are engaged in manufacturing munitions but also those which are capable of being converted into plants for making munitions. The Vinson amendment is broader than the committee's amendment, because it covers performance failures on a broader basis than the committee's amendment to look out for negligence, indifference, or culpability by the manufacturer. Both amendments cover the question of reasonable price.

D. COMPENSATION

AMENDMENT OF COMMITTEE ON MILITARY AFFAIRS

"The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant."

AMENDMENT OF CHAIRMAN OF HOUSE NAVAL AFFAIRS COMMITTEE

"The President is authorized to fix and require adequate compensation to be paid by the interested Secretary from any funds available to his Department for such use during the period the plant or factory, or necessary part thereof, is in the possession of the United States, and when its use is no longer required, the President shall return it in good condition to such contractor or subcontractor or owner. The President shall in each case, before he takes possession as indicated above, report to Congress failure to accept an order or give satisfactory performance. If Congress is not in session, such report shall be filed with the clerks of the House and Senate."

COMMENT

Both amendments cover the question of compensation by practically the same means. The Vinson amendment provides for reporting to Congress of such failures to accept orders or give satisfactory performance which the committee's amendment does not.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, I intend to vote for this bill.

Mr. Chairman, I have received several hundred letters for or against this bill from fine, patriotic citizens in my district. I do not expect to change any votes by my remarks, but I wish to explain my position to my constituents.

The vote on the pending selective compulsory service bill confronts Members of this Congress with one of the most difficult and momentous decisions they will ever be called upon to make. Conscription is hateful to all of us. We are a liberty-loving people and resent any governmental interference with our individual activities except that which we recognize to be necessary for the maintenance of a well-ordered society.

In thinking and worrying about the question facing us, I think it is well to bear in mind the basic purposes of our Union as expressed in the preamble to the Constitution:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I do not believe it was pure chance that caused the framers to state the objectives of the people of the United States in that order. Without a more perfect Union, justice, domestic tranquillity, and provision for the common defense, our Government could not have promoted the general welfare or secured the blessings of liberty through all the years, and we cannot do it now.

I think it is significant also that the very first sentence of section 8 of article I, listing the powers granted to Congress, states that "The Congress shall have power * * * to provide for the common defense." This is vastly more than a delegated power; it is tremendous responsibility resting

on each one of us to see to it that our defenses are adequate to keep this country secure against any and all foreign aggressors.

The able junior Senator from Massachusetts expressed my feeling toward this legislation when he said:

> It may very well be that this country will not be attacked, and I hope it will not, and I am rather inclined to believe it will not; but I have simply felt that those of us who are in a position of responsibility have got to assume the worst; and then, if the worst does not happen, so much the better.

Unpredictable events have been happening all over the world in the last year or two. It is conceivable that in the not-far-distant future we will be compelled to defend ourselves and our friendly neighbors to the north and south of us from aggression in the Atlantic, or the Pacific, or both. If that day comes and we are unprepared to meet the threat because of congressional inaction here and now, the opponents of this measure will bitterly reproach themselves as long as they live.

Not being an expert on foreign relations nor on military affairs, I cannot presume to say what we actually need for adequate preparedness. Both of the candidates for President have told us their belief that conscription is necessary to man the modern weapons we need and which are being built pursuant to almost unanimous votes of Congress. All of our high-ranking officers of the Army and Navy, as well as the other experts whose business it is to know about national defense, concur in that opinion. We are informed by responsible authorities that in the light of past history the volunteer system cannot and will not bring into the Army and Navy the numbers that will be presently needed for military and technical training. I have no special knowledge which justifies me in defying their opinion.

I do not regard compulsory service as undemocratic. On the contrary, I think it is the duty of every citizen, no matter what his station in life, to prepare himself to defend his family and his country according to his ability. If we wish to preserve the liberty of action and freedom of choice we have enjoyed in America, we must be willing to make sacrifices—all of us. Our way of life is not self-perpetuating in a world which greedy and ruthless dictators seek to dominate by force and murder. Ordinary prudence demands that precautionary measures be taken in these dangerous days.

Many worried people who have written me, take it for granted that the men selected for service are going straight to war. I think the opposite is true. Our soldiers and sailors will never be called upon to fight if we have enough of them and they are properly trained and equipped.

We are a rich Nation, blessed with enormous naural resources, and foreign rulers look upon us with covetous eyes. Weakness in our means of defense invites attack and bloody disaster.

The whole world knows that this House is now debating a selective compulsory service bill and is keenly interested in the outcome. If we should fail to pass it, the prestige and influence of the United States would drop to zero in Europe, Asia, and South America because it would be notice to all that we cannot and will not take up arms before potential enemies are at our gates. I am going to vote for this bill, if amendments do not completely destroy it, because I believe it will provide insurance against war.

I am extremely hopeful that coming events will make it unnecessary to complete the program which has been started, that we will not have to build the armada which has been authorized, or develop an army of the size contemplated.

I have complete confidence in General Marshall and I am quite sure men will not be called into the service before the necessary housing, hospitalization, equipment, and other training facilities are available. And I can assure the prospective civilian soldiers that very few of them will ever regret their year of service. They will be better men physically, they will have a truer perspective of human values, and they will have the deep satisfaction of knowing that they were ready when their country needed them.

My deepest concern regarding the immediate future is the secret program and the undisclosed commitments of the President. On yesterday he announced the most warlike step he has yet taken. Fifty of our reconditioned destroyers have been turned over to a belligerent nation, contrary to international law and the plain mandates of our own statutes. The Attorney General, obviously obeying orders, justifies the sale by legalistic legerdemain.

The people and the Congress of the United States wish fervently to avoid being drawn into any European war because they realize the terrible consequences. It is an imminent danger so long as this administration is in power. I hope for a change, but in the meantime I see no safe alternative to a program of rearmament, with modern weapons and men trained to use them. [Applause.]

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentlewoman from South Carolina [Mrs. McMILLAN].

Mrs. CLARA G. McMILLAN. Mr. Chairman, final action of the House on the bill which we are debating today will determine once and for all the position America will occupy in the eyes of the world. The importance of it cannot be overemphasized; we shall be weighed in the balance by this decision.

Freedom to us is the foundation stone upon which the structure of our Government was built—freedom of speech, freedom of worship, freedom of assembly, freedom from oppression are our inalienable rights. Our forefathers fled the countries of Europe to obtain it; they shed their lifeblood for it. Freedom and America are synonymous terms. Atop the dome of this Capitol is the symbol of our country, Mr. Chairman—a statue of Armed Freedom. Does that mean anything to us? Did not our forefathers who planned this building and its symbolic statue foresee that freedom is not for those who will not fight to maintain it? They fought, and for their sacrifice America stands today the bulwark of civilization and liberty.

The war in Europe rages on with unforeseen speed. We cannot deny that our destiny is linked with that of Europe, no matter what the outcome of that war. The crisis is upon us. We must realize this is not alone a war brought on by the greed of avaricious totalitarian states for more territory and resources; it is the battle in which the very sod of civilization is threatened. In the dictator nations human life and liberty are subjugated to the will of the rulers as the means to an end—the end being a more powerful state. Our country was founded on the belief each individual has the right for freedom of individual expression; our Government is maintained as a means to this end. It is my sincere conviction that our people wish to continue our philosophy of government.

The people of America are awake to the seriousness of the times. They have demanded that Congress enact laws to defend them against the destruction of their rights and their property; this we have done. The Congress, by almost unanimous vote, in the past few weeks has declared itself and these United States for a vast program of national defense. We have appropriated billions of dollars to build ships, airplanes, tanks. Other billions to purchase general supplies, equipment, and matériel, and still more billions to provide housing and training for an adequate Army and Navy. We have gone further than that. We have declared to the world by recent act of Congress our belief in the principles of the Monroe Doctrine, and we have ruled that we shall protect and defend the countries of the Western Hemisphere against acts of aggression or invasion by any foreign power. We have declared our intentions and have set up the machinery for carrying them out; and now we come to the final decision, the need for manpower.

We need men well trained in military tactics, in gunnery and the operation of machinery, skilled airplane pilots, navigators, technicians. We need healthy, strong men, hardened and seasoned by actual service. This conscription bill is a means to provide them. The compulsory education in our country through the laws of each State equip each individual with weapons with which he wages his battle of life. In this

time of peril it is necessary that we conduct a Nation-wide program to equip our citizens with the means of protecting themselves and our country.

We as Members of the legislative body of our Government have given our word to the people to defend them; we have pledged ourselves to protect this hemisphere. We are in honor bound to fulfill this pledge. To fail now to provide men would invite the scorn of all nations.

This, my friends, is the way to peace and freedom. We must sacrifice for it.

I have five sons. The oldest will come immediately under the operation of this bill and will be subject to its provisions, as he is past 21 years old. My second son is almost 19 years old and is now taking military training in a school organized for that purpose. If and when my sons are needed for the defense of their country, I do not want them to go up against experienced soldiers untrained and unskilled.

It will be with a heavy heart but with honest conviction that I shall vote for this measure. [Applause, the Members rising.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentlemen from Massachusetts [Mr. CASEY].

Mr. CASEY of Massachusetts. Mr. Chairman, I am rather happy that the debate on this all-important subject has progressed in such a temperate manner. It has progressed upon the theory that the Speaker himself is a gentleman and he is addressing other gentlemen, and gentlemen do not need to adopt anything but moderate tones in order to make their respective points. I shall try to conform to the precedent established in this debate and will continue without hysteria or emotion.

It has been said that we are embarking upon the road of dictatorship if we adopt this bill for compulsory military training. To have the United States Government go into a home and say, "We want your boy for a year" is not in keeping with the perfect democratic processes, but I make the point that war and democracy are incompatible. The question we are asked to determine is, "Shall we, to a little extent, and for a little time give up some of the democratic processes in order to preserve democracy, not only for ourselves later on, but permanently down through the years for our children and our children's children?

We must determine whether or not there is an emergency. To determine that we must take cognizance of events that are going on all around us. We have seen the lights of democracy go out one by one all over the world. Today this country alone holds high the beacon light of democracy. We have seen Poland conquered by a superior force in 27 days. I know we said to ourselves then, "Of course, Poland is not a major military force. It will not happen when they come up against some major force." Then, we saw the ghastly defeat of France. We saw the German Army outflank the Maginot line on which the French relied so securely. We saw that army go into the lowlands and drive the British expeditionary force off of continental Europe and had not that British expeditionary force escaped through one of the best and most courageous evacuations in the annals of military history, England would not be contesting the fight today. It was that close and by that very narrow margin that England today stands between us and Hitler. The aggressor might have conquered England by now except for the miraculous escape of its strongest and best-trained force, the British expeditionary force.

Some people say, "Well, what is going on over in Europe is just another back-room brawl between European nations." Some people say that it was the iniquities of the Versailles Treaty that caused Hitler and this new Germany to arm and to fight. I say to them they are certainly in error, because Germany has conquered all of the territory she had before the war and much more; yet, she is continuing to fight England and attempting to conquer territory which she never had. This war would cease tomorrow if Germany would stop expanding and conquering. We have witnessed England's dogged perseverance. We do not know how much longer it can continue. We hope they will be successful and stop this force, but can we be sure? Yet there are today men and women who still are unafraid of this force and who can say with certainty that the aggressor nations will go thus far and who predict they will go no farther. What insight have they into the future that allows them to predict this with such certainty? I do not know and I do not see how they know when and where all this terrific force which has been unleashed throughout this world will stop. But I do not wish to take the chance it will not stop, therefore, I want to have this country prepared for any eventuality.

I do not believe it is too much to ask that we have an army of 1,200,000 men in order to defend ourselves. This is a step in the direction of defense and not a step inviting war. I believe we should build our defense on such a scale and with such speed that no aggressor would dare test our fighting power. That is a form of insurance that will keep war out of the Western Hemisphere. This measure proposes to do that by conscripting 800,000 men in a year's time. It represents the considered judgment of our responsible military authorities. The War Department has certified it can receive these men and adequately handle and train them with available equipment and facilities. Virtually all competent authorities, including the Chief of Staff, certify that in their judgment the volunteer system is wholly inadequate to meet the problems now before us. Those who advocate delay in the application of selective service, contrary to the judgment of the Commander in Chief and his responsible advisers, bear a heavy burden of responsibilty. I favor it without exemptions for Congressmen. All of us who are under 45 should set an example of patriotism to the rest of the country by registering and complying with the law we pass. Then if we are called, we shall go not with heavy heart but glad to serve our country.

May I say, addressing myself to another feature of this bill, that inasmuch as I favor the conscription of manpower, I find it difficult to understand the philosophy of men who also favor conscription of men but who do not favor the conscription of recalcitrant industry. To me that is placing property rights way above human rights. To say in one breath that we shall take human beings, we shall conscript human beings, and in another breath we shall not conscript business when it refuses to cooperate with the Government is certainly insulting the dignity of human beings just as much as it is being insulted by the totalitarian leaders today.

Someone said not so long ago they would vote for conscription but they would not vote for drafting industry when it balked. Inasmuch as I favor conscription as a necessary measure, may I say that I will not vote for conscription unless the Smith amendment, which I think is better than the Overton-Russell amendment, becomes a part of this bill. What we are facing is a fight to preserve democracy, not to preserve the profits of this country. It is not because we have more automobiles than all the other nations in the world; it is not because we possess more telephones, more wealth, and riches that we are great. I do not believe that any soldier ever gave up his life because of the material wealth of America. I believe that what we are guarding now is something far more precious. The American way of life, liberty, and freedom, words that are tasteless on the tongue of an orator, but nevertheless are words that are becoming increasingly precious today. The right of freedom of speech, freedom of press, freedom to agitate for what you believe in, freedom of worship, freedom to agitate against existing governmental policies and to direct your forces against them, and change them, if necessary—those are some of the privileges of a free nation which we now enjoy.

In this Nation we now have the only real, democratic government on the face of God's green earth. This Nation offers to the individual a greater chance of advancement than any other nation now existing. I say we must preserve the spiritual qualities of this Nation, equality, justice to all, and respect for the individual, and preserve them permanently down through the ages. We must make democracy work,

so that when the totalitarian forces have expended themselves the distressed people of all those other nations will look with longing eyes on our democratic institutions, will learn their mistakes, and will model their own governments after ours.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield to the gentleman from Ohio.

Mr. SECCOMBE. The distinguished gentleman from Massachusetts has always been a great supporter of organized labor and the author of many bills, for which I respect him.

Mr. CASEY of Massachusetts. That is right.

Mr. SECCOMBE. How can the gentleman concede that the voice of organized labor in opposition to this bill should not be heard?

Mr. CASEY of Massachusetts. I have just this to say: I believe this question is so momentous that every Member in this House is trying to see the light and find the truth. I have weighed both sides. I have tried to find wherein the truth lies. I know the consequences either way are grim, but I believe the least grim consequences of all will result if we pass this bill so that we may be prepared in the event we are ever called on to defend this hemisphere. [Applause.]

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, I have listened to the discussions this afternoon, as I listened to some of the committee hearings, with deep interest. I rise at this time because I believe the condition of the country is such that it is very necessary that we consider the implications involved in this bill as well as the facts that have been developed in the hearings.

It is within the last 48 hours that the President of these United States has seen fit to disregard this Congress, and on an exceedingly thin judgment rendered by the Attorney General he has turned over to Great Britain 50 of our ships, more ships than we have built or will be able to build in heaven knows how long.

This bill is presented to us as the only democratic way of raising an army. Maybe it is, if that army is going to fight for what we so loosely term a democracy. I call your attention to the fact that this Nation was created a Republic. [Applause.] I am inclined to believe, gentlemen, that you would find you would have no dearth of volunteers to fight for the Republic. Why should they want to fight for democracy again? Why, Stalin's is a democracy.

The effort of the administration and the proponents of the bill to brand as partisan and unpatriotic any criticism or opposition, certainly gives evidence that we have gone far away from fundamental American methods of thought and action. At a time when clear, calm, intelligent, discriminating criticism of both the definite proposals and the even more important implications should be the order of the day, it is truly tragic that we are as we are.

The gentlewoman from South Carolina [Mrs. MCMILLAN] has indeed five splendid sons. They are all younger than mine. I have three, the oldest of whom is not fit for military service due to an accident of long ago. My other two sons are members of the Ohio National Guard and as such have already been conscripted for this country's service. [Applause.]

For over 30 years I was the wife of a man who loved the Army, who taught me much that few women outside the Army have opportunity of knowing. The need of adequate national defense has been in my consciousness these many years, as has my understanding of just how far Hitler has already gone in establishing his outposts in South America. I am not speaking from ignorance when I speak. My inability to go along with this bill is not because I do not see the need but because, try as I will, I cannot help see in it more danger than defense, more dictatorship than democracy.

How are we to determine the accuracy of contradictory testimony regarding the numbers that can be adequately housed and clothed? In May, or thereabouts, the committee was informed that 75,000 men only could be taken care of this fall. Lo, in August they had "passed a miracle" and announced they could be ready for 400,000!

I want to bring another phase of the problem to your attention. On August 28 the distinguished Senator from Michigan [Mr. VANDENBERG] inserted in the RECORD, on page 11088, a table of requirement of additional shelter for 230,000 men, these not including draftees. This table lists 34 units requiring construction of housing facilities. Not all of these include the actual cantonments but all of them include what is termed hospital facilities—34 units without hospital facilities.

Have you considered what the possibilities are if troops are assembled, no matter where, in winter, in any numbers without hospital facilities? Measles often is followed by pneumonia. "Sore throats" are very often "strep" infections. Green men from the farms and from the cities are soft and fertile soil for every form of infection. Dare we in what we still hopefully call peacetime risk these men in camps where medical facilities for care and hospitalization are still nonexistent?

Do your minds retain as mine does the memories of those camps in the last war after the flu hit—the bodies rolled in improvised winding sheets that had to serve also as coffins? That is in my memory—as are the nurses who lived through the heart-breaking strain of epidemic, and, when the dramatic need for them was past, broke physically and even mentally, never to come back.

Members of the House, I want to adjure you that the mothers of America's youth will hold this Congress responsible if these men go into camp while there is not adequate preparation for their housing, clothing, hospitalization, and care. There is no time to build hospitals after fever, pneumonia, or other communicable diseases sweep a camp—and nothing that is "on order" will bring the men back who have died.

I am probably more aware than most of you of the splendid efforts that are being made by the Surgeon General's office and those associated with him to set up adequate base hospitals at these camps. But they are still only efforts. I know also, for it is my business to keep informed on these matters, that modern warfare has made these regular base hospitals obsolete. Before an enemy attacks us we must both streamline and camouflage our military hospital service as zealously as our air-defense guns, hangars, and machine-gun nests.

Much has been said of the constructive part that will be played by a year's military training in the lives of our young men. I had to contend with the destructive part of what military training did to our young and our older men during the war, and I want to assure you that just military training is not going to produce a clean and a free America.

The methods used by this administration in all matters of national defense are so tied up with its steady march toward national socialism—you can call it dictatorship—that it is difficult for me to see how anyone who believes in the fundamental principles of American representative government can fail to see the implication of a peacetime draft bill.

I wish I could convince myself it is only a foolish bugaboo that was discussed here yesterday—the possible betrayal of America.

Have you stopped to think that once a President has all this authority he might use it?

The promoters of the peacetime draft idea without question have convinced themselves of its justifiability. Some of us on both sides of the aisle have not, but we have the right to expect our motives to be held as patriotic as theirs.

In closing let me say very quietly and very earnestly, as an American woman serving in this Congress, because nothing in all the world means to me what America means and because I am very certain that she is in real danger. Try as I will, I cannot convince myself that this bill for peacetime conscription of our men and Government-controlled use of our industry is a true defense measure. I cannot consider it anything less than a major step toward dictatorship which, under the conditions in the world today, could be used to implement the

declaration of the President of not "total defense" but "total control." [Applause, the Members rising.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, there is nothing new in the dictator argument by those who oppose selective service. I presume to suggest that the advocates of conscription from a deep-seated conviction, but who oppose the passage of the legislation presently, will find small comfort for their convictions when they reflect that the other and Republican candidate for the Presidency of the United States, Wendell Willkie, also advocates conscription.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield there?

Mr. WHITTINGTON. I would like first to make my argument.

The same arguments that are made against conscription in the existing national, unprecedented emergency in peace, threatened with war, are the same arguments that have always been made by those who oppose conscription in times of war.

When Japan has overrun much of China, and as a result of the German conquest in Europe, public opinion in the United States has been crystallized for prompt and adequate national defense, it is time for action. The time for words has passed. I shall speak briefly.

With one accord the Congress of the United States has made the largest appropriations in peacetimes for the enlargement and the mechanization of the Army, for the increase of the air force, and for the modernization of the Navy. We have authorized and appropriated billions of dollars to promote this program of national defense because all concede that we are face to face with the greatest emergency that ever confronted the Republic in times of peace. It is in vain to appropriate these billions of money for equipment unless we provide adequately for the handling of that equipment. There must be the trained soldier to handle the modernized armament; after all, machines do not think. Men are more important than guns. In our democracy we are considering legislation that will provide for the training that is needed in our program for national defense. All are treated alike; the selection is to be made by local boards, and the military is subservient to the civil authority. But it has been suggested that the volunteer system will secure the necessary recruits. Those who know best, the Chief of Staff, say it will take 2 years to secure the necessary number. We have delayed too long. It is the general consensus that the Selective Service and Training Act is the only method that will procure promptly the men needed in this program. No great war was ever fought by any country without conscription. George Washington, in Virginia, advocated it in 1777, in the Revolutionary War.

Massachusetts passed a conscription act in 1777 in that war. A conscription bill was finally proposed in the War of 1812, and only the victory of Andrew Jackson at New Orleans, with his seasoned and trained troops in the Indian Wars, in which he participated, prevented the passage and enforcement of the act.

Abraham Lincoln was called a dictator in 1863 when he advocated conscription. I am among those who believe that the splendid record of the Confederacy in the War Between the States is largely due to the fact that beginning in 1862 conscription was adopted in the Confederacy.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. WHITTINGTON. In a moment, please. In 1917 Woodrow Wilson was called a dictator, but few now who love their country will dispute the proposition that the selective draft in 1917 was not the best and fairest way to provide for the American Army.

Mr. Chairman, we have tried the voluntary system. It has failed. The country demands preparedness and defense. All are treated alike in this bill. I favor the provisions of the House bill, particularly the age limits in the House bill. I think they are preferable to the provisions in the Senate bill. I hear the argument that our country is to provide for those who are unemployed, to feed the hungry, and to clothe the naked, but it is my judgment that those who have been fed and those who have been employed ought to defend the Government which has supported them in the last 5 years. [Applause.]

I have little patience with the communistic opponents, respecting as I do those who honestly oppose conscription in both peace and war—I repeat, I have no patience for the communistic influence that opposes conscription, when in Russia, the birthplace of communism, there is the largest standing conscript army in all the world. [Applause.]

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I will be glad to yield as soon as I have had an opportunity to finish my statement.

Now, Mr. Chairman, the purpose is to secure trained men for the appropriations we have made. The purpose of the selective draft is to get the right man for the right place; the right man for the right job, whether he be your son or mine. There is not any more democratic way to do it.

I want to suggest in this connection that I am personally gratified that the committee has proposed an amendment as a substitute for the so-called Russell-Overton amendment adopted in the Senate, and I think the language of the committee amendment is preferable to that of the Russell-Overton amendment. It follows the language of the act of 1920.

If we are to conscript men, those men ought to have the plants and materials to provide the equipment which they need to render the service to which we have called them.

I want to say another thing. There has been much short-sighted criticism of the demands that new plants be located in the great interior of the country. I say this criticism is short-sighted. Munition factories are now located where they were located when we thought the Atlantic Ocean was a complete barrier. There is a great citadel that can be erected in the interior of our country, as were the cities of refuge in ancient times, and I think we ought to utilize existing plants and existing facilities in the present need, but in the expansion future plants should be located where they will be free from attacks. [Applause.]

We covet no land; we covet no territory. We have the men. We have the resources. We are determined to the last cent and to the last man to defend the country of our fathers. [Applause.]

I extend and revise by saying that prompt and adequate national defense will be promoted by the immediate passage of the pending bill.

SELECTIVE TRAINING AND SERVICE ACT OF 1940

The totalitarian powers in the Orient and in Europe speak and recognize no language except force. Force can only be overcome by force.

Ominous and unprecedented realities confront the American people. Modern warfare is waged on military and economic fronts. Defense is imperative to preserve peace. The Nation has been aroused as never before in its history to the necessity of wise defense. Billions of dollars have been authorized and appropriated, as I have stated, to enlarge, modernize, and mechanize the Army and Navy. Arms, munitions, and implements of war without adequately equipped and trained manpower will be in vain.

The primary purpose of the pending bill is to train for service.

The selective system of compulsory military service is the fairest method of reaching the desirable objective. Individual rights must yield, in a grave national emergency, to the welfare of the Nation.

If it be said that the United States has never resorted to compulsory service or to conscription in peacetime, the sufficient answer is that the United States has never been faced with such a grave national emergency. We have recognized that emergency, as I have just stated, by appropriating in peacetime the largest amounts for the Army and Navy in the history of the Republic.

In compulsory training, all share equally in the obligations of defense. The selection is administered by a board in every county. It is composed of the friends and neighbors of those called to service. No fairer method could be devised. Those

needed will be called and they will be called when they are needed.

Conscription provides for an inventory of the Nation's manpower. The selection of those able to bear arms and those unable to bear arms can be made. I repeat that the selective service is the only way to put the right man in the right place. All are accorded equal treatment.

MORALE

Arms and munitions are not enough. There must be faith in the ideals of the American people. Every citizen is thus enabled to serve his country according to his ability and according to his country's needs.

The risks and the sacrifices in preparation for defense or war should be equitably distributed among age groups and economic groups.

The aims of democracy have not been fully realized and the hope of fruition lies in freedom from the antidemocratic ideas spread by totalitarian powers. All who stand for free institutions must unite to protect these institutions.

CONSCRIPTION OF PROPERTY

Under the act of 1916, as amended by the act of 1920, the President, in time of war or when war is imminent, is empowered to commandeer manufacturing plants and materials for national defense. Such is the purpose of the Russell-Overton amendment adopted by the Senate. The language of the Senate bill, however, might be construed to give powers that are either unnecessary or dangerous. It provides for commandeering manufacturing plants or facilities. The National Defense Act provides for commandeering manufacturing plants and war materials. The word "facilities" might include the radio, the newspaper, and it might embrace schools and churches. I believe that the amendment submitted by the chairman of the Committee on Military Affairs, following as it does the act of 1916, as amended by the act of 1920, provides the better procedure; it will better accomplish the purpose. Among other things, it provides for commandeering for the payment of reasonable rentals during operation by the Government, and for return to the owners. If there is to be a conscription of men, there must be a conscription of the plants and materials to provide for arms, ammunition, and implements of war. If there is to be conscription of manpower in peace, there should also be power for the conscription of property.

LABOR

I am not impressed by the opposition to the conscription of manufacturing plants by the allegation that it means the conscription of labor. Personally, if men are conscripted to die for their country, in a grave emergency, they should be conscripted to work for their country. The answer, however, is that labor is fairly protected. The bill provides for protection to labor just as it provides for protection to manufacturing plants and to the men conscripted. The soldier is entitled to as much protection as the manufacturing plant, or labor.

I believe in a square deal for labor. My sympathies are with the people who work. A totalitarian government means slave labor. The rights of collective bargaining were early abolished by Hitler in Germany. The labor groups in France, as a result of the conquest by Germany, will suffer more than any other group of French citizens. Defense will protect all citizens, both employers and employees. All should share in the burdens of national defense.

VOLUNTEERS

The United States and Great Britain are the only nations that do not have compulsory military service in time of peace. Both countries have resorted to conscription in time of war.

Massachusetts and Virginia adopted conscription in 1777 during the Revolutionary War. In the War between the States, the volunteer system in the Union collapsed in 1862. Compulsory training was adopted by the Union in 1863. It must be conceded that there were unsatisfactory features and that there was much opposition. There were defects that are obviated in the pending bill. In 1863 the granting of bounties and the hiring of substitutes were provided.

The Confederacy adopted conscription in 1862, and conscription obtained thereafter in the Confederacy throughout the War between the States.

Great Britain in 1916 and the United States in 1917 adopted conscription. While we are not actually engaged at war, I repeat that we are confronted with the gravest national emergency in the history of the American people. Preparedness is imperative. There can be no preparedness without training and there can be no adequate training without selective service. No better method of the discharge of his obligation by a citizen to his country can be devised. The volunteer system in the national emergency would be neither fair nor effective. It would not be democratic. There is no instance in history of a country which has won a really great war with the volunteer system.

National defense must be supported by those who know how to vote and by those who know how to shoot. There are problems involved, but there can be no civilized existence without self-defense. The problem is to avoid the scylla of unpreparedness and to escape the Charybdis of militarism. The bill is therefore limited to the existing emergency. The objective is organization for the maximum of the defensive with the minimum of the offensive. Wars are not won by defense. Only offensive wars have been successful. We stand for peace but if war must come, we must be trained to take the offensive.

SACRIFICE

Thoughtful citizens know today that democracy is on the defensive. Selective military service is necessary; it is justifiable for national defense. Billions of appropriations mean billions of taxes. Taxes always mean sacrifice. All citizens must share this sacrifice. Congress has just begun to levy taxes. Our people have become soft. College students by the thousands watch football. Only 22 people play and are thus trained and hardened while thousands watch and remain soft. A nation that is not worth dying for is not worth living for. The United States of today must be prepared to give their all in defense of freedom as did their forefathers. There must be training, there must be discipline, there must be sacrifice. We covet no territory, but we will defend with the last penny and with the last man the country we have.

We are willing to conscript manpower. We are determined to prevent war profiteering and war millionaires as a result of the sacrifices for national defense.

NATIONAL DEFENSE

Newton D. Baker, Secretary of War during the first World War, some years ago told a committee of Congress that planning for national defense would be ineffective because with the passing of the emergency preparedness would be discarded.

The National Defense Act of 1920 was passed but preparedness was neglected. Preparedness, however, while now beginning at scratch, has adequate authorization in the act of 1920. The Army and the Navy were organized upon the principle of a single authority and a single responsibility. There are joint boards for strategic purposes. The Commander in Chief has the final say, but he follows the general of the Army and the admiral of the Navy.

BOARDS

A number of boards are authorized and have been appointed by the President. There is a place for them in the picture, but a divided authority is a weak authority; it is ineffective.

Superboards are calculated to relieve the executive officials of single responsibilities. Such officers have been trained. The Army and Navy have been conducting research. They have been planning for the defense of the Western Hemisphere.

RESEARCHERS AND INVENTORS

There is always a new group of researchers and inventors in a national emergency. They do not discover in time for use. If cotton growers had waited for a mechanical picker, or if they had delayed the growing of cotton until such a

picker could have been invented, no cotton would be produced.

Many crimes will be committed in the name of national defense. Bureaucracy is on the march. Departments are claiming that their bureaus should have money for national defense. The Work Projects Administration is urging that this Administration can be used advantageously for national defense. The imperative need of the hour, however, is skilled and trained workers and not idle men. The Federal Housing Administration is most altruistic. The need is not expensive and extravagant housing, but the imperative need is cantonment for proper living quarters for trained soldiers.

Propaganda is not idle. Many projects will be urged under the guise of promoting national defense. Projects that cannot be completed until too late for use are advocated.

The need is the utilization of existing executive agencies for enlarging and modernizing the Navy, for the building of airplanes, and for the mechanization and enlargement of the Army. Agencies that have been trained through the years and are familiar with the problems should be utilized. Advisory boards generally hinder rather than help.

ESTABLISHED AGENCIES

My point is that established agencies should be utilized in national defense. The executives of the Army and Navy know our problems. Speed will be promoted. Advisory boards and planning agencies can be used in the picture but they should not be permitted to delay actual construction and enlargement.

The need of the Army is improved equipment. Private agencies should be utilized in providing this equipment as far as possible. Private incentive should be encouraged. It will be easier to return to a normal peacetime.

The equipment must be supplemented by trained men. I favor the volunteer system in ordinary peacetimes but there are exceptions to all good rules. In the face of a national emergency we need conscription now.

LEADERS AND PROPHETS

There will be hard work for the man conscripted; there will be hard work for the munition makers. What we need today are leaders that will tell the people how hard they can work and not how easy they can live. We need prophets who will preach work, courage, thrift, and self-denial. We need prophets who will preach the experiences of man since the beginning of time and who will utilize and proclaim the methods set forth in the Bible for overcoming human weaknesses. The United States can only be defended by virile men with modern equipment.

CITADELS OF DEFENSE

Citizens and spokesmen for the Midwest and South have been criticized because they have called attention to the fact that their areas have not been selected in the allocation of defense orders or plants. There must be no grab game. Such criticism, however, is shortsighted. The subject should be considered from a military and from a strategic angle. The facts should be kept in mind.

New York City and San Francisco are vulnerable to attacks, especially from the air. So are other cities along the Atlantic and Pacific coasts. Unfortunately, many of our arsenals, proving grounds, and military centers are located in the coastal areas. Airplane factories are located along the Atlantic and Pacific coasts. There is great industrial development in the Northeast. It is now unfortunate from a military and strategic viewpoint. There is a concentration of steam-power development and of water-power development along the coast. A great deal of power production is near the northeastern boundary of the United States.

The locations have disregarded modern defense problems. In Germany, Berlin is near the center of the country. The military establishments are located around and within 25 miles of Berlin.

Our situation results from our confidence in the Atlantic Ocean. Transportation has been revolutionized. An ocean is not the protection that it formerly was. We will have to defend our coasts, and our cities, and our Military Establishments.

FUTURE CONSTRUCTION

There must always be a citadel of defense, just as in ancient times there were cities of refuge.

A nation may have abundant men and abundant resources but it will be defeated if the enemy can capture the vital areas and vital resources by striking fast enough. Defense plans and defense establishments must be planned to prevent this contingency.

We have a vast central area between the Alleghenies and the Rockies. It is larger than the combined areas of European countries; it has sufficient natural resources to support the population of the country throughout any probable war and to produce the necessary supplies. It produces grain, cotton, oil, and minerals in abundance. It has been properly called a natural citadel of defense. Processing and manufacturing plants for munitions have not been located in this area.

Strategic plans should be made to convert the vast central area between the Appalachian and Rocky Mountains into an effective citadel of national defense. Manufacturing plants for munitions, motorized equipment, airplanes, and other military necessities should be located in this area. Ships should be built along the Gulf. There should be located in the great interior improvements to support the population. Power should be developed. The money of the United States expended for national defense should be used for developing this citadel of national defense.

The city of Washington was captured in the War of 1812, and almost captured in the War between the States. Vital industries along the coast are exposed. Expansion should be made in the great interior. The submarine and the airplane are dominating factors in modern warfare.

LONG-RANGE PROGRAM

Manufacturing plants for military supplies should be located in a zone that is free from foreign attack. Loans for factories to provide for the civil population should encourage their location in the safety zone.

FLOOD PROTECTION

Adequate national defense must give consideration to the hazards of nature. Among the greatest of these hazards are floods. Manufacturing plants are located along streams and in the long-range program these streams should be protected from floods. Plants may be destroyed by floods as well as by human enemies.

Continued appropriations for the improvement of rivers and harbors that are imperatively necessary for national defense should be made. Flood protection must be provided for communities in the Ohio River Basin and along other streams where munitions and implements of war are manufactured.

Power can be developed in the interior. I know of no stream that has greater power possibilities than the White River in Arkansas. Power can be supplied for manufactures and for mining in this important area.

The bread basket of the Nation must not be overlooked. Agriculture must be protected in the long-range program for national defense.

The Mississippi Valley is the largest and most fertile valley in the world. It must be protected from devastating floods. Fortunately, a good beginning has been made. The largest authorizations and appropriations for flood control in the history of the country have been made during the present administration. Flood control and river and harbor improvements should stand on their own merits, but there is no reason in refusing continued appropriations or authorizations where such works are imperatively needed for national defense.

Military and industrial expansion can well be made in the great interior of the country. National safety would thus be on a firmer basis.

MONROE DOCTRINE

For its own safety the United States is committed to the Monroe Doctrine. Conscription is limited in the pending bill to the Western Hemisphere—I oppose conscription for service in foreign wars. This means that we are determined to

stay out of Europe, but at the same time we equally determine that Europe shall stay out of America. We have no desire to master the world, but we are determined to continue to be the masters of the United States. Every citizen owes an obligation to protect his country. That obligation can best be discharged by the training provided in the pending bill.

We have the brains, we have the numbers, we have the resources. We are determined to be prepared for attack. The best way to prevent attack is to be prepared, and the best way to be prepared is to build so that in all attacks there may be a final citadel of defense.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SHAFER] 10 minutes.

Mr. SHAFER of Michigan. Mr. Chairman, my views in connection with this legislation are well set forth in the minority report of the Committee on Military Affairs, which I signed, and it would be useless for me to repeat them here. I shall therefore devote the few minutes that have been granted to me to calling to the attention of the House the fact that one of the most efficient lobbies ever maintained in Washington has been in operation since the introduction of this Burke-Wadsworth bill on June 21 last.

Thousands and thousands of dollars have been spent by what is known as the national emergency committee of the Military Training Camps Association, of 28 West Forty-fourth Street, New York City, to influence the passage of this legislation. It would be most interesting to know who supplied the money for this most efficient lobby. It is an admitted fact that the Burke-Wadsworth bill, so-called, was written and sponsored by this national emergency committee of the Military Training Camps Association. It was introduced in good faith in the House of Representatives by the able and distinguished Representative, the gentleman from New York [Mr. WADSWORTH], who, no doubt, is sincere in his convictions that conscription is necessary now. However, since the introduction of this conscription bill hardly a day has passed but what members of the Military Affairs Committee and other Members of Congress have not been contacted, by mail or otherwise, by Mr. Grenville Clark, the chairman of this national emergency committee of the Military Training Camps Association.

Mr. Chairman, organized labor is opposed to this bill, ministers and church people are opposed, and many other organizations are opposed to peacetime conscription. In fact, the only organization that seems to be in favor of this legislation is the national emergency committee of the Military Training Camps Association.

This organization, I am told, has maintained headquarters at one of the prominent hotels in Washington throughout the hearings and has employed high-salaried representatives, at the same time maintaining a secretarial staff.

It would be interesting to know, and I believe the Members of this Congress and the people of America are entitled to know, just what is this national emergency committee of the Military Training Camps Association? Under what authority does this committee function? What is its purpose? What is its source of revenue? Who comprise its membership? What is their source of income? How much money has this committee spent to influence the passage of this legislation? Is this committee a "front" organization for international bankers who would involve this Nation in war to protect their interests? This Congress and the people of America are entitled to know the answers to these questions before this conscription bill is enacted into law.

I am in possession of numerous letters and pieces of propaganda that have been literally showered upon Members of Congress, especially members of the Military Affairs Committee, by Mr. Grenville Clark. This propaganda includes booklets and photostatic copies of editorials, newspaper clippings, and advertising purporting to have appeared in Communistic publications or traced to Communistic origin, all being opposed to this conscription bill.

In these exhibits, Mr. Chairman, I detect a subtle attempt on the part of Mr. Clark and his associates to label as Trojan horses, Communists, "fifth columnists," and what have you, all who oppose this legislation. In my opinion, the mailing of these photostatic copies of editorials and newspaper clippings is also an attempt to frighten those Members into supporting the bill. In a letter which accompanied this propaganda, however, Mr. Clark and his associates were very careful to protect themselves against criticism by stating in one paragraph, that—

> We fully recognize that much of the opposition to this (Burke-Wadsworth) bill has come in good faith from persons loyal to the American system, however wrong we believe them to be in their judgment; and we do not believe that communistic agitation has influenced any Member of Congress.

This sentence in Mr. Clark's letter, Mr. Chairman, in my opinion, means just the opposite. He and his associates apparently are quick to condemn anyone opposed to this legislation as Communists, and so forth.

So far as I am concerned, Mr. Chairman, I will gladly compare my patriotism and integrity of purpose with that of Mr. Clark and his associates at any time, at any place, and I am sure that all other Members of this Congress who are opposed to this legislation would be glad to do the same. His patriotism is demonstrated by the fact, brought out in the Senate debate, that Mr. Clark established trust funds within his own family for the purpose of avoiding the payment of $90,000 in income taxes. This same Mr. Clark apparently is willing to sacrifice American youth, while protecting his own property.

I resent the activity of Mr. Clark and his associates in lobbying this legislation. I am convinced that they represent those who would have this Congress vote to send young men to war to protect the holdings and the investments of the bankers and financiers of Wall Street.

As I have stated before, Mr. Clark's lobby has been most efficient, probably because he has had at his command unlimited funds to spend. In both the Senate and House hearings on this bill advance copies of all testimony of witnesses favorable to the legislation were ready for distribution to newspapermen and radio organizations as soon as the witness took the stand. The newspapers and radio chains were advised in advance to watch for the appearance of certain witnesses favorable to the bill. At the same time, newspapers throughout the country were deluged with propaganda favorable to the passage of the bill.

Mr. Chairman, I am of the opinion that this Congress should make a complete investigation of the lobbying activities of this committee before the passage of this Burke-Wadsworth bill. We should ascertain the motives behind this national emergency committee and, more important, we should ascertain who has furnished the money to carry on this extensive and expensive lobby. The people of this Nation, as well as the Members of Congress, are, as I have said before, entitled to know the answers to all questions relative to this organization, its financing, and its purposes.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SHAFER of Michigan. I am happy to yield to the distinguished chairman of my committee.

Mr. MAY. I suggest to my colleague the gentleman from Michigan, in connection with his statement that the bill was prepared by the Military Training Camp Association, that the gentleman remembers that Mr. Clark testified it was in collaboration with the War Department officials; that they worked it out together for several months.

Mr. SHAFER of Michigan. Yes, I remember Mr. Clark's statement. And that is all the more reason why it should be looked into thoroughly. It seems to me that we have come to a sad state of affairs when the War Department has to call in attorneys for international bankers to frame its legislation. [Applause.]

Mr. ANDERSON of Missouri. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum.

Mr. MAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. LUTHER A. JOHNSON].

Mr. LUTHER A. JOHNSON. Mr. Chairman, this bill, the title of which is "To Protect the Integrity and Institutions of the United States Through a System of Selective Compulsory Military Training and Service," is of momentous importance. No legislation considered by Congress during my service in the House has been of more vital interest to the people of the United States, providing as it does for the registration of all male citizens between the ages of 21 and 45 years, from which number will be selected an army of 1,000,000 men for a year's training for the defenses of our country.

That it will disrupt the lives of many of our citizens and affect plans which they have made, and in some instances cause hardships, no one can deny, but under conditions as they exist throughout the world today, I have reached the conclusion that it is necessary for the safety and preservation of our country, and shall support it, and believe that it should become a law.

To provide for the common defense, as expressed in the preamble of the Constitution, is one of the highest duties imposed upon the Congress of the United States, and when our military and naval experts and those familiar with world conditions all agree that the integrity and institutions of the United States are gravely menaced and such legislation is necessary, I would be recreant to my duty as a Member of this House if I did not give it my wholehearted support.

My service as a member of the Committee on Foreign Affairs, and the study which I have made of world conditions, together with the first-hand information which I have had from representatives of democracies that have fallen within the past few months, supplemented by the philosophy, aims, and purposes of the would-be world dictator, Adolf Hitler, as disclosed in his own writings and sayings, convince me that those favoring this legislation are not prompted by hysteria, as opponents of the legislation charge, but that there is a real and a grave danger which must be met, and met promptly.

I would rather be prepared a year too soon than a day too late, and I would rather we would be overprepared than underprepared.

Instead of this legislation being, as its opponents claim, a step toward war, I think that it and all the other national-defense legislation which we have passed at this session of Congress, all of which I have supported, is the best insurance we can have against war.

The only thing that dictators who are dominating the world today respect is force, and if we are adequately prepared to defend our country on land and sea and air these miserable despots who are seeking the rule of the world will be less likely to commit acts of aggression against our country than they would if they thought we were unprepared to defend ourselves.

I do not share in the belief that compulsory military training is undemocratic. On the contrary, I believe that it is the most democratic method and the fairest way in which an army can be raised, for by it all men, high and low, rich and poor, in every geographic section of the country will be treated exactly alike, and no favoritism will be shown. In other words, it invokes the old democratic doctrine of equal rights to all and special privileges to none, and I believe that the defenders of our country should be thus chosen.

I commend and congratulate our Committee on Military Affairs for the hearings which they have had upon this important measure, and the care which they have taken in the preparation of the bill which we now have under consideration. I know from my colleague and good friend, the gentleman from Texas [Mr. THOMASON], the ranking majority member upon that committee, of the thorough and conscientious study which they have made, in an effort to be fair, not only to the country but to its citizens.

There are two features in the House bill as reported by the committee, not in the Senate bill, which I like. The Senate bill prescribed the ages for registration of those between 21 and 31, while the House bill, I think very wisely, includes those between 21 and 45. Personally I would prefer to place the age limit much higher. In fact, it strikes me that it might be best to include all male citizens between the ages of 21 and 66. I do not believe that the defense of our country should be altogether imposed upon the youth of our land. In this age of mechanized warfare, where marching does not play such an important part as it once did, I think there are places for older men in the Army, and I should like to see the defenders taken from all ages, and not impose the defense alone upon our young men.

The other feature of the House bill, as reported, which I prefer to the Senate bill, is contained in section 3, which provides that college and university students who have entered upon attendance for the academic year 1940–41 shall not be inducted into service prior to July 1, 1941. It strikes me that this is fair to permit those entering colleges or universities this month to complete their full year before being inducted into service; and since all of the million men are not to be called into service at once, but at various intervals, this provision will in nowise disrupt or delay the carrying out of the terms of the bill.

If we are to conscript the youth of America for national defense, industry and wealth must do its part, and I will vote for any just and reasonable amendment which will accomplish that purpose.

I am glad that the candidates for President of both major parties have declared themselves in favor of this measure. There should be no political division among our people when the defense of our country is involved. Let us promptly enact this measure into law. Let us not make the mistake which has been made by the democracies of Europe that have fallen—of delaying to get ready until it was too late. America is in danger. Let us act now. [Applause.]

Mr. MAY. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, honor, honesty, and patriotism are not limited to the confines of any one party. I recognize fully the good faith of our Republican friends who are opposing this bill. All of us must appreciate the responsibility of this hour. Its significance should interdict partisanship and consume the dross of every unworthy motive. It is my solemn conviction that there is not a Member of this House who has not done some soul-searching on this great issue. With all due respect for differing opinions, however, it seems to me that running all through the thinking of the opposition may be traced two fundamental fallacies. The first one is that one which brings them under the condemnation of sacred writ against those who cry "Peace! Peace! When there is no peace." Just because world war No. 2 is a few miles away does not mean that the world is not on fire with war. Why talk about peacetime? This is wartime. We would be recreant to the sacred trust that the suffrage of America has imposed in us were we not to measure up to our responsibility here as guardians of the peace of America. We must prepare, not for war, but for peace, by providing for an adequate national defense. That is what this bill seeks to accomplish in part.

The world used to be a terrestrial ball of huge proportions at the time when our forefathers debated seriously whether it was round or flat. It used to be considered tremendous, but now it is about the size of an apple. The halitosis of Moscow and the "B. O." of Tokyo are too close for comfort. The world has shrunk from geometric proportions to the size of a baseball, within our memory; and yet some say because the war is not in our back yard, there is none.

Why, then, prate about conscription in peacetime? This is not peacetime; this is wartime, and it has caught us unawares.

The second great fallacy which I believe underlies the thinking of so many of our good friends of the opposition is they fail to appreciate the wide distinction between self-discipline and obedience to a despot. I want to repeat that: They fail to appreciate the significance of the tremendous difference between self-discipline and obedience to a despot. Here in America we have in times past for various and sundry reasons, too numerous to recall in this brief statement,

yielded our personal liberties. We have no more right to tonsils and adenoids if we go to the public schools. We are not immune from vaccination for the common good. I might go on multiplying illustrations of the rights we have voluntarily surrendered. And that is what this bill is—a voluntary, reasoned surrender of our right to grow soft and flabby so that we may strengthen and train ourselves. No one compels us. We do it ourselves. This is democracy in action. Representative democracy, speaking through accredited representatives of the sovereign people, is about to register the people's will. [Applause.] They and we are determined that "this Government of the people, by the people, for the people shall not perish from the earth." The price is not too great. [Applause.] This is voluntary self-discipline. They talk about this being undemocratic and un-American, and un-this and un-that. We depend upon conscription in every other field of endeavor. We draft the baby who comes into our home from heaven. He does not come here voluntarily. His parents know the price they must pay in surrendered time and ease; yes, in heartache. From the minute he comes he drafts his parents and everything they have. He is a despot in every home, and we self-discipline ourselves to give him a better chance. This bill comes along to make him safe. Schools do not depend upon voluntary contributions, and well they do not. They depend upon taxation, which is the conscription of a portion of our wealth.

Churches do not depend on voluntary contributions. Even they have their budgets and high-pressure campaigns to meet them. As our eloquent, distinguished, and brilliant friend the gentleman from Texas, FRITZ LANHAM, so wonderfully portrays the picture of the average man in a church of voluntary contributions, he will sit back there before the usher comes to him with the contribution plate and debate as to how much of that dollar he has in his pocket ought to go for the salvation of the world, and by the time the plate gets to him he decides a nickel is an abundant contribution. So neither the church, nor the home, nor the school, nor government depends upon voluntary contributions, but each depends absolutely upon conscription for support.

I want to talk for just a minute about an old, old story. One of our troubles is that times have changed. They talk about this being new. Well, everything in the world is. Why not this? You remember that Goliath, "strutting his stuff," defied the armies of Israel. He thought that because he was equipped with sword and armor he was safe. He had a Maginot line. But David took to the air. Goliath fell. History repeats itself. Air power and new weapons, plus men trained to use them, have recently overcome Maginot lines and rendered good military equipment obsolete. New methods in modern warfare are making their eloquent plea day by day, hour by hour, for the enactment of this bill. If we are to play our part in honor and in trustworthiness, we must heed the challenge of modern history, answer the call of the people who sent us here, and give them the chance, by self-discipline, to make themselves safe.

We must, if we are to survive as a nation, and the preservation of this Union is as incumbent upon us today as it was on our fathers.

Mr. MAY. Will the gentleman yield?

Mr. HOBBS. I am happy to yield to the distinguished gentleman from Kentucky.

Mr. MAY. We heard a lot today about the width of the Atlantic and the width of the Pacific and lack of danger. With reference to the gentleman's remarks relating to changed times, I would like to call his attention to the fact that when George Washington left Mount Vernon to go to the Constitutional Convention in Philadelphia it took him 21 days. Now, you can make the trip in about 40 minutes.

Mr. HOBBS. Yes; and in his day the Potomac River was as broad as the Atlantic Ocean is today, judged by modern criteria.

We had a distinguished gentleman from my home town who was one of the two United States Senators from Alabama for a number of years, both living there, Senator John Tyler Morgan, father of the Isthmian Canal. In the heat of debate before the War between the States he said, "Why, we can whip those Yankees with popguns," and he meant it. He came back after the war and one of his colleagues was twitting him about that remark. He said, "I still stand by my statement. We could have done it, but the darn fellows would not fight with popguns."

That is why we need this "gun." We need it to conscript not only manpower, not only wealth, not only industry, not only everything that we need for adequate defense, but we need to conscript ideas too. I shall offer an amendment to draft the necessary patents. Another amendment I shall offer will give us the necessary information upon which to base national defense in the future.

I beg of you your support of these salutary amendments.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. HOBBS. I gladly yield to the gentleman.

Mr. MARCANTONIO. The gentleman referred to the Yankee army. I wonder if the gentleman knows that those volunteering after the passage of the Draft Act numbered 1,558,000 and that the number conscripted was only 255,000 in that Yankee army?

Mr. HOBBS. That is one of the benefits of conscription. It does not have to work. It serves as a spur. It extends a cordial invitation. Sometimes the mere reminder of duty is all one needs. As I have said before, there is one man in this country—there are plenty of them, but there is one I have in mind right now—that has not a thing in the world to fear from me. I am not going to bother him, because he is prepared to defend himself. His name is Joe Louis. I want Uncle Sam, not to go into the fighting business, I want him not to have to fight. He will not have to fight if he prepares himself adequately to defend himself. I want that respectful attitude toward fighting him which I maintain toward fighting Joe Louis to be the attitude of every dictator in this world, when they think about fighting Uncle Sam. [Applause.]

Mr. Chairman, I believe in adequate preparation for defense and that is why I favor this bill. May I say to you in conclusion: "Of all sad words of tongue or pen, the saddest are these: 'It might have been.'"

As the requiem tolled by breaking hearts, and wracked brains from one end of Europe to the other, comes that old, pathetic lament: "Too late, too late." When Hitler marched into the Rhineland he could have been stopped with a buggy whip. When he occupied the Ruhr and began to train his legions of youth with broomsticks, it could have been stopped easily. But when the world realized that his preparation was complete, it was too late. It was too late for the man with the umbrella. His umbrella was about all he had to wave them back and they would not scare at an umbrella. We need more than an umbrella and a confession of faith in his promises. Let us not fool ourselves by thinking that we can do our duty by wishful thinking. We must, if we be true to the trust of our constituents, stand up like men and be strong in this hour, not of peacetime, but of wartime.

The flames of the hell that is war must not spread to our hemisphere. It is not yet too late to fireproof our house and those of our neighbors. If we do so, and not even a spark falls over here, it will have cost some money and some self-sacrifice. But the safety is worth the price. If, however, the fireproofing be not done and our fair land becomes an inferno, then all the money of earth and all the anguish cannot make restitution nor bring back life to a single corpse.

Verily, now is the accepted time. Now is the day of salvation. [Applause.]

[Here the gavel fell.]

Mr. ANDERSON of Missouri. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-six Members are present, a quorum.

Mr. ANDREWS. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Chairman, those of us who served during the World War were impressed with the great

lack of preparedness in this country at the outset of that war. At the end of the war, most of us veterans were interested in seeing to it that no future war should find America so unprepared. For that reason there was great interest in the resolutions adopted by the great convention of the American Legion at Minneapolis, Minn., in 1919. Those resolutions came as near expressing the universal opinion of all war veterans as any statement I can now recall, and, for your information and to refresh your memory, I will set out at this point the resolutions adopted at that convention bearing on the future military policy of the United States:

Resolutions adopted at the Minneapolis convention of the American Legion on the future military policy of the United States

1. That a large standing army is uneconomic and un-American; national safety with freedom from militarism is best assured by a national citizen army and navy based on the democratic and American principles of the equality of obligation and opportunity for all.

2. We favor a policy of universal military training, and that the administration of such policy shall be removed from the complete control of any exclusively military organization or caste.

3. We are strongly opposed to compulsory military service in time of peace.

4. We have had a bitter experience in the cost of unpreparedness for national defense and the lack of proper training on the part of officers and men, and we realize the necessity of an immediate revision of our military and naval system and a thorough house cleaning of the inefficient officers and methods of our entire Military Establishment.

We favor a national military and naval system based on universal military obligation, to include a relatively small Regular Army and Navy, and a citizen army and navy capable of rapid expansion sufficient to meet any national emergency, on a plan which will provide competitive and progressive training for all officers, both of the Regular Army and Navy and of the citizen forces.

We believe that such military system should be subject to civil authority. Any legislation tending toward an enlarged and stronger military and naval caste we unqualifiedly condemn.

5. The national citizen army, which should and must be the chief reliance of this country in time of war, should be officered by men from its own ranks and administered by a general staff on which citizen-soldier officers and Regular Army officers shall serve in equal number.

We recommend that military training in high schools and colleges be encouraged.

6. We favor the continuance of training camps for the training and education of officers to serve in case of national requirement.

For some 15 years from 1920, I found in my own experience a serious misunderstanding by many people of the true policy of the American Legion. The very clearly worded statement for adequate training was all too often misconstrued as an expression of war-mindedness and it has only been during the past few years that the public generally has realized that the programs of our veteran organizations have called for an adequate training program.

Such a program involves large numbers of trainees but does not call for large numbers in the armed forces of the United States. The training program should never be confused with a program advocating a large standing army whether raised by volunteer enlistment or by conscription.

Shortly after the close of the World War, Congress turned its attention to determining the future military policy of the United States. The War Department cooperated with Congress very closely and out of the study and deliberations the National Defense Act of 1920 was developed and became law. At this time it is of real interest to look behind the National Defense Act of 1920 to see what happened with reference to the matter of conscription inasmuch as conscription was not made a part of that act.

On January 23, 1920, Senator Wadsworth, who was then chairman of the Senate Committee on Military Affairs, introduced a bill, S. 3792, of the Sixty-sixth Congress, second session, which bill was brought to the floor of the Senate and debated at great length. This bill, when introduced, contained a provision for compulsory military training but the provision for compulsory military training was stricken out of the bill prior to the enactment of the bill into law. The provision is of particular interest at this time in that it reflects the recommendations of the War Department and those Members of Congress primarily interested in a training program while the memory of the World War was fresh in mind. The provision made all men subject to military or naval training when they became 18 years of age with provision that the training might be had any time within 3 years following the trainee reaching that age. The bill provided that the trainee be inducted into the Army or the Navy of the United States for the purpose of training only and that his period of training be 4 months, plus time needed for enrollment, mobilization and demobilization.

The bill provided that training might be continued for an additional period not exceeding 2 months at the election of the trainee. At the completion of training, the trainee was to be assigned to the Organized Reserves and continue therein for 5 years. There was provision that a limited number of trainees might also be assigned to the National Guard, in which case his enlistment period would be 3 years rather than 5.

During the course of debate, the gentleman from New York [Mr. WADSWORTH], then chairman of the Senate Committee on Military Affairs, gave the following very interesting statement (59 CONGRESSIONAL RECORD, 5183–5184) regarding the evolution of this particular provisions in his bill:

Mr. President, I have said that we have never had a military policy, and I think that statement is correct. I know full well that there is a suspicion and a fear in the minds of many people that the adoption of a military policy necessarily means the establishment in this country of a great militaristic machine. I would never support any such proposal, nor would the Committee on Military Affairs do so. There is, however, a kind or a type of military policy which is in sympathy with our institutions which can be maintained and operated without violating the principles of the American people or their traditions, which can be so maintained and operated as to make this country absolutely secure and at the same time avoid the creation and the favoring of a caste of any kind or description.

I think no Senator will deny that we should have learned a great deal, and undoubtedly we have learned many tremendously valuable lessons, as the result of this last Great War; and I find a disposition in the Army and in the Navy and in the Congress and among the people to take advantage of some of those lessons and to see to it that some of the handicaps that we experienced during this war shall not again be met with if we shall in the future be driven into war.

With the idea of taking advantage of the lessons of the war, the War Department prepared a bill, and to a consideration of some of its more important features I invite the attention of the Senate. The War Department bill was introduced last July in the Senate, and I think also in the House of Representatives, and was announced as representing the matured opinion of the War Department in the matter of a national defense and the establishment of a military policy. It provided for the maintenance of a Regular Army of 576,000 officers and men, at an annual cost of $800,000,000. It provided also for a system of universal military training, under which each young man on reaching the age of 19 will go to an intensive training camp and there be trained for 3 months. * * *

At the expiration of the 3 months' period the young man was to return to his home and resume his civilian occupation. He was not to be attached to a Reserve unit of any sort; his name and number were to be kept by the War Department, and in the event of war that young man would be summoned to the colors under a draft law, and, with his associates, was to be used to fill up the units of the Regular Army. In other words, the citizen soldier as contemplated by the War Department bill was really meant to be a high private in the rear rank of the Regular Army in time of war; he was to be the "replacement" of the professional soldier; the Regular Army or professional soldier was to dominate the entire situation under such a proposal, and the citizen soldier was simply to fill in the places which could not be filled in or could not be taken care of by the Regular personnel. * * *

The Senate committee rejected the War Department's bill because the committee believed that it was in violation of the traditions and the democratic institutions of the United States, in that it attempted to make the citizen soldier subservient to the professional soldier; in that it attempted to establish in this country a very large Regular or professional Army in time of peace, and to make that Army, through its officers and its machinery, dominate completely the entire military policy and national defense of the country.

The Wadsworth bill of 1920 did not include any provision calling for conscription as the initial method for augmenting the armed forces, and there was a very definite program to establish a training program separate and distinct from the armed forces and setting the training period at a period of 4 or 6 months only. The training period was not so shortened because of prior military service of the trainee, because boys who had already passed their eighteenth birthday were not subject to training and those just reaching their eighteenth birthday were exempt from training if they had had military service equal to the length of training required.

It is true that there has been some development in arms since 1920, but it is true also that General Marshall has just

recently justified the Army's right to call out large numbers of men for service by stating that we have some 2,000,000 Lee-Enfield rifles available for their use, and I submit that it should take no longer to train a man in the use of the Lee-Enfield rifle in 1940 than it did in 1920.

So far as the infantry branch is concerned, drill regulations have been simplified somewhat since 1920, and the matériel available for training purposes remains uncomfortably similar to the matériel available in 1920. I am giving you this comparison for the purpose of emphasizing what I think is the true purpose of the bill now before us, namely, that it is not primarily a training bill but, rather, an effort to augment the armed forces of the United States for military use by conscription in peacetime. I should call your attention further to the fact that is probably well known by all of you that Great Britain and the United States have stood almost alone within recent years for the principle of voluntary service in peacetime, and most of us in America have grown up to look upon this feature of our military policy as one of our rights, privileges, and immunities, held so dear to us all in our form of government.

I think it would be well at this point to examine the military policy that has prevailed in Great Britain. On May 26, 1939, Great Britain enacted a Military Training Act providing for the conscription of men between the ages of 20 and 21 years for a period of 4 years, the first 6 months of which shall be given to active training. This act was to have been enforced for a period of 3 years with provision for its termination or extension under certain circumstances set out therein. The act provided that any man so conscripted for training may, at any time during the period for which he is so deemed to have been enlisted, enter or enlist, with the approval of the Army council, for service in the Royal Navy or the regular air force. The act provided further that the trainee may, at any time during his training period, after completing the special course of training, enter or enlist with the approval of the Army council, for service in any of His Majesty's reserve and auxiliary forces for a period which is not less than 3½ years.

Then came the European war. On September 1, 1939, Germany invaded Poland. On September 3, Britain declared war on Germany. On September 3, Britain also enacted the National Service (armed forces) act of 1939. This act provided as follows:

(1) Until the end of the present emergency, the provisions of the Military Training Act, 1939, requiring persons to register under that act shall cease to have effect, and no person shall be liable to be called up for military training under that act.

(2) Any person who at the commencement of this act was registered under the Military Training Act, 1939, or who was required to be registered at any time before the commencement of this act, shall be liable to be called for service under this act notwithstanding that he may not be so liable by virtue of any proclamation made under this act.

(3) Any person who at the commencement of this act is registered under the Military Training Act, 1939, shall be deemed, in the case of a person registered in the military training register under that act, to be registered in the military service register under this act.

It is worthy of our consideration at this time to note that Great Britain clung to her freedom from conscription for military service until the outbreak of war and that she had launched a training program separate and apart from the regular armed forces with provisions for voluntary enlistment in the armed forces by any trainee who had been conscripted for training only. It is interesting also to note that the National Service Act which provided conscription for service in the armed forces was enacted on the same day that war was declared.

It seems to me that our own legislative process should be relied upon to likewise meet any such emergency calling for the change from a training program to a program of conscription for service during wartime.

One other point should be brought to your attention at this time, and that has to do with the matter of the limitation of service of any conscripted forces, such as confining the service to the continental boundaries of the United States.

I do not know how vivid your own memory might be of the experiences we had in the World War in sending untrained troops abroad but certainly modern warfare has not convinced me that untrained troops are of greater value in expeditionary forces today than in 1918. The experience of Great Britain in sending masses of trained soldiers into France without adequate matériel and their experience at Dunkerque convinces me that even trained troops should be kept at home until they are adequately equipped. In my opinion, it is even more important to keep untrained troops in training rather than send them along with expeditionary forces. In this connection, I should call your attention to a bill that has just recently become law in Canada. This bill provides that the Governor in Council might require—

Persons to place themselves, their services, and their property at the disposal of His Majesty in the right of Canada, as may be deemed necessary or expedient for securing the public safety, the defense of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community.

The bill provides further that the powers conferred as have been set out—

May not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada and the territorial waters thereof.

With America looking with disfavor upon conscription for peacetime service following our participation in the World War; with England carefully launching conscription for training only in peacetime; and with Canada limiting the service of her conscripts to her own borders even in wartime, it seems to me that the bill here under consideration is breaking way from those cherished institutions we have commonly associated with our democracy. It is my desire and intention to submit to the House at the proper time an amendment which has for its purpose changing this bill from peacetime conscription for unlimited service as a part of the armed forces of the United States to a training program coupled with voluntary enlistments in our armed forces. I am not opposed to conscription for service in wartime, nor am I opposed to complete registration at regular intervals of all those within military-age limits, but I have not yet come to view lightly the departure from our long-established customs to the extent that I can support conscription for service in the armed forces in peacetime. I am not at all impressed with the statements of the War Department that they have exhausted their ability to enlist men voluntarily. I just recently received a letter from one of the leading businessmen of my home town, Iowa City, Iowa. The writer of this letter knows what the score is in the realm of public affairs, and this is what he writes regarding the matter of enlistments in the Army and Navy:

I am firmly convinced that the voluntary enlistment has not even been tried in the Middle West. I know nothing at all about the rest of the United States. If a young man wanted to enlist in the Army in Iowa City, I do not know, and I question if a dozen others know, how to go at it. No trial has even been attempted. I do know that last year a half dozen enlisted in the Navy, and they went to Cedar Rapids and just had a devil of a time finding out how and what to do. If a boy doesn't know what to do, how can he enlist?

I was telling my brother about the difficulty of finding out anything about it and he certainly was most surprised. If the Government would go ahead and do a little of that first World War movie, post-office, and newspaper advertising for about 3 or 4 months, I think the surprise of some will be astounding—then follow with the draft.

In view of this indictment of the efficiency of the War Department in reaching into some of the largest towns of my State, I plan to include in my proposed amendment a provision calling for polling of registrants under this act to determine whether or not they are willing to volunteer when and if the President and the War Department advise them that their services are needed. It is my hope that this polling will create for us a reservoir of manpower available for voluntary service that will take away the necessity for resorting to peacetime conscription for service in the armed forces. A similar polling might even likewise reduce the needs for peacetime conscription for training. I am certain that the

preservation of the institutions and customs that typify our American democracy is a cause sufficiently worthy to challenge us to the utmost to find ways and means for meeting our defense needs without resorting to measures that resemble the practices of totalitarian governments. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. ANDERSON of Missouri. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-seven Members are present, a quorum.

The gentleman from Texas.

Mr. KILDAY. Mr. Chairman, like many others, I was inclined to be opposed to this legislation when it was first proposed. It was with this attitude that I approached the matter when the Military Affairs Committee began its hearings. Those hearings consumed some 2 months, and we heard everybody who desired to be heard either for or against the proposal. After hearing all of this evidence, I was left with the conclusion that this legislation would be justified if certain facts were proven to exist. I enumerate these facts in the order of their relative importance:

First, an imminent danger to this country, requiring the expansion of our defense forces.

Second, an inability to secure such forces by the volunteer system.

Third, the ability to house, equip, and train these forces with modern weapons and under modern conditions.

To my way of thinking, a casual look at conditions in Europe should be sufficient to warn us of an imminent danger. Last May the condition of Europe was deemed such by practically every Member of this House, on both sides of the aisle, as to justify huge appropriations for the production of modern implements of war. A little later a tax bill was passed by similar overwhelming majorities. Since that time Holland, Belgium, and France have all succumbed to the nation we then regarded as a potential danger. I fail to see anything in the situation now compared to the situation in May that would give us any assurance that the danger then existing has passed. On the other hand, I do see, and very plainly, that a powerful nation like France could withstand that aggressor only a few weeks. Not a man upon this floor thought that such a conquest of a major nation was possible in these modern times. Therefore the danger which we all recognized last May not only continues but we find that we had then underestimated its real character.

There is no occasion to quibble as to the role we are to play in the world under present conditions and under the conditions which we must face when the war in Europe is concluded. This is not a new role. We adopted our policy in 1823 when we proclaimed the Monroe Doctrine. Ever since that time we have claimed the right to prevent any European interference in the affairs of the Western Hemisphere. The membership of this very House, since the present war in Europe began and after France had requested an armistice, voted for a resolution reaffirming the principles of the Monroe Doctrine and giving notice that we would not recognize the transfer of any territory within the Western Hemisphere. That resolution passed almost unanimously. We knew what we were doing, and we knew that nations already crushed by Germany owned possessions in this hemisphere. We knew that France, then suing for peace, had possessions in this country. We knew that England, the remaining nation in conflict with Germany, had most extensive possessions in the Western Hemisphere. We also know that we might be called upon to back any such resolution. Therefore I say we must have known that we would require a very material expansion of our armed forces.

I am unable to understand the position of those who say that nobody wants to attack us and that nobody will attack us. With Hitler roaming Europe almost at will, with his people keyed to the necessity and to the regimentation of war, with himself now very definitely cast in the role of a conqueror, I am impressed with the fact that he must remain a conqueror. A conqueror must conquer or he is through. If he is successful in Europe, where will he turn? Perhaps to the Western Hemisphere. Would it not be reasonable for a swaggering conqueror to demand the possessions of the nations he has conquered? This, especially, if another nation, supposedly neutral but aiding his enemies with munitions and implements of war from its own armed forces, should take the position that he dare not. The swaggering conqueror must maintain his standing as such before his own people. What is the reaction of those people to a Presidential campaign in this country in which the principal candidates spend most of their time denouncing the conquering hero? He might find himself in the necessity of convincing his people of his power and ability. No American fears such an endeavor; provided we are prepared with men and munitions to meet it.

To my way of thinking, this is the imminent danger which this country now faces. I am perfectly willing to admit that I may be wrong and sincerely hope that I am and that this world situation will pass over without affecting our Nation. If I am wrong and we take these young men from their normal callings and place them in training for a year, perhaps we have done an injustice to some of them by interrupting their normal pursuits of life. Yet, if I should be right and those who oppose this bill wrong, it may be that we have lost all. It may be that our democratic system of government is gone and with it all of those liberties and privileges that we here enjoy. Therefore, thousands of times over would I rather be overprepared than inadequately prepared.

Much has been said about securing the men necessary for this expansion by the volunteer system. It is most interesting to note the number of men who strongly advocate that system, and yet in their own States the system has completely failed. Something was said here yesterday of the State of New York, and the record shows that one and three-tenths men per thousand of male population have enlisted in New York as compared to four and five-tenths in North Carolina, four and two-tenths in Kentucky and South Carolina, and four in my own State of Texas. Even lower than New York do we find such States as Illinois with one and two-tenths per thousand, New Jersey with one and one-tenth, Ohio with nine-tenths of one man per thousand of male population, and Michigan with eight-tenths. From this it is evident that enlistments have been available principally in the South and the Southwest and not from the other sections. A democratic army should come from all portions of the country and not from only a certain region. I trust that some of the gentlemen who have so strongly advocated the voluntary-enlistment system did not mean thereby that they wanted this Nation defended by the youth of States other than their own.

The largest number of enlistments ever received in any month has been approximately 30,000. That sounds like lots of men. However, from that number 8,000 were replacements to take the place of enlistments which had expired and to fill vacancies caused by other reasons. There is only a certain number of men who will volunteer and we cannot hope that an average of 30,000 per month could be maintained over any considerable period. If it could be for a year, we would net somewhere around 300,000 to 360,000 men. These would be in varying degrees of training from raw recruits to efficient soldiers with approximately a year's training. It would not constitute an efficient army and would be but about one-third of the men reasonably necessary for our present purposes.

Every official of the War Department has testified that it is not possible to secure the necessary men by voluntary enlistments and the record proves that assertion. This bill will provide a system by which men from every part of the country and in every walk of life will be called upon to serve this Nation in the capacity in which they will be the most valuable. It is a thoroughly democratic system as well as a necessity in our present condition.

The Chief of Staff has assured this Congress that every man called under the terms of this bill will find quarters and

proper equipment awaiting him and that none will be called until such are on hand and ready. Further, that every man called under this bill will be trained with the most modern equipment known to military science so that at the end of his year's tour of duty he will be a modern soldier, trained with modern weapons, and capable of really defending this Nation.

The Members of this House are charged by law and by their oaths with the obligation of defending this Nation against all enemies, foreign and domestic. This creates a heavy burden in these times. Those who are willing to assume the risk of failing to provide an army because we may not need it are at liberty so to do. For my part, I cannot assume that responsibility. If we fail to prepare all may be lost. I shall prepare against such danger and at the same time hope that it never comes. At present it is better to be overprepared than underprepared. [Applause.]

Mr. ANDERSON of Missouri. Mr. Chairman, I make the point of order that a qourum is not present.

The CHAIRMAN. The Chair will count. (After counting). One hundred and twenty-seven are present, a quorum.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. VREELAND].

Mr. VREELAND. Mr. Chairman, through the courtesy and generosity of my colleagues in granting me a leave of absence in the House, I had the privilege of serving 3 weeks in the United States Army during the first Army maneuvers just completed at Ogdensburg, N. Y. There has been some wonder perhaps why I should wish to take the time to attend the maneuvers. First, I considered it my patriotic duty to serve so as to prepare myself, as did others, to help protect my country should the occasion ever arise. Second, I will not expect others to do anything at my bidding that I would not do myself. And, thirdly, I wished to see our Army in action and learn from a first-hand observation how well prepared we were both from a standpoint of manpower and material.

I want to comment upon and commend the people of northern New York State and particularly those of St. Lawrence County on their patriotism in making that, the largest concentration of troops for training in peacetime in the history of the country, a success. It is well worthy of commendation when it is considered that over 1,500 landowners gave their land without cost to the Government for the use of the troops, with only 4 exceptions. The highway engineers spent considerable time in making preparations for the movement of the trucks and men and the school commissioners gave the many school buildings for use as headquarters. It was a fine gesture and a monumental example to the rest of the country of the fine patriotism of the American people when called upon. Also must be mentioned with considerable praise is the air-defense command, which functioned perfectly. The American Legion had the sole charge of organizing this group of many hundreds of residents covering a radius of 200 miles. The Legionnaires did a fine job in the World War and have shown that they are still ready and willing to do their part again.

General Drum, who directed the maneuver, proved by the smoothness of the entire movement from beginning to end that he is a most efficient and capable officer in whom the American people can place the utmost confidence, not only personally but also on his choice of assistants.

It was most discouraging to see the deplorable lack of equipment in the various organizations. In spite of the lack, however, the men went about their work and training with an admirable spirit and desire to do their bit in preparation and defense. It is hoped that industry will soon gear itself up to the necessary production so that shortly our Army will be fully equipped to meet any emergency or contingency that might arise, or at least to act as a warning to other nations that this country can cope with any situation.

One of the most generally used arguments against the pending legislation, the so-called Burke-Wadsworth bill, is that we have never had to resort to conscription in peacetime before. That is the same argument used for many years against the necessity of national defense. The only answer I can see is that we never had "blitzkriegs" before, either. Whether the President, by his foreign policy, has deliberately maneuvered us into the present situation for personal gain or whether the situation is more grave than he will tell us is beside the point, and as it now remains we must think of our national security, since armies cannot be trained overnight for the modern mechanized and highly technical method of modern warfare. I only hope and pray that America will never again be called upon to send troops into action against an enemy without even the rudiments of training. That is slaughter, not bravery, and the price too great, especially when a little training and foresight might save millions of lives. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. SCHIFFLER].

THE EVIDENCE DOES NOT WARRANT PEACETIME CONSCRIPTION

Mr. SCHIFFLER. Mr. Chairman, the efforts to conscript men and industry at this time are, in my judgment, unsupported by evidence demonstrating the necessity for such action. It is a departure from sound traditional American policies. Conscription in peacetime of either men or property is undemocratic, un-American, and a major and drastic step in the realm of totalitarianism and dictatorship. The surrender of rights of the American citizen, except in the event of war that threatens the existence of our Government and its people, is wholly without justification and in direct violation of constitutional rights, as well as fundamental Americanism. On the contrary, in the event of total war, either threatened or actual, then there is complete justification and reason for the conscription of every resource—men, materials, plants, and money. In fact, all the resources of our Nation, irrespective of ownership, should be subject to surrender to the Federal Government where necessary to preserve the Government and its people.

In addition, no individual, citizen, or alien enjoying the privileges and protection of our Government can justly withhold from the common defense anything necessary, property or service.

Not one iota of evidence has been presented to support the idea that there is imminent a threat of invasion from without. Much evidence has been presented before the Military Affairs Committees of the United States Senate and the House of Representatives. This evidence is general and not at all specific. I have read and studied the same carefully, and nowhere have I found evidence that is clear, specific, and reasonable pointing out in clear and unequivocal language the exact nature of the so-called emergency, nor does there appear in any of the evidence thus far presented a clear and specific statement demonstrating that an invasion is either threatened or imminent. This applies not only to the United States but to the countries embraced within the protective factors of the Monroe Doctrine. Much hysteria prevails. This hysteria has led to confusion and uncertainty. It is predicated upon broad and general statements leading the people of the country to believe that we are in danger of imminent invasion. I do not want to lightly discount the efforts of the totalitarian states in Europe in their attempts to invade Great Britain. On the contrary, it has not been specifically pointed out in a logical and sensible manner just how an invasion of the United States could be accomplished. Those familiar with this problem have failed to demonstrate that it is possible for any nation, or combination of nations, to attempt or make an invasion of the countries of the Western Hemisphere. We possess by far the greatest navy in the world today. Provisions have been made for enlarging this Navy and providing 1,325,000 additional tons. This is the first line of defense. Not one single statement has been made that such defense could be penetrated by the navy or any combination of navies in the world. On the contrary, it has been stated that such navy, when completed, will be invulnerable.

I have supported all legislation to provide this navy. The air force is undoubtedly a coordinating and auxiliary factor

to the Navy. Provisions have been made, which I have completely supported, to build, equip, and maintain the largest air force in the world. A well-trained mechanized army of one-half million men can, according to the best evidence heretofore presented—such army when properly equipped in so-called streamline fashion, acting in conjunction with the Navy and air force—repulse any attempt at an invasion of the United States by any nation or combination of nations in the world. I have likewise supported every authorization and appropriation to provide such an army. In fact, I have considered it my privilege and duty to give my complete support to every necessary effort to set up every element of adequate defense for our country and the Western Hemisphere in accordance with our obligations under the Monroe Doctrine.

I am unalterably opposed to our intervening in foreign wars. I shall never consent to the sending of our American boys to foreign soil to fight in foreign wars. Our experience in the last war—tragic and costly in lives, suffering, and property as it was—should be the guiding star in our conduct at present. It should teach us that, notwithstanding all that we may endeavor to do, we cannot terminate wars nor can we permanently settle the problems of other parts of the world. It will suffice for the present if we engage ourselves in a solution of the problems of our own Nation. The major problems are yet without solution. It is our primary duty to bring peace and prosperity to our own people rather than to engage in endeavoring to meddle in the affairs of all the other nations in the world, and, I might add, if we succeed in the solution of our own perplexing problems within the next few years, we shall have an accomplishment that will stand out in history as a monument to those who have been elected to lead the people of this Nation.

To disrupt the lives of the millions of young Americans as is contemplated in the bill before us for consideration and to cause the incalculable suffering and inconvenience that will result, and without other justification than hysteria, unsupported by actual facts, is unjustifiable and unpardonable. Notwithstanding that we have had placed in all parts of the world diplomatic and other agencies to keep our Government and the Congress informed of existing conditions and tendencies, there is nothing before this body in the nature of concrete evidence to warrant the present hysteria and false war propaganda. Our future interests may require that we be partial to one side or another in the present conflicts abroad. They may also require that we take sides in the threatened insurrections in South American countries, but such as also demonstrating that we are in danger, either immediately or in the near future, of our Government or its people losing anything which they now possess, I am unable to find anything to support such theories.

I recognize that the world being an armed camp requires that we adequately prepare against a possible enemy. In my judgment, we are doing that with the legislation already passed by this Congress. Under the present plans, billions upon billions of dollars will be spent for armaments of various kinds within the next 2 or 3 years. We shall have a million men under arms in the Navy, Air Force, and the Army. Our Coast Guard has been materially strengthened. Unless it is contemplated that a part of this armed force be sent to other parts of the world to fight, according to the very best evidence of our General Staff and those who should know, these forces are adequate for national and hemispheric defenses.

In conclusion, I wish to state that when and if this Nation is threatened, when and if the life of one American has been taken or one foot of American soil or territory is threatened, it will then not only be my duty, which I shall fully perform, but I shall consider it a privilege to not only bring into the sphere of Government control every individual within the Nation as well as all its material and resources and it will be unnecessary to draft me personally to aid in defending and repelling any invasion by any nation. I do not agree that it is necessary to disrupt the lives of so many millions of Americans and to take a major step to destroy our republican form of government. In the light of all the existing evidence and of all facts as they have been presented, I believe it completely unnecessary and unjustifiable. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. CLASON].

Mr. CLASON. Mr. Chairman, the Senate has already proved that it would take hours of debate to discuss the entire field covered by the provisions of this bill. If one wished also to address himself to the testimony given in the hearings before the House Military Affairs Committee there would be no limit to the time required.

My purpose today is to call your attention to an amendment which I proposed, and which was adopted in the committee, for the purpose of equalizing the pay of men in the Army with men in the Navy. The amendment is contained in section 3 (e) and was adopted by the Senate. Its terms have been drawn by the War Department, after exhaustive study and with full knowledge that it is not possible to classify enlisted men in the Army on exactly the same basis as in the Navy. It is possible, however, to provide for classifications in the Army, having regard to the increased skill now required from soldiers in the management, operation, and repair of mechanized and motorized equipment. We have been told by the representatives of the War Department that a very large percentage of the men in every branch of the Army are specialists, as high as 78 percent in the Air Corps. It is only fair that they should receive some recognition for their skill and training in the way of increased monthly pay.

Witnesses have differed widely in their opinion as to the possibility of securing all men necessary for such an Army as our country needs for the defense of the Western Hemisphere through voluntary enlistment. It has been stated by a member of our General Staff before the House Military Affairs Committee last January that if we had 480,000 properly equipped men, plus the National Guard, all the nations of Europe combined, with full control of the high seas, could not land one corps of troops on American shores. This statement was quoted by Senator VANDENBERG in his speech of August 12 in the Senate. However, that statement did not take into account the defense of the Western Hemisphere, for which undoubtedly a much larger force would be required. Congress has already provided funds for the purchase of essential military items for 1,200,000 men and critical items for an additional ground force of 800,000. One of the issues raised by this bill has been whether or not sufficient enlistments could be obtained by voluntary method within the necessary time to make it possible for the needed men to operate these weapons to be obtained by enlistment, rather than by conscription. I believe that great weight should be placed on General Marshall's opinion, as Chief of our General Staff, that we should secure the necessary men as rapidly as possible, having in mind the time of delivery of the new guns, tanks, and other equipment during the next 2 years.

Secretary Woodring is authority for the statement that he attempted without success to secure the consent of the administration for an intensive voluntary enlistment drive several months before he was forced to resign. If permitted, it might have made even the consideration of this measure unnecessary. Such a drive has been undertaken, starting in the middle of May 1940, and with increasing effort from month to month. The figures are very informative. Only the records of 2 complete months can be shown. In June there were 23,400 voluntary enlistments and in July 31,400. I was told by an officer in the War Department this morning that reports have already been received showing enlistment records of 35,633 during August on incomplete returns received up to yesterday. It will be the middle of September before the figures are complete, but the War Department expects them to exceed 40,000. If this is correct, then the number of voluntary enlistments in August 1940 is higher than in any single month in the history of the United States, either in peacetime or in wartime. The War Department report for the year ending June 30, 1917, shows, on page 38 in the report of The Adjutant General to the Secretary of War, that the number of voluntary enlistments in May 1917 was 39,589, the highest previous monthly record. Of course, each month replacements for men who leave the service have to be made,

which reduces the actual increase in the size of the Army by about 7,500 monthly at the present time. However, I was assured by the War Department that the number of men in the Regular Army on September 1 was undoubtedly in excess of 300,000, and that it is now to be expected that by the middle of November the Regular Army will reach its present authorized strength of 375,000. That is a remarkable tribute to the patriotism and interest of American youth in national defense. Secretary Knox testified that for at least a year he expects that by voluntary enlistments the Navy and Marine Corps will obtain all the recruits necessary for those services. Therefore the men obtained by conscription will go solely to the Army. The fact that both the Navy and the marines are able to secure more recruits than they need indicated to me that, insofar as the Navy is concerned, it might be due to the much better pay received in the Navy at the present time as compared with the Army. For that reason I am very hopeful that the additional pay provided by this amendment, contained in section 3 (e) of the present bill, which amounts to an average increase of between $12 and $15 per month per soldier, will cause a considerable increase in the already remarkably fine showing in voluntary enlistments for the Army, but best of all it will provide a more adequate and a fairer standard of pay for the services and skill required of our modern soldiers. With the passing of the present grave emergency, such a fair standard of pay should be an important factor in determining the possibility of an early return to voluntary enlistments to provide the necessary personnel for our Army if this bill becomes law. If it does not pass, then I believe this new pay schedule for the Army should be adopted in a separate bill as soon as possible. I feel certain that every Member of Congress, as well as every citizen of the United States, wishes these men, upon whom we are calling in this time of need, to receive fair treatment and reasonable pay while in our Nation's service. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. ANDERSON].

Mr. ANDERSON of Missouri. Mr. Chairman, we have come to a pretty pass when a member of the Committee on Military Affairs has to ask for quorum call after quorum call in order that he may expound his views on this legislation.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. I cannot yield. I do not have the time.

The only reason I was not allowed to speak is that I signed the minority report of the committee of which I am proud, and the fact that I was against this legislation in committee, of which I am also proud. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. I yield to the gentleman, who is my friend.

Mr. BYRNS of Tennessee. Does not the gentleman realize, as I am sure he does, that the American form of government recognizes the rights of a minority as well as the majority? [Applause].

Mr. ANDERSON of Missouri. There is also something about free speech in the Constitution that the committee fails to recognize.

Mr. Chairman, can a democracy defend itself and remain a democracy? That is the greatest question of our time. The answer to it rests solely in the hands of the American people.

If events of the Old World drive our people in fear and panic to accept false counsel from those who ask us to abandon democracy for expediency in the name of national defense, then we will have contributed as much to the downfall of democracy in this country as the disguised "tourists" contributed to the defeat of Norway a few months ago.

If democracy is destroyed in the United States it will not be due to the armed might of a foreign enemy.

For months the American people have been harassed and harangued by persons so blind, so panicky, or so ignorant that they will not stop long enough to give a considerate thought to the proper defense of our country. Sanity in considering our defense problems is long past due. If sanity, intelligence, and wisdom prevailed today we would not be embarking on a course so destructive of democracy, so totally un-American, as conscription in peacetime. This bill is not only un-American, it is unpatriotic, undemocratic, and absolutely unnecessary. [Applause.]

If the men upon whom the defense of this country depends for guidance are capable of observation, they would learn from the war in Europe that men alone mean very, very little in modern warfare. They would come forward honestly and admit that the German war machine has revolutionized the whole idea of defense. Today machines, production, and supply are decisive. France had as many trained soldiers as Germany and they were better trained and more experienced. Yet where is France today? The German soldier invading France was equipped with everything that ingenuity and science could give him. The soldier defending France had only the tools that conquered the Germans in 1918.

Can it be that our Army has failed to take notice of the lesson France holds out? Before taking hundreds of thousands of our finest young men out of the fields and factories to spend a year or more in the Army let us pause just long enough to ask: Where are we heading? Why are we doing this? The sponsors of conscription say, "We are doing it to defend our country." Defend it against whom?

I am not one to underestimate the ability of the war machines of the dictators; neither do I put the slightest credence in any word they may utter. But I am not so panicky or so politically astute as to deceive my people into believing that Hitler or anybody else in his lifetime is going to invade this country from Europe.

In order to achieve any degree of success in an attack against us the enemy would have to land at least a million men with full equipment. Such a feat is now and for many years to come will be a practical impossibility. Do we forget the Norway campaign? There we saw Great Britain with the greatest Navy in all the world and with almost complete control of the seas right up to the coast of Norway. Yet she was never able to land an equipped Army in Norway and the campaign wound up an utter failure. How, in God's name, is anyone going to transport an army and equipment from Europe to North America and do any good against us if we have any defense at all?

At this very hour Great Britain is engaged in mortal combat. Ever since the disaster in Flanders the British have been face to face with a relentless enemy. Is Great Britain calling for more troops? Is she calling in men and more men from her vast Empire? No. England is begging and praying for planes, tanks, and antiaircraft. "Give us planes" is the prayer of the British. "Give us planes and tanks" was the unanswered prayer of the B. E. F. and the vanquished French.

Up to this point our so-called defense experts have taken their entire time promoting conscription to the almost utter neglect of the Army we already possess. The Army says it can equip the first class of conscripts by January 1. With what? Perhaps uniforms and outmoded guns. Certainly not with modern guns, tanks, and planes. It is high time for the American people to wake up to the fact that very little is being accomplished in properly equipping the Army we now have. It is treasonable to talk conscription while our troops maneuver with wooden guns and paper tanks.

We take pride in the quality of our American airplanes. We like to believe that they are the best in the world. Perhaps they are, but not many weeks ago we heard the Chief of the Air Corps admit that we had less than 50 planes as good as those being used in combat over Europe. Undoubtedly the general had reference to the "flying fortresses" when he mentioned the 50 planes. While they are among the finest planes ever produced any expert can tell you they have little or no rear defense and they are not armored nor do they have self-sealing gas tanks. What do 50 planes amount to in this world today? Twice that number are shattered to bits over England every day. The actual production of planes of all

types in this country is not exceeding 600 a month. That figure includes foreign order, commercial craft, pleasure craft, and military planes. Of the latter less than a dozen a month are actually being put into service with the Army. Yet we talk conscription. Do we intend to give these boys uniforms and old rifles and call them an army? Are we preparing to fight Indians or are we planning the defense of this country in the light of events abroad which no sane man can ignore?

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. I yield to the gentleman for a question.

Mr. O'CONNOR. The gentleman is making a very fine and a very illuminative argument on this question and as the gentleman is a member of the committee that has heard all the testimony, I want to find out, if I possibly can, what the evidence before the committee showed with reference to equipment, as to how many soldiers we have equipment for today, including clothing and the necessary machinery with which they may be trained.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman from Missouri 5 additional minutes.

Mr. ANDERSON of Missouri. I do not know the actual figures, but I do know that we have not near the equipment that will be necessary for this conscription.

Mr. O'CONNOR. That is, to meet the requirements of the enlisted men of the Regular Army and the National Guard enrolleees.

Mr. ANDERSON of Missouri. That is correct.

Mr. O'CONNOR. That is what the evidence before the gentleman's committee showed?

Mr. ANDERSON of Missouri. That is right.

Mr. HARTER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. I have not the time to yield further.

Before we conscript the youth of this country let us ask our military geniuses where are the thousands of planes we read about in the papers. Who has them? When is the Army going to get just a few of them into actual service? Where are the tanks and how many are being placed in actual service this month and next?

Every real American stands ready to fight for his country. His country does not mean merely the sand and stone and earth that lies between the Atlantic and Pacific, from Canada to Mexico, but it means freedom, liberty, and happiness. If, in the name of defense, we abandon the principle of free speech, freedom of the press, and freedom of contract, what is there to defend? What remains worth defending?

If we place the ideals and principles of constitutional government in peril as this bill does, what better are we than those we condemn for blotting out the light of democracy in Europe?

Without the liberty and freedom that is the heritage of every American we will be as the people on the continent of Europe, slaves of a dictatorship.

This Nation, unlike any other on this earth, has no common ties of blood, of race, or of religion. We are bound together and we are strong only in the devotion and faith of our people in liberty and freedom under our Constitution. While that devotion and faith lasts we will remain the strongest of all nations.

While we preserve freedom and liberty untarnished and unabridged, democracy will live in America. Any impairment of the fundamental guaranties of liberty contained in the Constitution, whether done in the name of defense or not, will prove more fatal to American democracy than any head-on clash with the legions of an invading enemy. [Applause.]

Mr. MAY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, I wish to call the attention of the House to this fact: The chairman of the committee has made provisions to carry on this debate this evening as long as anyone wants to talk, and that is for the accommodation of the Members of the House. I also want to call the attention of the Members of the House to this fact: There are six other members of the committee who have not been able to speak, and they have not seen fit to conduct a filibuster in order to impede the proceedings here today.

Mr. ANDERSON of Missouri. No one has spoken from the committee who has been against this bill, and it is nothing like a filibuster. The only filibuster I know of is the one that the gentleman from Pennsylvania made against the T. V. A. in committee.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I yield 20 minutes to the gentleman from Connecticut [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, this contribution to the debate is offered with the full knowledge that there is little new which can be added; practically nothing original. The ground has been covered from all angles and, in addition to that, we of the Congress, as well as our fellow citizens, have been informed in the fullest measure by the press and by our correspondence. It does occur to me, however, that a brief review of the facts, the premises, the possibilities, and the probabilities involved in such legislation as we contemplate may be of value at this time, midway in the course of the debate. Until this time, with the report of the House Committee on Military Affairs before us, we have not been able to discuss this matter in the concrete. With this bill before us it has been discussed in the concrete, and perhaps a consideration of it from the point of view of the abstract may correlate the two positions. An analysis of the problem in the abstract, therefore, is being attempted in the hope that such an analysis and review may at least clarify the situation, if not proving of inestimable value in reaching a rational conclusion. In attacking this problem I cannot particularly sympathize with the efforts of my colleagues to introduce a purely academic consideration of the title of the bill. Accurate definitions of selective and compulsory and training and service, and acute differentiations among them, are not, in my opinion, conducive to a clear determination as to the need or necessity or merits of the bill before us.

It may save time and repetition if we hurriedly list many situations which can be taken for granted. There is a war in Europe. Nations have been ravaged and peoples massacred. The methods of Hitler are a scourge on mankind. No one may foresee the ultimate result, for such is undeterminable at the present time. However this may be, the result is certain to be of the most momentous import to us. If we stay in comparative isolation we cannot escape the inevitable disturbance of economic break-downs, territorial readjustments, and creation of new philosophies concerning those who govern and those who are governed. Extraordinary situations confront us in our deliberations—situations which not so many months ago were looked upon not only as impossible and improbable, but even incomprehensible in the light of our stage of civilization and of the determination of all peoples to go forward instead of backward have arisen. Today there are those of us who consider impossible, improbable, and incomprehensible an attack by any nation or group of nations upon our shores. Confident of no adequate answer many ask, "What nation dares make war upon us?" Are we entirely alive to the tremendous import of events if we fail to realize that tomorrow's sorrow may be because of today's trust that what is not cannot be. It is useless for any of us or anyone else to foretell the happenings of tomorrow, to prophesy accurately events that are to come. Such must change from day to day.

There is one statement in which we all probably can agree and against which argument to the contrary cannot prevail, and that is this: On this day of September 4, in the year of our Lord 1940, we are as a Nation wholly and completely unprepared, did we so desire to participate, in the war in Europe. In spite of our magnificent array of so many millions of nonmodern guns, so great a supply of 75's or 105's, with the greatest industrial potentiality in the world, we must also unanimously admit that we are wholly and totally unprepared to resist if we are attacked. The very

acceptance of this latter is proven by our action in a restatement of the Monroe Doctrine, appropriations of billions of dollars for war materials, authorization for the calling out of the National Guard, and this bill before us. We do not know what plans may be in the minds of those rulers of today who would add the remaining portions of the world to their domains. We have no way of knowing that the United States of America is not included in their general plan. In this acceptance of subjects to be granted, realization should come to us that we must face present-day facts and not future possibilities, and, incidentally, it aids us not at all to resort to ancient history to find those whom we can blame for our present condition. That solves in no way the problem and excuses us today in no way from performing a duty laid upon us in connection with the office which we hold.

Under ordinary conditions a nation finds itself in one of three situations. It is either at peace or it is at war, or it is in that midground between the two, a position imposed upon it by international relationships. Under ordinary conditions also a nation may be involved with belligerent nations. It may in itself be nonbelligerent, or it may assume a factually neutral position, but things which are true under ordinary conditions too easily become untrue under extraordinary conditions such as today encompass the world. Many European nations, now nonexistent, only a year ago declared themselves as nonbelligerent and as neutral. In my opinion we occupy the midground aforementioned, perhaps forced to an offensive or defensive war because of conditions that have not been within our control. But complete candor also compels the remark that we are heading there because of certain conditions over which we should have had control. Propagandists have been planted in our midst and by their words, apparently innocent but actually dangerous, have aroused within some of our people the urge that we should take sides with one or the other opposing forces in Europe. Consequent also upon such and influenced perhaps by beguiling words, fear and hysteria have impelled us to strike out blindly with untaped hands at possible foes with whom we are not in hostile contact. It must be said also in all sincerity that there have been in the past, and not too recent past, words and acts on the part of some of our Government leaders which would tend to turn us at least from the direction of peace. The installing in high places of certain men who have been known for their attitude of intervention has in no way quieted the situation.

If it be granted that we are in this midground and that peace is further off than war, those of us charged with the conduct of this Government must naturally ask ourselves what kind of a war is imminent. There can be no doubt that a declaration of an offensive warfare would not be our voluntary act, for we have no desire for aggression. Congress is still, at least still, in possession of the constitutional power to declare war; and this is one prerogative that this body will not surrender. Then if war comes it will have to be a war brought upon us against our will, defensive in character, and with the one purpose of a protection of ourselves, our possessions, and our neighbors whose safety is so closely tied with our own. If up to this point I have established by thesis, then the problem before us is one of national defense. This is the only rational, to say nothing of safe, step for us to take; and it is to prepare to defend this country adequately against all invasions by all people at all times by land, by sea, and by air. This step, of course, has been taken by us, and the national-defense plan is the result. The people by their expressions have approved the plan, and Congress has placed the stamp of its approval upon it by its recent actions. The reiteration of the Monroe Doctrine was a declaration to the world of the determination of this country to protect its shores, to protect its neighbors from foreign invasion, and to maintain the solidarity in freedom and in independence of the Western Hemisphere. The Congress has appropriated the hitherto unheard-of totals reaching into the tens of billions in the preparation for defense. Authorization has been given for the calling out of our National Guard. Do these steps appear to be any other than positive proofs of the fact that the Congress and the people realize the exact situation confronting us?

There are many essentials to an adequate national defense. The first essential to my mind is the spirit of the people to defend themselves and their own against invasions from without and from within. This spirit is certainly apparent in all of our people unless there be a few who through misinformation or misunderstanding or absolute hostility to our form of government refuse to submit to the control of a patriotic privilege. Another essential is a certainty as to what we are going to defend. The Monroe Doctrine has defined that for us, and the Congress has reiterated its belief in, and its dedication to, that doctrine. National defense then means the absolute carrying out of that doctrine, and when that is carried out and successfully carried out we are nationally defended. There are two other essentials for an adequate national defense more tangible than the others mentioned. The first of these is the proper machinery of war. This we have, either present or coming. It is true that most of it is coming, and the people of this country may be thankful that it is coming from a patriotic industry—and industry means labor and capital. Our present problem, and a most pressing one, has to do with the second of these more tangible needs, and that is manpower; and in an attempt to find this we are engaged as we are today. With the reiteration of the Monroe Doctrine the assignments of our manpower as to location and the nature of their employment are not so difficult. We must have a sufficient manpower in order that a competent force may be assigned to any place in the Western Hemisphere where it is necessary to compel observance by all other nations of the Monroe Doctrine. A realization of the nature of employment of this needed manpower is necessary. The Army of today is not the Army of yesterday. The serried columns, the regular tread of marching men, the regalia and panoply of war are parts of a storied past. Our Army today in the presence of the machine age in warfare will be made up of skilled mechanics, of men dressed not for parade but clothed in the garb of a workingman, smeared with grease from hands that no longer present arms but push gears and pull levers in the modern mastodons of destruction.

As a part of our National Defense Plan the War Department presents its requirements and calls for 900,000 men by January 1, 1941. Their ultimate plan calls for one and a half million trained troops ready for immediate service. To meet this demand we have about 300,000 officers and men in the so-called Regular Army, in actuality as of July 31, 1940, 282,999 officers and men, and 220,000 men formerly in the National Guard and now mustered or to be mustered into the Army of the United States. This leaves considerable of a disparity between the men on hand and the men required. One naturally asks if this plan of the War Department calling for a certain number of men and for a determined length of service is a plan that is absolutely essential, absolutely needed, and absolutely imperative if our National Defense Plan is to be carried out. I would not know where to turn for definite statements on these points if I did not turn to those men in our armed forces to whom has been entrusted the solution of just such problems. In my own profession we have specialists whose particular skill and unusual opportunities for experience and observation have classified them as authorities in their subject. Influenced perhaps by this knowledge, I am led to believe that in the Army and Navy among our high ranking officials are likewise men possessed of the same characteristics who are qualified above all others to answer, I hope intelligently and fearlessly, such a question when propounded to them. I know very well that it is said by some that men whose profession is war are best satisfied when in control of large armies instead of mere battalions. I likewise am aware of the criticism directed against such men on the ground that, their profession being war, war is what they want. I recognize these two views. I cannot completely subscribe to them.

The disparity mentioned above, amounting to approximately 400,000 men, must be remedied if the plan submitted by the War Department is to be accepted. Where are these men coming from? There are just two sources for the acqui-

sition of manpower for our Army. One is by enlistment and the other is by a method which for convenience we call conscription. There are certain interesting facts about enlistment. We have been told that in the past few months the rate of increase in voluntary enlistment in the armed forces of our country has been unprecedented in times of peace. This is encouraging and may help us in the solution of the problem. It is expected that in this month of September the number of enlistments may reach 40,000, and in the next month 50,000. Let us take 50,000 as our average monthly increment, granting that that number of men will enlist and continue to enlist at that rate until enlistments are refused. It requires no abstruse mathematical procedures to realize that at the rate of 50,000 enlistments per month it would take 8 months to make available the 400,000 men required according to their estimates by the War Department on January 1, 1941. If this be true and if the Army plan is taken as the accepted plan and one on which dependence and confidence and faith may be placed, then voluntary enlistment will not meet our present-day need. The only other method is conscription.

Terms which are used in the heat of debate and characterizations made with more volubility than thought should be given no consideration. Personally, having complete faith and confidence in my country as I do, I discount characterizations of this method such as "totalitarian," "undemocratic," "military rule," "ruthless dictatorship," "regimentation," "civil war," "revolution." Nothing can convince me, not even the high-standing of the men who employ such nor the passionate expressions of those who profess solemnity and conviction—nothing can ever convince me that such extremes are possible in the United States of America, a nation born, nurtured, and resplendent in the "blood and tears, the toil and sweat" of the generations who have preceded us.

There can be no well-founded opposition to a registration and classification of our manpower. I presume we all mentally or actually make out our financial statements or take account of stock or make balance sheets. We want to know where we are in our private affairs. Registration and classification of our manpower will certainly tell this country where it is in this particular respect. The next step, of course, has to do with the determination of those who will actually be called. The present bill furnishes us a working model which we may accept, reject, or modify. This bill I have carefully analyzed. I have weighed its possibilities, I have considered the involvements and am satisfied that on the whole the method suggested is fair, impartial, and, most important of all, civilian. The bill before us includes nothing up to this time having to do with the confiscation of wealth, the confiscation of labor, or the confiscation of industry. I take most violent issue with all who try to persuade me that at this time the confiscation of wealth or of labor or of industry is necessary or essential. I cannot speak for the future when war may involve us nor can I agree with those who would have us believe that a conscription of the individual must be offset by a conscription of capital. The two are neither synonyms nor are they antonyms.

There are many points in this bill to which opposition can be made. I do not like the transfer of many additional powers to the President of the United States. I might under some conditions, but under present conditions, I do not. I oppose the very apparent invasion of State sovereignty as illustrated in Section 11, Subsection a, Division 4. I do not agree with apparent limitation of the responsibilities and powers of the local boards. They are the civilians in this procedure. They are the friends and neighbors of those who will be called. Their decision except in matters otherwise assigned should be final. I disapprove of compensation to most of the officials and assistants engaged in this work. I regret no provision is made for the protection of the employer and employee in altogether too many instances. But the bill before us is better than the Senate bill and meets the essential requirement in that it provides the way and the means to the accomplishment of the purpose in mind.

If it be agreed that my last statement is true then the only problem before us in consideration of this bill is when conscription shall take place. I want to know where the conscriptees are going immediately after their induction into the service. Only this morning I was told by The Adjutant General's Office that the Two Hundred and Forty-second Coast Artillery of Connecticut which is made up in most part of the boys in my own District will be assigned after September 16 to a section on Long Island Sound at a fort where there are no housing facilities to protect them, and where they will be under canvas from three to four months. Once again it must be asked, "Where is the War Department going to put the 400,000 conscriptees expected before January 1, 1941"? Are there uniforms for them and under uniforms I include overcoats? Is bedding provided for them? Are water, sanitary facilities, and heating plants available, and, as important as the others, is there sufficient kitchen equipment"? With their personal needs attended to the next question arises as to what they are going to do when enrolled. There is no need to bring out the fact previously hinted at that war today is not what it was yesterday. An army today to be efficient must have had actual experience with the machinery of war. This experience must not be had in battle. It must be had before the battle, and if that does not call for experience in peace, training in peace, and preparation in peace, I must confess inability to find reason to the contrary. Acquaintance with blueprints and theoretical instruction from books and lectures on intricate mechanisms will not do. The army of today must have the actual implements of war in the use of which long training is needed. Ice wagons and trucks cannot replace, in giving instruction and experience, 80-ton tanks; gas pipes and water mains have never yet been successful carriers of explosive shells—possibly tin cans used for shells, but not shells.

No one needs to tell me that I have in the last few minutes made destructive and not constructive comments. Such as I have made have been made with the idea of driving home the point. Were I consulted in the matter—which, you need not fear—I shall not be; or were I the War Department—which I am not—I should require that housing equipment and mechanization of the Regular Army and the mobolized National Guard be the first in intention and the first in accomplishment, and then from the rolls of conscriptees previously determined I would add quotas synchronously with available supplies for physical demands and with the production from industry of the machinery of war. It occurs to me that this is the practical and effective way. It occurs to me that it would cause no tremendous disruption of industry, and it also occurs to me that such a method would give to the conscriptee opportunity for financing his relationships, arranging his business, and making his social adjustments.

As many people as there are interested in this problem, so many ideas there are. It is impossible for the administration or the military departments or this Congress to satisfy all the people of this country as to the need or necessity of national defense and an increase of our land and naval forces and the conscription of men to fill their ranks. There is no one in this Chamber who hopes for war. There is no one in this Chamber who does not regret sincerely and wholeheartedly the necessity for consideration of such legislation as is today before us, but our duty is not to be led by what we hope for, is not to be led by what we may take for granted. Our duty is to face the facts before us and to do our best, as Representatives of the people, to translate those facts into a definite, successful, and final result. In the dread presence of conditions abroad we cannot appease ourselves with the thought that the apparently impossible will not become possible; that the apparently improbable will not become probable; that the apparently incomprehensible will not become the comprehensible. No one of us can do other than the appreciation and realization of our duty as we see it lead us to do. If war comes we have been right. If war does not come, perhaps

what we have done is wrong; but if we are wrong—there will be no war. [Applause.]

Mr. MAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Chairman, I am opposed to this bill in its present form as I do not see the necessity for conscription of the manpower of this country at the present time. It authorized an Army of 1,000,000 men and only recently Mr. William S. Knudsen told the Senate committee that it will not be until 1942 that we will have sufficient equipment for 750,000 men and I am one that sincerely believes that compulsory training for all youth is more desirable. The present rate of voluntary enlistments will bring the manpower of the Army up to the strength authorized by the Congress and if the pay is increased to $30 per month with 1-year enlistment periods the incentive will be there to serve in the Army instead of the Civilian Conservation Corps. Both the House and Senate Military Affairs Committees have held long and exhaustive hearings on this subject and the Senate debated the issue for weeks. I am in favor however of a measure that would compel the youth of this country, say from 18 to 24, to render compulsory service to our country. We have spent hundreds of millions of dollars on C. C. C. and N. Y. A. projects. I believe that when a boy graduates from high school he should be compelled to render a year compulsory service to our country, irrespective of his physical condition or his station in society. This should also apply to the youths who have not had the opportunity of a high-school education. The very camps that we now use or are no longer in use by the C. C. C. could be utilized for preliminary training. They could be put in these camps and hardened and given the rudiments of military training, and after 3 months be selected according to their adaptability and be trained in operating tanks, trucks, and skilled in parachuting, skiing, and obtaining mechanical knowledge of repairing the necessary equipment for modern warfare. With an additional 3 to 6 months they can be placed in military camps and taught the ins and outs of the modern mechanized units of warfare and finish out the balance of their compulsory training, drilling, and participating the maneuver of actual modern warfare similar to that of our National Guards and training they have been receiving for the past months. These youth should be then placed in the Reserves and compelled to participate in training activities for several weeks, for say, the next 3 years after they have completed their 1-year compulsory training. This method would build up a large reserve which could be called into active duty at any time necessary for the protection of our country.

My proposal will not upset the economic stability of the country, because the youth from 18 to 24 have not yet definitely established themselves, while the bill before the House provides for the conscription of men between 21 and 45 and will take them from their jobs and homes. I was glad to see that the leaders of our two great labor organizations in their Labor Day addresses oppose the principles of the bill we have before us for consideration today. I would agree to that if we have a national emergency, but that does not exist today, and in my own State of Michigan more than 900 youths joined the armed forces during the month of July, establishing a new peacetime record; that does not indicate a failure of voluntary enlistment. I submit, however, that conscription will disrupt the natural course of the future of our young men at a time when it is not needed, whereas my proposal will require them to serve their country at a period of their lives when it will least affect their future, and certainly the training they receive will be of great benefit to them at a time when they can be taught the complicated rudiments of mechanical devices which an older person cannot be taught. This bill before the House proposes to conscript not only men but industry and agriculture, and the necessity, in my opinion, does not exist today, and therefore I shall vote against the bill. [Applause.]

Mr. MAY. Mr. Chairman, I yield to the gentleman from Indiana [Mr. LUDLOW] such time as he may desire.

Mr. LUDLOW. Mr. Chairman, the debate on this historic measure, which has lasted 2 days, has drawn to a close, and my contribution to it will be a feeble one, but there are some things I think should be said before the bill comes to a vote and I hope the good Lord will give me strength and capacity to say them.

There are Members of this House who have grown gray in the service of our country and never before have they been called upon to pass judgment in an issue comparable with this one in importance. Generations will come and go and the children of posterity will take note of what we say and do here in the first week of September of the year of our Lord, 1940. For what we do here before the gavel adjourns us for the week end will have a historical significance far beyond our power now to visualize. The future destiny of America is involved in this week's deliberations of the House of Representatives. So it behooves us, the representatives of the people, with friendship and respect for each other and with the love of America in our hearts to sit down and reason together.

I am amazed and I never shall cease to be amazed that a bill of this kind has made its appearance in the American Congress. It is just such a bill as I would associate with the German Reichstag, the late Russian Duma, or what is left of the Mussolini-dominated Parliament at Rome, but I would never have expected it to be introduced in the Congress of the United States, a Nation whose foundation stone is the principle of human freedom. This bill is the very antithesis of freedom.

The idea of forced military service in times of peace and all that goes with it was supposedly shot to death on a hundred battlefields of the Revolution but, mirabile dictu, it bobs up 160 years later, with the apparent sanction of both candidates for the Presidency of the United States. It is all very strange and incomprehensible.

Let us take a glance at the whip's notice announcing the program for this week, and see how strange it looks. Here it is:

OFFICE OF THE MAJORITY WHIP,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., August 31, 1940.*

DEAR COLLEAGUE: The following is the tentative program for the House of Representatives for the week beginning September 3, 1940:

Tuesday, conscription bill.
Wednesday, conscription bill.
Thursday, conscription bill.
Friday, conscription bill.

Sincerely yours,

PATRICK J. BOLAND,
*Democratic Whip.*

Would anyone have dreamed a few years ago, or even a few months ago, that such a program would have been presented to the House in a time of peace? It is startling. It ought to set all of the danger signals to ringing. As one of the columnists so well said a day or so ago, no power on earth has committed against us any act of war. Not one of them has done to us anything to which we can take exception. None of them has insulted us or crossed our path in anyway. Yet with America at peace with the whole world it is proposed by forcible measures to militarize and goose-step our country. It is more than passing strange, but it is true. It shows into what dangers and pitfalls we are being led by internationalist propaganda pressures and war hysteria.

LESSONS OF THE REVOLUTION

Before we commit ourselves to the passage of this bill, let us turn our minds backward to the Revolution and reexamine the circumstances under which this Nation was born, out of the travail of Old World oppression. It was to get away from just the sort of thing this bill contemplates that our ancestors came to this country before and during the Revolution. They were sick and tired of militarism. To escape being herded and regimented and deprived of the opportunity of leading their own lives as God intended they should live, as human beings made in His image, they sought asylum on the free soil of America. Let us try as vividly as possible to recall the long years of alternate hope and despair when the fathers and mothers of the Revolution underwent every sacrifice the human mind can conceive to

erect the altar of freedom in the Western Hemisphere, and how, when they had succeeded, as they thought, in establishing a free Nation that would endure forever, they sent up their prayers in thanksgiving to the throne of God, believing that they had accomplished the grandest undertaking of all time.

Let us think long and hard before we do anything that would undermine the temple of freedom which their suffering and sacrifices established in this hemisphere.

VIEWS OF THOMAS JEFFERSON

Who among the founding fathers is better qualified to express an opinion on the question here presented than Thomas Jefferson, the father of our great American Democracy, to whom we, at least on this side of the Chamber, profess to render our undying homage? On May 16, 1777, writing to John Adams, he advised that volunteering for the continental service was so successful as to make a draft unnecessary, and he added:

> It ever was the most unpopular and impractical thing that could be attempted. Our people under the monarchical government had learned to consider it as the last of all oppressions.

I wonder what the father of the American Democracy would think of this proposal before us—not for wartime but for peacetime conscription and regimentation.

THE STRENGTH OF AMERICA

The strength of America is its Americanism. Throughout the world Americanism today stands for something great, noble, and inspiring. It stands for freedom—freedom from compulsion. It is recognized all around the earth that America is one country where the citizen is free. Millions of human beings who are being ground under the heels of totalitarian oppressors look wistfully toward America as the last refuge and stronghold of freedom. To them America seems like the ultimate hope of the world. They storm our consular offices abroad, hoping against hope that they may obtain visas to come to this blessed land of liberty.

Our own future safety and our opportunity for service to a stricken world depend on our remaining true to the concept of freedom on which this Nation was founded. This idea is so important in the contemplation of the problem presently before us that I take the liberty of repeating that America was brought into existence by patriots who knew from observation and bitter experience the meaning of totalitarianism—many of whom had fled to these friendly shores to escape compulsory military service in the Old World. America will remain great, America will be useful to a world in ruins only if it stays true to its original concepts of freedom.

MAY GOD KEEP AMERICA AMERICAN

I speak not irreverently but in the deepest reverence when I say that in the storm and stress we are going through I hope that God will help America to stay American. So much now depends on our ability to withstand propaganda pressures and militaristic adventurers who see an opportunity to introduce in America alien philosophies and practices utterly contrary to our traditional theory of government founded on personal liberty, which has been the backbone of American thought and purpose in 150 years of our national history and which has made America incomparably outstanding among the nations of the earth.

I have no right, and certainly no desire, to challenge the sincerity of those Members of this body who hold views different from mine on the subject of the compulsory military training bill. I respect the earnestness of their views as I hope they respect the sincerity of mine, but according to my way of thinking, it will be a tragic, mournful day when such a provision is written into our statutes, because I believe it will mark the beginning of the end of America as a free and independent Nation, dedicated to the inalienable rights of man. Notwithstanding all that may be said to the contrary, we cannot adopt peacetime conscription without surrendering a part—I think a vital part—of our democracy. A nation of conscripts is not a free nation. We cannot adopt compulsory military training without injecting nazi-ism into our democratic system, when all of our efforts should be directed toward keeping our democracy strong and pure. It is not essential to our national defense that we shall adopt the very things that make the dictatorships so hateful and loathsome in the eyes of all right-thinking men and women. If we graft such hybrid, parasitical growths on our American system we will have a government that is part free and part totalitarian, and that, I am afraid, would be the end of American freedom. I plead with my colleagues not to do this very dangerous thing.

If we retain and revitalize our American concept of government, our children and our children's children, down to the remotest generation, will know that they have a country worth fighting and dying for, and no one need doubt their willingness to defend it.

Everybody with the slightest sense of perception knows that we have been flying toward centralization in the United States. We have gone, I think, altogether too far in that direction, and the best interests of the public demand that the Central Government shall be stripped of some of its vast accumulation of powers and that they shall be sent back to the States. I am one of those who have viewed with the gravest concern the growing interference with, and domination of, individuals and business by the Federal Government. This bill goes one step further. It takes us to the door of the totalitarian state. Are we going to enter? That is the question we will answer when we vote on this bill Friday. Peacetime conscription will be but one step toward totalitarianism, but it will enable the camel to get its nose in. It will be so easy to amend the law later on so as to give the State authority to regiment the workers and business.

MENACE TO LABOR UNIONS

It is no wonder the labor organizations are against this bill. It would be, I believe, the beginning of the end of labor unions in the United States. It is significant that great labor organizations that usually are at each other's throats are united on this bill. They sense the danger to labor if the bill passes. It is with the deepest feelings of emotion that I say that it is my opinion if this bill passes a nation founded on individual rights dies and a totalitarian state is born.

There is one statement of the majority committee report on this measure which I think is worthy of passing notice. I have great respect for the able men who compose the Committee on Military Affairs and the highest esteem for their lovable chairman, but I wonder if the committee will not live to regret its intemperate and ridiculous assertion that those who oppose this bill are committing a crime against our country. I can readily agree that a crime is involved in this legislation, but the crime will be if the bill passes and not if it is defeated. It is being iterated and reiterated that if the bill is defeated Hitler will find great comfort and that we will be blamed for that. To this there are two answers. One is that we did not ask that this bill be introduced. Many of us hoped and prayed to God that it would never come before us, though we were determined that if it did we would do what we could to protect America at any hazard. So the blood is not on our heads. The other answer is that there will be nothing in the defeat of this measure that will give Hitler any satisfaction. On the contrary he will be given a lesson in the strength of democracies and the ability of the people in a democracy to rule that he has never yet realized.

I say "will be" because I seriously doubt that this bill is going to pass, notwithstanding the glowing prognostications that are made, and notwithstanding polls of public opinion which are so obviously and luridly inaccurate that I will never again have any faith in any national poll. The House of Representatives is the great representative body of our legislative establishment, the body that is closest to the people. Its Members know more about the wishes and aspirations of our citizens than any national poll can ever find out, and I personally know entire State delegations that are going to vote against this un-American proposition. I have faith to believe that when the roll is finally called this body will again

demonstrate that it is truly representative of the people who sent us here.

IN PEACE PREPARE FOR THE WORST

As to the wisdom of building up our national defense there is no room for argument. In a world of storm, let us prepare for the worst, even though we hope and believe the worst will never come. We should have our country so well fortified that madcap dictators will never think of attacking us.

There is no more ardent or helpful advocate of preparedness than I try to be. All of the national-defense estimates pass through a bottleneck in the form of a subcommittee of which I happen to be a member—the Subcommittee on Deficiencies—to be evaluated for inclusion in appropriation bills, and every vote I have cast in that subcommittee has been for 100-percent national defense. I have voted for all the estimates sent to us by the Army, Navy, and Coast Guard and sometimes with other members of the subcommittee I have voted to raise the estimates where a subsequent showing seemed to indicate the original amount was not sufficient.

MUST HAVE TRAINING PERSONNEL

The national-defense equipment which we are building up at such enormous cost requires that we shall provide a trained personnel to operate it. Of that there can be no doubt. It would be supreme folly to appropriate vast sums to create defense implements unless we have a personnel experienced and skilled in the use of those instruments. The only question is whether this force of trainees shall be obtained in the American way by voluntary enlistment of those who are able and willing to accommodate themselves to the requirements of the military service, or in the Hitler way, by forcibly breaking up family ties, arbitrarily reordering the lives of our young people, dislocating business arrangements, and summarily disrupting school work on a widespread scale.

CONSCRIPTION IS WHOLLY UNNECESSARY

One reason why I am opposed to forced military service in times of peace is that it is so wholly unnecessary. The infiltration of the National Guard and Reserves into the Federal service has created a large body of trainees and if, in addition to this, the enlistment period is reduced to 1 year, and the pay is made reasonably attractive there will be volunteers far beyond the capacity of our housing and training facilities to accommodate. We have, at present and in sight, only limited housing accommodations, and the American people will never stand for inadequate housing of our boys in inclement weather when there is no war emergency. The latest reports from recruiting centers show new high levels of enlistments, and this situation extends to the Coast Guard where 1,500 additional enlistees are being authorized. Admiral Waesche, Commandant of the Coast Guard, testified before our subcommittee that a compulsory law is not needed to get men for the Coast Guard. The military program we are setting up by our preparedness legislation is heralded as a program of defense. Conscription is not needed to secure defenders of our homeland. It is a gross misrepresentation of the patriotism of our people to assume that compulsion is necessary for that purposes.

WHERE I STAND

I want my own position definitely known.

First. I will continue to work, as I always have done, day and night, in season and out of season, to help to keep America out of war and at peace with the whole world.

Second. I will not vote to send our boys into the slaughter pens of foreign wars.

Third. I will not vote to sow the seeds of disintegration in our American democracy by adopting such totalitarian measures as regimentation and peacetime conscription.

Fourth. I will continue to do everything I can to build up our national defenses to the highest point of perfection so that America will be safe from attack by any nation or combination of nations.

We should not allow the siren of war hysteria to lure us away from clear, fundamental thinking on this proposition. This crucial hour calls for statesmen with heads on their shoulders and feet on the ground. We must think of what this proposal may do to America and its institutions.

This conscription bill brings us to the crossroads. We must decide whether we prefer the American way of living or the German, Italian, or Russian way of living. We must decide now before we embark on this sort of adventure whether we are willing to extend governmental control over workers and industry, for regimentation of workers and business are corollaries of conscription in the "total preparedness" program upon which it is proposed to embark. Our militarists who drafted the Burke-Wadsworth bill have become captivated by the terrific efficiency which Germany has demonstrated in the present war and have deduced therefrom that we must copy after Germany in everything. What they are leading to is a recasting of the entire American mold of thought and way of life along Hitler lines. Yielding to such an impulse would be an unwarranted surrender to fuehrer psychology. I hope and pray that in this critical period of our country's history we will remain faithful to American ideals.

Here we have presented the greatest issue in the century and a half of our national life. If America is to be saved, the America we have known and loved and cherished, it must be saved in this Chamber by the vote we cast on this bill on Friday of this week. As the fateful hour approaches, I wonder if we fully appreciate what a wonderful thing it is to live under such a government as we have, rather than under a dictatorship where the individual has no freedom and is bossed and directed and bullied at every turn. May the shades of Jefferson and Washington and Benjamin Franklin and Patrick Henry look down upon us when we vote!

My final prayer and supplication is this:

Let us prepare to defend our country against all enemies, if such there be, but in doing so let us not crucify the American form of government. Let us keep America American. On the anvil where liberty was forged, let us not forge chains to enslave the human spirit. [Applause.]

Mr. BENDER. Mr. Chairman, I offer a preferential motion. I have counted 43 Members on the floor, and I made the point of order there is not a quorum present.

The CHAIRMAN (Mr. GORE). The gentleman from Ohio makes the point of order there is not a quorum present. The Chair will count.

Mr. BENDER. Mr. Chairman, I withdraw the point of order.

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I do not intend to take all of the time that has been allotted to me on this important question. However, I think it wise to bring before the Members of the House certain points. The first is that there has been some suggestion made here that those of us who are not in favor of this bill are un-American and unpatriotic. I yield to no man in my patriotism. I yield to no man in the record that I have made in the service of my country here and on the record that my ancestors have made before me.

There have been certain derisive and contemptuous remarks about those Democrats who signed this minority report. All right, let us consider the question of a minority. When has it become un-American and undemocratic and unpatriotic to be in the minority? Let us go back in history. Less than 2,000 years ago there was a man toiling up the heights of Golgotha, bearing upon his back a cross. He was in the minority. Let us bring it down to more modern times to the man that we regard as the savior of this country, first in war, first in peace, first in the hearts of his countrymen—George Washington—he, too, was in the minority. Let us go on down a little further, a man whom we all admire, whether we are Democrats or Republicans. We have a memorial to him down here just beyond the Washington Monument—a man by the name of Lincoln. He, too, was in the minority. And one of the greatest Presidents this country ever had, and from my own State of Tennessee, Andrew Johnson.

He, too, was in the minority. History proves that everyone of them was right. So I say it is no disgrace to be in the

minority. My party has been in the minority. My party has been the minority party far longer than it has been in the majority, and therefore any southern Democrat knows what it means to be in the minority, and it ill becomes any Democrat, southern or otherwise, or in fact any American to speak contemptuously of the minority because the American system of government has always recognized the rights of the minority. My ancestors ate the ashen crust of the reconstruction after the Civil War; and they were in the minority, but they did not consider themselves in disgrace, and neither do I at the present time.

Certain reference has been made to the fact that a few of us Democrats have joined with the Republicans. Well, a Republican cannot be wrong all of the time. [Applause.] The law of averages simply will not permit that. I am enough of an American to believe that a Democrat cannot be right all of the time either. [Applause.]

I am for preparedness, I am for national defense. I have voted for every measure that has come before this House for national defense, and I propose to vote for many more, but I do not propose to vote for this one unless it is radically changed. This measure is a departure from everything we have ever done in this country. To defeat totalitarianism we have taken the very heart and essence of totalitarianism.

I know the bill is going to pass—I know that. It would be a lot easier just to float along with the stream and vote for it. I took an oath of office. I came, Mr. Chairman, to this House from the State of Tennessee, the State that is known as the Volunteer State; that has proven itself such in every war we have ever had, including that unfortunate conflict between brothers known as the Civil War. We are far ahead of our quota now in volunteer enlistments. We in Tennessee do not need to be conscripted.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. No; I cannot yield. We do not need to be conscripted. Others say to me they know nine Southern States whose quotas are ahead, but that they have got to conscript people in those States in order to get people from other sections of the country to carry their share of the burden. Mr. Chairman, I was elected a national Representative to the Congress of the United States, and I will not put a burden upon any part of the country that I will not put upon my own. Let me tell you, furthermore, that this bill—I make this dismal prophecy—this bill is going to get us into war, and that is what I wish to avoid. I wish to save anyone from going into the veterans' hospitals and seeing there things—that is the only word to describe them—things that once were men created in the image of God Almighty, caged like wild beasts because of the glorious thing called "a war to make the world safe for democracy" only to be followed by less democracy than the world has ever known. [Applause.] Now we are faced with "a war to end all wars." This is a war to end civilization. We have all seen pitiful pictures—my heart has bled as yours have—at the picture of a mother with her little baby there in her arms, dead, killed by a bomb. Yes; that is pitiful; but if we pass this bill, that picture may be taken in any city of the United States of America.

Ladies, gentlemen, I beg of you, think. Think before you plunge this Nation into a maelstrom of militant insanity. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may desire to the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Chairman and fellow Members, this is the most important bill ever to be considered by Congress. It proposes to change our American tradition from the voluntary to a compulsory draft system of supplying the needed personnel for our armed forces. It is argued by those favoring the compulsory method that we need to enlarge our Army rapidly and that the present voluntary method will not produce the needed men fast enough. I agree with the first contention that we should have an adequate army and also that we should have trained reserves, and the best possible equipment to meet any possible aggressors. But I cannot agree with their claim that enlistments are insufficient to supply the need for the size army Congress has said should be maintained. The Army officials have done their best to suppress reliable information which would show the number of enlistments during recent months. But because of pressure from Members of Congress, this information has been obtained a little at a time from various sources and it is now definitely shown that their claim of insufficient volunteers is not a fact. Eight members of the House Military Affairs Committee have made a minority report, which sheds a lot of light on the subject. Certainly nobody would claim that their figures and statements are not a fact. Their report shows that the United States is not as badly situated in regard to the number of our armed forces now in service as most of our people are led to believe. I am certain that the great majority of my people have been led to believe that we have only about a quarter of a million soldiers. The committee report shows the following to be a fact and I quote from the minority report:

| | |
|---|---|
| Navy | 143,747 |
| Marines | 29,985 |
| Navy Reserves | 40,336 |
| Marine Reserves | 15,076 |
| Army | 289,000 |
| National Guard | 223,000 |
| Enlisted Reserves | 17,500 |

To that total must be added 161,163 officers, which makes a total of 919,807 now in service or subject to call at any time. With enlistments anticipated up to December, the peacetime strength of the armed forces will be at least 1,000,000 men. The Army officials testified before the committee that originally it was intended to draft 400,000 men on October 1, it is now anticipated that only 55,000 drafted men and 55,000 National Guard will be called by that time. The remaining units will be called at about that rate until January 1, 1941, which is the earliest time in which quarters will be available. That absolutely refutes the statements that the voluntary method does not produce sufficient men for the expansion need. Even under the present 3-year enlistment period and the low pay of $21 a month General Shedd testified that enlistments in May were only 9,492, in June they jumped to 23,442, in July they reached 31,985. He further stated that in August enlistments were running ahead of July, and it has since been proven that in August the enlistment will pass the 40,000 mark. The Army officials concede that if the pay was raised to $30 a month, and the enlistment period changed to 1 year as this bill provides, we would have all the men that we could possibly produce supplies and equipment for.

I do not believe that the reason for this compulsory draft bill is that we cannot get all the men we need under the voluntary method. The Army men have advocated the compulsory system for many years. All preparations and arrangements have been made several years ago, long before there was any war in Europe and before Hitler became a menace to the world. But they know that now is the opportune time by playing on the emotions and hysteria of the people. It is not that I would object to training the young men; that in itself is not harmful; but I do object, and cannot see any necessity of forcing dictatorship by the military forces upon the American people in peacetime. It is inevitable that we cannot have compulsory military conscription without dictatorial powers to go with it. It is also as certain as night follows day that once we conscript men for the Army we will have to follow it by conscripting industry, which the Senate did, and I agree it should be done. Then next we follow by the conscription of agriculture and labor. Such dictatorial power may be necessary in wartime, but it is too dangerous a departure from our American system of freedom and independence to gamble in peacetime that we may ever rid ourselves of those military shackles. We are now asked to imitate the very cause that brought dictatorship to Europe and will most certainly lead to the ultimate destruction of the American form of government, and substituted by a totalitarian military autocracy. Are we willing to play into the hands of Hitler, Stalin, and the other dictators and admit that

the democratic form of government does not function and we must, therefore, institute or ape the very system we condemn most bitterly? Oh, you say that this bill does not do that. No; this bill does not go that far, but it does open the door, or is the first step toward that end. Europe did not change to a dictator by one single act. They took a step at a time until the dictators felt they were well enough organized and powerful enough to crush anybody that might disagree with them in their own country, and now they attempt to force it upon the world. There are many dangerous provisions in this bill that any President so inclined could use to get this country well on the way to dictatorship. This is in no way partisan, because both Presidential candidates are for the proposal. But the amendment to conscript industry is so broad that it does include newspapers, radio, and many other branches. In case they disagree with whomever is President, he could certainly make it very unpleasant if the amendment is not changed. There is also a provision in this bill imposing a fine of 5 years' imprisonment and $10,000 fine, or both, if anybody gives advice or assists in any way anyone subject to the draft. It is so broad that it might even include Members of Congress that are known to be opposed to the compulsory method if he talks in opposition after it passes by explaining his reasons for opposing the bill. If the bill passes as written, I would advise my people opposing this bill to be careful what they say about this subject in the future. I have voted for all the money asked for since the President declared an emergency and will go along with any program deemed necessary for protection. But I cannot go along with this compulsory training bill in peacetime, when everybody knows that we are getting and will continue to get all the men we can use, and as fast as we can equip them not only with clothing and housing but with modern weapons and equipment for proper training. Only when that fails will I vote for this type of legislation. [Applause.]

Mr. MAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, we have before us a bill which would register for defense purposes practically the total manpower of the United States and would pave the way for the conscription of indefinite millions of men for the Army.

I have been one of the earliest advocates of national preparedness for the United States. I want to see this Nation so strong that no other nation or combination of nations will dare attack us. I favored a two-ocean navy and I have voted for vast expenditures to build up an invincible air force and to supply the necessities of modern war for our Army.

I am willing to agree with our military leaders that defense of the United States may involve defense of any part of the American continent and that we must be prepared and able to provide that defense. As a Member of this House of Representatives, I have sought to assist our military authorities in their task of preparedness by voting for the appropriations they considered necessary.

However, I would be remiss in my duty if I did not examine carefully into every separate item of our defense program.

In an address over the radio in my Ohio district a few weeks ago, I announced that I would be willing to accept conscription only if it were shown that we could not secure sufficient manpower for our armed forces fast enough by voluntary enlistment.

At that time, I advocated making voluntary enlistments easier. I advocated shortening the term of enlistment from 3 years to 1, to conform with the proposed term for conscripted men. I advocated an increase in pay for enlisted men, and I advocated a more liberal policy of examination, so that men with slight and unimportant physical defects, who would be passed by any draft board, would not be turned down when seeking to enlist voluntarily.

I suggested a period of 3 months for voluntary enlistments under such a system before considering conscription. In this matter, my stand coincided with the published statement of National Commander Kelly, of the American Legion.

So far, no real effort has been made to increase voluntary enlistments by any of the suggested methods, although enlistments have increased considerably with public realization of the seriousness of our national situation.

If we really need a million men for our Army, we will have a million men by voluntary enlistment.

But, serious as the situation is, we still have time to consider our acts. Nothing is gained by acting without thinking.

One advocate of conscription who is widely read and quoted, Maj. George Fielding Eliot, on September 1 wrote as an argument for conscription, and I quote:

> We have learned that the great mass armies of other days, millions of men armed with rifles, machine guns, and field artillery, are almost helpless today before the highly mechanized forces of modern war-armored troops—motorized infantry, and artillery, air force welded into a striking unit coordinated in all its parts.
>
> Inevitably the modern army must, in taking account of these things, in remembering the vastly increased industrial effort demanded to maintain it, seek quality rather than quantity in its future growth. Above all, we have learned that improvised and half-trained or half-equipped forces are worthless or worse than worthless. To use them in modern war is mass murder.

Major Eliot used that as an argument for conscription in his newspaper article of September 1. I am willing to accept his facts, but I must draw a different conclusion than his from those facts.

I see a need for a superbly equipped and trained Army, but not necessarily an immense Army.

I see a need for tanks, for airplanes, for battleships, for modern guns. I see a need for highly trained men to man these instruments of war and defense.

I see less need for millions of men in Army camps at a time when we do not have the tanks or the airplanes or the other mechanized equipment with which to train or equip them.

Our newspapers of August 28 carried an announcement that all enlistments in the Army Air Corps ground crews were stopped that day because the quota based on the amount of training facilities available had been filled. The same story said that plans were being made to reopen the recruiting soon to allow about 3,800 mechanics to enlist, but that is the total number of enlistments now planned.

If there is any difficulty in securing enough volunteers to fill available quotas for pilot training, there is no evidence of it in my district, where I know of a number of young men who are practically begging for an opportunity to attend flying schools and where a group of patriotic civilian flyers are crying unsuccessfully for equipment in order that they may train reserve pilots.

The Air Service is one service that requires by far the most training to make it effective.

I will vote for increasing the pay of our enlisted men. I will vote to reduce the period of enlistment, so that patriotic young men will feel that they can offer their services to the country without tying themselves up with an enlistment which may exceed the period of emergency. But until these things are done and until it is evident that through voluntary service we cannot supply the manpower to match the mechanical power as fast as it is produced and ready for manning, I cannot agree to conscription. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield 16 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, some time ago I stated on the floor of this House that this body would soon be confronted by one of the gravest questions ever to come before the American people and the American Congress short of war itself. That question is before us today.

The question is whether we are to surrender a policy as old as the Government itself; whether we are to surrender liberty and freedom as we have known it, and establish a military despotism never before known to America in time of peace.

I desire to express my opinion on this all-important question and record some observations in regard to the pending bill now before the House, being H. R. 10132, to conscript the manpower of this country when we are not at war or even threatened with war. The entire purpose of the pending bill is to establish, for the first time in the history of this Republic, compulsory military training in time of peace. The report filed with this bill states that its adoption is urged to

protect the integrity and institutions of the United States; and that a grave emergency confronts our country, and that the enactment of this legislation would be a distinct triumph for America.

I cannot accept those views. The integrity and institutions of the United States are not threatened, and the proponents of this measure have thus far presented no case to establish that a grave emergency confronts the country. Instead of being a distinct triumph for America, I believe the enactment of this bill would be a tragic departure from everything that is American to everything that is un-American.

The whole theory of this bill is that we, as a Nation, are threatened by some transoceanic monster or aggressor with immediate invasion and attack; and that the youth, manhood, and patriotism of our people can no longer be trusted to meet that threat; whether it be real or imaginary, without resorting to force. That all voluntary methods heretofore relied upon have failed; that the spirit of '76 is dead in America; that the courage and manhood of our citizens has vanished; that love of country no longer exists; that this is no longer the home of the brave, and therefore, we can no longer remain the land of the free.

The underlying principle of this measure is that freedom among free men must die in order that a philosophy that has dominated Europe for a thousand years, and from which our ancestors fled, might be adopted in the United States. The proposal of this bill is to adopt exactly what every arrogant dictator in Europe now practices. It is a step backward to feudalism and barbarism.

The very suggestion that such is the measure of a liberty-loving people is a reflection on their devotion and patriotism in the land of free institutions. It denies the history of our Republic. The American people demand that some questions be answered before they surrender freedom of action and freedom in the pursuit of happiness for a military autocracy never before known in this refuge of a free people.

What nation threatens this country? What nation is about to invade our country? Who are we to meet in deadly combat, and why, that makes this proposal necessary?

We are not at war and no nation has even suggested or insinuated that we are to become the object of its wrath unless we provoke it by our own unneutral acts.

Peacetime conscription of American manhood is alien to everything American. A grave national emergency does not exist. Let us beware that we be not deceived and misled by a war hysteria to conscript men to save liberty, and thereby destroy liberty. Force substituted for patriotism is dictatorship for a republic. The adoption of compulsory military training in peacetime is extending the long arm of the Federal Government into every man's fireside, taking away the pride and hope of the family and overturning the economic and normal life of the Nation.

Not until every voluntary method has failed, and thus far no facts have been presented to this House that they have failed, should conscription become a part of life under the Stars and Stripes in time of peace. I am unwilling to blind myself to a century and a half of our history which looks down upon us today in silent reproach for our distrust and want of confidence in the strength, courage, and devotion of a free people to defend the integrity and institutions of the United States without a bayonet at their back.

This bill presents the gravest question ever faced by this body short of war itself. Let me here record the fact that every measure thus far presented to insure adequate national defense, including authority to the President to mobilize the National Guard, has had my wholehearted support.

War today is war with mechanism and science and not necessarily with large bodies of men. Tanks, ships, guns, trucks, and planes with only reasonable complements of men for their operation constitutes the instruments of war in 1940. I am not unmindful that every high principle upon which civilization and nations have carried on the affairs of mankind have been shattered and broken by brute force in the hands of dictators under totalitarian governments. Conscription of men and wealth is the method used under such governments to accomplish their end. This alone should warn us not to fall into the same mistake. Conscripted armies did not save the conquered countries of Europe. Volunteer armies have preserved the great Republic of the United States for 150 years. Has the voluntary method or processes to provide the manpower required for national defense failed? Let the record and the facts speak.

According to the latest information obtainable, the armed forces of the United States now, in time of peace, number nearly 1,000,000 men.

Until very recently young men desiring to enlist in the service of the country for 1 year were refused although the law allowed them to do so. A 3-year term was not required, but it was insisted upon by our military authorities. The very nature of this policy has been to reduce the number of volunteer enlistments.

The report filed with this bill shows that not until a little more than 2 months ago were unrestricted enlistments accepted, and no effort was made to obtain large quotas of men. Since that time enlistments at $21 per month for 3 years, to September 1, approximated nearly 100,000 men. Army officers concede that if the basic pay were increased to $30 per month and 1-year enlistment, with assurance that they will not be required to serve in Europe, that the number of enlistments would greatly increase. The Navy has a waiting list of 7,000 men. Colonel Knox, Secretary of the Navy, in his testimony before the Committee on Military Affairs of this House, said he did not anticipate that the Navy would have any trouble enlisting all the men required for another year.

William Knudsen, adviser to the President, stated it would be 2 years before adequate equipment would be available for 750,000 men. Major Elliott stated before the Senate Military Affairs Committee that an army of 600,000 men is all that is necessary for a year or two. Maj. Gen. James K. Parsons, commander of the Third Corps Area, on August 2 of this year advised against a large Army and was of the opinion that 500,000 trainees are as many as the Nation needs and can train carefully. He also made a very significant statement when he said:

> If we are going to stretch—and I think it is a long stretch—the Monroe Doctrine to include Singapore and Shanghai and South America, we will need an army of millions. If we are going to defend our own Nation, a relatively small but well-trained force will be more than adequate.

General Marshall, Chief of Staff of the Army, informed the Military Affairs Committee of this House that with 480,000 men, fully equipped and well trained, no nation on earth could land a corps of troops on our shores, even with the command of the sea in their power.

A great War President had something to say on this subject three-quarters of a century ago, and I believe it most pertinent to the subject before the House to quote Lincoln's statement:

> Shall we expect some trans-Atlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined with all the treasure of the earth (our own excepted) in their military chests, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

General Marshall seems to have the same faith in the ability of America to defend her shores and our people against a foreign invader, with a reasonable army of patriotic American soldiers.

No! Volunteer enlistments have not failed, but the Government has failed to give it a fair trial and not until a fair trial has been given should conscription be adopted in this land of freedom.

Confronted with these facts, those who support and advocate this bill face the challenge of explaining to the country the necessity for peacetime conscription. The necessity does not exist. Let us remember that if this policy is once adopted it will become rooted in this land and it will be here forever. This bill means military dictatorship and despotism. It means adding another heavy burden to an already disturbing economic load on the backs of the people of this Nation. One by one the rights and liberties of a free people are being

sacrificed for foreign conceptions of government until the destruction of our Republic will soon be an accomplished fact. One by one the branches are being severed from the "tree of liberty" until soon its trunk will stand dead and barren. This is a decided step toward that tragic end.

The conscription of wealth is a term which undoubtedly gives aid and comfort to the enemies of America, both those within and without. It is a demagogic statement intended to please the radical and the thoughtless. Government now conscripts wealth through taxation to the extent of 25 cents out of every dollar of income and it will soon take much more. Government takes what it wants, and the more it takes the less the people have to provide for themselves. The Senate has already adopted the principle of conscripting industry in peacetime. That proposal is an undeserved, unjustified, and unprovoked insult to the private enterprise and industry of this Nation. There has never been a time in our history when industry has failed to do its part toward the national defense when called upon. I cannot overlook the fact, unpleasant as it is, that the business and industrial life of this Nation, so recently the object of unfriendly governmental attitude and Executive criticism, is the first to which an appeal is directed when the Nation's defenses are to be made secure. Industry has not failed and will not fail in its duty to the Nation in spite of this unwarranted attack upon it.

Let us reason well that if the buildings, machinery, and materials of industry are to be conscripted in time of peace, then labor must, also, be conscripted and regimented at the same time, for buildings and machinery are of no value without labor to operate them. Labor understands this and has already given notice of its opposition to this proposal, which would destroy its rights. The laboring man understands clearly that if he is regimented and conscripted with industry, he will be in the Army as much as the man who carries a rifle. Labor is justly opposed to this bill, for its rights would be sacrificed to a military bureaucracy.

Not until it can be shown definitely that the volunteer system, always followed in this Nation in time of peace, has failed after a fair trial to provide the manpower necessary for national defense should legislation of this character be enacted.

It has not failed, and I present a distinguished witness who assuredly had more opportunity to know the facts than any Member of Congress. The Honorable Harry H. Woodring, until recently the Secretary of War, with 7 years of experience to his credit, spoke to the people of this Nation in no unmistakable terms in opposition to this proposal when he said:

> How any fair-minded Member of Congress could say that we have given the voluntary system of enlistment for the United States Army service a fair trial and that it has broken down, and therefore we need the compulsory service, is beyond my understanding.

Canada has been at war for a year. She is an active belligerent in war. Canada at war conscripts her manpower for 30 days and then sends them back home in order not to disturb the economic welfare of the country.

The United States, not at war and determined not to become embroiled in war, proposes to conscript for 1 year. Canada conscripts for home defense only. The United States proposes to conscript her soldiers for service anywhere in the Western Hemisphere.

Not for an instant would I stand in the way or obstruct an adequate national defense. The record discloses that the voluntary military system has thus far produced that defense and not until it fails will I be swerved from my course. There I stand acquitted before my own conscience.

I oppose compulsory military training in peacetime, first, because it is unnecessary and, secondly, because it assassinates our American ideals of liberty established and maintained in this Nation since the Republic began. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, I listened attentively to the entire debate of yesterday. Speech after speech came from the Republican side of the aisle from shortly after noon until 6:30. During that entire time, in which 15 Republican Members took the floor, I did not hear a single speech in favor of the pending measure. Today, a majority of the speeches from the Republican side have been against this bill. Far be it from me to inject politics into the debate on a bill that I consider the most important yet considered by the Congress. Unless Congress passes this bill, this country cannot be adequately defended. I am for this measure and urge every Member of Congress to vote for it. But when every speaker from the left side of the aisle speaks against the measure, certainly it begins to have a political tinge. The gentleman from New York [Mr. FISH] sounded the keynote that caution should be exercised by Members or they might suffer political consequences. In his statement of August 6 he said:

> I realize that many Members of Congress are politically on the spot in regard to the conscription bill. I see no reason for those in close districts, if they do not want to, to take any side on this controversial question of conscription at the present time.

Of course, the present consideration of this bill forces the Members of the House to take a position on conscription. Thank God, we have an opportunity to make every Member come to a decision regardless of the consequences. Every Member that has spoken against this bill has pledged himself, identified himself as a friend and sponsor of preparedness. These Members have borne this out by almost unanimous votes for the appropriation of $10,000,000,000 for defense materials. Right now I want to make one emphatic statement. We cannot purchase security for this country. Those who argue against this conscription bill should adopt for their motto, "$10,000,000,000 for tanks, airplanes, armament, but not one man to use them." What is the alternative of this bill? The volunteer system. Is the volunteer system stopped under the provisions of this bill? No. A man can still volunteer for the Army, Navy, Air Corps, or for the Organized Reserves. And is the volunteer system the democratic method of raising a large Army, as so warmly advocated by its supporters? Of course, with radio programs, pretty girls in uniform, speeches, and bands, we can increase the number of volunteers. Those methods are being used now, but those methods appeal to two classes—those men who have been taught a love of their country and those men whose economic circumstances make enlistment in our armed forces an improvement over their present economic status. Many of the speakers who have opposed this conscription have urged a highly mechanized Army as we all do. If invasion of this hemisphere comes, as it well may before we can train mechanics, electricians, engineers, machinists, we must be able to obtain the services of men who already have a background in civilian life in these trades. With the passage of this bill every man between the specified ages—and I think it should include those up to 65—will be cataloged as to his ability. We will have taken invoice of our manpower and what that manpower is capable of doing. In time of need we can call for the services of those men whose previous training in private life makes them indispensable for our national defense. To build the same reserve of specalists by the volunteer system of training them after they are in the Army would require many years and would be absolutely impossible under the 1-year volunteer system advocated by the opponents of this measure.

I have one more argument I would like to answer, and that is a definite answer to those Members who constantly ask the question, What is the emergency? The peace and safety and continued prosperity of this Nation depends upon the freedom of this Nation and the nations of the Western Hemisphere. I cannot visualize the United States guarded by a Maginot line across the Canadian and Mexican borders. Without adequate and immediate help Canada and Mexico, as well as Central American countries, might easily fall under the absolute influence of Hitler following almost immediately the conclusion of this war. In Mexico, for instance, a very small percent of the so-called upper classes run the Government. Any party that is out might easily embrace the help of the Nazi system. The popular conception is that Mexico is a weak and

unprepared nation. In reality she has more men under arms today than we have.

All this talk about training men in peacetime harks back to outmoded methods of warfare. There is no interval between peace and modern war. There is no exchange of notes. There is no warning. The first warning that Finland had was the explosion of bombs and marching of invading troops. Denmark, Holland, Belgium, Luxemburg, Poland received no warning other than bombers overhead and the marching of invading troops. That would be our first warning; bombers overhead in Mexico and Canada with supporting troops disembarking. Certainly that will be our first warning if we are not adequately prepared to meet such a circumstance.

I have only one reservation against this bill. That is, will these men be properly trained in the use of modern warfare? The new drill adopted in the last 2 years in the Army is simple, intelligent, and readily learned in less than 30 days. As a member of the Reserves, I have just enjoyed 2 weeks' training with the Fifth Battalion of the United States Marine Corps Reserve. These men were anxious to use modern weapons. All through the year, once a week, they had listened to lectures about modern weapons. Four hundred privates in the battalion I was attached to were anxious to get their hands on Browning automatic rifles, on machine guns, on the new Garand rifles. Of course, these weapons and a range to fire them on should have been available all during the year for this Reserve unit, but even when they got to camp the only thing the majority of the men were allowed to fire was a .30 caliber rifle. Of course, there is danger in training men with modern weapons and live ammunition. Of course, some accidents are bound to occur, but every one of these recruits drafted into the service or who will go in as a volunteer must be given adequate training in the use of arms and the duty reposes itself upon this Congress after it votes this conscription bill to demand constant information as to the progress of the training of these men.

A great majority of Americans are sincerely patriotic. Certainly they are the most intelligent soldiers in the world and certainly a year's training is a small price to pay for the privilege of enjoying the luxury and freedom of living in the last stronghold of democracy in this world.

I would like to close on this note. I believe in the sincerity of the Commander in Chief, the President of the United States, Franklin D. Roosevelt. In this time of national emergency he appointed the best minds in the country to his Defense Council and gave them all the power they required. They are doing a good job. We are making vast strides toward getting this Nation ready for anything that may happen. Let any man disagree with the President. That is his constitutional right, but I think it sincerely a bad thing for this Nation to have Members of this House, Members of the other body, members of the press, and even a candidate for the Presidency of the United States impugning the motives, impugning every act of getting this country ready to defend itself as a selfish, political move. Until January 1 he is our Commander in Chief. We may disagree with him, but certainly in the hearts of every American there is not a question of a doubt that he is doing what he thinks best to prepare this Nation and to guide this Nation through the most-troubled times in our entire history. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. MASSINGALE].

Mr. MASSINGALE. Mr. Chairman, the House has resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 10132, being a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service. I desire to discuss this matter as fully as I may in the limited time allotted to me in this debate. It is apparent that there are three essentials of national defense:

First. Money with which to buy equipment.

Second. Procurement of that equipment.

Third. Securing sufficient and adequately trained manpower to use and handle the equipment for war.

What will the House of Representatives do with this bill?

(a) Congress has appropriated about $14,000,000,000—all the money that our military and naval advisers have recommended to be appropriated for national-defense purposes.

(b) The National Defense Board reports that our gun makers, shipbuilders, tank makers, airplane makers, makers of shells and explosives are now working full capacity in their respective fields and have either enlarged their plants or are moving to enlarge them to assure the Board that nothing in the line of adequate machinery and equipment for the armed forces of the United States shall be lacking.

(c) One branch of the Congress has already passed the compulsory military training and service law to provide the necessary manpower to handle the guns, tanks, ships, and airplanes in case war comes.

Now comes the most vital, the most important part, the very heart of the Nation's defense program. The other two essentials to such program have been met. Both the other essentials are without value unless we furnish the manpower. If we do supply this manpower, adequately trained, we then shall have done for our Government all that the best American experts and advisers have recommended for us to do.

At this point, it is well that we review the evolution of the Nation's sentiments on the national-defense program. In the language of the street, the fur is flying in and out of Congress on this bill, and all Members of Congress are deluged with protests against the enactment of the bill and letters and petitions in favor of the enactment of the bill. When the question for expanding our national defense first arose, practically every person in America stood up square-toed for making adequate defense against what might develop as a result of the European war. One of the most frequently heard arguments was that it would make business good. Another was that it is a necessary thing to do. And another was that it should have been done long ago. It was frequently asserted on the floor of the House of Representatives, and in the newspapers and periodicals of the country, that Congress had been negligent in not preparing the country for war. The President was villified because he had not taken the initiative and forced the Congress to get ready for war. They said he was playing politics and was not interested in the national defense and there were statements to the effect that Congress, having so completely failed the people in not having fully prepared this country for war, ought to resign and come home and let new men on the job, who would do it right and completely. All of these complaints were based upon the theory that complete and adequate defense was essential. Congress, as well as the people, was impatient because our national defense program had been so slowly developing that they felt for the safety of the Republic. I sometimes wonder if this jealous regard for the national defense was prompted to any extent by the personal profits that anyone thought would accrue to him as a result of the almost instant pick-up in the business situation as a result of the national-defense program when put in operation. It seems that the thought up to this time involved no sacrifice or contemplated sacrifice on the part of anyone. Of course, the picture is not complete unless we tie on to it the shadow of sacrifice. For, in national defense, there must necessarily be sacrifices, but those arguing for good business seem to have left the sacrifices for the other fellow. It is human nature to thus ruminate.

Now, since the money has been appropriated by the billions and the administration has gone forthright into the business of seeing that the Nation is adequately defended, come other classes of people. One says, "The Government has no right to draft men into military service." Another says that "this is a free country and we are now in a period of peace." And still another says, "It is un-American to pass a compulsory training bill in time of peace," and yet another says, "It is another step toward war." These expressions are protests against the passage of the bill. They are back-tracking criticisms prompted by the feeling that it is impossible to have this complete and adequate national defense if any sacrifices are to be made by them. In other words, they are expressions made after realizing that it is not all pickings and profits out of war. It is all right to take profits

that will accrue as a result of a stimulated business in getting ready for eventualities that preparedness may entail, but it is a different story when we come back to view the picture of the sacrifice that is in it. Some are strong for all the freedom, all the liberties and privileges that come from American citizenship but falter when they are face to face with the responsibilities, sacrifices, and obligations that citizenship imposes. In a democracy we cannot separate the privileges from the responsibilities, for the obligation is alike upon everyone that enjoys the liberties derived from American citizenship. If he is not willing to share his part of the responsibilities with other Americans, he is not toting square with others who are going to assume the obligations and responsibilities that go with that citizenship. All of us know that complete adequate national defense is a common responsibility in a government such as ours, and it devolves upon each and all alike. If we are not all inclined to willingly assume our fair portion of it, I can see no reason why we should not have that duty imposed upon us. Organized government cannot exist if the individual is allowed to do as he pleases, for if so anarchy would be rampant in the land.

I do not think it is necessary even to state that the volunteer system is incapable of raising an army adequate to the Nation's defense. It has failed before. In 1917 the selective service bill was enacted as a democratic way for raising an army, and the people applauded it. The bill under consideration is a fair bill. It treats everybody in America with absolute fairness and impartiality. It grants no favor to anyone. Each is taken upon his merits and fitness. He cannot hire a substitute even if he is rich, but he must do his part. He cannot buy himself out of the army. This experience was gained in the draft law during the Civil War, when men of means bid for substitutes for their service in the Army as freely and as brazenly as men will go out now to buy a bale of cotton at a public sale. This practice in the Civil War, it is said, undermined the morale of the Republic. I do not regard it as any argument against the passage of this bill that we may call out too many men or more men than we need. I think the broader the scope of the bill and the wider the range for eligibles, the more democratic the bill will be. I do think that the bill contemplates the use of more men in the service than will ever be required. It is inconceivable to me to think that we need millions of men in the Army. I am a firm believer in having all that we may need, but I am a firmer believer in not having a large surplus of men and more than we are prepared to train for service. The recent experience in this present world war in Norway is almost proof that it is impossible to land an army of any consequence by one side where the other is contending for a foothold on the same territory. It was disclosed that the main thing is to get to and occupy the territory invaded. England, with all her navy, was unable to land an army of but a few thousand men in Norway, and Germany was unable to do very much more. In the conquest of Belgium and France, a mechanized force of 200,000 Germans, on land, properly equipped and fully coordinated, overwhelmed 3,000,000 French soldiers, who were unprepared. These facts lead me to believe that the essential thing for this country to do, rather than putting millions of soldiers in the ranks, is to intensively train them in the use of the modern machines for making war. A mobile army of forty or fifty thousand men ready to go at the sound of the bugle, perfectly equipped and all its departments coordinated, is what we actually need. The selective features of this bill will enable such an army to be raised quickly, but no more of them should be kept in camps or cantonments than can be used.

Several things have occurred to me that should be incorporated in this bill, but if they are not that is not going to deter me from voting for it. I believe that it is imperative that legislation such as this be passed immediately so that the authorities can begin to build and train an army for any eventuality that may arise in this day when murderous maniacs are running at large in Europe and gloating over their ability to murder noncombatants wherever they may be able to locate them. Of course, in case of war, every person in America will be inconvenienced and perhaps many will be greatly inconvenienced by the passage of this law whether they are to be used in the service or not. It is some slight inconvenience to have to register. I believe that every Member of this House, when he voted for the huge appropriations that have been made for the adequate defense of this country knew that money would be thrown away and wasted if we had stopped at merely buying machines and instruments of warfare. We knew that if we bought the machines and war equipment that we would have to have men to operate them. Now, why not treat all these men that we are to use just exactly alike? Many have advocated that the W. P. A. workers and their sons and the boys in the C. C. C. camps and others could furnish all the volunteers that the Army needs. I think that is somewhat of a cowardly argument. That is taking the advantage of some other boy's poverty. It is not much above the old method, in morals, of hiring a substitute. Of course, I believe that there are many thousands of boys and young men in this country who would not shirk any responsibility or duty that they owe to their country. This so-called draft bill will not hurt those within its terms. It may inconvenience some of them, but it is a type of inconvenience that they welcome because most of them want to do their duty and would not be satisfied if they should be denied the opportunity of doing it.

If we pass this bill for military training and service, we are merely following the advice of the leaders of this Nation in military affairs. We have more than an ordinary right to assume that these advisers are as patriotic and as much devoted to the Government of the United States as we Members of Congress are. They are possessed of specialized knowledge, which they began to gather in their training at the Military and Naval Academies. The Government educated them and made them fit and capable of giving advice to the Congress of the United States in such a condition as exists in the world today. I am perfectly willing to rely upon their advice and suggestions on matters that I know absolutely nothing about. They tell us plainly that we need a large Army and the way to get that Army, by experience, is by the enactment of a compulsory military training law. They further tell us that the call for this kind of legislation is now and that we should not delay its passage. They may have their estimates too high on the number of men that would be required to have registered and trained for service and if they are, we shall soon find it out. It is within the power of Congress, under the express terms of this bill, to limit the number of men that the President can call into the service to the expressed appropriation that Congress shall make for that purpose and if we have too many men called into training, we can put a stop to it. I believe that the money that we shall spend in training these men will not be spent in vain. It certainly will do no physical injury that will stunt the growth and development of their bodies, rather it ought to help them physically in a very noticeable way. If war should come, the benefit that would inure to these boys as soldiers of the Army would be incalculable, not only from the standpoint of enabling them to render an improved type of service but they will be physically stronger to withstand the strenuous work that they will be required to do.

If war comes, nobody wants it to be a war of years, and the sooner it can be ended the better it will be for the boys, the Nation, and for humanity. Naturally, there will be those, and we have already heard from many of them, that actually believe that it is a sin to participate in any kind of warfare that will oppose conscription either for training or for service in the Army, but they have been admirably taken care of in the bill.

By the passage of the bill we do not mean that we are going to make war on anybody, we simply mean to serve notice on the dictators of Europe that so far as America is concerned, we are not going to lie down and take it, and my opinion is that when we have provided such quantities of war material of the most modern and efficient kind and have trained a sufficient number of American men to man

those machines and have a sufficient number of mobile troops to dispatch to points in the Western Hemisphere outside of the United States in case of war, there will be no danger of us becoming involved in Europe. If we do not have such equipment and trained personnel, then we may just as well join those who are conscientiously opposed to war under any circumstances and let the dictators come and take it. I do not believe that there is a young man in America, outside of a comparatively few, who have been thus religiously trained, that is willing to give up this country and this form of government in order to appease any dictator. I am sure that this is not an appeasement Congress. If we know that we are not going to appease anybody and that we are going to hold and defend America, we may become involved in war but there will be no doubt about the result of such war, for an aroused and determined America backed by proper and intelligent preparedness cannot be defeated by the combination of any men who want to enforce their will and way of life upon us.

I want here to insert, as a part of my remarks, a letter that was written to me on August 23, 1940, from Tulsa, Okla., by a very warm friend of mine of better than 40 years standing. This friend of mine happens to be a Republican, politically, but if all Republicans and Democrats in the country were like him and the world knew it, there would be no danger of anybody making war against this Government. His letter is just the voluntary outpouring of a heart that knows no love for any land other than this. This letter is an allegory of a very rare sort. Here it is:

AUGUST 23, 1940.

Hon. SAM MASSINGALE,
*Congressman from Oklahoma, Washington, D. C.*

DEAR SAM: Suppose that some outlaw would send me word that he was going to Cordell, capture your family, and burn down your property. What do you think I'd do? You are right, that is exactly what I'd do. I'd phone Clint Strong, relate the facts, and tell him that I'd be with him tonight because the outlaw is likely to be in Cordell anytime after today. I'd tell him that I knew the kind of guns and equipment the outlaw used, and that I'd bring along something superior. I'd tell him to have John Brown ready to go with us, and that I'd pick up Ed Thomas, the old sheriff of Custer County, and my brother Jack and his brother John, on my way out. We'd tell no one our plans. We'd go to Cordell, remove your family secretly, put dresses on Jack and John, place them in your house with plenty of guns and ammunition, and the rest of us would station ourselves outside in proper positions. All other men would do the same thing under like circumstances. History proves that all men are brave when they realize the presence of grave danger.

Suppose that Joe Louis would send word he was going to Washington and knock out every Congressman and Senator there. If each of you sat in his individual chair, he could do it. Not because you are not brave but because you failed to use your superior intelligence and to properly organize against a common enemy.

The foregoing is just supposition. The following is a terrible fact. You know my son U. S. I named him after this country. You know you never saw a finer specimen of physical manhood nor a better fellow. You know there is nothing the matter with him in any way. Well, he received notice from an outlaw in Europe, named Hitler, stating that he was going to make a vassal out of him, either by military force or economic pressure, just as he has of all Europeans. You know that if my son is properly trained that he can defeat the outlaw in any kind of contest. I know that this outlaw associates with some other thugs—a Russian, Japanese, and an Italian. I know that they will join him in an effort to defeat my son. None of them like my son. They are all jealous of him and want him out of their way.

You know that I am the only one who knows how to train my son for this contest. You know that my son and I have a grave fault. Neither of us will go into training unless forced to do so. We know that it will take all of his time and energy and all of my time and substance. We know that if we fail to do this my son shall lose his life, I shall lose my property and be changed from a free man into a vassal.

Therefore I am writing to ask that you kindly have a law passed giving some capable person power over my son and me and my property, as Churchill has over the people and property of England, in order that he may make us do our duty to ourselves.

Your old friend.

CHARLIE LAMB.

P. S.—His mother says that she is going to join with us. So please include her in your bill.

If there is a better argument or a more forceful assembly of words in behalf of the enactment of this bill, I have never heard them. To the young person in America, that son, U. S., is the old, familiar Uncle Sam. To those more advanced in years, Uncle Sam becomes a close relative of the average American. To those that are "getting old," he becomes my son, U. S. So he is to my good friend, "my son, U. S."

My friend tells me that this son of his is just an average American boy, but that he had received notice from an outlaw in Europe named Hitler saying that he was going to come over here and make a vassal out of him, just as he has done to all Europeans. Confronted as he is with this threat, he feels his confidence that he can overcome that outlaw and his associate outlaws in Russia, Japan, and Italy if the son were intelligently prepared for his defense. Then he laments the fact that both he and his son have a common great fault and that is that neither relish the idea of going into training for combat and will not do so unless directed to do it, because of the time, energy, and inconvenience that it may cause them. But he realizes the failure to train for the contest will mean that the son shall lose his life and the father his property and be changed from a free man into a vassal. He suggests that I help pass a law, similar to that which they have in England, giving some capable person power to direct the proper defense of this country. This letter is joined in by the entire family—father, mother, and son. It is an unselfish type of patriotism and the reflected substance of it makes it unmistakably American in origin, for it is my opinion that such sentiments cannot be entertained by any other than those who have breathed the air of freedom in this country. Such sentiments make America great, and there can be no doubt as to the flaming devotion of this family for their Government. I believe that there are thousands of families of this type in the United States and that Congress is not going to let such people down. I hope that the compulsory military training and service law will be speedily enacted, so that the well-intentioned people of the United States will know that this Congress is going to transmit to them and to their heirs this Government, with all its institutions, so that they will carry on as long as the thought of freedom inspires the human breast.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made a while ago.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. BYRNS]?

There was no objection.

Mr. RUTHERFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. DWORSHAK].

Mr. DWORSHAK. Mr. Chairman, I am in favor of conscription of the manpower of our country, and likewise of our material resources, in time of war. However, this country is at peace and there is little justification for the radical proposal which is now being debated. A report last week indicated that we have at the present time 919,000 men available in the Army, Navy, National Guard, and Reserves of our country. Evidence has been submitted to show that it will require probably 6 months to a year to train and prepare adequately these almost 1,000,000 men for the Army and Navy.

I rise with considerable trepidation to make these brief remarks because some of the learned gentlemen on the majority side, members of the Committee on Military Affairs, have stated that any Member of the House, be he a member of the majority or minority, who refuses to support this bill is a "fifth columnist" and a pro-Nazi. Yet we live in a democracy. Some Americans visiting the capital are being accused of Communistic tendencies, and being bums, because they disagree with the President. Mr. Chairman, have we reached the point in our country when standards of patriotism are set whereby it is necessary for the minority Members of the House to follow subserviently the dictates of the President of the United States in order to be patriotic Americans?

Much has been said in debate during the past few days that this is a selective-draft system, and I want to make only one brief observation in reference thereto. It is said that all the young men in our country will be treated equally and equitably.

I have here a clipping from a Pittsburgh paper of last week, and I should like to quote from it very briefly:

Essential war industries to keep many here from Army draft, leaders say.

Pittsburgh would contribute fewer men to the Army's proposed compulsory-training program than most other districts in proportion to total population, military men said here today.

This, they explained, is because great numbers of eligibles would get deferments from active service to work in essential wartime industries centered in this area.

But farming districts and areas with nonessential industries may expect to provide more recruits.

There you have the motive behind peacetime conscription. We have in our country today war industries, shipyards, factories, and industrial plants in which labor is making as much as $30 a day. We have war contractors who were recently on a sit-down strike because they refused to cooperate in our national-defense program so long as profit restrictions existed in our law. It was necessary for the House to modify the Vinson-Trammell Act in order to make it possible for these superpatriots to make unconscionable profits.

Here we have this so-called selective draft, which is claimed to be fair to the young men of our country, whereby you propose to permit young men living in Pittsburgh and in the industrial centers of our country to retain their jobs and make as high as $30 a day; then you go into the farming sections and the rural areas of our country and say to those young men: "Your time and your life is worthless. Your country has the right, under dictatorial peacetime conscription legislation, to demand that you forego the ordinary pleasures, security, and independence of your routine lives and submit to a service for which you will receive $1 a day."

May I remind you, likewise, that when the distinguished gentleman from New York [Mr. WADSWORTH] told you about his authorship of this measure he neglected to declare that when the original draft was made it provided for payment of only $5 per month to the young men who were to be conscripted in peacetime to serve their country.

There is no element of equity nor fairness in a peacetime conscription bill which proposes to draft men at $5 per month—later changed to $30—while industrial concerns are permitted to profit, with only the possibility that a part of those earnings will be recaptured through the excess-profits tax.

Industrial, business, and financial leaders of the East, regardless of party affiliation, are supporting this peacetime conscription bill. The international warmongers and Wall Street millionaires have visions of raiding the Federal Treasury as they did during the World War despite what the chairman of the Military Affairs Committee [Mr. MAY] was quoted in the Washington Post this week at stating:

Industry already has volunteered. I see no reason for drafting it. New taxes to be levied on corporation profits appear to be enough conscription in that field.

I am opposed to drafting the manpower of our country in peacetime while business and industry are profiteering. If administration spokesman continue with their provocative statements and plunge this Nation into the European holocaust, there will be ample time to provide conscription of manpower and, likewise, to draft the material resources of our country.

During the past 8 years there have been many emergencies, most of which have been artificially created through the dissemination of fear and uncertainty. It has never been difficult to discover some emergency which might justify any contemplated administration program.

Americans recall the emergency which, supposedly, justified the proposal to pack the Supreme Court, but they were not fooled by that emergency.

Americans remember that emergency which prompted an administration purge of its own party members who refused to be satellites, but the electors were not fooled by that emergency.

During the past year there has been a persistent campaign of propaganda, duplicity, and misrepresentation, designed primarily to create fear and hysteria, justifying another emergency. Obviously it is the present plan to utilize this emergency to foist upon the country a peacetime dictatorship comparable to the totalitarianism which is considered a menace to our country, but Americans will not be fooled this time.

The young men of this Nation are willing to serve their country in time of war, but they are unwilling to sacrifice their lives to satisfy the whimsical demand for power by public officials. Americans are primarily concerned in preserving their constitutional rights—not surrendering them. Totalitarianism is a curse in many European countries, and a peacetime dictatorship will, also, be a curse in our own country.

The energy, the resourcefulness, and the industry of our people should be directed toward the solution of our domestic problems. There is little justification for creating this widespread hysteria to distract their attention from 8 years of emergencies which are as real today as they were when they were perpetrated.

If peace-time conscription is enacted by Congress at this time the destiny of this Republic will be jeopardized for generations. Grave responsibility rests upon the Members of this House in casting their votes upon this revolutionary and un-American measure. I propose to keep faith with those who elected me by voting against peacetime conscription.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, for months, we on the Military Affairs Committee have been working on this military training bill. When we first started on the hearings some 2 months ago, I was at first prone to believe that our Army could be built up by use of the voluntary system of enlistment, which has been used by this Nation in times of peace since the very beginning. It has worked well in the past and the Army which we have had has been a fighting force. It has always given a good account of itself whenever brought into action.

Experts now tell us that we need a larger Army. An Army larger than has ever been heretofore needed in time of peace. I have studied the methods used by the War Department in its efforts to try and enlist voluntarily a sufficient number of men. Beauty contests, colorful poster appeals, newspaper advertisements, and radio broadcasts have been used for the purpose of pushing up enlistments and yet the number immediately necessary for the proper defense of the Nation falls far short of present requirements.

In addition to this fact, with the increase of enlistments, it has been noted that many of those who volunteer their services are men who are really needed at home in industry. The loss of skilled and trained men from certain industries at the present time when we are trying to build our defenses to the point where we are safe from attack is one that will have a far-reaching effect. Many young school and college boys are enlisting and this has reached the point where the President has had to issue a special appeal asking that men remain in school and college for the purpose of completing their education.

In spite of all of these facts, the number of men volunteering for enlistment in the Regular Army falls far short of the actual authorized strength.

Even were there sufficient volunteers to give us an Army of 1,000,000 which the experts think is necessary for our present defense, this in itself would not give the Nation some of the advantages which will be gained from a program of selective military training. The volunteer most of the time desires to reenlist and to continue in service. This produces a very small-trained Reserve even though the Army itself may be kept up to the required strength. The selective military training system on the other hand for a short period of training takes men who have no expectation of remaining permanently in the Army. They complete their period of training and then go back to civilian life. They serve to build up that great trained reservoir of civilian soldiers which in times of crisis can be depended upon to give to our defense system the fiber, character, and training necessary to a

quickly expanded Army and yet provide all of the essentials of economy and patriotism of the civilian soldier.

Mr. Chairman, I am not a militarist, and I am not one who believes that this Nation should meddle in foreign affairs. I believe that we should attend to our own business and never again send American boys 3,000 miles across the ocean to fight the battles of the Old World. I, myself, served in France, Belgium, and Germany during the last war as a soldier in the ranks. I saw war as it really is, stripped of all of its glamor and romance and in its stark and naked reality. I saw the mud and blood and grime of the trenches and I resolved years ago to work to keep this Nation safe from attack by any foe, regardless of from what direction that foe may come. I have been convinced that had we been fully prepared for the emergency in 1917 there is a great possibility that this Nation may not have been embroiled in that war.

As a member of the Military Affairs Committee I have felt very keenly the responsibility which falls upon the membership of this committee to give the richest nation in the world adequate preparedness. The decisions which I have reached in many instances have not been easily arrived at. Through days and nights I have studied the problems of national defense, not only for the effect they might have locally, but also from a broad view of properly defending the entire Nation. I have gained a wider and a broader perspective and at the same time I have felt a deeper sense of responsibility.

It is not an easy matter to frame a bill which is a radical departure from an old and established peacetime system. It is not an easy matter to work out a bill to induct 1,200,000 men into active military training. It is a duty, however, that had to be done, and I can say that the members of our committee have as a whole set themselves to this task with earnestness, sincerity, and patriotism.

We who move through events of the day often are so close to the picture that we cannot see it in its entirety. Within the last year we have seen Hitler conquer eight great nations, namely, Austria, Czechoslovakia, Poland, Denmark, Norway, Holland, Belgium, and France. We have seen little Finland put up a heroic battle for her very existence, and at this very hour we see Rumania giving up its own territory and struggling valiantly to maintain itself as a nation. In the Orient Japan is still aggressive and insatiable. China has been largely conquered and now her eyes look southward for action against Indochina, a colony of France. With events moving so rapidly no one can see what the future may hold.

A man is blind who cannot see the storms in the world today. It therefore behooves us as a great nation to fully prepare ourselves to take care of our own defenses regardless of what the outcome of the European struggle may be. With England whipped to her knees our defense problems become extremely grave, and we will need all of our resources of this Nation to protect our homes and our families. With this in mind I am definitely committed to the passage of this bill.

Mr. Chairman, we of the Military Affairs Committee have the responsibility of protecting the lives and safety of 130,000,000 American people. We have the responsibility of protecting 3,000 miles of coast line in both the Atlantic and the Pacific, not to think of the responsibility of protecting the outlying possessions of this Nation. This in itself is an enormous job for our Army and our Navy.

But more important than this, we as a people have the responsibility of protecting the free institutions throughout the world. If we are to have freedom of speech, freedom of religion, right of trial by jury, representative form of government, and democratic institutions, which are all so dear to the hearts of the American people, and are things for which our forefathers went through centuries of untold sacrifice and deprivation in order that they might be transmitted to us for our enjoyment, we must be prepared to protect them.

The hour strikes. Will democracy survive? [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana [Mr. THORKELSON].

Mr. THORKELSON. Mr. Chairman, on Tuesday, September 3, 1940, I heard the chairman of the Military Affairs Committee state that the President had the legal right to trade 50 of our destroyers for air bases in British possessions. He further stated that this trade improved our defenses. I have heard similar arguments raised on the Democratic side of the House, not only in regard to this unconstitutional and unwarrantable trade and weakening of our national defenses but also in regard to other matters which have been before Congress since 1938.

Let us now keep our feet on the ground and do a little thinking. How can giving away our first line of defense aid in our protection, and how can anyone with the interest of this country at heart say that in giving a part of the Navy to Great Britain can in any sense be an aid to the United States? There are no other statesmen in the world who would ever make such statements without apologizing the rest of their lives.

How can we maintain air bases in British possessions? It would be like moving in and living on the beneficence of a family. How long would anyone remain in such house? Not very long. Only until the family got tired of him. This is our position with air bases in British possessions. When the war is over we will be out, and make no mistake about that. The plan is so damnably silly that a child should be able to see through it. Yet we talk about it seriously in this Congress of the United States, the Members of which represent the people of this Nation, and who are obligated to protect the principles of this Government.

Has anyone given the slightest consideration to the cost of construction of these air bases from Nova Scotia to British Guiana? How can we, with a national debt of $65,000,000,000, engage in the construction of air bases in a foreign country; in a country into which we must transport all material which is used in the construction of such air bases? Into a country in which we must maintain service stations and personnel to look after such bases. We will also be required to fortify, in order to protect this rented property. And when we do, we then and there become an ally of the power in which the air bases are located.

This is only one part of the picture, for the real purpose is to use the United States, as she was used in 1917, namely, as a "sucker" of the British Empire. Great Britain, in allowing us to establish air bases in her territories, is in reality treating the United States as a colony of the British Empire. We, like fools, accept this status and in addition to that borrow money at the expense of the taxpayers of the United States, in order to fortify English colonies without any expense to them or to Great Britain. Has anyone given the slightest consideration to this foolhardy venture? Of course not. Congress borrows money from the international bankers on the credit of the United States, and then charges all these loans to the American people.

What does it mean? It means national bankruptcy, poverty, suffering; and do not forget, internal strife—because the people of this Nation are not going to allow themselves to be led by the nose by the gentleman in the White House, or by any other person who leans away from the United States. I should be the last to question anyone's patriotism, yet I sometimes do question the real intention of some of those who join hands with foreign agents provocateurs to undermine and destroy the Government of this Nation. Yes; an act in which those who forget their obligated duty, become victims of their own dastardly folly.

We hear only too often that we must aid Great Britain in order to save civilization. We must aid her, so that civilization may not be destroyed. Let us again use just a little common sense. What has England given to civilization? England has given nothing but misery to the world and to her own people. The British lords chained their own people in the hold of sailing ships on the voyage to penal colonies. She tortured her own people, an atrocious act which was tolerated by the church. The Church of England and the British lords have engaged in the persecution of their own people more than any nation in the world, and while speaking of this, let us not forget the lot of the tenants under the vicious landlord system in Ireland. It was the

English Shylocks, whose god is gold and whose savior is a bribe, who introduced opium in China, and it was the British Government that forced this hellish poison on innocent Chinese who had never used opium until it was introduced by the merchants of England.

What has England done for India? Nothing, except to engaged in one massacre after another, against an innocent and defenseless people. History clearly reveals that England has done nothing for anyone, except her own damped and arrogant lords and nobles. I do not say this maliciously, but it is well for Members of Congress to realize that we are not dealing with a nation ruled by a beneficent and humane people for their acts appear to be contrary to such desirable state.

Again let us search the innermost recesses of our cerebral cells. From where has civilization come? Civilization has come from Greece, Italy, India, Egypt, Hungary, and Germany, and not at any time from England. It is therefore silly to say that these nations which I have enumerated will engage in destruction of the very ideals their people have given to the world.

Let us now investigate England's treatment of her colonies. What did she do for us in the early history of this Nation, when our people were as defenseless as many of those Great Britain has mowed down with machine guns in other countries. Why not remember some of the uncivilized acts of England toward the United States:

Remember the Stamp Act, by which immense sums were to be yearly extorted from you.

Remember the Declaratory Act, by which a power was assumed of binding you, in all cases whatsoever, without your consent.

Remember the broken promise of the Ministry, never again to attempt a tax on America.

Remember the Duty Act.

Remember the massacre at Boston by British soldiers.

Remember the ruin of that once flourishing city by their means.

Remember the massacre at Lexington.

Remember the burning of Charlestown.

Remember General Gage's infamous breach of faith with the people of Boston.

Remember the cannonading, bombarding, and burning of Falmouth.

Remember the shrieks and cries of women and children.

Remember the cannonading of Stonington and Bristol.

Remember the burning of Jamestown, R. I.

Remember the frequent insults of Newport.

Remember the broken charters.

Remember the cannonading of Hampton.

Remember England in our war with Mexico.

Remember England's attitude toward us in the Civil War and in the Spanish-American War, and do not forget England's use of us during the World War, and her interference in our elections.

Remember England's deliberate invasion of our neutral waters during the World War.

Remember the many blacklists which Great Britain has furnished to us, for no other purpose except to destroy our foreign trade.

Remember British interference with our merchant marine and delays which we suffered in deliveries of our cargoes to foreign nations.

Remember the agreement in 1921, under which we scrapped our Navy, and England scrapped her blueprints.

Do not ever forget that England has never even paid the interest on her indebtedness to us.

In recalling all these things, is there any Member of Congress who is willing to vote and sustain the Conscription Act, when in his own heart he knows that it is not in our own defense, but is instead to join in the war with Great Britain in the Far East.

With due consideration of this, can anyone who sustains this final attempt to involve us in war return home and face his constituents with clean hands and a clear conscience? Those are questions that every Member should ask himself before he takes the next step, which is bound to lead us into a war, which will cost the United States millions of young lives and untold destruction of property.

As a final admonition, let me suggest that you read the Declaration of Independence, so that you may have a clearer understanding of how the founders of this country felt toward Great Britain when they wrote this document.

Congress unfortunately seems to be concerned with the President and not with the people who elected them to Congress, to represent the States in the Congress of the United States.

What power has the President under the Constitution? The President has no greater power under the Constitution than that granted to him in article II, and the only two full powers are the granting of reprieves and pardons. The other powers of appointment and on matters of the state, must be with the approval of the Senate. It is quite true that the President is the Chief in Command of the Army and Navy, but only as an officer; for all military bodies are under the absolute control of Congress in peace time as well as war. This is as it should be, for Congress alone is responsible to the people of this Nation for national security and public welfare. All other powers which the President now holds have been granted by Congress; and let me say at this point that all this power is an illegal grant which Congress under the Constitution has no right to transfer to the President of the United States.

Congress, therefore, is responsible for the chaotic condition in which we find our Nation today, and must in the final analysis shoulder this responsibility, as is right and proper. It should be clear that Congress is elected by the people to represent them in the National Capital and to protect all the rights which the people reserve to the States and to themselves and which are not transferable to any other branch of the Federal Government.

Congress has, in granting all of these unconstitutional powers to the Chief Executive, provided a grave for themselves and for those liberties and rights that the people once enjoyed under the Constitution of the United States. Congress has not only dug its own grave, but in their absolute disregard of the constitutional powers granted to it has provided chains which will shackle generations to come as slaves to tyrannical masters.

No one could have committed a more treasonable act than the President committed when he handed over a part of the United States Navy to a foreign power. Had an officer in the Navy been guilty of disposing of only a small, insignificant part of naval secrets to a foreign power, he would have been court-martialed; and let me say at this point that this punishment is customary in military organizations. Why should the Chief Executive be free of guilt because he is Chief in Command? Should he not, as the Commander in Chief, set an example in discipline for the others to follow? His act of September 3, in weakening our first line of defense, can only be considered an enemy act, which, if Congress had the courage to act within its constitutional rights, should be sufficient cause for his dismissal from office.

Let me also call attention to the recent episode of the U. S. S. *American Legion*. The captain of the ship has stated that the ship was not short of provisions and water, and that there was no necessity for reprovisioning, in order to complete the voyage. He stated that he had plenty of food and that he preferred to take the great circle route, which is 446 miles shorter than the route he was ordered to take by the War Department. This is the statement which was printed in the daily press. What was done in this case? He was ordered to take the longer route, north of Scotland, through waters that were mined by Germany as well as England. What was the purpose in ordering the U. S. S. *American Legion* to take this route? It could only be for one purpose—that would be in the hope that she would strike a mine and so provide cause for arousing public sentiment, and therefore an excuse to declare war on Germany.

Has any one given the slightest consideration to the statement which the captain of the ship made? He said that a storm was raging when the ship passed through the mine field, and that if anything had happened which would have necessitated abandoning the ship, he could not have launched boats and saved the passengers or the crew. Is this a sound policy of the administration, to jeopardize the lives on this ship for no other purpose except to provide causus belli? The whole thing is so inhumane, so unreal, that one cannot but wonder what evil hand is directing this administration. I, therefore, advise the people of this Nation to take a wholehearted interest in the Government, and send only such men to Congress to represent them, who will honor their obligation to preserve, to protect, and defend the Constitution of the United States, and this Government, the very life and security of which rests upon the adherence to this document.

In conclusion, let me say that we should not give the slightest consideration to the leasing of air bases in any foreign possession; for after having established such bases, it is quite likely that they may be used against the United States as bases for invasion and occupation of our own country should such incident arise. If England wants to be fair, let her turn over these islands to us as our property. We may then fortify them as we please, and maintain our own forces there to protect our country and the Panama Canal from foreign enemy attack. This is the only manner in which we should consider occupation of these islands, and the expenditure that goes along with the fortification of them as bases for our protection.

Let me also restate this: We are not threatened by invasion by any foreign power, with the possible exception of Mexico and England. I have no fear of any other European invasion of the United States, for such attempt would be bound to meet with the same failure as other powers have suffered in the invasion of other countries. We should, therefore, begin to provide armaments for ourselves, and desist from arming foreign nations that have no interest in the United States.

I am, therefore, opposed to the conscription of men at this time, for we are not prepared to arm them; we are not prepared to house an army, and we will, if we place them in service, expose such troops to climatic conditions which no doubt will terminate in the loss of many lives from the usual illnesses brought about by exposure.

What is needed more than anything else today, is for Congress to wash its hands of the administration and its advisors, and instead of listening to foreign guile and advice, take charge of this Nation in the manner that the Constitution provides, in the common defense and for the general welfare of the people of the United States. [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SECREST].

Mr. SECREST. Mr. Chairman, some of us feel that the volunteer system should be given a fair chance before we resort to conscription. Others feel that conscription should be the first step. In the interest of national defense I am convinced that the issue should be determined quickly. As a good American, I shall respect and accept the decision of the Congress.

I have taken the position that conscription should not be adopted until there is more equipment than men.

I am convinced that the young men of the Nation will volunteer to meet our every need if we make reasonable changes in existing law.

Over 4 weeks ago I introduced a bill raising the pay in the Army to $30 per month and compelling the Army, Navy, Coast Guard and marines to accept 1 year enlistments for training. I appeared before the Military Affairs Committee urging that it be given a trial.

Conscription is the method used by every dictator in the world, and I do not want to see it adopted in America until the volunteer method is proven inadequate.

It is said that the volunteer system failed in the World War period. There is no comparison between that time and this. The Atlantic had never been crossed by a plane and there was no threat to our national life such as we fear today. Many will volunteer for defense training today who would be unwilling to join an expeditionary force.

Furthermore, we had been furnishing supplies to all the nations of Europe and practically every man in the United States had work at high wages. Today we have millions of unemployed young men to whom $30 per month, with room, board, and clothing, is better employment than they have ever known.

The Army has been filling every quota asked for at the present pay of $21 and for an enlistment period of 3 years. Let the young men volunteer under reasonable changes in the present law, and I am confident we will get men as fast as we get equipment.

Here is a picture of the National Guard training with two hay-rake wheels and a plank put together to resemble a gun. Trucks were used for tanks. If we have so much equipment that conscription is needed, why was it not used by the National Guard is recent training?

It is said that conscription will get the rich and place the burden of defense on the poor. If a rich man has a son who would not volunteer, his father can get him out of conscription by placing him in the kind of position where he will be exempt. The poor man's son will still march to camp under conscription, and the rich man's son will still stay at home if he wants to.

I am further convinced that there is no constitutional way to prevent the destruction of credit for all the millions who would have to register.

Already banks are refusing to loan money to men of conscription age. Automobile dealers require cash from those of conscription age. I think it is folly to destroy the credit of millions to get 900,000 men for training this coming year. Everyone in this House would be for conscription if it were the only way to build our defenses.

Many of us believe there is another way that will achieve the same result. There will be no added danger to the country if we give the volunteer system a chance because the day we have the first piece of equipment and no men to use it we could conscript.

I fear that conscription once started will never leave us, and I cannot vote for it until the volunteer method has been given a fair trial.

My bill to shorten the enlistment period and raise the pay of volunteers was introduced a month ago. That bill could have been passed 3 weeks ago and by now we could have judged its success or failure. It is the real American way. If we adopt a policy of forcing men to serve the Nation in time of danger, voluntary patriotism will slowly die.

Let us give the voluntary system a fair and honest trial. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman, although I have urged on several occasions the passage of some form of compulsory military training measure I am constrained now to renew my efforts to secure the passage of such a measure at this time.

I am constrained to do so because of my belief in the national benefits that must flow from such a measure and in order, also, to meet some of the objections which are being advanced against a program of compulsory military training in time of peace.

Fear has been expressed that the adoption of a program of compulsory military training in time of peace would break down our traditional policy of nonmilitarism, tend to create and establish a large standing army, disrupt the orderly processes of our national progress, and create a host of dependent veterans not unlike those of ancient Rome, always readily available to support any politician capable of furnishing bread and circuses.

Under our traditional nonmilitaristic policy we have successfully resisted all tendencies that might have encouraged the development of a distinctive military class—which is

really the basis of our fear—by subordinating the military to the civil authority even in time of war. We never have maintained a large standing army, depending rather upon the spirit of national loyalty which has characterized our people in the past or upon conscription or selective draft only when the exigencies have been so great as to exceed voluntary enlistment. We never have maintained large stocks of war materials, depending rather, in time of need, and under such principles of international law as once prevailed, upon purchases from neutral nations with stocks of war materials for sale. And this policy appears to have been successful in the past. It was successful because of the vigor of our national loyalty, the freedom of the seas, and the development of a system of international law sanctioned by most of the nations of the world. Its successfulness has begun to reach the vanishing point as conditions have changed in a new order of world polity.

Our traditional policy made a large Military Establishment unnecessary, and the absence of a large Military Establishment, together with our national psychology, undoubtedly contributed much toward the preservation of our peace with other nations. Having no sabers to rattle, no large armies to parade, no military pomp to maintain, we have had no desire to advance upon other nations. Without covetousness for the lands of other peoples we have had no desire to wage war upon them. The armies we have found it necessary to call into existence to defend us from attack, preserve our national ideals, or to aid the oppressed who have appealed to us in distress, have been mustered out as quickly as possible after the emergency which called them into existence had ceased to exist. Having encouraged and developed a national psychology of peace, of nonaggression, and noninterference, we have had no need for a large standing army or for the development of a militaristic class. We have discouraged a national militaristic psychology.

Although we have pursued such a policy throughout our national history it is not to be concluded that we have been entirely unprepared for our national defense. I have indicated the factors that have contributed to our potential defense. It is only a few years since we were engaged in the conquest of our physical frontiers, a conquest that brought into existence the physical power, the physical stamina, and the personal courage necessary to combat contesting forces of Nature as well as the resistance of savage tribes of primitive men who opposed our progress westward.

Many of the hardy men and women who aided in the conquest of our frontiers are still alive. Many still bear the scars of their adventurous journey into the wilderness of the West from the Cumberland Gap to the Pacific. The covered wagon is still the symbol of daring courage, progress, faith, and hope.

Until the conquest of those frontiers had ended, some of our people were engaged constantly in activities that called for personal valor, physical hardihood and endurance, well-developed bodies, and the ability to meet and overcome physical attack.

Since the conquest of the frontier there has been a gradual, yet definitely perceptible attenuation of our individual physical development reflecting the lack of a demand for physical strength and well-developed bodies. The frontiers that now engross our attention are no longer in the realm of the physical but rather in that of the mental. We are absorbed with the development of our minds rather than with the development of our muscles.

Our mental attitudes, too, reflect the change in our environment. Our pioneers were neither physically nor mentally aggressive in a militaristic sense. They did not have a militaristic spirit. Yet they had the mental determination to persist in bold and adventurous undertakings that require great physical power and physical endurance. They were mentally aggressive in the pursuit of honest endeavor. They resented both mental and physical opposition, possessing as they did, large mental and physical capacities for courage, valor, and sacrifice. The conditions, the environment, and the necessities that confronted our pioneers and developed the generation of which they were a part have passed. We have substituted nothing for them. The requirements of our national economy have changed. And even though new frontiers develop daily they are frontiers upon our mental horizon, frontiers of adaptation, among others, to a social structure in which a spirit of rugged individualism must yield to the competitive challenge of mass organization that reflects the closing of the physical frontier of economic opportunity.

We have become mentally more pliant as we have become less robust, because we have failed to evaluate the effects of the influences that have been operative during the past half century. We have accepted mistakenly the thesis that the effects of social forces are not determinable until after their occurrence, that they are not susceptible of laboratory examination, only because we have been unable to alter our concepts of a laboratory as a confined space filled with retorts and test tubes, slide rules, and microscopes.

I do not advocate a laboratory investigation of our social economy, although we are, indeed, conducting such an investigation through the many Federal agencies and bureaus now engaged in the collection of statistics and directing the energies of our people upon a scale so great as to be beyond the purview of a single individual or even the national legislature. Except for an occasional chapter in our textbooks or in the presentation of some particular thesis there is no generalization of this vast mass of statistical information. That such a generalization would indicate definite trends I have no doubt.

I would resist as I have opposed any effort to mold our national economy to conform to any preconceived pattern. For, however great such a desire might become in an age when national planning is advocated as the cure for economic maladjustments regardless of their origin, however strong the trend of social forces, I believe that the mutability of our national characteristics under the influence of opportunity for individual development as a national objective is potentially too strong to justify predetermined patterns. But I would avail myself of every available means to resist the threat of invasion or the destruction of our civilization by external forces or their encroachment by the alien influences that now exist among us.

I admit that I have been brought reluctantly to the conclusion that we have no program that would maintain or continue that physical development of our people that characterized our hardy pioneering ancestors. We have developed no substitute for the frontier conditions that produced the physically robust men and women who settled America and carried our civilization westward to the Pacific.

As a part of our vast educational system, it would be reasonable to suppose that our schools, colleges, and universities would have introduced and maintained a system of physical education intended to develop strong and sound bodies. Yet even a casual investigation will prove the contrary to be true. We have developed a system of athletics restricted largely to the fall months and assuming during recent years constantly increasing professional characteristics.

At the greatest collegiate sport event of 1939—the football game between Tennessee and Southern California, held in the Rose Bowl Stadium at Pasadena, Calif., and attended by 90,000 spectators, only 22 young men participated in the game itself. A number not greater was held in reserve for substitution, if necessary.

That small group of players was selected, not from an entire student body of potential contestants but from a select few who because of the fortuitous circumstance of hereditary vigor and physical development had earlier been accorded opportunity for the special training required by some athletic coach or some athletic game. The selection was not based upon a general system of physical development, education, or training. In too many instances selections are made before the student enrolls. He is not selected because he has enrolled. He is enrolled in order that the team of which he becomes a part may win, that its successes will increase the

gate receipts. For the great mass of the student body there is no required athletic course and only meager opportunity, if any at all, for election. Only the select few receive the attention and training of highly paid coaches, who themselves reflect the same form of selective training.

In the baseball world series of 1939, witnessed by a total attendance of 183,849 spectators, with gate receipts amounting to $745,329, only 18 players were actively engaged in the game at any one time. A potential reserve was probably not any more numerous. And although we may justify this upon the basis of professionalism, the same justification cannot extend to the system followed in our schools, colleges, and universities generally supported and maintained by taxation.

The physical development of our people in recent years has been restricted largely to such activities as may have commercial support or a professional status or in which these attributes are nascent. In all instances the number of active participants represents but a small ratio either of the vast multitudes that attend these exhibits or of the population generally. From the ordinary activities of our daily existence we have eliminated almost all exertion that would tend to aid in our physical development. Our ancestors walked. They walked behind the plow. They walked about the farm. They sawed and chopped wood. They pitched hay. They did a hundred and one things that gave them strength of body and of limb,

> The smith, a mighty man was he,
> With broad and sinewy hands,
> And the muscles of his brawny arms
> Were strong as iron bands.

Our mothers and our grandmothers generally walked many miles in caring for their children and their homes. All these activities have ceased to a large extent. The tractor has replaced the walking plow. Ingenious machinery of all kinds has removed to a large degree the labor of farming. Our homes have become electrical laboratories in which the pressing of a button or the moving of a switch sets to work the giant of power. Even in our remote rural areas electricity now serves home and farm to reduce the daily chores or make them less burdensome. In our cities the care of the home almost has vanished as apartments increased or ingenious electrical appliances of almost inconceivable capacity relieve us more and more of the need for physical exertion. Busses, streetcars, taxis, and private autos have reduced the need for walking. We no longer shovel coal into furnaces. We do not need to climb stairs. The world no longer needs Aladdin's lamp. It long has been superseded.

I make no complaint of this tremendous conquest by American genius. I daily avail myself of all it has to offer. I enjoy it, use it, and value it. Indeed, I have but little choice to do otherwise, for today not even a hermit could be far away from a telephone, a radio, or an auto.

But I cannot refrain from the observation that the changes which our inventive genius has produced in our daily lives have affected markedly our physical status, stature, and development. As a nation we have developed no substitute for the daily activities that made our ancestors sturdy and vigorous men and women.

The daily life and habits of our ancestors gave them abundant health. They were long-lived. I do not know whether statistics are available to establish comparative facts, but I do know that the membership of this House has witnessed during recent years the passing of many of the Nation's most outstanding figures at a time of life when many more years should have remained to them. Today men appear to die young.

We have made great progress in medical science and surgical skill. Patient men and women have toiled industriously and laboriously in laboratories in order that we may live better, happier, and healthier lives. Brave physicians have risked their own lives at the bedside of stricken humanity to save lives of others. Skilled scientists devote their lives to peering into test tubes and through microscopes, while courageous surgeons dexterously guide their scalpels into the tissues of brain and heart. The world owes a universal debt to the contributions of these men and women.

In the realm of preventive medicine we have gone far indeed. Research has helped us to eliminate typhoid and prevented its recurrence except in sporadic cases. We have penetrated the secret of typhoid. Tuberculosis has been made to yield to medical knowledge. It can be prevented. It can be cured. It will be eliminated when a wiser generation decides that it shall be.

We have learned much about epidemics. In a general way we know the means by which they are spread. We know that the rate of their speed is accelerated by the rapidity of modern means of transportation and intercourse. But we also know that they are retarded and halted by even more rapid means of communication as the facts of their occurrence are collected and distributed by boards of health and our Federal Institute of Health.

We have reduced the rate of infant mortality by our research into the afflictions of motherhood and childhood. Our modern research in the chemistry of foods is without parallel in history. We have learned how to prevent the deaths of our mothers and how to save our children. We have learned how to prevent congenital blindness and other congenital afflictions through prenatal precaution and postnatal care. In short, we are producing a generation of well-born men and women. We are rapidly revising our laws of marriage in order to be assured against preventable or curable afflictions. Yet, despite all these things men still die young. Thousands never reach the alloted Biblical three score and 10, and year by year the Nation's best die younger. Apparently we lack the physical stamina, the physical endurance, necessary to withstand the demands of our modern life with its tremendous strain upon mind and heart and nerves.

Our modern living makes constant, intensive, demand upon a nervous system that for innumerable generations regulated more muscular than mental activity. We impose a tremendous strain of acute and constant shock upon our hearts. We drive them fiercely with chemical excitants. We force them to new and unaccustomed activity. We impose great burdens and excessive strain upon our kidneys and expect them to save us from our overindulgence in vast quantities of alcoholic liquors so great as to be almost impossible of digestion or oxidation. We live on our nerves and die of nervous exhaustion.

Our ancestors were godly people. They found time to read the Bible. They were as ruggedly honest and forthright as they were physically strong. They knew little of subterfuge or indirection. They met great issues and great crises squarely. They were reliable. They had a high concept of personal responsibility and devotion to duty. They were a serious minded people. They possessed a simple and unsophisticated belief in a Divine Being. They filled our land with beautiful churches or modest chapels as their circumstances permitted. Christian mothers took time to inculcate the simple tenets of their faith into the minds and hearts of their children. Strong moral influences exerted themselves in every community in the land. Christian men and women made Christian homes and sent forth their children with high ideals.

In my opinion we are witnessing the attenuation of the moral fiber of the Nation just as we are witnessing the attenuation of its physical fiber. A spirit of commercialism has come to mark our day. We have commercialized our sports, our art, our drama, and our education. In the mad rush to acquire wealth we have forgotten how to live. We have adopted a frenzied existence that we designate as pleasure but that leaves us exhausted and tired in body, mind, and nerves. Ours is a restless and reckless waste of nervous energy that leads us to an untimely death. We have fallen prey to the money changers and the traders whose own vicissitudes through hundreds of generations have taught them how to preserve themselves and their own institutions while they lead us on to a cynical disregard of our ancestral blessings or premature death from nervous exhaustion.

The ideals of Christian mothers perish under the inducement to live today without regard for the morrow. The simple religious beliefs of our forefathers and foremothers are ridiculed by sophisticated money-worshippers who have incarnated the golden calf. Subtly, inconspicuously, subversively they undermine our faith in God, destroy our belief in the principal virtues and leave us without mooring while they advance, steadfast in their unshakable belief of protective guidance and preservation.

In my opinion the time has come when we must reevaluate the blessings that America has inherited from the past. The challenge is upon us. Each day brings news of a world in which change is so rapid that history is made as we speak. The ancient landmarks are no more. A new philosophy of world order prevails, and a newer philosophy awaits but opportunity for expression.

Is America worth while? Were the sacrifices of the fathers in vain? Are the contributions which they made to civilization worth preserving? Gradually, for 300 years, the ideals and the virtues of our heroic ancestors have found expression in institutions that have made life, liberty, and the pursuit of happiness realities. America has made men free—free to live and to think; free to pursue their own way of life. We have conquered the forces of nature. We have overcome the barriers athwart the pathway of our progress. Shall we be halted now by the insidiousness of beliefs that are foreign to our way of life or to our spiritual concepts and values?

They who would destroy us would first make us weak. They understand the power of propaganda. They know that if the youth of our land is strong—strong physically and morally—endowed with abundant health and with faith in our heritage and our institutions, America cannot perish. But they know, too, that if they can weaken our minds and our bodies, we shall fall victims to mental and bodily ills and the destruction they plot will come to pass.

Let us, then, train the young men of the Nation to be strong in body and in mind. Let us reawaken the spirit of our ancestors, let us rekindle the flame of loyalty to home and fireside, let us reinspire the youth of the Nation with the faith of our foremothers. In this way and in this way alone shall we preserve the land we love and the institutions we revere. In this way we shall preserve America, a light unto all the peoples of the earth.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I have been interested in hearing the well-couched observations of the gentleman from Georgia with regard to Christian education and Christian citizenship. The gentleman, I am sure, would add that in his opinion the so-called culture of the dictator countries of Europe does not take into account Christian citizenship. Does the gentleman agree?

Mr. COX. I believe the gentleman is right. [Applause.]

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. EBERHARTER] such time as he may desire.

Mr. EBERHARTER. Mr. Chairman, whatever I may say this afternoon will, in all probability, have little effect on the final vote on this vitally important legislation, but to my mind the appalling rapidity with which century-old and peace-loving nations have been subjugated and destroyed within the last 12 months, is a most compelling reason why there should not be one instant's delay in our preparing to the very limit of our ability to resist any hostile force or combination of forces, which may have aggressive designs against this Nation.

The Americas are a rich prize, and we know from public statements of the dictators that they look upon the riches of the Western Hemisphere with envious eyes. We can be certain that if we remain in such a state that we can easily be overcome by force that there will be no hesitation on the part of the dictators to attempt to subjugate us.

The American way of life, with its liberties and freedom of action, is repulsive to the forces that now seek to rule all mankind. They have announced that they intend to destroy all democracies. If we expect to defend our cherished principles, and continue to live free and untrammeled as we have for the past century and a half, we must immediately begin to prepare. There should not be a waste of a single moment of time.

We have already made vast progress toward adequate preparedness in the way of matériel and munitions, but that part of the program constitutes only one-half of a complete preparedness. Of what avail will immense stores of guns, tanks, rifles, ammunition, and airplanes be, unless along with them we have the necessary number of trained personnel to effectively utilize these weapons of defense; and the surest, quickest, and most democratic way of recruiting the necessary number of men is by a system of selective and compulsory service.

The measure now before us will bring into the Military Establishment a representative cross section of the young men of the Nation. It will affect the rich and poor alike. It will spread one of the responsibilities of citizenship among all classes alike, and will not permit those who would shirk their duties to shift to the shoulders of volunteers that oldest and most commonly recognized duty of defending one's nation in time of peril.

Not because I believe in war, but because I want to keep this country from being involved in war; and because I am convinced that the best way of avoiding war is to have the Nation so prepared that no hostile force or combination of forces would dare to attack us, I cannot do other than give my wholehearted support to the pending measure; and with that also goes the hope that no amendment will be adopted which will delay, for even 1 day, the immediate operation of the selective-service features of the bill.

Mr. RUTHERFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman, as I have listened to the debate in the House on this very important bill, which I believe is the most important bill this House has considered since I have been here, and I suppose the most important that has been considered at any time since the World War, I have looked back on the time when we were discussing the neutrality bill. I am reminded that back in 1918, when Ireland was fighting for independence, I was sitting in the galleries of the Wisconsin Legislature one morning when an Irishman from Milwaukee introduced a resolution to free Ireland. There was not very much debate on the resolution and finally it passed almost unanimously. One of the members of the legislature who was present at that time, and who is still a member of the Legislature of Wisconsin, got up and in a serious tone said, "Mr. Speaker, do I understand that Ireland now is free?" As I reflect back, I think about the debate on the Neutrality Act and I am just wondering now, after what I have heard today, whether or not we are neutral.

Until I heard the message of the President advising Congress that he had traded 50 destroyers of our Navy to England, now at war with Germany, for some leases for air bases in the Western Hemisphere, I had an open mind on this bill. When I heard that message I knew it meant war.

I am against war, and for that reason I am against this bill. We must keep out of this war, unless we are attacked or the Monroe Doctrine violated.

The President says that he has a legal opinion giving him the right to trade these destroyers for some leases for air bases. If he has the right to trade these destroyers, then, under the same right, what is there to stop him from trading the whole Navy? It seems to me it is about time the American people awakened to what is going on in this country. This act on the part of the President ought to cause them to sit up and take notice.

Now, just what does this bill, which the people understand to be a training bill, provide? Subsection (6) of section 3, reads, in part, as follows:

> The President is authorized to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men as in his judgment, whether a state of war exists or not, is required in the national interest for such forces.

There is no exception, except in times of peace when the President cannot call more than 1,000,000 men, and the men cannot be called to serve any place except in the Western Hemisphere, from the Antarctic Circle to the Arctic Circle, including Newfoundland.

Under subsection (C) of section 1, the National Guard can find out what they are training for if they do not already know.

If you read sections 8 and 10 of the bill, and do not come to the conclusion that you are in the Army or Navy as soon as this bill becomes law, then I do not understand the English language.

Here, we are asking for a law to conscript all men between the ages of 18 and 45 years of age. On August 14, 1940, I placed in the RECORD a statement showing all quotas for Army, Navy, and Air Service which had been filled by voluntary enlistment from January 1, 1940, to the end of June 30, 1940.

I was interested in knowing what Canada had done about getting their quotas filled, knowing they had been at war about a year. I wrote a letter to a friend in Toronto on August 8, 1940, and on August 14, 1940, this friend wrote me in part as follows:

The situation in Canada is that, up to the present, enlistments have been on a voluntary basis.

It seems we are much more exercised about Hitler than Canada, who is at war with him. I do not know whether Canada, at war with Germany, could have done much more to provoke resentment from him than we have, who are supposed to be neutral and at peace with Germany.

This is no time for leaders in America to lose their heads. Let us try out voluntary enlistment, and at least give it a trial. We might still have some patriotic people in the United States the President does not know about. We can at least try and find out. I, personally, cannot find many people for this bill, but I can find plenty who are against it.

I do not believe many people question the sincerity of the President in his apparent great anxiety for preparedness, but a large majority of the people are forced at times to question his judgment in justification of the cause, because he lets his enthusiasm and emotions run away with sound judgment. This is very aptly illustrated in his proposal in his Chicago address in 1937 to "quarantine aggressor nations," and also his rabid speech at Charlottesville, Va. We have always been a peace-loving nation, and suddenly to try to turn the American people over to militarism is too vital a change to be brought about in a few months.

The American people should not be kept asleep as to what is going on, because the dangers from abroad are not one-tenth as much as are presented to them over the radios and by the newspapers today. The great danger of America lies right at home and it may be that the very life of democracy is at stake today if Congress passes this bill.

One who studies its provisions, and who went through the World War, realizes better than youth can possibly realize today, that as soon as it goes into effect, they will find themselves regimented, and there will be no turning back.

They will soon hear the bands playing martial music, the flags will fly everywhere, and we, once a free people, may march under the head of a totalitarian government, as much as the people of Europe are marching today.

This bill, if passed, will upset our whole economic system, and everyone knows it will not take much to do it.

With the great burden the people are now carrying, we should sit down and read some history, especially the rise and fall of Rome, and the causes of the French Revolution. I am wondering if history is going to repeat itself. Let us avoid it if we can.

Dictators like large standing armies and large navies. They are safer with them.

I cannot close these brief remarks with a more appropriate ending than to quote from a speech delivered by Abraham Lincoln at Edwardsville, Ill., on September 13, 1858, when he said:

What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling seacoasts, our Army and our Navy. These are not our reliance against tyranny. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

[Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield such time as he may desire to the gentleman from Wisconsin [Mr. MURRAY].

WHY WAR IN TIME OF PEACE?

Mr. MURRAY. Mr. Chairman, the history of mankind has shown the struggle of man to attain his freedoms and rights. The present domestic problem of our mankind is the struggle of the common man to preserve his personal liberties, his property, and now his life under the New Deal.

Military training for national defense is one question; conscriptive military service during peacetime is a different problem.

A vote for the Burke-Wadsworth peacetime conscription bill is in fact a vote for war. We began by lifting the embargo and by following a "path" described as everything "short of war" and we have found that this "path" has led us to the brink of war. If others are provoked sufficiently to declare war on us, we are in war just as much as if Congress went through the formality of declaring war.

Hysteria pins a totalitarian label on anyone who expresses his honest opinions in regard to peace and war; hysteria, if continued, will soon pin the label of treason on anyone who dares express his honest convictions. Even yesterday we heard the opponents of this bill called lousy bums right here on the floor of the House.

THE TOTALITARIANS

All forms of totalitarian governments are repugnant and distasteful to a free people who have enjoyed the blessings of a republic. All forms of totalitarian governments set men back centuries in their advance to freedom. An unknown number of years will be necessary for man to regain the freedoms lost to such forms of government.

Many thoughtful people cannot understand why one form of totalitarian government has been subjected to criticism and public censure by the present administration, when other forms are not subjected to the same criticisms.

Modern history records that communistic totalitarianism has killed millions of people in its rise to power; has made its people unqualifiedly the property of the state; has completely abolished religious and personal freedoms, and has recently taken a leading part as one of the most active aggressor nations. The present administration has made only weak, feeble, and evidently futile protests against this communistic totalitarianism in comparison to its attitude toward other totalitarianisms. There has been no "stab in the back" speech for Mr. Stalin. In fact, during the time he was committing some of the same foregoing deeds, this administration entered into another commercial treaty with him.

OUR PROCEDURE

Many sincere people think the present administration has erred. First, in giving encouragement to would-be belligerents to the extent that they have felt safe to declare war; second, in taking an arrogant and vindictive attitude at a time when a friendly hand would have been welcomed. No apparent effort was ever made to be neutral. Real neutrals often exert worth-while beneficial influences in matters of state. Third, in not realizing that the Monroe Doctrine means that Europe keep out of our affairs and also provides that we keep out of European affairs. Fourth, in securing huge appropriations for the defense of the United States and its possessions and then turning around and presenting the defense problem of the entire Western Hemisphere. Fifth, in trying to control the political, military, and economic life of the whole Western Hemisphere, including the 21 already

dictator countries of South America, and expecting the people of the United States to carry this enormous load. Sixth, in having playboy ambassadors who were so lacking in judgment and in common sense and whose statements were so contrary to opinions of the great bulk of the American people.

It has been well said that if all of the people of this Nation sat down to the same table at the same time they would all have an equal amount of food to eat.

It is equally true that if all men sat down to the same war table, and all people equally divided the responsibilities of war, we would have one of two results. Either there would be no war at all or, if we did have a war, each individual and each group would be carrying his share of the load. We would not find one group vociferously demanding that the second group save democracy at $21 a month and keep, while the first group was either profiteering or being protected by the second group.

Any conscription bill that does not require each group of our society to make an equal sacrifice is not worthy of serious consideration by the representatives of the people of this great Republic. Man-created wealth must not be held more highly than God-created man.

DEDUCTIONS

First. Preparedness for the defense of our country is highly desirable. The amount of defense necessary will depend partly upon the degree of belligerency that we exhibit, or have exhibited, toward other nations.

Second. There is not sufficient evidence of an emergency to justify peacetime conscription. Why stab one dictator in the back and lie down to sleep with another. The American people are entitled to know the real object of this peacetime-conscription measure.

Third. If recent events are carefully considered, a vote for the Burke-Wadsworth peacetime-conscription bill is a vote for war.

Fourth. We must remember that the two great symbols and instruments of power are the "purse and the sword." We must consider who holds the purse. We must picture the political and economic condition of the American people when any one man acquires the military power commensurate with the financial powers now held. Let us realize that these are peacetime powers we are being asked to so flippantly give away. The "indispensable man" would, if given such powers, truly have reason to believe that he really is "indispensable." In fact, Mr. Roosevelt now has the purse in one hand and is reaching out the other hand to grasp the sword.

Fifth. The extravagance, waste, deceit, and lack of common sense and common justice exhibited by the present administration, in its conduct of our domestic affairs, should be sufficient reason to question the wisdom of extending any more powers to this leadership. Most certainly not during peacetime.

Sixth. Professional politicians for 2 years have always received a big hand from their audiences following their declaration, "I will never vote to spill one drop of American blood on foreign soil." Blind followers of the present administratin have had such an impairment of memory that they have already voted to do just that. Their solemn promise to the people was not good for even 30 days.

Seventh. The sponsors of this Burke-Wadsworth peacetime conscription bill are: First, the military minded; second, the war-profit conscious; third, small group beneficiaries; fourth, a certain number of sincere people who honestly believe that an emergency justifies the enactment of this measure.

Eighth. The opponents of this Burke-Wadsworth peacetime conscription bill are: First, the clergy; second, the religious groups and organizations; third, all national, State, and local labor unions; fourth, the great mass of business and professional men; fifth, all farm organizations; and, sixth, the great bulk of the common people.

I dare say that 85 percent of the people of this country who are not personally benefited by this legislation are opposed to this un-American, war-inspiring measure, which I in heart and conscience most sincerely and emphatically oppose.

The people of Wisconsin want this Nation to remain in peace. Many of its citizens came to this country in protest of militarism—the same kind that is now being foisted upon the American people by this Burke-Wadsworth conscription bill. The table of enlistment in the Appendix of the CONGRESSIONAL RECORD, page 5008, shows that Wisconsin has a higher percentage of enlistments than any State adjoining it.

If this Burke-Wadsworth conscription bill is enacted into law any dictatorial-minded President can conscript men, business, and labor. It should therefore be clear that in our hysterical efforts to fight certain totalitarian philosophies now rampant throughout the world we may succeed in destroying the very liberties we are seeking to preserve and acquire a new type of totalitarianism in our own country.

If anyone wishes to make political capital out of my stand on this legislation they are welcome to do so, and I assure you Members here today that I well see the political significance of this stand. At least my constituents know where I do stand and they have one more evidence that my promises to them are not empty words.

Once again, I ask, "Why war in the time of peace?" [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. HULL] such time as he may desire.

Mr. HULL. Mr. Chairman, less than 6 months have passed since a Presidential message was read to the Congress and to the country which warned that the war conflagration in Europe then spreading rapidly was a menace to the security of our country. The initial alarm felt by the people was augmented by the progress of invading armies in their conquering march, and immediately became greater as a vast system of propaganda was let loose as to the necessity of expansion of our own national defense. The fall of France opened the very floodgates of fear. Those who previously had been intimating that our intervention in the European conflict was essential not merely to again "make the world safe for democracy" but to prevent our own destruction became more bold in their advocacy of our involvement in the conflict.

The succeeding months have become more and more disquieting as the propaganda has spread favorable to the building America over into the most powerful militaristic force on earth. In a few short weeks those who long have been advocating a vast increase in our Army and Navy forces, regardless of expense and regardless of our domestic situation previously made acute by 10 long years of depression, have become more bold in that movement. As soon as Congress had endeavored to make sure of our national security by the adoption of one measure, then others were proposed of far broader scope. And now comes the draft bill, not as a climax to their demands but as only another step toward turning our country into an armed camp.

Millions of our people are responding to the alarms sounded, and unquestionably believe that no cost is too great to make sure that the war shall not come to us, or if it should come, that we shall be fully prepared to successfully meet and repel any invading host. The cost of war dangers so far exceeds that of rearmament that in these troubled times scant attention has as yet been given to expense. Absolute security at any cost is deemed to be and undoubtedly is cheaper than the cost of conquest.

In May, in response to the request of the President, nearly $2,000,000,000 were authorized for armament expansion. Authority was voted to increase the Army to 375,000 men, to increase naval strength, and to provide for the planes, tanks, and mechanization of units which modern warfare, as demonstrated on the battlefields of Europe demands. That initial authorization has been followed by others until the defense program now calls for more than $10,000,000,000. Upon the demands of the War Department, authority to call out the National Guard to supplement our Regular Army was voted. In a few months those combined forces will number more than 700,000 men, the largest peacetime force in the history of our country. Incidentally, that peacetime Army will be larger than any normal peacetime army in Europe except

that of Russia. When mobilization of the Natural Guard is completed, our armed forces, including the Navy, will exceed 900,000 men.

Recently there has been debate and criticism here and elsewhere as to the lack of equipment for the forces we now have. In the past few weeks the press has been fairly filled with views of the Army training camps at Plattsburg and Camp McCoy, disclosing a woeful shortage of the very necessities of modern devices for the efficiency of our forces. Army officers have appeared before House and Senate committees and testified as to this great shortage. Mr. Knudsen, of the National Defense Council, has explained that not before another year passes will it be possible to fully arm the present forces with the modern rifles and other equipment which Congress has authorized, and not until the fall of 1942 will there be a sufficient supply for our combined forces of 700,000 men. War planes and mechanization of artillery, and so forth, are now known and fully recognized from the experience in Europe to be as much of a first-line defense as the Navy has been claimed to be. Still another year will elapse before these essentials will be ready for service.

Notwithstanding the great impetus in production, months will pass before the Regular Army and National Guard will be fully equipped and ready for action.

While these various steps have been taken to insure national safety, to make our country ready for any eventuality, the proposal to draft or conscript an additional army of 1,000,000 men or more has been brought out and supported by one of the greatest waves of propaganda our people have witnessed since the days of 1916 and 1917, when hundreds of millions of foreign money were spent here to influence our participation in the World War. Over the radio and in the press has come a constant and ever-increasing volume of war alarm to convince the public that only by compulsory drafting of millions of young men can the country be made safe from possible invasion.

So comes this measure. It has passed the Senate in slightly different form. It has the endorsement of the President and the War Department and the apparent approval of the Republican standard bearer as well.

It would provide for the registration of all men between the ages of 21 and 45. From the registrants there would be some exemptions. Then, by lottery, under regulations drawn by the Army officers and promulgated by the President, 400,000 young men would be selected to enter the Army for training by December 1, another 400,000 by April 1, and another 600,000 in the fall of 1941. Annually thereafter until 1945 there would be selected another 1,200,000 young men. After the training for 1 year the drafted men would be continued in the Army Reserves for a period of 10 years, subject to the call of the President.

Time does not permit me to discuss all the sections of the bill, but I wish to call particular attention to section (c) on page 17.

> Each man, after completion of his training period, shall be transferred to a Reserve component of the land or naval forces of the United States, and until the expiration of 10 years after such transfer, or until he reaches the age of 45, or until he is discharged, whichever occurs first, shall be deemed a member of such Reserve component, and be subject to such additional training as may now or hereafter be prescribed by law.

The measure has been widely advertised a "system of selective compulsory military training and service," with "training" emphasized. Under that section, who can say that the year's training may not be followed by the requirement of further service for a period of years?

It seems to me that this measure is not only a radical departure from our American way but that it is wholly unnecessary to recruit our armed forces to any number which future events may make necessary. It is a peacetime application of a system which our country never resorted to except in war. It is unwarranted and unjust, as well as unnecessary.

Our young men of their own volition now are voluntarily enlisting in the Army to the number of 1,000 daily. The Army recruiting officers do not encourage enlistments for less than the full 3-year period. The basic pay now is only $21 per month.

The Navy, in which the basic pay is $30 per month, has no difficulty in recruiting all the men it needs for the 3-year periods. It is said to have a waiting list of several thousand young men.

Army officers claim that only by the draft can the Army be brought to the required number, but were the basic pay of soldiers to be raised to $30 per month and men were encouraged to enlist for 1 year instead of 3 the flow of recruits undoubtedly would be augmented immeasurably.

There is another phase to this plan of conscription which I cannot have time to enter upon, and that is the ultimate cost to the people. An Army of nearly two million men, including the Regular forces, the National Guard, and the conscripted regiments, will require expenditures of billions in addition to those already authorized for the defense program. National safety is to be sought regardless of the needed sacrifices, but our country must be strong from within as well as from without. Every factor needed to maintain that strength requires careful consideration—more consideration than is being given at present.

I shall vote against this measure as unnecessary. I do not believe that its enactment is essential to our national safety.

Along with all others here, I have received hundreds of letters and communications from those who are opposed to peacetime drafting of our young men, from not only individuals, but from church societies and memberships, farm organizations, labor unions, and other associations. Notwithstanding the well-financed propaganda sent out in support of the measure, there are millions of our people who have not been swept from their moorings of national principle and tradition and who believe, as I do, that the building of a great military machine is not essential to the safety of our country. I am pleased to take my stand with them in opposition to compulsory military service in time of peace.

Among the many communications I have received setting forth reasons why this bill should not become a law is one from the National Farmers' Union which evidences the careful attention and earnest thought of farmers upon it. By unanimous consent I shall insert that communication in the RECORD.

DENVER, COLO., *August 24, 1940.*

*To the Honorable Members of the United States Congress:*

The officers and executive board of the National Farmers Union, convened here in our regular quarterly meeting, reiterate the often-expressed opposition of the Farmers Union to compulsory military training and to the conscription of our young men in time of peace.

We favor adequate preparation for defense and stand ready to offer our lives if necessary in the service of our country and in the defense of our rights and liberties as American citizens. Because we value our liberties and our country's welfare so highly, we are opposed to any measure which we believe would tend to take from us those liberties which we are ready to defend with our lives. We and millions of our loyal American fellow citizens believe that the passage of the Burke-Wadsworth bill would be a long step toward the propagation within our country of the foreign dictatorships against the introduction of which from the outside we are appropriating billions of dollars.

The United States has attained its greatness without the use of compulsory military training or conscription in times of peace. The British Empire has reached the height of its power largely depending upon a volunteer army in times of peace and many times even during war. France, with one of the largest, and according to orthodox standards, the best-trained conscripted armies in the history of the world, lasted only a very short time against the impact of the German mechanized forces. There is no inherent advantage in introducing conscription for the military forces of this country if past history is any criterion.

Before adopting conscription we would like you to give thorough consideration to the following questions:

Why not modernize our Army and our voluntary-enlistment system?

Why not liberalize the promotion system in the Army so any recruit with ability could climb even to the top of the Army ladder?

Why not do away with the undemocratic advantages given the graduates of our military colleges?

Why not provide men in the ranks with adequate courses to qualify them for commissions and as pilots, instead of restricting commissions and pilot training so largely to that small minority fortunate enough to get 2 or 4 years of college education, on the

doubtful theory that a college education is necessary and desirable for a good officer, pilot, or ensign?

Why not increase pay for all ranks and grades to equal the best pay in industry for similar skills?

Why not require all present officers to show that they are alert to 1940 methods of warfare, and not so fossilized as to preclude the recognition of a new age and new methods?

Why reject volunteers because of slight physical defects, when we could remedy those defects at slight governmental expense and benefit both the volunteer and the country?

Why not provide in the Army auxiliary training useful in civilian life, both as a basis for better mechanized soldiers and as an incentive for enlistment equal to that which is inherent in service in the Air Corps and the Navy, whereby their quotas have always been more than filled?

We feel that our Army must be modernized, its enlistment and promotion system rationalized and made more democratic, and the existing law providing for 1-year enlistments enforced, and that if these steps are promptly carried out there would be no shortage of desirable volunteers. We repeat again, we are all agreed as to the necessity of adequate preparations for defense, but we believe that under a liberalized volunteer system, with promotions possible for all regardless of whether or not they are college (or West Point) graduates, there will be as many volunteers offer themselves for military service as it is possible for our factories to equip with 1941 implements of warfare, and more than it will be possible for the officers to properly train and for the Army to properly house. May we add that we certainly do not want our boys crowded into unsanitary and insufficient barracks with all the attendant dangers of epidemics?

We respectfully request you, Senators and Representatives, to give this proposition your most careful consideration before you take the first step toward dictatorship in this country by voting for compulsory military training and service in time of peace.

Stop, reason, consider, before you vote in favor of the Burke-Wadsworth bill.

Most respectfully yours,

Officers and Board of the National Farmers Union; by John Vesecky, president, Salina, Kans.; H. G. Keeney, vice president, Omaha, Nebr.; J. M. Graves, secretary-treasurer, Oklahoma City, Okla.; Geo. A. Nelson, chairman, board of directors, Milltown, Wis.; Tom W. Cheek, director, Oklahoma City, Okla.; James G. Patton, director, Denver, Colo.; Glenn J. Talbott, director, Jamestown, N. Dak.; M. F. Dickinson, director, Little Rock, Ark.

Mr. SPARKMAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri [Mr. HENNINGS].

Mr. HENNINGS. Mr. Chairman, today the second day of the debate in the House of Representatives, while engaged in the consideration of the peacetime selective-service measure, I propose to discuss several phases of this legislation and its practical application to minority groups of our citizens.

We are determined as a nation, as American people, to defend democracy. Precisely what is this democracy that we believe to be worth the utmost a man, a woman, or a people have to give? It is worth more than life. Men and women have died, and are now dying, for it. It is a thing of glory and will not lastingly surrender to any arbitrary power, however armed, however fanatical. It has the power to stir the hearts of men as nothing else can stir them, and it will speak, if it must, with an unconquerable and irresistible fury.

Democracy is not a system—it is a principle of growth. It is important to realize this, with all of its implications, before embarking upon any discussion of it and its present state or its future. To defend democracy men must have experienced what it is. In 1917 men felt that the good life was within their grasp. Today they are not so sure. American historic contribution to political thought and practice has been a just compromise between the larger and lesser arrangements in society. May the origins, progress, and defense of this principle never be forgotten. It is evident to me that the destruction of the democracy of Europe occurred because they paid lip service to the great ideal while the daily life of the vast majority of the people was something else.

Total defense involves the complete and most effective mobilization of all the social, economic, and armed forces at our command. On the surface, this seems not too difficult. Today we have legislation to conscript all men within certain age limits, and assume that we have the manpower of that age group available for defense. But have we? Will those whose names and other markings indicate recent background of the Old World be really there, or will the subtle discriminations against many first and second generations be present to defeat us? It rests on the long experience of the race that men do not grow, learn, and create except when they are free, and that nations do not grow, learn, and create except when the individuals in them are free. This freedom means freedom to achieve and freedom to sacrifice if need be.

I am calling upon the Congress today, engrossed as we are with the subject of conscription, to see to it that the American Negro, constituting about 13,000,000 of our population, is not neglected and is afforded his opportunity to give of the best that is in him in this day of his country's need.

The Negro intended to rise so he knocked at the door of our great industries only to find that he has been the last man hired and the first man fired. Today he contributes more than his apportional share of the unemployed. Total defense means using this human energy for productive goods, those required by the armed forces as well as those to be used in the maintenance of a healthy and effective civilian population. Yet we still have a tendency to close the door. This cannot be, for what skill we have, be it black skill or white skill, must be put to work. This is the duty of those responsible for the production end of national defense.

But it is not only employment—it is also in training that these resources latent in our Negro population must be conserved. Those younger and older colored citizens who possess associated work experiences and mechanical aptitude should be integrated into the training plan for other citizens of similar background. We cannot afford to limit our existing and potential supply of trained industrial workers. Racial discrimination is a luxury to the group in power but one which in the days of storm and stress even the powerful cannot really afford.

The Negro, however, not only intends to rise, he intends to serve his native land, so the Negro press for the last 8 months has been full of stories of the fight that these citizens are making to be allowed to die for their country.

According to Dr. Raylord Logan, a Negro, speaking at the hearings of the subcommittee of the Committee on Appropriations of the United States Senate, April 1940:

> Of the total strength of 229,636 officers and men in the Army (now) only 4,451, or 1.5 percent, are Negroes.

Mr. Logan continues:

> Of the $165,762,162 provided for the Air Corps in line 21, page 38, of H. R. 9209, not one penny (has been) spent in developing Negro personnel, either enlisted or commissioned, for service in the Army Air Corps. Even though section 4 of Public No. 18 (76th Cong.) specifically provided that one school should be designated for the training of Negro pilots, the War Department (it seems) has refused to accept any Negro as a flying cadet on the grounds that there is no separate unit in the Air Corps.

What we need to get at is not the complete list of what we failed to do in making our democracy work, but, rather, why we have failed and how we can cease wasting resources now needed and so readily available.

Let us consider, first, why have we failed? Not because we intended to. No; in that respect we are like France. We intended to succeed. We failed because we are blind to the realities that serve our own best interests. The very essence of democracy is that every man shall have a chance to contribute his share. This is what we have forgotten, and while it may be later than we think, it is not too late to begin practicing the art of letting each man contribute his part of the load. Concretely this means two things: First, that those who administer large enterprises, be they governmental agencies or private businesses, need to send down the word that all men must have their chance according to ability and not according to race, creed, religion, or color. Second, they need to make it known that those who work, or who want to work, must know that the country today needs and wants their best.

Finally let us consider three practical ways to stop this waste:

First. The administrative personnel of the Army and Navy must relieve the Negro population of the fear that they will not be in the program. They must be in all branches and service of the armed forces in proportion to their ratio in the population. If there are to be Negro units in those States where separate institutions are maintained by law, these must

be commanded by Negro personnel. The execution of this recommendation involves a speedy and adequate training program of Negro officers, for at the moment we have an inadequate supply. If it appears that the present administrators of existing legislation cannot understand the meaning of laws passed to regulate the life of all citizens within a class, then it may be that the Congress of the United States will be forced to amend existing laws governing the armed forces to the effect that no provision of the existing acts shall be construed or administered so as to discriminate against any person.

Second. There must be immediate reexamination of the Bureau of Employment security registers and the reinterviewing of applicants who have mechanical training and are not so registered, accompanied by a redirection of vocational training so as to achieve more democratic participation by minority groups.

May I cite one example of the miscarriage of the Congress' intent in the area of vocational training? It has come to me upon reliable authority that up to 10 days ago, in Kansas City, Mo., my own State, no facilities for training Negroes for defense had been set up. This condition existed, although the office of education had set up a full program for white people. The local authority justified this condition on the basis that defense industries would not employ Negroes. The urban league made a survey and established the fact that many of such industries in Kansas City and the environs do now employ Negroes. Other industries would employ colored mechanics. Only a few felt that they could and would not. Again I say, it should not be necessary for the Congress of the United States to define what it means when it legislates for all citizens within a certain class. Must we add to the number of words now included in each law, "without discrimination on account of sex, race, creed, religion, nationality, and color"? Shall we have to reiterate in each specific piece of legislation that in those States maintaining by law separate institutions for separate minority races that there be a just and equitable distribution of funds? And then define "just and equitable," and "minority races" so that they will be understood? Precedents for such legislation are found in the second Morrill Act and more recently in the National Hospital Construction Act of 1940 passed by the Senate this spring. These precedents should indicate what the Congress intends.

Third. There must be early and continuous negotiations with industry and labor to impress upon both the need for using the available labor supply and the perfection of approaches which will break down undemocratic racial, religious, and nationality occupational patterns that impede the maximum use of available skilled workers. Political Germany took over German industry because she understood that production policies were matters that affected the general welfare. It is not the American way to rule production. It is our way for production and the Government to cooperate. Business leaders, like governmental leaders, know that total defense means jobs for the unemployed before there is any lengthening of hours or doubling of shifts. Experience in employment of all racial groups on Government projects indicates all future appropriations for defense activities can contain a provision that there be no discrimination on account of race, creed, or color in the employment of labor, and that appropriate administrative measures may be established to effect such a program. The Congress has already set the precedent for such procedure in the Hatch Act, the recent W. P. A. and C. C. C. Acts. Do we need to reiterate our intentions further?

The answer, of course, belongs to the Congress of the United States for we are responsible to the people of this country. To them we must insure their safety and security. Any plan for defense which does not do this is not only inadequate but it may spell for all of us, as it does for the least of our citizens, failure. This we cannot and will not accept.

The basis of democracy is individual freedom embodied in this country in the Bill of Rights.

In addressing the House on June 6 of this year I made a plea for tolerance of the many racial minorities in our midst in the following words:

> It is * * * incumbent upon those of us of native blood to constantly keep in mind that we at one time had ancestors who came to this country from a foreign shore in search of freedom of one kind or another. When we think back on the thrifty and industrious settlers of foreign extraction that played such an important part in the development of our land, we at once grasp a picture of how well the English, Germans, French, Italians, and many others of foreign birth and ancestry adjusted themselves to the new order, and the record of recent years speaks for itself in depicting the patriotism of a high order and good citizenship exemplified by those adopted sons and daughters when the crucial moment was at hand.
>
> It is my earnest plea that we will not permit ourselves to lose sight of the fact in our fight for the preservation of democracy that all of our citizens, whether naturalized or of native birth, are true sons of the Revolution so long as they are willing to do their part to preserve those things that are so close to the hearts of all men.

I wish it were possible to emblazon this sentiment upon the minds and hearts of all of our people, so fundamental do I believe it to be.

In the matter of total defense, there is implicitly more than just tolerance. There is involved the use of just plain, ordinary common sense. This is not an emotional problem, nor do I make this appeal upon an emotional basis. It is a practical problem with a solution which is just as practical. There is involved here today, the question of the most complete and the most effective mobilization of all our social, economic, and armed forces. Let us not delude ourselves with the assumption that just because we practice tolerance of the racial minorities within our midst, because we give lip service to the ideals of democracy that we are availing ourselves of all the potential forces at our command and that our democracy will, in some manner, be their beneficiary. We must assume that if we come to grips with totalitarism we will need every ounce at our command, not only of patriotism, but of participation by every group, man, woman, and child within our borders. We cannot assume that the passage of this legislation by the Congress will, of itself, insure total defense and total participation. The loyalty and patriotism of the American Negro has never been questioned. There is abundant historical evidence of this, and I take it that this is conceded beyond cavil.

Let us make certain that this group, constituting as it does about one-tenth of our population, is not the Achilles' heel of our national security.

Freedom means differences of opinion. It means political experimentation. It means change, because American democracy places the highest values upon the individual and this should mean each individual. It requires in return the highest and the best in men. It requires that he be capable of self-government which is self-restraint. That he accord the same justice, respect, and tolerance to others that he asks for himself, that he use his freedom, not merely for self-advancement, but for the benefit of his fellow men.

Instead of deploring the variety of racial streams and spiritual traditions which are an inherent part of our people, we should welcome them as a token of the freedom we enjoy, and believe that the common life is enriched by what each of these groups contributes.

Here we proclaim the equal rights of all groups, racial or religious, whether they be rights of the majority or of minorities, and find our unity in a common citizenship.

The American past reveals its mixture of many people with diverse languages and cultures, fusing in time of war or peace to make American history and American stock.

Freedom means that we shall never be unanimous. We can never achieve a perfect and finished form of society. We seek for the ultimate justice. We move toward it. We never reach it. Always the new question arises, always the recurring doubt. It is only of freedom itself, of the democratic method that we dare not doubt. Let us face the problem of the Negro in our national unity without fear, without mistrust, without misgivings, and with a realistic concept that

he is here, and here to stay. He wants to participate and to achieve, to manifest his appreciation of democracy and to make his contribution to it real and vital. He wants to sacrifice and, if necessary, to suffer. He wants to discover and invent, create, to dream glorious dreams which beautify the life of man.

As we all press forward, forever on eager feet, toward the supreme adventure, let us make sure that no chains fetter any of our fellows. That no lockstep keeps us in the prison yard of arrogant authority. We take the wrong trails. We suffer. We do wrong. But the mountain passes are ahead, and the sunsets challenge us.

May we not then be humbly grateful that here on the western horizon a star once acclaimed has not set, and the strength of a hope and the shape of a vision died for, and sung for, and fought for, and worked for, is living yet? [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. IZAC].

Mr. IZAC. Mr. Chairman, permit me to briefly comment on the bill before us.

We are today faced with the necessity of determining how best we can retain our democratic institutions, preserve the peace and security of our people, and at the same time continue to operate in a world overrun with a new philosophy of government.

When war broke out a year ago in Europe I feared for my country because of the threat to all peace-loving countries when one among the great family of nations resorts to war. Such a nation prepares with giant strides and builds up an armament beside which the puny efforts of peaceable nations are wholly inadequate. And when such a nation becomes an outlaw amidst its neighbors, preying on them and playing at war, it reaches a degree of proficiency that makes it almost invincible. The danger I realized then is much more tangible today, and no one can view the future with equanimity.

Twenty centuries ago the old philosophy of force gave way to the teachings of Christ. No longer was it to be the strong over the weak, but rather that right should prevail over might.

At various times since then this new philosophy has been challenged, but only ineffectually and with, at best, temporary success. Now, however, we confront the gravest, the most ruthless, and the most formidable challenge since the coming of the Saviour. The old philosophy is again in the saddle directing against innocent people a campaign of pitiless devastation and death. And even worse is the denial to the victims of the liberty and freedom which make life worth living.

This modern trend of the glorification of war may well be dated from the time of Frederick the Great. It reached its previous high mark under the Kaiser. But it remained for Hitler to reach new heights never before attained in modern times. And I am so concerned over the danger to American institutions from this source that I can see nothing ahead but the most bitter, unrelenting conflict the world has ever seen.

For, in truth, my colleagues, it is Christianity versus paganism, democracy versus totalitarianism, the philosophy of liberty and justice versus the philosophy of force.

For about 20 years now we have heard this totalitarian doctrine preached abroad. First it was in Russia, where the dictator glorified the "red" army. Then in Italy Mussolini insisted on the state's priority to the child. From the blackboards of the schools the slogan stared out so all might read: "Believe, Obey, Fight!" And in the playgrounds, with wooden guns and black-shirted ranks, the youth was taught the glory of war and the immortality of military fame. In Germany Hitler carried the indoctrination still further until today no voice is law save the Fuehrer's, no rights are sacred save those he decrees.

The dictator orders the lives of the German people from the cradle to the grave. And the philosophy that governs all is that of force—force to make the German people fashion their lives, aye, even their likes and dislikes, according to the whim of Hitler, and force to bend the will of neighboring peoples to that of this same autocrat. Force, always force.

My friends, what we seem to overlook in the consideration of this present legislation is the fact of a clash of these two philosophies. We are inclined to divide along lines entirely unjustified in the opinion of those to whom we have entrusted the defense of the country.

Some say there is no danger to us, to our American institutions, or to the peace and security of our country regardless of what goes on in Europe and Asia. On the other hand, our military and naval experts are almost unanimous in warning that the danger is very real. But to me the decision must be resolved upon this truth: Totalitarianism uses the lives and properties of the people for the aggrandizement of the state which in turn denies to the people the basic rights and liberties of human beings; whereas democracy asks of its people a simple sacrifice of, not a lifetime, not a generation, but only 1 year of a youth's life to help preserve those institutions under which we have grown great and from which we have derived so much pleasure and enjoyed so many blessings.

A selective service bill of the kind under consideration would never have been necessary in peacetime in the olden days when it was our boast that a million men would spring to arms overnight. The airplane has changed all that. Now time and distance have been almost annihilated and before one man can spring to arms, an enemy can bomb to destruction a whole city.

We have been building a tremendous armament in the recent past to safeguard ourselves against the steady westward march of this ruthless force that attacks with fire and sword and leaves in its wake only death and sorrow.

Our effort to prepare has met with the approval of the American people who are not willing to exchange our American way of life for the bloody ways of other political doctrines. But I warn that ships and guns are no defense unless they are skillfully handled. To man this armament requires men of training and experience. We must have the men and we must train them. My own boy is already in service and his three younger brothers expect to serve when they are old enough.

God grant our American boys may never have to resort to the use of this armament in war, but that through the simple expedient of being well prepared they may discourage all aggressors and thus protect the lives and liberties of our citizens by preserving the peace and security of America. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, before I start making the remarks I intend to make on this bill I want to refer to some of the statements made by the preceding speaker, my good friend the gentleman from Wisconsin. He quoted a part of section 3 of the bill to the effect that the President could induct into service such number of these trainees as he wished. If you stopped simply with that particular clause which the gentleman referred to, of course, you would get the impression that is true, but I call your attention to the fact that had he turned over to the next page he would have seen that in this bill there is a very specific limitation that not to exceed 1,000,000 could be in training at any one time, and the Senate bill limits that even more, providing for 900,000. Further, in the same section, on page 17, it is also stated that the trainees cannot, except in case of war, be retained longer than 12 months, and further on in the bill a specific limitation is written that not a single one can be inducted until Congress has actually appropriated the funds for it. So it seems to me that we certainly are retaining in our own hands control over this measure and over the training program that may come about as a result of it.

Mr. HARTER of New York. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from New York.

Mr. HARTER of New York. The thing that is bothering me is that as I read the bill the time is extended to May 1945, and if the money is provided under that bill then we can

have over 5,000,000 Reserves at the end of that period of time; in other words, that is possible.

Mr. SPARKMAN. If we trained a million men a year, and everyone of them went into the Reserves—that is, did not go into the land or naval forces or into the Regular forces—that would be possible after Congress appropriated the money for it.

Mr. HARTER of New York. If I may ask one further question—of course, it would not be in the law—but can the gentleman tell us what they intend to do in regard to training these Reserves and as they gradually go on the Reserve list?

Mr. SPARKMAN. It is provided here that for 10 years following the completion of the training program, the trainee, when he comes out at the end of the year, will go into the Reserves during the 10 years, and during that time he may be called back once a year for a short period of training. I believe the period is perhaps 2 weeks and certainly not more than 30 days, somewhat like the National Guard and the Reserve officers have been doing in the past.

Mr. HARTER of New York. The gentleman feels, I know, from his experience that a man going into the Reserves must have annual training. Is not that so?

Mr. SPARKMAN. That is correct, and provision is made for that.

Mr. HARTER of New York. How can we train 5,000,000 men in a year even for a short period of time?

Mr. SPARKMAN. We do not have to train them every year and, of course, our policy in the past has been based on giving the Reserve officers training once every 3 years.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. JOHNS. I think the gentleman's attention must have been distracted, because in my speech I said there was a limitation of 1,000,000 men.

Mr. SPARKMAN. I am sorry I failed to catch that. I know the gentleman would not willingly have left that out.

Mr. JOHNS. The gentleman says that, of course, we must appropriate this money for the training of these soldiers. Is it not a fact that we have already appropriated for 1941?

Mr. SPARKMAN. I do not know whether that has already been appropriated for the training program or not. If so, we have done it.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman.

Mr. SMITH of Connecticut. As to the question of the appropriation, it would have to be appropriated hereafter under the terms of this bill. The appropriations already made would not cover the training provided for here and would have to be appropriated specifically hereafter.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. STEFAN. You can only train or induct into the service through this proposed draft as many men as Congress provides money for. This is an authorization bill——

Mr. SPARKMAN. That is true, yes.

Mr. STEFAN. And the money to induct these men into the service will probably come to us in the deficiency bill.

Mr. SPARKMAN. It must be appropriated hereafter.

Mr. STEFAN. And so far as the 5,000,000 men are concerned, you are going to train as many men as Congress provides money for through the Appropriations Committee.

Mr. SPARKMAN. That is true.

I take it as a belief of my own that every member of an organized society enjoying the benefits of that organized society has incumbent upon him a duty to protect and defend it, even at the cost of his life, if necessary.

I believe that duty is incumbent upon every single citizen of this United States and upon every section of it. That is the reason I am supporting this conscription bill, if you want to call it such, this bill providing for a selective system of filling up the gaps in our armed forces. I suppose that if the volunteer system had given us a sufficient number of men, none of us would be arguing for this particular measure at this time. It is true we are not in war, yet there is not one of us that will dare hide his head in the sand and simply say, "We are not confronted with any danger."

Any person who reads the signs of the times must acknowledge that these are perilous times. By this action I do not believe that we are approaching any nearer to war—probably not so near as we would be if we did not enact this particular piece of legislation.

As far as pushing us into war is concerned, I do not think there is anything to that argument. It is simply preparation to defend our shores, our homes, our free institutions, and to maintain the Monroe Doctrine.

The volunteer system has not worked. A short time ago I saw this in the Washington Post, and I want to read it to you. It is dated August 6, by Associated Press from Atlanta, Ga., and is as follows:

While Congress debates conscription a record-breaking flood of volunteers from the deep South is giving the present fighting force of the United States a strong southern accent.

The Fourth Corps Area, embracing all of the Confederate States, except Virginia, Texas, and Arkansas, enrolled 2,033 volunteers in 1 week last month—a record for the United States in peacetime and a third of the national total.

Since the current recruiting campaign started May 16, enlistments in the Fourth Corps Area have averaged 1,500 a week, compared to 200 to 300 in New England and the New York area.

Next to the Fourth Corps Area most volunteers have come from the Eighth Corps Area, composed of Texas, New Mexico, Colorado, Oklahoma, and Arizona. The Fifth Corps Area of Kentucky, West Virginia, Ohio, and Indiana is third.

Only today I read in my home paper, the Huntsville (Ala.) Times, the following statement, dated Decatur, Ala., September 2:

Sgt. James W. Barnes, in charge of the local Army recruiting station, located on the second floor, Post Office Building, today announced that since July 1, 220 men had been accepted for the United States Army in the Decatur office, a great portion of whom came from Madison County.

Sergeant Barnes stated that great credit was due the Reserve Officers Association at Huntsville for their fine cooperation by aiding men to enlist, and to the postmasters of the various post offices in north Alabama who have also aided a great deal in bringing before the public the facts regarding the Army. Very little, if any, drafting will be needed in north Alabama.

The requirements for enlistment are the same as always, men under 21 years old must have their parents' or guardian's consent; those under 21 should write and have their papers mailed to them, as this will save an extra trip.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield.

Miss SUMNER of Illinois. The gentleman mentioned his home town, stating there were high enlistments. I would like to ask him if he knows what are the wages of the W. P. A. in his home town?

Mr. SPARKMAN. I cannot give it offhand, but I assure the lady it is much lower than in her State of Illinois.

Miss SUMNER of Illinois. Some States are paying $50 or $45 for W. P. A., as compared with the South, which is paying perhaps $25 or $30. I wonder if it could not be expected that in those States people will not volunteer in the Army?

Mr. SPARKMAN. I certainly grant the lady's argument that the high enlistment parallels very largely the area of low economic opportunity. That is one of the causes; yes. I would not say it is the only cause, nor the major cause. We have a historical background. Our people have always gone into the Army. Our people have always fought the battles of this Republic, and I am sure they will continue to do so. But the very fact that a discrepancy exists is a great argument, to my mind, that this burden which equally belongs to every citizen of this Republic should be equally distributed, and these people from other areas ought to be required to do their share toward public defense.

I am sorry I cannot yield further. I must continue in order to cover the thoughts I want to present.

Several Members have argued upon the fact that we did not have sufficient equipment. Now, let me say this. Of course, we all recognize the fact that modern warfare is not the same as it was in the Civil War days or even in the World War days, nor even what it was 2 or 3 years ago.

We have learned lessons in the past 12 months, we have learned many lessons. But regardless of any changed method of warfare even today we must have in a division the same kind of troops a division has always contained. In other

words, we may have streamlined divisions, we may have mechanized divisions, we may have motorized divisions; it does not matter what you call them, they all must have the infantry, they must have the field artillery, they must have the cavalry, the engineers, and all the other forces, and they use very much the same equipment they have always used.

Recently, from the Office of the Chief of Staff came a letter to Senator MORRIS SHEPPARD, chairman of the Senate Military Affairs Committee, in answer to this very question, and I wish to read it to you. The letter reads as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
*Washington, D. C.*

Hon. MORRIS SHEPPARD,
*Chairman, Committee on Military Affairs, United States Senate.*

DEAR SENATOR SHEPPARD: You have inquired whether the requirements for rifles, shelter, clothing, and training equipment for the 400,000 men to be inducted in the next few months, if the Selective Service Act is passed, can be met according to schedule.

To answer your questions intelligently it is necessary to also consider the requirements of the Regular Army and the National Guard when ordered into the Federal service. The present plan assumes that all the necessary legislation and appropriations thereunder will have been authorized by the Congress by the middle of September, and that funds in the munitions program will be available by September 1. It is proposed to order the National Guard into Federal service by increments, beginning in September, so that th entire National Guard will be in active service before the end of the year. It is also proposed to begin to induct in October those men selected for 1 year's training and service, with successive increments each few weeks, so that a total of 400,000 will have been inducted into the service before the end of January.

The strength of the Regular Army is now approximately 280,000. By the end of this year, if the present rate of recruiting continues, the Regular Army should have been increased to the total of 375,000, for which appropriations have been made. The present strength of the National Guard is approximately 230,000. By the end of January the total men in service, including the Regular Army, the National Guard, and the 400,000 to be inducted under selective service, will be close to 1,000,000 men. It is for this number that equipment must be provided.

So far as rifles are concerned, these men can be fully supplied with Garand semi-automatic rifles, or with Springfield rifles, without using any of our war-time stock of Enfields. There will therefore be no problem in arming the men with rifles.

Shelter is of two general classes—barracks and framed tents. Barracks will be provided for those men who will be trained in the Northern States, whereas those men trained in the Southern States and the Pacific coastal area where the climate permits will be partially quartered in tents. Wooden floors, side walls, and heating arrangements will be provided so that the tent camps will be similar to those occupied by the Regular Army last winter during the maneuvers in the South.

At the present time barracks are available for approximately 230,000 men. Contracts have been let for additional barracks under the appropriations provided for, an increase in the Regular Army, and contracts for additional barracks will be let when appropriations are available therefor. It requires 3 months from the time appropriations are available to complete the type of barracks being used. Under the present plans new barracks will be completed from time to time, and barracks should be available by January for approximately 500,000 men.

There are on hand today approximately 80,000 serviceable pyramidal tents, most of which are at the moment issued to the Regular Army and National Guard for use in summer maneuvers. Ten thousand tents are due for delivery on the first of each of the following months: October, November, December, and January; so that by the first of next year a total of approximately 120,000 tents should be available. On the basis of 5 men per tent, a total of approximately 600,000 men can then be accommodated in tents.

It can be seen from the foregoing that shelter will be available for each successive increase in the strength of the Army, although it will require that both barracks and tents be occupied close to full capacity.

Difficulties will undoubtedly have to be overcome in connection with furnishing clothing, particularly in the case of overcoats and blankets. It may be necessary to use substitutes for regulation overcoats, such as mackinaws, sheepskin coats, etc. Cotton comforters will be used, which are considered equally suitable for use in barracks or permanent camps. If even the substitution of nonregulation items is not sufficient to properly provide for all men inducted, the induction program will be spread out accordingly. This should necessitate no more than a few weeks' delay in the above program under any circumstances, assuming that funds in the munitions program are made available by September 1, 1940, and that funds for pay and maintenance of the National Guard and of the selectees become available shortly thereafter.

Unit equipment required for training purposes, such as artillery, machine guns, scout cars, trucks, etc., is now available in the Regular Army and National Guard organizations. While there are shortages at present in some items such as tanks, antitank guns, mortars, etc., there is ample equipment available for general training purposes. It is for this reason, among others, that the men inducted under selective service will be assigned to the Regular Army and National Guard organizations. This method of assignment will bring the organizations concerned to full strength and will permit the inducted men to be trained in organizations which have already had training and which have sufficient unit equipment for training purposes.

Sincerely yours,

WILLIAM BRYDEN,
*Acting Chief of Staff.*

We hear many complaints about shortage of matériel, and if you notice, they will always bring up an item, perhaps a 90-millimeter antiaircraft gun, and tell you that we have but one, one 90-millimeter antiaircraft gun; but they fail to tell you that that is a brand-new development and naturally we would not have them in production. The same thing is largely true of the 37-millimeter antiaircraft gun and of various other pieces of equipment. But remember, that for the basic training these men are going to get there are ample supplies and equipment to give them the 12 months' training and make them a well-trained reserve component. Recently, Fulton Lewis, over the Mutual Broadcasting System discussed this item of lack of matériel. Oh, I know we have all seen these pictures showing men drilling with broomsticks and using trucks for tanks, gas pipe for mortars, and things of that type. Nevertheless, I believe the War Department knows more about it than anybody else.

General Marshall, General Shedd, and the other officers appearing before our committee said that the equipment would be ample as these various equipments came in. Fulton Lewis, in his broadcast a few nights ago, had this to say, and he said he had received his information from General Marshall, the Chief of Staff. I certainly am willing to believe anything General Marshall tells me about the condition of the Army.

When all of the National Guard and the Organized Reserves are finally called out, and go into the Army on active duty, we will have about 600,000 men in the Army—including the regular force that already is there. Six hundred thousand men.

So far as rifles go, the Army now has on hand 2,000,000 Enfield rifles, which they say are excellent for training, and 800,000 Springfield rifles, which are considered to be the best in the world. Using just the Springfields, that means there would be one and a third rifles for every enlisted man in the Army; if you want to include the Enfields, too, it means 4⅔ guns for every man in the Army; but actually, according to the Army, there is only about one man in every four in an army who carries a gun; the others are in cavalry, artillery, various other branches.

On that basis, only 150,000 of these 600,000 men would carry guns, and if you'll use a little arithmetic you'll find that figures out to just exactly this:

While the pictures show these men being trained with broomsticks and iron pipes, the fact is that the Army has enough actual rifles on hand, in perfect condition, to supply every man who is supposed to carry a gun—not with 1 gun but with 19 guns.

As for using sewer pipe to imitate trench mortars, the facts are as follows:

The War Department has on hand at the present time about three thousand 3-inch trench mortars. They told me today that that is enough to supply an army—not of 600,000 men but an army of 3,000,000 men.

As for machine guns—in which there also have been some fancy publicity pictures taken—the Army has 75,000 machine guns on hand, in perfect condition, ready for service—and that does not include the machine guns that are installed in airplanes—75,000 of them. The War Department says that is enough to supply an army of 3,000,000 men.

In fact, General Marshall said today that the Army has on hand sufficient basic weapons to completely supply a full army of 3,000,000 men; that means rifles, pistols, machine guns, 75-millimeter cannons (the famous French 75's—we have 3,400 of those French 75's), and the 3-inch trench mortars.

He said there are a few lines in which we are short. There is a brand-new type of trench mortar—in two different sizes—60 and 81 millimeter. We have just started production on them, so naturally there is a shortage of them.

The same thing is true of the 37-millimeter antitank guns, which are developed from the lessons of the present war; and also a new type of antiaircraft gun, and also tanks. There is a shortage in all of those things, and to get back to the matter of rifles, there also is a shortage of the new Garand rifle, which has certain improvements over the Springfield and the Enfield. For one thing, it is semiautomatic, and so it fires more rapidly than the Springfield does; for another thing, it has a sort of shock absorber built into it to take up the recoil each time the gun is fired, which cuts down the shock on the shoulder of the man who is using it; but even so, we have 50,000 of those in use in the Army at the present time, and they're being turned out at the rate of hundreds every day. One officer said about a thousand a day.

So there are the facts, and, incidently, by way of proof that the War Department is not putting out this movie and picture propaganda—remember that the War Department itself gave out this information.

So I feel that the Army has sufficient equipment. Any Member of this House can obtain from the War Department information as to the amount of equipment of any particular type that we have on hand.

I submit that that argument certainly is not good because we do have ample equipment, as the Chief of Staff has said, to take care of these trainees and give them the basic training they would receive in the 12-month period.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman from Alabama 3 additional minutes.

Mr. SPARKMAN. One other thing I do want to call to your attention is that these trainees are going to be used to fill out our Regular Army and National Guard divisions. The figure 1,200,000 as our initial protective force has been bandied about here very freely today. This is not simply an arbitrary figure pulled out of the air. Our Army experts have determined the number of divisions and the various corps troops and other troops necessary to give this country adequate defense, and when these divisions are brought up to full wartime strength they total 1,200,000. This is the reason for this figure being used.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. MAY. May I not call attention to the fact that one of the large expansions of our military service is the Air Corps? The evidence before our committee discloses clearly that it requires about 13 men to keep each plane in operation, including pilot, mechanics, workmen, and operatives on the plane.

Mr. SPARKMAN. That is correct.

During the short time I have been in the House, Mr. Chairman, I have never seen a measure receive more careful consideration from one of the major committees of the House than this measure has received.

We had hearings for more than a month, then we had 2 or 3 weeks of consideration in the committee, during which time every member was given full opportunity to present his views. This comes here as a studied, deliberate, careful result of the work of that committee, the members of which worked together carefully and harmoniously. I feel this is a decided improvement over the bill that has passed the Senate. [Applause.]

[Here the gavel fell.]

Mr. RUTHERFORD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, it was not so long ago that Dr. Goebbels proclaimed to Germany, on June 23, 1934, that—

The right to criticize belongs to the National Socialist Party. I deny anybody else such right. The right to criticize is exercised by the National Socialist Party to a sufficient extent.

From the remarks on the floor of this House directed at those who are against the conscription bill, it would only be necessary to substitute the New Deal in place of the National Socialist Party. [Applause.]

I deplore the fact that the time seems to have arrived, or at least is approaching very rapidly, when we forget that this is a republic, that each of us here is sent by a constituency of free people who possess sovereign power as sovereigns, and that we are only their agents. That applies to the Executive as well as to the Congress. If the time ever comes when a Member cannot stand on this floor in time of a so-called crisis and voice his honest sentiments without being charged with being a "fifth columnist" you will know that this Republic is rapidly declining and that we will inevitably become totalitarian, both in spirit and in fact.

I am going to approach this subject not perhaps from a new angle, because the gentlewoman from Ohio today made a most telling speech along the line that I intended to discuss so far as the bill is concerned. I would remind the Members of the House that you are not dealing with frozen beef or animal fat. You are dealing with boys. You are dealing with the basis of this Republic. You are dealing with the future of this Republic, and it is high time that we give just a little thought to these lads rather than quite so much talk about materials, what we are going to do with them and how we are going to do it.

Mr. MAY. Will the gentleman yield?

Mr. REED of New York. I only have a very few minutes.

Mr. MAY. I will be glad to yield the gentleman an additional minute. I have been surprised during the evening debate here at the assertion made by certain gentlemen that someone on the Committee on Military Affairs has referred to the opposite side of the House or to some of them as "fifth columnists." I have been here during every hour of the debate and if that remark was made by anyone over here I did not hear it.

Mr. REED of New York. What inference can be drawn from what has been said by those who have taken the floor and made the statement they did about Members who apparently oppose the position you take?

Mr. MAY. I have not heard anything of that kind stated.

Mr. REED of New York. Mr. Chairman, we are dealing with the young men of this country. They are the choicest and the dearest possessions of the fathers and mothers of our country, and those fathers and mothers are your constituents, they are free people and they have a right to be heard through their Representatives.

I think I know something about the American boy. I have had the pleasure of working with them and training them for many, many years. It is not often that you have an opportunity to look into the heart of the average American boy, but I will give you an illustration of a red-blooded, two-fisted, outstanding athlete in a university, who fairly pictures the average American boy. He is not mere flesh alone. He has ideals, he has aspirations, and he is all that is noble, fine, and courageous.

Some years ago a young man from a university with which I am quite familiar graduated in the natural course of things. Then he entered into the service of a large company. He was poor and he started life as most people do who make a success in this Republic of ours, this Republic of opportunity. He started at the bottom of the ladder. His people could not help him; he had worked his way through the university, but still was able to be an outstanding athlete.

He died in the service of his company. A number of his fraternity brothers went up to the little hall bedroom he occupied to see if he had any possessions which should be sent back to his old parents, who lived in Pennsylvania. His fraternity brothers found only one thing, and that was a document he had written in the sanctity of his room for his own guide in life. Here is what he said, and this is the picture of the average American boy:

It was headed "My Guide."

MY GUIDE

To respect my country, my profession, and myself.

To be honest and fair with my fellow men, as I expect them to be honest and square with me.

To be a loyal citizen of the United States of America.

To speak of it with praise and act always as a trustworthy custodian of its good name.

To be a man whose name carries weight with it wherever it goes.

To remember that success lies within myself, in my own brain, my own ambition, my own courage, and determination.

To expect difficulties and to force my way through them; to turn hard experiences into capital for future struggles.

To steer clear of dissipation and guard my health of body and peace of mind as most precious stock in trade.

Finally, to take a good grip on the joys of life, to play the game like a man, to fight against nothing so hard as my own weakness, and to grow in strength a gentleman, a Christian.

There is the picture of the average American boy today, and every one of you who has a son knows that is a fair picture of the average American boy. That is the type of man that will respond to your country's call as volunteers if you give them a fair opportunity to do so. But you do not want to do that. You want to take them by the nape of the neck and say, "We are the government. We are your boss. You will do the fighting when we say you should do it."

But, Mr. Chairman, we have won our victories largely with volunteer men, just remember that. We won our independence with volunteers and we will win our future struggles, if there is going to be a struggle, with the type of boy I have described.

Just what did we do during the World War? We went through this same hysteria you are trying to fan into flame. You are trying to excite the people prematurely. Now, as sensible men, if we have any regard for the boys of this country, and we know they will come to the rescue if we get into trouble, the thing for us to do is to realize our responsibility and see that everything is in shape for their protection before they come into the Army to be trained.

Just read the history of the hearings in the last war and see what happened. You know they were rushed into these rotten, frail, windswept barracks without blankets and without clothes. You know that; you do not dare deny it. There are men on this floor who know it, for some of them went through it. Then the flu epidemic broke out. Where were the nurses, where were the doctors, where were the hospitals at these camps, with the steam-pipes connected? Read the hearings. A special committee was set up to investigate the camps, cantonments, hospitals, and after they brought their findings on the floor of this House, the House, 274 to 4, as I recall the figures, voted the resolution through to call upon the Attorney General to prosecute those who had defrauded the people of this country and sacrificed the lives of soldiers in camp.

These boys had died like flies. I have before me the testimony showing that there was one camp where even the Medical Corps testified that these boys were shivering and blue, their nails blue, their lips blue from lack of heat in the camp hospital. There is plenty of evidence that the lads in these camps were lifted off the floor when they were sick and put in the places of the men who had died, without changing the sheets, and in many instances they did not even have the laundry to supply these sick boys. Fathers and mothers went to the camps searching for their boys and found them corded up like frozen beef, with not a box to put them in. They would try to find their boy and find that he was not even identified. How many of them went down in the camps of this country? Have the figures ever been published? No; they have not been published. However, I have talked with the officer who had charge of that work, and he said that somewhere between 125,000 and 140,000 of them died in our camps.

I say the thing to do is for this Congress first to see that we have the camps, hospital facilities, doctors, laundry, and everything that will make the boys safe, and then if the necessity requires it, after giving the volunteer system a fair chance, and if it fails and necessity requires, then pass the conscription bill. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN of North Carolina. Mr. Chairman, I listened with a great deal of interest to the gentleman from New York [Mr. REED]. Before I say anything that may be construed to be a contradiction or even a questioning of his statements I wish to say that I have a very sincere regard for the gentleman from New York, and I do not believe there is a more sincere, honorable, or square-shooting gentleman on this floor. [Applause.]

I believe the gentleman is sincerely of the opinion that this bill should not be enacted into law, yet he made one of the strongest arguments for preparedness that I have heard today. He stated that boys died like flies during the last war, and in the beginning of the war. Yes; he is right. I saw them. I was with them. I saw them loaded on trucks and I saw many a one loaded on a truck who probably would not have been there had the Congress of the United States made sufficient provision for preparedness far enough ahead so that the boys would not have been herded into camp and rushed to battlefields unprepared and untrained as they were.

Mr. Chairman, I am not making preparation for war. I do not have any idea of this country going to war. But if the unexpected were to happen, I should like to be placed on an even keel with the aggressor who wants to tender the challenge. I do not know the minds of others in this House. But my every effort has been and will be in the future directed toward keeping this Nation out of all wars.

I remember very distinctly that I volunteered for the last war, I was a junior in college at that time, and had just come home from college, and I remember when I went to my father and told him that I had decided the right thing for me to do was go and volunteer, he said, "Son, I had hoped that one of my boys over there would be enough, but if you feel that way about it, all right." He then dropped his head and walked off.

I never had any idea of the feeling that was running through his mind and heart until I began to think about my own boy. I have a boy just about the right age that if trouble were to break out he would be eligible—and God knows I do not want him in any battle line—but if that terrible hour were to come, I should like for him to be prepared to defend himself and to be man enough to walk up and say, "Give me my share of the burden. I will take it." I do not want him to pass it over to someone else and duck.

This is a practical proposition to me. I believe there is a very distinct responsibility resting upon the shoulders of every citizen in America to do his or her proportionate share toward properly defending this country, toward making preparation for the necessary and adequate defense of this Nation in the light of present-day facts, circumstances, and conditions. We simply cannot be unmindful of the fact that wars are raging on every side of us and the aggressors strike without warning.

Individuals differ on the degree of preparedness necessary, but I want somebody to define for me here what is the interim between peace and war in the present-day practice? How long is it? A democracy is not normally geared to war. It does not function with the speed of present-day war machines. I want to know something about what the interim is between peace and war. Then we can perhaps begin to figure on how long we would have to prepare. Were it to come unexpectedly, we might have but one shake at the dice. We simply cannot afford to take the chance. I am one who believes that the aggressors will jump on and attack a weak, unprepared nation quicker than he or they will one that is prepared.

Our paid advisers, our experts, our departments that have been charged with the responsibility of defending and making preparation for the defense of this Nation, have all advised that the indications are that we had better be prepared. I am not willing to call in an expert or group of expert physicians and doctors to the bedside of one who is near and dear to me and then, when the doctors recommend a course, assume the responsibility of saying to them, "No, do not do it. There is too much at stake." I oppose war and all of its hideous and terrible results. Adequate preparedness, in my opinion, is a further guaranty of peace.

If this bill operates as it has been defined, described, and explained to us, I do not see any serious invasion of democratic principles. I do see a democratic system of defense.

Now, there is no argument to this, and we might just as well face it squarely. The rural areas of this country have provided and have been furnishing the volunteers. Now, somebody deny that. I will pause for anybody to deny the statement that up to this moment the rural areas, the agricultural people or the rural people, have furnished the volunteers for the standing Army; and I pause for anybody to deny it.

Now, Mr. Chairman, I cannot quite see the fairness in that. If this Government is worth defending, if there is a responsibility to defend this Government and this country, it rests on all areas alike, urban and rural, agricultural and industrial, East, West, South, and North. So I see no serious invasion of any democratic principle.

We naturally do not like to be made to do things. I did not like to be made to do things when I was in the service, but

I knew that it was necessary to do them, and we know that it is necessary.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield for a question?

Mr. BARDEN of North Carolina. Yes; I believe I will, although I had not intended to.

Mr. SECCOMBE. When the gentleman said that the voluntary enlistments come from the rural areas, did he mean during the World War or did he mean during peacetime?

Mr. BARDEN of North Carolina. I do not have the statistics on the World War, but I can say to the gentleman this, that from January 1 until June 30 there were just slightly over 70,000 volunteers——

Mr. SECCOMBE. This year, the gentleman means?

Mr. BARDEN of North Carolina. Yes, this year; and over 30,000 of them came from the 13 Southern States alone.

Mr. SECCOMBE. The gentleman would not say then that the men in the city districts or out in the other communities were unpatriotic because they did not enlist?

Mr. BARDEN of North Carolina. The gentleman is fantastic in his conclusion. Certainly, I do not say that.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BARDEN of North Carolina. I think that conclusion sounds rather unfair. Although I am sure he did not so intend.

Mr. SECCOMBE. I want to say that I did not want to reflect on the gentleman, but I merely wanted to point out it is merely a wage question in peacetime or an economic question.

Mr. BARDEN of North Carolina. Then I will just turn the mule and cart around and back it over you and say this. If it is a wage question, has it reached the point that poor folks are to do all the fighting?

Mr. SECCOMBE. Well, that is unfair.

Mr. BARDEN of North Carolina. Certainly. [Laughter.]

Mr. SECCOMBE. Absolutely unfair and I want to be fair about the question. The gentleman raised the point of voluntary enlistments in peacetimes and now be fair and raise the question of voluntary enlistments in wartime and then compare the cities with the rural districts.

Mr. BARDEN of North Carolina. Without extending this exchange, for I am sure both the gentleman and myself want to be fair to each other as well as to the subject, I will just close the debate by saying, please again define the interim between peace and war. How long is it between peace and war?

Mr. SECCOMBE. We are at peace now and you want to conscript.

Mr. BARDEN of North Carolina. I ask the gentleman how long is it between peace and war in present-day practices?

Mr. SECCOMBE. You ask the President of the United States that question, and not me. [Applause.]

Mr. BARDEN of North Carolina. Well, I will admit that the President would be able to give me more information. [Laughter and applause.]

[Here the gavel fell.]

Mr. RUTHERFORD. Mr. Chairman, I yield to the gentleman from Michigan [Mr. MICHENER], such time as he may desire.

Mr. MICHENER. Mr. Chairman, it is now 8:30 at night. The House has been in continuous session since 12 o'clock noon. For 2 days we have been debating the Burke-Wadsworth bill. This time has not been wasted. This bill will make American history.

I have had more difficulty in reaching a decision as to the right course to pursue in this matter than on any other legislative proposal coming before the Congress during my service. The implications of a peacetime conscription law are momentous. We are being asked to change a fundamental principle upon which our institutions rest.

The gentleman from Virginia [Mr. BARDEN], who just preceded me, said:

> I am not making preparation for war. I do not have any idea of this country going to war.

I cannot feel that the distinguished gentleman fully appreciates the import of this legislation. Possibly he has not followed the debate in the Senate. Possibly he has not read the hearings before the Military Affairs Committee of the House. Possibly he is not familiar with all that has transpired in connection with our foreign relations during the last year. Possibly he does not sense the war propaganda abroad in the land. For my part, after most conscientious study, I cannot reach the conclusion suggested by my distinguished colleague. It is difficult to translate this bill as training for peace rather than service for war.

War is loose in the world. The totalitarian nations are on the war march. True, we are separated from those countries by the two oceans, yet in this day of rapid transportation, and when time and space have been almost obliterated, this country is called upon to confront a condition which would not have been recognized even as a theory a few years ago. I have pondered well all of this. I have hoped and prayed that this world war might not be our war. I am definitely opposed to the United States becoming involved in any European or Asiatic war at this time. I am satisfied that the burning necessity of the hour is strong, adequate, and impregnable defense. During the last few months, at the demand of the American people, the Congress has voted billions for this national defense. Hitler has taught the world that there can be no national security today except through mechanized national defense. The day of the minuteman, rushing to the defense of the homeland, equipped with the family shotgun or the hunting rifle, is gone. In short, war has become a highly technical science, and any nation that does not recognize that fact is eventually lost. If we cannot do away with war, then we must be prepared for war.

The country is woefully unprepared so far as the implements of war are concerned. The money, however, has been provided by the Congress, and ample mechanism is now "on order." It is just a question of time until we have the tanks, the airplanes, the rifles, the destroyers, the battleships, and the other essentials; that is, the mechanized part of the Army has been provided for, and that brings us up to the purpose of this bill—to provide the men.

It matters not how well our Army and our Navy are equipped. Equipment is of no value unless there are trained men to operate it. These men can be secured in two ways only: First, by the traditional American way; that is, by voluntary enlistment. Second, by some kind of a conscription or draft law.

Understand me, I have supported all this legislation providing for the equipment, and it follows that I shall support necessary legislation to provide the manpower.

Ever since the World War I have urged the enactment by Congress of a draft law to become operative automatically when this country is at war, nothing left to be done but to call the draftees. If we are to draft the young manhood of the Nation, provision should also be made to compel industry, agriculture, labor, and all the rest to bear their just share of the war burden.

The War Department has been working on such a measure ever since the World War. The truth is, however, that a vast majority of the American people have always rebelled against any kind of a draft or conscription law before war actually makes it necessary. The "blitzkrieg" in Europe has awakened our people to the necessity of preparation, yet we must not become jittery. We must not surrender up our liberties and our freedom except as absolutely demanded by the necessities of the hour. Every American boy has the birthright to plan his own life. This is an inalienable right and war alone should be allowed to disturb it.

The bill before us today differs in many important respects from the original Burke-Wadsworth bill and from the bill passed by the Senate. This is the place and now is the time for thought and deliberation. This bill deals with the lives,

the hopes, and future of our young manhood. Hysteria has no place here. The Congress should not pass a law authorizing the long arm of the Government to reach out into every home in the land, and change the economy and the manner of life and the American way, except such drastic procedure be necessary to preserve our Nation. Propaganda should not supplant debate and, under administration pressure, reason should not yield to fear.

An amendment will be offered, which has already received considerable publicity, and which has been given some consideration in the debate, known as the Fish amendment. Some of the newspapers, some of those who would get into the war at once if they had their way, and many other well-meaning people, are objecting to this amendment, claiming that it is a political amendment, the purpose of which is to delay inducting the men into the service until after the election on November 5. Now anyone cognizant of the facts knows that this is not the case. I have given much study to this proposed Fish amendment, and have conferred with Army officials and those who are qualified to speak as to the details of this proposed conscription law. In 1939 a pamphlet called American Selective Service was prepared under the supervision of the joint Army and Navy service committee. Of course it was never thought by the Army that our liberty-loving people would tolerate peacetime conscription, and the proposal was prepared on the basis that a law might be enacted, effective immediately upon a declaration of war. The pertinent part in this discussion is that this pamphlet recognized the fact that it would be at least 60 days before drafted men would start coming into camp after the application of the draft law. The procedure laid down in that pamphlet is almost exactly like the procedure contemplated in the Fish amendment. Certainly those preparing this pamphlet had no election or delay in mind. They were dealing with facts and not propaganda.

It seems to me that this is pretty conclusive evidence. Going a step further, however, on August 17, I received a letter from Maj. Philip C. Pack, judge advocate general's department, State of Michigan, who favors a conscription law and who at that time, together with a group of prospective State administrators of this proposed law, was working out the details of administration at Camp Grant, Rockford, Ill. Major Pack recommended that the voluntary system be given a chance and suggested that—

> Registration and classification take place without delay and that the act of induction be stayed until the results of the volunteer recruiting campaign can be determined. Selective service cannot produce recruits (inductees) until 60 days after it becomes effective, that much time being needed for registration and classification. If, then, these first two steps were taken right away, men could be inducted without any further delay should an intensive campaign for volunteers fail. The 60 days would not be lost.

There will be no better evidence offered in favor of this Fish amendment. This amendment in no way attempts to delay, or will delay, the operation of this draft law. It simply gives the voluntary system a chance to function. If this bill does become a law without the Fish amendment, no conscripts will be inducted into the service before the middle of November at the earliest, and that will be more than 60 days from the date this law is approved. If that happens, then the justice of the Fish amendment will be fully established. If men are inducted into the service in less than 60 days after conscription is the law, then I am wrong. Time will tell.

No effort has been made by the Army to secure the required volunteers. The Navy already has a long waiting list and there is no contention that men will be conscripted for the purpose of furnishing manpower to the Navy at this time.

I do not like to criticize, yet I do condemn the attitude of the War Department so far as voluntary enlistments are concerned. The act of June 4, 1920, authorized the original enlistments in the Regular Army for a period of 1 or 3 years at the option of the soldier. I call particular attention to the words "at the option of the soldier." That is the plain, specific, and mandatory direction of the Congress.

Yet, notwithstanding, the War Department, pursuing the course so often adopted by the Federal departments and bureaus, has absolutely disregarded the law and has refused to accept 1-year voluntary enlistments in the Regular Army. In this connection I call your attention to my remarks found in the CONGRESSIONAL RECORD of August 12, wherein I include correspondence with the Adjutant General of the Army showing the position of the War Department against 1-year enlistments.

Now, the advocates of this measure tell us that it is a "selective compulsory military-training and service" bill. The people have been led to believe that this is intended, and will be, merely a training period for the conscripts. As I see it, this is a service law and the training is only important as it is incidental to the service. I have received correspondence from constituents who fully believe that this is a universal military-training bill. It is nothing of the kind. There is nothing universal about it other than bringing together the group from which reservoir the conscripts will be drawn. If this were a universal military-training bill, providing that all youth in the land were to receive 1 year's training in the military forces of the United States at some period provided in the law, that would be universal military training. All young men would receive discipline and training under this bill but 1 in 10 will do service, not for 1 year but possibly for 10 years.

The law will work like this: First, the mobilization day will be named, which will probably be about the middle of October. On that day all the young men in the country, between the ages provided in the law, will register. The local draft boards will then classify the registrants and the list of those eligible for immediate draft will be sent to Washington. Here, by some form of lottery, the conscripts will be selected. It is estimated that about 1 out of 10 of the eligibles will be conscripted. Supposing that 10 men eligible to the draft live in your home town. When the wheel turns or the lottery operates, one of those men will be drawn. He will then be inducted into the service for at least 12 consecutive months, and as much longer as the Congress may feel he is needed.

If there is no emergency at the end of his year's service, he will be returned home. However, he will be bound for a period of 10 years; that is, the hand of the Government has been placed upon him and he owes 10 years of military service to the Government if and when the Government calls him. During this 10-year period he can make no definite plans. However, the bill generously provides that after he has served 1 year he may enlist for a period of 3 additional years in the Regular Army, and if that service is satisfactory he will then be discharged and relieved from the rest of the 10-year period. As I am advised, it will not be possible for this conscript after his year's service to marry, thereby placing himself in the exempt class. He is given notice that he must respond to service at any time during the 10-year period. Now, the other nine boys are never interfered with unless by later law or regulation they are compelled to compete in another draft. It just does not seem democratic or even fair to me that this one boy should be singled out for 1 year's actual service and possibly 10 years' actual service, while the other nine boys go free. This is certainly not universal training and places an uneven burden on the one boy. In time of war we do not view these matters in quite the same light. But, remember, this is peacetime conscription.

Again, if this were simply a training bill, of course, the men could be best trained in continental United States. However, inasmuch as this is a service bill, this service in the Army will be performed in connection with the National Guard called to Federal service and the Regular Army, anywhere in the Western Hemisphere, in the Philippines, and in the possessions of the United States; that is, these conscripts are to be assigned as replacements in component parts of the Regular Army and the National Guard. The boys coming from a given locality, for instance, will not go to camp as a unit. Some of them will be detailed to the Artillery, some to the Air Service, possibly some to Alaska, some to the Philippines, and to the various forts and camps throughout the Western Hemisphere. If I read the future correctly, our troops are to be garrisoned at strategic positions throughout the Western Hemisphere from Nova Scotia to Cape Horn, as well as in the Pacific. If I am correct in this conclusion, then

it must be agreed that this is a service bill and not a training bill. If this conscription is for war service, why not say so?

If this service is necessary and if we are in the world war or contemplate getting into that war, then I think that the people should be taken into the confidence of the administration. You can always trust the American people when they are fully advised. They do not like subterfuge. They surely will rebel against being led into a war blindfolded. The people elected Wilson in 1916 because he kept us out of war. They no more want war in 1940 than they did in 1916.

I will gladly vote to place a most stringent but equitable democratic draft law upon the statute books for wartime service. We must have sufficient men for our national defense and if we cannot get those men by the voluntary system, then the draft should automatically come into play. But in the name of our boasted freedom and liberty, we should not abandon traditions and ideals of 150 years except as a last expedient. The voluntary method should be given a chance before the compulsory method is invoked. A proclamation by the President and a genuine campaign by the War Department will, I believe, get the required men for peacetime defense.

This bill sets up the machinery making conscription possible. It leaves the functional procedure to the President and the experts in the Army and Navy Departments. It opens the door for promulgation of rules, regulations, and policies which vitally affect the welfare of all of our people. It lodges in the President power that this Government would never heretofore tolerate in peacetimes. In the name of emergency, we have lost many of the rights of a free people during the last few years. In the name of national defense, we must sacrifice no more of our liberties and rights than is essential.

It is unfair to draft men into the service in peacetimes until there is sufficient equipment for their use and until there is sufficient housing and clothing to provide for them. It is generally conceded that we do not have adequate equipment for the men now in the service. The National Guard has already been called to duty, and these units are certainly unequipped. Indeed, in the recent maneuvers participated in by the Regular Army, the National Guard, and a part of our Reserve officers, it was necessary to use trucks for make-believe tanks, stovepipe for make-believe cannon, broomsticks for make-believe guns, and the men were "in the field" in tents and not in winter quarters. The Army is not equipped to take care of these new increments into the service at this time and, if the facts are carefully considered, we must conclude that it will be January or April 1941 before the first 400,000 men can be accommodated.

Why, then, should we provide for immediate conscription when we know that there will be no equipment and no housing for the conscripts? The answer is that under the whip and the spur of momentary hysteria an unwise and unnecessary law may be placed upon the statute books.

Of course, there is no unity of thought as to the advisability of this action. The major part of organized labor, organized agriculture, and the organized churches are protesting against peacetime conscription. With these groups this is a matter of fundamental Americanism. I am convinced that a vast majority of the American people, if they were given the opportunity, would vote against peacetime conscription. We are their representatives in the Congress. Our people are not cowards. They will defend our rights and, when they are convinced that our country is in danger, they will respond to a call for voluntary enlistments. Again I say, let the administration take the people into its confidence and lay the blueprints on the table. If this country has made any pledges to any other country concerning our entry into the present war, let the people have this information. If no secret understandings or pledges have been made, let the people understand this also.

The Army has always favored conscription in season and out of season, yet it has realized that this is a democracy and that the people rule. Many of our ancestors came to this land of the free to escape military conscription in peacetime in the European countries. Every one of the totalitarian countries has conscription today. Only the democracies have escaped. Canada was at war for a year before it even thought of imposing conscription on its people, yet our country, the greatest democracy of them all, is going to enact an immediate draft-service law, and we are told we are not at war.

It is true that this bill has the support of President Roosevelt and many other leading citizens. It is also true that the bill does not go as far as President Roosevelt would go if he could have his way entirely. This is no new idea on the part of the President. During the last World War, when Mr. Roosevelt was Assistant Secretary of the Navy, he made a speech which is reported in the book, Country Squire in the White House. In that speech he said, in part:

> Is it not time that the people of the United States should adopt definitely the principle of national government service by every man and woman at some time in their lives? I hope to see the time when national government service is not only an established fact but also one of the most highly prized privileges of all Americans. * * * This means service in times of peace as well as in times of war and means service in the civilian branches as well as the military branches. The day will soon be at hand when the Army and the Navy of this great Republic will be looked upon by its citizens as a normal part of their own Government and their own activities.

My understanding is that the above quotation expresses the President's views today. He would provide a regimentation and a training for all the men and the women and the boys and the girls in the land. Personally, I cannot subscribe to any such doctrine, and I hope that the bill now before us is not the opening wedge to the broader field.

It has been asserted in this debate that enactment of this bill will put this country into the dictatorship class. I think that is a little far-fetched. Colossal power, however, is given to the President. Listen to this:

> The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this act, such number of men as in his judgment is required for such forces in the national interest.

In short, the President is given plenary power whether or not a state of war exists to select and induct such number of men as in his judgment is required for such forces in the national interest. I am opposed to lodging within the discretion of a President the size of our Army and Navy during peacetimes. While this authority would not in itself create dictatorship, yet it would be a powerful help in case there was a desire on the part of a Chief Executive to assume dictatorial control of the Government.

There is no place for the superpacifist in this country. He who would not defend his country and its rights and liberties when necessary is an impotent patriot. Conversely, militarism is not only the foe of the people but the enemy of democracy. Militaristic nations and dictatorships are exactly the antithesis of our form of government. Too much power placed in the hands of one man, call him President or what you will, at once becomes a menace to all of our liberties. This is especially so when that individual is already the Commander in Chief of the military forces of the country.

This country must never see the day that great standing armies become the controlling power in our Nation. We are all viewing this matter from the patriotic standpoint. We have no right, therefore, to impugn each other's motives. We must not be swept along on a rising tide of war jitters to such an extent that we lose our capacity for critical consideration of what laws should be enacted. We have a splendid Army and must rely much upon it, yet the powers that be in our Army have made mistakes. Had the late Gen. William Mitchell, the head of the air force during the World War, been listened to by the Army, we would today have an adequate air force. Those in power were so sure of their ground that General Mitchell was forced out of the service. They were wrong then, and the world knows now that General Mitchell spoke the truth.

In conclusion, we must remember that the Congress is the forum where the duly constituted representatives of the

people are permitted to speak freely and to express what they believe to be the views of their constituents. This is a vast country and there are necessarily divergent opinions. We may not think alike, yet we can all agree alike to think. In this instance, we are all aiming at the same objective. We want immediate and adequate national defense. In the Congress a majority controls, and, after that majority has spoken, it is the people's law. If this bill becomes the law, we must all unite and see to it that it accomplishes the purpose for which it is intended. To this end, together with all other Members of Congress, I shall bend every effort.

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina, Mr. KERR.

Mr. KERR. Mr. Chairman, I beg your indulgence at this late hour for a few minutes to discuss this important bill. I take this time because in my long service in the House I consider this probably the most important measure that has been before this House in 20 years. I am satisfied that every Member of the House is well acquainted with the purposes of this bill. The able committee that has considered it has written a synopsis of the bill in its report which is as comprehensive as any report that has ever been submitted to the House, in my opinion. Every one who reads that analysis embodied in the majority report can well understand what is the real purpose of the bill.

Mr. Chairman, in my opinion there is only one issue involved in this matter and in the discussion of the matter. The proponents of the bill insist that the paramount purpose of this measure is to keep our Nation out of war.

I think I share the feeling of most men in this country that that is what we want to do. If I did not think that was the overshadowing purpose of this bill, and that its enactment would keep us out of war and its complications and avoid destruction of our property and the lives of our people, I would not dare support it. I would not dare support it if I thought that it would send an American Army into Europe. The opponents of the measure say that it is going to get us into war and in the last analysis this is the only fundamental difference between those who oppose and those who favor the measure. The opponents of this measure say that we should not conscript the manhood of this country in order to protect it. That an Army sufficient for all purposes can be organized through voluntary enlistment. Certainly it is needless for me to remind you that in each war in which this Nation participated we attempted to organize an Army through voluntary enlistment and that it failed and we had to resort to a selective draft or conscription. This is no time to be experimenting with failures.

So, in order to keep us out of war, this bill is a selective-draft bill or a conscription bill which, in my opinion and in the opinion of the proponents of this bill, will enable us to secure the fine manhood of this Nation and equip and train them in such a way that no nation in the world would dare molest us or dare interfere with our affairs and that philosophy of government that we cherish and love in this democracy.

It is well known now by almost everybody in the United States that when we selected our Army in the last World War, it was very crudely done, and on account of this want of equipment and the neglect of training of those fine fellows who were then inducted into service by this Government and who were called upon to serve in Europe, about 50 percent of those soldiers who lost their lives or who were wounded or their health destroyed can charge it to our hasty attempt to organize an army and get it into action, and this country is being penalized now because of the want of care and the want of training of these men who undertook to uphold the flag and the destiny of this Nation in the last World War.

I will not criticize the boys who volunteered to make the Army of their country. I should like to pay them a tribute. They deserve a tribute. Some of them were as fine men as ever followed a general or ever carried an arm into war, and their valor will ever contribute to the glory of this Nation. But that method of defending a Republic like ours is not the correct way. If it be done that way satisfactorily, all right, but there is a solemn duty of every citizen of this Republic to protect his country when it is necessary to do so, and we ought not to leave this obligation upon only those who volunteer to perform this duty. It is not the democratic way and no good citizen will ever want some other to perform that obligation for him and assume the dangers incident thereto.

Therefore, this conscription plan, in my opinion, is the proper way for us to get an army to protect our Nation. This way calls upon the manhood of this country to do its duty. And you may be sure that they have always done it when they were called upon. It is the democratic way of doing it. It is the duty of every citizen of this country to bear arms when necessary in the defense of this Nation, and I am certain tonight that more than 66⅔ percent of the people of this country know that this measure is the proper way to keep us out of war and are fully in accord with the purpose and intent thereof.

They tell us that no emergency is apparent. In my opinion, if you will turn back the pages of history, the greatest emergency that ever existed in this world is now facing the nations of this earth. For 1,000 years or more the European peoples have fought each other in bitter wars over religion, over territory, and over political circumstances which they thought involved their rights, but the revolution that is now extant in this world will not be confined to Europe, because the instigators of that revolution and those who believe in the philosophy of government that now dominates more than half the people of Europe are not going to be content, in my opinion, with confining that revolution to the European countries. It is an insidious situation, and this Nation would be a great prize for a selfish people or to a selfish man. This Nation has done half the business of the world for 20 years. This Nation is rich in natural resources. If we think that we can sit here complacently in this great Republic of ours and let a revolution go on over all the world and be satisfied that it will not affect us and that the slimy hands of those who hate a democracy and human freedom will not strike out to destroy this citadel of human rights, we will find, too soon, I fear, that we will be involved in a situation most serious.

This is an emergency era in the life of this Nation, in my opinion, and it is necessary for us to arm ourselves and equip ourselves so that we can stay away from this revolution, and so that the revolution can stay away from us.

You ask me how and why is this emergency apparent. I believe that it is so apparent that anyone can see it. Certainly, it is so apparent that this Congress, for more than a session, has been going down into the pockets of the people of this country and providing billions of dollars to be expended so that we may equip and defend ourselves in the event that any nation or group of nations should threaten or attack us or interfere with our rights, and those principles and that philosophy of government we hold dear.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 3 additional minutes to the gentleman from North Carolina.

Mr. KERR. I think people realize that there is an emergency overshadowing this Nation, and the world realizes it. This is why we are spending this vast sum of money for the purpose of our protection, and for the purpose of so equipping the defense of the United States and it provinces—we would not do it unless we well knew that our destiny was involved.

Mr. Chairman, this matter has been thought out well by the great leadership of this country. This is no time for political demagogism and abuse of the officials of this country and to say that they are not sincere and are not trying to keep us out of war. That ought not to be done. We ought not to impeach the men who have been given the right of leadership in this country on every occasion when they do not exactly agree with us. I do not consider men who disagree with me and my party and the principles it espouses as enemies of this Nation—I accord to most of them the utmost sincerity in respect to their political activities and for most of the men on both sides of this aisle I have profound respect and deep affection and I shall cherish this

throughout life—we all love and should love this Nation and should do nothing which would imperil its destiny.

As far as I am concerned I shall follow in this matter the President of the United States and his official advisers and I prefer to follow the great chairman of the Committee on Military Affairs in the Senate—and there are few men in this country more sincere and more genuine—and I prefer to follow the committee of this House and its able chairman. I prefer to follow the 66⅔ percent of the fine men and women of this country who have expressed their opinion on this legislation, rather than to follow any Socialist or Communist or Nazi bund or any other "ism" which has for its purpose the destruction of our form of government and its overthrow. As far as I am concerned, I should like to see some law passed by this Congress that would outlaw those agencies in this country of ours which are attempting to destroy our Government directly or indirectly, and substitute some other form. [Applause.]

[Here the gavel fell.]

Mr. RUTHERFORD. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, if Congress should pass this bill we will have undertaken a step without precedent in our history. Let us hope it will not be a tragic one. Thus far we have never experienced the necessity for resorting to peacetime conscription of men or property. We are asked to authorize it now solely upon the assumption that the axis powers may soon conquer Great Britain and will then attempt to conquer this country or to violate the Monroe Doctrine.

In the matter of military preparedness it is proper, as well as necessary, that we deal in assumptions. To wait for an event to happen before preparing to meet it would be the height of absurdity. Many persons question the likelihood of Great Britain's defeat. A still greater number, including military experts, doubt the ability of Germany to invade this Nation even if she were inclined to do so. These are all matters of speculation. Who may be right, history alone can tell. In reaching our conclusions upon this bill we must assume that the worst may happen, however remote the chances may be. In reaching the views stated in the minority report filed with this bill, and in opposing this measure, I at no time have departed from this assumption.

We have heard repeatedly the contention that the huge quantities of military equipment and implements of war for which we have appropriated billions of dollars will be wasted if we do not have the men to use them. This is too obvious for comment. This fact has likewise been taken into consideration in reaching the conclusion that conscription of the manpower of the Nation at this time, when we are not at war, is unnecessary. In passing upon this phase of the question, let us dispassionately consider the facts, uninfluenced by partisan politics or propaganda.

Let us go back 3 months. You will recall that we were assembled on May 16 to hear an address by the President. It was on this occasion that he spoke of grave dangers throughout the Western Hemisphere. It was in this address that he called the attention of Congress to the flying distances between the fiords of Greenland and Newfoundland, Nova Scotia, New Brunswick, Quebec, and New England; from Bermuda to our shores, the coast of Florida from the West Indies, from the West Coast of Africa to Brazil, and from there to Venezuela, to Cuba and the Canal Zone, Mexico, St. Louis, Kansas City, and Omaha; and on the other side of the continent, from Alaska to Vancouver, Seattle, Tacoma, and Portland. These statements needed no analysis. The President was attempting to make the point that invasion of this country from points in the Western Hemisphere was not improbable. His plea at that time was for funds adequate to meet the situation.

Thereafter, a subcommittee of the Appropriations Committee conducted hearings on the supplemental national-defense appropriation bill for 1941. Among other witnesses called was the able Chief of Staff of the Army, Gen. George C. Marshall. At that time the authorized maximum strength of our Army was 280,000. General Marshall requested appropriations sufficient for an increase to 375,000, consisting of 55,000 additional ground troops and 40,000 enlisted men for the Air Corps. His testimony, which was given on June 4, 1940 (just 17 days before the introduction of this bill), appears on pages 69 to 72 of the hearings. It is particularly significant in the light of what is now demanded. Let me quote the following:

Mr. WOODRUM. General, how much additional money, and what legislative authority, do you need for doing what you say should be done in the matter of personnel? What are the figures?

General MARSHALL. Fifty-five thousand men should be added to the ground forces of the Army, over and above those included in the present amended 1941 appropriation bill, which provides for an increase up to 280,000.

Mr. WOODRUM. That is 55,000 above 280,000?

General MARSHALL. Above 280,000.

Mr. WOODRUM. Three hundred and thirty-five thousand?

General MARSHALL. Three hundred and thirty-five thousand, which would involve expenditure for pay, rations, clothing, travel, and maintenance and essential equipment such as trucks, etc., for the new units created, of $148,000,000.

Mr. WOODRUM. Fifty-five thousand men for the ground forces and $148,000,000 of funds?

General MARSHALL. Yes, sir.

Mr. WOODRUM. You want 40,000 for the Air Corps, too, in addition to that?

General MARSHALL. Yes, sir. I have kept these two requirements separate * * *.

Mr. WOODRUM. General, what are we building this force on—on what general policy? What are we going to defend?

General MARSHALL. This plan is entirely devoted to the problems as we visualize them in the Western Hemisphere.

Mr. WOODRUM. The whole Western Hemisphere; not the continental United States?

General MARSHALL. Not the continental United States. We do not visualize any invasion of this country. An air raid or something of that sort is possible, but, frankly, at the present moment we do not see it in the offing. But we see all manner of possibilities in the Western Hemisphere.

Mr. WOODRUM. And it is with that idea in view that we are building the forces for the defense of the Western Hemisphere?

General MARSHALL. Yes, sir.

Mr. WOODRUM. For any eventualities?

General MARSHALL. For any eventualities.

Mr. WOODRUM. And this bill will carry that defense forward as rapidly as you think it can be carried forward under existing industrial conditions?

General MARSHALL. Yes, sir.

The CHAIRMAN. That is as far as you think we should go at this time?

General MARSHALL. Yes, sir. * * *

Mr. SNYDER. As I understand you, General, the 55,000 men would not be taken on for a 3-year enlistment.

General MARSHALL. No, sir; not for a 3-year enlistment. In other words, we are requesting a purely volunteer force for a short term only.

Mr. SNYDER. Since we have so many young men, why would it not be a good idea to have them enlist for 3 years?

General MARSHALL. Because it is much harder to get them, sir. We can again take stock of ourselves next winter or next spring.

Mr. TABER. You are not taking any enlistments now except for the winter and spring?

General MARSHALL. Our present enlistments are for 3 years. We wish to enlist the additional 95,000, however, on the basis of a purely temporary force for the emergency.

Although General Marshall requested that the authorized strength of the Army be increased from 280,000 to 375,000, Congress authorized an increase to 400,000, and appropriated the money to take care of the increase to 375,000. At that time the strength of the Regular Army amounted to about 230,000 men. Today it is almost 300,000. In his testimony before the Military Affairs Committee, General William E. Shedd, Assistant Chief of Staff, predicted that the full strength of the Regular Army would be reached by December 1, 1940, at which time, if this bill passes, further enlistments would cease. In other words, by December 1 we will have everything General Marshall said would be necessary to meet "any eventualities" in the defense of the Western Hemisphere without resorting to conscription.

Many who oppose this bill do so under the belief that we should not depart from a policy which has prevailed during the entire period of our existence until we have made an earnest effort to obtain needed manpower by the voluntary method. You may recall that it was not until sometime in May of this year that the Army accepted unrestricted enlistments. Before that time definite quotas were fixed each month, such quotas being limited by the money available.

During the month of May, with partial restrictions, 9,492 men were enlisted. In the month of June they amounted to 23,442, and in the month of July reached 31,985. The War Department advises that the incomplete figure for the month of August has already reached 33,880, but it is estimated that when all of the enlistments have come in and been counted, the total for that month will be over 40,000. These are 3-year enlistments, at basic pay of $21 per month. It goes without saying, and Army officials admit it, that if the pay should be increased to $30 per month, for a 1-year enlistment, with a guarantee of no overseas service, enlistments will materially increase. It is significant that Secretary Knox, in testifying before the Military Affairs Committee, stated that the Navy has a waiting list of 7,000 men. The estimated enlisted strength of the Navy today is approximately 143,000. Secretary Knox testified that he expected by the end of the year "with ships going into commission that we are probably going to need 275,000 men." In response to a question "Are you apprehensive you could not get those men by the voluntary system during the next year?" Secretary Knox replied, "No; to be honest, I am not." Enlistments in the Navy are for a 6-year period.

Land, sea, and air forces, active and reserve, have reached a peacetime total in excess of 900,000 men. In less than 3 months, even at the present rate of enlistment, it will exceed 1,000,000 men. When hearings began upon this bill it was anticipated by the War Department that the 400,000 draftees comprising the first unit would be called out October 1. Before the hearings were concluded it was recognized that no more than 55,000 draftees and 55,000 members of the National Guard could be taken care of by the 1st of October. Present plans provide for calling up the remaining units by January 1, 1941, when it is believed quarters will be available. It has never been contemplated that more than 400,000 would be drafted before April 1941. The whole matter, therefore, resolves itself into the question, Shall we change our traditional policy of 150 years and resort to peacetime conscription of men in order to obtain 400,000 men within the next 6 months without even attempting to obtain them by the voluntary method? Within that 6-month period we will find out if it is possible to obtain needed manpower through voluntary enlistment. If we succeed we will have the men, plus the satisfaction of having adhered to a time-honored policy. If we fail after an honest trial and the need for men is admitted, we will have lost nothing, as it is conceded by any who know the facts that production of essential items of equipment will not have outpaced the enlistment of men. In the interim there would be no objection to registration. With a knowledge that voluntary enlistment had failed, the opposition of the American people to conscription would quickly turn. I am convinced that opposition to conscription would be negligible upon proof of its necessity. By the time the necessity would become apparent, we would have armed forces well in excess of 1,000,000 men. In this connection let us bear in mind the statement of Mr. William S. Knudsen made recently before a Senate committee that "it will be 1942 before there will be complete equipment for 750,000 men."

Perhaps no proposed legislation within our experience has been more the object of propaganda than the bill now under consideration. The familiar cry has been that those in high authority are in possession of information not known to the public, that such secret information requires the scrapping of tradition and a resort to the policies and practices of the dictator nations. When the Secretary of War and the Secretary of the Navy testified before the Military Affairs Committee they were specifically asked if any information was in the possession of government officials not known to Congress, the press, and the public. They answered in the negative.

For more than a year Canada has been at war, yet she has not been compelled to resort to conscription. Within the past few days she began the registration of persons for home-defense service only, leaving overseas service still a voluntary matter. We are not at war, yet we are told that we cannot defer conscription for Western Hemisphere service long enough to give the voluntary method a fair trial.

In passing upon this measure let us look beyond the horizon and consider its far-reaching implications. Conscription of manpower is but the first step. It perhaps was not intended that conscription of industry should become a part of this bill, but the Senate embodied it in the Senate bill at the eleventh hour with but scant consideration. Too late to be made a part of the House bill, the same subject will be before us in the form of a committee amendment. Conscription of wealth will inevitably follow conscription of men and conscription of industry, and in their wake will follow conscription of labor, conscription of the farmers, conscription of everything. And all of this may happen although we are not at war. When it does happen, liberty will have departed from America, and we will have attained the form of government against which we are preparing to defend ourselves.

We need only refer to the RECORD to find that these are not idle statements. The "draft the wealth" bill has been introduced in the Senate. It is known as the Lee bill. Not only has it been introduced but it has been reported favorably by a majority of the Senate Military Affairs Committee. In fact, an effort was made to attach it as an amendment to the Senate version of the Burke-Wadsworth bill. It was a little too much to take at one time, but do not forget that it is still pending.

If we turn back the pages of the RECORD a little further, we will find that a majority of the House Military Affairs Committee on March 2, 1938, reported out a bill known as the May bill. At that time we were not at war; at that time the European war was a year and a half away. It may shock some of you to know of the provisions of that bill. It literally took all of the democracy out of America upon a declaration of war. It provided for the conscription of manpower; it clothed the President with power to proclaim it to be unlawful to buy, sell, lease, or otherwise contract for any article, service, or right or interest in property enumerated in the President's proclamation at a higher rate, rent, price, commission, compensation, or reward than determined by him in such proclamation. It authorized the President to determine and fix prices and raise and lower them as he saw fit. It authorized the President to exercise control over material, resources, industrial organizations, public services, and security or commodity exchanges. It authorized the President to draft into the military service the manpower of the Nation in such numbers as he deemed necessary and subject to such conditions, exemptions, rules, and regulations as the President might prescribe. It authorized him to require, under his own rules and regulations, the registration of any or all individuals engaged in the management or control of any industrial establishment designated by him, and provided that individuals so registered might be required to enter into the service of the Government under such rules and regulations as the President prescribed.

It authorized him to determine what classes of public service, real and personal property, or rights of interest therein, and what classes of owners, dealers, exporters, importers, manufacturers, or producers of any article or commodity should be required to operate under a license. The conditions of the license, of course, were to be fixed by the President. In plain language, this section empowered the President to license and completely control all forms of human life and endeavor, and to fix the terms of his license at his own whim. There was but one exception—newspapers, periodicals, and books. Radio, however, was not exempt. Further than that, it authorized the President to determine the order or priority in which any owner, manufacturer, dealer, producer, exporter, importer, or public service, should fill orders or transport or deliver anything, or furnish power or service of any kind. Of course, it authorized the President to create such agencies, boards, or commissions as he might deem necessary and proper to accomplish the purpose of the act and, of course, there was the penalty section for any who might dare to violate the edict of the dictator, which pro-

vided for the mere fine of $100,000, or imprisonment not exceeding 1 year, or both. The preamble of the act set forth that one of its objectives was to promote peace.

I know it will be contended that this act is not a part of the bill under consideration. It will likewise be pointed out that this bill died with the Seventy-fifth Congress, but the fact remains that it was introduced, and received a favorable committee report a little more than 2 years ago. Who can say that the idea has been abandoned? If we did not have the record it would be difficult to believe the provisions of this bill could even be thought of in America. The legislative clerks of Hitler, Mussolini, and Stalin could scarcely have done a better job.

For a number of years Congress has been delegating extraordinary powers to the Executive. Virtually all of such powers were delegated on the theory that a great emergency required it. But can anyone recall that any of these powers were ever returned? Now we are asked to delegate further extraordinary power, power heretofore never granted in peacetime. Examine closely the provisions of this bill, almost every part of which confers great power on the President—the power to determine the number of men to be inducted, limited only by the appropriations power of Congress—the power to issue regulations as to deferment of service, in fact, power to issue all regulations necessary to carry the law into effect, the violation of which regulations shall constitute a felony punishable by a maximum fine of $10,000, or imprisonment for 5 years, or both; the power to create the entire selective-service system, make appointments of personnel and fix their salaries. An appeal board is provided for but it is to be created in accordance with such rules and regulations as the President may prescribe, and its members shall be his appointees.

It is an invariable rule that the delegation of power is followed by a demand for more power. Let us halt before it is too late. Our strength is bound to be measured by our ability to preserve democracy and not by our ability to create another totalitarian state in the world. [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I have been here for 8 months and I have heard uttered on the floor of the House the word "emergency" more times than I ever heard it used in all my previous life. It reminds me of the old doctor to whom a party went on one occasion and said, "Doctor, I want you to treat me for a cold." The doctor said, "I cannot treat you for a cold, but I am hell on fits." [Laughter.] He said, "Doctor, what do you do for a man who comes to you for treatment who has not got fits?" He said, "I throw him into the fits and then treat him for the fits." [Laughter.] And so it is that in the name of an emergency, this conscription bill is brought before the Congress.

It is proposed by this unprecedented, drastic, and far-reaching measure to conscript for military purposes the manpower of the Nation in peacetime. Are there any facts which justify the enactment of this measure? This is a question that must be answered under the oath, upon the conscience of each Member of this House, in the light of the facts as each of us knows and understands them. It has been said that "the law is but a shadow cast by the facts." To enact into law such a measure as this, when the Nation is at peace, cannot, in my opinion, be justified in the light of our history, nor in the light of the facts as they now exist.

I cannot conscientiously bring myself to vote in favor of this measure.

First. It is a departure from the time-honored and time-tested volunteer system for recruiting our armed forces in time of peace. It is a dangerous venture, one that will have a profound influence upon the lives and future of every man conscripted, upon our free institutions, and our American way of life.

Second. Based upon the considered opinion of military experts and the undisputed facts of history and the conditions with which we are now faced, it is uncalled for at this time. The Honorable Harry H. Woodring, after 7 years as Secretary of War, upon his retirement publicly stated:

> How any fair-minded Member of Congress could say that we have given the volunteer system of enlistment for the United States Army service a fair trial and that it has broken down and therefore we need the compulsory service is beyond my understanding.

Third. This is not a peacetime measure. Such a law has never been resorted to in peacetime before in the history of this Nation. Its enactment is a step toward war. It will lead us inevitably down the road to war and to dictatorship. Every dictatorship in the world today was preceded, and is today maintained, by conscript armies.

Fourth. This is an election year, but the consideration of this measure should be disassociated from political expediency. The membership of this House and 98 percent of the people of this country are united on the questions of national unity, national preparedness, and national defense. It ill becomes any man to arrogate to himself a superior brand of patriotism or to disparage and question the sincerity and patriotism of those who may differ with him. And yet the fear that has been sought to be engendered in the minds and hearts of our people, the hysteria that has been bred and fomented by many in this country, bears all the earmarks of political expediency. What nation of the earth has committeed an overt act against this country? What direct threat has been made by any ruler against us? What invasion of our rights or trespass upon our liberties has been made by any foreign power? None whatever.

The supreme issue before this Congress and before this Nation is: Peace or war? On the common ground of national defense we all can unite. Arm to defend America. Stay out of this war unless this hemisphere is attacked or threatened with imminent attack. This we have done and are doing. This Congress, without any division along party lines, has voted more than $10,000,000,000 for national defense.

Fifth. I have repeatedly promised the people of the great district whom I have the honor to represent that I would never vote to make a European policeman out of Uncle Sam, and that I would not vote to send American boys to fight or die in the endless brawls and wars of Europe. I intend to keep that pledge and cannot support this measure without violating it.

This measure is contrary to the spirit and genius of American institutions. It is provided by the Constitution of this Nation that only Congress has the right to declare war. In the teeth of the fact that the President of the United States has no power to declare war, on yesterday we were informed of the act of the President in authorizing the transfer to Great Britain, which is now at war, of 50 over-age World War destroyers. These vessels have recently been reconditioned and presumably are fit for naval service. If they are fit for naval service, then they are needed by this Nation for our own defense.

If they are unfit for use in war, then their transfer to the British Empire can only be for the purpose of involving this Nation in the present World War. This unauthorized action on the part of this Government is in violation of the plain provisions of the law of the land as enacted by the Congress, is in violation of international law, and is in violation of compacts to which we are a party. It is in violation of the foreign policy of this Nation from its beginning. Equal friendliness toward all nations, and no meddling in the political affairs of other nations and no alliances, has been the settled policy of this Nation from its beginning. But we have singled out one aggressor above all others, and the prediction is made that the war in which he is at present engaged is a war against this country, and that ultimately he will attack this Nation. This is but a prediction, and not the statement of a fact.

This Nation is a party to an agreement governing its conduct with respect to a war to which we are not a party. Article IV of the Hague Convention binds us to an acceptance of the following doctrine:

> The supply, in any manner, directly or indirectly, by a neutral power, to a belligerent power, of warships, ammunition, or war materials of any kind whatever is forbidden.

In addition to this, by repeated recent enactments of the Congress, the transfer of these destroyers to the British Government, which is now at war with a nation with which we are not at war, is forbidden.

In a press conference, reported in the newspapers of the country of May 17 of this year, the President said that the 35 remaining decommissioned World War destroyers will have to be recommissioned for national defense, at a cost approximating $6,000,000. Conferences are in progress on the recommissioning work, he disclosed.

Now, if the President can sell or trade to England, which is the same thing as selling, 50 reconditioned destroyers from the American naval forces, then he can sell or trade to Great Britain any submarine, cruiser, or battleship, or all our Navy for that matter. It is interesting to note, in this connection, that on June 15, 1940, the columnist, Westbrook Pegler, used the following language in his article of that date:

> It is taken for granted that President Roosevelt will be the Democratic nominee for a third term, and I think it will have to be assumed that if he is elected he will be a war President—if, indeed, the country doesn't enter the war during the present administration.

Certain it is that the action taken by the President in turning over to Great Britain 50 destroyers, without the sanction of Congress, to be used by a belligerent power in a war to which we are not a party, is unprecedented in American history. Every thoughtful man and woman in the Nation knows that for a human being to engage in mortal combat, where he may lose his life or take the life of his adversary, is a fateful and tragic enterprise. Much more is it a tragic and fateful thing to plunge a whole nation into war.

What moral or legal right has any one man, in or out of office, to determine the awful question of whether or not this Nation shall become involved in the present world war? Is history to repeat itself? Is foreign propaganda, is the preaching of the doctrine of fear, the frightening of the American people, to plunge us, unprepared, into the hell of the present war? We went into the last World War, they said, "to make the world safe for democracy—to end all wars." At the cost of more than 250,000 lives of the flower of America's young manhood, at the expenditure and loss of uncounted billions of dollars, this Nation made England and France the absolute masters of Europe. We put the ball across the goal line and then moved the goal line back down the field, and left the ball in the possession of England and France. We marshaled an army of 4,000,000 men, we put 2,000,000 men in France. Our armed forces on the sea, in the air, and on the land, covered themselves with glory. For this contribution to an Allied victory we received no thanks. Our efforts were derided, scoffed at, and we were not even repaid the loans we made to our European Allies, with the exception of repayments made by little Finland.

In this connection, let us remember another fact: England and France each obtained approximately 1,000,000 square miles of the earth's surface and the dominion of millions of subject races. England and France are colonial empires, engaged in the exploitation of conquered lands and subject races. So were Holland and Belgium. Jointly counting their own populations, that of their colonies and their dependencies, these four Nations, at the outbreak of the present world war, ruled more than 625,000,000 people. In the profits derived from their exploitations we received no part.

We exercised no control over these enterprises of empire and exploitation. There are only 130,000,000 people in the United States. Shall this free, great, powerful Nation, protected by more than 3,000 miles of ocean to our east, and more than 5,000 miles of ocean to our west, become the tail to any nation's kite? Is our security, our national defense, our welfare, the fortunes, the lives and liberties of our people, so intertwined with, so dependent upon, that of the British Empire, that we must go to war every 25 years to maintain the balance of European power?

We did not start this war. England and France declared war when they were wholly unprepared for it. Shall we commit their fatal blunder and go in when we are less prepared than either one of them was for war? What man among you is there, if your neighbor came to you and said: "I am about to engage in a dangerous enterprise which I believe will be profitable to me, but over which you are to exercise no control, and in the success of which you are to have no part or profit; yet, if I get into trouble and am about to lose my life and get the members of my family killed and suffer the loss of all my property, I want you to get your gun and become a party to my dangerous venture and run the risk of getting killed yourself, getting your family killed, and having all your possessions destroyed," would agree to become a party to such an adventure? No man with any sense, any regard for his own life, that of his loved ones, or for his possessions, would accept such an insane proposition. But they say we should go in and fight while we can have England as an ally; the transfer by this Nation to England of 50 destroyers is justified because they can be operated by English sailors, rather than by American sailors. They say that we should go in now, rather than to wait to be invaded, that we should raise and send an army to help win this war. We cannot be both neutral and at war, we cannot go in and at the same time stay out.

I address this inquiry to any lawyer in this House: Suppose a person should come to you and say: "I have been informed that such and such a man—naming him—is a man of bad character, he is a bold, violent, dangerous man, heavily armed and dexterous and deadly in the use of weapons, he has taken human life, he has assaulted others; I have been told that there is a probability that he may assault me. Now, on the basis of his reputation, what he has done and what I have been told about him, do I have the legal right to arm myself and engage in mortal combat with him, and, if possible, take his life?" What lawyer would advise such person so inquiring that he had a right, under those circumstances, to seek a quarrel with and take the life of this reputed bad man? If he did, and the reputed bad man was killed by the person so inquiring, the lawyer himself would be a party to the killing.

Who, among you, if he saw two individuals engaged in voluntary combat, would walk up and give to the one or to the other a deadly weapon with which to take his adversary's life? If you did, you would be a party to the affray and guilty, as a principal, for the act of him who received at your hands the deadly weapon and used it in such an affray.

But they say that we have appropriated billions of dollars for defense, and that we must have men to man the ships, to fly the airplanes, to use the cannon, the machine guns, and the rifles, which we propose to build and manufacture. The two-ocean Navy cannot be built in less time than 5 years. In the recent field training of our Regular Army and National Guard, many of them used ice-cream trucks in lieu of tanks, stove-pipe imitations of machine guns, wooden trench mortars. Do we need men to use implements of warfare that, as yet, exist only on order and on blueprints and in the files of the War Department? Let us bear in mind the facts and the realities of this situation.

What is the history of our defense legislation? On May 16, 1940, after Holland and Belgium had been overthrown, and when France was known to be doomed, the President read his first extraordinary defense message to Congress. He alarmed the people by stating that New England is only 6 hours from Greenland, Florida only 20 minutes from the West Indies, and that St. Louis, Kansas City, and Omaha were in easy reach of foreign bombing planes. He asked for $1,182,000,000 additional for the Army and Navy, spoke of hemisphere defense, and 50,000 planes a year. It soon became apparent that the above sum was wholly inadequate to build, equip, and man the 50,000 planes. To allay the fears engendered by his message of May 16, on May 26 the President delivered a fireside chat. He assured the people that our defenses are not so weak as he had previously stated, and placed the blame for any deficiency in national defense on the doorstep of the Republican Party. On May 28, at a White House conference, he coined the word "discomboomerated," and stated, in effect, that all was well with

the country, and that he was in the White House. On May 31 he asked for an additional billion dollars, to be spent in the training of youth and skilled workmen for national defense. On June 1 the Chief of Staff of the United States Army advocated that the President be given power to call out the National Guard, and suggested that Congress authorize an increase of the Regular Army from 280,000 to 435,000 men. This apparently completed the President's plan for national defense, and on June 4, at a White House press conference, the President stated that he saw no reason why "Congress should continue to sit except for the laudable goal of delivering speeches." There was a Nation-wide protest against the President sending Congress home, and it stayed on the job.

On June 22 the House of Representatives voted a 2-ocean navy, to cost $4,000,000,000, and to build which required 6 years. On July 10, the President sends his third extraordinary defense message to Congress. He called for "total defense," asked for approximately $5,000,000,000 more for a 2-ocean navy, for an army of 1,200,000 men and equipment for an army of 2,000,000 men, and for universal conscription.

As the campaign waxes warmer and the day of election nears, we may expect more and more warlike utterances, more and more dire predictions, more and more steps toward war and toward dictatorship. More and more, if the American people but open their eyes, they will realize that these steps, crowned with the attempt to conscript the manpower and the industry of the Nation, are steps to a third term, to unlimited tenure in office by the President, and to dictatorship.

Is there an effort on foot to convince the American people that war is inevitable, that the volunteer system has failed, that the American people have become so flabby, so soft, so reduced to the status of a jellyfish, that it is now necessary that they shall suddenly become tough and warlike? That after having marched up and down lines of conflict for the past 3 years, with a chip on our shoulder, waving a wooden gun, that we must now plunge into the awful vortex and destructive cataclysm of war? Heretofore this Nation has gone to war only to gain and maintain its independence, to preserve its existence, and as a result of foreign attack involving the lives and liberty of our people. This was true in the Revolution; it was true of the War of 1812; it was true of the Mexican War, the Civil War, the Spanish-American War, the last World War.

The Declaration of Independence was the recognition of the existence of a state of war and an indictment against the sovereign power against which it was waged. Each and every one of our wars subsequent to the Revolution was declared not by the President but by the Congress. The manner in which we are being catapulted into this struggle is unprecedented. The demand for conscription at this time is a change in our traditional American military system. It will lead inevitably down the road to dictatorship and to war. What has been the success of the volunteer system in this country? It has not only been successful in the past, but is successful today. Even though there has been no Presidential call for volunteers, voluntary enlistment throughout the Nation for the last 2 months has been unprecedented.

I wish to insert in the RECORD at this point, as part of this address, a press dispatch under the date of August 22, from Morley, Tenn., a little village in the mountains of Campbell County, one of the counties of my district. From this little village of 20 families, all their sons, 24 in number, who are eligible are in the Army. The last to volunteer was 22-year-old Roy Branan, a broad-shouldered 175-pound boy towering 6 feet 2 inches in height. The same report comes from all parts of the country. Thosands of young men are on the waiting list, seeking to join the colors.

The article referred to is as follows:

DRAFT MAY CATCH MILLIONS BUT NOT MORLEY'S MEN—THEY'VE VOLUNTEERED!

(By Don Whitehead)

MORLEY, TENN., Aug. 22.—By the eternal, old Andy Jackson would have been proud of the men of Morley!

They are the same breed of lean, tough mountaineers who followed him at New Orleans against the British, into Florida against the Spaniards, and against the Indians more than a century ago.

Conscription?

Not for them.

They just up and joined the Army when the word got around that soldiers were needed to pack a rifle.

And maybe some day the War Department will put a bronze tablet in this mountain hamlet with raised letters reading:

"This is the town of Morley, Tenn., where every able-bodied, eligible man volunteered his services to his country in the year 1940."

There are about twoscore families in this village in the shadow of the Cumberland and all their sons who are eligible are in the Army. Letters come back to the little post office with strange postmarks of far-away places such as Panama and the Philippines.

Out of Morley have gone 24 youths to don soldiers' garb. The last was 22-year-old Roy Branan, a wide-shouldered, 175-pound hill lad towering 6 feet and 2 inches.

WOMAN CHAMPION RECRUITER

Roy rode down the big road with the recruiting officer early this month to leave behind the cluster of cottages, the general store, and the post office that comprise the village.

Most of the youths found their way into the Army through the one-room post office where Mrs. Carrie Witt, a middle-aged, motherly woman, gave them counsel and advice.

"I love every one of them," she said, "I urged them to join the Army because I thought they would be better off there than working in the coal mines part time or doing nothing. And, too, the country needs them."

Sgt. John B. LaPlante, recruiting officer from Knoxville, is convinced Mrs. Witt has done the outstanding recruiting jobs in the country.

"She's undoubtedly the star recruiter in the United States," the sergeant says proudly. And so it is that Morley typifies the spirit of the Volunteer State.

WON TITLE IN '47

It was in 1847 that Tennesseans won the fighting title of "Volunteers." Trouble flared with Mexico over the boundary and Governor Brown called for 3 volunteer regiments, about 3,000 men, as the State quota.

Thirty thousand answered the call!

In the World War Tennesseans flocked to the recruiting offices to volunteer, and now in peacetime the story is being repeated.

The Knoxville recruiting office in east Tennessee led the entire Fourth Corps Area of 8 Southern States in July with 290 enlistments. Memphis was second with 258.

The area had 6,769 enlistments last month, which was a record for the United States in peacetime and third of the national total.

In 1 week this section enrolled 2,033 recruits, while the First Corps Area in industrial New England had 175 and the Second Corps Area of New York and New Jersey had 275.

But none can top the record of Morley, where the youngsters are counting their birthdays until they will be old enough to "join the Army."

Mr. JENNINGS. Mr. Chairman, in view of recent events, is the voting of this conscript law to be used as a mandate for war? I, for one, am opposed to the conscription of the industries of this country, including the press and the radio, which will result in the suppression of free speech, and which will inevitably lead to the conscription of labor, and I am opposed to the conscription of the young manhood of the Nation in time of peace. I refuse to be a party to making a pawn out of the lives of American boys in such a game. We all know that this Nation is exhausted financially, that we are now unprepared for war. But it is said we should get in quickly. When it is suggested that we do not have equipment for this proposed conscript army they reply, "Oh, let's put them to digging ditches, let's make them hard and tough, let them drill with broomsticks." The great majority of those who would be drafted, taken from their homes, their jobs, their life's work are now engaged in callings that make and keep them physically fit. Certainly they would not fight with broomsticks, and there is but one way to learn to use a tank, to fly an airplane, to use a rifle, a machine gun or cannon, and that is by using the instrumentality itself.

The claim that Hitler may come over here overnight is an utter absurdity. In the first place, he has bitten off more than he can chew in Europe. In the second place, it would take him not less than 5 years, even were he the victor of Europe, to organize an expeditionary force to this country. By that time we will have a two-ocean navy. We now have the best Navy in the world.

Just what do we propose to do with this conscript army, this vast reservoir of millions of manpower? If this Government has indulged for the past 3 years in provocative acts while

our Army was small and ill-equipped, just what will it do when it gets in control of the lives and destinies of millions of our men and boys? The most drastic, the most arbitrary power of a government is that which enables it to build its manpower into a living wall of defense or into an offensive army. I am for complete defense, for adequate preparation, and have voted for every defense measure up to this time, but I deem this a wartime measure, not justified in time of peace. This Nation is no more threatened today than it was in May, when an Army of 435,000 men was deemed adequate. When the Regular Army and the National Guard shall have been filled to their full quotas we will have an armed force of more than 750,000 men. In the opinion of military experts, oft expressed, this force, when properly mechanized, is amply adequate for the defense of this Nation if we are to fight only a defensive warfare.

An effort is being made to ballyhoo, frighten, stampede, and bluff the American people and the Congress into war. And even should we go in, after the fearful loss of life that such a venture would entail, after the expenditure of uncounted billions of dollars had been made, after our whole future had been mortgaged, after the powers incident to a wartime Government had been surrendered by the people, we would still have to live in a world with the Germans, the Italians, the Japanese, and the Russians, and the futility and the madness of our engaging in a European war would again be demonstrated.

Then there is not only the loss of life, the wasting of natural resources, but there is the inevitable havoc wrought with moral and spiritual values. The American people want no dictator from abroad or at home, and yet war means dictatorship. It means loss of liberty, the destruction of our way of life.

And I do not mean by what I have said that I do not believe in the right and duty of the people and the Government to defend our national existence, to protect our rights, to maintain the Monroe Doctrine. But these objectives can be best attained, and our greatest victory for our people and for the world can be won, by adequate preparation and by remaining at peace unless we are attacked.

Are there those in our midst who are undertaking to distract the people's attention and minds from the comedy of domestic errors that has been staged in this country for the last 7 years and that has piled up a national debt of well-night $60,000,000,000, that has on its hands an army of 10,000,000 unemployed, a stagnant industry, a crippled agriculture? Are there those among us who wish to forsake the home stage upon which they have been performing and distract the people's attention from their failure to achieve a national unity, a revitalized industry and agriculture, an adequate preparation for defense? Do they now wish to assume the role of world tragedians and enter mortal combat with a foreign power?

History tells us that there was great enmity between Phillip of Macedon and his son, Alexander. Phillip was preparing his armies for an invasion of Asia. In the course of the preparation, he and his son, Alexander, both attended a banquet. Phillip became intoxicated, and in attempting to pass from one table to another, fell to the floor, whereupon Alexander said to the assembled guests: "See there the man who would cross from Europe to Asia, unable to pass from one table to another."

Our first line of defense is not on the Rhine. It is not in Europe. It is here in America. And it is altogether unseemly for those who have been unable to solve our domestic problems to undertake in such hot haste to cross from America to Europe.

Again I ask: What right have you and I to draft the boys and men of this Nation in a time of peace and push them into battle in an international poker game? What right, in the midst of a political campaign, have you to tear them from their homes, from their jobs, from their mothers, and send them out to fight or die in other people's wars? Such an action can be based upon but one just ground, and that is for the supreme purpose of saving this Nation. When that hour comes it will be time enough to pass a conscription law. We have no right to do it for the preservation of empires in whose exploits and efforts at world dominion we have no part.

Let us answer these questions to our own consciences, as we must fully answer them to our constituents. And remember this: A conscript militaristic policy once engrafted upon this Nation will never be abandoned. The history of man has been that of his struggles against his own government, rather than with that of a foreign power. What do they want with this huge reservoir of manpower? How many billions would it cost to draft and arm and maintain this conscript army? Overnight those who sponsor this law seek to set up a dictatorship, to make of this Nation an armed camp. Remember that in this preparedness program we are delegating, and have delegated, to the Government and those clothed with authority, the two mightiest instrumentalities of human power: the purse and the sword. The Government has the purse, billions of dollars in blank checks. Are we ready to give it, in the light of the facts which have just been recited, an unlimited check to be paid in the blood, the suffering, the sacrifice, and the lives of American boys and men, in a war not yet declared, in a war that we did not start, in a war that is 3,000 miles away, in a war that is the inevitable aftermath of the former World War, and but a repetition of the hundreds that have gone before it? I pray God that we shall not commit this crime, and still greater blunder, against the lives, the liberties of our people, and the perpetuity of our free institutions.

> War is a monster of so frightful mien
> That is to be hated needs but to be seen,
> But seen too oft', familiar with her face,
> We first endure, then pity, then embrace.

The people of this Nation have as their heritage the grim reminders of their participation in the last war, four cemeteries in France, the loved and lost who paid the last full measure of devotion, the thousands whose lives were wrecked by exposure, wounds, and disease, the staggering burden of debt, and billions yet to pay, the bitter, ghastly memories of its error and futility.

Let us be fair with the people. This is the last, fatal step toward participation in this war. Many powerful influences, domestic and foreign, are combining, are working day and night, to drag and push this Nation into this war. By rash words we have long been a party to it, through the sale by this Government of rifles, cannon, and naval vessels to a nation at war we have become a party to it.

And thus, by Executive action, and not by any act of Congress, we are being edged and bootlegged in. First, warlike words, then war materials, furnished in violation of our laws, passed to keep us out of war; and then, the boys.

England has declared, through her Prime Minister, that she intends to restore France, Holland, Belgium, Czechoslovakia, Poland and Norway. To do this she must wage war on the continent. She cannot do this without the aid of a conscript army of American boys.

Napoleon said: "You cannot make an omelet without breaking eggs." Nor can we restore these European nations without pouring out the treasure of this Nation like sand, and spilling the blood of our youth like water.

As the Representative of the 420,000 people of my district and as a Member of this Congress, I hold a sacred trust and am under a solemn duty. In the performance of that trust, and in the discharge of that duty I must act for my people.

Winston Churchill, Prime Minister of the British Empire, Lord Lothian, the British Ambassador to this country, are serving with great ability their country. They might have transferred to this Nation naval bases as a payment on the billions of dollars their country owes us. They chose instead to "lease" us naval bases in exchange for our war vessels. By this latter course they have involved us in the war, and they make our occupancy and defense of these "leased" naval bases a joint occupancy with Great Britain. Now, if these able and experienced British statesmen, who are serving their country with such zeal and ability, will employ their great talents in

raising a British army from the more than 450,000,000 people of that Empire, it will not be necessary by this draft bill to conscript and make liable to conscription 25,000,000 of our men and boys. [Applause.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HAVENNER].

Mr. HAVENNER. Mr. Chairman, it is very difficult to describe the emotional experience of an American liberal who is confronted with the unhappy conviction that conscription of the manhood of America is essential for the national defense.

In common with other philosophical liberals I have throughout my thinking life hated the idea of war. I have feared and distrusted the intrusion of military institutions into the fabric of democratic society, because it has seemed to me that the two things were fundamentally incompatible and that if they were forced to endure side by side the military influence might destroy the processes of democracy. In my earlier life—and indeed, up to this moment—I have opposed and denounced every suggestion that compulsory military training—outside of wartime—should ever be permitted to exist in my beloved America. I used to imagine fondly that peace on earth could be achieved by a resolute application of the doctrines of disarmament and universal friendship to our national and international policies. I was persuaded that the psychology of peace could overwhelm the forces of war in world relationships. The idea that the young manhood of America could or should be transformed into warriors was utterly abhorrent to me.

Mr. Chairman, I have no apology to offer for the idealism of my earlier life, nor do I intend now to abandon any of it save only that part which stark realism in the rest of this bloodshot world has convinced me is temporarily untenable. The dearest thing in life to me is the freedom of the American way of life. My forefathers and yours fought and died to create the Magna Carta of personal liberties which is the Bill of Rights in the American Constitution. In my humble way, I have always struggled to protect civil liberties in America against every threat of impairment or destruction. Sometimes my devotion to the Bill of Rights has made me a target for bitter criticism and denunciation. There have been occasions when the ugly eye of suspicion was directed at me because I would not submit to outbursts of mass hysteria which sought to set aside some of our constitutional guaranties of the rights of individuals. But I shall continue, so long as I live, to fight for the rights of the individual, for civil liberties, and for the preservation of the American way of life.

It is precisely because I hold these things so dear that I am now persuaded to relinquish for a while my objections to compulsory military training in America. I am convinced that today America is in danger, perhaps even greater danger than in the days when Lincoln made the world resound with his heroic resolution that the American way of life should not perish from this earth.

If Lincoln were alive now to observe the transformation of the nations of the Old World into total machines of war, if he could hear the dictator rulers of those nations boast that they have made their governments the embodiment of the modern machine age and that their immediate aim is the destruction of democracy throughout the world—if he could look across the oceans and see what has occurred so recently and so suddenly in Norway and Holland and Belgium and France—can there be any doubt what his advice to America would be? I am confident that he would not advise us to equip armies and send them abroad to fight in the hopeless wars of Europe. To such a program I feel certain he would not consent and neither will I. But I am sure that he would exhort us immediately to mobilize all of our resources, material and human, to protect the America he loved so well against threats of attack by the foes of democracy.

Mr. Chairman, I have listened at great length to the debate upon this issue, here and in the Senate. It has seemed to me that the opposing arguments finally simmered down to the bare question whether America really needs complete preparation for national defense now, or whether the asserted necessity for such preparation is a mere fiction born of war hysteria.

So far as I am concerned, Mr. Chairman, the necessity is very real, and I have regretfully reached the conclusion that an adequate national-defense program involves the participation of all citizens who are able to serve. Of course, I shall support also the amendments to the pending bill which will be offered to make conscription applicable to wealth and industry.

The dictators of the European and Asiatic war machines have no respect for anything except military power. Their individual ambitions and their philosophy of national expansion prompt them to attack all territories which they believe they can conquer. They will take whatever they can get. America's safety lies in convincing them that they cannot take anything in the Western Hemisphere. That is why we have undertaken this gigantic national-defense program, and why we are now proposing a call by law, without discrimination or favoritism, to the men of America to make this program effective.

The academic arguments against conscription in a democratic society, which in the past have been so convincing, lose force today because the world has entered an era of terrible efficiency—this era which is called the machine age. The astounding fate of France has demonstrated that an efficient mechanized military force, on land and in the air, is irresistible if opposed by a force less efficient, even if the opposing force be numerically much greater. The dictators of the machine nations have converted their entire populations into reservoirs of trained individuals from which they select the most efficient for their military adventures. They have done this with peoples who have never known real democracy and they have dedicated their military machines to the destruction of democracy elsewhere on the earth.

America, the great exponent of peace in the modern world, finds herself compelled to adopt much of the military technique of these war machines in order to protect herself against their threats. But America adopts this technique not for the destruction of democracy, but for its preservation and perpetuation. Surely, in such a cause, the end will justify the means. This truth is the more compelling because at this time no one has discovered any means of competing with the modern war machines in a contest of strength save in kind.

The war machines of Europe and Asia are based on a slave economy. They have abolished free labor organizations. Here in America our program for the national defense is dedicated to the maintenance of free labor. I say to my friends in the ranks of organized labor, who hate the idea of a military state as much as I do, that they can find convincing proof that universal service in America during the present emergency is essential to their cause, if they will but consider the fate of labor in the totalitarian states.

Mr. Chairman, I shall not support this bill with any idea that it may lead this Nation into war. Indeed my controlling reason for supporting it is that I am convinced that it offers America's greatest hope of staying out of war. I want no part of the endless quarrels of Europe. I do not subscribe to the doctrine that America can no longer adhere to the advice of its founder, George Washington, and keep aloof from foreign wars. But I am deeply impressed with the logic of President Theodore Roosevelt when he urged that our Nation should "speak softly and carry a big stick." It is because I hate war and the forms of government which live on war, because I love peace and freedom and the kind of government which will preserve them, that I am willing to vote for this measure and to dedicate my life to the cause of democracy. [Applause.]

Mr. RUTHERFORD. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. GOODWIN].

Mr. GOODWIN. Mr. Chairman, before I come directly to the subject before the House, I want to review briefly the situation and the conditions which have brought this issue to America as well as the situation and the conditions that have brought the issue to this House this week.

For the past 7 years America has been floundering through the morass of domestic economic experimentation with little regard for what was going on in the outside world. During the last 3 years we have become vaguely aware of the fact that we used to enjoy a good foreign trade with the rest of the world. In this interval, while we were preoccupied with domestic difficulties, things were happening elsewhere. The balance of power was shifting; new trade relationships were being formed; two wars were started over the national resources of Asia and the rich China trade; certain industrial powers in Central Europe, starving for natural resources, forcibly took these resources in Spain and in Africa. Then things suddenly began to come to a head in Europe. Nations that we had hitherto regarded as weak or as only second-class powers struck for a new accounting of the balance of power. Still we did not awaken. Those charged with the security of our domestic economy continued vainly with their program of panaceas to decrease unemployment and bring general prosperity and a good standard of living to our whole people. They primed the pump of public works; they loaned money and encouraged the building up of huge surpluses of both gold and goods. All of this did not seem to help much; in desperation they turned to foreign trade for a way out. Then, those in charge woke up. The foreign trade was not there. Long-neglected markets were gone. Where? To those who had been industrious while we let the lush grass of Government subsidy and unbalanced budgets grow under our feet. But just then, for reasons of political expediency, our leaders could not tell us to "get tough" and pay our way.

War was threatening in Europe. Germany and Italy said they would fight to get their markets, but we did not believe them. They had no army or air force of any consequence, so we thought. Anyway, did not France have the world's finest army? Trained, conscripted reserves. War was far away. We could go on living in luxury, pursuing our pseudo-social reforms, at the expense of a mortgage on our children and our children's children, and at the further expense of the weakening of our national moral fiber. Why should we "get tough" and pay our own way?

And then war came. The British Navy controlled the sea. France's magnificent army stood guard from Switzerland to Belgium. We had our industrial mystic M-day. All was serene, or was it? France had more men under arms last fall and winter than were needed for military operations, so she sent her conscripts to man the factories and harvest the crops.

This spring the tempo of the war quickened. Still we were undisturbed. A billion or more to be borrowed for relief. Why, it was nothing, and it was to be spent before the November election. We could waste it; war was not near to us. And then what happened? All hell broke out abroad. We awoke and rubbed our eyes. Where were the fruits of congressional military appropriations of the last 6 years? And where were our foreign markets?

This Congress has listened to and consistently voted the requests of the administration for more funds, and for our armed forces. All to provide for their utmost efficiency. Permit me here to remind all that are within the sound of my voice that I have joined with my colleagues on both sides of the House in consistently supporting all measures for an adequate national defense.

Now we come to the selective-service bill—a measure designed to conscript for Army service our Nation's manpower. On this subject I have some questions to raise and some comments to make. First, permit me to point out that I believe a year of properly guided physical training and Army discipline would do most of us a lot of good. We American men—factory workers, executives, common laborers, clerks, craftsmen, tradesmen, professional men, and farmers—would all be benefited one way or another by hard physical work and rigorous discipline. Plenty of healthy outdoor exercise with good food and regular living never hurt anyone.

Secondly, I believe that our American heritage, its principles and its guaranties, are such that all Americans are willing to endure the utmost sacrifice that their painfully bought but rich heritage will endure. Is our Military Establishment adequate to protect our people and our ideals from the dangers of an aggressive outside force? Congress and the people believe not.

That our Navy was only half what it should be is shown by the action of Congress in voting funds to double its size. We have also seen fit to vote all funds necessary to build up a highly specialized, easily maneuverable, efficient, hard-hitting Army. In addition to this, funds have been provided for the most efficient and effective air force in our history. Yet we are advised by responsible leaders in the administration that new equipment, for which Congress has appropriated funds, will not be completely forthcoming for over a year.

In this connection I wish to point out that it has been repeatedly stated on the floor of the House that the present armed forces of the United States—the Army in its present size—are far from being adequately supplied with the necessary war materials. Meanwhile, voluntary enlistments are going forward at a rapid pace. As a matter of fact, there are over 8,000 young men seeking service in the Navy—8,000 more than the Navy can train and accommodate. It has also been said from the floor of the House by men whose word and integrity are above question that we have not only failed to carry on a campaign for voluntary Army enlistments but have actually disregarded some enlistment laws. It has been brought out in debate that, in spite of this, enlistments in the Army have been going forward at a rapid pace, despite the low pay and comparative unattractiveness of that branch of the service. It is therefore evident that if Army pay is raised and the service thereby made more attractive there will be no dearth of enlistments. I believe the unemployed youth of this country, of which there is a great number, would welcome this opportunity to get ahead and save some of their income. Let us give the volunteer system a chance before we shackle American youth to a military dictatorship. Furthermore, the temperament of the American people is such that if we are actually threatened with invasion or the loss of our liberties there will be a flood of voluntary enlistments in the Army and Navy service. Also, it should be pointed out in this connection that a large army of trained reserves, trained by conscription, lacks the zeal and the will to fight of a similar army of volunteers—men who have volunteered to fight; men who have volunteered and who are in the Army because they believe it is their duty to be there; men who have the crusader's spirit in their eyes.

But if this country does resort to conscription for military service, I believe that all the consequences of such an act will not be immediately felt. There are too many ramifications for that.

The age group from 21 to 31—what about that? Who are these young men? Well, many of them are seeking a higher education. Many of them are learning trades and crafts. This education will be rudely broken into, and in the majority of cases it will never be finished. These are the young men who in 10 and 15 years from now will be the leaders of our Nation. Secondly, many of them in the older half of this age group are actively engaged in business for themselves, or have a trade of their own, are actively engaged in the professions, and most of them have a nice little practice started—what is the consequence of this? It simply means that these careers will be broken off, and they will be forced to start all over again. If we go to war, this group, which represents the flower of America's young manhood, the hope of tomorrow in the reconstruction days that are sure to come, will be badly crippled. I believe it is unwise to pick on this particular group or to draft them for sacrifice. If we are to have a universal system of conscription, let us take all men from 21 to 55 and from that group select those most competent to do the work that is necessary for the defense of our Nation. By so doing the future of our Nation will not be so badly jeopardized.

Assuming that we are to have a large armed military force, raised either by conscription or by voluntary enlistment, I think it is highly proper and pertinent that we have the neces-

sary housing facilities and training equipment for the Army when it is organized. Then, after the fundamental training period has been completed, we must have the necessary war materials at hand—materials that are used in this new method of warfare so that this vast new army can be effectively trained in the use of this equipment. Where are these facilities for housing and clothing and for training and equipping? Frankly, and sadly, I may say that we do not have them. Neither have we had plans until lately for the manufacture and construction of these facilities and equipment. True, most of the equipment is on order or is in the process of being manufactured. But we are assured that the orders for these materials will not be completed for from 14 to 16 months from the present moment. Housing facilities yet have to be constructed from funds already appropriated by Congress. The people whom we represent should know these things.

Thanks to the fact that the President called into service men completely familiar with procurement and manufacture of these much-needed supplies, we are now enjoying fairly satisfactory progress along this line, but there is already an evident need for skilled craftsmen in various lines of national-defense manufacture.

And this brings me to another point—that of the stand taken by Wendell Willkie upon this very matter. Mr. Willkie has come out in favor of conscription if it is necessary, but he has not urged Congress to adopt the law at this time. He has come out against the conscription of industry because he understands the very far-reaching consequences that are involved. He understands, assuming we have conscription and that our manpower is very generally drafted and because of the press of the national emergency our factories are drafted, that men may be taken from the ranks of the Army and placed in these factories to perform there the skilled trades and crafts that they had been following previous to their inductment into the Army. What will be the wages of these conscripted men in these conscripted plants? Will they be the wages of free American workmen? Wages that support the customary high American standard of living that is the envy of labor the world over? Or will they receive regular Army pay plus a small additional compensation for their specialist rating? I believe these were the thoughts in Mr. Willkie's mind when he said he could not be for complete conscription of industry. He was not referring to capital and management alone. He was referring to the labor of the plants as well. He was disturbed immeasurably by the threat to the American standard of living. He was disturbed immeasurably by the thought that free American workmen, skilled in their crafts by long experience, would be forced to work for their own Government and for factory management at wages far below the customary standard. He realizes that this is the totalitarian way. He could also see that this might even mean regimentation of farm labor on the same basis. Now, remember, this is just the step that France took when she found she had taken her skilled labor from the factories and the farms and when she had more men in her Army than she needed; more men in her Army than she had equipment for. The President speaks of retaining all of our social progress. Mr. Willkie is concerned not with the academic aspects of the situation but the real consequences.

Suppose this Burke-Wadsworth bill passes. The way it actually operates is this: Of all the registrants found fit for service, 1 out of 10 is drafted for induction into the Army. He will go into the service for 1 year of training. After that he automatically becomes a member of the Organized Reserves of the United States and is subject to call for any national emergency for any time within the period of the next 10 years. The President, then, and the military authorities have close control over this young man all during that time. After his 1 year of service in the training section of the program he is permitted, if quotas and vacancies exist, to enlist in the Regular Army; but if those quotas are purposely kept down, of course, he will have to remain on call for the next 10 years of his life. The consequences of such action are obvious. One man in 10 is inducted into the service. What happens to the other 9? I wonder what each tenth one will think of this opportunity that the other 9 are missing. Is this democracy or is it servitude?

Why do not the executives of our country give our people—the people who have elected and hired them—all the facts in the problems involved? You know, my colleagues, the American people are entitled to know what is going on in their Government. That is our way.

There is one fundamental lesson in national defense that is apparent from the present struggle in Europe. It is that large masses of reserves, immobile for many reasons, are not an effective guiding force as compared with highly mechanized, well-supplied, highly trained, efficient armies of extreme mobility. It has been repeatedly stated here and in committee hearings that this would be our fundamental plan of operation. The General Staff has revised its plans in an attempt to bring about such conditions. I commend those in charge of our military affairs for adapting themselves to changing times and changing conditions.

In conclusion, I believe we should give the American system a chance. I believe we should not endanger inalienable rights of Americans to live as a free people and to think and act as they please. I believe if there is a definite crisis and the American people feel there is one they will enlist in an army in such numbers as to be more effective than a great mass of involuntary conscripts. Let us go after this problem the American way.

Mr. MARTIN of Iowa. Mr. Chairman, I yield to the gentleman from Michigan [Mr. JONKMAN] 5 minutes.

Mr. JONKMAN. Mr. Chairman, the issue on this conscription bill is, Are we creating an army to defend and preserve our American freedom or are we creating a dictatorship which of itself will destroy that freedom whether we are ever attacked or not?

The very arguments used in defense of this measure are so flimsy as to lead to the conclusion that we are being propagandized into something.

Gentlemen say this must not be called a conscription bill; it is only a selective-service bill. This in the face of the fact that the bill provides a $10,000 fine or 5 years in prison for any person who evades registration or service under the act.

Gentlemen say we do not want our boys and men, if war should come, to go without proper training and be slaughtered like many of our volunteers in the World War. The simple answer to this is whether as conscripts or as volunteers they are not being called for war, not even for defense, but to train for defense. This will certainly act alike on volunteers and conscripts.

Another argument is that conscription is the only democratic way to raise an army. If the question was not so serious, this argument would be humorous. To say that the herding together of an army by the whip of military conscription is more democratic than the military strength which springs from the moral strength of free men willing and ready to defend their freedom is too propagandish to be swallowed by the most gullible.

Mr. PATRICK. Will the gentleman yield?

Mr. JONKMAN. Yes; I yield.

Mr. PATRICK. Does the gentleman feel that conscription would not more properly distribute the additions to the Army than the present system?

Mr. JONKMAN. It has been explained on the floor that this conscription bill is nine-tenths lopsided.

Mr. PATRICK. What is the gentleman's answer?

Mr. JONKMAN. I have answered the gentleman's question. I refuse to yield further, Mr. Chairman.

The main argument is that we could not raise a sufficient Army by voluntary enlistment. In other words, the administration, administration leaders, and spokesmen are selling the American people short. They say, in effect, that democracy is outmoded and belongs to the "horse and buggy" age because it will no longer defend itself even from attack and destruction. They say, in effect, that the American people no longer possess sufficient patriotism, love of country, and love of freedom to even defend their lives and liberties

against foreign invasion. Remember, members of the Committee, this is mobilization, not for an aggressive war on some other nation but for defense of our free institutions in case of attack. Does any sane-thinking patriotic American believe that even after 7 years of the New Deal our national morale has fallen to such low levels? Then, may God preserve us. But, members of the Committee, this premise is just as false as the others. If the Commander in Chief of the Army and Navy, and the Army Staff, could at any time in the last 5 months, and ever since May 16 last, have made up their minds whether they needed a half million or 5,000,000 men for defense, they could, by a call for volunteers and selection for service, have had all they needed and could train before today.

This is not the first time the New Deal has indulged in such propaganda against American institutions and traditions. The New Deal has constantly sought to unload and throw overboard American free institutions and traditions.

First in 1933 they threw the Democratic platform, the Democratic Party, the Carter Glasses, and Al Smiths overboard. Then they loaded up with braintrusters, the Tugwells, Cohens, and Corcorans with their socialistic ideals.

Then in 1933 the New Deal sold American industry and business short and tried to throw it overboard. American industry, the New Deal said, could not run and did not know its business. So, under the N. R. A. they tried to form a great collectivist state with everybody's business under a planned economy directed from Washington. But the people would have none of it and now after 7 years of belittling and attacking big business, the New Deal is in the abject humiliation of asking the Knudsens and the Stetinniuses of big business to run the Government, while the New Deal is running all over the country seeking third-term votes.

In 1934 and 1935 the New Deal sought to sell the Constitution short and throw it overboard. It said the Constitution was outmoded and belonged to the "horse and buggy" age.

At the same time, the New Deal sold an independent Congress short and threw it overboard. With the juggernaut of a dictator it reduced the Congress to a rubber stamp and instructed it to pass "must" legislation regardless of its constitutionality. But today we have again an independent Congress and the Constitution is still the supreme law of the land.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. JONKMAN. I do not yield. My time has been cut in half already.

Mr. GREEN. I was just wondering——

The regular order was demanded.

The CHAIRMAN. The gentleman refuses to yield.

Mr. JONKMAN. In 1937 the New Deal sold the Supreme Court short and tried to dump overboard that independent branch of the Government. It tried to browbeat the Supreme Court into regarding the Constitution as a mere scrap of paper and take its orders from a dictator as the Congress was doing. When this failed the New Deal sought to unload the independent Supreme Court by the court-packing scheme. But again the people of the United States refused to be misled and came to the rescue of the foundation stone of a free government.

The New Deal administration has thrown the anti-third-term tradition overboard, which has always been considered a step toward dictatorship. It is therefore entirely consistent if in one final effort it tries to throw all our free institutions and traditions overboard by a peacetime totalitarian conscription.

That is the science and psychology of a dictatorship. Keep battering and hammering away at democratic institutions and traditions until the people lose their grip on them.

The Burke-Wadsworth bill is unnecessary. It would in peacetimes abolish the civil government and set up a totalitarian military dictatorship although there is nobody to fight with and nobody against whom we have to defend ourselves. And yet administration leaders predicted immediately upon its appearance that it would pass both Houses in a week.

The conscription bill purports to be drawn in New York. But the people may well ask themselves whether it is not just as spurious as the Chicago draft for a third term. Before the people cash this New York draft they may well inquire whether it is not a forgery drawn in Washington by those who drew the Chicago draft and are selling America into the slavery of a dictatorship.

It is well for us to remember the scriptural admonitions: "By their fruits shall ye know them." The New Deal tree has brought forth little but dictator buds. Fortunately they could not stand our democracy's climate. But it is still true that eternal vigilance is the price of liberty.

It seems certain that for the next 25 or 50 years we will need a much stronger Army and Navy than in the past. Until these totalitarian creeds and trends have burned themselves out we will have to be prepared to defend ourselves against them. This program calls for a highly mechanized army immediately and continuously.

To say that we will meet this situation with a call for a half million volunteers, to train for 1 year at $30 a month, with some well-grounded and well-considered plan for 1 year, military training for our young men each year thereafter, would be preparing a sound, practical, democratic defense.

To say that we must meet this situation by immediate resort to a totalitarian military dictatorship by universal conscription is quite another thing. In addition to the Regular Army and the National Guard we could not house, clothe, and equip a million men; no, not even a half million men within a year. This plan is entirely consistent with the spirit of the acceptance speech of the New Deal candidate for Vice President, Mr. Wallace. With the President's apparent approval he apparently is not only for getting into the war, but to out-Hitler Adolph Hitler in doing so.

It must be borne in mind that our objective is to preserve and maintain our freedom and our free institutions; that these would be destroyed more swiftly and certainly by the establishment of a dictatorship than by the attack of any foreign foe if we had only a reasonable defense. Our concern should therefore be to provide an adequate defense against foreign attack without endangering or destroying our freedom from within.

Let me close with a quotation from Abraham Lincoln's speech at Edwardsville, Ill., on September 13, 1858, which is just as good gospel today as it was in his day.

> What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoasts, our Army, and our Navy. These are not our reliance against tyranny. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

[Applause.]

Mr. MAY. Mr. Chairman, I yield to the gentleman from Florida [Mr. GREEN] 1 minute.

Mr. GREEN. Mr. Chairman, I was somewhat amused at the gentleman from Michigan [Mr. JONKMAN], who has just spoken. I wanted to ask him a question, but he did not have time to yield, and so the gentleman from Kentucky has yielded to me. I would like to know, if the New Deal has been such a failure, has the increase of bank deposits from $38,000,000,000 to $56,000,000,000 benefited your people? If no banks closed to speak of under the New Deal administration, as against about 10,000 under the Hoover administration; if the checks which have been mailed to your farmers have been of any benefit? How about the Reconstruction Finance Corporation? How about the income of the American people which under Mr. Hoover was $38,000,000,000 and during the last year is about $70,000,000,000 and probably will go to $80,000,000,000 during the next 12 months? [Applause and laughter.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I have no further requests for time on this side.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CROWTHER]. [Applause.]

Mr. CROWTHER. Mr. Chairman, in relation to the transfer of the 50 destroyers, I was reminded to go and look again at the Farewell Address of our first President, George Washington, who said in one paragraph as follows:

> Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one forengn nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

I believe the people of the country may be interested to review that address in the light of recent events.

Mr. Chairman, much caustic criticism has been hurled at the volunteer system of enlistment, and it has been charged that such a system is totally inadequate as a means of supplying the necessary quota demanded by the militarists. This criticism with its wise cracking suggestion that it is merely an opportunity for the slacker to "let George do it" is an insult to the young manhood of this great Republic. The 563,000 volunteers who were recruited during the first 5 months of the last World War are the answer to that unwarranted charge.

If Army officials had observed the spirit of the law and permitted 1-year enlistments the necessary quota would have been obtained without the blare of band music and billboard propaganda.

During the World War the American doughboys proved themselves quite equal if not superior to the highly trained personnel who opposed them. They were advised that their duty was to make the world safe for democracy. Twenty-two years have passed since the signing of the armistice and now a new generation of American manhood is to be conscripted to make America safe for democracy.

The repeal of the embargo contained in the so-called Neutrality Act was the first serious mistake.

The transfer of the 50 destroyers was the second mistake and is recognized by authorities in international law as an act of war.

This compulsory conscription bill follows in sequence and will be the third tragic error.

Our first line of defense is on the sea and our second line is in the air. With these two lines of defense perfected and sufficiently powerful, we have with the Regular Army and National Guard as now constituted a fully adequate land force which can be gradually enlarged by volunteer recruits if future developments warrant.

I have a keen sense of my responsibility in this tremendously important decision. I have told my people that I would never vote to send an American soldier to fight in a European war. If I supported this bill I should consider that promise as half broken. I shall vote against conscription. [Applause.]

Mr. ANDREWS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, during the debate on the Burke-Wadsworth bill much has been said on volunteer recruiting for both the Army and the Navy.

For the information of my colleagues, there is herewith presented up-to-the-minute information on the subject as furnished by the Secretary of War and the Secretary of the Navy as of September 3, 1940.

According to the Secretary of War, the Army recruiting program is as follows:

> Early in the fiscal year 1940, due to the Panama and Air Corps expansion programs and the subsequent Executive increase issued under the limited emergency powers of the President, the authorized enlisted strength of the Army was increased from 165,000 to 227,000, which strength was reached by February 7, 1940. There then resulted a period when the only recruiting was to maintain the Army at its then authorized strength. On May 16, 1940, an additional 15,000 men were authorized. On June 19, before these had been secured, the strength was further increased to 280,000, the maximum then authorized by law. This figure was superseded by congressional action which fixed the enlisted strength of the Army at 375,000. During this time the recruiting service was intensifying its efforts, and the recruiting campaign gathered momentum, with resulting strengths as follows: June 30, 1940, 246,949; July 31, 1940, 270,183; August 22, 1940, 285,000 (estimated).
>
> The following table shows the monthly enlistments in the Army from Jan. 1, 1939, through July 31, 1940:

| | |
|---|---|
| January 1939 | 3,872 |
| February 1939 | 6,108 |
| March 1939 | 7,328 |
| April 1939 | 5,442 |
| May 1939 | 6,736 |
| June 1939 | 6,946 |
| July 1939 | 7,162 |
| August 1939 | 9,259 |
| September 1939 | 14,765 |
| October 1939 | 19,815 |
| November 1939 | 17,286 |
| December 1939 | 16,530 |
| January 1940 | 17,820 |
| February 1940 | 9,151 |
| March 1940 | 8,374 |
| April 1940 | 6,274 |
| May 1940 | 9,492 |
| June 1940 | 23,444 |
| July 1940 | 31,953 |

Mr. Chairman, since receipt of the above information the War Department is authority for the statement that the enlistments for the month of August have already reached 38,333 men, and by the time final reports for August are received the number will reach an all-time record of 45,000.

These enlistments are for 3 years with a base pay of $21 monthly. It is apparent that if the Army's recruiting campaign can produce 45,000 recruits for the month of August, they should reach 60,000 in September and continuing at such a pace it is a matter of time until the Regular Army plus Reserves now totaling approximately 686,000 will be increased to the Army's objective of 1,000,000 men by February 1941.

This can be accomplished on a voluntary basis for 3-year enlistments, and with a modified plan of 1-year enlistments it is certain that an even greater enrollment will result, thus proving that the so-called failure of the volunteer system is a myth.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. ANDREWS. The gentleman served in the Navy, not the Army, did he not?

Mr. VAN ZANDT. Yes; I served in the United States Navy.

Mr. ANDREWS. The gentleman must know that a 1-year enlistment army is no good.

Mr. VAN ZANDT. But you have a 1-year enlistment army under your conscription plan.

Mr. ANDREWS. No; that is for trainees.

Mr. VAN ZANDT. The bill, as I read it, states "for training and for service," which means they can keep them for 12 months, or a longer period, if necessary.

Mr. ANDREWS. The Regular Army is based on a 3-year enlistment.

Mr. VAN ZANDT. That is correct, but in an emergency it will be necessary to keep the selectees for a longer period.

Mr. ANDREWS. The gentleman was in the Navy. I suspect had he been in the Army he would know that an army cannot be based upon a 1-year enlistment.

Mr. VAN ZANDT. Is it not a fact that the World War army was made up of men who had less than 1 year's service? [Applause.]

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. ELSTON. Does the gentleman know of any particular reason why a man who would voluntarily enlist and be placed in the Reserve Corps would be any less a soldier than a man who was drafted?

Mr. VAN ZANDT. My service, of course, was in the Navy, but I associate daily with many men who were officers in the Army, and I have yet to encounter one officer who would not

rather have enlisted men on the voluntary basis than a draftee or a conscript. [Applause.]

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. CORBETT. The gentleman is a past national commander of the Veterans of Foreign Wars and is very familiar with the attitude of the vets because of his travel through the country. Does the gentleman believe there would be adequate volunteers if those young men and those veterans believed the country in imminent danger of attack?

Mr. VAN ZANDT. Absolutely; yes.

Mr. CORBETT. That has been admitted on both sides of the aisle today. The very fact, therefore, that we are attempting to secure these men is proof of the fact that there must be some other reason than the danger of immediate or imminent attack. Does the gentleman agree?

Mr. VAN ZANDT. I agree with the gentleman.

Mr. MAY. Will the gentleman yield?

Mr. VAN ZANDT. I will appreciate my good friend the gentleman from Kentucky [Mr. MAY] allowing me to discuss Navy recruiting figures, my branch of the service.

Mr. MAY. May I say to the gentleman he is in error, unintentionally, of course, about the authorized strength of the United States Army. The Regular Establishment is authorized for 400,000 instead of 375,000 men. The limitation by appropriation, however, is 375,000.

[Here the gavel fell.]

Mr. ELSTON. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. VAN ZANDT. In reply to the gentleman from Kentucky [Mr. MAY] I wish to say that I quoted from a letter received from the Secretary of War, dated August 30. Apparently he is not up to the minute on the strength of the Army.

Mr. ELSTON. Will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman.

Mr. ELSTON. The gentleman has given some very interesting figures on enlistment. Does the gentleman not know that before the Committee on Military Affairs representatives of the colored race appeared and entered a very vigorous protest because the Army was permitting only a certain limited number of colored men to enlist and that at the present time there are a great many of the colored race in this country who are asking for the privilege and opportunity to enlist, which has been denied them?

Mr. VAN ZANDT. The gentleman is right. I recall reading that testimony from the printed hearings.

Mr. ANDREWS. Will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from New York.

Mr. ANDREWS. Since the adoption of the National Defense Act, I may say that in conference agreed to by the House and Senate, the proportion of enlistment in the Regular Army today granted to all races—white and colored—has been exactly the same, a ratio of 1 to 10, the same as the population of the United States.

Mr. VAN ZANDT. I thank the gentleman for his contribution.

Mr. SPARKMAN. Will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Alabama.

Mr. SPARKMAN. I was interested in the statement the gentleman made to the effect that he never saw an officer who did not prefer a volunteer to a draftee. The gentleman has come in contact with a great many ex-service men and he himself was in the World War. He certainly does not intend to leave the impression that during the World War the volunteer made a better soldier than the draftee?

Mr. VAN ZANDT. During my service in the World War, I did not know whether a man was a draftee or volunteer. As a matter of fact, my statement a few moments ago was based on the opinion of officers, and not my own. Many of my good veteran friends were drafted and served honorably and with distinction.

Mr. Chairman, according to the Navy Department, there is no problem involved in securing recruits. In fact, every month has found a waiting list of eager young Americans, the majority of whom are high-school boys and college men.

The following information furnished by the Navy Department is inserted herewith and reveals facts and figures concerning the recruiting records of the United States Navy:

| | Quota | First enlistments | Waiting list |
|---|---|---|---|
| 1939: | | | |
| January | 1,450 | 1,455 | 7,567 |
| February | 1,225 | 1,206 | 7,401 |
| March | 875 | 1,025 | 7,623 |
| April | 800 | 852 | 7,911 |
| May | 1,150 | 1,124 | 6,792 |
| June | 1,815 | 1,758 | 5,302 |
| July | 1,050 | 1,099 | 5,190 |
| August | 1,700 | 1,645 | 4,320 |
| September | 3,565 | 3,419 | 3,276 |
| October | 3,715 | 3,634 | 4,028 |
| November | 4,015 | 3,825 | 3,263 |
| December | 4,415 | 4,404 | 1,899 |
| 1940: | | | |
| January | 3,300 | 3,588 | 2,340 |
| February | 3,100 | 2,819 | 2,375 |
| March | 3,300 | 3,401 | 1,666 |
| April | 3,615 | 3,572 | 1,276 |
| May | 2,565 | 2,716 | 2,001 |
| June | 4,415 | 4,110 | 2,822 |
| July | 5,840 | 5,002 | 3,409 |
| August | 5,368 | 5,478 | [1]8,119 |

[1] Estimated.

Mr. Chairman, it is well to mention that during the World War not one drafted man was inducted into the United States Navy. The same will be true during this period of limited emergency or in the future because the monthly quota of the United States Navy is based on the completion of new ships. In other words, as fast as the ships are completed the men are recruited from the Navy's monthly waiting list.

A close analysis of the information furnished by the War Department and Navy Department is proof of the statement that volunteer recruiting is a success and is capable of furnishing the needed manpower in both the Army and Navy if put to a fair test. [Applause.]

Mr. MARTIN of Iowa. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. BRADLEY].

Mr. BRADLEY of Michigan. Mr. Chairman, I have been very much interested in the very able and learned discussion on this so-called Burke-Wadsworth bill, not only in the House but likewise in the Senate for the past several weeks. I have the most profound respect and admiration for our very able colleague and my very good friend, one of the coauthors of this bill, the Representative from New York, JIM WADSWORTH. I admire him, and I respect him. I know of no Member of either body of this Congress who is more sincere in his service to our Nation nor who is a more conscientious servant of the people, no one who is more patriotic in his intentions. I am very certain, Mr. Chairman, that in whatever measure he may have participated in drafting this legislation, he was inspired by the most lofty of motives. To err is but human. We all make mistakes, and in my humble opinion, in this instance, I deeply regret, honest as his intentions unquestionably are, that I find the gentleman from New York, JIM WADSWORTH, advocating peacetime conscription of this Nation. I am unalterably opposed to this measure in principle and in spirit.

Mr. Chairman, I have just returned from an all too brief trip among my constituents back in the district which I have the honor to represent. I was amazed to find how little the folks back home appreciate the vicious possibilities in this conscription legislation. I found that people had given a great deal of consideration to as much of it, and as much of the implications of it, as they had gleaned from the information given to them through our regularly constituted sources of information—the press, radio, and motion pictures. From talking with these people, I became justly alarmed at the fact that they have not been given the true picture of the situation with which we are faced today; and when they do grasp the implications, they are justly alarmed, and I must say rightly and greatly incensed.

Mr. Chairman, the American people have the right to be taken into the confidence of the Government of the United States. They should be told the truth, and if they are told the truth, they will voluntarily arise to meet any and all dangers with which this Nation may be faced. But it is our

responsibility, as servants of the people, to see that they are not being made the dupes of international bankers, of international investors, and above all, of self-seeking political bureaucrats endeavoring by a wave of war hysteria to perpetuate themselves in office.

To illustrate: Some time ago a gentleman sat down beside me on a plane in Cleveland en route to Detroit. Upon learning that I had come through from Washington, he was quite interested in the latest developments in Washington; and among other things he said there was one action the President had just taken of which he heartily approved—that of the transfer of obsolete American Army airplanes to the allies. I asked him how he thought that planes, which were obsolete to us, might be of value to the allies at that time when they were being overrun by the German air force. And when I told him that, instead of being obsolete planes, they were the latest dive bombers with which our naval air force and Marine Corps air force had become possessed, not one of which was a year old, his indignation was actually unspeakable. He questioned my integrity, but I assured him that occasionally even a Congressman did find out the truth about some things, about which unquestionably misinformation had been handed to the press for release.

Illustrating again, Mr. Chairman, I find that a great many people—probably with considerable justification—feel that some sort of a training program for the youth of this Nation is, perhaps, justifiable in the light of world events. But these people had been led to believe that these boys whom we are talking about taking away from their homes and from their jobs and from the farms—yes; and from the sidewalks of New York, if you please—are going to be sent to a training camp as they were in the World War, where they will learn discipline, where they will learn the manual of arms, where they will learn how to handle a rifle, where they will do calisthenics to toughen themselves. But, on the other hand, when you tell them that this program calls for those boys to be inducted into the Regular Army and the National Guard and the Navy and to be assigned to regular units wherever they may be stationed—anywhere in the Western Hemisphere or in the Philippines—not actually going into training, if you please, but going into the Regular armed forces of this Nation; indeed, on an inferior status to the regular voluntary enrollees of those armed forces. Then, Mr. Chairman, they do indeed become indignant because of the fact that they have not been told that this is the present program. And they have not been told that if, in the opinion of Congress, the "emergency" still exists at the end of their 1-year enlistment period, they can be kept in the Army for as long as the emergency exists, not 1 but 10 years or even 20 years, unless they become 45 years old in the meantime. On top of that, in any event the enrollee shall be kept in the Reserve Army for 10 years.

And so I find my constituents asking me a number of questions, seeking information which they should have been given by this administration, which is inspiring this measure at this time in order to continue to promote a war hysteria aimed at a third term—yes, a draft of a one and only "indispensable man" to lead us on to what—bigger and better wars, with the inescapable aftermath.

Yes; they want to know where these boys are going to be trained; they want to know with what they are going to be trained; they want to know where and under what conditions they will be housed, clothed, and fed; they want to know what hospitalization will be offered if another "flu" epidemic should strike; they want to know just what commitments have been made actually to actively involve them in this European war within the next few months. These people want to know, Mr. Chairman, honestly and frankly, just what are the dangers of invasion of this Nation or of this hemisphere; they want to know just what investments in Latin America those same boys will be called on to police.

The American people want to know what commitments our Government has made to the English people. They are entitled to know. Mr. Chairman, Adolf Hitler has been rearming his country for the past 7 years. Russia has been arming longer than that—with the blessing of the White House inspiring American financial aid and American equipment. Mussolini has followed suit. The whole world has been arming. England and France have long since ceased to pay us interest or principal on their war debts contracted in 1914–18. They have begged off on the grounds that they needed that money for their rearmament program. America has constantly sought to disarm the world. A few years ago, when the world was at peace—albeit the rearmament race in progress—we served notice on the world that we would no longer become the arsenal for warring nations.

We saw Mussolini ruthlessly invade Ethiopia. There was no call for conscription then. During the Spanish trouble, which the whole world recognized was a proving ground for implements of death and destruction for this present conflict, we held ourselves aloof. There was then no hysteria created to rearm America. No voice was raised for conscription. When Japan overran China, did we call for conscription? We did not. But we did indulge in supplying arms and ammunition and implements of war to both sides of that struggle. You recall, Mr. Chairman, that when Russia invaded Finland, our sympathies were, naturally, with the Finnish people. And we loaned them money and shipped them matériel of which, incidentally, our Army and Navy have not yet become repossessed in kind. But there was no voice raised for conscription. Instead of that, you will recall that we had a neutrality law on the books. Did the President or the State Department officially declare that a war was going on in Finland or in China? They did not. I remind you that when questioned about it, the State Department replied that the neutrality law was not made operative in Finland because American interests were not in jeopardy, it was not made operative in China because our financial interests would be further jeopardized.

When Germany overran Poland, when she overran Norway and the Lowlands, there was no call for conscription and no request from this administration for any greatly increased armaments. But, Mr. Chairman, when conscripted France capitulated, and Britain was left alone, then, and not until then—in an election year—do we hear the call raised for conscription. Then, and not until then, do we hear the old familiar cry of 1916 that the Americas will come next.

Why is it, Mr. Chairman, that our Federal Bureau of Investigation is permitted to give to the press the facts and figures on the numbers of foreign propaganda agents operating in this country from Russia, Germany, Italy, France, Japan, China, and others, but is not permitted to disclose the facts and figures on the British agents running loose in this Nation? Why is it, Mr. Chairman, that when questioned about it at a press conference some time ago the President of this Nation emphatically denied that there was any truth in the rumor that we were offering to trade some 50 old destroyers to Great Britain in exchange for 99-year leases on air and naval bases in British possessions in this hemisphere? And why is it that just 24 hours later the President announced the negotiation on British bases but still refused to comment on the trading of American destroyers? Why is it that the President recently endeavored to transfer to England the mosquito fleet built by American dollars on British plans? Why is it that he now, upon what many attorneys of note claim is the thinnest possible shred of legal opinion, announce the completion of negotiations to transfer 50 World War destroyers to England? Mr. Chairman, we are told we need a 2-ocean navy. I voted for it. If these destroyers are of value to England, why are they not to us? Oh, I was in Panama this winter when some of these same boats were being recommissioned and put into our own patrol duty. Why are they now suddenly become obsolete? They were good enough for patrol then, and, so far as I know, we are still committed to carry on that same patrol. And just what more are we committed to supply? Why is it the British Ambassador, Lord Lothian, mentions that the exchange is to be "for naval and military equipment and matériel"?

Just how much more military equipment and matériel are we supposed to supply England? Is it our air force and pilots next? Why is it that our local newspapers today carry the story that the British man of the street at last feels

that they have one ally on their side? Why is it that Winston Churchill can state that Anglo-American relations are going "to roll on like the Mississippi," and "let it roll on full flood, inexorable, irresistible to broader lands and better days"? Why is it that former War Minister Hore-Belisha spoke of a possible common citizenship between the people of Britain and the United States? Churchill has stated that this war will go on until Hitler is exterminated. Mr. Chairman, the American people demand, and they are entitled to know, whether or not this conscription bill means that American boys are again going over to Europe. Oh, you can say that it takes an act of Congress to declare war. You can say that the Congress of the United States controls the destiny of this bill and the destiny of these millions of American youth in the future. Mr. Chairman, just what has Congress controlled over the past 8 years? Where is our time-honored triumvirate form of government with the executive, judicial, and legislative branches of this Government acting as a team? The American people want to know whether we are sacrificing our American republican form of government for a totalitarian form of Hitler's national socialism in America in order to defend ourselves from the European national socialism of Hitler? Where are all you patriots who in 1938 campaigned on the slogan that "you would never vote to send another boy to fight on foreign soil"? Oh, since when has the Argentine, Brazil, Bolivia, Mexico become our own native soil—our own native soil?

Mr. Chairman, the American people want the answer to this one question. There is no question about our sympathies. They are overwhelmingly anti-Hitler, his methods, aims, and ambitions, but if you have committed us to enter this war on the side of England, why have you not the courage to come out and say so and stop beating around the bush? America will tolerate no American Hitler. Your oft-quoted and politically expedient "short of war" is becoming as outmoded as your aid to the forgotten man. You should change your tune. You have forgotten the American people. The American people, Mr. President, demand that you come clean right now. If we are in real imminent danger, you should be the first to throw political expediency out of the window. You have not done that yet in 8 years of your administration.

Mr. Chairman, when the day comes that this Congress votes in peacetime to conscript the youth of this Nation, the industry of this Nation, the labor of this Nation, and the wealth of this Nation you will have established a military dictatorship that will spell the doom for our republican form of government. [Applause.]

Mr. SWEENEY. Mr. Chairman, one hesitates to take up the time of the Committee at this late hour. I have waited all day to get recognition despite the fact that my great friend the gentleman from Kentucky, the distinguished chairman of the Committee on Military Affairs, announced on the floor of this House a few moments ago that he had no further requests for time. I forgive him, although I made no less than six requests to speak during the day.

Mr. MAY. Mr. Chairman, I yield 3 additional minutes to the gentleman from Ohio.

Mr. SWEENEY. I thank the gentleman from Kentucky. This is the Congress of the American people, the legislative branch of the Government. I am grateful, up to now, that the right of free speech has not been suppressed. Hence, I make bold to say I am opposed to peacetime conscription because I believe it to be the very negation of democracy. It is the beginning of the end, as the previous speaker who just left the floor well said. It is the beginning of the conscription of labor, the beginning of the conscription of capital. I am not for the conscription of capital or men in a democracy, but if we are going to conscript flesh and blood, we dare not refuse to conscript industry and wealth. I believe we can get a voluntary military system in this country, without resorting to a draft of American youth, and I am not afraid of the hysteria that is going throughout the country—well organized by warmongers—that some bogeyman is coming to invade America within the next few days or weeks. Based upon that hypothesis, I do not go along with the advocates of this measure any more than I would go along if somebody rose in the well of this House and said, "We had better cover up the dome of the Capitol tonight, a meteor is going to fall and crush this building."

Mr. Chairman, the same propaganda was used in 1916 and 1917, preceding our entrance into the last World War. Then they told us that the Kaiser was the "beast of Berlin." He had the undersea power to reach America by submarine warfare. They quoted what he said, that he was going to impose upon the entire world the Germanic philosophy, and said we had to be prepared. Great Britain built up a great propaganda agency and spent $75,000,000 in the United States to subsidize the American press. Have we forgotten the activities of Lord Northcliffe? They did not use the radio then as it is being used now, nor the motion-picture screen, as we know through recent developments, the propaganda war films. But they finally got us in. The sum total of our participation in the World War was approximately 100,000 dead American boys, fifteen or twenty billions of war debts still unpaid, and approximately 345,000 boys in hospitals today, or receiving medical treatment; and the world got out of it, as some speaker said tonight, a Hitler, a Mussolini, and a Stalin, offsprings of British imperialism.

Thank God, there is no stain on our escutcheon. The Government of the United States refused to ratify the treaty of Versailles that brought about this second world war. We were present at the treaty-making conference through our representatives, but the country said, "No," when the United States Senate refused to ratify such an infamous document.

Back in the days of the first World War they did things in reverse from what they do these days. They declared war first—they had the courage to do that back in 1917—and conscripted manpower later. A new system is invoked today—conscript manpower first; war comes along without a declaration. We are starting to imitate the dictator nations of Europe and Asia. They do not declare wars any more; they are all undeclared wars; and so we, in reverse, put in conscription first. I am here now to say, in my humble opinion, that it will not need a war declaration to send our boys across the ocean. The Congress may just as well go home in the light of events taking place daily in official Washington. There is no mistake about it. We are no longer neutral. War is just around the corner. This conscription bill is step No. 4 toward war.

I was bold enough in May of 1939 to make the statement on the floor of the House when I protested the official visit of the British King and Queen that only imperialistic Britain could get us into another world war. I know that some of my colleagues facetiously said at that, "Because of his ancestors or because of his lineage, he is twisting the lion's tail." My home and my birthplace is the United States of America. I am concerned with the welfare of my country over that of any other nation on earth. I was fearful of Great Brtiain, more than any other nation in the world, because Great Britain did bring us into the last World War. The perfidy of our British Ambassador, Walter Hines Page, and the propaganda of Lord Northcliffe brought us into that bloody holocaust to make the world safe for democracy. That is what I was thinking about when I warned against official visits of foreign rulers. I did not want to see a repetition of 1917 and 1918 in my lifetime.

I said that the first step toward war would be when you received officially the British King and Queen in June of 1939. Oh, many of you innocently went over there under the Capitol dome graciously to shake the hand of His Majesty and Her Majesty, not knowing that you were then stepping into the war, making the first step.

You took the second step when we were called into special session last fall, when our neutrality laws went out the window and you lifted the arms embargo to aid the synthetic democracies of Britain and France.

The third step was taken yesterday by the President of the United States without your consent, you the people, you the representatives of the people, when he traded 50 of our destroyers for some leaseholds in the Western Hemisphere. The last step will be when you conscript American boys in peace-

time, and then it will be boys, boys, American boys, to pull the chestnuts out of the fire for imperialistic Britain.

Oh, sugar-coat this pill if you will. Say we are going to see that these young men get their jobs back when they come back. You told them that in the last World War, at least the industrialists told them that. The 23,000 new millionaires of the last World War told them that. When they came back they could not get their jobs. They had gone away with confetti and flowers strewn in their path and bands playing, with promises never to forget them when they came back. They kissed their loved ones farewell and took their stand in the filth and blood of the war trenches of Europe. When they did come back—those that did come back—they walked in idleness, thousands of them, through the industrial cities and on the farms looking for work when there was no work. In large part, the promises made were soon forgotten.

Then there came a time, in 1932, when I was here in Congress, when 15,000 World War veterans squatted in the mud flats of Anacostia, across the river from the Nation's Capital. Men who wore the Distinguished Service Cross and the Congressional Medal of Honor, who came to lobby for the acceleration of a payment the Government promised them, the bonus, if you will, only to be shot at, only to have the machine guns turned on them by the order of a President of the United States and driven from the Nation's Capital. I lived to see that. I went down in my pockets, like many who were here then, and gave these men, these idle, starving war veterans, money to buy clothes and food and blankets when they were denied blankets, food, and shelter by their Government, despite the fact that blankets by the thousands were rotting in warehouses over in Fort Myer just across the Potomac River.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I cannot yield; I am sorry. I only have a few minutes. If the gentleman will give me some more time, I will yield.

Mr. MAY. I will give the gentleman a minute; and now will the gentleman yield?

Mr. SWEENEY. Yes; sure.

Mr. MAY. I would like to say to the gentleman that the present President of the United States, who is being suspected of being a dictator, treated the veterans when they came here in 1933 in a different way, by feeding them and clothing them.

Mr. SWEENEY. I appreciate that contribution. However, I make this statement as a fact that one President of the United States, President Hoover, turned the machine guns on the war veterans, and another, President Roosevelt, came down here and at this rostrum called the Congress in joint session and said he was opposed to the payment of the soldiers' bonus, indicating that he would veto the bill, which he did.

All this is history, and yet you say you are going to protect the rights of drafted men and make promises that will never be kept. We passed the bonus bill over the veto of the President of the United States because the people of the country demanded it.

Why do you not declare a moratorium on debts in this bill and protect the losses these young men will sustain while in the military service? We all know that certain industries refuse to accept defense orders until they know how much profit they can make. Suppose these boys who are drafted stop to make inquiry about their welfare. What happens? Well—

> Theirs not to reason why;
> Theirs but to do and die.

Up in the gallery I have watched women with black veils sitting around; sober-minded, serious mothers, thinking of what is going to come; and as I observe them I can visualize thousands of mothers in black veils throughout this land in the very near future if we do not stop this insanity of war involvement, in mourning for their boys that they nursed at their breasts, and who will die on foreign battlefields. All these mothers here and elsewhere tonight are watching this Congress. They are going to read in the newspapers tomorrow, if they have not heard it already, that a Member of Congress took this floor yesterday and said about those who came here to exercise their constitutional right in protesting against this bill that they are to be characterized as Communists, lousy bums, bohunks, and ill-advised persons, and this from a so-called spokesman for the administration, an advocate of peacetime conscription.

Mr. Chairman, are we going to ignore the voice of labor who are against this conscription bill and know it means regimentation of labor, the American Federation of Labor and the Congress of Industrial Organizations? Are we going to ignore the voice of the great Roman Catholic Church of the United States, through its spokesman, Msgr. Michael J. Ready, who spoke for the bishops of this country in opposition to the bill? Are we going to ignore the voice of Charles Boss, who spoke for the 8,000,000 Methodists in this country in opposition to the bill? Are we going to ignore the voice of Bishop William Lawrence, who spoke for the Episcopal Church and the Federal Council of Churches in opposition to the bill? Are we going to ignore the voice of the powerful railroad brotherhoods, who know that this is a step toward the regimentation of labor and who oppose the bill? Are we going to ignore the voice of the Farmers' Union, the war veterans' organizations, and the many Jewish rabbis, including, in Cleveland, Ohio, Rabbi Abba Silver, one of the distinguished rabbis of America? All of these are opposed to this measure, or are we going to take orders from the Harvard Club of New York City, who, as Congressman SAM MASSINGALE said a little while ago——

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman 5 additional minutes. [Applause.]

Mr. SWEENEY. I thank the gentleman very much.

I was talking about my friend from Oklahoma, SAM MASSINGALE, who unconsciously when he was speaking here a few hours ago said this, if I recall correctly his words:

> I was for some type of law like this long before this measure was sprung on us.

He used a good word; "sprung" is right, Sam—it was sprung on us. It sprung from the Harvard Club of New York City on May 22, 1940, at a meeting up there where Gen. John F. O'Ryan and others were present. General O'Ryan, in the last war, said this in favor of conscription:

> The recruit does not know how to carry out orders. His mental state differs from that of a trained soldier who obeys mechanically. We must get our men so they are machines.

And get this:

> We have to have our men trained so that the influence of fear is overpowered by the peril of an uncompromising military system often backed up by a pistol in the hands of an officer.

I presume he holds the same opinions today.

General O'Ryan was there and our War Secretary, Henry L. Stimson, well-known interventionist, was there. Judge Patterson, now the Assistant Secretary of War, was there, before he got promoted, and Elihu Root, Jr., a member of a corporation law firm dealing in war orders, was there. Julius Ochs Adler, the manager of the New York Times, who is reputed to hold stocks in corporations in countries now at war, was there. Mr. K. P. Budd, a director of the North British & Mercantile Insurance Co., with headquarters in London, was there, Mr. J. B. Taylor, Jr., was there, and Mr. B. M. Wells, of the Baldwin Locomotive Works, was there, all of whom expect to profit by war. They met and they drew your law there for you Members of Congress who are supposed to be the lawmaking body of the United States, and they sprung it on you, and I use SAM MASSINGALE'S word "sprung." It is significant that no representation of labor, the farmer, the war veterans, the church, the mothers of the country, or any individual of draft age was present in the legislative halls of the Harvard Club of New York City on May 22, the year of our Lord 1940. The Harvard Club now becomes the Halls of Congress for the purpose of war legislation.

Mr. MARCANTONIO. I want the RECORD to show—and I make this statement on my responsibility as a Member of this House—that Gen. John O'Ryan is today in the pay of

the Japanese Government and has been a representative for the Japanese Government, and this is the type of patriot who wants to conscript the youth of America. [Applause.]

Mr. SWEENEY. I thank the gentleman very much for his contribution.

I want to make this further observation, that I shall support the so-called Hayden-Fish amendment when it is offered. That amendment failed by 2 votes in the other body. It provides that Congress shall authorize the President to issue a proclamation calling for 400,000 voluntary enlistments for 1 year, with the pay at $30 a month, and suspend the operation of the so-called Selective Service Act for 60 days, to see if that can be accomplished.

I am not ready to say now that we have to put a bayonet behind these men to force them into the Army. Is the country worth fighting for when you have to use force on soldiers to make them fight or defend? I am not willing to say now that you cannot get volunteers. You have not given it a trial. You ought to give it a trial. The last terrible catastrophe we spoke about, the great World War, must never happen again if we are going to retain our democracy. Have we forgotten the political slogan in the campaign of 1916, "He kept us out of war; he kept us out of war; he kept us out of war." The people believed in that slogan and they returned the individual who stood behind it to the White House. The people were brought to their senses 5 months later when the President of that day put us in war. Then when the soldier boys came back in 1920 they joined with the majority of the people and put the Democratic Party out of business for 12 years. I am not a prophet, but conscription may be the real issue next November in every congressional district. It may be our action today or tomorrow in passing this bill will be the signal for the people of the country to get out and work, in an orderly way—I do not mean in a revolutionary way—to secure a referendum on the subject. I said today in a short message which I delivered on the floor of this House that if the American people knew what was going on behind the scenes in Washington they would start a revolution, not to destroy, but to preserve democracy. It can always be preserved at the ballot box. And I mean that, because that is our American system. America ought to be on the march now. Congress ought to stay in session every minute of the day and night after what happened yesterday [applause] when we traded part of our Navy to a belligerent nation without the consent of Congress. If that act yesterday was not an overt act that would justify any nation going to war against us, I do not know what an overt act is. [Applause.] I have voted for every appropriation for national defense since I came to this legislative branch of our Government. I am convinced that given a decent wage sufficient volunteers can be secured to defend our Nation against any foreign power. I shall vote against peacetime conscription, as I said before, because it is the negation of democracy and I do not believe the time has yet arrived when we want to employ the methods of a Hitler in these free United States.

Mr. ANDREWS. Mr. Chairman, with permission of the committee chairman I yield myself 5 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, the hour is late. This is a very important bill and it is only natural that feeling should run somewhat high. I had not intended to say anything tonight, but I cannot resist the charge that has been made on the floor by the last speaker, the gentleman from Ohio [Mr. SWEENEY], to whom I yielded time. I want to say something about the authorship of this bill, and nothing else.

I enlisted in the National Guard in 1916 to serve a year on the Mexican border. I served in France and I feel that I know the spirit which prompts this bill. As to the authorship of this bill, untrue statements have been made. I think I am correct in saying that the conception, the gradual development, the general idea of this bill has been in the War Department and within the General Staff for 12 or 14 or 16 years. It is true that there have been meetings in a great many places on the provisions of this bill, not only in New York, but in the gentleman's own State of Ohio, among representatives in that State of the Military Training Camp Association. It is also true that two Members of the Congress, one a distinguished Member of this House, the gentleman from New York [Mr. WADSWORTH], and another a distinguished Member of the Senate [Mr. BURKE] introduced the bill in the two Houses. I want to say, in addition to that, the bill as introduced has been very largely revised.

I think that the gentleman from New York [Mr. WADSWORTH] today would admit that the measure he originally introduced has been corrected and improved by the Military Affairs Committee of the House, and as I see it, considerably and wisely, with the exception of one or two provisions. I believe I am correct when I say to the House—and I say this partially to the Republican side—this bill is not the foster child of the President of the United States. But for the attitude of the President this bill could have been before the Congress 3 months ago. He is as susceptible to political influence as any Member of Congress.

I am for this bill. I do not think it is the proper time, particularly at this hour of the evening, to incite feeling or to enter into violent discussion. I want to say for myself and for the gentleman from Kentucky [Mr. MAY], the chairman of the committee, we have attempted to control the time for debate fairly and our desire has been to give everyone his or her opportunity to speak.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. HOFFMAN. The gentleman is entitled to his views. Does he have any objection to the rest of us who are opposed to the bill being against it?

Mr. ANDREWS. Not at all.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. MAY. If the gentleman will permit me, I would like to make this further observation, that practically all legislation which comes to the Congress of the United States is the result of conditions that exist in the country or that affect the country. Farm legislation largely originates with the farm organizations of the country based on need; and I think I can join my colleagues, the gentleman who now has the floor, the ranking member on the minority side of the House Military Affairs Committee, in saying this one additional thing, that there has been no partisanship of any kind or character in the consideration of this bill during the more than 6 weeks of hearings before the House Military Affairs Committee.

[Here the gavel fell.]

Mr. SWEENEY. Mr. Chairman, will the gentleman yield me 1 minute? I wish to make a statement.

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, I may be unduly alarmed, I do not know. I claim no superior vision of the future than that which may be attributed to the average man. Nevertheless, I am at least greatly concerned as to what may happen if the unbridled, unruly, and ungodly forces now aloose in Europe should continue in their success to overcome and destroy England and her possessions as they have the half-dozen other countries of Europe within less than 12 months.

The leadership of these forces do not hesitate to say that when they have overrun and destroyed the democratic forms of government in Europe they plan to cross to the Western Hemisphere, gathering strength by their continued success, take over South America, Central America, Mexico, the United States, and Canada. Is there any truth in these plans or designs? There are a number of witnesses who testify and say they are true. Men and women of unimpeachable character and integrity who have been to Europe say from what they see and hear the report is true. The newspapers of both Europe and the United States say it is true, the radio says it is true. I am unable to prove that any of these sources of information is incorrect, and nobody here has been able to show that the reports are false.

Of course, I am like many others when they say they are unable to understand how it is reasonably possible for this announced enemy to cross the Atlantic and successfully attack and defeat us. This thought has frequently occurred to me but when I see what has really happened, not only to the great surprise of France and England but to the surprise and astonishment of the entire world, then I become bewildered and, upon reflection, have to confess that it may be an easy matter, especially when we take into account the revolutionized and the almost unbelievable mechanized methods of warfare now being used by this relentless enemy of democratic systems of government. The average American did not believe 12 months ago that France, Belgium, Holland, and other countries could be overrun or destroyed by army tanks and airplanes within 1 year. No; France and her neighbors did not believe it themselves, but it was done. They never dreamed of the underground factories and storage plants in Germany that had been in operation and use for the past 7 or 8 years. They did not contemplate the modern mechanized system of war and were unprepared to meet it. Mr. Hitler is saying today that he has not yet disclosed his most deadly and effective weapons of war. He is telling this to England. Who knows whether he has such weapons or not? I do not know; but we were informed a few months ago by military experts of our Army and naval forces that if we were attacked by the enemy forces overnight our defense at that time would be as chaff before a wind, because we did not have implements of war that could successfully compete with Germany and her captured forces; and the experts are saying now that if there is an attack it will not be by Germany alone but by the combined forces of Germany, Russia, Italy, Japan, and the other totalitarian governments of the world.

The question, therefore, that confronts us is what are we going to do about it? All are saying that we must prepare and prepare at once in order that we might be able to meet the enemy when he arrives, but how and to what extent are we going to prepare? We proceeded a few months ago to make appropriations to enlarge our air forces and our Navy, to increase our weapons of defense, and now it becomes necessary to train men to use these implements of defense in case of attack or invasion. No one questions the necessity for it. It is only a question of procedure. Some say we should secure trainees by adopting the volunteer system. Others say we should use the selective-draft system. There seems to be a wide difference of opinion. I shall try to discuss the matter from an impartial standpoint with the hope of arriving at a proper conclusion.

The question of compulsory military training in time of war or in case of an extreme emergency is a matter that may be settled without much debate, but as a permanent Government policy in time of peace it is one that cannot be brushed aside with a wave of the hand or determined without due and thoughtful deliberation. Everybody agrees that we should have a program of defense sufficient to protect and defend our Government, its people and its institutions against foes of every type, but many of us have different ideas as to what constitutes a proper defense program, as well as the best method for executing it.

I have heard of four different but definite plans submitted from time to time for consideration. Some suggest we should have compulsory military training for all able-bodied men and such training and service should cover a period of 3 years and the program should continue for all time hereafter, saying that such a program will insure adequate defense from the standpoint of manpower.

Others say there should be compulsory training and service but it should be for 1 year only instead of three, that to be followed by volunteer training. Another suggestion is that we should certainly have ample military training but that it should be solely voluntary, and there is a fourth class who insist there should be no military training of any kind, saying we would then certainly stay out of war.

My thought is that whatever we do should be done in the light of history and in keeping with the theory of our own Government, and in doing this we cannot overlook the fact that the permanency of a democratic form of government must, in the last analysis, be determined by the voluntary devotion and loyalty of the people, for they in reality constitute the Government. This is a government by the people and the establishment of any permanent policy that would relieve the people of their personal responsibility should be one which grows out of a response to the well-advised action of the people.

It is my further thought that before adopting a permanent compulsory policy of military training it may be well to delay the permanent feature of the legislation until after the people have had an opportunity to give expression to their will on the matter, for it must be remembered that the real strength of defense has never been found in the mere number of soldiers or the quantity of weapons used in battle. It is in the devotion of the individual and the spirit that prompts him to action.

Therefore, we should obviously call upon experience in the light of history and let that decide whether a permanent policy of compulsory military training and service will insure a stronger and better defense program than one based upon voluntary training after having made ample provision for such training in every section and locality of our country. Such a decision cannot be reached hastily. I know that some of us under what appears to be an emergency may hastily conclude that compulsory training is the only means of providing ample and effective defense, but we should know that permanent policies of government created and established in a seeming emergency may finally prove to be an unfortunate one. My thought again is that all permanent policies of government should be established only under normal conditions when people are capable of registering their unbiased, unprejudiced, and undisturbed will or deliberate judgment.

The present emergency no doubt is sufficient to warrant temporary compulsory military training; but in view of the reasons already announced, I have serious doubts whether it is advisable under the circumstances to make and establish it as a permanent policy, for I can see that, instead of increasing the spirit of personal responsibility in the life of all the people, it may have the effect of destroying the spirit of devotion and loyalty. Creating in the minds of the people the idea that the Government itself will always dictate to them what their civic duties will be and thereby relieve them of their personal and conscious responsibility will certainly mean that we will no longer have a government by the people but a totalitarian government instead.

As I have just stated, the present emergency appears to be sufficiently great to warrant or justify compulsory military training; but if there is such an emergency, it will demonstrate itself within a period of a year or so. If the actual necessity for it does not arise within that time, then the emergency does not exist. Therefore, my suggestion is that provision be made for such training for a period of 1 year now, as provided in the bill before us, and, at the same time make provision for voluntary military training thereafter, unless the people say by their action in the meantime that the fairest and most equitable way for adequate defense is to have universal military training.

If the people had a clean, clear-cut opportunity to say whether we should have the purely volunteer or the universal training system, their decision would be final, and it would be thoroughly democratic. There could be no charge of dictatorship if the people should decide there should be universal military training. It might sound harsh, but it would be a democracy speaking. It is not dictatorship when the people speak. The passage of the bill here suggested will not, as I understand, establish a permanent policy of compulsory military training, but it will take care of the present emergency and provide an experience that will enable us to then establish a permanent policy that will be more in keeping with the spirit and history of our democratic form of government.

I have thought for a number of years that provision for military training in our high schools and colleges might prove to be an added value to our system of education. Lessons in discipline, respect and devotion to the flag, obedience to salutary rules, well developed bodies, a high regard for

the rights of others, jealousy of one's own rights and duties, conscious responsibility of citizenship, and many other civic virtues may grow out of a proper system of military training. Such a training would not develop the spirit and ambition for war as predicted by some, because the many thousands of men in this country now who have received military training are no more anxious for war than those of us who have not received it.

There can be no valid argument against being prepared for any emergency and I am ready to vote any legislation that will provide adequate defense for such emergency, but I do not want to be charged with taking advantage of what appears to be an emergency for the purpose of establishing a permanent policy for training, particularly if such a policy is contrary to the principles of democracy and contrary to every well-established institution under our democratic form of government. We can easily meet any existing emergency by providing for compulsory military training now, and at the same time provide a permanent plan for voluntary military training and insure our country with military preparedness in case of any future emergency that may arise and such a plan will not destroy but will promote the principles upon which our Government was founded and has been maintained for more than a century and a half.

The Committee now considering the bill has found that there is an emergency sufficiently great to justify compulsory military training. It has found also there should be a provision requiring compulsory enlistment of industry and capital. I am thoroughly in accord with this provision. I have always had great respect for the business acumen and busines integrity of many of our great industrialists, but there are press reports to the effect that some of them have recently gone on a sit-down strike simply because the Government wants to put a limit on the profits they will be allowed to make on the manufacture of the implements of war. Some of them are saying in effect that if they are not guaranteed a certain profit on the manufacture of machine guns or other implements of war they will refuse to make them. That is, their action is equivalent to a sit-down strike, as we have already suggested. If we are going to make provision for drafting men for training, provision should be made also for drafting implements of war and the industrial agencies by which they are made. Of course, I understand that the theory behind this whole defense program is that it will prevent war and it is my judgment that sufficient and timely preparation will prevent it, but in addition to trained men you must also have both efficient and sufficient implements for them to use. If men are to be drafted then industry and capital should also be drafted.

It is my further opinion that if the emergency is sufficient to justify compulsory training there should be a provision giving men an opportunity to volunteer. The bill contains such a provision. It provides further that if there is a sufficient number of volunteers in a State to meet its quota there will be no need for the selective draft to secure a sufficient number of trainees, but if not the law will then apply and it will apply to all States alike.

One who has listened to the speeches in opposition to this bill cannot but be impressed that a very large part of such opposition comes from the highly industrialized centers or from sections of the country where the population is made up largely of people of foreign extraction. The noticeable inconsistency of the oppostion is that representatives from these sections have within the last 2 months voted almost unanimously for appropriations to increase the manufacture of airplanes, the construction of battleships, the manufacture of Army tanks, machine guns, and so forth, but now when it comes to requiring each State to contribute its quota to man these implements of war they seem to object. They say there should be no selective draft by States and counties. Apparently they do not want their people to be involved in this way. They are willing for someone else to take training to operate these implements of war if it becomes necessary, but they demur when it is suggested that enlistment should be uniform. That is, so long as the Government is appropriating money to increase the Nation's mechanized defense and their localities are to be afforded increased employment, increased investments of capital, and increased money profits, they are willing to subscribe to the defense program but when it comes to obtaining or selecting men to man these implements of war they seem to be willing to let other sections of the country furnish the volunteers while they enjoy the economic benefits arising out of this emergency.

I come from a section of country that is poor in the number of plants for manufacturing implements of war, but I am glad to say it is a section relatively rich in patriotism and in devotion to our democratic institutions.

Mr. Chairman, I do not say this in a spirit of criticism of others or to boast unduly of the loyalty and devotion of the people of my State but only for the purpose of showing that the spirit of patriotism does not seem to be evenly distributed through the political fabric of our Nation. In order that I may not be misunderstood or criticized for these observations and in order to substantiate them, I am taking the liberty to include in my remarks a table showing the percentage of enlistments by States during the first 6 months of this year. The table to which I refer is as follows:

*Percentage of enlistments, by States, for the months of January to June, 1940, calculated on the basis of the male population over 21 years of age (1930 census)*

| State | Percent | Men per 1,000 |
|---|---|---|
| North Carolina | 0.0045 | 4.5 |
| Kentucky | .00422 | 4.2 |
| South Carolina | .0042 | 4.2 |
| Texas | .004 | 4.0 |
| Georgia | .00386 | 3.8 |
| Tennessee | .0037 | 3.7 |
| West Virginia | .0034 | 3.3 |
| Wyoming | .0033 | 3.3 |
| Virginia | .0033 | 3.3 |
| Oklahoma | .0033 | 3.3 |
| Alabama | .00325 | 3.2 |
| Colorado | .003 | 3.0 |
| Pennsylvania | .0026 | 2.6 |
| New Mexico | .0026 | 2.6 |
| Florida | .00256 | 2.5 |
| Idaho | .00248 | 2.5 |
| Oregon | .0024 | 2.4 |
| Maine | .00238 | 2.3 |
| Mississippi | .00224 | 2.2 |
| Arkansas | .00216 | 2.1 |
| Vermont | .0021 | 2.1 |
| Arizona | .00203 | 2.0 |
| Louisiana | .00191 | 1.9 |
| Washington | .0019 | 1.9 |
| Utah | .0018 | 1.8 |
| Kansas | .00176 | 1.7 |
| Rhode Island | .0017 | 1.7 |
| New Hampshire | .0017 | 1.7 |
| Montana | .00163 | 1.6 |
| Nebraska | .00162 | 1.6 |
| Massachusetts | .00153 | 1.5 |
| South Dakota | .0015 | 1.5 |
| Indiana | .00144 | 1.5 |
| Delaware | .00142 | 1.4 |
| California | .0014 | 1.4 |
| Maryland | .0014 | 1.4 |
| Wisconsin | .0013 | 1.3 |
| Connecticut | .0013 | 1.3 |
| New York | .0013 | 1.3 |
| District of Columbia | .00114 | 1.1 |
| Illinois | .0012 | 1.2 |
| Nevada | .00119 | 1.1 |
| Missouri | .0011 | 1.1 |
| North Dakota | .0011 | 1.1 |
| New Jersey | .0011 | 1.1 |
| Iowa | .00094 | .9 |
| Minnesota | .00084 | .3 |
| Michigan | .0008 | .8 |

Examine the CONGRESSIONAL RECORD and see what States the opponents of this bill come from, and then see where their States stand on this list showing how their constituents have responded to the call for volunteers during the past year, and you will be able to reach your own conclusions as to their underlying reasons for opposing this bill. You will find the greatest opposition coming from men whose States stand at or near the bottom of the list. I would not be placed in the position of personally questioning the patriotism and sincerity of any Member of the House but I do not see how it is possible for some men to stand here, as they have for the past 2 days, and oppose practically every provision of this bill and then praise in the most eulogistic language they can command the volunteer system when we see from the records

how their districts and States have failed to respond to the request for volunteers during the past 12 months.

As I have already stated, I do not believe it is consistent with our policy of government to insist upon conscription in peacetime in order to secure an adequate army, and I am not supporting this bill for this particular purpose because I believe we can get an army under the volunteer system, but I am supporting the bill primarily for the purpose of securing an equal and fair distribution of trainees from the various States and for other reasons I will not be able to go into at this time. Although the eloquent and silver-tongued theologian from Missouri, in support of his argument for the volunteer system this morning gave what I consider a very strong argument in favor of the selective draft when he said there were 7,000 men today who are ready and clamoring for an opportunity to volunteer in the Navy. I think he is correct, but the impression I received from listening to and reading the testimony for the past 2 months is that there are a great many more than 7,000 men of military age in this country who would like to volunteer in the Navy, Air Corps, or the Army.

But many of them do not want to volunteer primarily for the purpose of defending our Government and its institutions. They would not volunteer for the purpose of defending our homes, churches, schools, our right to religious liberty, our right of free speech, and the many other privileges we enjoy under the Bill of Rights, but they would like to be in a position in case our country is besieged by the existing threatening enemy to play the Benedict Arnold act, or do the "fifth column" stunt by placing the destiny of this Nation at the feet of the enemy upon the first opportunity. It is my opinion that the selective-draft policy will, or should, mean a great deal more than finding out the age of a man, and taking a measurement of his physical qualifications.

It is argued further in objecting to the proposed legislation that a large Army is not necessary. Personally, I do not know how large the Army should be, but I would rather have it a little too large than to have one a little too small. In support of the small Army idea, I am glad reference has been made to Biblical history where Gideon's band of 300 engaged in battle with the Midianites. This was a most remarkable battle, and I am a firm believer in the power of those who fight on the Lord's side, but I am not unmindful that as a rule the Lord helps those who help themselves. But I think the illustration cited as an argument against that part of the bill providing for a million drafted trainees per year clearly demonstrates the wisdom of two of the outstanding principles involved in the bill. First, it cannot be denied that Gideon's 300 were selected men. They were carefully selected. If my memory serves me correctly, the 300 were selected out of about 25,000 registrants, and, so far as I know that was the beginning of the selective-draft system. It was divinely instituted. It established a precedent.

The men were chosen or selected because of their loyalty, devotion, patriotism, and vigilance. Some of these virtues will be the outstanding requirements if this law is enacted and properly administered. Those charged with the responsibility of selecting and classifying those who register will look further than their physical fitness. This suggests to us the other reason that may be assigned in favor of the selective-service idea and it may also be found in this battle with the Midianites. It will be recalled that Gideon's 300 were armed only with a lighted candle in one hand, a pitcher in the other, and a sword by their side. On the other hand, it should be remembered that the soldiers of the Midianite army were as numerous and thick as grasshoppers and that the number of camels were too numerous to mention. But what did they do when faced by the 300 men with a lighted candle in one hand and a broken pitcher in the other? They all fled or surrendered. Why? They seem to have been filled with what we know today as the spirit of the "fifth column." That is the other principle involved in this legislation. We are anxious to see that we do not have a front-line army filled with men who are afraid or who would welcome an opportunity to play the Midianite act, or who would be glad to play the Benedict Arnold act and betray this country and its people into the hands of the enemy at the first opportunity. The selective-draft system should be able to take care of this situation.

There may be some objectionable features to the bill now before us but on the whole it appears to be fair and not exceedingly drastic. As I understand, it only undertakes to give military training to those of military age and without dependents and this training is to cover a period of not more than 1 year. There will, of course, be some hardships, but they will be nothing in comparison to those which may follow if we do not inaugurate a plan that would prepare us for adequate defense. It offers ample opportunity for anyone qualified to volunteer and if there are a sufficient number who volunteer to meet a State's quota then the selective feature will not be necessary. However, the selective draft policy is in no way a reflection upon the voluntary plans, nor is it indicative of a fear there would not be a sufficient number of volunteers to meet the emergency; it is in no way a reflection upon the patriotism, the love of country, or loyalty to the flag of those of military age. It is primarily for the purpose of seeing that the responsibility of citizenship may be equitably distributed throughout the Nation. Or to put it another way, it is for the purpose of equally distributing the honor of preparing to uphold and defend the institutions of our Republic against the invasion of a foreign foe in case an attempt is made.

The other outstanding reason for supporting this bill is that it provides for immediate action. We all say there is an emergency. If so, it should be met with emergency action. We should not procrastinate and forget that—

> The race is not to the swift nor the battle to the strong, but * * * time and chance happeneth to them all.

Napoleon once said: "Every hour lost now is a chance of future misfortune," and I do not know of a man in history better qualified to recognize the value of the thought I am trying to convey than Napoleon, because it was the unwarranted delay of Grouchy, one of his trusted leaders, in carrying out the plans of his chief that lost the Battle of Waterloo, sent the greatest military genius of all history into exile, destroyed a mighty empire, and rearranged the may of Europe. But the tragedy of this picture is that it was recently reenacted after a period of a century and a quarter when France delayed in preparing for the approach of the enemy. Mr. Chairman, it is only another illustration of, "He who hesitates is lost."

Mr. MAY. Mr. Chairman, I would like to make this very brief statement. I have endeavored to be liberal on the question of granting time. The few words that were said by the gentleman from Ohio a while ago were not critical of me. He had asked me for time, and when I said that I had no further requests I had merely forgotten that I had promised him 2 minutes' additional time. I was happy to grant him 3 and then 5, and I wish to say now, Mr. Chairman, that I have been requested by the leadership to say that when the Committee rises this evening there will be a unanimous-consent request that we meet at 11 o'clock tomorrow.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. ANDREWS. I understand that is in accordance with an agreement reached between the majority leader, the gentleman from Texas [Mr. RAYBURN], and the minority leader, the gentleman from Massachusetts [Mr. MARTIN].

Mr. MAY. That is correct.

Mr. ANDREWS. That we will meet at 11 o'clock to take up a conference report on an appropriation bill that may take an hour or more to complete.

Mr. MAY. That is correct.

Mr. Chairman, I move that the Committee do now rise.

Mr. SWEENEY. Mr. Chairman, will the gentleman withhold his motion a minute, please?

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky.

The motion was agreed to.

Accordingly the Committee rose; and Mr. COOPER, Speaker pro tempore, having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under

consideration the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, had come to no resolution thereon.

HOUR OF MEETING

Mr. MAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand, another request was to be coupled with this request.

Mr. MAY. I intend to make that request immediately after this one is agreed to, or I will make them both together.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky.

There was no objection.

APPROPRIATIONS COMMITTEE

Mr. MAY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. WOODRUM] may have until midnight tomorrow night to file a conference report on the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the gentleman from Kentucky a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. As I understand, the agreement was that if the House met tomorrow at 11 o'clock the conference report on the supplemental national-defense appropriation bill (H. R. 10263) would be taken up, and that it would possibly take 1 or 2 hours. Am I correct?

Mr. MAY. It was stated to me by the majority leader that they would probably want to take up the conference report, or would take it up at 11 o'clock, and that it might last until about 1 o'clock, covering 2 hours. This was agreed to, as I understood it, by the gentleman from Massachusetts [Mr. MARTIN], the minority leader. I think that will be the first order of business.

Mr. MICHENER. That is what we want to know. May I ask the gentleman from New York [Mr. TABER], a member of the Appropriations Committee, what he knows about it? I see that the chairman of the subcommittee is not present.

Mr. TABER. The gentleman from Virginia [Mr. WOODRUM], the gentleman from Texas [Mr. RAYBURN], the gentleman from Massachusetts [Mr. MARTIN], and the Speaker talked it over this afternoon and we were told that the conference report on the supplemental national-defense appropriation bill would come up the first thing tomorrow morning. This involves the conference on the approximately $5,000,000,000 appropriation bill that was passed about a month ago.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Certainly.

Mr. MAY. The gentleman from Virginia [Mr. WOODRUM] asked me to make the request that he have until midnight tonight to file the report and stated that he expected to take it up at 11 o'clock.

EXTENSION OF REMARKS

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to quote in those remarks a resolution of the National Farmers' Union in opposition to the present bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota [Mr. BURDICK]?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial appearing in the Washington Evening Star of today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the House today and to include some brief quotations from records and publications.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I have been a Member of the Congress of the United States since December 1931 and this is the first time in all my career that I have ever encountered or have been in an altercation with any Member of Congress on this floor such as you witnessed tonight.

Perhaps I should tell you what took place and let you be the judge. As I resumed my seat, the gentleman with whom I had the difficulty, called me a traitor. He repeated it again and you know what happened.

I am sorry I brought any confusion to the House and if you think I am guilty in any way at all, I apologize to you and the Nation. [Applause, the Members rising.]

PERMISSION TO ADDRESS THE HOUSE

Mr. VINCENT of Kentucky. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. VINCENT]?

There was no objection.

Mr. VINCENT of Kentucky. Mr. Speaker, I served in the World War, and the World War, as I understood it then and as I understand it now, was fought because we were being attacked by submarines and women and children were being murdered on the high seas. For the gentleman from Ohio [Mr. SWEENEY] to say that President Wilson brought on that war to me was untrue and the whole statement the gentleman made I resented very much.

When he finished his speech he started to sit down by me. I got up and moved. I shall continue to refuse to sit by him as long as I am a Member of the Congress and he is a Member. When he sat down by me I got up and moved. I said I did not want to sit by a traitor to my country. Then he attacked me and you know what happened.

Mr. HOFFMAN. Mr. Speaker, I demand recognition on a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, I demand that the words of the gentleman who just left the floor be taken down, because they violate the rules of the House.

The SPEAKER pro tempore. The Clerk will report the words complained of.

Mr. VINCENT of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

Mr. DWORSHAK. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

Mr. BRADLEY of Michigan. I object, Mr. Speaker.

EXTENSION OF REMARKS

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today and include therein an article from the Knoxville News-Sentinel.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent that I may include in the remarks I made today a printed statement of Grace Leeper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an editorial that appeared in the St. Louis Post-Dispatch of yesterday and was reprinted in today's New York Times.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. FLAHERTY asked and was given permission to extend his own remarks in the RECORD.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made during the debate in Committee of the Whole today and include therein certain quotations referred to therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain editorial comment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an article from the Tyrone Herald.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent to include in the remarks I made this afternoon on the bill a letter I have received concerning this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein exhibit 125, Memorandum for the Director, Navy Department, Naval Intelligence, signed by A. S. Merrill, and I also ask unanimous consent to extend my own remarks and include therein excerpts from magazines.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a letter I have received.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HULL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein a statement from the Farmers' Union in opposition to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial appearing in the New York Sun of today's date.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HOFFMAN. Mr. Speaker, a point of order and a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, a moment ago certain words were uttered by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order—the taking down of the words, the report of the words, and the reading by the Clerk.

The SPEAKER pro tempore. Subsequently, unanimous consent was granted for the words to be withdrawn.

Mr. HOFFMAN. Oh, no, Mr. Speaker; three Members were on their feet. I was one of them, and objecting to that.

The SPEAKER pro tempore. That was the ruling of the Chair.

Mr. HOFFMAN. I appeal from the ruling of the Chair then.

The SPEAKER pro tempore. This is not a ruling, it is just an answer to a parliamentary inquiry.

Mr. HOFFMAN. Oh, no; I am appealing from the ruling awhile ago.

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio transcription broadcast from the Fourth Congressional District in Washington.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. McDOWELL] is entitled to recognition for 15 minutes.

Mr. McDOWELL. Mr. Speaker, owing to the lateness of the hour, I do not propose to use all the time.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. McDOWELL. I yield.

Mr. HOFFMAN. Mr. Speaker, I would like to inquire whether or not, under the rules of the House, when a demand has been made that words be taken down, any further business can be transacted before the words are reported?

The SPEAKER pro tempore. By unanimous consent.

Mr. McDOWELL. Mr. Speaker, Members of the House, this has been a long and wearying day of writing letters, interviewing lobbyists, reading mail, and finally the historic debate on this infamous draft bill; and I am inclined to lay this manuscript down and go to my room for a deserved rest after an exciting day as a Congressman. However, there are some duties that cannot be shunted aside, there are some responsibilities that cannot be evaded, and there are some charges that cannot go unanswered and unrebuked; and my purpose here this evening is to defend that which each of us cherishes most in life—his home.

My home has been assailed, my people have been accused, my State has been defamed, and no Pennsylvanian, and particularly no Pittsburgher worth his salt serving in the Halls of the Congress of the United States, will permit any loose-talking, uninformed, and what appears to be jealous, defamers attack us without at least being answered.

In the Appendix of the CONGRESSIONAL RECORD, page 5241, appears a speech by our esteemed colleague the gentleman from Arkansas, the Honorable CLYDE T. ELLIS, which, after a careful perusal, is so astonishing in its lack of logic, in its wrong inferences, and in its obvious desire for something that belongs to somebody else, that I am convinced that Mr. ELLIS, much as I regard and esteem him, did not read his speech very carefully before he delivered it.

The whole gist of Mr. ELLIS' contention appears to be that Pittsburgh is a rich and busy city, turning out the metals and the hardware and the millions of other objects that are used by people all over the world; and we Pittsburghers confess to the truth of that, but Mr. ELLIS also appears to want to tear down our factories, throw out of work our workingmen, close up our mines, and our mills, and remove them to the wild hills of the Ozarks where the business and the prosperity will redound to the everlasting glory of the Ozark hillbillies.

The gentleman from Arkansas, Mr. ELLIS, is 1 of those 63 Members of this body who have announced in determined tones that of the new war orders to be placed all over the United States 9 Western and Southwestern States are not going to be overlooked. In a meeting in Kansas City—whether they have had it or not yet, I do not know—but the meeting

is called purely for the purpose of proclaiming to the entire United States that the political pork is to be brought into their country by any methods available.

My gifted colleague, the gentleman from Missouri, DEWEY SHORT, in his magnificent address this afternoon against the draft bill, pointed out with rare perspicacity that the first sacrifice in time of war is truth. He spoke with the vision of a prophet.

The war hysteria is abroad in the land, and there is no one here that can gainsay that of all the lurid examples as to how it affects men's minds, the remarks made by my beloved friend from Arkansas stand out in bold relief.

The gentleman from Arkansas, Mr. ELLIS, in his amazing speech, challenged Charles E. Robinson, manager of the Pittsburgh Commission for Industrial Expansion, because Mr. Robinson has recently declared that political pressure was being used to obtain Government defense plants for Midwestern States unsuited for industry.

Congressman ELLIS says in his speech, "Shame on you Mr. Robinson and your commission; fortunately the good people of Pittsburgh, through their esteemed Members of the Congress, do not act that way." In this respect the gentleman from Arkansas has made a grave error. I know not what my four other colleagues from Allegheny County may think, but I wish to state here and now that I thoroughly agree with Manager Robinson, and I shall here make the statement that the people of Pittsburgh agree with Manager Robinson, and I shall even venture to make the prediction that the Government of the United States will agree with Manager Robinson in placing badly needed war orders in the spot where they can get them the cheapest and the quickest and the best. What manner of reasoning is it that would break up the highly geared mechanical circumstance of the greatest industrial city in the world when industry is just now being given the greatest responsibility in its carreer in order to add to the income of States whose officers have obviously not been a howling success at solving their own social and industrial problems?

I know very little about Arkansas and I know a great deal about Pennsylvania. I know that when President Madison wanted guns in the War of 1812 we made them for him in Pittsburgh. I know when President Polk needed supplies for his armies in the Mexican War we furnished the supplies. Government arsenals at Pittsburgh during the Civil War were the biggest and the busiest in the world. The ships that drove the Spanish Fleet from the seas in the War with Spain were equipped with countless products of our great western Pennsylvania metropolis. During the World War every American, and particularly every German soldier, appreciated fully Pittsburgh's part in that conflict.

The trend of the present administration to break up established and substantial and historic concentrations of industry and labor and skill has been growing more and more pronounced since 1932. The President and the Congress have spread the back hills of Tennessee and northern Mississippi and Alabama with power lines and power dams, and every other expensive contrivance, for a population so thin and so backward that the economic returns from that venture to the whole people of the United States, who are paying for it, are many generations away.

The gentleman from Arkansas said in his speech, and I quote:

> We love you, Pittsburgh, marvel at your undeterminable industry; and we are proud of these nine States constituting one-sixth of your domestic market.

The gentleman's reference there is to the fact that the value of manufactured goods produced in western Pennsylvania is greater than six of these nine States the gentleman is pleading for; and as referring to the fact that the Pittsburgh district has more employees than seven of these nine States, and he is also referring to the fact that Pittsburgh has a greater pay roll per week than all but one of these States combined. I will admit that is a mark to shoot for, and even though the gentleman from Arkansas assures the Pittsburghers that he loves us and is proud of us—and we accept his affections with pleasure and pride—but also do we look at him with jaundiced eye, as his eyes scale the heights of our buildings and the width of our plants and the steamboats on our rivers.

It was my impression, up until I read his speech, that the defense program of America meant that we are preparing to defend ourselves against enemies foreign and domestic, as are all of we Congressmen charged in our oaths, but the speech of the gentleman from Arkansas, who apparently is the spokesman for the 63 Members of the Congress, indicates that we in Pittsburgh will have two fronts to fight if war comes—one against the enemy from without, and one against the 63 Members of the Congress trying to move the things we have in Pennsylvania out along the buffalo trails.

Personally, I have a great admiration for Arkansas; it is a beautiful State to visit in, and their accomplishments of boiling the delirium tremens out of alcoholics in Arkansas' hot springs is probably not equaled in any other State in the Union. I have a great admiration for Nebraska and Iowa and Kansas and Missouri, and the rest of those States who buy Pittsburgh's products as we buy their grain and foodstuffs, but the Union of the United States, it has been my impression, is to be a mutual bond of association, protection, and cooperation. The founding fathers never considered the jealousy between States; it occurred once, sadly enough, and the terrible Civil War has taught us that never again should one State covet those things that another has.

I have no doubt that Arkansas will render to the Nation its full share of cooperation in the grave days that lie ahead of us, and I can assure the gentleman from Arkansas that Pennsylvania will do the same. We want our factories, we want our workingmen, we want all of our people of Pennsylvania, even the Mellons to whom he refers as having made a vast fortune at the expense of the people of the Middle West. The Mellon fortune was gained in many ways, and I am not familiar with it, but the statement that it was gained at the expense of the people of the Middle West is laughable. We in Pittsburgh understood that Samuel Insull took care of all the money that was lying around loose in that section of the country some time ago.

The statement that Pittsburgh would be a prize catch to a foreign enemy is very, very true; there can be no question about that, but a city almost 400 miles from the eastern coast is just as safe from being bombed or destroyed by European enemies as is a city in Arkansas: and indeed, if we are to believe the statements of the President of the United States, who is also the head of the party to which the gentleman's political philosophy leans, the hills of Arkansas are in more danger from flying fortifications than is Pittsburgh, because it was the President himself who pointed out the short distance from Mexico to Omaha in a public address not very long ago.

I will agree with the gentleman that the President's calculations were so farfetched as to be almost ridiculous, but, nevertheless, he made the statement, and I know the gentleman from Arkansas is too good a Democrat to contradict the head of his party.

The gentleman closes his argument with the words, "Better pitch in, Pittsburgh, and help us pull. What is good for us is good for you, for we are your market."

Well, my colleagues, Pittsburgh and its 122 sister communities within the county of Allegheny are once again pitching in, and the great black clouds of smoke are hanging high over our city as we are turning out the things that the Nation needs to defend itself against its foreign enemies. We are pitching in back there in Pittsburgh, and we are making guns and we are rolling ship sides and we are casting shells and we are making plane parts.

Ten days ago we broke all records for enlistments, hundreds of refugee children are being housed by the generous-hearted people of our Nation, thousands of dollars for relief are being sent from Pittsburgh to alleviate the sufferings of the anguished in the war areas, and as the war increases its tempo, so the armory of the Nation—Pittsburgh—increases its output, and I wish to tell the gentleman from

Arkansas and his 62 colleagues, that when the war is over and peace and tranquillity have once again blessed the world, if America still stands, Pittsburgh will still be there—dirty perhaps, but still America's Pittsburgh. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KEFAUVER, for today, on account of official business.

EXTENSION OF REMARKS

Mr. SNYDER and Mr. SHANLEY asked and were given permission to revise and extend their own remarks in the RECORD.

ADJOURNMENT

Mr. MAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p. m.) the House adjourned to meet, in accordance with its previous order, at 11 o'clock a. m., on tomorrow, Thursday, September 5, 1940.

## COMMITTEE HEARINGS

COMMITTEE ON IRRIGATION AND RECLAMATION

The Committee on Irrigation and Reclamation will meet at 10 a. m., Thursday, September 5, in room 128, House Office Building, to continue the hearing on H. R. 10122.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940, at 10 a. m., on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR: Committee of conference on the disagreeing votes of the two houses. H. R. 10263. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes (Rept. No. 2916). Referred to the Committee of the Whole House on the state of the Union.

## ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. House Resolution 585. Resolution requesting the Secretary of War to transmit information on airplane contracts (Rept. No. 2915). Laid on the table.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VOORHIS of California:

H. R. 10456. A bill to provide for the orderly financing of the national defense, to maintain an even flow of purchasing power, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee:

H. R. 10457 (by request). A bill for the protection of Government law-enforcement officers or agents, by providing pensions to those injured and compensation to the dependents of those killed in the discharge of duty; to the Committee on Invalid Pensions.

By Mr. FLANNERY:

H. R. 10458. A bill relating to the citizenship of foreign-born children of a naturalized or repatriated citizen where the application for such naturalization or repatriation is filed while such child is a minor; to the Committee on Immigration and Naturalization.

By Mr. MOSER:

H. R. 10459. A bill to prohibit the advocacy of changes in the Government of the United States otherwise than as provided by the Constitution; to the Committee on the Judiciary.

By Mr. SUTPHIN:

H. R. 10460. A bill to amend Public, No. 497, Seventy-first Congress; to the Committee on Invalid Pensions.

By Mr. STEAGALL:

H. J. Res. 602. Joint resolution to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce; to the Committee on Banking and Currency.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10461. A bill for the relief of Antonino Cappello; to the Committee on Immigration and Naturalization.

By Mr. SASSCER:

H. R. 10462. A bill to authorize and direct the Commissioners of the District of Columbia to set aside the trial-board conviction of Policeman William F. Fey and his resultant dismissal and to reinstate William F. Fey to his former position as a member of the Metropolitan Police Department; to the Committee on the District of Columbia.

By Mr. SUTPHIN:

H. R. 10463. A bill for the relief of Charles Geyer; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9264. By Mr. GREGORY: Petition of Mrs. J. Eli Adams and others, of Hopkinsville, Ky., requesting all material aid for Great Britain short of sending manpower; to the Committee on Military Affairs.

9265. By Mr. HART: Petition of the executive committee of the West New York (N. J.) Taxpayers and Rentpayers Association, Inc., protesting against conscription; to the Committee on Military Affairs.

9266. Also, petition of the board of directors of the Newark, N. J., Chamber of Commerce, favoring the immediate adoption of such legislation as may be necessary for prompt and adequate national defense, including, if essential in the opinion of the properly constituted military and naval authorities, compulsory military service; to the Committee on Military Affairs.

9267. By Mr. SUTPHIN: Petition of the Junior Chamber of Commerce of New Brunswick, N. J., endorsing the establishment of an adequate national defense, resolving that compulsory military training is a necessary step, that no armed force be sent beyond our geographical area of defense, and that such supplies or equipment not necessary to our national defense and training be made available for purchase by Great Britain; to the Committee on Military Affairs.

# SENATE

## THURSDAY, SEPTEMBER 5, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. W. L. Darby, D. D., executive secretary, Washington Federation of Churches, Washington, D. C., offered the following prayer:

Thou God of men and nations, ruler of earth and sea and sky, to Thee we come with grateful hearts for the multitude of Thy mercies so richly vouchsafed to us in this day and generation. May we recognize Thee in all that we receive and seek to honor Thee in our lives.

Cleanse our hearts of selfishness and self-seeking, of unworthy pride and ambition. Grant us willingness gladly to serve our fellow men in a spirit of humility and with a sense of our common brotherhood. In this day of tragic need for so many of our citizens, let us have genuine sympathy for them in their trials and hardships and a readiness to help

them in practical ways, so that they may know fuller and better lives.

In these critical times, faced daily with uncertainty for ourselves and for the world, we seek Thy blessing upon America. Grant wisdom to our President, the Vice President, the members of his Cabinet, the Houses of Congress, the Supreme Court, and others in authority. May they have judgment, faith, and courage adequate to this hour. Let thy special grace abide upon the Members of the Senate, the official Representatives of the States in our Union, so that they may plan wisely for the good of America and the welfare of the world. In Jesus' name. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days of Saturday, August 31, 1940, and Wednesday, September 4, 1940, was dispensed with and the Journal was approved.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on September 4, 1940, the President had approved and signed the following bills:

S. 760. An act for the relief of Mrs. Guy A. McConoha;

S. 823. An act for the relief of John P. Shorter;

S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.;

S. 4042. An act to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho; and

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Ernest Lundeen, late a Senator from the State of Minnesota, and announced that the Speaker had appointed Mr. AUGUST H. ANDRESEN, Mr. MAAS, Mr. RYAN, and Mr. BUCKLER of Minnesota a committee of the House to join with the committee of the Senate heretofore appointed to attend the funeral of the deceased Senator.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Clark, Idaho | Herring | Reed |
| Andrews | Clark, Mo. | Johnson, Calif. | Russell |
| Ashurst | Connally | King | Schwartz |
| Austin | Danaher | Lee | Schwellenbach |
| Bailey | Davis | Lodge | Sheppard |
| Bankhead | Downey | McCarran | Smathers |
| Barbour | Ellender | McKellar | Stewart |
| Barkley | George | Maloney | Taft |
| Bilbo | Gerry | Mead | Thomas, Idaho |
| Bone | Gibson | Minton | Thomas, Okla. |
| Bridges | Green | Neely | Thomas, Utah |
| Bulow | Guffey | Norris | Townsend |
| Burke | Gurney | Nye | Truman |
| Byrd | Hale | O'Mahoney | Van Nuys |
| Byrnes | Harrison | Overton | Wheeler |
| Capper | Hatch | Pittman | White |
| Caraway | Hayden | Radcliffe | Wiley |

Mr. MINTON. I announce that the Senator from West Virginia [Mr. HOLT], the Senator from Colorado [Mr. JOHNSON], and the Senator from Montana [Mr. MURRAY] are absent because of their attendance at the funeral of the late Senator Lundeen, of Minnesota.

The Senator from Michigan [Mr. BROWN], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], the Senator from Arkansas [Mr. MILLER], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Minnesota [Mr. SHIPSTEAD] is absent attending the funeral of the late Senator Lundeen, of Minnesota.

The Senator from Oregon [Mr. MCNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from North Dakota [Mr. FRAZIER], and the Senator from New Hampshire [Mr. TOBEY] are unavoidably absent.

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum is present.

### FINANCIAL AND OTHER DATA RELATIVE TO SUNDRY GOVERNMENTAL AGENCIES AND CORPORATIONS

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury submitting a partial report, in response to Senate Resolutions 150 and 292, Seventy-sixth Congress (submitted by Mr. BYRD), calling on the Secretary of the Treasury for financial statements and annual reports of certain governmental agencies and corporations, and also stating that the special reports and financial statements referred to will require several months to prepare, which, with the accompanying paper, were referred to the Committee on Banking and Currency.

### EXPEDITION OF NATIONAL-DEFENSE HOUSING

The PRESIDENT pro tempore laid before the Senate a letter from the Defense Housing Coordinator, the Advisory Commission to the Council of National Defense, transmitting a draft of proposed legislation to expedite the provision of housing in connection with the national defense, and for other purposes, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

### PETITION

The PRESIDENT pro tempore laid before the Senate a petition of 116 citizens of Miami, Fla., praying that the Americas be united for peace and also that pending legislation be enacted to prevent and punish the crime of lynching, which was referred to the Committee on Foreign Relations.

### THE NATIONAL DEFENSE—RESOLUTIONS OF AMERICAN LEGION POSTS IN MISSISSIPPI

Mr. BILBO presented resolutions of Indianola Post, No. 2, and Marvin E. Stainton Post, No. 11, both of the American Legion, in the State of Mississippi, which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas dictatorships moving under one head have succeeded in subduing democracies that can move only after agreement of their representatives; and

Whereas many peaceful nations better armed than we are have been overrun and more than 100,000,000 free peoples enslaved by the mechanized armies of such dictators within the past months; and

Whereas it is the announced purpose of such dictators to conquer the whole world (including America); and

Whereas America, the last stronghold of human liberty, is dangerously unprepared at this time to defend itself against modern mechanized forces and we must make total preparedness our immediate and paramount objective if we are to survive; and

Whereas in the face of this condition a loud and unthinking minority in the Congress is delaying the enactment of the universal military training bill, the bill to call for training the National Guard, and other essential measures of national defense; and

Whereas by such conduct they are emphasizing the weakness of democracy, abusing the privileges accorded them, giving encouragement to scoffing dictators, rendering impotent our means of self-defense, and endangering our liberties: Now, therefore, be it

*Resolved* by Indianola Post, No. 2, the American Legion, of Indianola, Miss., at its regular August 1940 meeting, that we hereby demand of the Congress immediate and favorable action on these measures and others of national defense; that it forthwith cease all delayed tactics; that politics be now adjourned; and that the full resources, manpower, and wealth of this Nation be forthwith harnessed for full defense of this country, to the end that we may

remain a free and independent nation; and that liberty and freedom shall not perish from the earth; be it further

*Resolved*, That a copy of this resolution be spread on the minutes of this post, that a copy of same be sent the President of the United States, and a copy each sent to all Members of the Congress from Mississippi.

---

Whereas we believe that our Representatives in the United States Congress are interested in the views of the people at home; and

Whereas the Marvin E. Stainton Post, No. 11, the American Legion, of Laurel, Miss., has a membership of almost 300 ex-service men, the following resolution was unanimously adopted at August 14, 1940, meeting.

To say that we are greatly concerned over our national-defense situation is stating it much too mildly. We do not feel that we are fanatics on this subject or that we are alarmists, but we are truly alarmed; not at the ability of this country to really build up a defense system that will make us secure against any and all would-be invaders—provided we have time left to build up such defense system—but we are certainly alarmed at the kind of progress which is being made toward getting this defense program under way. We realize that the wheels of our governmental machine turn slowly, but days go by, weeks go by, and months are going by, and, so far as we are able to ascertain, very little has actually been done in preparing this Nation for the greatest potential crisis which it may ever be called upon to face. We are therefore beginning to wonder if our Congress actually realizes just how serious the situation is and just how the people back home feel about it. We desire action and we demand action now. We cannot understand why it should take weeks to pass a bill giving the President authority to call out the National Guard and the Reserves. We cannot understand why there should be so much controversy over a compulsory military training bill. We need trained men, and the program, we believe, should already be under way. We need trained men in the shortest time possible, and controversy, arguments, and quibbling may easily result in the forced calling into service of green, raw, or half-trained men to the battle lines. We of World War service know what this means. We witnessed it in 1917–18, and if it happens again we feel that it will be an inexcusable crime laid at the door of a Congress which is not functioning with the speed that it should and could function.

We cannot understand why, as the Secretary of War tells us, that in the past 7 weeks, contracts have actually been let for only 33 planes for our Army, when surely we need thousands. We might go on and on along this line of thought, but we realize that the Congress is very busy; however, we do desire you to know something of how we Legionnaires feel here in Laurel, Miss. We further think these views are generally held by all our folk here. We are ready and willing to make any and all sacrifices that are necessary, and therefore we desire you to know that before we shall be satisfied we want to feel that everything humanly possible is being done to make this Nation secure. Frankly, we cannot feel that this is being done up to now. We demand action. We are compelled to wait on our Representatives in Congress; we are helpless until it first acts. Again, let us have action now, is our urgent plea to our Congress. We wish you to know that in everything you have done or can do to speed up our defense program we will be solidly behind you. We might also add that anyone who tries to delay, hinder, or retard this preparedness program we are solidly against: Therefore be it

*Resolved* in regular meeting assembled by the Marvin E. Stainton Post, No. 11, by unanimous vote, that these views expressed in the foregoing resolution be entered on our permanent minutes, a copy be sent to our Senators, our Congressmen, to the President of the United States, and to each individual post in the American Legion, department of Mississippi.

## REPORTS OF COMMITTEES

Mr. SCHWARTZ, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 7139. A bill for the relief of Joe L. McQueen (Rept. No. 2064); and

H. R. 7815. A bill for the relief of Boston & Maine Railroad (Rept. No. 2065).

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 5814. A bill for the relief of David J. Williams, Jr., a minor (Rept. No. 2066);

H. R. 9073. A bill to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939 (Rept. No. 2067); and

H. R. 10155. A bill for the relief of William M. Irvine (Rept. No. 2068).

Mr. BURKE also, from the Committee on Claims, to which was referred the bill (H. R. 6091) for the relief of Samuel Roberts, reported it with an amendment and submitted a report (No. 2069) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5053) for the relief of Verdie Barker and Fred Walter, reported it with amendments and submitted a report (No. 2070) thereon.

Mr. GIBSON, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 4615. A bill for the relief of Sallie Barr (Rept. No. 2081);

H. R. 4724. A bill for the relief of Charles F. Martin, a minor (Rept. No. 2082); and

H. R. 6215. A bill for the relief of John E. Avery (Rept. No. 2083).

Mr. BAILEY, from the Committee on Commerce, to which was recommitted the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, reported it with amendments and submitted a report (No. 2072) thereon.

He also, from the same committee, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

S. 4316. A bill to repeal sections 4588 and 4591 of the Revised Statutes of the United States (Rept. No. 2071);

H. R. 9921. A bill to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project (Rept. No. 2073);

H. R. 10246. A bill to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission (Rept. No. 2074);

H. R. 10337. A bill to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes (Rept. No. 2075); and

S. J. Res. 292. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission (Rept. No. 2076).

Mrs. CARAWAY, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4087. A bill authorizing the Big Creek Bridge Co., Consolidated, its successors and assigns, to construct, maintain, and operate a bridge across the Tug Fork of the Big Sandy River at or near Nolan, W. Va. (Rept. No. 2077); and

S. 4135. A bill granting the consent of Congress to the State Highway Board of Georgia to construct, maintain, and operate a free highway bridge across the Withlacoochee River, between Valdosta, Ga., and Madison, Fla., at or near Horns Ferry (Rept. No. 2078).

Mrs. CARAWAY also, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 9561. A bill granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minn. (Rept. No. 2079); and

H. R. 9952. A bill authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind. (Rept. No. 2080).

## ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On August 30, 1940:

S. 313. An act to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States;

S. 760. An act for the relief of Mrs. Guy A. McConoha;

S. 823. An act for the relief of John P. Shorter;

S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.; and

S. 4042. An act to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho.

On August 31, 1940:

S. 4271. An act to increase the number of midshipmen at the United States Naval Academy.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BAILEY, from the Committee on Commerce, reported favorably the nomination of Carroll L. Wilson, to be Assistant Director, Bureau of Foreign and Domestic Commerce, vice Nathanael H. Engle, resigned.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion or appointment in the Coast Guard.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several National Guard general officers to be brigadier generals, National Guard of the United States.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Regular Army.

He also, from the same committee, reported favorably the nomination of Edward Casimir Rogowski for appointment as second lieutenant in the Medical Administrative Corps, Regular Army.

He also, from the same committee, reported favorably the nomination of First Lt. Ivan Walter Parr, Jr., Infantry, for appointment, by transfer, to the Quartermaster Corps, Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 4324. A bill for the relief of Tibor Hoffman and Magda Hoffman; to the Committee on Immigration.

By Mr. SHEPPARD:

S. 4325. A bill to amend the National Defense Act approved June 3, 1916, as amended; and

S. 4326. A bill to provide for continuing in the service of the Army, Navy, Marine Corps, and Coast Guard of the United States beyond the term of their enlistment, those suffering from service-connected disease or injury, and in need of medical care or hospitalization until recovery through such medical care and hospitalization; to the Committee on Military Affairs.

By Mr. CLARK of Missouri:

S. 4327. A bill granting a pension to Ophelia Jackson; to the Committee on Pensions.

By Mr. BARBOUR:

S. 4328. A bill to prevent discrimination in employment against physically handicapped persons; to the Committee on Education and Labor.

(Mr. BAILEY introduced Senate Joint Resolution 294, which was referred to the Committee on Commerce, and appears under a separate heading.)

JESSE H. JONES—JOINT RESOLUTION INTRODUCED AND REPORTED

Mr. BAILEY. I ask unanimous consent at this time to introduce a joint resolution for reference to the Commerce Committee, with the request that it be read for the information of the Senate.

Mr. President, manifestly we must act on this joint resolution with as little delay as possible. I have therefore called the Committee on Commerce to meet in the committee room at 3 o'clock this afternoon to consider the resolution with the hope of reporting it back today.

There being no objection, the joint resolution (S. J. Res. 294) to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce, was read the first time by its title, the second time at length, and referred to the Committee on Commerce, as follows:

*Resolved, etc.*, That notwithstanding any provision of law to the contrary, Jesse H. Jones, Federal Loan Administrator, may continue in such office and be appointed to, in the manner now provided by law, and may exercise the duties of the office of Secretary of Commerce: *Provided*, That the total compensation to be paid him as Secretary of Commerce and as Federal Loan Administrator shall be that provided by law for the Secretary of Commerce.

Mr. BAILEY, subsequently, from the Committee on Commerce, to which the foregoing Senate Joint Resolution 294 was referred, reported it without amendment.

EXTENSION OF THE CLASSIFIED CIVIL SERVICE—AMENDMENT

Mr. MEAD submitted an amendment intended to be proposed by him to the bill (H. R. 960) extending the classified executive civil service of the United States, which was ordered to lie on the table and to be printed.

ACQUISITION OF NAVAL AND AIR BASES AND TRANSFER OF DESTROYERS (H. DOC. NO. 943)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Naval Affairs:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress notes exchanged between the British Ambassador at Washington and the Secretary of State on September 2, 1940, under which this Government has acquired the right to lease naval and air bases in Newfoundland, and in the islands of Bermuda, the Bahamas, Jamaica, St. Lucia, Trinidad, and Antigua, and in British Guiana; also a copy of an opinion of the Attorney General dated August 27, 1940, regarding my authority to consummate this arrangement.

The right to bases in Newfoundland and Bermuda are gifts—generously given and gladly received. The other bases mentioned have been acquired in exchange for 50 of our over-age destroyers.

This is not inconsistent in any sense with our status of peace. Still less is it a threat against any nation. It is an epochal and far-reaching act of preparation for continental defense in the face of grave danger.

Preparation for defense is an inalienable prerogative of a sovereign state. Under present circumstances this exercise of sovereign right is essential to the maintenance of our peace and safety. This is the most important action in the reinforcement of our national defense that has been taken since the Louisiana Purchase. Then as now, considerations of safety from overseas attack were fundamental.

The value to the Western Hemisphere of these outposts of security is beyond calculation. Their need has long been recognized by our country, and especially by those primarily charged with the duty of charting and organizing our own naval and military defense. They are essential to the protection of the Panama Canal, Central America, the northern portion of South America, the Antilles, Canada, Mexico, and our own eastern and Gulf seaboards. Their consequent importance in hemispheric defense is obvious. For these reasons I have taken advantage of the present opportunity to acquire them.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *September 3, 1940.*

[For papers transmitted with the President's message, supra, being notes exchanged between the British Ambassador at Washington and the Secretary of State under which the United States acquired the right to lease certain naval and air bases, and also an opinion of the Attorney General dated August 27, 1940, regarding the authority of the President to consummate the arrangement by Executive agreement, see H. Doc. No. 943, 76th Cong.; also see House proceedings of September 3, 1940, pp. 11354–11357.]

Mr. CLARK of Missouri. Mr. President, I ask unanimous consent to insert in the RECORD editorial comment appearing

in the St. Louis Post-Dispatch of Tuesday, September 3, upon the coup d'état by which a large portion of the United States Navy has been transferred to a foreign power. I will say further that I regret very much that, under the rules of the Senate, it is impossible also to include in the RECORD the cartoon which accompanies the editorial.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and the editorial will be printed in the RECORD.

Mr. BARKLEY. Mr. President, I ask unanimous consent in that connection to have printed alongside and following the article just put in the RECORD an editorial from the St. Louis Star-Times in answer to the editorial from the St. Louis Post-Dispatch which has just been referred to by the Senator from Missouri.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorials from the St. Louis Post-Dispatch and the St. Louis Star-Times are, respectively, as follows:

[From the St. Louis Post-Dispatch of September 3, 1940]

DICTATOR ROOSEVELT COMMITS AN ACT OF WAR

Mr. Roosevelt today committed an act of war.

He also became America's first dictator.

Secretly, his Secretary of State, Mr. Hull, entered into an agreement with the British Ambassador that amounts to a military and naval alliance with Great Britain. This secretly negotiated agreement was consummated yesterday, September 2.

Today Congress is informed of the agreement. Note well the word "informed." Although the President referred to his undercover deal as ranking in importance with the Louisiana Purchase, he is not asking Congress—the elected representatives of the people—to ratify this deal. He is telling them it already has been ratified by him—America's dictator.

The President has passed down an edict that compares with the edicts forced down the throats of Germans, Italians, and Russians by Hitler, Mussolini, and Stalin.

He hands down an edict that may eventually result in the shedding of the blood of millions of Americans; that may result in transforming the United States into a goose-stepping, regimented slave state.

Under our Constitution, treaties with foreign powers are not legal without the advice and consent of the Senate. This treaty, which history may define as the most momentous one ever made in our history, was put over without asking the Senate either for its advice or its consent.

The authority which the President quotes for his fatal and secret deal is an opinion from the Attorney General. Whatever legal trickery this "yes man" may conjure up, the fact is that the transfer of the destroyers is not only in violation of American law, but is also in violation of the Hague covenant of 1907, solemnly ratified by the United States Senate in 1908. It is an outright act of war.

Undeterred by law or the most primitive form of common sense, the President is turning over to a warring power about one-seventh of the United States Navy, against the repeated statements of Senators, Navy Department officials, and officers of the Navy that the ships are needed for our own defense.

But that is only one phase of this insane performance. We get in exchange leases on British possessions in this hemisphere—but only leases. What good will these leases be if Hitler should acquire title to these islands by right of conquest? There is even the possibility that, in the course of a negotiated peace, Great Britain might be forced to cede these islands to Hitler.

What, then, will become of Roosevelt's leases? Obviously, to avoid all sorts of possible complications, we should have full sovereignty over our naval and air bases.

Of all "sucker" real-estate deals in history, this is the worst, and the President of the United States is the "sucker."

Thomas Jefferson did not lease Louisiana from Napoleon Bonaparte. He acquired it outright, to have and to hold forever.

Woodrow Wilson didn't lease the Virgin Islands from Denmark. With the advice and consent of the United States Senate, he bought them.

In the case of Newfoundland and Bermuda, Mr. Roosevelt tells us that the right to bases "are gifts—generously given and gladly received." In other words, the great and rich United States is taking largess from a nation that owes us some $4,000,000,000. We are accepting a tip, according to the President.

For at least 10 years, this newspaper has repeatedly called attention to the urgent desirability of acquiring Caribbean islands owned by Britain and France for our own defense purposes. In that belief, we are ardently in agreement with Mr. Roosevelt.

No move was made to this end by Roosevelt or his predecessors, despite the fact that we had a trading argument in the billions of war debts owed to us by France and Britain.

No, Roosevelt saw France go down without negotiating for the islands in exchange for the debts, and only now, with Britain in the throes of a desperate war, does the President move to protect our shores.

But, in doing so, he commits an act of war, he strips our Navy of 50 valuable ships, and he enters into leases which might not be worth the paper they are written upon in a month's time.

And all this is done in utmost contempt of democratic processes and the Constitution of the United States.

If this secret deal goes through, the fat is in the fire, and we all may as well get ready for a full-dress participation in the European war.

If Roosevelt gets away with this, we may as well say good-bye to our liberties and make up our mind that henceforth we live under a dictatorship.

If Congress and the people do not rise in solemn wrath to stop Roosevelt now—at this moment—then the country deserves the stupendous tragedy that looms right around the corner.

---

[From the St. Louis Star-Times]

A REPLY TO ST. LOUIS POST-DISPATCH EDITORIAL ON 50-DESTROYER, AIR- AND NAVAL-BASE TRADE

"Not since the Louisiana Purchase," said President Roosevelt in announcing the acquisition of the Canada to South America string of naval and air bases from Great Britain, "has there been an action so important in the reinforcement of national defense."

To that the Star-Times would add:

"Not since the frenzied denunciations with which the political enemies of Thomas Jefferson greeted his acquisition of Louisiana Territory, has there been anything to match the fanatical diatribe, bred of mingled hate and fear, with which the St. Louis Post-Dispatch greeted the action of President Roosevelt."

St. Louisians, once astonished, still perplexed, are neither surprised nor alarmed at the Post-Dispatch's efforts to win the Pulitzer prize of appeasement. The prize is safe; there are no real competitors.

What other newspaper tore up its already-printed Tuesday editorial page in order to publish, in its third edition, a screaming two columns of intemperance headed "Dictator Roosevelt commits an act of war"?

What other newspaper declared editorially, without waiting for the 5,000-word opinion of Attorney General Jackson to come in over the wires, that Jackson's opinion was "legal trickery," conjured up by a "yes man" to cover a deal "in violation of American law"? What other newspaper rushed in to assert that the transfer of 50 over-age destroyers, in exchange for the naval and air bases, was against the statements of "Navy Department officials and officers of the Navy that the ships are needed for our own defense"? Haste was needed for such a statement, for had the Post-Dispatch waited an hour it would have read in its own news columns the certificate of Admiral Harold R. Stark, Chief of Naval Operations, to the President, that the destroyers "are not essential to the defense of the United States," and that "the proposed exchange of 50 over-age destroyers for suitable naval and air bases in the Atlantic will strengthen rather than impair the total defense of the United States."

Against the word of Admiral Stark, which furnished part of the legal basis for the President's action, we have the cry of the Post-Dispatch that the President, "undeterred by law or the most primitive form of common sense, is turning over to a warring power about one-seventh of the United States Navy," if these 50 over-age destroyers represent one-seventh of the United States Navy, what protest did the Post-Dispatch make in 1930, when 50 destroyers of exactly the same type and age were sold for scrap iron at a top price of $6,800 apiece and 8 others were sent to the bottom of the sea as naval targets?

Enough, however, of the citations which shows the distempered, rash, and hasty nature of the Post-Dispatch's attack on the President.

If the Post-Dispatch has no competitors today in making a record of ignominy which should last for a hundred years, it had its counterpart when Thomas Jefferson, without consulting Congress, bought the western half of the United States. The Post-Dispatch of that day was the Columbian Centinel of Boston, and its conduct is described in five words by Claude Bowers in Jefferson in Power.

"The Columbian Centinel went mad."

Thomas Jefferson was a dictator. He had secretly bought Louisiana during a recess of Congress. And the price, $15,000,000. Even as the Post-Dispatch cries out that Roosevelt has given "one-seventh of the United States Navy" for this string of defense bases, so did the Columbian Centinel, the Pulitzer prize winner of 1803, declare that $15,000,000 "is nearly all of the gold and silver in the United States"—given for what? "Wild land." Land of which "we do not want a foot," "Mississippi moonshine," in these actual words, readable now in mocking laughter, but fought then with the gravest danger to America, did the opponents of Jefferson greet his greatest stroke of statecraft.

Did they not also in 1803, as the Post-Dispatch does in 1940, accuse the President of an act of war? They did indeed. "How," asked Senator Fisher Ames, "did we dare violate our neutrality in a war between England and France?"

There were appeasers in 1803, appeasers who said it was better to let Louisiana be handed from nation to nation in dictator-ridden Europe. Had Jefferson waited 5 days, said the Boston counterpart of the St. Louis Post-Dispatch, "England would have taken Louisiana and relieved us of it."

What incredible blindness, then and now. Speed and decision were demanded of Jefferson to protect and build the United States by securing from Napoleon what Napoleon could not hold against England. Speed and decision were required of Franklin D. Roosevelt to secure and build the United States by securing from England what England might not be able to hold against Hitler.

Fools rave, and political marplots rage, against a stroke in national defense which transcends in one respect its historical counterpart—transcends it because in this instance the United States profits both by what it gains and what it gives. These 50 destroyers—outdated as auxiliaries to the American fighting fleet, listed as mere scrap metal in 1930—can convoy food ships and fight German troop transports, and help to give the United States time to make itself impregnable along a new line of Atlantic defense.

Unneutral? Of course, it is unneutral, in a world where neutrality has become Hitler's jest and Holland's grave. What kind of a world does the St. Louis Post-Dispatch think it is living in? It accuses the President, among all his other alleged crimes, of acting "in violation of the Hague covenant of 1907." Where is the original of that covenant? What Nazi storm trooper's boots are kicking it about, in the shambles of war that has swept over the temple of international peace? The first Nazi bomb that fell on The Hague tore that covenant into a thousand shreds. Loud will be the laughter of Goering and Goebbels and a million other Nazis when they read this part of the Post-Dispatch's editorial translated, as it will be, in the Voeklische Beobachter. But it will be hollow laughter, for they know now that they have misjudged America.

Again we ask, Why did the Post-Dispatch rush with such speed into its diatribe of appeasement? Was it seeking, by being the first newspaper in America to put its Hitlerian frenetics on the press association wires, to lead other Roosevelt-hating newspapers, other disciples of appeasement, to follow its example? If so, how sadly it failed, for the first 14 newspapers whose editorial position was carried by American Press Association, the score read:

Opposing the President—St. Louis Post-Dispatch.

Supporting the President—New York Daily News, Detroit Free Press, Atlanta Constitution, Philadelphia Record, New York Times, New York Herald Tribune, Los Angeles Times, Louisville Courier-Journal, Kansas City Star, New Orleans Times-Picayune, Indianapolis Star, Cleveland Plain Dealer, Chicago Tribune.

The Post-Dispatch believes it is "saving America," and so it is. It is saving America as Chamberlain saved England, as Hitler says all democracies will save themselves, because they are incapable of acting with unity, speed, and vigor. It is saving America as a man saves himself by patting the head of a dog with rabies.

Roosevelt is acting as Jefferson acted, and with the same knowledge Jefferson had that he was protecting America by skirting the borders of a European war which otherwise would have come to America. What did Jefferson say about the bearing of Europe's war upon his purchase of Louisiana?

"We did not by our intrigue produce the war," he wrote to Gen. Horatio Gates, "but we availed ourselves of it when it happened."

Roosevelt neither produced the war nor, in primary purpose, availed himself of it. He acted in an hour of danger to avert its consequences and in doing so to protect the United States against future threats of war for generations to come. He acted on the precedent of Jefferson, the precedent of Daniel Webster, the interpretation of the President's "delicate, plenary, and exclusive powers" by Justice Sutherland, the advice of the Chief of Naval Operations, and the wording of the laws of the United States, all of which the Post-Dispatch could have found in the opinion of Attorney General Jackson.

His was not the act of a dictator but of a servant of the people making democracy function. It was not an act of war but an act to keep war away from America, now and forever.

### ADDRESS BY THE PRESIDENT AT OPENING OF CHICKAMAUGA DAM

Mr. McKELLAR. Mr. President, on Monday last, Labor Day, the President of the United States delivered a very important address at the celebration incident to the opening of the Chickamauga Dam. I ask unanimous consent that the address may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The address is as follows:

Governor Cooper, Governor Rivers, Members of the Senate and of the House of Representatives, Chairman Morgan, and members of the Tennessee Valley Authority, and you, the good people of Tennessee and of the other six States that abut this great valley, I am glad to come here today, especially because I took part in the laying of the cornerstone of this dam some years ago.

When I first passed this place, after my election but before my inauguration as President, there flowed here a vagrant stream, sometimes shallow and useless, sometimes turbulent and in flood, always dark with the soil it had washed from the eroding hills. This Chickamauga Dam, the sixth in the series of mammoth structures built by the Tennessee Valley Authority for the people of the United States, is helping to give to all of us human control of the watershed of the Tennessee River in order that it may serve in full the purposes of men.

The chain of man-made inland seas may well be named "the Great Lakes of the South." Through them we are celebrating the opening of a new artery of commerce, new opportunities for recreation, relief from the desolation of floods, and new low-cost energy which has begun to flow to the homes and farms and industries in seven American States.

This national holiday—Labor Day—has been appropriately selected, because in the miracle that man has wrought, labor has played a vital role. In all these 7 years, in heat and in cold, men have drilled and blasted through solid rock, they have poured ton after ton of concrete, and they have moved mountains of earth. They have worked with the strength of their hands, and they have operated complicated machinery with every modern skill. Never once, in this the biggest consolidated construction job ever undertaken directly by the National Government, has there been a substantial interruption to the continuance of your labors. This dam, all the dams built in this short space of years, stands as a monument to a productive partnership between management and labor, between citizens of all kinds working together in the public weal. Collective bargaining and efficiency have proceeded hand in hand. It is noteworthy that the splendid new agreement between organized labor and the Tennessee Valley Authority begins with the words, "The public interest in an undertaking such as the T. V. A. always being paramount * * *."

It is appropriate, therefore, that we recognize this signal achievement on the day when the whole Nation pays tribute to labor's contribution to the democracy which we are now preparing to defend. To all of you, therefore—all of you who have contributed to make these structures possible throughout this beautiful valley—I extend the Nation's thanks.

The only note of sorrow that can properly be sounded on a great day like this lies in the misplaced emphasis which so many people have put on the objectives of the Government in building up this great Tennessee Valley project. It was at a press conference, which I held at Warm Springs, Ga., in January 1933, after visiting the valley with that splendid fighting American, Senator GEORGE NORRIS, of Nebraska, that I put his vision and mine into words. For many years, in different parts of the Nation, I have been interested in what I called the problem of better land use, a problem which necessarily had to include existing facts of harmful land use.

In the watershed of the Tennessee River, therefore, I had come to consider the facts of devastating floods which had existed for many generations—floods that washed away houses and roads and factories, floods that took great tolls of human lives—floods which threatened the very security of Chattanooga itself and of many other communities on this river, on the Ohio, and on the Mississippi.

I had studied the washing away of the wealth of soil on the main stem of the river, on its many main tributaries, and up in the creeks and hills in the higher valleys. I had seen water commerce impeded by shoals and by winding variable channels. I had understood the waste of potential hydroelectric energy.

I had seen forests denuded or burned—but worst of all, I had seen the splendid people living in parts of seven States fighting against nature instead of with nature.

Being of a practical turn of mind, I asked for figures relating to losses and figures to show the cost of stopping these losses.

My memory is that the engineers told me that from floods alone the average annual damage in the Tennessee Valley was about $25,000,000; that the topsoil carried to the sea by annual floods averaged another $25,000,000 worth, that better farming and forestry could produce at least $25,000,000 a year more, and finally, that a saving of $25,000,000 could be made by providing for and insisting on cheaper electric rates and a wider distribution of power. In other words, the complete development of the objectives of the Tennessee Valley Authority would save or, in other words, gain for the people of the watershed $100,000,000 a year.

On the other side of the ledger—the cost side—we would have to figure on a total final investment of about $500,000,000, including, of course, the taxes and amortization on the amount spent through a series of years—and including, incidentally, no watered stock. This total sum of dollars was to be spent for three major benefits. The first related to the control of the water for better navigation, for the building of lakes, for the prevention of erosion, and for the development of power. The second objective we had was the building back of soil fertility through research into phosphate fertilizers, the use of nitrate plant life, and the diversification of crops, and the reforesting of millions of acres of land. The third objective was to improve the social and economic life of these citizens with their cooperation—to plan with them for a greater diversification of human effort, to make a richer farm life, to add new industries, to give employment, and to bring a larger return in cash each year to the average of our families.

Today we see the progress that we have made, that we are making, and that we propose to continue to make. We have come far along the road. In this valley, as in the Nation, we do not propose to abandon the goal that is directly before our eyes either by sitting down or by going back.

These splendid changes have not come by compulsion—for thousands of farmers and thousands of townspeople have met together in the common effort. They have debated and discussed. Participating in the processes of their Government, they have altered the looks of their towns. They have added fertilizer to their soil. They have improved their industries. No farmer was forced to join this conservation movement. No workman was compelled to labor here under onerous conditions, or for less than a rightful wage. No citizen has lost a single one of these human liberties we prize so highly in this democracy. This is a demonstration of what a democracy at work can do, of a people uniting in a war against waste and insecurity.

There were and are those who maintain that the development of this enterprise is not a proper activity of government. As for me, I glory in it as one of the great social and economic achievements of our time.

Today we are facing a time of peril unmatched in the history of the nations of all the world. And because we are undertaking the total defense of our Nation, the Tennessee Valley region has

assumed, in addition to its own domestic betterment, its share of responsibility for national defense.

Already, and several years ahead of our carefully planned schedule, we are creating new plants which of necessity will use more power. I am glad, indeed, that in spite of partisan opposition, the Congress of the United States has overwhelmingly voted the necessary funds. That money is now at work.

New defense industries are more safe from attack in this region behind the mountains than if they were located on our more exposed borders. It is, therefore, good for our safety to develop further and to use the natural resources and the manpower of this region. In that development, let us always remember that we must and shall retain the great gains that have been made for human social security in recent years. We propose, indeed, not to retain them alone but to improve and extend them. Most assuredly we are determined neither to repeal them nor to weaken them.

We understand now what we did not understand in 1917 and 1918—that the building up of Army and Navy equipment and the training of men to use it ought not to result in a waste of our natural resources, and at the same time ought not to break down the gains of labor or the maintenance of living wages.

We are seeking the preparedness of America, not against the threat of war or conquest alone, but in order that preparedness be built to assure American peace that rests on the well-being of the American people.

Let us, therefore, today dedicate this dam and these lakes to the benefit of all the people, the prosperity they have stimulated, the faith they have justified, the hope they have inspired, the hearts that they encourage—the total defense of the United States of America.

### ADDRESS BY THE PRESIDENT ON OPENING OF GREAT SMOKY MOUNTAINS NATIONAL PARK

Mr. McKELLAR. Mr. President, also on last Monday the President of the United States delivered an address at the dedication of the Great Smoky Mountains National Park. I ask unanimous consent that the address may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The address is as follows:

Secretary Ickes, Governor Hoey, Governor Cooper, and our neighbor, Governor Maybank, of South Carolina, and my friends from all the States, I have listened with attention and great interest to the names of thousands of varieties of plants and trees and fishes and animals that Governor Cooper told us about, but he failed to mention the hundreds of thousands of species of human animals that come to this park.

Here in the Great Smokies we meet today to dedicate these mountains, streams, and forests to the service of the American people. We are living under governments which are proving their devotion to national parks. The Governors of North Carolina and of Tennessee have greatly helped us, and the Secretary of the Interior has today ready for dedication two more parks—Kings Canyon, in California and the Olympic National Park, in the State of Washington—and soon, I hope, will have a third, the Big Bend Park, in Texas.

There are trees here that stood before our forefathers came to this continent; there are brooks that still run as clear as on the day the first pioneer cupped his hand and drank from them. In this park, we shall conserve the pine, the redbud, the dogwood, the azalea, the rhododendron, the trout, and the thrush for the happiness of the American people.

The old frontier that put the hard fiber in the American spirit and the long muscles on the American back, lives and will live in these untamed mountains to give future generations a sense of the land from which their forefathers hewed their homes.

The hewing was hard. The dangers were many. The rifle could never be far from the ax. The pioneers stood on their own feet, shot their own game, and fought off their own enemies. In time of accident or misfortune they helped each other. In time of Indian attack they stood by each other.

Today we no longer face Indians and hard and lonely struggles with Nature, and also we have grown soft in many ways.

If we are to survive, we cannot be soft in a world in which there are dangers that threaten Americans—dangers far more deadly than were those the frontiersmen had to face.

The earth has been so shrunk by the airplane and the radio that Europe is closer to America today than was one side of these mountains to the other when the pioneers toiled through the primeval forest. The arrow, the tomahawk, and the scalping knife have been replaced by the airplane, the bomb, the tank, and the machine gun. Their threat is as close to us today as was the threat to the frontiersmen when hostile Indians were lurking on the other side of the gap.

Therefore to meet the threat—to ward off these dangers—the Congress and I are establishing by law the obligation inherent in our citizenship to serve our forces for defense through training in many capacities.

It is not in every case easy or pleasant to ask men of the Nation to leave their homes and women of the Nation to give their men to the service of the Nation. But the men and women of America have never held back even when it has meant personal sacrifice on their part if it is sacrifice for the common good.

The greatest attack that has ever been launched against freedom of the individual is nearer the Americas than ever before. To meet that attack we must prepare beforehand—for preparing later may and probably would be too late.

We must prepare in a thousand ways. Men are not enough. They must have arms. They must learn how to use those arms. They must have skilled leaders who must be trained. New bases must be established to enable our fleet to defend our shores. Men and women must be taught to create the supplies that we need. And we must counter the agents of the dictators within our country.

There is, moreover, another enemy at home. That enemy is the mean and petty spirit that mocks at ideals, sneers at sacrifice, and pretends the American people can live by bread alone. If the spirit of God is not in us, and if we will not prepare to give all that we have and all that we are to preserve Christian civilization in our own land, we shall go to destruction.

It is good and right that we should conserve these mountain heights of the old frontier for the benefit of the American people. But in this hour we have to safeguard a greater thing—the right of the people of this country to live as free men. Our vital task of conservation is to preserve the freedom which our forefathers won in this land and the liberties which were proclaimed in our Declaration of Independence and embodied in our Constitution.

In these centuries of American civilization, greatly blessed by the bounties of nature, we succeeded in attaining liberty in Government and liberty of the person. In the process, in the light of past history, we realize now that we committed excesses which we are today seeking to atone for.

We used up or destroyed much of our natural heritage just because that heritage was so bounteous. We slashed our forests, we used our soils, we encouraged floods, we overconcentrated our wealth, we disregarded our unemployed—all of this so greatly that we were brought rather suddenly to face the fact that unless we gave thought to the lives of our children and grandchildren they would no longer be able to live and to improve on our American way of life.

And so in these later years we have tried sincerely and honestly to look ahead to the future years. We are at last definitely engaged in the task of conserving the bounties of nature, thinking in terms of the whole of nature. We are trying at least to attain employment for all who would work and can work and to provide a greater assurance of security throughout life for the family.

From hard experience we know that the process is a long one, but most of us realize that if we can continue our effort without serious set-backs the ideals of the American way of life can and will be attained by working everlastingly for the good of the whole and not for any one privileged group.

So from within our own borders liberty, through democracy, can, I believe, be preserved in future years—if we want to preserve it.

But there is a second danger—a danger from without. I hope, for example, that 100 years from now the Great Smoky National Park will still belong in practice, as well as in theory, to the people of a free Nation. I hope it will not belong to them in theory alone and that in practice the ownership of this park will not be in the hands of some strange kind of government puppet subject to an overseas overlord. I hope the use of it will not be confined to people coming hither on Government specified days and on Government-directed tours. I hope the trees will not be slaughtered by the ax in order that a government may conduct wars of aggression against other nations. I hope that roads and paths and trails will still be built in the cause of the liberty of recreation, and not confined to the ulterior purposes of a war machine controlled by an individual or an oligarchy.

That there is a danger from without is at last recognized by most of us Americans. That such a danger cannot longer be met with pitchforks and squirrel rifles or even with the training or the weapons of the war of 1917 and 1918 is equally clear to most of us Americans.

It is not a change from the American way of life to advocate or legislate a greater and a speedier preparedness. It is a positive protection to the American way of life. We know that in the process of preparing against danger we shall not have to abandon and we will not abandon the great social improvements that have come to the American people in these later years. We need not swap the gain of better living for the gain of better defense. I propose to retain the one and gain the other.

But to conserve our liberties will not be easy. The task will require the united efforts of us all. It will require sacrifices from us all.

The pioneers survived by fighting their own fight and by standing together as one man in the face of danger. If we, their descendants, are to meet the dangers that threaten us, we too must be ready to fight our own fight and stand together as one man. In hours of peril the frontiersmen, whatever their personal likes and dislikes, whatever their personal differences of opinion, gathered together in absolute unity for defense. We, in this hour, must have absolute national unity for total defense.

What shall we be defending? The good earth of this land, our homes, our families—and far more. We shall be defending a way of life which has given more freedom to the soul and body of man than ever has been realized in the world before, a way of life that has let men scale whatever heights they could scale without hurting their fellows, a way of life that has let men hold up their heads and admit no master but God.

That way of life is menaced. We can meet the threat. We can meet it in the old frontier way. We can forge our weapons, train ourselves to shoot, meet fire with fire, and with the courage and the unity of the frontiersmen.

It is our pride that in our country men are free to differ with each other and with their Government, and to follow their own thoughts and express them. We believe that the only whole man is a free man. And we believe that in the face of danger the old spirit of the frontiersmen which is in our blood will give us the courage and unity that we must have.

We need that spirit in this hour. We need a conviction, felt deep in us all, that there are no divisions among us. We are all members of the same body. We are all Americans.

The winds that blow through the wide sky in these mountains—the winds that sweep from Canada to Mexico, from the Pacific to the Atlantic—have always blown on free men. We are free today. If we join together now—men, women, and children—and face the common menace as a united people, we shall be free tomorrow.

To the free people of America I dedicate this park.

LETTER BY SECRETARY ICKES TO NEW YORK TIMES

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a letter written by Hon. Harold L. Ickes, Secretary of the Interior, to the editor of the New York Times, which appears in the Appendix.]

ADDRESS BY HON. SMITH W. PURDUM TO NATIONAL ASSOCIATION OF RURAL LETTER CARRIERS

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address by Hon. Smith W. Purdum, Second Assistant Postmaster General, at the annual convention of the National Association of Rural Letter Carriers, at St. Louis, Mo., August 21, 1940, which appears in the Appendix.]

LETTER FROM AMBASSADOR BULLITT TO MRS. GENEVIEVE CLARK THOMSON

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter from Ambassador William C. Bullitt to Mrs. Genevieve Clark Thomson, which appears in the Appendix.]

LETTER AND ARTICLE BY JUDGE FRANK SMATHERS TO EDITOR OF ASHEVILLE (N. C.) CITIZEN

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD a letter and an article written by Judge Frank Smathers, of Miami, Fla., and published in the Asheville Citizen of Asheville, N. C., which appear in the Appendix.]

SITUATION IN EAST—ARTICLE FROM NEW YORK TIMES

[Mr. NYE asked and obtained leave to have printed in the RECORD an article from the New York Times of Sunday, September 1, 1940, entitled "Situation in East," which appears in the Appendix.]

TRANSFER OF DESTROYERS TO GREAT BRITAIN

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial from the Boston Post of September 4, 1940, entitled "An Imperious Act," which appears in the Appendix.]

EDITORIAL ON PREPAREDNESS FROM SATURDAY EVENING POST

[Mr. CLARK of Idaho asked and obtained leave to have printed in the RECORD an editorial from the Saturday Evening Post of September 7, 1940, entitled "While Yet There Is Time To Think," which appears in the Appendix.]

ARTICLE BY JAY FRANKLIN ON WAGE-HOUR LAW

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article by Jay Franklin relative to the wage-hour law, published in the Washington Evening Star of September 3, 1940, which appears in the Appendix.]

ISSUES OF THE CAMPAIGN—EDITORIAL FROM WASHINGTON TIMES-HERALD

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an editorial under the heading "Mr. Willkie," published in the Washington Times-Herald of September 3, 1940, which appears in the Appendix.]

LOVETTSVILLE AIRPLANE DISASTER

The PRESIDENT pro tempore. The Chair will state that the pending question before the Senate is, Will the Senate sustain the point of order raised by the Senator from Missouri [Mr. CLARK] against the conference report on Senate bill 2009?

Mr. ELLENDER obtained the floor.

Mr. McCARRAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. ELLENDER. I yield.

Mr. McCARRAN. Mr. President, I send to the desk a resolution, which I ask to have read for the information of the Senate and thereafter that it lie on the table.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the resolution will be read.

The resolution (S. Res. 307) was read, as follows:

Whereas an airplane owned by Pennsylvania-Central Airlines Corporation while engaged in interstate air commerce, crashed near Lovettsville, in the State of Virginia, on the 31st day of August 1940, resulting in the death of 25 persons, among whom was an honored Member of this body, the Honorable Ernest Lundeen; and

Whereas it is imperative that in the transportation of persons and property in interstate air commerce every reasonable safeguard should be employed to afford the greatest possible degree of safety; and

Whereas an investigation of the causes of the crashing of such airplane is essential for the purpose of obtaining adequate information to enable the air-line companies to adopt such additional safeguards, Government agencies to prescribe such safety regulations, and Congress to enact such remedial legislation as may be necessary to prevent the occurrence of similar disasters: Therefore be it

*Resolved*, That the Committee on Commerce, or any subcommittee thereof authorized by the chairman of such committee, is authorized and directed to make a full and complete investigation with respect to (1) the cause of the crashing of the Pennsylvania-Central Airlines Corporation airplane at Lovettsville, Va., on August 31, 1940; (2) any other crashes of, or accidents to, airplanes engaged in interstate air commerce resulting in the loss of lives; (3) the precautions taken, and the safeguards provided, by those engaged in interstate air commerce for the purpose of preventing the loss of lives of persons transported by them; (4) the adequacy of the safety regulations, air-safety devices, and inspections prescribed or provided by the Government or any department or agency thereof for the purpose of safeguarding the lives of persons transported in interstate air commerce; (5) any inefficiency in the administration by any department or agency of the Government of any of its functions relating to the safety of persons transported in interstate air commerce; and (6) any other matters which such committee or subcommittee may deem it necessary to investigate for the purpose of obtaining adequate information to enable it to recommend action designed to prevent the loss of lives of persons or the loss of property transported in interstate air commerce. The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations.

For the purposes of this resolution, the committee, or any duly authorized subcommitee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $20,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

The PRESIDENT pro tempore. The Senator from Nevada asks that the resolution lie on the table. Without objection, it is so ordered.

Mr. McCARRAN. Mr. President, I desire at this time to address myself very briefly to the subject matter of the resolution. I hope I shall address myself to it calmly and that we may all look upon the subject with as much calmness as humanly possible.

Mr. President, we created, by an act of Congress, a law to take care of the transportation of persons and property by air with the greatest degree of safety that the ingenuity of those interested in the subject could possibly devise and put into print. Congress on four different occasions considered bills drafted by the junior Senator from Nevada after long and continued study, at which he had brought to his side and to the aid of the committees considering the bill the finest minds that the world could produce bearing on the subject of aviation and aeronautics. I say "the finest minds," and I say it without fear of contradiction—men who had flown in the throes of war; a man who had flown as a "lone eagle," the first to cross from the western world to the center of the Old World; and we brought to our aid and to our counsel that one great outstanding woman whose memory will long linger in the life of aviation. I shall never forget the day she came before the Committee on Interstate Commerce and discussed, with an unusual display of knowledge, her idea as to a law that would protect the transportation of persons and property in the air and would bring about

regulation of that great method of transportation. I shall never forget Amelia Earhart, whom some thought to be merely a "stunt" flyer; but when she came before the Committee on Interstate Commerce she disclosed by her testimony that she was conversant with the very minutest details of the science of aviation. She went away leaving the committee with a fund of information derived from her experience as a flyer throughout the world.

We had before us the great Eddie Rickenbacker, whose experience in war and in peacetime gave him authority to speak by way of information to the committee.

Those were but a few of the many who came before the committees engaged in drafting the Civil Aeronautics Authority bill. As a result of the study of 5 years there was brought to the Senate of the United States and finally to the House of Representatives, through Representative LEA, the chairman of the Committee on Interstate Commerce, a bill which to my mind will stand out for all time as one worthy of a great cause, worthy of a great science, worthy of a great venture of a great nation to take the lead in the science of aviation and aeronautics.

Mr. President, for something like 14 months, if I recall correctly, after the bill became operative and after the entire matter had been turned over to the Authority created by the bill, the industry, the method of transportation, the science went forward with unusual strides. During those 14 months not a single fatality occurred. It was an unusual record because if we go back even to the oxcart days, we fail to find such a record extending over such a period. Four hundred million plane miles, using round figures, had been flown by commercial airplanes; there had been flown something like 160,000,000 plane miles by planes going through the air from coast to coast, from one end of the continent to the other, from this continent to continents abroad, and, by application of the Civil Aeronautics Act, by virtue of the power of the Safety Board which was created by the Civil Aeronautics Act, by virtue of the power of that Board having independence to carry out its mandates and to carry out its investigations, there resulted not a single fatality.

Mr. President, for some reason or other, which no one has explained to the Congress during all the period when time was available to make the explanation, Reorganization Plan No. III came to the Congress, which transformed the Civil Aeronautics Authority internally.

A rather peculiar turn of events grew out of Reorganization Plan No. III. There was a change of power from one man to another, and all of a sudden we found that there was something wrong with Reorganization Plan No. III. I made no effort to interfere with Reorganization Plan No. III, because I thought it provided an internal change which would do no harm, that while it might give one man more power than he had, against another who wanted power, it would eventually result in good, because the Safety Board was protected and preserved and continued by Reorganization Plan No. III.

But Reorganization Plan No. III did not suit someone. It had given too much power to someone else; there was a change internally. So, before Congress had had a chance even to look at Reorganization Plan No. III, lo and behold, in came Reorganization Plan No. IV, which emasculated an act of Congress which it had taken Congress 5 long years of study to bring about, after the most careful and diligent and persevering attention on the floor of the Senate and on the floor of the House. I say it emasculated the legislation, and I repeat it, because Reorganization Plan No. IV destroyed the Safety Board. Reorganization Plan No. IV put the Safety Board out of business as it was in the first instance. It made it a subservient creature, without independence of authority to act.

Mr. President, it never seemed to me to be the proper thing, nor does it ever seem to me to have any force, to make the empty statement which sometimes is used, "I told you so," and I shall not use it now save and except the record comes up and faces me at every turn, I am sorry to say.

I could see, when we were considering Reorganization Plan No. IV, as I see now, that that which was a magnificently working organization, an organization bringing about great results for this country, was going into a conglomerate, where there would be neither head nor tail, where there would be no coordination, where there would be no systematization, where there would be nothing which had been worked out by those who had given their life to the study of aviation and whose efforts would be dissipated, emasculated, set aside by an Executive plan in connection with which no study had been given to the subject whatever. That was disclosed by the RECORD before the Senate.

Mr. President, we are now confronted with something which tears at the heartstrings, which destroys our confidence in ourselves, which makes us wonder whether we, as representatives of sovereign States, should longer sit here, if after years of study, after careful and diligent application to a subject, an executive order can set aside all that we did and bring about a disaster, a disaster which touches home this morning, because there is an empty seat in the Senate. It might have touched home any time.

Mr. President, I lay no blame anywhere; I only say the record stands out that there was no fatal accident before the change was made, but that since the change was made, and the Civil Aeronautics Authority was transferred to the Department of Commerce, there have been chaos and confusion in the Civil Aeronautics Authority. There has been resignation after resignation by some of the most outstanding men who knew their business, and were willing to resign their posts, which paid as high as $12,000 and $15,000 a year, rather than allow themselves to go further in a condition which they could see was leading to disaster, leading inevitably to that which confronts us this morning.

Mr. President, I have had read to the Senate and laid on the table a resolution. I am advised by the chairman of the Civil Aeronautics Board that Friday morning an investigation will go forward. I am making no statement now as to that investigation. I only hope and pray that it will be on a big, broad, fearless plane. I only hope it will develop the facts, so that the Senate of the United States, if we act upon the resolution which I have offered this morning and which lies on the table, will have before it, preliminarily, at least, the facts developed by the Civil Aeronautics Board itself. Then we may have an authentic basis with which to go forward.

Mr. President, I wish to say now that if God spares me to return to the Senate next year and the year following, I shall be here advocating the return and working to put the Civil Aeronautics Authority back where it was when life and property in the air were safe, and when disaster was not confronting every passenger who took flight over the country. I hope to see the day when the Senate will come back again to what it did in 1938, and reenact the Civil Aeronautics Authority law, and take that Authority out of any political agency whatever, so that it may stand alone, stand on its great record, and go forward, so that America may lead the world in aviation, as we hope it will lead the world in civilization in the days to come.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Louisiana has the floor. Does he yield to the Senator from North Carolina?

Mr. ELLENDER. I yield.

Mr. BAILEY. I wish to make a brief statement in response to the remarks of my eloquent and very distinguished friend, the junior Senator from Nevada [Mr. MCCARRAN].

The Civil Aeronautics Authority is now investigating the lamentable accident with which we are all familiar, and the Chairman of the Authority, Mr. Branch, has sent an invitation to the Senate as a whole, and to us singly, to attend the hearings and the investigation. I take it the investigation will be made in due order.

Moreover, we have in the Committee on Commerce of the Senate a subcommittee on safety in the air, constituted several years ago. The senior Senator from Missouri [Mr.

CLARK] is chairman of that subcommittee, and he has informed me that he intends to attend the investigation and the hearing to which I have referred.

Let me say a word further with respect to the suggestion made, I think under the impulse of emotion. As one who supported Reorganization Plan No. III and Reorganization Plan No. IV, I am not inclined to enter a plea of guilty. Nor am I inclined to ask for mercy at this time.

I hope, at any rate, that we may be delivered from conviction by any citizen of felonious intent.

So far, Mr. President, nothing has appeared which suggests in the remotest degree any casual relation between Executive Order No. III and Executive Order No. IV and the lamentable tragedy of last Saturday. I do not think we would do well to argue any matters so serious on the basis of post hoc ergo propter hoc. The orders were made and the Senate approved the orders. There have been no accidents, very fortunately, for a period, I think, of 16 months. Now one has occurred.

Let me say to the Senate, that no matter how much legislation we may pass concerning railroads, air transportation, water transportation, or truck or motor transportation, in a world of this character, far from the millennium—and sometimes I think it appears to be going in the other direction—there will be accidents and there will be tragedies. However, we cannot impute them to an order of the President of the United States or to the action of the Congress.

I differ with my very honorable and most respected friend, but if it shall appear necessary, from the investigation, either to the Committee on Safety in the Air of the Senate, or to the Civil Aeronautics Board, or, I may say, to the President of the United States, I feel well assured that proper recommendations and reports will be made to the Senate.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BARKLEY. I do not care to enter into any discussion as to the wisdom of the action taken by the President and by the Congress in regard to the consolidation under order No. III and order No. IV, to which allusion has been made. Of course, those of us who supported those orders realized at the time, and so stated, that in all probability no human foresight or efficiency, great as they might be, could guarantee that no accident would occur in the future involving the lives of men and women in transportation by air.

It has been a matter of congratulation and rejoicing on the part of all of us that for more than 17 months there have been, until last Saturday, no fatalities as the result of air transportation. It is also a matter in which the Pennsylvania-Central Airlines Corporation took pardonable pride, that during its entire history it has had no fatal accidents on its air lines. I think a very considerable part of the credit for safety of travel in the air in the United States is due to the air lines themselves, who are, of course, interested primarily in the preservation of the reputation of their lines as well as the preservation of the lives of their passengers. But no one could forecast that no accident would happen under any circumstances.

We all mourn, not only for our esteemed, respected colleague who lost his life, but with the families of all those who lost their lives last Saturday in this deplorable catastrophe.

With respect to the resolution offered by the Senator from Nevada [Mr. MCCARRAN], I thoroughly appreciate the emotion which he feels with regard to the situation, but I do not think the accident to which reference has been made should be used as an incident either for vindication of some position taken here by us, or for condemnation of some position taken here by us in regard to the consolidation under orders III and IV. As a matter of fact, with very rare exceptions, the personnel now in charge of the Civil Aeronautics Board in the Department of Commerce is composed of the same persons who were in charge of the organization when it was an independent agency.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me on that point?

Mr. BARKLEY. Yes.

Mr. CLARK of Missouri. I do not wish to prolong the discussion, and I am in sympathy with the position taken by the Senator with respect to the resolution which has been offered, but when the Senator makes a statement as to the personnel, I think it is fair to call his attention to the fact that the gist of the objection to Reorganization Plan No. IV was that it abolished the Air Safety Board and put the investigation of accidents, such as the one which occurred on Saturday last, or one which may occur tomorrow, in the hands of the departmental agency interested in absolving the Department itself from any blame, rather than in the hands of an entirely independent agency, which the Air Safety Board was when it was in existence.

Mr. BARKLEY. Mr. President, the Senator from Missouri, when he interrupted me, did not permit me to conclude the statement I was making.

Mr. CLARK of Missouri. I did not mean to interrupt the Senator.

Mr. BARKLEY. I realize, as we all do, that the Air Safety Board, as it existed in the independent agency, was abolished under the President's order, but the investigatory agency of the Civil Aeronautics Board, under the Department of Commerce, except for a slight turnover in its personnel, is practically the same as it was before. There has naturally been some turn-over because of the desire and the effort on the part of the Board to improve its corps of inspectors and investigators and experts. The Board itself is practically the same, except that Mr. Hinckley, who was chairman of the old organization, is now Under Secretary of Commerce. Mr. Harllee Branch, who was at that time a member of the old organization, is now vice chairman of the Civil Aeronautics Board in the Department of Commerce. So the statement I made was, in the main, correct.

I was leading up to the point, however, that not only has the Pennsylvania-Central Airlines Corporation—which it was its duty and, of course, its desire to do—placed all its investigatory force in charge of investigating the cause of this accident, but the Civil Aeronautics Board, and its Air Safety Division, which it has created within the Board, have assembled at the seat of the accident their best men, experts, aviators, and investigators. They have examined minutely every particle of evidence. They have examined not only those who witnessed the accident, but the material, the debris, and all that is left of the airship and everything connected with it, in order to ascertain, if possible, the cause of this great disaster.

Tomorrow, at 10 o'clock, I believe, the investigation, which is to be public, is to begin in the Department of Commerce, in the auditorium on Constitution Avenue and, as has already been stated, Members of the Senate have been invited to be present. The members of the committee which was created at the time of the previous accident, which resulted in the death of Senator Cutting, and which is still in existence, I believe, particularly have been invited to appear and be present at this investigation.

I am satisfied that every particle of evidence that is available will be submitted to the board in its investigation. Any senatorial investigation set up under the resolution would of necessity require the attendance of the same witnesses who will appear at the investigation which is to begin tomorrow.

If in that investigation it should be determined or believed, or even reasonably suspected, that the Board in charge of it, whose duty it is to make the investigation under the law, has neglected its duty, or has sought to cover up any evidence, or to avert any blame that may be attached to anyone in official position, I would then be in favor of any investigation on the part of the Senate that might reveal such dereliction of duty; but in view of the situation it seems to me that the Board, whose first duty is to make the investigation, and make the report, ought to be given an opportunity to exhaust all sources of information before the Senate attempts to take over the investigation under the resolution offered by the Senator from Nevada.

As a matter of fact, I think the resolution should be referred to the Committee on Commerce. I shall not move that that be done; I have no objection to the resolution lying on the table for the time being; but I feel that we ought not to arrive

at hasty conclusions as to the guilt of anyone or the responsibility of anyone. The accident may have been the result of an act of God, which could not have been avoided by any human foresight. If that should turn out to be true, it would be most unfair prematurely and hastily to charge any Government agency, or even the company itself, with negligence or dereliction of duty as a cause for the deplorable and tragic accident which occurred last Saturday.

For 25 years the New York Central Railroad boasted that it never had an accident which resulted in the death of a human being. Last year it had one. It might be just as fair to accuse the Interstate Commerce Commission, or the various commissions in the States through which that railroad passes, of neglecting some duty, although I grant that their duty in investigating physical properties and equipment may not be as acute as the duty of the Board to investigate air accidents and to provide as far as possible against their recurrence.

I hope the Senate will allow the Board to make its investigation without interference or duplication, and then await the result of that investigation for any action it may take in the premises.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AUSTIN. I think we ought not to do anything hasty. Personally, I should not jump to the conclusion that there is a causal relationship between the tragic accident and the abolition of the Air Safety Board. However, I think the presentation of this resolution and the discussion which has already taken place make it important for the Senate to act in the matter.

It is clear from what has been said that many persons draw an inference which is unjustified. They argue from the coincidence alone that because for 13 months and more, during the operation of the Air Safety Board, there was no fatal accident on any of the regular air-transportation lines, and that now, within 2 months after the abolition of the board, this dreadful accident occurs, therefore the abolition of the Air Safety Board is a cause of the accident. Pilots who are constantly engaged in flying the big transports have drawn that conclusion. So it is important for us to do something at once, as a deliberative body which is responsible, in a way, for the abolition of the Air Safety Board, to ascertain the truth if it can be ascertained, so as to put an end to false impressions and erroneous inferences, instead of allowing them to continue, and instead of allowing an investigation only by a body whose prime interest is to make certain that there is no causal relationship, while the public believes that there is such relationship.

Mr. President, I make no charge at all as to such causal relationship. I say that the public is quite likely to have that impression unless we courageously face the situation and make the investigation called for by the resolution. Therefore, I am in favor of the resolution.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LODGE. I endorse the sentiments expressed by the Senator from Vermont [Mr. AUSTIN]. I wish to have the RECORD show that I am in hearty support of any investigation of this terrible accident, and that I shall be glad to associate myself with those who are trying to ascertain the truth about the matter.

PRESIDENTIAL TERMS

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield, provided I do not lose the floor.

The PRESIDENT pro tempore. The Senator will not lose the floor.

Mr. ASHURST. Mr. President, I should not make this statement, except for the fact that I am a candidate for renomination at the primary election on the 10th of this month. I do not believe in the policy of public servants making explanations. If one's own actions do not explain, it is useless to attempt an explanation in words. In fact, public men who make explanations often find on the next day that it is necessary for them to explain their explanations.

However, I have received letters from various parts of the United States, and some from my own State, carrying a flail of criticism upon me for my alleged infidelity and treacherous conduct toward the Roosevelt administration, in that I have permitted a subcommittee of the Senate Committee on the Judiciary, of which main committee I am the chairman, to hold hearings with respect to the third term or with respect to the idea of a constitutional amendment regulating the terms of the Presidency.

Mr. President, I say again that this is not an explanation, further than to say that it is due to myself, to the Senate, and to the country that I recite the history of the joint resolution.

The joint resolution proposing an amendment to the Constitution of the United States relating to the terms of the Presidency was introduced by the Senator from Nebraska [Mr. BURKE] on January 4, 1939, being Senate Joint Resolution 15. On June 12 I, as the chairman of the Senate Committee on the Judiciary, appointed the following subcommittee to consider the joint resolution: The Senator from Nebraska [Mr. BURKE], chairman of the subcommittee—and I have always named the sponsor of a bill as the chairman of a subcommittee—the Senator from Indiana [Mr. VAN NUYS]; the Senator from Texas [Mr. CONNALLY]; the Senator from Vermont [Mr. AUSTIN]; and the Senator from Wisconsin [Mr. WILEY], to conduct the hearings and make such report as they saw fit to make. On July 3, 1939, the Senator from Nebraska was authorized to report the resolution to the Senate without recommendation.

The torrent of criticism which is coming upon me for my alleged failure to support the administration in this behalf arises from the circumstance that those who write me are of the opinion that I could have prevented, bottled up, secreted, and kept back any exploration of this subject.

Mr. President, I am not disposed to say that the Senate Committee on the Judiciary is a committee of greater dignity or ability than any other committee; but I do say—and I ask the members of the committee to bear me out—that, so far as I am concerned, in my nearly 8 years of chairmanship, it is one committee in which not one word of politics has ever been uttered. Not one syllable that could be construed as political, or as trying to advance or destroy the political ambitions of any person, has been uttered in that committee. If so, I ask members of the committee to rise and say when and where it was.

The Senator from Nebraska, as chairman of the subcommittee, saw fit to commence hearings on the joint resolution. The hearings do not embarrass me. I do not believe they embarrass any real friend of the administration. If they do embarrass anyone, I do not intend to be put in the position of being a fugitive from information.

President Franklin Delano Roosevelt has many virtues, and, being human, I assume he has some failings. I do not care to be introduced to, or to meet, or to have as a friend a man who has no faults, no foibles, and no failings. I could not breathe the rarefied atmosphere necessary to a person who has no faults. He would not be human. I should not want to be friend to a man who had no failings and no faults. I could not march with him in comradeship.

I have never heard any person accuse President Franklin D. Roosevelt of a lack of courage. In fact, among the public men in the history of this Republic he stands in bold relief as a man of superb physical and moral courage; and those who say that the resumption of hearings before the Senate subcommittee at this particular time is disloyal to Roosevelt do not know President Roosevelt. Surely President Roosevelt will not be afraid of or seek to avoid the discussion of an issue which he himself has raised.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. ASHURST. The Senator from Louisiana has the floor.

Mr. ELLENDER. I yield.

Mr. BARKLEY. I ask the Senator this question because the matter has been mentioned in discussion in regard to the present activities of the subcommittee. The question of

a third term will be passed upon by the people of the United States next November, and I doubt very much whether the investigation of the subcommittee will have any bearing on the result.

Mr. ASHURST. I thank the Senator for that statement.

Mr. BARKLEY. Purely as a matter of information as to the situation within the committee itself, it is my understanding—and I have gotten it from members of the committee—that the subcommittee was appointed to consider the resolution——

Mr. ASHURST. It was appointed on June 12, 1939.

Mr. BARKLEY. That it reported back to the full committee.

Mr. ASHURST. That is correct. The subcommittee reported on July 3, 1939.

Mr. BARKLEY. And thereby presumably completed and discharged its duties as a subcommittee, leaving the matter still before the full committee.

Mr. ASHURST. The Senator is correct in that conclusion.

Mr. BARKLEY. That report to the full committee was without recommendation, and the full committee, as I understand, has never taken action upon that report.

Mr. ASHURST. That is correct.

Mr. BARKLEY. So the question arises in my mind—and I think it is a legitimate question—whether there is a subcommittee in fact or whether it discharged its duties when it made its report to the full committee, unless it had been specifically authorized and instructed to proceed further, or unless the report had been referred back to the subcommittee for investigation and hearing. Very naturally, in view of the fact that the issue is before the American people, the question would be raised as to whether under the circumstances the hearings ought to proceed—not that I object or anyone else objects so far as I know—and there was an inquiry in the minds of a good many people whether the investigation had any connection with the campaign.

Mr. ASHURST. That was a very natural inquiry.

Mr. BARKLEY. It was a very natural inquiry. So I wanted to ask if what I have stated as to the situation within the committee is correct.

Mr. ASHURST. The Senator from Kentucky is correct.

Mr. President, if the Senator from Louisiana will indulge me another word, let me state that what I have said is not even impliedly a criticism of the subcommittee or its chairman. A great deal of latitude is allowed subcommittees, and I do not believe that the chairman of a main committee should go about spying upon or running around to see what a subcommittee is doing or punching or prodding it. The chairman of the main committee appoints the subcommittee, and it is their function and their duty to act as they see fit. It is purely a question of ethics. If the able Senator from Nebraska saw fit to take the action which has been taken, I have no word of criticism. If he is at rest with his conscience in the matter—and he is a man of good conscience—if he feels that he is doing the proper thing, I am not a censor; I am not here to criticize any other Senator for what he does or fails to do. The Senator from Kentucky has correctly stated the record.

Mr. BARKLEY. Mr. President, if the Senator from Louisiana will yield for a further observation, let me say that, of course, the Senator from Nebraska, who is on his feet, knows the respect in which I hold him and all the other members of the subcommittee; but I think it would have been better if the subcommittee had embarked upon the hearings it now proposes to hold before it had made its report to the full committee, so it might have had the benefit of any information that might be elucidated at the hearings and might have made a report one way or the other on the resolution rather than to make a noncommittal report, as it was.

Mr. ASHURST. If I may say a word further, I made the statement I have made because, obviously, it is not conceivably within my power to reply to the hundreds of letters that come to me asking for an explanation. So I made the statement in order that the country and the Senate at least may know the record. I cannot reply to all those who ask me about it.

Mr. BURKE. Mr. President, will the Senator from Louisiana yield to me?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nebraska?

Mr. ELLENDER. I yield.

Mr. BURKE. Mr. President, I am very much interested in the statement made by the chairman of the Judiciary Committee, and I regret that I cannot command language which would express fully the respect and admiration of the members of that committee for their distinguished chairman. I have never served on any committee of this body or anywhere else where I have found such universal respect on the part of the membership for the chairman. His attitude in reference to this particular resolution is merely typical of his attitude in regard to all matters which come before the committee.

My conscience is entirely clear in this matter—crystal clear. If there was any possibility of causing a question to arise in my mind, it would be that some correspondents have written to the chairman and have appeared to blame him. But since he has explained the matter so fully, I am sure that even those correspondents will be satisfied, and I can continue with my perfectly clear conscience.

Let me say, not in contradiction of anything that has been said but in further explanation, that I think, in the first place, it is not correct to draw the conclusion, as the majority leader would appear to imply, when on July 3, 1939, the subcommittee reported to the full committee, that thereupon the subcommittee ceased to exist. The subcommittee had not held hearings on the matter. This is a subject, as we all know, that has been under discussion since the days of the Constitutional Convention. It has been before this body and the other House of Congress often, and many Presidents have expressed themselves in the matter, but in July 1939 when the subcommittee reported it was an academic matter. The subcommittee, the full committee, the Congress, the country had the right to believe then that it was going to remain an academic question. I think, if the majority leader listened to a certain speech of acceptance which was made to a convention over which he was presiding he will recall that President Roosevelt, according to his own statement, had no thought, desire, or intention in July 1939 to be a candidate for a third term. He did not make up his mind to yield to the "draft" until long after that—after the start of the European war.

Mr. BARKLEY. Mr. President——

Mr. BURKE. If the Senator will let me finish the sentence, I will yield. At the time when the subcommittee reported, as I say, this was merely an academic proposition. I will develop that thought thoroughly later, but will yield now to the Senator from Kentucky.

Mr. BARKLEY. I wanted to inquire of the Senator, supposing it was at that time an academic matter, if it be true, that the hearings which are now to proceed are to be held because it is no longer an academic matter but a concrete practical matter, and that there is relationship between the practicality and the concreteness of the present situation and the hearings which the Senator proposes to hold.

Mr. BURKE. I will absolve all the other members of the subcommittee from any thought or intention that it is still other than an academic question of very great interest, but, for myself, as chairman of the committee, I say very frankly and openly that my interest in the matter now is 99.9 percent caused by the fact that it has ceased to be an academic matter, though there may still be a modicum of the academic theory. But, anyway, this having been an academic matter, and having been discussed at great length through all the years, the committee met, talked about it, and finally decided to submit the question to the full committee, which was done on the 3d of July. There was opposition in the committee on many grounds. Some favored a limitation of two terms and were not in favor of a single 6-year term, some favored leaving the matter to be handled by tradition, and some took the position that this was a matter that always should be left to the people to decide and they would decide it properly. We discussed the matter in the full committee. A considerable number of members of the committee were

not present; the time was the day before the Fourth of July and we did not have a large attendance; but my recollection is that the matter was not submitted to a vote in the full committee, although I may be in error as to that. In any event, however, I know the suggestion was made, and the decision was reached that, if the subcommittee desired to report the resolution and have it put on the calendar so that it could be discussed in the Senate, they were authorized—not directed, but authorized—to report it, without any recommendation. The subcommittee did not see fit to report the resolution under those circumstances. Without a report from the committee we would have little chance of even getting a favorable hearing in the Senate, and in the closing days of the session, in midsummer, we are quite sure nothing would be accomplished in the Senate. So the matter was merely held in abeyance, but I never heard anyone suggest that the subcommittee automatically went out of existence at that time.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. BURKE. I yield.

Mr. BARKLEY. The Senator knows, as we all know, that, whether technically correct or not, when a subcommittee makes a report to the full committee on legislation that has been referred to it, it no longer is in the hands of the subcommittee but is in the hands of the full committee. I do not care to take a technical view of the situation, but I should like to ask the Senator whether after the subcommittee made its report to the full committee the full committee took any positive action by re-referring this matter to the subcommittee or authorizing them to hold hearings or whether the subcommittee considered that it still existed and had the authority to do what it is now doing.

Mr. BURKE. There was no action on the matter by the full committee after the 3d of July 1939, so far as I know; but I will give the complete answer, if I may, first to the Senator's contention in reference to the committee, which, as he says, is technical, and he does not press it.

There was later introduced by another Senator a joint resolution dealing with the tenure of office of President of the United States—a joint resolution for a constitutional amendment. Some weeks or months ago that joint resolution, which was referred to the Senate Committee on the Judiciary, was by the chairman of the committee referred to this identical subcommittee of which I am the chairman and the Senator from Indiana [Mr. VAN NUYS], the Senator from Texas [Mr. CONNALLY], the Senator from Vermont [Mr. AUSTIN], and the Senator from Maine [Mr. WHITE] are members. The joint resolution was referred to the subcommittee, and, of course, constitutes full authority for the subcommittee to hold hearings on the matter; so that we have before the subcommittee two joint resolutions, about one of which there could be no argument. Even if it should be held that the joint resolution for the single 6-year term is out of the hands of the subcommittee, the subcommittee is still perfectly within its rights and powers in proceeding to hold hearings or do anything else it wishes to do on the other joint resolution dealing with the question of tenure of office of the President of the United States.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BYRNES. As I understand the Senator's statement, the subcommittee reported to the full committee on the joint resolution first submitted to it. There was no action, but there was discussion in the full committee after the subcommittee reported to it. I think the Senator will agree that, that being true, the subcommittee, so far as that particular joint resolution is concerned, was, under the practice of committees, discharged.

Mr. BURKE. No; I do not agree to that statement at all.

Mr. BYRNES. Before which committee was the joint resolution pending—the full committee or the subcommittee?

Mr. BURKE. It is still pending before the subcommittee. There are all kinds of reports. There are interim reports and final reports.

Mr. BYRNES. Was this an interim report, a partial report, or a final report?

Mr. BURKE. I should construe it as an interim report. We reported the result of our thoughts up to that time, and the committee did not say, "We now discharge you and we take charge of this matter." Instead of doing that, the committee said, "You go ahead with the matter, report it out to the Senate, and get it on the calendar," leaving it entirely in the hands of the subcommittee.

Mr. BYRNES. After the subcommittee reported?

Mr. BURKE. On July 3, 1939.

Mr. BYRNES. After this discussion?

Mr. BURKE. Yes.

Mr. BYRNES. The Senator will agree that the subcommittee could not report the joint resolution. The full committee had to report it. Will not the Senator agree that, as a matter of practice, the full committee acts on such matters?

Mr. BURKE. No, indeed; that is not the way the Senate Judiciary Committee acts.

Mr. BYRNES. The full committee could authorize the subcommittee to report a resolution, and the Senator's statement is that the full committee did authorize the Senator's subcommittee to report it to the Senate?

Mr. BURKE. Yes.

Mr. BYRNES. Did the subcommittee report it to the Senate?

Mr. BURKE. It has not yet been reported to the Senate. No time limit was fixed within which the subcommittee could make the report, and no limitation was placed on what the subcommittee should do.

Mr. BYRNES. I wanted to ask the Senator simply in a chronological way to develop the facts. The full committee authorized the subcommittee on July 3, 1939, to report the joint resolution, and the subcommittee has not reported it to this date?

Mr. BURKE. That is correct.

Mr. BYRNES. And the subcommittee never began hearings on it until this week?

Mr. BURKE. Yesterday, to be exact.

Mr. BARKLEY. Mr. President, will the Senator let me ask him a question at that point? The Senator said the report was an interim report. How could it be an interim report if the full committee authorized the subcommittee to go ahead at once and report the joint resolution to the Senate? How could it be an interim report unless the subcommittee asked the full committee to permit it to have further time either for further consideration, or for hearings, or for some other reason?

My understanding is—I know it is the practice in all committees—that when a subcommittee reports a bill, either favorably or unfavorably or without recommendation, it has dumped it back on the doorstep of the full committee. When the full committee authorizes a bill to be reported by the subcommittee that handled it and has charge of it, that does not sound to me like an interim report. It sounds more like a final report than an interim report.

Mr. BURKE. I am perfectly willing that our distinguished majority leader shall place any interpretation he wishes to place on the report, or that the Senator from South Carolina shall argue the technical question; but, in any event, give the subcommittee credit for being farsighted enough to see that such questions might be raised. Therefore, before calling any hearings or proceeding, the subcommittee found that it had duly referred to it another joint resolution for a constitutional amendment dealing with the question of tenure of office of the President; and the committee in its hearings is not confining itself to the proposition for a single 6-year term, but is exploring the whole matter of possible legislation or constitutional amendments in relation to the tenure of office of the President of the United States.

Mr. BYRNES. Mr. President, will the Senator be kind enough to yield for one other question?

Mr. BURKE. I shall be delighted to do so.

Mr. BYRNES. I simply want to know when the second joint resolution was referred to the subcommittee.

Mr. BURKE. I have not the exact date in mind, but I should say certainly 1 month, possibly 2 months, ago; long before any hearings were called on this matter.

Mr. BYRNES. Whose joint resolution was that?

Mr. BURKE. The Senator from New Hampshire [Mr. BRIDGES]. I think if the Senator has the calendar before him he will probably find the exact date when it was referred.

Mr. BYRNES. And it was several months ago, as the Senator recollects?

Mr. BURKE. It was at least before the hearings were called or set.

Mr. BYRNES. I was merely anxious to know how long it was before the hearings were called.

Mr. BURKE. I cannot answer that question, as I did not consider it a matter of any great importance, although we were glad to have the additional resolution before us.

I desire now to go just a little further with the matter, if I may, for a moment.

On January 6, 1937, I introduced in the Senate, Senate Joint Resolution No. 2, dealing with the question of term of office and manner of election of President. So far as the term of office was concerned, that joint resolution is identical with the one which I introduced 2 years later, in 1939. In the case of the joint resolution introduced on January 6, 1937, providing for a constitutional amendment for a single 6-year term for President, the chairman of the committee promptly appointed a subcommittee to consider the matter, and the subcommittee met but never held any formal hearings.

If the majority leader will listen, I will say to him, going back now to 1937 to trace the genesis of this whole matter, that on January 6, 1937, I introduced a joint resolution for a constitutional amendment for a single 6-year term for President, which was referred by the chairman of the Judiciary Committee to a subcommittee of which I was chairman. As will probably be recalled, the Judiciary Committee and, in fact, the entire Senate very shortly became greatly interested in another question put before the Senate on the 5th of February 1937, within 30 days after I had introduced the joint resolution, calling for a reorganization of the entire judicial department of the Government; and from the 5th of February 1937, all through the remainder of that session, the members of the Judiciary Committee gave very little attention to any other matter. So it was not only the academic character of the question of a limitation upon the tenure of office of President at that time but the fact that the present occupant of the White House had given the Judiciary Committee a task which kept it very busy that prevented consideration of the joint resolution during that session, and it was never pressed any further; but at the opening of the Seventy-sixth Congress, on January 4, 1937, I introduced the present joint resolution.

When the distinguished chairman of the Judiciary Committee had the floor, and also when the majority leader, the distinguished Senator from Kentucky, was expressing his views, I was very much interested in the statements which were made as to the propriety of the course now being followed by the subcommittee. I shall have to absolve the Senator from Arizona entirely from this; but a general thought was put out by some others raising some question as to the propriety or the ethics of exploring now, through any senatorial committee, the question of proper tenure of office for President of the United States.

I wonder if there may be in the minds of any Senators here a feeling that that is a question which they wish had never been before the Senate on any occasion in the past at all.

It will be recalled that on February 10, 1928, there was submitted in the Senate a resolution reading as follows:

*Resolved*, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the Presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

If in 1928 there were present in this body Senators who thought that to vary from the custom of limiting Presidents to two terms was fraught with peril to our free institutions, then certainly in this day, when the Congress and the entire country are primarily concerned with every effort to preserve our free institutions, anyone ought to hesitate, it seems to me, to rise in this body or elsewhere and question in any way the patriotic duty that rests upon everyone to explore this question, and to see whether this body in 1928 was entirely in error when it said that any departure from this time-honored custom would be both unwise, unpatriotic, and fraught with peril to our free institutions.

When I look at the names of the Senators who voted in favor of that resolution in 1928, who then declared their firm conviction that for this country to do what is now attempted to be done was fraught with peril to our free institutions, I am astounded to find voting in favor of the resolution the Senator from Kentucky [Mr. BARKLEY], the Senator from Arizona [Mr. ASHURST], the Senator from Nebraska [Mr. NORRIS], the Senator from Wisconsin [Mr. LA FOLLETTE], the author of the resolution, together with some 14 Democratic Senators who are still Members of this body.

Mr. BARKLEY. Mr. President——

Mr. BURKE. I will yield in a moment. I am prepared on the floor of the Senate, or in the committee room, or on the radio, on the public platform, or anywhere else where I can get a single person to listen to me, to urge upon the country the truth and the verity of the resolution that was adopted by the Senate in 1928, with the active support of the Senator from Kentucky and the Senator from Arizona, and I propose to the full limit of my power to carry that message to every person in this country I can reach between now and the 5th of November.

Mr. BARKLEY and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Nebraska yield; and if so, to whom?

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. BARKLEY. I have never denied the vote which I cast in 1928, which the Senator has recounted here, but I know the Senator is familiar with the old adage that "A wise man may change his views, but a fool never does."

I do not intend to get into a debate on the third-term issue at this time, but even though I were right, as I thought I was, at the time I cast that vote, under conditions which then existed, the Senator realizes, as we all realize, that when we are faced with concrete propositions, and definite conditions which are not abstract, we certainly have the right, and it is not only our right but our duty, to take a position which to us at the time seems to be the wise position in view of the conditions which exist.

Mr. BURKE. I agree with that fully, and because I do agree so fully with the contention that subsequent events may cause an honest and intelligent man who has taken a certain position to decide either that he was wrong at the time he took it, or that subsequent events and changed circumstances lead to a different conclusion, because I am so firmly convinced of that, I here and now, and in this public manner, as chairman of the subcommittee holding the hearings, extend a very cordial invitation to the Senator from Kentucky, our distinguished leader, to appear before the subcommittee on any day within the next week that meets with his convenience, and tell us the reasons, if he will, which induced him to vote in 1928 for a resolution declaring that to permit a President to serve more than one term would be "fraught with peril to our free institutions," and to tell us fully and frankly why he has changed his mind, and takes a different position now. I extend the invitation also to the very distinguished chairman of the Committee on the Judiciary, and I yield to him.

Mr. ASHURST. The Senator is so kind as to yield to me, and to extend a challenge.

Mr. BURKE. No; not a challenge—an invitation to appear before the subcommittee.

Mr. ASHURST. The invitation I accept, and I will now make the reply and the statement I will make if I appear before the committee. I hope the Senator will relieve me of the necessity of appearing, because I would repeat in haec verbae what I am now saying.

I am an advocate of the right of public men to change their minds. It is well known to the country that I have said so many times, and I think I stand forth as the shining apostle of the right of men, when they find they are wrong, to pursue the course they believe to be right.

In this particular instance I have not changed my mind, but I am confronted with such a situation that I must vote for a third termer or a third rater, and I prefer to vote for a third termer rather than a third rater.

Mr. BURKE. Of course, Mr. President, that may be called an answer, but I would think it hardly worthy of the chairman of the Committee on the Judiciary.

Mr. BARKLEY. Mr. President——

Mr. BURKE. Let me say a further word, and then I will yield. The resolution to which I have referred, adopted in all seriousness, did not say that when there was a candidate for a third term or a fourth or a fifth term in this country, Senators and others could examine the qualifications of the two candidates. No; the resolution for which the Senator from Kentucky and the Senator from Arizona voted stated "that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions." I am sure it will take a more conclusive answer than the Senator has just given to satisfy those who love and admire him that he is living up to the high standards which he has set.

I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I wish merely to thank the Senator from Nebraska for the invitation he has extended to me to express my opinion, and expressing an opinion is all anyone can do. So far as I know, there are not any facts which can be produced before the committee which would shed any light on the subject except to read Jefferson's letter and Washington's letter. Washington did not want even a second term, and the people had to force him to take a second term. When it came to the third term, for the reasons he then explained, he not only did not want it but would not accept it.

I may or may not accept the Senator's invitation, depending upon my own inclination and my convenience. But what I would say before the committee would be merely the expression of an opinion. I can express my opinion, as the Senator from Arizona has expressed his. In my judgment, all the Senator's committee will get will be the opinions of those who are opposed to a third term, some of them being opposed to a third term of the present incumbent because it happens to be the present incumbent; others who may be opposed to it on principle regarding anyone; and others who not only favor a third term for the present incumbent, but for anyone whom the American people might desire to elect to a third term. So that I doubt very seriously whether the Senator's committee will get anything except the opinions of those who are for and those against, without adducing any evidence, historical or otherwise, to show that any man serving a third term in the Presidency, or any other office, would not serve in the interest of the American people. Therefore what I could say before the committee would be merely the expression of my opinion—that is, that regardless of Washington's refusal to take a third term, and regardless of what Jefferson said about the matter on a certain occasion, the American people have the right, and they can never exercise that right unless they have the opportunity, to elect a man President of the United States three times, or as often as they are willing to elect him.

Mr. BURKE. Certainly there is no provision in the Constitution limiting the number of terms which any individual may serve as President; but it has become a part of the unwritten Constitution of the United States, which many consider fully as binding as the express provisions in the written Constitution. As long ago, in fact, as the year of the first inauguration of Andrew Jackson, on the floor of the House of Representatives a distinguished Member of that body, who himself later became President of the United States, spoke in opposition to a resolution identical with the one which I now present, and took the position that we should not write this provision into the Constitution, and his grounds were that it was not necessary to do so because, he said, the example set by Washington, followed by Jefferson, Madison, and Monroe, had already put this into the unwritten Constitution, so that it would never be varied from, and that no man in this country could ever be elected to a third term.

I hope the Senator from Kentucky will seriously consider coming before the committee in order adequately to cover his position, because I am sure that, either from his own statement or from the helpful questions which would be suggested by the members of the committee, we might ascertain what were the reasons in the mind of the Senator from Kentucky in February 1928, when he cast his vote here upon the solemn statement of a resolution declaring to all the world that in his considered judgment, if any persons should seek a third Presidential term, any departure from the well-established principle would be "fraught with peril to our free institutions." I think the Senator from Kentucky, the Senator from Arizona, and others, owe it to themselves, as well as to the Senate and the country, to come before the committee and give us a very full explanation of the matter.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BYRNES. I know that the Senator desires to be accurate in the statement as to the record of these resolutions.

Mr. BURKE. The Senator is correct.

Mr. BYRNES. The Senator stated that if there were any question about the subcommittee——

Mr. BURKE. Which I did not admit——

Mr. BYRNES. The Senator said if there were a question, and that he did not agree to the position stated by the Senator from Kentucky——

Mr. BURKE. That is correct.

Mr. BYRNES. That if there were any questioning there was another resolution pending before the subcommittee, a resolution offered by the Senator from New Hampshire [Mr. BRIDGES].

Mr. BURKE. That is correct.

Mr. BYRNES. I have looked at the docket of the Judiciary Committee. There is on it no resolution offered by the Senator from New Hampshire [Mr. BRIDGES]. A resolution was offered by the Senator from Wisconsin [Mr. WILEY], Senate Resolution 141, which proposed to limit the Presidential term to 6 years. That resolution was not referred to the subcommittee of which the Senator is a member.

Mr. BURKE. I am familiar with that resolution.

Mr. BYRNES. It was referred to a subcommittee consisting of Senators Neely, King, Connally, Borah, and Wiley. But the full committee, on the very day when it authorized the Senator to report his own joint resolution, on July 3, 1939, authorized the Senator from Nebraska to report to the Senate without recommendation Senate Joint Resolution 166, even though the Senator was not a member of the subcommittee. I assume that the Senator reported it to the Senate in accordance with the authority and instructions of the committee.

Mr. BURKE. I have already explained that the subcommittee was authorized, but not directed, to report the matter, and we are using our own good judgment as to when we shall report it; and we have had no complaint from any member of the Judiciary Committee.

Mr. BYRNES. I was only stating that this is the record of the Judiciary Committee, which shows that, though the Senator was not a member of the subcommittee, he was authorized by the full committee to report the joint resolution to the Senate. The full committee acted upon the Wiley resolution. It should be on the calendar so the Senate could act on it.

Mr. BURKE. If the Senator thinks it should be on the calendar, I hope he will take such steps as occur to him as proper to get it on the calendar.

Mr. BYRNES. No; if I were a member of the Committee on the Judiciary, and the committee authorized me to report it, I would do so. I wanted the Senator to refresh his recollection. I believe he is honestly mistaken.

Mr. BURKE. I am perfectly familiar with that. The Senator from South Carolina now rises with a document in his hand and apparently questions my statement, and thinks I was mistaken in saying that there was a resolution providing for a limitation to two terms of our President, and a resolution for a constitutional amendment offered by the Senator from New Hampshire, which was referred to the committee, and that the chairman of the Judiciary Committee in writing referred the matter to a subcommittee of which I am chairman, and of which the other members are Senators VAN NUYS, CONNALLY, AUSTIN, and WILEY.

I say that if the Senator would consult the clerk of the committee, or consult the chairman of the committee, he would get the exact facts. I do not know when the document to which he refers was prepared, but I know the facts. I know the joint resolution was introduced within the last month or 2 months—I do not know just when—but certainly long before the hearings were scheduled. I know it was referred to the Senate Committee on the Judiciary. I know that the chairman of that committee wrote me a letter, and that he wrote a letter to each member of the subcommittee, saying, "This is the subcommittee to consider the joint resolution introduced by the Senator from New Hampshire."

Those are the facts, Mr. President, regardless of what the calendar to which the Senator referred may show.

Mr. BYRNES. Mr. President, I do not question that statement of fact at all. I was simply calling the Senator's attention to the committee calendar, which bears date July 13, 1940. I am calling attention to the fact that the joint resolution of the Senator from Wisconsin [Mr. WILEY] was introduced, and that the Senator from Nebraska was instructed to report it without recommendation.

Mr. BURKE. That joint resolution, almost word for word, is the same as my resolution, and, naturally, the same action was taken by the committee. But, as I said, we were authorized, if we saw fit, to report the joint resolution to the calendar, or follow any other course we saw fit. Perhaps the committee acts in ways which are different from those of committees with which the Senator from South Carolina is familiar, but, in any event, that was the action taken by the committee. We have before us both resolutions, and we propose to continue the hearings. Although I do not find the name of the Senator from South Carolina listed as one of those who voted for the La Follette resolution in February 1928—I assume he was not a Member of the Senate at that time—yet I will now, on behalf of the committee, here and now extend to the Senator an invitation to appear before the subcommittee of the Committee on the Judiciary on any day he sees fit, and give us the benefit of his views as to the advisability of placing a limitation upon the term of office of the President of the United States.

Mr. BYRNES. I wish to say in reply to the Senator that I feel like almost any other citizen would feel on receiving such an invitation. Inasmuch as the resolution was turned over to the committee on July 3, 1939, and no invitation to appear before the committee was extended until 60 days before the Presidential election, I would doubt the wisdom of anyone appearing before the committee.

Mr. BURKE. Mr. President, on the second day of the hearing of the subcommittee I extend an invitation to the Senator from South Carolina to appear before the committee. In view of the exalted position of the Senator from South Carolina, I am sure it would not lower his standing or reputation if he were to receive that invitation on the same day the chairman of the Committee on the Judiciary and other Senators received their invitations.

Let me say that the hearings began yesterday morning, and there appeared before the committee and we received statements from three distinguished and very worthwhile citizens, who gave, possibly not factual matter, but their opinions. There appeared, for instance, a most interesting witness, Dr. William A. Eddy, president of Hobart College, Geneva, N. Y. One of the interesting things about the statement of Dr. Eddy was that he has been a life-long Democrat; that he has been a New Deal Democrat; that he still considers himself as such, but he was advocating a constitutional limitation to a single 6-year term. He has not decided even yet how he will vote in November, but says that the question of national defense and preparedness, to uphold the dignity and honor of the United States, is a matter of prime importance to him, and when election day comes around he will decide the question based on that consideration.

Dr. Eddy is a man with a distinguished war record. He was wounded seriously at Belleau Wood in the battle of Chateau Thierry. He spent 2 years in the hospital, and now walks with a cane. What I wish to say about him is that he did not find anything pernicious or obnoxious in the fact that the subcommittee is now holding hearings.

The hearings will be printed, and I hope all Senators will read them. Dr. Eddy stated his firm conviction that the matter is of great importance. Of course, it has no bearing upon the present incumbent of the White House, but after the adoption of such an amendment to the Constitution no man who ever entered the White House would have any thought other than to give his very best in the service of his country; no man who entered the White House would have before his mind the possibility that, whether he wished it or not, he must be obliged to seek a further term of office, a second term or a third term. Dr. Eddy presented a very strong argument in favor of a constitutional limitation to a single term.

On the stand also there appeared Thomas——

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. WHITE. I am interested in what the Senator has said about the first witness he mentioned. I understood the Senator to state that the witness had been a Democrat, that he had been a new dealer, and that he did not know how he was going to vote in the coming election in November. Has not the Senator completely impeached his witness?

Mr. BURKE. Possibly, as the Senator states the matter, it would amount to that. I did not state quite what the Senator said. I said that the witness declared that he had been a Democrat all his life; that he had considered himself and now considers himself to be a New Deal Democrat—I did not say a new dealer, but a New Deal Democrat—and that while he believed in a single term for President, and naturally is opposed to a third term, in his opinion there might be even a more important matter than that involved and that would be the national security. I have no doubt in my own mind, however, that when he gives further consideration to the question, he will see no necessity for acting in a manner which is contrary to his principle that a President should serve no more than one term in the White House, or, in the case of the present incumbent, not more than two terms.

Yesterday there appeared before the committee Thomas Jefferson Coolidge. I do not know so much about his politics, but I do know that he served as Assistant Secretary of the Treasury and Under Secretary of the Treasury under Mr. Morgenthau for a considerable time, and that when he retired from office, whenever it was, 2 or 3 years ago he received a letter from the President of the United States complimenting him in the highest terms upon the value of the services he had rendered to his country. Mr. Coolidge appeared and gave us the benefit of long study which he has given to this important question. It is not without interest that Thomas Jefferson Coolidge, when asked the question, responded that he is a lineal descendant of Thomas Jefferson—a great-great-great-grandson of the founder of the Democratic Party—of the man who declared in his auto-

biography, written late in life, after all his varied experience, that he believed a two-term limitation had become so vitally and fully and completely a part of our national life, as to impel him to say—

I trust that if any President should ever consent to seek election for a third term he will be decisively defeated on that exhibition of ambitious views.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BARKLEY. Has the Senator's subcommittee summoned, or will it summon to give their opinions, some of the descendants of U. S. Grant or Theodore Roosevelt, both of whom tried to obtain a third term and failed?

Mr. BURKE. I do not know about that, but we have asked to come before the committee Jefferson Davis, who is a lineal descendant of Jefferson Davis, President of the Southern Confederacy, in order that he may tell, with the proper coloring and effect, why in drawing up the Constitution for the Southern Confederacy it was seen fit to write into it a provision——

Mr. BARKLEY rose.

Mr. BURKE. I know the Senator from Kentucky can make some wise quip about that, but it is not necessary——

Mr. BARKLEY. Oh, no.

Mr. BURKE. The Southern Confederacy saw fit to write into its constitution a provision that any President it might elect should serve one term of 6 years, and forever after be ineligible for reelection.

Mr. BARKLEY. I simply wanted to congratulate the Senator on the list of glamorous witnesses he is having come before the subcommittee.

Mr. BURKE. I know the Senator will also be interested when I tell him his distinguished townsman, Irvin Cobb, will come before us and give us the benefit of his views. I have heard the Senator from Kentucky speak so often and in such laudatory fashion of his distinguished fellow townsman that I am sure, whether or not the Senator from Kentucky comes as a witness, he will at least grace the committee room with his presence when Mr. Irvin Cobb comes and tells us why he also is opposed, as he was in 1928, to a third term for any President.

Mr. BARKLEY. I appreciate the invitation to be present as an observer when my fellow townsman, Irvin Cobb, appears before the subcommittee. I am satisfied that his opinion and testimony on that subject will be full of humor, as is nearly everything else he says.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BYRNES. Inasmuch as the Senator has referred to Jefferson Davis, I wish to say that he also wrote a letter saying that the terms of United States Senators should be limited to one term. The Senator does not expect us to favor that suggestion, does he?

Mr. BURKE. Well, I expect to act on it myself. [Laughter.]

Mr. BYRNES. The Senator does not favor it, does he?

Mr. BURKE. No; I do not favor it. I think it depends on the office. The only reason, the compelling reason, as everyone would recognize, for the distinction between the Chief Executive of the country and a Member of the United States Senate is the enormous power which lies in the hands of the Chief Executive.

After a Senator has been in the Senate as long as has the Senator from South Carolina, with his great qualities, he comes to exercise considerable power, but no Member of a body of 96 will ever have in his control such power as to make him at all dangerous, even if he lives to be a hundred years old and remains in the Senate until his death.

Mr. BYRNES. If the Senator disagrees with Jefferson in that respect, he cannot quarrel with us if we differ with Thomas Jefferson in some other respect, can he?

Mr. BURKE. I shall not quarrel with the Senator, whatever he has to say.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BARKLEY. The Senator speaks of the third term for President on the basis of the power he might attain by virtue of long tenure in office.

Mr. BURKE. Yes.

Mr. BARKLEY. Within every State the Governorship, so far as it applies to State matters, contains the same opportunity for the accumulation of power and for the perpetuation of a Governor in office. In my own State the Governor may not succeed himself, but in the Senator's State I believe the Governor may succeed himself as often as the people will elect him.

Mr. BURKE. That is correct.

Mr. BARKLEY. Does not the Senator think that within the range of a State government a Governor might do the same things to perpetuate himself in office within the State as a President might do in his office?

Mr. BURKE. I think there is some validity in the question, but let me say that I believe 16 States—perhaps more—have a constitutional prohibition limiting Governors to a single term.

Mr. BARKLEY. A prohibition against two successive terms.

Mr. BURKE. No; I am talking first about the 15 or 16 or 17 States—I do not know the exact number—which have a prohibition against a Governor serving more than 1 term. Other States have the provision to which the Senator refers, prohibiting successive terms. Still others have the provision that no person shall serve as Governor more than a certain number of years out of a specified number—such as 8 years out of 12. So it is a matter which has been considered in the States, and while the problem there is very small compared to the problem in the Nation, I think it is a proper question to raise. However, no Governor of any State in the Union has had such a vast proportionate increase in his powers in the past 10 or 20 years—and particularly in the past 7 or 8 years—as has come, and I think largely by necessity, to the one occupying the office of Chief Executive of the United States.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Indiana.

Mr. MINTON. Did not Jefferson say that he would accept a third term if he felt it was necessary for the preservation of the anti-Federalist Party?

Mr. BURKE. As I recall it, he said something which sounded very much like the statement of the Senator.

Mr. MINTON. It is my understanding that Jefferson made such a statement. As the Senator from Nebraska has pointed out, he had taken the position that one term should be the limit not only for the President, but for Members of Congress. However, notwithstanding his advocacy of a single term, he himself served two terms.

Mr. BURKE. I think the Senator states the situation with substantial accuracy. We are all familiar with Jefferson's position in the matter. He was in France at the time the Constitutional Convention met; and he wrote to Washington, Madison, and others expressing his very great concern over two things—first, because the Constitution, which was under consideration and was finally adopted by the Convention, did not contain a bill of rights, and second, because it did not place a limit on the eligibility of the Chief Executive. Jefferson felt very strongly that it would be far better for our free institutions if the ones to be named as Chief Executive were limited to a single term of whatever length. The Convention did adopt such a provision, and later changed it.

The third witness who appeared yesterday was James Truslow Adams, the famous author and historian. His most famous work is the Epic of America. He has been a Democrat and a liberal all his life. He developed the very idea which comes to mind by reason of the question of the Senator from Indiana, explaining Jefferson's attitude in very great detail. I hope the Senator will read his testimony, which is now printed. He pointed out that in the Convention——

Mr. MINTON. Is the Senator asking me to read James Truslow Adams' testimony?

Mr. BURKE. Yes.

Mr. MINTON. He is the historian who never even mentioned Jefferson.

Mr. BURKE. He has written a work, the Living Jefferson, which, I think, is one of the outstanding volumes on Jefferson.

Mr. MINTON. James Truslow Adams?

Mr. BURKE. Yes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BARKLEY. His interpretation of the living Jefferson in that book is quite different from the interpretation of many of us who think we are followers of Jefferson.

Mr. BURKE. That may be true; but, at any rate, in his testimony yesterday Mr. Adams pointed out with very great clarity why it was that in the Constitutional Convention greater attention was not given to the views which Jefferson was expressing from across the water. One of the reasons was that the Constitutional Convention was more concerned about the method of election of the President. Many of the delegates thought that if they could remove far enough from the people the direct election of the President it would not be necessary to limit his term; and that thought was finally worked out through the electoral college. When that was done the Convention dropped the provision already adopted for a single 7-year term, I believe, for President and provided for the 4-year term, without any mention of eligibility for reelection.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. MINTON. As the Senator points out, at the time of the drafting of the Constitution, Jefferson was in France. At that time, as the Senator recalls, the world was much stirred up and in revolution against monarchy. Jefferson was in the very thick of the seething caldron of revolution in Europe against monarchy. Of course, his views were more or less colored by his contact with the monarchies of Europe at that time, and the struggle of the revolution against monarchies. The thing which Jefferson was afraid of was the establishment of a monarchy in this country. Is not that true?

Mr. BURKE. I think the Senator is entirely correct.

Mr. MINTON. If we had had only one term for President from the start of the history of our Government, Washington would have been in the midst of the establishment of this Nation when his term would have expired.

Mr. BURKE. I think the situation was not any more serious half-way through Washington's second term than it was at the end of his second term, when he refused to consider a third term.

Mr. MINTON. I think he thought his country was pretty well on the way to establishment. Otherwise, he would have stayed. If Washington had had but one term, he would have departed before the Nation had been well launched on its way. Jefferson would have departed before he had the anti-Federalist Party established; Jackson would have departed before he had driven the money changers from the temple; and, had he lived, Abraham Lincoln would have departed in the midst of reconstruction. Woodrow Wilson would have departed at the outbreak of the World War.

Mr. BURKE. With reference to Abraham Lincoln, if Lincoln had been elected for a single 6-year term, he would still have had more than a year to serve at the time of his assassination.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. CLARK of Missouri. I was impressed with the remark of my friend from Indiana with reference to the fact that Jefferson was Ambassador to France. Of course, he rendered the country great service. I merely desire to call attention to the fact that when Jefferson was accredited by this country as envoy to France he stayed at his post and did not go gallivanting around the country trying to advise the American people.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BARKLEY. The Senator will recall that in the Democratic platform of 1912 there was a plank endorsing and advocating a single 6-year term for President of the United States.

Mr. BURKE. And pledging the candidate of the party to it.

Mr. BARKLEY. President Wilson had nothing to do with writing that platform; but he ran on it and was elected, although I doubt whether that plank had anything to do with his election. Notwithstanding the fact that he had run upon a platform which so declared, while he was President he opposed the enactment of any constitutional amendment on the subject, on the ground that the people ought not to be irrevocably tied by a constitutional provision if they desired to elect a man President of the United States for more than one term—and I suppose, by analogy, even more than two, because at that time the question of a third term was not acute and had not been except as it applied to Theodore Roosevelt, who had been a candidate against President Wilson. The point is that Woodrow Wilson, who ran on a platform of that sort, later in effect denied the validity of it, because it undertook to tie the hands of the American people in their choice of a President.

Mr. BURKE. The Senator is substantially correct, except for one minor detail. In the Democratic platform of 1912 there was a provision for a constitutional amendment reading exactly like the amendment now before the subcommittee, providing for a single 6-year term for our Presidents and, of course, pledging the candidates of the party to that plank as well as all other planks. I think the only error in the Senator's statement was that Wilson opposed the suggestion after he became President. He may have continued to oppose it, but it was not necessary after he became President, because in the "lame duck" session which followed the election such a resolution, carrying out the Democratic platform pledge, was introduced in both Houses of Congress. In the Senate it was referred to the Senate Committee on the Judiciary; and that committee, after considering the matter for some time, in January of 1913, I believe, approximately 60 days before Woodrow Wilson was inaugurated, reported to this body the identical matter which we are now seeking to report. The Senate, after a debate which spread over quite a considerable time, and which was participated in by most of the leading Senators of that day, adopted the resolution by one more than the necessary two-thirds, and provided for submitting the proposal to the country.

But President-elect Wilson did not approve the proposal; he thought it was unwise. So he wrote a letter to his friend, A Mitchell Palmer, a Member of the House of Representatives, and the matter was brought before the House Judiciary Committee. The House Judiciary Committee, however, agreed to the resolution, reported it with a very strong report, covering the ideas and reasons why such an amendment should be written into the Constitution. I have that report before me, but will not take the time to read it now, because I hope this matter will be under general discussion in the Senate before final adjournment, and I will read it on that occasion. The resolution, which had already passed the Senate by more than two-thirds majority, however, was reported to the House with this splendid, strong report of the House Judiciary Committee; but the Congress was in the closing days of the "lame duck" session, and Representative Palmer and others who desired to carry out the will of the President-elect were successful in seeing that it did not come to a vote in the House. It came that close to being submitted to the people of this country and to the States for adoption.

Mr. BARKLEY. President Wilson not only opposed it between the date of his election and inauguration, but he continued to oppose it during his entire term.

Mr. BURKE. I do not know that the matter was ever mentioned again during his term, as the war broke out a little later and the people became interested in other things, even as there is now a war which some hope may divert the attention of the people from this most important question.

I am through, and will merely say, since the hearings have been mentioned, that hearings were held this morning. We

had one witness, and others would have been called to appear, but we did not think there was time for them this morning. President William Mather Lewis, president of LaFayette College, a very great student, gave us his views most entertainingly. I say now to all Members of the Senate and to the public that hearings will be held again tomorrow morning at 10:30 o'clock, not in the caucus room but in room 457, the Claims Committee room of the Senate Office Building. The witnesses tomorrow morning will be Bishop Edwin Hughes, of the Methodist Episcopal Church; former Democratic Representative Samuel B. Pettengill, of Indiana; and Hon. ROBERT G. ALLEN, Democratic Representative from Pennsylvania. These three witnesses tomorrow will offer further evidence on this most important question; and, God willing, the distinguished Senators who do not approve the proceedings, not being able to find any feasible means of bringing the committee hearings to a close, the hearings will continue day after day until all the witnesses who have a worthwhile message to present and who have expressed their willingness to come have had an opportunity to be heard.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 8, 9, 15, 18, 20, 22, 39, 45, 46, 50, and 51 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate Nos. 2, 6, 10, 11, and 48 to the bill and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

### REGULATION OF INTERSTATE CARRIERS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

The PRESIDING OFFICER (Mr. REED in the chair). The question is, Shall the point of order raised by the Senator from Missouri [Mr. CLARK] be sustained?

Mr. ELLENDER. Mr. President, if my colleagues have no more speeches on the subject which has been under discussion, I should like to consider the matter which is before the Senate.

Mr. CONNALLY. Mr. President, I think the Senator from Louisiana, who has been generous in yielding all his time until now, is entitled to a quorum. So I make the point that there is no quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Clark, Idaho | Herring | Reed |
| Andrews | Clark, Mo. | Johnson, Calif. | Russell |
| Ashurst | Connally | King | Schwartz |
| Austin | Danaher | Lee | Schwellenbach |
| Bailey | Davis | Lodge | Sheppard |
| Bankhead | Downey | McCarran | Smathers |
| Barbour | Ellender | McKellar | Stewart |
| Barkley | George | Maloney | Taft |
| Bilbo | Gerry | Mead | Thomas, Idaho |
| Bone | Gibson | Minton | Thomas, Okla. |
| Bridges | Green | Neely | Thomas, Utah |
| Bulow | Guffey | Norris | Townsend |
| Burke | Gurney | Nye | Truman |
| Byrd | Hale | O'Mahoney | Van Nuys |
| Byrnes | Harrison | Overton | Wheeler |
| Capper | Hatch | Pittman | White |
| Caraway | Hayden | Radcliffe | Wiley |

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. ELLENDER. Mr. President, I ask Senators to listen to me for just a few minutes in order that I may discuss a few phases of the pending business. It is not my purpose to attempt to discuss the conference report in full, because I think it such a gigantic task that few, if any, Senators could do so in any reasonable space of time. Never have I been confronted with a piece of legislation which is so complicated as the act under discussion.

Last Thursday, when the report was under consideration before the Senate, the only portions thereof which were discussed at length were those dealing with the so-called Panama Canal Act and the Motor Transportation Act. I shall discuss those two phases of the report in the light of the point of order made by the distinguished Senator from Missouri [Mr. CLARK].

There is no question that when the Congress passed the so-called Panama Act in 1912 it intended to segregate and separate railroad transportation from water transportation; and later, when it passed the Motor Transportation Act, the Congress intended to separate and segregate railroad transportation from motor transportation. I believe there can be no question that if any Senator, whether or not he be a lawyer, will read the present law and compare the three sections which deal with the Panama Act with the three sections which were adopted by the Senate, also with the three sections which were adopted by the House, and then with the three sections as they appear in the report, he is bound to conclude that the original effect of the act passed in 1912 has been absolutely nullified by the action taken by the conferees with respect to those sections.

I have before me, side by side, a comparative print of the present law as it passed the Senate in 1912, a print of the three sections in question as they passed the Senate some time ago, and a print of the three sections as they passed the House and as they now appear in the pending report.

At the outset I may say that there is no substantial difference between sections 19 and 20 of the Panama Act as now incorporated in the law, and the two similar sections which were adopted by the House and which were adopted by the Senate, and which are now written in the conference report. The difference lies in the last paragraph, paragraph 21 of section 5 of the law, paragraph 11 of section 4 of the Senate bill, paragraph 17 of section 5 of the House bill, and paragraph 16 of section 5 as it is now incorporated in the pending report.

Let me read to the Senate the original law, and the purpose of it will be evident:

> From and after the 1st day of July 1914 it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier-by-water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic.

Mr. President, that is the law. In that paragraph there is an absolute inhibition against any existing railroad company owning or having an interest in any water-transportation facility.

In the act there was incorporated an exception, and that exception refers solely to water-transportation facilities owned by railroad companies prior to July 1, 1914.

The second section in question provides for a mode of procedure in order for the Interstate Commerce Commission to determine whether or not an existing waterway could be owned and operated by a railroad company. That section reads as follows:

> Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The Commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by

any railroad or other carrier which has not applied to the Commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said Commission shall be final.

That section merely gives the Interstate Commerce Commission the right and the power to investigate and to determine in accord with a formula therein contained whether existing facilities come within the purview of the act, and if they do, then the third section becomes operative and the same provides:

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may—

Listen to this, Senators—

The Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as if the railroad or other common carrier controlling such water carrier is interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, shall be considered and granted thereafter.

That language is explicit in terms. There are no "ifs" and "ands" about it. The language merely gives the right to a railroad which owns an existing water facility to still operate it, provided the second section was complied with after hearing.

As I have said, the two first sections of the so-called Panama Canal Act now incorporated in the law have not been changed in any manner whatsoever, except for clarifying purposes, by the two sections which are now incorporated in the pending report.

I will ask the attention of the Senator from Montana particularly to what I am about to read, because in this section is incorporated the vital change which I contend has the effect of repealing the Panama Canal Act.

Mr. WHEELER. Mr. President, I apologize to the Senator, but I did not get the point he was making. Will he not repeat it?

Mr. ELLENDER. I have stated to the Senate that there is in the first section of the so-called Panama Canal Act a positive inhibition against ownership of waterways by railroads. In the second section there is provided a method by which hearings can be had to determine whether or not existing facilities come within the purview of the third section.

Mr. WHEELER. Mr. President, let me correct the Senator. He refers to "sections." As a matter of fact, 19, 20, and 21 are paragraphs of section 5.

Mr. ELLENDER. I stand corrected. Instead of paragraphs, they are really subdivisions of section 5.

Mr. WHEELER. I call attention to the fact because treating them as sections is quite different from treating them as paragraphs.

Mr. ELLENDER. I appreciate that distinction. In section 5 of the original act we have paragraphs 19 and 20, and in the Senate bill the same paragraphs are found in section 4, paragraphs 9 and 10, and in the House bill, in section 5, paragraphs 15 and 16, and in the pending report, the same paragraphs are under section 5, paragraphs 14 and 15. As to the two paragraphs to which I have just referred, and which are now the law, there is no substantial difference with them, either in the pending report, or the bill as passed by the Senate, or the bill as passed by the House. The difference lies in the third paragraph. I have just read the provisions of the third paragraph as they now exist, and there is no question that this third paragraph refers solely to existing facilities, that is, facilities which existed prior to July 1, 1914, and which were owned by competing railroad companies prior to that date. Now let us see what has happened under——

Mr. WHEELER. Mr. President, does the Senator mind my interrupting him?

Mr. ELLENDER. No; not at all. Proceed, Senator.

Mr. WHEELER. I agree with the Senator with respect to the difference between the conference committee report and the present law. In paragraph 20 we changed the word "paragraph" to "section." That made a vast difference between the present law and the bill as passed by the Senate. We did not, however, go contrary to the intention of the Congress of the United States. Paragraph 20, as it exists in the Interstate Commerce Act at the present time, provides:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation or—

This is the important thing I wish the Senator would bear in mind—

or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

If the word "paragraph" is allowed to remain as it is in the present law, then either one of two things is apparent. Either the word "paragraph" itself is meaningless, or else one has to construe the word "paragraph" as meaning "section." So when the matter came to the Senate we changed the word "paragraph" to "section." Then, with the word "section," the language would be:

That such application may be filed for the purpose of determining whether any existing service is in violation of this section, and pray for an order permitting the continuance of any vessel or vessels already in operation, or—

What?—

for the purpose of asking an order to install new service not in conflict with the provisions of this section.

Then, in order to find the provisions which must be complied with, one must turn to paragraph 21, and, while somewhat confusing, it must of necessity be construed to mean that before a new service can be instituted it must be found that the service is in the public interest, and is of advantage and convenience to the public, and that such service will neither exclude nor prevent competition.

When we changed the word "paragraph" to "section" it made necessary consideration by the conferees not only of paragraph 20—it made necessary the consideration of all three of the paragraphs which we referred to as the section.

Let me call the Senator's attention to the fact that all we did in conference was to take out the words in paragraph 20 with reference to an application for a new service, and we inserted that language in paragraph 21.

Mr. ELLENDER. The Senator means in paragraph 16 of the conference report?

Mr. WHEELER. I am speaking now of the Interstate Commerce Act as it is at present.

Mr. ELLENDER. Is there any doubt in the Senator's mind that paragraph 20 of section 5 of the law itself, as it now exists, was placed in the law for any other purpose than to outline a way or provide a method, I may say, by which the Interstate Commerce Commission should decide whether or not an existing water route should be owned and operated by a railroad company in spite of the provision of paragraph 19 of section 5?

Mr. WHEELER. Mr. President, there is no question about it. The first paragraph contained an absolute provision. The next paragraph contained a limitation.

Mr. ELLENDER. The Senator means that the third paragraph, or paragraph 21 of section 5, contained the limitation.

Mr. WHEELER. No; paragraph 20 made a specific limitation, particularly with respect to the matter of new service. It is inconceivable to me that the language can be construed in any other way. The Senator is a good lawyer. He knows the rules of construction which are placed by courts and by lawyers generally upon language which is not

plain. Either one has to say as a matter of law and a matter of construction that the words—

Or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph—

Do not mean anything at all, or else they mean exactly what we put into the Senate bill, that the service should be installed if it were not in conflict with the provisions of this section, meaning the provisions of paragraphs 19, 20, and 21 as a whole.

Mr. ELLENDER. There is absolutely no doubt in my mind but that it was the intention of Congress to give this right—that as to existing water routes owned by a railroad prior to July 1, 1914, it not only could operate them but, may I say, could add extensions to such existing water routes, provided that the provisions of paragraph 21 were complied with. But now, to my way of thinking, the conference report substitutes for the existing law language which will restore the law as it was prior to the adoption of the Panama Canal Act in 1912. Let me read the language, as it now appears in the conference report, under paragraph 16 of section 5:

(16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic.

That is the language which has been adopted in part by the conferees, and it is the direct antithesis of the provisions of the existing law, which I interpret to mean that any railroad company which owned a water-transportation route on July 1, 1914, could make application under section 20 of the present law for a continuance of such ownership provided it could show that the operation of such a water route would neither exclude, prevent, nor reduce competition, and that it would be of benefit to the people. The Commission has held in two or three cases that an existing facility could be extended. I refer particularly to the Southern Pacific case, which is cited by Mr. Fletcher to a large extent. If the facts are studied in that particular case, which is hornbook law so far as the Commission is concerned, it will be found that the question involved did not concern new water transportation, but an addition of an existing water transportation. That is the point with respect to which the Senator and I differ. Under the paragraph as now written there is no mention of any existing water transportation, even though the transportation facility may or may not compete with the railroad company. So under that act, notwithstanding the intention of the Congress back in 1912, the Interstate Commerce Commission would have authority to give to a railroad company the right to purchase any water transportation.

Mr. WHEELER. I am glad to hear the Senator say that he agrees with the decision of the Interstate Commerce Commission.

Mr. ELLENDER. I did not say that.

Mr. WHEELER. I understood the Senator so to state.

Mr. ELLENDER. I quoted the decision to show what was in the minds of the Commission.

Mr. WHEELER. The conference committee consisted of seven Members of the House of Representatives and five Members of the Senate, among whom were some very able lawyers. Every one of them placed a different construction upon the language than that stated by the Senator from Louisiana. I am perfectly willing to agree with the Senator, as I have repeatedly said, that the language in paragraph 20 is extremely confusing.

Mr. ELLENDER. Confusing to whom? Confusing to the Commission?

Mr. WHEELER. Confusing to any individual, whether he be a lawyer or a layman. The language in the bill is:

Jurisdiction is hereby conferred upon the Interstate Commerce Commission to determine questions of fact, under paragraph (14), as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier.

That is the first sentence. In my judgment, that language by itself, following an absolute proviso, without anything else, would not change the absolute proviso. Then we have the following language:

Such application may be filed—

For the purpose of what?—

for the purpose of determining whether any existing service is in violation of this section—

The word formerly was "paragraph"—

and may pray for an order permitting the continuance of any vessel or vessels already in operation—

So that language modified section 19 completely as to existing operations.

Mr. ELLENDER. But the conferees have nullified the second paragraph of the present law, which is numbered 20, and which was intended as a mode of procedure to be followed in order to determine what? Whether or not an existing facility, as provided under paragraph 21, might be maintained by a railroad.

Mr. WHEELER. The Senator does not go far enough. Following the language I have just read, there is this language—

or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

If the Senator's interpretation were correct, a carrier would not have any right to install new service. As we brought the measure to the Senate, and as it passed the Senate, it said:

Or an order to install new service not in conflict with the provisions of this section.

When that language is read into the law, saying that a carrier may make application for a new service "not in conflict with the provisions of this section," how can anybody read that language otherwise than that an applicant may make application, and the application shall be granted provided it is not in conflict with the provisions of the section?

Then, we turn to the next paragraph to see what are the limitations, and what the Commission may find.

Mr. ELLENDER. Permit me to quote from the dissenting opinion of Mr. Eastman in this hornbook case, the Southern Pacific case (reported in 77 I. C. C., 124). As I indicated a while ago, that case involved the extension of an existing facility; and certainly under the law as written I believe that the Commission had the right to extend it if the test provided for in paragraph 20 were met. Commissioner Eastman did not believe so. I desire to point out to the Senator from Montana that the interpretation set forth in the opinion by Mr. Eastman was no doubt what was in the mind of the Congress when it passed the act back in 1912, and that was to separate railroad transportation from water transportation. That was the paramount reason for passing the act in 1912. This is what Mr. Eastman said—and I quote from his dissenting opinion to which I have just referred:

The meaning of these provisions of the law, it seems to me, is clear. Paragraph (9) sets forth the policy of Congress; it prohibits railroad companies from owning or controlling competing water carriers.

That is very plain. As I indicated a while ago. That is the intention and purpose of that section.

Paragraph (10) confers jurisdiction upon us—

The Commission—

to determine questions of fact "as to the competition or possibility of competition;" in effect it makes us the agency for the enforcement of paragraph (9).

That, in my humble opinion, is the extent to which the Congress intended that section (9) should operate, and no further.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ELLENDER. One moment. Commissioner Eastman further said:

Paragraph 11 contains the single exception to the general policy; it empowers us—

The Commission—

to extend the effective date of the prohibition in paragraph (9) in the case of "existing specified service," which, in our opinion, "is

being operated in the interest of the public and is of advantage to the convenience and commerce of the people," and where we believe that "such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration."

To my way of thinking, that expresses in a few words what the Congress had in mind when it passed the so-called Panama Canal Act, incorporated in the three sections to which I have been referring.

Mr. WHEELER. I appreciate that that is the construction the Senator puts upon it; but I also call attention to the fact that he is reading from the minority opinion by Mr. Eastman.

Mr. ELLENDER. I so stated.

Mr. WHEELER. The language which was sent to the conference to correct the existing situation was drafted by Mr. Eastman because of the conflict and lack of understanding. It was not the intention of anybody on the committee—and certainly I should be the last one of the committee to want to do so—to permit the railroads to own any barge lines or anything else which would put existing transportation out of business. Let me again call attention to the protection which water carriers have in the bill, which they do not have under the provisions of the act.

The language in the preamble to the bill provided that the rates should apply to each type of transportation, and that the inherent advantages of each type should be taken into consideration; but we went further than that, because some of those interested in waterways said, "That is in the preamble, but it does not go far enough. We should like to see it in the rate-making policy." So, when we came to write the provisions with reference to rate making, we put in a provision for the express purpose—and for no other purpose—of helping the water carriers and protecting them in making their rates. If the Senator will look at that provision, I am sure it will convince him that we did everything we could in order to protect the water carriers.

Mr. ELLENDER. The modification made by the conferees in the third paragraph throws the door open and permits railroads to own water transportation facilities to the same extent as existed prior to 1914.

Mr. WHEELER. No.

Mr. ELLENDER. Yes; it does, as I understand the English language. The conferees could not have written this provision plainer if they had tried, so as to accomplish that purpose.

Mr. WHEELER. We tried to make it plain.

Mr. ELLENDER. It is made absolutely clear that a railroad company may own and operate any waterway, provided that it conforms to the regulations set forth in that paragraph. Is not that true?

Mr. WHEELER. My attention was distracted.

Mr. ELLENDER. Let me read the section. Listen to the language.

Mr. WHEELER. I am familiar with the section, but I did not grasp the Senator's point.

Mr. ELLENDER. The language is:

Notwithstanding the provisions of paragraph (14)—

What is the effect of paragraph (14)? It absolutely prevents the ownership of water transportation by a railroad. Is not that true?

Mr. WHEELER. That is correct.

Mr. ELLENDER. Continuing—

the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or to acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic.

Where is the language that was incorporated in the third paragraph, or paragraph (21), that made the exception with respect to existing facilities? It has been excluded. That paragraph has been amended so as to nullify the provisions of section 19 of the present law.

Mr. WHEELER. I suggest the Senator read the remainder of the paragraph.

Mr. ELLENDER. Very well. It further provides:

If the Commission shall find that continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and the commerce of the people—

Which is the same language as is now incorporated in the law—

and that it will not exclude, prevent, or reduce competition on the route by water under consideration—

Which is also the existing law—

*Provided*, That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph.

Paragraph (2) referred to relates to consolidations; does it not?

Mr. WHEELER. Yes.

Mr. ELLENDER. I continue reading—

*And provided further*, That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect.

In other words, that proviso does what? It absolutely nullifies section 21 of the present law because, if the Commission has once granted the right under paragraph 20, that ends it. If that is not the case, then I do not understand the English language.

Mr. WHEELER. I am sure the Senator understands the English language, but the very fact that the Senator read from a dissenting opinion in one case construing the law shows, on its face, that the law was subject to great confusion.

The majority of the Commission has always held in accordance with the provision as now written. I cannot read it in any other way, and I think the Commission were correct in their interpretation. All in the world we did was to take that out of section 20 and to place it in section 21 with reference to new applications, so that if a new application were made the applicant would have to comply with the standards as set forth. We did it because we felt that it would afford better protection than that at present afforded.

Mr. ELLENDER. As I stated to the Senator during one of our colloquies on last Thursday, there is no question in my mind but that the Commission itself is in doubt of its own decision and is now trying to resolve the doubt by the adoption of the third section, as modified by the conferees. If the law were as plain as it is said to be, if it means what they have held it to mean, why change it?

Mr. WHEELER. I want to correct the RECORD for the Senator. As a matter of fact, when the bill was brought into the Senate, and it passed the Senate, the Interstate Commerce Commission had nothing to do with changing the term "section" to "paragraph." That was the most confusing thing in the whole matter, because if the term "section" had been used instead of "paragraph," to me there would have been no confusion about it, and there should not be any confusion in the mind of anyone with reference to it; it would be perfectly plain. We used the term "paragraph" in what we will term the second paragraph, which would be section 20 of the present act, and if that were eliminated, I do not see how there could be any confusion in the mind of anyone, because it would expressly provide that they could then make application for a new order to install new service.

Mr. ELLENDER. To any existing service.

Mr. WHEELER. No.

Mr. ELLENDER. That is what it means to my mind.

Mr. WHEELER. That may be what it means to the Senator's mind——

Mr. ELLENDER. Yes——

Mr. WHEELER. But that is not what it does mean.

Mr. ELLENDER. As I pointed out, the Commission itself has held that very interpretation in the case cited by Mr. Fletcher, who happens to be, I think, counsel of the railroads.

Mr. WHEELER. That is correct.

Mr. ELLENDER. Under date of August 15 the junior Senator from Missouri [Mr. TRUMAN] placed in the RECORD an opinion by Mr. Fletcher, giving it as his interpretation that the act does not in any manner nullify the Panama Canal Act, and he cited that act and cited the Southern Pacific case and other cases. But let me ask the Senator if he can explain this language of Mr. Fletcher when he appeared as a witness before the committee?

Mr. WHEELER. I do not want to be held responsible for what Mr. Fletcher has said.

Mr. ELLENDER. I understand that; but the reason I am citing it is that the opinion of the conferees seems to run in line with the arguments set forth by Mr. Fletcher—not that they followed Mr. Fletcher; I am not attempting to say that; but Mr. Fletcher, in a letter to the Senator from Missouri [Mr. TRUMAN], in fact, to the conferees, which letter was dated August 14, gave to the conferees the benefit of his experience and of his knowledge of the law.

Mr. WHEELER. He is an unusually able lawyer.

Mr. ELLENDER. I am sure he is. To occupy a position of such magnitude with the railroads, he must be a remarkably able lawyer. [Laughter.]

I read from the hearings on the Transportation Act of 1939, page 59, quoting from the testimony of Mr. Fletcher:

> This act does this one important thing, gentlemen, that was not contained in the recommendation of the Committee of Six and not contained in a bill introduced into the House, which some of you may have seen or have a copy of, 4862, and that is to put back into this act the Panama Canal Act. It is in here in section 1. Anybody who is apprehensive about that can dismiss those apprehensions. It was not in the House bill 4862, but it is in bill 2009, I am sorry to say. The Panama Canal Act is written back into the law——

It is put back into the law but in a new form, in such a way, as I have been attempting to show, so as to simply nullify the purposes of the Panama Canal Act.

Mr. TRUMAN. Mr. President——

Mr. ELLENDER. I yield to the Senator from Missouri.

Mr. TRUMAN. As to the Panama Canal Act, it was never the intention of the Senate committee which considered this bill in any way to emasculate the Panama Canal Act. The Panama Canal Act is still in the law; it is in the law as the Senate committee wanted it to be there, and is still the Panama Canal Act, just as it always has been.

Mr. ELLENDER. I should like to agree, of course, with the distinguished Senator from Missouri, but I respectfully refer him to the sections I have already read into the RECORD, and he will find that the language has been changed so that the question of existing facilities has been deleted from the law.

Let me continue reading from the testimony of Mr. Fletcher.

Mr. TRUMAN. The testimony of Mr. Fletcher was the reason for our leaving the Panama Canal Act in the act.

Mr. ELLENDER. It has been so modified by the conferees, as I see it, that it has been nullified.

Mr. TRUMAN. It was not the intention of the Senate committee to nullify the act, and it is not nullified. I dislike to disagree with my colleague in that way, but it is not nullified.

Mr. ELLENDER. It is the Senator's privilege to disagree with me, of course. I continue reading from Mr. Fletcher's testimony:

> Senator MINTON (interposing). Which page is that, Judge?
>
> Mr. FLETCHER. It begins on page 18, at paragraph 4, which provides:
>
> "It shall be the duty of every common carrier by railroad and common carrier by water to establish reasonable through routes and joint rates with water carriers."
>
> We have put in there five and six from the Motor Carrier Act, because it seems to be exactly on the same thing.
>
> Now, paragraph 7 has to do with divisions.
>
> Senator, if I may correct my statement, the Panama Canal Act really begins in paragraph 8 on page 19 and extending through paragraph 11 on page 22.
>
> Our objection to the Panama Canal Act is the fact that it does not allow the railroads to engage in water transportation. I never thought we were going to get very far toward a proper coordination of all these forms of transportation, toward this alleged desirable end of assigning to each form of transportation that traffic which that form of transportation can most economically transport, or that service which that particular agency of transportation can most economically perform, unless you permitted the use by the railroads of water carriers or motor carriers, or, by the same token, the use by the motor carriers of railroads and the use by the water carriers of railroads.

That is Mr. Fletcher's testimony.

In other words, as I interpret Mr. Fletcher's language, he has made an about-face with respect to his position as expressed in the letter to which I have just referred and his testimony appearing in the hearings under date of April 4, 1939.

Mr. WHEELER. Mr. President, let me say to the Senator from Louisiana that there were hearings on the bill, and there were six different prints of the bill. Many persons came before the committee. Representatives of water carriers, bus, and truck people, representatives of railroads, and everybody who wanted to be heard, came before the committee, and each of them put his construction upon the bill as it was introduced. Many of them differed as to the construction they put upon different paragraphs.

After all these open hearings were had, as chairman I appointed a subcommittee and the subcommittee went all over the matter again. We not only went over it but we permitted the representatives of the water carriers to come in time and time again and talk to us about provisions that they wanted to talk about and the bus and truck people came in day in and day out and talked to us and we went over every proposition. At the instance of the Senator from Minnesota [Mr. SHIPSTEAD], we listened to persons who came in and talked to the committee in executive session, to try to get their ideas, so that we could properly protect them. As I say, after having done all of that, we then again in the conference, at the request of representatives of the waterways adopted and amended the rate-making provision so as to be sure that we were protecting the water carriers.

If there was one group of individuals that the House Members wanted to protect, one group of individuals that the Members of the Senate wanted to protect and were fighting to protect, particularly the Senator from Missouri [Mr. TRUMAN], who lives on the Missouri River, and the Senator from Ohio [Mr. DONAHEY], it was the water carriers. They had more persons looking after their interests, to see that the bill did not in anywise jeopardize their interests, than anybody else who came before the committee. I do not care what this witness said about this particular bill, or what some other witness said about it; the bill speaks for itself.

Mr. ELLENDER. Mr. President, the Senator ought to care, because of the different versions given by the same witness in a letter which he addressed to the conferees and in his testimony before the committee just quoted.

Mr. WHEELER. Mr. President, if I should put in the RECORD every letter addressed to the conferees, I should burden the CONGRESSIONAL RECORD for the next 2 weeks. I am frank to say to the Senator that because of the fact that so many letters were addressed to us by representatives of the bus-and-truck interests and representatives of the water carriers and their lawyers, I did not have an opportunity to read very many of them, and I have not read Mr. Fletcher's letter.

Mr. TRUMAN. Mr. President, let me say to the Senator that the record shows what Mr. Fletcher, who represents the American Association of Railroads, hoped to have in the bill. His letter to the conferees shows what he got, and he shows it as a good lawyer; and that is the reason I put it in the record.

Mr. ELLENDER. The Senator will agree that there is incorporated in the bill what Mr. Fletcher hoped for.

Mr. TRUMAN. No; there is not.

Mr. WHEELER. There certainly is not.

Mr. TRUMAN. I will not agree to that at all.

Mr. WHEELER. He certainly did not get what he hoped for in the bill. I can assure the Senator of that.

Mr. TRUMAN. Not at all.

Mr. WHEELER. It seems to me that when the Senator is interpreting this language, he should bear in mind the fact that when the language comes to be interpreted by the Interstate Commerce Commission I am certain they will take into consideration the arguments made on this floor, and they will take into consideration what the members of the conference committee who wrote it said about it. I say now that there never was any intention to change the language as the members of the conference committee construed it, and as I construed the language, and as the members of the Interstate Commerce Commission themselves, or a majority of them, construed it.

It has been said that the Commission never permitted the extension of any new lines. What happened was this: New lines have been put in——

Mr. ELLENDER. Where none existed.

Mr. WHEELER. Where none existed.

Mr. ELLENDER. And where there was no opposition.

Mr. WHEELER. And where there was no opposition.

Mr. ELLENDER. And the Commission has never been brought face to face with the question which confronts us here.

Mr. WHEELER. It has been brought face to face with it, because of this fact: If the Senator's interpretation was correct——

Mr. ELLENDER. Mr. President, there was no opposition. It was in the nature of an ex parte proceeding.

Mr. WHEELER. It does not make a particle of difference. If the Senator's interpretation is right, the Commission had no right under any circumstances or conditions, whether there was or was not opposition, to grant any application for a new service. I contend that the Senator's construction is wrong, and that the Interstate Commerce Commission was right, and that the language which says that application may be made for new lines cannot be read without coming to the conclusion that it either did not mean anything at all or else that it meant what it said, that a person could make application for a new service, and that under certain conditions, as provided in the next paragraph, the Commission could grant it.

If paragraph 21 of the present law were not taken into consideration at all, if the only thing considered were one paragraph, and it were not construed as referring to the whole section, the Commission would have no standard to go by. They would not have to take into consideration the public convenience and necessity. They would not have to take into consideration the question of competition. They could simply go ahead and issue a certificate upon a hearing, without any particlar standards to go by. So before they would issue a certificate they have construed the language as meaning that they were bound by the standards set up under section 21. Therefore in the conference, when we were writing out the report, we thought we were doing something to protect the water carriers by putting in a provision specifically requiring compliance with the standards set forth in section 21 of the present act.

Mr. ELLENDER. Mr. President, I suppose it is useless to continue the argument between us; but I cannot help believing that the intention of the Congress in passing the first act was absolutely to divorce the water carriers from the railroad carriers, and the only limitation was incorporated in section 21, to which the Senator from Montana has just referred. If that section is carefully read, the Senator is bound to conclude that it was intended to apply to no other service than one that existed prior to July 1, 1914. Under the section as now presented to the Senate the conferees have done away with the existing service provision, and have opened the doors wide so that beginning with the enactment of this law, if it is enacted, the railroads will be at liberty, just as in the past, to purchase, acquire, or lease water transportation and motor transportation.

I desire now to refer briefly to the nullification of the Motor Transportation Act, and I respectfully ask the attention of the Senator from Montana.

Section 213 of the present act prohibits the consolidation of motor transportation with railroad transportation. It sets forth the method by which certain consolidations can be made.

Several years ago, in the case of the Pennsylvania Railroad acquisition of Barker Truck Lines (1 M. C. C. 9), the Interstate Commerce Commission decided flat-footedly that a railroad company had no right to purchase a motor transportation company, because of the provisions of section 213.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Louisiana yield to the Senator from Kansas?

Mr. ELLENDER. I yield.

Mr. REED. Is the Senator speaking on the point of order, or on the merits?

Mr. ELLENDER. I am speaking on the point of order. I am trying to show to the Senate, if I can, that extraneous matter, modifications not germane to the bill, have been brought into this report; subjects not discussed nor passed upon by either the House or the Senate have been added to the bill by the conferees. I contend the provision regarding the repeal of the Motor Transportation Act and the repeal of the Panama Canal Act come in that category and that under the rules of the Senate Senators are bound to maintain the point of order made by the distinguished Senator from Missouri [Mr. CLARK].

Mr. REED. Mr. President, if the Senator will permit me to interrupt, I hold in my hand a copy of Senate bill 2009 as passed by the Senate on May 25, 1939, and passed by the House of Representatives on July 26, 1939.

Mr. ELLENDER. Let us have the bill as it was passed by the Senate.

Mr. REED. The House in passing the bill used the term "consistent with" instead of "promote," referring to the public interest. That is the point in controversy. When the bill came to conference there were in the House bill the words "consistent with." Does the Senator mean to say that under those circumstances the Senate conferees could not agree with the House?

Mr. ELLENDER. I do not disagree with the Senator. The substitution of such language does not change the act fundamentally. What I am trying to do now is to point out by the report of the conferees that section 213 was entirely wiped out; and that section 214 was amended by striking the words "entered under section 213" and placing in lieu thereof, the words "of the Commission." So that instead of the Commission exercising its rights under section 213 in order to determine the question of the right of purchase and ownership of motor-transportation facilities by a railroad, the proposition, under the modified amendment, is left entirely in the hands of the Commission. This modification, I contend, was made in order to circumvent the decision in the Pennsylvania case cited, supra.

Mr. TRUMAN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. TRUMAN. Section 213 was entirely repealed by the House. If the Senator will turn to page 236 of the bill as it was passed by the House, he will find this in line 23, section 22:

SEC. 22. Section 213 of the Interstate Commerce Commission Act, as amended, is hereby repealed.

The Senate did not repeal section 213, but the Interstate Commerce Act, in section 213 (a) (1), speaking of the acquisition of one carrier by another, and in delimiting the powers of the Interstate Commerce Commission with respect thereto, states:

The Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest.

This section of the Interstate Commerce Act is specifically repealed by the provisions of the act now under consideration,

but section 7 report amends section 5 (2) (b) of the Interstate Commerce Act, as follows:

The Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest.

To this new language, that is, the language added in the conference report, the conferees intend shall be given the identical meaning given to the older language in section 213. Lest there may result some future misunderstanding, we wish to make it clear that it is the intent that the language employed shall have the same legal force and effect as that found in section 213 as it was formerly. That is still in the bill. That statement was made on the floor of the House by Mr. BULWINKLE, a member of the conference committee, and the Senator will find, if he will read the conference report carefully, that the thing about which he is talking has not been repealed at all.

Mr. ELLENDER. If that be true, let me ask the Senator from Missouri [Mr. TRUMAN] why it is that, under section 5, page 10 of the report, subdivision (b), the following new proviso was added by the conferees, as I understand—and if I am wrong, I should like to be corrected:

*Provided*, That if a carrier by railroad subject to this part, or any person which is controlled by such a carrier, or affiliated therewith within the meaning of paragraph (6), is an applicant in the case of any such proposed transaction involving a motor carrier, the Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest and will enable such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.

Mr. REED. Mr. President, if the Senator will permit me to answer the Senator from Louisiana——

Mr. TRUMAN. Certainly.

Mr. REED. Will the Senator from Louisiana permit me to call his attention to the fact that in the bill as it was passed by the House there is the identical language which the Senator from Louisiana has just read? Does the Senator from Louisiana have the peculiar idea about a conference that because the Senate used one word and the House used another word, or another phrase, there is no way to reconcile the differences?

Mr. ELLENDER. No; I do not contend that, but——

Mr. REED. Then I ask the Senator from Louisiana to look at page 209 of the bill as it passed the House, where he will find the identical language, the identical provision, which he has just read, word for word.

Mr. ELLENDER. Incorporated in what?

Mr. REED. In the bill as it passed the House. It came to conference. Does the Senator from Louisiana intend to take the extraordinary position that a complete section or proviso passed by the House could not be agreed to on the part of the Senate conferees?

Mr. ELLENDER. No; I do not take that position.

Mr. REED. That is the situation. If the Senator from Louisiana will pardon me for saying so, he has more misinformation on this subject than I have run into lately, and I am trying to correct some of it.

Mr. ELLENDER. Of course, the Senator will say, by the same token, that I have much misinformation with reference to the three other sections which I have been discussing here for over an hour. Would the Senator take the same position?

Mr. REED. The Senator from Louisiana did misstate the Panama Canal Act.

Mr. ELLENDER. I did what?

Mr. REED. Did misstate it.

Mr. ELLENDER. I expected such an opinion from the Senator. I wish the Senator would correct me, because it is not my purpose to misstate anything before the Senate or the American people.

Mr. REED. I know that. I wish to say to the Senator from Louisiana that I would never question his intelligence, his earnestness, or his sincerity, but in this case I do question his information.

Mr. ELLENDER. I wish to say to the Senator that my information is taken from the report to which is appended the signature of the distinguished Senator who is now questioning me, and from a conference print which was prepared, I suppose, under the direction of the distinguished Senator. The print places before the Senate, before me, the so-called Panama Canal Act as it now exists, the measure as it passed the Senate and as it passed the House, and as the conferees have said it should be. I say that if the Senate of the United States and the House should adopt the conference report, particularly as it refers to the Panama Canal Act, the Senate and the House of Representatives might just as well let conferees write measures, rather than have them considered before the Senate and the House respectively.

Mr. REED. Will the Senator be good enough to yield?

Mr. ELLENDER. I yield for a question.

Mr. REED. I can hardly get through with a question. I hope the Senator will not hold me down so closely as that.

The Senator from Louisiana undertook to explain the philosophy of the Panama Canal Act. So far as I can determine, the philosophy of the act must be taken from the language of the act itself. The Senator from Louisiana makes a mistake which has been made by every man who has discussed this question on this floor, including the distinguished Senator from Montana [Mr. WHEELER], the chairman of the Committee on Interstate Commerce—who, I am sorry to say, is not present—in that the Panama Canal Act was a positive prohibition against ownership of water lines by a railroad.

Mr. ELLENDER. Am I to understand that the distinguished Senator from Kansas [Mr. REED] is not in agreement with the philosophy of the Panama Canal Act, as interpreted by the Senator from Montana?

Mr. REED. I shall be very happy to give my very good friend, the Senator from Louisiana, the only interpretation one could make. I shall now read from several paragraphs—I do not call them sections—paragraphs 19, 20, and 21 of section 5 of the present Interstate Commerce Act, which I hold in my hand. I read from paragraph 19:

From and after the 1st day of July 1914 it shall be unlawful for any railroad company or other common carrier—

That might be a pipe-line company or an express company—

subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere—

If the provision had stopped there, it would have made a complete provision. We would have had a law, and that law would have definitely and specifically and positively prohibited any interest or ownership or control of a water line by a railroad or other common carrier. But the language does not stop there. It goes on to say—

With which said railroad or other common carrier aforesaid does or may compete for traffic—

If the language had stopped with the word "elsewhere" we would have had a declaration of law, a positive legal statement. I beg the pardon of the Senator from Louisiana that I, a humble newspaperman and farmer, should discuss a legal question with such an eminent lawyer as the Senator is, but I will say that if the language had stopped with the word "elsewhere" we would have had a clear, distinct, unqualified, and unequivocal prohibition. But the language did not stop there.

I happen to have in my desk now the conference committee report on the Panama Canal bill, because I have made a study of the debates and the conference report made in 1912 in an endeavor to find what Congress was trying to get at. The only thing Congress prohibited was the ownership, control, or operation of a water line by a railroad where competition between the two existed, and competition, as the Senator from Louisiana well knows, is a matter of fact, not of law. So Congress was obliged to vest somewhere jurisdiction to determine when transportation facilities were competing, and when they were not competing. So Congress placed in paragraph 20 the following language:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition—

That is where we find the qualifying clause, which the Senator from Louisiana and every other Senator taking the same position have overlooked. I am sorry, I again state that the distinguished Senator from Montana is not present. He has not sufficiently emphasized that point. Then the language goes on to give the Interstate Commerce Commission power, after it shall have determined the facts, after having full hearings, to decide whether competition exists——

Mr. ELLENDER. And, as paragraph 21 reads, that is to apply only to existing water facilities.

Mr. REED. No; I beg the Senator's pardon. Because back in paragraph 20—and I want to keep the RECORD straight as between sections and paragraphs—back in paragraph 20 the Interstate Commerce Commission may not only, after a finding of fact, allow control of a water carrier by a railroad to continue to exist, but it may authorize new service "not in conflict with the provisions of this paragraph," and the word "paragraph," as the distinguished Senator from Montana so clearly pointed out, was a word which caused confusion, and in the Senate we changed that word "paragraph" to "section." It does not make sense unless that change is made.

Mr. ELLENDER. Mr. President, it is my position that in that second paragraph, paragraph 20, it was the intention of Congress merely to write into the law the procedure that should and must be followed by the Interstate Commerce Commission in order to do—what? In order to determine questions of fact as to the competition or possibility of competition so as to enforce the provisions of paragraph 19. If the commission found that a railroad company owned a water facility prior to July 1, 1914, and that the provisions of said paragraph 20 could be complied with, then under the provisions of paragraph 21 ownership could be recognized and the facility could be owned and operated by such a railroad.

Mr. REED. Mr. President, if the Senator will be kind enough to yield just a moment further, I shall conclude.

Mr. ELLENDER. I am about through myself.

Mr. REED. I am always happy to discuss matters with my friend, the Senator from Louisiana, for whom I have a very warm affection, as he knows.

Mr. ELLENDER. I reciprocate that affection. I have the same feeling for the Senator from Kansas.

Mr. REED. The whole purpose of the proposed legislation is to bring about equality of regulation as between the railroads, and the highway and water carriers. The railroads are already regulated. The highway carriers, the motor vehicles, are already regulated. Both kinds of carriers are regulated. A part of the water carriers are regulated to some extent. There has been much misapprehension, much misinformation, and there have been many downright lies by a number of water interests who oppose the whole legislation on the ground that they do not want to be regulated, even though their competitors on the highways and the railroads are regulated. They have done more lying about this thing; they have spread more misunderstanding, which I fear has reached the Senator from Louisiana——

Mr. ELLENDER. Does the Senator mean the lies have also reached the Senator from Louisiana?

Mr. REED. I am afraid that their misinformation has reached the Senator from Louisiana. I would not accuse him either of lack of intelligence or lack of integrity, but I think he has taken the word of the water carriers, whom I would not believe under oath, because they have told so many untruths.

Mr. ELLENDER. No; I am taking the report made by the Senate conferees, of which the distinguished Senator from Kansas is one. I have discussed the matter during the entire period I have been on my feet with the sections as they are interpreted in the conference report before me, and I have compared them with the present law, and I could not fail to make up my mind that under the present law, as it is now written on the statute books, it was the intention of the Congress to permit the Interstate Commerce Commission to let water carriers become a part of a railroad system if they were owned and existed prior to July 1, 1914, provided they came within the purview of paragraph 20 of the so-called Panama Canal Act.

Mr. REED. The Senator from Louisiana knows that the Central of Georgia owns the Ocean Steamship Co., which operates from Savannah to New York.

Mr. ELLENDER. There was absolutely no opposition to the application for a permit. It was permitted in an ex parte order, and the star case which was submitted in support of that case, and many others, was the Southern Pacific case, which did not involve a new service, but the extension of an existing service. That decision has been cited from time to time in support of new water transportation, and not to support additions, as contemplated under the pending legislation.

Mr. REED. If the Senator——

Mr. ELLENDER. I yield the floor.

Mr. REED. I do not want the floor, Mr. President. The Senator from Louisiana has my complete sympathy, because he was in a most embarrassing situation at the beginning of the session today, having obtained the floor shortly after the Senate convened, and then for 2 hours, because of his generosity in yielding the floor, he was not permitted to say a word upon the subject that was nearest his heart, and on which he intended to speak.

So I beg the pardon of the Senator from Louisiana for breaking in even to this extent. I was only trying in my feeble way to correct some possible misapprehension on the part of the Senator from Louisiana. I am sure he is opposed to the report. He probably will not vote for it.

Mr. ELLENDER. Mr. President, I have had my say on the pending report. I am truly sorry that the conferees have seen fit to travel beyond the scope of their authority. I supported the Senate bill when it was up for consideration. I expect to support the point of order made by the able Senator from Missouri [Mr. CLARK]. As I pointed out a while ago, if conferees have the power to rewrite a bill and add new provisions not germane to the bill under their consideration then the Senate had better abandon its prerogatives and let conferees draft our laws.

Mr. MEAD. Mr. President, in view of the knowledge of the Senator from Kansas on this matter, I wish to ask him a question. I realize that the Senator from Kansas is an expert on the subject matter of this legislation. I wish publicly to express my appreciation to the Senator for the deep and prolonged interest he has taken in this very complex problem. I know that he has worked diligently and consistently in order to bring this legislation to the attention of the Senate.

I have a file on this particular matter, part of which consists of correspondence from the trucking associations. They seem to be a little disturbed. They ask me this question: Is it the intent of this legislation to exempt motor-vehicle operations within terminal areas from the regulations of the Interstate Commerce Commission, or is it intended simply to shift the responsibility of complying with the regulations from the person performing the service to the carrier for whom the service is performed?

Mr. REED. The answer to the question of my very good friend the Senator from New York, for whom I have a deep affection, is that terminal operations which are purely terminal operations are now exempt from regulation, or are considered as part of the regulation attaching to the carrier for which the service is performed. In other words, if a railroad company operates into Jersey City, ferrying across the river is considered a part of the line-haul operations of the railroad. If delivery is by truck, it is considered as a terminal operation, purely local in character, and now exempt from regulation, except as it may be a part of the general transportation performed by the carrier for which the service is performed. Have I made that clear?

Mr. MEAD. Yes. Would the Senator say that the status of the terminal, local, or intrastate operation will remain as it now is?

Mr. REED. That is correct. I will say to the Senator from New York that I happen to hold in my hand a printed

circular issued by the common-carrier division of the American Trucking Association, which is the largest in the country, in which it announces that it is for the bill and wants it passed. I also hold in my hand a circular issued by the contract-carrier division of the American Trucking Association, which is representative of more trucking interests than any other similar organization in the country, in which it states that it is for the bill. So far as we know, there is no opposition to the bill except from a limited number of water carriers. I hope the opposition does not come from the Great Lakes Region, in which the Senator is so definitely interested.

Tomorrow, when the Senate convenes, if I can obtain the floor in my own right, I shall discuss this question. We have written into the bill more protection for the water carriers than they have ever had in any law on the statute books. Tomorrow, when I obtain the floor in my own right, I shall not be as generous as was the Senator from Louisiana, who permitted the floor to be taken from him for 2 hours after he obtained it. I shall undertake to demonstrate, by reference to the various paragraphs and sections, how we have protected the water carriers to a greater degree than they have ever been protected by any statute passed by Congress.

That is my answer to all the criticism. I am glad that my good friend the senior Senator from Louisiana [Mr. OVERTON] is present. I challenge any opposite or different conclusion. We have put into the bill more protective sections than the water carriers have ever had before.

Mr. MEAD. Before the Senator takes his seat, and while he is discussing water carriers, I wonder if he will comment briefly on the following statement from a representative of the Longshoremen's Association, for whom I have a great affection.

Mr. REED. Does the Senator refer to a C. I. O. union or an A. F. of L. organization?

Mr. MEAD. This is the International Longshoremen's Association, affiliated with the American Federation of Labor. Its representative makes this statement:

> This means that water carriers may be forced by the Interstate Commerce Commission to base their rates on higher railroad costs. Such a procedure would mean ruin to the water-carrier industry. The mere prospect of the enactment of this bill has already caused many water-carrier companies to withhold plans for expansion and the employment of additional workers.

I am of the opinion that probably he is not familiar with the language contained in the conference report. As I interpret it, it will not adversely affect the water carriers, as he indicates in his letter; but I should like to have the distinguished Senator from Kansas tell us whether or not the higher rates necessary to compensate the railroads will be a standard to determine the rate structure as it affects the water carriers.

Mr. REED. We absolutely forbid that in the bill. I wrote to Mr. Curran—is that the name of the man who wrote to the Senator?

Mr. MEAD. No. This letter was written by Joseph P. Ryan.

Mr. REED. I also received a letter from him. I wrote both those gentlemen that they ought to know better. There are not as many longshoremen in Kansas as there are in New York. Fortunately, I am not a candidate for reelection this year, as is the Senator from New York. I wrote both those men and told them that they should know what is the matter with the longshoremen. American tonnage has been sold abroad to take the place of commercial tonnage sunk in the war to such an extent that it is difficult to find enough bottoms to handle the coastal and intercoastal traffic of this country; and naturally that is what is the matter with longshoremen, and not this bill.

Tomorrow, if I have an opportunity in my own time, I shall deal with that question. I have my remarks written out. I can show the Senator five different places in the bill where we have written in protective provisions for the water carriers against any attempt on the part of the Interstate Commerce Commission to use railroad rates as a yardstick or as a measure for water rates. I do not think there would be any attempt to do so anyway, but, to make sure, we have forbidden it.

Mr. MEAD. If the Senator will be good enough in his own time tomorrow, will he tell us what is the effect of the new language in the conference report as compared with the language contained in the Harrington amendment? Both the Senator and I are deeply concerned about the railroads. As the Senator knows, I myself am a former railroad employee; and I want to be perfectly sure, before voting for the conference report, that the railroad employees are adequately protected.

Mr. REED. I myself rode in mail cars as a workingman for many years.

Mr. MEAD. I know that.

Mr. REED. At times I have been representative and spokesman for the railroad brotherhoods in Kansas.

We have modified the original provisions of the bill. We have made provision for railroad labor in the so-called Harrington amendment—that is, the amendment which was called the Harrington amendment—which is satisfactory to all the operating brotherhoods, so far as I know. If there is any objection to it, I am not aware of it.

Mr. MEAD. As I understand, they are practically united in favor of the bill.

Mr. REED. Oh, yes.

Mr. President, I am always very happy to discuss these matters with my good friend from New York, because he is a great Senator. He is intelligent, and except for the fact that he is a Democrat I hope he will be reelected. [Laughter.]

Mr. MEAD. I wish to say that I am always enlightened, and usually pleased and satisfied, after a conversation with my distinguished colleague from Kansas.

As I started to say at the outset, I believe the Senate owes a debt of gratitude to the chairman of the committee, to the Senator from Kansas, and to their associates for their diligence and energy in bringing the bill before the Senate.

Mr. REED. Mr. Pressident, before the Senator from New York takes his seat, let me say that we have worked for 18 months on this matter. When the bill went to conference, we spent 3 months on it. There were on the conference committee seven Members of the House and five Members of the Senate, seven Democrats and five Republicans. Never was there a time in the conference when there was a single question of politics or local interest. The discussion was wholly as to the soundest policy to be followed from the standpoint of the public interest. I wish to pay a tribute to my Democratic colleagues on the conference committee, including the junior Senator from Missouri [Mr. TRUMAN]. I have never worked 3 months with seven Democrats who were more decent chaps than they were or who did a better job.

Mr. MEAD. I thank the Senator. I know that he has tried very hard and, to a degree very successfully, to solve this problem, and to be fair in doing so to all the carriers involved.

Mr. REED. I thank the Senator from New York very much.

Mr. TRUMAN. Mr. President, I wish to say a word or two in regard to the conference report under discussion and the point of order which is now pending.

Everyone knows the history of this proposed legislation; it has been told time and again on this floor. The Senate codified the transportation laws of the country. The bill was passed by a vote of 70 to 6 in the Senate. When the bill reached the House that body struck out the Senate bill and rewrote the whole measure on the basis of amendments to part I and part II and a completely new part III to affect waterways.

The conferees were supposed to meet on the 9th of December. There were only two of us here for the conference on that date, and it was postponed until the Congress convened in January. The conferees met as soon as possible after the Congress convened, and proceeded then for 3 months to consider this proposed legislation. Due to the fact that the House had stricken out all after the enacting clause and

written a completely new bill as an amendment to the Senate bill, the conferees on the part of the Senate considered that they were working under the latest ruling on the subject by Vice President GARNER and considered that they could completely rewrite the whole measure if it became necessary to do so. We found that certain amendments proposed in the House and Senate, that is the Miller and Wadsworth amendments would completely nullify the whole bill. So we left those two amendments out, as we thought we had a right to do under Vice President GARNER'S ruling in 1938 and under Vice President Dawes' ruling in 1927. There was not anything else we could do under the circumstances. The conferees on the part of the House took the bill back to the House and it was sent back to conference with specific instructions which they could not follow and still frame the measure in such form that it would work. The House finally agreed to the conference report, and it is now before the Senate for consideration.

There were certain amendments to the Motor Transport Act which I desire to explain somewhat in detail. Statements have been made about changes in the language in various parts of the bill.

Section 203, paragraphs (14) and (15), have been rewritten for the sole purpose of eliminating carriers performing pick-up, delivery, and transfer service. This change was suggested by the Chairman of the Interstate Commerce Commission.

The conferees wish to make it plain that it is not their intention, by changing the language of paragraphs (14) and (15) of section 203 to change the legislative intent of the Congress one iota with respect to definition of common and contract carriers other than those performing pick-up, delivery, and transfer service. It is intended that all over-the-road truckers shall whenever possible fall within the description of common carriers.

It is intended by the definition of contract carriers to limit that group to those who operate under individual contracts and who render a specialized service which is required by the peculiar needs of a particular shipper and who do not come within the definition of common carriers.

The Interstate Commerce Act, in section 213 (a) (1), speaking of the acquisition of one carrier by another, and in delimiting the powers of the Interstate Commerce Commission with respect thereto, provides:

> The Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest. * * *

This section of the Interstate Commerce Act is specifically repealed by the provisions of the act now under consideration (sec. 21 (e), conference report), but section 7 of the pending bill amends section 5 (2) (b) of the Interstate Commerce Act, as follows:

> The Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest.

The proviso in section 213 of the present law is not in any way affected. That proviso reads:

> *Provided, however,* That if a carrier other than a motor carrier is an applicant, or any person which is controlled by such a carrier other than a motor carrier or affiliated therewith within the meaning of section 5 (8) of part I, the Commission shall not enter such an order unless it finds that the transaction proposed will promote—

The report changes the words "will promote" to "will be in"—

> the public interest by enabling such carrier other than a motor carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.

To the new language in section 7 of the pending bill the conferees intend shall be given the identical meaning which was given to the older language in section 213. Lest there may result some future misunderstanding, we wish to make it clear that it is our intent that the language employed in the bill now under consideration shall have the same legal force and effect as that found in the section repealed, to wit, section 213 (a) (1).

Mr. President, in urging adoption of the conference report, I do not suggest that the measure, as it now stands, represents a finished job. There still are many other things that will require legislation before we shall have established a real national transportation policy under which all forms of transportation may develop naturally and soundly, before investors in all types of transportation are treated equally under the law, and before we really have made the country secure in enjoyment of adequate transportation, developed and maintained through private and individual investment. But enactment of this measure into law at least will be a sound first step toward accomplishment of such ends. Its approval involves taking no step that will need to be retraced. To defer its approval will involve further delay in taking first steps, already too long postponed, to correct evils and weaknesses, in connection with the present transportation situation, which everybody recognizes and admits are adverse to the general interest.

No one questions the statement that rail transportation is essential in our national economy. No one thinks that it can be economically supplanted by any other existing form of transportation. Establishment of conditions under which rail transportation may be sustained on a sound basis therefore is a primary consideration. Such conditions are important, not only so that those who need and require rail transportation may be secure in its enjoyment, not only because it should be supplied with charges as low as are reasonably possible, and not only because of the right of the million railroad employees to reasonable protection in their employment, but also because of the interest of those who have furnished the capital with which our railroads have been built, and upon whose continued interest in railroad investment we must depend for the physical improvements for which changing conditions will call.

This measure fails to dispose of numerous highly important things which I had hoped would be treated. I am sure they will be treated adequately by the Congress subsequently, I hope that it will be my privilege then to aid in influencing constructive action to correct numerous conditions this measure does not reach.

Among the other respects in which it is not complete, is its failure more adequately to protect honest railroad investment. If we really mean to preserve private ownership of railroads, we must give some thought to the interest of those who own the railroads, along with our consideration of the interest of those who use the railroads, and the interest of those who work on the railroads. This measure does not adequately treat the rights or interests of the 1,000,000 railroad stockholders, nor those of the 1,000,000 bondholders. I do not suggest that these interests should be treated first. I maintain that the general public interest in adequate and low-cost transportation should have first place, but the public interest may be advanced without ignoring legitimate investment interests. After all, the 2,000,000 individual investors are the private owners of the railroads, and proper consideration of their interest is necessary to permanent maintenance of our system of private ownership. These men and women—and half of them are women—have made an investment in a great public enterprise. Their investments—product of their thrift and savings—should not be ignored. In addition to the individual holders of railroad securities, there is also the interest of 50,000,000 insurance policyholders, who jointly have a stake of $3,300,000,000 in the railroad industry through investment of insurance reserves in railroad bonds. They all have already sustained huge losses, and these have been individual losses. They have every right to expect that the Congress finally will give their rights and interests the same due consideration that it gives to shippers and travelers, to labor, and every other group in the whole body of our citizenship. I regret that this measure falls short in that respect, as it does in several others. But it is at least a good start in the right direction, and delay in making that start will not make completion of the whole job easier.

The Interstate Commerce Committee of the Senate has considered legislation which is intended for the protection

of railroad investors. That was known as the railroad reorganization bill which passed the Senate unanimously. That bill has been delayed in the Judiciary Committee of the other House, and I do not see any prospect of its coming out at the present session. If that bill were to become a law, it would materially help in correcting a great many of the evils which the bill we now have under consideration will not correct.

I urge on the Senate that they take into consideration the work the committee of the Senate has done toward creating a transportation policy for the country, which is what Senate bill 2009 is intended to do. That is what the conference report is intended to do. If the point of order is sustained—and we had every reason to believe we were working within the rules of the Senate when we rewrote the conference report—this legislation will be out of the window, and we shall have no chance even to start a transportation policy for the country.

COAST GUARD NOMINATIONS

Mr. BARKLEY. Mr. President, it is obvious that the Senate cannot conclude the discussion of this matter today, so I think it might suspend now.

There is no Executive Calendar so far as appointments are concerned. Therefore, I shall not move that the Senate proceed to the consideration of executive business; but I ask, as in executive session, that certain routine appointments in the Coast Guard reported today by the Senator from North Carolina [Mr. BAILEY] from the Committee on Commerce be confirmed, and that the President be notified.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The nominations are confirmed en bloc, and the President will be notified.

CARROLL L. WILSON

Mr. BARKLEY. I also ask unanimous consent, as in executive session, that the nomination of Carroll L. Wilson to be Assistant Director of the Bureau of Foreign and Domestic Commerce, also reported today by the Senator from North Carolina [Mr. BAILEY], be confirmed, and that the President be notified.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LUKE A. WESTENBERGER—VETO MESSAGE (S. DOC. NO. 275)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

*To the Senate:*

I return herewith, without my approval, S. 419, an act for the relief of Luke A. Westenberger.

It is the purpose of the bill to authorize and direct the Employees' Compensation Commission to receive and consider the claim of Luke A. Westenberger, of Gettysburg, Pa., for the loss of his left eye as the result of an injury on May 27, 1936, allegedly sustained in the performance of his duties at Gettysburg College while a recipient of student aid under the National Youth Administration.

The National Youth Administration was established within the Works Progress Administration by Executive order dated June 26, 1935, under authority of the Emergency Relief Appropriation Act of 1935, and at the time of Mr. Westenberger's injury, there was no Federal statute authorizing the payment of injury compensation to persons receiving student aid under the National Youth Administration. Limited compensation benefits were authorized in such cases by the Emergency Relief Appropriation Act for the fiscal year beginning July 1, 1937. Since the injury compensation provisions of that act were not made to apply retroactively, compensation could not be awarded in this case by the Employees' Compensation Commission.

Mr. Westenberger was only one of a considerable number of National Youth Administration workers who were injured in the course of their employment prior to the granting of benefits in such cases; and no provision for injury compensation having been made for these other workers, approval of this bill would create an unwarranted exception in the case of Mr. Westenberger.

A still more important objection to the bill is found in the fact that its approval would run counter to our present policy of nonpayment of compensation for injuries sustained by National Youth Administration workers. While compensation was paid in such cases during the fiscal years 1937, 1938, and 1939, Congress, after further consideration of this matter, established the present policy (as reflected in the Emergency Relief Appropriation Acts for the fiscal years 1940 and 1941) of making no provision for payments of this character.

It seems to me, therefore, that I am justified in withholding my approval from the bill, not only on account of the absence of authority for paying injury compensation to any National Youth Administration worker at the time of the injury in this case, but because of the lack of such authority for paying compensation in the case of any injury that might occur at the present time.

I feel compelled, for the reasons above indicated, to withhold my approval from the bill.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, *September 5, 1940.*

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 16 minutes p. m.) the Senate took a recess until tomorrow, Friday, September 6, 1940, at 12 o'clock meridian.

---

## NOMINATIONS

*Executive nominations received by the Senate September 5 (legislative day of August 5), 1940*

POSTMASTER GENERAL

Frank C. Walker, of Pennsylvania, to be Postmaster General.

COAST AND GEODETIC SURVEY

The following-named employees of the Coast and Geodetic Survey to the positions indicated:

TO BE AID (WITH RELATIVE RANK OF ENSIGN IN THE NAVY) BY PROMOTION FROM DECK OFFICER

Don Arden Jones, of Michigan, vice Kenneth S. Ulm, promoted.

David Mullendore Whipp, of California, vice Edmund L. Jones, promoted.

Francis Xavier Popper, of Illinois, vice William C. Russell, promoted.

Harry Day Reed, Jr., of South Carolina, vice Junius T. Jarman, promoted.

COAST GUARD OF THE UNITED STATES

Jerry Barton Hoag to be a professor (temporary), with the rank of lieutenant commander, in the Coast Guard of the United States, to take effect from date of oath.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL WITH RANK FROM AUGUST 27, 1940

Lt. Col. William Middleton Grimes, Cavalry.

TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 18, 1940

Maj. Lemuel Paul Crim, Ordnance Department.

Maj. John Fulton Reynolds Scott, Judge Advocate General's Department.

Maj. Newton Withington Speece, Infantry.

Maj. Frank Glenn Potts, Infantry.

Maj. Norbert Cecil Manley, Field Artillery.

Maj. John Henry Baxter, Infantry.

Maj. Ridgway Pancoast Smith, Infantry.

Maj. Wallace Earle Hackett, Infantry.

Maj. William Lane Tydings, Infantry.
Maj. Ernest Klein White, Quartermaster Corps.
Maj. Thomas Dorrington Wadelton, Cavalry.
Maj. B. Conn Anderson, Field Artillery.
Maj. William James Henry, Ordnance Department.
Maj. Clyde Deans Parmelee, Field Artillery.
Maj. Stanley George Backman, Quartermaster Corps.
Maj. Ray Calhoun Montgomery, Field Artillery, subject to examination required by law.
Maj. Grattan Herbert McCafferty, Infantry.
Maj. William Henry Crosson, Corps of Engineers.
Maj. George William West, Quartermaster Corps.
Maj. James Edward Morrisette, Judge Advocate General's Department.
Maj. Augustus Spencer Harrison, Quartermaster Corps.
Maj. William Francis Dalton, Infantry.
Maj. Harry Coleman Snyder, Quartermaster Corps.
Maj. William Robert Buckley, Quartermaster Corps.
Maj. Paul Daniel Connor, Infantry.
Maj. George Byron Norris, Infantry.
Maj. Frederic Von Mohl Dyer, Infantry.
Maj. John Nettleton Johnson, Jr., Infantry.
Maj. Ralph Reynolds Seger, Quartermaster Corps.
Maj. Malcolm Robert Cox, Field Artillery.
Maj. Arthur James Perry, Finance Department.
Maj. Arthur Floyd, Infantry.
Maj. Ingomar Marcus Oseth, Infantry.
Maj. William Alexander Cunningham, Infantry.
Maj. George Leroy King, Infantry.
Maj. Rumsey Campbell, Field Artillery.
Maj. Arthur Pierson McGee, Infantry.
Maj. Frank Bishop Lammons, Infantry.
Maj. John Rice Eden, Infantry.
Maj. Henry Harmeling, Judge Advocate General's Department.
Maj. Paul DuPont Strong, Infantry.
Maj. Chester Price Haycock, Finance Department.
Maj. Charles Orval Thrasher, Quartermaster Corps.
Maj. Orryl Samuel Robles, Infantry.
Maj. Frank M. Moore, Infantry.
Maj. Earl Alva Hyde, Field Artillery.
Maj. James David Andrews, Jr., Corps of Engineers.
Maj. John Nash, Field Artillery.
Maj. Horatio Gano Fairbanks, Corps of Engineers.
Maj. Bernard Joseph Finan, Quartermaster Corps.
Maj. Caesar Rodney Roberts, Coast Artillery Corps.
Maj. William Aloysius Rounds, Judge Advocate General's Department.
Maj. William B. Weston, Field Artillery.
Maj. Claire Elwood Hutchin, Infantry.
Maj. Delbert Ausmus, Coast Artillery Corps.
Maj. Frank Eugene Shaw, Judge Advocate General's Department.
Maj. Frank Elijah Linnell, Infantry.
Maj. John Summerfield Vincent, Quartermaster Corps.
Maj. George Nicholl Randolph, Infantry.
Maj. Benjamin Bussey Lattimore, Field Artillery.
Maj. Charles Simonton Brice, Judge Advocate General's Department.
Maj. Herbert William Schmid, Infantry.
Maj. Elliott Vandevanter, Corps of Engineers.
Maj. Lloyd Leslie Hamilton, Infantry.
Maj. Eustace Maduro Peixotto, Infantry.
Maj. Watson Longan McMorris, Coast Artillery Corps.
Maj. Arthur Walter Penrose, Infantry.
Maj. Julian Hurlburt Gist, Infantry.
Maj. Armin Ferdinand Herold, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Joseph Church, Infantry.
Maj. Lewis Coleman Gordon, Corps of Engineers.
Maj. Clinton Enos Fenters, Infantry, subject to examination required by law.
Maj. Hubert Don Hoover, Judge Advocate General's Department.
Maj. Theodore Wyman, Jr., Corps of Engineers.
Maj. John Russel Fountain, Infantry.
Maj. Elmer Royal Block, Field Artillery.
Maj. William John Niederpruem, Infantry.
Maj. Nels Gustaf Sandelin, Quartermaster Corps.
Maj. Elmer Sharpe Van Benschoten, Field Artillery.
Maj. Charles Waldemar Seifert, Infantry.
Maj. Ralph Pollock, Jr., Quartermaster Corps.
Maj. Otto Harwood, Quartermaster Corps.
Maj. Eugene Vincent Behan, Infantry.
Maj. Carl Christian Andersen, Infantry.
Maj. Hubbard Errette Dooley, Infantry.
Maj. Robert Charles Hunter, Corps of Engineers.
Maj. Roye Pannebecker Gerfen, Cavalry.
Maj. Thomas Everett May, Infantry.
Maj. George Harrison Stuts, Field Artillery.
Maj. Gordon Cushing Day, Corps of Engineers.
Maj. Robert Scott Miller, Infantry.
Maj. Harry Briggs Vaughan, Corps of Engineers.
Maj. Frederick William Adams, Infantry.
Maj. Ernest August Guillemet, Quartermaster Corps.
Maj. John Frank Zajicek, Corps of Engineers, subject to examination required by law.
Maj. John Albion Chase, Field Artillery.
Maj. Henry Edward Tisdale, Field Artillery.
Maj. Walter Gilbert Layman, Infantry.
Maj. Paul Gerhardt Rutten, Quartermaster Corps.
Maj. William Carrick Braly, Coast Artillery Corps.
Maj. James Washington Curtis, Infantry.
Maj. Forrest Edward Ambrose, Infantry.
Maj. Thomas Morris Jervey, Ordnance Department, subject to examination required by law.
Maj. Frank Packard Coffin, Infantry.
Maj. John Russell Young, Field Artillery.
Maj. Earl Newell Hackney, Quartermaster Corps.
Maj. Morris Easton Conable, Coast Artillery Corps.
Maj. Jack Wesley Howard, Infantry.
Maj. Alston Pringle Rhett, Field Artillery.
Maj. Samuel Francis Howard, Infantry.
Maj. Asa Herman Skinner, Ordnance Department.
Maj. David McDougald Shearer, Corps of Engineers.
Maj. Edward Avery Austin, Quartermaster Corps.
Maj. Charles Dayton Carle, Infantry.
Maj. Fred Anthony McMahon, Ordnance Department.
Maj. Hartwell Newton Williams, Quartermaster Corps.
Maj. James Leslie McIlhenny, Field Artillery.
Maj. Leslie Rudisill Forney, Infantry.
Maj. Thornton Chase, Infantry.
Maj. Harry Wright Hill, Corps of Engineers, subject to examination required by law.
Maj. Joseph Leo Connolly, Infantry, subject to examination required by law.
Maj. Robert Wilkin McBride, Coast Artillery Corps.
Maj. Charles Addison Pursley, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Bert S. Wampler, Infantry.
Maj. Henry Tureman Allen, Cavalry, subject to examination required by law.
Maj. Charles Franklin Johnson, Infantry.
Maj. Carl Herbert Odeen, Quartermaster Corps.
Maj. Tryon Mason Shepherd, Quartermaster Corps.
Maj. Adam Richmond, Judge Advocate General's Department.
Maj. Winfield Orval Shrum, Infantry.
Maj. Paul Roy Guthrie, Quartermaster Corps.
Maj. Arthur Musser Sheets, Field Artillery.
Maj. Ernest Franklin Dukes, Cavalry.
Maj. Thomas Willis Jones, Quartermaster Corps.
Maj. Senius John Raymond, Quartermaster Corps.
Maj. Ira Edgar Ryder, Infantry.
Maj. Herbert Randolph Roberts, Infantry.
Maj. Charles Francis Frost Cooper, Infantry.
Maj. Frank Ward, Infantry.
Maj. Charles Conrad Brown, Field Artillery.
Maj. Harold Edward Potter, Infantry.
Maj. Rufus Boylan, Quartermaster Corps.

Maj. Charles Clinton Griffin, Infantry.
Maj. Willard Lapham Smith, Infantry.
Maj. Clarence Charles Fenn, Judge Advocate General's Department.
Maj. George Luke Usher, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. George H. Cushman, Jr., Field Artillery.
Maj. Andrew Thomas Knight, Infantry.
Maj. William Lackey Mays, Quartermaster Corps.
Maj. John Patrick Welch, Quartermaster Corps.
Maj. Robert Morris Copeland, Corps of Engineers.
Maj. Harold Sidney Johnson, Coast Artillery Corps.
Maj. Daniel Bernard Cullinane, Quartermaster Corps.
Maj. Llewellyn deWaele Tharp, Infantry, subject to examination required by law.
Maj. Owen Summers, Infantry.
Maj. Edward Chambers Betts, Judge Advocate General's Department.
Maj. George Randall Wells, Infantry.
Maj. Thomas Ernest Campbell, Quartermaster Corps.
Maj. William George Walker, Infantry.
Maj. Peyton Winlock, Field Artillery.
Maj. George Mortimer Couper, Infantry.
Maj. Abraham Max Lawrence, Coast Artillery Corps.
Maj. Frank Thornton Addington, Infantry, subject to examination required by law.
Maj. Paul Ernest Leiber, Infantry.
Maj. William Bernard Lowery, Infantry.
Maj. James Francis Strain, Infantry.
Maj. Francis Norton Neville, Quartermaster Corps.
Maj. Harry Lynn Henkle, Infantry.
Maj. Merrifield Graham Martling, Corps of Engineers.
Maj. Ralph Brundidge Lovett, Adjutant General's Department.
Maj. Austin Webb Lee, Quartermaster Corps.
Maj. Robert Emory Swab, Infantry.
Maj. Lewis Andrew Pick, Corps of Engineers.
Maj. Oscar Stanley Smith, Infantry.
Maj. Joseph Henry Davidson, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. John McDowall, Field Artillery.
Maj. Walter Cox Rathbone, Infantry.
Maj. Harry Watson Bolan, Infantry.
Maj. George Bagby Campbell, Judge Advocate General's Department.
Maj. Harry Martin Andrews, Quartermaster Corps.
Maj. Chauncey McCullough Lyons, Infantry, subject to examination required by law.
Maj. Edward Phillip Wadden, Infantry.
Maj. Paul Miller Ellman, Corps of Engineers.
Maj. John Edward Doyle, Infantry.
Maj. Paul Jones Mathis, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. George Edward Jacobs, Infantry.
Maj. Frank Ellsworth Brokaw, Infantry.
Maj. Beverly Allison Shipp, Infantry.
Maj. Walter Kendall Wheeler, Jr., Infantry.
Maj. Eugene Nelson Frakes, Infantry.
Maj. Robert Oliver Shoe, Infantry.
Maj. Charles Crisp Morgan, Infantry.
Maj. Ellis Edward Haring, Corps of Engineers.
Maj. Malcolm Everett Craig, Infantry.
Maj. Roland Thorpe Fenton, Quartermaster Corps.
Maj. Albert Brengle Helsley, Infantry.
Maj. Milton Orme Boone, Quartermaster Corps.
Maj. Perry Edward Taylor, Cavalry.
Maj. Walter Daugherty McCord, Infantry.
Maj. Matthew Hall Jones, Quartermaster Corps.
Maj. James Esmond Matthews, Infantry.
Maj. William Richard Bent, Infantry, subject to examination required by law.
Maj. Harry Jefferson Farner, Infantry.
Maj. Lawrence Slade, Quartermaster Corps.
Maj. Samuel Lynn Dunlop, Infantry.



Maj. Joseph Wheeler Starkey, Infantry, subject to examination required by law.
Maj. Harrington Willson Cochran, Coast Artillery Corps.
Maj. Leo Joseph Dillon, Ordnance Department.
Maj. John Merle Weir, Judge Advocate General's Department.
Maj. Samuel Clifton Cratch, Quartermaster Corps.
Maj. Hubert Ward Beyette, Quartermaster Corps.
Maj. James Monroe Morris, Infantry.
Maj. Elbridge Colby, Infantry.
Maj. Herbert Hatchett Blackwell, Coast Artillery Corps.
Maj. Richard Adams Knight, Field Artillery.
Maj. Roy Victor Rickard, Infantry.
Maj. Alfred Volckman Ednie, Infantry.
Maj. Lee Vernado Hunnicutt, Infantry.
Maj. Otto Gresham Trunk, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. William Russell Frost, Field Artillery.
Maj. Earl LeVerne Lyons, Quartermaster Corps.
Maj. Franklin Prague Shaw, Judge Advocate General's Department.
Maj. Lawrence Lee Simpson, Quartermaster Corps.
Maj. Howard Haines Cloud, Quartermaster Corps.
Maj. Louis William Eggers, Infantry.
Maj. Charlie Anthony Valverde, Quartermaster Corps.
Maj. Francis Egan, Quartermaster Corps.
Maj. Fred Ivan Gilbert, Ordnance Department.
Maj. Charles William Mays, Field Artillery, subject to examination required by law.
Maj. William Pinckney Bledsoe, Field Artillery.
Maj. James Carlisle Patterson, Field Artillery.
Maj. John Joseph Nealon, Infantry.
Maj. Maurice Vernon Patton, Field Artillery.
Maj. Walter Thomas Gorton, Ordnance Department.
Maj. Arthur Vanderpool Winton, Coast Artillery Corps.
Maj. Alexander Hill Cummings, Infantry.
Maj. Blaisdell Cain Kennon, Infantry.
Maj. Walter Carroll Ellis, Signal Corps.
Maj. Leslie Johnathan Cartwright, Infantry.
Maj. Harland Fisher Seeley, Infantry.
Maj. Wallace Chace Steiger, Finance Department.
Maj. John Huston Church, Infantry.
Maj. Harold Baxter Crowell, Infantry.
Maj. Harold Eugene Eastwood, Cavalry.
Maj. Gilbert Taylor Collar, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Chester Carlton Westfall, Infantry.
Maj. William Langley Wharton, Infantry.
Maj. Henry Herbert Cameron, Cavalry.
Maj. William Otis Poindexter, Infantry.
Maj. Anthony Power Lagorio, Infantry.
Maj. Lamar Weaver, Infantry.
Maj. Benjamin Franklin Giles, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Ernest Clifton Adkins, Quartermaster Corps.
Maj. Lee Huber, Infantry.
Maj. Alexander Leggett Morris, Infantry.
Maj. Arthur Hurd Lee, Field Artillery.
Maj. Thomas Green Poland, Infantry.
Maj. Robert Henry Crosby, Field Artillery.
Maj. Thomas Deweese Davis, Infantry.
Maj. John Liggat Tunstall, Finance Department.
Maj. George Lyman Prindle, Infantry.
Maj. Leslie Walter Brown, Infantry.
Maj. Tobin Cornelius Rote, Infantry.
Maj. Owen Meredith Marshburn, Quartermaster Corps.
Maj. Reading Wilkinson, Corps of Engineers.
Maj. Nicholas Hamner Cobbs, Finance Department.
Maj. Pierre Mallett, Field Artillery.
Maj. David Eugene Barnett, Infantry.
Maj. Earle Albie Johnson, Infantry.
Maj. Edgar Harland Keltner, Infantry, subject to examination required by law.
Maj. Jesse Andrew Rogers, Jr., Ordnance Department.
Maj. Furman Walker Hardee, Infantry.

Maj. Ben Haw Lowry, Quartermaster Corps.
Maj. Charles Peter Lynch, Infantry.
Maj. Edward Crews Black, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. William Burbridge Yancey, Infantry.
Maj. Raymond Leroy Shoemaker, Infantry.
Maj. Shirley Wiggins McIlwain, Quartermaster Corps.
Maj. John Phillip Scott, Cavalry.
Maj. Charles August Hoss, Quartermaster Corps.
Maj. Andrew Christian Tychsen, Infantry.
Maj. George James Burns Fisher, Chemical Warfare Service.
Maj. Laurence Mickel, Infantry.
Maj. Robert John Wallace, Infantry.
Maj. John Swan Moore, Infantry.
Maj. Henry Earl Minton, Ordnance Department.
Maj. Lovic Pierce Hodnette, Infantry, subject to examination required by law.
Maj. Arthur S. Champeny, Infantry.
Maj. John Hamilton Cochran, Infantry.
Maj. Lloyd William Goeppert, Coast Artillery Corps.
Maj. William Michener, Field Artillery.
Maj. Don Norris Holmes, Infantry.
Maj. Letcher Ogle Grice, Quartermaster Corps.
Maj. Alexander Jesse MacNab, Infantry.
Maj. Walter Hibbard, Infantry.
Maj. Chauncey Aubrey Bennett, Quartermaster Corps.
Maj. Brisbane Hanks Brown, Quartermaster Corps, subject to examination required by law.
Maj. Charles Andrew Robinson, Infantry.
Maj. John Peter Neu, Quartermaster Corps.
Maj. Joe Shurlock Underwood, Quartermaster Corps.
Maj. Henry William Robinson, Infantry, subject to examination required by law.
Maj. Clarence John Blake, Quartermaster Corps.
Maj. Harry Dennis Furey, Infantry.
Maj. Charles Henry Wilson, Infantry.
Maj. Richard Mathews Sandusky, Infantry.
Maj. Ernest Francis Boruski, Infantry.
Maj. Harold Mays Tague, Infantry.
Maj. John Walker Henson, Infantry.
Maj. Eugene Arthur Regnier, Cavalry.
Maj. Joseph James Canella, Quartermaster Corps.
Maj. Walter Alexander Wood, Jr., Corps of Engineers.
Maj. Charles McKinley Kemp, Infantry.
Maj. Raymond Cecil Hamilton, Infantry.
Maj. Charles Herbert Karlstad, Infantry.
Maj. Jasper Morris Groves, Infantry.
Maj. Norris Adron Wimberley, Infantry.
Maj. Orlen Nelson Thompson, Adjutant General's Department.
Maj. Curtis Loyd Stafford, Cavalry.
Maj. Joseph Aloysius St. Louis, Quartermaster Corps.
Maj. Joseph Saddler Dougherty, Infantry.
Maj. Clarence Ronald Peck, Infantry.
Maj. Clarence Harvey Bragg, Infantry.
Maj. Paul Rutherford Knight, Infantry.
Maj. DeWitt Clinton Smith, Jr., Infantry, subject to examination required by law.
Maj. John Curtis Newton, Infantry.
Maj. Graeme Gordon Parks, Infantry.
Maj. Edwin Paull Ketchum, Corps of Engineers.
Maj. Frank Lee McCoy, Infantry.
Maj. Cyril Clifton Chandler, Infantry.
Maj. James Francis Clark Hyde, Corps of Engineers.
Maj. Robert James Kirk, Jr., Infantry.
Maj. Leo Alexander Bessette, Infantry, subject to examination required by law.
Maj. James Wellington Younger, Quartermaster Corps.
Maj. Amory Vivion Eliot, Signal Corps.
Maj. James Clarence Reed, Infantry, subject to examination required by law.
Maj. Benjamin Mills Crenshaw, Infantry.
Maj. Robert Kauch, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Arthur Riehl Wilson, Field Artillery.
Maj. John Major Reynolds, Field Artillery.
Maj. Bickford Edward Sawyer, Finance Department.
Maj. Irwin Samuel Dierking, Quartermaster Corps.
Maj. Joseph Bartholomew Conmy, Infantry.
Maj. William Randolph Watson, Infantry.
Maj. Collin Stafford Myers, Infantry, subject to examination required by law.
Maj. William Herschel Middleswart, Quartermaster Corps.
Maj. Frank Sims Mansfield, Infantry.
Maj. Ralph Nemo, Infantry.
Maj. Ross Franklin Cole, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Kenneth Smith Anderson, Infantry, subject to examination required by law.
Maj. John Pinnix Lake, Infantry.
Maj. Heston Rarick Cole, Corps of Engineers.
Maj. Russel Burton Reynolds, Infantry.
Maj. Paul Clarence Boylan, Field Artillery.
Maj. Ralph Floyd Love, Infantry.
Maj. William Irving Sherwood, Infantry.
Maj. Charles Wilkes Christenberry, Adjutant General's Department.
Maj. Charles Andrew Beaucond, Field Artillery.
Maj. Stewart Franklin Miller, Adjutant General's Department.
Maj. Hugh Campbell Parker, Infantry.
Maj. Loyal Moyer Haynes, Field Artillery.
Maj. Floyd Marshall, Infantry.
Maj. William Carey Lee, Infantry.
Maj. Cecil John Gridley, Infantry.

## APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

### GENERAL OFFICERS

Maj. Gen. Ellard Arthur Walsh, Minnesota National Guard, to be major general, National Guard of the United States.

Brig. Gen. Gordon Cloyd Hollar, Iowa National Guard, to be brigadier general, National Guard of the United States.

## POSTMASTERS

### ALABAMA

Virgil B. Gross to be postmaster at Pisgah, Ala., in place of L. J. Arnold. Incumbent's commission expired April 25, 1940.

James E. Reid to be postmaster at Scottsboro, Ala., in place of P. B. Snodgrass. Incumbent's commission expired April 9, 1940.

### CALIFORNIA

Irene J. Haley to be postmaster at Associated, Calif., in place of W. L. Haley. Incumbent's commission expired February 5, 1940.

Nathan L. Rannells to be postmaster at La Jolla, Calif., in place of N. L. Rannells. Incumbent's commission expired March 19, 1939.

Loren R. Cloud to be postmaster at Los Alamitos, Calif. Office became Presidential July 1, 1938.

Joel Marshall Luck to be postmaster at Manteca, Calif., in place of C. E. Fox, deceased.

Clara Belle Daly to be postmaster at Montrose, Calif., in place of C. B. Daly. Incumbent's commission expired May 10, 1940.

### CONNECTICUT

Evelyn M. Dwyer to be postmaster at Short Beach, Conn., in place of I. H. Charlotte, resigned.

### FLORIDA

Bernice Parham to be postmaster at Lacoochee, Fla., in place of Bernice Parham. Incumbent's commission expired July 1, 1939.

### GEORGIA

Lige Corbitt to be postmaster at Willacoochee, Ga., in place of M. E. Pearson. Incumbent's commission expired March 18, 1940.

### ILLINOIS

Frank R. Dalton to be postmaster at Aurora, Ill., in place of F. R. Dalton. Incumbent's commission expired March 20, 1939.

Walter A. Homrich to be postmaster at Galena, Ill., in place of W. L. Reed, deceased.

IOWA

Elmer J. Hylbak to be postmaster in Lake Mills, Iowa, in place of E. J. Hylbak. Incumbent's commission expired April 3, 1940.

Wallace G. Surface to be postmaster at Thurman, Iowa, in place of G. R. Shipley, resigned.

Leo E. Williams to be postmaster at Tingley, Iowa. Office became Presidential July 1, 1938.

KANSAS

Henry F. Schmidt to be postmaster at Dodge City, Kans., in place of H. F. Schmidt. Incumbent's commission expired March 4, 1940.

Harold B. Iliff to be postmaster at Strong, Kans., in place of H. B. Iliff. Incumbent's commission expired July 27, 1939.

Howard R. Hartman to be postmaster at Toronto, Kans., in place of G. F. Popkess, deceased.

KENTUCKY

John C. Bassett to be postmaster at Earlington, Ky., in place of G. W. Mothershead. Incumbent's commission expired May 1, 1938.

Charles V. Tingue to be postmaster at Wayland, Ky., in place of B. F. Shepard. Incumbent's commission expired April 21, 1940.

LOUISIANA

Leo J. Nohe to be postmaster at Jennings, La., in place of Overton Gauthier. Incumbent's commission expired June 6, 1938.

Simon E. Tate to be postmaster at Mamou, La. Office became Presidential July 1, 1940.

MARYLAND

C. Howard Brown to be postmaster at Bladensburg, Md. Office became Presidential July 1, 1940.

James F. Faulkner to be postmaster at Lansdowne, Md., in place of J. H. Reinhardt, retired.

MICHIGAN

Margaret M. Moore to be postmaster at Bloomfield Hills, Mich., in place of W. M. Story, resigned.

Daniel Riordan to be postmaster at Crystal Falls, Mich., in place of T. T. Hurja, resigned.

Henry Matthews to be postmaster at Lexington, Mich., in place of Henry Matthews. Incumbent's commission expired June 25, 1940.

Ben M. McElhinney to be postmaster at Snover, Mich., in place of L. A. McElhinney, retired.

MINNESOTA

Clarence E. Paulson to be postmaster at Princeton, Minn., in place of F. C. Keith. Incumbent's commission expired June 25, 1940.

MISSISSIPPI

John N. Truitt to be postmaster at Minter City, Miss., in place of J. N. Truitt. Incumbent's commission expired January 20, 1940.

MISSOURI

Monroe A. Fields to be postmaster at Humansville, Mo., in place of Z. B. Reynolds. Incumbent's commission expired June 25, 1940.

R. Lancelot West to be postmaster at Monticello, Mo. Office became Presidential July 1, 1939.

MONTANA

Grace J. Senef to be postmaster at Denton, Mont., in place of G. M. Ramsey. Incumbent's commission expired June 25, 1940.

Leo R. Spogen to be postmaster at Red Lodge, Mont., in place of L. H. Tooley, deceased.

James E. Babbitt to be postmaster at Victor, Mont., in place of F. W. Tucker, removed.

NEW JERSEY

Anne C. Smith to be postmaster at North Hackensack, N. J., in place of A. C. Smith. Incumbent's commission expired February 14, 1940.

NORTH CAROLINA

Hayden R. Millsaps to be postmaster at Stony Point, N. C., in place of D. L. Hines, transferred.

NORTH DAKOTA

Frank W. Kelly to be postmaster at Devils Lake, N. Dak., in place of F. W. Kelly. Incumbent's commission expired June 17, 1940.

OREGON

Charles A. Purcell to be postmaster at Troutdale, Oreg., in place of C. A. Purcell. Incumbent's commission expired July 19, 1939.

PENNSYLVANIA

Jasper M. Wolf to be postmaster at Akron, Pa., in place of A. W. Fritz. Incumbent's commission expired May 28, 1939.

Ellis L. Lynch to be postmaster at McConnellsburg, Pa., in place of E. L. Lynch. Incumbent's commission expired June 17, 1940.

Robert E. Bell to be postmaster at Mount Union, Pa., in place of J. K. Wiley, deceased.

Helen M. Rowley to be postmaster at Ogontz School, Pa., in place of T. D. Hammer, resigned.

Thomas P. Kennedy to be postmaster at Smethport, Pa., in place of R. R. Lindsley, deceased.

PUERTO RICO

Jose Benet, Jr., to be postmaster at Cayey, P. R., in place of Julio Ramos. Incumbent's commission expired February 13, 1939.

SOUTH CAROLINA

Andrew McConnell Blair to be postmaster at Rion, S. C. Office became Presidential July 1, 1940.

TEXAS

Sam L. Henderson to be postmaster at Linden, Tex., in place of R. W. Ford, transferred.

WASHINGTON

Charles I. Wood to be postmaster at Cathlamet, Wash., in place of R. E. Sutton. Incumbent's commission expired May 13, 1940.

Jesse Francis Leverich to be postmaster at Olympia, Wash., in place of B. S. Sawyer. Incumbent's commission expired May 13, 1939.

William H. Ross to be postmaster at Richmond Highlands, Wash., in place of W. H. Ross. Incumbent's commission expired June 2, 1940.

WISCONSIN

Miles P. Tierney to be postmaster at Boscobel, Wis., in place of M. P. Tierney. Incumbent's commission expired May 19, 1940.

Loretta M. Takach to be postmaster at Carrollville, Wis., in place of G. E. Denison, retired.

WYOMING

Joseph D. Kurtz to be postmaster at Yellowstone Park, Wyo., in place of C. W. Anthony, removed.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate September 5 (legislative day of August 5), 1940*

DEPARTMENT OF COMMERCE

Carroll L. Wilson, Assistant Director, Bureau of Foreign and Domestic Commerce.

COAST GUARD OF THE UNITED STATES

TO BE LIEUTENANT COMMANDERS

| | |
|---|---|
| Walter S. Anderson | George F. Hicks |
| Donald E. McKay | Clarence F. Edge |
| Vernon E. Day | Alexander L. Ford |
| Leslie B. Tollaksen | Stephen H. Evans |
| John L. Steinmetz | John A. Glynn |
| Stanley C. Linholm | John E. Fairbank |
| Fred P. Vetterick | Joseph A. Kerrins |
| George M. Phannemiller | Edward H. Thiele |

TO BE LIEUTENANTS

Robert S. Lecky
Emmet T. Calahan
Joseph F. McCue

TO BE COMMANDERS

Paul K. Perry
William J. Kossler
Merlin O'Neill
Norman H. Leslie
Norman R. Stiles

TO BE CHIEF BOATSWAINS

Osmond C. Faulkingham
Luther H. Muse
Peter F. Shea
John A. Turmala
William J. H. Siekemeyer

TO BE CHIEF MACHINISTS

Theodore G. Munson
Louis J. Perry

TO BE A PROFESSOR (TEMPORARY)

Jerry Barton Hoag

---

# HOUSE OF REPRESENTATIVES

## THURSDAY, SEPTEMBER 5, 1940

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, we can only speak to Thee with faltering lips because of our human frailties. Enable us to commit our ways unto the Lord—any pure purpose, any worthy ambition, and any road we have to tread, be with us in every needful hour. Allow not, dear Lord, our labors to be checked by thought grinding against thought and desire against desire; we pray for Thy guiding presence at the very beginning of this day. In Thy gracious design take us and keep us under Thy direction; be Thou the link that forges our unity and cooperation. Inspire us with the faith that conquers doubt and that gives the calm conviction that this is God's world and underneath are the everlasting arms; oh, be our refuge from all life's illusions and adverse conditions. While it is yet day, help us to walk in the steps of Him who is the way, the truth, the life, and Thine shall be the praise. In the name of our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution:

Senate Resolution 306

IN THE SENATE OF THE UNITED STATES,
*September 4, (legislative day, August 5), 1940.*

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. ERNEST LUNDEEN, late a Senator from the State of Minnesota.

*Resolved*, That a committee of four Senators be appointed by the Presiding Officer of the Senate to attend the funeral of the deceased Senator.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 12 o'clock meridian tomorrow.

### OPERATION OF HOUSE RESTAURANT

Mr. WARREN. Mr. Speaker, I offer a resolution (H. Res. 590), and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 590

*Resolved*, That effective October 1, 1940, until otherwise ordered by the House, the management of the House restaurant and all matters connected therewith shall be under the direction of the Architect of the United States Capitol under such rules and regulations as he may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurant by such business methods as may produce the best results consistent with economical and modern management.

SEC. 2. The Committee on Accounts after the close of business, September 30, 1940, is hereby authorized and directed to transfer to the jurisdiction of the Architect of the United States Capitol all accounts, records, supplies, equipment, and assets of the House restaurant that may be in the possession or under the control of the said committee in order that all such items may be available to the Architect of the United States Capitol toward the maintenance and operation of the House of Representatives restaurant.

The resolution was agreed to.

### PRIVILEGE OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. HOFFMAN. Mr. Speaker, I will not make a lengthy statement——

Mr. RANKIN. Mr. Speaker, a point of order. In order to get recognition on the question of the privilege of the House it is necessary for a Member to offer a resolution first?

The SPEAKER. That is the rule.

Mr. RANKIN. I make the point of order, Mr. Speaker.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Must I offer the resolution before I state my question?

The SPEAKER. The gentleman must offer his resolution first, under the rule.

Mr. HOFFMAN. Very well, but I desire to be heard on the question. However, I will not take more than 5 minutes.

The SPEAKER. The Chair will hear the gentleman. The Clerk will report the resolution.

House Resolution 591

Whereas the gentleman from the Second District of Kentucky [Mr. VINCENT], referring to the gentleman from the Twentieth District of Ohio [Mr. SWEENEY], stated on the floor of the House on September 4, 1940, as appears in the [daily] RECORD on page 17450, "I said I did not want to sit by a traitor to my country;" and

Whereas such words were a violation of the rules of the House and, as reprinted in the RECORD, charge the Member from Ohio with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House: Therefore, be it

*Resolved*, That the words, "I said I did not want to sit by a traitor to my country," be expunged from the RECORD.

The SPEAKER. The gentleman from Michigan.

Mr. HOFFMAN. Mr. Speaker, the RECORD this morning contains that statement. Most of the Members of the House are familiar with what occurred last night. It is not my purpose to take the time of the House to discuss the question of the privilege of the House. I will present the resolution, and then move the previous question. The facts upon which the question of the privilege of the House which I raise are these:

Yesterday, September 4, 1940, on the floor of the House, the following occurred:

The gentleman from the Second District of Kentucky rose and made the following statement, as appears from the official transcript of the reporter:

Mr. VINCENT of Kentucky. Mr. Speaker, I served in the World War, and the World War, as I understood it then and as I understand it now, was fought because we were being attacked by submarines and women and children murdered on the high seas. To say that my President of that time brought on that war to me was an untruth and the whole statement the gentleman made here I resent very much.

When he came down to sit with me, I got up and moved, as I shall continue to move as long as I am a Member of Congress of the United States and he is a Member of Congress. I was attacked in my office a few days ago by a bunch of Communists and I drove them out of my office. When he sat down there, I got up and moved. I said I did not want to sit by a traitor to my country. Then he attacked me and you know what happened.

Following the word "happened," the gentleman from the Second District of Kentucky continued:

I have no apology to make—

And followed that by a sentence consisting of 18 words, which were subsequently deleted from the stenographer's copy sent to the printer.

Then the following occurred:

Mr. HOFFMAN. Mr. Speaker, I demand recognition on a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, I demand that the words of the gentleman who just left the floor be taken down, because they violate the rules of the House.

The SPEAKER pro tempore. The Clerk will report the words complained of.

Mr. VINCENT of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

Mr. DWORSHAK. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

Mr. BRADLEY of Michigan. I object, Mr. Speaker.

When the gentleman from the Second District of Kentucky asked unanimous consent to withdraw certain statements, I state upon my responsibility as a Representative that I was standing in front of the first row of seats in the Chamber of the House, to the left center of the Speaker. Immediately upon my right was the gentleman from the Second District of Idaho [Mr. DWORSHAK], who was also standing, seeking recognition. Still farther to the right was the Representative from the Eleventh District of Michigan [Mr. BRADLEY], who was also upon his feet, seeking recognition; that, immediately upon the making of the request by the gentleman from the Second District of Kentucky, the gentleman from the Second District of Idaho [Mr. DWORSHAK] made objection; that, upon the putting of the request of the gentleman from the Second District of Kentucky, I said, "Mr. Speaker, I object," and, immediately following the objection made by me, the Member from the Eleventh District of Michigan [Mr. BRADLEY] made objection. Other Members of the House were upon their feet at the same time, seeking recognition.

Later, the following occurred:

Mr. HOFFMAN. Mr. Speaker, a point of order and a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, a moment ago certain words were uttered by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order—the taking down of the words, the report of the words, and the reading by the Clerk.

The SPEAKER pro tempore. Subsequently, unanimous consent was granted for the words to be withdrawn.

Mr. HOFFMAN. Oh, no, Mr. Speaker; three Members were on their feet—I was one of them—and objecting to that.

The SPEAKER pro tempore. That was the ruling of the Chair.

Mr. HOFFMAN. I appeal from the ruling of the Chair, then.

The SPEAKER pro tempore. This is not a ruling; it is just an answer to a parliamentary inquiry.

Mr. HOFFMAN. Oh, no; I am appealing from the ruling awhile ago.

If it be true that there was no objection to the unanimous-consent request of the gentleman from the Second District of Kentucky, that consent, according to the printed RECORD and according to the reporter's record, was as follows:

Mr. VINCENT of Kentucky. Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

The last sentence of the statement was the sentence consisting of 18 words and, had unanimous consent been granted to withdraw the last sentence of the previous statement made by the gentleman from the Second District of Kentucky, there was no consent to withdraw the words, "I have no apology to make."

The striking out of those words from the official transcript furnished by the reporter and the failure to print them in the record of the House renders the RECORD inaccurate and untrue.

The words, as they now appear in the daily printed RECORD, September 4, page 17450—

I said I did not want to sit by a traitor to my country—

Were a violation of the rules of the House and, as reprinted in the RECORD, charge the Member from Ohio with a lack of patriotism, and with disloyalty to his country, reflect upon him in his representative capacity and upon the dignity of the House.

These words were objected to; a demand was made that they be taken down; and, under the rules of the House, they should either have been taken down or unanimous consent should have been obtained to withdraw them from the RECORD.

Unanimous consent to withdraw these words just quoted—that is—

I said I did not want to sit by a traitor to my country—

Was not given. The words were not taken down and read to the House. They now appear in the RECORD. They reflect upon the Member from Ohio. They bring disrepute upon the House and reflect upon the integrity of the House, if permitted to remain in the RECORD.

Mr. Speaker, I therefore move the adoption of the resolution, and, upon that, move the previous question.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject The Country Needs John J. O'Connor Back in Congress.

The SPEAKER. Is there objection?

There was no objection.

SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATION BILL, 1941

Mr. WOODRUM of Virginia. Mr. Speaker, I call up the conference report on the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 35, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 12, 13, 14, 16, 17, 19, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40, 41, 42, 43, 44, 47, 49, and 52; and agree to the same.

Amendment numbered 23: That the House recede from the disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$48,315,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 6, 8, 9, 10, 11, 15, 18, 20, 22, 39, 45, 46, 48, 50, and 51.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
GEO. W. JOHNSON,
EMMET O'NEAL,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,
*Managers on the part of the House.*

ALVA B. ADAMS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK HALE,
JOHN TOWNSEND,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941,

and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Increases the amount that may be expended for personal services in the War Department proper, as proposed by the Senate.

On amendments Nos. 3, 4, and 5, relating to military posts: Increases the amount of contractual authority from $12,000,000, as proposed by the House, to $14,000,000, as proposed by the Senate; makes $3,000,000 of the appropriation and $2,000,000 of the contractual authority available for storage of aviation gasoline, as proposed by the Senate, and waives the requirement, proposed by the House, that the Attorney General give advance approval to proceeding with construction on privately owned land prior to his approval of title thereto.

On amendment No. 7: Strikes out the appropriation of $249,000 proposed by the Senate for flood-protection project at East Hartford, Conn.

On amendment No. 12: Changes a section number.

On amendments Nos. 13 and 14: Appropriates $136,000 for miscellaneous expenses, office of the Secretary of the Navy, as proposed by the Senate, instead of $50,000, as proposed by the House.

On amendment No. 16: Appropriates $210,000 for the Naval Reserve Officers' Training Corps, as proposed by the Senate.

On amendment No. 17: Appropriates $3,689,780 for the Naval Reserve, as proposed by the Senate, instead of $3,189,780, as proposed by the House, the increase representing a transfer from another head.

On amendment No. 19: Appropriates $67,293,000 for ordnance and ordnance stores, Navy, as proposed by the Senate, instead of $60,293,000, as proposed by the House.

On amendment No. 21: Appropriates $1,350,000 for Medical Department, Navy, as proposed by the Senate.

On amendments Nos. 23 to 38, both inclusive, relating to Public Works, Navy: Appropriates $48,315,000, instead of $37,750,000, as proposed by the House, and $53,315,000, as proposed by the Senate, the agreed increased amount applying to all of the projects proposed by the Senate, without change, except the project—"graving drydock and accessory construction, New York Harbor", which has been omitted, and restores the House text with respect to cost-plus-a-fixed-fee contracts.

On amendments Nos. 40 to 43, both inclusive, relating to Aviation, Navy: Appropriates $180,000,000, as proposed by the Senate instead of $170,000,000, as proposed by the House; makes the appropriation available for mess outfits of aviation cadets and bachelor officers at air stations, as proposed by the Senate, and makes $1,000,000 of the appropriation, including contractual authority, available for the procurement of nonrigid lighter-than-air craft.

On amendment No. 44: Makes a minor textual change, as proposed by the Senate.

On amendment No. 47: Appropriates $20,000 for personal services, office of the Secretary of the Navy, as proposed by the Senate, instead of $13,680, as proposed by the House.

On amendment No. 49: Changes a section number.

On amendment No. 52: Changes a section number.

*Amendments reported in disagreement*

The committee of conference report in disagreement the following amendments of the Senate:

On amendment No. 2: Relating to the appropriation for military posts, Army.

On amendment No. 6: Relating to performance and payment bonds in connection with cost-plus-a-fixed-fee contracts.

On amendment No. 8: Relating to employment of Army Reserve Officers with the Reserve Officers' Training Corps.

On amendment No. 9: Relating to the temporary advancement of officers of the Regular Army.

On amendment No. 10: Relating to the utilization of the Army Engineer Corps in Army construction work.

On amendment No. 11: Relating to advance payments to contractors.

On amendment No. 15: Making commandants of naval districts independent of commandants of navy yards and stations during the remainder of the fiscal year 1941.

On amendment No. 18: Relating to the employment on active duty of Naval and Marine Corps Reserve officers in a pensionable status.

On amendment No. 20: Authorizing contractual authority under Ordnance and Ordnance Stores, Navy.

On amendment No. 22: Relating to the appropriation "Maintenance, Bureau of Yards and Docks, Navy."

On amendment No. 39: Relating to the continuance on the rolls of non-civil-service employees engaged on the Navy public-works program.

On amendment No. 45: Relating to the detail of enlisted men to duty in the Navy Department.

On amendment No. 46: Relating to the repeal of the commandeering provision in Public, No. 671, Seventy-sixth Congress.

On amendment No. 48: Making an appropriation for housing of persons engaged in national-defense activities.

On amendment No. 50: Protecting the applicability of the Bacon-Davis and Walsh-Healey Acts to contracts to which properly applicable.

On amendment No. 51: Relating to wages of laborers and mechanics employed by contractors, including overtime.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
GEO. W. JOHNSON,
EMMET O'NEAL,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,
*Managers on the part of the House.*

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report now before the House, if adopted, and if the recommendations of the conferees are concurred in, will complete action, insofar as the House is concerned, on the so-called $5,000,000,000 national-defense appropriation bill.

These estimates first came to the House of Representatives on July 10. On July 31 the bill was reported to the House. That is 3 weeks. Within that time there had been a recess for one of the political conventions. But within that time the Appropriations Committee had conducted careful and detailed hearings on these stupendous items. The bill passed the House on July 31, the same day it was reported. It was reported to the Senate on August 19 and passed the Senate on August 29, practically a month after it left the House.

The conference report on the bill as it finally comes here calls for $262,824,435 more than when the bill left the House. That is accounted for in practically two large items, $100,000,000 for the housing of persons engaged in national-defense activities, an amendment which was inserted in the Senate; and an additional amount of $128,107,115 for the housing of the National Guard. That estimate is pending in the Budget and may reach the Appropriations Committee today, but because of the great urgency and to get the program under way for the housing of the National Guard, a part of which already has been called into mobilization for training, the conferees have put this item in the bill.

I do not think there is any objection to it. I do not believe the minority members of the conference committee will have any objection to it.

Those two propositions carry the bulk of the increase embraced by the conference report. I do not know of any controversy insofar as the conference report is concerned.

There are one or two amendments reported in disagreement because, under our rules, they have to be acted upon separately in the House. Unless the gentleman from New York desires some time, I am disposed to move the previous question on the conference report.

Mr. TABER. Mr. Speaker, if the gentleman would yield a second——

Mr. WOODRUM of Virginia. Would the gentleman like me to yield him some time?

Mr. TABER. I do not care for time. I do not see any item that is included in the conference report over which there should be any controversy. It seems to me that the items that are included should unquestionably be put through about as the report recommends. I do not think it is necessary for me to take any time under these circumstances.

Mr. RICH and Mrs. ROGERS of Massachusetts rose.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield first to the gentleman from Pennsylvania.

Mr. RICH. This bill appropriates about $5,000,000,000. We passed one tax bill this year that will raise $1,007,000,000, and another one more recently which it is estimated will yield about $300,000,000 the first year and $700,000,000 the next. We are $3,000,000,000 in the red on the operations of the Government last year. As one of the prominent members of the Appropriations Committee, does the gentleman know about what amount we shall be in the red at the end of 1940 and also 1941?

Mr. WOODRUM of Virginia. I do not know, but insofar as this particular bill is concerned, this is an expenditure that

has got to be made and should be made; and when the bill is presented we shall have to pay it and will permit the gentleman to have a part in that proceeding.

Mr. RICH. Will the gentleman tell us how he is going to raise the money for these expenditures? Where are we going to get the money?

Mr. WOODRUM of Virginia. We will raise it by a tax bill, and we will put a tax on all prosperous industries in proportion to their ability to pay.

Mr. RICH. That is right; I am in favor of that kind of tax bill, but this is a serious matter. All we have been thinking about in the last 7 years is spend, spend, spend. The gentleman knows it means ultimate chaos unless we raise more money. The gentleman says we are going to have another tax bill. When does he think we shall get it?

Mr. WOODRUM of Virginia. The gentleman will have to see the Ways and Means Committee about the tax bill. Right now I am interested in this defense program, I may say to the gentleman.

Mr. RICH. Does the gentleman believe we are treading on dangerous ground in the appropriations we have been making in the last 10 years?

Mr. WOODRUM of Virginia. I think it will be very much more dangerous if we do not arrange this defense program at the earliest possible moment. Then we can worry about domestic matters. [Applause.]

Mr. RICH. We are thinking in terms of defense; we are taking up all our time with it; but we are not trying to reduce Government expenditures, something we have been harping on and hammering at for the last 7 years.

It seems to me this administration in its preparation for national defense should cut everywhere it could to reduce these extravagant expenditures and the debt burden it so ruthlessly piles on the shoulders of our people. We should cut down appropriations for things that do not amount to a tinker's hook. That is what we ought to do, and this Congress is responsible if we do not.

Mr. WOODRUM of Virginia. What items in this report would the gentleman cut out?

Mr. RICH. I am not talking about this defense bill; I am talking about the expenditures of Government that are not necessary. That is what we should take into consideration.

Mr. WOODRUM of Virginia. Right at the immediate time I am talking about the defense bill.

Mr. Speaker, I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Can the gentleman advise us how long it will take to construct the buildings to house the National Guard? I am very much interested in this question.

Mr. WOODRUM of Virginia. The program for housing the guard will be a very rapid one. The War Department advises us that within 4 to 6 weeks they will be under way; and certainly if this bill is passed promptly the housing will be ready when it is needed.

Mrs. ROGERS of Massachusetts. The housing is of a type that can be constructed very quickly, in other words?

Mr. WOODRUM of Virginia. Yes; it is of a type that lends itself to rapid construction.

Mr. TABER. That is not included in the report. That is a separate item to be acted on separately.

Mr. WOODRUM of Virginia. That is a separate item, which will be voted upon separately.

Mr. FADDIS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. FADDIS. Will the gentleman explain amendment No. 9? I would like to have some explanation relative to the temporary advancement of officers.

Mr. WOODRUM of Virginia. That will be voted upon separately, and I ask the gentleman to let me explain that at that time.

Mr. FADDIS. Certainly.

Mr. LELAND M. FORD. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. LELAND M. FORD. Will the gentleman explain the $100,000,000 item for housing?

Mr. WOODRUM of Virginia. That will be voted upon separately, and I will take it up then if the gentleman does not mind.

Mr. LELAND M. FORD. That will be all right.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will read the first amendment in disagreement.

The Clerk read as follows:

Page 3, line 16, strike out "$70,001,915" and insert "$73,001,915."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM of Virginia: In lieu of the sum proposed, insert the following: "$201,109,030, of which $128,107,115 shall be for emergency construction."

Mr. WOODRUM of Virginia. Mr. Speaker, this amendment increases the amount for housing by adding $128,107,115, the amount estimated by the Bureau of the Budget as being necessary for housing the National Guard. That is all there is to it. I do not know anything else to say.

The emergency requires very quick action on account of the weather and on account of the fact that the guard has been called for active duty. It is very desirable therefore that the housing project get underway.

Mr. LELAND M. FORD. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from California.

Mr. LELAND M. FORD. That has to do with the housing of the National Guard. There is another item of a hundred million dollars in there for housing those who are helping on national defense. What is that?

Mr. WOODRUM of Virginia. That is a later amendment and will come up subsequently.

Mr. LELAND M. FORD. That has nothing to do with this housing program?

Mr. WOODRUM of Virginia. That is correct. I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this amendment comes to you without any Budget amendment therefor, although I understand it is on the way, and this is without legislative authority, as far as I know. It is to provide housing for the men of the National Guard and those draftees who will be welded into the National Guard system. I have tried to obtain information on the subject and, as near as I can make out, this provides, according to the Quartermaster, for the housing of 395,607 men. It provides for housing about half of them in the territory north of the south line of North Carolina in cantonments or temporary barracks, which cost about $400 per man, including the utilities which have to be placed on the ground. It provides for housing those south of the North Carolina line in tents with a wooden platform for the base of the tent. This type of housing is supposed to cost $285 per man, including administrative buildings, recreational centers, toilets, and all that sort of thing. Of course, these tents will not be needed.

Mr. Speaker, for my own part I have very great doubts about these tents being sufficient housing. I am afraid we are going to get into a lot of trouble if we put raw troops into that type of quarters in the winter time. The Army people said they did this last winter during maneuvers and did not have any trouble. There is no question but what these men are going to be called out and that it will take approximately 3 months to complete the cantonments and probably 60 days to complete the tent platform outfit and the utilities connected therewith. Therefore, I can see nothing to do but to provide the funds and go ahead.

Mr. PACE. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Georgia.

Mr. PACE. I may say that we used that form of cantonment with the wooden floor and tents at Fort Benning last winter in connection with the maneuvers down there with complete satisfaction.

Mr. TABER. That is what the Army people say. On the other hand, that same sort of thing resulted in tremendous epidemics during the World War period and I do not want to take a chance on getting into that same sort of thing again.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Where are these wooden cantonments to be located?

Mr. TABER. The cantonments are temporary wooden barracks and they are north of about the south line of North Carolina.

Mr. LEWIS of Colorado. Where are these tents to be used?

Mr. TABER. The tents are to be used south of that line.

Mr. LEWIS of Colorado. South of the south line of North Carolina?

Mr. TABER. Yes. That would include South Carolina, Georgia, Florida, Alabama, Arkansas, Texas, and some in the southern part of California.

I do not see anything to do except go ahead and provide the money, but I thought this statement ought to be in the RECORD so there would be some detail to show that the Congress had something to act on.

[Here the gavel fell.]

The SPEAKER. The question is on the motion offered by the gentleman from Virginia [Mr. WOODRUM].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 4, line 8, after the word "war" insert: *"Provided further,* That the Secretary of War may, with respect to contracts for public works for the Military Establishment entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the fiscal year 1941, or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a)."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. WOODRUM of Virginia moves to recede and concur in the Senate amendment with an amendment, as follows: "At the end of the matter inserted by said amendment insert the following: *'Provided further,* That the fixed fee to be paid the contractor as a result of any such public-works contract hereafter entered into shall not exceed 6 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War'."

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this amendment provides for the waiving of surety bonds by contractors who are given jobs on a cost-plus basis. This is the situation. First, there is no great necessity for obtaining a surety bond from these people that they will complete their jobs, because this is a cost-plus proposition and they can go through. However, those bonds under the Miller Act provide protection to subcontractors on Government projects and to materialmen. If these bonds are done away with, while it will save a very moderate sum in the cost, and, as I understand, it runs about four-tenths of 1 percent, it will give absolutely no protection to the materialmen and the subcontractors that they will get their pay. We are going to have just one mess after another, nor will there be any protection that the contractor will do a good job except for what inspection our Quartermaster Corps will give.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. RABAUT. Is any ceiling set upon these contracts at all?

Mr. TABER. There is none except the limits of appropriations.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. THOMASON. Who actually lets the contracts to the subcontractors? Does the Quartermaster General have anything to do with it?

Mr. TABER. No; the contractor.

Mr. THOMASON. The contractor who has the contract upon a cost-plus basis lets the contracts. Then do I correctly understand the gentleman to say that a subcontractor or a materialman would have absolutely no protection? If that is true, I am against the amendment.

Mr. TABER. Except what he could get out of the contractor by suit.

Mr. THOMASON. He would have no recourse upon the War Department?

Mr. TABER. Only on what fund happened to be due the contractor. He would have no guaranty under the bond that is given under the Miller Act, as I understand.

Mr. THOMASON. Then is the only reason or justification assigned for not requiring a bond the time element, or is it the cost element?

Mr. TABER. The cost element of four-tenths of 1 percent. It does not seem to me that we ought to leave all these materialmen in that situation. It seems to me that we would have more speed in the performance of these contracts—and time is of the essence—if we did not waive the bond, but required it.

Mr. THOMAS of Texas. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. THOMAS of Texas. Does the Government pay for the cost of materials or does the contractor contract to pay for the materials?

Mr. TABER. When a contractor takes a cost-plus contract the contractor would be the one who would be obligated. The Government would have to pay him what he had paid out, plus his percentage, whatever it figured. It is provided that the percentage cannot be more than 6 percent.

Mr. THOMASON. Mr. Speaker, will the gentleman yield further?

Mr. TABER. I yield.

Mr. THOMASON. The gentleman from New York gives a lot of thought and study to matters of this kind. As I understand, the gentleman is opposing the amendment?

Mr. TABER. I am opposing it.

Mr. THOMASON. Cannot the gentleman suggest some means by which the subcontractor will at least be entitled to his rights if he is mistreated by a contractor? In other words, as I understand it, the subcontractor can be skinned out of his eye teeth, and there is no check on it at all, if he has an irresponsible chief contractor who has no bond. The gentleman knows that has happened time after time in this kind of work, which goes to show that the cost-plus theory is absolutely unsound in principle.

Mr. TABER. That is just the situation exactly. I do not see anything to do except to beat this amendment. If it is necessary to have some language that waives some of the provisions of these bonds, let them come in here when the deficiency bill comes up, which will be in only a few days, and provide for it.

Mr. THOMASON. Cannot the gentleman suggest some form of amendment that would protect the subcontractor should he be cheated out of his rights by a dishonest contractor? I insist that the subcontractor, the day laborer, and the materialman be given adequate protection.

Mr. TABER. I think I could.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I believe the answer to that is simply to insist on the disagreement with the Senate and cut out Sen-

ate amendment No. 6 entirely, so as to keep intact the provisions of the Miller Act relating to all contracts, whether on a cost-plus-a-fixed-fee basis or otherwise.

Mr. TABER. I believe if we knocked out the words "and payment," in line 14, on page 4, that would come pretty near doing it. I cannot see any other way that it could be done, although I frankly have nothing from the Department so that I could know just what could be accomplished in just that way. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I hope there will be no misunderstanding about the amendment which is now under consideration. The amendment seeks to put the Army in exactly the same situation that now exists with the Navy so far as this particular type of project is concerned. Over a year ago the Congress gave the Navy the right to have negotiated contracts, cost-plus-a-fixed-fee contracts. Now, there is a difference between a cost-plus-a-fixed-fee contract and a cost-plus contract. This amendment applies only to one type of contract, where they can waive the bond, and that is the contract where the contractor does the job at cost plus a fixed fee, that is agreed upon, and which may not be more than 6 percent.

The Navy has operated under this plan for more than a year without a particle of trouble and without any complaint and has saved money, so they claim. They are permitted to waive the bond, because contracts are only awarded to reputable contractors who have clearly established their financial responsibility. They have a long list of approved contractors and they have no trouble with their contractors, either the Army or the Navy, because they do not deal with those who are not dependable. Their inspectors are also in constant touch with each job, and there has not been a particle of complaint about it.

This amendment, if adopted as recommended by the conferees, would put the Army in the same situation that has existed for more than a year in the Navy.

Mr. HARTER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. Yes.

Mr. HARTER of Ohio. The money that is paid for these jobs that are performed in this way; is it paid directly to the materialman and to the subcontractor, or is it paid to the general contractor with whom the Government has entered into such an arrangement on a cost-plus, fixed-fee basis?

Mr. WOODRUM of Virginia. It is paid to the general contractor, as I understand it, but the subcontractor has every opportunity to know what is going on and to protect his rights as the work progresses. There has not been a particle of trouble in more than a year of experience in the Navy.

Mr. HARTER of Ohio. If the gentleman will permit one more question in that connection, the gentleman stated that the War Department has a preferred list of contractors. Does not that remove the opportunity for other contractors all over the Nation to bid upon this work and receive some of it through competitive bidding?

Mr. WOODRUM of Virginia. No; this does not apply to competitive bidding at all. This applies to the type of contracts that the department has the right to make on a negotiated-contract basis. There are certain types of contracts where the Congress has given the War Department and the Navy Department the right to negotiate a contract in lieu of competitive bidding.

Mr. HARTER of Ohio. Congress has not let down the bars entirely so far as competition is concerned.

Mr. WOODRUM of Virginia. Absolutely not; this is limited entirely to defense projects where there is necessity to go forward immediately, and I did not mean to say that they had a preferred list. I said they had an approved list, a long list of contractors whom they have investigated and know to be reputable and dependable people.

Mr. HARTER of Ohio. Of course, they are not sure that every reputable contractor is included in that list.

Mr. WOODRUM of Virginia. It is not an exclusive list.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Kentucky.

Mr. MAY. I wonder if the subcontractor who takes a subcontract from a principal contractor would not also be protected in the matter as against the contractor but not the Government, in the matter of a lien against the contractor for whatever materials he may furnish.

Mr. WOODRUM of Virginia. Exactly.

Now, Mr. Speaker, let me make this statement. This is not a very major problem and I hope that this conference report and this amendment may be finally acted upon here so this does not have to go back to conference again, which means the bill will not become law until next week.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. The gentleman said, in answer to an inquiry a few moments ago, that the subcontractors would be protected by a lien. Of course, you cannot have a lien against Government property. If I recall correctly, there was considerable trouble in the last emergency about this very thing in connection with cost-plus contracts. In the absence of a bond, it seems to me, as suggested by the gentleman from Texas [Mr. THOMASON], there is no real protection for the subcontractor.

Mr. WOODRUM of Virginia. Of course, on a negotiated contract, or a cost-plus-fixed-fee contract there is very little to bond, because there is no time element in it. The big thing to protect in a bond, so far as the Government is concerned, is that you will complete the job in the time you say you will do it.

Mr. LEWIS of Colorado. And also that the subcontractors will be paid.

Mr. WOODRUM of Virginia. That is true. The Navy Department has operated for a year without any trouble about the matter.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman.

Mr. BULWINKLE. Is this the McKellar amendment put on in the Senate?

Mr. WOODRUM of Virginia. I believe that is what it is supposed to be.

Mr. BULWINKLE. Did the conference committee agree to the McKellar amendment, or did you amend it?

Mr. WOODRUM of Virginia. The language of the amendment is changed. We put in the 6 percent limitation. We were not clear that the 6 percent limitation on the amount of fee would apply, and we added that to the McKellar amendment.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. Referring to this list of contractors, suppose a job was started in some place far away, they certainly would not take this list of contractors and figure that someone, we will say in Washington, had to go out into Idaho to do the contract work, when in Idaho they might have good contractors who could qualify and be placed on that list. They certainly would give consideration to other well-qualified contractors for that kind of work.

Mr. WOODRUM of Virginia. Both the Army, the Navy, and the National Defense Council have literally thousands of contractors all over the United States who have filed statements, who have filed credentials, whom they have investigated, and whom they know to be dependable people.

Mr. THOMASON. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. THOMASON. Let me suppose a case. Sometimes contractors go broke because they are engaged in a hazardous business. Assuming that one of these approved contractors should go into bankruptcy, would the materialmen, the laboring men, on a cantonment, for instance, have the slightest protection without a bond?

Mr. WOODRUM of Virginia. I do not know that they would.

Mr. THOMASON. In other words, the lumbermen in the town where a cantonment is built, and the carpenters and the plumbers and others, if the contractor went broke without a bond, would not get 1 cent, would they?

Mr. O'NEAL. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Kentucky.

Mr. O'NEAL. The testimony before our committee was that the Federal Government, having the money and not having a bond, would follow the contract through, which the contractor had and the subcontractor had, and see that those men were paid. Certainly the Federal Government would not for one minute pay money to a general contractor without knowing that the labor and other bills were paid. He is going to be followed just as the bonding company would follow him. It is just economy in time and money, and the Federal Government is dealing with the highest class of men and, having control of the money and not having to pay the contractor until he has paid all of his bills, I do not think anyone is in danger of not getting his money.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, this is a very important matter. First, you will observe that this amendment comes in that section of the bill that deals with military posts. Second, you will note from a reading of the amendment that it provides that the Secretary of War may, with respect to contracts for public works for the Military Establishment, waive this requirement of performance and payment bond. Now, what are public works? Barracks, hospitals, installation of utilities. In fact, an amendment was adopted a moment ago which provides $201,000,000 for this very section of the bill. Consequently, you are dealing with some portion, perhaps a very substantial portion, of more than $200,000,000, that may be affected by the provisions of the language written in by the Senate, where we will waive the requirement of performance and payment bonds, under the Miller Act, if this amendment is approved. I agree that the Navy may have had a very successful operation heretofore, but in the last year they have not been under undue pressure. But let us assume that the pressure for cantonments, for buildings, for equipment, and everything else assumes that degree of intensity that we had in the World War, then you know, of course, costs will go up and fees will go up, and it becomes very material as to whether or not the contractor performs the contract in time for one thing, and whether it makes adequate provision for the material men and subcontractors for another. That is why I believe this matter is of more than passing importance. It might be well to send this back for a little further discussion.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. DIRKSEN. Certainly.

Mr. WOODRUM of Virginia. Does the gentleman think the matter is of sufficient importance, in view of the recommendations of the Department and the Budget, to send this bill back to conference, which will probably mean that it will not pass for another week?

Mr. DIRKSEN. Not if we can fashion some language in the bill here before it is completed, but $200,000,000, after all, is more than pocket money.

Mr. SNYDER. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. SNYDER. What language would you insert?

Mr. DIRKSEN. If I had to do it, I would strike out all of the Senate language in the amendment numbered 6 and leave the bill stand as is, so that we recur to the provisions of the Miller Act.

Mr. SNYDER. I would say that if the gentleman had heard all of the evidence introduced by the Army and the Navy and the Budget and everybody else, I do not think he would want to strike it out.

Mr. DIRKSEN. We might save a little money, and there might be some difficulties about performance, but I do believe the House should be thoroughly advised on the situation.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 8: Page 6, after line 21, insert a new paragraph, as follows:

"RESERVE OFFICERS' TRAINING CORPS

"Funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be detailed for duty in connection with the Reserve Officers' Training Corps."

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 8 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 9: Page 8, after line 14, insert a new section, as follows:

"SEC. 101. The first sentence of the seventh paragraph of section 127a, National Defense Act, as amended by section 20 of the act of June 15, 1933 (48 Stat. 161), is hereby amended to read as follows:

"'In time of war or national emergency determined by the President any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment.'"

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur, and yield myself 5 minutes.

The SPEAKER. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOODRUM of Virginia. Mr. Speaker, this amendment in the ordinary course of events naturally would go to the Committee on Military Affairs for legislative action.

General Marshall, Chief of Staff, came before the House conferees after this amendment was placed on the bill in the Senate and made what I think all of us considered a very impressive statement. I do not believe there is any difference of opinion among the House managers on it. I shall read from a memorandum which was left with the committee, because it states the matter more clearly than I could:

There has already been a considerable expansion of the Regular Army and if the situation continues to become more menacing there must naturally follow further expansion of the components of the Army of the United States, which will be developed through a period of intensive training to meet whatever may confront it. The proper development of that Army to fulfill its role depends on three important and far-reaching policies—some form of selective compulsory military service, a question now before the Congress; the authority to order the National Guard of the United States and reserve components into the service of the United States, on which action has been requested of the Congress; and, thirdly, a uniform system of temporary promotion to meet the exacting requirements of an emergency.

Legislation now exists by which temporary promotions can be made in peace or war, under the conditions contemplated in the proposed amendment by administrative action of the President, for Reserve officers, including officers of the National Guard of the United States, ordered to active duty. Paragraph 7, section 127a of the National Defense Act, amended by section 20 of the act of June 15, 1933 (48 Stat. 161), authorized the granting of temporary rank to officers of the Regular Army in time of war. To make the system uniform authority should be extended to include the Regular Army in order that all three categories may be subject to the same treatment. The legislation herewith presented will extend to an emergency period of preparation the authority granted in wartime by paragraph 7, section 127a, of the National Defense Act, as amended.

The expansion of the Regular Army is being carried out without the necessity of increasing the strength of the permanent commissioned personnel. Under the enlisted strengths for which provision has already been made, the Regular Army is short about 2,200 cap-

tains for duty with tactical organizations and 57 general officers for important tactical command and staff assignments. These requirements for temporary promotions exist at this time. Sound military organization and procedure require that these temporary promotions be made at once in order that those exercising increased responsibilities of command and staff may hold grades commensurate therewith.

We must be able properly to organize and train our armed forces as they are expanded; we must be able to procure and maintain in important positions of command and staff, officers with the knowledge, initiative, drive, and leadership which will assure maximum success in a crisis; the Army prepared in peace must be able to pass to graver responsibilities without possible danger of dislocation incident to necessary reorganization.

To effect those temporary promotions indicated above will cost not in excess of $57,200 for the fiscal year 1941. While it is impracticable at this time to estimate the total additional cost of this proposed legislation, the small cost of those temporary promotions that represent an immediate need, indicates that the additional cost will be nominal.

This is not a new proposition. Such a system prevailed during the World War.

It is now urged simply because the large expansion of personnel in the Army makes it necessary to move men temporarily to a higher grade during the emergency. At the end of the emergency those officers who are advanced will revert to their former rank.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Speaker, I believe there is not a man in this House who appreciates more than I the need for movements connected with perfecting our national defense, but I call to the attention of the House that here is another legislative matter which has never been presented to the committee which has jurisdiction over the subject. I believe this provision is necessary, but at the same time I submit to the judgment of the House that it should have been put through the Committee on Military Affairs in the proper manner.

We have three components in our Army: the Regular Army, the National Guard, and the Officers' Reserve Corps. We have had no hearings on this matter, we know nothing about how it will affect the other components of the Army. We have no intimation of how it will affect the future status of even the officers in the Regular Army. I call the attention of the House to the fact that several times in the past 5 or 6 years it has been necessary for the Committee on Military Affairs to bring legislation to the floor of this House in order to correct unjust conditions that crept in during the World War. We have no knowledge but that this will produce like conditions.

I submit to the House that this motion to recede and concur should be voted down, and the Committee on Military Affairs be given an opportunity to hold hearings on this matter and determine just how it will affect the future status of officers of the Regular Army, and just how it will affect the other two components of the Army.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. FITZPATRICK. Did General Marshall make any request to be heard by the Committee on Military Affairs?

Mr. FADDIS. I believe he did. The Committee on Military Affairs has been so occupied with the so-called conscription bill they have had no time for any other hearings. We are still in session, however, and we can still take up matters of this kind.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. THOMASON. I have such great confidence in General Marshall that I am for this amendment because I feel it is a necessity. But I want the gentleman to understand that I concur heartily in his statement that there is not much use of having legislative committees if we let matters of this kind be handled by the Appropriations Committee without even the courtesy and consideration of a brief hearing before the legislative committee. We have spent several months on a bill to put us on the spot in connection with the draft, but when it comes to promotion of officers in the Army the committee does not have 10 minutes of hearings. We have exclusive jurisdiction in matters of this kind. If this is to become a permanent practice, the Committee on Military Affairs may just as well adjourn sine die.

Mr. FADDIS. I agree with the gentleman, and I also have every faith in the world in General Marshall, but just the same my memory carries me back to the days of the World War when the matter of promotion was not such an urgent affair. As far as promoting officers is concerned, I have seen captains, and even lieutenants commanding battalions. I know such conditions are undesirable and should be corrected, but at the same time such methods as this are highly irregular and exceedingly dangerous. I see no reason for any rush of this kind at the present time, and I hope the House will vote down the motion offered by the gentleman from Virginia and will insist on its disagreement with the Senate in this matter.

Mr. HARTER of Ohio. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Ohio?

Mr. HARTER of Ohio. I am in sympathy with most of what the gentleman says. This matter should have come before the Committee on Military Affairs and should have been considered by that committee as the legislative committee. But does not the gentleman feel that the emergency is such, and it has been presented by General Marshall in such a light, that we should go forward in this instance by reason of this emergency and vote for the amendment?

Mr. FADDIS. I do not feel that way at all. I do not believe the matter is urgent enough to warrant such disregard of the accepted rules of the House or the rights of one of the committees of the House. This should come back and go through the regular legislative committee of the House. It should be given hearings in order to determine just what may happen.

Mr. THOMASON. As I said, I am not opposing this amendment due to the emergency. I am backing up General Marshall to the limit in this crisis. I know, too, that the gentleman whom I am now addressing was a distinguished colonel during the World War and knows about promotions, when I know nothing. But is it not a fact this amendment does not carry one penny of appropriation? It is 100-percent legislative and is under the jurisdiction of the Committee on Military Affairs, which has had no hearings about and did not anticipate it would come up this way.

Mr. FADDIS. That is absolutely true and unless it goes through the Committee on Military Affairs we have no knowledge of what the ultimate effect is going to be on either the Regular service, the National Guard, or the Reserve Corps.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. I am in accord with the gentleman from Pennsylvania, but has he discussed this with his colleague, the military expert, the gentleman from Pennsylvania [Mr. SNYDER], of the Appropriations Committee?

Mr. FADDIS. The gentleman from Pennsylvania has had no time to discuss it with anybody. General Marshall only called me a few minutes before 11 o'clock. I hope the House will vote down the motion of the gentleman from Virginia.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question.

Mr. MICHENER. Will the gentleman withhold that for a moment?

Mr. WOODRUM of Virginia. For what purpose?

Mr. MICHENER. For the purpose of asking a question.

Mr. WOODRUM of Virginia. Certainly.

Mr. MICHENER. The gentleman says this changes the situation, but that in due time and when the emergency is over, then the matter will naturally readjust itself. Now on whose determination or when will this readjustment take place? Will the Congress declare that the emergency is over? When these officers assume the new grades and this new rank, they are going to continue until the emergency is over. Who is going to terminate this emergency?

Mr. WOODRUM of Virginia. Either the Chief Executive or the Congress. The gentleman knows we have passed much legislation which contained a time limit stating, "During the existence of the emergency." Sometime when declared by the proper forum, whether it be the Chief Executive or the Congress, when the period of the emergency has ceased to exist, this will also cease to be operative.

Mr. MICHENER. The officers affected by this amendment will continue in the rank and grade given them by this proposed legislation indefinitely and for all time unless the Congress or the then Chief Executive takes affirmative action changing the status created by this legislation?

Mr. WOODRUM of Virginia. During the World War there was such provision. General Marshall stated one of the most important things he had to contend with was his inability to reach out and get key men, men of outstanding, distinctive ability, and move them into positions which they were entitled to hold; that he found himself stalemated time and time again by the rule of seniority in the Army. He named instance after instance which I do not think would be proper to designate here. General Marshall made the statement before the conferees, and I am sure there is not a member of the committee of conference who was not impressed by his statement that this was important in the set-up of the Army.

Mr. MICHENER. The point I am trying to make is that this amendment changes the whole situation. In other words, it gives the Chief of Staff the right to go in and rerank the officers of the Army. Now, that may be advisable in some cases, but after he has done that he has vitiated and nullified all the statutes which the Congress has placed upon the statute books concerning seniority rights. This is a very important matter.

Mr. WOODRUM of Virginia. It gives him the right to make temporary promotions.

Mr. MICHENER. Those temporary promotions, according to the gentleman, will be permanent promotions unless some legislation is enacted some time changing the situation.

Mr. WOODRUM of Virginia. It is a temporary promotion during the existing emergency. I do not believe there is a gentleman here who would not be willing to trust General Marshall to do that. I would, so far as I am concerned, and I believe everybody else would who knows him.

Mr. FADDIS. These will be temporary promotions, yes, but it is also true no consideration has been given as to how this will affect the other components of the service. There are three components of the service, and they are all part of the Army, and they are all entitled to justice and consideration. The only way they will receive that is to have a thorough, complete hearing before the Committee on Military Affairs, which is the committee set up by this House to handle matters of that kind, and the committee which has jurisdiction over such matters. As long as you allow departments to go around by the back door there is no limit to the extent to which any of them will go.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia [Mr. WOODRUM].

The question was taken; and the Chair being in doubt the House divided, and there were—ayes 117, noes 73.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: On page 8, after line 23, insert the following:

"SEC. 102. The Secretary of War may allocate to the Corps of Engineers any of the construction works in their usual line required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. WOODRUM of Virginia moves to recede and concur in Senate amendment No. 10 with an amendment as follows:

"In lieu of the matter inserted by said amendment, insert the following:

"'SEC. 102. The Secretary of War may, until June 30, 1942, allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated.'"

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, it has been urged that this amendment is not advisable in the light of our experience during the last World War. It has been urged that at that time the construction work was under the Quartermaster General of the War Department, and that a splendid record was made by securing the cooperation of engineers and other experts in private industry throughout the Nation. The fear has been expressed that this amendment, if adopted, will preclude the possibility of securing similar cooperation and result in a divided responsibility insofar as the construction work of the Department is concerned.

I did not hear the testimony of the Chief of Staff on this point before the conferees. I should like to ask the distinguished gentleman from Virginia [Mr. WOODRUM] two questions: First, whether this provision was in fact approved by General Marshall, and, second, what statement he made, if any, in respect to the effect of the adoption of this amendment on the possibility of utilizing the services of engineers and experts in private industry throughout the country.

Mr. WOODRUM of Virginia. Mr. Speaker, I should like to point out before categorically answering the inquiry of the gentleman that the amendment we offer changes in two particulars the amendment inserted by the Senate. In the first place, we put a limitation in there on the time in which this authority may exist, putting a limitation of June 30, 1942. In the second place, we strike out language put in by the Senate, "in their usual line," which would have prevented the Army engineers from doing anything, perhaps, in the defense program except the usual flood control and that type of work.

Answering categorically the question of the gentleman from Massachusetts, General Marshall very emphatically endorsed this provision. He pointed out the fact that it in no way was an effort to tread upon the prerogatives of the Quartermaster General, that the Quartermaster General of the Army customarily was geared up to do a construction total of about $10,000,000 a year, that under the defense program that figure had been skyrocketed to something like half a billion dollars, and that he did not have the set-up to do this work, whereas they had in many places over the country district engineers of the Army all set up and ready to go, especially qualified to do this work, and they could go right into the program immediately. He also said that it was very urgent, and that it did seem to him that having this facility for this construction work, with the capacity to perform it expeditiously, he ought to be permitted to use that facility. That is what he wanted to do. He very emphatically endorsed it, and stated that it would not in any way affect the regular routine work of the Quartermaster General's office.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: On page 9, after line 2, insert the following:

"SEC. 103. Section 1 (c) of the act of July 2, 1940 (Public, No. 703, 76th Cong.), is amended by deleting therefrom the words 'for supplies or construction', and the words 'of such supplies or construction.'"

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. WOODRUM of Virginia moves that the House recede from its disagreement to the amendment of the Senate No. 11 and concur in the same with the following amendment: "In lieu of the matter inserted by said amendment, insert the following:

"'SEC. 103. Section 1 (c) of the act of July 2, 1940 (Public, No. 703, 76th Cong.) is amended by deleting therefrom the words "for supplies or construction for," inserting in lieu thereof the word "with," and deleting the words "of such supplies or construction."'"

Mr. WOODRUM of Virginia. Mr. Speaker, the effect of the amendment would be to make it possible to advance this 30 percent on all types of contracts. If the amendment as recommended by the conferees is adopted, the law will read as follows:

Whenever, prior to July 1, 1942, the Secretary of War deems it necessary in the interest of the national defense, he is authorized, from appropriations available therefor, to advance payments to contractors with the War Department in amounts not exceeding 30 percent of the contract price. Such advances shall be made upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Heretofore it just applied to construction or supplies. Now it may be applied to everything.

Mr. HARTER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Ohio.

Mr. HARTER of Ohio. Will this apply, then, to contracts for the building of civilian training schools for Army pilots?

Mr. WOODRUM of Virginia. That is the purpose of it, as I understand, to enable them to make advances of that sort.

Mr. HARTER of Ohio. The amendment which has been agreed upon and which has just been read would permit of advances for that purpose?

Mr. WOODRUM of Virginia. That is correct.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 10, line 1, insert the following: ": *Provided*, That the first proviso under the appropriation 'Miscellaneous expenses, Office of the Secretary,' contained in title I of the act making appropriations for the Navy Department and the naval service for the fiscal year 1941 is hereby repealed."

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: On page 10, after line 13, insert the following:

"The paragraph under the subheading 'Naval Reserve' of title I of the Naval Appropriation Act for the fiscal year 1941 is amended by inserting before the period at the end thereof a colon and the following: '*Provided further*, That nothing in the immediately preceding proviso shall be deemed to prevent the use of any such appropriation for the purpose of paying the pay, allowances, travel, or other expenses of any such officer or enlisted man of the Naval or Marine Corps Reserve who may surrender such pension disability allowance, disability compensation, or retired pay for the period of his active duty in the Navy or Marine Corps.'"

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: On page 11, in line 13, insert the following: "and, in addition, the Secretary of the Navy is authorized, prior to July 1, 1941, to enter into contracts to an amount not in excess of $15,000,000 for the purposes for which this appropriation is available."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 22: On page 11 after line 22, insert:

"MAINTENANCE, BUREAU OF YARDS AND DOCKS

"For maintenance, Bureau of Yards and Docks, including the purchase of 12 motor busses at a cost not to exceed $4,500 each, $2,000,000: *Provided*, That the limitation fixed in the Naval Appropriation Act for the fiscal year 1941, approved June 11, 1940, for expenditures for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, etc., is increased during the fiscal year 1941 from $100,000 to $110,000."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 39: On page 28, after line 14, insert:

"The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects mentioned in this act."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 45: On page 32, beginning in line 1, insert:

"There may be detailed to the Bureau of Navigation not to exceed at any one time 25 enlisted men of the Navy in lieu of the 7 enlisted men as authorized by the Naval Appropriation Act for the fiscal year 1941, and to the Bureau of Operations not to exceed at any one time 12 enlisted men of the Navy in addition to those detailed to Naval Communications and the Office of Naval Intelligence."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46: On page 32, after line 7, strike out lines 8, 9, and 10.

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment and yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this is the part of the appropriation bill that was an amendment offered by the gentleman from Georgia [Mr. VINSON] to repeal "the first proviso in section 8 (b) of the act approved June 28, 1940—Public, No. 671"; and that proviso is—

That the Secretary of the Navy is further authorized under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for national defense and when he is unable to arrive at an agreement with the owner of any such plant for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms.

This means the confiscation of property in violation of the Constitution.

Now, unless this is repealed, if either the Smith amendment to the draft bill or the Vinson substitute is adopted, the language will stand there absolutely ridiculous and absolutely unconstitutional, and I do not think the House ought to yield on this item.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. I respectfully invite the attention of the House to the fact that this is a very important matter, because it has relation to two bills now under consideration, the conscription bill and this money bill now under consideration, and whatever we do here we do not want

to be contradictory. The amendment that I offered to the second supplemental national-defense appropriation bill repealed the provision referred to by the gentleman from New York. The Senate Subcommittee on Appropriations concurred in that action, but when the amendment offered to the conscription bill by Senator RUSSELL was adopted it also repealed the provision to which the gentleman from New York referred. That is the parliamentary situation now confronting us, and therefore it looks to me like the proper way to clear it up is for the House conferees to agree with the Senate in not repealing this language, because the Russell amendment or the Smith amendment will do that very thing. If you do it in the way suggested by the gentleman from New York, then you will have the Russell amendment or the Smith amendment amending something that has already been repealed. The House is going to repeal this language in one way or the other, and the only way to repeal it is to go along in the orderly way set out by the conferees and agree to the Senate amendment, concurring in their refusal to repeal it, for the reason that the Russell amendment to the conscription bill is an amendment which already strikes out that language. I think, if the gentleman will permit, we should go along and adopt the Smith amendment or the Vinson substitute which would automatically repeal this language. The Russell amendment has already provided for the repeal of that section.

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman from New York permit me to answer the gentleman from Georgia?

Mr. TABER. Yes.

Mr. WOODRUM of Virginia. Is it not true that if we undertake to send this bill back to conference on account of this amendment, it unquestionably will have to wait in conference until the House finally has passed on the conscription bill before the conferees would know what to agree to, whereas, if the House takes the action recommended by the conferees, the whole matter then will be disposed of?

Mr. VINSON of Georgia. Yes; and you will have only one statute dealing with it; otherwise you are liable to have two statutes, one in the appropriation bill and one in the conscription bill; and the House is in thorough accord with repealing it and modifying it along the lines suggested either in the Smith amendment or the substitute that I have been talking about offering. The parliamentary procedure is such that the conferees should accede to the Senate striking out this repeal owing entirely to the fact that the Russell amendment or the Smith amendment or my substitute will repeal this section.

Mr. CHURCH. Will the gentleman yield to me, so that I may query the gentleman?

Mr. TABER. I yield to the gentleman from Illinois.

Mr. CHURCH. I want the membership of this House to be consistent and our worthy chairman of the House Naval Affairs Committee to be consistent. First, on page 11376 of the CONGRESSIONAL RECORD of September 3, our chairman said—and we have a right to rely on it:

> There is nothing radical about the amendment I propose.

And that is your amendment.

Mr. VINSON of Georgia. That is right.

Mr. CHURCH. That is your amendment and you admit there are four propositions here to draft these plants, and that yours is the safest one. The one the gentleman from New York [Mr. TABER] is speaking against is the worst and most drastic one. The gentleman from Georgia said the other day, September 3, further quoting from page 11376 of the CONGRESSIONAL RECORD:

> I would like to see this amendment placed in H. R. 10263.

That is the present bill. The members of the Naval Affairs Committee and the House voted unanimously July 31 to repeal the provision in Public, No. 671, and have a right to rely on that statement made by the chairman of the Naval Affairs Committee of the House on September 3.

Further quoting him there:

> I would like to see this amendment placed in H. R. 10263 by the House conferees in lieu of the House amendment that was stricken out by the Senate, and I would like to see it substituted for the Russell amendment in the conscription bill.

On June 22, when many of the Members of this House were absent because of the convention at Philadelphia the next week, even our chairman and the ranking member of the minority on the Naval Affairs Committee did not know the effect of that language that was passed on that day conscripting these plants, and that has been admitted. We took that up in the House Naval Affairs Committee in executive session. We have a right to rely on the statement of our good chairman in the RECORD of September 3. He should offer today, in lieu of this motion, his amendment, which is the least harmful of all of these amendments. Are you going to put this House on record today as undoing everything it did by unanimous vote on July 31?

The SPEAKER. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. TABER. Mr. Speaker, the result of this whole thing is this: It is going to be a very easy matter for anyone who is going to offer an amendment to the draft bill to bring it in as an amendment to paragraph (b) of section 8, while if none of these things happen you would still have section 8, subdivision (b) with the first proviso on the statute books. Why not have this bill repeal the whole proviso that is so bad and get rid of it when we have it before us, instead of throwing it out of this bill and taking a chance that something will be done to correct it later on? It does not seem to me that is the way to do the job. It seems to me that we ought to clean it up and get rid of it.

Mr. COLE of New York. Will the gentleman yield?

Mr. TABER. I yield.

Mr. COLE of New York. Apparently we are all in agreement that the provision in the act of June 1940 should be repealed. It seems to me to be orderly procedure to repeal it and then to reenact either the Russell proposal or the Smith proposal or the Vinson proposal. It is not necessary for continuance on the statute books of this provision of the act of June 1940, for the enactment of either the Russell, Smith, or Vinson proposal.

Mr. TABER. That is correct.

Mr. KEAN. Mr. Speaker, I make the point of order that a quorum is not present. This is a very important matter.

Mr. TABER. I hope the gentleman will not insist upon that. I think we can take care of it and get the Members here to vote if we need them.

Mr. CHURCH. Mr. Speaker, if we can get some time here—I indicated to the gentleman from Virginia a while ago that I wanted a little time to discuss this. I would just as soon have the gentleman from New York or the gentleman from Georgia discuss it. The House Members, every one of them then present, voted against this on July 31. The gentleman from Virginia [Mr. WOODRUM] is now asking the House to reverse itself. What respect will the people of the United States have for the Congress if it does that sort of thing?

Mr. WOODRUM of Virginia. I think the gentleman is getting a little excited about the matter.

Mr. CHURCH. I am not excited. I am surprised, though, because the gentleman from Virginia does not insist on the action taken by this House by unanimous vote on July 31; nor are we to follow what the chairman of our committee said the other day—September 3—in the RECORD, that the substitute amendment which he has prepared and which he recommends should be offered.

Mr. KEAN. Mr. Speaker, I insist on my point of order.

Mr. WOODRUM of Virginia. The gentleman from Illinois took most of the time I yielded to the gentleman from New York.

The SPEAKER. Does the gentleman insist on his point of order that a quorum is not present?

Mr. KEAN. Yes, Mr. Speaker.

Mr. WOODRUM of Virginia. Would the gentleman permit me to make a statement first? Will the gentleman withhold his point of order?

Mr. KEAN. Yes.

Mr. WOODRUM of Virginia. I hope the gentleman will not take 25 minutes time for a roll call. The passage of this defense measure is of vital importance. It has been delayed time and time again—not in this body but in the other body—and I hope the gentleman will permit us to go ahead.

Mr. KEAN. If the gentleman will give plenty of time to discuss the matter, I will withdraw my point of order.

Mr. WOODRUM of Virginia. I have not cut off anybody. I have yielded to everybody who has asked for time.

Mr. CHURCH. You just criticized the time the gentleman from New York yielded to me.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York.

The SPEAKER. Does the gentleman withdraw his point of order?

Mr. KEAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. TABER] is recognized for 2 additional minutes.

Mr. TABER. Mr. Speaker, it seems to me we are making a great mistake if we throw this out of the bill and do not now repeal that language which everyone seems to recognize should be wiped out. If we try to tie in amendments to that bad language and the amendments slip up, or anything of that kind should happen, the language would still be on the statute books. I think that should be wiped out of the bill. I think that is all I have to say on the subject.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. TABER. I believe it would be better for the gentleman from Illinois to take some time himself.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. Mr. Speaker, I want to take this time to ask the chairman of the Committee on Naval Affairs if the statement I have made is not true; namely, in his statement on September 3 he expressed the hope that his amendment that he prepared and put in the RECORD on that day would be accepted by the conferees. Certainly we cannot get it accepted unless he presses it, unless he offers it here today. I believe he is willing to do it if we get the time. I have no reason to believe but that he will offer it, and if he offers it I shall not need to take time now. I would like to ask our chairman if he will not offer that amendment.

Mr. VINSON of Georgia. The gentleman from Virginia said he would yield me some time, and I will answer the gentleman at that time.

Mr. CHURCH. Mr. Speaker, then, while I am on the floor let me emphasize what I stated a while ago that the House on July 31 unanimously voted to repeal that provision. When it got to the Senate, hearings were held. They have been referred to. The only mention in the hearings of the Senate committee were these words on page 213:

Second supplemental national defense appropriation bill 1941, on H. R. 10263:

Senator RUSSELL. Does the Navy Department make any recommendation as to the Vinson amendment repealing the commandeering power?

I want the attention, Mr. Speaker, of the House and of my chairman.

I repeat:

Does the Navy Department make any recommendation as to the Vinson amendment repealing the commandeering power?

Admiral MOREELL. I do not believe the Navy Department has made any statement on that, one way or the other.

Captain ALLEN. The Secretary of the Navy would like this bill to stand as it comes from the House with that repeal in it.

Senator RUSSELL. He is a great advocate of conscripting manpower, though.

Senator BYRNES. Do you have anything else, Admiral?

Admiral MOREELL. That is all I have.

Those are the only words in the Senate committee hearings that have anything to do with this.

Furthermore, Mr. Speaker, when the House amendment was repealed in the other body there were less than 10 Senators on the floor. When the other body came to this last amendment it was referred to casually, and at least half a dozen Senators were asking: "What page? What page? What page?" And the RECORD shows that when they came to this amendment some Senator asked, "What page?" And the amendment was adopted striking this out without a Senator, except the author of the amendment to strike it out, realizing its import.

Mr. Speaker, this Congress has been criticized the Nation over because of its action on the 22d of June. This Congress, on July 31, unanimously undid what it did on June 22. I do not want this Congress to approve the gentleman's motion. I want the Congress to vote down the motion. Vote "No." Otherwise this Congress on one day votes unanimously to take out this provision and then another day, today, votes in just the opposite way.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Speaker, I thoroughly agree with the gentleman from Virginia [Mr. WOODRUM] that there is nothing to get excited about. We all have the same objective in mind and are trying to accomplish the same thing. The only difference is that of the method by which it shall be done.

Let me say at the very outset that I am just as much in favor of the repeal of the section in the so-called speed-up act of June 28, as is the gentleman from Illinois [Mr. CHURCH], the gentleman from New York [Mr. TABER], or anyone else. The parliamentary situation is such that the only question here is the proper way to proceed to accomplish the purpose desired.

When this bill was before the House some weeks ago, I offered an amendment to section 8 (b) of the act of June 28. It was adopted unanimously. We all wanted that section repealed, and it should have been repealed, because, as I stated then, it delegated powers far beyond what should have been given to the Secretaries of War and Navy or to the President in time of limited emergency. When that bill reached the Senate it naturally was referred to the Committee on Appropriations. That committee went one step further and also repealed the second proviso, while my amendment repealed only the first proviso in section 8 (b).

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. TABER. If the gentleman would look at No. 4, he has repealed the first proviso and the Senate has repealed the first and second.

Mr. VINSON of Georgia. That is right. The second proviso is meaningless without the first proviso.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes; I yield.

Mr. CHURCH. The gentleman does not mean to leave any other impression but that both provisos should be repealed, does he? It was just an inadvertence that the gentleman's amendment did not include the two provisos appearing in my statement on page 9754 of the RECORD of July 31. These two provisos are the two provisos repealed by my bill that our committee unanimously agreed should be passed, and it was intended that day on the floor that both provisos above referred to by me should be repealed. My chairman, I believe, is confused about that.

Mr. VINSON of Georgia. When I offered my amendment I distinctly limited it to these particular words:

The first proviso in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is hereby repealed.

That amendment was adopted and that is what we did when the appropriation bill was here originally. When the bill got to the Senate, the Senate Committee on Appropriations, by an amendment to my amendment, repealed both

the first and second provisos. In other words, my amendment, as amended by the Senate committee, had the effect of nullifying the following language:

*Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility.

So the sum and substance of what the Senate committee did was to repeal all of that which I have just read.

The bill was reported to the Senate. In the meantime the conscription bill came on the floor of the Senate and during the debate on the conscription bill Senator RUSSELL, of Georgia, offered an amendment in which he expressly provided for the repeal of the language which I have just read to the House and which we partly repealed when we had this pending bill up in the House before. Then the Senate passed the conscription bill with the Russell amendment written into it.

When this bill was in the Senate, and I refer to this appropriation bill, Senator MCKELLAR, of Tennessee, moved to disagree to the committee's report repealing the two provisos of section 8 (b), owing to the fact that the Senate had struck out such provisos in the Russell amendment to the conscription bill.

I think everyone in the House can now understand the situation. If there were not pending the Russell amendment, if there were not pending the Smith amendment, if there were not pending the Vinson substitute, I would be advocating with every faculty that I possess that this language which I read be repealed and wiped out of the law.

Mr. COLE of New York. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. COLE of New York. Where would we be then if neither the Russell proposal, the Smith proposal, or the gentleman's proposal is adopted by the Congress?

Mr. VINSON of Georgia. You would be right under this law, there is no two ways about that. That would be the only law on the statute books dealing with the matter.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. VINSON of Georgia. Mr. Speaker, all I am seeking to do is to have the matter adjusted in one measure. It would be in order to offer right here an amendment to concur with an amendment and put in the Smith amendment or the substitute that I propose to offer to the Smith amendment. But what would be the result of that? The result of that would be that the conferees would be tied up waiting to see what will happen with reference to an amendment along the same line in the conscription bill.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. Not only would they be tied up all that time, but they would be tied up until the conference report was finally agreed to on the conscription bill; is that not true?

Mr. VINSON of Georgia. Yes. The only sensible thing to do is to agree to the motion offered by the gentleman from Virginia to concur in the action of the Senate striking out this repeal proposal, for the reason that the House has to pass one way or the other upon the Russell amendment or the Smith amendment. When that is done, that will be the only law on the statute books relating to the commandeering of property. That is the proper way to proceed. I have no desire to keep this on the statute books and I am just as earnest in my effort to wipe it off the statute books and to have an intelligent, comprehensive, constitutional provision in the law. For the reasons set forth above I am supporting the motion offered by the gentleman from Virginia.

Mr. CHURCH. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Illinois.

Mr. CHURCH. In the RECORD of September 3, in the language I have quoted, the gentleman indicated that he would offer his amendment. Does he not think we have a right to rely on that?

Mr. VINSON of Georgia. That is right, but to offer my amendment at this point only "gums up the cards." The amendment will be offered, and it is in the RECORD here, to the Smith amendment and by offering that amendment to the Smith amendment, assuming its adoption, it not only will repeal the Russell amendment or nullify the Russell amendment, but will absolutely wipe out the first and second provisos of section 8 (b) of the act of June 28.

Mr. CHURCH. The gentleman, knowing all those things, as late as September 3, just the other day, stated what I have said, and he has just now stated that he wants this thing repealed. Why not do it here.

Mr. VINSON of Georgia. Well, there are two ways to do it.

Mr. CHURCH. Mr. Speaker, I hope we are not to be placed in the position of reversing our unanimous action of the other day. Mr. Speaker, I hope the House will vote down the gentleman's motion to recede and concur.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia [Mr. WOODRUM].

The question was taken; and on a division (demanded by Mr. CHURCH) there were—ayes 143, noes 75.

Mr. CHURCH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 48: On page 32, after line 20, insert the following:

"SEC. 201. To the President for allocation to the War Department and the Navy Department for projects for temporary dwellings to be constructed and operated under the direction of the Army, Navy, or Marine Corps for housing persons engaged in national-defense activities under their direction, and for allocation to such other agencies of the United States as the President may determine upon the recommendation of the Secretary of War or Secretary of the Navy for the construction of housing projects for persons engaged in national-defense activities or for loans (at such interest rates as the President may fix) for the construction of such projects, without regard to section 3709 of the Revised Statutes, in localities where the President determines, upon the recommendation of the War or Navy Department, that there is an acute shortage of housing which impedes the national-defense program and that the necessary housing would not otherwise be provided when needed, $100,000,000, to be immediately and continuously available."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. WOODRUM of Virginia moves that the House recede from its disagreement to the amendment of the Senate No. 48, and concur in the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 201. To the President for allocation to the War Department and the Navy Department for the acquisition of necessary land and the construction of housing units, including necessary utilities, roads, walks, and accessories, at locations on or near Military or Naval Establishments, now in existence or to be built, or near privately owned industrial plants engaged in military or naval activities, which, for the purposes of this act, shall be construed to include activities of the Maritime Commission, where the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall certify that such housing is important for purposes under their respective jurisdiction and necessary to the national-defense program, $100,000,000: *Provided*, That the average unit cost of such housing projects, including acquisitions of land and the installation of necessary utilities, roads, walks, accessories, and collateral expenses, shall not be in excess of $3,500: *Provided further*, That in carrying out the purposes of this section the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they may determine upon: *Provided further*, That the Secretary of War and the Secretary of the Navy, at their discretion, are hereby authorized to rent such housing units, upon completion, to enlisted men of the Army, Navy,

Marine Corps with families, to field employees of the Military and Naval Establishments with families, and to workers with families who are engaged, or to be engaged, in industries essential to the military and naval national-defense programs, including work on ships under the control of the Maritime Commission. The Secretary of War and the Secretary of the Navy are further authorized to use such rentals as may be collected from each housing project for the management and maintenance of the housing units therein, including utilities, roads, walks, and accessories, and to set up special reserve accounts for the amortization of the cost of the project: *Provided further*, That the authority of existing law for the negotiation of cost-plus-a-fixed-fee contracts shall be applicable to housing projects for which funds may be made available to the War and Navy Departments or the Maritime Commission."

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Illinois.

Mr. SABATH. I hope this will not put the War Department and the Navy Department in the real-estate business, renting and subletting these housing projects, knowing as I do that they have enough other worries and troubles.

Mr. WOODRUM of Virginia. It puts them in to the extent that the language states. It permits them when they build these facilities to rent them to the people, if you call that putting them into the real-estate business. I do not believe it does, however. These are for furnishing facilities. Of course, the only renting that will be done is where houses are built for industries connected with the defense, and they rent the houses to the people who live in them.

Mr. SABATH. I understand that another committee of the House has had before it and has reported a bill to do the same thing as is provided here.

Mr. WOODRUM of Virginia. I do not believe there is any conflict between the two, I may say to the gentleman.

Mr. SABATH. I should like to know from the chairman of the Committee on Public Buildings and Grounds whether this will in any way conflict with his bill.

Mr. WOODRUM of Virginia. I am going to yield to the gentleman in just a moment.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, the Committee on Public Buildings and Grounds of the House of Representatives has had before it for several days a bill for national-defense housing, authorizing an appropriation. The bill is sponsored by the Council of National Defense, by the War Department, and by the Navy Department. The bill has to do primarily with the housing of civilian workers at the various plants which will be established under appropriations heretofore made and which are already in existence. The need for such housing seems to be very acute. The statement has been made by those in authority that even the amount included in the amendment to this bill plus the amount included in the bill today reported by the Committee on Public Buildings and Grounds will not be sufficient to meet the need.

There is a necessity for speed in providing this defense housing, in view of the fact that the winter is coming on, and we wish to obviate insofar as possible the likelihood of an epidemic of flu or other disease that may arise by reason of improper housing for our established defense forces and for workers. Many of these plants will be in isolated places, necessarily, where there is at present no provision for housing, and this housing will have to be quickly constructed and in many, if not in most instances, it will be of a temporary character.

The bill that has been reported by the Committee on Public Buildings and Grounds has in it restrictions with reference to the various features of this national-defense housing.

With reference to the amendment that is pending before us, I understand that it was designed primarily to permit the Army and the Navy to do construction that is immediately necessary in the carrying out of their own work at their various posts and their various plants. I believe the construction provided herein should be restricted as much as possible to that purpose, and that the funds should not be diverted except insofar as is absolutely necessary, to the housing of civilian workers at these various posts, and only in those plants which are adjacent to the posts of the departments that are recited herein, because I believe the Army and the Navy need for themselves the amount of money here provided, inasmuch as we are increasing the forces of the Army and the Navy and those additional forces must be housed.

I hope that the great bulk of the housing for civilian workers will be carried on under the bill that has been reported today from the Committee on Public Buildings and Grounds, because it contains restrictions with reference to the various features of this construction and announces very definite policies.

May I say that I believe it is more or less urgent for this amendment to go through, as suggested by the gentleman from Virginia, for the reason that some of this construction must be begun at once, and the money that is made available here will naturally, in view of the fact that this is an appropriation bill, become available for that purpose more speedily than under the bill today reported by the Committee on Public Buildings and Grounds, inasmuch as the latter bill will have to pass through legislative consideration in the two Chambers.

Let me repeat that I believe the funds that are provided should be restricted insofar as possible to carrying out the necessary housing for these departments themselves, and that no more of it should be diverted than necessary to the purposes that will be accomplished by the bill today reported by the Committee on Public Buildings and Grounds. I believe that what is so diverted should be for those plants which are adjacent to or in relative proximity to the Army and Navy posts and establishments of the Maritime Commission.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Illinois.

Mr. SABATH. So the gentleman is satisfied there will be no duplication between the work that is to be done under this appropriation and the work that is to be done under the gentleman's bill?

Mr. LANHAM. From the information before the committee there will be no duplication whatever. I am hoping, therefore, that the appropriation that is made here will be restricted principally to the Army and the Navy and the Maritime Commission and the Marine Corps, and their particular housing needs in view of our expanded program, and that as little of it as possible may be diverted to the purposes contained in the bill reported by the Committee on Public Buildings and Grounds, and that such as should be necessarily diverted will be with reference to plants that are so adjacent to the various posts of the Army and the Navy that they could with dispatch carry on that work.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Massachusetts.

Mr. HOLMES. I want to ask the gentleman if we are not dealing with two entirely different problems here.

Mr. LANHAM. Absolutely so.

Mr. HOLMES. As I understand the situation, and I have been on the committee with the chairman and have listened to the testimony on this other authorization bill for several days in connection with building houses for the Army, Navy, and Marine Corps, they will be more or less of a permanent nature, while the bill that is before our committee deals more with temporary buildings for housing civilian employees in connection with our defense program.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield to the gentleman from Texas 2 additional minutes.

Mr. LANHAM. And, in addition to what the gentleman from Massachusetts [Mr. HOLMES] has said, our bill not only provides for definite policies and restrictions in such construction, but that we may recoup much of that money by the disposition of the property after the time of emergency that makes it necessary has passed.

Mr. HOLMES. Mr. Speaker, will the gentleman yield for a further observation?

Mr. LANHAM. Yes; and I may say that the gentleman from Massachusetts is the ranking minority member of the Committee on Public Buildings and Grounds.

Mr. HOLMES. I want to say to the chairman of the committee that I approve the proviso the gentleman has inserted in this amendment, because when the Army and the Navy came before our committee urging the adoption of the bill which we have already reported, they assured us that none of their activities would in any shape or manner conflict with the authority which was sought in the other bill, and as I understand it the proviso put in by the conferees is that the Army and the Navy, when it comes to the matter of building homes for civilian employees connected with naval establishments or industrial plants, under this amendment can turn over to the Department of Public Works and let them handle that type of work along with the authorization under our bill.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Connecticut.

Mr. MILLER. Not to bring another factor into this matter, but last week the U. S. H. A. released $4,000,000 in the city of Hartford for housing of employees of two industrial plants, Colts and Aircraft, but not built under the U. S. H. A. I mean by that no subsidy whatever for housing facilities. Is there going to be a conflict there? The thought I have in mind is that they have these local authorities, and we will not go into that now, that have a good deal of valuable information and experience and I am wondering if the gentleman's committee has given consideration to making use of existing local authorities.

Mr. LANHAM. I will say to the gentleman from Connecticut that our committee has given very attentive consideration to that very matter and to all housing agencies that may be helpful, and I think he will see from our bill as amended that it will meet the situation exactly.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield the gentleman 1 additional minute that he may yield to our colleague from Illinois.

Mr. McKEOUGH. I would like to ask the gentleman a question. As I understood the gentleman's interesting statement of his bill, I was fearful that the measure confined whatever expenditure might be involved only to those places to house civilian employees that were adjacent to existing Naval or Army Establishments.

Mr. LANHAM. Oh, no; the bill reported by the Public Buildings and Grounds Committee provides for them throughout our domain, and inasmuch as it does so I was hopeful that the bulk of the $100,000,000 provided by this amendment would be used by the Army and the Navy for their own housing purposes, for their expanding forces, and that as little of it as possible would be diverted to purposes that are provided for otherwise.

Mr. McKEOUGH. There is no restrictive requirement in the event of the establishment of a new industry where housing facilities for civilians are absent. Under the provisions of your measure, I presume there is sufficient discretion left with the Army and the Navy and the Defense Commission to spend some of that money in that direction.

Mr. LANHAM. The Army, the Navy, the Council of Defense, and many others appeared before our committee and there is complete understanding and no duplication with reference to the functions of these two measures.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield to the gentleman from Virginia for the purpose of asking a question.

Mr. DARDEN of Virginia. Can the War Department and the Navy Department transfer this money to any other department for its utilization or are they restricted to spending it themselves in the interest of housing?

Mr. WOODRUM of Virginia. They cannot transfer the funds as such; that is, they cannot allocate them. They can only get the Public Works Agency or any other existing agency to do the job for them, if they wish to do so, but they cannot allocate the funds.

Mr. DARDEN of Virginia. But they can spend the money through those agencies?

Mr. WOODRUM of Virginia. That is right.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, the amendment carries the language "that in carrying out the purposes of this section the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they may determine upon." This means that the United States Housing Authority or any other incompetent outfit can be hauled into this operation. I cannot go along with the amendment with that language in it, and the parliamentary situation is such that I cannot offer an amendment to the amendment. Therefore I am placed in the position of being obliged to oppose it. If we are going to have that racketeering outfit in the construction of these buildings, we are just going to be in a mess. At the present time Admiral Moreell told the committee that they are building these outfits and taking care of these people with outfits that cost about $2,400 a unit, including the utilities. That is a unit for a family. This raises it to $3,500. If the housing racket gets into this, they will run it up to $3,500 and keep it there. I cannot see why we should let that outfit get their fingers on anything, and I cannot vote for anything that will let them in.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. HOLMES. I wish to say to the gentleman that in the bill reported by the Committee on Public Buildings and Grounds we limited it to $3,000 for continental United States, $4,000 outside of continental United States, and we also placed a ceiling of $3,950 beyond which they could not build a home for anybody in the United States, and $4,750 for anyone outside of the United States.

Mr. TABER. Did you not also turn the job over to the public buildings branch of the public-works outfit?

Mr. HOLMES. That is right.

Mr. TABER. Rather than this other outfit?

Mr. HOLMES. And authorized them to use any other unit in connection with the carrying out of the program.

Mr. COLMER. Will the gentleman yield?

Mr. TABER. I yield.

Mr. COLMER. I was interested in the gentleman's observation about the housing racket and his reference to the United States Housing Authority. I do not understand from a casual reading of the amendment that it necessarily follows at all that the United States Housing Authority will have anything to do with the administration of this, and I would like to have the gentleman's further statement about that.

Mr. TABER. Well, it says this:

> That in carrying out the purposes of this section the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they may determine upon.

That means that they may determine upon and turn over the construction of these buildings to the United States Housing Authority or any other outfit that is doing building in the different departments of the Government.

Mr. COLMER. There are a number of agencies in addition to the United States Housing Authority?

Mr. TABER. Oh, yes; but they can use this Housing Authority. I do not believe in letting them get a crack at it. I believe that a great deal of this will be turned over to them if we pass the bill with this language in it. I cannot support it.

Mr. EBERHARTER. Will the gentleman yield?

Mr. TABER. I yield.

Mr. EBERHARTER. From all the testimony before the Committee on Public Buildings and Grounds we feel that the War Department, the Navy Department, and the Public

Works Agency are not going to turn the building of these projects over to the United States Housing Authority on the same terms and conditions as they have been building homes. They will only be of a temporary nature and there will not be the eligibility rules nor any of the other matters which made the United States Housing Authority projects so expensive, such as community facilities and different matters of that sort. It will be more a matter of temporary necessary housing projects under the direct supervision of Mr. Carmody, of the P. W. A.

Mr. TABER. It would be a good deal better if this job was done by the Secretary of War and the Secretary of the Navy with their own outfits and not monkey with these people.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. I yield the gentleman 2 additional minutes.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TABER. I yield.

Mr. CRAWFORD. I wish to ask the gentleman a question in this way, to find out from the gentleman from Massachusetts [Mr. HOLMES] if his committee is now establishing the precedent of building family units in Puerto Rico and Hawaii, for instance, that run $1,200 to $1,750 above the cost of family units in the continental United States. Is that what I understood the gentleman to say?

Mr. HOLMES. No. We are placing a limit of $4,000 above which no family unit can be built, outside of continental United States. We placed that limit there because when you come to build units in Alaska you will find it is more expensive than building them in Florida or even in Hawaii. But the evidence produced before our committee was that the average would be around $2,000 or less.

Mr. CRAWFORD. But all of the testimony we have had before the Insular Affairs Committee and the Banking and Currency Committee indicates that the cost of building family units on the islands would run much less than in the United States. Are we establishing a precedent that you can go into those islands and put up family units at a greater cost?

Mr. HOLMES. Not at all.

Mr. CRAWFORD. It sounds that way.

Mr. HOLMES. Certainly not.

Mr. IZAC. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. IZAC. Surely there is nothing in this provision that would prevent the Bureau of Yards and Docks in the Navy Department putting up these homes in the vicinity of the navy yards?

Mr. TABER. Nothing to prevent them doing it, no. I am not going to object to their doing it themselves, but I do object to their turning it over to this United States Housing Authority. I am going to oppose the proposition for that reason.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I have questioned the gentleman from Virginia [Mr. WOODRUM], the chairman of the Subcommittee on Appropriations, and the gentleman from Texas [Mr. LANHAM], chairman of the Committee on Public Buildings and Grounds, as to whether there will be any complications should this appropriation as well as the bill reported by the Committee on Public Buildings and Grounds be passed. They assured me that there would not be any such complications.

Mr. Speaker, there might have been some justice in the criticism of the program and policies pursued prior to the establishment of the United States Housing Authority and before the appointment of the present Administrator, Mr. Straus. Today, thanks to the tireless efforts and energy of Mr. Straus, construction costs of dwellings for workers are as low as they have ever been and are constantly being reduced, and therefore I consider the repeated attacks of the gentleman from New York [Mr. TABER] as entirely uncalled for, unwarranted, and unjustified. I can attribute his remarks to no other cause but a deep-rooted prejudice against the policy of the Government taking people out of the slums and housing them in decent, sanitary, and healthy surroundings at a cost as low or lower than the rents previously paid by them.

I challenge the gentleman from New York to show waste, mismanagement, or graft under the administration of Mr. Straus. The record is clear and unimpeachable.

In this connection I want, first, to point out and clearly emphasize that the U. S. H. A. is not engaged in actual construction of low-cost housing projects. Each of the projects are built under direct control and supervision of local authorities, the members of which are high public-spirited citizens interested in social welfare. They are acquainted with the needs of the locality and the most effective and expeditious way in which to achieve those objectives. The members of the local boards are appointed by the mayor in each locality, and every member of the local authority serves without compensation. The U. S. H. A. is the financial agency engaged in loaning money to the local authorities to carry on the work. All of the moneys so loaned are amply secured, and every cent loaned is being paid back, and will be paid back with interest.

It is also to be remembered that the U. S. H. A. is a pioneer in the field of housing without benefit of precedence or experience of others. As with all experimentation, necessary in carrying out a program successfully, the Authority has set remarkable standards and has established staggering and most impressive records in low-cost housing and low-cost rentals. These are all matters of record and suggest that my colleague from New York acquaint himself with some of the facts and not base his conclusions on gossip and hearsay. I am sure that U. S. H. A. would be only too happy to furnish him with any information he desires.

Now, what are the facts about the present U. S. H. A. program under Administrator Straus? Here they are:

LOW RENTS

Average shelter rents range from a low of $6.32 per dwelling per month to a high of $17.86, with a Nation-wide average of $12.92.

ACTUALLY SERVES LOWEST INCOME FAMILIES

The average income of tenants ranging from a low of $442 to a high of $1,110 in a project in the largest city with the highest levels of income and costs of living, with a Nation-wide average annual income of $782.

REHOUSES SLUM DWELLERS

Only families actually living in slums and substandard dwellings are accepted for occupancy. Rents are well within means of present slum dwellers.

PROGRESS OF PROGRAM

U. S. H. A. has made contracts with local authorities for 424 projects with a total of 145,126 dwelling units. These projects are located in 193 localities in 35 States and Territories.

Construction is under way on 244 projects with 90,436 dwelling units. There are 64 projects now ready for occupancy with a total of 22,807 dwelling units.

LOW CONSTRUCTION COSTS

The net construction cost of U. S. H. A. houses—including plumbing, heating, and electrical installation—ranges down to $2,000, with an average of $2,734 per house, or more than 20 percent below the cost of private construction in the same localities. Over-all cost of new housing—including land, site improvements, architectural fees, and all overheads—ranges down to $3,000 with a Nation-wide average of $4,359 for durable, decent, modern housing built under prevailing wages and with a life expectancy of 60 years.

SLUMS BEING CLEARED IN ACCORDANCE WITH THE LAW

Every contract requires that slum dwellings must be eliminated equal in number to the new dwellings to be built. Up

to date 32,000 old slum dwellings have actually been eliminated. A total of 160,000 will be eliminated as part of the present program.

NET COST OF PROGRAM TO FEDERAL GOVERNMENT

The loans made by U. S. H. A. are repaid in full with interest and will involve absolutely no cost to the Federal Government.

The only cost to the Government—aside from U. S. H. A. administrative overhead—is represented by annual contributions. The maximum contracts now authorized provide for only $28,000,000 per year. Due to operating economies the subsidy has been reduced from a maximum of 3.5 percent to 2.8 percent. Moreover, the U. S. H. A. is borrowing money at a lower rate than that at which it loans to the local authorities; and this interest spread further reduces the net cost to only $13,400,000 per year.

NET COST PER FAMILY

The net cost per family will average $6 per month or only $1.50 per person. This is an extremely low figure in relation to the social benefits of the program.

NO COMPETITION WITH PRIVATE ENTERPRISE

The only families admitted to U. S. H. A.-aided projects are those who have been forced to live in the slums because they cannot afford decent housing. Public-housing projects are never approved by the U. S. H. A. unless the proposed rents are far below the lowest rents at which decent privately owned homes are available.

STIMULATES BUSINESS

Public housing projects are carried out by private industry. Land and materials are bought through normal channels, all contracts are let to private architects, engineers, and contractors, and labor is employed through usual channels of the building industry. Public housing affords needed employment for idle capital and labor.

It is regrettable that in carrying on so noble a work the housing officials are being charged with lobbying activities. As chairman of the Rules Committee I am well acquainted with lobbying activities, but not once have I or do I know of any other Member who has been approached concerning U. S. H. A. legislation by officials of the Authority. I am, however, approached day after day by numerous civic organizations, social and welfare boards, labor organizations, and many other public bodies interested in such high social purposes. These groups are vitally interested in the program and are constantly calling my attention to the needs in the localities all over the country. That U. S. H. A. officials are engaged in such practices is wholly untrue and only a figment of my colleague's imagination, highly exaggerated, in his effort to blast and destroy that which has been so difficult to build and create.

It is the easiest thing in the world to make charges and accusations, but I defy the gentleman from New York or any other man to substantiate any such reckless charge as he has made. Mr. Speaker, I cannot conclude without resenting what, to my mind, are cheap insinuations reflecting on the personnel of the United States Housing Authority, and for that reason I am inserting the names of the outstanding officials to whom credit is due in bringing that agency to such a high point of efficiency that persons living in the communities where such projects are located point with pride to their achievements.

The Honorable John M. Carmody, Chief of the Federal Works Agency, is in general charge of the Authority. He is a man whose record of ability, honesty, and integrity cannot be questioned.

Mr. Straus, as Administrator, needs no introduction. He has been a businessman of long standing, and comes from an outstanding family distinguished for its activities in the field of public welfare. I know Mr. Straus personally and have the highest regard for his ability in administering a project of this character. He is doing an admirable job, and is highly respected by all who come in contact with him.

Mr. Leon H. Keyserling, Deputy Administrator and Acting General Counsel, is also personally known to me. He is very likable, courteous, and considerate. He has, for many years, been a student of housing problems. He is a keen observer, is extremely conscientious, and certainly well qualified for the position he occupies.

Although I am not personally acquainted with the other officials of the Authority I know that each of them are of high caliber. Each of them has had years of experience in problems of public housing and each is outstanding in his or her respective profession.

Leon H. Keyserling, Deputy Administrator and Acting General Counsel.

William T. Seaver, Assistant Administrator.

Warren Jay Vinton, Chief Economist and Planning Officer.

Thomas M. Hall, Executive Officer.

Regional Directors:

Region No. 1, Sumner Wiley.

Region No. 2, John T. Egan.

Region No. 3, Oliver Winston.

Region No. 4, James P. Broome.

Region No. 5, William K. Divers.

Region No. 6, Marshall W. Amis.

Region No. 7, Winters Haydock.

H. Lyle Campbell, Director of Construction Review Division.

S. J. Elson, Director of Finance and Accounts Division.

Charles E. V. Prins, Director of Informational Service Division.

Walter V. Price, Director of Labor Relations Division.

H. Tudor Morsell, Director of Land Review Division.

David L. Krooth, Director of Legal Division.

Russel Cook, Director of Personnel Division.

Romer Shawhan, Director of Projects Division.

Frank T. Horne, Acting Director of Racial Relations.

James W. Routh, Director of Research and Statistics Division.

Rudolph Nedved, Coordinator for Rural Housing.

Albert C. Shire, Director of Technical Division.

T. J. Carolan, Director of Office Service Division.

Lee F. Johnson, Tyrrell Krum (press relations), Special Assistants to the Administrator.

Mr. Speaker, so much for the regular program of the Authority. I will now take but a moment on the part of the Authority in the program of national defense. In recognition of the acute need for housing as part of the defense program, Congress passed a law which conferred powers upon the War and Navy Departments and the U. S. H. A. to undertake or assist in national-defense housing projects. This law, Public, No. 671, was approved by the President on June 28 of this year. It did not make any new moneys available, but some projects have been started with a small amount of funds which the U. S. H. A. has been able to make available. Under Public Law No. 671, the President has called upon the War and Navy Departments to undertake some of the defense housing projects. However, in most cases the War and Navy Departments recommended that the projects be undertaken by local public housing authorities with loans from the U. S. H. A. To date national defense housing projects have been approved in 17 localities. Of these, 13 are being constructed by local housing authorities. The housing experience of these local authorities has made it possible for them to achieve speed and efficiency on the defense housing projects which they have undertaken. The usual time schedule of a local housing authority on the defense housing project has been cut to 120 days from ground breaking to occupancy. As a result, the number of the defense housing projects approved on June 25, 1940, are scheduled for occupancy before the end of this year.

The President has already approved projects to provide 7,475 homes for the families of persons in defense activities.

and additional projects are now being prepared for submission to the President which will bring this total to 10,338 homes. These homes will be occupied by the families of married enlisted men, civilian workers of the War and Navy Departments, and industrial workers in plants producing defense materials, but only to the extent that private industry cannot furnish the necessary housing for them.

In view of the fact that the U. S. H. A. and the local housing authorities have made such a splendid record, not only in the regular slum-clearance program, but also in the defense housing program, I am particularly pleased to find that the conferees have included a provision in section 201 which would permit the use of this effective existing machinery. Section 201 provides that in carrying out its purposes, the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they determine upon.

In the past, the Secretary of War and the Secretary of the Navy have recommended to the President the use of the U. S. H. A. and local housing authorities in the undertaking of most of the defense housing projects now under way. I am glad to see that the conferees have recognized the importance of continuing the use of these facilities under the plan provided in Public Law No. 671 approved by the President in June of this year, which provides for loans by the U. S. H. A. to local housing authorities for the construction of projects for persons engaged in national-defense activities. I hope that the War and Navy Departments will make funds available to the U. S. H. A. for loans to local housing authorities, so that we may get the best possible defense housing program by utilizing the facilities of local authorities which are run by local citizens, who are naturally most familiar with the local housing problems of their own communities and the best way to meet those problems.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 102, noes 47.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 50. Page 34, line 4, insert the following:

"SEC. 302. Nothing in titles I and II hereof shall be deemed to render inapplicable the provisions of the act of March 3, 1931, as amended by the act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35–45), to any contract or contracts to which the provisions of either or both of such acts would otherwise apply."

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 51. Page 34, line 12, insert the following:

"SEC. 303. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in the act of June 19, 1912 (37 Stat. 138; U. S. C., title 40, secs. 324, 325), shall be computed on a basic day rate of 8 hours per day and work in excess of 8 hours per day shall be permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay."

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House recede and concur.

Mr. Speaker, I yield myself 1 minute.

The SPEAKER. The gentleman from Virginia is recognized for 1 minute.

Mr. WOODRUM of Virginia. Mr. Speaker, if this motion is agreed to, it will complete action on this bill insofar as the House of Representatives is concerned.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider the vote by which the conference report and the several motions were agreed to was laid on the table.

The SPEAKER. The Chair will briefly recognize Members to submit unanimous consent requests.

EXTENSION OF REMARKS

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from a St. Petersburg, Fla., paper.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the President's Labor Day message.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENDRICKS, Mr. SABATH, and Mr. CHURCH asked and were given permission to revise and extend their remarks.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from a constituent.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein excerpts from the speech of Governor Hoey, of North Carolina, on the occasion of the dedication of the Great Smokies National Park.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NAVY AIRPLANE ORDERS

Mr. VINSON of Georgia. Mr. Speaker, by direction of the Committee on Naval Affairs I present a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 584

*Resolved*, That the Secretary of the Navy is hereby directed to transmit to the House of Representatives forthwith detailed information showing the number and types of airplanes for which contracts have been made for the use of the Navy, the dates such contracts were entered into, since June 1, 1940, and the names of the firms, companies, or corporations contracting to furnish such airplanes.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that a letter from the Secretary of the Navy be read.

Mr. FISH. Mr. Speaker, reserving the right to object——

Mr. VINSON of Georgia. This is a privileged report.

Mr. FISH. I just wanted to say that I am very happy that it will be read, that this information will be given to the House.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
*Washington, September 4, 1940.*

The CHAIRMAN, COMMITTEE ON NAVAL AFFAIRS,
*House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to the request of the Naval Affairs Committee for the views and recommendations of the Navy Department on House Resolution 584, directing the Secretary of the Navy to transmit to the House of Representatives detailed information showing the number and types of airplanes, for which contracts have been made since June 1, 1940.

There is tabulated below the data desired in House Resolution 584. Attention is invited to the fact that publication of detailed figures on the procurement program of the United States results in the release of valuable military information in an authoritative and convenient form:

*Contracts for naval airplanes since June 1, 1940*

| Type | Number of planes | Date of contract | Contractor |
|---|---|---|---|
| Utility-transport | 6 | June 12, 1940 | Beech Aircraft Corporation. |
| Primary trainers | 200 | do | Naval Aircraft Factory. |
| Advanced trainers | 25 | June 21, 1940 | North American Aviation. |
| Primary trainers | 600 | July 1, 1940 | Stearman Aircraft Division, Boeing Airplane Co. |
| Do | 201 | July 10, 1940 | Spartan Aircraft Co. |
| Do | 100 | Aug. 19, 1940 | Ryan Aeronautical Corporation. |
| Fighting | 243 | Aug. 5, 1940 | Grumman Aircraft Engineering Corporation. |
| Utility-transport | 10 | Aug. 3, 1940 | Do. |
| Patrol-bomber (experiment). | 1 | June 29, 1940 | Boeing Airplane Co. |
| Transport | 1 | Aug. 27, 1940 | Lockheed Aircraft Corporation. |
| | 1,686 | | |

One hundred of these planes on option on this contract, option being exercised, but formal acknowledgment not yet received.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this report.

Sincerely yours,

JAMES FORRESTAL,
*Under Secretary of the Navy.*

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that the letter just read contains all the information called for in the resolution showing that some 1,600 planes have been ordered since June 6, I move to lay the resolution on the table.

The SPEAKER. Without objection, the motion will be agreed to.

There was no objection.

COMPULSORY MILITARY TRAINING AND SERVICE

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training.

Mr. RANKIN. Mr. Speaker, will the gentleman withhold his motion a moment to permit me to submit a unanimous-consent request?

Mr. MAY. Certainly.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include some excerpts from the Democratic platform and an address I made before the Democratic platform committee in Chicago.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an extract from various Democratic national platforms.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. KEEFE]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article on Senator MCNARY.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. MAY. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10132.

Mr. MARCANTONIO. Mr. Speaker, a point of order.

Mr. MAY. Mr. Speaker, I insist upon my motion, and I do not yield.

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. MARCANTONIO. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10132.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10132, with Mr. WARREN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training under the provisions of this act, the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

Mr. COLLINS. Mr. Chairman, I move to strike out the last word and I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. For 10 minutes only?

Mr. COLLINS. For 10 minutes in addition to the 5 to which I am entitled.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLINS] asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. MAY. Mr. Chairman, reserving the right to object, I hope the gentleman will not insist on that. We have just started now after 2 long days of general debate.

Mr. COLLINS. Mr. Chairman, I asked the gentleman for some time in general debate on this bill and he told me there was none left.

Mr. MAY. I have no recollection of that.

Mr. COLLINS. Well, I do.

Mr. MAY. I do not think you did.

Mr. COLLINS. Well, I did, in spite of what the gentleman says.

Mr. MAY. Do you want me to object?

Mr. COLLINS. That is immaterial to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. COLLINS].

Mr. ANDREWS. Mr. Chairman, I object.

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

Mr. GIFFORD. Mr. Chairman, reserving the right to object, I have been one of those who tried very hard to get time but could not get any. I recognize the gentleman is far more worthy than I, or perhaps any man in the House, to have time and I shall not object; but if this continues, I shall object because I would like to have 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

Mr. ANDREWS. What is the request. Mr. Chairman?

The CHAIRMAN. That the gentleman from Mississippi [Mr. COLLINS] may proceed for 5 additional minutes.

Mr. ANDREWS. Mr. Chairman, on yesterday I offered the gentleman from Massachusetts all the time he wanted, and I think he was offered some time at the end of the session. I shall object to more than 10 minutes.

Mr. GIFFORD. I am surprised. When did you do that?

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

Mr. COLLINS. Mr. Chairman, it is unfortunate that a Member of Congress cannot fully discuss the conscription bill, now before the House, from all of its various angles. With no time, however, available to me under general debate and with the little time at my disposal under the 5-minute rule I have elected to use it in discussing only one phase of compulsory military service, and that pertains to its lack of merit in the modern military way. The present war has thoroughly proven that the German successes have been the result of three things—modern air and land weapons, soldiers highly trained to use them, and commanders of imagination and with wide experience in the problems that confront officers in commanding a highly mechanized and industrialized army—and all three of these fully coordinated. Added to these is the total elimination of men too old, too weary, and too outmoded to pursue and comprehend warfare of the 1940 type.

I do not intend to convey the thought that modern infantry and field-artillery training should be neglected, but let it be remembered that old-fashioned infantry in the modern set-up has been abandoned. It is a noteworthy fact that mechanized divisions in the German Army are organized on the basis of about one to four or five of its modern infantry. Its successes on the continent have been the direct result of the use of airplanes as artillery followed by ground forces in large, medium, and small tanks—even the flanks of these fingers of steel have been protected from flank assaults by airplanes cooperating with these mechanized troops.

According to an editorial in the New York Sun of June 20 of this year, referring to a dispatch that came through the French censorship at Bordeaux, it put at 150,000 the strength of the German units that blasted their way through the Ardennes, broke the French line at Sedan, pushed fingers of steel to the sea, cut off the French and British and Belgian forces in Flanders, and ruptured the Meuse and Somme defense lines. The German casualty lists, both for the Polish campaign and the Flanders campaign have seemed fantastically small in the light of what was accomplished. If those casualty lists are correct, they are fantastic only because they reveal an entirely new economy of war in which the machine is made to substitute for flesh and blood.

The casualty lists were small because the soldiers operating these machines were protected by armor and because their adversaries clung to the military technique of the past and put their reliance upon manpower.

Col. William Donovan, appointed by Hon. Frank Knox, Secretary of the Navy, to go to London on an important military mission, met there the veteran foreign correspondent, Edgar Mowrer. These two men, on behalf of the United States, made surveys and studies of the methods used by the totalitarian powers and recently wrote a series of articles with a commendatory foreword by Secretary Knox. From an article by them in the Washington Times-Herald of August 20, 1940, I quote the following:

> Adolf Hitler's "blitz" conquests of Norway, Belgium, Holland, Luxemburg, and France are military masterpieces. In all secrecy and with incredible speed the Nazi leader built up a unique military machine beside which all other armies in the world were obsolete. Basing his organization upon experience acquired in Spain during the civil war, Hitler placed at the head of his mobilized masses a modern "airplane plus tank" spearhead. The German masses were not particularly impressive. They did not need to be. It was the spearhead of 50,000 men that beat France.

Hanson W. Baldwin, military critic for the New York Times, has written a very able article which was published in Harper's Magazine for August, in which he discusses at considerable length a plan of defense for the Western Hemisphere. I suggest its reading by the membership of this House. In discussing the Army, he says:

> It must provide a field force, highly trained, fully equipped, instantly ready for transportation as an expeditionary force anywhere within the Western Hemisphere—to quell, with the help of the Navy and air force, alien-inspired revolutions, to seize an advanced base, to repel an attack or hold an area until larger forces are transported, if necessary, to assist it. Such a force certainly need be no larger than 150,000 men—perhaps half that number—about the number with which Germany, only 100 miles away, seized Norway. Adding to this the numbers required for the Army's other functions, the Regular Army, even to fulfill its broadened responsibilities, need be no larger than 400,000 men, if that large.

In the same article he urges that the National Guard be reorganized and that its duties be enlarged to provide coast and antiaircraft defense for the country, and then points out:

> This reorganized and strengthened army needs, above all, to be a balanced army, with the proper number of antiaircraft units, the proper number of mechanized divisions, etc. Despite the graphic lessons of the war, there is as yet no indication that our future plans have been altered to fit those lessons; there is as yet no evidence that the importance of the gasoline engine in war has been fully realized.

The editorial from the Sun, the quoted section from Colonel Donovan's and Edgar Mowrer's article, and the quoted excerpt from the Hanson Baldwin article are merely illustrative of what every one of us reads day after day in the newspapers as the German Army made its advance through continental Europe, and we are all too familiar with the fact that it was a comparatively small force operating airplanes and tanks that laid Europe prostrate. The other German troops merely followed. There was little left for the so-called infantryman with the rifle to do except police duty. The airplane held the ground that the infantry occupied by making it untenable for the adversary in their feeble attempts to occupy it.

Notwithstanding these facts it is now proposed to draft millions of men, place them on old fields, and give them a type of military training that we have recently seen is an utter failure. This cannot be justified on a basis of hemisphere defense, for no such mass of men, if conscripted, can be used effectively to combat the weapons that would be used by an enemy in an attack against this hemisphere.

Likewise these men cannot be used in offensive warfare for the man with a rifle is utterly and pitifully helpless in battle against the tank and the airplane. Only airplanes and tanks, carrying officers and men highly trained to use them, can successfully combat these same instruments in the hands of an intelligent adversary. A 1940 army that has not a large portion of its strength tied to the motor and protected by armor is an outmoded military organization. The training given a man to handle these engines of destruction must be that of a football player, trained through the years to handle them. The soldiering that will be given to draftees will not be of this type and such is not contemplated. If we pin our hopes upon men thus trained and equipped, this country, like the fallen countries of Europe, will pay for it in blood when the next war comes.

Through the years I have preached the use of the airplane and armored ground vehicles in large numbers, for I have sincerely believed that by so doing we can secure the maximum of fire power through the use of a minimum number of men and because of the armor that is on these vehicles we can give to the men operating them the chance to survive. The boy in the street will be called upon to die when war comes—we as legislators should give him a chance to live, and unless armor protection is given him in battle this chance is negligible.

In the face of the successes by the Germans in the use of the airplane and mechanized weapons, I cannot see the sense of returning to the theory of mere numbers, and that is the reason I shall not vote to put into the field an army of two or three million men with khaki as their armor protection, and equipped, as they are bound to be, with weapons that will be useless in combat against an industrialized army.

The War Department, if the information that I have is correct, and it has come to me from the newspapers and from other sources, is not now planning to use but two divisions for mechanized ground force—18,000 men. Aside from those in the Air Corps, about 47,804 out of a total authorization

of 94,443, the rest of them will belong to the other branches, largely to the infantry, and if millions of men are to be drafted, they, too, in the main, will be infantrymen.

And so we go preparing not for the next war but for past ones. I stand ready, as in the past, to equip the men we have with modern weapons—it matters not what the cost—because that is the thing to do. If and when our National Guard of 250,000 men and the Regular Army of 400,000 are so equipped, it is then felt necessary to raise more men and to equip them in the same modern way, I will be the first to propose it, but to draft these youngsters now and put them in the field prepared to fight as of a hundred years ago has no appeal to me, and, frankly, I do not believe it is going to frighten Hitler, for I am afraid he knows too well that all of the nations of Europe which he has so ruthlessly conquered have had for years this same type of universal military training.

I have high regard for the judgment of the membership of this committee, and regret that I cannot go along with them on this bill. I have voted for all bills to implement and strengthen our military and naval forces, both legislative and appropriation. I know too well, however, that this bill ties us to the age-old reliance upon mere numbers—a doctrine that is as obsolete as the slingshot of old. I feel that I would be derelict in what I regard as my duty if I followed the excitement of the moment and gave approval to ways in warfare which will mean our ruin if we are forced to fight an industrial nation that has industrialized its army. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. ANDREWS. I object, Mr. Chairman.

Mr. FISH. Mr. Chairmain, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 14, after line 21, insert the following:

"(d) The President is authorized to issue a call as soon as possible after the date of enactment of this act, and another call at any time after January 1, 1941, for qualified men between the ages of 18 and 35 to volunteer for training and service for 12 months in the land and naval forces of the United States under this act. Each such call shall be for not more than 400,000 men. The President is authorized to induct into such forces for such training and service so many of the men who volunteer pursuant to such call as are not in excess of the number of men for whom the call was issued. If, upon the expiration of 60 days after the issuance of either of such calls, the President finds that the number of qualified men who have volunteed pursuant to such call is less than the number for whom the call was issued, he is authorized to select and induct into such forces such number of qualified men selected in accordance with section 3 (a) as, when added to the number who have volunteered pursuant to such call, will equal the number for whom he issued such call. Until the expiration of 60 days after the date of issuance by the President of the second call authorized by this subsection, no man shall be inducted into the land and naval forces of the United States under any provisions of this act other than this subsection. Nothing in this subsection shall be construed to require or postpone, during either of such 60-day periods, the registration, classification, or selection of persons to be adopted for training and service under this act."

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to my colleague from New York.

Mr. BARRY. Is this the amendment for which Senators WAGNER and MEAD, of our State, voted?

Mr. FISH. This is the Hayden amendment, for which both Senators from our State voted. The gentleman is correct.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The 60-day provision applies to both the first and the second calls?

Mr. FISH. It does.

This is the so-called Hayden amendment that was discussed and voted upon in the other body but failed to pass by a vote of 43 to 41. The sole object and the sole purpose of this amendment is to permit, encourage, and give further opportunity to the youth of America to volunteer under our American volunteer system. I believe this amendment interprets very largely the public point of view and that of many leaders of important organizations in America. Mr. William Green, president of the American Federation of Labor, speaking on Labor Day, enunciated this very proposal and asked that the Congress give the people of America an opportunity to enlist before resorting finally to conscription in peacetime.

If this amendment is adopted, the President will call for 400,000 volunteers immediately after the adoption or as soon as possible after the adoption of the bill. If the 400,000 volunteers are not forthcoming within the 60-day period, then, under the draft which will be put into effect at the same time, the balance to make up the total of 400,000 will be inducted into the Federal service.

For example, if we can raise only 200,000 by the volunteer system, the balance of 200,000 will be raised by the draft. I venture to say that if you put this amendment in the bill it will not delay by 1 day, by 1 hour, or by 1 minute calling into service the number of men asked for by the War Department for national defense. This in no way hinders, hampers, or delays the national-defense program. It merely encourages and gives further opportunity to those Americans who want to volunteer according to the old traditions and ideals of our country in time of a great emergency.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Montana.

Mr. O'CONNOR. If this amendment were to be adopted, would that delay the setting up of the draft machinery as contemplated by the bill under consideration?

Mr. FISH. Let me read the last part of the amendment:

Nothing in this subsection shall be construed to require or postpone during either of such 60-day periods the registration, classification, or selection of persons to be adopted for training and service under this act.

Therefore it does not in any way postpone the operation of the draft.

Mr. O'CONNOR. In other words, the machinery would be set up just the same as if the amendment had not been adopted.

Mr. FISH. It goes into effect the same way; yes.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. As I understand from the debate, it is pretty generally conceded that, under the bill before us, without the gentleman's amendment, it is difficult for anyone to assume that the first man would be called before the expiration of 60 days.

Mr. FISH. In answer to the gentleman, let me quote the sponsor of the bill in the House, the gentleman from New York [Mr. WADSWORTH], who stated yesterday upon the floor that in his belief no person would be inducted into the service before November 8 or 10. That is beyond the 60 days.

Mr. COLE of Maryland. I recall that statement.

Mr. FISH. Therefore, this amendment in no way hampers the drafting of those men.

Mr. COLE of Maryland. I am inclined to agree with the gentleman.

Mr. FISH. Both the members of the gentleman's delegation in the other body felt the same way the gentleman does on this amendment.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I should like to ask the gentleman, if I yield, if I may have 5 additional minutes to discuss the amendment. This is a very important amendment and should be very carefully discussed. As the sponsor of it I should like to have 5 additional minutes to discuss it.

Mr. ANDREWS. That is for the members of the Committee to decide.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman from New York be permitted to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FISH. I yield to the gentleman from New York.

Mr. ANDREWS. I ask the gentleman to refer to section 3 (a), page 15, line 10, reading as follows:

That any person, regardless of race or color, between the ages of 18 and 35 years, shall be afforded an opportunity to volunteer to be inducted into the land or naval forces of the United States.

They can volunteer to go into the service now. That is already in the bill. Suppose 100,000 men do volunteer, it just means that that number will be subtracted from the total draft, so that in fact it is the same thing.

Mr. FISH. No; it does not apply in quite the same way. This calls for a proclamation by the President or a call or an invitation by the President to the youth of America to volunteer before they are drafted, and it specifies that it shall be done on 2 different occasions, before the first 400,000 are inducted into the service and again before the second 400,000 are inducted into the service. It is an entirely different proposition.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. CELLER. As I understand it, the purpose of the selective-draft law is not to raise a huge standing Army, but it is to enable us to get a rotating reserve of trained manpower to be called upon if necessary during the emergency of the war. Simply getting volunteers is not sufficient. We want this rotation of men taken from occupations generally and from agriculture to be able to serve in the Army when necessary.

Mr. FISH. Let me say to the gentleman that the volunteers serve for exactly the same time as the draftees, 1 year, and they are paid the same amount. Hitherto, with the enlistment for 3 years and $21 pay, we have obtained 40,000 volunteers last month. There is no difference between the pay of the draftee and the volunteer under the provisions of this bill, but we are giving an opportunity to Americans to volunteer if they want to, beginning at the age of 18 and extending up to 35.

Mr. CELLER. It would be easier to get a volunteer army. There is no difficulty about that with ballyhoo and advertising, but that is not the purpose of the proposed law.

Mr. FISH. I am not so sure you can get 400,000 volunteers in 60 days. I hope we can. I have a good deal of faith in the patriotism of the young Americans of today. I believe they are just as patriotic and loyal as they ever were, and I believe now that with 1 year's service and $30 pay we will get hundreds of thousands of them in 60 days. I do not guarantee, however, that we will get the entire 400,000.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. FISH. I yield for a brief question.

Mr. O'CONNOR. Suppose we get the required number of volunteers within the 60 days. That, of itself, operates to suspend the operation of the draft provisions of this bill, as I understand it.

Mr. FISH. That suspends the drafting of the first 400,000 that were supposed to be inducted into the service by the 1st of January. Then, later on the President again calls for 400,000 more volunteers. But, for example, if we only raised 200,000 volunteers in the 60 days, then the other 200,000 are inducted as draftees.

Mr. O'CONNOR. In other words, nothing can be lost by the adoption of the amendment.

Mr. FISH. Not one moment of time or any personnel can be lost.

Mr. GAVAGAN, Mr. BENDER, and Mr. GEARHART rose.

Mr. FISH. If I can have 5 minutes more, I shall be glad to yield.

I ask unanimous consent, Mr. Chairman, to proceed for 5 additional minutes so I may yield to the gentlemen.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. I yield to the gentleman from New York.

Mr. GAVAGAN. Under the provisions of the gentleman's amendment, in the event 800,000 men are procured by the volunteer system, the provisions of this bill will thereafter be suspended.

Mr. FISH. That is correct.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. BENDER. Will the distinguished gentleman make it clear to us that these volunteers volunteer for 1 year of service rather than for 3 years of service?

Mr. FISH. I have already tried to do so. To my mind it takes a pretty patriotic man to go into the Army for 3 years, but under that system we got 40,000 volunteers last month. I know that if I had a son 18 years of age I would not encourage him to join the Army for 3 years, but I would want him to go in for 1 year.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. GEARHART. In view of the fact that under the proposed legislation a person has an option to enlist for 1 year or 3 years, does the gentleman's amendment add anything to what appears on page 15, line 21?

Mr. FISH. Oh, yes.

Mr. GEARHART. Let me read that language:

That voluntary enlistments in the land and naval forces of the United States, including the reserve components thereof, shall continue as now provided by law.

Mr. FISH. As I tried to explain to another gentleman, this amendment of mine calls for a proclamation by the President inviting every American who wants to do so to join the armed forces as a volunteer up to 400,000. I think if that is done and some of us in Congress and outside the Congress, who are interested in the volunteer system, go on the radio and explain the provisions of this amendment, we will possibly have 400,000 volunteers in 60 days.

Mr. GEARHART. Does not the law itself invite them to join?

Mr. FISH. No; it does not. My amendment establishes a specific and orderly procedure.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. I just want to ask the gentleman if his amendment provides for the volunteers and the draft after the failure of the volunteer plan on a quota system allocated to the States.

Mr. FISH. There is nothing in my amendment about the quota system at all but I believe that is taken care of in another section of the bill.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. ANDREWS. Does the gentleman believe that a proclamation of the President would make much difference to the average man?

Mr. FISH. I believe that a call or proclamation by the President, carrying out the provisions of an act of Congress, would make a great difference. If the President is authorized to call for volunteers in this emergency, I think there will be tremendous response by both Republicans and Democrats alike from all sections of the country.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. FISH. I yield.

Mrs. ROGERS of Massachusetts. Has the gentleman discussed this with the War Department?

Mr. FISH. No; I have not discussed the amendment with anyone whatsoever. I rather imagine the War Department has already stated its views that it is for the draft and this bill. This is an amendment to the draft bill, designed merely to encourage voluntary enlistments and give the American youth a further opportunity to volunteer before the draft goes into effect in peacetime.

Now, let me add this point. I am very fearful if this bill goes through in its present form, with great civic organizations and patriotic organizations in America against it—honestly, sincerely, and openly against it—there will be a great deal of resentment in the hearts and minds of many people

and of many American women who believe that their sons are being railroaded into the Army through a peacetime conscription bill. But, if this amendment is put into effect and the youth of the country are given an opportunity to enlist by a proclamation or call of the President in an emergency, upon the request of Congress, I believe that will help create good will and better understanding. It will also tend to do away with discord and resentment, and substitute cooperation and national unity which is most desirable in America at the present time.

Mr. BARNES. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. BARNES. In the event your amendment should be adopted and a person served 1 year of enlistment, would he be in the Reserves following that period of enlistment?

Mr. FISH. I believe that provision is carried in the bill. It is not in my amendment, but I understand it is in the bill, that anyone who enlists, whether a volunteer or a draftee, goes into the Reserves thereafter.

Mr. LEAVY. Will the gentleman yield?

Mr. FISH. I yield.

Mr. LEAVY. Under your amendment a volunteer would be in for 1 year, but the provision would still remain in the bill, beginning in line 21, page 15, where he could volunteer for 3 years, if he so desired?

Mr. FISH. If he so desired. It in no way interferes with that.

Mr. PACE. Will the gentleman yield?

Mr. FISH. I yield.

Mr. PACE. Does not the gentleman think that the amendment should be perfected to provide that if under the President's call the State of New York, for instance, should offer its full quota of volunteers, then the draft provision should not apply to the State of New York?

Mr. FISH. I think that might be pretty hard to operate, but I have no objection to such an amendment myself, because I understand the justice of it and I understand what the gentleman is driving at.

Mr. WADSWORTH. Will the gentleman yield to me?

Mr. FISH. I yield to the gentleman from New York.

Mr. WADSWORTH. Perhaps in reply to the question put to the gentleman from New York [Mr. FISH], I assume if his amendment is adopted and these men volunteer, under another provision of the bill they will be credited in the several districts in the Nation against the quotas assigned to those districts?

Mr. FISH. That is what I assume.

Mr. WADSWORTH. I want to ask another question, if the gentleman will permit.

Mr. FISH. Gladly.

Mr. WADSWORTH. The amendment reads that each such call shall be for not more than 400,000 men.

Mr. FISH. That refers to the first two calls.

Mr. WADSWORTH. Well, does it?

Mr. FISH. Yes, and that is in accordance with the program announced by the War Department.

Mr. WADSWORTH. The amendment reads "and another call at any time after January 1, 1941."

Mr. FISH. That is right. I think that is very specific and carries out the program of the General Staff of the Army. Some of us may not believe they need so many and some may believe otherwise, but that is the announced program of the General Staff.

Mr. MICHENER. Will the gentleman yield right there?

Mr. FISH. I yield.

Mr. MICHENER. Even though there is some question of doubt, as suggested by the gentleman from New York [Mr. WADSWORTH], might it not be well to include this amendment and then if there is any doubt, and if the amendment is in the bill, it can be perfected in conference?

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for one-half minute additional.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FISH. In answer to that question, none of these amendments are perfect. We all realize that. My amendment can be amended further if necessary. It can be changed in conference or amended in the Senate when it gets back to that body, but my proposal carries out the purpose that we want to give the volunteer system a chance.

Mr. MICHENER. And this only lost in the Senate by two votes.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have just received a telegram from the American Labor Party of my State which I think is worth while reading to the membership:

> Every real American congratulated our great President for the epochal action in exchanging 50 over-age destroyers for British air and naval bases. These destroyers are not indispensable to the United States, but such important bases are indispensable not only for the defense of our country but also of the Western Hemisphere. The opponents criticize the President by saying that wide and long discussion was necessary before taking action. They are the same people who have been blaming him for too much talk and no action. Most of them are "fifth columnists," cheap politicians, or plain lunatics. Some of them are open agents of nazi-ism, fascism, or bolshevism.

I am sure all loyal Americans and sincere followers of democracy approve and enthusiastically greet his action because it gives material and moral support to European democracy and stronger security for peace and integrity of our beloved United States. The truth is that their rage proves he is the greatest living champion of democracy in the world. Humanity salutes the President and all Members of Congress who support him in his ideals and undertakings.

Mr. SCHAFER of Wisconsin. Mr. Chairman, a point of order. The gentleman is out of order. He is not talking to the pending amendment. He is clearly out of order under the rules of the House.

The CHAIRMAN. The gentleman will proceed in order.

Mr. CELLER. I read this telegram particularly because of the lunatic fringe——

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order that the gentleman is out of order and is violating the rules of the House. He is not talking on the pending amendment.

Mr. CELLER. Will the gentleman wait?

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. CELLER. This telegram is from Luigi Antonini, New York State chairman of the American Labor Party.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order that the gentleman from New York is out of order. Under the rules of the House the gentleman is not entitled to read anything in the Well of the House except by unanimous consent.

The CHAIRMAN. The Chair has heard the point of order made by the gentleman from Wisconsin. The gentleman from New York will proceed in order so that the Chair may determine later if he is out of order. If he is the Chair will stop him.

Mr. CELLER. I am simply trying first to read the telegram. It is a splendid telegram from a worthy patriotic gentleman, representing a worthy group. Secondly I read the wire in contrast to the unpatriotic groups that have come down principally from New York City to propagandize in a wretched fashion against this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order that the gentleman from New York is out of order. Under the rules of the House the gentleman is precluded from reading any telegram or letter except by unanimous consent.

The CHAIRMAN. The point of order is overruled. The gentleman from New York will proceed.

Mr. CELLER. This man, signatory to the telegram, is the first vice president of the International Ladies' Garment Workers Union. The same union supports the administration and the pending bill and is, I am sure, opposed to the pending amendment, because the purpose of the amendment is to defeat the bill. Surely the gentleman from New York [Mr. FISH] will vote against the bill even if his amendment carries.

I call attention to this telegram particularly in contrast to and because of the so-called lunatic fringe whose members beseeched my office yesterday and tried to intimidate me, tried to coerce me by threats of all sorts to vote against this bill. They assembled about me repeatedly and in unruly, boisterous manner actually demanded that I vote against the pending bill. Unfortunately, I say, that a number of those were of the race of Abraham, Isaac, and Jacob, from whence I spring; and I repudiate them. I am no part of them and they are no part of me. I spew them out, I castigate them. They are pariahs, unfortunately, and some of them are in this very gallery. They deserve condign criticism. They are the first to invoke the liberties of the Bill of Rights which they seek to destroy. I refer them to Lenin, Stalin and company. They would overturn our Government which they would refuse to defend.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order that the pending amendment does not refer to the race of Abraham, Isaac, and Jacob. I ask that the gentleman be required to diseuss the pending amendment, as required under the rules of the House. [Applause.]

The CHAIRMAN. The point of order is overruled.

Mr. CELLER. If the gentleman from Wisconsin would read and delve into the prophets of Abraham, Isaac, and Jacob, he would be a little more temporate in his remarks. He would, as I do, reproach those who use threats and intimidations to Members of the legislature. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I asperse them not because they oppose the bill—that is their right—but because of their infamous manner of coercion.

Mr. THORKELSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. It is within the province of some people, unfortunately, to bring indictments against a race because of the sins of the few; but they are not of my race, and I again repudiate them. Please do not judge my people by these renegades.

Mr. THORKELSON. The gentleman, then, is anti-Semitic in his statement.

Mr. CELLER. That statement is part and parcel of the gentleman from Montana's usually unfortunate, insulting remarks.

As for these unruly, rowdy groups that seek to crowd me and to hound me, I want naught of them. Further, I do not want their votes. [Applause.]

Mr. MAY rose.

The CHAIRMAN. The gentleman from Kentucky, chairman of the committee, is recognized.

Mr. MAY. Mr. Chairman, I am not seeking recognition for the moment for debate on the amendment. I just wondered in view of the apparent excitement that seems to be starting, if we might not get calm and quiet and possibly agree to a reasonable time for the discussion of this amendment?

Mr. RANKIN. Reserving the right to object, Mr. Chairman, let me say to the gentleman from Kentucky that this is a very important amendment. Many gentlemen are interested who have not had any time at all to speak on the bill. I suggest that the gentleman let debate run on for a while before he attempts to limit it.

Mr. MAY. I will agree to the gentleman's suggestion, but I hope debate may proceed calmly and dispassionately.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, like all Members, I have given this bill my serious consideration, realizing as I do, the importance of the bill, realizing world conditions, and realizing the gravity of the situation that confronts us as a Nation. I realize also that this bill is a departure from an American tradition of 150 years standing.

If I felt the danger was imminent I would have no hesitancy in voting for the bill as reported by the committee. While I recognize that a grave world condition exists, I do not consider the danger so imminent to ourselves that it is necessary at this time to provide an immediate outright conscription law. [Applause.] I feel, however, that it is necessary to have available the machinery to give to the youth of this country the opportunity of enlistment. It is because of these reasons that I feel constrained to support the amendment offered by the gentleman from New York, or any amendment of a similar nature. [Applause.]

Let us look at this from a practical angle. I made a speech in favor of repeal of the embargo when I received 10,000 telegrams and letters to vote to the contrary. I have not received 200 letters on this question. I speak and vote on this bill, as on all bills, as my conscience dictates, as all Members should and as all Members undoubtedly do.

It is admitted that it will be at least 60 days before they will be able to draft our young men into the service. Why not give the youth of our country the opportunity of voluntary enlistment, after the call has been made by the President for 400,000 volunteers as provided in the amendment offered by the gentleman from New York? It is only a few weeks since one of the generals informed the American people that the Army would not be prepared until around January 1 to take 400,000 young men into the service, that the Army did not have the equipment, did not have the barracks, did not have the facilities.

It seems to me the amendment offered by the gentleman from New York meets every purpose the committee seeks to obtain in the bill as reported. The amendment is not inconsistent with the objectives sought by the bill reported. It is an amendment that strengthens the bill, an amendment which preserves the bill, and which is not hostile to it.

It is an amendment which preserves and strengthens a bill calling for conscription that we all realize must come unless we obtain voluntary enlistments, and at the same time it states that for a period of 60 days the machinery of conscription shall be held in abeyance to see whether or not the young men in the United States up to the required number voluntarily enlist.

This procedure preserves the traditions of our country, if the young men enlist and, at the same time, if they do not, it meets in a practical and realistic manner this great problem of necessary manpower that confronts us by putting into immediate operation this machinery. This is not an amendment which says the machinery shall be considered later by legislative act, but states that the machinery shall automatically go into operation if the number of voluntary enlistments are not obtained. The gentleman from New York [Mr. WADSWORTH], in his speech of yesterday, practically admitted that the Army would not be ready to do any drafting before the 8th or 10th of November. Responsible Army officers have stated that they are not prepared at the present time and that they will not be prepared until around the 1st of January. This amendment is a perfecting amendment of a strengthening nature which meets the objection that exists in the minds of so many of our people and in no way impairs the efficiency of conscription legislation, if it is necessary to resort to its use, legal machinery that automatically operates in the immediate future if voluntary enlistments fail. If this amendment is adopted and enacted into law, and if voluntary enlistments are insufficient then no real American

can or will object. This amendment provides the machinery for immediate operation, and giving the opportunity of voluntary enlistments for a period of 1 year, before conscription becomes operative, meets the honest objections of millions of fine American citizens. [Applause.]

[Here the gavel fell.]

Mr. SOUTH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, a good deal can be said in favor of the proposal offered by the gentleman from New York and so ably sponsored by the gentleman from Massachusetts, but I should like to ask the gentleman from Massachusetts what he has to say with reference to this phase of the proposal: Figures have been placed in the RECORD by the gentleman from Texas [Mr. THOMASON] which show that from January 1 there have been more than four men volunteered their services in Texas and a few other States for every one man in certain other States, based on the same population. In this connection I recall that in the States of Texas, North and South Carolina, Kentucky, and a few other States, almost three men were volunteering to serve their country for every one man from the gentleman's State of New York and two and one-half to one from the State of Massachusetts.

I submit, Mr. Chairman, that in a matter of so grave importance every section of the country, yes, every social, economic, and racial group in the country, should be required to contribute its just share of this responsibility. Under any system of voluntary enlistment, and, in fact, under this very amendment, that will not be the case. Some way must be found to compel the States, whose young men are rushing to the marriage bureaus to escape military service, or crowding the galleries of the House of Representatives, as they have been doing since debate on this measure began, to furnish their just quota. Mr. Chairman, the young men from the State and from the district which I have the honor to represent are volunteering to serve their country in this time of emergency. They should not be required, or even permitted, to furnish more than their just share of the men needed. [Applause.]

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I think the objection which the gentleman raises is good. This bill as written provides that not only shall it apply equally and fairly to everybody alike, but also provides, as I understand, that each State shall be charged with its own quota and that there shall be a fair, equitable division among all the States as to the number of men enlisted.

Mr. SOUTH. I thank the gentleman. I may say to you gentlemen who come from the States that have furnished more than their quotas, you should consult the tables which you will find in the RECORD of August 28, page 11119, and again in yesterday's RECORD, September 4, in the speech of the gentleman from Texas [Mr. THOMASON], at page 11426 where you will find what your State has contributed. I know of no justification for the fact that Texas furnishes 4 volunteers out of every 1,000 adults above 21 while several States are furnishing less than 1. I may say, Mr. Chairman, that you cannot represent your State and your district honestly and fairly and condone any proposition that will permit the young men from your State to offer their services and, indeed, their lives if need be, while young fellows from other sections are taking advantage of higher wages and getting better jobs as a result of this emergency. The amendment ought to be voted down.

Mr. KEEFE. Will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Is it not a fact that under the other provisions of this proposed bill the States will be given credit against various quotas for their enlistments as against any possibility of draft?

Mr. SOUTH. I do not think the provisions to which the gentleman refers can accomplish this purpose under any and all eventualities.

Mr. KEEFE. Is that not in the law?

Mr. SOUTH. The law may attempt to do that, but I am not sure that it will work that way. This amendment is simply an attempt to circumscribe and hamper the law, if it is passed, as much as possible.

Mr. FISH. Will the gentleman yield?

Mr. SOUTH. I yield to the gentleman from New York.

Mr. FISH. Will the gentleman vote for this amendment if the amendment he now proposes is adopted?

Mr. SOUTH. I have not proposed an amendment. I am opposing the gentleman's amendment. Having referred to the tables relating to the various States, under leave to extend my remarks, I ask that the same be printed in the RECORD.

The following table shows enlistments for the months of January through June 1940 by State or residence, as tabulated from enlistment records received through August 3, 1940:

| | Number of enlistments | Male population 21 years and over, census 1930 | Ratio, percent |
|---|---|---|---|
| Alabama | 2,168 | 666,742 | 0.00325 |
| Arizona | 314 | 134,401 | .00203 |
| Arkansas | 1,071 | 494,948 | .00216 |
| California | 2,847 | 2,025,774 | .0014 |
| Colorado | 978 | 323,224 | .003 |
| Connecticut | 636 | 489,250 | .0013 |
| Delaware | 108 | 76,058 | .00142 |
| District of Columbia | 184 | 160,809 | .00114 |
| Florida | 1,129 | 438,847 | .00257 |
| Georgia | 2,823 | 731,490 | .00386 |
| Idaho | 338 | 136,212 | .00248 |
| Illinois | 2,784 | 2,469,993 | .00112 |
| Indiana | 1,470 | 1,016,313 | .00144 |
| Iowa | 726 | 765,863 | .00094 |
| Kansas | 1,022 | 580,455 | .00176 |
| Kentucky | 3,053 | 718,286 | .00422 |
| Louisiana | 1,086 | 566,908 | .00191 |
| Maine | 582 | 244,320 | .00238 |
| Maryland | 704 | 500,549 | .0014 |
| Massachusetts | 1,974 | 1,287,970 | .00153 |
| Michigan | 1,254 | 1,558,021 | .00080 |
| Minnesota | 671 | 797,960 | .00084 |
| Mississippi | 1,157 | 516,082 | .00224 |
| Missouri | 1,266 | 1,137,503 | .00110 |
| Montana | 294 | 181,494 | .00163 |
| Nebraska | 680 | 419,139 | .00162 |
| Nevada | 45 | 37,588 | .00119 |
| New Hampshire | 255 | 145,551 | .0017 |
| New Jersey | 1,434 | 1,261,298 | .0011 |
| New Mexico | 301 | 115,667 | .0026 |
| New York | 5,471 | 4,078,340 | .0013 |
| North Carolina | 3,442 | 758,445 | .0045 |
| North Dakota | 215 | 196,028 | .0011 |
| Ohio | 1,956 | 2,095,788 | .00093 |
| Oklahoma | 2,261 | 673,398 | .0033 |
| Oregon | 801 | 331,805 | .0024 |
| Pennsylvania | 7,411 | 2,849,895 | .0026 |
| Rhode Island | 351 | 202,029 | .0017 |
| South Carolina | 1,763 | 395,234 | .0042 |
| South Dakota | 313 | 207,413 | .0015 |
| Tennessee | 2,620 | 701,194 | .0037 |
| Texas | 6,648 | 1,656,675 | .0040 |
| Utah | 254 | 136,960 | .0018 |
| Vermont | 240 | 112,374 | .0021 |
| Virginia | 2,169 | 650,357 | .0033 |
| Washington | 1,034 | 545,410 | .0019 |
| West Virginia | 1,618 | 471,779 | .0034 |
| Wisconsin | 1,169 | 917,712 | .0013 |
| Wyoming | 256 | 77,205 | .0033 |
| Hawaii | 74 | | |
| Panama, C. Z. | 22 | | |
| Philippines | 29 | | |
| Puerto Rico | 188 | | |
| U. S. Army posts | 808 | | |
| Alaska | 22 | | |
| Total | 74,579 | | |

*Percentage of enlistments, by States, for the months of January to June 1940, calculated on the basis of the male population over 21 years of age (1930 census)*

| State | Percent | Men per 1,000 |
|---|---|---|
| North Carolina | 0.0045 | 4 5/10 |
| Kentucky | .00422 | 4 2/10 |
| South Carolina | .0042 | 4 2/10 |
| Texas | .004 | 4 |
| Georgia | .00386 | 3 8/10 |
| Tennessee | .0037 | 3 7/10 |
| West Virginia | .0034 | 3 4/10 |
| Wyoming | .0033 | 3 3/10 |
| Virginia | .0033 | 3 3/10 |
| Oklahoma | .0033 | 3 3/10 |
| Alabama | .00325 | 3 2/10 |
| Colorado | .003 | 3 |
| Pennsylvania | .0026 | 2 6/10 |
| New Mexico | .0026 | 2 6/10 |
| Florida | .00257 | 2 5/10 |
| Idaho | .00248 | 2 4/10 |
| Oregon | .0024 | 2 4/10 |
| Maine | .00238 | 2 3/10 |
| Mississippi | .00224 | 2 2/10 |
| Arkansas | .00216 | 2 1/10 |
| Vermont | .0021 | 2 1/10 |
| Arizona | .00203 | 2 |
| Louisiana | .00191 | 1 9/10 |
| Washington | .0019 | 1 9/10 |
| Utah | .0018 | 1 8/10 |
| Kansas | .00176 | 1 7/10 |
| Rhode Island | .0017 | 1 7/10 |
| New Hampshire | .0017 | 1 7/10 |
| Montana | .00163 | 1 6/10 |
| Nebraska | .00162 | 1 6/10 |
| Massachusetts | .00153 | 1 5/10 |
| South Dakota | .0015 | 1 5/10 |
| Indiana | .00144 | 1 4/10 |
| Delaware | .00142 | 1 4/10 |
| California | .0014 | 1 4/10 |
| Maryland | .0014 | 1 4/10 |
| Wisconsin | .0013 | 1 3/10 |
| Connecticut | .0013 | 1 3/10 |
| New York | .0013 | 1 3/10 |
| District of Columbia | .00114 | 1 1/10 |
| Illinois | .0012 | 1 2/10 |
| Nevada | .00119 | 1 1/10 |
| Missouri | .0011 | 1 1/10 |
| North Dakota | .0011 | 1 1/10 |
| New Jersey | .0011 | 1 1/10 |
| Iowa | .00094 | 9/10 |
| Ohio | .00093 | 9/10 |
| Minnesota | .00084 | 8/10 |
| Michigan | .0008 | 8/10 |

NOTE.—The fractions indicate the number of men enlisted per thousand men.

[The Library of Congress, Legislative Reference Service]

*Enlistments, State of residence as tabulated from enlistment papers, fiscal year 1940*

| State | Number of enlistments | Number of enlistments per 100,000 population (census, 1930) |
|---|---|---|
| Alabama | 4,545 | 172 |
| Arizona | 642 | 149 |
| Arkansas | 2,532 | 137 |
| California | 5,695 | 100 |
| Colorado | 1,892 | 183 |
| Connecticut | 1,376 | 86 |
| Delaware | 205 | 89 |
| District of Columbia | 413 | 81 |
| Florida | 2,085 | 142 |
| Georgia | 5,906 | 203 |
| Idaho | 723 | 187 |
| Illinois | 6,794 | 89 |
| Indiana | 3,189 | 98 |
| Iowa | 1,994 | 80 |
| Kansas | 2,304 | 122 |
| Kentucky | 7,326 | 280 |
| Louisiana | 2,519 | 119 |
| Maine | 1,268 | 160 |
| Maryland | 1,501 | 92 |
| Massachusetts | 4,268 | 100 |
| Michigan | 3,310 | 69 |
| Minnesota | 1,762 | 68 |
| Mississippi | 2,338 | 116 |
| Missouri | 3,149 | 87 |
| Montana | 664 | 125 |
| Nebraska | 1,633 | 118 |
| Nevada | 236 | [1]262 |
| New Hampshire | 497 | 108 |
| New Jersey | 3,007 | 74 |
| New Mexico | 553 | 131 |
| New York | 11,092 | 88 |
| North Carolina | 6,220 | 196 |
| North Dakota | 585 | 86 |
| Ohio | 4,326 | 65 |
| Oklahoma | 5,512 | 230 |
| Oregon | 1,574 | 165 |
| Pennsylvania | 14,586 | 153 |
| Rhode Island | 745 | 109 |
| South Carolina | 3,121 | 180 |
| South Dakota | 724 | 100 |
| Tennessee | 4,502 | 153 |
| Texas | 14,670 | 252 |
| Utah | 536 | 105 |
| Vermont | 427 | 122 |
| Virginia | 4,280 | 176 |
| Washington | 2,183 | 139 |
| West Virginia | 3,598 | 209 |
| Wisconsin | 2,973 | 101 |
| Wyoming | 451 | 205 |
| Hawaii | 122 | 34 |
| Panama Canal Zone | 25 | [1]83 |
| Philippines | 57 | 4.7 |
| Puerto Rico | 382 | 241 |
| United States Army posts | 2,353 | |
| Alaska | 33 | [1]66 |
| Total enlistments | 159,403 | |
| Average per 100,000 | | 133 |

[1] Estimate given on basis of 100,000 population; in this case below that figure.

Source: U. S. Department of Commerce, Bureau of the Census; Fifteenth Census of the United States, 1930, Government Printing Office, Washington, D. C., 1933.

Mr. VAN ZANDT. Mr. Chairman, I rise at this time to discuss with the membership of the House the question of voluntary enlistments.

The real issue before us is to decide whether we must have conscription of the youth of America or whether we should proceed in a democratic manner in giving voluntary enlistments a thorough and, above all, a fair trial.

We are told that the needs of our Army require approximately 1,000,000 men by the end of next January. According to the War Department, we have a standing Army as of September 3 of 295,000 enlisted men and 14,000 officers, or a total of 309,000 men in the Regular Army.

The National Guard as of June 30 had an enrollment of 236,768 subject to call to duty under the authority given the President. The Chief Executive is empowered to mobilize an additional 104,500 Reserve officers as well as 35,000 enlisted men of the Regular Army Reserve.

In other words, by the process of simple arithmetic, with the Chief Executive exercising the authority granted him by Congress, he can have overnight a total of 685,268 men in the Army of the United States.

Contrary to the opinion of those advocating conscription, the volunteer system has not failed. As late as September 3 the War Department was kind enough to furnish me information regarding recruiting efforts on 3-year enlistments at $21 monthly as base pay.

On June 19 the strength of the Regular Army was increased to 280,000, the maximum authorized by law. Before this strength could be recruited Congress further increased the strength to 375,000. Immediately the recruiting service of the Army intensified its efforts, with the result that as of June 30, 1940, the strength of the Army was 246,949, and on July 31, 1940, a total of 270,183 was reached. As stated previously, on September 3 the strength by actual enlistments totaled 309,000 men.

The following table shows the monthly enlistments in the Army from January 1, 1939, through July 31, 1940:

| | |
|---|---|
| January 1939 | 3,872 |
| February 1939 | 6,108 |
| March 1939 | 7,328 |
| April 1939 | 5,442 |
| May 1939 | 6,736 |
| June 1939 | 8,946 |
| July 1939 | 7,162 |
| August 1939 | 9,259 |
| September 1939 | 14,765 |
| October 1939 | 19,815 |
| November 1939 | 17,286 |
| December 1939 | 16,530 |
| January 1940 | 17,820 |
| February 1940 | 9,151 |
| March 1940 | 8,374 |

| | |
|---|---|
| April 1940 | 6,274 |
| May 1940 | 9,492 |
| June 1940 | 23,444 |
| July 1940 | 31,958 |

During June 1940 the Army enlisted on a volunteer basis 23,444 men. During the month of July the number increased, when 31,958 were enrolled. With the aid of a Nation-wide advertising campaign, the United States Army recruiting service enlisted as of September 4, 37,425 men during August, with reports not available for the last 10 days of August. When the final figures are received for August the number of recruits may reach fifty-five or sixty thousand men.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from New York.

Mr. WADSWORTH. Has the gentleman any report as to the number of discharges?

Mr. VAN ZANDT. I am talking about new enlistments.

Mr. WADSWORTH. What is the net gain?

Mr. VAN ZANDT. I am sorry, I do not have that information.

Mr. WADSWORTH. That is the important matter.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from New York.

Mr. FISH. Is the gentleman talking about the Regular Army enlistments or the National Guard?

Mr. VAN ZANDT. The Regular Army enlistments.

Mr. FISH. There have been very few men that have gone out of the Regular Army, so the net gain should be something like the same number, approximately 40,000. It is the National Guard that has been losing men.

Mr. VAN ZANDT. If the men enlist at the rate of 50,000 a month, in 6 months' time we will have a sufficient number of men in Uncle Sam's Army to give the Chief of Staff 1,000,000 men, including the National Guard and the Organized Reserves.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Michigan.

Mr. MICHENER. Existing law provides that the War Department shall enlist men for 1 year. The War Department has refused to do that. If this amendment is enacted, then the War Department will be compelled to enlist men for 1 year. There is no comparison between the number of men you can get—as referred to by the gentleman from New York—for a period of 3 years and the men who will go in case of an emergency enlistment for a period of 1 year, as this amendment provides.

Mr. VAN ZANDT. That is correct. May I add that every one of the enlistments to date are for a 3-year period at a base pay of $21 a month.

[Here the gavel fell.]

Mr. VAN ZANDT. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. CELLER. Will the gentleman vote for the bill if the amendment is agreed to?

Mr. VAN ZANDT. I reserve the right to decide my vote when this bill has been perfected. No Member can foretell the number of amendments that may be adopted, and likely to change the whole complexion of the legislation. To give a blanket endorsement at this time would be ill-advised.

It must be kept in mind that the advertising campaign of the United States Army Recruiting Service has started in earnest only the past few weeks, and at the rate the recruits are responding, there is every indication that the monthly total should average 60,000 men monthly.

Keep in mind these men represent voluntary enlistments for 3 years at a base pay of $21 monthly. Plain arithmetic will disclose that in a period of 6 months 360,000 young men will have joined the United States Army on their own accord.

It is easily seen that the objective of the Chief of Staff of the United States Army to have 1,000,000 men will have been reached by February 1941.

Let me remind you again that the men now enlisting are being enrolled for a 3-year period. I say to you, what would happen were a 1-year enlistment offered at a base pay of $30 monthly? It is a foregone conclusion that the Army could double the present recruiting figures under such a modified enlistment on the voluntary basis.

Diverting our attention for a moment from increased enlistments on a voluntary basis, or the mass enrollment under the Burke-Wadsworth bill, we are faced with the pressing problem of accommodating the present strength of the Army and at the same time provide adequately for those inducted into service.

According to the War Department, right now the Army can accommodate in permanent and temporary buildings, 230,000 men with construction under way to accommodate a total of 375,000 men, or an additional 145,000 men.

In a few weeks the National Guard will be streaming into camp. To accommodate the guardsmen, permanent tent camps with concrete floor, wooden frame walls, and a tent roof are being built in southern cantonments with temporary buildings in the northern cantonments.

Some of these tent camps and temporary buildings are under construction while others are not yet started, awaiting the necessary appropriations. Those guardsmen who cannot be accommodated in permanent or temporary buildings will have to be housed in tents. According to the War Department, young men conscripted under the Burke-Wadsworth bill will be known as selectees and will be assigned to the Regular Army or National Guard units and given the facilities of the parent unit.

What will become of the Regulars which will then include the National Guard? No doubt they will be based in the republics south of the Rio Grande.

Many of you are veterans of the World War and recall the frenzied efforts to accommodate draftees as they swarmed into the various camps throughout the United States. Let us not forget we were actually at war with Germany at that time.

You remember the epidemics of influenza, spinal meningitis, measles, typhoid fever, dysentery, and other scourges that greeted the youth of 1917–18. From April 1917 to December 1919 there were 734,397 cases of influenza, 93,629 cases of measles, 221,060 cases of mumps in the United States Army alone. The interesting point is that out of every 1,000 soldiers, 199 of them had the influenza. As a result, 75,460 deaths were recorded, which should be a lesson for us to heed in this plan for peacetime mobilization.

There is another important matter that should have our attention. It is the problem of clothing and equipage. My study of facts and figures convinces me that it will be months before there will be sufficient clothing and equipage on hand for the mass enrollment under the Burke-Wadsworth bill, let alone the voluntary enlistments now reaching an all-time record.

In connection with equipping 1,000,000 men with rifles, machine guns, and so forth, I am willing to concede that there may be a sufficient supply of this kind of equipment on hand, but I am inclined to be doubtful, since already we have sent 500,000 .30 caliber rifles and 70,000 .30 caliber machine guns to England.

In the training of a soldier, machine guns and rifles are not alone necessary but additional critical equipment is needed, such as scout cars, tanks, antiaircraft and artillery guns, and other military supplies of a kindred nature.

In passing, let us analyze the following inventory as of May 1, 1940, furnished me by Gen. George Marshall, Chief of Staff, United States Army.

| Item | Total on hand or on order to include fiscal year 1941 | Actually on hand May 1, 1940 | Actually on hand Aug. 1, 1940 | Balance on order Aug. 1, 1940 |
|---|---|---|---|---|
| Antiaircraft: | | | | |
| 3-inch antiaircraft guns | 588 | 448 | 471 | 117 |
| 90-mm. antiaircraft guns | 503 | 0 | 0 | 503 |
| Directors | 400 | 168 | 184 | 216 |
| Height finders | 382 | 142 | 153 | 229 |
| Sound locators | 1,179 | 194 | 297 | 882 |
| 37-mm. antiaircraft guns | 1,689 | 15 | 59 | 1,630 |
| .50 caliber antiaircraft machine guns | 2,568 | 1,014 | 1,411 | 1,157 |
| Small arms: | | | | |
| Semiautomatic rifles | 240,559 | 38,000 | 49,124 | 191,435 |
| 37-mm. antitank guns | 1,862 | 228 | 228 | 1,634 |
| 60-mm. mortars | 3,831 | 3 | 3 | 3,828 |
| 81-mm. mortars | 905 | 183 | 223 | 682 |
| Machine guns caliber .50 (both infantry and pack) | 1,874 | 83 | 330 | 1,544 |
| Field Artillery material: | | | | |
| 75-mm. gun, modernized | 1,471 | 141 | 241 | 1,230 |
| 75-mm. howitzer (field and pack) | 392 | 90 | 90 | 302 |
| 105-mm. howitzer | 240 | 0 | 0 | 240 |
| 155-mm. gun, long range | 96 | 4 | 4 | 92 |
| 8-inch howitzer | 48 | 0 | 0 | 48 |
| Combat vehicles: | | | | |
| Scout cars | 2,412 | 485 | 525 | 1,887 |
| Combat cars | [1] 148 | 114 | 114 | 34 |
| Tanks, light, M2A4 | 1,582 | 10 | 67 | 1,515 |
| Tanks, medium, M2 | 1,308 | 18 | 18 | 1,290 |
| Tractors and special ordnance vehicles: | | | | |
| Tractors, light | 150 | 93 | 108 | 42 |
| Tractors, medium | 550 | 261 | 298 | 252 |
| Tractors, heavy | 780 | 65 | 140 | 640 |
| Trucks, small arms repair | 146 | 79 | 85 | 61 |
| Trucks, instrument repair | 53 | 0 | 0 | 53 |
| Railway artillery: 8-inch railway gun and carriage | 24 | 0 | 0 | 24 |

[1] Funds for 60 combat cars (difference between 148 shown above and 208 shown on p. 4362 CONGRESSIONAL RECORD, 1940) used for procurement of light tanks, M2A4.

While time does not permit me to dwell on this topic at length, I do want to call your attention to the fact that the situation in critical equipment is no better than on May 1, 1940, and will show no great improvement until June or July 1941 at the earliest date.

From the standpoint of health, ample military equipment and accommodations of those serving in the Army of the United States, the amendment before us for consideration will make possible the achievement of the objective desired of 1,000,000 men in an orderly and democratic way through the process of voluntary enlistments which have been greatly increased as a result of the Army's present recruiting campaign.

Given a thorough trial or modified to permit voluntary 1-year enlistments at a base pay of $30 will produce gratifying results and maintain the morale of the youth of America who are eager to serve their country without being conscripted in European fashion.

In closing, let me add that the average military officer will tell you there is a whale of a difference between a man who volunteers for service and one who is forced to do such military duty. [Applause.]

Mr. THOMASON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who has just preceded me once enjoyed the honor and distinction of being the head of the Veterans of Foreign Wars of the United States. I regret that he does not entertain the same views concerning this bill as does his successor, the present occupant of that high place. A reference to the hearings on this bill, on page 486, will disclose the testimony of Mr. Millard W. Rice, national legislative representative of the Veterans of Foreign Wars of the United States, in which he says in part—and I quote from page 490:

> Our commander in chief, Otis N. Brown, personally has indicated his conviction that the Nation should immediately adopt the principle of selective conscription of manpower for training and service in our armed forces. Various other national officers have indicated their concurrence with that principle.

I can understand why the gentleman from Pennsylvania did not answer the question of the gentleman from New York when he asked him if he would vote for this bill if this amendment were adopted. The gentleman declined to answer. I make the prediction that the gentleman and even the author of the amendment, the gentleman from New York [Mr. FISH], will not support this bill even if the amendment is adopted, and if I am wrong in that prediction I yield for him to answer.

Of course, if you are opposed to this bill, this is one of the best means I know to scuttle it. Selective service is either right or it is wrong in principle. There is a crisis existing this minute in the affairs of the world and of this country or there is not. If there is not a crisis, we ought to defeat all national-defense legislation right now and move on to other business. If there is danger ahead, we must have full and complete defense, which includes trained men and many of them.

If you have read the headlines in the papers today you saw where the Parliament in London had to recess until after the bombers passed by, and if you read Hitler's speech yesterday you must know the world is on fire and the fire spreading this way. I am not given to hysteria. I am not a militarist. I have always opposed a large standing Army. But I am a realist. I want us to face facts. Our neighbor's house is on fire and if we fail to put some water on our own, it may also be in flames.

Now, I undertake to say that the selective service system is not only fair, but it is democratic, and I would like to call your attention to this fact. General Marshall, the Chief of Staff, has testified, and his testimony appears in the RECORD, that he cannot obtain the necessary voluntary enlistments within the time he feels necessary to provide defense for this country.

I now want to call this to your attention. You hear much said here along the line that 40,000 have enlisted during this past month, but you will also find from the records in the War Department that approximately 12,000 serve out their enlistments each month, and there have not been replacements to cover those 12,000. So there has not been a net increase of 40,000 during the last month.

If this amendment should be adopted, that means we must raise 400,000 men within the next 60 days or 200,000 per month, when thus far we have not been able to raise even 50,000 per month. But here is the main trouble as I see it. This is going to disrupt the whole organization of the War Department and draw a line of distinction, between the volunteer and the drafted man. Assuming that this amendment should be adopted, you will see one of the biggest ballyhoos and pep campaigns the country ever witnessed where the orators get on the stump and before the radio, the bands play and big advertisements appear in the newspapers and the boys are urged and touted to sign up. Every sensible man on this floor knows you cannot get 400,000 in 60 days. We would then start in on the draftees. We would have dissatisfaction and lack of unity the very first day. The volunteers would consider themselves more patriotic and the draft boys would be classed and stigmatized as slackers. The psychology would be bad. Let us start out right. We should treat everybody alike.

Now, much has been said, even by my good friend the gentleman from Massachusetts [Mr. MCCORMACK], about some statement the gentleman from New York [Mr. WADSWORTH] made about it being the early part of November before the War Department could get under way.

[Here the gavel fell.]

Mr. THOMASON. Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

Mr. FISH. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 4 additional minutes because I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMASON. I ask you to look at yesterday's RECORD on page 11426, at a statement I inserted from the War Department, showing the official action taken in the War Department and giving a schedule of how long it would take them to get these 400,000 men. I shall not take time to read all of it, but it shows that the whole job will be done in 40 days. The first day is reporting day, the second day is registration day, the next 5 days set up local boards and serially number cards, and so on.

The 21st to 25th days: For lottery and distribution of order number.

The 24th to 29th days: Local board assign order number and mail questionnaire.

The 29th to 34th days: Return of questionnaires.

The 34th to 36th days: Run through questionnaires and sort out probable class I–A.

The 36th to 40th days: Physically examine and induct class I–A.

The whole job is done in 40 days. It is evident what the purpose of this amendment is. One is to kill or cripple the bill if you are against it and the other one is to tide it over past the election, but somehow or other there is something about this situation that to me far transcends any political consideration. If the election were not on or if it were over, there would not be 50 votes against this bill. We have appropriated or authorized $15,000,000,000 for war equipment. It is almost worthless without trained men to handle it. The best in blood and brains may volunteer, but the ones who need it most are the ones who do not. We need a composite Army, with every man assigned to the thing he is best fitted for. The people back home are expecting us to act, and act now. This postpones the evil day for 60 days longer. Hitler took France in 60 days. This is no time to practice appeasement or carry umbrellas. We need strong men who know how to use guns. We must meet force with force. Talk about national unity and democracy; talk about equality of obligation; there just cannot be any fairer way in the world if we must have an Army than to do it along the plan suggested. It must not be forgotten that General Marshall, Chief of Staff, testified that clothing, housing, guns, and equipment would be ready for all men just as fast as they are inducted into the service.

Mr. FISH. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. FISH. The gentleman took upon himself to make a decision for me.

Mr. THOMASON. No; I made a prediction.

Mr. FISH. I want to say to the gentleman and the House that I am very much inclined to support this bill if my amendment is adopted.

Mr. THOMASON. I notice my friend from New York hedges quite successfully, as usual, by saying, "I am inclined." He knows he is doing all he can to kill this bill.

Mr. FISH. I am inclined. I want to know all the perfecting amendments. Now, the gentleman said 50,000 volunteers were obtained last month.

Mr. THOMASON. Forty thousand.

Mr. FISH. Forty thousand. That was under the 3-year enlistment. This will be under the 1-year enlistment.

Mr. THOMASON. Well, even so, you have to enlist 400,000 men in 60 days, and everybody, including General Marshall, says it cannot be done. In other words, you have to quadruple what you are doing now, and I believe you, or any other thinking man, knows it is impossible. Then when you have done that, and you have a lot of boys who have gone in voluntarily, you come in with the remaining 200,000 or 300,000 as draftees, and the volunteers will poke the finger in scorn at them. That is not the way to raise a great Army in a short time and in a democratic way. [Applause.]

[Here the gavel fell.]

Mr. EDMISTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMISTON to the amendment offered by Mr. FISH. Add the following: "*Provided further,* That should induction under this amendment become necessary, full credit shall be given in fixing such quotas for residents of such subdivisions of the several States, Territories, and the District of Columbia as may have volunteered in the land and naval forces of the United States at the time of such call."

Mr. ANDREWS. Will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. ANDREWS. Is that not already provided for? The language on page 20, where there is voluntary induction, that is to be credited on the quota for that State or subdivision.

Mr. EDMISTON. The gentleman feels that this additional language to the language offered by the gentleman from New York [Mr. FISH] would be included in the bill, even though his amendment were adopted?

Mr. FISH. If the gentleman thinks this is more clarifying and helpful, of course I am in favor of the amendment and will accept it.

Mr. EDMISTON. I will say to the gentleman from New York [Mr. ANDREWS] that was my opinion—I think this language should go in here at this place in the bill with the amendment offered by the gentleman from New York [Mr. FISH] because neither you nor myself can tell what might happen to this future language in the bill when we continue amending it. So I would like to have this provision here, right now, with the Fish amendment.

Mr. MAY. Will the gentleman yield?

Mr. EDMISTON. May I proceed a few minutes in explanation of my amendment, and then I will yield if I have any time remaining.

I think this provision for the quotas is nothing but fair to credit the States with existing and future quotas. We have had a recitation here numerous times of the percentages per thousand male inhabitants that have volunteered their services in the land and naval forces of this country, so I will not repeat those, but you all know there is a vast difference between Kentucky on the top and Michigan on the bottom of that list.

Mr. COOLEY. The record shows that North Carolina is on top.

Mr. EDMISTON. All right; North Carolina on top. I know Michigan is on the bottom. North Carolina and Kentucky are very close and West Virginia is seventh on the list. We will not argue about that. Those men who have enlisted should be credited to their communities if and when it becomes necessary to draft. With that amendment I am in favor of the amendment offered by the gentleman from New York [Mr. FISH] to postpone it for 60 days, because personally I do not believe the Army will be ready to take care of these men before 60 days.

Mr. MAY. Will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. MAY. May I call attention to subsection (b) on page 20 of the bill, which provides that the quota to be furnished for such training and service shall be determined from each State, Territory, and the District of Columbia and for subdivisions thereof. Is that not practically it?

Mr. EDMISTON. All right, but I want that amendment on the Fish amendment if the Fish amendment is adopted. We do not know what may be done to this bill by future amendments. If this amendment to the amendment goes on and then his amendment should be adopted, there is no question about the intent of Congress that the quotas should be given to the several States for their enlistments.

Mr. SOUTH. Will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. SOUTH. Is it not entirely possible that your volunteers will be so great that it will be impossible to equalize with what draftees are left and certain States will be furnishing far above their quota?

Mr. EDMISTON. No. You mean the volunteers would exceed the quota in that State?

Mr. SOUTH. It does not have to exceed it, but suppose it almost equals it. You do not have enough left to equalize, as I understand the amendment.

Mr. EDMISTON. If the volunteers did equal the quota you would have no draft in that State.

Mr. SOUTH. There is a maximum number that may volunteer from any State under the Fish amendment.

Mr. EDMISTON. But the 400,000 quota as provided by the Fish amendment is divided among the several States, Territories, and the District of Columbia.

Mr. SOUTH. Is there a definite maximum for each State?

Mr. EDMISTON. No; not for each State, but it is rated by their male population between the ages specified in the Fish amendment.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I merely call the attention of the committee to the following language in the bill: Page 15, section 3 (a), line 10:

*Provided*, That any person, regardless of race or color, between the ages of 18 and 35 years shall be afforded an opportunity to volunteer to be inducted into the land or naval forces of the United States for training and service described in subsection (b), if he is acceptable to the land or naval forces for such training and service.

The amendment offered by the gentleman from New York [Mr. FISH], it is true, does change the situation somewhat, but, as far as I can see, it merely sugar-coats the proposition a little for the benefit of some of the folks back home who may be opposed to this bill. But the amendment suggested would not be the sure way of doing this thing, it does not afford a sure way of building up our Reserve forces. It is only temporizing with something that we all know ought to be done the other way. [Applause.]

[Here the gavel fell.]

Mr. FADDIS and Mr. RANKIN rose.

The CHAIRMAN. The Chair must first recognize the gentleman from Pennsylvania [Mr. FADDIS], a member of the committee.

Mr. FADDIS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FADDIS. Mr. Chairman, in the consideration of this amendment in all fairness I ask the members of this committee to remember those who are really informed about the equipment of the Army, about the facilities for taking care of those whom it is contemplated to take into the service, about the equipment to be given them, and all of that, are the members of our General Staff—I ask that you take into consideration the word of the Chief of Staff of the United States Army and those under him who know the facts. I submit in all fairness that their opinion is worth a great deal more than the opinion of those who, in general, are out to scuttle the bill at any rate. In this connection I ask each one of you to get a copy of yesterday's RECORD and on page 11490 read a letter from General Marshall to Senator SHEPPARD, Chairman of the Senate Committee on Military Affairs. There read in his own words where he assures Senator SHEPPARD that he has on hand equipment enough to take care of those who are going to be inducted into the service.

Mr. Chairman, within the last few minutes statements were made by Members on the floor that we had almost no equipment. I ask you to turn to page 11491 of yesterday's RECORD and read there the statement put in by the gentleman from Alabama [Mr. SPARKMAN] regarding the equipment in the Army. It is more or less itemized. That is a statement given out by General Marshall himself. It comes from responsible parties. It comes from the parties who know exactly what they have on hand every day from the morning report.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Not now.

It shows exactly what they have. Those who state we have almost nothing should get yesterday's CONGRESSIONAL RECORD and read the figures therein set forth.



This amendment is really offered by a man who is not for this legislation, who has been against it from the start and whom we have every reason to believe will continue to be against it. Suppose this amendment should prevail; suppose that for 60 days we should delay the acquisition of the men the General Staff of the United States Army has assured the Committee on Military Affairs of both Houses of Congress are necessary to provide for the security of this Nation. Suppose the volunteer system should succeed to the extent the gentleman from New York [Mr. FISH] would like to see it succeed; what have we accomplished then? Have we eradicated any of the defects or any of the objectionable features of the draft system? Have we by the volunteer system transferred the burden of military service from the rural sections in the South and West to the more populous and industrial sections of the United States? Indeed, we have not done any such thing. The men who will serve in the armed forces will have come from those sections of the United States which because of various conditions have furnished the most of the volunteers for the Army. We shall not have succeeded in taking into the Army a cross section of the population. We will still have the burden of military service falling upon those who are the most patriotic and the most public spirited.

The gentleman from Pennsylvania [Mr. VAN ZANDT] spoke in considerable detail about the diseases which attacked those who had been drafted into the Army in 1917 and 1918. Does he mean to imply that measles, mumps, whooping cough, and such diseases attack only those who have been drafted into the Army? I will ask any man of medical experience in the House whether a man susceptible to those diseases would not catch them when exposed to them even though he were a volunteer? This argument, therefore, amounts to nothing whatsoever.

As to the plan to bring these men in purely by the system of volunteering, if we are going to discredit the system of the selective draft, let us make up our minds to do it. If we are going once more to trust the safety and security of the United States to the same old system that throughout 150 years has proven to be ineffective, that over and over again has been an embarrassment to those who have been attempting to raise forces to provide for the security of this Nation, then let us in all fairness and frankness say to the country that that is exactly what we are doing.

Let us not attempt to hide under any cloak of this kind. If we are not ready to vote for a system of selective service, let us be frank with the country, let us be frank with the world as a whole and say that here in a time of emergency, when the very security of this Nation is in jeopardy, we, the Representatives of the people of the United States, are not courageous enough to go down the line for what has been conclusively proven to be the only practical means of raising an army. Let us say to the young men of this Nation, "We are willing to send you raw into battle as we pick you raw from the streets. We are not willing that we sacrifice a little, we are not willing to require you to sacrifice a little in advance in order that if it is necessary for you to go into battle you may go in there hardened and trained for the hardest game in the world." If the young men of this Nation go forth to battle, God only knows that we as the Congress of the United States owe them every protection we can give them. We owe them all of the training we can give them beforehand in order that they may be prepared to do their utmost for the Nation and to do their utmost for themselves.

Mr. Chairman, this proposal is only another attempt to delay this matter of preparedness. It is another attempt to set this Nation on the same road which France followed—and where is France today? It is a move to accept the council of those in favor of delay, and look to the plight of England to see the results of delay. My God! Has it come to the point in this Nation where, with the lessons of a policy of delay in Poland, Norway, Holland, Belgium, France, and England fresh in our minds, we must also be so lacking in courage or foresight to expose our Nation to a similar fate? What will be required to awaken this Congress? [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, it seems to me that the advocates of the Fish amendment meet themselves coming back on this proposition. They come here and tell us that we do not have the equipment to take care of 400,000 draftees, yet they turn around and say they are willing to put the draft into operation conditioned upon our failure to get 400,000 volunteers. They profess to believe that we will get 400,000 volunteers within 60 days. If we are not able to take care of 400,000 draftees, how are we going to take care of 400,000 volunteers?

Mr. Chairman, I call the attention of the Members of the House to the fact that in the Civil War when the question of conscription came up in the Congress, this same kind of an amendment was offered to the bill then pending. The law as enacted was actually based upon failure of the volunteer system with a similar time limitation. As a matter of fact, all of you know the dismal failure that confronted the Union forces under the volunteer system which caused the draft system eventually to be put into effect. Even though the law as passed was conditioned upon getting a sufficient number of volunteers, the Union forces were unable to get these volunteers and conscription went into effect. Of course, it may be said that was in wartime and that this is in a time of peace. I wish we could all get clearly in our minds today that war is no longer made as it was made during the years gone by. A force of 1,200,000 men, which is deemed sufficient as an initial protective force in this country, is not deemed sufficient to protect us over a long period of time. It is not sufficient to protect us while we draft or voluntarily obtain and train a sufficient army to give us the ultimate defense to which we are entitled. Today we do not have time for that. In the World War we had 12 to 18 months in which to draft an army and in which we hoped we might equip it, although we were unable to do so, and in which we might train our Army and get it ready. I believe, and all of us must honestly admit, that never again, if we are confronted with war, will such opportunity be given to us. We must have a trained force ready to go into the field very quickly after hostilities open and remember that today war is often started without even the formality of a declaration of war.

Mr. Chairman, just another word on this matter of equipment. It is such a simple matter for any Member who may be sufficiently interested to ask the War Department for a showing as to the equipment that we actually have on hand. Ask them for the number of pieces of equipment necessary to equip this army.

There is just one item I happen to have in mind at this time, for instance, the number of antiaircraft guns that we possess. There are 500 antiaircraft guns in the hands of the Army today. Twelve guns make a regiment. That is sufficient for forty-odd regiments of antiaircraft alone. The same thing is true in various other branches of the service. A release was issued by the War Department on May 18 which shows the various pieces of equipment it had. I will be very glad to give my copy to any interested person and I am sure any Member who is sufficiently interested to inquire can get a similar copy from the War Department brought up to date. If you inquire with reference to the amount of equipment necessary for the different units, I believe it will convince every reasonably fair-minded man who wants to be convinced that we do have the equipment necessary to give the basic training to these men over a period of 12 months.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. How far does the gentleman feel those 500 antiaircraft would go toward defending our farflung coast line and cities when they have that many antiaircraft guns defending the city of London alone?

Mr. SPARKMAN. Of course, that is a question that can be brought up, but any person who has studied this matter of defense will soon reach the decision that never can we hope to give complete protection to every city, village, and hamlet in this country. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that my time may be extended 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN. Mr. Chairman, this amendment was offered in the Senate by the distinguished Senator from Arizona [Mr. HAYDEN], and that body came within two votes of adopting it. I have discussed it several times with its author, and he feels that if the House approves it the Senate will accept it.

I shall support this amendment because I believe that we should first give these men an opportunity to volunteer. I was amused at the statement made by one gentleman to the effect that if we took in a great many volunteers they would sneer at the drafted men when they came in. But that was not the experience in the World War. You may ask any World War veteran, no matter which side of this question he takes, and he will tell you that none of them experienced any such feeling between the volunteers and the drafted men.

Another thing—they tell you that it was the drafted men from the South who won the battles in the Civil War. I do not want to raise the Stars and Bars in this House, but I call attention to the fact that the most glorious victory won by the Confederate Army was at the first Battle of Bull Run, where those volunteers from the South went up against the Regular Army of the Union forces.

I am for this amendment for many reasons. In the first place, I am a little afraid of universal compulsory military service in times of peace. I am afraid of militarism in this country. Of what does militarism consist? It consists of universal compulsory military service in times of peace, with the armaments that go with it. I should like to have a time limit on the act, in order that it might expire when the emergency has passed, that we may not fasten upon this country a policy of compulsory military training that may destroy our representative government, our democratic institutions, or our Christian way of life in the years to come.

This amendment will also—and I take issue with the gentlemen who have discussed this measure from that standpoint—bring into the service rapidly a class of men who are qualified for the service we are going to need them for. What we need are trained men, skilled men—aviators, mechanics, electricians. By giving them an opportunity to volunteer, with this provision raising the base pay, I do not believe it will be necessary to put the draft into effect at all.

The gentleman from New York [Mr. CELLER] talks about his Jewish brethren quarreling about this issue. None of them have disturbed me. I have had no raids on my office. I believe I speak the sentiment of the majority of the people I represent when I say, Give us this amendment and let us try this voluntary system first.

I have heard the statement here that the majority of the volunteers are now coming from the Southern States. If you take into consideration the fact that we have almost, or quite, 1,000,000 colored people in our State and that the volunteers are coming almost exclusively from the whites, then we are far ahead of even the average State and far ahead, probably, of even the average Southern State in our quota of white volunteers. But, if this bill passes, we will get credit for those volunteers, if and when the draft goes into effect.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Texas.

Mr. SOUTH. The gentleman says he believes that if this amendment is adopted it will not be necessary to resort to the draft.

Mr. RANKIN. I doubt if it will.

Mr. SOUTH. Then what good will credits do?

Mr. RANKIN. If the young men of this country want to join the Army, no matter where they come from, let them join.

Mr. SOUTH. Does not the gentleman feel, however, that the sections of the country that are not furnishing their just share should do so? I may say to the gentleman that it goes deeper than sections. The gentleman knows there are certain social, economic, and racial groups that are shirking their responsibility, whereas the farm, ranch, and small-town boys are volunteering.

Mr. RANKIN. Yes; but let me say to my distinguished friend the gentleman from Texas, for whom I have a profound admiration, that I do not share in any of this silly argument that there is any man in this House who is disloyal or unpatriotic. I do not care where he is from. If war were to come, and if it were necessary for the Members of this Congress to go to the front, I believe that every man within the sound of my voice would respond at once. [Applause.]

I am questioning no man's patriotism. But I say to the gentleman from Texas that if we are going to raise an army we need an army of technicians, we need an army of engineers, we need an army of mechanics, we need an army of aviators, we need men who are skilled. We will get a far larger percentage of them through the voluntary system than we would through the draft system, to begin with.

Besides, you have raised the base pay considerably for those skilled men, and that will induce them to come in from other sections of the country as well as from the South.

I admit that economic conditions have a great deal to do with it, but I believe if this amendment is adopted as it was advocated in the Senate, not by an enemy of this bill but by one of its strongest supporters, the distinguished Senator from Arizona I believe, we will get all the men we need.

The gentleman from New York [Mr. CELLER] and several others have a habit of getting up and asking Members, "If you adopt this amendment will you vote for the bill?" If you want to know what I will do, my answer is "Yes." If you adopt this amendment, of course I will support the bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. It is very unfortunate that the gentleman from New York [Mr. CELLER] made an anti-Semitic speech on the floor of the House today. Let it be remembered that many thousands of men of Jewish extraction volunteered and faithfully served our common country during all of our Nation's wars.

Mr. RANKIN. If the gentleman from New York [Mr. CELLER] wants to stir up a row between the American Jews and the international Jews, that is his business. We have refrained from bringing that issue up, and I prefer not to discuss it here.

I hope this amendment is adopted.

For fear that I may not get another opportunity to speak again, I hope you will also adopt the provision that was adopted by the Senate—to draft munitions establishments, if necessary—in order that we may not have a sit-down strike on the part of them and the Wall Street financiers who finance them, who might want to browbeat Congress into giving them concessions in taxes, perhaps, in order to get them to keep these manufacturing establishments going.

I hope these two amendments are both adopted. I shall support both of them, and, if they are adopted, I shall support the bill. [Applause.]

Mr. ANDERSON of Missouri. Mr. Chairman, this bill has taken a queer change and a queer turn. Anybody that supports this bill holds himself out to be a great American, and anyone that is against this conscription bill is not an American, he is a "fifth columnist" according to some supporters of this legislation.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. I am sorry, but I have no time to yield. This amendment offered by the gentleman from New York [Mr. FISH] was offered by a good American who served in France with distinction, and the substitute amendment is offered by another very good soldier, the gentleman from West Virginia [Mr. EDMISTON] who served in France with distinction, and although I have never mentioned it, I will put my war record against any man on this floor, and that is the first time I ever have mentioned it and I hope the last, in public life.

I hope the fact I am fighting this does not make me a "fifth columnist" or the gentleman from New York [Mr. FISH] a "fifth columnist," or the gentleman from West Virginia [Mr. EDMISTON] a "fifth columnist." I think we are as good Americans as anybody on this floor. [Applause.] You take the records of the men who are supporting this amendment and where were they in 1917 and 1918 and 1919? Those who howl loudest for this bill have no sons or were not in the last war. I was in it and the veterans on this floor who are fighting this bill were in it.

By passing this bill you send out to the youth of America the challenge that he is yellow, that he will not fight for his country, you brand on the forehead of every young American boy that he has not the courage to defend the Stars and Stripes. I say you do not need this draft. If they will let the rules down and modify the stiff examinations they have to get into the Army, then you will have plenty of volunteers. What they have done is to make the examinations so stiff that even a West Point or an Annapolis man would have a hard time passing the physical examination. I say give these boys a chance, give them 60 days, and I do not care who puts the amendment in, Republican or Democrat. Above all, we are Americans and the youth of this country are Americans and will volunteer if given a chance to volunteer. I do not care about politics in this issue. Many a man is voting for this for politics or to perpetuate himself in office. Thank God, my Americanism is above my politics, and I hope this House will vote the passage of this amendment [Applause].

Mr. COX. Mr. Chairman, I do not know when I have been so disappointed and so saddened as I am at this very moment over the remarks of my long-time and devoted friend, the gentleman from Mississippi [Mr. RANKIN]. It is difficult for me to believe that his remarks represent the goodness of his heart and the loyalty of his nature.

Mr. Chairman, this Fish amendment simply provides a way out for those who, for different reasons, hesitate to meet the pending issue. To accept it would let down this House in the confidence and in the affection of the people of this country as nothing else could do. The people of this country believe that an emergency exists, the membership of this great body knows that an emergency exists. The people of this country believe that there is an actual need for the strengthening of the national defense, the membership of this body knows that such need exists; and the purpose of the pending bill, Mr. Chairman, is to strengthen the national defense. The purpose of the draft is to lay the hand of compulsion upon those who receive all of the benefits that government can bestow, but who decline to render any sort of service in time of its need.

Mr. Chairman, to accept this amendment would be tragic. To accept it would convince the people of this country that the membership of this House is only an aggregation of self-serving politicians.

Mr. Chairman, the time is at hand when men and women who love their country should stand up and be counted. Let us accept this amendment and rip from the wall the flag of the Republic that hangs above the Chairman's head and send it to the dictators of Europe as a testimonial of our esteem. Accept this amendment, Mr. Chairman, and let us confess to our inability or our unwillingness to meet and deal with a great issue. Accept it and let us close the doors of this Chamber and go home and stay there. [Applause.]

Mr. DONDERO. Mr. Chairman, as a Representative from the State of Michigan, I resent the remarks which have been made here this afternoon casting reflection upon the patriotism of my State, just because the quota of men who have volunteered may not be quite as large as it has been from some other section of this Nation. The services of the people of Michigan, in every conflict in which this Nation has

been engaged denies the implication of any such remark as that. [Applause.]

While an equal number of young men may not thus far have volunteered for the Army up to the present hour, let me call attention to the fact that the great industries of my State, with hundreds of thousands of men engaged in them, including many young men, are making the materials of war that this Nation requires for its national defense. [Applause.]

I was somewhat surprised at my able and genial friend from the State of Pennsylvania [Mr. FADDIS] when he made the remark that the volunteer system has never worked in the United States. Let me call attention to the fact that the very system that we are asked to adopt in the United States under this bill is the system now practiced by every arrogant dictator in Europe. If we adopt this policy of conscription we shall make the same mistake and fall into the same error. The compulsory military training system has saved none of the conquered countries of Europe, but the volunteer system has saved and preserved the United States Government for 150 years. [Applause.]

My good friend from Alabama [Mr. SPARKMAN] has made some remarks with reference to the voluntary system during the Civil War and stated that it failed. I took it upon myself to obtain from the legislative service of the Congressional Library the figures pertaining to voluntary enlistment and draft for every war in which this Nation has been engaged, and I want to give to the House the figures as far as they relate to the Civil War, particularly the number of volunteer enlistments. I want you to listen to these figures as furnished to me.

The total number of Union troops enrolled in the Civil War was 2,128,948, of which 75,215 were Regulars and 1,933,779 were Volunteers. [Applause.] Only 119,954 were drafted, and of that number only 46,347 actually served, the remainder having served as substitutes in some other form.

Mr. CELLER. Will the gentleman yield?

Mr. DONDERO. I yield.

Mr. CELLER. Why, then, did Lincoln ask for a conscript army?

Mr. DONDERO. Lincoln invoked the draft some time in 1863, but the record shows that the draft had nothing to do with the patriotism of the men of this Nation, and for one good reason, and that is: They were called to serve on their native soil when the preservation of the Union was the issue. [Applause.] They were not asked to serve in some capacity on other soil, or even face the possibility of serving on foreign soil across the sea. That was the difference.

May I say for the benefit of those who come from the South that the patriotism of the men of the South equalled the patriotism of the men of the North when they volunteered in the Confederate Army for the same reason, namely: To defend their homes and the cause they believed right as referred to by my friend from Mississippi [Mr. RANKIN]. Such were the men who met each other at the first battle of Bull Run.

Mr. SOUTH. Will the gentleman yield?

Mr. DONDERO. I yield.

Mr. SOUTH. I have a very high regard for the gentleman speaking and certainly would not say anything to embarrass or offend him. I should like to remind him that no one has cast any reflection upon the gentleman's State. The most that has been done is to quote the record, and the record shows that the gentleman's State has furnished 69 men as against 280 men from the State of Kentucky. The record speaks for itself. It is no reflection on those men. We are trying to adopt a policy that will force every section of the country to furnish its just pro rata of men for this emergency.

Mr. DONDERO. The patriotism of American manhood is not dead. The people do not accept this war hysteria that an emergency exists or that it is necessary to adopt national militarism to provide national defense. [Applause.]

Mr. EDMISTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offered to the amendment offered by the gentleman from New York [Mr. FISH], because we have worked out a better amendment, in my opinion, which the gentleman from Oklahoma [Mr. NICHOLS] will offer.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. NICHOLS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York [Mr. FISH].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS to the amendment offered by Mr. FISH: At the end of the amendment offered by Mr. FISH insert:

"(e) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification; credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas, and those who volunteer during the 60-day volunteer period; and until the actual numbers necessary for determining the quotas are known the quotas may be based on estimates and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe."

Mr. NICHOLS. Mr. Chairman, before I start to discuss the amendment let me lay down one or two predicates. In the first place, I yield to no man in the United States in my patriotism or my love for this country, and I charge no other man with a lack of patriotism or lack of affection for his country by reason of his views on this pending legislation. And in order that I may not be charged with offering this amendment for political reasons, I wish to make this statement: I shall support this bill whether or not this amendment is adopted. If the amendment which I have offered to the Fish amendment is not adopted I shall vote against the Fish amendment. Now, if I am not still hiding behind some log I would like to discuss my amendment.

In the first place, if the Fish amendment has in it a provision that quotas shall be given to States upon the basis of population and that then those States shall be given credit for those men who volunteer in the land and the naval forces, I think the Fish amendment with that amendment is a good and equitable one. And the above is exactly what my amendment would do. The only difference between my amendment and the language of the bill is that my amendment provides that States shall be given credit for those men who volunteer, including those men who volunteer during the 60-day volunteer period provided for in the Fish amendment. Under the language of the bill as it now stands they would get credit only for those men who had volunteered before the beginning of the 60-day volunteer period. Under the Fish amendment they would not get credit for those who volunteered during the 60-day volunteer period. My amendment simply takes the language out of the bill and adds to it the proposition that they shall have credit for those who volunteer during the 60-day period.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. FISH. I understand that the gentleman from West Virginia [Mr. EDMISTON], the gentleman from Georgia [Mr. PACE], and yourself have agreed on the gentleman's amendment. So far as I understand the amendment, I have no objection to it and am in favor of it.

Mr. SOUTH. Mr. Chairman, will the gentleman yield for the purpose of my getting some information?

Mr. NICHOLS. Please let me continue. I will try to yield later.

As to the provisions of the bill, Mr. Chairman, let no one be misled into thinking that the Fish amendment will delay the operation of the bill by 60 days. My distinguished and learned friend—and a great guy—the gentleman from Texas [Mr. THOMASON] on yesterday inserted in the RECORD, on

page 11427, certain tables, and at the bottom of the table on that page he placed information in the RECORD which will show anyone who wants to peruse it that under the 60-day volunteer period there could not possibly be lost more than 20 days over the draft plan as proposed in this bill. I quote now from the information the gentleman from Texas put in the RECORD yesterday:

From nothing up to 14 days, in other words the first 14 days after the passage of this act, they will be engaged in registration preparation. The fifteenth day will be consumed in registration. The sixteenth to the twenty-first day they will set up local boards and serially number cards. From the twenty-first to the twenty-fifth day there will be the lottery and the distribution; twenty-fifth to twenty-ninth, local board assign order number and mail questionnaire; twenty-ninth to thirty-fourth, return of questionnaire; thirty-fourth to thirty-sixth, run through questionnaires and sort out class 1–A; thirty-sixth to fortieth, physically examine and induct class 1–A. (Consider zero day the day of passage of the act.)

It is going to take 40 days to get the draft machinery in operation.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. If this amendment is adopted, the very day this bill becomes law with the signature of the President, the Chief Executive can issue his call for volunteers as provided in this amendment. If he does it on that day and sufficient men are not secured under the volunteer system within 60 days in any State this bill goes right into operation. Why, the War Department, Mr. Chairman, does not have to slow one cog of the machinery it takes to put into effect this conscription bill. With the signing of the bill the President can issue his call, and at the worst they can only be slowed up for 20 days.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes; briefly.

Mr. EDMISTON. The gentleman has quoted the War Department's own time table and all of us know that the War Department is a lot slower than their estimated speed.

Mr. NICHOLS. The gentleman is correct.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I am sorry, I cannot for the moment.

The reason I cannot support the Fish amendment without my amendment which provides for this quota to States is because I do not think any section of the United States, be it South, East, North, or West, should be compelled or even by reason of its patriotism permitted to furnish all of the soldiers for the United States. If certain sections of the United States furnish more volunteers than other sections then I think it is nothing but fair, just, and equitable that the section which furnishes the most men by volunteers be given credit against their conscripted quota and that those sections of the United States which have failed to come up under the volunteer system be compelled to make up their quota by conscription.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I regret I did not avail myself of the opportunity, but I did not know that I could possibly be allowed time on yesterday. So I will lay aside the remarks I would have made and now devote myself to congratulating Texas. In the first instance, you have the military spirit, if you lead in volunteers. A Boston paper of this morning contains an article stating that the First Corps of Cadets of Massachusetts are delighted that they will be sent to Texas for training. Wonderful Texas. [Applause.] And most of the boys in the flying squadrons are sent to the flying fields of Texas. Wonderful Texas. [Laughter.] The spirit is there, the Army spirit, of course, is there. Why should you not lead in volunteers? You ought to. If Michiganders do not want to go to Texas, it is passing strange. They are just as patriotic, no doubt, but the war spirit is there in Texas. We understand it. With our military cantonments so largely there, of course, these Texas boys get imbued with militarism. I favor this amendment. During the World War we did not have it; and no matter how many men volunteered from a section, when conscription came along, they received no credit for those having already voluntered. Now you are to give us such credit. I only wonder in a large town what a subdivision means. I hope it means voting precincts, so that one large voting precinct will have to send its share. The boys have enlisted in my community in sufficient numbers to release the other boys. The remainder will not have to hasten marriage. They will not hasten to be divinity students. They can look for a job, and employers will be willing to hire them. They will be relieved by the volunteers. They will relieve the situation. Some of you claim that the volunteer system is discredited. I do not think so.

I want to talk a little about the selective draft. In our democracy we try to get away from the word "select." We have civil service, lest officials select and show favoritism. Under the civil service they have to pass all kinds of examinations to determine their full and complete fitness. In this matter they determine height and poundage. Does that determine a good soldier? Far from it. Only the brave make good soldiers. Many boys are fearful, no matter how big or strong they are; the sound of a gun frightens them, and they will not make good soldiers. But you will select such. A board in my home town will pick a boy because of his poundage, his height, his eyes, his teeth, and such points, as to make a good animal. They will ask if he has dependents and will grant many exemptions. They will not consider important deficiencies of a state of mind for such service.

They will send the names here to Washington and somebody here will put his hand in a hat and draw out a name. That is a wonderful method of selective service. Did you read the book Four Feathers? If you have not, read it. It will do you a lot of good. You will learn how difficult it is to determine whether the sound of cannon will make a brave man or a coward. I do not exactly know how the selective service can work out as a purely democratic system. We should not boast about it. We pick jurors by pulling their names out of a hat. Yes, but if you have a case in court how carefully your lawyer looks over those names that you pull out of the hat. I think you see my point.

It is going to be very difficult for this selective service to work satisfactorily. I hope it does. I am voting for some sort of a selective service bill because I know we ought to have training as fast as we can give it. But I am voting for it as a defense measure, while some of you are voting for it as a war measure. There is a vast difference between the two. I fear that England may be overcome. God knows, I hope she will not be. But I firmly believe she is our first line of defense. I firmly believe that if she is defeated she will transfer her government and fleet to Canada, then we are in the war. Recall the recent pledge of the President to that Dominion.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I wonder if we might reach an agreement as to time on this amendment? According to my tally of the time we have spent on this amendment exactly two and a quarter hours. Apparently we cannot give that much time to all amendments or we will never get through. In view of the fact that we had 2 long days of debate and stayed here until 11 o'clock last night, I think there ought to be some agreement as to time. I wonder if we can agree on an hour's time?

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour. Is there objection?

Mr. HOFFMAN. Mr. Chairman, I object.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. DIRKSEN. Mr. Chairman, reserving the right to object, it has been very difficult to secure time. This is a very

vital matter. It has been the practice heretofore that when time has been rationed out those who come at the tail end find they have a minute or 2 minutes only, which would be exceedingly unfair in this case. If this can be disposed of by permitting all those standing to get 5 minutes, and this is probably the only time I shall have on the bill, I have no objection.

Mr. RAYBURN. Would not the gentleman be willing for those standing to get an equal division of the 90 minutes?

Mr. DIRKSEN. If that resulted in only 2 minutes, it would be just the same as no time at all. Can you not make it 2 hours?

Mr. MAY. As I have just stated, we have had 2 hours and a quarter already. That would make 4 hours and a quarter debate on one amendment, which to me seems unreasonable.

Mrs. ROGERS of Massachusetts. Will not the gentleman give 5 minutes to those standing? After all, we are preparing not for now but for years to come, and I think everyone is entitled to be heard who wishes to be heard.

Mr. ANDREWS. Mr. Chairman, may I suggest that we continue debate until 5:30, with the understanding that following debate on this amendment tonight the Committee will rise. Of course, I mean following a vote on the amendment.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close not later than 5:30 this evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. ALEXANDER. Mr. Chairman, reserving the right to object, has a count been made of those who were on their feet?

The CHAIRMAN. The Chair is unable to answer that question. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM of Virginia. Mr. Chairman, it seems to me that the amendment offered by the gentleman from New York [Mr. FISH] is perhaps in its implications the most vital amendment that can be offered to this bill. Its adoption will sadden the hearts and chill the spirits of all American citizens who are deeply and vitally concerned with the grave menace our country faces in this critical hour. I do not for an instant question the patriotic motives of any gentlemen who advocate the amendment or who vote for it, but there are one or two things I should like to call to your attention.

First, every man on the floor of this House who is against this kind of legislation—if there is such a man—will vote for this amendment. Every citizen in this gallery and outside the dome of this Capitol who is against this legislation and who is against American preparedness will be for this amendment. If you could have a conclave this afternoon of Stalin, Hitler, and Mussolini, to go into session to see what they could do to prevent America's being prepared, the first thing they would say would be, "Do not raise an Army, do not raise your reserve forces. But if America is patriotic enough to raise its reserve forces, then the next best thing to do is to put it off as long as possible, delay it every day that you can delay it."

Why is Great Britain tonight with her back against the wall? Why do we have to send destroyers to help her? Because not for 20 days but for years Great Britain has listened to the siren voice that told her, "Put it off, put it off, put it off, delay it, delay it, just a little longer. There is still more time."

I have been sitting with the House Committee on Appropriations for a month listening to our accredited leaders. Every one of them has driven into our hearts the grave necessity of immediate preparedness for America. Every responsible leader we have today, to whom we must look in this crisis to lead us and protect us if America is threatened, from the President of the United States on down, tells you, "Do not delay even 1 day."

Oh, it is no argument to say "20 days, 20 days, just a measly 20 days." My friend says it will delay it only 20 days. My God, if you could go to Great Britain tonight and promise them that the invasion would be delayed 20 days there would be universal rejoicing over there.

I am going to vote for this bill; however the committee fashions it, whatever is in it, I am going to vote for it. But I beg of you not to send the message out to the United States and to the world that America is hesitating or equivocating. [Applause.]

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). The Chair recognizes the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, there are some things which I do hesitate to give up. I do hesitate to see our country adopt what seems to me a central portion of the dictatorial system. I am not talking about what happens in time of war; nor, according to their own statements, are those who want no changes in this bill talking about a draft of men for war. They tell us this draft bill is to prevent war. I should like to point out to all the gentlemen who have talked about the percentage of volunteers from the different States and about other matters that if this country ever becomes involved in war, when there is dying to be done the people from all over this country will be equally involved, and all of us will have our part in that sacrifice. War and peace are still two different things and the problem presented by this bill is one of its effect on this country in peacetime, for it is, after all, an Army draft bill and not a bill for general training of our citizens.

I believe it is healthy for the House of Representatives to consider for an hour or two the adoption of an amendment to see whether it is not possible that democracy by rising to the height of her traditional democratic effort may not be able to defend herself sufficiently and strongly and now, without the sacrifice of what seems to me to be an essential foundation stone of a free system. I am willing to see things sacrificed for the sake of my country's safety. I am willing to take chances for the sake of it. There is today no perfectly safe course. I know that. I said on the floor the other day that I was willing to vote for this bill as is if you made it a real emergency measure to last 1 year, until we had time to put into effect a real, honest-to-goodness training and national-service program which would apply to every group and class and would offer not only a chance for service, but also opportunity for development to everybody in the Nation and which would enable people to be fitted into the kind of training and service program for which they were best fitted.

I am for this amendment. I am for it because I want at least one chance to have America show that by means of the system she has always followed she can meet this situation. Maybe she can. Believe me, Mr. Chairman, if she did, it would be an answer 10 times as good as the conscription answer to Mr. Hitler, Mr. Stalin, Mr. Mussolini, and all the rest of them. [Applause.]

I know that a lot of people in America have said, "Let us try the volunteer system first, and if it does not work, then we are ready to see you do the other thing." I think it would make a lot of difference in the psychology of the people.

I should like to point out that this amendment, if adopted, will make your program with regard to men exactly four-square with the program with regard to industry, as proposed by the Committee on Military Affairs. They say in that amendment, for which I shall certainly vote, that if the volunteer system with regard to placing orders is not successful, then you shall have compulsion and shall be able to conscript the use of industrial plant in order to obtain necessary defense material. In this amendment, offered by the gentleman from New York, precisely that same principle is applied with regard to the obtaining of men.

I think it is important for us to have the maximum possible amount of unity about what we do. For that reason I do not want to vote against this bill for I feel quite certain it is going to pass. I am going to do so if I can. But

there are some principles and convictions which a man cannot easily set aside. This amendment is gonig to make a lot of difference to me, if it is adopted or if it is not adopted. I hope it is going to be adopted; and I want to say this much further.

Whatever the action of the House is today, and whatever position any Member of this House takes, after that majority decision is made, whatever that program may be, it is up to every Member of the House, including me and everybody else, to support that program wholeheartedly and to have no post mortems about it. [Applause.] If our decision is a decision that has got to be made, after it is made it should be, in effect, a unanimous decision, and we must go forward on that basis to work for the things in which we believe. So I appeal to the Members of the House, in view of the deep principles involved in this measure—and they are deep and this is a solemn hour—to vote for this amendment.

America has been here a long time. She has stood for principles of liberty and the essential cement of her social order has been the cement of the cooperative agreement of her citizens to support great institutions and to defend them. Her people will not fail now. Their leadership must not fail. It must not fail either to provide defense, nor in providing it, to guard as best it can the democratic system of free government for which our country stands.

The young men of America have not known for more than 2 or 3 weeks that it was important for them to join the armed forces. I speak to you as one who has raised 15 boys who are in them now. They are not by own boys, of course, but all grew up in a school I had and they are scattered all over the world in the armed forces of the United States. They volunteered in California. [Applause.]

Mr. ALLEN of Louisiana. Mr. Chairman, I ask unanimous consent to exend my own remarks in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ALLEN of Louisiana. Mr. Chairman, I am supporting the selective-service bill, commonly called the draft bill. I have not and will not hesitate to support legislation that is necessary for the defense of this country. I believe that I am in as good position as any Member of this House to view all sides of the questions now presented. I have only two children, and both of them are sons of military age. My younger son is already a lieutenant in the Officers' Reserve Corps. Legislation which I have supported and expect to support will vitally and immediately affect both of these sons.

We often boast of our cherished liberty in this country, but we forget that this liberty was fought for and won by our forefathers. It did not come as a result of our own personal sacrifices. Many of our citizens made personal sacrifices in the World War in 1917. We ought to be willing now to make personal sacrifices to preserve that which has been handed down to us.

The stock argument that I have heard most against the selective-service bill is the charge that it is undemocratic. I do not view it that way. As the thing stands now, only the poor boys from the poorest homes, who cannot get jobs otherwise, usually join the Army. Our Southern boys always enlist up to quotas, but they do not do it in other sections. The burden of defending this country ought to rest upon the shoulders of everybody everywhere, not just the poor boys. What can be more democratic than to provide a national defense composed of all classes, rich and poor, high and low, small and great?

The next main objection that I have heard to the bill is the charge that it is not necessary. Hitler has subjugated nearly all of Europe. This is a world struggle between the nations that have and those that have not. America is the richest nation in the world. Does anybody think that Hitler will stand by and have no evil design if he crushes England? It is not like Hitler to do that. We are urged to wait until war is declared. There is no use to "lock the stable after the horse is stolen." It takes time to train an army. We will either need this army or we will not need it. If we are going to need it, we are going to need it badly, and we should start training that army now. To start training after war is declared may be too late. We do not have a situation parallel to 1917. Then we had England and France to hold them off while we could train an army, but France is gone now, and England may soon go. If our boys have to fight to defend this country, I want them to have the best training, the best guns, and the best of everything. I do not want them to be unprepared. If they do not have to go to war, this training that they will get will not harm them but will be beneficial to them. So, from either way you look at it, it appears to be a wise thing to enact this bill speedily. This does not mean that our boys are going to war, but it is our best insurance against war. It is well to bear in mind that we are living in very abnormal days, and we have to meet conditions as they are, not as we would like for them to be. We are all against war, but we propose to protect our country with everything that we possess. There is no question but what we must have an adequate Army and Navy, and the democratic way is to get that Army and Navy from all over the Nation and from all classes of people. That is what this bill will do, and I intend to support it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, one of the supporters of this Stalin-Hitler type of compulsory peacetime military service, one of the members of the committee reporting the bill, the gentleman from Alabama [Mr. SPARKMAN] quoted statistics a few moments ago indicating that equipment was available for training our men, including the conscripts provided in this bill. He stated that his statistics were as of the month of May, 1940.

I do not believe he should quote May statistics. I hold in my hand a page of the Milwaukee Journal for Saturday, August 24, 1940, some time later than the month of May, 1940, which contains actual photographs indicating that during the week of August 24, 1940, the Wisconsin and Michigan National Guard volunteers while called into Federal training were forced to use some strange and unusual equipment for their artillery practice. This paper states:

For lack of sufficient real equipment, National Guard men at Camp McCoy, Wis., are using some singular makeshifts in the Second Army maneuvers. Above, two of Michigan's One Hundred and Twenty-sixth Infantry prepared to "shoot" an antitank gun made from a plank and a couple of iron wheels, while their comrades (below) use a log as a trench mortar.

Mr. Chairman, the photographs above reveal that the antitank gun is a large plank mounted on the wheels of an old manure spreader and that the trench mortar is an old wooden fence post. This as late as the 24th day of August, 1940.

I wonder if this strange and unusual equipment is listed in the May list of equipment which we were told was available for military training.

Mr. FADDIS. Does the gentleman expect the House to take a cartoon in a newspaper in opposition to a statement of the War Department?

Mr. SCHAFER of Wisconsin. Mr. Chairman, these are not cartoons. They are actual photographs which were made in the training camp in the week of August 24, 1940. Our New Deal brethren sold much of Uncle Sam's artillery to the British and therefore our own men must use large planks mounted on old, rusty manure-spreader wheels for artillery practice and training and wooden fence posts for trench-mortar practice and training.

Our New Deal brethren also sold millions of Uncle Sam's Army rifles to the British, and during the recent Federal training of our National Guard its members were forced to use many broomsticks and fish poles for rifle practice and training.

Our New Deal brethren have also sold many of Uncle Sam's warships and airships to the British.

I hold in my hand the first page of the Washington Times-Herald for Wednesday, September 4, 1940, which contains a September 3 United Press report from Ottawa, Canada, stating that Canada is negotiating for the purchase of over-age United States Government tanks, and that a Canadian officer is in the United States inspecting certain tanks which might

be useful for training purposes in Canada. I suppose that our Regular Army, our National Guard, and the additional troops provided in this bill will have to use old, decrepit, rusty automobiles and trucks for tank-training purposes.

Mr. Chairman, our New Deal brethren have stripped Uncle Sam's national defense and have sold so many essential portions of it to the British that I wonder just what they intend to do should Hitler attack us, as vociferously claimed by our New Deal brethren under the war hysteria propaganda which is used as a smoke screen to cover the third-term "blitzkrieg" of our ex-international banker, New Deal "fuehrer," Mr. Roosevelt.

If the New Deal, in the future as in the past, continues to strip our own national defense and sell essential portions of it to the British we will be in a pretty tight box should their claims of Hitler's attack come true. In order to defend our country and our countrymen we will practically have to meet a naval attack with rowboats, stop his 80-ton tanks with anti-tank artillery consisting of large planks mounted on manure spreader wheels, go over the top with infantry equipped with broomsticks and fish poles instead of rifles, use old rusty discarded automobiles and trucks for our tank offense, use wooden fence posts for trench mortar defense, and meet him in the air with the hot air and gas of New Deal politicians.

Mr. Chairman, because I will not have time to speak on the amendment which I am going to offer to the pending Fish amendment, I shall now read that amendment for the information of the Members. My amendment proposes to add after the amendment offered by the gentleman from New York [Mr. FISH] the following proviso:

*Provided further,* That the Secretary of the Treasury is hereby authorized to receive and accept voluntary financial contributions and place them in a separate fund to be available for the purpose of helping to defray the cost of our national-defense program, including that portion provided in this act.

I shall offer this amendment in order that we might have a voluntary man-created dollar service in defense of our country as well as a voluntary God-created man service. In view of the almost bankrupt condition of our Federal Treasury my amendment should be adopted and incorporated in this bill, the title of which is, "To protect the integrity and institutions of the United States through a system of selective compulsory military training and service." The pending Fish amendment provides for voluntary service of God-created men. My amendment to his amendment provides for voluntary service of man-created dollars.

In view of the almost bankrupt condition of our Federal Treasury, the incorporation of my amendment will certainly increase the effectiveness of our national defense and give our multi-millionaire war mongers and war interventionists an opportunity to voluntarily contribute much of their worldly wealth.

Mr. Chairman, with reference to the gentleman from New York [Mr. CELLER] who, unfortunately raised an anti-Semitic issue, the gentleman suggested that I read and delve into the prophets Abraham, Isaac, and Jacob. I have perhaps read and studied the prophets Abraham, Isaac, and Jacob more than the gentleman has. I have great respect for them. However, I am more familiar with Matthew, Mark, Luke, Paul, and John. This is what I wanted to tell him when I asked the gentleman to yield after he suggested that I read and delve into the prophets Abraham, Isaac, and Jacob. However, the gentleman would not yield, and I therefore answer him at this time.

Mr. FADDIS. Mr. Chairman, I make a point of order that the gentleman is not speaking to the amendment.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I am, according to the ruling of the previous Chairman, when I made the same point of order when the gentleman from New York [Mr. CELLER] was discussing the prophets.

The CHAIRMAN (Mr. COOPER). The gentleman from Wisconsin will proceed in order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, that is precisely what I am doing.

Mr. Chairman, I was certainly surprised at the denunciation by the gentleman from New York of our countrymen from New York who are now in Washington exercising their constitutional right to petition Congress in opposition to this Hitler-Stalin type of peacetime compulsory military service. We know that during the World War our countrymen of all racial extractions and religions——

Mr. FADDIS. Mr. Chairman, a point of order.

Mr. SCHAFER of Wisconsin. Including those from New York, enlisted in the service of our country and many made the supreme sacrifice.

Mr. FADDIS. A point of order, Mr. Chairman. The gentleman is not speaking to the amendment.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I am speaking to the pending amendment. We do not want anyone in this emergency to foment racial or religious animosity and hatreds and deny any of our countrymen the privilege to exercise their constitutional right to come to Washington and impress their views upon their representatives in Congress. We Americans must all stick together, no matter what our racial extraction, religious beliefs or stations in life may be; no matter whether we live in the Nation's Capital, the States of Wisconsin, New York, Texas, Mississippi, or any other State of the Union. We must unitedly stand in defense of our common country under the Stars and Stripes. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from North Carolina [Mr. BARDEN] is recognized.

Mr. BARDEN of North Carolina. Mr. Chairman, I am not going to try to make as much noise as a couple speaking, together with the Chairman's gavel [laughter], but I do want to mention one or two things. I believe if there is any one thing uppermost in the minds of the American people today it is that they want action, and they want action without further faltering. I do not know how the rest of you feel about this. Far be it from me to question either the motives or the words of any Member who wants to express his opinion on this floor. I think it is a dangerous proposition to have the overwhelming percentage of our armed forces from one section of this country, and it is an admitted fact that not only is such the case but that area is the southern agricultural areas. You know and I know that we have warmongers in this country. You know and I know that we have men who are making a lot of money out of selling gunpowder, munitions, and airplane engines, and so forth. Both the men that own these plants and the employees that are drawing premium wages now are from an entirely different section from the one that is furnishing the volunteer soldiers. Do you not think it would be a safer proposition if we are honestly and sincerely preparing for peace and not war—and I am one of those who are preparing for peace, and I want no mistake about that—to have the Senator's son, the Congressman's son, the banker's son, the munition manufacturer's son, the Wall Street stockbroker's son, the airplane manufacturer's and the farmer's son, the industrial worker's son, the W. P. A. worker's son, all side by side in uniform and let all those men back home have some blood kin interest in what they may be planning? [Applause.] God forbid that we shall ever have another war. But if we should, we do not want it to be called a rich man's war and a poor man's fight.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I stated a question of the privilege of the House earlier this afternoon. I ask unanimous consent that at that point I may revise and extend my remarks.

The CHAIRMAN. The gentleman will have to get that permission in the House.

The gentleman from New York [Mr. WADSWORTH] is recognized.

Mr. WADSWORTH. Mr. Chairman, I want to call the attention of the members of the committee to the situation we would be up against if this amendment should be adopted.

Congress has empowered and instructed the War Department to increase the Regular Army up to 375,000 men, and they have engaged in their recruiting campaign with that

objective in view. I do not have the last figures showing the strength as of today. I assume it is approaching 300,000. It should not be forgotten that the Department is recruiting men for the standing professional Army, quite distinct in its mission from a citizen's army. Although I do not want to start a controversy here, I think the War Department has been wise in adhering to its practice of recruiting men for 3 years in the standing professional Army. The 1-year period of enlistment was attempted in 1920 and 1921. The results were appallingly disappointing. The Army merely became a funnel through which men passed in rapid succession and it proved impossible to keep an effective Regular Army recruited on the 1-year enlistment basis. However, they still have 75,000 men to come. The testimony shows that they expect to reach the 375,000 figure some time in the month of December. That is their first duty. If we put upon them the job of finding 400,000 more men, their burden will be 475,000 men and 2 types of soldiers. Sixty days from the passage of this bill will bring us to about the middle of November. It is proposed to enlist 400,000 men by that time. If you do it and induct these volunteers into service, you simply cannot take care of them. It cannot be done. There will not be sufficient clothing or housing. There will not be cantonments. There will not be tentage.

It is impossible for the Department to handle any such number. It is far beyond the plans and hopes of the Department to take in 400,000 men in the next 60 days, plus the 75,000 which they have to take into the Regular Army. That they must go ahead with. That they have planned for. Under the plans of the Department, under this bill, as I tried to explain yesterday, it is planned somewhere near the middle of November, the 8th, 10th, 12th, or 14th, no one can state exactly, to bring not 400,000 men under the draft, but only 75,000. That is what they certainly can take care of at that time. Then a month later, we will say, 100,000. They are going to bring them in in driblets, spread the effort over 3 months' time, so that by approximately the first week or the second week in January they will be able to take care of between 350,000 and 400,000 men.

This amendment throws a monkey wrench into that whole machinery.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I do.

Mr. FISH. I do not agree with the gentleman's statement that this throws a monkey wrench into the machinery. I cannot believe the gentleman really means that. The War Department does not have to take all of these 400,000 men within the 60-day period, the War Department could take them a month later or whenever they wanted to so long as they volunteered within that time; and by the 1st of January, of course, they say they will be able to take care of the first 400,000.

Mr. WADSWORTH. I regard the job handed the War Department recruiting service by the gentleman's amendment as impossible of fulfillment, absolutely impossible when you consider all the limitations. I am convinced that this amendment, although well intentioned by its introducer, would throw a monkey wrench into this whole business and result in delay. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. MARCANTONIO] is recognized.

Mr. MARCANTONIO. Mr. Chairman, I rise at this time simply for the purpose of making the record clear as to the position of the American Labor Party with reference to conscription and the 50-battleship question.

The gentleman from New York [Mr. CELLER] in speaking on the amendment now before us read into the RECORD a telegram in which the sender purported to present the position that the American Labor Party was in favor of conscription and that it endorsed the transfer of the 50 warships. I think I know something about my own party, a little bit more than the gentleman from New York [Mr. CELLER]; and may I say that the sender of that telegram had no authority to speak for the party.

The American Labor Party is fighting this question out on the 17th of September in a democratic manner at the primaries. The issue before the enrolled voters of the American Labor Party is the issue of armaments, conscription, and war. Delegates will be elected to the convention of the American Labor Party on the 17th of September on that issue, and only the convention of the American Labor Party representing the enrolled voters of the American Labor Party can speak for the party, and not the sender of that telegram.

May I say further that when the sender of that telegram worded it in the manner in which he did, lacking authority to speak for the American Labor Party, he attempted deliberately to perpetrate a fraud on the Members of Congress by making a deliberate misrepresentation. The overwhelming majority of the American Labor Party voters are opposed to conscription, war, and everything that makes for war.

It is most unfortunate that the gentleman from New York [Mr. CELLER] signaled out the race and religion of some of the people who come here to Washington to petition Congress against this bill. From this Well he said he spewed them out. I think one of the reasons why we detest and despise Hitler and Hitlerism is because he commenced this spewing-out business back in the days of the beer-cellar Putsch. [Applause.] I just wonder, I just wonder who is imitating Hitler now! [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Nebraska [Mr. COFFEE] is recognized.

Mr. COFFEE of Nebraska. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. FISH]. This amendment is the so-called Hayden amendment which was defeated recently in the Senate by only two votes. I have resented the inference and innuendo contained in some of the speeches that have been delivered on the floor today that would question the patriotism of those who held contrary views. Mr. Chairman, we all have a common objective to provide for an adequate national defense. The honest differences of opinion arise over the question of the best means of accomplishing our common objective.

It should be remembered that what is proposed in this bill is conscription in peacetime. It is hard to legislate coolly in an atmosphere charged with war hysteria. I am not yet convinced that this Nation is threatened by invasion. This amendment offered by the gentleman from New York simply defers for 60 days the drafting of men and gives an opportunity to supply the needed personnel through the volunteer system. In the event the number called for by the President have not volunteered, the additional number needed would automatically be drafted. It will not delay the procurement of enlisted personnel for the reason that it will require approximately 60 days to secure the men by conscription.

The gentleman from New York [Mr. WADSWORTH], for whom I have great respect, has just indicated that under this amendment there might be more volunteers than the War Department could take care of between now and January 1. There is nothing mandatory in this amendment to require calling out the entire number authorized. If the War Department can take care of draftees as provided in the bill, I can see no reason why they cannot take care of volunteers.

In his speech yesterday the gentleman from New York [Mr. WADSWORTH] indicated that the first call to service is calculated to come about the 7th to 10th of November, at which time approximately 75,000 men would be drafted into the service. Why not give the volunteer system a chance to fill this quota and future quotas under the provisions of this amendment? With the 1-year enlistment period permitted and the increase of pay from $21 to $30 a month as provided under this bill, voluntary enlistments will be encouraged and increased enormously when the President issues his proclamation asking for volunteers. Should the volunteer system not prove adequate, conscription automatically goes into

effect, and no delay in the securing of personnel will be experienced.

Support this amendment and give the volunteer system a chance. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, first of all, may I say that I am perfectly willing to meet the issue squarely. I favor this amendment but even if this amendment be not adopted and perhaps one or two others that I should like to see agreed to, I still shall vote for the bill, because I feel that adequately prepared manpower is absolutely necessary for the defense of this country. I have always voted and fought for an adequate Army and Navy, air force, and all that go with them. No one knows who is going to win the present war across the seas. We all have our wishes and hopes, but no one knows. No one knows what form of government the victorious nation will have. Do we want to be a weak nation no matter what nation in the world is victorious? No. We do not want to fear any nation or combination of nations in the world. We must be strong in every way. Just think for a minute of our coast line. Just think of our vast boundaries. Think of our huge population with all the different elements it contains. Think of those within our gates who are hostile to us and our way of thinking and to our freedom of thought and action and of worship. We need great manpower to guard everything we have. Everything for which we stand. We cannot afford to take a chance. We must prepare fully and at once.

I shall support the Fish amendment because under its provisions I believe that instead of slowing up or preventing the objectives of this bill it in a very short time will increase very much the manpower of our country. If I did not believe so I would not support it. There already is provision in the bill for enlistment, but I believe the pending amendment will focus the Nation's attention on enlistment. I represent the historic towns of Concord, Lexington, Arlington, Acton, and all that great area made famous during the Revolutionary War. The men of the Sixth Regiment of Massachusetts were the first to enter the Civil War. Many, many from Lowell and other towns of my district volunteered and enlisted during the Spanish-American War and also during the World War. After all, enlistment was our original way of doing the thing in this country.

I believe in giving our young men the opportunity to enlist. I believe they should be encouraged to enlist if they want to. I wish that the pay in all branches of our service were equalized, that it were more adequate compensation for a man's monetary sacrifice in entering the Army.

Mr. Chairman, I want to bring up another point, because the mothers and fathers of America may have been alarmed by the speeches that were made on the floor yesterday. I refer to the conditions they were told that the men will likely face in the various cantonments and Army posts. I refer to the health of the soldiers in comparison with the health of the civil population, and I am going to insert in the RECORD a letter from Dr. Parran, Surgeon General of the United States, and some statistics from the Surgeon General of the Army, which show that the health of our men in the Army and Navy is infinitely superior and infinitely better protected than is the health of those in civilian occupations. [Applause.]

UNITED STATES PUBLIC HEALTH SERVICE,
*Washington, September 5, 1940.*

The Honorable EDITH NOURSE ROGERS,
*House of Representatives, Washington, D. C.*

DEAR MRS. ROGERS: In response to your request for a statement concerning the general health of the civilian population as compared with that of troops in camp, I would say:

We cannot truthfully compare the general health of the civilian population with that of troops in camp, for the reason that soldiers are picked groups of physically fit young men, while the civilian population covers all ages, both sexes, and all degrees of physical fitness. However, the general health conditions under which enlisted men live compare favorably with those afforded the civilian population and are, in fact, better than those experienced by a large proportion of the general population. Enlisted men are immediately given preventive inoculations against smallpox and typhoid fever. Strict control of the venereal diseases among the troops is maintained. In addition, the nutrition, environmental sanitation, and the medical and hospital services provided for the troops are more comprehensive and better than that available to a large proportion of the civilian population.

Since your second question concerning the encampment of troops in tents during the winter months is a problem of the United States Army, I have referred your request to the office of the Surgeon General of the Army.

Sincerely yours,

THOMAS PARRAN,
*Surgeon General.*

Colonel Meehan, of the Surgeon General's office in the War Department, advises:

Comparing the death-rate figures of the Metropolitan Life Insurance Co. (industrial department) with the death-rate figures in the United States Army, the following is shown:

| | |
|---|---|
| Civilian males between the ages of 20 to 64 for the period 1911–35, the death rate was | 18.54 |
| Death rate in Army for same period (same ages) | 6.66 |
| Death rate for period 1931–35: | |
| Civilians | 12.35 |
| For the Army | 4.80 |

Mr. MURDOCK of Arizona. Mr. Chairman, I am for the pending amendment and also for the amendment to the amendment. No gentleman in this Chamber has a higher place in my regard than the author of this bill, the gentleman from New York [Mr. WADSWORTH], who, of course, is opposed to the pending amendment. I recognize, too, that the author of the amendment, another gentleman from New York [Mr. FISH], is a man well versed in military affairs, as well as those who offered amendments to the Fish amendment. I talked this same matter over with the junior Senator from Arizona, who offered the amendment in the other body. That amendment in the Senate lacked only two votes of carrying.

Mr. Chairman, I recognize the junior Senator from Arizona [Mr. HAYDEN] as a man of great authority in regard to military affairs and a man who is not surpassed by anyone in his patriotism and in his desire to give us proper, timely, adequate defense for the country. It is largely because this is Senator HAYDEN's amendment, and I so respect his judgment, that I am taking the floor at this moment to support it. He made an admirable statement on this matter some days before it came before the Senate. This will be found in his statement of August 20, appearing in the CONGRESSIONAL RECORD of August 28, on page 11124.

Mr. Chairman, I believe the selective principle is the proper method to be followed in time of war. I also believe that in these modern days, when only hours separate peace and war, we have reached such an emergency as will justify use of the selective principle in peacetime as a basis for training, but I am also well aware of the great hold upon our people which the volunteer system has. As has already been expressed here, we ought by this amendment to make this concession to the volunteer idea which is in the minds of our people. For this reason I am for the pending amendment.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from Washington.

Mr. LEAVY. May I say to the gentleman that I have given a great deal of thought and study to this matter and am still open-minded on the bill. It is with great reluctance that I even think of voting for conscription in peacetime, but I recognize the existence of a great emergency. The amendment, with the amendment to the amendment added as a safeguard, it seems to me only strengthens the bill rather than weakens it. To me, it would be far easier to support this bill if it had this amendment added to it.

Mr. MURDOCK of Arizona. I believe that the gentleman is exactly right.

It is quite true that the voluntary system results in a heavier burden falling upon certain States and sections of our country than upon other States and sections. It is true that certain sections of our population, perhaps more patriotic than other sections, enlist in greater proportions, thus carrying the heavy end of the burden. But I think the people who thus carry

the heavier part of this burden take pride in doing so, and possibly resent the idea of a draft. I notice that Arizona ranks quite high in the matter of voluntary enlistments. I recall that the men of Arizona flocked to the standard of Theodore Roosevelt when they remembered the *Maine* and formed the Rough Rider contingent to fight in Cuba. Three companies of Rough Riders were organized in Arizona, and one of the dashing leaders was Bucky O'Neill, who lost his life in the charge up San Juan Hill. In that undertaking Arizona was far over her quota, if such a thing had been known then.

I think we ought to leave the way clear for enlistments, even along with conscription. I doubt whether enlistment has been given a fair trial, and although the dual system has been provided for in this measure, the bill without the amendment before us emphasizes conscription and minimizes the voluntary-enlistment door to our armed forces. If this bill becomes law without the pending amendment, the Army might not encourage voluntary enlistment and would make the act almost completely one of conscription.

It is complained that valuable time will be lost if this amendment should be adopted, and time is of the essence. I cannot see that time will be lost. We propose to register men between certain ages, and then we propose to select by lot the required number of men taken from the total number of men between certain ages. It will take about 60 days to do the work of registration and to get ready to draw numbers by lot, and if meanwhile we have only half, or 25 percent by voluntary enlistment, the numbers can be selected by lot at about the same time as they could be selected under this bill without the amendment. The difference would be that by this amendment we would have given the traditional American voluntary-enlistment plan a chance to work, and I believe that the psychological effect on our people would be good.

Some say that we must immediately draft, or at least prepare to draft, millions of men just to show European dictators that we have them. Well, the registration alone will do that. The actual number of men taken into service for training must necessarily be limited by the equipment which we have. Since we have to build up that equipment, we must not call the men until we have the right amount of equipment needed. Another point to note is that this is an authorization bill which authorizes the President to call these men at his discretion as the emergency warrants, merely placing an upper limit on the number called.

All of us stand for total adequate preparedness. We have voted astronomical sums of money to build war machines. I believe the engineering genius of America can outbuild the whole world, if we have to do so, both in quality and in quantity. When we voted those appropriations, we knew that men would be needed and must be trained. But the two programs must go along together, and I believe that in starting off this new and enlarged phase of national preparedness we do well to give voluntary enlistment its fair trial. Especially when we can do so without loss of time and without hazard. Therefore I shall vote for this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, as careful a study as I have been able to give to this bill—and that study has been careful and long and painstaking—has persuaded me that I must support the Burke-Wadsworth bill, because that study has convinced me beyond any question of doubt that the security of the United States requires it. Therefore, I intend to vote for the bill whether or not the Fish amendment is adopted. [Applause.]

I sincerely hope, however, that the amendment offered by the gentleman from New York [Mr. FISH] may prevail. That amendment provides that immediately upon the enactment of the bill the President by proclamation shall call for 400,000 volunteers for an enlistment of 1 year. That is equivalent to the quota which this bill proposes to raise under the draft by January 1, 1941. The machinery of the draft is not suspended by this amendment. The registration, the classification, and the selection continues to go right along. The amendment simply provides that if within 60 days from the passage of the bill 400,000 volunteers have responded, then as to that quota the draft will not apply. If, on the other hand, the quota should be only partially filled by enlistment, then the draft shall apply as to the remainder of it. In the first place, I am convinced the amendment can do no possible harm to the bill and that it will not cause any delay whatever in securing the number of men we need. The amendment seems to me to be entirely fair and just and equitable. I am convinced, moreover, of a further and a more important thing, and that is that if this amendment is adopted it will remove entirely nearly all of the objection that has been offered to the Burke-Wadsworth bill.

It is conceded by all that no one wants conscription in peacetime unless conscription is necessary. The distinguished author of this bill in the House stated on the floor on yesterday that unless he had been satisfied that compulsory military training and service was necessary at this time for the defense of the Nation he would not have proposed it. In that I think all of us must concur. We support the bill because we think a sufficient Army cannot be recruited without it, and for no other reason.

Now, what is the objection to the bill on the part of those who oppose it? The objection or the opposition to it is the claim that it is not necessary. Why? Because, say the opponents of the bill, we are able by voluntary enlistment to raise an Army as large as the War Department has said we require in this emergency and therefore we do not need the draft.

Now, since that is the principal argument that has been made against the bill, let us meet it by presenting the bill to the country with this amendment attached to it and let us see whether within 60 days we can recruit by enlistment the same number which will be called for by this bill 60 days from the date of its passage. If within 60 days we cannot do it, then the machinery of the draft, which will be already in operation under this bill, notwithstanding the amendment, will proceed to reach out and get the men we require. That is a fair proposition. It will not delay the draft one single day, in event the quota is not reached through voluntary enlistment, because it is not contemplated by this bill to bring in the first quota under the draft until after the expiration of 60 days from the date of its passage. The amendment is not only good for the bill, it is good for the country also, because it will create a feeling of good will and cooperation that we cannot obtain in any other way. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GEYER].

Mr. GEYER of California. Mr. Chairman, my purpose in rising at this time is not particularly to discuss the pending amendment but to inform the Members that at the proper time I expect to offer an amendment to this bill. My amendment will be a very simple one. Probably you have already guessed the nature of it. It will have to do with the voting rights of those people who come from States where the poll tax is a prerequisite to voting. As you know, there are eight such States. It seems to me that the least we can do for the boys who come from the South—and it seems to me that the South is proud of the fact, and well they may be, that they have so many men enlisting—is to give them a democracy for which they can fight. I will say more on that later.

We are going to have something said about the constitutionality of this proposal. Far be it from me to argue the constitutionality of it, not being a lawyer. However, we have in the hearings, which unfortunately have not yet been printed, very expert testimony as to its constitutionality. May I say right here—and I wish the gentleman from Pennsylvania [Mr. WALTER] and the chairman of the Committee of the Judiciary, that very able gentleman from Texas [Mr. SUMNERS], would listen to these next statements—on the 17th day of May the hearings were completed on the Geyer anti-poll-tax bill, but up to the present time they have not been

ordered to be printed. They were ordered to be printed once, but on the next day, according to the Printing Office, they were recalled.

Mr. WALTER rose.

Mr. GEYER of California. I hope the gentleman will tell us why he has not ordered these hearings printed.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, the statement has been made this afternoon on several occasions that what the people of the United States want is action. I agree with that statement. What they want is action, and they want preparedness, but as I pointed out in my remarks day before yesterday, they want action of a wise and a justified nature, and a preparedness program which will give us preparedness.

Let us do a little analyzing as we consider the particular point which is being debated at this time. Manifestly, if we are going to get action, and be prepared, it is for some particular eventuality. This eventuality, I assume, is the possibility of meeting an enemy at war, or of preventing one from taking advantage of us. Whether this enemy forces war on us in a military way or takes advantage of us in an economic way—and in either event it is war—I do not believe this particular conscription bill is aimed at preparing us for meeting that challenge, either in a military way or an economic way.

For instance, if the enemy which most of you are thinking about comes to our shores with their troops, with their navy such as they have, which is not much, and with their air force, which we have to admit is pretty good, how are we going to meet them and what are we going to meet them with? Are we not going to meet them first with our Navy, and next with an air force and with antiaircraft guns and with a mobile, fully mechanized, small but very active force of men? How under the sun is this conscription bill, bringing in millions of men, going to solve this problem which we are going to be faced with? Or if the enemy says, "We are going to meet you on the business field in an economic war," and we are told, "Well, that means that the price of rubber or the price of tin is going up, and we just cannot stand to pay more for our automobiles or our tin cans or what have you," then in answer to that I submit that we could pay a lot more for a lot of automobiles and a lot of tin cans and still be a lot better off than we would be to conscript an army of several millions and to go into a war which is being proposed by the proponents of this bill with all of the tremendous loss of not only dollars and materials but also of lives and health, and even of democracy itself. What would you rather do, pay for a war or pay more for rubber and tin?

Now, the charge has been made that a conclave composed of Hitler, Stalin, and Mussolini would be in favor of the Fish amendment which proposes to postpone and limit the workings of this draft bill. Well, I do not know as to that, but I am mighty sure that they would vote unanimously in favor of this conscription bill for two reasons: First, because it is right up their alley and puts the world's last free people alongside them in the dictatorship class with a peacetime conscript army, thus admitting that their own program has been right; and secondly, this bill, if enacted into law, will give us everything else but preparedness of the right sort, and they know it, after viewing Poland and France. Sure, Hitler, Stalin, and company would chuckle in glee if we are weak-minded enough to pass any such bill as proposed, thus wasting our time, our resources, and our opportunity for real preparedness and the preparation of an up-to-date military force suitable for the needs of this year and those to come. [Applause.]

Mr. PIERCE. Mr. Chairman, I am voting for this bill as it is. I am voting against all amendments. [Applause.]

If we want to send an encouraging word across the water to a legislative body which adjourned a few hours ago on account of an air raid—men who speak our language, men of our religion, men who could understand us, people with whom we would be at home in their homes tonight—if we want to give them a word of encouragement, we will pass this bill without further delay and without amendment. [Applause.]

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. No.

It is wrong to attempt to kill this bill by this method. It is a crime to play politics with a matter so serious. If we actually are imperiled, let us act. If not, cancel the armaments. I am not a military man, but during the World War I served on the Appeals Board in Oregon, and during those months of hard work I passed on many appeals coming up from the local boards, and I classed and reclassified many men. I became acquainted with selective service and I became convinced that it was the only way to secure an army or to give all an equal chance either in peace or in wartime.

We cannot delay preparation until war comes because war comes out of the clouds suddenly and we might have no chance to prepare. Unpreparedness would be a hazard to every participant.

Very reluctantly, and with a heavy heart, I came to the conclusion some weeks ago that it would be my duty to vote for a bill providing for selective-service training. I arrived at this decision after careful consideration of all factors involved, fully realizing that this is the most important bill which has been before the Congress since I became a Member of it almost 8 years ago.

The menace of Hitlerism today and tomorrow; the uncertainties of our national welfare under unpreparedness; the general agreement that we shall spend billions for mechanized defense; the futility of acquiring such armament without trained men to operate it and others trained to service them—these considerations influenced my decision.

I took my stand in the firm belief that such preparation would be our best insurance against attack and against involvement in the European debacle. I cannot believe this means war; I can only hope it may mean peace for us—an armed neutrality, with confidence in our prowess and a stern warning to possible aggressors.

Now that the Senate has finished its prolonged debate and passed a bill embodying its ideas and best judgment and the Nation has spoken by letter and through the press, we in the House have before us for guidance all the facts and all the opinions which a legislative body in a democracy could desire. The House committee has improved upon the Senate bill by using wider spread age limits and lifting part of the burden from the shoulders of youth. All men in their prime who are physically fit and considered eligible for service without sacrifice of dependents and social welfare should be among those millions from which the small percentage will be chosen for service. The training will be valuable in developing the physical body as well as other capacities, and the time will not be lost.

SERVICE OF YOUTH SHOULD RECEIVE EDUCATIONAL CREDITS

I am well aware of the fact that many young men will find education interrupted by a year of service, as that happened in the World War. I was the author of the Oregon soldiers' education bill which provided that those who had served in the World War might have 4 years' training in educational institutions in the State of Oregon, and be paid $25 a month for 8 months of the year, or a total of $800 for each returning veteran. Oregon spent about $3,000,000 in educating and training its ex-service men. I have always taken great pride in the fact that this was the first such recognition of the services of the men who had gone into the World War, and I know it was of immense help to hundreds of boys who took advantage of it. I place high value on formal education, but realize that other things may be more important when our institutions are in jeopardy.

On the 7th of August, I wrote to the House Military Affairs Committee, as follows:

> I am convinced that we must take measures toward selective service training. I think, however, that it should be so arranged that those young men who are called upon to sacrifice a year of college life, during which they might prepare for professions, should be given college credits for work which may properly be accredited.
>
> After the World War, I prepared and got through the Oregon Legislature the soldiers' education bill which provided college educa-

tion for returned soldiers. This has always interested me, and I now write to ask that your committee investigate to see whether it will not be possible to work out some system of credits which would be accepted by colleges for certain types of work, especially for technical work which will be required in the service. All land-grant colleges, and some others, now allow credits for military training, so my proposal will be merely an extension of credits for technical training under Government auspices.

It is my understanding that we are preparing for compulsory military training, and not just for compulsory military service. I hope this will be made clear.

I also wrote to the American Council on Education, urging that they cooperate with the universities to bring about the granting of credits. I am assured by them that this plan is being worked out. It is my opinion that credit will be given to the young men for the year they spend in military training.

UNIVERSAL SERVICE OUR WATCHWORD

College students are among the privileged groups, and many young men are not there included because of pressure for self-support and earnings needed for parents and family. These also will have the special consideration of the boards of honorable and patriotic citizens chosen by the States to make selections. I do not regard the question of amount of wage payment as of paramount importance if all share in making sacrifices for the protection of our freedom. I stated my position on this in my speech on the floor on July 25, from which I quote a pertinent paragraph:

There are four groups of citizens who will first be called upon to sacrifice personal interests in support of the national-defense program. Their response will reveal to the world, as well as to our own citizens, our strength and our weaknesses. If any one of these groups begins by demanding exemption from the responsibilities which citizens face in a national emergency our democracy will indeed be imperiled. It is obvious that these groups are our industry, labor, taxpayers, and young men citizens. If industry should demand cash on the barrel head before undertaking manufacture of airplanes and defense weapons; if labor, which has been stabilized by legislative enactments of the past 8 years, should hesitate to perform its part without increased financial assurances; if taxpayers should revolt against the necessary sharing of income; and if youth should be found unwilling to dedicate to Government a year of service we shall face a tragic era. Our country, also, would be left exposed to attack by those who are capable of united effort. I am confident that those who belong to each group so prize the privileges of our democracy that they will be found united against the sabotage of unwillingness to serve.

Since that paragraph was written, the Senate, and the House committee as well, have provided amendments for the drafting of recalcitrant industry, if it should be found demanding excessive profits before participating in the defense program. Indeed, most of us are agreed that the profit motive shall be entirely eliminated from consideration in relation to all factors I have cited—industry, taxpayers, labor, and military or technical service. Certainly all the fortunate Government employees, including Congressmen, should contribute fully both money and services. I shall support amendments conscripting industry, wealth, and all necessary resources needed to supplement and operate equipment and to sustain our manhood as it is mobilized for our protection. Certainly all classes and groups must yield to our necessities. This is a clear-cut issue which we must face with determination and emphasis, believing that universal service includes industry and all the rest of us.

Nowhere has the point of view which I strongly endorse been expressed more clearly than in a letter just received from the Railway Labor Executives' Association. I quote:

The men represented by our association throughout the land will not decline to perform their sacred duty to protect the greatest nation in the world. However, we refuse to accept any type of political or economic philosophy which invests wealth and industry with an element of sacredness which is denied the cream of our Nation's manhood. Any discriminatory favoritism for industry as contrasted with labor is but an inducement to the depreciation of the high morale which maintains on the part of labor to do its part with the greatest loyalty. We therefore respectfully urge that the provisions as set forth in section 11 of Senate bill 4164, August 30, 1940, be incorporated in such legislation as the House of Representatives is now considering.

LET US ACCEPT OUR RESPONSIBILITY

Full well am I aware of the fact that the vote on this pending bill carries great political significance. Many Members facing elections on the 5th of November of this year will find that it will cost them more votes than any other bill before them during their congressional careers. It will more seriously affect those who vote for the bill than those who vote against it. The voters opposed to the bill will not forget, but will be sure to vote against the man who favors it, while many of those who really believe the bill should pass will, on election day, weigh the merits of the candidate by some other scale. Nevertheless, I regard it my duty to vote for the bill. It is a matter of conscience. I would always feel as guilty as a draft evader if I should side-step this issue. The bill is not exactly as I would have it, but here we learn to make our fight and take the very best we can get under the rule of acceptance of majority opinion.

We citizens of America have a magnificent heritage. Ours is a government founded on ideals strange to the Old World. Under our Constitution and our laws we enjoy the rights of trial by jury, of free speech, of free press, freedom of assembly, and the inestimable privilege of choosing our own manner of religious observances. The 130,000,000 people living beneath the stars and stripes have the best government ever devised and worked out by man.

We who represent the people in this legislative assembly can now, in this emergency, turn for guidance only to our own judgments. We cannot yield to pressure groups, knowing full well that the silent majority is trusting us to do what appears to us best for the country. This is the essence of representative government.

VOLUNTEER OR SELECTIVE SERVICE?

I have had no military training myself and know nothing of war from experience. I do not come from a military family, but from those who have been civilians since the Revolution. My only son was a volunteer in the World War and saw service both in France and Italy, coming home safe and sound after 2 years of absence. I have 9 grandsons, one now old enough for service, and others approaching maturity.

My service on the Appeals Board convinced me that the only democratic and equitable method of securing defenders was through the operation of a selective service plan. Many people believe that the volunteer system is the proper one; that it is the only fair way to secure brave, intelligent defenders of our country. I appreciate the fact that the volunteer in military service is unquestionably the better soldier at the start, at least. I am, however, firmly convinced that, while the volunteer system in emergency takes the bravest and the best, the strongest and the ablest, there are countless others just as fortunate in enjoying the great inheritance of this country, and just as capable of defending it, who stand back and let the more patriotic volunteer make the sacrifice for their advantage. The volunteer system places under suspicion all who do not immediately enlist and under compulsion those whose honor is most sensitive. Each should have an equal interest in doing his part in defense of the country under which his liberties are guaranteed in times of peace. During my service on the Appeals Board I discovered that some men and families make all sorts of excuses and resort to all kinds of subterfuges to keep some greedy, timid, or lazy and worthless renegade from doing his part. The man who has not enough character and gumption to join the ranks and fight, if necessary, to defend America is not worthy to enjoy the advantages of American institutions.

WHY WE ARM

Opponents of this bill decry "compulsory service in time of peace." Its proponents believe it necessary to preserve the peace and to preserve this Government. There would be no excuse for this bill if we were certain that there would be no interference with our national affairs. Any informed person must by this time understand that our country is in danger, as it faces a world controlled almost wholly by those who uphold the totalitarian theory which denies that government shall rest upon the consent of the governed. I have analyzed in my speech of July 25 on this floor the philosophy and the advance of Hitlerism which has destroyed European democracies in quick succession, having gained its tremendous power during the short period of two Presidential terms in our country. News of the daily life in the countries which are now

ruled by Germany is very meager, but we know that those people who have been surrendered to Hitler have no liberties, and that the strong, able leaders are being removed and "liquidated." Without mechanized armies they are unable to shake off their shackles and must submit to the most cruel and inhuman government the world has ever known.

Will England survive? This is the question which we ask each other every day. If that great nation should break, what, then, would be the plight of our country, without trained men to man our battlements, now transformed into mechanized equipment? If Hitler wins the final round which is now being fought, our country also must face the certainty of the assaults of totalitarian economy and totalitarian ideals. I do not expect an actual invasion, but I do expect that we must be prepared to encounter a coalition of the totalitarian nations—Germany, Italy, Japan, and possibly Russia.

I believe that our entrance into the World War freed us from the results of a German peace. I also believe that our preparation to meet any possible attack may now free us from foreign assault.

DEMOCRACY ACCEPTS SACRIFICE

Certainly our only hope of preserving our privileges under a free government rests in the willingness of all our people to unite in giving to the defense program all that each can offer. American ideals have been wrought out on the anvils of bitter conflict. We may have the wisdom and foresight to retain our independence and our privileges without fighting battles. We know we cannot maintain them if we are meekly submissive, weak, and defenseless. Our colleague from Illinois expressed it concisely yesterday when he said that it was better to train without fighting than to risk fighting without training. If we should be forced to fight in an extreme emergency, we must not throw into the front lines, unprepared, the finest flower of our youth. We must prepare a cross section from all those who are enjoying the privileges of American citizens—the greatest privileges enjoyed today by any people on the face of this earth.

I resent the propaganda which declares that we cannot preserve democracy in the world by abandoning democracy in the United States. Just how would these misguided citizens prepare democracy to fight for its own preservation? Do they expect an unorganized mob to face the onslaughts of the most highly trained and mechanized army the world has ever known? I hold that it is not inconsistent for democracy to accept discipline and leadership.

Our democracy is not an undisciplined, headless mob milling around and rushing hither and yon. It is a disciplined, devoted citizenship with orderly procedures, meeting events as they arise. Our men and women willingly face their responsibilities. They are not craven, nor rebellious. They know our country and our Government have not attained perfection, but they also believe that we are going forward in the hope of reaching our goal. Any action is consistent with democracy if arrived at through democratic processes.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I am very happy to follow the distinguished gentleman from Oregon, whom I value as a friend and whose advice, as one of the elder men of this body, I frequently like to ask. I would like to take him back, however, in the counsels of his own party, back to 1900, if you please, and listen to what the men of his party had to say in broad principles that are as true today as they were then:

We oppose militarism—

These were Democrats speaking in convention assembled at St. Louis as they wrote their platform—

We oppose militarism. It means conquest abroad and intimidation and oppression at home. It means the strong arm which has ever been fatal to free institutions. It is what millions of our citizens have fled from in Europe. It will impose upon our peace-loving people a large standing army and unnecessary burden of taxation and will be a constant menace to their liberties. A small standing army and a well disciplined State militia are amply sufficient in time of peace. This Republic has no place for a vast military service and conscription.

In time of danger the volunteer soldier is his country's best defender.

Now, I ask the gentleman——

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. PIERCE. That was 40 years ago before mechanized war came into existence.

Mr. KEEFE. Well, the principles are the same today.

Mr. PIERCE. No, they are not, brother.

Mr. KEEFE. The principles are the same today as they were then. The gentleman believes in the voluntary system?

Mr. PIERCE. The whole system has changed.

Mr. KEEFE. Oh, how you have changed your philosophy.

PRESENT FUN AND FUTURE FOLLY

Mr. SMITH of Illinois. Mr. Chairman, I do not have an open mind where the safety of my country is concerned.

I do have, however, a sense of wonder at times as to what kind of occasion we are celebrating here today.

WONDER WHETHER THIS IS A PICNIC

Some eminent gentlemen implant in my mind by their example the notion that we are engaged in a Sunday-school picnic, where we can play ring-around-a-rosy, alternate with mumble-the-peg, drink soda pop, and then taper off for the gloaming by playing kissing games with the girls. A new Member may be forgiven wonder at seeing sedate seniority presume upon the acknowledged fact that we in America have the highest political principles in the world. We have the best religion in the world. We have the best aggregation of races in the world. What are such high principles and privileges good for save to rely upon for our safety? That is the moral mood befitting a Sunday-school picnic.

Maybe this is a Sunday-school picnic in which we are engaged. Maybe our high moral, religious, and political principles just naturally implement themselves and so constitute all we need for national safety.

If that is the kind of occasion this is, then I for one am in favor of the amendment proposed by the gentleman from Wisconsin [Mr. SCHAFER], that we depend upon voluntary contributions of money to help finance the military enterprise at which some quaint Members like to think they are playing. Let voluntary money support voluntary men, and everybody do what he pleases when he pleases; that is the way to run a picnic all right.

Is this a picnic?

WONDER WHETHER THIS IS A POLITICAL RALLY

Or is this, perchance, a political rally, as other exemplars tempt me to suspect? Are the battles that now and then we hear mentioned but episodes in a merry war of words? I wonder whether that is the nature of the occasion which we pass in debate today. Remembering that this is September 5 and that the 60-day delay of the amendment proposed by the gentleman from New York [Mr. FISH] would just overpass the national election, I cannot but marvel at "the long arm of coincidence" which I seem to see enshrouding many an electoral fear. [Applause.]

If this be but a political rally, then let us lose no opportunity to wave the Stars and Stripes, to call each other traitors in all good clean fun, and to join in fine fellowship tonight when each can celebrate the aching void left by this collective spilling of all our laryngeal liquidity. That is all fitting and proper if this be a political rally. Is it so?

ANOTHER WONDER: COULD THIS BE WORRY ABOUT WAR?

There are those, however, Mr. Chairman, who think this day's debate marks an occasion of quite another sort than any such gay good-timing. I am impressed by their earnestness. Maybe they are right. Even the chilly thought that they might be right makes a mighty difference. They talk of religion and invoke upon their earnestness the majestic name of the Almighty. Let poets help such politicians say well what they mean. One such poet—Dr. M. Whitcomb Hess, in the Catholic magazine Spirit—has of late said:

Three ways His fearful followers flee:
One leads to Rome as Caesar's page,
The second to a hermitage,
And the third climbs to Calvary.

At the solemn thought of such unpleasant alternatives—not an ounce of jollity in any one of them—all my mood of picnic good-timing flees away and all my patience is cut short over grinning politics played with loaded guns.

Now I do not myself profess on this matter of conscription to know the will of the Almighty, more than you or you. In private life I am only an ignorant man and philosopher, and even the gracious lathering we here give one another's ego has not yet, alas, elevated me into a seer. Nor can I allege for your guidance a conscience deeper or purer than yours or yours. It never seemed to me a virtue to make easy simplicity of lives not my own.

But of my own I am yet the master, and I prescribe for myself one simple home-made rule: "To sleep on the floor means not to fall out of bed." It is a rule, gentlemen, which seldom disappoints me and one which now and then furnishes some gentle surprise. It counsels me, while hoping for the best, to expect the worst and to be full ready for the worst, even before it arrives. But a mighty poet has said it better than can I. So let me take his words to be this day my own:

I to my perils
Of cheat and charmer
Came clad in armour
By stars benign.
Hope lies to mortals
And most believe her,
But man's deceiver
Was never mine.

The thoughts of others
Were light and fleeting,
Of lovers' meeting
Or luck or fame.
Mine were of trouble,
And mine were steady,
So I was ready
When trouble came.

—*A. E. Housman.*

This pessimism I do not try to exact of you, my colleagues, however much it has seemed to me necessary as protection against the world. I would not be a kill-joy on a picnic nor a cynic on a crusade. Others may picnic if they will, even today. But as for me, I somehow do not like delayed bombs for my holiday syncopation, nor yet relish my hamburgers broiled in human blood. Please excuse me, gentlemen; I really do not feel like picnicking today. And if you will allow me the further personal liberty, I believe I will pass my turn to applaud even your highest principles, if you insist on my taking them neat, naked in their purity and animated only with your own idealistic breath.

A principle without a carrier is today like an unmounted gun: If it goes off at all it shoots aimlessly. I like even my patriotic principles mounted now on disciplined morale and pointed with steely eyed determination. Especially I like them so as a citizen of a Nation now potentially menaced from all sides: battalions to the west of us, bluffing across the Pacific; bombs to the east of us, bursting across the Atlantic; belligerency to the north of us, preoccupied to the death; and equivocality to the south of us, begging to be bought off with markets or protective munitions.

If you do not mind, gentlemen, today I think I will not play any politics, and I will print on my Sunday-school card for the next lesson that grim observation of a contemporary German philosopher, Nicolai Hartmann, which being translated runs thus: The higher the ideal the longer the fall, and the lower the principle the sterner the stand. Principles without persons to bear their brunt are powerless today; and persons without principles to guide their hand are pusillanimous for all their potency. We have, as always, the high principles—give us now, as in crises before, the men. And give us the men now, that all our high principles do not utterly perish from the earth.

I am against the picnicking amendment to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

I am against the political amendment to the bill offered by the gentleman from New York [Mr. FISH].

I am for the conscription bill itself—and for it without further delay.

I am against trifling, however distinguished; and I am for defensive action, however trifled with through these precious hours. I do not relish petty talk against precious time.

For I would not myself be, nor doom the humblest citizen to become, that conscientious objector to action whose obituary you have been reading in each morning paper each day now for these 6 months. He talked against time.

He stood, and heard the steeple
Sprinkle the quarters on the morning town.
One, two, three, four, to market-place and people
It tossed them down.

Strapped, noosed, nighing his hour,
He stood and counted them and cursed his luck;
And then the clock collected in the tower
Its strength—and struck.

—*A. E. Housman.*

[Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. DIRKSEN] is recognized.

Mr. DIRKSEN. Mr. Chairman, I shall make only a brief observation regarding the Fish amendment. The preliminary census figures for 1940 will indicate approximately 132,000,000 people in the United States. It is proposed by the pending bill to conscript 1,000,000 of those, or, roughly, a little less than four-fifths of 1 percent.

The first paragraph of the bill recites that this is an imperative condition; that it is urgent; that in fact a situation of acute danger confronts the country. The thought has occurred to me as I tried to anchor my own sentiment with respect to this whole principle, as to the enormity of the confession that we would make to our own country, the enormity of the confession that we make to the whole wide world, that in an hour of acute danger we cannot procure four-fifths of 1 percent of the people of this country to come forward and volunteer to defend the American way. To me, that is far more tragic than the confession of which the gentleman from Virginia [Mr. WOODRUM] spoke just a short while ago.

We have been told that 71 percent of the young men of the country, according to the allegations of the Gallup poll, are in favor of some form of compulsory selective military service. If that be true, what an amazing confession we must make in this bill—that we cannot by a volunteer system get 1½ percent of the young men who have gone on record, allegedly, in the Gallup poll to stand up and do their duty, pay their tribute of military devotion to the American way and to the purposes of democracy. That, to me, in this hour is truly tragic, and that is the greatest confession we make to our own country, and it is the most enormous confession that we make to the whole wide world.

Every Member of this House in the last 2 years has read of the statements made by the dictators of Europe; how they have charged that our process is unstable; how they have charged that the democratic way is inefficient; how they have charged and declaimed that the democratic process is one of confusion. Great God! Are we to be the first to prove it for them? What a tragedy that would be. That is the best argument I know of for delay and for one more chance at least for the democratic process. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Alabama [Mr. STARNES] is recognized for 3 minutes.

Mr. STARNES. Mr. Chairman, the purpose of this bill is to raise an army of 1,000,000 men for immediate service and to build a reserve force of 4,000,000 enlisted men by 1945. The bill is limited in its terms to 4 years.

We have come to a peacetime crisis in the history of this Nation when we must embark for the first time upon a conscription or selective-service program for the defense of the Nation. I do not believe anyone here can seriously challenge the statement that this is the most critical hour in the peacetime history of this country. The time has come when we must bring a proper balance between personnel and matériel if we are to have a well-rounded force for the security of this Nation, and this bill is for the security of the Nation and nothing else.

Those of us who are supporting the bill and who are vigorously opposing the amendment offered by the gentleman from New York [Mr. FISH] are as vigorously opposed to involvement in war. We feel that the steps we are taking are the surest steps we can take to keep the Nation out of war. Yes, this is a critical hour, and it is a commentary upon present conditions when we must embark upon such a program. It was a remarkable statement that the gentleman from Illinois [Mr. DIRKSEN] made a moment ago and it proves the point: The young men who must fight, if we are to fight, want this bill. Eighty-five to ninety percent of the American people probably want this bill. I think they are ahead of the Congress in demanding security. [Applause.]

This is a fair and an equitable way, and a just way to raise 1,000,000 men. No nation, including our own, has ever raised an army of 1,000,000 men by the volunteer system, and I dislike very much to hear earnest and sincere men rise on the floor of this House and say that this is not the American or the democratic way to raise an army. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GROSS] is recognized for 2 minutes.

Mr. GROSS. Mr. Chairman, the facts are that our national-defense program does not depend upon the passage of the Burke-Wadsworth bill.

Not many Members of this House have 5 sons and daughters of draft age, but I have. You ask, What about the daughters? I answer that it is the women who weep when there is war.

Secretary Knox stated before the Military Affairs Committee a week ago that we did not need this draft. That the Navy has a waiting list of 8,100 volunteers and that the Army quotas to date have been filled.

I have listened to these men from the South today state that many more people from the South had enlisted than from the North. There is a very sound reason for that, and it is to be found in the administration's agricultural program. Last fall I sailed to Panama on a transport with 1,000 enlisted men mostly from the South. I addressed them on the boat and talked with many of them. And they gave their reason for enlistment like this:

> We raised cotton until the price went down and the Government fixed quotas. Then we went into tobacco, then the Government cut cut quotas till we could not live. Dad could not keep us and we could find no work, so the only thing we could do was to join the Army.

So it was not love for country but want of bread that put them in the Army. A good price for cotton or tobacco would have kept them home. Had there been a call for volunteers to defend our liberties there would be a different story.

The CHAIRMAN. The gentleman from New York [Mr. REED] is recognized for 2½ minutes.

Mr. REED of New York. Mr. Chairman, I deplore the fact that it seems necessary in what so many men call a crisis to limit a man to 2½ minutes.

I think the proposal in this bill to conscript the youth of this country in time of peace is almost an open slander in view of the history of volunteering in this country. There is not a man on this floor who does not know that if the President were to call for volunteers, the War Department could not take care of the number of men who would rally to the call. It has never been tried. In justice to the young men of this country whose patriotism has never been found wanting in any contest from the beginning of the history of this country to the present day, the volunteer system should be given a chance that they might respond, that they might keep their record clear.

Another thing, this proposed peacetime conscription is not according to the Anglo-Saxon method. For the first time we are departing from it, we are going over to the system of Europe. It is not necessary, and I ask unanimous consent to insert in the RECORD the three definitions of militarism given by Woodrow Wilson in order that this House may understand what he thought of militarism in this country.

WHAT IS MILITARISM

President Wilson defined militarism as a monster whose essence is size, at another time as a monster whose essence is form, at still another time as a monster whose essence is purpose. Quotations:

> Militarism consists in this, gentlemen: It consists in preparing a great machine whose only use is for war. (Speech at New York, January 27, 1916.)
>
> It is inconsistent with the traditions of the country that their (the people's) knowledge of arms should be used by a governmental organization which would make and organize a great army subject to orders to do what a particular group of men might at the time think it best for it to do. That is the militarism of Europe, where a few persons can determine what an armed nation is to do. That is what I understand militarism to be. (Statement to Committee from American Union Against Militarism, White House, May 9, 1916.)
>
> Militarism does not consist in the existence of an army, nor even in the existence of a very great army. Militarism is a spirit. It is a point of view. It is a system. It is a purpose. The purpose of militarism is to use armies for aggression. (Speech at West Point, June 13, 1916.)

Have those in authority who demand conscription given an answer to these questions?

What are we planning to defend and against whom?

Are we to defend the East Indies to insure access to strategic raw material—rubber and tin?

Is the defense plan to be such as to be capable of defending the Philippines, even though the United States is legally committed to withdraw from the islands in 1946?

Is it to be a defense plan broad enough to defend the Roosevelt philosophy described as "a way of life not for America alone but for all mankind"?

Just what area of the globe does the proposed defense program comprehend?

Is the defense program to be organized on the theory that our frontier is in Portugal or on the English Channel?

What theory of land defense does the General Staff intend to rely upon?

Is it the intention to use highly armored corps, consisting of tanks and mechanized troops, as the principal striking forces?

Or is it to be a compromise force, largely infantry, supplemented by mechanized divisions?

Has any plan of national defense been formulated which requires that all men between the ages of 18 and 35 shall be conscripted for 12 months' training?

Assume that such a program has been worked out, will 12 months' training prepare these millions of men for the type of service now required in a mechanized army?

Has the necessity for the immediate conscription of 400,000 men been shown, and if so, by whom?

Should such a system be inaugurated in peacetimes unless the necessity for it is definitely established?

Does the defense plan, if there be one, require that emphasis be placed on technical mechanical training, or just general camp drill for 12 months?

Will the conscription of men between the ages of 18 and 35 for 12 months meet the problem which the airplane, the armored car, the trucks, and the tanks, each requiring mechanical skill to operate, presents?

If mechanized units and mechanical skill are to be major factors in our national defense, will it not mean fewer but more highly trained men at the front, using new material, and more skilled workmen at home manufacturing it?

Has it been determined just what length of time a man should be trained to prepare him for the type of military service required?

If the conscription bill is enacted into permanent law is it not fair to assume that it will lead to more intense regimentation of industry, labor, and business?

Does not this proposed conscription legislation raise the question as to the extent individual freedom in peacetime will have to be sacrificed?

Will not this enormous power given to the President to mobilize almost the entire manpower of the Nation supply more men than the Army is prepared to train at this time for the type of mechanized defense now required?

Unless the necessity for such a drastic draft of men in peacetimes is fully established, should freedom from compulsory military service traditionally associated with our Government, be sacrificed?

Is conscription to be supplemented by the President's proposal for "universal Government service for every boy—and perhaps every girl—regardless of class or station in life" under the leadership of Sidney Hillman?

Is the necessity for conscription sufficient to warrant taking the boys and girls out of our schools and colleges and thus wrecking our educational system?

Viewed from every angle is not the proposed conscription, mobilization, and regimentation program in peacetimes in essence and in fact totalitarianism?

Woodrow Wilson in 1912 cautioned his countrymen that—

The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

I shall vote for this amendment to give the boys a chance under the volunteer system, but I shall vote against this bill whether the amendment is adopted or not. I am not going to adopt at this time, in peacetime, any dictatorial system of Europe. We should approach this problem in the Anglo-Saxon way. You cannot do it by stirring up all the psychological and war hysteria that we have here. The thing to do is for sound men to think this thing through and think it through straight, produce the materials for the men to use, and may I say to you who are talking about men from the South volunteering for foot service that when the time comes, if it does come, when we need to defend this Nation, it is going to be done with a mechanized force, and we shall have trained men. We have mechanically trained men now in New York State, Pennsylvania, New England, and the industrial North, but you have not the mechanically trained men in the South to put into the Army. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Chairman, we have heard considerable discussion here this afternoon with reference to what Stalin, Mussolini, and Hitler may think about what we are about to do in this Congress. We have also heard a great deal said here today that a vote this way, or that way, on this measure will empty many seats in this Chamber. With reference to such statements or arguments, I have this to say: That it is no concern of mine what Stalin, Mussolini, and Hitler think about what we do, or do not do. As to emptying seats by votes it is a matter of comparatively little moment what happens to any of us politically, and what the result of our vote does to us politically. Such affects us only as individuals. Our places would be filled at once and the country would carry on just the same, but it is of great moment what we do here today, tomorrow, and the next day, or as long as this bill is before Congress for action. To me my country comes first and last. Mr. Chairman, I am for preparing this country for defense, but when I say defense, I mean defense. I am not in favor of raising an army to go to Europe by any front or back door. The streamlined method today of declaring war is just go out and start to fight. I have pledged myself to my people that I will never vote to send our young men to fight in Europe's wars. I will keep that pledge.

An increase in our Army may be necessary on account of what may happen in the Western Hemisphere. Personally I am opposed to militarism. The carrying of guns and the clanking of swords create a war psychology. Generally speaking, nations with large armies are usually at war. They naturally become aggressively militaristic. Such as this reminds me of the days in Montana when I first went there. It was not uncommon to see fellows go up and down the street and road with guns strapped on their sides. I noticed those fellows were usually in trouble. The people who did not carry guns got along. What we need today, if we are threatened by Germany, and undoubtedly it is this Nation we are preparing against, is young men to go to work for the Government and become mechanics and pilots to handle and use machinery and war equipment such as Germany is today using. Before her mechanized forces the gallant and matchless Army of France fled in terror. We must be prepared to meet such a condition with machinery and equipment and that is why we are voting these huge appropriations for tanks, airplanes, and all kinds of heavy implements of human and property destruction. The time may come in this country when conscription is necessary. However, it is my firm belief that if the American people can be shown that they are liable to be invaded, or that their rights will be violated, or that their liberty may be taken from them in any respect, conscription will be unnecessary. The American people will rise to the occasion. The volunteer has always been, and always will be, our best fighter. Some men may like army life, others have a bent for the law, medicine, farming, mechanics, and so forth. The men who volunteer do so because they want and because they like army and navy life. They will make the real soldiers. I am for this amendment because it will direct the President to issue a proclamation immediately upon the passage of the bill and its being signed by the President, to call for volunteers. In the meantime we are assured by the author of the amendment, in answer to a question I propounded to him this morning, that the setting up of the draft machinery will be in no way delayed and if there are sufficient volunteers it will simply suspend the operation of conscription. Therefore, let us give voluntary enlistment a try.

[Here the gavel fell.]

Mr. AUSTIN. Mr. Chairman, it occurs to me that in this entire discussion regarding the pending amendment the time element is that which is prominent. I was also encouraged by the remarks of the distinguished gentleman from New York [Mr. WADSWORTH], when he said that certainly 2 months would be required before anything definite could be done. I was encouraged by both of these points of view, because it helped in carrying out the particular end in this matter which I have in mind.

As I listened to the debate here today and yesterday I wondered if in the midst of different points of view we were not really for the moment losing sight of the man who is quite intimately concerned; that is, the man who is going to be inducted into the service if this bill passes. The gentlewoman from Massachusetts hit the nail squarely on the head when she wanted to know about the man's health after he is inducted into service. So closely does that concern me after a third of a century in the practice of medicine and after experience as a medical officer in the Army during the World War that I am going to introduce an amendment that induction into service shall not take place until there have been prepared and are ready the necessary facilities to take care of those men. This Congress has a responsibility not only to the Government in this matter but also to those of its citizens who may be inducted into the service. We must not lose sight of that responsibility and later on if given the opportunity I shall offer such amendment. [Applause.]

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I shall expect to support this amendment that will defer the conscription of men as provided by the terms of the bill, for a period of 60 days. I regret that I cannot support the bill in its entirety. But, Mr. Chairman, why not extend the period for voluntary enlistments until January 1, 1941? This will provide a more reasonable time during which to try out voluntary enlistments for a period of 1 year, instead of 3 years, and the pay will be on a basis of $30 per month and not $21. Personally, I would raise the base pay to as much as $35. Pay them as much as you pay the C. C. C. boys and the W. P. A. and N. Y. A. You do not hesitate to pay the commissioned officers, especially those higher up, plenty of salary; and, by the way, you insist that this is to be a peacetime army. We are told enlistments are now coming in at the rate of 30,000 to 40,000 per month, and that this month there will be a decided increase, possibly 50,000. Certainly there will be a definite increase if you provide for a year's enlistment and a raise in pay. It will not put the program at a standstill. You will have enlistments at the rate of 75,000 per month.

More than you can care for. As a matter of fact, I think they will come as fast as they can well be assimilated in the Army and as rapidly as housing and equipment can be furnished. You need these extra 2 months to provide for the proper housing and clothing of these boys. The way you propose to handle it, you are going to call 400,000 boys right away and huddle them by the thousands in Army camps that are not ready for them. Thousands of them will be living in tents, I fear, during the cold weather. You will have disease and sickness on your hands, unless proper arrangements are made to care for them. It has been demonstrated that we really do not have the facilities to take care of them all at once. These boys come from all walks of life and from different climatic conditions. To put them right into camp in winter is hazardous at best. This deferment will not interfere but will, in my judgment, provide for a more orderly and democratic way of handling the situation. If you are for a peacetime program, this is the way to handle it. After you have given the voluntary enlistment plan a fair trial, and you find that there is such an emergency, that the situation is imminent, and that our country is imperiled, then will be the time to yield to the plan you are putting through this afternoon.

I still think that when the people find that their country is imperiled they will respond.

Mr. Chairman, we are embarking on a pretty far-reaching plan and program this afternoon. I want a national-defense program just as much as you do. It must be built as rapidly and orderly as possible. But I really do not believe you are willing to give the volunteer method of raising a peacetime army a fair and reasonable chance. Increase our armed forces? Yes. But let us do it in an orderly manner. In this day of modern warfare it is not numbers so much that we need but men who are well and highly trained in mechanized warfare.

Mr. Chairman, I know, as you do, the Old World is pretty sick this afternoon and no one can prophesy the outcome of the crisis across the seas.

Mr. Chairman, I realize this House will not support an amendment in line with my suggestion, but let me remind you again, if I may, that this is not just a universal-training bill. It is a selective service conscription bill.

Every conscripted youth goes into the Regular Army. He is there for a year's service and training. Then that particular youth is the subject of the military authority of this country at any time during a period of 10 years. This bill does not provide for training the youth of this country. It provides, let me say again, for selective service in the United States Army of certain boys whose names happen to be drawn and who may not be exempted, under rules and regulations, not passed by Congress but promulgated by the President and the military authorities of this country.

Mr. Chairman, let me pay tribute to the able and distinguished chairman of the committee, and with whom I do not see fit to agree this afternoon, for the very fair manner with which he has conducted the discussion on this bill as well as the amendments that are proposed. [Applause.]

[Here the gavel fell.]

Mr. JOHNS. Mr. Chairman, nearly 2 years ago the President of the United States communed with Andrew Jackson and gave the Democratic Party a message from him. Last night I communed with Daniel Webster and delved back into history, and he gave me a message to be delivered to this House today on the conscription bill, and this is what he said to me:

> Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir; indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents and parents from their children and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it? Under what concealment has the power lain hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice but whenever the purposes of an ambitious and mischievous government may require it? Sir, I almost disdain to go to quotations and reference to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free government and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children by the provisions of our Government. It has been the labor of other men, at other times, to mitigate and reform the powers of government by construction, to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into governments not friendly in their general structure and formation to public liberty.
>
> The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited government and to demonstrate, and to demonstrate by a regular chain of premises and conclusions, that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.
>
> Those who cry out that the Union is in danger are themselves the authors of that danger. They put its existence to hazard by measures of violence, which it is not capable of enduring. The talk of dangerous designs against government, when they are overthrowing the fabric from its foundations. They alone, sir, are friends to the Union of the States who endeavor to maintain the principles of civil liberty in the country and to preserve the spirit in which the Union was framed.

[Applause.]

Mr. MUNDT. Mr. Chairman, I used to think a few years ago that I knew something about the science of speech, because I spent many years of my life teaching people how to prepare and deliver a speech. I will confess, however, I never quite came across the chapter in any speech book which would teach a man what he is supposed to say on a momentous occasion like this when he is limited to 2 minutes. I believe perhaps I should have spent more time studying the pecularities of parliamentary government presuming to guarantee "free speech" under a "gag rule" and less time studying the composition of a speech. What we need at a time like this is a more sensible parliamentary procedure rather than the impossible ability to develop an idea in a 2-minute speech.

In the paltry time at my disposal I wish to say that the arguments of the opponents of the Fish amendment are curiously miscellaneous, to say the least. Some of the gentlemen rise here and say that the Fish amendment will not work because it is an attempt to scuttle the defense program, since we will not get sufficient men to have adequate defense quickly enough. Then the gentleman from New York [Mr. WADSWORTH] and other opponents of the Fish amendment rise and say quite to the contrary that the proponents of the Fish amendment are going to scuttle the defense program because we will bring in men so rapidly we will not be able to take care of them and equip them fast enough.

One group of opponents to the Fish amendment say in substance, "You can't get enough men to volunteer in this 60-day period to make it worth the trial," and the next group of speakers in opposition to the Fish amendment argue, "You'll bring men in so fast by such a period of volunteer enlistments that you'll bog us down and outstrip our ability to equip them." The arguments of these two groups nullify each other and leave us standing just where we were before we started. More candor and considerably more consistency would be helpful if opponents to the Fish amendment would use it to show what valid reasons, if any, exist for not adopting this amendment which in no sense postpones or delays the enlistment of men and which at least gives our traditional

American system of recruiting a peacetime army a 60-day chance to demonstrate itself while the War Department is getting ready to utilize other methods if the volunteer system fails to meet their demands for men.

The authors of the conscription act, themselves, state its provisions cannot be set up and become operative in less than 60 days; this amendment does nothing to delay the necessary groundwork which would have to precede conscription, but it does provide that during this 60-day interim Americans shall be given the opportunity to volunteer for 1-year's training in a citizens' army under the precise provisions which they would find themselves should they be drafted for a similar service. Instead of delaying the enlistment of men it provides for speedier action in increasing our manpower than the conscription act itself. If it is speed of action and men for defense we desire, the Fish amendment provides the method for immediate action and for recruiting men for training to begin not 60 days from now, but immediately upon the passage of the act and the proclamation by the President asking for volunteers for a citizens' training army. Thus, this amendment answers those who would oppose it because they say it provides delay by actually providing speedier action than would the bill without the amendment.

Now a word to those who, like the gentleman from New York [Mr. WADSWORTH] would oppose this amendment because it might enlist the men we need faster than we can be prepared to equip them. The gentleman from New York, HAMILTON FISH, has already given the retort adequate to that argument. If the stipulated 400,000 are enrolled in this citizens' training r my the first 60 days, or even the first 30 days of this period, the War Department will retain the power to muster them into service as they are needed and as it is prepared to equip them. There need not be one iota of difference between the manner in which these men are called in by groups of 75,000 or 100,000 under the voluntary system and the manner in which the calls for men are staggered under the draft system. Let us not have our thinking confused by arguments which answer themselves as we consider this important legislation. I shall have more to say about the importance of sane thinking and careful consideration in the permission granted me to extend my remarks at the end of this very brief talk, but I do want to nail down these points right now.

I believe that we must recognize the merit of the statement of the gentleman from New York [Mr. FISH] who says that if the 400,000 should volunteer the second day, it does not mean they have to be inducted into the Army on the third morning. They can still be brought in as gradually as they could under the schedule worked out by the gentleman from New York [Mr. WADSWORTH]. [Applause.]

Now, ladies and gentlemen of the House, let us approach this problem of promoting our national defense with cool heads, with clear minds, and with sincere hearts. Our decisions are of too vital significance to our country's welfare and its future development to warrant their being made in the atmosphere of fist fights on the floor and name calling among our Members such as we have already witnessed in this debate. Disagreement and discussion are the stuff from which democracy is made. In our zeal to protect and preserve democracy let us not resort to the intolerance and intimidation of dictatorial systems.

You and I, and the country we represent, are faced with a twofold problem. We desire to perfect our national defenses and we desire to preserve our American institutions and ideals. It is because we are so united in our desire to do the latter that we are so determined to do the former. This House has demonstrated again and again that it is eager to make America impregnable. That is our common objective. No Member should presume to say that his particular proposal, or that any particular proposal, is the one and only method of accomplishing that goal. There may be many different routes to the same destination. Some may be better than others, but I am sure that each of us is in his heart trying to find that route which is best. We are not divided in our objective; that we are divided at times over the best route to follow is a heartening manifestation that democracy still lives in America, and not a cause for hysterical emotionalism, name calling, groundless generalities, or foolish pessimism.

We should act with dispatch, but in our desire for speedy action we do a great disservice to America if we act with disregard for anything but speed. We should arm ourselves quickly and raise the necessary manpower to meet every conceivable emergency. We should marshal the resources of our Nation to the full defense of the Nation which has made these resources productive and profitable. As we are 100 percent for national defense, so, too, should we be determined to work out equitable and democratic methods for distributing the sacrifices required for this defense over 100 percent of our people. As we are determined that no man in America shall again make a profit out of war we should take steps to be sure that no man in America makes an unreasonable profit out of the perfection of our national defenses. And above all, we must so wisely act that we shall not promote the methods of Hitler in America in order to protect America from the menace of Hitler or of any other totalitarian power whose aggression we prepare to avert and whose techniques of government we prepare to resist and repel should they some day unhappily be headed our way by either invasion from without or by imitation from within.

We must be sure as we proceed, my colleagues, that the result of our deliberations is to produce more of defense for democracy than of danger to democracy. If we rush along too blindly giving too much power too eagerly to our Executive to conscript men, money, and materials in peacetime we may find ourselves enmeshed in a web of dictatorial decrees at home where labor, farmers, businessmen, professional men, and even educators and the clergy will be but conscript servants of the Government here as they are in Europe. If we proceed too far, too fast, we can conceivably lose this fight against totalitarianism without so much as firing a single bullet in the war. We must protect ourselves against subversion from within as well as protecting ourselves against invasion from without. It is said that we must act without delay in perfecting our national-defense establishments and with that I am in complete and total agreement. But that is telling only part of the story. It is also true that time is a vital element in the protection of our American institutions of liberty and freedom against too much subversion from within. We have already endowed our President with more powers than yesterday's Princes. We have no more guaranty that we shall have time enough after while to reclaim for ourselves our democratic institutions and policies at home than we can be sure that we shall have time enough to safeguard ourselves against possible dangers and inroads from without.

The significant phrase, "it may be later than you think," applies alike to our attempt to rescue ourselves from one-man indispensability at home and to our determination to repel any doctrines or armies of one-man indispensability from across the seas. Let us therefore try with all our might and intelligence to develop our national defenses fully and quickly by whatever means can best attain that end while at the same time safeguarding us as much as possible against accepting here techniques which we abominate as we observe them in action elsewhere.

To my mind, the Fish amendment offers us all the best route to follow in our desire to become strong while remaining free. It safeguards our traditional Americanism by providing the opportunity for free enlistments in our armed forces, and it safeguards our defense needs by providing that when and if these methods prove inadequate a selective service call will operate to fill the ranks of those who did not volunteer. It involves nothing of delay and, in fact, offers more of action in quickly enlisting men than does this bill without the amendment. As Senator TYDINGS said on the floor of the Senate not long ago, it provides an approach which most nearly represents the cross section of American

public opinion today—it assures our completely supplying our needs of manpower and it resorts to conscription only as a last resort should the volunteer system fail to fill the ranks of this peacetime citizens' army.

If it is men we want and men we need, this bill, with the Fish amendment, cannot fail to supply these men in the quickest possible time. It should satisfy all those, both in and out of Government, who desire men to train to man the equipment which we hope soon to have available. Only those should be dissatisfied who are more interested in establishing a system in America than they are in enlisting an army. It is true the Fish proposal, if it raises the needed men, will not establish the system of peacetime conscription in America. If it fails to work, the imposition of the system becomes automatic, and no time will have been lost, as the voluntary enlistments and the development of the predraft machinery will go forward simultaneously.

Few Americans will disagree in the conclusion that since America needs men for training, she must provide them by one method or another. I for one want to see our equipment fully manned. I am interested in securing men enough to do the job. I favor that program. But, except as a last resort, I oppose the system of peacetime conscription. I believe it is repugnant to our American concepts of life to conscript men and money and materials in peacetime. I know enough of history to realize what such systems have done to perpetuate the heartaches and misery of repetitious war in the Old World. I hope it may be avoided here. Peacetime conscription of men is likely to be but the first step in a chain of conscript services which are likely to invade every farm and home and office in America if adopted as a permanent policy.

If we must come to peacetime conscription, I hope we do not adopt the system. I hope and pray we simply borrow it for a few short years to guard our country until brighter skies beckon to us from across the seas.

If I vote for this bill it will be in an effort to safeguard our democratic way of life, and not to sabotage it. It will be to increase our preparedness for peace; not to promote our preparedness for war. It will be to accept for a few short years a system I hope we can soon discard and not as an indication that I want this system as part of our American way of life for all time to come. It will be as the choice of the lesser of two evils, preferring as I do to be sure we are strong enough to protect ourselves from without and trying with all my might to make sure we are safe from one-man trends existing within this country of ours. I believe the proposal introduced by the gentleman from New York, HAMILTON FISH, will do these things. I shall support it. I urge its support by all of you whose desire is fundamentally to train the men we need at the time we need them rather than being interested fundamentally in the adoption of a system which, at best, had its origin in the ancient tyrannies of the Old World.

I am gratified by one thing I find in all this legislation. Even the sponsors of this legislation admit the idea of permanent peacetime conscription in America is repugnant to them. They provide for its automatic repeal in 5 years. I hope it can be closer to 2 years than 5. But it is gratifying that even the legislative sponsors of this bill do not favor its continuance as a steady diet in America. They further provide that no inductions into service under provisions of this bill shall take place unless Congress specifically provides the funds to finance them. Thus, Congress retains an annual check upon the operation of this system. Should the need grow less the Congress at any time within the 5 years can dissolve the system or reduce the size of its operation by its control of the Budget. These are gratifying signs to me. They indicate that the spirit of freedom in America is not dead and that the determination for peace prevails in this country of yours and mine. I hope that the Fish amendment will be adopted and that its operation will succeed so well that conscription will be unnecessary. We shall be "thrice prepared" if the Fish amendment passes and succeeds; we shall have the men, we shall have the equipment, and we shall reveal to all the world that democracy here is so strong and so hallowed that men without compulsion rally to its defense with a valor and a vigor that no armies of any dictator in all the world could either emulate or conquer. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, ladies, and gentlemen, I rise in support of the amendment of our colleague, the gentleman from New York [Mr. FISH]. What does the amendment of the gentleman provide? Conscription is suspended and the President is authorized, on the passage of the bill before us, to issue a call for 400,000 qualified men between the ages of 18 and 35 to volunteer for training and service for 12 months in the land and naval forces of the United States, and if less than 400,000 men volunteer within a period of 60 days after the call of the President, then in that event the conscription provisions of this bill shall go into operation to make up the difference between the number who volunteer, if any, and 400,000 by January 1, 1941; and the President is authorized to make a second call for 400,000 volunteers on January 1, 1941, and if a less number than 400,000 volunteer within 60 days after January 1, 1941, then the conscription provisions of this bill shall go into effect so as to secure 400,000 additional men by April 1, 1941.

This amendment is worded so as to meet the contentions of the President and the proponents of this legislation that we must have 400,000 men by January 1, 1941, and an additional 400,000 by April 1, 1941. In other words, they desire to secure 800,000 additional men before April 1, 1941.

The chairman of the Military Affairs Committee, [Mr. MAY] and other proponents of this draft legislation are fighting the Fish amendment with great vigor. Many speeches have been made against it; but why?

We are told by the President and others pushing this conscription bill that our Nation is in danger, that we need to increase our Army and we must have an additional 400,000 men by January 1, 1941. If this bill is passed at all, it will pass and become a law within the next week. The Fish amendment merely proposes to suspend the operation of the act for 60 days and calls upon the President to issue a proclamation calling for volunteers and if 400,000 qualified men do not volunteer within 60 days—that is, on or about November 15—then the provisions of the draft go into effect to make up the difference so that 400,000 men will be acquired by January 1, 1941.

The proponents of this bill say if this measure is passed the first call will be on or about November 7, a few days after the November election, for only 75,000 men and others will be called from time to time so as to get 400,000 by January 1, 1941. The plan of the proponents is to get perhaps less than 100,000 men by the middle of November. Under the Fish amendment 400,000 will be secured by the middle of November. In other words, let us give the volunteer plan, the American way, the policy that has been followed by our Government in peacetime ever since it has existed, a chance to prove whether or not we can get sufficient manpower without conscription. Let us not forget that the Navy has thousands of men on the waiting list. More are volunteering than can be taken in. Let us also remember that the Air Corps some time ago stopped receiving applications for enlistment in the Air Corps.

Thousands more of young men have volunteered than the Air Corps could receive. We must all agree that the Navy with its auxiliaries and the Air Corps are our great units of defense in case of attack from any other nation or nations. We have now approximately 1,000,000 in our Naval and Military Establishments subject to the call of the President, about 800,000 for the Army alone. I refer to the Regular Army, the National Guard, and the Reserves. No one contends seriously that we have equipment, supplies, or quarters necessary to accommodate a third of these men. Mr. Knudsen of the Defense Council testified recently that we would not have the equipment, supplies, and quarters for an army of 750,000 men before 1942. Until last June we had restrictions on enlistments. We were getting more men than we needed. When the restrictions were removed the volunteer enlistments jumped to 23,000 in June, 32,000 in July, and an estimated 42,000 or more for August, and these men enlisted for 3 years at $21 a month. This conscription bill provides for 1 year

at $30 a month. What an outpouring of qualified young men there would be if we fixed the period of enlistment at 1 year with at least $30 per month and with the proclamation of the President that we needed volunteers and especially with the assurance that they were being called for the defense of our country and not to intervene or meddle in the wars of Europe, Asia, or Africa.

The Fish amendment provides that the President shall renew this call for an additional 400,000 on January 1, 1941; but instead of urging enlistments, the President has discouraged volunteer enlistments and so has the Army. They do not want volunteers—they want the conscript plan. They want to create a pool of 25,000,000 men so they can reach out and get them at any time and in any number.

But as we have at least twice as many men as we can care for now in our Army, why call 800,000 or 1,000,000 more men? This great number of men called into the Army without proper equipment and quarters means an epidemic of flu and other diseases.

I venture to say there are more than 1,000,000 able-bodied single men in this country out of employment who would welcome an opportunity for a year's training and service for the benefit of themselves as well as rendering a service to our country. This would not disrupt the economic life of our country. Why this opposition to giving the volunteer system a real chance? It always has worked in this country. Out of the nearly 3,000,000 that entered the service in the Union Army in the Civil War, all but about 350,000 volunteered. President McKinley called for volunteers in the Spanish-American War, where every man was a volunteer. They volunteered in such great numbers that tens of thousands could not be accepted. We have never seen the time and I never expect to see the day when this Nation will lack defenders in the hour of peril. Is this great conscript program for defense of our country or is it to engage in the wars of other nations across the seas?

Great Britain has existed for nine centuries. She has never resorted to conscription except in time of war, and many times not in time of war, and she has never lost a war. France and other countries that have always had conscription have lost many wars. Does anyone contend that a volunteer army, made up of men who desire to get into the Army and serve their country, would be less patriotic or less helpful in our national defense than a conscript army, many of whom would be in the Army against their will, and with families and business ties back home that might distract their interest? Many of the volunteers would likely continue in the service.

Conscription would deny training and service to many men who greatly desire it and would force training and service on many others to whom military or naval service has no appeal. Of course, we are now talking about peacetime service. If war should come, the manpower and the wealth of the Nation must be dedicated to the service and defense of our country.

What are the President and the proponents of this bill after? Do they really want the necessary men to meet present conditions, as they say, or do they want to fasten conscription as a policy on the American people? It is true that this act by its terms will expire in 1945, but by that time the conscription policy will be so ingrained into our national life that with the influence of a powerful administration and a powerful Army and Navy we may not be able to rid ourselves of this undemocratic policy.

All boys and young men now 16 years of age and less than 21 years of age, representing perhaps more than 5,000,000 men, will come within the provisions of this conscription bill by 1945; therefore, in all, this bill will cover approximately 30,000,000 men. Thirty million young men will have this barrier thrown across their pathway in peacetime; 30,000,000 men will be subject to the orders and direction of the President; 30,000,000 men cannot plan their future. Is it necessary to forsake the American way of democracy and "Hitlerize" our own country? Our Nation has not been attacked or even threatened by any other Nation. There can be no justification for tying up the lives of 30,000,000 men and making them subject to the dictatorial control and power of any President. Our country will not be in a war unless we continue deliberately to butt into it.

I want our Nation to have all the men necessary. The Fish amendment will get sufficient volunteers for all requirements. I strongly oppose conscription in peacetime, and I therefore am happy to have an opportunity to vote for this amendment and give the volunteer system a chance. [Applause.]

Mr. MILLER. Mr. Chairman, I am going to vote against the Fish amendment because I believe Congress should pass on this question now and not put it off until after election. But I do not believe that the Burke-Wadsworth bill is going to solve our problem. For the last 15 years I have heard leaders of both political parties go up and down the length and breadth of my State and say that if war ever comes again, never again will we ask one young man to offer his services and his life to his country while we allow his next-door neighbor to stay at home and make more money than he ever made before. We have not solved that problem. The Burke-Wadsworth bill is not a universal-service bill, and it is not a bill that will take the profit out of war; neither has this Congress passed legislation that will take the profit out of war.

Several times during this debate somebody has risen and addressed himself to the gentleman in the Well and said, "Did not the gentleman vote for these bills?" I for one voted for the bills, but no member of the War Department or no member of the Committee on Military Affairs has told Congress yet how many men it will take to man the equipment we have appropriated the money to buy. That has not been given to us. But still, in the hearings, we find the testimony of General Marshall in which he said that 500,000 men would be war strength to defend the United States of America. I know he has changed his mind since then, but nothing has happened in world affairs of which I am aware that should change that opinion between July 1 and now. General Shedd testified in those hearings that voluntary enlistments would have to stop about the middle of December of this year because they had to keep 40,000 places open for volunteers who wanted to volunteer in the Air Service but who could not be taken care of by the War Department.

This bill does not solve our problems and, until we get something that will insure universal service, I cannot support it. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MASSINGALE] for 3 minutes.

Mr. MASSINGALE. Mr. Chairman, I am very glad to run through a dipping vat for even 2 or 3 minutes. This is a matter that is very important from my way of thinking.

I want to say this to all of the Members of Congress who are here this afternoon, and you had better take notice of it. You know there was a great howl that went through this Republic when the Senate held this bill so long over there debating it. The people wanted something done, and the cry was that the Senate either ought to pass the bill or quit.

Now, the same criticism will apply to you if you vote to amend this bill for that period of time that will enable the Army to determine whether the volunteer system will raise the number of men they want raised, and the kind of men they want to get, in the time that they want to get them. It will apply to you even with greater force than it was applied to the Senate—you have had the benefit of the Senate debate and the additional newspaper discussion about the bill. You have been advised that the American people want immediate action on this matter and that our military advisers believe that now is the time to act. The American people think the time for dilly-dallying with a matter of this grave importance has passed and that it is up to the House of Representatives to enact this law, for the general run of the people of the country think this legislation is imperative

to the welfare of this Republic. They believe that delaying the passage of the bill may jeopardize their country, and they want the Members of this Congress not to do that thing that will put the United States in the same position that Belgium and France and other countries in Europe put themselves. We know what happened there. We can guess what may happen here.

I want to put the question to you in this way. Suppose that we had appropriated the money to take these men into the Army under this system and that we had the equipment to train them, or probably I should not say that because I do not know the extent of the equipment that we have, but suppose we had the money unspent and had already voted to call the men, and the business element of the country would come and say to you, "Here you have the men, you have the money that Congress has appropriated—get out there and spend it so you can speed up business in America. Spend this money for equipment and materials and machines for warfare so that men can be put to work where they can be paid good wages. You owe that to the businessmen of this country. We urged you to make these huge appropriations. Now get busy and spend it for the things for which it was intended so that we may begin to make profits out of our factories and shops." There would not be one of you on either side of this House who would hesitate a minute, but here you are dodging your duty and responsibility to the Government of the United States. You are just doing like I have done a thousand times and more as a country lawyer practicing law, especially criminal law. When I had a case that I was unwilling to take a stand on and submit the issues to a judge or jury because I was afraid to do so, my procedure was always to postpone and then to alibi, and every lawyer in this House who has ever practiced law in the country knows that. [Laughter and applause.]

Now, I will tell you what you will find out if you should delay this program. When the 60 days are up you are going to find the same group that wants to delay the passage of this bill now, clamoring for delaying it again; and if you do, you may do an untold and undreamed-of harm to the people of this Republic. I am sure that I am not possessed of any hysteria. If I have any hysteria at all, it is not because I am fool enough to believe that Hitler or anybody else from Europe could move directly against this country and attack us with any degree of success. You know and I know we are marked for attack by him if you can rely on his boasts, and we must remember that he has the most perfectly organized and powerful military machine at his beck and call that any man ever in the history of the world had before him. I am sure in my own mind that were it not for the strength and power of the United States Navy, we would have, before this time, received many directly threatening statements and directions from him as to where and which way to head in. For that we ought to be very grateful to the President, who has seen to it that our Navy is superior to any other navy afloat. This, I believe, has had a sobering effect on Hitler. Of course, I am not in a position to say whether or not we need a million men, 400,000 men, or 4,000,000 men—but we have military advisers who, if they do not know, they ought to know, just what we need in regard to self-defense and how soon we ought to be supplied with the things we need. They have told us that, and I do not know anything else to do than to follow their advice, for I am just not going to take any chance about it. I am not going to lie down after having been warned by our advisers that this Republic will be in the same situation, with reference to unpreparedness, as Belgium, Holland, the Netherlands, France, and England found themselves. I know that if America intelligently prepares and if we do not sit around and let the time come when we shall be precipitated into this world conflict, we can whip all the totalitarian governments of the world combined. We cannot do it unless we intelligently prepare with the proper kinds of implements of warfare to prevent them from overrunning us as they have the countries of Europe. I much prefer to make a mistake, if it is a mistake, to call too many men to the service, to have too many planes, to have too great a number of tanks—I had rather be guilty of making that mistake than to be guilty of just not having enough and of not having men trained and prepared to use such equipment effectively against what we know to be almost for a certainty our chief antagonist in a war that may break most any day either through Mexico or some other country to the south of us, or from any other direction so far as that goes. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. MAY] for 5 minutes.

Mr. MAY. Mr. Chairman, it is my candid judgment that in the long number of years I have walked upon this earth, that no other hour in those long years has brought to me a graver responsibility than that which rests upon my shoulders at this time. I am convinced that the word "emergency" which has so often been used here, is a mild way of expressing the situation.

I want to take as the basis of my remarks this evening the testimony of one of the greatest soldiers of all the world, Gen. George C. Marshall, the Chief of Staff of the United States Army, who told the Military Affairs Committee, that he knew of no way to obtain the required men except by some form of military service and, certainly, there is no other way to obtain them as required by the present situation, and as I speak to the House of Commons of the American Government this evening, and as I have witnessed the apparent efforts at delay here to put off conscription for 60 more days, which, in effect, will scuttle the program, the Members of the House of Commons of the last English-speaking nation in the European Continent, driven to bay, is seeking shelter in their cellars. And then men and women in the American Congress will pause to debate whether or not a simple conscription, democratic way of building an army, shall be put into force now or 60 days later. Oh, I am not going to impugn the motives of any man or woman on the floor of this House. I am not going to criticize anybody, but I cannot refrain from responding to the remark of the gentleman from New York [Mr. REED], who said a while ago that this Congress ought to do this job in the Anglo-Saxon way. I would like to remind him that that is the way in which France and England did it and, today the English lawmakers are in their cellars dodging the bombs that might have been stopped at Munich if they had had a gun instead of an umbrella. [Applause.]

My God! Men and women, have we come to the day in this country when we are afraid to vote until after the polls are counted in November?

Let us let American women and men know, let us let God Almighty and the nations of Europe know, that this Congress is determined that the women and children of America shall not be driven down the highways of America by a marauding dictator after it is too late. Let us let the world know that a training period for young men is beneficial to them, and that it is not war we seek, but it is a program to prevent war. And here and now I would like to say that no man admires any more than I do my neighbor or my neighbor's boy who will volunteer his service for the safety of his country, but I am unwilling to see a large quota of boys volunteer all over 14 States of this country, far beyond the quota of other States, and then say that we will not have it equalized so that every State shall stand fair and square on the same basis as every other State.

So that every American, be he black or white, shall stand upon the same footing with every other American. Let me say to you that in the long years that I have been chairman of the Military Affairs Committee of this House I have never seen a more ruthless and inexcusable proposal than this amendment by the gentleman from New York.

Mr. RAYBURN. Mr. Chairman, the time for debate has not yet expired. If no one else desires to speak at this time I want a few minutes, and I ask unanimous consent that the gentleman from Kentucky [Mr. MAY] may be allowed to proceed for 3 additional minutes.

The CHAIRMAN (Mr. WARREN). The Chair at this point would like to make a statement. It appeared to the Chair, because various speakers who had asked for time were not

here to claim it, that the debate would close at 20 minutes after 5 rather than at 5:30. Before the names of the speakers were taken down and before the Chair asked to be relieved by another presiding officer, the gentleman from Texas [Mr. RAYBURN], the majority leader, requested me to reserve 5 minutes for him. Although the minority has consumed much more time in this debate, with many more speakers, the Chair would be willing to continue the time of the gentleman from Kentucky for 2 more minutes, then allot 3 minutes to someone on the minority side, and let the majority leader close with 5 minutes, if there is no objection.

Is there objection? [After a pause.] The Chair hears no objection and the gentleman from Kentucky [Mr. MAY] is recognized for 2 additional minutes.

Mr. MAY. Mr. Chairman, there seems to be but one issue before the House at this time, and that is the issue of time. Everybody agrees that a man has a right to volunteer if he wants to, and yet the substitute offered by the gentleman from Oklahoma to the amendment proposed by the gentleman from New York [Mr. FISH] is in identical language with that of the House bill which you have under consideration, reported by your Military Affairs Committee after 6 weeks of diligent and patient study. So that a man can walk up and volunteer tomorrow and the next day and every day from now on until the quotas are filled, why is it not equality, why is it not equal to the proposal that they make here? The only thing the Fish amendment would do would be to put it off. Oh, it was a day of putting off things when Chamberlain stood at Munich last September. He was putting off because they were not ready, and today the British Navy is seeking a hiding place in the English Channel and the waters of the seas around the islands. There is no Maginot Line left. There is not even a Hindenberg Line of 1918 when we had allies. But under the circumstances today they are fighting with their backs to the wall, their legislators are in cellars, begging and pleading for help from this great, colossal democracy where its representatives sit today in peace in a house where there are no falling bombs to let the roof down from overhead.

I appeal to you, my colleagues, to defeat this amendment, because if you do not you will scuttle the bill. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. Does anyone on the minority side desire recognition for 3 minutes?

Mr. FISH. Mr. Chairman, I do not need 3 minutes. This debate has gone on all day, and no valid opposition or reasons have been presented to this amendment, which merely provides an opportunity to those American youths who want to volunteer. All my amendment does is to require the President to officially call for 400,000 volunteers, and I, for one, believe that the patriotic youth of America will respond in an overwhelming fashion and that there will be a virtual avalanche of recruits regardless of partisanship, Republicans and Democrats alike.

But of equal importance, if this amendment is adopted, the bitterness and the resentment that still exists in the hearts of many people in this country against peacetime conscription will be lessened or wiped out, because they will know that the Congress of the United States has, by its vote, afforded an opportunity to the youth of America to come forward and volunteer in their own behalf. It will take the curse off compulsory peacetime conscription and give the volunteer system a fair chance. This amendment does not delay by 1 day or 1 hour or 1 minute the full quota called for by the Regular Army and the General Staff. It will promote good will, cooperation, and national unity, and allay suspicion, distrust, and growing discord.

Therefore in the name of justice, in the name of democracy, and in the name of the American volunteer system I appeal to the House to vote for this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. RAYBURN] for 5 minutes.

Mr. RAYBURN. Mr. Chairman, the gentleman from New York [Mr. FISH], in his closing 3 minutes was willing for the Congress to give the President authority to issue a proclamation with reference to volunteers. That is the only prerogative of Congress I have ever known the gentleman from New York to want to commit to the hands of the President. [Applause.]

The gentleman from New York says we have debated this amendment during the whole day but that no valid reason has been given why it should not be adopted, and he pleads for the volunteer system. If I am not mistaken the volunteer system is not repealed by the bill as it was reported by the Committee on Military Affairs.

My friends, I think most of you know that I am not given to excitement. I try to stay reasonably cool under any and all circumstances. I am not excited now even though I witness about me and throughout the world conditions more chaotic than I have ever known to exist.

The great Napoleon, probably the greatest military genius if not the greatest trained soldier who ever lived, had one great asset—he got upon the battlefield and chose his ground before his opponent got there. He believed in men, in munitions, and in money, but Napoleon Bonaparte said, "Time is everything." Time there was for England, time there was for France, and Belgium; but they did not use that time. So today Poland lies under the heel of the dictator, so does peace-loving Holland, great little Belgium, and half the area of the Republic of France. Sixty days would have meant a great deal for France, for Belgium, for Holland, and for their ally, England.

If we have the courage, if it is our intention to prepare and have an Army by what I take to be the democratic method of selection, then let us have the courage to meet it now instead of postponing it for 60 days. If we are to select an Army to be ready, to let the countries of the earth know that this hemisphere shall be defended, let them know today instead of 60 days from now. [Applause.]

The passage of this amendment, my friends, is bad psychology, it is bad business. We have appropriated billions of dollars to buy equipment for soldiers and for sailors. Are we going to man those instruments of war with soldiers and begin now, or shall we wait? Ah, my friends, I fear the wait means more war. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Texas has expired; all time has expired.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. In the event the amendment to the amendment offered by the gentleman from New York is adopted, the motion will recur upon the amendment offered by the gentleman from New York. If that amendment is defeated, then, of course, both amendments would fail. Is that correct?

The CHAIRMAN. That is correct.

The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 133, noes 129.

So the amendment to the amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin to the amendment offered by the gentleman from New York [Mr. FISH]: At the end of the amendment insert "*Provided further*, That the Secretary of the Treasury is hereby authorized to receive and accept voluntary financial contributions and place them in a separate fund to be available for the purpose of helping to defray the cost of our national-defense program, including that portion provided by this act."

Mr. MAY. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. SCHAFER of Wisconsin. Mr. Chairman, the pending bill carries the title:

To protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

One of the most important institutions of the United States is our almost bankrupt Federal Treasury. If we can receive many hundred million or several billion dollars through voluntary contributions to be used to pay for a portion of our national-defense program, including that portion provided in this bill, that contribution will materially protect the integrity of our institutions, particularly our almost bankrupt Federal Treasury. My amendment is clearly germane and in order and should be adopted in the interest of the national defense and the perservation of the integrity of the institutions of the United States. The pending Fish amendment provides for voluntary service of God-created man. My amendment provides for voluntary service of man-created dollars.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from Wisconsin is clearly not germane. The point of order is sustained.

The question recurs upon the amendment offered by the gentleman from New York [Mr. FISH].

The question was taken; and the Chair announced that the Chair was in doubt.

Mr. MAY. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. MAY and Mr. FISH.

The Committee divided; and the tellers reported there were—ayes 185, noes 155.

So the amendment was agreed to.

Mr. MAY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WARREN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend the remarks which I made in the House today and to include certain quotations.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend the remarks which I made in the House today and to include certain quotations.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEARHART]?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a telegram and resolution from Cleveland citizens protesting against peacetime conscription, and the names appended thereto.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a letter from a constituent on the matter of conscription.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SMITH]?

There was no objection.

Mr. FLAHERTY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Springfield Daily Republican.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. FLAHERTY]?

There was no objection.

Mr. SOUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain tables to which I referred.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SOUTH]?

There was no objection.

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include copy of a speech delivered by the Second Assistant Postmaster General.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ROMJUE]?

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement appearing in the New York Times on the death of Dr. Hans Zinsser, awarded the Distinguished Service Cross by the Government.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. KENNEDY]?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today and to include therein a certain table.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. SPARKMAN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to address the House today for 5 minutes after the disposition of all business in order for the day.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ANDERSON]?

There was no objection.

EXTENSION OF REMARKS

Mr. DUNN and Mr. GEYER of California asked and were given permission to extend their own remarks in the RECORD.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address by John B. Frye, one of the outstanding labor leaders of this country.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article by David Lawrence.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a recent newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole this afternoon and include therein all or part of the Fish amendment.

The SPEAKER. Is there cbjection to the request of the gentleman from Kentucky?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from Dr. Thomas Parran, of the Public Health Service; also figures regarding the comparative health of the Army and the civilian population from General Magee.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Hon. James M. Cox, of Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Alien Menace.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein short extracts from the testimony taken before the Committee on Military Affairs on the pending bill, and one or two other brief statements.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the life and character of Lillian Wald.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

### HOUR OF MEETING TOMORROW

Mr. MAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a. m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. Under a previous special order, the gentleman from Missouri [Mr. ANDERSON] is recognized for 5 minutes.

### UNIVERSAL SERVICE

Mr. ANDERSON of Missouri. Mr. Speaker, I think there is still time for this committee to reconsider this proposed law which will fasten conscription on our country in time of peace, and substitute for conscription the Swiss system of universal service, which is a system which preserves democracy.

Conscription is the system of the totalitarian governments, and there is nothing democratic about it. We shall never get rid of this system if we once adopt it. It is foreign to the American genius, dangerous to American liberties; it is of doubtful efficiency and is by common consent the costliest system that could be devised.

This militaristic system which Congress is about to make the law of the land will give the United States in time of peace a great standing Army of professional soldiers, whereas the Swiss system creates a citizens' Army.

It would be much more thorough, efficient, and economical if we would train 250,000 men for 1 month every year, and another 250,000 the second month, and so on each month to the end of the year.

What is the Swiss system? It is a system that has been developed in a free republic much like our own free Republic, which is divided into cantons, each with a measure of self-government, as our Republic is divided into States.

Switzerland, like America, is inhabited by a liberty-loving people who are willing to be ready at all times to go to the military aid of their government and to this end to prepare themselves by training for such service as may be required of them.

How well the Swiss military system has worked we can all observe today. Switzerland, surrounded on all sides by wars and dictators, has maintained her liberty in the middle of a Europe which is torn by war and which has passed into a state of virtual slavery with all freedom and liberty destroyed. Switzerland almost alone remains free and at peace.

An excellent description of the Swiss military system of universal service is contained in a column In the News, by Mr. William Randolph Hearst and published in today's Washington Times Herald. For more than 40 years Mr. Hearst has been one of the foremost advocates of preparedness in this country, and he speaks as a student of military training with the voice of authority. I ask unanimous consent to include this article as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The article follows:

[From the Washington Times-Herald of September 5, 1940]

IN THE NEWS—THE SWISS SYSTEM OF UNIVERSAL SERVICE IS TRUE DEMOCRACY

Citizens! Let us make one last appeal to the United States Congress to continue this country as a democracy and not transform it into a militaristic state.

Let us endeavor to persuade the Congress to adopt the defensive system of Switzerland, a true and enduring republic, instead of the systems of the totalitarian powers.

Let us try to secure for the defense and perpetuation of our American liberties a citizen soldiery, instead of a great standing army.

The present Burke-Wadsworth bill before Congress provides for continuous service in the Army of not less than 1,000,000 men.

It proposes to take a million young Americans from productive and acceptable employment and by compulsion to make professional soldiers of them for a period not to exceed 5 years.

The number of men under arms and at the command of the Executive may at any time be increased, however, by subsequent measures, when the principle of a great standing army is established.

The force necessary to compel acquiescence with such a demand, or any other demand of an autocratic government, is fully provided, once a great standing army under the control of the Government is created.

Democracy is not necessarily a permanent form of government.

From the time of ancient Greece and Rome, we have seen democracies disappear and tyrannies take their places.

All that we can say of democracy is that it is the noblest form of government—the happiest form of government—the freest form of government.

But to preserve democracy a people must deserve democracy.

They themselves must be noble and worthy of the liberties they enjoy.

They must appreciate their happiness, rejoice in their freedom, and realize that the price of liberty is eternal vigilance.

They must certainly have the simple intelligence and the common knowledge to know that militarism is the most usual means of corrupting and destroying democracy and that universal citizen service, in defense of a free country, by a free people, is the surest and safest way of preserving democracy.

What system, then, of citizen soldiers—of giving protective military service while remaining free and unenslaved citizens—is the best and most effective means of both defending and preserving the Republic?

What system has been in operation in a free republic for the longest period of time, and with the greatest measure of success?

What system now operates with the highest success in a republic most nearly like our own free land?

What system has been amply proven to protect a free people in their rights and liberties, and is so popular with the people that enrollment in it is sought as an honor and benefit as well as a civil duty?

There is only one answer—the Swiss system of universal popular military service.

What is it?

First, we must remember that Switzerland is a republic exceedingly similar to our own, that it has a free government like our own, and that it is divided into cantons or states, each with a measure of self-government like our own.

Second, we should remember that Switzerland is inhabited by a virile people like our own who cherish freedom and who have fought for it, secured it, and preserved it.

Third, that Switzerland in the midst of the clash of arms which continually surrounds it on every side has so remained free—and neutral—that its national emblem, the red cross, has become the insignia of peace and neutrality and freedom throughout the world.

The complete analogy between the Swiss people and nation and government and our own having been established, the appropriate application to us of the military system they have found most desirable to defend such a people, nation, and government, becomes apparent.

In the Swiss system, every citizen is a potential soldier, but no soldier ever ceases to be a free and productive citizen, residing in his own home and pursuing his chosen occupation.

A limited but adequate military training is merely a part of his life and his duty—his pursuit and his pleasure.

At the age of 14, a reasonable physical and military training begins in the schools.

At the age of 20 to 21, 3 months of active military training and practice is given the youth as an introduction to his duties of citizenship.

After that the field military training is confined to 1 month of each year, or even less, and all in addition that is demanded of soldierly duty from the citizen is that he take his equipment home with him and keep it in good condition for the field practice of the coming year.

The physical training for boys is provided by the cantons (or states) under the supervision of the Federal Government.

The military training of adults is carried out entirely by the military department of the Federal Government.

Officers are trained in cadet schools as in our United States.

Service is compulsory, but desired and sought for.

Moreover, it is not accepted unless the candidate for the military honor is qualified physically, mentally, and morally, as determined after authoritative examination.

Those who are unable to pass the examination are rejected, and rejection is regarded as a humiliation and misfortune.

A candidate may be reexamined in subsequent years.

If unable to pass examinations he pays a special tax in lieu of military service.

The amount of the tax depends upon the citizen's income and property.

All successful candidates are assigned to the branches of military service for which they are best suited, as determined by the occupations, professions, or businesses which they habitually pursue.

So that for the 1 month or less that a citizen performs his military practice in the field he still adheres to the general line of occupation which he follows during the 11 months of his regular business.

There is no more a policy of depriving a citizen of his habitual and sustaining occupation in the Swiss system than there is of depriving him of his home and his family life or of transforming him from a creative, free man into a military robot.

Indeed, the period of 14 to 30 days years military practice is regarded as a pleasurable and beneficial outing, and enjoyed not only as a patriotic obligation gratefully performed but as an agreeable vacation.

Nevertheless the citizens while performing their military duties receive pay, and furthermore their families are aided by the Government if any inconvenience is suffered through the temporary absence of the head of the family on his military outing.

The Swiss system of universal military service preserves the family life of the citizen, preserves the occupational productivity of the citizen, preserves the rights and liberties of the citizen, and maintains the Republic in the full military strength and in the firm affection of its people.

Why should not the United States adopt such a provenly successful and effective system instead of a system so dangerous to democracy as forced conscription in a great standing army?

Why should the citizens of this free country hazard their freedom to follow the plan and policy of an alien-minded New Deal, contemptuous of American institutions—an administration which has made a financial, political, and social failure—a constructive and organizational failure—a national and international failure of every policy it has proposed, and every plan it has pursued?

Why should we experiment in doubt and danger when we can adopt a proven program with certainty and security?

Why should we become the military autocracy we are presumably organizing to oppose?

Why should we adopt any autocratic system when there is a democratic one ready to use at our hand?

A popular system, a democratic system, and a more effective system—more effective because under the system of Switzerland we could have in the same proportion as to population an army of 10,000,000 free men to save the Republic, instead of a bureaucratic standing army of a million men to menace it.

Let us have an effective army adequate for our defense, but let us remain Americans and continue to be free.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. O'DAY, indefinitely, on account of illness.

### ORDER OF BUSINESS

Mr. MAY. Mr. Speaker, for the benefit of the Members of the House, I would like to state that it is expected that we will meet tomorrow morning at 11 o'clock and begin the proceedings on this bill immediately after the reading of the Journal. If we can possibly complete the consideration of the bill tomorrow night, we will do so. If not, I shall expect to ask that we meet on Saturday.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman suggested it was expected that we finish the consideration of the bill tomorrow night, if possible. Of course, it would be possible if we should run late into the night. Does the gentleman contemplate a night session tomorrow night? Many of the Members are interested.

Mr. MAY. It will depend on how much progress we make with the bill before night comes.

Mr. MICHENER. We certainly can finish the bill if we have to have a Saturday session, but it does seem that we should not be compelled to work late into the night tomorrow and also work Saturday.

Mr. MAY. I made the announcement for the purpose of letting the Members know that we want to complete the bill this week. My statement, of course, is subject to any reasonable condition that may appear tomorrow evening. If we read the bill through toward the last section at 6 o'clock, I think we should finish it up, but if we are in the middle of the bill we might go on over.

### ADJOURNMENT

Mr. MAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.), under its previous order, the House adjourned until tomorrow, Friday, September 6, 1940, at 11 o'clock a. m.

---

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 7694. A bill to amend section 4311 of the Revised Statutes of the United States; with amendment (Rept. No. 2917). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9918. A bill relating to citizenship requirements for manning of vessels, and for other purposes; with amendment (Rept. No. 2918). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. House Joint Resolution 602. Joint resolution to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce; with amendment (Rept. No. 2920). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 9996. A bill to authorize the Reconstruction Finance Corporation to make loans for the development of deposits of strategic and critical minerals which in the opinion of the Corporation would be of value to the United States in time of war, and to authorize the Reconstruction Finance Corporation to make more adequate loans for mineral developmental purposes; with amendment (Rept. No. 2922). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 10412. A bill to expedite the provision of housing in connection with national defense, and for other purposes; with amendment (Rept. No. 2923). Referred to the Committee of the Whole House on the state of the Union.

---

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KING: Commitee on Immigration and Naturalization. H. R. 10219. A bill for the relief of Dr. Wilhelm Wolfgang Krauss; without amendment (Rept. No. 2919). Referred to the Committee of the Whole House.

---

## ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 584. Resolution requesting the Secretary of the Navy to transmit information on airplane contracts (Rept. No. 2921). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SUMNERS of Texas:

H. R. 10464. A bill to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts; to the Committee on the Judiciary.

H. R. 10465. A bill to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918; to the Committee on the Judiciary.

By Mr. COSTELLO:

H. R. 10466. A bill to amend section 16 (b) of the Fair Labor Standards Act of 1938; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLEY of New York:

H. R. 10467. A bill to record the lawful admission to the United States for permanent residence of Ignaz Braunstein; to the Committee on Immigration and Naturalization.

By Mr. CLASON:

H. R. 10468. A bill for the relief of Michael Lewenczuk; to the Committee on War Claims.

H. R. 10469. A bill for the relief of Michael Lewenczuk and Stella Lewenczuk; to the Committee on War Claims.

H. R. 10470. A bill for the relief of Clara E. Deane; to the Committee on War Claims.

H. R. 10471. A bill for the relief of Clara E. Deane; to the Committee on War Claims.

H. R. 10472. A bill granting a pension to Clara E. Deane; to the Committee on War Claims.

By Mr. McGEHEE:

H. R. 10473. A bill for the relief of E. A. Wailes, receiver of Delta Oil Co., and the Tupelo Oil & Ice Co.; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 10474. A bill for the relief of John Ruston; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9268. By Mr. ROMJUE: Petition of the Clyde Gustine Post of the American Legion, Excelsior Springs, Mo., urging the Members of the National House of Representatives and the Senate to submerge their personal ambitions, factional and partisan politics, and adopt immediately, as statesmen of fortitude and integrity, the legislation requested by those charged with the Nation's defense; to the Committee on Military Affairs.

9269. By Mr. SCHIFFLER: Petition of D. Walter Bell and other citizens of Wheeling, W. Va., urging that we permit the sale of 50 or more United States destroyers to Great Britain; to the Committee on Naval Affairs.

9270. By Mr. GREGORY: Petition of Bryan Tolley, W. B. Davis, and Harold C. Curry, resolutions committee of the Lions Club, of Murray, Ky., assuring the President and Members of Congress of their support of the program to protect and defend our country; to the Committee on Military Affairs.

# SENATE

## FRIDAY, SEPTEMBER 6, 1940

*(Legislative day of Monday, August 5, 1940)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. W. L. Darby, D. D., executive secretary, Washington Federation of Churches, Washington, D. C., offered the following prayer:

Thou God and Father of all mankind, we come before Thee today with reverence and humility. Thou hast made us and Thy power sustains us day by day. This is Thy world and Thou art its ruler, above all kings and emperors, whether great or small. They continue for a while, but Thou dost abide forever.

Help us, therefore, to remember Thee in all our plans and purposes and to ask divine guidance for ourselves, our families, our communities, and for the Nation we love. Give us a deep realization of the priority and permanence of things spiritual, for the material things are transitory and soon pass away. We would seek to be righteous in our individual lives and just in our dealings with others. Let this be the controlling principle of our Nation; also that we should act in accordance with the Golden Rule in our relationships with other peoples everywhere.

Make us sensible of the responsibilities we bear; especially may this be true of the Members of this body, who have so many important decisions to make. May they seek constantly the wisdom which comes from above, so that they may be guided aright.

We are well aware of our own weaknesses and imperfections, our sins, and shortcomings. Grant us divine forgiveness and strengthen our hands for the tasks before us. Amid the confusion and tumult and terror of these days help us to keep clear heads and courageous hearts, facing the future with faith that, out of the distress and despair of our time, we may yet, with Thy guidance and blessing, build a better world.

In the name of Christ Jesus our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, September 5, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | La Follette | Schwellenbach |
| Andrews | Davis | Lee | Sheppard |
| Ashurst | Downey | Lodge | Shipstead |
| Austin | Ellender | McCarran | Smathers |
| Bailey | George | McKellar | Stewart |
| Barbour | Gerry | Maloney | Taft |
| Barkley | Gibson | Mead | Thomas, Idaho |
| Bilbo | Green | Minton | Thomas, Okla. |
| Bone | Guffey | Murray | Thomas, Utah |
| Brown | Gurney | Neely | Townsend |
| Bulow | Hale | Norris | Truman |
| Burke | Harrison | Nye | Vandenberg |
| Byrd | Hatch | O'Mahoney | Van Nuys |
| Byrnes | Hayden | Overton | Walsh |
| Capper | Herring | Pittman | Wheeler |
| Caraway | Holt | Radcliffe | White |
| Clark, Idaho | Johnson, Calif. | Reed | Wiley |
| Clark, Mo. | Johnson, Colo. | Russell | |
| Connally | King | Schwartz | |

Mr. MINTON. I announce that the Senator from Maryland [Mr. TYDINGS] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LUCAS], the Senator from Arkansas [Mr. MILLER], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are necessarily absent.

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from New Hampshire [Mr. TOBEY] are unavoidably absent.

The PRESIDENT pro tempore. Seventy-four Senators having answered to their names, a quorum is present.

MEMORIALS

Mr. HOLT presented a memorial of 1,500 citizens of the State of Massachusetts, remonstrating against the use of American troops to fight on foreign soil, which was referred to the Committee on Military Affairs.

He also presented a memorial of 50 citizens of the State of Illinois, remonstrating against the enactment of selective compulsory military training legislation in peacetime, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 7910) for the relief of Betty Jane Bear Robe, reported it with amendments and submitted a report (No. 2084) thereon.

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3501) to provide for the disposition of certain moneys received by the United States in connection with proceedings against the Standard Oil Co. of California and others, pursuant to the joint resolution of February 21, 1924 (43 Stat. 15), reported it without amendment and submitted a report (No. 2085) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 4329. A bill to correct the military record of George V. Edinger; to the Committee on Military Affairs.

By Mr. BARBOUR:

S. 4330. A bill to prohibit foreclosure of Home Owners' Loan Corporation mortgages on homes from which men have been drafted for military service; to the Committee on Banking and Currency.

By Mr. MALONEY:

S. 4331. A bill authorizing the reenlistment of Edwin J. Turnbull in the United States Coast Guard; to the Committee on Commerce.

By Mr. MEAD:

S. 4332. A bill for the relief of Lillian M. Lanphear; to the Committee on Claims.

By Mr. SMATHERS:

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine; to the Committee on Commerce.

By Mr. KING:

S. J. Res. 296. Joint resolution to define common carriers by water engaged in certain commerce with the Virgin Islands of the United States, and for other purposes; to the Committee on Territories and Insular Affairs.

CHANGE OF REFERENCE

On motion by Mr. WALSH, the Committee on Naval Affairs was discharged from the further consideration of the bill (S. 3841) to allow an additional period of 6 months in which to file claims for increased compensation to certain Government employees for the period July 1, 1917, to June 30, 1924, and it was referred to the Committee on Claims.

EXTENSION OF THE CLASSIFIED CIVIL SERVICE—AMENDMENTS

Mr. MEAD submitted three amendments intended to be proposd by him to the bill (H. R. 960) extending the classified executive civil service of the United States, which were ordered to lie on the table and to be printed.

LABELING OF WOOL PRODUCTS—AMENDMENTS

Mr. THOMAS of Oklahoma submitted three amendments intended to be proposed by him to the amendment in the nature of a substitute of the House of Representatives to the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 1 of the House amendment in subdivision (b) of section 2, beginning in the second line of such subdivision, after the word "lamb", to strike the balance of said line 2, all of line 3 and all of line 4, down to and including the word "vicuna", so that the section as amended will read as follows:

"(b) The term 'wool' means the fiber from the fleece of the sheep or lamb which has never been reclaimed from any woven or felted wool product."

On page 7 of the House amendment and in line 3 of the second paragraph, to strike the word "wood" and insert the word "wool."

At the end of section 12 add the following: "and approval: *Provided*, That if at that time the present war between Germany and the Allies is still in progress and/or if the United States is at that time actively engaged in a war or wars with any nation or nations, the provisions of this act shall not take effect and be in force until the Chairman of the Federal Trade Commission issues and promulgates a declaration to the effect that a treaty of peace has been signed by representatives of the German Government and by the Allies as represented by the Government of Great Britain, and further that the United States is at peace with all the nations of the world."

FUNERAL EXPENSES OF THE LATE SENATOR LUNDEEN

Mr. SHIPSTEAD submitted the following resolution (S. Res. 308), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Presiding Officer of the Senate in arranging for and attending the funeral of Hon. ERNEST LUNDEEN, late a Senator from the State of Minnesota, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

SUNDRY MATTERS AFFECTING THE NAVAL SERVICE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4272) to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," as amended, which was, in line 7, to strike out "1927" and insert "1937."

Mr. WALSH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ARTICLE BY WALTER LIPPMANN ON ACQUISITION OF NAVAL AND AIR BASES

[Mr. LEE asked and obtained leave to have printed in the RECORD an article by Walter Lippmann entitled "The Great Precedent," which appears in the Appendix.]

EDITORIAL FROM BOSTON SUNDAY POST ON AMBASSADOR KENNEDY

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial on Ambassador Joseph P. Kennedy, published in the Boston Sunday Post of August 25, 1940, which appears in the Appendix.]

LETTER FROM RUTH GOBER ON PREPAREDNESS

[Mr. LEE asked and obtained leave to have printed in the RECORD a letter addressed to him by Ruth Gober, which appears in the Appendix.]

DECENTRALIZATION OF NATIONAL-DEFENSE INDUSTRIES

Mr. CAPPER. Mr. President, I again desire to call the attention of the Senate to the desirability—one would be justified in saying the necessity—of decentralizing our national-defense industries in the interest of the national welfare.

The national-defense program already under way, according to the best information I have been able to obtain, will call for the expenditure of between thirty-five and forty billion dollars in the next 6 years. This estimate is based on the assumption that the United States will not actually send an American expeditionary force to Europe. Of course, if that should happen, the expenditures for national defense would be incalculable.

But assuming we are preparing for national defense, rather than for participation overseas in a world war, the expendi-

ture of thirty-five to forty billion dollars of Government funds for national defense in a 6-year period will have far-reaching effects on our national economy.

For instance, if defense industries are still further concentrated along the Atlantic seaboard, with some additional plant facilities on the Pacific coast, the present lack of balance between the industrial East and the agricultural Middle West and South will be still further intensified.

Mr. President, a national-defense program that builds up a huge army and navy and air force but at the same time weakens the economic stability of the Nation itself, is not a good national defense.

I believe that President Roosevelt and the National Defense Commission understand this situation. They have assured me that a large part of the new defense plant facilities, where the Government controls the location, will be in the interior, between the Alleghenies and the Rockies. I think this policy should be followed, by all means.

Unless the Middle West is developed to some extent industrially; unless some considerable portion of our most enterprising and vigorous young men and women are encouraged to remain in the Middle West, the Nation faces the danger of having a vast interior region of impoverished people. Those in charge of the national-defense program, I believe, should use these immense Government resources to decentralize rather than further to concentrate industries, and to utilize labor resources that have been backed up on the farm during the past decade.

In other words, Mr. President, I am urging that this huge spending program be directed so as to help balance our economic structure throughout the Nation, at the same time it is providing national-defense equipment and machinery.

In this connection, I ask to have printed in the RECORD at this point, as part of my remarks, the resolutions adopted by the Midwest Defense Conference, at Kansas City, Mo., August 30, at which some 200 communities of 9 States, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Missouri, Arkansas, and Oklahoma were represented. I also ask unanimous consent to have printed an announcement sponsored by the Kansas City (Mo.) Chamber of Commerce.

There being no objection, the resolutions and announcement were ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY MIDWEST DEFENSE CONFERENCE, KANSAS CITY, MO., AUGUST 30, 1940

The representatives of the 9 States and the more than 200 communities here assembled pledge their unqualified support to the national-defense program and their loyalty to the common welfare of our country.

Yet these States and communities are determined that, while they stand united for defense, the program shall not become the occasion of a social and economic tragedy for this region.

For these States and communities cannot but view with genuine concern the social and economic consequences of this program—necessary as it is—if in its operation it is not to be thoroughly and justly decentralized and spread over the Nation.

This nine-State area, while it has found great basic strength in agriculture, has suffered peculiarly because of the lack of an essential balance between industry and agriculture and the shutting off of markets for its products.

This process has been going on for years. And now, with a sudden and tremendous expansion of industrial expenditures by the Government, we can see an industrial set-up in other areas of the country which would throw this territory more out of balance than ever.

These nine States and their hundreds of communities are resolved that they are not going to be reduced to a position of agricultural slavery.

This great middle-western area is already seeing the new process at work—seeing its raw materials and its skilled labor and its great untapped reservoirs of farm boys, the very lifeblood on which the territory must depend in years to come—drained off into other sections for their further enrichment.

These States and their communities take the position that it is not enough to be for a decentralization of industry in principle.

The Middle West insists that in the spending of the billions, and in the allocations of new industries, decentralization shall become a fact, in processing and manufacturing, and this area shall receive its just and proper share of the outlays of public funds.

This is not a cry for "pork." It is the voice of the Middle West asking for justice, for that to which it is clearly entitled, giving each man and woman, insofar as possible, a particular job to do so that all may be busy and all will feel they have a part in the defense of America.

The Middle West today has industries that are not concentrated. They are perhaps small as individual units, but they are large in the aggregate. In addition to the allocation of new plants, the industries already in this region should be utilized.

This conference expresses its satisfaction that the f. o. b. Philadelphia on orders has been eliminated and that split bidding on orders has been established.

It calls for the elimination of any and all barriers that now militate against the Middle West and are obstacles to its meeting of the competition of the more centralized industrial areas on an equal basis.

Advantages of the Middle West are fully commensurate with its claims for fair recognition. They include:

First. Invulnerability against attack.

Second. An adequate and easily available supply of raw materials.

Third. An adequate and easily available supply of native-born, trained labor.

Fourth. Adequate transportation facilities.

Fifth. Adequate and easily available food supplies.

Sixth. Abundance of fuel and power.

Seventh. Aviation advantages, arising from strategic geographical location.

Eighth. Industries manufacturing clothing, uniforms, and tents.

Ninth. Industries manufacturing steel and steel products.

Tenth. Industries producing leather goods, shoes, saddlery and the like.

Eleventh. Adequate supplies of oil and oil products, natural gas, and coal.

Twelfth. Adequate and varied mineral supplies.

In view of all these advantages and existing supplies, the representatives of these nine States and hundreds of communities insist that before the Government undertakes the establishment of new industries, new housing, and other facilities, it shall utilize those of the Middle West.

It is the further position of the Middle West that sound defense must have a broad foundation, and that no program of national defense can be sound or adequate unless it includes the vast resources, the industries, the materials, and the multiplied advantages of this great agricultural area; and be it finally

*Resolved*, That the executive committee of this conference deliver these resolutions, through an appropriate committee, to the President of the United States, the Advisory Council on National Defense, the Army and Navy Boards, and other proper authorities.

---

*To the Advisory Commission to the Council of National Defense:*

Whereas 1,500 representative businessmen from the 9 Middle Western States of North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri, Arkansas, Oklahoma, meeting in Kansas City on August 30, 1940, listened with close attention and patriotic interest to an explanation of the part these States may play in the rearmament program of the United States, including the splendid talk by Mr. Ralph Budd: Be it now

*Resolved*, That the Midwest Defense Conference, representing these nine States, respectfully request the Advisory Commission to the Council of National Defense, and the Army and Navy of the United States, for an outlined list, including specifications, of all rearmament plants yet to be located and the requirements yet to be filled, to be sent the Midwest Defense Conference at its headquarters in the Hotel Muehlebach Building, Kansas City, Mo.; and be it further

*Resolved*, That the Midwest Defense Conference and the several State groups that make it up will promptly thereafter study this list, weed out those plants and items which it would be impractical to locate in this area, or fulfill here, and thereafter make presentations for the remainder in behalf of this region.

---

*To Whom It May Concern:*

Whereas there is evidence of substantial misunderstanding of the nomenclature of the United States on the part of numerous agencies of the Government, including both Houses of Congress: Be it

*Resolved*, by the Midwest Defense Conference in session in Kansas City, August 30, 1940, That for purposes of the general geography in locating the rearmament industries of the country, the region between the Mississippi River and the Appalachian Mountains be hereafter referred to by its true name of the Middle East, and the region between the Mississippi River and the Rocky Mountains be hereafter referred to by its true name of the Middle West.

---

TO THE PRESIDENT OF THE UNITED STATES:

Whereas a great deal of unfortunate confusion has arisen as to the advisability of locating the Government's own rearmament industries in the middle of the country, as well as where the expansion of existing defense industries, now privately owned, should take place: Be it

*Resolved*, That the Midwest Defense Conference, composed of 1,500 representative businessmen from the nine States of North and South Dakota, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, in session at Kansas City, Mo., August 30, 1940, respectfully request the President of the United States to clarify his splendid statement of several months ago regarding the strategic value of locating such industries in the interior and that he do this in a supplemental expression to the Advisory Commission to the Council of National Defense and to the Army and Navy planning boards, and to the press of the country, so that there may be a better understanding of what the best thought on this important subject really contemplates.

*To the Interstate Commerce Commission:*

Whereas the Interstate Commerce Commission has, upon its own motion, instituted an investigation into the basic freight-rate structure applying to, from, and between points in the general territory east of the Rocky Mountains, the proceedings being instituted under the I. C. C. Docket Nos. 28300, 28310, MC C–150; and

Whereas since this investigation was instituted an emergency has arisen involving the national defense of this Nation: Therefore, be it now

*Resolved*, That the Midwest Defense Conference, in session in Kansas City, August 30, 1940, urges the Interstate Commerce Commission to pursue its investigation with redoubled vigor and speed, so that if it is found, as this conference believes it will be found, that unfair barriers do exist because of the territorial method of freight-rate making, such corrections as should be made will be made with great promptness in the interest of the national defense now and for the future even-handed prosperity of every part of the United States.

---

*To the Representatives and Senators from the nine Middle Western States of Iowa, Kansas, Minnesota, Missouri, Arkansas, Nebraska, North Dakota, South Dakota, and Oklahoma:*

Whereas the Members of the House of Representatives in Congress of the nine Middle Western States of Iowa, Kansas, Minnesota, Missouri, Arkansas, Nebraska, North Dakota, South Dakota, and Oklahoma have organized in Washington with the election of Representative KARL MUNDT, of South Dakota, as chairman, for the purpose of advancing the interests of this section so that the United States may rearm along sounder lines; and

Whereas the Senators of these same States have met frequently, although informally, for the same purpose: Now, therefore, be it

*Resolved by the Midwest Defense Conference*, That these organizations are approved, and that the Congressmen and Senators participating in them are urged to continue this activity to a successful conclusion.

---

*To the Advisory Committee to the Council of National Defense:*

Whereas Mr. Ralph Budd, one of your members, was kind and considerate enough to travel to Kansas City, Mo., at your instance, we understand, to speak to the Midwest Defense Conference of 1,500 delegates representing the nine States of Iowa, Kansas, Minnesota, Missouri, Arkansas, Nebraska, North Dakota, South Dakota, and Oklahoma, Friday, August 30, 1940: Now, therefore, be it

*Resolved*, That we thank you sincerely for this cooperation.

---

*To the Federal Power Commission:*

Whereas electric power is an essential in industrial development, especially since more and more industries are becoming electrified, it is proper that careful consideration be given to our developed power resources: Therefore be it

*Resolved*, That the Federal Power Commission be requested to take immediate steps to survey the power situation in the great Midwest area to determine the power requirements for present and future needs for adequate industrial development and national defense in this area.

---

THE MIDWEST OFFERS FOR THE DEFENSE OF AMERICA—

In the interest of all America, for permanent national defense, these facilities of the Midwest should be used to their fullest capacity:

1. AVIATION ADVANTAGES

The Midwest region is particularly adaptable to the manufacture of aircraft and is a logical location for the expansion of that industry. The Midwest offers:

Strategic geographical location.

High percentage of native American population, conducive to minimum hazard from sabotage, espionage, and "fifth column" activities.

Suitable climatic conditions.

Unexcelled transportation facilities which permit low-cost assembly and fabrication of materials.

Nucleus of industrial plants and facilities not likely to be absorbed by armament industries and therefore available to aid development of aircraft manufacturing.

Aircraft schools and training facilities to supply the skilled labor. This area is now supplying a substantial portion of new aircraft workers for the country.

2. FOOD AT LOW COST FOR WORKERS AND ARMY

The 9-State area had on hand January 1, 1940:

Thirty-four percent of the cattle and calves in the United States.

Forty-three percent of the hogs and pigs in the United States.

Eighteen percent of the sheep and lambs in the United States.

And produced in 1939:

Forty-one percent of the Nation's corn.

Fifty-two percent of the Nation's oats.

Forty-nine percent of the Nation's wheat.

The meat-packing industry in these nine States processed 32 percent of the total 1937 output of the United States.

This primary production of basic foods, meats, and cereals, combined with splendid rail and truck transportation systems that bring in foods from other districts, insures low living costs for workers and Army.

3. MEN'S AND WOMEN'S CLOTHING—UNIFORMS AND TENTS

The 9-State area employs 31,879 people producing annually $96,043,821 worth of men's, women's, and children's wearing apparel, other than shoes (1937 census).

And employ 1,174 people in the canvas-goods industry—tents, tarpaulins, cot covers, hammocks, mattress covers, and allied items, with an annual value of $5,756,016.

These two industries combined enploy 33,053 people and produce products valued at $101,799,837 and are capable of great expansion.

4. STEEL AND STEEL PRODUCTS

The steel, iron, and metal industry and allied lines in the 9-State area employed 32,061 people with annual production valued at $168,310,659 (1937 census).

Includes steel plants, structural and plate shops, machine tools, some of the Nation's most important sheet-metal plants, hardware and tools, foundry products, cast-iron pipe and fittings.

5. STRATEGIC LOCATION AWAY FROM COAST LINES

The administration has repeatedly expressed its belief that new defense industries should be located in the region between the Rockies and the Alleghenies, which offers maximum safety from enemy action. The wisdom of removing vital defense industries from vulnerable areas has been proved in the European conflict.

6. AMERICAN-BORN CITIZENS MAKE LOYAL, INTELLIGENT WORKMEN

Of the 17,547,437 persons living in these 9 Midwest States, 86 percent are native-born whites. Thousands of young men from the farms, as well as in the cities, are receiving annually vocational training in high schools, colleges, and universities. Farm boys, with their farm-machinery experience, make adept mechanics.

7. LEATHER GOODS, SHOES, SADDLERY, ETC.

The leather-goods industry in the nine-State area, including tanning, belting, boot and shoe cut stock and findings, boots and shoes, saddlery and harness, luggage, handbags, and purses, employs 33,912 people, with an annual output valued at $139,314,542 (1937 census).

8. OIL AND OIL PRODUCTS

Over 300,000,000 barrels of crude oil are produced annually from wells operating under proration laws. Production can be greatly expanded from present wells and from vast proven fields. Oil refineries and extensive pipe lines make these products readily available throughout the area.

9. ALL THREE PRIMARY FUELS

Coal, oil, and natural gas are found in abundance in this nine-State area.

10. MINERALS

Vast mineral deposits so essential in the defense program include bauxite, cement, lead, zinc, and iron ore.

Here is the logical location for expanding production of munitions and aircraft manufacturing.

No other area offers so much in raw materials, transportation, desirable workmen, and manufacturing plants capable of expansion.

THE CHAMBER OF COMMERCE OF KANSAS CITY, MO.

## REGULATION OF INTERSTATE CARRIERS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

The PRESIDENT pro tempore. The question is, Will the Senate sustain the point of order raised by the Senator from Missouri [Mr. CLARK] against the conference report on Senate bill 2009?

Mr. REED. Mr. President, as one of the conferees on the part of the Senate dealing with the so-called transportation bill, I express, first, the hope that we may be able to dispose of the conference report upon the bill today. I regret exceedingly that the senior Senator from Missouri [Mr. CLARK], who made the point of order which was discussed last Friday and has been the subject of more or less discussion since, is not now present.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. BARKLEY. In kindness to the Senator from Missouri, I think it ought to be stated that he is a member of the Finance Committee, which is now working in executive session on the tax bill, which is quite a task, as the Senator understands. I am sure that is the reason the Senator from Missouri is not present at the moment.

Mr. REED. I fully understand that, and I thank the Senator from Kentucky for bringing it to the attention of the Senate.

Mr. BARKLEY. If the Senator will further yield, I think probably it ought to be stated for the benefit of the Senate that I share the hope the Senator has expressed that we may dispose of the conference report today; but in the event we do not do so I think it will be necessary to hold a session of the Senate tomorrow. I make that statement so that Senators may adjust their affairs accordingly.

Mr. REED. Mr. President, this bill is longer and contains more controversial subjects than any other bill that has been before the Senate during my membership. I desire to say in the beginning that I agree with the view of the distinguished Senator from Colorado [Mr. ADAMS] as to the duty of the conferees on the part of either body of Congress to carry out, so far as is reasonably and humanly possible, the views of the body they represent; and I wish to say to the Senator from Colorado and to all other Senators that that is what we have done.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED. I shall be very glad to yield.

Mr. ASHURST. Naturally enough, the Senators from the intermountain States have been very much concerned over what we call fourth-section relief. I shall not trespass upon the time of the able Senator from Kansas, or abuse his courtesy, by trying now to describe what fourth-section relief is. Suffice it to say it is a matter of justice to the intermountain States; and, if I am correctly advised, the conference report takes care of and maintains fourth-section relief.

Mr. REED. The Senator from Arizona is correct.

Mr. ASHURST. Mr. President, I embrace this opportunity to thank the able Senator from Kansas [Mr. REED], because he has been impartial in the matter. His State may or may not be affected—it probably is not affected—by so-called fourth-section relief; but it is a tribute to his character and to his conscientious labors that he has been fair in the matter of providing and sustaining fourth-section relief, to which the intermountain States are so justly entitled. I compliment and thank the Senator from Kansas.

Mr. REED. I appreciate the remarks of the Senator from Arizona.

Mr. President, as the Senator from Kansas understands the parliamentary situation, the point of order of the Senator from Missouri [Mr. CLARK] covered three things. One was the Panama Canal Act; a second was the Motor Carrier Act; and a third was the so-called Miller-Wadsworth amendment. I do not think I trespass, in the absence of the Senator from Missouri, in saying that he told me he was entirely mistaken as to the report of the conference committee on the Motor Carrier Act, and that he intended to withdraw that phase of his point of order. That leaves us with the Panama Canal Act and the Miller-Wadsworth amendment, which I shall discuss, and upon which I hope to give our views in a way which will be satisfactory to the Senate.

Mr. President, let me say that before we made the conference report we consulted the precedents, we looked up the rules of the Senate and the precedents of the Senate and the House; and for 13 years this body has followed and justified the thing which the conference committee did. By rulings from the chair of Vice President Marshall, of Vice President Dawes, of Vice President Curtis, of Vice President Garner, of the distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY], when he occupied the chair, and by a ruling by the present occupant of the chair, the President pro tempore, on a point of order made by the Senator from Maine [Mr. WHITE], the action of the conferees was justified.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REED. I shall be happy to yield.

Mr. WHEELER. As a matter of fact, the conferees would have been justified in taking out or putting in anything which was germane to the legislation itself, under the rulings during a period of 13 years of the various Vice Presidents and others who have occupied the chair.

Mr. REED. That is correct.

Mr. WHEELER. But our contention is that not only is the conference report in accord with the rulings of the Senate for the past 13 years, but, in addition, that we did not go nearly so far as conferees have gone in many other instances, because in the case of the Panama Canal Act we did not change the substance of the law at all, although the whole section was in controversy; and the same thing was true with reference to the Miller amendment.

Mr. REED. Mr. President, I desire to say to the senior Senator from Missouri [Mr. CLARK] that before he came into the Chamber I had stated that he had abandoned his point of order so far as the motor-carrier provision of the conference report is concerned.

Mr. CLARK of Missouri. Mr. President, if the Senator will yield, I will say to him that it never was my intention to make a point of order on the motor-carrier provision, and if I was so quoted it was an error, because the Senator from Montana and I were both engaged in discussing the point of order and the merits of the conference report at the same time. To my mind, the repeal of the pertinent sections of the Motor Transport Act which are repealed is an extremely vicious section of the conference report, and one which in itself would justify the defeat of the conference report; but it is not subject to a point of order, because without any discussion whatever it was included, or a similar provision was included, in the House bill.

Mr. REED. I thank the Senator from Missouri for supporting the statement I have made. I did not want to misquote or misrepresent him.

Mr. CLARK of Missouri. I am very certain the Senator from Kansas would not do that. I stated to him yesterday that I did not intend to make a point of order in that respect.

Mr. REED. Notwithstanding the discussion, I found a distinct misconception of the Panama Canal Act; so let me describe it as briefly as I can.

The so-called Panama Canal Act was passed in 1912, to become effective on July 1, 1914. There seems to be a feeling or belief among some Senators that that act was a positive prohibition against any common carrier—not only railroads, but pipe lines or express companies or anybody designated in the law as a common carrier—holding an interest in a water line under any circumstances. Since the Senator from Nebraska [Mr. NORRIS] has come into the Chamber, I desire to correct the impression he seemed to have during a conversation at luncheon the other day, that the action of the conference committee on the Miller amendment militated against waterways, and that the Miller amendment was directed to waterways alone. I shall discuss the Miller amendment later on; but the Miller amendment covers all types of carriers included in the bill.

Now I desire to read from the Panama Canal Act.

Mr. WHEELER. Mr. President, before the Senator takes up that subject, and while he is referring to the Miller amendment, let me ask him a question. The effect of the Miller amendment would be to do away with the fourth section; would it not?

Mr. REED. Senators who are interested in the fourth section should bear in mind the fact that, while the Miller amendment does not in terms repeal the fourth section, which is the long-and-short-haul clause of the Interstate Commerce Act, it does to a very great degree nullify it. I shall discuss the Miller amendment at length a little later, and I hope the Senator from Missouri will listen to me as I do so.

Mr. CLARK of Missouri. Mr. President, I shall be glad to listen. I will say to the Senator from Kansas, however, that I have already read that section a good many times.

Mr. REED. I am afraid the Senator from Missouri did not read it understandingly.

Mr. CLARK of Missouri. I do not think the Senator from Kansas could increase my understanding of it.

Mr. REED. It is a very difficult job, I agree, but I will make my best effort.

I shall read now from the Panama Canal Act. This is paragraph 19 of section 5 of the Interstate Commerce Act, and if anyone has a copy of the act he will find what I am about to read on page 24. I read:

From and after the 1st day of July 1914 it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier-by-water operated through the Panama Canal or elsewhere—

If the Panama Canal Act had stopped there, there would have been a flat declaration of law which no one could have misunderstood. But it did not stop there. It went ahead with this language following what I have read:

with which said railroad or other carrier aforesaid does or may compete for traffic.

That is the qualifying prohibition. It also proceeds with some language which is not necessarily germane to this discussion.

Mr. ELLENDER. Mr. President, will the Senator yield at that point?

Mr. REED. Very briefly, if the Senator from Louisiana will be so good.

Mr. ELLENDER. I shall make the question brief. After the word "elsewhere" the language is "with which said railroad or other carrier aforesaid does or may compete for traffic."

Paragraph 16 of section 5, in the report of the conferees, specifically removes that inhibition by saying:

Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic.

Mr. REED. Mr. President, I hope the Senator from Louisiana will be satisfied as I proceed with the argument, because it will cover the very subject matter which he has mentioned.

When the Panama Canal Act forbade only the ownership of a water carrier where there was competition, it introduced an element of fact, which had to be determined somewhere, as to whether competition actually existed, the degree to which it existed, and whether it was inconsistent with the act. So in the following paragraph, which is paragraph 20 of section 5 of the present Interstate Commerce Act, there is this language:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation.

Again, Mr. President, if the Congress in 1912 had stopped there, it would have raised a question as to whether or not water service subsequently established came within the provisions of the act. But the Congress did not stop there, because there was devolved upon the Commission the power and the jurisdiction "to permit the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph."

The use of the word "paragraph" has been fully explained by the distinguished Senator from Montana [Mr. WHEELER], the chairman of the committee, and I do not think it is necessary for me to repeat the explanation, because it appears in the RECORD. But in 1912 the Congress set up a standard by which the Interstate Commerce Commission should determine the question of law and the question of fact, and it appears in paragraph 21 of section 5 of the present Interstate Commerce Act in this language:

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order—

And so forth. That was not a positive prohibition; it was a qualified prohibition.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. REED. I will yield in a moment. I wish to say at this point that we carried the language of the law of 1912 into the conference report. Wherever it was necessary to continue the purpose which we conceived, and which has been accepted over a period of 28 years, to carry out the provisions of the act, we wrote the same qualifications, the same limitations, the same requirements, into the conference report. I wish to have that very clearly understood by the Senate, because my very good friend the junior Senator from Ohio [Mr. TAFT] yesterday seemed to have some misunderstanding upon that point.

I shall give the parliamentary history of the Panama Canal Act, so far as this session and last session of the Congress are concerned. We modified the Panama Canal Act in the Senate bill which passed last May a year ago. The bill went to the House, the House struck out everything after the enacting clause and wrote in their own version, but revised the Panama Canal Act, still, however, without departing from the original purpose. The bill came back to the Senate, we refused to concur, a conference committee was appointed, and for 3 months, beginning in February and ending in April, the conferees of the two bodies struggled with the measure.

As to the transposition of language which was undertaken by the committee of conference to make the act more understandable to remove any doubt, the change, in paragraph 20, of the word "paragraph", to "section", and the making of other changes, by no stretch of the imagination can any action we took be construed as adding to or subtracting from the jurisdiction and control given to the Interstate Commerce Commission under the terms of the original act.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at that point?

Mr. REED. I yield.

Mr. CLARK of Missouri. Does the Senator from Kansas contend that there is anything in either the original act, the act now on the statute books, the Panama Canal Act, so-called, or in the bill as it passed the Senate or as it passed the House, which empowers the Interstate Commerce Commission to authorize railroads to acquire lines either competing or which may be competing?

Mr. REED. There is nothing in the language of the present law or the report of the conferees which permits——

Mr. CLARK of Missouri. That is the question I was about to ask the Senator from Kansas, whether he denies that the conference report does permit the Interstate Commerce Commission to authorize the acquisition—not the retention, but the acquisition—of competing carriers.

Mr. REED. I think the Senator is laboring under a misunderstanding.

Mr. CLARK of Missouri. I was merely trying to get the understanding of the Senator from Kansas, to understand the attitude of the Senator from Kansas, as to whether he takes the position that either the existing law, or the bill as it passed the Senate, or as it passed the House, would empower the Interstate Commerce Commission to authorize the acquisition of carriers which compete or may become competing, or whether he denies that the conference report does authorize such action by the Interstate Commerce Commission. I am merely trying to find out what is the position of the Senator from Kansas.

Mr. REED. Mr. President, the original law authorized the Interstate Commerce Commission to extend beyond July 1, 1914, any existing service not in conflict with this section. It authorized the establishment of new service not in conflict with this section. We have done no more than that. We have laid down and carried into the conference report the

precise and exact language used by the Congress in 1912 when it laid down the conditions under which such action might be permitted.

Mr. President, it may be a little startling to some Senators when I say that there is nothing in the Panama Canal Act which would prohibit or prevent the Great Northern Railway or the Northern Pacific Railway, with their terminals at Duluth, to operate boat lines to Buffalo, if they could secure permission from the Interstate Commerce Commission to do so. There is nothing in the present act which would prevent the Santa Fe Railway, or the Rock Island, or the Burlington from operating boat lines from Chicago to Buffalo if they could secure the permission of the Interstate Commerce Commission.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at that point?

Mr. REED. I yield.

Mr. CLARK of Missouri. Let me say that I would disagree very violently with the Senator's conclusion, except for the erroneous decision announced by the Interstate Commerce Commission in the distorted opinion, I think of Commissioner Aitchison, in the Missouri-Pacific case, when for the first time any principle even remotely resembling that urged by the Senator from Kansas was ever enunciated by the Interstate Commerce Commission, and that over the dissent of two of the ablest Commissioners, with Commissioner Eastman not voting.

Mr. REED. The Senator is confused on this subject. There has never been a case to my knowledge—and I have examined the records—before the Interstate Commerce Commission which involved the Missouri-Pacific and water service.

Mr. CLARK of Missouri. I am thinking of the so-called Seatrain Lines case.

Mr. REED. The Senator is thinking of the Southern Pacific case, is he not?

Mr. CLARK of Missouri. No; I am referring to the so-called Seatrain Lines case, which I shall speak of when I discuss the matter.

Mr. REED. The fact is that today the railroads, to a degree that is not in conflict with the law, are operating boat lines. The Southern Pacific Railroad's rails end on the eastern terminus at New Orleans, and it operates a steamship line around to New York and Boston. The Central of Georgia owns the Ocean Steamship Co., which operates from Savannah to New York and to Boston. The Central of Vermont owns a boat line which operates from New London to New York, or did the last I knew of it. The New Haven Railroad operates a boat line from New York to Providence. There are doubtless other such examples. I have given those which readily occur to me.

Mr. CLARK of Missouri. Does the Senator contend that those were lines which were competing or might be competing, which were acquired after the passage of the Panama Canal Act?

Mr. REED. I am unable to follow the contention of the Senator from Missouri that the Interstate Commerce Commission may say to a railroad, "You can continue a boat-line operation already in effect," which this law clearly gives it power to do, or say, "You may authorize the establishment of new service whenever it is not in conflict with this section," but attach a provision that the ownership of that particular line shall never change. That is inconceivable to me. I cannot believe that a competent lawyer such as the Senator from Missouri would even urge that point of view. It is absolutely untenable and, I think, has no merit whatever.

So much for the Panama Canal Act.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. WHEELER. Paragraph 20 of section 5 of the present Interstate Commerce Act, the language of which has caused confusion, and was later amended, is as follows:

> Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier.

Then the next sentence says:

> Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

Under the interpretation placed upon it by the Interstate Commerce Commission the word "paragraph" must of necessity mean "section," because the language all through refers to sections, and in order to make sense out of the language one must read into it, in place of the word "paragraph," the word "section." When the original bill came to the Senate, we wrote the word "section" into the bill instead of the word "paragraph," so that the language at that point would make sense.

The conferees placed at the beginning of paragraph (21) the sentence—

> Or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

That is what has caused confusion in the minds of a great many persons. The language does not in the slightest degree change the intent or the purpose of the act, nor the authority of the Interstate Commerce Commission.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. TAFT. I have read the section, as the Senator has suggested, but it seems perfectly clear to me that under the original act the Interstate Commerce Commission had no power to grant permission for the establishment of any new water service, if that service was in competition with the railroad which sought to acquire the water carrier, while under the proposed legislation the Interstate Commerce Commission is given power to authorize a railroad to acquire a competing water service. I cannot draw any other conclusion than that which I have stated from the language of the existing law.

Mr. WHEELER. I do not see how the Senator can place that construction on the language because in the bill as it came to the Senate we change the word "paragraph" to "section." When the word "paragraph" was changed to "section," as it was apparently intended to appear in paragraph (20) of the old Interstate Commerce Act, it confirmed in the Commission the power which the Commission had previously construed it had, and it had construed the language in that way in order to make sense of it. One could not read paragraph (20) and make any sense out of it unless one construed the word "paragraph" to mean "section."

Mr. TAFT. And that meant that the new service must be noncompetitive.

Mr. WHEELER. It did not mean that, because one must read that language as containing the word "section," in connection with paragraph (21), which contains the matters of limitation and protection. In other words, paragraph (21) provides:

> If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order—

And so forth.

Mr. TAFT. That simply gives the Commission power to extend an existing competitive service. It does not give the Commission any right to make any new competitive service.

Mr. WHEELER. But one cannot simply consider one paragraph. It is necessary to read that paragraph in connection with the preceding paragraph (20), which provides:

> Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this (section).

Mr. TAFT. If it is competitive, it seems to me without any question to be in conflict both with the provisions of the paragraph and of the section. I do not see how language can otherwise be construed.

Mr. WHEELER. We have not changed the intent of the legislation. As a matter of fact, what we are doing is simply taking the words "new service" and placing them in what is now paragraph (21), thus having exactly the same provisions and the same rules that are now in the statute.

Mr. TAFT. Of course, the difference between the distinguished Senator and myself is as to the interpretation of the existing law. It seems to me clear under the existing law that no new competitive service can be authorized by the Interstate Commerce Commission. I do not see how the existing law can be otherwise construed.

Mr. WHEELER. I do not agree with the construction placed upon it by the Senator from Ohio. Let me say that the Interstate Commerce Commission has construed the law, as I have stated, in several cases for a period of 16 years, and the Commission has never been reversed by any court. The decisions of the Commission have not been appealed, as a matter of fact, to any court. If anyone felt aggrieved by the decision of the Commission, he could have appealed from it. No one has done so. Therefore those affected—railroads, their lawyers, and others—have apparently come to the conclusion that the construction placed upon the law by the Commission was the correct one.

Mr. President, I am frank to say that I cannot read the law in any other way than I have stated. If a client came to me and asked me to place a construction on the law, and asked what he could do under it, I would have to say to him that, in my judgment, in view of the fact that the Commission had placed the construction they had upon it, nothing else could be done other than to live up to the language of the provision I have just read to the Senator—and I again read from paragraph (21):

> If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may—

And so forth. Not only that, but as a practical matter, why should not such a thing be permitted if it is in the interest of the American people? Why should it not be done if it is in the interest of the public?

As I pointed out yesterday, the water carriers have greater protection in the bill than they ever had before. The thing which the Panama Canal Act sought to do, and the thing which people were seeking to do, was to prevent the railroads from buying up competing lines and reducing the rates so as to put water transportation off the Mississippi River. Under the terms of the bill they cannot do that. They cannot do it, not only because of this clause, but because we specifically wrote into the bill language saying that as to each form of transportation the Commission must fix rates, not based upon the railroad rates or motor rates, but rates which are compensatory to the water carriers themselves. Not only did we put such language in the preamble, but when we reached the conference, because of the fact that the water carriers wanted protection, and because it was suggested that the protection in the preamble was not enough, we wrote it into the rate-making provision. So, as a matter of fact, the competing forms of water carriers on the Mississippi, and everywhere else, are better protected than they ever were before. But if the Miller amendment, which the water carriers have asked for, should go into effect, it would wreck them.

Mr. REED. Let me say to the Senator from Ohio that we are not writing the original Panama Canal Act. What the conference committee was dealing with was what the Senate did in this instance; and the Senate, in Senate bill 2009 as it passed this body with the vote of the Senator from Ohio in the affirmative, changed, in paragraph 20, the word "paragraph" to "section," and that made all the provisions of the three paragraphs come under the scrutiny of the Interstate Commerce Commission whenever it passed upon a case.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. TAFT. Let me say that I entirely disagree with the Senator from Kansas. I do not think writing in the word "section", instead of the word "paragraph", has that effect at all. I do not think it in any way changed the original meaning of the act. I do not think it in any way authorized the Interstate Commerce Commission to grant to a railroad the right to acquire a competitive water service.

Mr. REED. Following the remarks of the very able Senator from Ohio, let me read again from paragraph (20).

Mr. WHITE. Paragraph (21).

Mr. REED. This is paragraph (20) of section 5 of the present act, as amended by this body by a vote of 70 to 6, with no question raised about it.

> Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this section.

Mr. TAFT. Which means not competitive with the existing railroad, without any question, according to all rules of the English language.

Mr. REED. In 1912 the Congress defined the extent of that competition, and laid down a rule for the Interstate Commission to follow. We have written that rule into the conference report which is now before the Senate. It is wholly impossible for me to understand why such an able lawyer as the Senator from Ohio could or should or would place such a strained construction upon language which is reasonably clear after we amend it.

Let me make this statement for the particular benefit of the Senator from Ohio [Mr. TAFT], the Senator from Nebraska [Mr. NORRIS], and other Senators who are interested in water transportation. I am sorry the Senator from Minnesota [Mr. SHIPSTEAD] is not now in the Chamber. He was present a moment ago.

Let me call attention to the provisions we have made for the protection of water carriers against competition by other types of carriers. The declaration of policy contained in title I, section 1, page 3 of the conference report, reads in part as follows:

> It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this act, so administered as to recognize and preserve the inherent advantages of each;

We further say:

> All of the provisions of this act shall be administered and enforced with a view to carrying out the above declaration of policy.

We did not stop there. In section 305, paragraph (c), page 40 of the conference report, we went further. There may be a difference between rates. Sometimes that difference is a discrimination, but it must be an undue discrimination before it is unlawful. To protect the water carriers against any charge of the railroads that their lower rates—if they were lower—might be considered as discrimination, we wrote in this paragraph:

> *Provided*, That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description. Differences in the classifications, rates, fares, charges, rules, regulations, and practices of a water carrier in respect of water transportation from those in effect by a rail carrier with respect to rail transportation shall not be deemed to constitute unjust discrimination, prejudice, or disadvantage, or an unfair or destructive competitive practice, within the meaning of any provision of this act.

But we did not stop there. We went further. In section 307, paragraph (f), on page 44 of the conference report, we put in this direction to the Interstate Commerce Commission:

> In the exercise of its power to prescribe just and reasonable rates, fares, and charges of common carriers by water, and classifications,

regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient water transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable water carriers, under honest, economical, and efficient management, to provide such service.

I do not know what else we could do, unless the Senate were to constitute itself a body to hear cases and determine questions of fact as to reasonableness, prejudice, and discrimination. We not only put that language in the declaration of policy, but we have carried it through in every place in the bill where it will fit.

We went further. On the Great Lakes there is what is known as bulk transportation. Such transportation in the main, consists of coal which goes up the Lakes, and steel, iron ore, grain, and limestone, which come down. With relation to that transportation, we said:

Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count.

To help the river carriers, which use barges, we put in this sentence:

For the purposes of this subsection, two or more vessels while navigated as a unit shall be considered to be a single vessel.

I do not know what more we could do.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. WHEELER. As a matter of fact, in the conference, because of complaints which came to us from the water carriers, we modified the bill as it passed the Senate; and today, so far as water carriers are concerned, the bill is far more favorable to them than it was when it passed the Senate.

Mr. REED. It is more favorable to them than it was when it passed the Senate; and we have written into the bill, either in the Senate or in the House of Representatives, every possible protection we could give the water carriers.

Mr. WHEELER. Mr. President, will the Senator further yield?

Mr. REED. I yield.

Mr. WHEELER. Before the committee there appeared witnesses who claimed to represent 4,000,000 farmers. They said they represented the Farmers Union. I doubted it, because I saw one of the so-called farmers' representatives leave the room repeatedly and consult with representatives of some of the large interests which use the rivers and do not pay a cent for their use. I telegraphed to the head of the Farmers Union in Minnesota and asked him if this man represented the union. He replied, "No; he did not represent them." As a matter of fact, the Farmers Union went on record in favor of it, and said that, so far as river navigation was concerned, the farmer himself, in very few cases, got any benefit whatever out of it; that the benefit went entirely to the oil companies. The president of the Standard Oil Co. of Kentucky, which is interested in waterways, said, "Surely, when we get a cheaper rate we put it in our pocket, and, as a result of water transportation on the Ohio River," he said, "we have paid for our docks in"—I think he said—"a year or 2 years' time." He was asked if they passed on the benefit to the public, and he said: "No; we put it in our pocket." The same thing is true with the steel interests, the lumber interests, and the coal interests—every single one of them.

Behind some of those claiming that they are representing the farmer, and representing this and that, it will be found the big outfits who are the real beneficiaries, and who are not giving the producer or the consumer the benefit.

Mr. REED. Mr. President, it is somewhat trying, especially when a bill of this length and importance goes to a conference committee, to be constantly pursued by misrepresentations as to what the conferees have done. While many, not all, of the water carriers favor this proposed legislation, some of them are bitterly opposed to it.

Mr. WHEELER. Mr. President, may I call attention to the fact that Major General Ashburn, at one time president of the Inland Waterways Corporation, said, so far as the Senate bill 2009 is concerned:

I have read it over very carefully, and I think it will accomplish all that it is intended to accomplish. I think it is a good bill.

Mr. CLARK of Missouri. When did he say that?

Mr. WHEELER. He so testified when the bill was before the Senate committee and testified in the same way before the House committee.

Mr. CLARK of Missouri. Mr. President, if the Senator from Kansas will yield there, I was just about to say, in response to what the Senator from Kansas has said, that most of the water carriers with whom I am familiar and who were in favor of the bill as it passed the Senate and in favor of the bill as it passed the House, are against it now because of the deletion of the Miller-Wadsworth amendment, not that that has anything to do with the point of order, of course, but there was a large body of support brought to this bill, particularly among the water carriers, by reason of the inclusion in the Senate and House of the Miller-Wadsworth amendment.

Mr. WHEELER. Let me say that the Senator is wrong about that, because General Ashburn testified——

Mr. CLARK of Missouri. I am not referring to General Ashburn, but I do know how the water carriers felt; and I happen to be acquainted with them.

Mr. WHEELER. So am I, and I say that before the Miller amendment ever went into the bill they came before the Senate committee and testified in favor of the bill.

Mr. CLARK of Missouri. I will expatiate on that when I get the floor.

Mr. WHEELER. The Senator can "expatiate" on it, but I know the facts, I think, better than does the Senator from Missouri.

Mr. CLARK of Missouri. The record shows the facts about that.

Mr. WHEELER. No; it does not show the facts by any manner of means. The fact of the matter is that General Ashburn testified before the Miller amendment was put in the bill. I repeat what I said a moment ago, that if we should put the Miller amendment into the bill, while on its face it may look all right, it would do more to destroy the water carriers and permit the railroads to destroy them than anything else that could possibly be written into the bill. Not only did General Ashburn testify, but Harry Ames, representing the Mississippi Valley Barge Line, also testified in favor of the bill, and Mr. Farley, representing the American-Hawaiian Steamship Co., also testified in favor of it.

Mr. CLARK of Missouri. The Mississippi Valley Barge Line, an organization about which I happen to know, were opposed to the bill on the ground that the Miller-Wadsworth amendment was not in it originally, and they are now very much opposed to the bill because of the deletion of the Miller-Wadsworth amendment.

Mr. WHEELER. I differ with the Senator.

Mr. CLARK of Missouri. I have the word of the president of the company for it.

Mr. WHEELER. I do not care whether the Senator has the word of the president of the company or whether he has not. I am stating what the record shows before the Senate committee before the Miller amendment ever went into the bill.

Mr. REED. Mr. President, I think I know as much about the genesis of this bill as does the Senator from Missouri.

Mr. CLARK of Missouri. If the Senator will yield at that point, I think that is perhaps true; the Senator is very familiar with the tendency of the bill, in fact the Senator is too familiar with the tendency of the bill. The Senator and I start out on essentially different angles of approach to the bill. I do not question the familiarity the Senator has with the bill, the purpose of the bill, and the tendency of the bill

at all, but the Senator starts out from the angle of striking down all competition with the railroads, while I start out from the standpoint of protecting the water transportation of the inland waterways of the country.

Mr. REED. Mr. President, the Senator from Missouri has no justification for that statement; it is not true; it has no foundation. The work which the committee did, which I did, which the conference committee did, and which the House committee did is all contrary to the statement of the Senator from Missouri.

What I started to say was that about 25 people interested——

Mr. WHEELER. Mr. President, will the Senator let me interrupt him further?

Mr. REED. I yield.

Mr. WHEELER. Let me say to the Senator that I am sure, on reflection, the Senator from Missouri would not make the statement he has made with reference to the Senator from Kansas.

Mr. CLARK of Missouri. I meant it as no reflection on the Senator from Kansas, but he and I have essentially different philosophies.

Mr. WHEELER. The Senator is wrong about that, let me say, because there is no man in this body who has fought harder to protect the waterways of the country from competition than I have. When the question as to the fourth section was pending the waterways interests hardly had a friend in this body or in the committee. I went to work and deliberately and personally held it up for 2 or 3 or 4 years in order to protect the waterways, because I know if the fourth section were repealed that action would destroy them, and I would not permit them to be destroyed.

Let me say that the Senator from Kansas has done everything in his power to protect from competition the water carriers all the way through, and I submit that today this bill does protect them. If we do not pass this proposed legislation, let me say that what will happen will be a repeal of the fourth section, for such a measure twice passed the House, and competition will be opened against water carriers and they will be driven off the waters, in my judgment.

The sentiment in the Senate, I happen to know, was for the repeal of the fourth section, because we made a careful check, and a majority of the committee of the Senate was for the repeal of the fourth section. There is not anybody knows it any better than the water carriers whose representatives are here in the galleries today leading the fight against this bill. They know it better than anybody else. They do not want to have any regulation for themselves; they want the railroads tied up in a knot; they do not want anything fair. I thought they did. I said repeatedly when the fourth section was before the Senate that we should regulate every form of transportation in the same way. I am not for letting one form of transportation go unregulated and another form of transportation be regulated. With the Government of the United States spending millions upon millions of dollars to furnish means of competition, such as roads and canals, why should one group say, "We do not want any regulation"? I care not whether it is a railroad or any other form of transportation, each is entitled to a fair, square deal at the hands of the Congress of the United States. I said repeatedly in the committee:

> I am not in favor of tearing down and letting the railroads wreck water competition, but I am in favor of fair regulation.

I say, without any hesitation at all, that there has never been a bill come before the Congress of the United States that was fairer to the water carriers than the bill that is now before the Senate. If this bill should be killed, then there would be only one thing I could do as chairman of the Interstate Commerce Committee. I would have to say, then, let the railroads be turned loose, let them compete, and let them go ahead without any regulation where they come in competition with water. Then we would see some water carriers howling murder because we were letting the railroads compete with them.

We cannot legislate in that way; we cannot be honest with ourselves, the Senate cannot be honest with itself, by attempting to regulate one form of transportation and not to regulate the other. We have either got to blow hot or we have got to blow cold. I will not stand on this floor and say that I will regulate the railroads and tie them up and then say to the water carrier, who has benefited by the millions of dollars we are spending each year on rivers and canals, "You do not need to be regulated; you can go scot free."

Mr. CLARK of Missouri. Mr. President, will the Senator from Kansas yield to me for the purpose of asking a question of the Senator from Montana?

Mr. REED. The Senator from Kansas has the floor.

Mr. CLARK of Missouri. I understand that, and I was asking the Senator if he would yield.

Mr. REED. I hope the Senator from Missouri will be good enough to make his argument in his own time.

Mr. CLARK of Missouri. I will, but the Senator has yielded to the Senator from Montana. Will he not yield to me to state what the position of the opposition to this bill is?

Mr. REED. Very well.

Mr. CLARK of Missouri. I should like to say to the Senator from Montana, if the Senator from Kansas will permit me—and I shall detain him for only a moment—that I have never heard anybody in or out of this body seriously advocate that water carriers or motor transportation or aviation or any other form of transportation should not be subject to regulation. I say they should all be subject to regulation, but I say they should all have a fair show as a matter of regulation. I say the other forms of transportation should not be turned over to a body which, by reason of its body of precedents, without any reflection on the character or intentions of any of its Members, is essentially a railroad-minded body, and the whole body of its precedents shows that it is a railroad-minded body.

A few years ago, when the Senator from Montana introduced in the Senate a bill to provide for the regulation of all forms of transportation by a commission called the Interstate Commerce Commission, but a commission to be set up and to be divided into panels, one having to do with water transportation, one having to do with motor transportation, another, I think, having to do with air transportation, and another with the railroads, with an appeal to the body as a whole as a sort of a court in banc, it had no more ardent supporter on this floor than I was; and I never have found out the reason why the Senator from Montana abandoned that bill. That is not this bill, however.

Mr. WHEELER. Let me say to the Senator that for 10 years the motor carriers fought any regulation, and they used identically the same arguments against the regulation of motor carriers that were used by the water carriers. Today the railroads accuse the Interstate Commerce Commission of being motor-carrier-minded, and they accuse them of leaning too far toward the motor carriers. That is the fact about the matter; but the same identical arguments have been used by the water carriers. The water carriers have fought regulation ever since I have been in the Senate, for 18 years. Whenever there has been before Congress a bill regulating water carriers they have appeared here, and they have had one of the most powerful lobbies that have ever been around Congress opposing that legislation.

Mr. CLARK of Missouri. The Senator means that the railroads have.

Mr. WHEELER. The railroads have, the motor carriers have, the water carriers have; all of them have. I do not find any fault with them, but I say we cannot be fair and honest with ourselves and say that one form of transportation should be turned loose and the others should be regulated.

Mr. REED. Let me say to the Senator from Missouri that I shall be happy to yield any time he desires to ask me a question, but I should like to have him make his speeches in his own time.

Now, I desire to discuss what is known as the Miller amendment. The distinguished Senator from Montana [Mr.

WHEELER], the chairman of the committee, knows that last year, when the Miller amendment was offered, I was opposed to it. I am opposed to it now. It always was unworkable; it is unworkable now; and if carried into the law it will break down practically all regulation of all kinds of carriers. I desire to analyze it for a moment.

The Miller amendment reads as follows:

In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates—

Nobody could find any fault with that power; but the Miller amendment goes further, and uses this language—

so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered.

There is a rate-making rule. In other words, under that mandate to the Commission, no rate may be reduced unless it brings a compensatory return, and that applies to every type of carrier.

Mr. President, that is the way the Miller amendment read when the bill passed the Senate. When it went over to the House this provision was added:

*Provided*, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

The Senator from Missouri [Mr. CLARK] the other day referred to that addition of a proviso in the House as an unimportant proviso. It was a very important proviso.

If the Senate had adopted the Miller amendment with that proviso, and the House had striken it out, and then the matter had gone to conference, does any Senator believe the Senate conferees would have been precluded from considering the effect of the whole thing? I think not. I shall leave that matter for later discussion; but I desire to discuss the phase of the amendment wherein it provides that rates may be reduced—

So long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered.

There is a question of fact. What is a compensatory return?

Let me briefly dwell upon the way in which common-carrier rates are made. Whether they be highway carriers, railroad carriers, or water carriers, the burden of initiating rates devolves upon the carriers involved. So a carrier publishes a tariff, and files the tariff with the Interstate Commerce Commission; and within 30 days, unless objection is made, the tariff automatically becomes effective. If objection is made, under the long, unbroken practice of the Commission there is a special body within the Interstate Commerce Commission which examines into the objection to see if it has weight; and if it has weight the tariff is suspended. The Commission may suspend a rate or a tariff for not longer than 7 months, and when a tariff is suspended it is set down for hearing. The carrier that filed it comes in to justify it, the objector comes in to maintain his objection, and the Commission decides.

Let us see what burden we have put upon the Interstate Commerce Commission. We have put in a provision, or would do so if the Miller amendment should be carried into law, that no rate may be reduced below a compensatory return. That means that every carrier that filed a reduced rate would have to come in to the Commission with his books and his costs to show what his costs were against the revenue to be derived from the tariff or rate, so that the Commission could determine whether or not the rate was compensatory.

Let me tell the Senate something. Last Monday I went down and spent all afternoon with the Interstate Commerce Commissioners and the Tariff Bureau of the Commission. I wondered just how much of a burden this amendment would put upon the Commission, because, bear in mind, under the amendment, when any carrier files a tariff the Commission first has to examine the tariff to find whether it contains reduced rates, and, if the rates are reduced, whether the reduced rates produce a compensatory return. So I asked them how many tariffs were filed with the Commission; and they told me that in the 12 months ended November 1, 1938—a representative period—124,674 tariffs were filed by the railroads, the express companies, and the pipe lines, and in the same period the motor carriers filed 72,795 tariffs.

I asked the Commission if they could give me an idea of the number of items that were in these tariffs. They said, "We can give you an idea. There is no way for us to tell you accurately. We can give you information upon which you can make an estimate." Of course, every tariff has to have at least one rate, or it would not be filed; and they told me that there have been bulky tariffs that contained as many as 50,000 rates. So I said, "Would an average of 10 rates per tariff be a fair statement?" They said, "Oh, you are away too low." Finally, in conference with the members of the Interstate Commerce Commission and the Tariff Bureau which handles this matter, they agreed that it was a very conservative estimate that the average number of rates filed in each tariff would exceed 100; so I applied 100 to the number of tariffs. Every tariff filed with the Interstate Commerce Commission is given a consecutive number; so it is easy to determine the number of tariffs.

Mr. BONE. Mr. President, will the Senator yield?

Mr. REED. Certainly.

Mr. BONE. Is it the view of the Senator that when a schedule of rates is filed by a carrier, it is the duty of the Commission, under the law, to establish the fact that the rate on each single commodity carried is compensatory? Among all the thousands of commodities, do they examine as to each one, and then say that the rate on a particular commodity is a compensatory rate?

Mr. REED. That would be an impossible task, and not necessary under the present law.

Mr. BONE. That is what I am getting at.

Mr. REED. Let me state for the benefit of the Senator from Washington what the Miller amendment would require the Commission to do. It would "permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return." If that is not a definite mandate to the Interstate Commerce Commission, I do not know how one could be written.

Mr. NORRIS. Mr. President, will the Senator from Kansas yield?

Mr. REED. I will yield in a moment. I wish to give another figure. We have data as to the total number of rates filed in the 12 months. According to the best guess we could make—and it was a guess, but it was stated to be a conservative guess—the number filed by motor carriers and by railroads in 12 months would be 19,746,900. If every room in the Interstate Commerce Commission Building were devoted to searching these rates to find which were reduced, and then to holding hearings to determine whether a reduced rate came within the rule provided in the Miller amendment, there would not be sufficient room for that process, and instead of having 11 Commissioners, we probably would have to have 111, or perhaps 1,011, because it is an impossible task.

I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I should like to ask the Senator a question. He is arguing as to the merits of the Miller amendment. What have the conferees to do with the merits of any amendment or any law? If the conferees find that a bill has been passed by the Senate and in the same form by the House, is it within the province of a conference committee to say, "We will strike that out, even though both Houses have approved it, because it is not workable"?

Mr. REED. Let me say to the Senator from Nebraska that, in the first place, his first proposition was not correct. We adopted the Miller amendment without the proviso. The House inserted that important proviso, and we refused to accept it when it came back.

Secondly, for 13 years, through the administrations of four Vice Presidents, through the rulings of the present President pro tempore when he occupied the chair, through the ruling

of the distinguished senior Senator from Kentucky [Mr. BARKLEY], the minority leader, when he occupied the chair, and 75 years in the House of Representatives, it has been construed that under these circumstances the conferees have a wider latitude than they would have under other circumstances.

Mr. NORRIS. As I see it, the Senator has not attempted yet to answer my question. We are discussing a point of order, and the question involves the rights of the conferees. It is claimed that they have exceeded their authority. What difference does it make to the conferees whether a law becomes workable or not? If there is blame, it is on the Senate and the House if they pass the bill. The conferees have no authority to say, "Well, we will change this measure without regard to whether it passed or not, merely because we do not believe a certain provision is right." That is not the duty of the conference committee.

Mr. WHEELER. Mr. President, will the Senator from Kansas yield?

Mr. REED. I yield.

Mr. WHEELER. Suppose the Senate passed a bill and, after it got into conference it was found that a certain provision would destroy the Interstate Commerce Commission absolutely or that they could not operate. Then suppose the House struck out all after the enacting clause and wrote in another bill, even though they put in the same language. Under the rules which have been followed in this body for 13 years—and it will be found that the Senator himself has voted for the very rule we are now advocating—and under the rules of the House for 75 years—we would have the authority to strike it out. Consequently it is germane to the argument on the point of order, first, because if it was something which would bring to an end the operation of the Interstate Commerce Commission, it is essential that the Senate should know why we did it, and that our position was not just an arbitrary one, assumed because we did not like a particular provision.

Secondly, as the Senator from Kansas has pointed out, it is necessary to present the merits of the case for the simple reason that in the House a proviso was inserted to the effect that nothing in the act should interfere with the long-and-short-haul provision of section 4.

Mr. NORRIS. The conference committee could have agreed to the action of the House, or rejected it, as they saw fit. If it is material to discuss the merits of either the bill or of any amendment, why did not the conferees put in the proviso which the House added to the Senate amendment?

Mr. WHEELER. There is something the Senator from Missouri has overlooked, namely, that not only did the amendment interfere with the fourth section, but it interfered with the whole rate-making provision.

Mr. NORRIS. Suppose it did; what of it?

Mr. WHEELER. It makes a lot of difference.

Mr. NORRIS. So far as the conference committee is concerned, it does not make any difference.

Mr. WHEELER. Oh, yes; it does; it makes all the difference in the world. The Senate made changes and the House made changes which went to the very essence of the rate-making power of both branches of Congress, aside from the Miller amendment. When we got into conference we found another provision of the bill which upset the other provisions. So, we would have two inconsistencies——

Mr. NORRIS. Again I say, what of it?

Mr. WHEELER. I am sure the Senator would say that if in writing subdivision (a) we changed the subdivision, it would not only bring into conference subdivision (a), but it would bring into conference every other subdivision which was in conflict with what we did in subdivision (a). There cannot be any question about that, in my judgment.

Mr. NORRIS. I come back again to the same proposition; it seems to me neither the Senator from Montana nor the Senator from Kansas has answered the question. I lay down a proposition which I do not believe can be disputed. Under the rule of the Senate, as it stands now, when a disagreement of the two Houses is submitted to a conference committee, the conference committee have no authority to take out something which was adopted by both the House and the Senate. There is no right in the conference committee, when they take it out, to say, "We took that out because we think it has improved the bill. It would be in a terrible shape if we left it in." That is not the responsibility of a conference committee, it seems to me, and when we are arguing a point of order on the conference report, it is immaterial whether a bill as passed by the Senate and House when put together would make sense or nonsense. That is not for the conference committee to decide, and it is no defense for the conference committee to say, "Why, yes; we did that; we changed it; we left that out, but we left it out because, as a matter of fact, we believed it would nullify the whole thing if we left it in." The Senate and the House both put language in, and the conference committee has no right to take it out. That goes to the merits, and the conference committee has nothing to do with the merits, as I see it.

Mr. WHEELER. I apparently have not made my meaning plain to the Senator from Nebraska, and it is entirely due to my lack of ability to make myself clear.

Mr. NORRIS. If the Senator will permit me, it has been with a great deal of reluctance that I have made the statement I have submitted. I regret it because I have followed the Senator from Montana on the proposed legislation, and should like to continue to do so, and I wish I could on this amendment, and perhaps I can when I look into it further. I have talked with him many times about the bill. I have listened to the Senator from Kansas, and I sympathize with both of them, because of the difficult task with which they were confronted; and when I reflect what they have been through, and how hard and diligently and conscientiously they have worked on this important piece of legislation, I hesitate, I wish to say to the Senator, to find fault with anything they have done, even though it seems to me to be wrong.

Mr. WHEELER. I cannot conceive how, in the first place, the Senator could say that we were wrong. The House of Representatives wrote in the Wadsworth amendment, and they wrote in a proviso to the effect that it should not interfere with the fourth section. When that was written in, it was not simply an inconsequential matter, as the Senator from Missouri would have the Senate believe, but it changed the whole effect of the section, so far as it relates to the fourth section.

Mr. NORRIS. Admitting that for the sake of the argument—what of it?

Mr. WHEELER. The Senate placed a different provision in the section, so there was a complete conflict between the House and the Senate with respect to the Miller amendment. There cannot be any question about that. I submit the matter to any one who has studied the matter in the slightest degree, even to one who has given the matter only cursory examination, or to anyone who knows anything about the rules of rate making, and ask, When, as was done under the Miller amendment, it is provided that the railroads can fix any rate they wish to fix, so long as it is compensatory, what is the effect of that provision? The effect of it is that the railroads can say, for example, that they will ship certain products from the city of Chicago to Seattle, through Billings, Mont., and over two ranges of mountains, and yet, based on the contention that they have competition from boat lines, they can proceed to cut the rate, and maintain that the rate they charge is a compensatory rate. The railroads in such circumstances have always contended that the rate they charge is a compensatory rate. The result is that they can proceed to cut a rate, based on their contention of competition, but in violation of the fourth section.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. WHEELER. I shall yield in a moment. If the Senator will——

Mr. CLARK of Missouri. The Senator was referring to me as though I were trying to mislead someone.

Mr. WHEELER. No; I do not wish to imply that the Senator from Missouri was endeavoring to mislead anyone. I think he misapprehended the language.

Mr. CLARK of Missouri. I have stated what I believe to be the exact fact.

Mr. WHEELER. I asked the Interstate Commerce Commission for a statement with respect to the effect of the proposed amendment to section 15a, and I wish to read the Commission's reply, as follows:

SEPTEMBER 4, 1940.

Hon. BURTON K. WHEELER,
*Chairman, Committee on Interstate Commerce,*
*United States Senate.*

MY DEAR SENATOR WHEELER: Your request dated September 3, 1940, for our views as to the operation of the proposed amendment to section 15a of the act, contained in S. 2009, as passed by the Senate, in connection with the long-and-short-haul clause of the Interstate Commerce Act, has been given careful consideration by our legislative committee—

Mr. Eastman is the chairman of the legislative committee—

I am authorized to submit the following response in its behalf:

On January 29, 1940, our committee made a full report upon the provisions of S. 2009, in the forms in which it was enacted by the Senate and House of Representatives, respectively. The bill was then before the conference committee. This report was submitted to the entire Commission for its criticism, before it was signed by our Chairman and transmitted to you and to the Honorable CLARENCE F. LEA, chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives. It was then printed by the House committee for its use.

Commencing on page 50 of the printed report, our legislative committee discussed in some detail the proposal to amend section 15a of part I by adding the following:

"In order that the public at large may obtain the benefit and economy afforded by each type of transportation the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered."

This is the amendment which was offered by Senator MILLER.

Our committee, in dividing its recommendations as to the bill into those which it considered of minor consequence and those which it deemed to be "important" recommended, as "important," that this sentence be stricken. The basis for the adverse comment was (1) the ambiguity in what is meant by "cost" and "compensatory return," and (2) the uncertainty as to whether it would be the intent of Congress that the Commission should not permit any reduced rates which failed to meet the test of yielding a compensatory return. It was pointed out that the amendment seemed to prevent the use of the minimum rate power of the Commission to stop rate wars. The intense competition in transportation of the present day tends rapidly to destroy a system of rate making which gives recognition to the ability of the higher-valued commodities to carry their proportion of the total transportation load. The Commission, as stated by our committee, should be in a position to present events of this character by the exercise of its authority over minimum rates. It was also pointed out that the provision seemed to be unnecessary and undesirable in view of the declaration of policy contained in the bill.

Further reflection has confirmed the view of the legislative committee that the points made in its letter of January 29, 1940, are sound. This opinion is emphasized by the action of the House in adding an important proviso:

"*Provided,* That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4."

There was no similar proviso in the Senate bill, and the House proviso goes only to save from the effect of the amendment "the long-and-short-haul provision of section 4," and does not except the aggregate-of-intermediates provisions of that section, or the discrimination and undue prejudice provisions of sections 2 and 3 of the act.

Bearing in mind that normally a proviso is used to except from the operation of law something which otherwise would be governed by that law, it is apparent that it could be urged, if the amendment should be adopted with no saving clauses, that in effect it will cut across all other provisions of the Interstate Commerce Act, including the long-and-short-haul provisions of section 4, and the aggregate-of-intermediates provision of that section; and also would cut across section 3, which relates to preferences and prejudices between persons, localities, districts, rate territories, etc., and section 2, unjust discriminations.

I wish to call the attention of the Senate at this point to the effect of the Miller amendment. I may say that we are engaged in an argument on the merits, but it also goes to the point of order. As I tried to point out a while ago, the Miller amendment would permit a railroad company which serves the city of Butte, for example, to say to the people of the city of Butte, "We will reduce your rate here," while at the same time it could say to the people of Billings, "We will not reduce the rate here," because the railroad could perhaps claim that one rate was compensatory and the other was not compensatory. As the Commission has pointed out, the very purpose and reason why the Interstate Commerce Act was passed was to stop discrimination against communities and localities and against particular industries located in certain sections of the country.

Under section 4 the Commission is authorized in special cases to grant authority to deviate from the rigidity of the long-and-short-haul and aggregate-of-intermediates clauses. This power is qualified by express provisions of the section, and by a long continued and well understood course of administrative construction and judicial interpretation of the section. It would be fairly arguable from the amendment proposed that whenever a carrier can make out a case of competition at the more distant point, and is able to show that the rates it proposes to meet such competition are such as to "maintain a compensatory return to the carrier or carriers," it would be entitled under the law to an order authorizing relief, for the amendment says the Commission "shall permit" such rates. Furthermore, as the negative review doctrine has been overruled in recent decisions of the Supreme Court, the way would be open for the applicant rail line or water carrier to take the Commission into court, and if able to show that the record before the Commission met the tests of this amendment, to secure a decree nullifying the order of denial of relief. It seems to us probable that the construction would be urged that the amendment qualifies the policy of section 500 of the Transportation Act, which the Commission endeavors to enforce.

Mr. REED. That section preserves water transportation in its full force and vigor.

Mr. WHEELER. Yes; it provides for water competition to be maintained in full force and vigor.

Further, since our decision on the transcontinental fourth section applications in 1922 (74 I. C. C. 48), it has been the policy of the Commission not to grant fourth-section relief when the effect is to extinguish legitimate competition by water. Section 4 (1) makes it the duty of the Commission "to prescribe the extent" to which the carrier may be relieved from the operation of the section.

Clearly it is arguable that there is a conflict between the mandates to the Commission in section 4 (1), and the mandate imposed upon the Commission by the proposed amendment to permit the carriers to reduce rates, seemingly at will, so long as such rates maintain a compensatory return. This seems all the more important, because under the bill the Commission must allow proposed rates to go into effect on 1 day's notice when it grants fourth-section relief, and thus full opportunity for protest of the tariff by shippers after action on the application is virtually precluded.

What has been said with respect to section 4 applies with much force to section 3 of the act. It never has been recognized that a carrier might at will reduce its rates without regard to the basis of rates charged others similarly circumstanced. The need for equality in rates was the compelling circumstance which forced the enactment of the Interstate Commerce Act originally.

Respectfully submitted.

_____,
*Acting Chairman.*

So, it is clearly demonstrable that with reference to the fourth section, there was a clear case of conflict, because of which the conferees had the right to take the action they did.

In addition, as I have pointed out to the Senate, this was not an ordinary conference with respect to a bill. In the bill passed by the Senate the matter in question was all placed together. It was not separated into part one, part two, and part three. When the Senate bill went to the House that body struck out everything after the enacting clause, and a completely new bill was written by the House. Not only did the House strike out what the Senate had done, but the House separated the matter to which I have referred into three parts. The House changed the form of it completely.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. When the bill came back to the Senate, the Senate disagreed to the entire House amendment, which put the whole thing in conference.

Mr. WHEELER. That is correct. The Senate disagreed to the whole House amendment. The House not only changed the form, but wrote into the bill many things with

reference to rates, practices, and other things which were not contained in the Senate bill.

Mr. NORRIS. They had a right to do that.

Mr. WHEELER. Of course.

Mr. NORRIS. There was nothing wrong about it.

Mr. WHEELER. No. What I am trying to bring out—and I cannot seem to make the Senator understand it—is that, after all, what was in conference was not this particular section or that particular section. The Senator shakes his head.

Mr. NORRIS. Everything was in conference. Does the Senator say that this particular matter was not in conference?

Mr. WHEELER. No.

Mr. NORRIS. Such a position could not be defended.

Mr. WHEELER. The Senator misunderstands me, though I am sure not intentionally. What I am saying is that the whole House bill was in conference. That was what was before us. When I said that this particular matter was not in conference, what I intended to say was that it was not only one sentence or one particular paragraph that was in conference. We had to say what was the intention of the House of Representatives and the Senate as a whole, and not as to this particular paragraph.

We might pick out paragraph after paragraph in which we changed the language in order to make it conform to some other section. We had to do it in order to obtain any legislation at all. We had to change the wording in one particular paragraph to agree with that in some other paragraph. But when the Senator says we exceeded our authority in picking out a particular section, I say that the Senator is mistaken, and that he goes contrary to the rules and the rulings of the Senate for the past 13 years, beginning in 1927, and including rulings by Vice President Dawes, Vice President Garner, the President pro tempore, Mr. Pittman, and our distinguished leader, Mr. Barkley. The Senate has specifically ruled upon the question.

Previous to the period to which I refer, the Senate had held somewhat differently. However, I do not care which horn of the dilemma the Senator takes. I do not care whether he takes the former or the present rule. I say that under the former rule of the Senate the matter was in conference, and that because the particular provision changed the language and intent of the Miller amendment it was in conference, and we had a right to say whether or not it should be stricken out.

Under the rules of the Senate for the past 13 years, and the rules of the House for 75 years, we had a right to strike out anything or put in anything that was germane to the whole question of railroad rate-making, water carriers, or motor carriers. There can be no question about it.

Now, after a year and a half of labor on the bill, we find ourselves considering a point of order with reference to the conference report. The Senator from Nebraska said he sympathized with me. I do not want any sympathy. I have never been "married" to any bill I have ever introduced, or any piece of legislation to which my name was ever attached.

Mr. NORRIS. If it is offensive to the Senator for me to sympathize with him, I withdraw the remark and apologize for it.

Mr. WHEELER. I am in the same position as was the old colored woman when the Republican county attorney made a speech at a colored church. The colored woman nudged old man Jones, and said, "I am not for that fellow." Old man Jones asked, "Why not? He said he would see that we got justice." She said, "It is not justice we want; it is sympathy." [Laughter.]

I am not asking for sympathy. I am asking for justice. I am quite different from the old colored woman.

Mr. NORRIS. I am sorry the Senator did not tell me that in advance. I suppose if the old colored woman had known about it in advance, and the speaker had known about it in advance, he would have said, "I will sympathize with you," instead of "I will give you justice." [Laughter.]

Mr. WHEELER. I am sure that a politician would have done so. [Laughter.]

Mr. NORRIS. Still, we come back to the proposition that all the argument made about the merits of the Miller amendment is not material on the point of order. When it comes to the merits of the bill, I do not agree with many things which have been said against it. I think the Senator is shying away from what he thinks is a mountain, but which is nothing more than a mole hill. I shall not argue the merits of the bill on the point of order.

It seems to me that the issue is clear on the point of order. In the first place, the rules of the Senate ought to control the ruling of the Chair or of the Senate on a point of order. We are not operating under the rules of the House. We are working, or trying to work, under the rules of the Senate. If the rule of the Senate, which I shall read, does not mean what it says, then it seems to me the conference committee might be able to throw out anything it wanted to throw out, or put in anything it wanted to put in.

Mr. REED. Is the Senator referring to paragraph 2 of rule XXVII?

Mr. NORRIS. Paragraph 2 of rule XXVII.

Mr. REED. Which for 13 years has been disregarded.

Mr. NORRIS. Probably. It may be that many times it has been misconstrued, but so far as the rule is concerned it seems clear. It reads:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

I am aware that presiding officers have ruled both ways, and that the Senate has approved such rulings. It may be that the last ruling was that when everything after the enacting clause is stricken out in one House, and a new bill is inserted, the rule does not apply. That is the argument which is now made. However, I submit that that argument does not apply. The rule says nothing about such a condition. The rule says:

> Conferees shall not insert in their report matter not committed to them by either House—

That rule does not have a different effect when an entire bill is stricken out and a new bill inserted than it has when only a clause or a sentence is stricken out and another is inserted—

> nor shall they strike from the bill matter agreed to by both Houses.

Mr. REED. We did not agree to it.

Mr. WHEELER. Both Houses did not agree to it.

Mr. NORRIS. Then the argument which the Senator has been making for an hour on the merits of the bill has nothing to do with it. Why has he spent his time in arguing the merits of the bill?

Mr. WHEELER. My argument may not have anything to do with the question, and the Senator may be correct, but I disagree with him; and, inasmuch as I do, I expect to exercise my right to speak in the Senate on any subject on which I wish to speak.

Mr. NORRIS. I agree to that. The Senator may talk about anything he pleases and be perfectly in order under the rules of the Senate, but while he is exercising his privilege of doing so, if I think he is inconsistent or mistaken, whenever I can muster up enough courage to do so I shall say that I think he is mistaken, and that I think his argument does not apply at all.

Mr. REED. Nobody has ever questioned the courage of the Senator from Nebraska.

Mr. McKELLAR. Mr. President, will the Senator yield to me to correct a mistake into which I think the Senator from Kansas has inadvertently fallen?

Mr. REED. I yield.

Mr. McKELLAR. A moment ago the Senator said that the rule is no longer complied with. In the Committee on Appropriations the question of the application or nonapplication

of the rule arises more often than in probably all the other committees of the Senate combined, either in connection with the conferees inserting in their report matter not committed to them by either House or striking from the bill matter agreed to by both Houses. Invariably the rule is carried out by the Appropriations Committee and by the Senate. I think I could cite at least 40 examples this year of the enforcement of the rule through the Appropriations Committee. Whenever we wish to violate it there is only one thing we can do, and that is to make a motion to suspend the rule.

Mr. REED. Mr. President, I have been on my feet for almost 2 hours, and have occupied only part of the time. I have a duty to the Senate as a Senator as well as a duty as a member of the conference committee. I hope to conclude within the next 5 or 10 minutes, but before doing so I expect to show why I am insisting upon discussing the merits of the bill. I want the Senate fully to understand.

The Miller amendment would actually destroy the regulatory power of the Interstate Commerce Commission. Let me show what it would do to the passenger service on all the railroads of the United States. The Miller amendment would require that every rate—and that includes passenger rates—shall be compensatory. If we take the passenger rates on all the railroads in the United States from 1936, the year in which the railroads began to make separate accounting of freight expenses and passenger expenses, the class I railroads suffered losses. One formula calls for subtracting from passenger-service revenue, including allied services, such as mail and express, the operating expenses, taxes, and equipment and joint facility rents apportioned to passenger and allied services, under the rules of the Interstate Commerce Commission. Under that formula in 1936 class I railroads lost $233,327,000; in 1937 they lost $241,591,000; in 1938 they lost $255,263,000; and in 1939 they lost $250,934,000.

There is another formula which might be used for computing a compensatory return, taking what is known as allocated expenses, including expenses of all kinds—and that is what the Miller amendment provides would have to be done—including overhead and all other expenses.

I have a table showing revenue from passenger service on class I railroads, which are all railroads that have a gross revenue of $1,000,000 or more. In 1934, under this formula, which represents the difference between passenger service revenues and expenses, leaving out of consideration taxes, equipment, rent, and joint facility rents which strips the passenger expenses down to the bare bone, in 1934 the railroads lost $126,589,000; in 1935 they lost $161,407,000; in 1936 they lost $121,762,000; in 1937 they lost $131,873,000; in 1938 they lost $133,232,000; and in 1939 they lost $132,625,000.

I ask permission to insert in my remarks at this point the tables from which I have read.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

MEMORANDUM

Beginning January 1, 1936, the Interstate Commerce Commission issued rules governing the separation of operating expenses, railway taxes, equipment rents, and joint facility rents between freight service and passenger service.

Yearly operating results of passenger service since that time show the following:

*All deficits*[1]

| Year | Class I roads | Pennsylvania R. R. | Union Pacific | Atchison, Topeka & Santa Fe | Southern Ry. |
|---|---|---|---|---|---|
| 1936 | $233,327,000 | $12,158,674 | $11,114,460 | $13,470,020 | $3,898,261 |
| 1937 | 241,591,000 | 15,218,944 | 11,821,283 | 14,862,406 | 4,121,888 |
| 1938 | 255,263,000 | 10,363,742 | 11,857,787 | 12,708,625 | 4,928,905 |
| 1939 | 250,934,000 | 13,099,269 | 14,188,273 | 13,032,785 | 4,808,631 |

[1] This means the result of subtracting from passenger service revenue including allied services such as mail and express, the operating expenses, taxes, and equipment and joint facility rents apportioned to said passenger and allied services under the rules of the Interstate Commerce Commission.

*Net revenue from passenger service*[1]

| Year | Class I roads | Pennsylvania R. R. | Union Pacific | Atchison, Topeka & Santa Fe | Southern Ry. |
|---|---|---|---|---|---|
| 1934 | [2] $126,589,000 | [2] $3,979,049 | [2] $1,465,460 | [2] $8,913,799 | [2] $3,685,240 |
| 1935 | [2] 161,407,000 | [2] 5,784,661 | [2] 2,866,014 | [2] 10,115,691 | [2] 3,951,062 |
| 1936 | [2] 121,762,000 | [2] 1,550,137 | [2] 7,232,056 | [2] 9,020,360 | [2] 1,885,605 |
| 1937 | [2] 131,873,000 | [2] 3,090,054 | [2] 7,745,283 | [2] 10,614,880 | [2] 1,526,139 |
| 1938 | [2] 133,232,000 | 1,964,967 | [2] 6,838,604 | [2] 7,859,397 | [2] 2,270,453 |
| 1939 | [2] 132,625,000 | [2] 1,409,040 | [2] 8,885,036 | [2] 7,988,309 | [2] 2,383,942 |

[1] This represents the difference between passenger-service revenues and expenses, leaving out of consideration taxes, equipment rents, and joint facility rents.
[2] Deficit (all deficits except the Pennsylvania R. R. for the year 1938).

Mr. REED. Mr. President, I did not propose to have this bill brought back to the Senate without telling the Senate just what each and every provision meant, whether it is to be considered on a point of order or on its merits. I have pointed out to the Senate that the Miller amendment, if included in this bill, would make it absolutely unworkable, and it would have the further effect that every railroad in the United States would either have to raise its passenger rates, because present rates are not compensatory, or would have to go out of the passenger business. There is no escape from that.

I discussed this matter at length last Monday with members of the Interstate Commerce Commission, as to how the inclusion of the Miller amendment would affect, first, the administration of the law, and, secondly, the passenger business now handled by the railroads. I do not think it is in the public interest or desirable from the public standpoint that passenger rates shall be raised or that the railroads shall be compelled to go out of the passenger business.

I have a duty, Mr. President, to the Senate, and I will not sign a conference report, no matter what the rules of the Senate may be, that recommends the passage of any bill which is so destructive as this bill would be if it included this amendment. The Senate of the United States may do as it chooses; that is its prerogative; a majority of this body can adopt or refuse to adopt the report, but I give notice now, Mr. President, that if this bill is recommitted, either on a point of order or with instructions to include the Miller-Wadsworth amendment, I shall ask to be relieved from the conference committee, because I will not sign a report that contains it. My action is not important, but it is the only honest way that I can deal with myself and with the Senate. I do not propose to be a party to bringing into this body a report which is so destructive of regulation and so destructive of the public interest as any bill would be with a provision of this kind in it. The distinguished Senator from New Mexico [Mr. HATCH] the other day suggested that, in addition to the power and authority of the agent and principle there is also, as I recall, the additional power of ratification. The chairman of the committee, for whose integrity, ability, courage, and industry I have the highest regard, and with whom I have worked with great pleasure during the last 18 months, has already discussed many of the questions involved. I am only speaking about my own part in it. If the Senate of the United States so desires, it can recommit this bill either upon the point of order or by a motion to recommit, but it cannot make me sign a report. So, Mr. President, as I have said, if such action is taken, with all respect to the powers of the Senate, I shall ask to be relieved from the conference committee.

Mr. WHITE. Mr. President, there is nothing about the present parliamentary situation which I like. I completely disapprove of the practice which has grown up both in this body and the other body which recognizes the right of one or the other to strike out all after the enacting clause of a bill and which recognizes the right of the conferees to write into a proposed piece of legislation anything and everything they see fit to write into it which may be germane to the general subject matter. I do not approve of that practice, however long it may have been established in the two bodies.

Mr. President, I do not approve, either, of the submission of a parliamentary question by the Presiding Officer to the legislative body for determination for, however much we may theorize about it as a practical matter, the Presiding Officer is not asking for an opinion upon a parliamentary question, but the submission is an invitation to the body to vote upon the merits of the question.

Mr. President, I shall vote against the adoption of the conference report, but in a service of some years I have never known a legislative proposal that has had longer and more earnest and more intelligent consideration than has been given to the pending transportation bill. I desire to pay tribute to the four other members of the Senate conference committee, to their high purpose and the industry and intelligence they have shown in the work which was committed to them. So far as I am concerned, I shall not at this time depart from the parliamentary practice of the past. I shall not avail myself of a recent ruling; and I shall not, on a technicality, be a party now to the sabotaging of 18 months of work. I shall vote against this bill, but I submit that it ought to be passed upon by the Senate on its merits; I shall make such contribution as I can to that end; and I shall vote against the point of order which has been raised.

Mr. President, having said that much, I desire to express somewhat briefly my views about the proposed legislation. I declined to sign the conference report. My unwillingness to do so and my opposition to the adoption of the report are based chiefly upon my conviction that title 3 of the bill leaves the regulation of water carriers in a more chaotic state than it now is, and my belief that the bill in its provisions with respect to water carriers does injustice to them, and particularly is prejudicial to interests in my own State.

One of the fundamental purposes, perhaps the foremost purpose of this proposed legislation—so it has been constantly asserted—was to center in a single regulatory agency of the Government, jurisdiction over all our transportation facilities. It has been insistently urged that we should have a comprehensive and coordinated system of rail, truck, and water transportation, with the inherent advantages of each form preserved but with each fitting into and making its special contribution to an integrated whole, and that the accomplishment of this purpose demanded a single regulatory authority charged with responsibility for effecting such coordination, to the end that our people might have the benefit of the most efficient system that might be built from the many parts.

Mr. President, with such an ideal there might well be general accord. I do not now quarrel with this conception. In this legislation we have not achieved this objective, but, on the contrary, we have perpetuated existing confusion and have added new complexities to the problem of water-commerce regulation, and we have done injustice and wrong to legitimate business interests in sections of our country.

Mr. President, have we effected the unified control asserted to be an objective and a justification for the legislation? Assuredly, we have not. By this bill there is not transferred to the Interstate Commerce Commission, nor is there originally conferred upon it, jurisdiction—

First. Over vessels in our foreign trade. These vessels and this trade remain within the authority of the Maritime Commission.

Second. Over vessels engaged in trade between a State and the Territories of the United States.

Third. Over vessels engaged in trade between the ports of any of our Territories or island possessions.

Fourth. Over vessels while used in the transportation of bulk commodities.

Fifth. Over contract carriers by water of bulk commodities upon the Great Lakes.

Sixth. Over vessels in intrastate trade.

Seventh. Over vessels of not over 100 tons carrying capacity, or vessels carrying passengers and equipped to carry no more than 16 passengers, except as the Commission shall find application of the bill to them necessary in order to carry out the national policy declared in the act.

Eighth. Over industrial carriers—that is, carriers owned and operated by the same person owning the cargo carried.

Ninth. Over contract carriers by water which, by reason of the nature of the commodities transported, or their requirement of special equipment, or their shipment in bulk, are not substantially competitive with rail or motor carriers.

As to all these substantial groups, jurisdiction remains in the Maritime Commission in the Department of Commerce, or it does not exist at all.

In their aggregate, these vessels which will remain outside the authority of the Interstate Commerce Commission, in numbers, in tonnage, and in volume of cargo carried, constitute a substantial part of our salt-water fleet, of its cargo, and of the huge tonnage carried upon the Great Lakes.

The omission of such ships and such cargo tonnage from the jurisdiction of the Interstate Commerce Commission makes it obvious that we have not attained the unified control which was an outstanding if not the most urgent reason advanced for the inclusion of water carriers within the scope of the bill. It is certain that the legislation fails to effect this first and primary purpose.

I have said that the legislation perpetuates and adds to the existing confusion with respect to water-carrier control. When we confer upon a second governmental agency—here the Interstate Commerce Commission—a part only of the total jurisdiction over water carriers, no other result is possible. I venture to assert that I could ask questions as to where rests the authority under this bill with respect to water carriers in various trades which no Senator here, myself included, could answer; and because the bill contributes to confused understanding and divided authority and responsibility it must add, in my view, to the difficulties of administration.

I have asserted that we have done injustice to certain business interests. Specifically, we have placed the contract carrier in the coastwise trade, heretofore unregulated, under Interstate Commerce Commission jurisdiction with respect to its minimum rates. The bill does not confer like jurisdiction over the maximum rates of these contract carriers in the coastwise trade. These maximum rates remain a matter of contract. They may be lifted to any level by agreement of the parties; but minimum rates may not be lowered save with Commission approval. In this, the shippers utilizing water contract carriers see a threat to continued low rates, and no safeguards against the upward movement of these contract rates.

Existing contracts for terms of years of the paper companies, the granite companies, the potato and fertilizer dealers of my State are hereafter valid or not valid as the Commission may determine; but the Canadian competitor, shipping from a Canadian port in a Canadian or a British vessel to the same American port as the Maine shipper, is free to make his contract unregulated by our Commission, and he is likewise free from control with respect to many other competitive commodities shipped either by contract or by common carrier.

Again, Mr. President, the minimum rates upon Maine potatoes, granite, or paper are liable to be raised at any time by Commission order, while the rates on other commodities, made bulk commodities by an arbitrary standard, are not within Commission jurisdiction. They remain the subject of contract, unregulated by law.

There can be no justification in principle for a bill which permits coal to move from Norfolk to Portland at a rate fixed by contract between the parties, and which makes the rate and the service on a shipment of potatoes from Portland to Searsport, in my State, to New York or to Norfolk the concern of the Interstate Commerce Commission. There is no sound reason for permitting ore and wheat to be moved on the Great Lakes at as low a rate as the parties may by contract agree upon, and for insisting that granite and paper shipped from the coast of Maine in coastwise trade must be moved at minimum rates and under conditions imposed by government. This, Mr. President, is discrimination which the

people and the business interests of my section of the country bitterly resent.

Mr. President, I am appalled at the extent to which government touches the business life of our Nation and by the character and degree of control exercised over our industrial and economic activities. The tendency is constantly to enlarge this control. In large measure this authority is baneful in its consequences. It discourages industrial expansion and renders business adventure, when undertaken, an unhappy and profitless experiment.

This bill in many ways enlarges Federal control over our transportation agencies. It will take from management of the facilities more of the authority and responsibility which should remain with management. In increasing degree, these agencies of commerce under this bill will depend upon government in their financing, their rate making, their management, their operations, and the results of their efforts. I see in this legislation no compensating advantages for the evils to which I have referred.

I shall, Mr. President, vote against the adoption of the conference report.

Mr. CLARK of Missouri. Mr. President, I desire, if I have the opportunity, to address myself for a little while exclusively to the point of order. Most of the debate which has taken place on the floor since I made the point of order on Friday has been on the merits of the conference report itself, a subject which I shall later desire to discuss in the event that the Senate should erroneously overrule my point of order.

As I say, if the Senate should erroneously overrule my point of order, I shall later desire to address myself to the merits of the conference report; but at the present time I desire to discuss simply the point of order itself from a purely parliamentary standpoint.

Mr. President, this point of order is made in all sincerity and all fairness. In spite of the fact that I recognize and concede that there have been conflicting opinions upon the subject, I think that there can be no question as to the soundness of the point of order. I desire to get back to the fundamentals of the parliamentary practice having to do with subjects of this kind.

My point of order rests upon the provisions of paragraph 2 of rule XXVII of the Senate rules, which reads as follows:

> Conferees shall not insert in their report matter not committed to them by either House—

That is, they shall not go out and pick up any new matter and inject it into the bill—

> nor shall they strike from the bill matter agreed to by both Houses.

In other words, when the Senate of the United States has had an opportunity to pass upon a proposition and agreed to it, and the matter has been presented to the House of Representatives for consideration and been agreed to there, that matter is not committed to the conferees for their consideration. That is to say, it is not within the scope of the agency of the agents appointed by the two Houses to reconcile their differences.

> If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

Mr. President, my point of order goes to both of the prohibitions in the second paragraph of rule XXVII. My point of order is that in the matter of the repeal of the Panama Canal Tolls Act the conferees have inserted new matter not agreed to by either House, and that in striking from the bill the Miller and Wadsworth amendments, which, after the action of the House on May 9, 1940, became an identical amendment, by the instructions of the House to the conferees, the conferees violated the second paragraph of rule XXVII by striking from the conference report matter agreed to by both Houses.

Mr. President, these are complicated matters in connection with a bill of this magnitude, and it is necessary for me to go in some detail into the history of both of the points.

I shall first consider the history of the Miller amendment. The Miller amendment was adopted by the Senate on May 24, 1939, and the so-called Wadsworth amendment was adopted by the House at a later date. Those two amendments were identical in every respect, as I shall presently show, with the exception of a proviso which was added to the original Senate text, or the Miller amendment, in the Wadsworth amendment adopted by the House. The proviso, however, was later eliminated by the instructions of the House to the conferees on recommitting the conference report on May 9, 1940.

Mr. President, let me read for the record what the Miller amendment was as it was agreed to by the Senate on May 24, 1939, and adopted by the Senate in passing the measure on that date:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered.

That was the Miller amendment. The Wadsworth amendment, adopted to the same bill in the House on July 26, was identical, with the following additional proviso:

> *Provided*, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

The addition of that single proviso was the only difference between the amendment as it was adopted in the Senate and the amendment as it was adopted in the House.

Mr. WHEELER. The Senator will agree that that was a very substantial difference.

Mr. CLARK of Missouri. I do agree that it was a substantial difference. I agree that the matter committed to the conferees by the House was the insertion of that proviso or the exclusion of the proviso, or anything in between those two, that is, a modification of the proviso. But that is not all. The conferees presented a report. I think this is the third conference report that has been actually drawn up, is it not?

Mr. WHEELER. The second.

Mr. CLARK of Missouri. This is the second which has actually been presented to the two Houses. The House of Representatives acted on the first conference report and recommitted the conference report with instructions to their own conferees. I shall read one of the instructions the House gave to its conferees on May 9 of this year when they recommitted the bill to the conference. I may say that the only reason why I do not make a motion to recommit instead of a point of order at this time is that, the House having acted upon the conference report, a motion to recommit would not be in order in this body at this time. The second instruction, when the House recommitted the conference report, was:

> That the managers on the part of the House insist on the inclusion in the report of conference the provision adopted by the House, known as the Wadsworth amendment, which reads as follows:
>
> "In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered."

In other words, Mr. President, in recommitting the bill the House instructed its conferees to insist upon the inclusion of the Miller amendment, without any mention whatever of the proviso, which conclusively shows that the action of the House brought about a complete agreement without the question of the proviso being in conference to any extent whatever.

In my opinion the action of the two Houses is conclusive as to the intendment of the two Houses, but the suggestion has been made here by the Senator from Montana [Mr. WHEELER]

and my colleague, the junior Senator from Missouri [Mr. TRUMAN], that the Miller amendment was included in the Senate without debate, simply on an agreement to take it to conference, and that the Wadsworth amendment was included in the House in somewhat the same way. In fact, my colleague went so far as to rather impugn the validity of the action of the Senate and the House because he said the amendments were offered at a late stage in the consideration of the measure. I have never known of any rule or practice in either House under which the validity of the action of either body on amendments was affected by the fact that they were offered at a quarter past 12 or offered at a quarter past 7 in the evening. If the Senate adopts an amendment or the House adopts an amendment, with or without debate, it is of just as much validity as though the Senate or the House had debated the amendment for 10 days or 2 weeks, and then finally decided on it by a record vote.

Since the suggestion has been made, I think it is rather interesting, at least in connection with the point of order, as showing what the intendment of the Senate was, to read the proceedings in connection with the adoption of the Miller amendment in the Senate.

On May 24, 1939, the Senator from Arkansas [Mr. MILLER] offered the following amendment to Senate bill 2009:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered.

So far, that is the Miller amendment as it was subsequently adopted by the Senate. As it was introduced, it contained this additional sentence:

> It shall be unlawful to establish rates for any type of transportation which shall not be compensatory as herein defined, whether such rates are established to meet competition of other types of transportation, or for other purposes.

That was the Miller amendment as it was offered originally. Then, as the RECORD will show, there ensued quite a colloquy as to the effect the amendment would have on transportation rates. Finally, the Senator from Montana declared that as offered—and I quote the Senator from Montana from the RECORD:

> The amendment, in my judgment, would not do what the Senator from Arkansas wants to do with reference to discrimination.
>
> Let me say to the Senator that the amendments we have already put into the bill go much further toward accomplishing the purpose the Senator has in mind than would this amendment. I am in thorough accord with the statements made by the Senator from Arkansas with reference to discrimination. I think they ought to be stopped, and if the Commission pursues the investigation and follows what we have laid down in this bill, many of the discriminations between territories will be eliminated. A great many of them are absolutely arbitrary, and it seems to me without any justification.
>
> Mr. WHEELER. Mr. President, will the Senator yield?
>
> Mr. CLARK of Missouri. I yield.
>
> Mr. WHEELER. The truth about the matter is that there was a proposal with reference to the various sections in which the Senator from Arkansas [Mr. MILLER] and some other Senators were very much interested, and we took care of that matter in the bill. That is what we were speaking of.
>
> Mr. CLARK of Missouri. As I have said, I shall be glad to discuss the merits of the matters if the point of order shall be overruled. I am merely reading the proceedings in connection with the passage of the bill in the Senate for the purpose of showing that the amendment was adopted after full consideration by the Senate.
>
> Mr. WHEELER. Let me say to the Senator from Missouri that it was not adopted, regardless of what we then said. The Senator from Arkansas [Mr. MILLER] asked me if I would agree to take the matter to conference, and I said to him that I would agree to take it to conference, but as I said the other day privately to the Senator from Missouri, I know what the Senator was worried about and what other Senators were worried about, which was their fear that the Interstate Commerce Commission would raise the water rates to an equality with the railroad rates——
>
> Mr. CLARK of Missouri. No, Mr. President, that was not my fear about the matter. What I was fearful about was that if permitted the thing would happen again which has happened so often—that the railroads, with their vast capital, would cut their rates in order to put the water competitors out of business. That is the game which the railroads have played for many years.
>
> Mr. WHEELER. Let me say to the Senator that there was not a member of the conference committee who did not want to take care of that very thing. As I pointed out, we provided, not only in the policy-making provision of the bill but in the rate-making provision of the bill, that in considering water rates the Commission should look at the water rates from the standpoint of water carriers, recognizing the inherent advantages of water transportation; and when it came to considering the rates charged by busses and trucks, the Commission should do the same thing; and when the Commission came to consider railroad rates, it should do the same thing.
>
> Mr. CLARK of Missouri. I shall be glad to argue the merits of the Miller amendment with the Senator from Montana after the point of order shall have been disposed of, but I am simply reading what took place in the Senate for the purpose of pointing out the fact that the matter was considered by the Senate.

After the statement of the Senator from Montana which I read, in order to overcome the objections by the Senator from Montana, who stated that the amendment as originally introduced would result in raising rail rates, the Senator from Arkansas [Mr. MILLER] then offered to modify his amendment, and again I quote from the CONGRESSIONAL RECORD of that day:

> Mr. MILLER. Mr. President, will the Senator yield?
>
> Mr. WHEELER. I yield.
>
> Mr. MILLER. In the Senator's own time, and supplementing what the Senator has so well and so forcefully said—that it is the intention of the bill to protect each and every system of transportation or carriage of goods or persons—let me again call the attention of the Senator to the terms of the amendment. It simply says that—
>
> "In order that the public at large may obtain the benefit and economy afforded by each type of transportation—"
>
> Truck, boat, and railroad—
>
> "The Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered."
>
> Mr. WHEELER. Let me say to the Senator that so far as the first sentence of the amendment is concerned—

Let me again refer to the fact that the first sentence to which the Senator from Montana then referred is the Miller amendment as it was subsequently adopted by the Senate—

> I should not have any particular objection to it. It is the second provision which I think is objectionable.
>
> Mr. MILLER. If the Senator has no objection, I am perfectly willing to strike out the last sentence.
>
> Mr. WHEELER. If the Senator is willing to strike out the last sentence, I am perfectly willing to take the amendment to conference and see what I can do with it.

Mr. President, the Senator from Montana has emphasized on a number of different occasions, in the consideration of this report, that what he said was that he is willing to take the amendment to conference and see what he could do with it. I assume, and I think every Senator has the right to assume, that when a Senator in charge of a bill says that he is willing to take an amendment to conference and see what he can do with it, it implies an obligation to take the amendment to conference and stand on it as being the action of the Senate, until he finds out that he cannot obtain the consent of the other body to that provision. I agree that when the Senator says he will take an amendment to conference it is equivalent to notice to the Senate that he would not stand on the amendment to the extent that he would cause the bill to fail, and cause the conferees to report a disagreement, but when a Senator in charge of a bill says he will take an

amendment to conference and see what he can do with it, it certainly means no less than that if the other House has no objection to it, it will be included in the conference report.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WHEELER. Let me say to the Senator that a cursory reading of the amendment would indicate that it complied with the ideas and the thoughts which I had in mind, but when one analyzes the amendment and compares it with the other amendments of the bill, in the third section and the fourth section, I am sure the Senator himself, or any other Member of the Senate who has studied the matter, will immediately recognize that it would upset the whole practice.

Mr. President, I said I would see what I could do with the Miller amendment, and I did see what I could do with it. There was not a Member of the conference who, after a study of the Miller amendment could be in favor of it.

Mr. President, if the point of order should be sustained, then so far as I am concerned I would be willing to resign as one of the conferees on the part of the Senate, and I should be glad to have the Senator from Missouri or some other Senator, appointed in my place, because I would never be a party to writing into the legislation the Miller amendment, for, as I said before, its inclusion in the bill would not only destroy the provisions of the Interstate Commerce Act dealing with discriminations, but it would destroy the first section and would destroy the third section—in fact it would destroy the act itself.

Mr. CLARK of Missouri. Mr. President, as I said a moment ago, I am not presently discussing the merits of the Miller amendment, but when the Senator says that there was not a conferee on the part of either House who was in favor of the Miller amendment, I call the Senator's attention to the action of the House on May 9, 1940, when by a vote of yeas 209 and nays 182 the conferees on the part of the House were instructed to insist on this very amendment. If the conferees on the part of the House had done what the Senator from Montana suggests he would do in the event the point of order is sustained, and had resigned as conferee and refused to represent the House, it would then be fair to say that there was not a member of the conference committee who was in favor of the Miller amendment. But when they came back to conference, bound as they were by instructions from the House by an overwhelming vote on a roll call, with instructions to insist on this particular amendment which the Senate had already agreed to, I say that no one can fairly say that the House conferees could honorably be opposed to this amendment, because they were bound by the instructions of the House.

Mr. WHEELER. What I said was that in principle there was not a member of the House conference that could agree to the Miller amendment, and I still insist upon that.

Mr. CLARK of Missouri. They came back from the House with that instruction, did they not?

Mr. WHEELER. I say that not one of them agreed in principle to the amendment. The bill went back to the House, and all three amendments were tied up together—the Harrington amendment, the Wadsworth amendment, and the Jones amendment. The only reason it passed the House the last time was because of the fact that one section of the railroad brotherhoods "raised Cain" in the House with respect to the Harrington amendment, and the House tied together the Harrington amendment, the Wadsworth amendment, and the Jones amendment. But when the measure came back from the House, and we agreed upon the Jones amendment, and we agreed to a compromise on the Harrington amendment, and the matter then went back to the House, what did the House do with respect to the Miller amendment?

Mr. CLARK of Missouri. I am talking about the question that was committed to the conferees.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. CONNALLY. The statement of the Senator from Montana that no member of the conference committee agreed in principle to the amendment is the very reason why this rule of the Senate ought to be maintained.

Mr. CLARK of Missouri. I agree entirely.

Mr. CONNALLY. When conferees are appointed they are not appointed to legislate. They are theoretically supposed to have finished their legislation, and they are sent out as representatives of the Senate and of the House—to do what? To agree as to the two boundaries, the extreme boundaries of one House and the other. If they are to exercise their own wishes, and take out what they do not like and put in what they want to put in, which neither House had placed in the legislation, then, instead of being a conference committee, they are a sovereign legislative body, independent of their instructions.

It seems to me the Senator from Montana has missed the whole point as to what the point of order is leveled at.

Mr. CLARK of Missouri. I fear that is true. The Senator from Montana persists in discussing the merits of the Miller amendment rather than the parliamentary situation which involves the authority of the conferees, to which my point of order is solely directed.

Mr. CONNALLY. Mr. President, will the Senator further yield?

Mr. CLARK of Missouri. I yield.

Mr. CONNALLY. If the Miller amendment was in the House bill and in the Senate bill, and the whole bill was committed to the conference, what business is it of the conferees whether or not it suits them, or whether or not they agree to it in principle? It is none of their affair. The two Houses have agreed on it, and the conferees have no jurisdiction or power to take it out. The Senator from Montana seems to think that if the conferees do not like something in the bill they may strike it out and put in something else which was not in either bill. I know that is an extreme statement. I am not critical of the Senator from Montana, but this is a parliamentary point, which is more important than the bill itself. It involves the integrity of the rules of the Senate.

Mr. CLARK of Missouri. I will say to the Senator from Texas that my point of order goes to both points. The conferees did take out something which had been agreed to by both Houses, and they did put in something which had not been agreed to by either House.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WHEELER. With reference to the integrity of the rule, let me say to the Senator that he has not been present and has not heard the arguments, but I called attention to the fact that for 13 years the Senate has said that when one House strikes out all after the enacting clause—the Senator from Texas shakes his head.

Mr. CLARK of Missouri. I intend to discuss those decisions at some length.

Mr. CONNALLY. I do not intend to be discourteous. I know that there have been some rulings, principally by Speakers of the House, to the effect that when everything after the enacting clause is stricken out, everything which is germane is opened up. My contention is that the germaneness must be germaneness to what one or the other of the Houses did, and not germaneness to the whole subject. If such were not the case, the conference committee might bring in a bill to buy all the railroads in the United States and operate them under Government ownership, because such a bill would be germane to the subject of transportation.

Mr. CLARK of Missouri. Not only that; but to go a little further and put an extreme case, on the theory of general germaneness—pointing a gun out the window and shooting in the air—the conferees could have included any sort of national-defense legislation, including the building of nearly any type of factory, or anything else, on the ground that it is connected with the subject of transportation. I agree with the Senator from Texas that in the past the rule of germaneness has frequently been given no such wide application in the House of Representatives. In this particular instance the

present Speaker gave a much wider construction to it than has hitherto been given in the House. However, the rule of germaneness means germaneness to the particular section or subject under consideration.

Mr. WHEELER. The Senator from Texas says that the contention which I make has not been the rule of the Senate. I wish to point out to him that Vice President Dawes so ruled in 1927. The question came before the Senate and the Senate sustained the ruling.

Mr. CLARK of Missouri. What Vice President Dawes ruled was that when everything after the enacting clause had been stricken out and a new bill had been inserted, the conferees were entitled to wide latitude. Nobody now questions that the conferees are entitled to wide latitude; but wide latitude does not encompass the whole earth, the sky above, and the seas below.

Mr. WHEELER. We did not encompass any such field; and I do not think the Senator is quite fair when he says that we did anything of the kind. Vice President GARNER made the same ruling. The President pro tempore [Mr. PITTMAN], when he was in the chair made the same ruling, and the Senator from Kentucky [Mr. BARKLEY] has made the same ruling. So I repeat that for 13 years the rule of the Senate has been to give the conferees wide authority. The same thing has been true for 75 years in the House of Representatives. As I pointed out on the floor of the Senate, some of the decisions in the House of Representatives were written by the distinguished Senator from Missouri.

Mr. CLARK of Missouri. There is no question about what the practice in the House has been; and when I was Parliamentarian of the House, and was called upon to assist in the preparation of an opinion, naturally I followed the practice of the House.

Mr. WHEELER. The Senator is not following the practice of the Senate now.

Mr. CLARK of Missouri. I am following the practice of the Senate, and I am following the specific rule of the Senate. If the Senator will give me an opportunity to discuss the point of order rather than the merits of the conference report, I will show him what my view about the rule is.

Mr. WHEELER. But the Senator——

Mr. CLARK of Missouri. One moment. I should like to finish reading the colloquy which took place in the Senate when the Miller amendment was agreed to:

> Mr. WHEELER. If the Senator is willing to strike out the last sentence, I am perfectly willing to take the amendment to conference and see what I can do with it.
>
> Mr. MILLER. Mr. President, I should like to modify the amendment by striking out the last sentence, beginning on page 2 of the amendment, line 13, and as modified, I offer the amendment.
>
> Mr. NORRIS. The Senator has a right to modify his amendment.
>
> Mr. MILLER. I understand that, and I am now offering the amendment in its modified form.
>
> Mr. NORRIS. I congratulate the Senator on being willing to do that. As I see it, that relieves the amendment of any possible objection.

I am reading that, Mr. President, simply to show that this was not an amendment slipped in at the last minute without any discussion or agreement.

Mr. WHEELER. In justice to myself, I think I ought to say to the Senator and to the Senate that the Miller amendment was presented to the Senate on the floor without any opportunity on the part of any Senator to study it. I am not an expert in rate making, and I lay no claim to being an expert in rate making. The amendment was offered in the last hour——

Mr. CLARK of Missouri. Does the Senator assume that the validity of an amendment depends upon the time at which it is offered?

Mr. WHEELER. It was offered in the last hour of 4 days' debate. As the Senator knows, I had been standing on the floor for three and a half hours. As a matter of fact, he entered the Chamber in the last 30 minutes and "raised Cain" with me when I could hardly stand any longer.

Mr. CLARK of Missouri. I had been present throughout the consideration of the bill. I had given notice to the Senate before the bill was called up that it was my intention to oppose it with all the vigor at my command, because I thought it was a bill deliberately designed by the Interstate Commerce Commission to put the water carriers of the country out of business. The Senator and I discussed that matter privately and publicly, and we discussed it at some length in the course of the Senate debate in consideration of the bill. So there is no question about the position of the Senator or of myself with regard to the bill.

Mr. WHEELER. The Senator is very unfair to the Interstate Commerce Commission in his statement, because of the fact that the Interstate Commerce Commission had no more to do with the drafting of the bill than had the Senator. As a matter of fact, the Interstate Commerce Commission opposed the bill in the form in which it passed the Senate, and Commissioner Eastman came before the committee and opposed the bill because it was not in the form in which he wanted it. So the Senator is entirely mistaken in his statement.

Mr. CLARK of Missouri. I have not the references at hand, because I did not know that there would be any dispute about the matter; but I recall that in the consideration of the bill the Senator from Kansas [Mr. REED] repeatedly stated that "we put this in the bill because the Interstate Commerce Commission wanted it put in."

Mr. WHEELER. The Senator said that the Interstate Commerce Commission drafted the bill.

Mr. CLARK of Missouri. I did not say it drafted the bill.

Mr. WHEELER. The Senator said that the Interstate Commerce Commission proposed it and favored it because of the fact that, as the Senator expressed it, it would put the water carriers out of business. I say that the Interstate Commerce Commission did not draft the bill and had nothing to do with the drafting of the bill as it came to the Senate. With reference to the Miller amendment, I am pointing out that I am not an expert on rate making. No other Senator is an expert on rate making, with the possible exception of the Senator from Kansas [Mr. REED], who knows more about rate making than any other Member of this body. I say that without disparagement of any other Member of the Senate. The Senator from Kansas has given much time and thought to the subject.

When the bill reached the stage of conference, the Interstate Commerce Commission, on two different occasions, called attention to what it would do to the fourth section, what it would do to the third section and what it would do to the whole Interstate Commerce Act. When the effect of the bill upon the fourth section and other sections of the Interstate Commerce Act was called to my attention, I saw the necessity for changing the language of the bill. The Senator criticizes me because I thought it was proper to change it.

Mr. CLARK of Missouri. I am only stating the record.

Mr. WHEELER. The Senator is not doing it because of the fact——

Mr. CLARK of Missouri. Mr. President, I am attempting to discuss the point of order and am having a very difficult time doing so because of the insistence of the Senator from Montana on discussing the merits of the conference report.

Mr. REED. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. REED. The Senator from Missouri, in perfect good faith, was mistaken. He said that in the original debate on the floor of the Senate I had repeatedly said that the Interstate Commerce Commission desired this, that, or the other. I wish to correct the recollection of the Senator from Missouri. There was controversy over only one section, and I asked the Interstate Commerce Commission to draft suitable language for that section.

Mr. CLARK of Missouri. I shall not dispute the statement of the Senator, but my recollection is very distinct. I do not think the matter is of any particular importance. I remember particularly about the freight forwarders' provision. The Senator from Kansas said that it was drafted in a certain form because of the insistence of the Interstate Commerce Commission. I remember that repeatedly the Senator said

that the Interstate Commerce Commission thought this or that.

Mr. REED. There is not a word in the bill about freight forwarders.

Mr. CLARK of Missouri. Was there not originally such a provision, and was not an amendment to it offered?

Mr. REED. Not in this body.

Mr. CLARK of Missouri. I have not the RECORD at hand, but I shall find the record of the discussion which I had with the Senator from Kansas, and show it to him.

Mr. REED. I will bet the Senator from Missouri a box of cigars that he cannot find it.

Mr. CLARK of Missouri. Mr. President, that is entirely beside the point. I desire to get on with the discussion of the point of order.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. Conceding all that both sides have to say about it, what has that to do with the point of order?

Mr. CLARK of Missouri. It has nothing to do with the point of order, which I have been trying for some time to discuss. Mr. President, all the discussion which has proceeded sporadically on the point of order for 3 days has not developed the slightest difference of opinion or the slightest controversy as to the substantial facts having to do with the point of order under the heading of the Miller-Wadsworth amendment, which are undeniably as follows:

The Senate included the Miller amendment; the House included the Miller amendment, with an additional proviso; the bill was sent to conference, and the House subsequently instructed its conferees to agree to the Miller amendment without any proviso whatever, in other words, in identical words and identical punctuation with the Miller amendment as it had been adopted by the Senate. I take it there can be no dispute whatever about those facts, because the record which I have read conclusively demonstrates them to be true, and there has not been any denial of them on the part of any Senator on this floor, although there has been some confusion on the subject by reason of the continual injection of a discussion of the merits of the Miller amendment into a discussion of the parliamentary situation.

There is another heading upon which I wish to discuss the point of order that the conferees have exceeded their authority. I desired originally to conclude with a discussion of the fundamental principles involved and the authorities cited, but, in view of the fact that the precedents and principles have been injected into the discussion, I will now proceed to discuss them before I proceed to the other heading of my objection, which is the repeal of the Panama Canal Act.

Mr. President, I repeat that I stand on the specific language of the second paragraph of rule XXVII, which reads:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

Mr. President, that rule is not of old standing in the Senate; it is not a rule which has come down by tradition and which, from long disuse, has fallen into more or less innocuous desuetude. It is a rule which was adopted in 1918 to prevent and forestall just such excesses as the conferees in this case have committed. The then Senator from Washington, Mr. Jones, one of the most distinguished Members of this body, a Member of long service in both branches of the Congress and one of the most expert parliamentarians whom I can remember in my whole lifetime, said in effect that the second paragraph of rule XXVII was adopted for the specific purpose of abating a nuisance or, to quote his exact phrase, in considering this very paragraph Senator Jones said:

> This rule was adopted to eliminate a practice of the Senate that had become an abuse and to which objection has often been made.

What was the abuse? The abuse was of conferees taking it upon themselves, five men from one body or three men from one body and five men from another body or seven men from another body, a little group of men, in a locked room, taking it on themselves to override the expressed will of both the Senate and the House of Representatives. That was the purpose of the adoption of the second paragraph of rule XXVII. As Senator Jones said, it was adopted to eliminate a practice that had become an abuse and to which objection had often been made.

What else could the language mean? Why should we have legislation by conferees instead of legislation by the Congress? The Constitution did not contemplate any such practice, but the practice had grown up of permitting conferees, when all after the enacting clause had been stricken out, to write into a bill anything they pleased. That practice is well settled in the House of Representatives by a long series of decisions, beginning with the decision of Speaker Colfax and followed by many other Speakers. The Senate until 1918 had no rule whatever on the subject, but in 1918 the Senate proceeded to adopt a rule for the purpose of abating that nuisance.

It is no answer, Mr. President, to say that the practice is followed in the House of Representatives. The House follows many practices which the Senate does not follow but which the House considers suitable to its own requirements as a great legislative body. The House permits the use of the previous question, the Senate has never felt it necessary to do that. In the House a member of the Rules Committee may walk in and take a Member off his feet in the middle of a sentence for the purpose of introducing a special rule to make things in order which would not otherwise be in order under the rules of the House, and to make things out of order which would ordinarily be in order. In the House of Representatives the Committee on Rules not only may but frequently does bring in a special rule prohibiting any amendment to a measure or limiting the number of amendments or specifying what the amendments may be and by whom they may be offered. The Senate of the United States has never felt it necessary to do that. So, in 1918, for the purpose of abating the nuisance which then existed the Senate adopted the second paragraph of rule XXVII because it did not want any longer to be subjected to the House practice.

The House has uniformly followed its practice, the Senate has varied at different times in enforcing its rule. Some presiding officers have seen fit to disregard the specific language of rule XXVII. Senator Jones, as I have said, very shortly after the adoption of the rule calling attention to the fact that the rule was adopted for that specific purpose, pointed out that for conferees to include matter not submitted to them by the two Houses or to exclude matter agreed upon by the two Houses fell within the exact purview of the rule, and sustained the operation of the rule in a very elaborate decision, which was read from the chair the other day by the President pro tempore, the Senator from Nevada [Mr. PITTMAN].

Some years ago the then President pro tempore of the Senate, the late Senator Cummins of Iowa, reviewing all the precedents and stating rule XXVII of the Senate, and the reason for the rule, held that the former practice which at some times had been indulged in had been abrogated in the Senate by the rule.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WHEELER. Does the Senator say that he has always followed the rule for which he is now arguing?

Mr. CLARK of Missouri. I am frank to say that sometimes I have voted on the merits of a measure rather than on the point of order. If the Senator means that I voted to sustain the decision of Vice President GARNER, I am frank to say that I did.

Mr. WHEELER. Not only did the Senator vote contrary to what he is arguing now in the Senate on the agricultural bill, but likewise the Senator from Nebraska so voted, and also the Senator from Texas.

Mr. CLARK of Missouri. I think that anybody who makes any statement as to consistency in the very bad practice which sometimes prevails in the Senate of submitting points of order instead of ruling on them from the Chair is very foolish. I dare say I could find all sorts of contradictory votes cast by

the Senator from Montana on points of order. I think it is very bad practice to submit points of order to the Senate.

Mr. WHEELER. I have voted consistently on this matter.

Mr. CLARK of Missouri. The Senator voted, as a Member—I think the Senator was then a member of the conference committee.

Mr. WHEELER. No.

Mr. CLARK of Missouri. At least, the Senator voted to sustain his own conference report. I voted as I did because, until I looked into the matter very carefully, frankly I was somewhat afflicted by the disease which led the Vice President of the United States, for whom I have great affection and respect as everybody knows, to make the decision. The Vice President of the United States served many years in the House of Representatives. I was associated with the House for many years; and both of us, unless we have an opportunity for the fullest investigation, are frequently very much inclined to go by House practice and House precedents in the business of the Senate. I am satisfied that if the Vice President had had an opportunity of sitting down and reasoning out the reason for the adoption of rule XXVII he would not have followed the decisions of the Speakers of the House, of whom he himself had been a very distinguished one, but that he would have followed the letter of the rule of the Senate.

Mr. NORRIS. Mr. President——

Mr. CLARK of Missouri. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to suggest to the Senator from Missouri and also to the Senator from Montana that whenever this question or any other question arises as to whether, for instance, a ruling of the Chair is right or wrong, because Members vote to sustain the Chair in one case and vote to overrule him in another case, one cannot be cited as a precedent against the other. The fact is that each case must be considered by itself; and I think it is a common thing, as the Presiding Officer said the other day, for Senators to disregard the fact that they ought to vote purely on a question of order as to whether they think what has been done is or is not a violation of the rule. If they think the rule has been violated, they ought to sustain the Chair who has decided that way.

Senators do not always do that. They sometimes, at least, are impelled by other considerations to vote to sustain the Chair. At other times they may feel as the Senator said he felt in regard to the Miller amendment. He agreed to it when it was adopted by the Senate. He has fought it ever since. He took it out in conference, and he gives as a reason for it a very good reason. I do not find fault with him. It is to his honor, probably, that he reached that conclusion. After he had considered the amendment and thought it over, thought it through and consulted about it, he changed his mind in regard to its merits, and he now thinks it is injurious.

Mr. CLARK of Missouri. Let me also suggest to the Senator from Nebraska that every question of the excess of jurisdiction by conferees is necessarily a mixed question of law and fact.

Mr. NORRIS. Absolutely.

Mr. CLARK of Missouri. In other words, there is first the question as to whether the Senate in this case—in other cases the Chair—believed in the first place that rule XXVII means anything, or, as the Senator from Kansas said a moment ago, that it ought to be disregarded because it has been ignored for 13 years. That is the first question to be decided. The question as to whether, when one House has stricken all out after the enacting clause and inserted a different bill, the conferees have a right to write in anything they please is a question of law. But in each case there is a question of fact, namely, admitting the rule, admitting that rule XXVII means what it says, whether the conferees have actually exceeded their authority. In the case which the Senator from Montana just cited, of the agricultural appropriation bill, I not only voted to sustain the Chair, because I was voting with the Chair on parliamentary propositions, but I also voted with him because I did not believe the point of order was well taken as to the conferees having exceeded their jurisdiction. In other words, I did not think they had gone outside the questions submitted to them. But be that as it may, Mr. President, the fact remains that the conferees in this case, on the inescapable facts of the record, have gone outside their jurisdiction if rule XXVII means anything like what rule XXVII purports to mean.

Mr. President, I now come down to the other division of the point of order I made, which is that the conferees have also included in their report matter not included in either bill; to wit, the matter having to do with the repeal of the essential provisions of the Panama Canal Act.

I first read the provisions of the bill as it passed the Senate, section 4, subparagraph (11):

If the Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Commission may, by order, extend the time during which such service by water may continue to be operated. In every case of such extension, the rates, schedules, and practices of such water carrier shall be filed with the Commission and shall be subject to this act and all amendments thereto in all respects.

The corresponding paragraph, which was numbered subparagraph (17) of section 5 of Senate bill 2009 as it passed the House of Representatives, read as follows:

If the Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Commission and shall be subject to this act in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, That any application for extension under the terms of this provision filed with the Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

I also read the provision as contained in the conference report, subsection (16) of section 5:

Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire—

I emphasize the words "own or acquire," because that is the only time, either in existing law or in the bill as it passed the Senate, or in the bill as it passed the House, that the words "own or acquire" have ever appeared—

after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration: *Provided*, That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further*, That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect.

I again call attention to the fact that in the bill as it passed the Senate, the provisions of this section were limited exclusively to existing service. As the bill passed the House, the provisions were limited to existing service; but as presented here in conference the section includes authority to the Commission to give the railroads authority to own or acquire, which is not in the existing law, known as the Panama Canal Tolls Act, is not in the bill as it passed the Senate, and is not in the bill as it passed the House.

Mr. President, it is perfectly clear, as I have said—and this is the basis of the second part of my point of order—that neither this section as it passed the House nor as it passed the Senate even purported to authorize the Interstate Commerce Commission to permit a railroad company to acquire control of water carriers. I ask leave to insert these provisions in parallel columns, or immediately together, in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

| SUBPARAGRAPH (11) OF SECTION 4 OF SENATE BILL 2009 AS PASSED BY THE SENATE | SUBPARAGRAPH (17) OF SECTION 5 OF SENATE BILL 2009 AS PASSED BY THE HOUSE OF REPRESENTATIVES | SUBSECTION (16) OF SECTION 5 OF CONFERENCE REPORT ON SENATE BILL 2009 |
|---|---|---|
| If the Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Commission may, by order, extend the time during which such service by water may continue to be operated. In every case of such extension, the rates, schedules, and practices of such water carrier shall be filed with the Commission and shall be subject to this act and all amendments thereto in all respects. | If the Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Commission and shall be subject to this act in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, That any application for extension under the terms of this provision filed with the Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter. | (16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration: *Provided*, That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further*, That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect. |

Mr. CLARK of Missouri. Mr. President, as rewritten by the conference the section explicitly empowers the Interstate Commerce Commission to authorize the acquisition by railroad companies of control of common carriers by water and vessels not operated through the Panama Canal, even though the railroad company does or may compete for traffic with the water carriers or vessels in question.

The only limitations found in this section, as rewritten and inserted by the conferees, are, first, that the Commission shall find that the proposed action will not prevent the water carriers' service from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and will not exclude, prevent, or reduce competition on the route by water under consideration; and, second, that the operations by the carrier of vessels shall not be through the Canal. It thus appears that the section as set forth in the conference report empowers the Interstate Commerce Commission to authorize railroads to acquire control of coastwise water-carrier service, and also to acquire control of water service on inland waterways.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. CLARK of Missouri. I yield.

Mr. DANAHER. For the purpose of securing information, I should like to ask the Senator from Missouri with reference to the very matter he has been discussing, Does not the Panama Railroad own and operate the Panama Lines, operating between New York, let us say, and coastal points?

Mr. CLARK of Missouri. It does.

Mr. DANAHER. Was not that brought about under the powers granted by the original Panama Canal Act?

Mr. CLARK of Missouri. It was not. The Panama Railroad Co. is a 100-percent Government-owned corporation, and the provisions of the act have never been held to apply to it. Furthermore, that line was in existence before the enactment of the Panama Canal Act. Otherwise the Panama Canal could not have been completed, because it was over the steamship lines owned and operated by the Panama Canal Railroad that the supplies, including engines, tractors, subsistence supplies, and everything else, were conveyed to Panama for the construction of the Canal. So that under no conditions, irrespective of the 100-percent Government ownership, would the provisions of that act have applied to the Panama Railroad.

Mr. DANAHER. I thank the Senator. There was confusion in my mind on that point.

Mr. CLARK of Missouri. Let me say to the Senator from Connecticut, on that point, that the Senator from Montana is evidently in error in thinking that anyone ever had questioned the authority of the Commission as to facilities existing at the time of the enactment of the act of 1914. The language of paragraphs 19, 20, and 21 is perfectly specific on that point. It is my contention that all the provisions of paragraphs 19, 20, and 21 have reference to facilities existing in 1914 and extensions of those existing facilities.

Mr. DANAHER. There is another point, if the Senator will yield.

Mr. CLARK of Missouri. I yield.

Mr. DANAHER. In view of the fact that this question has been submitted to us, if we felt that the Senator's point of order were good on the second ground, and not on the first, is there any way the Senator knows of by which we could instruct our conferees to reconsider the matter and strike out the words "or acquire," as to which the Senator has made such point?

Mr. CLARK of Missouri. The only way in which that could be done in the present situation would be to vote down the conference report and ask for a further conference, and instruct the conferees in accordance with the suggestion of the Senator from Connecticut. This body is not in the position in which the House found itself last May when it recommitted the conference report, because the House having acted on the conference report, the conferees are discharged, and it is not at this time in order to move to recommit in the Senate. Otherwise I would make the motion to recommit with certain instructions.

Mr. WHEELER. Mr. President, will the Senator from Missouri yield?

Mr. CLARK of Missouri. I yield.

Mr. WHEELER. Let me say to the Senator from Connecticut, as a practical matter—and I know the Senator from Missouri will support me—that if the point of order is sustained, that is the end of the legislation, because as a practical matter it is impossible for us to go back into conference and bring out a bill. So far as I am concerned, as I announced awhile ago, I should resign from the conference committee, because we worked on this for a year and a half, and it is humanly impossible to satisfy everyone with reference to the legislation, particularly when it is so controversial. There was a divergence of opinion between the railroads, the long railroads and the short-line railroads, and some of the class I railroads, also between bus and truck lines, and between different sections of the bus and truck people, and also between different groups of water carriers. So far as I am concerned, my contention is that the conference report bill does not change the Panama Canal Act, and no one on the Interstate Commerce Commission with whom I have spoken thinks it changes it, nor did any member of the conference committee think it changed the intention and purpose of it as it has been construed.

Mr. CLARK of Missouri. I am just in the process of demonstrating, at least to my own satisfaction, that it does very radically change the Panama Canal Act.

Mr. WHEELER. The Senator and I violently disagree as to the construction.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. DANAHER. We know the industrious and diligent efforts of the committee and of our distinguished colleague from Montana for 15 or 18 months in drafting the proposed legislation, but the intricacies of the bill are such that I submit the matter this way: Some of us may be constrained to believe that the Senator from Missouri is definitely wrong in the first contention or argument he offers, but none the less, as to his second point, the words "or acquired" perhaps should be stricken out simply to eliminate argument as to how we are to construe this phase of the present legislation against prior acts but apparently under the rules, we have, so to speak, nowhere to go. Therefore, if we sustained the point of order merely on the ground that the legislation would fail or that the Senator from Montana would resign from the conference committee, we also would be deciding if the Senator from Missouri is right, that a conference committee can take a bill and write in it any language they desire, and hence, it would seem to me that the issue is far deeper than just a matter of the resignation of the Senator from Montana from the conference committee. In other words, if I voted against sustaining the point of order I would not wish to do so on the grounds voiced by the Senator from Montana.

Mr. WHEELER. I agree with that, but I call attention to the fact, which has already been noted, in connection with the agricultural bill, that the very question as to what the conferees could do was raised, and the Senator from Missouri voted contrary to what he is arguing at the present time, as did the Senator from Nebraska, and the overwhelming majority of the Senate.

Mr. CLARK of Missouri. There was a mixed question of law and fact in every one of those cases.

Mr. WHEELER. No; there was not in that case. Mr. DOXEY, a House Member of the conference committee, said:

> The conferees realize that there were some provisions in both bills that were undesirable, but under the parliamentary situation we could not entirely eliminate the provisions that were put on by either the House or the Senate.
>
> For example, take the so-called Boileau-McNary amendment. The House voted it into the bill and so did the Senate, and it appears in both bills in substantially the same language, but in the House bill it applies to soil-conservation payments and in the Senate bill it is attached to the parity-payment provisions.

Mr. CLARK of Missouri. I have not read that record for some time, and I do not remember the details of the matter.

Mr. WHEELER. Mr. DOXEY proceeded to say:

> I am frank to say to you that we endeavored to modify it and pull its teeth as much as we could.

Nothing could be plainer that that.

Mr. CLARK of Missouri. In this case the conferees have not endeavored to modify anything, or pull the teeth of anything. They have merely stricken out the whole provision.

Mr. WHEELER. But the effect of what they did was exactly the same.

Mr. CLARK of Missouri. The effect in the former case may have been to emasculate the bill, but they did not deliberately strike the whole provision out, as they did in the instant matter.

Mr. WHEELER. It does not make any difference, if it is emasculated by the wording.

Mr. CLARK of Missouri. It means a great deal when the authority of conferees is in question.

Mr. WHEELER. No. If it is possible to emasculate the whole meaning of the section, that is just the same as killing it. The ruling of Vice President GARNER was in conformity with the contention we are making here, and the Senator from Missouri voted that way, as I have stated. Had the precedents in the Senate for the last 15 years been as the Senator contends they should have been, there might have been some hesitation on the part of the conferees, but we found the precedents for the last 13 years supporting what we did. The Senate itself has voted on the matter twice, and the position has been upheld by the Senate twice.

Mr. CLARK of Missouri. President pro tempore Cummins was also upheld by the Senate.

Mr. WHEELER. But that was in 1925.

Mr. CLARK of Missouri. That is true, but the rule was exactly the same in 1925 as it is now. If the Senate does not want to follow the rule, it should repeal the rule. The Senate has complete control of that. If the Senate does not believe the rule is correct, the rule should be that conferees can take a bill and rewrite it and do as they please, flout the action of both Houses of Congress, and the Senate should say, "Congress has abdicated and turned its functions over to conferees."

Mr. WHEELER. I call attention to the fact that the Supreme Court of the United States has ruled recently with reference to a matter pertaining to the Senate. They overruled their former decision, and I think they were right.

Mr. CLARK of Missouri. In the case the Senator has suggested the Supreme Court did not do that, did it?

Mr. WHEELER. What is that?

Mr. CLARK of Missouri. In the case the Senator is citing himself, the Supreme Court did not follow the rule on which the Senator is relying.

Mr. WHEELER. I say they reversed themselves; the Supreme Court of the United States reversed themselves, and said the former holding was not the correct ruling. Any court of appeals in the United States would be bound by the latest decision of the Supreme Court.

Consequently, in the Senate, not one Vice President but two Vice Presidents, the President pro tempore, the Senator from Nevada [Mr. PITTMAN], and likewise the majority leader, the Senator from Kentucky [Mr. BARKLEY] have all ruled the same way. Those rulings were upheld by the Senate. Those were the last precedents in the Senate of the United States, and they are precedents which a committee of the Congress, which is an inferior body to the full body, should follow.

Mr. CLARK of Missouri. What the Senator from Montana is saying simply amounts to a plea in confession and avoidance.

Mr. BILBO. Mr. President, will the Senator yield to me?

Mr. CLARK of Missouri. I yield.

Mr. BILBO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Adams | Danaher | La Follette | Schwellenbach |
| Andrews | Davis | Lee | Sheppard |
| Ashurst | Downey | Lodge | Shipstead |
| Austin | Ellender | McCarran | Smathers |
| Bailey | George | McKellar | Stewart |
| Barbour | Gerry | Maloney | Taft |
| Barkley | Gibson | Mead | Thomas, Idaho |
| Bilbo | Green | Minton | Thomas, Okla. |
| Bone | Guffey | Murray | Thomas, Utah |
| Brown | Gurney | Neely | Townsend |
| Bulow | Hale | Norris | Truman |
| Burke | Harrison | Nye | Vandenberg |
| Byrd | Hatch | O'Mahoney | Van Nuys |
| Byrnes | Hayden | Overton | Walsh |
| Capper | Herring | Pittman | Wheeler |
| Caraway | Holt | Radcliffe | White |
| Clark, Idaho | Johnson, Calif. | Reed | Wiley |
| Clark, Mo. | Johnson, Colo. | Russell | |
| Connally | King | Schwartz | |

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. CLARK of Missouri. Mr. President——

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. ADAMS. I should like to present the conference report on the $5,000,000,000 defense measure. It is of some importance that immediate consideration be given to it. I know it is not permitted under the rules to call up for consideration this particular conference report, in view of the fact that another conference report is now under consideration by the Senate. I was wondering, however, if it might be possible to consider the conference report on the defense measure at this time?

Mr. McKELLAR. I do not think the consideration of the report would take much time.

Mr. CLARK of Missouri. I suggest that the Senator consult with the Senator from Montana, who is in charge of the conference report on the transportation bill. I shall be glad to yield. In fact, I should be glad to postpone indefinitely consideration of the conference report on the transportation bill.

Mr. BARKLEY. Mr. President, is the Senator from Missouri willing to agree that we shall vote on the point of order not later than 1 o'clock on Monday, and that not later than 3 o'clock on Monday we shall vote on the conference report itself if the point of order shall be overruled?

Mr. CLARK of Missouri. So far as I am concerned, I am perfectly agreeable. I understand that other Senators desire to be heard on the matter. I shall require some time to conclude my discussion.

Mr. BARKLEY. We can proceed further this afternoon.

Mr. CLARK of Missouri. So far as I am concerned, I have no objection.

Mr. BARKLEY. I thought that if we could enter into such an agreement we might proceed to consider the other conference report, which will take only a few minutes.

Mr. CLARK of Missouri. So far as I am concerned, I am glad to yield for that purpose.

Mr. BARKLEY. Of course, my request presupposes that we shall not have a session tomorrow.

I ask unanimous consent that not later than 1 p. m. on Monday next the Senate shall proceed without further debate to vote on the point of order now pending; and that in the event the point of order shall be overruled, at not later than 3 o'clock p. m. on Monday the Senate shall proceed without further debate to vote on the conference report itself.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, is it the purpose of the Senator from Kentucky to move a recess until Monday?

Mr. BARKLEY. If the agreement is entered into, I hope to avoid a session tomorrow.

Mr. SHIPSTEAD. Mr. President, is it the wish of the Senator to recess now?

Mr. BARKLEY. No; at the regular time. The agreement does not mean that we shall recess now. We can proceed until the usual quitting hour.

Mr. SHIPSTEAD. I shall have to leave the city tomorrow night. I should like to have a little time this afternoon.

Mr. BARKLEY. I am sure the Senator can be accommodated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. CLARK of Missouri. I will say to the Senator from Minnesota that if I may proceed for a few minutes without interruption to discuss the point of order rather than the merits of the conference report, I hope to conclude in 25 or 30 minutes.

Mr. BARKLEY. The Senator can do so by refusing to yield.

Mr. CLARK of Missouri. I have interjected remarks into the speeches of other Senators on the subject. I never like to refuse to yield.

Mr. BARKLEY. I realize that it is a difficult thing to do.

Mr. CLARK of Missouri. I have seldom refused to yield.

## SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 35, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 12, 13, 14, 16, 17, 19, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40, 41, 42, 43, 44, 47, 49, and 52; and agree to the same.

Amendment numbered 23: That the House recede from the disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$48,315,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 6, 8, 9, 10, 11, 15, 18, 20, 22, 39, 45, 46, 48, 50, and 51.

ALVA B. ADAMS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK HALE,
JOHN TOWNSEND,
*Managers on the part of the Senate.*

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
GEO. W. JOHNSON,
EMMET O'NEAL,
JOHN TABER,
R. B. WIGGLESWORTH,
W. P. LAMBERTSON,
J. W. DITTER,
*Managers on the part of the House.*

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10263, which was read, as follows.

IN THE HOUSE OF REPRESENTATIVES,
*September 5, 1940.*

*Resolved*, That the House recede from its disagreement to the amendments of the Senate Nos. 8, 9, 15, 18, 20, 22, 39, 45, 46, 50, and 51 to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate No. 2 to said bill and concur therein with an amendment, as follows:

In lieu of the sum inserted by said amendment insert: "$201,109,030, of which $128,107,115 shall be for emergency construction";

That the House recede from its disagreement to the amendment of the Senate No. 6 to said bill and concur therein with an amendment, as follows:

At the end of the matter inserted by said amendment insert: ": *Provided further*, That the fixed fee to be paid the contractor as a result of any such public-works contract hereafter entered into

shall not exceed 6 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War";

That the House recede from its disagreement to the amendment of the Senate No. 10 to said bill and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

"SEC. 102. The Secretary of War may, until June 30, 1942, allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated.";

That the House recede from its disagreement to the amendment of the Senate No. 11 to said bill and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

"SEC. 103. Section 1 (c) of the act of July 2, 1940 (Public, No. 703, 76th Cong.), is amended by deleting therefrom the words 'for supplies or construction for', inserting in lieu thereof the word 'with', and deleting the words 'of such supplies or construction.'"; and

That the House recede from its disagreement to the amendment of the Senate No. 48 to said bill and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 201. To the President for allocation to the War Department and the Navy Department for the acquisition of necessary land and the construction of housing units, including necessary utilities, roads, walks, and accessories, at locations on or near military or naval establishments, now in existence or to be built, or near privately owned industrial plants engaged in military or naval activities, which for the purposes of this act shall be construed to include activities of the Maritime Commission, where the Secretary of War, the Secretary of the Navy, or the chairman of the Maritime Commission shall certify that such housing is important for purposes under their respective jurisdiction and necessary to the national-defense program, $100,000,000: *Provided*, That the average unit cost of such housing projects, including acquisitions of land and the installation of necessary utilities, roads, walks, accessories, and collateral expenses shall not be in excess of $3,500: *Provided further*, That in carrying out the purposes of this section the Secretary of War and the Secretary of the Navy may utilize such agencies of the United States as they may determine upon: *Provided further*, That the Secretary of War and the Secretary of the Navy, at their discretion, are hereby authorized to rent such housing units, upon completion, to enlisted men of the Army, Navy, Marine Corps with families, to field employees of the Military and Naval Establishments with families, and to workers with families who are engaged, or to be engaged, in industries essential to the military and naval national-defense programs, including work on ships under the control of the Maritime Commission. The Secretary of War and the Secretary of the Navy are further authorized to use such rentals as may be collected from each housing project for the management and maintenance of the housing units therein, including utilities, roads, walks, and accessories, and to set up special reserve accounts for the amortization of the cost of the project: *Provided further*, That the authority of existing law for the negotiation of cost-plus-a-fixed-fee contracts shall be applicable to housing projects for which funds may be made available to the War and Navy Departments or the Maritime Commission.

Mr. TAFT. Mr. President, I think the Senator from Colorado should explain what was done.

Mr. ADAMS. I shall be glad to do so.

The differences between the two Houses which led to the necessity for a conference were not as to the major items of appropriation. They were as to relatively minor items. The major amounts were not in dispute.

Certain legislative items, such as the item covered by the amendment offered by the Senator from Connecticut [Mr. MALONEY], providing for a flood-control project, were discussed on the floor. We were unable to maintain that amendment in the conference. Also, an amendment was offered by the Senator from New York [Mr. MEAD] providing for a graving dock. The House conferees were unwilling to agree to that amendment. They told us that the legislative committees had under consideration an authorization for that particular item, and that they did not think it appropriate at this particular time to include it.

There was also a third item, known as the Miller amendment. I am calling attention to the three things as to which the Senate receded, which I think are the matters in which the Senate is primarily concerned.

The bill itself, by additions of appropriations, has reached what seems to me to be a staggering amount—$5,251,000,000—which includes cash appropriations and contract authorizations. The changes from the Senate version of the bill consist of changes in the legislative matters as to surety bonds, the Miller amendment, and the inclusion of a large item of $123,000,000 to provide housing and shelter for the militia, the militia being called out in installments and being without adequate housing. The conferees were told that it was essential that this item be added; otherwise, a separate bill would have to be crowded through Congress. That was the largest item of change.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. TAFT. What was done with the provision extending the Vinson-Trammell Act, and providing for profit limitations with respect to the Army? Was that in the bill?

Mr. ADAMS. No; that amendment was in the conscription bill, not in this one.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. ELLENDER. I should like to ask the Senator from Colorado a question about the bill as agreed upon by the conferees.

Section 201, as it was originally adopted by the Senate, specifically provided for allocations by the President not only to the War and Navy Departments, but also upon their recommendation for allocation to such other agencies of the United States as the President shall determine, either for the construction of national-defense housing projects, or for loans to local agencies for the construction of such projects.

I understand from the conference report that there has been a substitute amendment for the Senate language. Under the substitute amendment the President may allocate the funds to the War or Navy Department for undertaking defense housing projects, with the proviso that in carrying out the purposes of section 201 the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they may determine upon.

The question I have is as to the effect of this language when taken in connection with Public, No. 671, approved by the President June 28. As will be recalled, that law provides for cooperation between the Navy and War Departments and the U. S. H. A. in providing housing for persons engaged in national-defense activities, and, among other things, authorizes the U. S. H. A. to make loans to local housing authorities for the construction of such national-defense housing projects. That law provides that any funds hereafter made available to the U. S. H. A. may be used for the purposes of that law which are the same as the purposes of section 201, namely, to provide housing for persons engaged in national-defense activities.

I know that the sentiment of the Senate when we adopted section 201 of this bill was that all available agencies should be available for use in connection with the national-defense housing program, including local housing authorities to whom U. S. H. A. would make loans. I should merely like to know from the Senator from Colorado whether the language in the substitute amendment providing that the Secretary of War and the Secretary of the Navy may utilize other agencies of the United States is regarded as sufficient to permit the spending of this money by these departments through the U. S. H. A. under its system of making loans to local public housing agencies for the construction of projects for persons engaged in national-defense activities.

Mr. ADAMS. The amount of $100,000,000 which the Senate included in the bill is continued. However, the House submitted a revised form of the amendment. The purpose is the same—to provide defense housing. There was added to the bill, in the House version, authority to the Maritime Commission to do certain housing construction in building ships for the Navy.

Mr. ELLENDER. Is there anything in the amendment as proposed by the conferees which would in anywise prevent the United States Housing Authority facilities from being used as agencies to handle the fund?

Mr. ADAMS. The United States Housing Authority would not be authorized to have a direct allocation of funds under the bill. Allocations would be to the Army, the Navy, or the

Maritime Commission, and they could exercise their judgment in having other agencies construct housing facilities for them, under their direction.

Mr. ELLENDER. So the agencies of the United States Housing Authority could be used, provided the Army, the Navy, and the Maritime Commission should agree?

Mr. ADAMS. Yes; but not by direct allocation of the funds.

Mr. CLARK of Missouri. Mr. President, what I have to say has nothing to do with the matter which the Senator from Colorado has just presented; but, inasmuch as this whole measure has to do with the subject of national defense, it seems proper to bring this matter to the attention of the Senate very briefly at this time. I refer to the fact that since the passage of the so-called National Guard Act, at a time when every effort is being made by the Government, the public, and everybody else, to insure that employers will preserve the jobs of the men who are called into the service of the National Guard, and restore the men to their jobs at the end of their period of service in the National Guard, and when some employers have even gone so far as to pay the ordinary wages of the National Guard men when they are called out, I am informed on good authority that the Government itself, in the case of guardsmen who happen to be Government employees, is demanding their resignation from Government positions when they are called out. I think that is possibly due to some oversight somewhere, but I think it is a subject which should be acted upon by the proper committees of the Senate.

I thank the Senator from Colorado. The matter really has nothing to do with the subject under consideration.

Mr. ADAMS. I think the comment is very appropriate.

Mr. President, the amendments of the House meet the approval of the committee. As a matter of fact, they were agreed upon subject to approval by the House. If I may lump the amendments together, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 2, 6, 10, 11, and 48.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. DANAHER. Will the Senator briefly outline the substance of the amendments?

Mr. ADAMS. I shall be very glad to do so.

Amendment numbered 2 is the item which I previously mentioned, having to do with the increased appropriation for housing for the National Guard.

Amendment numbered 6 was an amendment limiting to 6 percent the amount of fees allowable on cost-plus or fixed-fee contracts, and giving to the Army the authority which the Navy now has, to do away with performance bonds if it sees fit.

Amendment No. 10, slight in verbiage but rather important in consequence, gave to the Department the right to allocate to the engineers certain construction work and certain funds which otherwise might have gone to the quartermaster's department. The amendment, as originally adopted, limited the character of the construction work that could be so allocated to the engineers to the particular kind of work which the engineers have been doing by the inclusion of the words "in their usual line." The Senate and House conferees struck out the words "in their usual line," leaving a somewhat broader authorization for delegation than otherwise would have been the case. There is a time limit to such delegation up to June 30, 1942.

Amendment No. 11 is simply a textual change deleting certain words and substituting therefor the word "with."

Amendment No. 48 is a redraft of the housing amendment, with an appropriation of $100,000,000, which has been previously mentioned.

Mr. McKELLAR. Mr. President, with reference to the housing amendment, I am sure the Senator will recall that the House absolutely refused, under any circumstances, to accept the housing amendment as it had been adopted by the Senate.

Mr. ADAMS. The Senator speaks accurately.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. ADAMS. I am glad to yield.

Mr. DANAHER. With reference to the Senator's discussion of amendment numbered 6, is there any language retained from the Miller amendment to the end that liability arising from torts in the performance of contracts shall not be added in as a part of the cost?

Mr. ADAMS. That went out with the Miller amendment. It would be left to the respective parties to reach an agreement as to that; that is, I assume it would be subject to contract as between the Government agency and the contractor as to what should be properly included in costs; but Congress, under this bill, would make no declaration on that point.

Mr. DANAHER. Will the Senator indicate for the RECORD whether or not in the conference there was any attitude on the part of the House conferees to eliminate the possibility of liability of the Government for tort claims by giving allowance on as an item of cost equal to what it would cost for premiums paid to insure against loss on liability and similar claims?

Mr. ADAMS. The matter was discussed at considerable length in its various phases. Perhaps I can picture to the Senator the conference committee on a deficiency bill. It is not as compact a committee as is frequently the case in conferences.

The Senate has 7 conferees and the House has 13. In other words, there is a group of 20, and there is much discussion back and forth around the table which the one who is presiding does not always understand. I am merely trying to give the Senator a picture of the situation. He is familiar with the Banking and Currency Committee, where sometimes at committee meetings there are many discussions at the same time going on around the table.

Mr. DANAHER. I appreciate what the Senator says and the analogy that he draws.

Would the Senator say it can be expressed as the sense of the measure that contracts between Government agencies and individual contractors should specify that the Government would assume no risk, on the average, at least, against tort claims or tort liabilities?

Mr. ADAMS. I do not want to discuss that, but it is my own view that the normal liabilities incident to a contract are properly, in my judgment, a part of the cost. On the other hand, if there is incurred a liability due to the gross negligence of the contractor or due to things for which he was directly responsible and should have avoided, the Government ought not to be charged with that. I do not know just how that line is to be drawn, but there is a line in my mind.

Mr. DANAHER. Let me say to the Senator, if he will yield further, that—assume that there are a million workmen in factories working on defense contracts as to each of whom normally there is protection under the Workmen's Compensation Act—surely the Government will not be expected to assume the risk of liability under compensation acts for all those men, will it?

Mr. ADAMS. No. The Senator has mentioned the protection in his own explanation that the contractor who takes a contract is bound by the State laws. In other words, if he is making a contract to be executed in Colorado he must comply with the obligations of the Colorado law; he must meet the requirements; he must take out insurance, unless he can satisfy administrators of the workmen's compensation law of his own ability to provide protection. We do not in any way absolve the contractor, and it seems to me that the costs of a bond of that kind are entirely proper to be charged as a part of the cost of the work.

Mr. DANAHER. I agree so far and wished simply to elicit that statement, for thus we draw the line the Senator mentioned. Therefore, drawing the line between the type of possible loss for which the premium charged would be properly deductible, as the Senator stated, and the other type of loss in general tort claims which could arise in the ordinary course, as to which I think the Government should have no liability,

it is my understanding now that premiums for the former are proper costs but as to the latter, liability for losses shall be fixed by the contracting parties. I think the latter should not be permitted to be included as part of the costs. I believe the Miller amendment would have protected the Government in this particular, and I am sorry it was not accepted by the House conferees.

Mr. AUSTIN. Mr. President, will the Senator from Colorado yield for a question?

Mr. ADAMS. Certainly.

Mr. AUSTIN. I believe the Senator explained amendment No. 6, which appears in the bill itself on page 4, line 8. What I want to know is, Does the conference report change in any way, or is there anything else in the conference agreement that changes in any way, existing law requiring bonds for security of materialmen and men who provide labor in contracts with the Government for public works?

Mr. ADAMS. As I understand the Senator's question—I had a little difficulty in hearing it—the amendment in question applies to the Army the law which now applies to the Navy.

Mr. AUSTIN. On page 27, line 12, of the bill, as it passed the Senate, there was reference to contracts for public works. That was the Miller amendment, was it not?

Mr. ADAMS. The part which is lined through on the copy of the bill the Senator has—that is, line 3 to line 11—is restored and continues in the bill. The remainder from line 12 down to line 7 on the next page went out in conference.

Mr. AUSTIN. As a matter of fact, it is true that only those contracts which are on the cost-plus basis are in a position, if this bill becomes the law, to be entered into without a bond covering any part of the contract?

Mr. ADAMS. Not only that, but only contracts entered into upon a cost-plus-a-fixed-fee basis may be so entered into and have the exemption.

Mr. AUSTIN. All other contracts——

Mr. ADAMS. Are subject to the requirement of bond.

Mr. AUSTIN. Yes; as under existing law.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado [Mr. ADAMS] that the Senate agree to the amendments of the House to the amendments of the Senate numbered 2, 6, 10, 11, and 48.

The motion was agreed to.

### REGULATION OF INTERSTATE CARRIERS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

Mr. SHIPSTEAD and Mr. CLARK of Missouri addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. SHIPSTEAD. I thought the Senator from Missouri had concluded.

Mr. CLARK of Missouri. I had not concluded.

The PRESIDING OFFICER. The Chair overlooked the fact that the Senator from Missouri still had the floor.

Mr. CLARK of Missouri. I will say to the Senator that I shall conclude as rapidly as possible.

Mr. President, at the time I yielded to the Senator from Colorado [Mr. ADAMS] for the purpose of calling up the conference report on the appropriation bill I had discussed and inserted in the RECORD the provisions of the bill as it passed the Senate with reference to the matter of the Panama Canal Act, also the provisions of the bill as it passed the House, and the provisions of the conference report; and I had obtained permission that they be printed in the RECORD in parallel columns. A comparison of this section as it passed the Senate with the section as it passed the House and with the section as it has been rewritten in conference is necessary to demonstrate that this authorization to the Interstate Commerce Commission is found neither in the section as it passed the House nor in the section as it passed the Senate, but appears for the first time in the section as rewritten by the conferees, and hence is new matter, and therefore subject to a point of order, unless that authority is found in other sections of the bill as they passed the House or Senate.

I may say in that connection that in the citations which I am about to give, and some of the legal opinions which I am expressing, I am referring for convenience to a memorandum furnished me by the Maritime Commission, although I have carefully checked the authorities cited herein and may say that they are in entire agreement with my own independent conclusions.

Apparently, Mr. President, it is argued that this power is granted by the bill both as it passed the Senate and as it passed the House; and if so, the power must be found in the present law, for neither the bill as it passed the Senate nor the bill as it passed the House is effective to confer such authority upon the Interstate Commerce Commission unless that authority is to be found in existing law, as neither the bill as it passed the Senate nor the bill as it passed the House effectively amends existing law so as to confer such authority, or any part of such authority, unless it is found in the existing law itself.

The existing law is found in title 49 of the United States Code, the Interstate Commerce Act, section 5, paragraphs (19), (20), and (21), and was a part of the so-called Panama Canal Act of August 24, 1912, chapter 392, Thirty-seventh Statutes at Large, page 567, and is made a part of the original Interstate Commerce Act by the Transportation Act of February 28, 1920, and reads as follows.

Since these subsections, (19), (20), and (21), have been read here several times in the course of the debate by the Senator from Kansas [Mr. REED], the Senator from Montana [Mr. WHEELER], and possibly others, I ask unanimous consent that they may be printed in the RECORD at this time as a part of my remarks without my reading the sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

(19) Having interest in competing carrier by water prohibited: It shall be unlawful for any railroad company or other common carrier subject to this chapter to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in a common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision, each day in which such violation continues shall be deemed a separate offense.

(20) Determination of fact of competition; hearings; orders: Jurisdiction is conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of paragraphs (10), (11), or (12) of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with provisions of this paragraph. The Commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the Commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said Commission shall be final.

(21) Continuation of water service permitted; filing of rates, schedules, and practices: If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to this chapter in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation.

Mr. CLARK of Missouri. Mr. President, the language of the Panama Canal Act obviously expresses the fixed and well-understood intention of the Congress which passed that act—and this intention is of the very essence of the existing law—by that act to prohibit railroad companies from acquiring control of water carriers which do or may compete with them. This conclusion is well supported by the legislative history of the Panama Canal Act, which abundantly demonstrates that that act was passed with the specific purpose in mind of prohibiting such railroad companies—in the language of Report No. 423 of the House of Representatives, Sixty-second Congress—from occupying any of our waterways with ships in mock competition with themselves to the extinction of genuine competition. I find no support for a theory to the effect that those who passed the Panama Canal Act intended merely to prohibit railroad companies from acquiring control of water carriers which do or may compete with them unless the Interstate Commerce Commission should find that the acquisition of such control would not "prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it" would "not exclude, prevent, or reduce competition on the route by water under consideration," and in such instances to empower the Interstate Commerce Commission to authorize acquisition of control. The latter assumption, Mr. President, is a pure arrogation and assumption of power to itself by the Interstate Commerce Commission which finds no justification whatever in the law itself. The argument to that effect is based upon the majority opinion of the Interstate Commerce Commission—in Southern Pacific Company's Ownership of Atlantic Steamship Lines, No. 6606, Volume 77, Interstate Commerce Commission Reports, page 124—and the cases cited therein.

Conceding for the sake of argument—and let me say, incidentally, that I by no means concede that the decision is correct, because the correctness of this decision has been most seriously questioned by higher authority than I am on the matter, notably the present chairman of the Commission, Mr. Eastman, in his well-reasoned and well-known dissenting opinion—but conceding for the sake of the argument the correctness of the decision of the Interstate Commerce Commission in the Southern Pacific case, it is clear that this decision extends no further than to hold that existing law—that is, the Interstate Commerce Act as amended by the Panama Canal Act—authorizes railroad companies, with the approval of the Interstate Commerce Commission, to continue existing service by water, and to institute new service. Existing law prohibits—with an exception pertinent only to situations existing prior to July 1, 1914—a railroad company or other common carrier subject to the Interstate Commerce Act from owning, leasing, operating, controlling, or having any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water with which said railroad or other carrier does or may compete for traffic, or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad, or other carrier, does or may compete for traffic.

The decision of the Interstate Commerce Commission in the Southern Pacific case, even taken at its full effect, does not assert that the Interstate Commerce Commission is empowered by law to authorize a railroad company or other common carrier subject to the Interstate Commerce Act to acquire control of or to acquire an interest in a common carrier by water or vessel not operated through the Panama Canal with which the applicant does or may compete for traffic. The section of the conference report now under discussion, however, as rewritten by the conferees, but not as passed by the Senate or passed by the House, does explicitly and in terms empower the Interstate Commerce Commission to grant such authorizations to railroad companies.

This explicit grant of authority found in the section of Senate bill 2009 as rewritten by the conferees, as I said a moment ago, is not found in the section as it passed the Senate or as it passed the House, and accordingly is new matter; and, as it authorizes railroad companies to do what they are expressly forbidden under the present law to do—that is, to acquire control of water carriers which may or do compete with them—is, therefore, legislation of grave and serious import which originated neither in the House nor in the Senate, but in the meeting of the conferees, or with the Interstate Commerce Commission itself. It is legislation which is directly contrary to the obvious legislative intent and the obvious desire and purpose of the Congress which enacted the Panama Canal Act.

In this connection, the following excerpt from the opinion of the Interstate Commerce Commission itself in the case of Lake Line applications under the Panama Canal Act, 33 Interstate Commerce Commission Reports, 699, is clearly pertinent as showing the purpose of the act, and as showing the degree in which this conference report changes existing law. I quote from the decision of the Interstate Commerce Commission in that case:

> From an examination of the congressional debate from which the act emerged, it is at once clear that the spirit which undoubtedly prompted this legislation was a desire to preserve to the common interest of the people, free and unfettered, the "water roadbed" via the Panama Canal, which was nearing completion. Coupled as it is, the legislative purpose of the other parts of the amendment with respect to waters "elsewhere" must necessarily have been to restore all the water routes of the country to the same condition of freedom from any domination that would reduce their usefulness.
>
> * * * * * * * *
>
> On a watercourse where the boats and boat lines are free from domination or control by the railroads, and where they are left to survive as their merit or the ingenuity of their owners makes possible, there will be, and always is, a healthy rivalry and striving between such boat lines themselves and with paralleling railroads for all suitable and available traffic. There is competition. * * * As far as this legislation concerns water routes elsewhere than through the Panama Canal, the spirit and purpose of it is to restore to the people the beneficial use of the natural common highways.

Mr. President, the natural purpose and inevitable result of this conference report is to deprive the people of the beneficial use of their natural common highways.

It appears that there is no case, at least, none has been found, in which the Interstate Commerce Commission has passed upon an application by a railroad company to acquire control of a water carrier. It is true, however, that in a number of cases railroad companies have applied for the institution of service by water carriers in which the railroad companies had apparently acquired an interest subsequent to the passage of the Panama Canal Act.

In Investigation of Seatrain Lines, Inc., No. 25565 (206 I. C. C., Rept. 328), the Interstate Commerce Commission, of its own motion, instituted:

> An investigation into the lawfulness of the operation of facilities and transportation of property in interstate commerce by Seatrain Lines, Inc., hereinafter referred to as Seatrain, the acquisition of control by Seatrain of the Hoboken Manufacturers Railway Co., hereinafter referred to as the Hoboken, and of the issuance of securities by Seatrain.

In this case it appeared that, subsequent to the passage of the Panama Canal Act, the Missouri-Pacific Railroad Co. and the Texas & Pacific Railway Co. had acquired stock interest in Seatrain Lines, Inc. I direct the attention of the Senator from Montana, if he happens to read my remarks, to the fact that in referring to the Missouri-Pacific case I was referring to a case in which the Missouri-Pacific was the leading participant.

The Commission found, among other things, that the interest acquired was such an interest as was contemplated by section 5 (19) of the Interstate Commerce Act, and issued an order permitting the railroads:

> To continue their stock interest in and to continue the operation by Seatrain Lines, Inc., of vessels between the ports of New York, N. Y., and New Orleans, La.

It is to be noted that Mr. Eastman did not participate in this decision, as at that time he was serving as Federal Coordinator of Transportation. Commissioner Mahaffie dissented, and was joined in his dissent by Commissioner

McNanamy. Having cited paragraphs 19, 20, and 21, of section 5, of the Interstate Commerce Act, Mr. Mahaffie stated:

> The majority correctly find competition between the interested railroads and the Seatrain to exist. Seatrain was not in existence on July 1, 1914. Under those circumstances I find no warrant in the statute for the order issued by the majority undertaking to permit those railroads "to continue their stock interest in, and to continue the operation by Seatrain Lines, Inc., of vessels between the ports of New York, N. Y., and New Orleans, La."

Mr. President, one must be impressed by the strength of Commissioner Mahaffie's position to the effect that there is no warrant in the Panama Canal Act for the Interstate Commerce Commission to authorize a railroad company either to acquire control of water carriers or to continue control of water carriers in cases where the control was acquired subsequent to July 1, 1914. Such authority, however, is clearly for the first time granted by the section of Senate bill 2009 as rewritten by the conferees, and, on the statement of the chairman of the Senate committee rewritten at the insistence of the Interstate Commerce Commission itself, in an effort to invalidate an illegal ruling which had no basis in law, as Commissioner Mahaffie pointed out in his dissent.

The existence of such authority in the Interstate Commerce Commission is incompatible with the public policy crystallized in the Panama Canal Act, and the enactment of the section of Senate bill 2009 under discussion, as rewritten, as I have said, by the conferees at the insistence of the Interstate Commerce Commission itself, would constitute a reversal of this policy.

Mr. President, the departure from existing law and from the measure as it passed both the Senate and the House contained in the authority to acquire competing lines, or lines which might be competing, would, in all human probability, mean a return to the conditions described by the Interstate Commerce Commission itself in the case to which I referred a little while ago, Lake Line Applications Under Panama Canal Act, in which it was said:

> These boat lines under the control of the petitioning railroads have been first a sword and then a shield. When these roads succeeded in gaining control of the boat lines which had been in competition with paralleling rails in which they were interested, and later effected their combination through the Lake Line Association, by which they were able to and did drive all independent boats from the through lake and rail transportation, they thereby destroyed the possibility of competition with their railroads other than such competition as they were of a mind to permit. Having disposed of real competition via the Lakes, these boats are now held as a shield against possible competition of new independents. Since it appears from the records that the railroads are able to operate their boat lines at a loss where there is now no competition from independent lines, it is manifest that they could and would operate at a further loss in a rate war against independents. The large financial resources of the owning railroads make it impossible for an independent to engage in a rate war with a boat line so financed.

Mr. President, I insist on the point of order, involving the injection of the authority to the Interstate Commerce Commission to grant authority to railroad lines to acquire and operate competing lines, which destroys the whole fabric of our system of transportation up to this time, and destroys the whole theory of legislation by Congress in the interest of the consumer and the shipper over a period of more than 30 years. I insist that the point of order not only is well taken but that it is a point of order involving questions so momentous that no Senator can afford, in deciding on the point of order, merely in the interest of a natural predilection for sustaining a conference report to resolve his doubts against the interests of the great shipping and consuming body of the people of the United States.

Mr. SHIPSTEAD. Mr. President, I rise to address myself to the merits of the bill rather than to the point of order. I do that because of my inability to be present on Monday, and because the point of order has already been extensively discussed by Senators who are experts in parliamentary practice, and, in my opinion, whatever arguments may be offered hereafter could not affect the arguments already made. Therefore I shall confine myself, in the remarks I am about to make, to the merits of the bill.

As originally conceived, the bill was designed to regulate transportation. In my opinion it has now become a monopoly bill, creating, or making possible the creation of, a monopoly of transportation, reversing the policy of the Federal Congress which has been maintained for 30 or 40 years.

The elimination of the Miller-Wadsworth amendment has already been discussed, and in order to save time I shall not repeat the arguments which have been made about that.

The monopoly of domestic transportation is accomplished in the bill as to water carriers, in my opinion, by the repeal of the protective provisions of the Panama Canal Act, and, as to motor carriers, by the repeal of the protective provisions of the Motor Carrier Act. Those protective provisions prohibited railroads from acquiring ownership or control of competing water or motor carriers and thus being able to destroy all competition. The conference report bill removes that prohibition.

A policy of Congress of 25 years standing will be reversed by a conference committee of the two Houses of Congress, without consideration and without an opportunity of any of the interested parties to be heard.

So far as I know, there was nothing in the original bill granting permission to railroads to acquire control of and to operate motor buses, trucks, ships, and barges.

The Panama Canal Act was passed in 1912 and made effective in 1914. The act declared that it should be unlawful for any railroad to acquire any interest in a common carrier by water operated through the Panama or elsewhere with which the railroad did or might compete for traffic. Another section of the act provides that existing railroad-owned water lines may be permitted to continue under such control, if the Interstate Commerce Commission finds that it is not destructive to competition.

In Lake Line Applications Under Panama Canal Act (33 I. C. C. 699), decided May 7, 1916, the Commission denied all applications.

I shall not quote extensively from the decision of the Interstate Commerce Commission of May 7, 1916, in which they so clearly showed the baneful effect upon interstate commerce and on the general welfare of the railroads of the country operating ships on our rivers and our lakes and in the coastwise trade, because the Senator from Missouri has already quoted that decision, but in it, among other things, the Commission said:

> These boat lines under the control of the petitioning railroads have been first a sword and then a shield. When these roads succeeded in gaining control of the boat lines which had been in competition with parallelling rails in which they were interested, and later effected their combination through the Lake Line Association, by which they were able to and did drive all independent boats from the through lake and rail transportation, they thereby destroyed the possibility of competition with their railroads other than such competition as they were of a mind to permit. Having disposed of real competition via the lakes, these boats are now held as a shield against possible competition of new independents.

Following that decision, the railroads have repeatedly sought the repeal of the prohibition in the Panama Canal Act, but the Congress has in the public interest rejected all such proposals.

Without any consideration of the subject in either the Senate or the House, the conferees have rewritten the provisions of the Panama Canal Act and in a new provision removed the prohibition against acquisition of water carriers by the railroads. It grants complete authority to the Interstate Commerce Commission upon application of any railroad to authorize the acquisition of ownership or control, lease, or operation of water carriers. The new provision that grants this authority is found on page 14 of the conference report, which amends section 5 of the Interstate

Commerce Act by adding a paragraph (16), and which in part reads as follows:

Notwithstanding the provisions of paragraph (14)—

Which contains the Panama Canal Act prohibition—

the Commission shall have authority, upon application of any carrier, as defined in section 1 (3)—

That refers to carriers only—

and after hearing, by order to authorize such carrier to have or acquire control of, or to acquire an interest in, a common carrier by water, or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic.

The conferees have eliminated the very important words "and elsewhere." The railroads were prohibited from operating water lines through the Panama Canal and elsewhere, unless, and under certain circumstances, the lines were in existence at the time, and so forth. Those words "and elsewhere" mean the Great Lakes, the rivers and the coastwise shipping. Thus, the ban on railroad ownership of competing water lines is lifted and they are again placed in position to repeat the true and tried formula of eliminating competition and restore a monopoly of transportation.

REPEAL OF THE PROTECTIVE PROVISIONS OF THE MOTOR CARRIER ACT

Not content with the repeal of the prohibition in the Panama Canal Act, the conferees also repealed and rewrote a similar provision which appears in the Motor Carrier Act against similar authority to the Interstate Commerce Commission to allow applications of railroads to acquire motor carriers.

The changes which permit this action are the following: First, on page 29 of the conferees' report is contained a new provision repealing section 213 of the Motor Carrier Act, the proviso of which the Interstate Commerce Commission held, in Pennsylvania Railroad Acquisition of Barker Truck Lines (vol. 1, M. C. C., p. 109), prohibits the acquisition of competing motor carriers by railroads. Then in a new provision which appears at page 10 of the conference report, section 7, amending section 5, paragraph (2) (b), which reenacts the proviso, with changes in language to meet the objections in the Barker case, the prohibition against the acquisition of motor carriers by railroads is removed and authority vested in the Interstate Commerce Commission to grant application for such acquisitions.

It is interesting to note that many railroads, including the Pennsylvania Railroad, the Santa Fe, the Missouri Pacific, and others, have attempted to acquire or install motor lines in competition with independent motor lines, but the Commission has said it could not permit such acquisitions or in fact permit new motor operations by railroads in competition with independent motor operations, under existing law. Also Kuhn, Loeb & Co., railroad bankers, are trying to buy up all the truck lines in a large portion of the eastern United States, but it is doubtful if they can do so because of their rail affiliations. Lehman Brothers are also interested in motor-truck mergers. Under the new Wheeler-Lea bill the road will be cleared for railroad control and operation of motor lines throughout the country.

I have before me a news report concerning the acquisition, or the attempted acquisition and operation, of a large system of truck lines by the banking house of Kuhn, Loeb & Co. I quote from the Chicago Tribune of August 13, 1940, a special news item, as follows:

TRUCK MERGER MAY INVOLVE THIRTY MILLION IN STOCK

WASHINGTON, D. C., August 13.—An estimate that stock issues of twenty-eight to thirty million dollars, with a charge of nearly $4,000,000 for underwriters would be involved in the projected merger of eastern trucking lines into the transport company was presented today by James H. Arnold, of the investment banking house of Kuhn, Loeb & Co., before J. Edgar Davey, chief of the Finance Division of the Interstate Commerce Commission's Bureau of Motor Carriers.

Arnold estimated that the securities issues would run from eleven to thirteen million dollars of preferred stock and possibly seventeen to nineteen million dollars of common stock.

He also stated that Kuhn, Loeb & Co. already had spent $1,250,000 for incidental expenses, in connection with this merger, which the firm stands to lose if it is not approved by the Commission. He defended the estimated four-million charge as a safety margin.

That $4,000,000 was to be a commission paid to these railroad bankers for financing the consolidation of motortruck lines, for whom, the article does not say, but I think we have a right to suspect for the benefit of one of the railroad companies which they control.

The total amount of the financing for the purchase and consolidation of truck lines is said to be from $28,000,000 to $30,000,000; and the commission to be paid the railroad banking house, which is acquiring the truck lines for a client, possibly a railroad—or possibly for themselves—amounts to $4,000,000. That is the same old game of trucking companies getting into the transportation business, which has helped ruin the railroads through a long period of years.

Under the bill, if it shall pass, the railroads will be able to acquire boats in the coastwise trade. They will be able to acquire barges on our inland waterways, and boats on the Great Lakes.

It is common knowledge that railroad labor is urged by railroad management and financiers to support the bill on the premise that by its passage the rail competitors will be destroyed and all domestic tonnage forced to the rails. This is misleading labor, for whatever tonnage would thus be forced from water and motor carriers to the rails—and it would be comparatively small—would not increase employment of railroad labor, but would merely increase the distance between the engine and the caboose. On the other hand, it would throw out of employment the 100,000 workers now engaged in the handling of this commerce. Railroad labor—like all other labor—is sorely in need of a general increase in business activity in all directions to stimulate employment. The bill by raising the cost of transportation would have the opposite effect. It would act as a depressant on commerce and, therefore, on labor. To the extent that it would raise the cost of transportation, and therefore reduce the amount of goods transported from one part of the country to the other, it would reduce the amount of goods produced by labor.

If the Wheeler-Lea measure, as reported by the conferees, is enacted into law, Congress will have turned the clock back a half century. The restoration of a monopoly of domestic transportation in the railroads can only result in higher and higher transportation rates. The disastrous effect upon independent water and motor carriers, as bad as that may be, is only incidental to the larger public injury, for the public—the farmer, the laborer, and the consumer—must pay the bill for such monopoly legislation.

Mr. President, I have a more complete analysis than the general statement I have just made. Because of the condition of my throat and the lateness of the hour, I ask unanimous consent to have the analysis inserted in the RECORD at this point as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

THE SECOND CONFERENCE REPORT ON THE WHEELER-LEA BILL, S. 2009, REPEALS THE PROVISION OF THE MOTOR CARRIER ACT RELATING TO RAILROAD OWNERSHIP AND CONTROL OF MOTOR CARRIERS AND ADDS NEW MATTER PERTAINING THERETO

This second conference report on the Wheeler-Lea bill repeals a provision in the Motor Carrier Act under which the Interstate Commerce Commission has consistently restricted the railroads in acquisitions of motor carriers or extensions of motor-vehicle operations in competition with the motor carriers independently owned and operated.

The above is accomplished as follows:

First, at page 29 of the conference report is contained a repeal of section 213 of the Motor Carrier Act, which contains a proviso requiring the Interstate Commerce Commission to restrict the acquisition of competing motor carriers by railroads. Then, in a new provision which appears at page 10 of the conference report, section 7, amending section 5, paragraph (2) (b), relating to acquisitions, mergers, etc., the proviso is reenacted with important changes in

language. To understand the significance of the repeal of section 213 of the Motor Carrier Act and the change in language of the reenacted proviso, it is necessary to first consider the decisions of the Interstate Commerce Commission under existing law.

PROVISO AND DECISIONS THEREUNDER DENYING AUTHORITY TO RAILROADS TO ACQUIRE COMPETING MOTOR CARRIERS

The proviso of section 213, which limits railroad acquisition of motor carriers, reads as follows:

"*Provided, however,* That if a carrier other than a motor carrier is an applicant, or any person which is controlled by such a carrier other than a motor carrier or affiliated therewith within the meaning of section 5 (8) of part I, the Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than a motor carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition."

The Interstate Commerce Commission first construed the proviso in Pennsylvania Truck Lines, Inc.—Control—Barker Truck Lines, Inc. (1 M. C. C. 101), wherein, at pages 109 and 111, it said:

"Section 213 of the Motor Carrier Act, 1935, provides with respect to consolidations, mergers, and acquisitions of control that if the applicant be a carrier other than a motor carrier (e. g. a railroad), or a company controlled by or affiliated with such a carrier other than a motor carrier, we shall not give our approval unless we find 'that the transaction proposed will promote the public interest by enabling such carrier other than a motor carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.' In other circumstances it is only necessary, under section 213, to find that the transaction proposed 'will be consistent with the public interest.' It is the obvious intent of the act that special safeguards shall surround acquisitions of motor carriers by carriers engaged in other forms of transportation, and no doubt railroads were particularly in mind. The proof in such cases must show, not merely that what is proposed is consistent with the public interest, but that it will actively promote the public interest and in a particular manner, namely, by enabling the acquiring carrier 'to use service by motor vehicle to public advantage in its operations.' The proof must further show that the acquisition will not 'unduly restrain competition.'

* * * * * * *

"While we have no doubt that the railroad could, with the resources at its command, expand and improve the partnership service, and that, so far as numbers are concerned, there is now an ample supply of independent operators in the territory for the furnishing of competitive service, we are not convinced that the way to maintain for the future healthful competition between rail and truck service is to give the railroads free opportunity to go into the kind of truck service which is strictly competitive with, rather than auxiliary to, their rail operations. The language of section 213, above quoted, is evidence that Congress was not convinced that this should be done. Truck service would not, in our judgment, have developed to the extraordinary extent to which it has developed if it had been under railroad control. Improvement in the particular service now furnished by the partnership might flow from control by the railroad, but the question involved is broader than that and concerns the future of truck service generally. The financial and soliciting resources of the railroads could easily be so used in this field that the development of independent service would be greatly hampered and restricted, and with ultimate disadvantage to the public."

Since this decision, the Commission has consistently applied the proviso in a manner designed to prevent the domination and control of highway transportation by railroads, the fear of which, as we shall see, was responsible for the insertion of the proviso in the Motor Carrier Act and in a manner designed to further the policy emphasized in section 202 (a) of that act of encouraging the independent development of highway transportation.

See *Pennsylvania Truck Lines—Barker* (5 M. C. C. 9), *Pennsylvania Truck Lines—Barker* (5 M. C. C. 49), *Union Pacific Stages, Inc.—Purchase—Burns & Lamb* (5 M. C. C. 63), *Santa Fe Trail Transportation Co.—Control—Western Transport* (5 M. C. C. 81), *Boston & Maine Transportation Co.—Purchase—Bee Line* (5 M. C. C. 101), *Santa Fe Trail Transportation Co.—Purchase—Schaeffer* (5 M. C. C. 115), *Santa Fe Trail Transportation Co.—Purchase—Estop* (5 M. C. C. 127), *Santa Fe Trail Transportation Co.—Control—Peoria Rockford Bus Co.* (15 M. C. C. 347), *Chicago South Shore Railway Co.—Purchase—Indiana Motor Bus* (15 M. C. C. 361), *Santa Fe Trail Transportation Co.—Purchase—Lee* (25 M. C. C. 265), *Pacific Motor Express—Control—Pacific Motor Trucking Co.* (35 M. C. C. 353).

That the same restrictions apply under existing law to railroad extension of motor-carrier operations in competition with independent motor-carrier operations is also established by repeated decisions of the Interstate Commerce Commission. In *Missouri Pacific Transportation Co.—Extension of Operations* (9 M. C. C. 712), the Commission in denying the application said:

"A further reason for the conclusions which we reach is the fact that applicant is controlled by a railroad. The danger of subjecting the Teche Greyhound to the competition of a bus line under such control is shown by the fact that on November 30, 1935, the last date covered by the record, applicant had a cumulative deficit of $1,722,211. Operation was made possible by the liberal advances of the controlling railroad. Teche Greyhound apparently has no similar financial support to aid it in a competitive struggle."

See also *Kansas City S. Transport Co., Inc., Com. Car. Application* (10 M. C. C. 221), *Tex. & Pac. Motor Transport Com. Car. App.* (10 M. C. C. 525), *Illinois Central R. Co. Com. Car. App.* (12 M. C. C. 45), *Tex. & Pac. Motor Transport Com. Car. App.* (14 M. C. C. 649), *Seaboard A. L. Ry. Co. M. Operation—Gaston—Garnett, S. C.* (17 M. C. C. 413), *Gulf, Mob. & No. Com. Car. App.* (18 M. C. C. 702), *Great Northern Com. Car. App.* (19 M. C. C. 745), *Pac. Motor Trucking Co. Com. Car. App.* (21 M. C. C. 761).

That the above decisions of the Commission are in accord with the policy of Congress is evident from a brief consideration of the legislative history of the proviso.

CONGRESSIONAL HISTORY OF PROVISO

Section 202 (a) of the Motor Carrier Act declares it to be the policy of Congress:

"To regulate transportation by motor carriers in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation and among such carriers in the public interest; promote adequate, economical, and efficient service by motor carriers * * * without unjust discriminations, undue preferences or advantages and unfair or destructive competitive practices; improve the relations between and coordinate transportation by and regulation of motor carriers and other carriers; develop and preserve a highway transportation system * * *."

Throughout this statement of the declared policy of the act there is a clear recognition of the desirability and necessity of encouraging the development of highway transportation, independent of other forms of transportation.

An examination of the CONGRESSIONAL RECORD relating to the Motor Carrier Act makes it clear that this expression of policy was used advisedly and was deliberately reinforced by the proviso in section 213 (a). Throughout the debates in both the Senate and the House the fear was repeatedly expressed that the railroads might obtain control of highway transportation and manipulate it to their own advantage. Members of the committees sponsoring the bill were called upon repeatedly to reassure Congress that the bill as drawn guarded against this contingency. Senator WHEELER, chairman of the Interstate Commerce Committee of the Senate, in presenting the bill to the Senate, said, among other things:

"As I see it, practically all the criticisms that have been made against the bill have been made on the theory that the Commission was not going to carry out the policies laid down by the measure. There has been a fear upon the part of some people—in my judgment an unfounded fear—if the administration of the bill were turned over to the Interstate Commerce Commission, that Commission might not regulate bus and truck transportation in the interest of the general public, and that it might not give bus and truck operators a fair deal. * * * We tried to modify it as much as possible to take away any fear that might exist in the minds of some that motor buses and trucks were going to be regulated in the interest of the railroads." (79 CONGRESSIONAL RECORD 5656–5657.)

Senator WHEELER then presented to the Senate the bill in which he advised that the Senate committee had inserted the protective proviso to section 213 (a). (79 CONGRESSIONAL RECORD 5666.)

Similarly, Representative Sadowski, chairman of the Interstate Commerce Committee, in presenting the bill to the House, said:

"Section 202 sets forth the declaration of policy and vests jurisdiction in the Interstate Commerce Commission. I want to say in this connection that in reporting out this bill your committee has no intent to undertake to suppress or restrict in any way the proper development of motor-carrier transportation by responsible carriers for the good of the public. Nor do we want motor-carrier transportation and supervision restrained or curtailed by any other transportation medium. The purpose of the bill is to provide for regulation that will foster and develop sound economic conditions in the industry, together with other forms of transportation, so that highway transportation will always progress."

The fear thus expressed by Congress and the declaration of policy and the adoption of the proviso in section 213 (a) designed to allay it, were prompted in large part by the previous experience which Congress and the Commission had had with inland lakes water transportation. The domination of these water lines by the railroads had finally necessitated the passage of the Panama Canal Act to prevent the railroads from eliminating competition through control of the water carriers. Simultaneously, Congress required the railroads to release their stranglehold on inland water transportation and required Interstate Commerce Commission approval of the retention by any railroad of an interest in an inland water carrier. Congress has repeatedly refused petitions of the railroads to amend the act to enable them to reassume their domination and control of the water lines.

No petition has been submitted to Congress to amend the Motor Carrier Act to enable the railroads to assume domination and control of motor lines, nor has any interested party had an opportunity to be heard thereon.

REPEAL OF PROVISO AND REENACTMENT WITH IMPORTANT CHANGES IN LANGUAGE ENDANGERS ESTABLISHED POLICY OF CONGRESS

In the light of legislative history and the elaborate construction of the proviso in the many decisions of the Interstate Commerce Commission, it is evident that if Congress tampers therewith, any change in language is going to be given a significance and a new construction, despite anything the conferees may state. If, as seems evident, Congress is in accord with the construction placed on the proviso, it is at least dangerous to make any change in the language.

As stated, the second report of the conferees repeals section 213 of the Motor Carrier Act and reenacts the proviso in section 5 (2) (b) of part I of the act. The proviso as thus reenacted is changed to require a finding in the case of railroad acquisition of motor lines that the proposed transaction "will be consistent with the public interest and will enable such carrier (railroad) to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition." The present proviso requires in such cases a finding that the transaction "will promote the public interest by enabling such carrier (railroad) to use service by a motor vehicle to public advantage in its operations and will not unduly restrain competition."

In view of the established construction of the present proviso and particularly the differentiation by the Commission in the meaning of the words "promote" and "consistent," the conclusion must be that here the conferees seek to overcome the restrictions and limitations on railroad acquisitions of motor carriers imposed by existing law. If that is not the purpose, the conferees should have no objection to removing the uncertainty and restoring the identical wording of the proviso, thereby preserving the protection afforded to the public and independent motor carriers by the established construction by the Commission of the policy of Congress toward railroad acquisitions of competing motor lines.

S. 2009 sponsored by President Roosevelt through appointment of committee of six railroad men to draft suggestions for transportation legislation and later by direct quotation from White House.

S. 2009 opposed by Secretary of Agriculture Henry A. Wallace, Secretary of War Harry A. Woodring, and the Chairman of United States Maritime Commission, E. S. Land, in letter dated February 16, 1940, to Senator JOSIAH W. BAILEY, chairman of the Committee on Commerce, United States Senate, as inimical to agriculture, shipping, and the national defense.

S. 2009 twice referred to conference during which its whole character has been changed. From a coordinated regulatory bill, as the President obviously conceived it to be, it has become a complete monopoly bill. This transition has been worked out in conference with no opportunity for public hearing thereon.

S. 2009 repeals that provision of the Panama Canal Act which prohibits railroad ownership or control of competing water carriers on the Great Lakes, inland rivers, and intracoastal waterways. It also repeals the protective proviso in the Motor Carrier Act restricting railroads in acquisitions of motor carriers or extension of motor-vehicle operations in competition with motor carriers independently owned and operated. This new matter was first contained in the second conference report, dated August 7, 1940, and, as stated, the public has had no opportunity to be heard thereon.

S. 2009 will not only create in the railroads a monopoly of domestic transportation for hire but will confine water and motor transportation to large proprietary companies, such as the steel and oil companies, thereby denying altogether to the individual, the small shipper, the small industry, and the farmers' cooperatives, the savings of low-cost transportation. These large proprietary companies who are not subject to this bill will pocket such savings.

S. 2009 is opposed by farm organizations, shippers, all motor-carrier and water-carrier organizations. The only proponents is railroad management which has led railroad labor to the belief that through this bill all domestic freight will be forced back to the rails.

Query: Does President Roosevelt favor creation of a monopoly of domestic transportation through the repeal of the Panama Canal Act, which will restore railroad domination and control of water carriers, and the repeal of the protective proviso of the Motor Carrier Act, which will remove present restrictions on railroad acquisitions of motor carriers?

Mr. SHIPSTEAD. I also ask unanimous consent to have inserted at this point as part of my remarks an editorial published in the Chicago Sunday Tribune of August 18, 1940, entitled "Another Cure-All For the Railroads," as well as a news item published in the Chicago Tribune of August 15, 1940, dealing with the question of the Du Ponts going into the trucking business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Chicago Sunday Tribune of August 18, 1940]

ANOTHER CURE-ALL FOR THE RAILROADS

During the last 7 years we have seen some strange legislative maneuvering on the part of the New Deal majority in Congress. The procedure has been, first, to work a propaganda build-up of the dire necessity for correction of certain evils which theretofore have been unapparent to the majority of our citizenry. Investigations are then conducted either by committees of Congress or by special commissions appointed by the President. Great publicity is next given to the report of their findings, and extensive and complicated bills, which have been prepared beforehand, are produced as if by magic by administration supporters in both Houses of Congress. Great resentment is shown by the backers of the bills if antagonism to them is developed in the congressional hearings in connection therewith. Pressure of every kind is exerted to bring about a quick enactment. By the time the matter is ready for a vote the public awakens to the fact that another step is being taken in the direction of state socialism and away from the American doctrine of private enterprise.

Such has been the history of the so-called Wheeler-Lea omnibus transportation bill.

A couple of years ago the President appointed a committee of six—three from railroad management and three from railroad labor. They were directed to make a study of the railroad situation and recommend legislation to cure the carriers' financial ailments. The general public, which pays the transportation costs, had no part in the proceeding. The result of the report was the omnibus transportation bill, which is designed to rewrite the entire Transportation Act, extend its blighting regulatory restrictions to all forms of transportation except the air lines, provide for practically unlimited loans from the Reconstruction Finance Corporation, and smooth the way for full Government ownership and operation.

The two principal opponents of the bill have been the railroad labor unions and the waterway and agricultural groups. To safeguard their interests the unions presented the Harrington amendment, which provided that no railroad employee should lose his job as a result of any consolidation. The waterway and agricultural groups in self-defense also presented the Miller-Wadsworth amendment, which directed the Interstate Commerce Commission to permit carriers (including the barge lines) to reduce rates so long as such rates maintained a compensatory return. The fight over these amendments resulted in the recommittal of the bill last May. Agreement on a revised conference report has been reached and the measure is now before the House. The conferees have agreed to revise the report and eliminate the Miller-Wadsworth amendment. They also propose a compromise Harrington amendment that is said to be satisfactory to labor. The compromise provides that in the case of consolidations employees shall be protected in their jobs for a period equal to the time they have been on the pay roll, subject to a maximum of 4 years.

If the bill becomes a law, it will not solve the railroad problem. If all the traffic handled by the inland waterways were voluntarily given to the railroads, it would not increase their business more than 1 or 2 percent. The public will lose the benefits of cheaper transportation and the strangle hold of bureaucratic control will be tightened on the entire transportation industry.

---

[From the Chicago Tribune of August 15, 1940]

DU PONTS TO OWN A FIFTH OF HUGE TRUCK COMPANY—CONCERN PLANS PURCHASE OF 1,500 MOTOR UNITS

WASHINGTON, D. C., August 15.—B. M. Seymour, president of the Transport Co., told today an Interstate Commerce Commission examiner, hearing the company's application to acquire vast trucking properties throughout the East, that from 20 to 25 percent of the company's stock would be owned by du Pont interests.

He also said that the projected consolidation would aid national defense, and that the company would eventually buy from 1,000 to 1,500 trucks from not less than four or five manufacturing companies.

ASKS PURCHASE APPROVAL

At the same time the company applied to the Interstate Commerce Commission for authority to purchase 1,500 shares of preferred stock and 48 percent of the common stock of Metropolitan Distributors, Inc., of New York.

J. Edgar Davey, chief of the finance division of the Interstate Commerce Commission Bureau of Motor Carriers, conducted the hearing.

Seymour estimated that gross revenues of the Transport Co., in 1941, if the merger were allowed, would be $60,000,000 against about $45,000,000 if the units operated separately.

AUTHORIZATION TO FINANCE COMMITTEE TO REPORT DURING RECESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that during any recess or adjournment of the Senate the Committee on Finance be authorized to file a report on any bill or resolution pending before it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION TO PRESIDENT PRO TEMPORE TO SIGN BILLS AND RESOLUTIONS DURING RECESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that during any recess or adjournment of the Senate the President pro tempore of the Senate be authorized to sign bills and resolutions.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Charles Fahy, of New Mexico, to be Assistant Solicitor General, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

POSTMASTER GENERAL—FRANK C. WALKER

Mr. McKELLAR. Mr. President, from the Committee on Post Offices and Post Roads I report back favorably the nomination of Frank C. Walker, of Pennsylvania, to be Postmaster General, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the nomination? The Chair hears none.

Without objection, the nomination is confirmed. Without objection, the President will be notified.

Mr. AUSTIN. Mr. President, what was the last order?

The PRESIDENT pro tempore. That the President be notified.

Mr. AUSTIN. No request of that kind has been made.

The PRESIDENT pro tempore. The Chair understood the Senator from Tennessee to make the request.

Mr. McKELLAR. No; my request was merely for the present consideration and confirmation of the nomination.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc, that the President be notified, and that the names of the persons whose nominations are confirmed be not again printed in the RECORD, but that proper reference be made to the pages on which their nominations appear.

The PRESIDENT pro tempore. Without objection, it is so ordered.

That concludes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, September 9, 1940, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate September 6 (legislative day of August 5), 1940*

DEPARTMENT OF JUSTICE

Hon. Charles Fahy, of New Mexico, to be Assistant Solicitor General of the United States, vice Hon. Colden W. Bell, resigned.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate September 6 (legislative day of August 5), 1940*

POSTMASTER GENERAL

Frank C. Walker to be Postmaster General.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES ARMY AND PROMOTIONS, TRANSFERS, AND AN APPOINTMENT IN THE REGULAR ARMY

NOTE.—The nominations of persons named for appointments in the National Guard of the United States Army and the nominations of persons for appointment, promotion, or transfer in the Regular Army, which were confirmed today were received by the Senate on August 28, 1940. A list of the names of the persons confirmed will be found in the CONGRESSIONAL RECORD of August 28, 1940, beginning on page 11146 under the caption "Nominations."

POSTMASTERS

CALIFORNIA

William R. Stewart, Arcadia.
James W. Barr, Big Creek.
Earl D. Sherer, Canby.
Minnie Ferretti, Groveland.
Eugene Francis O'Donnell, Hollister.
Vernon H. Adams, Livingston.
Cliff D. Myers, McKittrick.
Jasper L. Moss, Morgan Hill.
Lewis F. Franklin, North Fork.
George H. German, Port Chicago.
Thomas Budd Van Horne, Jr., Reseda.
Cornelius D. Mangan, St. Mary's College.
Mary A. Black, Terminal Island.
Charles E. Stonesipher, Whittier.
Sydney W. Balding, Willowbrook.

GEORGIA

Dorothy Latimer Trimble, Hogansville.
Wilmer W. Turner, McDonough.

IDAHO

Louise M. Pratt, Weippe.

MINNESOTA

Donovan Grover, Ashby.
John Gowan, Barnum.
Victor M. Weller, Chaska.
Elisha L. Creech, Grand Marais.
George W. Strand, Taylors Falls.

OKLAHOMA

Clark Moss, Wagoner.

VIRGINIA

W. George Cleek, Warm Springs.

# HOUSE OF REPRESENTATIVES

## FRIDAY, SEPTEMBER 6, 1940

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we praise Thee that divine grace is the grand good will from Thy bountiful hand. Grant that there may be no disquiet and unrest and a sense of a great uncertainty in our hearts; let an inspirational crusade of hope kindle the warmth and cheer of life, giving flavor of a glorious expectancy throughout all our days. Stay the tumult which sometimes surges in our breasts that with courage and calmness we may meet our duties; we ask Thy guidance in word and act. Sustain and support us in the presence of every temptation that we may not be blinded by evil passions nor swayed by impulses which are wrong. With generous hearts may we serve Thee, following the Master and the teachings of His cross. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a recent speech by the Most Reverend Bishop Lynnwood Westinghouse Kyles.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent to insert in the RECORD a portion of the Annotated Laws of Massachusetts, showing that the Governor of Massachusetts has had for many years the power to draft

men in times of threatened invasion or the imminency of war.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, paying public tribute to the Columbus University Junior College.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that I may insert in the RECORD a telegram of John S. Cannon, of Kansas City, Mo.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The telegram is as follows:

JOSEPH B. SHANNON,
*Washington, D. C.:*
Veterans' Bureau report shows 28,000 World War veterans now in Government insane institutions. Let the warmongers visit these wrecks of our last war.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter I received from the Von Steuben Society of St. Louis.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD and include a speech made by President Woodrow Wilson at St. Louis 21 years ago yesterday.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask leave to extend my remarks in the RECORD and to include a speech delivered by the Honorable JOSEPH W. MARTIN, Jr., at Peoria, Ill., on August 24.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I was amazed this morning to pick up the Philadelphia Inquirer and see that meat prices are soaring, some cuts up as much as 25 percent, and wholesalers claiming that prices are bound to continue to advance. I then turned to the market reports and found that fat cattle has advanced from $1 to $1.50 per hundredweight. My memory immediately went back to 1937, when just at this time of the year fat cattle likewise had advanced and retailers were taking advantage of that advance, which only applied to prime cattle, and raised the price of meat to the point to where the consumer complained.

For several years prior to that time the Department of Agriculture, under Henry A. Wallace, was doing everything possible to boost the price of beef. The price had gone up, the consumer squealed, and the Department of Agriculture issued a statement that nothing would stop it except consumer reaction. The result was 5,000 meat shops closed on a Monday morning in New York. Fat cattle dropped about $3 a hundred in 10 days, and we farmers lost millions of dollars.

Wallace has left the Department of Agriculture, and I sincerely hope that the new Secretary will see to it that the Department does not now again strike the farmer under the belt because cattle has advanced a dollar and retailers are starting to gouge the public. The Department might well do now what they should have done under Wallace, and that is warn the retailers that the Government intends to defend the consumer as well as the producers of beef and pork.

The same article goes on to explain that the hog crop is poor; spring farrowing produced way below the usual number of pigs; fall farrowing promises to do likewise. This is in harmony with the Department of Agriculture's program. It also goes on to say that meat exports to Europe have practically stopped. I am wondering where these prices would go to now if we had our normal foreign trade? All this convinces the farmers of this country once more that the Government should not interfere with their program. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I wish to read to the Members a story of our former much-beloved fellow Member of Congress. It will be nice to see in the CONGRESSIONAL RECORD again the name of Florence Kahn, known for her repartee and wit and for her great ability as a legislator. Herb Caen in It's News to Me, a column in a California paper, Saturday Scraptions, says:

The Honorable Florence Prag Kahn, ex-Congresswoman de luxe, was standing in the lobby of the Palace a few days back, when out of an elevator stepped Lieut. Gov. Ellis Patterson and John Richards, State director of finance * * * Mentioned Richards, making conversation: "We've been upstairs for hours discussing relief"—then all of a sudden he spotted a Willkie button on Mrs. Kahn and blurted out, "Say, what's that for?" Answered Mrs. Kahn: "Relief."

[Laughter and applause.]

EXTENSION OF REMARKS

Mr. SCHIFFLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the Wheeling Intelligencer.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, the Evening Star of September 4 had an advertisement headed "Dictator Roosevelt commits an act of war. Mr. Roosevelt committed an act of war. He also became America's first dictator."

Mr. Speaker, this was inserted in the Appendix of the RECORD by the gentleman from Minnesota [Mr. KNUTSON] on page 5429. He secured it from the New York Times. The people ought to read it, because when we think what the third-term candidate for President is doing we ought to remember the following: Who nominated Hitler? Hitler. Who nominated Stalin? Stalin. Who nominated Mussolini? Mussolini. Who nominated Roosevelt? Roosevelt. Who nominated Wallace as Vice Presidential candidate? The third-term candidate—Mr. Roosevelt.

Now, I tell you that the third-term candidate, Roosevelt, is interfering with the duties of the President, and he ought to be stopped. The only way to stop the dictator is by the November ballot. It is up to the American people to preserve their democracy.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an article from the Delta Democrat Times, of Mississippi,

dated September 1, by Mrs. Florence S. Ogden, entitled "American and Not European Teachers for American Boys and Girls."

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, the gentleman from Pennsylvania [Mr. RICH] wants to know who nominated Roosevelt and Wallace. I would like to know who nominated America's No. 1 rubber stamp, Wendell Willkie. [Applause.]

[Here the gavel fell.]

HON. LAURENCE F. ARNOLD

Mr. BARNES. Mr. Speaker, I wish to announce that my colleague the gentleman from Illinois [Mr. LAURENCE F. ARNOLD] is improving, but is still in the Naval Hospital, and will be there for approximately 3 weeks longer.

THE LATE HON. CHARLES JOSEPH ESTERLY

Mr. MOSER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOSER. Mr. Speaker, it is with regret that I am constrained to announce the death of a former Member of the House, Hon. Charles Joseph Esterly, of Reading, Pa., who represented a part of the district which I have the honor to represent, in the Sixty-ninth Congress, serving from March 4, 1925, to March 3, 1927.

NATIONAL TRAINING AND SERVICE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, on page 11398 of the RECORD for September 3 is found the text of a bill which I have introduced to provide for a general national-training and service program to affect all groups and classes of people. At the proper time, toward the end of the consideration of the bill before us, I shall offer an amendment to limit the operation of the Burke-Wadsworth bill to a much shorter time than 5 years, and to provide that the provisions of my bill go into effect on the date the Burke-Wadsworth bill ceases to operate. This amendment will mean no delay. It will simply make the Burke-Wadsworth bill a real emergency measure and substitute for it in a little over a year a real democratic program of national service and training opportunities and a balanced program from the standpoint of national defense.

I call attention to this because the amendment is rather long, and I thought perhaps the Members might want to look at it.

[Here the gavel fell.]

NEWSPAPER EDITORIALS IN THE CONGRESSIONAL RECORD

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, the gentleman from Pennsylvania [Mr. RICH] usually comes in about 3 days late with a store of useless or shelf-worn information. He comes in this morning and waves this editorial from the St. Louis Post-Dispatch, which was published throughout the country.

I read that editorial carefully. If the gentleman will get the same paper out of which he clipped that editorial, he will find an editorial from another St. Louis newspaper, the Star-Times, answering that editorial. While the gentleman is inserting that Post-Dispatch editorial in the RECORD I hope he will be kind enough to insert the answer from Star-Times, because the answer comes from just as reliable a paper, probably just as influential a paper, and one published in the same town. It states that the St. Louis Post-Dispatch virtually stood alone in that criticism and that a large number of large daily papers agreed with the opposing editorial.

I hope the gentleman will be fair. If he will turn to page 11523 of the CONGRESSIONAL RECORD of yesterday, he will find where Senator BARKLEY inserted that editorial from the St. Louis Star-Times. So I hope the gentleman will not only read that, but if he inserts the other one in the RECORD again, I hope he will put this one in also.

Mr. RICH. I will say that I did not insert this in the RECORD. It had already been placed in the RECORD.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. I ask unanimous consent to extend my own remarks and to include therewith a telegram.

The SPEAKER. Is there objection?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therewith a brief editorial.

The SPEAKER. Is there objection?

There was no objection.

HON. ROBERT F. JONES

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I am not selling papers today, but I hold in my hand a current copy of Liberty. As you know this is one of the country's most popular magazines. I want to call to the attention of the membership the fact that in this current copy of Liberty is a very instructive article written by my colleague the gentleman from Ohio [Mr. ROBERT F. JONES]. Mr. JONES has shown by this article that he is fairly on his way to be one of America's leading magazine writers. His article deals with a subject which is of vital interest to the American public, and his treatment of this subject will inform the American public of the facts. Many of his disclosures will be very informative. As a colleague of the gentleman from Ohio [Mr. JONES] I am proud to make that announcement to you and encourage you to buy a copy of Liberty of this week. The subject which he treats is, Who Pays for the New Deal Propaganda? [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HESS. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a radio address delivered by Senator TAFT last night.

The SPEAKER. Is there objection?

There was no objection.

LOOKING THE GIFT HORSE IN THE MOUTH

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENDER. Mr. Speaker, perhaps we Republican Congressmen should be thankful for small favors conferred by the generous new dealers upon us from time to time. Perhaps it would be unwise if we looked our gift horses in the mouth too often. But whenever we Trojans see our Greek friends bearing those gifts, we are inclined to grow just a little suspicious.

Over a year ago, I and some of my colleagues in the House of Representatives on both sides of the floor wrote to the powers that be asking that the food-stamp plan be introduced into Cleveland. We were politely but firmly refused. Circumstances, problems, difficulties—all the usual obstacles were cited. Apparently the thing was out of the question.

But now we see by the papers that the New Deal is planning to introduce the plan into Cleveland. We were told last year that it would require some time to install the program. Lots of preparation was necessary. But now, everything is going right ahead, and the whole business is supposed to go into operation before November 1. I have an idea that a good many things are going to be in operation before November 1.

We in the Cleveland vicinity are grateful for the plan. But I for one think that its coming in such amazing coincidence with the Presidential election and the fact that all of Cleveland's daily newspapers are out for Willkie is at least worthy of notice.

Many a good idea can be made to serve political ends. The New Deal is proving again that it is the world's greatest expert at this kind of stunt. But this time, I don't think it is going to work. The W. P. A. workers, barely squeezing by, the direct relief clients, the food-stamp beneficiaries—all of them are just about fed up on the hand-to-mouth existence the New Deal has perpetuated. They want a chance to get back to work—and their only chance is Wendell Willkie. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, since attention is being called at this time to editorials printed in newspapers regarding the transfer of destroyers to Great Britain for naval and air bases for national defense, I call attention to an editorial from the Chicago Tribune, which I inserted in the Appendix of the RECORD on page 5473, and I would like to quote just a few words from it.

The Tribune rejoices to make this announcement which fulfills the policy advocated by this newspaper since 1922. In spite of much discouragement, the Tribune persisted, month by month, and year by year, in calling for these additions to the national defense. It may be found, as we think it will be, that this is the greatest contribution of this newspaper to the country's history since the nomination of Lincoln.

This applies, Mr. Speaker, to the transfer of these 50 destroyers.

The agreement is not in the terms the Tribune would have preferred. Nevertheless any arrangement which gives the United States naval and air bases in a region which must be brought within the American defense zone is to be accepted as a triumph.

I want to express, Mr. Speaker, my personal approval of this editorial. By its publication, the Chicago Tribune has shown that it is above politics when it comes to a question of national defense. The Chicago Tribune is certainly to be heartily commended and congratulated upon this fine editorial expression. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. HOPE] may be allowed to extend his remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

By unanimous consent, Mr. PATRICK was given permission to revise and extend his remarks.

CALL OF THE HOUSE

Mr. FADDIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 208]

| | | | |
|---|---|---|---|
| Allen, Pa. | Buck | Darrow | Ditter |
| Arnold | Burdick | Davis | Ellis |
| Bradley, Pa. | Caldwell | Dempsey | Fernandez |
| Brewster | Chapman | Dies | Garrett |
| Hancock | McDowell | Risk | Wallgren |
| Hook | Marshall | Robinson, Utah | White, Idaho |
| Hope | Murdock, Utah | Schaefer, Ill. | Wigglesworth |
| Houston | O'Day | Smith, Maine | |
| Lemke | Osmers | Stearns, N. H. | |

The SPEAKER. Three hundred and ninety-six Members are present, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The Chair will recognize Members to extend their remarks.

EXTENSION OF REMARKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article in Harper's magazine by Hanson Baldwin.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FLAHERTY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter received from the president of Suffolk University in Boston, Mass., regarding discrimination against that school and similar schools.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FLAHERTY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this juncture.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from today's New York Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made in my own city by a prominent Democrat and some excerpts from one of my speeches.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article which appeared in yesterday's Times-Herald on the Swiss Militia system.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert therein an article from the Minneapolis Star-Journal regarding the burial of the late Senator Lundeen.

I also ask unanimous consent to revise and extend my remarks and to include therein a resolution from the City Council of the City of Minneapolis memorializing the Senate to refuse to pass the Wheeler-Lea transportation bill.

The SPEAKER. Without objection, the requests will be granted.

There was no objection.

By unanimous consent, Mr. WOODRUFF of Michigan was given permission to extend his own remarks.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a telegram from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. MILLER]?

There was no objection.

Mr. WILLIAMS of Delaware. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short editorial from the Wilmington Morning News.

The SPEAKER. Is there objection to the request of the gentleman from Delaware [Mr. WILLIAMS]?

There was no objection.

COMPULSORY MILITARY TRAINING AND SERVICE

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R.

10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10132, with Mr. WARREN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Are there any further amendments to section 1?

Mr. DIRKSEN. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Strike out all of lines 4 to 8, inclusive, on page 14.

Mr. DIRKSEN. Mr. Chairman, I think it is within the experience of everybody who has been a Member of this body that a bill does not contain any surplus language and that is true of the pending bill; so it might be assumed that the language on page 14, paragraph (b), is not mere surplusage. In fact, in my judgment, it is the very heart of this measure, and if there is to be any consistency in the action taken by this committee on yesterday, it occurs to me that declaration of policy must be striken from the bill. Forget most everything that I say, but listen as I read slowly these few lines:

The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

Does that say anything about war? Does that paragraph contain the word "emergency"? Will that declaration become inoperative in 1945 in the event this bill ceases to exist? If that is worth the paper it is written on it is a declaration of a principle by the Congress of the United States, and if approved, it means that this Congress goes on record as favoring as a part of the protection and defense of the free institutions of this country a policy and principle of selective compulsory military service and training in time of peace and in time of war. When 1945 comes, if this bill becomes inoperative, if it does, that declaration will go ringing down the corridors of time long after you and I are gone. It will be the basis upon which argument will be adduced and debate will be held to show what the declaration of Congress was in this rather fitful and feverish hour of 1940.

The amendment adopted yesterday will be meaningless so far as a voluntary system is concerned for a 60-day probationary period if you give your heart, your hand, and your vote to a declaration that you, as a Member of Congress, favor the basic principle of compulsory selective military training and service in peacetime. You can either take this out, to be consistent with the action of yesterday, or leave it in and nullify what the Congress did when it passed through the teller line in the shadows of yesterday afternoon. I think it is the heart of the thing; it should be removed; and the amendment I have offered seeks to strike it out.

Mr. MAY. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Kentucky.

Mr. MAY. Does the gentleman object to saying that the obligations and privileges of military training and service should be shared generally and equally by all our citizens?

Mr. DIRKSEN. As a general principle applied in peace and in war, for all time to come, yes; I must say I am opposed to it, assuming I heard the gentleman correctly. I want to emphasize that Congress is declaring a policy and establishing a precedent for all time to come. It is serious business, because it means that from now on we propose to go on a basis of compulsory military training. Is this Congress willing to go that far in this hour?

Mr. SHORT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, yesterday the Prime Minister of Great Britain, Winston Churchill, with the air of superiority characteristic of all Englishmen, told the Commons in session that "only very ignorant persons would suggest that the transfer of the American destroyers to the British flag constitutes the slightest violation of international law or affects in the smallest degree the nonbelligerency of the United States."

Mr. Chairman, it is interesting to know that Mr. Churchill and our brilliant young Attorney General are the sole, exclusive, and inexhaustible fountains of wisdom and that the Congress of the United States is so fortunate now as to know where to go to get advice. But I want to call your attention to the word "nonbelligerency" employed by the Prime Minister instead of the word "neutrality." Evidently the United States is no longer neutral in British eyes but is now only "nonbelligerent." Just a few more fireside chats and we will be belligerent.

I have always had a high admiration for the literary genius and for the vigorous, dynamic personality of Winston Churchill, but it will require more than this dogmatic statement from an English bulldog to convince the American people that this clandestine transfer of destroyers to the Government of Britain is either legal or wise. I predicted on the floor of this House 2 or 3 days ago that there would be violent repercussions to this political chicanery whereby the President and Secretary of State secretly form a naval and military alliance with the British Empire, and I want to point out to the Members of the House the reaction of the press in South America, our good neighbors in this hemisphere, to these secret negotiations.

El Mundo of Buenos Aires refers to the agreement as the Washington-London axis. La Prensa says it has all the characteristics of a mutual-assistance pact. La Nacion says it is practically an alliance. La Manana, of Montevideo, calls the agreement a close understanding between the two Anglo-Saxon powers which enables the United States to strengthen the weakest point in the defense structure in this hemisphere.

El Tiempo, of Bogota, the property of President Eduardo Santos, says the United States took this action in the defense of the Western Hemisphere—

But it is impossible to hide the influence which the action of the United States is certain to have on the foreign policy of all the American republics.

La Prensa continues that the protection which the United States has now assumed over all the other nations of North America and South America, as expressed in President Roosevelt's message to Congress, is strictly a unilateral act on the part of the United States.

I predict to you that this questionable movement augurs no good for the future development of a friendly and cooperative spirit between the United States of America and the other American republics of the Western Hemisphere. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, we have listened to the distinguished gentleman from Missouri [Mr. SHORT] on a number of occasions during the past year, always opposing everything that is concerned with the national defense of our country.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. SHORT. I think the statement of the gentleman is wholly unfounded and unfair, and I am amazed that it comes from him.

Mr. McCORMACK. I yielded for a question.

Mr. SHORT. The gentleman says I have opposed every measure of national defense, whereas in reality I have voted for every dollar of appropriations for national defense. I voted for mobilization of the National Guard and Reserve officers on the basis that it would obviate the necessity of this un-American, tyrannical, dictatorial legislation before us now. [Applause.] The gentleman knows it.

Mr. McCORMACK. Of course, the gentleman is very excitable.

Mr. SHORT. Oh, I am very calm.

Mr. McCORMACK. The gentleman knows he is violating every rule of the House.

Mr. SHORT. I beg the gentleman's pardon.

Mr. McCORMACK. The gentleman from Massachusetts is tolerant with him. The gentleman cannot take it. That is all that is the matter with the gentleman from Missouri. The gentleman from Missouri is great when he is handing it out, but when he is on the receiving end he certainly is susceptible to more than political jitters.

The gentleman says, "political chicanery." That is a rather serious charge. The gentleman is opposed to the transfer. Certainly the President of this country and the people of the United States look at it from a realistic angle and realize that there was no political chicanery involved. The gentleman from Missouri opposed every recommendation made by the President with reference to strengthening our relationships on the Western Hemisphere. Only a few days ago he and all his colleagues in his party, with the exception of two or three, opposed a bill to authorize the appropriation of $500,000,000 to carry out the Habana Conference.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I cannot yield; I have only 5 minutes.

If that bill had not passed, or if it had been seriously amended, which was the Republican effort as a party in this House, the nations of Central America and South America would have been told that Uncle Sam's word is undependable and they would have received a message that would have caused them to take a journey economically toward Nazi Germany and the other European totalitarian nations.

The Republican Party did not follow the leadership of its nominee for President when they took that vote. The Republican Party on this question, if the views of the gentleman from Missouri represent the viewpoint of the Republican Party in the House, are in opposition to the position taken by the nominee of their party. What a spectacle to the people of the United States—the nominee of the Republican Party supporting President Roosevelt in his foreign policy and the Republican Party in the House of Representatives disagreeing with the nominee of their own party. [Applause.] What a prospect for the next few years if the Republican nominee should be elected as President of the United States.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Kentucky.

Mr. MAY. And the Republican nominee for President likewise agrees with the President in support of this bill.

Mr. McCORMACK. Exactly.

Let us be practical about it. The Republican leadership in the House, as I have said on two previous occasions, are "talking one way and voting another." The politics is not on the Democratic side of the House, the politics is on the Republican side of the House. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last three words.

Mr. MAY. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request?

Mr. HOFFMAN. Yes.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on section 1 and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. BENDER. I object.

The CHAIRMAN. The Chair thinks the gentleman's objection comes too late. Of course, the objection did come too late. The Chair saw the gentleman from Ohio on his feet, but 10 minutes has now been allotted; and if no member of the committee desires the remaining 5 minutes, the Chair will recognize the gentleman from Ohio for that 5 minutes.

The gentleman from Michigan is recognized for 5 minutes.

Mr. HOFFMAN. Mr. Chairman, it certainly is interesting to hear the gentleman from Massachusetts [Mr. McCORMACK] criticize the Republicans because they do not follow, without questioning, the President in his synthetic preparedness plan.

Some Republicans, believing as they do in a real, honest-to-goodness preparedness program—one in which the cart will not be put before the horse; men drafted, taken from their homes and concentrated in camps before there are either facilities or instructors to train them—just cannot swallow this drive for a third term which plays upon the fears, the patriotism of our people.

If the President was one-half as intent on keeping us out of war as he is on getting us into it, we might be willing to accept even his word as to the purpose of the program.

It is not only interesting but, because of its inconsistency, it is amazing to hear the gentleman charge Republicans with not backing a defense program, which, instead of being a defense program, is a streamlined drive for a third term and a dictatorship.

The gentleman from Massachusetts [Mr. McCORMACK] spoke earnestly, or at least loudly and with enthusiasm, about the necessity of at all times wholeheartedly accepting the leadership of the President of the United States.

Now, we might have swallowed that without choking, were it not for the fact that only yesterday on the floor of the House, after listening to the fervid appeal of the majority leader to support the administration and vote down the Fish amendment, the gentleman from Massachusetts [Mr. McCORMACK] tripped lightly down the aisle and followed the Republicans through between the tellers and was counted against his party leadership. [Laughter and applause.]

The gentleman's idea of party loyalty is a wonderful thing and a joy forever. This, because it is so convenient a thing. He puts it on and he takes it off; and he puts it on and he takes it off, as ladies change their make-up—always, of course, as guided by his conscientious convictions.

The charge that Republicans are not supporting their Presidential nominee on all things may have some truth in it. Republicans should be proud of the fact that they can do their own thinking. [Applause.] It is not difficult to understand how men who, for 7 years, have been letting someone else do their thinking and their talking cannot appreciate our attitude, our practice of forming our own judgments; of expressing our own thoughts. [Laughter and applause.]

Thank God, not only that we can think but that we do think; that we have the courage to express our thoughts, even when they run counter to the opinions of our nominee, and to vote our convictions.

By that I do not mean that the gentlemen on the majority side are any less patriotic or courageous than are we. It just happens that during the past 7 years the majority seems to have been thinking en masse. Not "two minds with but a single thought" but many minds with but one thought.

Some frivolous persons might say that because all those on the majority side and the President seem to think alike and to act alike that the President was the bellwether leading his flock down the lane; that the unity of thought was merely a coincidence.

We saw that unity, that oneness of purpose, many, many times in the past 7 years. But no one has shown that coincidences may not occur more than once. Some skeptical people might intimate that occurring too often, such instances might prove that they were not coincidences.

But far be it from me to even suggest by innuendo that the President has influenced either the thought or the votes of anyone. Rather might we adopt the solution that great minds run in the same channel, were it not for the fact that, quite recently, the President has subtly intimated that his was the only great mind in the party.

We do find it difficult over here on the minority side to stand up and express our thoughts, because so often when we fail to go along with this man who is the one indispensable man in the country [applause]—I notice that comes from the Democratic side, or, rather, from a few new dealers on that side—there you are [laughter and applause], rubber stamps and "yes" men—and I am not referring now to any Member of Congress, of course [laughter]—we are accused of lacking either good sense, sound judgment, or patriotism.

How many times during this debate have those who opposed conscription been branded as being unpatriotic, as helping our country's enemies? When, God bless your hearts, all we were trying to do was to get a real preparedness program, to oppose here in America the dictatorship which has been saddled upon so many European nations.

Within the week, standing in the Well of the House, three Members of the minority were refused recognition when a demand was being made that an improper charge which had been hurled across the floor be expunged from the record.

The House of Representatives may be the last place where free speech will prevail.

Chide us for failure to follow the Republican Presidential nominee if you will. To me independence of thought and of action is the keystone in the arch which holds up our Government.

The charge that we do not follow our Presidential nominee is to me the highest compliment. When all men think alike, when all men act alike, then, indeed, has progress become stagnated.

Criticize us because we are independent. My thought has always been that independence of thought and action were characteristic, were essentials of the free man. Slaves act and perhaps think as does the master. For 7 long years there has been so much unity—and it will not be designated by a harsher term—on the majority side that at last independence of thought and action, instead of being a virtue, has become a vice.

Some, serving so long and faithfully, come to love their master. And now, because of our very independence, our refusal to accept as coming either from a divinity, a superman, or a master mind, our daily guidance, we are criticized.

We are told by the man himself that he is the one indispensable man in this Nation of more than 130,000,000 people. There are on the Democratic side some two or three hundred Members—and not one competent to be President of the United States? Now, is not that just too bad? [Laughter and applause.]

Mr. SCHULTE. Where did Willkie come from?

Mr. HOFFMAN. Where did Willkie come from? He came from the farm, and from the farm, in the American way, by virtue of his own efforts, he came to be the Presidential nominee of the Republican Party. And, God willing, he will sit in his own office in the White House next year.

But that is not what we were talking about. We were talking about "the one indispensable man." As I look over the Members sitting before me, with almost every Democrat in his seat—a very unusual occurrence [laughter]—I cannot help but marvel at the low estate to which you insist you have come. You gentlemen look—you appear to be—intelligent. Certainly you are patriotic. You are practically all good looking. My experience has demonstrated that you are courteous.

Is there something wrong inside your heads or within your hearts that we on the minority side cannot see that makes you incompetent to serve your country as President of these United States?

Mr. PATRICK. You nominated a Democrat. [Laughter.]

Mr. HOFFMAN. If we did, we took one who had repented, one who had "got religion."

But what did the President do? He found that, to get a little work done and to, if possible, inspire a little confidence in his administration, he needed a couple of Republicans, and, finding two who happened to think as he did on a few things, he took them.

Yes, he took Knox, in spite of all the many very critical things that Knox had had to say about Franklin Delano Roosevelt.

Is it possible that, when we took Willkie, we took the last good Democrat? I do not think so. There will be a few million good Democrats who will follow him, we hope, in November.

But do not mourn your loss. It is the country's gain and, if all goes well, he will be your President in January 1941.

Now think of it, and every time I look at my friend from Alabama [Mr. PATRICK], who, contrary to the rules of the House, just interrupted me without addressing the Chair or obtaining permission, I think of the little couplet, "And still the wonder grew, that one small head could carry all he knew."

But, seriously, now, as I look over the Members on the majority side and I see the gentleman from Virginia [Mr. WOODRUM] and I recall how, in the Well of the House, he has so often inspired us by his courageous stand, demonstrated before us his knowledge of parliamentary procedure and the legislation pending before us, I wonder how even the man in the White House, with all of his egotism, can reach the conclusion that he, the President, is the one indispensable man, the only man who has the ability to be President.

This moment, as I look back over the Members gathered on the majority side, I note there the distinguished gentleman from Texas [Mr. SOUTH], who spoke yesterday; the gentleman from Maryland [Mr. COLE]; yes and the Chairman of the Military Affairs Committee [Mr. MAY] and the gentleman from Texas [Mr. LANHAM] if I may be permitted to violate the rules by making a personal reference—and I could mention many a man, who, beyond question, is far better qualified by temperament, by intelligence, by integrity, to be President of the United States than is the present occupant of the White House.

Oh, yes, here is the majority leader, the gentleman from Texas [Mr. RAYBURN], who was mentioned as a candidate for the Vice Presidency. Here in the House day after day, we have the distinguished Speaker of the House [Mr. BANKHEAD]. Who is there here on the floor who would not rather, if he searched his conscience, have at the head of our Nation—come peace, come war—the majority leader or the Speaker of the House than to have in that position the man who now occupies it?

I could throw a handful of shot over the majority side and every man hit could do a far better job as President than the man we have had for the past 7 years. I do not believe there is a man on the Democratic side who could or would put this Nation as far along the road toward national bankruptcy; who could or would create as much discord and industrial strife, as much class feeling; who could or would do so much to involve us in a foreign war, as this man in the White House. [Applause.]

[Here the gavel fell.]

Mr. BENDER. Mr. Chairman, no more forceful argument against the conscription of men and property could be offered than the argument which President Franklin D. Roosevelt furnished the other day. This bill limits the service of conscripted men to the defense of the Western Hemisphere. But other bills, no less clear in their language, prohibited precisely such transactions as the transfer of American-built ships to foreign powers.

If the President of the United States can evade laws passed in the emergencies of 1914, he can evade this one, too. I submit that we should not, and must not, trust our national security to powers that are ready and willing to forget the spirit and perhaps the letter, as well, of our legislation. Before I cast my vote for any measure I must have confidence in its administration. Millions of Americans join me in declaring that we can have no confidence whatever in those who seek to administer this law.

I again remind you that recently John T. Flynn wrote a book, A Country Squire in the White House, in which he called attention to a statement that Assistant Secretary of the Navy Franklin Roosevelt made in a speech in Brooklyn in 1918, in which he said that he violated so many laws that he might have been jailed for 999 years. Again, after the war had been concluded, he contracted for the building of destroyers and building of other matériel for use in that war after the war was over and costing the taxpayers of the United States over $180,000,000.

Mr. PATRICK rose.

Mr. BENDER. I refuse to yield to the gentleman. I suggest that when you consider a measure you must consider those who administer the measure. We now have a man in the White House to administer this measure who has proven his inability to administer other measures in connection with

the defense of the Nation. Roosevelt has been President for almost 8 years. During that period he failed to inform the Congress of the condition of our defense. All of us voted for the defense funds, but we voted at a late hour, only during the past few months, for over $14,000,000,000 in order to provide the country with its defense. We hope that most of that money will be spent under another administration after January 1 instead of under the same kind of administration that we have had during the past 8 years.

We know what Roosevelt promised us in 1932. He promised to balance the Budget. He promised employment for the idle. He promised to cut the cost of Government 25 percent. What has happened during all this time? Billions of dollars have been wasted on a lot of tomfoolery. It is true there were a few essentials, but mostly tomfoolery, while the defenses of the country were permitted to lag. I say it is essential that we look into the record and performance of the administration before we give it additional power in order to further violate the laws of the Congress of the United States.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BENDER. I yield.

Mr. SCHAFER of Wisconsin. Would it not have been an exceptionally fine thing for our country and our countrymen and millions still unborn if our ex-international banker, New Deal "fuehrer" Roosevelt had been put in jail for 999 years as you stated? And would it not have been a mighty good thing for the many innocent investors who lost millions of dollars in Camco slot-machine stock and inflated German marks which the New Deal "fuehrer" peddled to them in the late twenties?

Mr. BENDER. Many of us would have voted for the transfer of these ships. Certainly as long as the law of the land provides that only the Congress of the United States can change the law, the Congress should have the right to determine this, and not permit the President of the United States to take the law into his own hands. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The amendment was rejected.

The Clerk read as follows:

SEC. 2. Except as provided in section 5 (a), all male citizens and all male aliens residing in the United States or its possessions who are between the ages of 21 and 45 on the day or days fixed for registration shall present themselves for registration and shall register at such times and places and in such manner and by such age groups as shall be determined by regulations prescribed hereunder.

Mr. REES of Kansas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REES of Kansas: On page 14, line 25, strike out the word "forty-five" and insert the word "fifty-five."

Mr. REES of Kansas. Mr. Chairman, I have offered this amendment to extend the maximum age limit from 45 to 55 years. The following statement appears on page 14 of the bill:

The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

Mr. Chairman, as I have said before, I am in favor of an adequate defense program but am opposed to a compulsory military-service system in peacetime, and believe we should yield to such a plan as a last resort. Nevertheless, this bill is going to pass the Congress. I therefore offer this amendment with a view of further equalizing the obligations and privileges under this measure. If its proponents want the responsibility for the defense of this country to be more equally shared among its able-bodied men—you can well extend the maximum from 45 years to 55—and include some 10,000,000 more men. The maximum in your original bill was 64. All men, of course, will have the benefit of exemptions that may be promulgated. If you raise the age limit to 55, you will also include a group of ex-service men who have had training in the armed forces of this country. If you believe it is going to be necessary to call men to arms, would it not be better to include a group of men who had training in the World War? I am not offering this amendment for that purpose alone, but the experience of these men would be helpful. Furthermore, if you are correct in your notion that the people of this country are anxious for this law, then I think this larger group will want to be included. Of course, many of them will be disqualified and a great number will be entitled to be exempted. Those qualified and not exempted can take their places and work as mechanics and in many places in support of the men who may be on the battle front. If you are going to draft the youth of this Nation, I do not want to load all of the responsibility on them in time of peril.

Mr. Chairman, right here let me direct your attention to the matter of exemptions. Under this bill, Congress does not provide for exemptions, because the men may be married, or have dependents, or for other reasons. That authority is given over to the President, who will issue the regulations. No doubt they will be fair, but it should be understood that such power is in the hands of the President. Except, Mr. Chairman, the bill does, under section 5, provide for exemptions of Members of Congress and members of the executive departments, as well as the judiciary. I think it is all right to specifically exempt the judiciary and those in highest positions in the executive departments. I do not think it comes with good grace that, since Congress declares war and since Congress enacts a compulsory military service law, for it to specifically exempt its own membership. I know as well as you do that nearly all of the Members will be otherwise entitled to exemptions. I do not think it should be done in this manner. I understand that in 1917 Congress did exempt its Members. Let us not do that again. I am going to offer an amendment at the proper time to strike that exemption from the bill. If some other Member offers such a motion before I have a chance to do so, I will support it. I hope you will vote for it.

Mr. Chairman, it has been emphasized that this measure is fair in that it gives every able-bodied man an equal chance to serve in the armed forces regardless of the class or group to which he belongs. We are told that a draft of 400,000 men will include, on an average, about 1 out of 22 between the ages of 21 and 30. This drafted man will serve with the Regular Army during peacetime and will continue to serve in the event of war until it is over. But, furthermore and in any event, at the end of the year he is not relieved, but is still singled out of the 23 and may be called for service during an additional period of 10 years after his 1 year's service. You do not take someone else from the group of 23, or whatever it may be, but keep this one individual subject to call.

This has been hailed so much as a democratic measure. I hope it will prove to be so. When it is put into practice I am inclined to believe you will find that the young man who is unfortunate enough to be out of a job will be most likely to be called first. So many who may be holding good positions in and out of the Government will, in many cases, be deemed "necessary" in the interest of that particular class of work.

Mr. Chairman, let me say again I am in favor of an adequate defense program and believe, in view of world conditions, it should be increased as rapidly and orderly as possible. I regret that I cannot go along with this legislation. I want, however, to make its provisions a little fairer to the people of this country. I think my amendment is reasonable. I trust you will see fit to adopt it. [Applause.]

[Here the gavel fell.]

Mr. ANDERSON of Missouri. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Missouri as a substitute for the amendment offered by Mr. REES of Kansas: On page 14, line 25, strike out the words "forty-five" and insert the words "thirty-one."

Mr. ANDERSON of Missouri. Mr. Chairman, this is the same amendment that was adopted by the Senate.

I am sorry, but I cannot agree with the illustrious gentleman from Kansas that men 45 years old and up would make good soldiers. I speak from experience. I saw men from 30 years of age up who could not stand the pace. You cannot take a man over 30 years of age, drill him, train him, and to spend a lot of money to train him is a waste of money.

What are we training these men for? We are presumably training them in case we should be drawn into war at a future date.

The bill and the amendment offered by the gentleman from Kansas would work a great hardship on men who arrive at the age of life when they are already established in business, law, medicine, or a trade, business, or profession of some sort. I believe the only fair way is to take young men, those between 21 and 31, if you are going to take them at all. I do not care how much training you give a man over 31 years of age; he just cannot stand the pace. Accept the Rees amendment or the bill as it stands and you work a great hardship on men who have reached a certain phase in life. You men out there on the floor over 31 years of age, how many of you could stand the rigors of drilling and training required by the United States Army today? Gentlemen, you cannot do it. I think my amendment is a sound amendment.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. I yield.

Mr. O'CONNOR. I call the gentleman's attention to the fact that Bob Fitzsimmons won the championship of the world when he was 36 years old. [Applause.]

Mr. ANDERSON of Missouri. And I say to the gentleman that Bob Fitzsimmons in his heyday could not stay in the ring 3 minutes with Joe Louis, who is 23 years of age. [Laughter.]

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. My time is getting very short.

Mr. FISH. I merely wanted to tell the gentleman that I would support his amendment.

[Here the gavel fell.]

Mr. SHANNON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise in support of the amendment.

Remember, we are in the hands of the fellows who believe in rigid militarism. You will soon reach the period where there will be somebody crying out for more babies that we may have soldiers; or you may reach the place where they will promote the movement to send breeders over the land and then legitimatize the children. I want you to take a warning from the past; I want you to see that those men on the other side, the Senators, gave more consideration to this bill than we have. We cannot do it in this House under our rules on even a matter as sacred as this. The Senate, in its bill, fixed the ages from 21 to 31.

Let us go back and see what happened on this subject in the World War. The bill that was first adopted, at that time the so-called selective-service measure—those beautiful (?) words. Just conscription. Under it there were taken from their homes men between the ages of 21 and 31.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SHANNON. I yield.

Mr. ANDERSON of Missouri. Was not that the original age for the World War draft?

Mr. SHANNON. It was the original age limit. A year after we had gone into the war they did what they will do in this, they started grabbing the children from the cradle; they went back to 18 years of age, but none were drafted for the reason that the war came to an end.

Remember, this House is the only body that can protect the man at home. And remember this, these men of 31—I say 31 is too high—many are in business—lawyers, doctors, dentists, and so forth; they are trying to build up their business.

When you add these additional years to the age limit it means you are not only preparing them for war, but that you are also preparing for the destruction at home of their private business; and God knows it is hard enough for a man to make a living now. Take one away for a year and he will have no business to return to.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield further?

Mr. SHANNON. I yield.

Mr. ANDERSON of Missouri. This is a bill to train men, not to send them to war; is not that right?

Mr. SHANNON. Certainly.

I say to you, do not disturb conditions. Conditions are in bad shape at home now. Do not further upset the economic conditions by drafting millions more of our citizens from business. The minute this act passes the citizen commences to think about selling out his business, because when he is taken away it cannot successfully run without his presence, whether he be professional or businessman.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield further?

Mr. SHANNON. I yield.

Mr. ANDERSON of Missouri. Even in the age group of 21 alone there are a million men.

Mr. SHANNON. Always remember the majority of this committee is war-minded; they are military people. They are as much military as the fellows across the ocean. [Applause.]

[Here the gavel fell.]

Mr. HARTER of Ohio. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I rise in opposition to this amendment not that the members of the Committee on Military Affairs are opinionated with reference to it. The language of the bill fixing the ages from 21 to 45 is the considered judgment of the committee after we had heard many witnesses offer testimony with reference to the ages that should be fixed in this compulsory selective training and service bill. It was the experience of the draft during the World War and the forces that were raised thereby that the young men served in the armed forces to much greater advantage if there were a certain leavening of older men. World War officers found that if units had among them men between the ages of 31 and 45 in addition to the youngsters there was a feeling of greater security on the part of the younger men in the unit. As a matter of fact, during the period of service in the World War about 87 percent of the men inducted were between the ages of 21 and 31. The men inducted between the ages of 31 and 45, if the same percentages prevail, will amount to only 13 percent of those who are called out. As I say, those of us who have heard the testimony are not opinionated upon this matter, but we do feel that these are sensible ages between which to call up men.

All of us know that our Regular forces would have a hard time to get along without the sergeants and the men who have served enlistment period after enlistment period. They are really the backbone of the Regular Army. We have conscientiously believed that the ages designated in this bill are the proper ages.

In the case of enlistment in the Regular forces today for 3-year periods we take men in by voluntary enlistment between the ages of 18 and 35 for the first enlistment but permit reenlistments up to 45 or older if the man is in good physical condition. We have raised that to 21 in this bill, so that we may register those between the ages of 21 and 45 and not put all the burden on youth. We believe that is the proper age and the proper limit that this bill should include.

Mr. EDMISTON. Will the gentleman yield?

Mr. HARTER of Ohio. I yield to the gentleman from West Virginia.

Mr. EDMISTON. I think the gentleman misspoke himself. It is 18 to 35 for enlistment.

Mr. HARTER of Ohio. The gentleman is correct; on the first enlistment in the Regular Army the age limit is 35.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. HARTER of Ohio. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. Was the gentleman in the last war?

Mr. HARTER of Ohio. No; the gentleman did not happen to be in the last war.

Mr. ANDERSON of Missouri. Then the gentleman does not speak from experience?

Mr. HARTER of Ohio. Not from experience, but I have two boys who may be called as trainees under this bill. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. CELLER. Will the gentleman make that 10 minutes?

Mr. MAY. Ten minutes.

The CHAIRMAN. That would include both gentlemen from New York who are standing?

Mr. ANDREWS. May I ask the gentleman what his request is?

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes in order to be perfectly fair about it, and I do not think anyone will accuse me of being unfair.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

Mr. CREAL. Mr. Chairman, I believe, like Mr. Willkie, that we need some form of selective service. In the World War, as has been said here, the registration included men from 21 to 31. I regret to see that so much of the matter which is of such great importance has a little too much political flavor in the discussion of it. If you want to divert a minute, may I speak to the Democrats for a little while.

When a man 40 or 45 years of age is registered, there will be a certain apprehension and fear creep through him, and his children and his wife that he may be called into service. The odds are 10,000 to 1 that any such man will not be called to do the duty which the bill provides, and I ask you in all sincerity, when you talk about political effect, what effect is that going to have on that great army of people who would be put to the necessity of registering, who would have to handle this great volume of stuff, when you know where the conscripts are coming from? They are coming from those between the ages of 21 and 31. You have piled up a great deal of fear in the minds of those who registered. You have piled up a great deal of additional work on draft boards.

Mr. FADDIS. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. I am sure the gentleman wants to be correct. It is not the intention that all of these are to come from the ages between 21 and 31. It is contemplated to take a certain percentage of them from 31 to 45.

Mr. CREAL. If you do, then you will do a bad job in both cases when you leave a man 21 to 35 and take a man from 31 to 45.

Mr. FADDIS. It is believed that we will be able to obtain more technical men by getting them from the age limits between 31 and 45. That is the reason it was raised in order that we might obtain men with technical training for mechanized units. They will not have dependents, of course.

Mr. CREAL. Mr. Chairman, since politics have been injected in here, I am talking about the opposition that comes to all forms of conscription, and I am talking about the political effect.

You have had some of that here from the Republican side. I want to know what that man is going to think out yonder that has no chance of being called, having to be annoyed by registration. While you are getting one mechanic, what are you going to do with the 500 others that are not mechanics and have no chance to be called? A mechanic will not learn more mechanics in this training. You instill fear into such a man and his family and put him to the necessity of going through that registration, and then leave him out on a hanging limb 10 years thereafter, fearing that he may be called.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. I believe that the man who is registered will feel flattered. I believe his patriotism and his feeling of service to his Nation will be raised, and it will make him a much better citizen than he was before.

Mr. CREAL. If the gentleman's expression were true, the volunteers would have so overswamped the Army that there would be no opportunity to exercise conscription at all; but I do not share that feeling.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. CREAL. I yield to the gentleman from West Virginia.

Mr. EDMISTON. In the limitation of 21 to 31 you eliminate every World War veteran. We do have World War veterans without families who will gladly serve and be useful as instructors, at least.

Mr. CREAL. Let them volunteer if they will gladly serve.

Mr. EDMISTON. Below 45, you eliminate all veterans of the World War from serving in this program.

Mr. CREAL. If they are so patriotic, they have the opportunity under your bill to serve, but if they have been through one war and you want to draft them, give someody else a chance instead of taking them twice. [Applause.] There can be legislation later if we need wider age limits.

Mr. FISH. Mr. Chairman, I desire to take this opportunity before discussing this amendment to say that in my opinion the eastern press, including the papers of Washington and New York, which have been trying to fasten peacetime conscription upon the Nation, have done a great injustice to the majority of this House, which yesterday voted for my amendment to give the volunteer system a chance, when they said that my amendment would delay the draft. I repeatedly pointed out that it would not delay the draft by 1 day or 1 hour, yet they headlined it all over the press that it would, contrary to the facts. But this is in accordance with the deception and the continued propoganda of the eastern newspapers in trying to force peacetime conscription upon the American people as a permanent policy.

Mr. Chairman, I rise to support the amendment offered by the gentleman from Missouri. I just cannot follow the logic or the reason of anyone who wants to draft a single man in America above 31 years of age. If I had my way, and thought it would carry, I would reduce the age limit to 25. From 21 to 25 are the fighting ages. Those are the ages these boys will come from and have always come from in defense of America, and they will actually do the fighting. It is the same in all nations and in all wars.

This bill, as I understand it, is to raise an army to defend America and to do the fighting, if necessary. Why bring in all this politics? Why talk about men of 44, 45, and 55? What does the General Staff have to say about it? I quote from the statement of an officer who has studied this subject for years and who represents the General Staff—Major Hershey. Speaking before the Committee on Military Affairs, he had this to say. The gentleman from Massachusetts [Mr. CLASON], a member of the committee, asked this question:

> If it were not for the psychology of it and the political language of it, from a technical standpoint, wouldn't it be better to choose the men between the ages of 21 and 30?
>
> Major HERSHEY. Personally, I think so.

He further stated that in his opinion and that of the Staff we should not go above 30 years of age. I submit that you should not go above 25, and I am willing to take the Senate amendment and the amendment offered by the gentleman from Missouri, because everybody knows it, whether you served in the war or not—and I was a company commander at the start of the war. I did not want anybody in my company and would not have anybody over 30 years of age, because they could not last, and probably would not even reach the fighting line.

Mr. ANDERSON of Missouri and Mr. KELLER rose.

Mr. FISH. I have only 5 minutes and I cannot yield. I am sorry.

I am not for this bill, certainly in principle, unless it is still further amended; but what is the use of trying to regiment everybody? You only need those between 21 and 30, therefore why go ahead and try to regiment those of 45 and 55 when you do not need them? What are you doing? Of course, you hurt the chances of the bill because the people do not want to be regimented. Further, there is no reason for regimenting anyone that you do not need excepting for some political or psychological reason that I do not understand at all.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. The gentleman knows that Major Hershey, whom the gentleman just mentioned, is the Army officer who handled this bill before the Committee on Military Affairs for the War Department.

Mr. FISH. Certainly; and he is one of the best-informed officers in the Army on this subject and has given years of his life to the study of the details and operation of a draft bill. He knows every feature and every detail of it.

Further, if you increase this limit to 45 years the Army will not need any of those men. Most World War veterans are over 45. What do you do when you regiment men up to 45, 50, 55, and 64? You disturb business, you disturb conditions in this country, you put fear in the hearts of the older men that they may be drafted, and create uncertainty. They probably will not be drafted, but there will always be this uncertainty.

Therefore I am supporting the amendment of the Senate and the amendment offered by the gentleman from Missouri. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, in my humble opinion, I believe the committee provisions setting the limit up to 45 should prevail. I believe taking men up to 55 is ill-advised and would indeed, in the final analysis, be impractical. I believe the 45-year limitation is well considered and logical. A man of 44 or a man of 37 need not be in the actual fighting forces. He might well serve in a noncombatant position. We need many men in such service—men of mature mentality and older experience.

As a result of my study of this bill, of the hearings, and of the various regulations that were promulgated not only in the last war but which are about to be promulgated as a result of the passage of this bill, a copy of the latter of which I have before me, I am led to the inescapable conclusion that we must take an inventory of the human power of the Nation, not only the military power but the nonmilitary power of the Nation. The bill properly does this within proper limits.

It is well, therefore, to take an inventory concerning all humans up to 45 years of age. There is not only such a thing as physical prowess, but mental prowess resident in men above and below 31 years of age. The arts and sciences have a great many men in them up to 45 years of age who would be highly useful in carrying out the purposes of this statute. Under the Senate bill—that is, 21 to 31 years—the registration would involve 12,000,000 men. Under the committee bill the registration would involve roughly 24,000,000.

I think it is essential, in considering this amendment, to have in mind the various classifications that will be promulgated by the Director of the Selective Service, and it would be well that all of you be possessed in the not far distant future of a copy of the selective-service regulations with reference to classification, induction, and entrainment, which will soon be officially offered by the Director of Selective Service, which are now unofficially offered by the War College.

You will find in these tentative regulations, at page 79, that the classifications are to be four: Class I, those available for service immediately; class II, those deferred because of importance to the Nation of the services being rendered in civilian life—and that is highly important, because those important services being rendered in civilian life, particularly possessed as they may be by men up to 45, will be highly useful in the carrying out, as I said before, of the purposes of this act.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SNYDER. I think the gentleman from New York [Mr. FISH] was thinking in terms of other wars when he said men past a certain age, 30 or 35, would not fit into this program, because 7 out of every 10 men who would be called to service now would be assigned to some mechanized unit.

Mr. CELLER. I thank the gentleman for his observation.

Mr. SNYDER. And many of those mechanized units could be manned by men up to 55, or even 65. I myself would gladly participate if assigned to a mechanized unit where my services would help to defend my country.

Mr. CELLER. That is quite probable, but I do not think it is well unduly to disrupt the civilian life of the Nation by going beyond 45 years. I do not think it either necessary or expedient or proper to reach out for men above 45 years.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield. But remember you are invading deeply into my limited 5 minutes.

Mr. ANDERSON of Missouri. The gentleman knows full well that most industrial plants will not hire a man over 40 years of age.

Mr. CELLER. No; I do not agree with the gentleman at all.

Mr. ANDERSON of Missouri. Wait until I finish, please.

Mr. CELLER. I do not agree with that statement.

Mr. ANDERSON of Missouri. Most of them do not.

Mr. CELLER. That is not true. And I say so most respectfully to the gentleman.

Mr. ANDERSON of Missouri. How about the men between 40 and 45? Where are they going to be able to go back to work after they have had a year's service?

Mr. CELLER. I do not agree at all with the gentleman. There are many industrial entities that will take men above 35 years of age and above 45 years of age. In my own bailiwick of Brooklyn there are scores of plants that will employ men of such ages, especially when they are skillful or adept in particular phases of industry—manufacture, distribution, and selling.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. MAY. The provision in the bill as reported by the committee gives the man from 40 to 45 an opportunity to go into the service, whereas the gentleman's amendment would cut them all out from 31 up.

Mr. CELLER. Permit me to continue concerning the deferred classification. In addition to class I and class II, aforementioned, there is class III, which provides for deferment because of dependents according to the meaning of the law.

And then, finally, there is class IV, where registrants are deferred by law—that is, by act of Congress—or because induction for obvious reasons, such as insanity, physical unfitness, alienage, and so forth, is undesirable.

As stated by the joint Army and Navy selective service committee, "the ruling principle is that every registrant is in class I until cause of deferment is positively established." The local boards—and there will be 6,500 of them—have appropriate powers of investigation and wide discretion. When they find no cause for deferment, they will cause the registrant to be physically examined and then assigned his final classification.

The decision of the local board may be appealed by the registrant to the district board of appeals. Finally, there is provision for an appeal to the President.

It must be remembered that the purpose of the Selective Draft Act is to decentralize the registration, classification, and induction into service. Practically little, or nothing, is done from Washington. It is practically under the local supervision of the local State boards, all of whom shall be civilians; none of whom can be connected with the armed forces of the United States.

The members of the boards are appointed by the President upon recommendation of the Governors of the various States.

The tentative regulations provide for the following classifications:

CLASS I

Group A. Those fit for general military or naval service.
Group B. Those fit only for limited military or naval service.

CLASS II

Subdivision A. Necessary laborer worker, or employee especially fitted for the work in which he is engaged in necessary industry, occupation, employment, or agricultural enterprise.

Subdivision B. Necessary highly specialized artisan, expert, assistant, associate, or hired manager in necessary industry, occupation, employment, or agricultural enterprise.

Subdivision C. Necessary sole managing, controlling, and directing head of necessary industry, occupation, employment, or agricultural enterprise.

Subdivision D. Necessary Federal, State, Territorial, county, or municipal employee.

Subdivision E. Necessary county or municipal officer, or any inferior Federal, State, or Territorial officer.

Subdivision F. Marine licensed pilot actually employed in pursuit of his vocation under the United States flag.

Subdivision G. Regular or duly ordained minister of religion.

CLASS III

Subdivision A. Man with dependent wife, married prior to declaration of war, or with dependent child. The term "child" includes unborn child, stepchild, child legally adopted prior to declaration of war, and child with respect to whom, prior to declaration of war, registrant has in good faith assumed and fulfilled the obligations of parent. The term "child" shall apply only to boys under 16 years of age and girls under 18 years of age, except that an invalid child may be of any age.

Subdivision B. Man with dependent mother or foster mother, aged or invalid father, or foster father, aged or invalid grandparents.

Subdivision C. Man with dependent brother under 16 years of age, sister under 18 years of age, invalid brother or sister regardless of age.

CLASS IV

Subdivision A. Vice President of the United States, officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia.

Subdivision B. Alien enemy.

Subdivision C. Cobelligerent alien who has not declared his intention.

Subdivision D. Neutral alien who has not declared his intention or has withdrawn his declaration.

Subdivision E. Noncitizen Indian born in the United States.

Subdivision F. Native-born Filipino, not naturalized but residing in the United States.

Subdivision G. Registrant who has died, or who is totally and permanently physically, mentally, or morally unfit for service in the public armed forces.

At this point I want to express appreciation for the fine work done in connection with the contemplated promulgation of the new selective-service regulations. These have been prepared under General Shedd, and a special word of praise is due, not only to the general but to Lt. Col. Louis B. Hershey, Major Palmer, and Colonel Draper, all of the Army War College. As I read these regulations, they are the result of an indefatigable, painstaking effort, and the men mentioned are worthy of much praise.

Mr. RAYBURN. Mr. Chairman, I do not think it is necessary, because I feel the committee is going to overwhelmingly defeat these amendments, but I do want to call your attention to a thing or two. I do not believe there is anyone in the House who served in the World War or who has served in the Army who will not say that men from 35 to 45, in all probability, make the best noncommissioned officers. The provision in the bill with respect to men from 31 to 45, is simply to give an opportunity to men of that age to get into the Army if they want to.

Under the law now, and this amendment of the gentleman from Missouri does not change it, a man above 35 years of age, if he has not had previous service, cannot enter the Army. Now, are we not going to give a man who is a mechanic, an expert mechanic, and who is out of employment, who is over 35 years of age, the opportunity to go into the Army if he wants to do so, and I hazard the statement that in the grade from 31 to 45 you will probably find more skilled men than in any other classification, and in the five men behind the line needed to sustain every one man in the line, you could find a great many unemployed, a great many who did not have dependents at home who, under the provisions of the bill, could get into the Army and be of great service.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from New York.

Mr. ANDREWS. I want to point out that it is the intention of the War Department to register this year only those between 21 and 30, and in any event, following the registration of those from 31 to 45, the War Department will call only, approximately, 13 percent within that age area, the reason being that they want a relatively small number, based upon our World War experience, to come from that age range.

Mr. RAYBURN. I thank the gentleman for his suggestion.

Mr. THOMASON. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. THOMASON. The overwhelming majority of these draftees will probably be young men in the early twenties. Does not the gentleman feel that we need some seasoned men, some of them who perhaps have had World War experience, as corporals and sergeants, to help train these young men? Will that not be a fine leveling influence on these young men and also provide valuable instructors to train these men, because this is nothing in the world but a training program?

Mr. RAYBURN. I quite agree with the gentleman. That is what I said, that it would give these men who make the finest noncommissioned officers in the world an opportunity to get into the Army.

Mr. HOFFMAN. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. HOFFMAN. We will need potato peelers and dishwashers; men over 30 could do that, could they not?

Mr. RAYBURN. And shoemakers and horseshoers. There are not many men in the country doing horseshoeing or shoemaking, either one, between the ages of 21 and 31.

Mr. SNYDER. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. SNYDER. I think you would insult the National Guard if you tell them that they could not perform certain duties in the Army, and many of them are above 35 years of age.

Mr. RAYBURN. I quite agree with the gentleman.

Mr. MASSINGALE. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. The gentleman made the statement that he thought all of these amendments ought to be voted down.

Mr. RAYBURN. I said this amendment and the amendments to the amendment.

Mr. MASSINGALE. I want to advise the gentleman that I have an amendment which incorporates the very idea he has expressed—that if a man is over 45, and is qualified, this language should not be construed to prevent him from getting into the Army.

Mr. RAYBURN. I think that is all right.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. ANDERSON of Missouri. Young men from 21 to 31 are going to be drafted. There are going to be a lot of vacant positions in jobs. Do you not think it would be a good idea to let men between 31 and 45 stay here and fill those jobs?

Mr. RAYBURN. I think in this initial call, out of twelve and one-half million you will find more than 400,000 in this country who do not have jobs at all. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from Kansas.

Without objection, the Clerk will again report the amendment to the amendment.

The Clerk again reported the amendment to the amendment.

Mr. EDMINSTON. Mr. Chairman, I make a point of order against that amendment, that it is not a substitute amendment to the amendment offered by the gentleman from Kansas, because he strikes out "forty-five" and the gentleman's amendment was "fifty-five" and not "forty-five."

Mr. FISH. The point of order comes too late.

The CHAIRMAN. The only time a point of order could be made against any amendment is at the time it is offered. Therefore the point of order made by the gentleman from West Virginia comes too late.

The question is on the adoption of the amendment offered by the gentleman from Missouri [Mr. ANDERSON] to the amendment offered by the gentleman from Kansas [Mr. REES].

The question was taken; and on a division (demanded by Mr. ANDERSON of Missouri) there were ayes 47 and noes 161.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Kansas [Mr. REES].

The amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Page 14, line 25, after the word "forty-five" in line 25, insert "and all male Members of the Seventy-sixth Congress who are under 65 years of age."

Mr. SCHAFER of Wisconsin. Mr. Chairman——

The CHAIRMAN. The Chair cannot recognize the gentleman from Wisconsin. The gentleman well knows that all debate on all amendments to this section has been closed.

The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were ayes 74 and noes 89.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MAY and Mr. SCHAFER of Wisconsin to act as tellers.

The Committee again divided; and the tellers reported there were ayes 119 and noes 123.

So the amendment was rejected.

Mr. MARTIN of Iowa. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. MARTIN of Iowa moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. MARTIN of Iowa. I am.

The CHAIRMAN. The Chair will recognize the gentleman for 5 minutes.

Mr. MARTIN of Iowa. Mr. Chairman, I found in my absence from the floor when I was called out for a few minutes that time for debate on this section had been limited to a very few minutes, and that time had expired when I returned to the floor.

I have a motion on the Clerk's desk that goes to the very heart of the bill, and I am taking this method of bringing it to the attention of the House. I spoke the other day in opposition to the bill in its present form, but I believe that anyone who investigates my record will know I am not opposed to national defense. I would, however, like to see some adjustment made in this bill to put it in a little more acceptable form. I cannot support the bill in its present form. My support of the bill will depend entirely on the form of the bill on final submission, and I am very hopeful it will be modified in some of its fundamental features.

Mr. FADDIS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FADDIS. I make the point of order that the gentleman is not speaking to his motion. The gentleman moves to strike out the enacting clause.

The CHAIRMAN. That motion, of course, goes to the entire bill. The gentleman from Iowa will proceed.

Mr. MARTIN of Iowa. During the hearings on this bill I had occasion to question Mr. Stimson, Secretary of War, on the point involved in my proposed amendment. Under my amendment all registrants would be asked to state on their registration blank whether or not they would be willing at any time within a year following registration to answer a call to service. In other words, we are going through a great deal of preparation here to register all men within certain age limits and it is an ideal opportunity to make a poll of those eligible to determine whether or not they would be willing to volunteer. The best form of national defense so far as the attitude of the Nation is concerned is to have a reservoir of men known to the War Department who are willing to volunteer when and if called by the President.

This amendment has no tendency whatever to slow up procedure longer than just enough time to have the registrant express his attitude.

Mr. Stimson replied to my question that he was favorable to such a poll or certainly would not oppose it. You will find my questions and the answers on page 408 of the hearings. I am sorry time does not permit my reading them to you.

This poll is one of three or four different changes in the bill that will be necessary to adjust the program to provide for taking the volunteers into peacetime training before resorting to conscription. My purpose in offering the amendment is in all sincerity an effort after many years' study to deal with this question of manpower. As I stated in my speech the other day, it goes clear back to the Minneapolis convention of the American Legion in 1919. It is a serious effort to bring our whole program of national defense up to an adequate point by the volunteer method.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Iowa. I yield for a question.

Mr. THOMASON. The gentleman has stated that he is opposed to the bill.

Mr. MARTIN of Iowa. In its present form.

Mr. THOMASON. The gentleman has moved to strike out the enacting clause, which means, should it be passed, and even though the gentleman is opposed in good faith, that he cannot accomplish the things he says he favors.

Mr. MARTIN of Iowa. I plan to withdraw the motion at the end of my speech.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. MARCANTONIO. If the enacting clause should be stricken out, there would be nothing to prevent the committee from reporting another bill immediately in the shape the gentleman desires.

Mr. MARTIN of Iowa. I should hope not. I believe they can easily bring in a bill which would be a better approach to the problem.

[Here the gavel fell.]

Mr. MARTIN of Iowa. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. The Chair will not entertain that request.

The gentleman stated that he was opposed to the bill. Had the present occupant of the chair intended to remain in the House longer, he would never have recognized the gentleman to make the motion in the first place.

Mrs. ROGERS of Massachusetts. Mr. Chairman——

The CHAIRMAN. The motion must first be disposed of.

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. It occurs to me that it has been the custom under exigent circumstances for Members to make this motion in order to secure recognition on an amendment where time has been fixed. The gentleman from Iowa is a member of the House Military Affairs Committee. He was temporarily out of the Chamber and was foreclosed an opportunity of being heard on his amendment. It is the only known parliamentary procedure under the rules of the House whereby he could get an opportunity to make the request.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. The gentleman knows that when the proposition was made to limit debate to 10 minutes I voluntarily agreed to make it 20. I did not know the gentleman wanted time and am not responsible for his being out.

Mr. DIRKSEN. Mr. Chairman, if I may proceed a little further, I think the answer to that is that with the abnormal number of people in Washington, with Members being called off the floor every hour of the day, there ought to be some relenting in the exacting restrictions of the rule; and I think, in all deference, in view of past procedure, the gentleman is entitled to make that request.

The CHAIRMAN. May the Chair say that he relented when he entertained the motion. The Chair will not permit it to be withdrawn and will require a vote of the House on the motion, which is entirely proper and is according to the rules of the House.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in opposition to striking out the enacting clause at this time.

Mr. Chairman, I do not believe that we should now strike out the enacting clause. Only a few days ago this House passed the truth-in-fabrics bill, and told our people that they should be told the truth, the whole truth, and nothing but the truth about the amount of wool in woolen fabrics. We read in Holy writ in the Gospel of Saint John that our Lord said:

> And ye shall know the truth, and the truth shall make you free.

Mr. Chairman, paragraph (B) of section 1, on page 14, of this bill, reads:

> The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

That is a fine declaration, is it not? In view of the exemptions contained in this bill, particularly the one in paragraph (a) of section 3 on page 15 which exempts many million aliens from compulsory peacetime military service and training, including several millions like the Rothchilds, who arrived in this country within the last few years. The declaration of principle in paragraph (B) of section 1 about sharing obligations and privileges generally in accordance with a fair and just system of peacetime compulsory military training and service as permanent law is an untruth. I do not want to strike out the enacting clause at this time in order that I can offer perfecting amendments to remove the indefensible exemptions which are now in the bill.

Mr. Chairman, should these unfair and unjust exemptions from the draft not be removed then an amendment should be incorporated in the declaration in paragraph (B) of section 1 on page 14. This paragraph should be amended by inserting after the word "generally" in line 6, page 14 the following words: "except by members of the Congress who provide for such training and service all rich men's sons who enroll in Columbia, Harvard, Yale, and other colleges and all aliens who have not declared their intentions to become citizens."

Mr. Chairman, if this amendment would be adopted the declaration of Congress contained in paragraph (b) of section 1 would be a statement of fact, in view of the indefensible draft exemptions now included in the bill. Paragraph (b) of section 1 would then read as follows:

> (b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally, except by Members of the Congress who provide for such training and service, all rich men's sons who enroll in Columbia, Harvard, Yale, and other colleges, and all aliens who have not declared their intention to become citizens, in accordance with a fair and just system of selective compulsory military training and service.

Mr. Chairman, the gentleman from Texas [Mr. RAYBURN], the New Deal leader, just spoke fervidly and eloquently in favor of raising the age limit to 45 years for the other fellows, and said that raising the age limit to 45 years was "simply giving the man up to 45 years of age an opportunity to go into the Army if he wants to go in."

When I, a few moments later, offered an amendment simply giving the Members of this Congress which enacts this bill who are up to 65 years of age an opportunity to go into the Army, I was certainly surprised to find him voting against it.

Another proponent of this bill, the gentleman from Texas [Mr. THOMASON], said, "They need men up to 45 because they have to have some seasoned men."

When I offered my amendment to give them some seasoned men who are now Members of the Congress which enacts the bill, the gentleman from Texas [Mr. THOMASON] voted against it. What kind of consistency is that?

Mr. Chairman, the Gospel of St. Matthew, chapter 7, verse 12, reveals that in His Sermon on the Mount our Lord said—

> Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the Law and the Prophets.

This I respectfully submit for the consideration of the Members, and particularly the gentleman from New York [Mr. CELLER], who discussed the prophets yesterday. Most of us have on many occasions said: "Do unto others as you would have others do unto you."

Mr. Chairman, I offered an amendment to include in the draft registration Members of this Seventy-sixth Congress up to the age of 65 because the original Julius Ochs Adler peacetime compulsory military service brain child which was adopted by several others and incorporated in this bill when it was introduced in the Congress, provided for a 65-year age limit. In speaking for that amendment I said:

> Do unto yourself as you would do unto others.

My amendment was defeated by a very few votes. If it had been adopted, I intended to offer another amendment at the proper place to include Members of the Congress which enacts the legislation up to the age of 65 in the draft after their present term of office expires. This would be constitutional.

If we had adopted those amendments we could then truthfully say:

"We have done unto ourselves as we would do unto others."

Mr. Chairman, in time of war when a captain goes over the top at the head of his company he instills confidence and inspires his men. If the danger is so great as to warrant the enactment of this Stalin-Hitler type of peacetime compulsory military service, then the Members of the Congress which enacts it should be specifically included in the first draft so that they can serve in Uncle Sam's Army, Navy, or Marine Corps for $21 a month instead of in Congress at $10,000 a year. They will then instill confidence and inspiration in our countrymen in the same manner as a captain who goes over the top at the head of his company in time of war. The compulsory military service of Members of the Congress, which enacts this bill, can commence the day that their present term of office expires. The people can elect their successors at this November's election. This program would be constitutional. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Iowa [Mr. MARTIN] moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. MASSINGALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MASSINGALE. There are other amendments to this bill.

The CHAIRMAN. There can be no other amendment until this motion is disposed of.

Mr. MASSINGALE. They have already been offered and we did not have time to discuss them.

The CHAIRMAN. The gentleman will have his amendment voted on, but this motion must be disposed of first. The question is on the motion offered by the gentleman from Iowa [Mr. MARTIN]

The motion was rejected.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. MASSINGALE] desire to offer an amendment?

Mr. MASSINGALE. Mr. Chairman, I do, and I send it to the Clerk's desk. In this connection, may I say——

The CHAIRMAN. The Chair cannot recognize the gentleman to discuss his amendment. All time has expired.

Mr. MASSINGALE. Will the Chair permit me to propound a unanimous consent request? I would like to have the amendment read if the Clerk is able to decipher it. I may have to read it myself.

The CHAIRMAN. The Chair will see that the amendment is properly read.

The Clerk read as follows:

Amendment offered by Mr. MASSINGALE: Page 15, line 4, after the word "hereunder", insert the following: "*Provided*, That nothing in this section shall be construed to mean that men above 45 and found physically fit and qualified shall not be accepted for service."

The amendment was rejected.

Mr. MARTIN of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Iowa: On page 15, at the end of line 4, add the following: "Each such person shall state, in a space in the registration papers provided for that purpose, whether he will volunteer for services in the land or naval forces of the United States for one year and such additional service as may be required under the proviso in section 3 (b) of men involuntarily inducted into training and service, whenever the President notifies him within one year from date of registration that his services therein are needed and calls him into such service in the manner provided by law. Each person on registration shall also state whether he will likewise volunteer for the training and service provided for in section 3 (b). For the purpose of determining quotas in section 4 (b) all men stating their willingness to volunteer when called shall be classified as liable for service and training and shall be added to the undeferred group."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. MARTIN of Iowa) there were—ayes 77, noes 112.

So the amendment was rejected.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROGERS of Massachusetts: On page 14, line 25, after the word "forty-five", insert "and all male and female Members of the Seventy-sixth Congress who are under 65 years of age."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts.

The question was taken; and on a division (demanded by Mrs. ROGERS of Massachusetts) there were—ayes 59, noes 106.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. (a) Every male citizen, and every male alien residing in the United States or its possessions who has declared his intention to become a citizen, between the ages of 21 and 45, who is not excepted herein from registration, shall be liable for training and service in the land and naval forces of the United States: *Provided*, That any person, regardless of race or color, between the ages of 18 and 35 years, shall be afforded an opportunity to volunteer to be inducted into the land or naval forces of the United States for training and service described in subsection (b), if he is acceptable to the land or naval forces for such training and service. The President is authorized to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men as in his judgment, whether a state of war exists or not, is required in the national interest for such forces: *Provided*, That voluntary enlistments in the land and naval forces of the United States, including the reserve components thereof, shall continue as now provided by law: *Provided further*, That except in time of war there shall not be in active training or service in the land and naval forces of the United States at any one time under the provisions of subsection (b) more than 1,000,000 men inducted under the provisions of this act: *Provided further*, That persons inducted into the land forces of the United States pursuant to this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands: *Provided further*, That in the case of any person who, during the year 1940, entered upon attendance for the academic year 1940–41—

(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degrees; or

(2) at any university described in paragraph (1), to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

if, during his attendance at such college or university while pursuing such course of instruction, such person is selected for service and training prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, his induction into the land or naval forces shall, upon his request, be deferred until the end of such academic year, but in no event later than July 1, 1941. Men selected for training and service shall be assigned to camps or units of the land and naval forces of the United States.

(b) If and so long as the United States is not at war, each man selected for training and service shall serve for a training period of 12 consecutive months: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he shall be subject to service until the Congress shall declare the national interest permits his being relieved from active service.

(c) Each man, after completion of his training period, shall be transferred to a reserve component of the land or naval forces of the United States, and until the expiration of 10 years after such transfer or until he reaches the age of 45 or until he is discharged, whichever occurs first, he shall be deemed a member of such reserve component and be subject to such additional training as may now or hereafter be prescribed by law: *Provided*, That every man upon completing 12 months' training and service in the land forces, in time of peace, shall be given the option, if a vacancy exists in the National Guard or the Regular Army to which he can be assigned, of serving a 2-year enlistment, and satisfactory service of such enlistment will exempt him from further duty in the reserve components of the Army of the United States in time of peace.

(d) Men during their training and service period as provided for in this section shall receive the same pay, allowances, and other benefits, pensions, compensation, and disability allowances as are provided by law for enlisted men of like grades and length of service of that component of the land and naval forces to which they are assigned and thereafter they shall receive the same benefits provided by law in like cases for members of the reserve components of the land and naval forces to which they have been transferred. Men in training and service shall have an opportunity to qualify for promotion.

(e) (1) The monthly base pay of enlisted men of the Army shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30; except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, shall be $21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

(2) The pay for specialists' rating received by an enlisted man of the Army at the time of his retirement shall be included in the computation of his retired pay.

(3) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

(4) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

(5) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

(6) The provisions of this section shall be effective from the date of enactment of this act to May 15, 1945. During such period all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby suspended.

Mr. MAY. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: On page 19, line 24, after the period insert "*Provided*, That nothing contained in this or any other act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted or enlisted as provided herein or to members of the reserve components of the land and naval forces of the United States below the grade of captain now on or hereafter placed on any type of active duty, which persons and members were, prior to their induction or enlistment, or being placed on active duty, receiving compensation from such person, firm, or corporation, during the time they are in training and service hereunder or on active duty under the provisions of law."

The committee amendment was agreed to.

Mr. MAY. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: On page 15, line 10, after the colon strike out all language down to and including the period after the word "service" in line 16; and on page 15, line 21,

after the colon insert "*Provided*, That any person, regardless of race or color, between the ages of 18 and 35, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b): *Provided further*, That no man shall be inducted for training and service under this act unless and until he is acceptable to the land or naval forces for such training and service."

The committee amendment was agreed to.

Mr. SHORT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHORT: On page 16, line 10, after the figures "1940–1941" at the end of line 10 insert "as a senior."

Mr. SHORT. Mr. Chairman, this amendment is very short, very clear, and I think quite fair, and all Members should support it. The House has just now found a storm cellar for itself to which to retreat in case of emergency or conscription, and in addition we are going to find another storm cellar for any young man who is able and who wishes to matriculate or enroll in any college in the land. Personally, I am not opposed to exempting seniors. When we discussed this provision of the bill in our committee, I thought it applied only to seniors in colleges and universities, who have already been enrolled for at least 3 years and who have shown good faith. No one can truthfully say they entered college to escape military training and service. However, if we let the bill stand as it is now written, we simply leave the door wide open and furnish a storm cellar whereby many young men of the country, anywhere within the age of conscription, can matriculate and enroll in order that they may be deferred for a whole year.

I ask Members of the House, are we going to draw a line of distinction between wealth and poverty in this country? Why in the name of God should the poor man and the poor man's son in the backwoods regions of America, who perhaps have not had the educational opportunities or who have been forced on account of circumstances to work to support dependents and work for their families, and who have been denied the privilege of education and have not enough financial support to matriculate or enroll in a college or university—why, I ask you, should they be inducted and drafted, whereas another young man who has never attended any college, who has never enrolled, and is even far beyond college age, can succeed in scraping enough money together to enroll in order that he may be exempted or his service may be deferred?

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from New York.

Mr. ANDREWS. As the author of the amendment in the committee, I should like to suggest to the chairman and members of the committee on the majority side that they accept the amendment offered by the gentleman from Missouri.

Mr. SHORT. I thank the gentleman.

Mr. MAY. Mr. Chairman, we cannot afford to accept it for this reason. The amendment, as offered by the gentleman from Missouri [Mr. SHORT] would have it apply only to seniors. The provision in the bill states:

*Provided further*, That in the case of any person who, during the year 1940, entered upon attendance for the academic year 1940–41.

Which would include all students who have entered in good faith at that time, while the amendment offered by the gentleman from Missouri would confine it only to seniors.

Mr. SHORT. Oh, no.

Mr. MAY. In other words, he is doing the very thing that he says he does not want to do, and I am opposed to the amendment.

Mr. SHORT. Mr. Chairman, I wanted to be generous and allow the chairman of the committee to speak even under my time, but I submit to you that if we leave the bill stand as it is now we will be charged all over this country, and rightly and justly so, of passing a rich man's bill, and I am not going to draw any line of distinction between the rich and the poor when it comes to entering the Army.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. SCHAFER of Wisconsin. And the Members of Congress just turned down an amendment which simply provided for their registration for service under the draft, and many of the college boys who would be exempted under this provision which you propose to strike are sons of Members of Congress.

Mr. SHORT. It would be possible to exempt the sons of Members of Congress because we can afford to send any of our kids to school, if we are fortunate enough to have any, while the poor man cannot.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. JENKINS of Ohio. Is it not true that all that any of these boys would have to do would be to get himself matriculated in a college and in that way he can escape the provisions of this bill?

Mr. SHORT. That is all in the world it would be necessary for him to do.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. What I would like to know is whether it would be possible for a young man to enter his attendance for the academic year 1940–41 after this bill is passed?

Mr. SHORT. Sure.

Mr. EBERHARTER. In the academic year of 1940.

Mr. SHORT. Surely; he can do that, and many of the colleges have not yet started.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from New York.

Mr. FISH. It seems to me, Mr. Chairman, there is something passing strange about this amendment. Here we have the president of Harvard University and the president of Yale University both for the draft, and now we find that everybody that goes to Harvard and Yale are exempt from the draft.

Mr. SHORT. Sure; and let me say this, in conclusion, we are asked to pass this bill under the stress of a great emergency without delay, and yet we write certain provisions in this bill to delay the services of young men for a whole year. That shows just how honest and how emergent it is.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. COOLEY. Why does not the gentleman substitute the word "sophomore" for the word "senior" in his amendment?

Mr. SHORT. Because men who are seniors and who want to complete their education this year and receive their degree will not be affected by it.

Mr. COOLEY. Would the gentleman want to take a man out of school whether he was a sophomore or a junior?

Mr. SHORT. Yes; if he is between the draft age of 21 to 45; yes, sir.

Mr. COOLEY. After he has paid his fees? I understood the gentleman wanted to do away with the possibility of creating a storm cellar.

Mr. SHORT. Of course, I take it that any fees paid on unused tuition by a student would be returned to him by any institution in case a student is conscripted. I doubt if we should exempt any of them, but I am willing to accept the provision with this amendment, and I hope you will vote for it.

[Here the gavel fell.]

Mr. SPARKMAN. Mr. Chairman, I think there is a great deal of misunderstanding about this provision that is written into the bill which the gentleman from Missouri [Mr. SHORT] attempts to amend. As a matter of fact, there is no exemption in this provision. It simply provides that those students who have already matriculated in college when this bill goes into effect may continue to stay in school during this 1 year and defer their training to a time not beyond July 1, 1941. It simply takes care of those students who matriculate and pay their fees, and takes care of them only for that school year, and, certainly, the statement made by the gentleman from Ohio was not correct to the effect that a student could

stay out of it by simply continuing to stay in school each year. The provision simply takes care of this 1 year.

The gentleman from Missouri on yesterday supported the amendment to defer this bill for 60 days. Now, if you adopt this amendment, what is the boy going to do who is 21 years of age and wants to go to college this fall? He does not know whether to enter or not, the chances being that he may be called out in November or next year sometime.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Do I understand that, according to the provisions of the bill, all students—freshmen up to and including seniors—are deferred for this following year if registered in college before this act becomes effective?

Mr. SPARKMAN. Simply deferred during the present school year, provided they are actually in school, under the provisions in the bill, at the time the bill goes into effect.

Mr. MURDOCK of Arizona. Believing, as I do, in the enhancing power of education, I favor deferring all classes of these registered students.

Mr. COOLEY. And many of those boys are in military schools and taking military training now.

Mr. SPARKMAN. That is absolutely true.

Mr. COOLEY. And unless you make some provision for them they will be taken out of these military schools and put into the Army camps.

Mr. SPARKMAN. And their education and training completely disrupted after they have paid their matriculation fees and started their instruction.

Mr. EBERHARTER. Will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. EBERHARTER. I would like to ask the gentleman this question: On line 9 it says "during the year 1940." That means to me that students could enter after the passage of this bill and matriculate and then be exempt or deferred.

Mr. SHORT. That is right.

Mr. EBERHARTER. I do not quite agree with the finding as the gentleman from Alabama mentioned it. It seems to me if you substitute some particular date, for instance, September 15, or some day like that, or September 1, it would be specific, but under the wording of this bill a person could matriculate after the passage of this bill any time up to December 31, and then he would be deferred.

Mr. SPARKMAN. That is not right. The bill reads:

In the case of any person who, during the year 1940, entered upon attendance for the academic year 1940–41.

It does not mean after the bill passes, but if he is in school, then he is simply deferred until the end of the school year, and in no event later than July 1, 1941.

Mr. O'TOOLE. Will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. O'TOOLE. If this bill exempts college men, why should not the poor boy who holds a seasonable job, who is keeping a family together, be exempt?

Mr. SPARKMAN. He certainly may be deferred under the terms of this bill.

Mr. COOLEY. Unless some provision similar to that in the bill remains in the bill will it not disrupt every university in the country by drafting into service perhaps the entire student body, because in most instances those students would not otherwise be deferred?

Mr. SPARKMAN. I do not believe there would be any great disruption as far as the schools are concerned, because the draft starts with the age of 21, but the seriousness of it is the disruption of the boy who is already in school for that particular year.

Mr. COOLEY. You would certainly disrupt the school to the extent of the upper classes.

Mr. SPARKMAN. Surely.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. CASE of South Dakota. Would it disrupt educational institutions any more than it would disrupt the boys in other walks of life? [Applause.]

Mr. SPARKMAN. No. I will not say that it would, but if a boy has already started his course and has paid his matriculation fees, why pull him out when just by deferring for a few months—remember, he is still required to give service to the country—simply defer him for a few months and allow him to complete his course.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. VAN ZANDT. The deferment applies to only federally recognized colleges. How about the boy learning his trade in a railroad shop?

Mr. SPARKMAN. He can be deferred under the provisions of this bill.

Mr. VAN ZANDT. Oh, no, he cannot. Since a railroad shop is not a college and is not recognized by the Federal Government as such.

Mr. SPARKMAN. He can be placed in a deferred classification if his work is essential to national defense, or to the safety, health, or welfare of the community. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SHORT].

The question was taken; and on a division there were—ayes 105, noes 124.

Mr. SHORT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MAY and Mr. SHORT to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 127, noes 140.

So the amendment was rejected.

Mr. O'CONNOR rose.

The CHAIRMAN. The gentleman from Montana offers an amendment which the Clerk will report.

Mr. O'CONNOR. Mr. Chairman, I ask unanimous consent to consider the amendments in line 16 on page 18 and line 17 and line 18 as a whole, because if one should be adopted, they all should be adopted, and if one should be rejected, they should all be rejected.

The CHAIRMAN. The gentleman from Montana offers three amendments and asks unanimous consent that they be considered together. The Clerk will report the amendments for the information of the Committee.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 18, line 16, after the word "grade", strike out "54" and insert in lieu thereof "58."

Page 18, line 17, after the word "grade", strike out "36" and insert in lieu thereof "54."

Page 18, line 18, after the word "grade", strike out "30" and insert in lieu thereof "50."

The CHAIRMAN. Is there objection to the consideration of the amendments together?

There was no objection.

Mr. MAY. Will the gentleman yield for a unanimous-consent request?

Mr. O'CONNOR. I will if it is not taken out of my time.

Mr. MAY. I ask unanimous consent, Mr. Chairman, that each amendment to this section be limited to 10 minutes' debate.

The CHAIRMAN. The Chair will advise the gentleman that there are 20 amendments on the desk.

Mr. MAY. I will withdraw the request, Mr. Chairman.

The CHAIRMAN. The gentleman from Montana is recognized.

Mr. O'CONNOR. Mr. Chairman, these amendments primarily are for the purpose of making the lowest amount paid to any person inducted into service $50 per month.

Now, we are either at war or we are at peace, one or the other. My contention is that we are at peace. I know of no nation in the world today that is making any attempt to invade this country. I know of no nation in the world today that is even threatening to invade this country. We are not in the path of the madman of Europe. Consequently I see no war clouds hanging over this country today. Therefore I claim we are at peace.

Now, what are we doing? We are going to take young men—you have them right here in the employ of this House—and place them in the Army.

You are going to take young men away from their jobs, cut them off from their salaries, many of them earning high salaries, you are going to take them out of their homes, you are going to put them into the Army in peacetime, you are going to make mechanics out of them, you are going to make soldiers out of them. That is all right if you want to do it, but I think it is inconceivable and indefensible for any man in this House to draw $10,000 a year and then vote to take a young man out of his home, out of his employment, and ask him to serve for $30 a month. [Applause.] How can you look anybody in the face after we do it? How can you look into the faces of these young men that you see here every day and ask them to serve for less than $50 a month?

We are at peace, not war. If our country were at war, of course, any man who loved his country would fight for it, with little pay. Pay would not count.

Make the minimum pay $50 a month and you will not need conscription. [Applause.] You will get all the finest young men in the country you want within the next 60 days; more than 400,000 will volunteer.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. VAN ZANDT. During the World War the average soldier received $30 per month. Now, let us see what happened to the $30. First was deducted $6.50, representing the soldier's monthly premium on a war-risk insurance policy. Next was deducted the sum of $10 monthly for 10 months in payment for a Liberty bond he was ordered to buy. Then was deducted $15 to cover the soldier's allotment to his family. By adding the deductions you will find the average soldier during the World War found himself in debt to Uncle Sam to the extent of $1.50 during that period of 10 months when he was paying for his Liberty bond.

Mr. O'CONNOR. Exactly. If you want to make soldiers and mechanics out of these boys, that is all right, but pay for it. We are not at war, we are at peace; but we are enveloped, if you please, in an atmosphere of hysteria and nothing else. Black headlines seek to scare us into these drastic measures. The newspapers, of course, thrive on sensational stuff. That is their meat. The talks that we make for peace never make headlines.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. No; I have not time; I am sorry.

What are you going to do with the young man who has incurred some obligations? Maybe he has bought a car, maybe he has bought a radio, maybe he has bought a home or something else—remember, this is sold-on-installment-plan age. Who is going to pay this boy's bills? How are these creditors going to be affected? Remember, you appropriated $14,000,000,000 for machinery, and remember that the other day we took the lid off of war profits, we took the lid off by a bill that was crammed down our throats in less than 3 hours and told them they could make profits without limitation. Let the war industries pay this bill out of the profits they are going to make.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. No; I am sorry; I have not time.

Mr. Chairman, the least we can do is to give these boys a living wage. The least we can do is to give them something so that when they get out of service they will have a little to fall back on. You will not need to conscript, you will not need to extend the heavy hand of the United States Government into the homes of this country and take their boys if you make wages sufficiently attractive. That is the answer to conscription.

[Here the gavel fell.]

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. MAY. Mr. Chairman, may I say to the Committee that we spent 4½ hours yesterday on one amendment. We spent a great deal of time this morning on the same section and the next one. We are just now on the fourth or fifth page of the bill and it is 2 o'clock.

May we not agree that all debate on this section and all amendments thereto conclude in 45 minutes?

Mr. MILLER. Mr. Chairman, I object.

Mr. MAY. Will the gentleman consent to an hour's time? We want to be reasonable about this thing; we do not want to stay here all day tomorrow.

Mr. VAN ZANDT. Mr. Chairman, will the Chair advise us how many amendments are now pending at the desk?

The CHAIRMAN. There are over 20 amendments to this section pending on the Clerk's desk.

Mr. MAY. Mr. Chairman, how many are pending offered by Members on the other side?

The CHAIRMAN. The gentleman can judge from the number of Members standing.

Mr. MAY. Mr. Chairman, I withdraw my request.

The CHAIRMAN. Is any Member opposed to the amendment offered by the gentleman from Montana? The Chair desires to dispose of this amendment.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ANDREWS. Mr. Chairman, I call the attention of the Committee to the fact that this section was drawn by the War Department providing for an increase in pay and was worked out in conjunction with the Navy Department, and it is calculated to fit the general scale of pay for all of the organized services. Should the amendment offered by the gentleman from Montana prevail it would throw the system of pay for the Army, Navy, and Coast Guard out of balance.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Montana.

The amendments were rejected.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS: Page 17, line 6, after the colon, insert "*Provided*, That each man selected during his period of training and service and following 90 days after his induction for such training and service shall be entitled to 2 weeks' leave of absence with pay during the balance of such period of training and service and at other times under extenuating circumstances for such period as War Department regulations may prescribe."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ANDREWS].

The question was taken; and on a division (demanded by Mr. ANDREWS) there were—ayes 55, noes 98.

Mr. ANDREWS. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. Does the gentleman from Iowa [Mr. MARTIN] wish to offer an amendment?

Mr. MARTIN of Iowa. Mr. Chairman, the amendment I had prepared for section 3 is dependent upon passage of my amendment to section 2 and in view of the action taken on the amendment I offered to section 2, I withdraw my amendment to section 3.

Mr. ANDERSON of Missouri. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Missouri: On page 15, line 8, strike out "45" and insert "31."

The amendment was rejected.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: Page 19, line 8, after the period add the following: "Enlisted men of the Navy and Marine Corps shall be entitled to receive at least the same pay and allowances as provided for enlisted men in similar grades in the Army."

Mr. VAN ZANDT. Mr. Chairman, this amendment simply extends to the enlisted personnel of the Marine Corps and Navy the same pay and allowances that are now extended to the men of the Army.

Mr. MAY. Will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Kentucky.

Mr. MAY. We thought we had covered every bit of that in the bill. If we have not, we do not desire to prevent it, and I think the Committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT].

The amendment was agreed to.

Mr. RUTHERFORD. Mr. Chairman, during the past week I have received a number of letters from doctors of various schools of medicine, as well as from dentists and law schools as to whether or not the provision in section 1, page 16, line 11, where it says—

Any college or university which grants a degree in arts and sciences—

Applies to law schools, medical schools of various kinds, dental schools, and osteopaths.

Mr. MAY. It covers a degree given by any school in either the arts or sciences.

Mr. RUTHERFORD. Does the word "science" cover law and medicine?

Mr. MAY. It covers medicine, dentistry, osteopathy, and all.

Mr. ANDREWS. As I understand it, it covers any recognized degree, such as medicine, law, electrical engineering, civil engineering, mechanical engineering—any ordinary degree.

Mr. MAY. That is right.

Mr. ANDREWS. I do not believe a degree for osteopathy comes within the definition.

Mr. RUTHERFORD. I think it does.

Mr. ANDREWS. And I do not believe it should come in the definition.

Mr. RUTHERFORD. It goes to a degree.

Mr. COSTELLO. I may say that the degree for osteopaths should be included in this bill. The osteopaths have six colleges in the United States which give 4-year courses in medicine and osteopathy. These six colleges are the only osteopathic colleges recognized by the American Osteopathic Association. They require a 2-year premedical course in a college before students are admitted to those colleges. One year of interneship after graduation is required before students are recognized as osteopaths.

As a result they are given practically the same type of course that a doctor of medicine is given in his course of training. These colleges definitely give a degree in the arts and sciences as designated in this particular bill. The intention is that the words "arts and sciences" shall include every degree granted by any recognized school or university.

Mr. HARNESS. May I ask the gentleman from California if these colleges teaching osteopathy present their graduates with a degree?

Mr. COSTELLO. They are given the degree of doctor of osteopathy. This is as a result of 2 years premedical training and a 4-year course at that college or university.

Mr. HARNESS. As I understand the committee, then, this does cover osteopaths?

Mr. COSTELLO. Very definitely they are included because they attend a recognized college giving a degree in the arts or sciences.

Mr. RUTHERFORD. Mr. Chairman, that clears up the situation. These doctors have written to me inquiring if the words "arts and sciences" covered their profession. As it has been explained, this bill does cover them; I am satisfied.

Mr. HINSHAW. Mr. Chairman, I have been unable to be present during the first days of this debate owing to the fact a severe cold has confined me to my hotel room. Perhaps I should not be here today as I am still slightly wobbly on my feet.

During this brief period of enforced rest, I have had an opportunity to really study the RECORD, to read the speeches delivered by the various Members of the House and they have been most enlightening. Some of them have been very splendid and I desire to compliment the Members on their abilities in presenting the facts. However, in the course of my study there has been a matter brought forcibly to my attention, and that is that there is a very evident fallacy in this bill. Everyone knows that when a free people are about to be subjected to an attack or must go to war, then, if the whole people are not required to resist that attack, those who must go into it may be chosen by lot or some similar means, or they may volunteer. Those are recognized practices from even ancient times. However, this is a bill providing for the training of troops while we are yet at peace, and you would select one man out of every 10 or out of every 23, as one gentleman among the proponents said, to receive training for defense in the event of future attack.

It would appeal to me that if the United States is in immediate danger of war, every man in the United States should receive training regardless of what his status may be. If we are not in danger of war and if we are at peace, then it would seem to me not right that one man out of every 10 or out of every 23 should be compelled to give up a year of his life to receive training and then be on reserve call for an additional 10 years thereafter, when the other 9 or the other 22, as the case may be, go scot free except in the event of actual war.

That seems to me to be the great fallacy in this bill. If we are to build a large trained reserve army—and I am a former Army man myself and know something about it—I believe the thing to do is to start out and take them young, when they have few obligations, and give them training at that time. Then, as the years roll on, we would increase the number of trained men in the reserve army and, in the event of war, they would be immediately called to the colors.

If we are in the terriffic immediate danger some would have us believe, then every man should be subjected to training without any exception; every man, of course, who has no heavy responsibilities that he cannot shift, and who is not needed for the defense industries.

But I think it eminently unfair that 1 man out of 10 should be selected for this training, compelled to give a year of his life to his country, when the other 9 go free, and do not have their future so broken.

If it were possible for me to do so, and I had the knowledge of existing law that would enable me to do so, I should redraft this entire section calling for the training of youth for defense, and establish some age group, such as 18 to 22, giving them the right to defer their training if they were in school, and require the study of the care and maintenance of arms and equipment, perhaps, in the various upper grades of our educational and technical institutions.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from West Virginia.

Mr. EDMISTON. Does not the gentleman recognize that there are certain limitations, and that it would be impossible to do what the gentleman is advocating? We could not train that number of men at any one time. We would not have instructors with whom to train them.

Mr. HINSHAW. You could certainly train all the young men of one age at one time. You could train them all, without exception. Give them all an even start in life when they are released from training. As it is now, you are handicapping one out of ten. I myself was handicapped for civil life by 29 months of Army service just after I graduated from college. I feel that I was so handicapped. There were others who were employed meantime in shipbuilding and what not who were not so handicapped. They all had jobs when I returned from the service without one. Perhaps it has not adversely affected my ultimate future, but I for many years have thought that it did. I believe that those men who are to be called from civil life for a year of compulsory military training under this bill, 1 out of 10, are justly entitled to feel put upon by the Government of the United States unless all men of their own age are called likewise.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. A moment ago the gentleman said that 1 out of every 10 would be selected for military service.

Mr. HINSHAW. I did.

Mr. VAN ZANDT. Is it not possible there may be favoritism shown on the part of the draft boards in the communities?

Mr. HINSHAW. I would hope not, but it has been known to have occurred in the past and the records have been destroyed. [Applause.]

Mr. Chairman, under permission granted to extend my remarks, I include the address I had prepared and intended to deliver during the course of debate but which I was prevented from delivering because of illness. The address follows:

Mr. Chairman, everyone acknowledges that if the United States is forced into war with foreign powers, we will immediately set up a totalitarian form of government here, and that every ounce of the national strength should be directed toward a successful conclusion of such a war. This would mean the immediate conscription of all our manpower, not only for military purposes, but even those employed in industry, as well as the conscription of industry itself. The totalitarian state is organized for war purposes, its very fundamental concept is based on the prosecution of war, and, in order to combat it successfully, any nation attacked or seriously threatened must become similarly organized or else run a chance of defeat and ruin.

It is also recognized that in a world threatened with destruction, that it is only prudent for the United States to organize itself in preparation for defense. I have, therefore, consistently voted for every measure providing for the national defense. Being a veteran of the first World War, I have long advocated and fought for what I hoped would be adequate national defense, and have been greatly disappointed in the lethargy and reluctance evidenced by our Government and our people toward providing a consistent and continuous program for national defense. The veterans of the World War, in particular, have realized the utter folly of a program of disarmament in this country, when the rest of the world has been in the process of arming itself to the teeth.

At the time of the naval conference in 1920, the United States, in its first-line naval armaments, held a ratio of 6½ to 5 for Great Britain and 1½ for Japan. We foolishly agreed to reduce that ratio so as to be equal to that of Great Britain, and to permit the expansion of the ratio for Japan to 3. That was the famous 5–5–3 agreement. The United States then destroyed ships, Great Britain destroyed blue prints of ships, and the Japanese proceeded to build a first-line battle fleet at least double its former strength. I have long deplored the secret machinations which led to that treaty and the destruction of many of our new first-line battleships, while the other principal signatories continued to build up their cruiser classes and other lesser ships. I deplore the fact that upon entry into the last World War, Great Britain informed our President that she had no secret commitments with her Allies, and yet upon the close of that war it was found that she had a secret commitment with Japan, and, in consequence thereof, that country was in due course given a mandate over certain islands in the far Pacific, lying between our shores and the Philippine Islands, which neutralized the value of our naval base at Manila. This has since diminished our effectiveness in the Far East.

I further deplore the fact that we were encouraged by certain signatories to the Nine Power Pact for the preservation of the integrity of China, to oppose the Japanese invasion of Manchuria, and then to have these other powers fail to join us in upholding that treaty. That failure marked the beginning of the present world-wide conflict.

It was in 1931, Mr. Chairman, that by this inaction the power of the United States was first placed in actual jeopardy. It was in 1935, Mr. Chairman, that the British refused to join with France in opposition to the reoccupation of the Ruhr by the Germans, and since then the influence of Britain and France has steadily declined.

I believe that the United States should realize by this time that it cannot depend upon the word of any foreign power, even though solemnly witnessed by treaty. I further believe that the United States should realize by now that the words of George Washington, our first President, are as true today as they were when, in making his Farewell Address to the people of the United States, he said:

> Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other.

I admonish my countrymen to take heed of these words of George Washington and recommend that it would be profitable for every one of us to reread the entire Farewell Address and do it again and again until the words shall have been burned deeply into our consciousness.

Mr. Chairman, I am deeply sensible to the fact that many individuals, both within and without our Government, have sought by every means to embroil us in the interminable turmoil and strife in Europe. I had been a Member of this Congress less than a month when it was very evident to me that my beloved country was "on the bloody skids toward war," and I so stated in my first address to this House on January 30, 1939. We had been on that path for several years, and we are even now consistently accelerating toward the shambles of war. It has seemed to me that almost every action taken by our Government has accelerated us on that course rather than retarded us, and while I have done my bit in attempting to retard it, the forces of acceleration have been too great. So that, lately, acts of war have been actually committed by the United States, and the gauntlet thus flung down before the opponents named by our officials needs only to be taken up, in order for us to be immediately at war.

We now have before us a bill to conscript the manpower and industry of our country, while we are yet nominally at peace and it is the heavy responsibility of each Member of the Congress to make his decision on this important measure. I would not hesitate to vote for 100-percent conscription if the United States were at war, but I still hope, perhaps in vain, that we can remain at peace and that the responsible officials of our Government will alter their course to avoid war.

Mr. Chairman, the proponents of this conscription bill would have us believe that current events present sufficient reason for the adoption of the measure. Three months ago, on June 4, after the fall of Holland and Belgium, and at a time when the Nazi advance was destroying the resistance of France, the Chief of Staff of the United States Army, when testifying before a responsible committee of this House, stated that 375,000 men in our Regular Army, and I presume plus the National Guard and the Organized Reserves, were adequate to protect and defend the entire Western Hemisphere from invasion or attack. A few weeks later, after the introduction of the conscription bill, in discussing the measure, this same Chief of Staff allowed that it might take upward of three or four million men to adequately defend the same Western Hemisphere. Even though this is the simple intent of the administration, I ask what change has taken place in our foreign policy since June of this year that makes it necessary for us now to contemplate a force of upwards of three or four million men?

The cost of this planned course of action necessitating an enormous military and naval organization, not only in money, but in sacrifice, by millions of men and their families of some part of their future in civil life, is incalculable. Furthermore, it is difficult for me to conceive how active pursuance of this proposed course can ultimately result in anything other than dictatorship in the United States. I do not see how a Nation, organized as is ours, could continue to function as a democracy under the enormous tax burden necessary to pay even the running cost, let alone the investment.

This being true, the question then remains, is there any other course that may be pursued with reasonable safety and assurance that will avoid the probable necessity of setting up a dictatorship in this country in order to compete with dictatorships elsewhere. After all, what does it profit us to fight dictatorship if it be necessary for us to become

a dictatorship to do so? Could we ever restore our democracy, and what we know as Americanism? I believe that this question should be thoroughly reexamined with all of the available information at hand, as I have a very strong feeling that there is another course—not a course of appeasement, but one involving the building up of our own internal economy to the point where the very strength of our country, its own vital force, plus a reasonable but highly efficient military establishment designed to protect our vital concerns, would be adequate to thwart any possible designs of a military and economic dictatorship.

But, Mr. Chairman, we have before us a bill to conscript the young men of our Nation for training in peacetime, and also it carries an amendment providing for what amounts to the conscription of industry. It is to this bill that we must direct our attention. No one knows at this point what amendments will be included in the bill before its final passage, but, as it stands, I feel that the wrong approach has been made to the problem.

We are yet at peace, Mr. Chairman. In the event of war, it will be necessary to conscript all of our manpower, but I protest that in time of peace it is unfair to select 1 man out of 10, in any broad age group, by lot or otherwise, to receive a year of training and then to be held under call for military service for 10 years thereafter. It has been said by the proponents of this measure that such selection is democratic and fair, and that it would not seriously disturb the economic processes of the country. If it can be said that an individual is no longer an individual, but merely one of the great herd—as they are in Communist Russian and Socialist Germany—then that is a fair statement. But I protest again. In this blessed country of ours, an individual is still an individual and to select, willy nilly, 1 man out of 10 to compel him to sacrifice a year of his life and progress toward his goal of achievement, is grossly unfair to that individual. If any are to be selected, then the only fair way is to select all persons, eligible, from the same age group, thus giving them an equal start and an equal chance after an equal term of service. I say again, it is unfair to that 1 man out of 10 that he should be so selected and that the other 9 should go scot free, to make their fortune in our world without obligation except in the event of actual war. An interrupted career is hard to mend, Mr. Chairman.

While I do not concede that we need such a large Army as that presently proposed, yet if such be the case, then in my judgment the proper way to accomplish an adequate defense posture at this time would be to call into active training service every man physically fit, without exception, in the age group, say 20 to 22, giving the option to those still completing their education, as to which year out of the next 3 years they would choose to take this training. I believe that primary training in the maintenance, repair, and operation of guns, tanks, planes, and so forth, could well be given to all eligible males in the intermediate and higher branches of our educational system. I would then enlist in the Reserve, through the voluntary system, all of the necessary older personnel for completing the various service grades. Many thousands of these will have already served a period of enlistment in the armed forces of the United States and will be qualified for noncommissioned and commissioned grades. I would continue this practice, along the lines of the military service requirements of our sister republic, Switzerland, until the affairs of the world had become settled again and the necessity for large national defense diminished.

I am in favor of the Vinson substitute for the Smith or Overton-Russell amendments, as I am very loath to conscript industry in time of peace. I do not want to conscript industry in time of peace, because I know that when you conscript industry you must conscript labor also, and when both labor and industry have been conscripted, you have set up a totalitarian state. That must be a last resort in our country and not an intermediate step. For these and other reasons, too many to enumerate, I am opposed to the conscription bill in the form in which it was introduced, but, if it must pass, then in order to preserve the freedom of our people to the last possible moment and to prevent the immediate conscription of labor, I favor the Vinson substitute for the Smith or Overton-Russell amendments.

Mr. Chairman, along with a few million other American men, I volunteered my life 23 years ago to defeat the Kaiser and to preserve democracy. There is a startling resemblance in the propaganda and the events of today to those events and the propaganda which preceded our entry into World War I. Since the Armistice of November 11, 1918, I have become completely disillusioned concerning the objectives of that war, by the events that followed, and by the truths later told. That war was fought over the control of trade routes, commerce, and raw materials of the world, in all of which we had comparatively little part or interest. This war, too, is being fought for empire—for trade routes, commerce, and raw materials. It is a battle royal and the devil take the hindmost.

Mr. Chairman, there are powerful groups in the United States who would have us abandon our democratic Republic and substitute totalitarianism for it. These groups have a variety of reasons and desires, but from their different angles, political, racial and perhaps financial, they are in favor of engaging in this European war as a convenient vehicle for the accomplishment of their several purposes. I believe in democracy and in every effort to maintain it in this country. I know that war would void democracy and accomplish no good purpose for the United States; consequently, I oppose war except in defense. I warn you that we are in an extremely delicate situation and that now is the time to stop, look, and listen.

Mr. Chairman, I would not either appease the dictators nor seek war with them. I would strengthen the internal economy of the United States to its utmost under our republican form of government, which we love so well and which we propose to defend, and prepare ourselves meantime for defense against outsiders should they be so rash as to attack us. Let us look at the facts. The National Socialist Government of Germany has conquered most of Europe, and that is true whether the rest of Europe stands or falls. Unless we are willing and able to join in attack or to alone attack these dictators where they live, we may as well make up our minds that whether we like it or not we shall have to live in the same world with them, perhaps for a long time. It is essential, therefore, that we create here at home a powerful defense machine. We have made provision for it in this Congress, but its full power cannot be developed for several years. But neither can they hope to attack us here for several years. For the time being, therefore, let us concentrate on the equipping and training of our Regular Army, the Organized Reserves, and the National Guard. Let us build an air force of formidable proportions and rebuild a Navy second to none. Then, and then only, will we be in a position to assert our right by our strength, as a free people in an enslaved world and to insure peace at home.

Mr. Chairman, the following editorial from this evening's Washington Daily News is most pertinent. It tells the truth in terms that everyone can understand:

WE'RE STRAYING TOWARD WAR

We think a dangerous thing is happening. It is hard to define because it falls within that all-inclusive area called national psychology. It is a matter more of omission than of commission; something more sensed than seen; hard to pin down. We'll try to describe it this way:

As we read the newspapers and the magazines, listen to public speeches and radio commentators, and talk with people, we find peace mentioned less and less and war more and more; what-shall-we-do-if-we-get-in taking precedence over what-shall-we-do-to-keep-out.

A year ago this month, when the President made his fireside speech and a few days later his address to the extraordinary session of Congress, all emphasis was on how to avoid being drawn in. That emphasis—that tone—characterized practically every written or spoken word in those days. It was as nearly unanimous as anything could be in a Nation of 130,000,000 people.

We had got into one war. Our fingers had been terribly burned. We wouldn't let that happen again. The main job was to prevent. Every effort should be pointed up to that single purpose.

Gradually, subtly, not deliberately but, rather, subconsciously, an inevitability school began to develop. The emphasis started to shift. "We'll have to get in if this lasts very long" began to be heard, here, there, and yonder.

As the Hitlerian conquest spread, particularly when the Low Countries were invaded, and then France fell, this new tempo stepped up. The inevitability school gained enrollment. As the realization grew that we were in danger greater than we had dreamed, that it must be billions for protection, and conscription to man the equipment those billions would buy, the emphasis shifted still more and with increasing momentum. The problem grew to look more like a war problem and less like one of merely staying out. National expression moved from negative to positive. So as the months sped on the national effort lost its unanimity, ceased to point to a single purpose. Still more joined the inevitability school. Either by silence they gave consent, or in what they did say was of war, not its avoidance.

All this without *Lusitanias*, without our ships being driven off the sea, without those innumerable overt acts which whipped up the war spirit back in 1914 to 1917.

We say this is a dangerous state of mind. "Vice is a monster of so frightful mien, as to be hated needs but to be seen; yet seen too oft, familiar with her face, we first endure, then pity, then embrace."

What to do?

We believe right now is the time to back up for a reappraisal of our national attitude; to take a new look at our hand; to reacquire a perspective we had once and then lost.

As for this newspaper, we are for the billions, we are for the selective draft, we are for the island bases, we are for everything it takes, but all to get ourselves strong for defense—to keep out, not to get in. All to ward off, not to repeat, the loss of life, the 126,000 dead, the 234,000 wounded, the billions spent, the ingratitude, the "Uncle Shylock" stuff, the double-cross, and the hangover we got out of the last one.

If you think the same as we do, maybe it would be well for all of us to visit some of the veteran hospitals, to call on some of the sick and the crippled and the insane, and then rededicate ourselves to the proposition we saw so clearly 1 year ago this month.

(Mr. HINSHAW asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. COSTELLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 16, line 14, after the word "either", insert the word "class."

Mr. COSTELLO. Mr. Chairman, the purpose of this amendment is merely to clarify the language and to indicate that the prerequisite to the degree refers to both classes—arts and sciences. I am very happy that the gentleman from Pennsylvania [Mr. RUTHERFORD] raised the question he did, because I had intended to bring that matter out here upon the floor, namely, that the degrees that are granted by schools cover all the degrees. They cover not only the law, the arts, and the sciences, but also particular branches, such as medicine, dentistry, osteopathy, and engineering. Practically any type of degree of which you could possibly conceive is included in the words "arts or science," so that the students enrolled in any college or university that actually grants a degree would be entitled to deferment of their training in the event they should be called.

I wish particularly to stress the point that this does not refer to just Harvard or Yale, as was inferred here earlier in the afternoon. It refers to all colleges and universities throughout the country. I believe that it is very proper that it should, and that it should include all students in those schools, not just seniors, because this bill calls for induction into the military service at some time between now and the 1st of April of possibly 800,000 young men. They have to enter school this September. They do not know whether or not they are going to be inducted into the service. If you do not grant the deferment that this paragraph gives, it would mean that no one would dare enter school for fear that he would find in the middle of the year that he had to abandon his school year, and, after his training, when he returned to college, he would have to renew his school year and repeat the studies. Under this measure he can defer the training in the event he is called, but prior to July 1 of 1941 every such student who is called must begin his training in the military service, so he is not getting out of it. You are not providing class legislation; you are merely giving each college student an opportunity to complete the school year once he starts; and, if he is called before June, he must serve before July.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from West Virginia.

Mr. EDMISTON. This means only universities and colleges and not other schools?

Mr. COSTELLO. Yes. Any university or college granting a degree.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Does the provision to which the gentleman has just referred apply also to junior colleges that give degrees?

Mr. COSTELLO. A junior college does not give a degree as interpreted here as a degree in the arts and sciences. They usually give a junior certificate, which would not be a collegiate degree. It would have to be a degree granted where there is a 4-year course or a degree granted following a postgraduate course.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. ANDREWS. I want to point out to the gentleman that the chances are that no one in that category would probably be 21 years of age and therefore eligible.

Mr. COSTELLO. The gentleman is correct, as practically all junior college students would be less than 21. However, I will state to the gentleman that so far as schools of medicine, dentistry, or osteopathy are concerned, they generally have a 2-year premedical course before they engage upon their special course, and they are usually of the ages from 21 to 23 and as a result, particularly in the case of your medical students and very often your law students and in many cases your engineering students, they would be beyond the age of 21 and would come under the provisions of this legislation.

Mr. THORKELSON. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Montana.

Mr. THORKELSON. Does this include those studying to become doctors of divinity?

Mr. COSTELLO. They are taken care of under a different provision having to do with students of recognized colleges of divinity or theology. This provision provides that the students in universities and colleges may defer their training until July. Students in colleges of divinity or theology are required to register, but under a later provision of the bill they are exempted from the military service.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. There is likely to be much misunderstanding when this is applied. Of course, you mean by recognized schools those giving at least a 4-year college course, over and above a high-school course, leading to the granting of a recognized degree.

Mr. COSTELLO. Any college or university giving a recognized course of 4 years of study or a postgraduate course which leads to a degree.

Mr. MURDOCK of Arizona. In other words, those colleges recognized by and accredited by the accrediting agencies throughout the country.

Mr. COSTELLO. That is right.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I did not hear the gentleman's amendment read, and I am just wondering if there is anything in it that will prevent a rush to these colleges by the men who are in the upper twenties or the early thirties.

Mr. COSTELLO. My amendment merely inserts a single word to help clarify the language of the bill. I will state to the gentleman there is absolutely no benefit in anybody rushing to any college in order to avoid this training, because the language is very clear that he is entitled to deferment if he is a student in such a college, and, the language at the bottom of page 16 is, "be deferred until the end of such academic year, but in no event later than July 1, 1941."

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

Mr. BARTON of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of New York: On page 16, lines 7 and 8, after the words "United States", strike out the words "including the Philippine Islands."

Mr. BARTON of New York. Mr. Chairman, I have no desire to offer any amendment which would be regarded by the committee as weakening the bill. My amendment is offered in good faith and in the hope of bringing out from the Committee on Military Affairs some information for the Committee of the Whole.

On page 13 of the original bill, at line 6, the language is:

The phrase "United States and its possessions" shall be deemed to include the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands.

In the bill before the committee, on page 16, in line 17, the definition specifically includes the Philippine Islands.

There are some of us, Mr. Chairman, who feel it is vitally important that the people of the United States should be given as clear-cut a definition as possible of just what the national-defense policy is, just what we propose to defend, and where and how. As to the Philippines, from conversations I have had with military and naval authorities, I have been led to believe, and I claim no knowledge of my own, that it is the opinion of such authorities that the Philippines, in the case of a war with a Pacific power, would not be defensible. I have even understood from some sources that it is no part of the war plans of our Navy that we should attempt to defend them. If it is our policy merely to police the Philippines, then it seems to me that that work should be done by the Regular Army and not by any of the young men who will be inducted into the service under the draft.

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment.

Although it is true that, under the terms of existing law, the Philippine Islands will be granted their independence in 1946, at the present time we have certain national interests in the Philippine Islands, including a great deal of Government property. These interests require protection.

I am sure the gentleman from New York [Mr. BARTON], upon reflection, will realize that when and if men are taken into service under the provisions of this legislation they will be taken both into the Regular Army and the National Guard units. No one can say at this time what unit of the Regular Army may be sent to the Philippine Islands. As the gentleman knows, regiments in the Army are changed from station to station from time to time. I quite agree with the gentleman that it is generally conceded by our military authorities that in some emergencies it would be difficult for us to attempt to defend the Philippine Islands. However, until we are in such position I believe it would be particularly unwise to take this provision from the bill because of the fact that certain of these men may be placed in units which may be sent to the Philippine Islands.

Mr. MAY. Will the gentleman yield?

Mr. FADDIS. I yield.

Mr. MAY. The gentleman understands we have stationed in the Philippine Islands about 5,000 Regular troops.

Mr. FADDIS. Well, I am not sure of the number.

Mr. MAY. And under the provisions of this bill it is not likely that any of the trainees would be sent to the Philippines.

Mr. FADDIS. If so, they would be sent there only for a year.

Mr. EDMISTON. Will the gentleman yield?

Mr. FADDIS. I yield.

Mr. EDMISTON. There are no American troops in the Philippine Islands except instructors for the Philippine Army.

Mr. MAY. Oh, there are about 5,000.

Mr. EDMISTON. Oh, no.

Mr. FADDIS. Another thing, some of these men, under the terms of the bill, will also be taken into the Navy, in all probability, when the Navy is enlarged. This applies not only to the land forces but the naval forces. It would be decidedly inconvenient, the gentleman will realize, to purge a battleship or a cruiser of any of these men in case they should be there.

Mr. BARTON of New York. The language of the bill at this point refers to the land forces exclusively. My thought is that if American troops are in the Philippines simply for police duty that duty should be performed by the Regular Army and not by young men who are to be taken out of jobs and colleges.

Mr. FADDIS. I think under the circumstances the gentleman's amendment would be unwise. No one can tell today what eventuality may develop tomorrow or next day.

Mr. WADSWORTH. Will the gentleman yield?

Mr. FADDIS. I yield.

Mr. WADSWORTH. May I suggest to my colleague from New York [Mr. BARTON] and the gentleman from Pennsylvania [Mr. FADDIS] that while it is almost unbelievable that any trainees will ever be sent to the Philippines we might think twice before we insert in an act of Congress a provision such as this, which will carry the very clear announcement to the world that we do not intend to defend the Philippines. I think we had better not say it.

Mr. BARTON of New York. Will the gentleman yield to me?

Mr. FADDIS. I yield for a question.

Mr. BARTON of New York. Will the gentleman yield for a question in the form of a brief comment?

Mr. FADDIS. Yes; I yield.

Mr. BARTON of New York. I have a little different view of the proposition than the distinguished gentleman from New York [Mr. WADSWORTH], in whose judgment on nearly all matters I am happy to concur. One of the great troubles in the conduct of international affairs is that nations do not honestly say what they intend to do, that international affairs are too much wrapped up in bluff, and that out of that fact many international crises arise. If we know we are not going to fight for the Philippines, why not say so?

Mr. FADDIS. That may be true; but when you play cards with other nations, you have to play with the same deck of cards that they play with.

Mr. BARTON of New York. I will say that that philosophy has led to a lot of trouble in the past.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a declaration of policy, I would favor the amendment offered by the gentleman from New York [Mr. BARTON]; but as a safeguard against these soldiers ever being called upon to serve on foreign soil I think the entire proviso about limiting service to this hemisphere and our possessions is only window dressing. Yesterday members of the committee sponsoring the bill attacked some of the proposed amendments as being only sugar-coating. Certainly the committee did some sugar-coating when they put this proviso in the bill.

Does anyone think that this proviso would restrain the President from ordering these troops into other territory? Let him read the opinion of Attorney General Jackson on the power of the President to transfer the destroyers. With far less effort he could hold that the powers of the President as Commander in Chief permitted sending these troops wherever he might want to send them, regardless of what the Congress says.

In the destroyer opinion, the Attorney General observed that the provision in a recent act that sought to limit the President's power to dispose of surplus vessels by requiring him to have a statement in writing from the Chief of Naval Operations was of doubtful constitutionality. His opinion was based on his conception of the powers of the President as Commander in Chief of the Army and Navy.

If that opinion is correct—and I do not assert nor do I qualify myself to assert either that it is or is not—if that opinion is correct, with far less effort the Attorney General could find that the President's powers as Commander in Chief permit him to order the men where he wants them to go; that the

only power of Congress is that of raising the Army and supporting it.

Let me quote a few citations from the annotated copy of the Constitution, Senate Document 232 of the Seventy-fourth Congress, second session, which most of you have in your offices. I quote from a case cited under section 8 of article I, the clause that says Congress shall have power to declare war:

> While the President has no power to initiate or declare a war against a foreign nation or a domestic State, he has power nevertheless to recognize the existence of a state of war and to resist it by force. So the act of May 13, 1846, recognizing a state of war with Mexico, constituted a ratification of the act of the President in accepting the challenge and engaging in the battles of Palo Alto and Resaca de la Palma. (*Prize Cases*, 2 Black 635 (1863).)

The Attorney General might find even more comfort in the cases cited under section 2 of article II of the Constitution, which says that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. I quote from *Fleming* v. *Page* (9 How. 603, 615):

> As Commander in Chief he (the President) is authorized to direct the movements of the land and naval forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country and subject it to the sovereignty and authority of the United States.

Then in *Swaim* v. *United States* (165 U. S. 553):

> Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief.

Further from the same citation—

> Both powers imply many subordinate and auxiliary powers. Each includes all authority essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President.

There are more cases in point cited in the annotations.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. WOLCOTT. I have listened very intently to what the gentleman has been reading, but I cannot find in any of those cases or anything in the gentleman's remarks which prohibits the Congress from putting any reasonable limitation upon the use of the troops which it is authorized under the Constitution to raise. I believe the Congress under the Constitution would have the authority to say that all of the men inducted into the service should be of a certain age. I think, too, the Congress could say they should serve in a certain geographical locality.

I am of the opinion after reading those decisions that the Commander in Chief must administer his duties within the limitations provided by law.

Mr. CASE of South Dakota. I may say that the gentleman from Michigan is well qualified to have an opinion on a constitutional question. His legal logic has been respected by the House of Representatives on many occasions. I think, however, he did not hear my first remarks. I did not make these citations to support my opinion on the power of the President but to illustrate an opinion that could be advanced. My point is that in the light of his opinion on the transfer of the destroyers, the Attorney General will not be hard pressed to find that this proviso is not binding on the President, if the time comes that the President wants to order troops abroad.

The gentleman no doubt has read the destroyer opinion. There the Attorney General remarked that a limitation which this Congress sought to put into the act of June 28, 1940, was of doubtful constitutionality. That was the requirement that before the President disposed of vessels or other naval matériel as surplus the Chief of Naval Operations should first certify that the matériel was not longer essential to the defense of the United States. In other words, Congress made the Chief of Naval Operations its agent to determine when certain things which it had appropriated funds to buy were no longer essential. Since the Attorney General feels that is an unconstitutional limitation on the President as Commander in Chief, my point is that he will not find it difficult to hold that Congress has the power to raise armies but only the President has the power to direct them and place them.

There is, however, an even more compelling reason for thinking that this proviso is only sugar-coating for the bill. It is the plain language of the bill itself. I call your attention to the fact that the bill carries this proviso only with relation to the boys who are inducted into the land forces; yet the bill provides for the induction of men into both the land and naval forces. I read from the sentence on the preceding page in this same section 3:

> The President is authorized to select for training and service in the manner herein provided and to induct into the land and naval forces of the United States such number of men as, in his judgment, whether a state of war exists or not, is required in the national interest for such forces—

Whereas the proviso to restrict the use of the men applies only to those who are assigned to the land forces. Let me read it—the proviso now under discussion to which the amendment is pending which would still further restrict by striking off the Philippine Islands. I quote:

> *Provided further*, That persons inducted into the land forces of the United States pursuant to this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

Notice that the President may induct men into either the land or naval forces, but the limitation on place of service applies only to those who go into the land forces.

If the President so chose, he could induct all of the men into the naval forces and the limitation would be meaningless. If he so chose, he could induct men into the land forces and then transfer them to the naval forces. He could make them landing forces for the Navy.

By the very language of the bill, then, there is no guaranty against conscripting men for foreign service. They will be called to serve in foreign waters and, when the pursuit of an enemy calls for a landing force, there is nothing in the bill to prevent men in the naval forces from being landed. And for that matter, if there were, does anyone suppose the Commander in Chief would sort out the regularly enlisted men from those who have been conscripted? Of course not. This proviso in the bill is window-dressing, sugar-coating, designed only to make it easier for some men to vote for the bill who have promised their people they would never vote to send the boys to fight on foreign soil.

The other day a distinguished and beloved Member of the House, the gentleman from New York, Dr. CROWTHER, said that he had made such a promise to his people, and that if he voted for the measure he would feel that he had half broken that promise. Well indeed he might. It probably is well to carry this proviso in the bill as a declaration of intent or policy. Some day we may have a President who will respect the wishes of Congress in these matters, but there is nothing in the conduct of affairs, domestic or foreign, under the present administration to indicate that Congress will be consulted or its advice taken if what is grandly called the "responsibility of opportunity" should beckon the Commander in Chief to foreign lands.

Mr. KEEFE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin desire to discuss the pending amendment?

Mr. KEEFE. Yes; I rise in support of the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. KEEFE. Mr. Chairman, I think it would be well to give a little reassurance to the Nation as well as to Members of Congress at this time. You will recall that on the 16th of May the President spoke from this rostrum to the joint session of the Senate and the House, and pointed out very clearly and definitely the great peril this Nation faced, and the necessity for preparation. Following that, General Marshall appeared before the Appropriations Committee on the 4th day of June, asking for appropriations for an increase of 55,000 in the ground forces of the Army and 40,000 in the air forces of the Army so as to bring the total up to 375,000

men. In the hearing before the subcommittee of the Appropriations Committee this colloquy took place between the gentleman from Virginia [Mr. WOODRUM] and General Marshall, which I think is very important as related to the pending amendment and this entire bill. It will be found on pages 71 and 72 of the hearings on that bill:

Mr. WOODRUM. General, what are we building this force on? On what general policy? What are we going to defend?

General MARSHALL. This plan is entirely devoted to the problems as we visualize them in the Western Hemisphere.

Mr. WOODRUM. The whole Western Hemisphere—not the continental United States?

General MARSHALL. Not the continental United States. We do not visualize any invasion of this country. An air raid or something of that sort is possible but, frankly, at the present moment we do not see it in the offing. But we see all manner of possibilities in the Western Hemisphere.

Mr. WOODRUM. And it is with that idea in view that we are building the forces for the defense of the Western Hemisphere?

General MARSHALL. Yes, sir.

Mr. WOODRUM. For any eventualities?

General MARSHALL. For any eventualities.

Mr. WOODRUM. And this bill will carry that defense forward as rapidly as you think it can be carried forward under existing industrial conditions?

General MARSHALL. Yes, sir.

The CHAIRMAN. That is as far as you think we should go at this time?

General MARSHALL. Yes, sir.

Mr. WOODRUM. Do you look to any necessity for equipment beyond this for Reserves in the future?

General MARSHALL. Yes, sir. If we go to mobilization there will be tremendous additional demands for equipment.

It should therefore be perfectly clear to Members of the Congress and to the people of the United States that here is a statement from the Chief of Staff who has been so generally referred to as being an authority on the question. Here he states unequivocally that it is his opinion there is no danger of invasion or danger of attack on this Nation. He clearly states that the problem they are concerned with is what may happen in the Western Hemisphere and the Western Hemisphere alone. He does not say anything about the Philippine Islands.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I cannot yield.

He does not say anything about the Philippine Islands in his statement. He declares the policy of the War Department in asking for appropriations from this Congress to be involved in the protection of the Western Hemisphere, and he states clearly on the 4th of June, 17 days only before this present bill was introduced in this Congress, that he considered that the requests which he was then making were all the industries of this Nation could take care of, and that it was sufficient to take care of the policy of the War Department as they then had it in mind.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I desire to be heard on this amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DIRKSEN. Mr. Chairman, I ask indulgence for just a moment to submit this question to the members of the Committee. This provision which has been suggested over the country for some months and which interdicts the use of the troops raised pursuant to this act to the Western Hemisphere may be of no great moment after all. The language carried in the bill is that they shall not be employed outside of this hemisphere. Are you unmindful that in 1917 the Congress wrote a statute which said that war vessels, in so many words, shall not when we are a neutral be released or sold to belligerent nations? How quiescent we have passed that thing by. Earlier in the day there was much discussion about this so-called destroyer-naval base deal and its war implications. I am not concerned so much with that because, after all, we may be on rather thin and tenuous ground there. That question involves much opinion.

The question has been raised that it is in contravention of international law. Frankly, I do not know. I am not an international lawyer. But I can read a statute, and after all the tortuous and twisty logic of the Attorney General of the United States the patent fact still remains and there is no publicist, there is no columnist worthy of the name, there is no lawyer worthy of the name, who cares to undertake to support that opinion. So that when all is stripped of its verbiage, we are confronted by a curious admixture of operation by the President of the United States under which he achieved a very desirable objective by what I regard as a very dangerous and unlawful technique.

Surely the Congress of the United States cannot quiescently sit by and see that sort of thing happen without raising its voice in protest, for I say to you now that we either protest at this time the method of procedure or the time for protest in the future will have been foreclosed. Suppose the President of the United States takes this measure and says, "I know there is a prohibition upon the use of the troops raised pursuant to this law, but I will send them outside the Western Hemisphere anyway." That might be a step. It might be coupled with a very desirable objective to help a people who have been threatened by dictatorship. But how are you going to stop it? The precedent was established on the 2d or 3d of September when we were informed after the fact was accomplished. As for myself, any Attorney General who can render so twisty and serpentine an opinion is unfit to hold the office because he is not fit to interpret the statutes and Constitution of the United States. [Applause.]

Then by what virtue can you expect that the language that is so solemnly approved by this body today is going to stop the next step? Frankly, I do not know.

Mr. FISH. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. FISH. I am very glad the gentleman is presenting this argument, because if the President is correct in his contention that he can give away without the consent of the Congress 50 old warships and destroyers, he can give away 50 new ones or by the same token he could give away the entire Navy of the United States without the consent of Congress.

Mr. DIRKSEN. On the 30th of July Arthur Krock wrote in the New York Times, after conference with a Navy official, that this Navy official had told him "We cannot get rid of even a rowboat. It would be unwise to dispose of a single destroyer, even over-age, at this time."

Despite all that, despite the desirable objectives that were achieved, and I think they were desirable, here, however, is a direct contravention of the laws of Congress by the man who is sworn to enforce those laws. When comes the next step? What will the Congress do if it does not protest now? If the President can successfully ignore the plain and unmistakable terms of a statute, on one occasion, what reason has the Congress for believing that it cannot and will not be done on other occasions?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BARTON].

The amendment was rejected.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: Page 15, lines 6 and 7, after the word "possession" strike out the words "who has declared his intention to become a citizen."

Mr. WOLCOTT. Mr. Chairman, this amendment is offered for the purpose of removing a discrimination that must have been put in the bill inadvertently which prohibits the induction of aliens into the service. An alien who comes to this country seeking asylum from the atrocities of totalitarian dictators, seeking protection from political degeneracy and from economic autocracy should at least be willing to fight to protect these principles of government under which he seeks protection. Surely we should not put the citizen youth of this Nation into the ironic position of having to fight to protect those who have fled from socialism, communism, fascism, and nazi-ism in foreign countries. We all know of thousands of youths of this Nation who by reason of some omission or deficiency on the part of their parents are not citizens, yet they cannot be deported. They do not owe allegiance to any foreign government. They owe allegiance to the United States Government. The mere fact that a father has declared his intention to become a citizen should not be the

criterion as to whether that youth should be inducted into the service to fight along with his classmates and the children with whom he has been brought up.

Mr. REED of New York. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from New York.

Mr. REED of New York. I think the gentleman is missing the logic of the situation presented by some of the men in this country. It has been advanced as an argument that it would disrupt the economic structure of the country to take people out of the industrial employment of this Nation. Their places can be filled very probably by aliens.

Mr. ENGEL. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Michigan.

Mr. ENGEL. As a matter of fact, thousands of aliens served in the World War and Congress passed an act which contained a special provision for those alien ex-service men, admitting them to citizenship; is that not true?

Mr. WOLCOTT. That is true. One of the reasons advanced by the proponents of this bill for its passage is that it is a universal selective service bill. Unless we allow these aliens the privilege of being selected to serve for this adopted country of theirs, it is not a universal selective service bill.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I may say to the gentleman that during the World War there were many aliens who did not have to serve on account of their alienship but who did serve and were extremely brave soldiers. Many of them gave their lives for this country.

Mr. WOLCOTT. There are thousands of aliens in this country today who, I believe, would feel somewhat aggrieved and humiliated to think that they could not exercise the prerogatives of citizenship to the extent of protecting this form of government which they have adopted as their own.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from North Carolina.

Mr. COOLEY. During the World War were aliens conscripted or did they volunteer?

Mr. WOLCOTT. Both, I believe.

Mr. COOLEY. Were they conscripted during the World War?

Mr. WOLCOTT. I know we had our concentration camps full of alien enemies. They got them in somehow or other.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from New York.

Mr. MARCANTONIO. What happened during the World War was that when these people appeared for registration at the draft boards they informed the draft boards that they were not citizens, and offered right then and there to volunteer, and they were taken as volunteers.

Mr. WOLCOTT. And the aliens today should have the privilege under this bill to serve in the same manner as the citizen youth of this Nation.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Will we not be ridiculous if we fail to adopt the gentleman's amendment and send word out to the country that Members of this Congress are exempted from the draft, that many millions of aliens are exempted from the draft, including several million late arrivals like the Rothschilds, and that the rich men's sons up to the age of 45 years can enroll in Columbia, Yale, or Harvard and thereby escape the draft? [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I should like to reach an agreement on time on this section and all amendments thereto. I ask unanimous consent that debate on this section and all amendments thereto close in 30 minutes.

Mr. MILLER. Can the Chair tell us how many proposed amendments there are?

The CHAIRMAN. The Chair is unable to tell because the Chair does not recognize amendments sent to the desk. Of course, under the rules of the House, Members must offer amendments from the floor. However, the Chair is informed that there are quite a number of amendments.

Mr. MILLER. I object, then.

Mr. MAY. I hope the gentleman will not object. We have been on this section for an hour.

Mr. MILLER. If the gentleman will yield, I have sat here for 2 days and have taken 2 minutes of the time for debate. I have an amendment that I am offering in good faith.

Mr. MAY. The gentleman ought to be able to get 2 minutes out of 30.

Mr. MILLER. I should like to have 5 minutes, although I may not take it all.

Mr. AUSTIN. Reserving the right to object, I should like to have 5 minutes on this section.

Mr. MAY. I have no objection to the gentleman having 5 minutes.

How many Members want to be heard on this section? Eight Members have arisen. I believe 30 minutes is plenty of time for them.

Mr. HARTER of New York. Reserving the right to object, Mr. Chairman, will the gentleman allow me 5 minutes on my amendment?

Mr. MAY. I cannot say as to that. The Chair controls the time.

Mr. HARTER of New York. Then I object.

Mr. MAY. Then, Mr. Chairman, I move that debate on this section and all amendments thereto close in 30 minutes.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from New York?

Mr. REED of New York. I believe the gentleman will save time if he will be just a little more liberal. We are on a matter now in which we are all vitally interested. Just a little more time will take care of the situation, and we will move along much faster.

Mr. MAY. Mr. Chairman, I withdraw the motion and ask unanimous consent that all debate on this section and all amendments thereto close in 40 minutes.

Mr. MUNDT. Reserving the right to object, Mr. Chairman, I wonder if some arrangement could be made with the chairman of the committee to modify his request in such a manner that anybody with an amendment to propose may be granted at least 5 minutes in which to discuss his amendment. I recall that under an agreement like this at another time many of us found ourselves at the end of the period with amendments to propose but with no time left to discuss them. This is important legislation affecting the entire history of the country, and I believe my request for modification is a reasonable one.

Mr. MAY. Mr. Chairman, I shall make this further statement and see whether or not the gentleman will be satisfied with that. The United States Senate debated this legislation for 3 weeks. It has been under consideration for 15 years in the War Department. It has been studied by congressional committees, to my own knowledge, for 10 years. We considered it for 6 weeks in the committee, and when the hearings were over we voluntarily furnished, without being asked for them, copies of every day's hearings to every Member of the House. Yesterday, we spent 4½ hours on the first amendment. I believe we have delayed long enough.

Mr. MUNDT. That does not take care in any way of a Member who has an amendment to propose.

Mr. MAY. Mr. Chairman, I have asked for 40 minutes, and the Chair can dispose of it.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this section and all amendments thereto close in 40 minutes. Is there objection?

Mr. MICHENER. Reserving the right to object, Mr. Chairman, if you are going to enforce the rules of the House, a Member recognized on an amendment is entitled to 5 minutes unless there is an agreement to the contrary. We have not enforced that rule, and we are not trying to. The Chair knows it is the rule, and we are going to do it that way. Then we will live up to the rules and there will be no 2- or 3-minute speeches.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I demand the regular order, and in order to expedite action, I object.

The CHAIRMAN. Objection is heard.

Mr. WADSWORTH. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I entertain a very considerable sympathy with the sentiments of the gentleman from Michigan [Mr. WOLCOTT], who has introduced an amendment to the effect that the Government of the United States shall conscript the citizens of foreign countries. I think we cannot do it. It may be a pity, but it cannot be done, gentlemen, under our treaties and under international law.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. COOLEY. I asked the question whether aliens were conscripted during the World War or not, and I did not receive a very satisfactory answer.

Mr. WADSWORTH. They were not conscripted.

Mr. MICHENER. Mr. Chairman, will the gentleman yield right there?

Mr. WADSWORTH. Yes.

Mr. MICHENER. Were they not registered, and did they not go unless they claimed exemption? They were compelled, under the law which the gentleman helped draft, to register, but were permitted to claim exemption and avoid going if they so desired.

Mr. WADSWORTH. My understanding of the amendment offered by the gentleman from Michigan [Mr. WOLCOTT] is that he intends to conscript the alien. He said so in his speech, or at least he urged it. Is not that so?

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. WOLCOTT. That is clearly my intention because I am of the opinion that we can do so regardless of any precedent established during the World War. We can at least register them and give them an opportunity to serve. We should not put them up on a shelf as a preferred class.

Mr. WADSWORTH. May I just make a short statement? In the World War we accepted aliens as volunteers. There were men of Italian birth in this country who were aliens at that time. Italy was an ally in the war and instead of going home to Italy to fight for their country, when we went into the war they went into the American Army to help us and to help Italy, and they were volunteers.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I have only a minute.

Let us look at this thing calmly for a moment. If we are to conscript aliens, then American citizens can be conscripted by other governments. We will have to pay both ways for it. I contend it is against treaties and it is against international law to attempt any such thing.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. MARCANTONIO. May I state in regard to the aliens during the World War that what occurred was that the alien had to register and at the time he registered he had the opportunity of claiming exemption as an alien or serving and waiving the exemption—they served. That is the situation that existed.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman.

Mr. EDMISTON. And we are registering them under this bill, under section 2, but we do not draft them.

Mr. WADSWORTH. Yes; and I am protesting against any attempt to conscript them.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. WOLCOTT. I may say to the gentleman that international law is not a matter of written statutes. We are making international law here today and we have a right to establish any precedent we may wish.

Mr. WADSWORTH. That is a very interesting suggestion. I have no doubt it will reverberate down through the ages.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. The distinguished gentleman stated that the pending amendment should not be adopted because it will draft aliens. The present language of paragraph (a) of section 3 on page 15 includes: "Every male citizen, and every male alien residing in the United States or its possessions who has declared his intention to become a citizen, between the ages of 21 and 45" shall be included in the draft. Therefore this bill, as your committee reported it, drafts aliens who have declared their intention to become citizens and excludes aliens who have not declared their intention to become citizens. If we can draft aliens who have declared their intention to become citizens, we can certainly draft aliens who have not declared their intention to become citizens.

Mr. WADSWORTH. May I reply to the gentleman from Wisconsin that when an alien declares his intention to become a citizen, under the regulations and the laws of the United States he thereby is regarded as having separated himself from the country of his birth.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Aliens, whether they have declared their intention or not, are counted for the purpose of congressional apportionment. Indians are not counted for the purpose of congressional apportionment if they are still wards of the Government. In the opinion of the gentleman, will Indians be eligible for registration and conscription here even though they are denied being counted for congressional apportionment.

Mr. WADSWORTH. I have never thought of it in this connection and I cannot answer that question.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

I simply rise, Mr. Chairman, to read from the selective-service regulations issued during the last war with reference to aliens and to alien enemies. First, as to alien enemy, section 79, rule XII (l), reads as follows:

> No alien enemy residing in the United States, whether he has taken out his first papers or not, will be accepted for service. When in the opinion of a local board any person to be classified is an alien enemy, whether he has or has not declared his intention to become a citizen of the United States, or whether he, or some other person in respect of him, has or has not indicated a claim of exemption, he shall be placed in class V.

This was the last deferred class; local boards were held strictly responsible that no alien enemy be placed in any other class.

Concerning aliens, section 79, ruling XII (f), reads as follows:

> A resident alien, not an alien enemy, who has not declared his intention to become a citizen of the United States (shall be placed in the deferred class V unless such nondeclarant has stated in his questionnaire * * * that he does not claim exemption on the ground of his alienage.

Note 3 under this subsection reads as follows:

> Local boards are especially enjoined to scrutinize carefully any claim for exemption of a registrant on the ground of alienage, and, before classifying an alleged alien in class V to satisfy themselves beyond reasonable doubt that the registrant claiming such exemption is not a citizen of the United States and has not declared his intention to become a citizen.

In cases of aliens of allied or cobelligerent countries, like France and England, and where there was a mutual treaty, such English and French aliens were subject to the draft, and likewise Americans in France and England were subject to their military induction. Aliens of neutral countries

where there were no such mutual treaties could not be drafted in this country. Where an alien was the subject of a neutral country, and where such alien had declared his intention to become a citizen and filed an affidavit withdrawing his intention to become a citizen, he was then relieved from military service—see section 79, class V, ruling XII, subdivision L, of the old selective-service regulations.

In conclusion, unless there was a treaty specifying the right to induct into service, no alien nondeclarant could be so inducted into service.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

I ask you not to pay any attention to what the gentleman from New York [Mr. CELLER] has just said; and I will tell you why. [Laughter.] Section 3, paragraph (a), on page 15, provides for the registration of every male American citizen and every alien residing in the United States or its possessions who has declared his intention to become a citizen, between the ages of 21 and 45. Therefore the statement of the foster father of this bill, the distinguished and able gentleman from New York [Mr. WADSWORTH], should not be given any weight, either. [Laughter.]

If we can draft alien declarants we can draft alien nondeclarants who have signified by not declaring, that they do not want to become citizens of the United States, and that all they want is the privileges of the United States. We now have in the United States many million aliens who have not declared their intention of becoming citizens. These include several million recent arrivals like the Rothschilds who are exempt from military training and service under this bill. Are we going to exempt these millions of nondeclarant aliens so that they can take the jobs of our American citizens who will have to enter the military service in peacetime and serve for $21 a month?

The gentleman from New York [Mr. CELLER] quoted the law. He quoted the law which referred to enemy aliens. I agree with him. An enemy alien—that means an alien who owes allegiance to a country with which we are at war—was handled under the law and regulations which he quoted. The quotation of the regulations and law regarding enemy aliens, in order to help many million nondeclarant nonenemy aliens dodge the draft and take the jobs which our American citizens leave when they are drafted into the military service under this bill is nothing but a subterfuge to throw you off the right track.

Let us not send word out to the country that this Congress refused to even register the Members of this Congress under the peacetime compulsory military training legislation which it enacts, although the preamble of this bill declares that the obligations and privileges of peacetime compulsory military training and service should be shared generally and also proposes to draft American citizens between the ages of 21 and 45 and exempt many millions of nondeclarant aliens, including several million recent arrivals, who accept all of the benefits of our democracy, and are not even sufficiently interested to declare their intention to become citizens.

This bill also exempts from the draft all rich men's sons between the ages of 21 and 45 who enroll in Harvard, Yale, Columbia, and other colleges and universities. Under this exemption of the bill all the multimillionaire warmongers' sons between the ages of 21 and 45 have to do to escape the draft is to enroll in those colleges and universities. [Applause.] No wonder Yale, Columbia, and Harvard are sponsoring this Col. Julius Ochs Adler peacetime compulsory military service baby, which has now been adopted by foster parents.

Rich men's sons and the sons of Members of Congress who are going to universities and colleges can escape the draft. So we have Members of Congress exempt from the draft, their sons, and the rich men's sons, and millions of nondeclarant aliens also are exempt from the draft under this bill.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes, I yield.

Miss SUMNER of Illinois. I know that the gentleman, like myself, believes that there is no indispensable man in this country. I hope the gentleman knows that by proposing his amendment to conscript Congressmen he puts himself in the position of saying that in a time of great peril the country can dispense with Congress.

Mr. SCHAFER of Wisconsin. Our New Deal President has so indicated. I have not. I do not propose to induct Members of this Congress into the military services until their present terms expire. The people can elect successors to those Members who are selected and drafted at this November's election.

Miss SUMNER of Illinois. If the people feel they can dispense with sitting Members they can get rid of them in 2 months in the coming election. [Laughter and applause.]

Mr. SCHAFER of Wisconsin. I agree with the gentlewoman. The people will no doubt get rid of many who vote for this bill. They can then get a job in the Army at $21 a month if my amendments are incorporated. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were ayes 54 and noes 101.

Mr WOLCOTT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MAY and Mr. WOLCOTT to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 71, noes 122.

So the amendment was rejected.

Mr. O'TOOLE rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. O'TOOLE. To offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'TOOLE: On page 18, line 6, after the word "assigned", insert a comma and "and upon the completion of their training and service and the receiving of an honorable discharge they shall be paid from the Treasury of the United States the sum of $200 each."

Mr. O'TOOLE. Mr. Chairman, it does not matter if this amendment of mine is passed or defeated by the Committee insofar as the passage of the Burke-Wadsworth bill is concerned. When I came into this Chamber on Tuesday morning I was undecided as to how I would vote on the compulsory military training bill. Now I have definitely decided that I shall vote for its passage. I have not been swayed by the oratory of the members of the Committee or the Members of the House, but I have been swayed to vote for the bill on final passage by the intolerant attitude displayed by the young Communistic and Nazi agitators who have barged, threatened, and acted indecently toward us at every opportunity. [Applause.]

I am fully aware that there are hundreds and thousands of decent, law-abiding and law-respecting Americans who are opposed to this bill. To them I grant every bit of respect and courtesy for I know that they are as interested in the future of this country as is every Member of this House. But, to those Communistic and Nazi spawn-blatting ideas that come direct from the office of the Daily Worker or from the headquarters of the bund and who have always opposed everything that was for the benefit of this Nation or for the perpetuation of American institutions I owe a debt of gratitude for showing me that which was best for my country.

There are some of these anti-Americans in the gallery from my congressional district and I ask them to carry back to the people of my district, who hold the same Communistic and Nazi views as theirs, the message that I voted for this bill and that I intend to fight for the continuance of the United States of America before I will think of my own reelection. [Applause.]

As to the amendment itself, when those men who are called into service are mustered out in most instances they will be without funds. It will take 2, 3, or 4 weeks before they secure reemployment. They will need new clothes, pocket money, and a stake to once again get a start in civilian life. At the end of the World War arrangements were made that those

men receiving honorable discharges would receive $60 which I believe was totally inadequate. So, I hope today that the Committee will see its way clear to vote a lump sum of $200 to these men to give them an opportunity to get on their feet after they have made a sacrifice in serving their country. [Applause.]

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. O'TOOLE. I yield.

Mr. VAN ZANDT. The Veterans of the World War were given only $60, not $200.

Mr. O'TOOLE. Because one group was penalized with only $60 a month does not mean that the men of today should be penalized in the same fashion.

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment merely to say that if we inducted 1,200,000 men, under this amendment it would cost $240,000,000, and this would apply only to the enrollees, it would not include the National Guard or the Regular Army.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AUSTIN: Page 15, line 21, after the word *"Provided,"* insert: "That such inductment shall not be effected until adequate provision shall have been made for the proper housing of the men selected for training and service, the term 'housing' to include such sanitary facilities, adequate water supply, heating and lighting systems, medical care, and hospital accommodations as are in general accepted by the United States Public Health Service as essential to public and personal health: *Provided further."*

Mr. AUSTIN. Mr. Chairman, I wonder if I might venture to ask that the Committee put its attention, instead of upon something more or less theoretical, upon something which is quite real, quite material, and quite tangible.

I expect to vote for this bill, and I expect to vote for it because I consider it a part of the National Defense Plan. The National Defense Plan calls for two very essential elements; one is the machinery of war, and the other is manpower, and it is in regard to this manpower that I am introducing this amendment.

When manpower is taken into consideration it carries with it the fact that we are bringing into the armed service of the United States essentially 1,000,000 men. In the debate of the last two or three days it occurred to me that we have paid particular stress to things other than the consideration of the men who is most particularly involved. We are taking these men from the midst of civilian life and putting them into surroundings and circumstances that are quite foreign to those to which they have been accustomed. We are making a very decided change, not only in their physical but their mental relationships. As I stated yesterday, it occurs to me that this committee and this Congress have a duty to these men. Our duty to them is to prevent anything which may jeopardize their immediate welfare. Their immediate welfare consists of two things—satisfaction of the ordinary creature comforts, and prevention of ill health or disease. I know assurance has been given that every facility along the lines suggested in my amendment will be offered these men at the moment of induction, yet I am prompted to say that I have also heard other assurances given in other lines. The fact that this amendment makes the facilities offered these men at the time of their induction satisfactory and safe, the fact that my amendment makes it mandatory, gives absolutely no loophole; it does not allow the sequences to follow where those in authority say, "We will provide facilities," or the next day, "We may provide," or subsequently, "Ultimately we plan to provide." The mandatory provision of my amendment will in no way slow up the purposes of this bill. Remember, under this bill the men are taken out of civilian life. My amendment does not give them chocolate peppermints immediately upon their arrival in camp, it does not give them plush-lined bathtubs, but it does assure to these men that they will be suitably clothed, suitably fed, suitably housed, and in addition they will have the assurance of medical care and hospital accommodations.

Mr. Chairman, it strikes me that this is a responsibility which we are assuming, an obligation owed by our Government to those men whom we take into service, and I sincerely ask that the House may see fit to adopt this amendment. [Applause.]

Mr. REED of New York. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I feel that the House should turn back the pages of history 20 years and consider a few facts. I mentioned on the floor here the other day about a special committee that was set up to investigate the housing conditions, disease, and epidemics during the last World War, and I want to read a little testimony that may be of interest to you. Here was the examination by this committee with reference to one of our camps in this country, and I refer to Camp Sherman. I could take other camps where you would find the same history.

I quote the following from the testimony of Joseph E. Poole, Chillicothe, Ohio, which testimony is supported by a number of witnesses, and not a word of which testimony has ever been denied or any attempt made to controvert it:

Mr. MCCULLOCH. You say to this committee that while those soldier boys were sick in those wards suffering from the cold——

Mr. POOLE. Actually pinched blue; their lips were blue; their fingernails blue.

Mr. MCCULLOCH. That while they were in that condition, these steam fitters who were charged with the responsibility and the work of getting heat to those boys were shooting craps?

Mr. POOLE. Shooting crap.

Mr. MCCULLOCH. And idling their time away?

Mr. POOLE. Yes, sir.

Mr. MCCULLOCH. While those boys were suffering?

Mr. POOLE. That is the most harrowing feature of it. We could overlook the cost and the waste, or I could, at least, if we could eliminate the suffering that those boys endured there. The nurses and the doctors did the best they could for them, under the circumstances. They distributed little oil stoves around, which in zero weather wasn't much.

Mr. MCCULLOCH. How were the doctors going; how were they clad?

Mr. POOLE. They had on sheepskin-lined coats and the nurses had furs all muffled up.

Mr. MCCULLOCH. And yet those boys were in there without any heat?

Mr. POOLE. Without any heat.

Mr. MCCULLOCH. In rooms where the nurses had to go with their furs on and the doctors with fur-lined overcoats?

Mr. POOLE. Yes, sir.

Mr. MCCULLOCH. And during all this time, now, you say that these steam fitters were gambling and idling their time away?

Mr. POOLE. Yes; they were.

Capt. William J. Say, of the Medical Corps, who was assigned to duty at the base hospital, Camp Sherman, wrote a letter to the chairman of our committee from St. Louis on November 4, 1919, in which he said:

What Joseph Poole says about the nurses and physicians wearing overcoats in the wards is true.

The suffering and inconvenience of the officers in their quarters was worse than in the wards. New officers' quarters were erected in the early spring, and 10 steam fitters worked in the building from early morning until late in the evening from spring until the following winter killing time. They played cards and billiards occasionally, but generally when the medical officers were about they would be putting up or taking down the same pipe over and over again—one or two men doing the work and the others looking on. When winter came we had to use coal-oil stoves nearly up to Christmas.

Joseph Poole furnished the committee the following telegram from Christian R. Holmes, major, Medical Corps:

I am sick at the Post Graduate Hospital in New York, but cannot refrain from congratulating you on revealing the truth before the congressional committee about the criminal conduct of the steam fitters and others at the base hospital.

Mr. Chairman, we cannot afford to go through this tragedy again. It is not fair. We all know, from the testimony taken at that time, what our boys went through. We know we lost from 125,000 to 140,000 in these camps, and, as one gentleman pointed out, some 1,300 of the National Guard alone died of dysentery down in his own State, and he is friendly to this legislation.

Let us be sensible about this thing. We are dealing with the most precious possession of the parents of this country. They are perfectly willing to lay down their sons upon the altar of the country in its hour of need, but we cannot crucify these youngsters by our indifference. I remember some of the tragedies. We had assurances they were going to be taken care of. We had the assurances that these boys were going over to end all wars. Think of it.

Mr. Chairman, I have not forgotten the scene in New York City when the mothers went down there to receive these boys coming back, watching them as they came down the gangplank, each mother wondering whether her boy was the same as when he went away. I remember one scene of a little mother and when her boy did not come down the gangplank she realized then he was gone. She was seen to lift her eyes to Old Glory, floating at the mast, and through her tears she was heard to say, "Thank God, my sacrifice has not been in vain."

Poor deluded woman. Here we are preparing for war again. Let us not be guilty, through our indifference here and through politics, of sacrificing the lives of these boys to whom we owe a great obligation.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. I just want to quote from a letter written by General Marshall to the Honorable MORRIS SHEPPARD, of the Senate, in which he stated that barracks should be available by January 1 for approximately 500,000 men. He goes on to say that on the basis of 5 men per tent a total of approximately 600,000 men can be accommodated in tents, which means many of these young men will be taken from their homes and housed in tents. Certainly many will be stricken with colds resulting in influenza and other diseases, and so forth.

Mr. REED of New York. Mr. Chairman, we have appropriated all kinds of money. I invite you to go down to the camp in Virginia and see the palatial housing, the swimming pools, and all the luxuries of life down there. Now, these boys are entitled to just as good places to live, when we have spent millions to give others these palatial homes.

Mr. MAY. Will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Kentucky.

Mr. MAY. Will the gentleman explain to the House what it was that took away 18 to 20 businessmen from the best homes in my town and in his town all over the country.

Mr. REED of New York. Certainly.

Mr. MAY. Was that lack of housing facilities?

Mr. REED of New York. It was not, but is that any reason why, when we are doing this job, we should not do it right? Is there not more danger of epidemics where they are herded together under insanitary conditions? Answer that question. [Applause.]

[Here the gavel fell.]

Mr. EDMISTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut [Mr. AUSTIN].

Mr. Chairman, I am heartily in favor of all the objectives that my friend from Connecticut is trying to achieve by his amendment, but I do want to call the attention of the Members of the House to the fact that we are not now drafting these men in time of war. These men are being drafted in peacetime for training purposes to prevent our getting into war. I grant there were poor facilities in a great many camps in 1917, but that condition does not apply now. I believe that the Surgeon General of the Army, before calling these men and detailing them to camps, will see that they have adequate housing, clothing, hospital facilities, food, and the other necessities that we all want them to have.

Mr. AUSTIN. Will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from Connecticut.

Mr. AUSTIN. Let me ask the gentleman if he would not feel much better on the passage of this bill if he knew that what he wanted and what I wanted for the adequate protection of these men was certain instead of "perhaps."

Would you not prefer to have it mandatory that it be done, instead of taking the assurance of anybody, even of me?

Mr. EDMISTON. I will answer the gentleman by saying that I am personally very confident that the Surgeon General will see that it is done. The gentleman's amendment, as I understand it, places the inspection of camps under the United States Public Health Service, and takes it out from under the Surgeon General and the Army Medical Corps. We know that under the stress of war in the past it was not always done. On this floor earlier in the day some gentleman quoted the deaths per thousand of men from influenza in the Army during the World War. I do not have the figures, but my guess is that the number per thousand of civilian inhabitants who died of influenza in 1917 and 1918 was greater than it was in the Army and Navy.

Mr. HARTER of New York. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from New York.

Mr. HARTER of New York. Concerning the quarters in the various camps, I hold in my hand a news item of September 3 which states that in regard to the National Guard that is being called from my home city of Buffalo to Camp Dix on that day, September 3—and they are already called, mind you—the department down here got around to letting a contract for improving that camp totaling $5,500,000. Then the item goes on to say that they will be weeks without accommodations.

Mr. EDMISTON. They have accommodations at Camp Dix right now to take care of all the National Guard that has been called.

Mr. HARTER of New York. Five million five hundred thousand dollars is the amount of the contract.

Mr. EDMISTON. That is for trainees in the future. One thing I believe the great majority of the Members of the House miss in this legislation is that the draftees are not going to be put into camps by themselves as they were in the World War. They are going to be put with outfits of the Regular Army and the National Guard. There is no distinction. We have no more National Army, it is all the armed forces of the United States. These men go in to build up and strengthen the existing units of the Army and the National Guard. They do not go to camp by themselves, they go into existing camps with the Regulars and the National Guard.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Why does not the gentleman accept the amendment? It will take a very short time to put up buildings for these men. I wish the gentleman would accept it. It will make employment and will take care of the men satisfactorily.

Mr. EDMISTON. We are building these buildings, I will say to the gentlewoman from Massachusetts, just as fast as we can, and we will not call the men until we have places in which to put them.

Mrs. ROGERS of Massachusetts. Let us put it in the bill, if the gentleman claims that to be true.

Mr. EDIMSTON. I do claim that to be true. The Surgeon General of the Army and the Army Medical Corps assures Congress that he will inspect these facilities well before he allows the men to be put into them. We have adequate and excellent facilities that have been constructed under the P. W. A. and W. P. A. in the past 5 or 6 years to house many more men than are on most of the posts of the Regular Army at the present time.

Mrs. ROGERS of Massachusetts. I know the gentleman is interested in the veterans. Why not put this provision in the bill? I am sure it will not delay the training of the men. Just accept it.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I wonder if we can now reach an agreement as to time. I ask unanimous consent that all debate on this section and all amendments thereto close in 30 minutes. This would mean an hour and a half from the time I originally submitted such a request.

Mr. BULWINKLE. I object, Mr. Chairman.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise in support of this amendment. How anyone can read the record of the other war and stand up here today and refuse to support this amendment is difficult for me to understand. We entered the war in April 1917. In January 1918 an investigation was made of the conditions in the various cantonments in the country. It is of record, I believe, in such a manner that it cannot and will not be denied by anyone who has gone over it that the conditions at that time were exceedingly deplorable. I do not know whether it was correct as the then surgeon general, I understand, stated that most of the deaths from influenza in the Army might have been prevented. I saw some of the conditions in Camp Sherman during the influenza epidemic. Let me say that I saw conditions there which I believe did have much bearing upon the deaths of many men, which deaths would not have taken place had there been better facilities for housing, sanitation, medical care, and so forth.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I cannot yield at the present time.

Newton Baker, the then Secretary of War, gave out definite information to the effect there were no shortages of equipment and supplies in the camps. It was brought out by Senator Chamberlain that that was not true, and Secretary Baker later admitted this.

Let me refer to but one of the many situations which were common, as reported by General Gorgas. Here is what he said about Camp Sevier, S. C.:

> Sanitary conditions here are serious. Sixty men died of pneumonia in the past month. The camp has been exposed to a general epidemic of measles, about 2,000 cases having occurred within the last month. During this same period they have had 175 cases of pneumonia and 15 cases of meningitis. The new conscripts of this command are men who are nonimmune to measles. They come from the neighboring Southern States where population is scarce and, therefore, have not had measles in childhood. Always, with measles, a certain number of cases of pneumonia occur. The mortality of pneumonia from any cause is high.

Now, I charge that because of the failure of the Congress and the War Department to adequately supply the men in the camps, a great many of those deaths took place. It was then as it is now. Hurry, hurry, hurry. More men were mustered into the service than could be adequately supplied with even the necessaries of life. There is great danger this experience may be repeated. This should not be. It is wholly unnecessary. It will be a crime if it should occur. I earnestly urge all Members to support this amendment.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 30 minutes.

The question was taken; and on a division (demanded by Mr. MUNDT) there were—ayes 103, noes 45.

So the motion was agreed to.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in favor of the pending amendment and move to strike out the last four words.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I earnestly hope that this amendment will be adopted. It seems to me it is an extremely practical amendment, as well as a humane one. I happen to have made a report regarding the care of men in France and England in 1917. I happen to be one of the ones who saw Secretary of War Baker regarding conditions at the Walter Reed Hospital in 1918 and as long as he was Secretary of War—after my first complaint—he asked me to continue to make suggestions and criticism. One of the things I reported was that there were no screens in the hospital. That condition was remedied. Imagine men suffering with infectious diseases bitten by flies and those flies carrying the infection to other persons in the hospital. I will say that the care of the men in the Army has improved tremendously since 1918, and today the death rate of the Army is much lower than that of the civilian population. There was a flu epidemic, and I helped in the pneumonia-flu ward, the worst ward in the hospital, and we lost a great many men then. I have no criticism of the care the patients received at that time. The flu was a very virulent type, and doctors and nurses were taken ill. They worked far beyond their strength. In the camps where there were no nurses or doctors the situation was extremely bad.

It does not seem to me we can take a chance at the present time in not having sufficient facilities to keep these men well; to keep them well, if you will, to protect us. It just does not seem common sense not to adopt this amendment. I believe with proper care, military training is very beneficial. I am sure our very able Chief of Staff, General Marshall, will do everything in his power to have that care given. I am a firm advocate of military training.

We should have an adequate staff of nurses, an adequate staff of doctors. I am sure the progress of the induction of these men into the service would not be delayed by this, because the buildings could be constructed very quickly. Billions of dollars have been appropriated. There is the money, there are millions of unemployed, and those buildings could be constructed very easily. I have visited a great many Army posts and National Guard encampments.

I have an Army post in my own district. I followed that post and other posts and camps during their construction during the war, also keeping track of the men in and out of camps and in and out of the hospitals. I know that these buildings can go up extremely quickly and I can see no logical reason why this amendment should not be adopted. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. AUSTIN].

The question was taken; and on a division (demanded by Mr. MAY), there were—ayes 93, noes 61.

Mr. EDMISTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MAY and Mr. AUSTIN.

The Committee again divided; and the tellers reported that there were—ayes 115, noes 95.

So the amendment was agreed to.

Mr. HARTER of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HARTER of New York: Section 3 (b), page 17, at the end of line 10, strike out the period and insert "*Provided further*, That the first 3 months of training of any man inducted into service under the provisions of this act shall be insofar as practicable, given at armories nearest his home, taking into consideration National Guard facilities available for such use in the several States, Territories, and the District of Columbia."

Mr. HARTER of New York. Mr. Chairman, this is the amendment I have been trying to get recognition on all the afternoon, and I do thank the Committee for allowing us 30 minutes so we can at last get at least 5 minutes.

This amendment, as you can clearly see, naturally follows the amendment of the gentleman from Connecticut. The purpose of the amendment, of course, is this: These men are being taken out of their homes and immediately transplanted into a camp miles away, camps now without proper and adequate facilities. This amendment calls for utilizing the armories which are vacated by the National Guard. The boys enrolled under this act can, if this amendment is adopted, be trained in their home localities and get used to the service, get physically hardened and used to the life without loss of benefit by the Government, as their primary training can be obtained in well-appointed armories to better advantage than at unfinished camps. During the last week or 10 days an Army officer of high rank told me that not only the health of the trainee would benefit from such an introduction to training, but his morale would be at high pitch when sent to camp at the end of 90 days of intensive home training. In such a way the men would get acquainted with the routine while they yet were about the environment they were used to. This officer pointed to the

fact that such method of primary training gives an opportunity for a real intelligent unhurried approach to military life and service and would cut down the number of absent without leaves among the new men.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. COOLEY. How would the gentleman provide for housing, feeding, and caring for these soldiers during the period of 90 days?

Mr. HARTER of New York. I will try to reach that in a moment and I will bear that in mind.

This officer told me of his experience and, of course, I knew of my slight experience also, of being dumped into camp at 2 o'clock in the morning and given a bag and told to go out and fill it with straw from a straw pile. That was my mattress for my bed and, incidentally, that was done in the rain.

Is it little wonder that young fellows suddenly taken away from their homes do have a hard time getting acclimated to army life?

The gentleman asks how we will provide shelter? That is where the armories come in. The armories are subject to the control of the States or the local communities in some instances. Under the National Guard laws, as the gentleman no doubt knows, the armories are furnished for the use of the National Guard by arrangement with the Federal Government. They are in the several communities at the present time, unoccupied, with all the facilities. They have kitchens, if you please. They have all toilet facilities and would give these young men a chance for a real shelter where it is dry and warm to start in their service for Uncle Sam. There is no question of there being plenty of armories available. I have been advised there are 2,000 scattered throughout the United States, ample in number, and truly adequate.

Mr. COOLEY. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. COOLEY. It occurs to me it might be a good idea to utilize the armories which are now unoccupied, as the gentleman says. In North Carolina on September 16 all of the National Guard will move out of the State. We have some very fine armories which could be utilized, but I am wondering if they have such facilities as would meet the minimum requirements from the standpoint of housing.

Mr. HARTER of New York. I am told that they have the facilities.

Mr. WADSWORTH. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. WADSWORTH. The gentleman understands, however, in the State of New York that when the National Guard goes out the State is to form another guard which will occupy those same armories.

Mr. HARTER of New York. I understand that we contemplate a home guard in New York State. I understand they are not going to be there 24 hours a day or 7 days a week. I understand that those men are not going to be taken from their work. They will be the men who are going to be at home to take care of the home guard and still take care of their jobs. So I am very sure that these boys who are taken into service could well be trained and accommodated for 3 months in the armories where the National Guard has trained. In the sincere effort to perfect this bill, economize for the Federal Government, and give the new service-men a better start, I hope this amendment will be adopted. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HARTER].

The amendment was rejected.

Mr. MUNDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MUNDT: On page 16, line 6, after the words "limits of the", strike out the remaining words down to and including the words "Philippine Islands", in line 8, and insert "continental United States or its Territories and possessions, without the specific authorization of Congress except it be to repel or pursue actual invaders of the United States or its Territories and possessions."

Mr. MUNDT. Mr. Chairman, I want to repeat in the language of consecutive diction just what this amendment involves, because, as read, with the insertions and deletions it was a little hard to comprehend.

This amendment applies to the lines on page 16 having to do with the disposition which would be made of these armed forces if this bill becomes law. Under my amendment it limits the use of the forces inducted under this act to the continental United States or its Territories and possessions, without specific authorization of Congress, except it be to repel or pursue invaders of the United States, its Territories or possessions.

I think this amendment goes to the core of what we have in mind in this entire act. This matter came before us in another way when we were discussing the National Guard bill. It seemed to be the general consensus of opinion then that these boys, being brought in for training under the guise of an emergency, should not be sent any place at the discretion of the Executive, whoever he might be, from the Arctic to the Antarctic. Then somebody brought up the rather valid argument when we discussed the National Guard bill that if some Mexican bandit should come over the Rio Grande it would be only logical that our troops should be permitted to pursue him across the Rio Grande in order to capture him or repel him.

My amendment says if there be actual invasion of the United States, its Territories or possessions, then, without any authorization from Congress, the armed forces shall be permitted to pursue or repel those invaders. This means that if we adopt this amendment we shall not be sending these trainees, these men and boys inducted into the armed service under the guise of an emergency, into foreign lands without our knowledge and consent to quell a rebellion in Brazil or by sending them down to the tip of Argentina because somebody has an idea that some mischief is going to break out there.

We very wisely passed an amendment to protect the lives and health of the boys in camps in the United States. I ask you by what rhyme or reason will there be any validity or any worthwhileness in that amendment unless we prevent those boys from being sent down into the malaria swamps of South America and other places where new diseases and new climates can pyramid upon them and destroy their health?

Mr. O'CONNOR. Will the gentleman yield?

Mr. MUNDT. I yield.

Mr. O'CONNOR. Is it not true that this bill has been referred to by nearly all the newspapers and the protagonists of the bill as a training bill?

Mr. MUNDT. That is correct.

Mr. O'CONNOR. Has not the President of the United States made the statement that the reason he wanted this bill passed was because men were soft and needed the training?

Mr. MUNDT. That is correct. My amendment brings the context of the bill into harmony with the label on the bill.

It makes it, if you please, a real training bill and retains complete congressional control over the services with which the men inducted under this act are charged.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. MUNDT. First, I want to ask the gentleman if he voted to close debate or not?

Mr. EDMISTON. I think I did.

Mr. MUNDT. I will yield to the gentleman anyhow, but I should not after he helped deprive Members of their right to free and open debate.

Mr. EDMISTON. I thank the gentleman. The very training program is to put these men in with the National Guard and Regular Army units. Then if you had to send a Regular Army unit down into Mexico, you would have to dissolve the whole outfit to take out the draftees and make up a new unit before you sent them.

Mr. MUNDT. I think the gentleman will agree that we should not put these men into units where they might have to be sent into Mexico, to South America, or other parts of

the hemisphere. These men would not be sufficiently trained. It has been testified that it takes 3 or 4 years completely to train a good soldier. Let us not be sending the young men to be trained under this program to such places. Fighting in South America is no job for raw recruits just learning the art of soldiering.

Mr. EDMISTON. And the gentleman's amendment provides they cannot be sent without the consent of Congress.

Mr. MUNDT. That is correct. Congress should be the only one to send them. This amendment is nothing but an effort to recapture some of the power that Congress has been so carelessly distributing all over the lot and delegating to the gentleman at the other end of Pennsylvania Avenue.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MUNDT. I yield.

Mr. ARENDS. Under the gentleman's amendment, do these trainees have to go to the bases we are acquiring from Great Britain in these various islands in the Caribbean?

Mr. MUNDT. Only to the possessions of the United States and its Territories except by authorization of Congress. Remember, this leaves with the Congress all the power it has always had. It simply prevents the President from sending these trainees into danger spots in South America to take sides in or referee local rebellions, or even to take training under detrimental health conditions down there until and unless authorized to do so by Congress.

Some gentlemen may argue that this will weaken our power to defend the Monroe Doctrine or to protect the Panama Canal. It will no nothing of the sort. We have a professional army for such purposes, and we have been told repeatedly that the men enlisted in the Army under this act are being brought in for training for a 1-year period. Should some emergency develop in the Western Hemisphere outside the boundaries of the United States and its possessions, Congress retains its power of decision. Congress retains the authority to legalize the sending of these trainees to South America should it decide such a course wise or necessary. This is a prerogative belonging to Congress which this body should not relinquish to any President, and perhaps more particularly Mr. Roosevelt.

Many of us in this body, I hope by far the majority of us, are interested in this legislation only as it might help protect and preserve the peace of the United States. We do not want any legislation which might in any way point toward war. We want this measure to safeguard this country and its possessions and not to become a vehicle for practicing power politics in South America or bracing up dollar diplomacy with American soldiers in foreign lands. The adoption of my amendment will assure the fact that these trainees will not be used away from American soil unless authorized by action of Congress. Surely this House which has unhappily delegated so much of its power to the President by previous acts of capitulation does not want to run the risk of delegating, now, what might actually be tantamount to the power to involve the United States in war by executive caprice or action.

I submit that we should perfect this legislation so as to insure its being used to train soldiers and to develop man power for our own defense and not permit it to be diverted to a use which might make these men part of an American police force to patrol South America under executive direction. Such a use of these men would not promote good neighborliness with South America, and it would not promote confidence and good will at home. Should the time come when we need American soldiers in South America we shall be dangerously close to actual warfare—under such conditions, Congress alone should decide whether the situation justifies the sending of trainees to do service beyond the territorial possessions of the United States. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment, but I will not take all of the 5 minutes.

The CHAIRMAN. The Chair asks the gentleman from Kentucky, and the Members to indulge the Chair to say that by a motion adopted by the Committee, debate was limited. The names of only two or three Members desiring to speak have been furnished the Chair. And may the Chair also say that the gentlewoman from Massachusetts graciously yielded back 2 minutes of the time allotted to her.

Mr. MAY. Mr. Chairman, the Congress has already voted a resolution practically unanimously establishing the obligation of the United States to defend the Monroe Doctrine, and that includes the Western Hemisphere. The Congress has already passed the National Guard bill that authorizes their use anywhere within the Western Hemisphere, including the Philippine Islands. This amendment if adopted would prohibit the use or training of any of these trainees anywhere outside of continental United States. In addition to that it would require another assembly and meeting of the Congress before they could be sent anywhere. I, therefore, oppose the amendment.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Georgia.

Mr. COX. Mr. Chairman, disclaiming any intention of giving offense to any person, but with reference to many of the amendments that have been offered and acted upon by this committee today I would like to make the observation that this is a hell of a time to demagogue. Let us adjourn politics and do business.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for 2 minutes.

Mr. FISH. Mr. Chairman, I rise in support of this so-called demagogic amendment which raises a vital question regarding the constitutional powers of the Congress of the United States.

All this amendment does is to restore to Congress the power to declare war that is taken away by this bill. The Congress of the United States alone is the sole authority to declare war. This bill gives the President of the United States the power to send 100,000 draftees or 800,000 draftees 7,000 miles to Argentina whether the Argentine Government wants us there or not. It undermines and virtually destroys the one great power that is left in the hands of Congress which we have refused to delegate away. It is the only power the Executive has not been able to get away from us. It gives the President the power to send 800,000 draftees to Brazil, Argentina, or to other South and Central American countries that may not want us, and without the consent of Congress. The amendment raises an important constitutional question.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am sorry, but I have not the time.

This amendment restores to Congress its own rights and constitutional power and says that without the consent of Congress none of these draftees can be sent outside of the continental limits of the United States or its possessions. Certainly there is nothing demagogic about that, as it raises the highest constitutional prerogative of the House of Representatives, the power to declare war. If you take that away and give it to the President—and it makes no difference whether he is a Republican or Democrat as there is no partisan politics in it—the right to send these draftees, or our Army, to foreign countries, you take away the most important constitutional power of the House of Representatives—that to declare war.

[Here the gavel fell.]

Mr. COLMER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I regard this as a very serious amendment, and I must confess that I regard this whole proceeding as a rather serious consideration. I am just wondering whether all the levity that has been engaged in in the House on this legislation has been justified or will meet with the approval of the people of the country who are very much concerned over this legislation.

There have been a considerable number of amendments of a political nature offered. Obviously the purpose of these amendments is to provide a political storm cellar in which the Members can hide. I submit to you in all seriousness and fervor that there should be no politics involved in a matter of the gravity of this one. I find no fault with those who honestly and conscientiously are opposed to the legislation on the

theory that it is not needed, but of one proposition we may be sure, we either need it or we do not need it, there is no middle ground. Frankly, I do not know whether we need it or not. We may not. But, so far as I am concerned, in the light of what has happened in the Old World in the past year I am unwilling to gamble with the future of this country.

To adopt this amendment, after the Congress appropriated billions of dollars for defense almost without a dissenting vote, is to be inconsistent, to say the least.

Mr. MARCANTONIO. I did not agree to it.

Mr. COLMER. Yes; I want to say to the credit of the gentleman from New York [Mr. MARCANTONIO], that he has been consistent in this thing all the way through, and I expect him to oppose it.

But how you gentlemen on this side, as well as those on the other side, who have consistently voted for these billions of dollars for national defense, who have reaffirmed the Monroe Doctrine, can treat this thing like a side show, is beyond my understanding. We are going to call out these men for training purposes. Sure; they are going to be trained. They are not going to be sent to South America for training. You are training to use them in South America, if necessary, and that is what you said when you reaffirmed the Monroe Doctrine. There has been much levity engaged in here, and if I may, I am going to engage in just a little bit at this time.

To adopt this amendment by this serious group of Representatives of 130,000,000 people who are viewing this thing seriously to me would be like the organization of the Bingville Riflemen. I do not know whether you ever heard of them or not. The Bingville Riflemen were organized and incorporated under two heads: First, *"Be it resolved,* That the name of this organization shall be the Bingville Riflemen"; and the second head of incorporation was: *"Be it further resolved,* That, in case of hostilities, this organization shall immediately disband." [Applause.]

It seems to me that you want to organize an army, but you want to keep it in your own back yard.

[Cries of "Why not?"]

Mr. COLMER. All right, why not? Why did you vote the other day to reaffirm the Monroe Doctrine, at which time you said you would defend the Monroe Doctrine?

I am not any more war-minded than you are. I am not any more war-minded than any of you on this proposition, but I want to say that this is a very serious proposal. I am not going to refer to anybody as practicing demagogy, but I do think the people of this country expect us to either pass this legislation because we need it or defeat the legislation because we do not need it. Let us not have any half-way proposition about it. I repeat, we either need the legislation or we do not need it. [Applause.]

[Here the gavel fell.]

Mr. THOMASON. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I am not going to be subject to the charge of levity or demagogy; neither am I going to engage in any personalities, because I am not given to that. In view of the fact that bombs are now falling on the lawmaking body in London, I shall not be surprised if the people back home drop some verbal bombs on this body if we do not yet busy. This is one of the most important amendments yet proposed to the pending bill. On its face it sounds fine, but when you analyze it from a practical viewpoint, it just will not work.

The Panama Canal is the most strategic point in our national defense, and as I undertook to say on a similar amendment to the National Guard bill, if some of these trainees should be sent down to the Panama Canal, which is not unlikely, and the Regular troops are there and also some of the National Guard and also some of the men drafted under this bill and some trouble arises on or just across the line, the commanding officer would have to stop and divide up his forces. The Regulars and National Guard would proceed, and these new men would be left behind. You cannot have an effective army that way. We cannot use two kinds of men in the same army.

I will go further than that. I happen to live on the Mexican border in the city of El Paso. I was there when Pershing went into Mexico. I am able to visualize a serious situation that might develop if this amendment should be adopted. Do not forget that subversive activities are at work in Mexico and South America. You do not have to do very much guesswork about what might happen along border lines if you just read the newspapers. Suppose a serious situation immediately arises in Mexico and it becomes necessary that prompt action be taken by our Army now stationed at Fort Bliss. General Joyce would take his men to the border, but before he could cross with them he would be compelled under this amendment to stand aside all trainees under this bill. We cannot build up an efficient army by any such procedure. It is time for us to quit temporizing.

That is exactly what would happen and that is what we would face if we had to meet a serious and sudden crisis. The Commander in Chief, who is the President of the United States, has said the chances are 100 to 1 that none of these trainees will be trained outside this country. We must have confidence in our President, Secretaries of War and Navy, and the Chief of Staff, all of whom are patriotic men. There is little likelihood any of these men will be sent out of this country unless some tremendous emergency should happen. If that should occur we will stop at nothing to win our cause.

We must be prepared to defend our borders and, if necessary, all the Western Hemisphere. This House by a nearly unanimous vote reaffirmed the Monroe Doctrine, and we are committed to that policy, regardless of the cost. This is no time to take chances.

Mr. BOLLES. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Wisconsin.

Mr. BOLLES. Is the gentleman familiar with the terrain of Panama?

Mr. THOMASON. Yes; I have been down there a couple of times. I was there last fall as the guest of my good friend, General Lear, and made a very careful investigation of all our military defenses.

Mr. BOLLES. Does not the gentleman know that outside of the Canal Zone a rattlesnake could not get through the jungle?

Mr. THOMASON. I do not enjoy a close personal acquaintance with rattlesnakes, and I am sorry I must leave that to the gentleman from Wisconsin, who is far more familiar with the subject.

Mr. BOLLES. Where is the border and what have we got to do with that?

Mr. COSTELLO. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. COSTELLO. Is it not a fact that the United States Government has at least two airfields located outside the territory of the Canal Zone?

Mr. THOMASON. Certainly. We cannot gamble on this thing. If there is no crisis in Europe, there is no need for this legislation. If there is a crisis, I propose that we have the best Army in the world. An Army, Navy, and Air Corps that is not good enough to win is the same as no army. It is time for us to cut out cheap politics, such as the Republicans are playing and get down to business. This amendment should be defeated. As for me, I am going the limit to provide an adequate Army, and to do it now. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Committee will indulge this statement by the Chair.

Unable to reach an agreement, the Committee decided by a vote to limit debate on this section to 30 minutes. The Chair has been advised by various Members that they have amendments at the desk on which they desire recognition. There remains 4½ minutes of the 30 minutes. There is no discretion in the Chair with respect to recognition under the motion adopted by the Committee.

The question is on the amendment offered by the gentleman from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. Chairman, I ask unanimous consent that the amendment be again read, because it has been misinterpreted by some of the speakers.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from South Dakota.

There was no objection.

The Clerk again read the Mundt amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. MUNDT) there were—ayes 70, noes 118.

So the amendment was rejected.

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: On page 17, line 13, after the words "United States", insert a period in place of the comma and strike out all language up to the word *"Provided"* in line 18.

Mr. ALEXANDER. Mr. Chairman, do you know that under the terms of this bill in subdivision (c) on page 17, if you leave this 10-year clause in there, you are providing that you will take 6,000,000 young men in America and keep them under military rule and dictatorship from now until May 16, 1956? Do you want to do that, or does this mean you expect this war to continue for 16 years? Do you want to take them out of the usual pursuits of their lives and keep them in such a state of uncertainty that they cannot do anything because they will be tied up under the terms of this bill until May 16, 1956? I do not believe this emergency will last that long, and I can see no sense in this provision carrying the draft bill for 16 years. If you will read this bill, you will find I am correct in this assertion. Do you want to fasten the tremendous burden that this is going to mean on the Government, the Nation, and the taxpayers of this Nation, the burden of keeping 6,000,000 young men or old men as they will be by 1956, or middle-aged men of this Nation out of the usual pursuits of their lives for a period of 15 years and 8 months, as you are now providing? I hope you will support this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN (Mr. WARREN). The question is on the amendment offered by the gentleman from Minnesota [Mr. ALEXANDER].

The question was taken; and on a division (demanded by Mr. ALEXANDER) there were—ayes 14, noes 108.

So the amendment was rejected.

Mr. SCHWERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHWERT: On page 18, line 11, after the period, insert: "Men in training and service, as provided for in this section, forced by reasons beyond their control to take leave, absence, or furlough, shall be carried to and from places to which they may be called at the rate of 1 cent per mile."

Mr. SCHWERT. Mr. Chairman, my amendment simply asks for the same treatment of the men who are inducted into service under this so-called draft bill as was provided during the World War. Inasmuch as there is so little time left for me to explain this amendment, may I take myself as an illustration. If I were drafted and sent to a camp, and while serving my period in camp as a trainee there was a death in my family, I contend that I should not be forced to pay the full railroad fare home because of that death in the family but that I should be carried, as were the boys during the World War, on the railroads at the rate of 1 cent per mile. These men are not in camp on their own volition, as is the case with volunteer soldiers; they are taken by our Government for training purposes, and if called home or any other place by necessity or by reasons beyond their control, they should have the right, I believe, to travel to and from that place at the rate of 1 cent a mile.

I trust this amendment will receive your approval. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHWERT].

The amendment was rejected.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: On page 17, line 25, after the word "peace", strike out the period and insert a colon and the following: *"Provided further,* That except for the purposes of training which is specifically authorized by law, none of the men selected for training under this act shall, after their training period of 12 consecutive months, be called into active duty in the armed forces of the United States unless such action is specifically authorized by the Congress."

Mr. VOORHIS of California. Mr. Chairman, by 1945, if this bill is passed in substantially its present form, there will be 5,000,000 men subject to call in the armed forces. Either this amendment of mine is one of very great importance, or it is not important at all and ought to be withdrawn. My purpose in offering it is to ask a very important question. I want to know from the Members of the Committee whether these men, after they are in the Reserve components, can or cannot be called into active service in the armed forces without authorization by the Congress.

Mr. EDMISTON. The Congress would have to appropriate the money.

Mr. VOORHIS of California. No; I want to know whether the Congress has to authorize their being called into service or whether they can be called up by the Executive without any action on the part of Congress.

Mr. EDMISTON. They can be called during the 10-year period, but the Congress would have to appropriate the money.

Mr. VOORHIS of California. They can be called into service?

Mr. FADDIS. They can be called up for refresher training.

Mr. VOORHIS of California. Is there a difference between refresher training and active service?

Mr. FADDIS. Yes.

Mr. VOORHIS of California. My amendment excepts the periods of training.

Mr. SMITH of Connecticut. They can be called under the same provisions as now apply to the Reserve components.

Mr. VOORHIS of California. What are they?

Mr. SMITH of Connecticut. Except for the National Guard, whose service, under the National Guard bill we passed, may be for a year or longer if the Congress shall so decide, the provision is not longer than 15 days in any year without their consent.

Mr. VOORHIS of California. The National Guard bill is a piece of specific legislation and specifically lets them be called up; and I want to know whether the draftees under this bill can be called up generally at any time over a period of 10 years without any action on the part of Congress. If they can, then this is a grant of almost unlimited power. I should like an answer to my question.

Mr. WADSWORTH. They cannot.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. VOORHIS].

The amendment was rejected.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 18, strike out subsection (d) of section 3 and insert the following:

"All men, during their training and service period as provided for in this section, shall be deemed to be in the active military or naval service, and shall receive the same pay, allowances, and other benefits, and shall be eligible to purchase Government insurance on the same terms, as are provided by law for enlisted men of like grades and length of service of that component of the land and naval forces to which they are assigned and thereafter they shall receive the same benefits provided by law in like cases for members of the Reserve components of the land and naval forces to which they have been transferred; such men as shall suffer disability or death in line of duty from disease or injury while so engaged, and their dependents, shall be in all respects entitled to receive the same pensions, compensation, domiciliary care, and hospital benefits as are now or may hereafter be provided by law or regulation for

enlisted men of corresponding grades and length of service of the Regular Army or Navy. Men in training and service shall have an opportunity to qualify for promotion."

Mr. VAN ZANDT. Mr. Chairman, every Member of this House receives daily from veterans of the Spanish-American and World Wars and their dependents, requests for assistance in prosecuting claims for benefits from the Federal Government. In a minute and one-half, the time allotted me, it is impossible to thoroughly discuss the amendment offered. However, I do want to say that this amendment is intended to clarify subsection D of section 3 of the bill before us to the extent that after the trainees have completed their period of service, should they feel entitled to benefits under existing laws it will facilitate the handling of such claims. In a few words, the only difference between my amendment and the language of the bill now before us is that the trainee will be entitled to take out war-risk insurance and enjoy identical benefits applicable to those of the regular service. This amendment was drafted by men with years of experience in claims work and for that reason it should be adopted, since it represents exactly what every trainee should receive in the way of benefits as the result of service to his country.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to section 3?

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 19, after line 24, insert a new paragraph as follows:

"Whenever the term 'land or naval forces' is used, same shall include aviation units."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 4. (a) The selection of men subject to the training and service provided for in section 3 (other than those who are voluntarily inducted pursuant to this act) shall be made in an impartial manner from the men between the ages of 21 and 45 who are liable for such training and service and who at the time of selection are registered and classified but not deferred.

(b) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification; credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas; and until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe.

Mr. FISH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 20, line 6, after the word "deferred", insert a colon and the following: "*Provided*, That in the selection and training of men, as well as in the interpretation and execution of the provisions of this act, there shall be no discrimination against any person on account of race, creed, or color."

Mr. MAY. Mr. Chairman, I make a point of order against the amendment on the ground that the same provision is already written in the House bill and appears in the committee bill.

Mr. FISH. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FISH. The gentleman from Kentucky is entirely in error. That provision applies only to the volunteers, while this provision applies to the draftees, an entirely different proposal affecting a different group of men. There is no question about these facts, as I am sure the Chairman of the Committee will admit.

The CHAIRMAN. Does the gentleman wish to address the Chair further on the point of order?

Mr. FISH. It is simply a question of facts, Mr. Chairman. If it is in the bill, of course, I do not want it in the measure again, but the part that the gentleman refers to affects only volunteers and does not affect the drafted men. My amendment applies to the drafted element of the personnel.

The CHAIRMAN (Mr. WARREN in the chair). Subsection (a) of section 4 provides that "the selection of men subject to the training and service provided for in section 3 (other than those who are voluntarily inducted pursuant to this act) shall be made in an impartial manner," and so forth. The Chair regards the amendment as a further clarification and holds that it is in order and therefore overrules the point of order.

Mr. FISH. Mr. Chairman, before consuming the entire 5 minutes on this amendment, which I do not think is necessary, as it is one upon which most Members have already made up their minds, that there should be no discrimination against any American on account of race, color, or creed who is drafted into the Army of the United States. If a colored man is good enough to serve his country and die for it, there should be no discrimination under the provisions of this bill in regard to his right to serve in the various branches of the Army.

Now, Mr. Chairman, before discussing this any further, I should like to make some comments in reply to a large headline in the Times-Herald today which says "F. D. criticizes 60-day draft delay."

I am reminded of the fact that the President only a week ago, in reply to Mr. Wendell Willkie, said that he was not in the habit of commenting upon legislation pending in Congress. He referred at that time to the Overton-Russell amendment in regard to the conscription of industry.

In fairness to the President—and I want to be fair to him—the only comment he made was in Latin, and he said "tempus fugit," indicating or implying that my amendment would delay the draft bill and the draft machinery. I have repeatedly said that my amendment in no way hampers or delays it by a single hour; and answering the President in the Latin language, I say to the President, "veritas magna est et praevalebet," which means "truth is mighty and will prevail."

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. FISH. Yes; I yield.

Miss SUMNER of Illinois. And I should add "facilis decensus avernis," hell is easy, when you offer to belligerent nations, armed to the teeth, every provocation to war, short of war, if possible.

Mr. FISH. Now, Mr. Chairman, coming back to the original subject and leaving the Latin alone for a few minutes——

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. FISH. I am afraid if I yield someone will interject a Greek quotation. I know the Judge is about to do it and I might not understand it and it would not be fair to the House. [Laughter.]

Mr. MAY. Will the gentleman yield to me?

Mr. FISH. I yield for a nonfacetious remark, because I want to talk about my own amendment.

Mr. MAY. I am wondering if the gentleman read the committee amendment which was adopted in Committee of the Whole this morning on that very subject?

Mr. FISH. Yes; I did.

Mr. MAY. Which provides that whoever shall be inducted, that means inducted either as a volunteer under the provisions of this bill or as an enrollee under the provisions of the draft.

Mr. FISH. It does not use the same comprehensive language. I am not the originator of my amendment. I am merely sponsoring it in the House by request of a group of

prominent colored leaders who are interested and represent the interests of 11,000,000 Negroes in America. It originated from a group of men known as committee on participation of Negroes in the national-defense program. Dr. Emmett J. Scott, Assistant to the Secretary of War in 1918, is in favor of the amendment, and is one of its sponsors, and so is Editor Vann, of Pittsburgh. I think there is every reason to adopt it, and I hope there will be no opposition to it, as it is a matter of simple justice and has for its sole purpose doing away with un-American discrimination and giving the drafted Negro a square deal in the armed forces of the United States. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I have just examined the amendment which the gentleman from New York [Mr. FISH] has just offered. I do not have a copy of the amendment that was adopted this morning, but my recollection of the matter is that the same identical language was used in that amendment. I understand this is the amendment that was adopted. I would like to read this amendment which the committee has already adopted:

*Provided*, That any person, regardless of race or color, between the ages of 18 and 35, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service described in subsection (d).

*Provided further*, That no man shall be inducted for training and service under this act unless and until he is acceptable to the land or naval forces for such training and service.

That latter provision merely means that he must stand the same kind of medical examination and physical test as any other man, regardless of race, color, or condition. There might be aliens or somebody who is excluded under the provisions of this amendment but under the Fish amendment it would be mandatory that the Army accept Japanese.

Furthermore, I would like to say that the colored representatives of the colored people appeared before the House Military Affairs Committee and were heard at length, and they approved the text of this amendment, and said it was satisfactory to them. That is an amendment that has already been adopted.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, I move to strike out the last word. On this point I believe the chairman of the committee is incorrect, insofar as comparing the committee amendment with the amendment offered by the gentleman from New York [Mr. FISH]. The committee amendment applies only to those who volunteer. The amendment offered by Mr. FISH seeks to do what the War Department already states it will do under regulations, that is, draft one Negro out of every ten who are called.

Mr. MAY. Will the gentleman yield?

Mr. ANDREWS. Yes, I yield.

Mr. MAY. What is meant by the phrase in this amendment that has already been adopted, "Provided, That any person, regardless of race or color," between certain ages? Does that not apply to any person?

Mr. ANDREWS. As I see it, it applies only to those who are volunteers.

Mr. MAY. The word "inducted" I maintain means any of them, because they are taken in. It cannot mean anything except that it applies to those taken in whether by conscription or voluntary enlistment, because they are inducted either after they volunteer or after they are conscripted.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. FISH. I am sure it is perfectly obvious from the amendment, the amendment reading 18 to 35, which is the volunteer age, that it means those volunteers that are inducted. There cannot be any mistake about that, because that is exactly what it says.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. FADDIS. I would like to ask the gentleman from New York [Mr. FISH] a question.

Mr. FISH. Certainly.

Mr. FADDIS. How will the gentleman's amendment affect men who may be inducted from such a place as Hawaii, where the question of race may enter in very decidedly at times? Has the gentleman considered that problem?

Mr. FISH. The amendment has nothing to do with civil rights, it has only to do with the Army, and if they are in the Army they go wherever the Army goes. I suppose they will be in the Regulars.

Mr. FADDIS. I do not believe the gentleman understands my question. We have in Hawaii certain elements that we do not want in the Army at all, the Japanese, for instance, if we must speak plainly. How will the gentleman's amendment affect a situation of that kind?

Mr. FISH. If they do not want them, they will not take them.

Mr. FADDIS. But the gentleman's amendment, as I understand it, requires it.

Mr. FISH. They would not take them. If it is known they are undesirable, they would not take them.

Mr. FADDIS. But if the gentleman's amendment makes their induction mandatory; there is no way of getting out of it.

Mr. FISH. They certainly are not going to take people in who are suspected of being against the country.

Mr. FADDIS. We hope not, but I am afraid the gentleman's amendment makes it mandatory.

Mr. FISH. As it applies to the colored men, there is no question of their loyalty.

[Here the gavel fell.]

Mr. MOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the debate yesterday on the amendment offered to the Burke-Wadsworth bill by the gentleman from New York [Mr. FISH] I stated that although I favored the Fish amendment and would support it, my studies of the Burke-Wadsworth bill, which have been long, careful, and painstaking, had convinced me that enactment of that bill was necessary to the security of the United States and that, therefore, I intended to vote for the Burke-Wadsworth bill, whether the Fish amendment was adopted or not.

I hope the amendment remains as a part of the bill when the separate vote is taken on it after the Committee arises at the conclusion of this debate, for, as I stated yesterday, I think the amendment not only improves the bill and makes it more effective, but it also eliminates entirely from the Burke-Wadsworth bill nearly all of the objection that has been urged against it by its opponents. That objection, as all are aware, was the claim that compulsory selective service in peacetime is not necessary because by voluntary enlistment we can recruit as large an army as the War Department has said we need in this emergency, and that we can recruit it within the time the War Department has said we must have it. The Fish amendment offers an opportunity to demonstrate whether this can be done or not, without in any way impairing the bill and without delaying for one moment the operation of the selective service under its provisions.

I thought the debate yesterday was clear and definite on this point. Certainly it was thorough and exhaustive. I also considered that the language of the Fish amendment was clear and unambiguous and that its purpose and intent was evident to everyone. I was somewhat amazed, therefore, to note that the newspapers, both last evening and this morning, almost uniformly referred to the Fish amendment as a proposal to delay the draft for 60 days. Thus the country has been given an entirely wrong impression as to the amendment we adopted yesterday, for the Fish amendment is not by any possible stretch of the imagination susceptible of any such interpretation or construction.

The amendment does not and by its very terms it cannot delay the operation of selective service under the Burke-Wadsworth bill for 60 days or 30 days or 1 day, and every Member of this body knows that.

At the risk of repetition, let me say that the Fish amendment simply provides that immediately upon enactment of the Burke-Wadsworth bill the President by proclamation shall issue a call for 400,000 volunteers, which is the number proposed by the bill and by the War Department, to be selected for compulsory military service by January 1, 1941.

It provides further that if within 60 days from the date of the call 400,000 volunteers shall have responded to it and shall have offered themselves for service, then as to them, and them only, the draft shall not apply because they will have been already in service by enlistment. If, on the other hand, within 60 days only a portion of this quota of 400,000 shall enlist, then the draft shall apply to only that portion of the quota which has not been filled by voluntary enlistment.

Under the plans of the War Department the first selection of this initial quota of 400,000 will not commence until November 15, which will be more than 60 days after the passage of this bill. Under the Fish amendment all voluntary enlistments to apply on this quota must be made within 60 days after the passage of the bill; that is to say, before the War Department plans to put the draft into operation. It is obvious, therefore, that the Fish amendment cannot possibly postpone or defer or delay the draft by one single moment, but on the other hand, as I have stated, it will remove entirely the argument that under the Burke-Wadsworth bill voluntary enlistment is not being given a fair chance to demonstrate its deficiency. This, in my opinion, is by far the most valuable contribution and the most important feature of the Fish amendment.

Now, Mr. Chairman, having cleared up this point, I wish to discuss somewhat in detail the Burke-Wadsworth bill as a whole. I have said that my study of the bill has convinced me beyond any question of doubt that it must be enacted if the security of the United States is to be adequately safeguarded during the next few years, and in this connection I think it is proper to say that the study which has led me to this conclusion has not been perfunctory. In addition to my independent examination of the question, I have had the benefit which comes from listening to and participating in the entire debate on the bill in this body. I have had the benefit also, of the three weeks of debate which were recently concluded in the Senate on the same bill. I have examined and studied the testimony of all of the witnesses, more than than 100 in number, which have appeared before the House Committee on Military Affairs, both in support of this bill and in opposition to it. The testimony of these witnesses covers some 650 pages of the printed hearings. The number was about equally divided between those who supported the bill and those who opposed it, and it is well known, I think, that these witnesses included most of the recognized authorities in the United States on both sides of this important question. In other words, the testimony before the Military Affairs Committee embraces the complete case for peacetime conscription as well as the complete case against it, and I believe that every material statement and every valid argument, both for and against this proposal that has ever been advanced by anyone will be found in the body of this testimony.

That there are definitely two sides to the question of compulsory military training in peacetime no careful investigator can well deny, and not only do I respect the views but I also recognize the merit in a great deal of the argument of those who have reached conclusions opposite to my own. This is a question upon which honest men may honestly differ and no one can be so sure of his own ground as to warrant him in thinking or in saying that the right is entirely on his side. As for myself, I am compelled, obviously, to base my decision, and consequently my vote, upon what seems to me, at least, to be the preponderance of all the evidence in the case, and that preponderance, I am convinced, is clearly in favor of the necessity of the bill.

First of all, let us inquire what it is that the bill proposes, for there has been much confusion and misunderstanding on the part of some who for one reason or another have not been able properly to inform themselves.

The bill provides that for the next 5 years all male citizens, as well as aliens who have declared their intention to become citizens, between the ages of 21 and 45 years, who are not exempted from registration by the provisions of the bill shall be liable to training and service in the land and naval forces of the United States. That means, simply, that male persons between these ages must register for selection. This training and service is for a period of 1 year, at the end of which time a man who has been selected is transferred to a special Reserve component of the land and naval forces. He remains a member of the Reserve for 10 years, or until he reaches the age of 45, whichever occurs first, but, and this is important, he is not subject to be called during that time for additional training or service unless the United States should actually be at war or unless the Congress by law should declare that the national interest is imperiled. In that event, and in that event only, he may be recalled to the service after his 1 year's training. And in this connection it is important to note that the entire jurisdiction and authority under the Burke-Wadsworth bill remains at all times in the Congress. Neither the President, the War Department, nor any other governmental agency has anything to do with declaring a state of emergency or with saying what number of men shall be called to service in the future. This is exclusively the function of the Congress.

This is not, as some have imagined, a universal draft bill. Neither is it permanent legislation. It is an emergency measure, having a limited life of 5 years, and it is offered solely for the purpose of meeting a very definite present emergency. Its immediate objective is to supplement the present Regular or professional Army, which has an authorized strength of 375,000, and the National Guard, which has an authorized strength of 250,000. The present actual strength of these 2 arms of the service are about 300,000 and 200,000, respectively.

The immediate objective, I say, is to supplement this establishment by recruiting and training a citizen Army of 800,000 within the next year, so as to have them immediately available for service in event they should be needed within that time. The second objective of the bill is to create a reservoir of trained men from which, in event of war at a subsequent time, an effective fighting force can be immediately drawn. This reserve is created by giving training and service to about 800,000 men each year, and by transferring them to the Reserves at the end of their year's training period. The bill limits to 1,000,000 the number of men who can be in active training and service in any one year except in time of war.

It is not the purpose of the bill to interfere, and it does not interfere in any way, with the present system of recruiting by voluntary enlistments the Regular Army or Navy or the National Guard. This will continue as before until these branches of the service have all been recruited up to the strength authorized by law, and when that point is reached they will continue to be maintained at their authorized strength by voluntary enlistment. Under this system of voluntary enlistment and selective service it will be possible for the United States within about 1 year from enactment of this bill to have an armed force, properly trained and equipped and available for immediate service, if needed, of 1,600,000 men, which is the number which the War Department, after careful and continuous study of the problem over a number of years, has found to be necessary in order to make the United States secure against attack if, as a result of the present world crisis and the events which may develop as a result of it, an attack should come.

The first call for men under this bill will come about November 15, 1940, the date on which all eligible citizens within the prescribed ages will register. That call will be for 400,000 men. They will register at their regular precinct voting places, and the registration will be in charge of their regular election judges. Each will be given a registration card, a duplicate of which will be sent to the War Department. The next call will be in April 1941, and that will be for 400,000 men also. Under the plan of the War Department the first year's selection is to include only those within the age group of 21 to 30, of which there are 12,000,000 in the United States. This means that about one out of every fifteen in that age group will be selected for training and service. The selection is made by local boards, very much like those which functioned during the World War. There will be 6,500 of these boards in that number of counties or communities, or about 1 board to each 30,000 of our population. These boards will be located in every county. Each board will have 3 members, all of whom will be civilian residents and citizens of the county. The board members are appointed by the President upon the recommendation of the Governors of the respective States in which the boards are located. In each State there are one or more appeal boards, the members of which are also civilian residents and citizens of the States.

Those within the age group who register for training and service will later be sent and will fill out a questionnaire giving all pertinent information regarding their age, education, occupation, dependents, and all other data which may enable the local board to decide upon their proper classification. The local board divides the registrants into four classes. Class 1 will consist of those for whom there is nothing to prevent immediate service. Class 2 will consist of those whose selection for training and service should be deferred because of their employment at an occupation essential to the national defense. Class 3 will consist of those who have dependents and whose selection for training and service, therefore, might place a burden upon the State which the registrant can better perform himself. Class 4 consists of those who are physically or mentally unfit for military service and those few who are legislatively deferred under the terms of the bill. This class includes also ministers of the gospel, theological students, conscientious objectors, and some others. Those selected will, of course, be from class 1, and the plan is to train them with units of the Regular Army and the National Guard stationed nearest their homes.

It should be noted at this point that the entire jurisdiction, authority, and responsibility for selecting those within the prescribed age limit for military training and service is vested exclusively in the local board. No other person or no other agency of the Government has anything to do with it. In other words, an eligible citizen chosen to serve is selected by a board composed of his neighobors who live in the same community in which he lives. The members of the boards thus assume a great and important responsibility which they carry out under the continuous observation of all other members of the local community. This in itself is the best assurance both of efficiency and impartiality and justice. It is about as far removed from bureaucracy and dictatorship as anything that can be imagined.

I have outlined the procedure of selection under the bill not only to show what it is but also to show what it is not, for I may return later to this point in discussing one of the principal objections that has been urged against the bill by some of its opponents.

Now, what is the necessity for a measure of this kind at this particular time? I ask this question first, because if there is no urgent necessity for it then, obviously, we should not pass the bill. For whatever may be the merit and effectiveness of compulsory selective service as a means of recruiting an army, most of us, and I certainly am one of them, are opposed in principle to its employment in any form in normal peacetimes. If, on the other hand, it appears that for a limited time compulsory selective training and service, such as this bill provides, is necessary to the security of the United States, then just as certainly we should pass the bill and put it into operation with as little delay as possible. No one, I believe, can logically disagree with the soundness of that observation.

Two reasons are advanced for the necessity of this legislation. The first is that the security of the United States is in danger and that that danger cannot be met and overcome, or avoided, unless during the next few years we have continuously at our command a Military and Naval Establishment of the size and efficiency comprehended by our present national-defense program upon which we have expended or authorized to be expended more than $10,000,000,000 within the last year. The second reason advanced for the necessity of this bill is that a Military Establishment of that size and efficiency cannot be recruited and trained through voluntary enlistments within the time when we may have to meet and overcome that danger.

If these two reasons for the necessity of the bill are sound, then it follows logically that it ought to be passed, no matter what our fundamental objection to peacetime conscription may be, because, admittedly, it is the first duty of every citizen to defend his country and to see that its security is not effectively threatened or menaced. Let us examine, then, the question of the soundness of each of these two reasons.

The present danger to the security of the United States, I think we will agree, lies in the probability of a complete military victory for the dictator nations of Europe and Asia and the possibility that, having overrun and subjugated the portions of those continents which they desire to subjugate, and are subjugating, the dictator nations will next turn their attention to the Western Hemisphere, which contains everything which these totalitarian states need and want and which would furnish them at the same time the raw materials they require, a dominated and controlled market for their manufactured goods, and a fertile and productive territory to which a portion of their overcrowded populations may be transferred unmolested for colonization.

That the dictator nations desire to do that, if they can, no careful student of their history and their national policies can very well doubt, for not only is such a step in line with the national policies of these nations, but under their philosophy of government and their objectives of national self-sufficiency, that step is necessary in order to enable them to carry out their policies and to achieve their objectives. They can do this completely in no other portion of the world because no other portion can completely satisfy what they claim to be their needs.

The dictator nations have never made any secret about their intentions in this regard. Hitler has repeatedly stated that he intends, after the European war is finished, to dominate the economic life and destiny of South America and Central America and thereby to put himself in position to dictate what the economic, commercial, and foreign policy of the United States in the future must be. He has not only said he would do this, but he has repeatedly boasted that he would do it. Most of us, I am aware, have heretofore considered that in saying this Mr. Hitler was merely boasting. France and England and Poland, we recall, also, said that Mr. Hitler was "bluffing" when he announced his determination to dominate Europe, without war if possible, by war if necessary.

It is true, of course, that Hitler said, regarding his intentions toward the Western Hemisphere, that it was not his purpose to try to occupy by military force those portions of the Western Hemisphere which he has announced he must control. But we remember that he also said precisely the same thing in regard to his intentions toward Austria, Czechoslovakia, Poland, Belgium, Holland, Norway, and France. Japan at first, also, made a similar declaration in

regard to its intention toward China. And where today are those once free and independent nations? They have all, most of them within a year, been conquered, subjugated, and occupied by military force. And military force or the threat of military force, let us remember, is the only weapons which the dictator nations have ever really employed to carry out their policies. It is the only weapon they know how to employ or, apparently, that they ever intend to employ for this purpose. They have found it to be the quickest, easiest, and surest way—military force aided by treachery and by the amazing effectiveness of the work of their "fifth columns" which they have already established and which are already at work in every country of the Western Hemisphere.

In the philosophy of government of the dictator nations war has become the normal instrumentality of policy, and as these nations, as a matter of normal policy, employ force whenever and wherever necessary in their dealings with others, so they respect in others nothing else except force. And unless the people of the United States realize this and unless they are determined themselves to have the necessary force at their command for immediate use in event an attempt should be made by these dictator nations upon the security of their country, then, in my opinion, they may reasonably expect to share the same fate as that of every other nation which in the past few years has stood in the path of these dictators without a sufficient military force available to stop them. To escape the logic of this conclusion seems to me to be impossible.

And now in the march of the dictator nations toward world domination the United States is the only truly free democracy which to this date has not had to stand directly in their path and fight them off. All the others, one by one, have stood there and all but one already have been beaten down. Britain alone, now fighting for her existence, at this moment blocks the way to further conquest and domination. How long she can continue to block it none of us can say. We may know the answer in a month, or in 6 months, or in a year or 2 years. I hope she may succeed in blocking the path permanently so that there may be no possibility that the dictators may have an opportunity to transfer their operations to South America and Central America, which now are absolutely defenseless and which are ripe at this very moment for occupation. But if Britain fails either next month or next year or the year after, then I pray that we may be prepared when that time comes to prevent that occupation. For the occupation of any South American or Central American country by any one dictator, or by all of them in combination, would so imperil the security of the United States that for us to allow it to happen would be unthinkable.

It is known to all of us that these dictator nations, Germany, Italy, Russia, and Japan, are not operating in their program of world domination as individual forces, but that they have combined those forces. The combination has not always been by way of a military alliance such as that which now exists between Germany and Italy, but from the beginning they have all had the same purpose and the same policy; the policy of brute force and of disregard for everything else, and they have carried out their operations to date under a complete and comprehensive understanding.

The whole of western Europe is to be dominated by Germany, with the consent and approbation of Soviet Russia. Russia is to dominate everything east of Germany until it touches the sphere of Japanese influence, and this program now has the complete sanction of Japan. Japan, in turn, if Hitler is completely successful, is to dominate the whole of Asia. There will remain but one free portion of the earth, and that is this hemisphere, and I repeat that here and here alone will then be what these nations need and want. The probability is they will take it, if they can, in combination with one another and with complete understanding as to the division of their respective spheres of influence.

Some may say that such a picture is speculative and fantastic. Those who say so not only have nothing concrete or historic upon which to base that opinion, but they shut their eyes to every event and to every consideration that is daily happening to bring about that situation. On the other hand those who believe that such a threat to the security of the Western Hemisphere is not an impossibility, or even not an improbability, have at least recent history and the knowledge of the basic aims and philosophy of the dictator nations on which to base their opinion.

It is possible the totalitarian states may not want to dominate this hemisphere, but in the light of their unprecedented actions which are changing the map of the world more rapidly and ruthlessly than ever before, I cannot see how any really informed person can believe it is impossible. Most people believe it is not only possible, but more than probable, and the probability has been sufficient to convince the overwhelming majority of them that we must prepare ourselves to meet such a contingency.

It is for that reason that they have authorized and have almost unanimously approved the expansion of our Naval Establishment to double its size, in order to create an effective two-ocean Navy. It is for that reason that they have authorized and approved the expenditure of billions of dollars within the last few months to create the greatest air force in the history of any nation.

It is for that purpose that they have approved a program which calls for the most efficient and modern equipment in shore defenses, tanks, artillery, and other necessary implements of modern warfare. Our people are now agreed that the dictators understand only one argument, and that is the argument of force. They cannot prove, perhaps, by any mathematical formula that the dictator nations will undertake to dominate the Western Hemisphere along with the rest of the world, but they are convinced they may, and they are further convinced that if the United States then has at hand a sufficient defensive force to make the occupation of this continent, or any part of it, a military impossibility, then no nation or combination of nations will ever even undertake to occupy it. That is the reason, and the whole reason for our expanded Military and Naval Establishments—to make a successful war against the United States impossible.

If the expenditures we are making for national defense in the way of ships, planes, shore defenses, guns, tanks, and other equipment is necessary, then, obviously, it follows that we must have an army of sufficient size and sufficient training to operate such a defensive establishment, so that it can put it effectively to the use for which it was made, in event we should have to use it in the defense of the country. I believe the people overwhelmingly demand an army, a navy, and an air force of that size. They demand that it be recruited as rapidly as possible and that it be trained as effectively as possible within the shortest possible time.

Because there has been so much argument on the point, I had intended to discuss the question of the possibility of a successful military occupation of the Western Hemisphere, or some portion of it by totalitarian power or by a combination of such powers. Upon analysis of the argument, however, it must be apparent to everyone who has given study to the question that this contention is without any merit whatever. With the exception of the United States and, to a very limited extent, the Dominion of Canada, every nation of the Western Hemisphere is virtually without military, naval, or air protection and would be absolutely vulnerable to any major move by these totalitarian states at the successful conclusion of the wars in which they are presently engaged.

Except for the intervention of the United States what, for example, would stand in the way of Germany's complete occupation of British, Dutch, or French Guiana, or all of it? It is true that in the future we are to have a naval base in British Guiana, but we do not have it now. These three South American countries, which would fall into the hands of Hitler, provided he wins the war, could be occupied without firing a shot because there would be nothing there to stop

the invader. He could even make his occupation by means of a fleet of merchant vessels loaded with soldiers, tanks, planes, and other implements of modern warfare.

Such an occupation would amount to much more than the destruction of the Monroe Doctrine, which is one of the lifelines of our national defense. It would be a direct and immediate threat against the Panama Canal, and obviously the United States could not permit it to happen. So far as their ability to repel an invasion is concerned, the rest of the South and Central American countries would be in little better position than Guiana. If the British Fleet should be destroyed or surrendered, Canada could not possibly prevent the occupation of its territory. Only the intervention of the United States could prevent that, and we could not prevent it, either, unless we were prepared to do so.

The Atlantic Ocean between Europe and South America and Central America and Canada, to be sure, is wide, but there is at present no force on this continent which could stop an enemy from crossing it and occupying it except the United States, and the United States, even, could not do that unless it is prepared by force to defend wholeheartedly and effectively the Monroe Doctrine, which declares that no foreign power may establish a government in the Western Hemisphere.

In deciding how an army of the size and effectiveness required by this emergency can be recruited, the people of the United States, as well as their representatives in Congress, must naturally consult the opinions of those who are experts in this field and who have made the recruiting and the training of armies their lifelong business and profession, experts who are employed by the taxpayers to do that very thing. The testimony of these experts, from the Chief of Staff down through all who have had personal charge of training and recruiting, shows conclusively that such an army cannot be raised through voluntary enlistment alone within the time it may be needed, and that it cannot be trained within that time if voluntary enlistment is to be depended upon. There is no evidence in the record before the Military Affairs Committee to refute a single line of the testimony of any of these experts upon this point, and in the circumstances a layman would be presumptuous indeed to say that the experts are all in error. No nation in the world has ever recruited an army of this size by voluntary enlistment alone. That is the reason, and the sole reason, why a modified form of selective service, such as is provided in the Burke-Wadsworth bill, is necessary at this time.

Some have objected to the bill, contending that it is a warlike proposal made by the administration in power, that it is undemocratic, and that it gives dictatorial prerogatives to the President. The fact is, in the first place, that the measure is not an administration proposal at all. It was introduced in the House by the distinguished gentleman from New York [Mr. WADSWORTH], a Republican, who no one has ever contended was a supporter of this administration or its policies. In the Senate the same bill was introduced by Senator BURKE, of Nebraska, a Democrat, who has opposed many major administration bills. The President never at any time asked for this bill. It was introduced by its authors without consulting the President, and it was not until a month after the bill had been introduced, and after hearings had been commenced on it, that the President first announced that he favored even the principle of selective service in peacetime. As to this particular measure, the Burke-Wadsworth bill itself, the President did not express his approval of it until a few days prior to the conclusion of the committee hearings on the bill. That the President approves the bill now, for which, incidentally, I am very glad, is beside the point. He does approve it, but it was not introduced nor considered as an administrative measure. It is nonpartisan and nonpolitical.

So much for the Burke-Wadsworth bill being an administration measure.

As for the contention that this bill gives to the President any extraordinary or dictatorial powers, that is as far from the truth as any statement could possibly be. Virtually no power is given to the President under this bill. As Commander in Chief of the Army and Navy, he has, of course, certain constitutional powers, but they are not given to him by this bill. They are given him by the Constitution and by 150 years of legislation. On the contrary, his authority as Commander in Chief is very definitely restricted under this bill as to those inducted into the citizen army under its provisions. He cannot, for example, send them beyond the confines of the Western Hemisphere or of our own possessions, which he can do in respect to the Regular Army. He cannot recall them from the Reserves into active duty, once they have had their year's training, unless he is specifically authorized to do so by a future act of the Congress or unless the United States is at war. There are many other restrictions placed on the President, all with the intent and purpose that the selection, training, and employment of this citizen army shall be as equitable, as convenient to those selected, and as democratic as legislation can make it.

After all, there is little solid ground on which one can make the contention that either in time of war, or in time of great emergency out of which war may develop, the creation of an army by a fair, though compulsory, system of selective service is undemocratic. If it is the first duty of a citizen to defend his country then that duty should fall upon all citizens alike, and although recruiting by voluntary enlistment is and should be retained, a process of selecting the remaining necessary number through choosing by lot those who are best fitted for service, and who can serve with the least inconvenience to themselves and the least disruption of the national economy and the economy of the community in which they reside, is, I believe, a fair system.

In this opinion I believe the overwhelming majority of our people, including those who will be selected for service, concur. We do not wish to make conscription, however modified or fair, a permanent policy of the United States in peacetime, and the bill specifically provides, therefore, that it shall be of limited duration. When the emergency shall cease all the provisions in the bill cease also. We hope the danger will soon pass. We believe enactment of this bill will make the danger pass sooner than it otherwise would and that it will keep it from coming nearer to our shores. I am firmly convinced that through enactment of this bill, and with time on our side, we will succeed in rendering inviolate the safety and the security of the United States for all future time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 66, noes 107.

Mr. FISH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MAY and Mr. FISH.

The Committee again divided, and the tellers reported that there were—ayes 121, noes 99.

So the amendment was agreed to.

Mr. GILCHRIST. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I direct attention to page 20 where it speaks of subdivisions of States. In that subsection those words are used twice. Now, what is the subdivision of a State that is meant by this language? Is it a county, a school district, a town, a township, or what? I simply submit that to you because the language is not definite and it ought to be cleared up in this bill.

Mr. WADSWORTH. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from New York.

Mr. WADSWORTH. Our understanding is that these districts will be organized first into counties.

Mr. GILCHRIST. I think it ought to read, "and counties or comparable subdistricts."

Mr. WADSWORTH. The trouble is some counties are so large that they will have to be subdivided into selective-draft districts. That is the reason we had to use the word "subdivision" so that it would have a more general application.

Mr. GILCHRIST. As I understand it, this language would not apply to that because "subdivision" apparently refers to the subdivisions that now exist. There is no specific language giving the boards any power or authority to make subdivision. I simply submit this to you in the hope that in conference or somewhere else it will be remedied.

Mr. KELLER. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from Illinois.

Mr. KELLER. What would the gentleman do to Cook County in Illinois?

Mr. GILCHRIST. Make the bill plain. That is what I want them to do so far as Cook County is concerned and Pocohontas County, Iowa. What will they do with the city of Chicago or with a township in Illinois? Let us make the bill clear.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. There is another point in the same section that should be cleared up. Lines 17 and 18, page 20, same section, reads—

And until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates and subsequent adjustments therein made—

And so forth. Is it the gentleman's opinion that those estimates will be based on the 1940 population or on the 1930 population?

Mr. GILCHRIST. They should be based on the 1940 census estimate.

Mr. FADDIS. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. It will be based on the 1940 population, as near as I can judge. The preliminary results of the census are already known.

Mr. CASE of South Dakota. I was hoping the gentleman would say that, because there has been a shift in population. My own State has lost 1 person in every 14, as a matter of fact. Most of these tables on quotas have been based on the 1930 figures. Of course this would mean that our quota would be out of proportion by 1 to 14. If the gentleman's thought is correct that the 1940 figures now available will be used, I believe that is satisfactory.

Mr. FADDIS. That would be my opinion, because the preliminary figures are known.

Mr. GILCHRIST. I rose simply to call attention to this language, and to ask that it be made clear.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 5. (a) Commissioned officers, warrant officers, field clerks, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve; cadets, United States Military Academy, men who have been properly appointed and qualified, and who have been accepted, for admittance commencing with the academy year next succeeding such acceptance to the United States Military Academy as cadets, but only during the continuance of such acceptance; midshipmen, United States Naval Academy, and cadets, United States Coast Guard Academy; and cadets of advanced course, senior division, Reserve Officers' Training Corps; diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be registered. No exceptions from registration shall continue after the cause therefor ceases to exist: *Provided*, That the following persons will be excepted from registration under section 2 and from liability to serve in any Reserve component of the land or naval forces of the United States in time of peace and from liability for the training and service provided for in section 3 (b), but such persons shall in time of war be subject to registration under section 2 and shall be liable to serve in the land and naval forces of the United States:

(1) Any man who has completed or who will complete at least 3 consecutive years' satisfactory service in the Regular Army as an officer, warrant officer, or enlisted man before or after the time fixed for registration or partially before and partially after the time fixed for registration.

(2) Any officer, warrant officer, or enlisted man of the active National Guard who has completed or who will complete at least 1 year's satisfactory service in active Federal service as an officer, warrant officer, or enlisted man of the Army of the United States, and subsequent thereto at least 2 years' consecutive satisfactory service as an officer, warrant officer, or enlisted man in the Regular Army or in the active National Guard, before or after or partially before and partially after the time fixed for registration.

(3) Any man who is an officer, warrant officer, or enlisted man in the active National Guard at the time fixed for registration, and who completes at least 6 consecutive years' satisfactory service therein as an officer, warrant officer, or enlisted man, before or after or partially before and partially after the time fixed for registration.

(4) Any man who is in the Officers' Reserve Corps on the eligible list at the time fixed for registration, and who completes at least 6 consecutive years' satisfactory service therein on the eligible list before or after the time fixed for registration or partially before or partially after the time fixed for registration.

(b) The Vice President of the United States and the officers, legislative, executive, and judicial, except judges of inferior courts not of record, of the United States, and of the several States, Territories, and the District of Columbia, while holding such official positions shall be deferred from training and service in the land and naval forces of the United States.

(c) Regular or duly ordained ministers of religion and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

(d) The President is authorized under such regulations as he may prescribe to defer training and service in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest. The determination of each deferment of training and service shall be made with regard to the status of the individual and shall not be made by deferring the training and service of individuals by occupational groups without regard to the status of the individual therein. The President is also authorized, under such regulations as he may prescribe, to defer the training and service in the land and naval forces of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable; and those found to be physically, mentally, or morally deficient. No deferment from training and service shall continue after the cause therefor ceases to exist.

(e) Nothing contained in this act shall be construed to require any person to be subject to combatant training or service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. All persons claiming such exemption from combatant training and service because of such conscientious objections shall be listed on a Register of Conscientious Objectors at the time of their classification by a local board, and the names of the persons so registered shall be at once referred by such local board to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice in the case of each such person with respect to the character and good faith of his objections, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend (1) that the objector shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, that he shall be assigned to work of national importance under civilian direction. If, after such hearing, the objections of any such person are found not to be sustained, the objector and the local board shall be immediately notified thereof, the name of the objector shall then be removed from the Register of Conscientious Objectors, and such objector shall thereafter be liable to training and service as provided by this act. If, within 5 days after the date of such findings by the Department of Justice, the objector or the local board gives notice to the other of disagreement with such findings, the local board shall immediately refer the matter for final determination to an appropriate appeal board established pursuant to section 11 (a) (2).

Mr. MAY. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: On page 23, line 2, after the word "registration," insert: "*Provided*, That the persons enumerated in this paragraph and paragraph 3 while in Reserve components of the land or naval forces of the United States may be ordered or called to active duty in such forces."

The committee amendment was agreed to.

Mr. WHITTINGTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Page 23, line 4, after the word "legislative," insert "except Senators and Representatives in Congress."

Mr. WHITTINGTON. Mr. Chairman, I speak as a supporter of the pending bill. The amendment I propose is not to be confused with an amendment with respect to the Seventy-sixth Congress previously offered by the gentleman from Wisconsin [Mr. SCHAFER]. That amendment was offered to the registration section of this bill and would have been in vain because there is no provision for calling or drafting men of the age described in that amendment into the service.

The section under consideration provides for deferring public officials, including Senators and Representatives. The primary purpose of the pending bill is equality for all in the discharge of their obligations to the country. Only the Congress can declare war. Only the Congress can provide for conscription. Members of Congress within the draft age are required to register under the bill. They are thus treated like other citizens.

The amendment that I propose will eliminate their being deferred, and, Mr. Chairman, when there are many good citizens who oppose conscription, when there are many citizens in the Republic who advocate a constitutional amendment for a referendum vote before a declaration of war, I believe it would have a salutary effect upon the country if we provide that Senators and Representatives shall be given the same consideration as the men that are called or drafted into the service of their country. [Applause.]

If this amendment is adopted, Members of Congress will be entitled to the same consideration with respect to dependents and occupations as is accorded others. I am aware that in all selective drafts there have been exemptions of officers. That may be a wise provision with respect to many officers, and I so agree; but with respect to those who declare war and those who provide for conscription, I believe there should be an exception.

Members of Congress are misunderstood. They are to be registered under the terms of this bill, and I believe that all Members of Congress who are in a similar situation to those who will be called or drafted will volunteer for service. They volunteered in the Mexican War, they volunteered in the War between the States, they volunteered in the Spanish-American War, and they volunteered in the World War.

On the Republican side there was in the World War the gentleman from South Dakota, the late Royal Johnson, and on the Democratic side the gentleman from Texas [Mr. JONES]. There were others on both sides of the aisle. I undertake to say that practically every man who would be subject to draft and who is within the age limit, whether in the Senate or in the House, will volunteer for service. Then why provide for deferring the service of such officers when, in my judgment, the elimination of that deferment will eliminate much of the criticism directed at the Congress and at the bill and be a salutary move? It will enable those who say there should be equality of treatment and equality of discharge of obligation to know that there will be equality for all, whether in or out of Congress.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Kentucky.

Mr. MAY. Is there any better reason for exempting Representatives in Congress and Senators than there is for exempting judges of the courts of the various States, State legislators, and others?

Mr. WHITTINGTON. That is a fair question, and I anticipated it by saying that only Members of the Congress and not members of the judiciary, not members of the State legislatures, have the right to declare war and have the right to vote for conscription. They alone can vote for war and for conscription. If it be the unwritten law that the captain of an ill-fated and sinking ship shall be the last to leave the vessel, it should be the written law of our country that those who vote for war and those who vote for conscription, as I propose to vote, shall place the Members of the Senate and the House in the same relative position for service to their country as all other citizens of the Republic.

I trust the amendment will be agreed to.

[Here the gavel fell.]

Mr. BOREN. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may proceed for 2 additional minutes, in order that he may yield for a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WHITTINGTON. I yield to the gentleman from Oklahoma.

Mr. BOREN. I may say to the gentleman from Mississippi that I am 100 percent in accord with his amendment and, being one of those within the draft age, I personally keenly resent any discrimination that would set me aside from all the others throughout the land who are of my age. I keenly resent it and concur wholeheartedly in what the gentleman says.

Mr. WHITTINGTON. Public sentiment has always demanded that those in Congress within the draft shall serve, and we may as well say so.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from California.

Mr. VOORHIS of California. May I say to the gentleman that I am entirely in accord with his amendment and, in fact, had one prepared myself which would do exactly the same thing.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from North Carolina.

Mr. COOLEY. What is the objection to striking out all of subsection (b)? I have an amendment at the desk which proposes to strike out all of subsection (b). Does the gentleman have any objection to that?

Mr. WHITTINGTON. If the gentleman is in sympathy with the proposition I advocate, I trust he will not insist upon his suggestion, because I have bottomed my amendment on the proposition that those who vote for war, and who under the Constitution alone can vote for and declare war and for conscription, ought to be willing that they themselves shall render the same service they ask at the hands of others.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. The gentleman has made a wonderful statement of the facts in this case. I personally have polled every Member on this side of the aisle that I could talk to who is within the age limit, and to a man I find that each one resents any exemption being granted to them in this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. The gentleman's amendment does not go far enough. It includes only Members of this Congress who vote for this draft and who may vote for war, who are under the age of 45. It excludes the gentleman and myself, who are over the age of 45. My amendment, which was lost by a few votes, provided for the registration of all male Members of this Congress under the age of 65, which was the age limit in the Senate bill as originally introduced. If that amendment was adopted I intended to offer an amendment at the proper place to include them in the draft after

their present term of office expires. Such amendment would be constitutional.

Mr. WHITTINGTON. My amendment treats everybody alike whether they are Members of Congress or not. Equality of treatment is the effect of the amendment which I propose.

Mr. Chairman, I trust my amendment will be adopted. [Applause.]

Under leave to revise I refer to the criticism of the gentleman from South Dakota [Mr. CASE] by saying that subsection (b) under consideration provides for excepting judges of inferior courts not of record. My amendment follows the language by excepting from executive officers Senators and Members of Congress. The two exceptions are on all fours.

The gentleman from Oklahoma [Mr. NICHOLS] called attention to the fact that under section (d) Senators and Representatives might be deferred. I agree. But I ask, Why defer them twice? If Senators and Representatives may be deferred under other provisions of the bill, why select them and make two deferments in their case?

I recognize the merit of the view that public officers as a matter of public policy should be generally deferred, during their term of office. The contention for their deferment is sound. I therefore stated to the sponsors of an amendment to strike out the entire subsection that my advocacy of the amendment that I proposed was based upon the fact that Congress occupied a position different from other public officers in the matter of war and conscription. My amendment is therefore limited to officers who are Senators and Representatives.

If taxes are levied to support war, Members of Congress share equally with other citizens. I am advised that when the income tax was originally passed it did not tax the salaries of Senators and Representatives and public officials in so many words. I am further advised that the legal department made a ruling that the salaries of Senators and Representatives were exempt from the first Federal income tax. The public reaction was so adverse that the very next Congress promptly provided for taxing the salaries of Members of Congress. I repeat that Members of Congress are exempt from no income or other taxes whether they be for war or for peace.

The obligation of every citizen is to support the Government by service in time of war and by sharing equally with his fellow citizens the burdens of taxation to provide for peace and for preparedness and for war.

As a matter of practice, Senators and Representatives within the draft age in 1917 volunteered. The distinguished chairman of the Committee on Military Affairs, the gentleman from Kentucky [Mr. MAY], said that in the event of war Members of Congress would volunteer.

This argument against my amendment will not bear close analysis. The argument is that under the pending bill all within the draft age may volunteer. Why assume that Senators and Representatives are more patriotic than others? If it be assumed that Senators and Representatives within the draft age will volunteer, why not assume that all citizens within the draft age will volunteer? Why distinguish? Why not treat all alike?

Senators and Members of Congress are just as patriotic as any other group of citizens. They will volunteer. They will serve. They have served in all wars. They are among the leaders of the Nation. If the leaders refuse to serve, the followers will shrink from service. Senators and Representatives within the draft age have volunteered. They have set an example. In practical effect, the adoption of my amendment will not secure any Senator or Representative who would not be within the draft. It will remove the criticism and the dissatisfaction that Congress drafts but refuses to draft themselves. It is the better way to promote equality in selective training and service.

The question of the subservience of the legislative to the executive authority is not directly involved. The President does not conscript. The President does not declare war. Congress declares war. In providing for the conscription of Senators and Representatives who are within the draft age, Congress is merely providing for its Members to do what other members of society are asked to do. The same exemptions will be accorded to those drafted and to those who do the drafting.

I prefaced my argument in behalf of my amendment by saying that the status of Senators and Representatives was different from other officers. There has been much propaganda for the submission of a constitutional amendment that would provide that war could not be declared except as a result of a national vote or referendum. Among the arguments for such a proposal was the argument that Congress declared war but that provision was made for that war to be fought by others. The reflection upon Congress was without merit. In practical effect they are among the first to serve. If they are, why not provide for their service? Then again, in peace as well as in war, many of the most patriotic citizens of the country oppose conscription. They advocate the volunteer system. Personally, I have always favored volunteering. At the same time, I have advocated conscription. There are those who urge that Members of Congress conscript others but refuse to conscript themselves. Here again, the criticism is unfounded, for Members of Congress, I repeat, are among the first to serve.

I conclude by saying that the adoption of my amendment would give to Senators and Representatives the same treatment accorded to other citizens within the draft age.

It is said that elections for their successors would be necessary. Such elections are necessary where Members volunteer. There would be no more elections as a result of my amendment, in my humble opinion, than there would be without my amendment, because, whether Members of Congress were drafted or whether they volunteer, there would be no difference in the requirements of elections for their successors.

While Federal and State officers, including legislative and judicial, are deferred, in all wars members of the State judiciary, as well as members of the State legislatures, have volunteered for service. Whether the officer is in the legislative or judicial department of the State or Federal Government, if he is within the draft age without legal dependents, public opinion, in all wars, would be so strong that such an officer would be ostracized if he did not volunteer for service. The amendment provides directly for that which public sentiment has always insisted upon indirectly. Moreover, the adoption of the amendment would disarm those who criticize Congress for conscripting others and exempting themselves. It would go far toward disarming the impractical advocates of a referendum vote before a declaration of war by Congress. I can only repeat that when the arguments have been considered for and against the merits of my proposal, I believe that there would be more general satisfaction and more general approval of the Selective Training and Service Act of 1940 if my amendment was adopted.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, to my mind the amendment offered by the gentleman from Mississippi is about the most absurd proposition that has been presented throughout all this debate. That is the plain English of it. This provision which the House Committee on Military Affairs has drafted and written into this bill, if enacted into law, has in view this one thing, that we have to have courts in this country and that during the conscription of men under this bill the courts have to proceed. The people must have representation in Congress. The courts cannot proceed to enforce the statutes unless there is someone to make the statutes, and the Congress of the United States is supposed to enact laws. The language of the House bill contains the phrase "while holding

such official position." I believe the gentleman from Mississippi—and I do not question his sincerity or his patriotism—could put himself in the same position as the late lamented distinguished and patriotic Royal C. Johnson was when he volunteered from this body and went into the Army. [Applause.] I believe he might follow in the footsteps of Mayor LaGuardia, who volunteered, and he might follow the example of the gentlemen from Texas, MARVIN JONES and TOM CONNALLY, two men who were Representatives in this body when we entered the World War and who volunteered. Under the provisions of this bill, the gentleman can volunteer this evening, if he wants to.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Is it not true that every single individual within the draft can volunteer, and that Members of Congress will have the same privilege that other draftees have, and no other privileges, if this amendment is adopted? Every Member of Congress within the age limits of the bill is subject to registration but none of them are subject to call, except one.

Mr. MAY. On the same ground on which the gentleman's argument is based, because I vote here to pass tax bills I ought to pay the taxes, too.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In view of the patriotic speech of the gentleman from Mississippi [Mr. WHITTINGTON] in favor of his amendment, since the amendment applies only to Members of Congress, up to the age of 45, and since the gentleman is over the age of 45, should he not ask unanimous consent to include all Members of Congress up to the age of 65 in his amendment in order to include himself in the draft under this bill? I am also over 45 years of age and believe that all Members of Congress under 65 years of age should be included in this bill if it is to be enacted into law.

Mr. MAY. Probably so. I urged the original maximum age that would have included me but I am not demagoging about this thing. I know I am worth much more to my constituents here than I would be worth on the battle front.

I am opposed to this amendment because my constituents will regard it, I believe, as a cowardly act on my part if I vote for it. I oppose it with the statement that if today, tomorrow, or the next day, or any other day, my country needs my services regardless of my age, I am ready to volunteer and resign my office. [Applause.] Yet the vitally dangerous thing is that this amendment would allow the Chief Executive to lay dangerous hands upon the legislative department in such a way as to be wholly inconsistent with our dual form of government.

Mr. WADSWORTH. Mr. Chairman, I rise in opposition to the amendment.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield for a question?

Mr. WADSWORTH. I yield for a brief question.

Mr. CASE of South Dakota. I am wondering, without this amendment, if those Members of Congress, including myself, who hold a commission in the Officers' Reserve, will not be prevented from taking active training. The language of this section provides that while holding such official position these persons shall be deferred from training and service in the land and naval forces of the United States. There are some of us who have Reserve commissions in the Army or Marine Corps and, under that language and without this amendment, we might be even prevented from taking training.

Mr. WADSWORTH. The gentleman from South Dakota has brought up a question of considerable importance. If I am not very much mistaken, answering his observation, a Member of Congress may not hold any other office under the Government. A Reserve commission is an office under the Government, and when a Reserve officer is summoned to active duty and commences to perform the functions of his office, under the Constitution and the law, he has no right to remain a Member of the House of Representatives. And there have been occasions in the past where Members of Congress having volunteered in a war and, having received commissions as officers of the volunteers, the House has declared the seat of such a Member vacant. It is all based upon that fundamental doctrine that there shall always be a sharp division between the civil and the military power. [Applause.]

But I had not risen primarily to discuss the matter which the gentleman from South Dakota brought up, but rather to discuss this amendment. I know perfectly well that this amendment probably, or at least for a time, will have a great popular appeal, and I can well understand the enthusiasm with which men in this House under the age of 45 greet its introduction. I think I can speak upon it without my motives being questioned, because, I am sorry to say, I am more than 45 and this amendment does not affect me. But, Mr. Chairman, let us consider for a moment our form of government. The Government of the United States consists of three independent branches, the executive, the legislative, and the judicial. Surely, you should not take the first step by legislation which will subject the independence of the legislative branch to dictation from the executive branch.

This amendment is introduced in perfect good faith, but I ask you to consider, forgetting ourselves as individuals for the moment, what its implications are. If it is adopted and a Member of the Congress is to be subject to draft, then that Member of Congress becomes the subject of the Executive power, and we place in the hands of the Chief Executive, potentially, the right to destroy an independent branch of the Government. Now, that may not be a very popular utterance, but I am trying to bring this down to fundamentals. So I ask the Members of this House to pause for a moment and consider the fundamentals involved in this matter.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. WHITTINGTON. With respect to placing the Congress under the power of the Executive, is it not true that Congress, and Congress alone, declares war and provides for conscription?

Mr. WADSWORTH. Perfectly true.

Mr. WHITTINGTON. And that we ourselves are abiding by a rule we prescribe for others?

Mr. WADSWORTH. The Congress declares war. The Constitution of the United States says that the power to declare war shall reside in the Congress, and another provision of the Constitution says that the Congress may raise and support armies. In the raising and supporting of an army, for example, we propose to pass this bill. It is part of the legitimate, constitutional function of the Congress. It does not change the status of Members of the Congress in the slightest degree, but this amendment will change the status of every Member of Congress under 45 years of age.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAY. I would like to propound a question to the gentleman from New York, if he will yield to me.

Mr. WADSWORTH. I yield to the gentleman from Kentucky.

Mr. MAY. Might there not be confusion throughout the country in refusing representation for a large number of districts throughout the country, so that the people might not have continuous representation of their own here?

Mr. WADSWORTH. As I have indicated, this amendment, if put into effect, would certainly interrupt the representation of the people in the legislative branch.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman.

Mr. COOLEY. What is the real significance of the word "deferred" in line 7 of this provision? Does it not actually mean exemption from service?

Mr. WADSWORTH. It means that they shall be deferred from service so long as they occupy a position which is entitled to the deferment. Deferment means postponement, and if a man under 45 years of age, now a Member of Congress, ceases to be a Member of Congress, then the deferment ceases and he is subject to the draft.

Mr. COOLEY. But so long as he remains a Member of the Congress, he is exempt from draft?

Mr. WADSWORTH. He is deferred.

Mr. COOLEY. So anybody who votes for the retention of this particular subsection is voting to exempt himself from service?

Mr. WADSWORTH. You may put it that way.

Mr. COOLEY. Is not that the way it should be put?

Mr. WADSWORTH. If we bring it down to a personal relationship, I suppose it is. I am trying my best to get people to understand that the fundamentals of this thing is that the independent legislative branch of the Government ought not to be subjected to the commands of the Chief Executive. I say it is contrary to our whole theory of government under the Constitution. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I feel it is somewhat presumptuous for me even to attempt to supplement what you have just heard from the gentleman from New York [Mr. WADSWORTH], but I agree with him that we ought to consider this thing fundamentally.

Now, let us see what the situation is. We have a Government, and this Government functions through governmental machinery. There is no person in this Chamber who is here in his personal capacity. We are the American people in Congress assembled. They could not all come; so they sent us here to act for them, operating their legislative machinery. We have been charged with a distinct responsibility. It is essential that the functioning machinery of this Government shall continue during this emergency. This Government functions legislatively through the two Chambers of Congress. You constitute this body. When you are removed from this body by any draft board you silence the voice of the people of your districts, insofar as the legislative policy is concerned.

In the name of common sense, why should that thing be done, assuming you are on the job and fit to be here? Either you remain here, trained in this job, at a time of great national crisis, or you go to have the Federal money spent on you as a trainee, and some new man comes here in your place while you go, and probably do a poorer job in the military branch than if the other man had gone to do that other job. Now, we are dealing with this as a practical proposition.

A gentleman came to me yesterday with the suggestion that judges be privileged to volunteer with the consent of the Chief Justice. I said to him, "We have to have a judiciary as part of the Government. The Government moves and lives and breathes and has its being through these three coordinate branches. There cannot be any government without them. Congress has provided the offices. The judges have been selected. If they go others must be provided to take their places. If a person wants to resign his office, he can do it. But he must not hold both."

You have been sent here by the people to do this job, necessary for the preservation of the life of the Government. You are commissioned by your people to do this job. It is an essential thing to do. You can do it if you are fit to be here. It must be done. Let us be candid about it. I am not afraid of my people. They have more sense than we think they have, too.

Why should you put it in the power of a draft board to take out of this Chamber the duly selected and commissioned mouthpiece, the spokesman of his people, and leave his own people here without any voice in the government until somebody is selected, without anybody to speak the voice of that people in this great assembly. It is not sensible. If any Member of Congress wants to subject himself to the draft, he can resign and do it. If he feels that he should go into this military branch, he can resign and volunteer. There is not a thing to prevent his doing it.

That is an entirely different proposition than it is for the Congress to pass a law which would put it within the power of a draft board, a part of the executive branch of the Government, a part of the military machine, to take the people's representatives out of Congress and send them off to the training camps. Members of Congress are not here in their personal capacity. Should they be taken out of here by this military agency, it would not be their mouths that would be closed but the mouths of the people of their districts, a partial paralysis of the functioning machinery of the legislative branch of the Government.

Mr. CURTIS. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes; I yield briefly.

Mr. CURTIS. By the same token, would you deny a Member of Congress the right to enlist?

Mr. SUMNERS of Texas. No; I would not go so far as to deny him the right to enlist, because I assume he will act in some sort of agreement with his people. That is a different thing. This proposition to use the power of a draft board to take out of this body the only spokesman that the people of your community have is what I am talking about. That is all there is to it. It ought not to be done. It is not the sensible thing to do.

Of course, I can understand how these younger men feel. They want to go home and say, "I voted to subject myself to the same sort of draft that I asked you to be subjected to." I do not criticize. For the purpose of this consideration, I have discussed this proposed amendment as though it would be effective. It would not be. There are other provisions in the bill which would prevent the operation of the draft, except upon a negligible percent of the membership of Congress, the same provisions which exempt married persons, those engaged in certain vocations, and so forth.

Mr. COOLEY. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield for a brief question.

Mr. COOLEY. In that connection, I would like to observe, as one of those under 45 years of age, that I would like to go home and at least say that I did not, by affirmative vote, exempt myself and put myself in a preferred class.

Mr. SUMNERS of Texas. Yes; that is what a lot of you boys want to do. You know you are not going to be drafted. You know you are not going to serve.

Mr. COOLEY. Why are you so interested in retaining this provision, then?

Mr. SUMNERS of Texas. You want to "strut your stuff" on the Fourth of July and say, "Boys, I voted to subject myself to the same sort of draft and the same necessity to serve as I asked you." [Laughter and applause.] I make that statement in the spirit of pleasantry and not of criticism. We have a long road ahead of us as a people. That is not the way to begin this job. I do not repeat what the gentleman from New York [Mr. WADSWORTH] has just said. I undertake only to supplement his remarks.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can quite readily realize the temptation, for every Member of this House who will fall within the ages of the men who will be inducted under the provisions of this legislation, to vote for this amendment. I do hope, however, for the sake of the Nation, that you will keep your heads and vote in this matter as you should vote in every other matter, for the eventual good of the Nation.

I stand here as a man who will not fall under the provisions of this amendment for two reasons. One reason is I am

above the age. The other reason is I already am one of those who is subject to service. I have a commission in the Reserve Corps, and if it comes to war and the Army is going out to active service, if I will be accepted by the medical authorities I will go, and I will go gladly. The reason I will go at my age is because I have had some experience and some education as an officer in the Army and I believe my services will be worth as much or even more to the Nation as a soldier than as a legislator. But at the same time I see before me a great many of my colleagues the services of whom I know will be of much more value to the Nation in a legislative than in a military capacity.

Mr. MASSINGALE. Will the gentleman yield?

Mr. FADDIS. Pardon me; not right now.

For the sake of the Nation, for the sake of the Government which must go on even if we should go to war or if we only raise an army, for the sake of all that I believe each Member of Congress owes to the district which he represents to continue in the position in which he is placed by his constituents.

I want furthermore to ask you to consider this: If those Members of Congress who fall within the age under this legislation should be drafted it would put each and every State to the expense and the trouble of holding an election to replace that Member. In all probability they would not all be chosen at one time. So the various States would be put to the trouble, expense, and confusion at a time when such a condition should not occur of holding an election to fill the place of those who have gone.

It is just as necessary to have men of experience in the legislative branch as it is to have them among the officers of the Army; and it is much more important that a man should be in Congress serving where his experience will well serve the country than that he should be serving in some capacity in the Army where he cannot serve well because of his age or lack of training.

I implore those of you who feel that because you fall within the age set by the provisions of this act to keep your heads and not allow your enthusiasm to sway you to the detriment of the Nation. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I would like to ascertain if we cannot agree upon a limitation of debate on this section, and then I would like to move that the Committee rise.

I have a committee amendment I wish to offer after the pending amendment is disposed of. The committee amendment is merely clarifying so as to exclude the obligation of the Attorney General of the United States and his Department in connection with this matter.

Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. BOREN. Mr. Chairman, I object.

Mr. MAY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

The question was taken; and on a division (demanded by Mr. BOREN) there were—ayes 208, noes 28.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. BOREN] for 4 minutes.

Mr. BOREN. Mr. Chairman, it so happens that I come within the ages of the draft under either of the two bills.

I want very briefly to announce my conviction on this amendment. I offered and have on the Speaker's desk an amendment to strike out the entire section. I do not believe clerks in the executive department are so essential that in time of national emergency we cannot get along without a few of them. [Applause.] I want to point out to you that under all the discussion here, if a draft is called, only a small percentage of the available manpower put into that pool will be called. No factory, no firm, no department of government, no legislature, nor the Congress would have more than a small percentage of its total personnel drafted.

I personally resent the inference here that has motivated this specific direction against those of my age in the Congress. I resent any inference that our feeling that this section should be cut out was a matter of our wanting to demagogue before the people at home. I just feel that with the eight sons and one son-in-law my father has at home we should cast our lot together. I happen to be in Congress. One is the president of a college, another is in business, and a fourth is on the farm, and so on. I just honestly feel that under a government of equality if the ball falls on me in the casting of lots that it is not liable to be more unfortunate for the welfare of the country for me to go than it is if it falls on the boy who is president of the college or who is on the farm.

I believe that the application of this law should apply with equal and exact force on me as it does on any other man of similar age and physical qualification. This bill says that lots shall be cast among all of certain ages and physical requirements and one will be called by lot while another may be left at home. When the sons of the farmer, the laborer, the businessman are gathered into the registry where the lot will be cast, I want to be among that number because I believe it is just that I should be among that number. Will you force me to stand aside while my seven brothers, my brother-in-law, my classmates, and my associates are lined up before the turn of the wheel of chance? I believe in equality, absolute equality without condition or reservation. That is my philosophy of government. Do you infer by this language in this section that any individual, be he Congressman or President, is as an individual indispensable to this Nation? If that is the intent I abhor and deny it.

Under a government of equality why should anyone or any group be exempt. I look about me here and I cannot help but feel that there is no great difference amongst us as physical beings—just stacks of bones and hanks of hair, and some shy of the latter. [Laughter.]

I have long ago resolved, if war should ever come and I felt the security of America depended on the military service of America's manhood, that I would take my place in the front ranks. I would never vote to send a boy to war unless I also went with him.

Although this is just a training bill, every man that is called will leave responsibilities behind, some great, some small, but the element of chance and universality will make it democratic.

I have no wish at all to have this amendment in order that I could make a speech at home or any place else. I hope that those who made that sort of statement on the floor will realize that there are some of us who have an earnest feeling that we would like to be included, that we sincerely do not want to be set aside from a system which we believe is fair.

I am for this bill. I believe this sort of bill is democratic, but I believe it ought to be democratic for all of us. Was it not Caesar who made a law and then said, "I am above the law"? I believe in making laws apply equally. I do not care whether it is a stop-light law or some other kind of law, if I vote here to make a law I want it to apply to me and I want to abide by it myself.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Miss SUMNER of Illinois. I think I can save the gentleman a lot of trouble, because this amendment is clearly unconstitutional. The Constitution fixed the age at which people could be sent to Congress. When the people of a district nominate and elect a person to represent them that person is permitted to be their representative, and we have no right to say that those sent here by the people of the districts cannot serve. That is a violation of the rights of the people of the United States.

Mr. GOSSETT. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Mr. GOSSETT. I agree in the statement made by the gentleman from Oklahoma. I, too, have an amendment on the desk to strike out all of subsection (b). I think the entire section should be stricken.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma may proceed for 2 additional minutes.

The CHAIRMAN. The time has been fixed by the Committee.

Mr. BOREN. Mr. Chairman, I want to conclude by saying that there are a lot of us who are in dead earnest about this, and we do not have anything but an earnest interest in it. Only the belief that the security of my country depended on such action could lead me to vote for a bill of this character. I expect to vote for it tonight or on the morrow, but I shall do so with a sad and heavy heart. I shall do so only because I feel it is insurance essential to the security of my country.

I seldom rise to speak here. No man here will deny my constant earnestness and deep sincerity in all matters. Know then that my plea today is earnest and deeply sincere. Even under this training program some mothers' hearts will be sad, but if sacrifice must come, let all share it alike. I am just sent to Congress as the hired hand of my friends and neighbors—do not deny me the privilege or the burden fixed on any other man in America. In this amendment we only ask to share the sacrifice that world circumstances compel upon our Nation. We just want no distinction to prevail between rich or poor, those in high places or those more lowly. I plead for the principle of equality, and from my head and heart I ask for equality even in the certainty of the personal sacrifice it entails.

[Here the gavel fell.]

The CHAIRMAN. The Chair desires to make the following statement: The Committee, not the Chair, fixed the time for closing debate on this section and all amendments thereto. There are other gentlemen who have amendments pending or who have not yet offered amendments, dealing with other parts of this section. The Chair feels it is only fair to those having other amendments that the pending amendment be disposed of as soon as possible, so that other Members may have the opportunity of presenting their amendments.

The Chair recognizes the gentleman from Oklahoma [Mr. NICHOLS] for 3 minutes.

Mr. NICHOLS. Mr. Chairman, I happen also to be one of those who would fall within the age limit of the draft provision if this bill becomes law. May I say at the outset that it needs no draft to get me in Uncle Sam's Army if and when war is declared. I make you a solemn pledge this minute that if I am a Member of this body, and if I ever cast my vote for war—and I will if I think it is necessary—I shall resign immediately from the Congress and go back into the armed forces that I left in 1919. [Applause.]

That is only a predicate to base this statement on. I am against this amendment. You Members know very well, every one of you, that there is possibly only one Member of the House today which this amendment would affect, and that is my young friend the gentleman from Texas [Mr. BECKWORTH], who does not have dependents or other exemptions that would get all of you out from under the provisions of this amendment.

Not only that but section (d), on page 23 of this bill, contains the following language:

> The President is authorized, under such regulations as he may prescribe, to defer training and service in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest.

Do you not know that even if this body adopts this amendment we in the Congress would certainly come under the provisions of subsection (d) on account of being engaged certainly in a business that is in the national interest and in the interest of national defense? Do not make this House of Representatives the laughingstock of this land. [Applause.]

Do not subject the membership of this body to the just criticism which will be hurled at them through the newspapers of the United States who will criticise us for this demagogic action if we adopt this amendment, when they, the newspapers, know full well that we know that even if the amendment is adopted not more than five Members of this body could possibly be effected by the provisions of the amendment.

You know, of course, that your local board would exempt you from the provisions of the draft because you are their Congressman, and you know further that even if the local board did not exempt you that section D, on page 23 of this bill, would prevent you from being drafted under the provisions of this act, because you are engaged in matters necessary to the national defense. So let us be honest and not deceive our constituents by making them believe that we voted for an amendment which, if adopted, would draft us the same as everyone else in the country would be drafted, when we know that under no conditions could we or any of us possibly be drafted into the service under the provisions of this act.

[Here the gavel fell.]

Mr. COOLEY. Mr. Chairman, I do not want to make a Fourth of July speech. I do not intend to impugn the motives of any man who is serving in this House. I can appreciate the fact that those who are not affected can acquiesce in and approve the provision now in the bill, but I call your attention to the fact that the Committee on Military Affairs of the House evidently thought the original language was so horrible, harsh, and unfair, undemocratic, and un-American that it changed the language which was incorporated in the original House bill.

The language in the bill specifically called a spade a spade. It called a Member of Congress a Member of Congress; it called a Cabinet officer a Cabinet officer, and a Justice of the Supreme Court a Justice of the Supreme Court; but the language that they have in the pending bill, tempered as it is, contains the words "officers, legislative, executive, and judicial, except judges of inferior courts not of record," and so forth. The language of the original bill specifically exempted Members of Congress. Now it is done by what might be called subterfuge. I for one do not contend that I am any more patriotic than any other man in this House. I was a volunteer in the World War. The draft did not affect me then. I am not hysterical, and I have no fear that any Member of this House or any other person who will be called as a draftee under this bill will ever engage in war with a foreign enemy. I am not apprehensive of any great or immediate danger. I appreciate the importance, however, of immediate preparation for any emergency which might arise because of the uncertain situation that exists in the world. I think you older Members should appreciate the position of the young men in this House who come within the 45-year age limit, and you should see that they are not put in a deferred or preferred class. This entire section should be stricken out. I hope my amendment will be adopted.

[Here the gavel fell.]

Mr. GOSSETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Mississippi [Mr. WHITTINGTON]. But I want to go further than the gentleman has gone with his amendment. As one of the young Members of this Congress I am going to vote against exempting Members of Congress from the draft. Further, I do not want anyone else, within the age limits fixed by the bill, exempted by the draft, unless the Nation's welfare requires

such person to be exempted as provided for in another section of the bill.

Subsection (b) of section 5 of this bill is as follows:

(b) The Vice President of the United States, and the officers, legislative, executive, and judicial, except judges of inferior courts not of record, of the United States, and of the several States, Territories, and the District of Columbia, while holding such official positions shall be deferred from training and service in the land and naval forces of the United States.

Mr. Chairman, I have sent to the Speaker's desk an amendment to strike all of this subsection. Two other Members have submitted similar amendments. As a Member of Congress I am not willing to impose upon another man any duty which I am not willing to assume under the same or similar circumstances. I pray God that our country will always be free of aristocracy and ruling classes. We take great and just pride in a democracy whose very foundation is that principle and philosophy of equal opportunities to all and special privileges to none. In addition to necessity and emergency, one of the powerful arguments in support of this universal selective-service bill is its democracy.

The rich, the poor, the humble, the proud, the man of low estate, and the man of exalted position are, except for the above-quoted exemption which I propose to strike, all treated just alike, and all will be required to serve their country in the same manner. This is the principle for which we propose to fight should it ever be necessary. Upon this principle we should build our domestic economy and our national defense.

Mr. FERGUSON. Mr. Chairman, I am sure this Nation, after witnessing the political activity of this House in dealing with this conscription bill, is proud and happy and very grateful that we have a President of the United States who acquired naval bases by necessary methods without submitting the proposition to this House of Representatives.

Yesterday this House, heeding the warning of the leader of the opposition, the gentleman from New York [Mr. FISH], who said on August 6 that this bill had tremendous political consequences and was dangerous to Members in close districts, fixed this bill so it ceases to accomplish its purpose. In confusion, the House adopted the idea that this is not a training bill but a bill to raise and increase the Regular Army. The adoption of the Fish amendment yesterday, which provides for 1-year enlistments, means that the Regular Army will not be able to get professional soldiers for 3 years. Very few men will enlist for 3 years when, by direction, Congress has made it possible for them to enlist for 1 year only.

We have heard speech after speech about a trained Army of sergeant mechanics, which takes 3 years to train, yet this House, by direction, said that our professional Army shall be made up of men who will volunteer for only 1 year, and that will be the direct result of the adoption of the Fish amendment, if the House adopts it; but it makes it politically easier for Members in close districts to support this very necessary bill. I hoped the House on this important measure could adjourn politics, forget reelection for a while, and think only of the welfare of the Nation. The real test will come when we vote on the postponing amendment of the gentleman from New York [Mr. FISH]. If the House votes it down there is still hope for a democracy in this troubled world.

[Here the gavel fell.]

Mr. PACE. Mr. Chairman, a constitutional question has been raised and I thought I might make a small contribution on that question. The constitutional language is as follows:

No person holding any office under the United States shall be a Member of either House during his continuance in office.

In Hinds' Precedents we find the following. The headnote is:

A Member who had been appointed a militia officer in the District of Columbia by the President was deprived of his seat in the House.

The resolution before the House read as follows:

*Resolved*, That—

Naming the Member—

one of the Members of this House, having accepted and exercised the office of major of militia, under the authority of the United States, within the Territory of Columbia, has thereby forfeited his right to a seat as a Member of this House.

The Member against whom the resolution was submitted made the point that the constitutional provision applied only to civil offices. Mr. John Randolph, of Virginia, who had offered the resolution, called for the yeas and nays, and note this language:

And asked the House, in the important precedent it was about to establish, to vote unanimously to exclude even the shadow of Executive influence. The vote being taken on the resolution, it was agreed to—yeas 88, nays 0.

[Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the Whittington amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. WHITTINGTON) there were—ayes 62, noes 122.

Mr. WHITTINGTON. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. PFEIFER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PFEIFER: On page 22, line 3, after the word "Army", insert "Navy, Marine Corps, and Coast Guard."

Mr. PFEIFER. Mr. Chairman and members of the Committee, I offer this amendment to prevent an injustice that will be done to certain divisions of our armed forces of the United States. As this bill now reads it offers exemption to those who have rendered 3 consecutive years of satisfactory service in the Regular Army, and ignores those who have rendered similar service in the other branches of our armed forces—the Navy, Marine Corps, and Coast Guard. My amendment will take care of this error and will yield equal justice to all branches of our armed forces.

I believe that the able chairman and the members of his committee were misinformed, believing that at the completion of their respective services they were automatically taken into the Reserve Corps. But this is not so, for only a short time ago I consulted the Department of the Navy and they have informed me that a special contract must be made by the enlisted man after his honorable discharge. I know the chairman, believing in rendering equal justice, will agree with me and accept this amendment.

Mr. MAY. I accept the amendment offered by the gentleman from New York.

Mr. PFEIFER. I thank the gentleman. [Applause.]

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. All time has expired.

Mr. BOREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOREN: On page 23, beginning in line 3, strike out all of subsection (b).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. BOREN) there were—ayes 38, noes 119.

So the amendment was rejected.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: On page 25, line 13, after the word "written", strike out the word "five" and insert the word "twenty-one."

The amendment was rejected.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 24, strike out all of line 18 after the comma and lines 19 and 20 down to the period. Strike out the words "proper agency of the Department of Justice" in lines 21 and 22 and insert in lieu thereof "local board." Strike out "Department of Justice" in lines 22 and 23 and insert "local board." On page 25, line 1, strike out "Department" and insert "local board." Line 9, strike out "and the local board." Line 14, strike out "Department of Justice" and insert "local board." Lines 14 and 15, strike out "'or the local board" and "other," and in line 15 insert "local board."

Mr. MAY. Mr. Chairman, the committee has no objection to this amendment. I believe it should be adopted.

The CHAIRMAN. Without objection, the amendment is agreed to.

Mr. VOORHIS of California. I object, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. EDMISTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMISTON: On page 23, line 7, after the word "deferred", insert "which deferred classification may be waived."

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. Notwithstanding the provisions of this act, the President shall have no authority to induct persons into the land and naval forces of the United States until Congress shall hereafter appropriate funds specifically for such purpose.

Mr. MAY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WARREN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 10132) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, had come to no resolution thereon.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10263) entitled "An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes"; and that the Senate agrees to the amendments of the House to the amendments of the Senate Nos. 2, 6, 10, 11, and 48, to said bill.

## EXTENSION OF REMARKS

Mr. KIRWAN, Mr. JACOBSEN, and Mr. O'TOOLE asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to insert in the Appendix an editorial written by Mr. Martin Himler for the Associated Hungarian Weeklies.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from Rev. J. Frederick Wenchell.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## HOUR OF MEETING TOMORROW

Mr. MAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a. m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, it is a real pleasure for me to call attention to the membership of the House the fact that our distinguished Speaker, the Honorable WILLIAM B. BANKHEAD, is to deliver the principal address at the opening of the campaign in Maryland for the Democratic ticket. The meeting to be addressed by Speaker BANKHEAD is to be held at the Lyric Theater in Baltimore on Tuesday evening next, September 10. Many Members of the House have already indicated their intention to attend this meeting, and those who cannot, I am sure, will be glad to know that the Speaker's address will be broadcast on a coast-to-coast hook-up.

Marylanders are proud of the fact that the great presiding officer of this body, recognized as he is as one of the most outstanding and able Speakers the House of Representatives has ever had, is to be their guest next week. His reputation as a great statesman and a great Democrat is so well known to our people that it is easy for me to phophesy a welcome characteristic of the generous way Maryland receives visitors she likes and admires.

It is my hope that many Members of the House will find it possible to attend this meeting in person and enjoy with us of Maryland the pleasure and benefit to be derived in listening to the speech by Speaker BANKHEAD. This applies with equal force to my colleagues on both sides of this aisle.

## EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. FERNANDEZ] may have permission to extend his remarks in the RECORD and to include a certain statement therein.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## GENERAL LEAVE TO EXTEND REMARKS

Mr. MAY. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days within which to revise and extend their remarks on the pending bill.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent Mr. MCCORMACK was granted permission to extend his own remarks in the RECORD.

## ANY ATTACK AGAINST THE PATRIOTISM OF PEOPLE OF ITALIAN DESCENT IN THIS COUNTRY IS UNWARRANTED

Mr. FLAHERTY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLAHERTY. Mr. Speaker, for some time past my patience has been tried to the breaking point when I have seen repeated attacks appearing in the press throughout the country—by poisonous attacks made in the column of Westbrook Pegler. This gentleman who evidently sets himself up as anti-everything has chosen as his recent specialty attacks on various racial groups and has given special emphasis to his calumny against Italian-Americans.

I feel, Mr. Speaker, that I need not stress the fact that Italian politics are nothing of our concern here in the United

States. If Mr. Pegler in his abuse of the privilege of free speech chooses to enter upon foreign subjects for comment, I leave that to his private meddling. I do, however, take vehement exception to his unwarranted assaults on American citizens of Italian descent and particularly his insidious insinuations that this group of our citizenry is un-American. I represent a constituency composed in large part of people of Italian ancestry; I have in my immediate secretarial staff a member of this group; I have close association with hundreds of Italo-Americans and can bear testimony to their high place in the rank of loyalty as real Americans. In my association with veteran work during the past I have observed that many sons of Italian fathers and mothers gave abundant evidence of their unswerving devotion in the World War, and their numbers are none too small among those who valiently fought and bled on the battlefields in the service of our country. The many public squares dedicated in memory of those who made the supreme sacrifice speaks far more eloquently than mere words I may utter to the high devotion they had for this the country of adoption of their parents.

Mr. Speaker, any man who attacks one racial group is quite able tomorrow to attack another racial group. There is no place in our credo of liberty and free speech which permits such underhanded attacks, particularly when the opportunity of reply does not exist. I feel, therefore, in the exercise of this sacred privilege of free speech, that I would be derelict in my duty as an American to allow these dastardly utterances to go unchallenged.

In conclusion I might suggest that Mr. Pegler make a brief perusal of the roster of enlisted men in the National Guard of Massachusetts and he may see for himself that these same Italian-Americans he so viciously attacks as un-American form in a large number the stalwart youths of the America of today ready to defend America and its great institutions.

Let Westbrook Pegler himself give personal testimony of such willingness in these trying days. [Applause.]

Mr. D'ALESANDRO. Will the gentleman yield?

Mr. FLAHERTY. I yield.

Mr. D'ALESANDRO. I wish to congratulate my distinguished colleague from Massachusetts on his stand for tolerance and against discrimination to all classes of people which make up our great Nation. His district is fortunate in having such an able Representative.

Does Westbrook Pegler realize that whether native-born or naturalized or not descendants of the great discoverer of America, Christopher Columbus, have constantly given many proofs of their sincere and profound attachment to this glorious country. They have always offered their body and blood fighting to defend the Stars and Stripes? Does Westbrook Pegler know that their war-torn bodies, fighting overseas with the American Expeditionary Forces, remained on the battlefields of France and that their graves are eloquent proofs of their comprehension and practice of true Americanism? I am always happy and proud of the fact that my own grandfather, many years ago, fought in the Civil War in defense of the traditions and principles which he found, and enjoyed, in this great land of ours. We must be tolerant toward all people here in America because intolerance and discrimination is dangerous to our national unity. [Applause.]

Mr. FLAHERTY. I thank the gentleman and I want to congratulate the gentleman on his splendid service in this House and say that I recognize in the people of his racial extraction who reside in my district the same fine qualities that have endeared him to the membership of this House.

Mr. SACKS. Will the gentleman yield?

Mr. FLAHERTY. I yield.

Mr. SACKS. I represent a very large district and I have in my employ people of Italian origin. Their Americanism and patriotism, as the gentleman has said, cannot be questioned.

Mr. FLAHERTY. I thank the gentleman.

Mr. McCORMACK. Will the gentleman yield?

Mr. FLAHERTY. I yield to my colleague.

Mr. McCORMACK. I join with my distinguished colleague from Massachusetts and my other colleagues who have contributed, in vigorously condemning unwarranted attacks from any source upon all Americans or all racial groups, particularly attacks made on those fine Americans of Italian descent, whom my friend has so ably defended.

Mr. FLAHERTY. I appreciate the remarks of my friend and colleague from Massachusetts. He has always been a crusader in the cause of tolerance for racial and religious groups in this country. His brilliant record in this connection is well known to every Member of this House.

Mr. ALEXANDER. Will the gentleman yield?

Mr. FLAHERTY. I yield.

Mr. ALEXANDER. Is not this gentleman, Westbrook Pegler, to whom the gentleman referred, the same man who did so much a year or so ago to destroy the good name of the American Legion?

Mr. FLAHERTY. I am not entirely familiar with the circumstances surrounding what was considered an abusive attack on such a great patriotic organization, but if such was the case it surely was unwarranted, as were his attacks against the people I am proud to defend on this floor.

Mrs. ROGERS of Massachusetts. I also wish to congratulate the gentleman who has made this fine contribution, and upon his appreciation of the people of Italian strain. My distinguished friend has a fine record himself. He knows the veterans and has been tireless in his work for them and their dependents. I as well as he have many Americans of Italian parentage in my district. I know their loyalty and their splendid qualities. I know what brave soldiers they were. Their Americanism and their devotion to America cannot be questioned.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, earlier in the day the gentleman from Mississippi [Mr. COLLINS] had unanimous consent to extend his remarks in the RECORD. However, that extension of remarks will exceed 2 pages. The gentleman now has an estimate from the printer, and I ask unanimous consent that, regardless of the cost, he may be allowed to insert in the RECORD the matter referred to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. BLOOM was granted permission to extend his own remarks.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the RECORD an amendment which I propose to offer to section 9 of the bill under consideration today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article from the Alien Menace.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. THORKELSON. I also ask unanimous consent, Mr. Speaker, to extend my own remarks and to include therein quotations from papers and from the Alien Menace.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend the remarks I made in the Committee of the Whole today and to include therein excerpts from certain Supreme Court decisions.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend the remarks I made today and to include therein certain brief quotations and the leading editorial from today's Daily News.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Vermont [Mr. PLUMLEY] may extend his remarks in the RECORD and include therein a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. D'ALESANDRO was given permission to revise and extend his own remarks.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10263. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House, pursuant to its previous order, adjourned until tomorrow, Saturday, September 7, 1940, at 11 o'clock a. m.

---

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1930. A communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $200,000, for the fiscal year ending June 30, 1941, for the War Department, to provide for the repair of damage to barracks and quarters at Fort Moultrie, S. C., and Fort Screven, Ga., caused by the hurricane of August 11 and 12, 1940. (H. Doc. No. 944); to the Committee on Appropriations and ordered to be printed.

1931. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior in amount of $2,903,000. (H. Doc. No. 945); to the Committee on Appropriations and ordered to be printed.

---

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 10464. A bill to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts; without amendment (Rept. No. 2925). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10380. A bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes; with amendment (Rept. No. 2926). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. House Joint Resolution 596. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission; without amendment (Rept. No. 2927). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 10465. A bill to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918; without amendment (Rept. No. 2928). Referred to the House Calendar.

---

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10245. A bill for the relief of Meier Langermann, his wife Friederike, and son Joseph; without amendment (Rept. No. 2924). Referred to the Committee of the Whole House.

---

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLAHERTY:

H. R. 10475. A bill providing a 6-month period within which aliens whose first citizenship papers have lapsed may file their final papers; to the Committee on Immigration and Naturalization.

By Mr. KRAMER:

H. Res. 592. Resolution requesting the President of the United States to enter into negotiations with the Government of Mexico for the purpose of acquiring by the United States, by leases or otherwise, naval and air bases, and for other purposes; to the Committee on Foreign Affairs.

By Mr. REED of New York:

H. Res. 593. Resolution calling on the Secretary of the Navy for information whether exchanged destroyers were manned and sailed into a combat area or port of a belligerent by American citizens, officers, and men of the United States Navy; to the Committee on Naval Affairs.

---

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KELLER:

H. R. 10476. A bill for the relief of Helena Emilia Ahola; to the Committee on Immigration and Naturalization.

H. R. 10477. A bill for the relief of Will H. Johnson; to the Committee on Claims.

By Mr. MICHAEL J. KENNEDY:

H. R. 10478. A bill for the relief of Paul Bleichroeder and his wife Frieda; to the Committee on Immigration and Naturalization.

By Mr. SPRINGER:

H. R. 10479. A bill for the relief of Luther Chitty and Susie Chitty; to the Committee on Claims.

By Mr. TARVER:

H. R. 10480. A bill for the relief of Richard Gammon; to the Committee on Claims.

By Mr. VOORHIS of California:

H. R. 10481. A bill for the relief of Albert D. Garrabrant; to the Committee on Claims.

H. R. 10482. A bill for the relief of Gladys McIntyre; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9271. By Mr. THOMAS F. FORD: Resolution of the Board of Supervisors of Los Angeles County, opposing the awarding of contracts by the Government to firms who practice racial discrimination; to the Committee on Military Affairs.

9272. By Mr. GREGORY: Petition of J. W. Lewis, representing 600 Methodists of Marshall and Graves Counties, for the maintenance of peace in this Nation; to the Committee on Military Affairs.

9273. By the SPEAKER: Petition of the Brotherhood of the Church of the Redeemer, Racine, Wis., petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.

9274. Also, petition of the Brotherhood of the Church of the Redeemer, Racine, Wis., petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.

9275. Also, petition of the pastors and delegates of the Iowa district of the American Lutheran Church, Zion Lutheran Church, Dysart, Iowa, petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.